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### **DO YOU NEED A SURVEY?**

Sometimes a survey is required by law or as part of the mortgage process and it would seem you have no say in the matter. You might call different surveyors for the lowest price quote or simply have your attorney order a survey for you. But if you read on you will find out that there are many options open to you that could reduce your costs, give you a survey more suited to your needs, and help you avoid future problems.

Asking if you need a survey is a lot like asking if need a complete medical checkup. If you have a complete physical and are found to be in perfect health then you didn't need it. But if cancer is found in time to save your life, then it was surely needed. You cannot always be sure just how much a survey is needed until you get one. It is simply a question of the risks you are willing to take.

If you are buying a piece of property and the deed description clearly describes the property in question, all the boundaries are fenced or otherwise well defined, the seller has been living on and using the property for over ten years and you have talked with the neighbors and they all agree with the apparent boundaries, then your risks in not getting a survey are quite low.

If you are buying vacant land that has a poor deed description and no fences, then your risks in not getting a survey are probably very high. If you are buying with the intent to build, you should be sure that power and telephone service is available, that there is a source of drinking water, and that an acceptable sewage disposal system can be installed.

With all of today's arbitrary subdivision, zoning, environmental and health department regulations you should not buy any property on the assumption that you will be allowed to build on it or subdivide it. Competent legal and survey help is becoming more important with each new regulation. It would take many volumes to list and explain all the potential problems. Here is one example. A large tract of land with lake frontage is for sale at a very low price. You see a chance to subdivide it into building lots and quickly double your money. You check the town zoning and subdivision requirements and find no problems, so you buy the property. Then you find out why the property was so cheap. All the building rights to this parcel have been given up by an earlier subdivision to satisfy Adirondack Park Agency density guide lines and also, just below the surface is solid rock ledge making it impossible to install a septic system. All you can do on this property is farm or picnic.

Do you need a survey when you build? This is of course a matter of the value of the construction weighted against the uncertainty of the boundaries and the strictness of the zoning laws and their enforcement. If you are building a structure that you expect to take out a mortgage on, do not take the risk, as you will need the survey later anyhow. If you are building an expensive or difficult to move fence or a paved driveway near a property line your risks would be high if you did not get a survey. Maybe you just want to put up an ornamental split rail fence and would rather give your neighbor the benefit of any doubt than go to the expense of a survey. You should understand however, that a fence in time can become the true property line and you might be giving away some of your property rights.

If you are subdividing property you are required by the Real Property Law of the State of New York to have it surveyed and a map thereof filed with both the County Clerk and the Town or Village Clerk. This law however, like many of the local zoning and subdivision laws, has seldom been enforced. If you are willing to take the risks of deeding out property without having it first surveyed, you should at least have a qualified surveyor help with the wording of the deed description. This will cost very little and could save a lot in both money and legal problems when it comes necessary to locate these new lines on the ground. ownership and the kind that insures location and area along with ownership. Be sure you know what you are getting.