

Surveying Misconceptions

Why is my new Land Survey different from the older Land Survey?

Discrepancies between surveys are often attributable to two reasons. First, measurement is always subject to error of the measuring technology. Two surveyors measuring the same line may obtain different results. Both measurements should be close provided proper survey techniques and analysis are used. Measurements will only approach the “true” value through precision, repetition and statistical analysis. Second, and more difficult to understand, is that measurements are made from, and decisions are based upon, found evidence. Surveys performed at different times may not have the same evidence available. A recent survey may have the benefit of monuments set after the prior survey, and previously existing monuments used for the prior survey may or may not be available. Another source of “evidence” are the records that the Land Surveyor has in his or her possession. In Pine County, Land Surveys are required to be filed as a record with the County Surveyor Office. This filing requirement has a common goal of everyone benefiting from shared land survey information.

It is rare to have an encroachment over a property line.

Land Surveyors see encroachments often. This is one of the reasons why they believe a Land Survey is a good investment in property.

Title Insurance guarantees my property against encroachment problems.

Title Insurance typically does not provide coverage for encroachments, easements and boundary line disputes which would be disclosed by a current land survey.

Every Government Agency has a Land Surveyor.

This is not true. Some agencies will seem as if they have a Licensed Land Surveyor on staff. If this is a concern of yours, ask if the Land Surveyor on staff is a Licensed Land Surveyor.

All Land is already Surveyed. I just have to find the Survey.

All land may be identified and often mapped for tax purposes, but even a found, previous Land Survey may not always help you “on the ground.” Having a legal description of your land does not equate to having your land surveyed.

The people who lived here before must have had a Land Survey.

This relates to “all property being surveyed before”. It is not necessarily true.

Next door to me is new construction. They must have had a Land Survey.

Not necessarily true. Check with Land Surveyors, your local government agency, or ask the people next door about it. It is good for both landowners to know where the property line(s) are.

I can "take" land using something called "Adverse Possession."

Often talked about but VERY hard to prove. Talk to your Attorney.

A friend of mine can identify my property corner or property line for me.

All States require a License to practice Land Surveying. Your friend, realtor, timber cruiser or survey technician will not be allowed to defend your claim in court. They may be practicing Land Surveying without a license.

There is a special "Point of Beginning" that all land is measured from.

True with some legal descriptions of land. For platted, or subdivided lots, there is no controlling special point. All lots were created "simultaneously" or "at the same time".

All Land Surveys are easy and quick.

Aren't you surprised every time you think something is easy and quick? So are Land Surveyors.

All Land Surveys now use "GPS" with a common coordinate system.

Many Land Surveyors use GPS. It depends upon the requirements of the Land Survey, and compliance with applicable local ordinances or State laws.

I don't need a Land Survey because I found my "stake."

You are paying the Land Surveyor to tell you that what you may have found is really your property corner. Land Surveyors have often found multiple corner monuments, or false corner monuments.

I don't need a Land Survey to construct a fence or to build on my own land.

Protect your investment by making sure it is complying with the law and built upon your land.

I can put my new fence or wall right on the property line.

Can you maintain it without trespassing? Do the footings encroach? Can you erect the fence that accurately? Check with your local building and zoning ordinances that often have requirements to help and protect everyone, which includes yourself and your neighbor.

I own the property to the sidewalk or to the curb of the street.

Normally a parcel of land has "right-of-way" for streets and utilities.

If a Street next to me is not used anymore, I get half of that land.

Not always true. But it is possible that the road may be "vacated." Check with your

Attorney. This also may be referred to as "reversionary rights." Reversionary rights do not always revert back to the adjoiner.

A Land Surveyor will surely side with my understanding of the property line in question because I hired him/her.

The Land Surveyor should determine the property lines correctly, not necessarily your way.

I had a Land Surveyor determine the property line but I disagree with it. Can I hire another Land Surveyor who will do it "right" for me?

You don't pay a Land Surveyor to simply agree with your determination of the property line.

I was told where my lines were when I purchased my land. What is the problem?

No problem if a Land Surveyor told you where the lines were. The Land Surveyor is the ONLY person who is qualified to tell you where the property lines are. Qualified meaning the opinion on the property line will stand up in court.

Somebody removed my property corner. Isn't that against the law?

Normally this is covered in your States Statutory laws. Check with your Attorney or Land Surveyor for more information.

Does Title Insurance protect me from boundary problems?

Title insurance protects the lending institution and the property owner (if insured) against claims to the property such as a disputed boundary. Often, mortgage lenders require the homebuyer to purchase a title insurance policy in the lender's name. This is a Lender's policy. Many people do not realize that if they wish to be covered themselves, it is often an additional optional charge. People also do not realize that title insurance policies do not give coverage against encroachments, easements and boundary disputes that "would be disclosed by a current certified survey." This is known as the Survey Exception. Mortgage lenders routinely require a Survey Endorsement to their loan policies that limits the scope of the Survey Exception to the specific problems disclosed on a survey. Homebuyers should insist on an Owner's Title Insurance Policy with a Survey Endorsement based on a current Land Survey. It is always a good idea to know what you are purchasing. Know exactly what you purchased and if there are any problems that you do not know about.