




ALTA/ACSM Land Title Surveys: What is Title Insurance and Why Should Surveyors Care?

Mitch Duryea, PLS
2015 PLSO Conference
January 23, 2015
Salem, Oregon




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ALTA/ACSM Land Title Surveys: The Good, the Bad and the Ugly


- What is an ALTA/ACSM Land Title Survey?
- Technical Approach to the ALTA Survey
- Sample project.
- Common Questions, Comments, Concerns and problems with ALTA Surveys



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What is an ALTA/ACSM Land Title Survey?

- Who are ALTA, ACSM & NSPS?
- What is Land?
- What is Title?
- What is a Survey?
- A Working Definition




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What is an ALTA/ACSM Land Title Survey?

- Who is ALTA?
 - American Land Title Association
 - National Trade Association for Title Insurance Industry
 - Founded in 1907
 - Membership
 - Nearly every Title Insurance Company
 - Over 4,600 Title Agents, Abstractors, and Title Companies
 - Associate Members include: Surveyors, Attorneys, Lenders, Builders and Developers

www.alta.org




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What is an ALTA/ACSM Land Title Survey?

- Title Policy:
 - An insurance policy insuring the Title to Real Property issued for the protection of persons acquiring interests in real property either as owner, lender or lessee.

(Definitions of Surveying and Associated Terms, 2005)



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What is an ALTA/ACSM Land Title Survey?

- Title Insurance:
 - Insurance against loss due to any defect or hazard insured against in a Title Insurance Policy.

(Definitions of Surveying and Associated Terms, 2005)

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What is an ALTA/ACSM Land Title Survey?

- Who is ACSM?
 - American Congress on Surveying & Mapping
 - National Trade Association with Membership from all of the Americas
 - Founded in 1941 as the National Congress on Surveying and Mapping
 - Merged into the National Society of Professional Surveyors (NSPS)

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What is an ALTA/ACSM Land Title Survey?

- What is Land?
 - Real Property
 - Fixed, Immoveable and Permanent
 - The land, and generally whatever is erected, growing or affixed to the land

(Robillard & Wilson, 2013)

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What is an ALTA/ACSM Land Title Survey?

- What is Title?
 - The means by which a person has just possession of a property; it is the evidence of ownership
- Title – How do you get it?
 - Written
 - Unwritten

(Robillard & Wilson, 2013)

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What is an ALTA/ACSM Land Title Survey?

- Written Conveyances of Title:
 - Patents
 - Deeds
 - Wills / Decrees of Distribution
 - Eminent Domain
 - Quiet Title Action

(Robillard & Wilson, 2013)

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What is an ALTA/ACSM Land Title Survey?


- Unwritten Conveyances of Title:
 - Oral / Verbal Agreement or Contract
 - Accretion or Inundation
 - Adverse Possession or Prescriptive Rights

(Robillard & Wilson, 2013)

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What is an ALTA/ACSM Land Title Survey?


- Constructive Notice
 - Notice Given by Public Records
- Color of Title
 - That giving the appearance of title
- How to obtain Color of Title

 (Title Insurance and Trust Company, 1979)

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What is an ALTA/ACSM Land Title Survey?

- Color of Title
 - Her Royal Majesty Queen Rose Mary J (for Jesus) Windsor
 - A "flaw" in the system, Los Angeles Times 1987




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What is an ALTA/ACSM Land Title Survey?

- What is a survey?

Surveying:
The **Science**, **Technology** and **Art** of making the measurements necessary to determine the relative position of points on, above or below the surface of the earth, or to establish such points.


(Definitions of Surveying and Associated Terms, 2005)



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What is an ALTA/ACSM Land Title Survey?


- **Science:**
 - Physics, Chemistry, Geometry, Trigonometry, Statistics and other related Mathematics
- **Technology:**
 - Total Stations, "Field to Finish", Photogrammetry, AutoCAD
- **Art:**
 - The graphic representation of technical data in a format that can be read and understood by the user.



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What is an ALTA/ACSM Land Title Survey?

A Working Definition
A Graphical Representation (Map or Plat)
Illustrating the status of Title (on and off Record)
Of a piece of Real Property
In accordance with the Technical Survey Standards of
A.C.S.M.
For the purpose of issuing a Title Insurance Policy



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ALTA/ACSM Land Title Surveys: Technical Approach

- The Title Report
 - Preliminary Title Report
 - Commitment for Title Insurance
 - Pro-Forma Policy
 - Policy
 - Endorsements



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ALTA/ACSM Land Title Surveys: Technical Approach

- The Title Report
 - Who is the owner
 - How is it owned
 - What is owned
 - Benefiting from Appurtenant Easements or Rights
 - Subject to encumbrances
 - As of the effective date



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ALTA/ACSM Land Title Surveys: The Title Report

Dated as of November 25, 2013 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

ALTA Extended Owner Policy - 2006 and
ALTA Standard Loan Policy - 2006

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:


5820 Stoneridge Holdings, LLC, a California limited liability company

The estate or interest in the land hereinafter described or referred to covered by this Report is:

Fee as to Parcel One, an Easement as to Parcel Two

The Land referred to herein is described as follows:

(See attached Legal Description)



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ALTA/ACSM Land Title Surveys: The Title Report

LEGAL DESCRIPTION

Real property in the City of Pleasanton, County of Alameda, State of California, described as follows:


PARCEL ONE:

PARCEL 2, PARCEL MAP 3098, FILED DECEMBER 19, 1979, IN BOOK 113, PAGES 91 AND 92 OF MAPS, ALAMEDA COUNTY RECORDS.

