

CODE OF PRACTICE FOR LAND SURVEYS

Genesee Valley Land Surveyors Association, Inc.

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FOREWORD:

Land Surveying Practice in New York State is ever changing and complex, evolving from Colonial Times to the present. This profession is rich in tradition and custom. Throughout the state, *the profession* is required to respect and accommodate historic standards in measurement, as the same apply to land boundaries and the succession of title dating back to the early sixteen hundreds. Historic and period standards have differed in scale and procedure throughout history, resulting in varying and unique *local standards* of horizontal and vertical datum which must be recognized and used for survey measurement in various section of citifies and towns that were mapped and/or sub-divided many years ago. (Generally prior to the first quarter of the twentieth century).

Land Surveying Practice in New York State has continued through socio-economic changes and advancing technologies to better serve the interests and well-being of the people of the State and protect the integrity of our land boundaries.

The *Code of Practice* of the Genesee Valley Land Surveyors Association has served, since 1969, to promote reasonable and prudent standards throughout the entire region of the Genesee Valley.

This present revision to the Code:

- * Provides uniformity, throughout the region as well as the State, in policy and general presentation and provides minimum standards, which are universal.**
- * Provides for area specific standards, which will address the historically diverse standards and practices of the Genesee Valley Region.**

The *Code* provides a framework and guide for the practicing land surveyor and a standard of expectation for the public. The *Code* is intended to be versatile, providing for and encouraging the use of evolving technologies while remaining sensitive to and protecting long standing local standards, customs, and mapping traditions.

The *Code* seeks to avoid legal pitfalls and the difficulty or confusion that may arise from mandating procedures, methods, or precedents that may disrupt established and customary practice, by creating “punch list solutions.”

The Genesee Valley Land Surveyors Association is ever mindful of the duty and responsibility of the *land surveyor* to: re-establish the original lines of surveyed property to: “walk in the foot steps of the original surveyor” thereby protecting the interests of all of the people of the State of New York.

DEFINITION OF SURVEY MAP FOR DEFINING REAL PROPERTY BOUNDARIES: (Title Survey)

Boundary Survey Map: The graphic opinion by a Land Surveyor, licensed and registered in the State of New York, which defined boundary limits and depicts in metes and bounds and physical possession of a parcel or parcels of land with relation to map lines, deeds of record, and/or pertinent reference data based on an actual field survey conducted under the supervision of the registered and licensed land surveyor preparing the map.

Title Survey: A Boundary Survey Map made for the purpose of the transfer of real property, and/or lease lines, mortgaging, and easements related to real property.

POLICY GOVERNING PREPARATION OF TITLE SURVEYS:

A. General

1. Abstract of Title should be furnished to the Land Surveyor, and the use of such abstract should be referenced on the map.
2. For a survey map to be considered valid, it must be signed and certified by a licensed land surveyor registered in the State of New York. All true copies thereof must bear the Land surveyor's embossed seal.
3. All archival information of the surveyor's survey maps, records, files, and data used or generated in the course of preparing a survey shall remain the property of the surveyor or his successors or assigns.
4. The sole purpose of certifying a survey to a title company or lending institution is to confirm the opinion of the Surveyor to his client and to the title company or lending institution for a specific transaction. It is not intended to extend this obligation beyond such transaction, or to additional title companies, lending institutions owners or subsequent owners.
5. All surveys shall conform to or exceed the minimum standards set forth in this Code unless limitations or variances from such standards are clearly stated on the boundary survey map.
6. [*NYSAPLS Policy*.] "The alteration of boundary survey maps by anyone other than the original preparer is misleading, confusing, and not in the general welfare and benefit of the public. Licensed Land Surveyors shall not alter survey maps, survey plans, or survey plats prepared by others." (NYSAPLS Policy: Adopted January 23, 1993).
7. [*New York Law*] The New York State Education law requires that a notation be placed on all altered survey maps: "*altered by*" followed by: the Land Surveyor's signature and seal, the date of the alteration, and a specific description of the alteration.
(New York Education Law: Section 7209, sub-division 2)
8. The surveyor should furnish a description based upon his survey whenever requested by the client, or whenever the description is at variance with the record title.

B. Standard Notes

In order to implement the policy previously stated above, the surveyor should place the following or comparable notes on the boundary survey map:

1. Copy right or Copyright Sign "(C)" (Insert Year and Name of surveyor or copyright owner)
All Rights Reserved.
2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
3. Only boundary survey maps with the surveyor's embossed seal are genuine true and correct copies of the surveyor's original work and opinion.

