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Accuracy of land surveys critical when buying property 018

Land Surveys are often overlooked, but an integral part of the property sales process. They depict the legal description of the property to be transferred. They can affirm that the parties understand the locations of the property's boundaries and any improvements that have been made.

By law, the land survey must be conducted by a licensed surveyor. Because title companies rely on surveys to detect certain title exceptions, it is imperative that precautions are taken to ensure their accuracy, says Peter J. Birnbaum, president and CEO of Attorneys' Title Guaranty Fund, Inc. (ATG).

"A real estate attorney can assist the buyer of property with making sure the surveyor accurately depicts the land to be purchased," he affirms.

Among the tasks that an attorney will undertake, the attorney will confirm the following:

- that the legal description of the property in the title commitment and survey match;
- that any easements, encroachments, and improvements are noted on the survey and have been examined to see if they are acceptable to the client;
- that it includes all the information that the parties requested.

While there are universal requirements for surveyors within every state, the actual prepared surveys can vary in name and description and from community to community, according to Birnbaum.

There are generally two types of surveys: the American Land Title Association survey, or ALTA survey, and the boundary survey. The ALTA survey is the most detailed and most commonly used for commercial real estate transactions. The standards, which were adopted by the American Land Title Association and the American Congress on Surveying and Mapping, include, among other things, all walls, buildings, fences and other visible improvements on the property within five feet of the boundary line. Also, all encroachments, easements and setback lines have to be indicated.

The boundary survey is one that established the perimeters, division lines or boundaries of a certain parcel of real estate. For residential property in a subdivision, a boundary survey will also show easements and setback lines. The parties can ask a surveyor to add useful information to the boundary survey, like the location of buildings on the property, rights of way, or easements. A boundary survey is in most locations inexpensive and provides a lot of useful information.

Through its 3,700 attorney-members, ATG strives to keep lawyers involved in real estate transactions for the benefit of the client. In addition to providing title insurance to homebuyers and lenders, the company offers a variety of investment and other services delivered by subsidiary companies. These subsidiaries include a trust company, a mortgage bank, and a real estate auction company.

ATG is headquartered in Champaign and downtown Chicago and has offices in Mr. Prospect, Chicago (Mid-north side), Homewood, Libertyville, Lombard, North Riverside, Oak Lawn, Wheaton, and Belleville, Illinois; and Madison, Wisconsin.