PARCEL TWO:

AN EASEMENT FOR INGRESS AND EGRESS OVER THOSE PORTIONS OF PARCELS 1 AND 3 AS SHOWN ON SAID PARCEL MAP 3098 LABELED "PRIVATE ACCESS EASEMENTS" BEING 15 FEET IN WIDTH, AND AS GRANTED IN THE GRANT DEED FROM WELLS FARGO BANK, N.A., AS TRUSTEE UNDER TRUST NO. 5-102511 TO HOME SAVINGS AND LOAN ASSOCIATION, A CALIFORNIA CORPORATION, RECORDED SEPTEMBER 2, 1980 AS SERIES NO. 80-150533 OF OFFICIAL RECORDS.

APN: 941-1201-035



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ALTA/ACSM Land Title Surveys: The Title Report


At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2013-2014.

First Installment:	\$77,851.50, PAID
Penalty:	\$0.00
Second Installment:	\$77,851.50, PAYABLE
Penalty:	\$0.00 IF PAID WHEN DUE
Tax Rate Area:	19-006
A. P. No.:	941-1201-035
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
3. An easement for public service utilities and incidental purposes, recorded May 25, 1979 as Instrument No. 1979-98526, Book/Reel 9410, Page/Image 31 of Official Records.

In Favor of: The City of Pleasanton, a municipal corporation

Affects: As described therein
4. Abutter's rights of ingress and egress to or from Foothill Road, lying adjacent to the Western line of the land have been relinquished in the document recorded May 25, 1979 as Instrument No. 1979-98526, Book/Reel 9410, Page/Image 31 of Official Records.



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ALTA/ACSM Land Title Surveys: The Title Report

5. Covenants, conditions, restrictions and easements in the document recorded May 25, 1979 as Instrument No. 1979-98526, Book/Reel 9410, Page/Image 59 of Official Records, which provide that a violation thereof shall not defeat or render invalid the lien of any first mortgage or deed of trust made in good faith and for value, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Code or Section 12955 of the California Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Document(s) declaring modifications thereof recorded December 28, 1979 as Instrument No. 1979-256496 of Official Records.
6. The terms and provisions contained in the document entitled "Development Conditions" recorded May 25, 1979 as Instrument No. 1979-98526, Book/Reel 9410, Page/Image 289 of Official Records.


Note: The Reciprocal Easement Agreement referred to in the above document does not affect said lands

Document(s) declaring modifications thereof recorded December 28, 1979 as Instrument No. 1979-262706 of Official Records.

An easement as contained in the above document.

For: Sight and incidental purposes.

Said easement affects a Northwesterly portion of said land



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ALTA/ACSM Land Title Surveys: The Title Report

7. An easement shown or dedicated on the map of Parcel Map 3098 recorded December 19, 1979 and on file in Book 113, Page 91-92, of Parcel Maps.

For: Private access, public service, sight and incidental purposes.
8. Covenants, conditions, restrictions and easements in the document recorded September 2, 1980 as Instrument No. 1980-150533 of Official Records, which provide that a violation thereof shall not defeat or render invalid the lien of any first mortgage or deed of trust made in good faith and for value, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Code or Section 12955 of the California Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
9. The terms and provisions contained in the document entitled "Grant Deed and Reservation of Easements" recorded September 2, 1980 as Instrument No. 1980-150533 of Official Records.

An easement as contained in the above document.


For: Utilities and incidental purposes.

Said easement affects the Easterly 25 feet of the land

An easement as contained in the above document.

For: Pedestrian and vehicular ingress and egress and incidental purposes.


Said easement affects portions of the land



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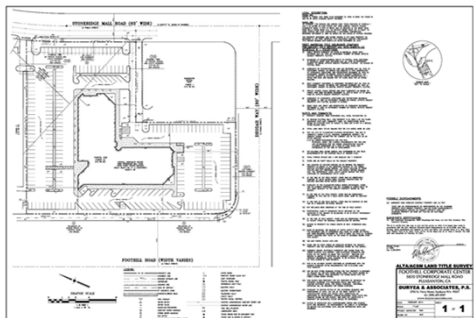

ALTA/ACSM Land Title Surveys: Technical Approach

- The Contract
 - Define the Scope of Work
 - Negotiate Table A items that are to be included
- The Survey
 - In accordance with your contract
 - The Title Report and Survey must be in harmony with each other



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Sample Projects – The Good





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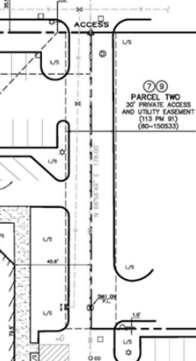
LEGAL DESCRIPTION:
PARCEL ONE:
 PARCEL 2, PARCEL MAP 3098, FILED DECEMBER 19, 1979, IN BOOK 113, PAGES 91 AND 92 OF MAPS, ALAMEDA COUNTY RECORDS.

