



KEVIN A. HALL, L.S.
ADIRONDACK LAND SURVEYOR

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.



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LOCAL HISTORY AND TITLE PROBLEMS

Only a few hundred years ago people bought and sold property without the need for deeds, lawyers and surveyors. Property ownership was a matter of common local knowledge. When a parcel was sold the grantee and the grantor would have a party for all the neighbors. The grantee would, as part of a local ritual, pay money and take possession of the land. Everybody would walk the boundaries and from that point on the new owner and his boundaries were simply a matter of common local knowledge. Elders would perpetuate this knowledge by walking boundaries with their sons, giving them a good hard slap at each corner to be sure they remembered the location.

The need of government to have a written record of land ownership for assessment has brought us the present system that bases ownership of real property on a recorded deed. This of course requires that the deeds describe each particular piece of property in such a way that there can be only one possible location, that all the corners and lines can be found or determined with certainty and that there are no gores between or overlaps with adjoining property. It also requires that the parcel description used in deeds be such that time will not reduce this certainty. These ideals have seldom been achieved. Some early deeds, reflecting the old method of conveying land, had descriptions that began “Beginning where we both stood yesterday” or “Beginning where the white cow was standing”. Many current deeds call for a stake in the centerline of a road that has been paved for over forty years or a pine stump that rotted away one hundred years ago as a beginning point or corner. I’m sure you can understand some of the land surveyor’s problems when he is expected to locate one of these points today.

Most home owners in these United States live on a piece of property that is a lot on a filed subdivision map. The property description portion of their deed simply says something like “Being lot 2 of Block 3 of Sunny Side Acres, County Filed Map No. 1234, located in the Town of Someplace, County of Anywhere, State of New York”. If the subdivision was done by a competent surveyor and if the controlling monuments have not been moved or destroyed, the surveyors job is relatively easy. There is no deed research to be done and the only real concern is possible encroachments or zoning violations. It does not cost very much to survey one of these lots even though the value of the house and land is very high. People moving from one of these high priced lots to a parcel in the Champlain Valley of much lower value that is described by metes and bounds will be surprised by the higher surveying costs in this area and this makes it necessary to explain some of the reasons.

Before 1800 the Champlain Valley in New York State had only a few small settlements along the lake shore. The majority of the growth and development occurred between the early and middle 1800’s. By 1850 the population of many towns was twice what it is today. You will find many large old cemeteries in this area testifying to this fact. Some of these cemeteries are all that remain of a once thriving hamlet.



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As the west opened, people left the Champlain Valley for the better farming, mining and industrial opportunities that this new land had to offer. The iron and glass works in this area had to make charcoal before they could smelt iron or make glass. They could not compete with Pennsylvania that had coal along with good iron ore and sand for glass. Farms were abandoned or sold for the best offer. In most cases it was the better surveyors and attorneys who had the initiative to go west, thereby leaving this area in the hands of the less competent. This area was therefore left without the professional competence or economic justification needed for good survey work and proper deed descriptions.

As property values in this area increase, and as new homes are built and old ones restored, it becomes necessary to do whatever work is needed to eliminate the many title problems caused by years of neglect.

The word title, as used in reference to real property, is generally defined to be evidence of right which a person has to the possession of property. This right is composed of two parts, ownership and location. An attorney certifies ownership based on a study of an abstract of title and a surveyor certifies location based on a field survey. There are two kinds of title insurance, the kind that only insures

Be careful of existing survey maps, even those done by this firm. Surveys are made for specific purposes and many maps are not really surveys at all. Consider the case of a farmer who is going to give his son a small parcel out of his farm. The parcel is marked on the ground, measured, a map of the survey is made for planning board approval as a minor subdivision and a description is prepared for the deed of conveyance. No work was done by either an attorney or the surveyor to determine that the father in fact owned the parcel being conveyed to the son. The son was willing to take the slight risks involved rather than spend the money necessary for a guarantee title. Anyone buying this parcel from the son will be assuming these same risks unless they have a complete survey done.

If there is an existing survey done by a surveyor who is still practicing, you should make inquiries as to his reputation and look at some samples of his work. If you feel he is competent in the area of your needs, then have him do a continuation survey to your requirements.



