

Surveys and How to Review

Reed Grimwood & Jonathan Grant

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ROLE OF THE SURVEY

Surveys and How to Review



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Purpose of a Survey

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- What is a Survey?

- Land Surveying: Traditionally defined as the science and art of determining relative positions of points above, on or beneath the surface of the earth, or establishing such points of interest.
- ALTA Survey: Depicts boundaries of the property; the location of improvements, including structures, fences, utility lines, roads, etc.; and the location of easements.



Purpose of a Survey

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- Benefits of a Survey
 - Provides information about the land
 - State of title to the land and other information
 - Shows what is going on at the property
 - Reveals potential for other interests
 - Highlights boundary line issues
 - Evidence of work going on at the property
 - Information about neighboring properties



Purpose of a Survey

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■ Survey-related Standard Exceptions

- “Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other fact which a correct survey would disclose, and which are not shown by public records.”
- “Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.”
- “Easements, claims of easements or encumbrances which are not shown by the public records.”



Purpose of a Survey

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■ Title Insurance Considerations

— Review acceptable, certified survey for such matters as:

- Standard Exception Removal (Extended Coverage)
- Survey Read Exception – Excepts matters disclosed by the survey
- Endorsement Coverage
 - › ALTA 3.1 Zoning – Completed Structure
 - › ALTA 17 Access and Entry
 - › ALTA 17.2 Utility Access
 - › ALTA 28.1 Encroachments – Boundaries and Easements



Ordering a Survey

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Contact Surveyor

Provide information about deal
Send commitment
Zoning Report or Zoning Letter
(if available)



Surveyor will ask what to include

We are happy to receive surveys that includes all “Table A” items
Possible additional cost for everything the surveyor includes



Surveyor completes the survey



Parties review the survey



2016 STANDARD ALTA/NSPS REQUIREMENTS
Table "A" Optional Survey Responsibilities and Specifications

NOTE: The twenty (20) items of Table A may be negotiated between the surveyor and client. Any additional items negotiated between the surveyor and client shall be identified as 21(a), 21(b), etc. and explained pursuant to Section 6.D.ii.(g). Notwithstanding Table A items 6 and 11, if an engineering design survey is desired as part of an ALTA/NSPS Land Title Survey, such services should be negotiated under Table A, item 21.

If the box is filled in, the following optional items are to be included in the ALTA/NSPS LAND TITLE SURVEY, except as otherwise qualified (see note above):

- ☐ 1. Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by an existing monument or witness in close proximity to the corner.
- ☐ 2. Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork.
- ☐ 3. Flood zone classification (with proper annotation based on federal Flood Insurance Rate Maps or the state or local equivalent) depicted by scaled map location and graphic plotting only.
- ☐ 4. Gross land area (and other areas if specified by the client).
- ☐ 5. Vertical relief with the source of information (e.g., ground survey, aerial map), contour interval, datum, and originating benchmark identified.
- ☐ 6.
 - ☐ (a) If set forth in a zoning report or letter provided to the surveyor by the client, list the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements. Identify the date and source of the report or letter.
 - ☐ (b) If the zoning setback requirements are set forth in a zoning report or letter provided to the surveyor by the client, and if those requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements. Identify the date and source of the report or letter.
- ☐ 7.
 - ☐ (a) Exterior dimensions of all buildings at ground level.
 - ☐ (b) Square footage of:
 - ☐ (1) exterior footprint of all buildings at ground level
 - ☐ (2) other areas as specified by the client.
 - ☐ (c) Measured height of all buildings above grade at a location specified by the client. If no location is specified, the point of measurement shall be identified.
- ☐ 8. Substantial features observed in the process of conducting the fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse).
- ☐ 9. Number and type (e.g., disabled, motorcycle, regular and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots and in parking structures. Shipping of clearly identifiable parking spaces on surface parking areas and lots.
- ☐ 10.
 - ☐ (a) As designated by the client, a determination of the relationship and location of certain division or party walls with respect to adjoining properties (client to obtain necessary permissions).
 - ☐ (b) As designated by the client, a determination of whether certain walls are plumb (client to obtain necessary permissions).
- ☐ 11. Location of utilities existing on or serving the surveyed property as determined by:
 - ☐ observed evidence collected pursuant to Section 5.E.iv.
 - ☐ evidence from plans requested by the surveyor and obtained from utility companies, or provided by client (with reference as to the sources of information), and
 - ☐ markings requested by the surveyor pursuant to an 811 utility locate or similar request