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THE PROPERTY DESCRIBED AND SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN THE FIRST AMERICAN TITLE INSURANCE COMPANY PRELIMINARY TITLE REPORT NUMBER NCS-646015-CC DATED NOVEMBER 25, 2013




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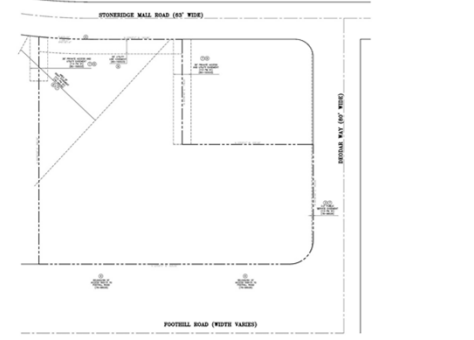

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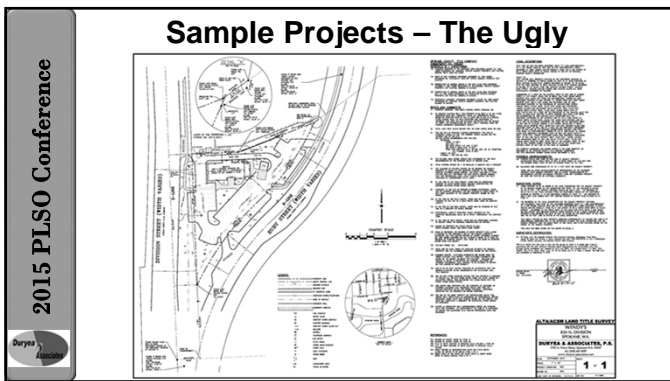
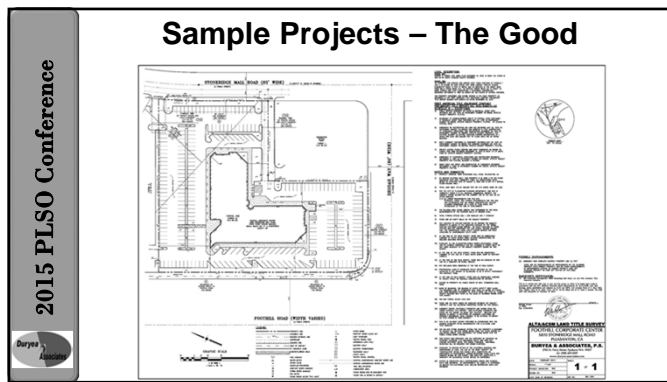
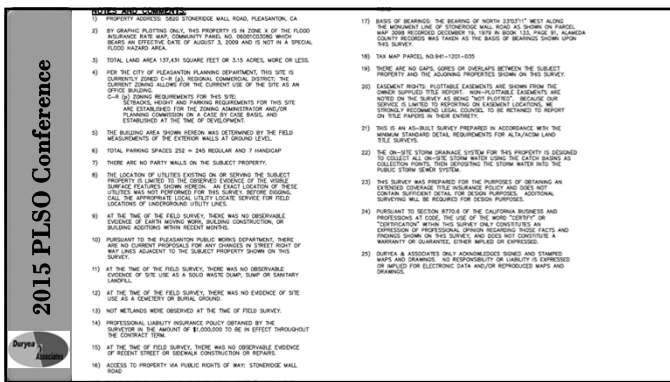
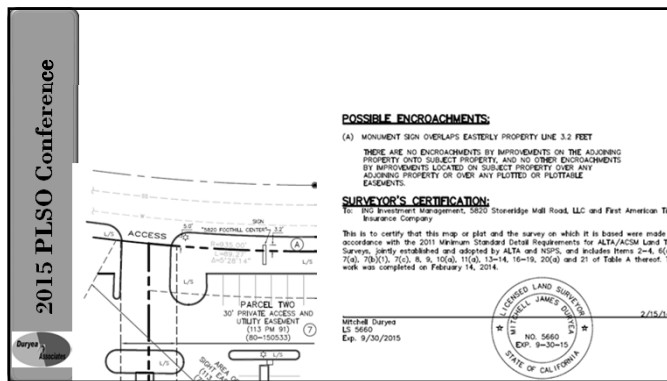
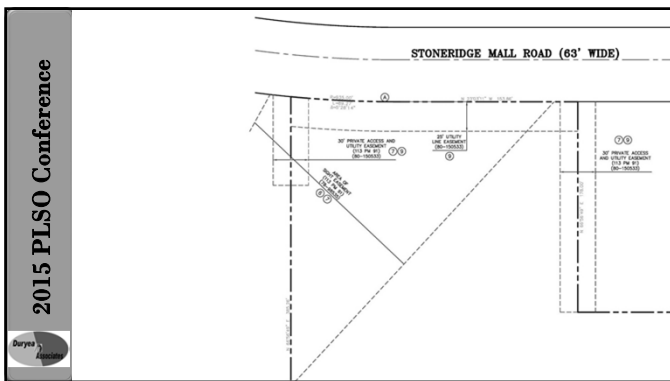
**FIRST AMERICAN TITLE INSURANCE COMPANY
 PRELIMINARY TITLE REPORT NO. NCS-646015-CC
 SCHEDULE B - EXCEPTIONS**