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TYPES OF SURVEY SERVICES

LOCATION OR TITLE SURVEY:

This type has many aliases and many poor substitutes. Because the location survey is a necessary part of complete title insurance it is often called a title survey. For the same reason it is sometimes called a land title survey, mortgage survey or just simply survey.

What is a location survey? It is a survey that is required by and is certified to a title insurance company, lending institution, and or individuals with an interest in real property. It is part of a package that insures the existence of good marketable and problem free collateral for a mortgage. It is the total combined work of deed and map research, field survey, computations and working drawing as needed, survey analysis, additional field work as needed, drafting of the Map of Survey, preparing a new metes and bounds description if needed and a report of survey if needed. Most important, it is a survey to physically locate on the ground the locative calls of a particular deed description. This of course is why this type of survey is called a location survey. Once the title lines have been established, it is also a survey to locate and show evidence of possession such as fences, walls, hedges or limits of apparent use in relation to the title lines along with the location of buildings, driveways, apparent easements and all other physical facts that the surveyor believes might be of concern to the new owner or the title company. Building offsets and setbacks are shown so a check can be made by any concerned party as to conformity with deed restrictions, zoning regulations, building codes and Adirondack Park Agency permits.

A location survey can be very simple or very complex and only a land surveyor with extensive experience in the area in question will know what needs to be done for a proper survey. If the property in question has a reliable existing survey done by a land surveyor who is still in practice, all that may be needed is a field inspection and a few simple checks with a tape. If the property has a poor quality metes and bounds description there may be a need for many hours of research to determine senior rights and develop the information needed to properly locate the title lines on the ground. There may even be a need for traverse work across adjoining properties to establish the lines in question. This is why terms like “tape survey” or “instrument survey” have no real meaning. How a location survey should be done and what equipment is needed to do it correctly can only be known by a qualified professional land surveyor that has the necessary experience in the particular area in question.

In many geographic areas the setting of corner markers is not considered to be a necessary part of a location survey. If the property in question is a lot in a properly monumented modern subdivision done by a reliable firm, there may be no need or justification in requiring corner markers. This type of subdivision, which is quite common in urban areas, does not exist in Essex County or its surrounding areas. Therefore, Kevin Hall Surveying considers good corner markers to be a necessary part of all location surveys within this geographic area. All location surveys done by Kevin Hall Surveying will include all work normally done for a boundary survey.

Kevin Hall Surveying will make a reasonable attempt by research and or field survey to determine and map the probable true width and location of all public roads bounding the subject premises. If we cannot determine the bounds with certainty, the bounds as shown on the Map of Survey will have the note “Assumed road bounds”.

The government and the legal professional have not done what should have been done in the past to create, maintain and retain adequate records for public roads. The laws of this state regarding roads are many and complex and the courts have been inconsistent in the interpretation of road legislation.

Most of the public and some of the private roads in use today in northern New York were created between 100 and 200 years ago. In many towns there were twice as many miles of road 100 years ago as there are today. Sections of many roads were once part of a turnpike.



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The surveys for most early roads were quite crude and were only recorded by description in the town record book. Many of these towns records have been lost or misplaced, and where they are available it can take many hours of careful reading to attempt to find a particular description. And even when an early road description is found, it is seldom possible to relocate it on the ground with the precision and certainty desired.

In more recent years, when the county or state has acquired land for highways, most of the monuments set to mark the limits of the new highway bounds were crudely set by irresponsible contractors, often many feet from the intended location.

For the foregoing reasons, Kevin Hall Surveying is not herein responsible for determining the location and width of adjoining roads with absolute certainty as part of a standard location or boundary survey.

If an individual or company has a need for certainty of location and width of a particular road because of planned improvement, zoning or other reasons, they should contract with an attorney and Kevin Hall Surveying to resolve the problem in the most practical manner.