4. Certification on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the leading institution listed on this boundary survey map.
5. The certifications hereon are not transferable.
6. The location of underground improvements or encroachments are not always known and often must be estimated. Underground improvements or encroachments are not covered by this certificate.

C. CERTIFICATION (Actions That Void Certification)

1. When preparing title surveys, the surveyor should place an embossed seal on all copies along with the following note: “Only title surveys bearing the makers embossed seal should be relied upon since other than embossed-seal copies may contain unauthorized and undetectable modifications, deletions, additions, and changes.”
2. A surveyor should place the following notice on work products: copyright label, year, [Name]. “Reproduction or copying of this document may be a violation of copyright law unless permission of the author and/or copyright holder is obtained.”
3. When preparing title surveys, the surveyor should place an embossed seal on all copies along with the following note: “A copy of this document without a proper application of the surveyor’s embossed seal should be assumed to be an unauthorized copy.”
4. Certification of survey should be in the following or similar terms: “I (or we) [name of firm] certify that this map was made [date] in accordance with standards jointly adopted by GVLSA and [insert applicable county bar association].”

D. RE-SURVEY

1. DEFINITIONS

1.1 DEFINITIONS

Standard and local use shall apply.

2. RESEARCH

2.1 RESEARCH

The surveyor’s research shall satisfy local criteria for reasonable care.

3. **SURVEY AND MAP**

All Boundary / Title Survey maps must satisfy the following:

“3.A” ORIENTATION

3.A.1. North point indicating direction as: Approximate North, a grid reference, a map reference, datum reference or deed reference.

“3.B” LOCATION

3.B.1. The survey should provide sufficient information on the boundary survey map so that a user will be able to locate the surveyed parcel with only the aid of a road map, quadrangle map sheet, or commercially available travel map.

3.B.2. It is recommended that the identification of a subject parcel be referenced on the title survey so as to define same as geographically unique by use of one or a combination of references as follows:

- * Map title reference
- * Premises note reference
- * Street intersection location or reference
- * Deed references
- * Filed map reference
- * Street plan references
- * Other record data references

3.B.3. Said identification and location should clearly delineate the surveyed land as a singularly unique parcel relative to the location within the State of New York.

“3.C” MEASUREMENT STANDARD

3.C.1. The boundary survey map shall be mapped in the designated standard of measure.

3.C.2. The parcel perimeter and pertinent interior lines shall contain the data necessary to delineate and establish said lines, utilizing natural features and/or a mathematical or geometric reference to one or more of the following:

- * Metes and bounds
- * Interior angles and distances
- * Parallel reference to street lines or other lines of record
- * Angular reference to street lines or other lines of record
- * Public Record Coordinate Systems
- * Reference to record corner / street intersections
- * Where curved at least two (2) elements of the curve shall be given

“3.D” SURVEYOR AUTHORSHIP

3.D.1. The name and license number of the surveyor or company of employ shall be shown.

3.D.2. The address of the surveyor or company of employ shall be shown.

“3.E” SCALE

- 3.E.1. The scale of the drawing shall be given.
- 3.E.2. The survey map shall give a clear presentation of the facts with due regard to the scale of the map.
- 3.E.3. A supplementary or exaggerated diagram should be provided when necessary.

“3.F.” DATE

- 3.F.1. The date of the field survey completion and the date of the boundary survey map completion shall be included.

“3.G” SURVEY RECORDS

(see “Policy Governing Preparation of Title Surveys – **Item 3A**)

“3.H” INTENTIONALLY OMITTED

“3.I.” INTENTIONALLY OMITTED

“3.J” RECORD LINES

- 3.J.1. When the parcel surveyed is laid out on a filed map the survey map should reference: the title of the map, the map number, lot numbers, and block numbers of the premises, as required. Other filed maps or maps locatable from the record title may be indicated or superimposed on the boundary survey map. When street and lot lines are identical with another map, a notation to that effect should be made.
- 3.J.2. Where legal lines of street or right-of-way are established by a municipality, they should be shown. The width of the street or right-of-way where established should be shown. Possible changes and proposed changes in the lines of the streets when known, shall be noted. Where there is any doubt as to the location on the ground of street and lot lines, namely, where the authorities for laying out the street and lots have not properly or definitely defined the same by monuments in the ground, or where there are errors in the setting of monuments or in the description of laying out the streets and lots, the nature of the difficulty shall be given and the range of possible difference defined upon the face of the map. If streets abutting the premises are not physically opened, this shall be indicated upon the survey.
- 3.J.3. Surveys of multiple parcels should clearly indicate contiguity, gores, or overlaps.
- 3.J.4. The Great Lot, Township, and Range, or other similar designation, shall be indicated on the survey map, where applicable.