- 3) FULL SURVEY EASEMENT AS FOUND IN INDIVIDUAL GRANT DEED RECORDED MAY 25, 1978 AS INSTRUMENT NUMBER 78-98526, AFFECTS SUBJECT PROPERTY, PLOTTED.
- 4) RELINQUISH OF INGRESS/EGRESS RIGHTS TO FOOTHILL ROAD CONTAINED IN INDIVIDUAL GRANT DEED RECORDED MAY 25, 1978 AS INSTRUMENT NUMBER 78-98526, AFFECTS SUBJECT PROPERTY, PLOTTED. NO ACCESS TO FOOTHILL ROAD.
- 5) AGREEMENT RE RESTRICTIONS ON LAND USE RECORDED MAY 25, 1978 AS INSTRUMENT NUMBER 78-98530 AND MODIFIED IN FIRST MODIFICATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS DECEMBER 18, 1979 AS INSTRUMENT NUMBER 79-26460, AFFECTS SUBJECT PROPERTY, NOT PLOTTED. BLANKET IN NATURE. CONTAINS PARKING RESTRICTIONS OF 1 SPACE FOR EACH 250 SQUARE FEET OF FLOOR AREA FOR AN OFFICE BUILDING.
- 6) SIGHT EASEMENT CONTAINED IN AGREEMENT RECORDED MAY 25, 1978 AS INSTRUMENT NUMBER 78-98530 AND AMENDED DECEMBER 25, 1979 AS INSTRUMENT NUMBER 79-262706, AFFECTS SUBJECT PROPERTY, PLOTTED.
- 7) PRIVATE ACCESS, PUBLIC SERVICE AND SIGHT EASEMENTS AS SHOWN ON PARCEL MAP 3098 RECORDED DECEMBER 19, 1979 IN BOOK 113 OF MAPS, PAGE 91, AFFECTS SUBJECT PROPERTY, PLOTTED.
- 8) AGREEMENT OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED SEPTEMBER 2, 1980 AS INSTRUMENT NUMBER 80-150532, AFFECTS SUBJECT PROPERTY, NOT PLOTTED. BLANKET IN NATURE.
- 9) GRANT DEED AND GRANT AND RESERVATION OF EASEMENTS RECORDED SEPTEMBER 2, 1980 AS INSTRUMENT NUMBER 80-150533, AFFECTS SUBJECT PROPERTY, PLOTTED.



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LEGAL DESCRIPTION:

THAT PART OF THE FOLLOWING DESCRIBED TRACT "A" LYING NORTHWESTERLY OF A LINE DRAWN PARALLEL WITH AND 50 FEET NORTHWESTERLY, WHEN MEASURED AT RIGHT ANGLES AND/OR RADIALY FROM THE S LINE SURVEY OF SR 2, NORTH RIVER DRIVE TO EUGLO AVENUE, IN THE CITY OF SPOKANE, SPOKANE COUNTY, WASHINGTON.

TRACT "A", THAT CERTAIN REAL PROPERTY SITUATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 25 NORTH, RANGE 43 EAST, W. M. BEING PORTIONS OF SR20 ADDITION AS PER PLAT THEREOF RECORDED IN VOLUME "A" OF PLATS, PAGE 84, FIRST ADDITION TO UNDO ADDITION AS PER PLAT THEREOF RECORDED IN VOLUME "A" OF PLATS, PAGE 159, VACATED VICTORIA STREET, VACATED RUBY STREET, VACATED MALLON AVENUE AND VACATED ALLEYS ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF DIVISION STREET, A CITY STREET 100.00 FEET IN WIDTH, SAID POINT BEARS NORTH 89°57'41" EAST, 50.00 FEET FROM THE SOUTHWESTERLY CORNER OF SAID NORTHWEST QUARTER OF SAID SECTION 17; THENCE FROM SAID POINT NORTH 89°57'41" EAST, 362.71 FEET ALONG THE SOUTHWESTERLY LINE OF SAID NORTHWEST QUARTER OF THE VACATED RUBY STREET; THENCE NORTH 0°15'04" WEST, 191.84 FEET ALONG SAID CENTERLINE, THENCE LEAVING SAID CENTERLINE SOUTH 89°44'56" WEST, 34.00 FEET; THENCE NORTH 0°15'04" WEST, 114.20 FEET; THENCE NORTH 84°41'41" EAST, 223.18 FEET TO A POINT ON THE CENTERLINE OF THE VACATED ALLEY FOR BLOCK 14, SAID FIRST ADDITION TO SR20 ADDITION, SAID POINT ALSO BEING THE INTERSECTION OF SAID VACATED ALLEY CENTERLINE WITH THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF LOT 5, SAID BLOCK 14; THENCE NORTH 0°15'04" WEST, 150.00 FEET ALONG SAID EASTERLY LINE OF LOT 5 AND ITS SOUTHERLY EXTENSION, TO A POINT ON THE SOUTHWEST RIGHT OF WAY LINE OF CANALIA AVENUE, A CITY STREET 100.00 FEET IN WIDTH; THENCE SOUTH 89°58'36" WEST, 89.98 FEET (100 FEET, RECORD) ALONG SAID SOUTHWEST RIGHT OF WAY LINE TO A POINT ON THE NORTHEAST ABANDONED RIGHT OF WAY LINE OF THE SPOKANE INTERNATIONAL RAILWAY, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF LOT 6, SAID BLOCK 14; THENCE ALONG SAID NORTHEAST ABANDONED RIGHT OF WAY LINE SOUTH 56°37'17" WEST, 119.29 FEET; THENCE CONTINUING ALONG SAID NORTHEAST ABANDONED RIGHT OF WAY LINE SOUTH 56°38'41" WEST, 53.97 FEET; THENCE LEAVING SAID ABANDONED RIGHT OF WAY LINE SOUTH 7°10'14" WEST, 174.50 FEET; THENCE NORTH 89°53'30" WEST, 89.92 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DIVISION STREET; THENCE NORTH 44.03 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

THE PROPERTY DESCRIBED AND SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN THE SPOKANE COUNTY TITLE COMPANY COMMITMENT FOR TITLE INSURANCE NUMBER 155283 DATED SEPTEMBER 2, 2014.