Representative examples of such utilities include, but are not limited to:

 - ☐ Manholes, catch basins, valve vaults and other surface indications of subterranean uses;
 - ☐ Wires and cables (including their function, if readily identifiable) crossing the surveyed property, and all poles on or within ten feet of the surveyed property. Without expressing a legal opinion as to the ownership or nature of the potential encroachment, the dimensions of all encroaching utility pole crossmembers or overhangs; and
 - ☐ Utility company installations on the surveyed property.

Note to the client, insurer, and lender - With regard to Table A, item 11, source information from plans and markings will be combined with observed evidence of utilities pursuant to Section 5.E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary.
- ☐ 12. As specified by the client, Governmental Agency survey-related requirements (e.g., HUD surveys, surveys for leases on Bureau of Land Management managed lands).
- ☐ 13. Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by "et al."
- ☐ 14. As specified by the client, distance to the nearest intersecting street.
- ☐ 15. Rectified orthophotography, photogrammetric mapping, remote sensing, airborne/mobile laser scanning and other similar products, tools or technologies as the basis for the showing the location of certain features (excluding boundaries) where ground measurements are not otherwise necessary to locate those features to an appropriate and acceptable accuracy relative to a nearby boundary. The surveyor shall (a) discuss the ramifications of such methodologies (e.g., the potential precision and completeness of the data gathered thereby) with the insurer, lender, and client prior to the performance of the survey, and (b) place a note on the face of the survey explaining the source, date, precision, and other relevant qualifications of any such data.
- ☐ 16. Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
- ☐ 17. Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction.
- ☐ 18. Evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
- ☐ 19. If there has been a field delineation of wetlands conducted by a qualified specialist hired by the client, the surveyor shall locate any delineation markers observed in the process of conducting the fieldwork and show them on the face of the plat or map. If no markers were observed, the surveyor shall so state.
- ☐ 20. Include any plottable offsite (i.e., appurtenant) easements or servitudes disclosed in documents provided to or obtained by the surveyor as a part of the survey pursuant to Sections 5 and 6 (and applicable selected Table A items) (client to obtain necessary permissions).
- ☐ 21. Professional Liability Insurance policy obtained by the surveyor in the minimum amount of \$2,000,000.00 to be in effect throughout the contract term. Certificate of Insurance to be furnished upon request, but this item shall not be addressed on the face of the plat or map.
- ☐ 21.
 - ☐ (a) Graphically depict in relation to the subject tract or property any offsite easements or servitudes benefitting the surveyed property and disclosed in Record Documents provided to the surveyor as part of the Schedule "A".
 - ☐ (b) Graphically depict location of wetland areas as identified through the National Wetlands Inventory (if applicable).



Table A Operational Survey Requirements



Ordering a Survey

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Contact Surveyor

Provide information about deal
Send commitment
Zoning Report or Zoning Letter
(if available)



Surveyor will ask what to include

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Possible additional cost for everything the surveyor includes



Surveyor completes the survey



Parties review the survey



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REVIEWING THE SURVEY

Surveys and How to Review



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Process for Reviewing Survey

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- Materials
 - Survey
 - Commitment and Exception Documents
 - Review Checklist
 - Highlighters/Colored Pencils

The collage contains several key documents:

- Survey Checklist:** A detailed form with multiple sections for review, including:
 - Legal Description:** Checkboxes for 'Subject with easement', 'Subject with right of way', 'Subject with right of way agreement', and 'Subject with right of way'.
 - Certification Requirements:** Checkboxes for 'Subject with easement', 'Subject with right of way', 'Subject with right of way agreement', and 'Subject with right of way'.
 - Compliance Requirements:** Checkboxes for 'Subject with easement', 'Subject with right of way', 'Subject with right of way agreement', and 'Subject with right of way'.
- First American Title Insurance Company:** Logo and contact information for National Commercial Services, 801 Russell Hall, Suite 1700, Minneapolis, MN 55402-2004.
- Customer First!:** A slogan emphasizing customer service.
- Colored Pencils:** An illustration of four colored pencils (orange, pink, green, and yellow) arranged in a row.



General Survey Information

- Survey Company
- Date
- Job No./Project No.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES

SURVEY PREPARED BY:
FA Commercial Due Diligence Services Co.
Certificate of Authorization Number 7392 – Expires: 6-30-2019
3550 W. ROBINSON STREET, THIRD FLOOR
NORMAN, OK 73072
(405)–253–2444
Email: tddamico@firstam.com

18	ALTA/NSPS Land Title Survey
This survey prepared in accordance with the "2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2016)	
This Work Coordinated By: FA Commercial Due Diligence Services Co.	
CDS COMMERCIAL DUE DILIGENCE SERVICES 3550 W. Robinson Street, Third Floor Norman, Oklahoma 73072 Office: 405-253-2444 website: www.firstamods.com Toll Free: 888.322.7371	
Drwn By: CRM	Date: Revision:
Surveyor Ref.No: 19028	Date: Revision:
Aprvd By: DSH	Date: Revision:
Field Date: February 27, 2019	Date: Revision:
Scale: 1"=30'	Date: Revision:

20	PROJECT ADDRESS
1234 Washington St., Riverside, CA	
Project Name: RIVERDALE CA 943840	
CDS Project Number: 19-02-0123	

CDS interactive ALTA survey

Legal Description

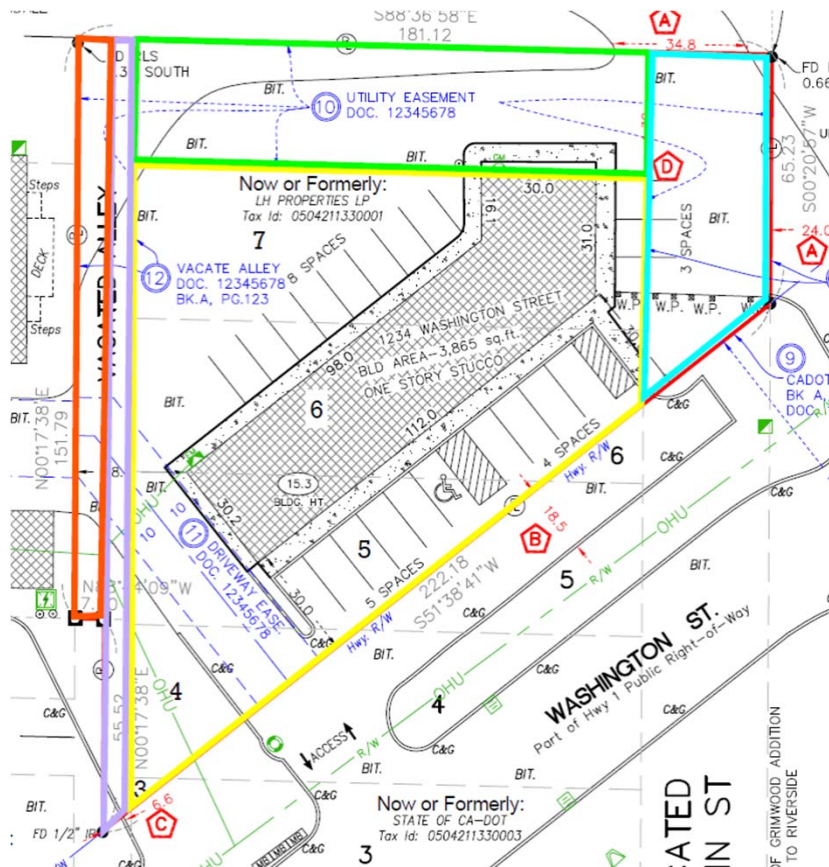
- Check with Commitment
- Check with Purchase Agreement
- Check with Vesting Deed
- Check with Graphic
- Check with Plat

