

CODE OF PRACTICE FOR LAND SURVEYS

*New York State Association
of
Professional Land Surveyors*

Adopted October 1966

Seventh Revision: July 18, 1997

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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 cities 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 New York State Association of Professional Land Surveyors has served, since 1966, to promote reasonable and prudent standards throughout the entire State of New York.

This present revision to the *Code*:

- Provides uniformity, throughout 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 different areas within New York State.

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 New York State Association of Professional Land Surveyors 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.
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)

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. Copyright 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. Certifications 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 lending institution listed on this boundary survey map.

5. The certifications heron are not transferable.
6. The location of underground improvements or encroachments are not always known and often must be estimated. If any 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."

D. RE-SURVEY

1. Subsequent to the initial issuance of a survey map all revisions shall be specifically noted and dated. Every re-survey map bearing a new date shall conform to the requirements of a new survey map unless specifically noted and shall be made only by the original preparer.

MINIMUM STANDARDS

1. DEFINITIONS

1.1 DEFINITIONS

Standards 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

1. North point indicating direction as: North, 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 references
- 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

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

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

"3.D" SURVEYOR AUTHORSHIP

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

2. The address of the survey or company of employ shall be shown

"3.E" SCALE

1. The scale of the drawing shall be given

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

"3.F" DATE

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)

"3.J" RECORD LINES

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 affect should be made.
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.
3. Surveys of multiple parcels should clearly indicate contiguity, gores, or overlaps.
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

1. Physical evidence of possession should be stated and the location given.
2. Location of buildings upon the boundary survey map should be shown and their location given with reference to boundaries. Street numbers should be shown wherever available. On acreage surveys, buildings remote to boundary lines should be plotted to scaled position.
3. Visible evidence to easements on or across the property should be noted and located.
4. Surface indications of underground easements shall be shown.
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.
6. Sub-surface structures should not be shown where not visible or readily apparent.

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.

8. Location of walls (independent, party or otherwise) at or near boundary lines within three (3) feet of the boundaries of the surveyed premises should be given.

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.

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 of apparent encroachment.

11. Joint or common driveways should be shown. Independent driveways along the boundary, if encroaching, shall be shown together with the extent of the encroachment.

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.

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.

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

"3.L" CONFLICTS & DIFFERENCES

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

"3.M" MONUMENTS

1. Monument and witness marks should be noted and referenced.