A Location Survey shows the location of and general description of buildings and other major artifacts existing at the time of the survey. The Land Surveyor is not herein responsible for attempting to determine any possible zoning violations. Most local zoning laws are ambiguous and building permits are often issued by zoning officers without reference to a survey of any kind. All questions of possible zoning violations or building rights as per the Adirondack Park Agency regulations are herein considered to be questions of law and therefore are the responsibility of the legal profession.

Many parcels have been subdivided and deeded out from larger parcels in recent years without obtaining the required local planning board or Adirondack Park Agency approvals. The determination of whether or not proper approvals have been obtained as required by law is herein considered to be the responsibility of the legal profession.

It is common practice to mortgage a portion of a large parcel and to have a title survey prepared only for the portion to be mortgaged. It is herein considered a question of law, as to whether this type of separation can legally be done without zoning and planning board approvals, and it is therefore considered to be the responsibility of the legal profession to obtain any necessary approvals or inform the surveyor of any requirements such as minimum areas or setbacks.

On large tracts of land, those lines that are not clearly evidenced by existing fences, stone walls or roads will be cleared, blazed, and painted. The blazing will consist of the marking of a reasonable number of trees along or within about three feet of the property line. Blazes are made about shoulder high with an ax. A small section of bark and underlying wood is removed. In a few years the blaze will heal or grow over, but a slight scar will always remain that can be found and followed by a competent land surveyor. Also, any future surveyor will be able to cut into a tree, count the growth rings, and determine the year in which the blaze was made. Trees that are intersected by the property line will have just two blazes, one on each side of the tree with a blaze facing you as you walk along the line. Trees that are not on the property line will have a third blaze facing toward the property line. In the past, many lines in the Adirondacks have been blazed by unqualified or incompetent individuals. It is very risky to assume that a line of blazed trees marks the true property line when you do not know who made the blazes.



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BOUNDARY SURVEY:

A survey to find or set a good secure long lasting identifiable marker at all property corners and angle points in the property lines. Additional markers may also be set if needed for line points on long straight boundaries. A limited survey may be done for one line only, but in most cases, only a small amount will be saved by not getting a complete boundary survey. A map of survey showing and describing the markers found or set, showing the bearings and distances between these markers, showing any differences between the deed boundary location and physical possession lines, showing the area and noting all pertinent deed and map data as used in determining the boundary locations is prepared as a necessary part of a complete boundary survey. This type of survey may not include everything required by a location survey. If you think you might need a survey for title insurance in the near future it would be wise to let your surveyor know so he can include any additional work that might be needed.

There is always the possibility that the work done on a boundary survey will turn up a problem area that can only be resolved by a boundary line agreement, a legal action to quiet title, or building a good fence and waiting for time to make the fence the legally correct line. Incompetent surveyors often use boundary line agreements where they were never really needed. A good land surveyor, one that understands his quasi-judicial rights and duties regarding boundary location, will seldom have to burden the client with these additional problems. However, should the need arise, a good surveyor will provide a detailed report of survey explaining the problems and the possible solutions.

Kevin Hall Surveying feels that potential clients have a right to know what to expect when they negotiate for survey services, and to that end have included a description of the type and quality of markers that are normally set, and the level of precision that is normally achieved. It is important in this description to have a clear understanding of the meaning of precision and positional tolerance. To that end the following definitions are provided.

Precise or precision as used herein relates to acceptable levels of error. A measurement with a high degree of precision will have an acceptable error of less than 0.01 feet per hundred feet. A measurement with a low degree of precision might have an acceptable error of 0.10 feet or even 1.0 feet per hundred feet.

Positional Tolerance as used herein refers to the acceptable positional error between any two corner or line markers on a particular survey. Positional tolerance is a circle in which any marker must fall when referenced by perfect angle and distance measurements from any other two markers on a particular survey. As such, positional tolerance is a function of the distance between the markers in question. With a positional tolerance of one part in five thousand, a marker one hundred feet away would be required to fall within a circle having a radius of 0.02 feet while a marker five thousand feet away would be required to fall within a circle having a radius of one foot.