Real property in the City of Riverside, County of Grant, State of California, described as follows:

All Real property in the City of Riverside, County of Grant, State of California, described as follows:
Highway 33
Street
33
re: south half of vacated 1st Street North which accrued to said Lot 7 by reason of the vacation thereof,
Gr together with that part of the vacated 33-foot-wide right of way for State Street (formerly Wisconsin
to: Avenue) which accrued to said Lots 6 and 7 by reason of the vacation thereof, together with that
ext part of the east half of the vacated north/south alley in said Grimwood Addition to Riverside, which
by accrued to said Los 3 through 7 by reason of the vacation thereof, and together with that part of
the west half of said vacated north/south alley lying north of the easterly extension of the south
21.09 feet of Lot 8, Grimwood Addition to Riverside, which accrued to said portion of Lot 8 by
reason of the vacation thereof.

Address: 1234 Washington St., Riverside, CA





Real property in the City of Riverside, County of Grant, State of California, described as follows:

All of Lot 7 and all that part of Lots 3, 4, 5, and 6, lying northwesterly of the northwesterly boundary line of State Highway No. 36, all in Grimwood Addition to Riverside, together with that part of the south half of vacated 1st Street North which accrued to said Lot 7 by reason of the vacation thereof, together with that part of the vacated 33-foot-wide right of way for State Street (formerly Wisconsin Avenue) which accrued to said Lots 6 and 7 by reason of the vacation thereof, together with that part of the east half of the vacated north/south alley in said Grimwood Addition to Riverside, which accrued to said Lots 3 through 7 by reason of the vacation thereof, and together with that part of the west half of said vacated north/south alley lying north of the easterly extension of the south 21.09 feet of Lot 8, Grimwood Addition to Riverside, which accrued to said portion of Lot 8 by reason of the vacation thereof.



Certification

- Certified to First American
- Certified to Parties
- Signed and Dated

4 SURVEYOR CERTIFICATION

To:
First Bank of Riverside;
Grimwood Properties, Inc.;
First American Title Insurance Company;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 13, 14, 16, 20, and 21(a) (Graphically depict in relation to the subject tract or property any offsite easements or servitudes benefitting the surveyed property and disclosed in Record Documents provided to the surveyor as part of the Schedule "A").

The fieldwork was completed on February 27, 2019.

Date of Plat or Map: 4/15/2019



Todd D. D'Amico
Licensed Professional Land Surveyor No. 1741
FA Commercial Due Diligence Services Co.
Certificate of Authorization Number 7392
Expires: 6-30-2019
Email: tddamico@firstam.com

