



By Gary Kent, LS

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Society Committees Adopt Draft of New 2011 ALTA/ACSM Survey Standards

The final draft of the proposed 2011 *Minimum Standard Detail Requirements for ALTA/ACSM Land Title Survey Standards* was approved by a joint committee of the American Land Title Association (ALTA) and the National Society of Professional Surveyors (NSPS) which met in Chicago on August 11, 2010. The document will go up for a vote by the membership of ALTA in October and the NSPS Board of Governors and Board of Directors in November. Assuming both organizations approve the new document, it will become effective on February 23, 2011.

The proposed 2011 Standard is a major revision—the first significant rewrite of the Standards since they were first adopted by ACSM and the American Title Association (now ALTA) in 1962. The revised Standards represent the culmination of over two years of concentrated work by a large NSPS committee and a select group of title attorneys with ALTA.

Several hundred suggestions and comments from dozens of interested surveyors and attorneys across the country were reviewed over the course of two years during this effort, and many of them were incorporated into the new draft. A number of suggestions were otherwise good, but were, for whatever reason, rejected by the committee. A few represented a lack of understanding of the purpose of a Land Title Survey and the need for a collaborative title industry/surveying profession effort.

Other suggestions represented comments from persons who simply do not have the benefit of understanding the challenges of writing a national standard. For example, there are differences across state lines and in state standards or practices as related to the name of the final product (called a 'plat' in most states, but a 'map' in some), mandatory monumentation (issues related to Records of Survey in western states), and when a new description should be prepared (a regular practice in some states, but not in most).

- Also made more consistent was the use of varying terms such as *visible*, *observed*, *observable*, and *physical* in earlier versions. The 2011 Standards use the term *observed in the process of conducting the survey* wherever possible and appropriate.
- With regard to the boundary, other significant additions include a sentence that defines what constitutes an ALTA/ACSM Land Title Survey, guidance on Land Title Surveys of non-standard types of properties (such as marinas,

“The boundary lines and corners ... shall be established and/or retraced in accordance with appropriate boundary law principles...”

Notwithstanding the complete reformatting and reorganization represented by the 2011 Standards, following are some of the primary highlights of the changes in the standards from 2005 to 2011:

- An effort was made to standardize wording with regard to the property being surveyed, which has, in the past, been referred to as the *premises*, the *property*, the *parcel*, and the *tract*. The 2011 Standards use the term *the surveyed property*, except where it is not appropriate.

trailer parks and campgrounds), a recognition of the existence of the normal standard of care, and a section that addresses the need for the application of proper boundary law principles in the resolution of boundaries. The issue of junior/senior rights has also been addressed. Where there is a water boundary, there is now a requirement that the feature located on the survey (e.g., bank, edge of water, low water line, etc.) should bear some relationship to how that boundary is described in the writings.

continued on page 63

Kent, continued from page 64

- The measurement standards have been fully incorporated into the Standards for the first time since 1986, rather than being a separate attachment. In addition, the term *Relative Positional Accuracy (RPA)* has been changed to *Relative Positional Precision (RPP)* to properly reflect what the term actually represents. The definition of RPP has also been clarified and the points involved in the analysis are now limited to the actual corners of the property surveyed. To assist in the understanding and application of RPP, the committee is working with volunteers to develop a document that will not be part of the Standards *per se*, but that will be a reference for surveyors with respect to the measurement standards.
- Other changes include several subsections and a new Table A item that clarify the surveying and depiction of easements—both on-site and off-site. Other new Table A items include one related to wetlands locations and one which requires the surveyor to have professional liability insurance. A new section on deliverables gives a nod to digital copies.
- *Finally, the section on the certification now includes wording *requiring* that “*the plat or map shall bear only the following certification, unaltered . . .*” [emphasis added], except as may be required by jurisdictional requirements (some states require additional specific wording).

Comments on the final draft have been very positive and the committee looks forward to its adoption. Again, the draft is subject to approval by ALTA and NSPS, so readers are encouraged to stay tuned.

(Editor Note: The Proposed Standards can be found in the Exclusive Online-Only Content area of amerisurv.com.)

Author Note: As Chair of both the ALTA Liaison Committee and of the NSPS ALTA/ACSM Standards Subcommittee, I would like to thank the many persons who contributed to this effort. In particular, special thanks to those involved in the joint committee: Craig Amey, PLS (MI), Richard Bales, Esq. (IL), Patrick Beehler, PLS (WA), Daneece Berge, Esq. (TX), Paul Burn, PLS (NV), Paul McNamara, Esq. (MA), Kelly Romeo (ALTA, Washington, D.C.), and Curt Sumner, PLS (VA).