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RECORD OF MONUMENTATION

In partial fulfillment of Section 2, § 21, and Sec. 2, § 26, A.C.L.C., Made to the Board of Survey, State of Washington.

MONUMENT	SECTION	BEARING	DISTANCE	W.S.P. POINT IDENTIFICATION	W.S.P. POINT IDENTIFICATION
1	1	N 03°22'25" W	120.00	1000.000	1000.000
2	1	S 89°57'41" E	362.71	1000.000	1000.000
3	1	N 0°15'04" W	191.84	1000.000	1000.000
4	1	S 89°44'56" W	34.00	1000.000	1000.000
5	1	N 0°15'04" W	114.20	1000.000	1000.000
6	1	N 84°41'41" E	223.18	1000.000	1000.000
7	1	N 0°15'04" W	150.00	1000.000	1000.000
8	1	S 89°58'36" W	89.98	1000.000	1000.000
9	1	S 7°10'14" W	174.50	1000.000	1000.000
10	1	N 89°53'30" W	89.92	1000.000	1000.000
11	1	N 44°03'00" W	44.03	1000.000	1000.000

LEGEND

- Existing Monument
- Monument to be set
- Monument to be removed
- Monument to be replaced
- Monument to be relocated
- Monument to be destroyed
- Monument to be moved
- Monument to be replaced with a new monument
- Monument to be replaced with a new monument, changed "height"
- Monument to be replaced with a new monument, changed "width"
- Monument to be replaced with a new monument, changed "depth"
- Monument to be replaced with a new monument, changed "width and depth"

Surveyor's Report

This report was prepared by the Surveyor on the basis of the field notes and other data furnished to the Surveyor by the client. The Surveyor is not responsible for the accuracy of the data furnished to the Surveyor by the client. The Surveyor is not responsible for the accuracy of the data furnished to the Surveyor by the client. The Surveyor is not responsible for the accuracy of the data furnished to the Surveyor by the client.

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7	1	N 0°15'04" W	150.00	1000.000	1000.000
8	1	S 89°58'36" W	89.98	1000.000	1000.000
9	1	S 7°10'14" W	174.50	1000.000	1000.000
10	1	N 89°53'30" W	89.92	1000.000	1000.000
11	1	N 44°03'00" W	44.03	1000.000	1000.000

LEGEND

- Existing Monuments
- W.S.P. Coord. (metric)
- Indicates found monument

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MONUMENT	SECTION	BEARING	DISTANCE	W.S.P. POINT IDENTIFICATION	W.S.P. POINT IDENTIFICATION
1	1	N 03°22'25" W	120.00	1000.000	1000.000
2	1	S 89°57'41" E	362.71	1000.000	1000.000
3	1	N 0°15'04" W	191.84	1000.000	1000.000
4	1	S 89°44'56" W	34.00	1000.000	1000.000
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7	1	N 0°15'04" W	150.00	1000.000	1000.000
8	1	S 89°58'36" W	89.98	1000.000	1000.000
9	1	S 7°10'14" W	174.50	1000.000	1000.000
10	1	N 89°53'30" W	89.92	1000.000	1000.000
11	1	N 44°03'00" W	44.03	1000.000	1000.000

LEGEND

- Existing Monuments
- W.S.P. Coord. (metric)
- Indicates found monument

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POSSIBLE ENCROACHMENTS:

(A) PARKING STALLS AND CURB ON EAST SIDE OF SUBJECT PROPERTY ENROACHES ONTO PUBLIC RIGHT OF WAY OF RUBY STREET BY 16.0 FEET AND THE DIVISION STREET RIGHT OF WAY OF DIVISION STREET BY 12.1 FEET.

(B) BILLBOARD SIGN ENROACHES BY UP TO 1.1 FEET ONTO THE SUBJECT PROPERTY.

THERE ARE NO OTHER ENCROACHMENTS BY IMPROVEMENTS ON THE ADJOINING PROPERTY ONTO SUBJECT PROPERTY, AND NO OTHER ENCROACHMENTS BY IMPROVEMENTS LOCATED ON SUBJECT PROPERTY OVER ANY ADJOINING PROPERTY OR OVER ANY PLOTTED OR PLOTTABLE EASEMENTS.