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Access

- Public, Dedicated Roadway
- Indirect Access via Easement

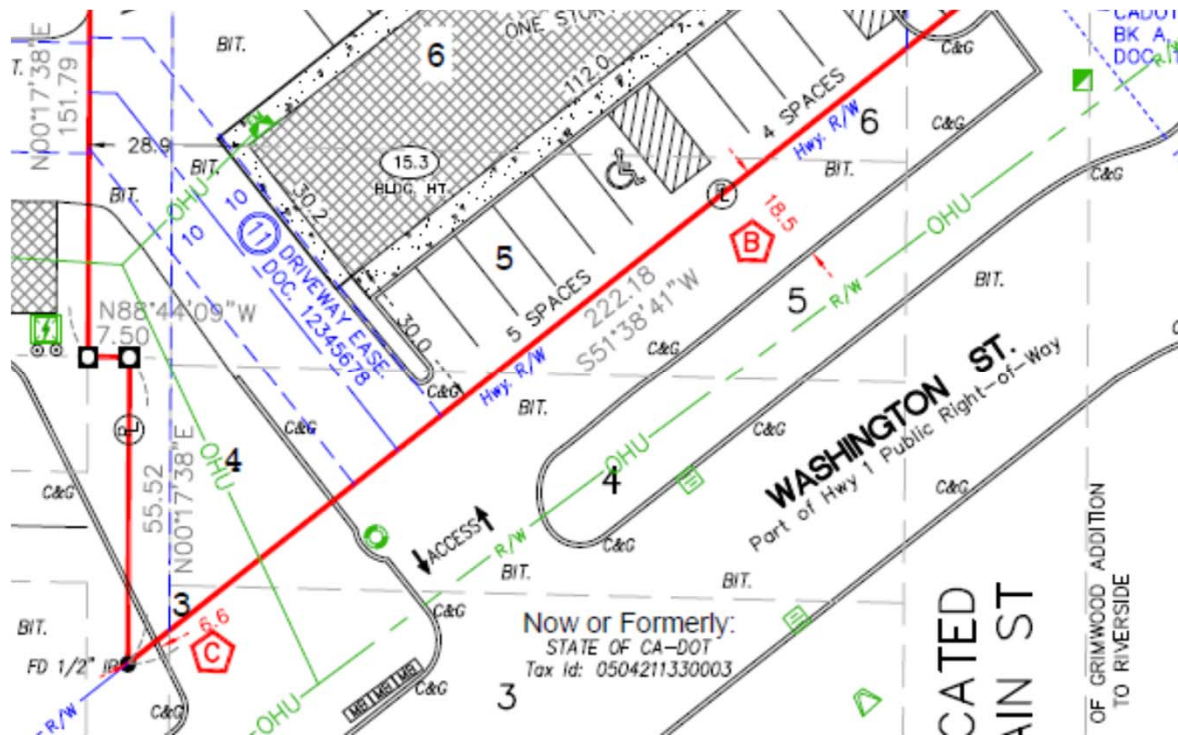
11 | SURVEYOR'S NOTES

5. Property has direct physical access to Washington Street being a publicly maintained Right-of-Way.



Utility Access

- Sanitary Sewer
- Water
- Gas
- Storm Sewer/Drainage
- Electric Utility
- Telephone Utility



Zoning

- Zoning Designation and Land Use Information
- Set-back Lines or Development Restriction Lines

8

ZONING INFORMATION

SITE RESTRICTION:

ZONE:

C-2: Community Commercial

R-5: High Density Residential

BUILDING SETBACKS:

Minor Arterial Street:	30'
Collector Street:	30'
Local Street:	30'
Interior Lot Line:	0'
Residential Zoning Boundary:	50'

Parking Lots or Circulation Drive:

Minor Arterial Street:	10'
Collector Street:	10'
Local Street:	10'
Interior Lot Line:	5'
Residential Zoning Boundary:	15'