Measurements will be made using instruments and methods capable of attaining a precision of 1 part in 10,000 or greater. All transits and total stations will be maintained in good condition and close adjustment. While every reasonable effort will be made in both field work and office balancing and adjusting to attain a positional precision of 1 part in 10,000, it must be recognized that some field work will be done under conditions of wind and cold that make it difficult or impossible to attain this precision and that some large wooded tracts do not have a value that would justify this precision. The minimum positional tolerance that can be expected for location surveys and boundary surveys done by Kevin Hall Surveying is therefore established at 1 part in 5,000. A positional tolerance that is higher or lower than this can of course be contracted for.



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All new corner and line markers will be detectable with conventional instruments used to find ferrous or magnetic objects. All new markers will have a minimum outside diameter of 5/8" for iron rods and a minimum inside diameter of 1/2" for iron pipes with a minimum length of 24" set below grade unless the marker is properly set in concrete. Where practical, a length of three feet or more will be used. A short section of iron pipe set in a drill hole in a large stone, rock ledge or concrete may also be used as a marker. Old axles, drill rods or other suitable forms of iron or steel bars will be used when available as their uniqueness lends certainty to their identity as the intended point.

To help identify and be certain of the corners markers found or set, the Map of Survey will contain complete descriptions. A minimum of two corner markers will have a minimum of two reference ties from reasonably permanent physical objects such as house corners, utility poles, fire hydrants, trees or cross cuts.

LIMITED SURVEY:

Any specific survey service that by agreement is less than would normally be done for a complete survey. It might be the survey of only part of a property line. It might be the marking of property corners without preparing a Map of Survey and supplying instead a report of survey. Or it might be determining the area of a parcel to a very low degree of precision. There are many limited services that a competent land surveyor can provide.

CONTINUATION SURVEY OR UPDATE SURVEY:

Bringing an existing survey up to date. This requires appropriate field checks, a new map of survey or revisions to the existing map and new certification if needed. This type of survey should only be done by the surveyor or firm that made the original survey.

TOPOGRAPHIC OR ARCHITECTURAL SURVEY:

A survey to locate and map the physical features and elevations of a site. The surveyor should know what construction or design is being planned so that the survey can be done in the most economical manner. This type of survey is often labor intensive, especially if the terrain is irregular, the ground cover is dense, or if a contour interval of one or two feet is required. Large topographic surveys may best be done using aerial photography. Advance planning is very important due to short flying seasons (spring or fall). Sometimes it is wise to get the necessary photography in case it is needed. There may also be times when we have in our files existing photography and controls that can be used for your mapping needs. Some limited form of boundary surveying may be necessary as part of a topographic survey if we feel there is some question as to the location or boundaries of the parcel being mapped.

FORESTRY SURVEY:

A survey to mark a property boundary line or lines to designate the limit of a timber harvest or to determine the amount of a timber trespass. Depending on the property value and the timber value, the lines may be run roughly by hand compass and marked with plastic ribbon flagging or they may be more precisely run and marked with ax blazes and paint on trees. In the case of a timber trespass, the stumps would be counted, measured and the species noted so that the value of the timber taken in the trespass can be determined. A map of survey is usually not a necessary part of a forestry survey. This type of survey may require extensive deed and map research along with field traverse and survey analysis to determine the correct corner locations before the lines can be marked.



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SKETCH MAP:

A map that can be used to correct an assessment map that is in error, as a marketing tool by real estate brokers, for preliminary subdivision work, and for general low cost information. A sketch map is prepared using data found in deeds of record, existing survey maps, assessment maps, aerial photos and where necessary, rough taped distances and hand compass bearings. The same detailed and complete deed and map research that would be done for a complete survey is done in the preparation of a sketch map. Because of the limited amount of field time and the rough rather than precise measurements, this type of map cannot be called a survey and cannot be signed or certified as such. A sketch map will usually develop the necessary data to indicate the correct area within about one percent and boundary distances within about ten feet. It is of course always possible that the work done for a sketch map will turn up problem areas that will require a more detailed survey or a boundary line agreement for a final solution. A sketch map is not cost effective on small parcels where a complete survey could be accomplished with only a few additional hours of field time.