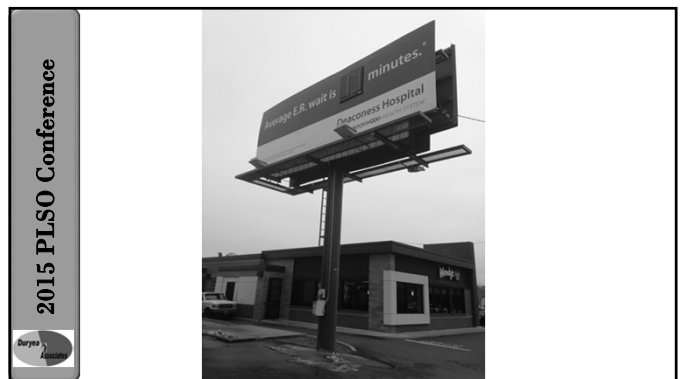
SURVEYORS NOTES:

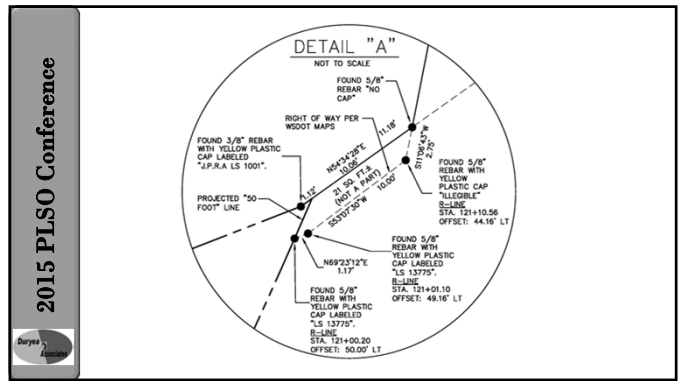
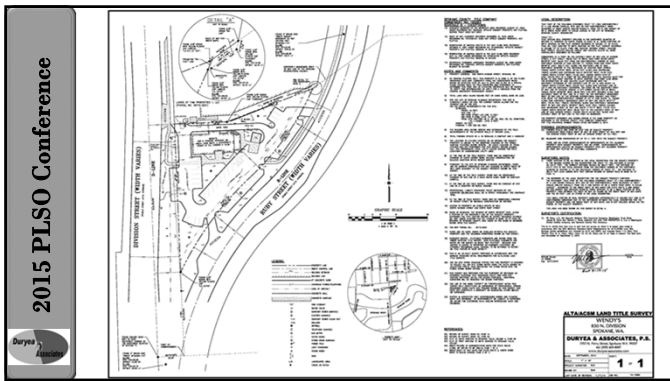
1) THERE APPEARS TO BE AN ERROR IN THE LEGAL DESCRIPTION FOR THE SUBJECT PROPERTY. IN THE SECOND COURSE OF THE DESCRIPTION FOR TRACT "A", THE DISTANCE IS STATED AS 412.71 FEET. THE CORRECT DISTANCE SHOULD BE 362.71 FEET. THE DISTANCE OF 412.71 FEET IS THE TOTAL DISTANCE FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 17 TO THE SOUTHEAST CORNER OF TRACT "A". THE DISTANCE OF 362.71 FEET ALSO AGREES WITH THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 54 AT PAGE 14.

2) THE BEGINNING OF THE LEGAL DESCRIPTION FOR THE SUBJECT PROPERTY CONTAINS THE STATEMENT "THAT PART OF THE FOLLOWING DESCRIBED TRACT "A" LYING NORTHWESTERLY OF A LINE DRAWN PARALLEL WITH AND 50 FEET NORTHWESTERLY WHEN MEASURED AT RIGHT ANGLES AND/OR RADIALY, FROM THE R LINE SURVEY OF SR 2, NORTH RIVER DRIVE TO EUCLID AVENUE". ACCORDING TO THE WSDOT RIGHT OF WAY MAPS FOR STATE ROUTE 2 AND BASED ON THIS SURVEY AND PREVIOUS SURVEYS, THERE APPEARS TO BE A SMALL PORTION OF REAL PROPERTY LYING BETWEEN THE RIGHT OF WAY AS SHOWN ON THE WSDOT RIGHT OF WAY MAPS AND THE 50 FOOT LINE AS STATED IN THE LEGAL DESCRIPTION.

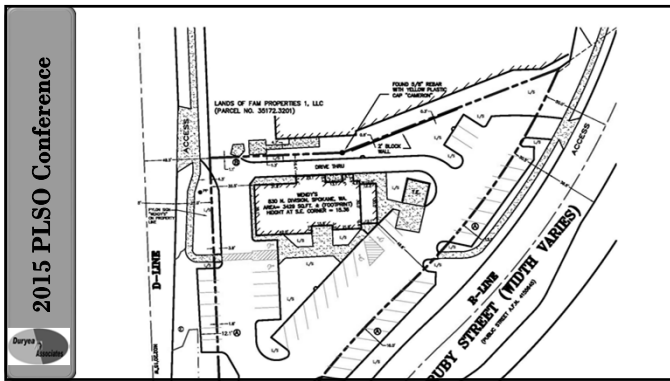
THAT SMALL PORTION OF REAL PROPERTY EMBRACES APPROXIMATELY 21 SQUARE FEET AND IS OF UNDETERMINED OWNERSHIP DUE TO THE DIFFERENCE BETWEEN THE LEGAL DESCRIPTION FOR THE SUBJECT PROPERTY AND THE WSDOT RIGHT OF WAY MAPS, AND IS NOT INCLUDED WITHIN THE FEE PARCEL OF THE SUBJECT PROPERTY.

THIS AREA HAS BEEN SHOWN ON THIS SURVEY IN DETAIL A.