Parking Spaces

- Number of Parking Spaces Delineated on Survey

12 | PARKING INFORMATION

20 Standard Spaces
1 Handicap Spaces

21 Total Parking Spaces



Property Characteristics

- Square Footage of Land
- Height of Building

13 LAND AREA

24,784 sq.ft.
0.57 acres

14 BUILDING AREA

Bldg: 3,865 square feet

15 BUILDING HEIGHT

Bldg: Height 15.3' feet or 1 Story

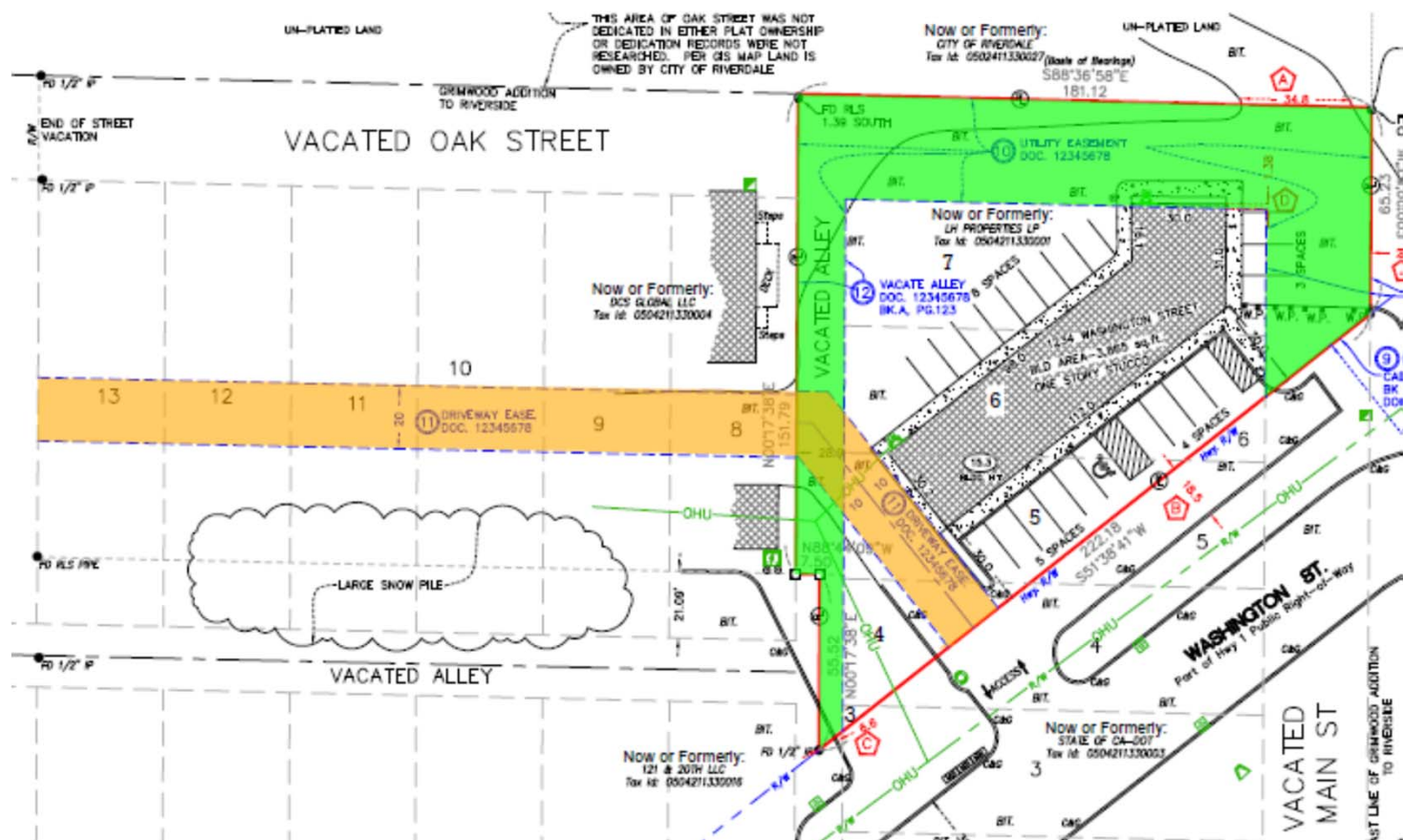


Commitment Exceptions

- Commitment Exceptions Shown on Survey
- Commitment Exceptions Otherwise Addressed by Surveyor

