

Focus

Construction, Design & Engineering

Setting the tone: realizing the importance of good land survey

Often in land development, the land survey process is overlooked or undervalued. This is a strange occurrence as it is a pivotal, upfront part of the due diligence process. A good survey can assist in determining whether the desired development of the property can take place at all. Whether it is an existing property being sold or refinanced or a greenfield being developed into a housing community or commercial shopping center, an accurate land survey will provide a great deal of the information necessary to gauge the feasibility of a project.

One of the most important tools a developer or property investor has at his disposal is an ALTA/ACSM Land Title Survey, commonly referred to as an "ALTA Survey." Only a surveyor licensed by the state can provide this. An ALTA Survey will provide both property boundary retracement and title review.

The professional surveyor will work closely with the title company and land use attorney to render his professional opinion as to the locations and conflicts of the boundary and encumbrances for the property. This process will help differentiate between what the county records indicate the true ownership to be and the surveyed lines of possession. In metropolitan settings, the possibility for boundary conflicts has been minimized through the use of strict surveying standards and practices; however the potential for discrepancies is always present and should never be ignored. Costly litigation and time delays can ensue



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rely heavily on the title company, and more specifically, the title commitment when determining the presence and location of encumbrances on the property. The existence and layout of encumbrances can play a critical role in the viability of any development project. For example, the previous property owner may have allowed an adjacent property to record a mountain-view easement, restricting the maximum allowable height or a no-build easement limiting the buildable area on the property. Another easement scenario might be a 50-foot water main crossing the center of the site with access rights for maintenance and repair. Any of these cases could adversely affect the proposed site layout, making the desired development more costly or, in extreme cases, impossible.

if an accurate boundary location is not established at the very beginning of a project.

Another important service a professional surveyor will provide is title review. A competent and qualified Professional Surveyor will do as much of his own property research as is feasible, but will

There exist more broad encumbrances that can affect the property, adversely or otherwise, but that are equally important to know about sooner rather than later. Easement, covenant and restriction agreements are common, but there also are fire protection and metropolitan districts that can impose fees or taxes on property if located within their jurisdictions. This can be a hidden cost in the bottom line value of the property and could break a deal if not anticipated or accounted for.

The most common question a surveyor gets from clients is: "Why so much?" If the fees associated with the survey are weighed against potential costs and time delays resulting from an unclear understanding of boundaries and encumbrances, the survey is clearly worth every penny. In the brochure "When You Need a Land Survey," The Professional Land Surveyors of Colorado gives the following caution:

"Competitive bidding for the lowest price does not necessarily protect the interest of the client, the public or the Professional Land Surveyor. The competency, reputation, education and experience of several surveyors should be considered before one is selected to perform the survey."

Careful consideration should be taken to find a professional surveyor who works well with the many players of the development or entitlement team. The professional surveyor and the survey that he produces is the first part of the land development process and will set the tone for the entire project.