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- SPOKANE COUNTY TITLE COMPANY**
COMMITMENT NO. 195263
SCHEDULE B - EXCEPTIONS:
- 13) EASEMENT RESERVED IN THE WARRANTY DEED RECORDED AUGUST 27, 1940 UNDER RECORDING NO. 455320A; AFFECTS SUBJECT PROPERTY, NOT PLOTTED; SERVICE TRACT DOES NOT EXIST.
 - 14) RIGHT OF WAY EASEMENT RECORDED DECEMBER 15, 1975 UNDER RECORDING NO. 7512150157; DOES NOT AFFECT SUBJECT PROPERTY, NOT PLOTTED.
 - 15) RESERVATION OF MINERAL RIGHTS IN THE QUIT CLAIM DEED RECORDED OCTOBER 9, 1987 UNDER RECORDING NO. 8710060292; AFFECTS SUBJECT PROPERTY, NOT PLOTTED, GENERAL IN NATURE.
 - 16) RESERVATION OF MINERAL RIGHTS IN THE QUIT CLAIM DEED RECORDED MAY 14, 1987 UNDER RECORDING NO. 8705140155 AFFECTS SUBJECT PROPERTY, NOT PLOTTED, GENERAL IN NATURE.
 - 17) RECIPROCAL EASEMENT AGREEMENT RECORDED AUGUST 26, 1988 UNDER RECORDING NO. 4260793; AFFECTS SUBJECT PROPERTY; NOT PLOTTED; BLANKET IN NATURE.





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NOTES AND COMMENTS:

- 1) PROPERTY ADDRESS: 835 NORTH DIVISION STREET, SPOKANE, WA
- 2) BY DRAWING PLOTTING ONLY, THIS PROPERTY IS IN ZONE R. OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 530623054D WHICH BEARS AN EFFECTIVE DATE OF JULY 8, 2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- 3) TOTAL LAND AREA 34,919 SQUARE FEET OR 0.802 ACRES, MORE OR LESS.
- 4) PER THE CITY OF SPOKANE PLANNING DEPARTMENT, THIS SITE IS CURRENTLY ZONED CD-150. THE CURRENT ZONING ALLOWS FOR THE CURRENT USE OF THE SITE.
 - CE-150 ZONING REQUIREMENTS FOR THIS SITE:
 - SETBACKS:
 - FRONT: 10 FEET.
 - MAX. FAR: 1.5
 - MIN. FROM STREET LOT LINE: 0 FEET.
 - MIN. FROM R-ZONE LOTS: 10 FEET.
 - CE (ZONED) LOTS: 0 FEET.
 - HEIGHT: 55 FEET.
 - PARKING: 1 PER 250 SQ. FEET.
- 5) THE BUILDING AREA SHOWN HEREON WAS DETERMINED BY THE FIELD MEASUREMENTS OF THE EXTERIOR WALLS AT GROUND LEVEL.
- 6) TOTAL PARKING SPACES 50 = 46 REGULAR, 0 COMPACT AND 4 HANDICAP
- 7) THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS LIMITED TO THE OBSERVED EVIDENCE OF THE VISIBLE SURFACE FEATURES SHOWN HEREON. AN EXACT LOCATION OF THESE UTILITIES WAS NOT PERFORMED FOR THIS SURVEY. BEFORE DIGGING, CALL THE APPROPRIATE LOCAL UTILITY LOCATE SERVICE FOR FIELD LOCATIONS OF UNDERGROUND UTILITY LINES.
- 8) AT THE TIME OF THE FIELD SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- 9) PURSUANT TO THE CITY OF SPOKANE PLANNING DEPARTMENT, THERE ARE NO CURRENT PROPOSALS FOR ANY CHANGES IN STREET RIGHT OF WAY LINES ADJACENT TO THE SUBJECT PROPERTY SHOWN ON THIS SURVEY.
- 10) AT THE TIME OF THE FIELD SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- 11) AT THE TIME OF THE FIELD SURVEY, THERE WAS NO EVIDENCE OF SITE USE AS A CEMETERY OR BURIAL GROUND.
- 12) PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR (\$2,000,000) SHALL BE IN EFFECT THROUGHOUT THE CONTRACT TERM.

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- 13) AT THE TIME OF FIELD SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- 14) ACCESS TO PROPERTY VIA PUBLIC RIGHTS OF WAY: NORTH DIVISION STREET AND NORTH BERRY STREET.
- 15) BASIS OF BEARINGS: THE BEARING OF NORTH 88°44'00" EAST, ALONG A PORTION OF THE NORTHERLY LINE OF THE SUBJECT PROPERTY ACCORDING TO THAT CERTAIN RECORD OF SURVEY RECORDED OCTOBER 28, 1987 UNDER ABSTRACT FILE NO. 410644 IN BOOK 19 AT PAGE 95, RECORDS OF SPOKANE COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS SURVEY.
- 16) TAX MAP PARCEL NO.: 35172.3204
- 17) THERE ARE NO GAPS, GORES OR OVERLAPS BETWEEN THE SUBJECT PROPERTY AND THE ADJOINING PROPERTIES SHOWN ON THIS SURVEY.
- 18) EASEMENT RIGHTS: EASEMENT EASEMENTS ARE SHOWN FROM THE OWNER'S SUPPLIED TITLE REPORT. NON-PLOTTABLE EASEMENTS ARE NOTED ON THE SURVEY AS BEING "NOT PLOTTED". BECAUSE OUR SERVICE IS LIMITED TO REPORTING ON EASEMENT LOCATIONS, WE STRONGLY RECOMMEND LEGAL COUNSEL TO BE RETAINED TO REPORT ON TITLE PAPERS IN THEIR ENTIRETY.
- 19) THIS IS AN AS-BUILT SURVEY PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACOM LAND TITLE SURVEYS.
- 20) THE ON-SITE STORM DRAINAGE SYSTEM FOR THIS PROPERTY IS DESIGNED TO COLLECT ALL ON-SITE STORM WATER USING THE CATCH BASINS AS COLLECTION POINTS, THEN DEPOSITING THE STORM WATER INTO THE PUBLIC STORM SEWER SYSTEM.
- 21) THIS SURVEY WAS PREPARED FOR THE PURPOSES OF OBTAINING AN EXCESSIVE CONCRETE TILE INSURANCE POLICY AND DOES NOT CONTAIN SUFFICIENT DETAIL FOR DESIGN PURPOSES. ADDITIONAL SURVEYING WILL BE REQUIRED FOR DESIGN PURPOSES.
- 22) THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" WITHIN THIS SURVEY ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS AND FINDINGS SHOWN ON THIS SURVEY, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER IMPLIED OR EXPRESSED.
- 23) DUYRYEA & ASSOCIATES ONLY ACKNOWLEDGES SIGNED AND STAMPED MAPS AND DRAWINGS. NO RESPONSIBILITY OR LIABILITY IS EXPRESSED OR IMPLIED FOR ELECTRONIC DATA AND/OR REPRODUCED MAPS AND DRAWINGS.