3	SCHEDULE 'B' ITEMS	NOTES CORRESPONDING TO SCHEDULE "B":
		<p>⑨— The right to erect and to maintain temporary snow fences on land adjacent to Trunk Highway 36, and also lack of access to said highway, as said highway is presently laid out and traveled and as</p>
	<p>⑪— Terms and conditions, including an easement for driveway purposes, as contained in the following: PLOTTED, SHOWN HEREON.</p>	
	<p>⑬— Restrictions as contained in the Agreement, dated March 30, 2003, recorded April 3, 2003, as <u>Doc No. 123456</u>. UNABLE TO DETERMINE PLOTTED LOCATION BASED ON</p>	
	<p>⑭— Easement for drainage purposes as contained in the Easement Agreement, dated January 8, 2007, recorded January 9, 2007, as Doc. No. 123456. DOES AFFECT, BUT BLANKET IN NATURE</p>	
	<p>⑮— Easement for utility purposes as contained in the Easement Agreement, dated January 8, 2007, recorded June 8, 2016, as Doc. No. 123465. DOES NOT AFFECT THE PROPERTY.</p>	
		<p>⑫— NOTE: Please see the Resolution by the City of Riverside, recorded August 4, 1959, in <u>Book A of Deeds</u>, at page 123, as Doc. No. 12345678, vacating a portion of the alley in Grimwood Addition to Riverside, and also a portion of Wisconsin Avenue in said addition. PLOTTED, SHOWN HEREON.</p>
		<p>⑬— Restrictions as contained in the Agreement, dated March 30, 2003, recorded April 3, 2003, as <u>Doc No. 123456</u>. UNABLE TO DETERMINE PLOTTED LOCATION BASED ON INFORMATION OF RECORD.</p>
		<p>⑭— Easement for drainage purposes as contained in the Easement Agreement, dated January 8, 2007, recorded January 9, 2007, as Doc. No. 123456. DOES AFFECT, BUT BLANKET IN NATURE.</p>
		<p>⑮— Easement for utility purposes as contained in the Easement Agreement, dated January 8, 2007, recorded June 8, 2016, as Doc. No. 123465. DOES NOT AFFECT THE PROPERTY.</p>

10. Easements for utility purposes in favor of the City of Riverside, as contained or reserved in the following:
 - (a) Resolution No. 1979-6 by the City of Riverside, recorded March 21, 1979, as Doc. No. 12345678;
 - (b) Agreement, dated March 15, 1979, recorded March 21, 1979, as Doc. No. 12345678. and
 - (c) Resolution No. 83-44 by the City of Riverside, recorded September 15, 1983, as Doc. No. 12345678.
11. Terms and conditions, including an easement for driveway purposes, as contained in the following:
 - (a) Agreement, dated March 15, 1979, recorded March 21, 1979, as Doc. No. 12345678; and
 - (b) Agreement, dated May 1, 1979, recorded June 28, 1979, as Doc. No. 12345678.