“3.K” CONTENT & PHYSICAL LOCATION

- 3.K.1. Physical evidence of possession should be stated and the location given.

- 3.K.2. Location of buildings and all visible “on premises” structures and other improvements upon the boundary survey map should be shown and their location given with reference to boundaries. Location of all visible improvements on the premises, including but not limited to fences, walls, walks, and driveways that are situate on, across or within three (3) feet of any boundary. Any doubt as to whether any object is a “structure” or a “pertinent improvement” should be resolved in favor of inclusion on the survey map. Street numbers should be shown wherever available. On acreage surveys, buildings remote to boundary lines should be plotted to scaled position.
- 3.K.3. Visible evidence of easements on or across the property should be noted and located.
- 3.K.3. Surface indications of underground easements shall be shown.
- 3.K.4. Surface indications of underground easements shall be shown.
- 3.K.5. If the premises were surveyed when the weather or other conditions might have concealed physical features or appurtenances, said fact shall be indicated on the survey map.
- 3.K.6. Sub-surface structures should not be shown where not visible or readily apparent.
- 3.K.7. Buildings or fences, on adjoining land and encroachment of eaves, cornices, blinds, etc. within three (3) feet of the boundaries of the surveyed premises should be shown and located.
- 3.K.8. The nature, character and location of walls (independent, party or otherwise) within three (3) feet of the boundaries of the survey.
- 3.K.9. If a building on the premises has no independent walls but uses any wall of the adjoining premises, this condition shall be shown. The same requirements shall apply where conditions are reversed.
- 3.K.10. Encroaching structural appurtenances and projections such as fire escapes, bay windows, windows that open out, flue pipes, stoops, areas, steps, trim, etc., encroaching or on adjoining property or on abutting streets should be indicated with a notation and the extent of apparent encroachment.
- 3.K.11. Joint or common driveways should be shown with the width indicated. Independent driveways along the boundary, if encroaching, shall be shown together with the extent of the encroachment. If the structure on the adjoining property does not have a minimum clearance of seven (7) feet to the common property line, along the encroachment, the actual clearance should be noted.
- 3.K.12. When apparent physical evidence of cemeteries or burial ground exist, it should be shown and when a record of cemeteries or burial ground is supplied, this information shall be noted.

3.K.13. If construction of any improvements shown on the survey map was apparently incomplete from exterior physical evidence at the time of the survey map, this fact shall be indicated on the survey.

3.K.14. The area of the parcel should be given when required.

3.K.15. All tie measurements shall be measured perpendicular to straight property lines and radially to curved property lines.

3.K.16. Surface springs, streams, rivers, ponds or lakes located, bordering upon or running through the premises being surveyed should be shown.

“3.L” CONFLICTS & DIFFERENCES

3.L.1. Any gore / overlap, or similar differences, related to the premises, should be indicated or noted.

“3.M” MONUMENTS

3.M.1. Monuments, stakes, iron pipes, witness marks, or marks found or placed upon the parcel being surveyed, or found so close thereto as to be an apparent boundary marker of the parcel being surveyed or of adjoining property lines should be noted and referenced.

3.M.1.a) When practicing in Monroe County, permanent survey markers will be set when specifically requested by the client or the person contracting for the survey or when deemed essential by the surveyor. Sufficient information shall be shown on the survey map so that any other surveyor may retrace the survey as shown on the map.

3.M.1.b) When practicing in the counties of Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates.

All corners of every survey shall be marked by the surveyor with permanent readily locatable and identifiable markers made of or containing, ferrous metal. In the event a physical obstruction precludes placing a marker precisely at a corner, or the actual corner is likely to be disturbed, a reference marker shall be set, when practicable, on one or more of the boundary lines terminating at that corner and as close as practicable to the corner. The relationship of the reference marker(s) to that corner shall be clearly stated on the survey map. If, due to extenuating circumstances, the surveyor is specifically requested by the client not to set corner markers, sufficient information shall be shown on the survey map so that any other surveyor may retrace the survey as shown on the map.