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Sample Projects – The Ugly

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To Certify or Not to Certify? What is the Problem?

- **Certify:**
 - To authenticate or vouch for a thing in writing. To attest as being true or as represented.
- **Certification:**
 - The formal assertion in writing of some fact.
- **Certificate:**
 - A written assurance that some act has or has not been done.

(Black, 1979)

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To Certify or Not to Certify? What is the Problem?


- There is an opinion that the term "Certify" implies a warranty or guarantee.
- Professional Liability Insurance will not cover claims when a warranty or guarantee has been made.
- What a Surveyor does is provide best professional opinion of certain observations

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To Certify or Not to Certify? What is the Problem?

Some Solutions:

- Confirm with your E&O Insurance if this is an issue with your policy.
- Negotiate the contract to exclude the word "Certify" and use "State" or some other terminology for third party certificate.
- Try the California Solution




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To Certify or Not to Certify? What is the Problem?

California Solution
THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" WITHIN THIS SURVEY ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS AND FINDINGS SHOWN ON THIS SURVEY, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER IMPLIED OR EXPRESSED.

Section 8770.6, California Business and Professions Code




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Questions, Comments, Concerns and Problems with ALTA Surveys

Is your Survey Complete?

- Did you follow the Survey instructions word for word?
- Are encroachments clearly noted?
- Use a Checklist
- Be available to answer questions and to make timely revisions




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Questions, Comments, Concerns and Problems with ALTA Surveys

Do you know your audience?

- Present your technical information in a format that non-technical types can understand
- The reader has a title report in one hand and your map in the other...keep it simple




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Questions, Comments, Concerns and Problems with ALTA Surveys

Do you know your audience?

- Know their common questions and concerns and make sure they are clearly shown and noted on the face of the Survey.
 - Does the site comply with current Zoning Ordinance
 - or is it Legal Non-Conforming?
 - Points of Access clearly labeled
- When in doubt, make it even more idiot proof




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Questions, Comments, Concerns and Problems with ALTA Surveys

Do you know your audience?

- Label Parcels as they show on the Title Report
- Title Report Reference and effective date
- Number easements as listed in Title Report
- Point of Beginning clearly shown
- The legal description in the title report and map must agree
- The legend needs to be complete
- When in doubt, make it even more idiot proof



Questions, Comments, Concerns and Problems with ALTA Surveys

What about those CAD files?

- What is the purpose of your survey?
 - For the issuance of a Title Insurance Policy?
 - For Design purposes?
- Who is going to use the CAD file and for what purpose?
- Make statements on the face of your map to protect yourself
 - Survey is for title insurance, not for design
 - Limit liability with use of CAD files by others



Questions, Comments, Concerns and Problems with ALTA Surveys

Client / User Comments

- What are you looking for in selecting a surveyor to prepare an ALTA Survey?
- What have you been frustrated by with surveys prepared for you?
- What would you like to tell surveyors that prepare these types of surveys?



What are you looking for in selecting a surveyor to prepare an ALTA Survey?

- Experience in ATLA Surveys
- Timeliness
- Quality of Work
- Communication
- Knowledge of the property
- Knowledge of client procedures & requirement
- Availability
- Responsiveness



What have you been frustrated by with surveys prepared for you?

- Lack of Communication
- Lack of Quality of Initials Draft
- The use of sub-consultants
- Inability of the surveyor to work with the title, legal and lending team in working out title/survey issues.
- Lack of flexibility in making changes required by lender/title



What would you like to tell surveyors that prepare these types of surveys?

- Communication is key – Direct with the surveyor
- Be responsive to comments and revisions
- Deadlines are real.
- Listen to you client and their needs
- Coordinate site visit/field survey with client
- Work with lender requirements
- Have quality project



ALTA/ACSM Land Title Surveys: The Good, the Bad and the Ugly



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ALTA/ACSM Land Title Surveys: The Good, the Bad and the Ugly

Mitch Duryea, PLS
2015 PLSO Conference
January 23, 2015
Salem, Oregon