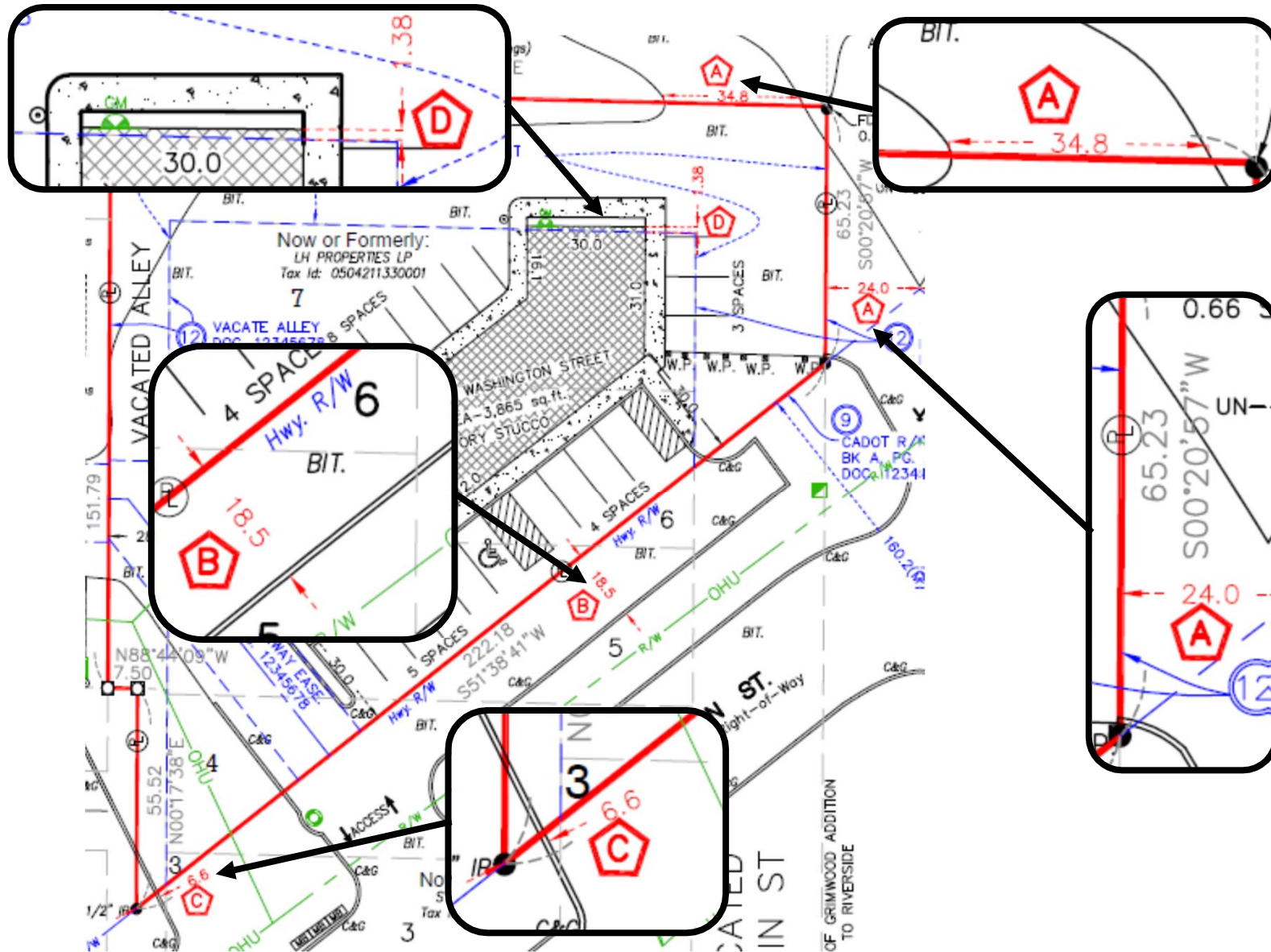
Encroachments

- Encroachments Called out by Surveyor
- Encroachments Revealed Through Review of Survey

7 STATEMENT OF ENCROACHMENTS

- A** — BITUMINOUS SURFACE FOR ACCESS TO SUBJECT PROPERTY ENCROACHES UP TO 24.0 FEET ON TO ADJOINING PROPERTY. SAME ACCESS AND SUBJECT PROPERTY PARKING LOT IS USED FOR ACCESS TO THE APARTMENT BUILDINGS TO THE NORTH. THE WIDTH OF ACCESS ALONG THE NORTH LINE IS 34.8 FEET.
- B** — SUBJECT PROPERTY PARKING LOT ENCROACHES UP TO 18.5 FEET ON TO CADOT RIGHT OF WAY ALONG THE SOUTH LINE.
- C** — ADJOINING PROPERTY PARKING LOT ENCROACHES UP TO 6.6 FEET ON TO SUBJECT PROPERTY AT THE SOUTHWEST CORNER OF SUBJECT PROPERTY.
- D** — EXISTING BUILDING INTO UTILITY EASEMENT ENCROACHES BY UP TO 1.38'.





CDS interactive ALTA survey

Questions?

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Session 5 Mechanic's Liens in Title Insurance

Wednesday, June 12 at 11 Pacific Time

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