DEED PLOT:

A sketch drawn from existing deed and map data without any field measurements or inspections. If you have a good deed description that was taken from a survey, but a copy of that survey can not be located, then a deed plot will at least reproduce part of the original survey map. A deed plot can only be completed if there is enough data in the available records to fix the shape and area of the property in question. Most deed plots are a sketch or working drawing that is used as an aid in scouting property to plan the field work and as an office tool when doing survey analysis.

DEED DESCRIPTION:

Composing the wording for the part of a deed that describes the parcel being conveyed. This work should always be done by a surveyor because a surveyor will someday have to use the description to establish the physical boundaries on the ground. If a location or boundary survey has been done on the property that is to be conveyed, it is a good idea to have the surveyor prepare a description based on the survey to be used in the deed of conveyance. If a parcel is being subdivided without a survey it is very important that a competent surveyor help with the description to avoid the possibility of expensive legal and surveying problems when it becomes necessary to survey these new boundaries.

SITE PLAN:

A sketch based on existing survey data showing a proposed building along with proposed sewer and water connections or systems. A site plan is used for planning and for indicating compliance with existing regulations when applying for a permit.

FOUNDATION LOCATION:

This is a service that is sometimes required by lending institutions that are advancing construction money as the work progresses. They need to know that the house they are financing is not in violation of existing regulations.



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PERCOLATION TEST:

A test taken to determine if an acceptable septic system can be built on a particular piece of property. A hole approximately three feet deep and one foot square is dug in the area of the proposed septic system. Water is placed in the hole and the rate of absorption by the ground is monitored until it stabilizes. It is also wise, if practical, to have a hole approximately ten feet deep dug by a back hoe to find out if there is a critically high water table or if seepage pits could be used instead of a disposal field. Many towns now have strict ordinances that require permits to build and use a septic system. You would be taking a big gamble if you purchase a piece of property with the intention of building a dwelling thereon without having this test done. Sellers might want to have the test done to establish market value and in the case of most subdivisions, it would be one of the requirements for approval. Consideration should also be given to water supply when a percolation test is done. Is there a public water system or will a well be required? If a well is needed can it be placed the required safe distance from proposed and existing septic systems? Are there working wells in the area and if so how deep are they?

SUBDIVISION SURVEY:

A survey that establishes new boundary lines. There are many variations of this type of survey such as buying a small strip of land from a neighbor, exchanging parcels with a neighbor to create a more suitable boundary, setting one or more building lots out of a large tract, or dividing a tract of land to settle an estate. A sketch map showing the proposed subdivision is sometimes needed for preliminary planning board approval. All zoning and subdivision regulations should be reviewed and complied with. Suitable corner markers must be set and a map of survey prepared that can be signed with any necessary approvals and recorded in the County Clerk's Office. A metes and bounds description of the parcel to be set out will also have to be prepared for incorporation into the deed of conveyance. When building lots are being created regulations may require a topographic survey and percolation tests. If there will be new roads or more than four building lots you will probably be required to have engineering design of the roads, water supply, storm drainage and sewage disposal. There are of course many other types of surveying services that we provide, such as all types of construction stakeout, engineering surveys, aerial mapping control and industrial alignment. They are not explained in detail here because the companies and individuals that use these services usually know exactly what they need and how to convey these needs to the surveyor.



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CLIENT OPTIONS

If you decide a survey is needed you must then choose a surveyor and tell him why you want the survey so he can discuss with you the various options affecting the cost. Listed below are some of these options.

Is there a need or desire to reference the horizontal control to monuments in the East Zone of the New York State Plane Coordinate System? The additional cost for this tie in will depend on how close existing control is to the property in question.

If elevations are to be shown is there a need or desire to reference them to the current mean high sea level datum? The additional cost will depend on how close a suitable benchmark is to the job site. Is there a need or desire to reference the survey to true astronomical north or is a current magnetic north preferred? On a topographic survey, are contour lines needed or just spot elevations?

Is there a need or desire to attempt to determine the true limits of any road rights of way or are assumed road bounds acceptable?

What type of map is preferred? A large map with a lot of detail or a small map with a minimum of detail?

On a boundary survey, is there a need to blaze and paint trees to mark the lines? Are line markers needed in addition to corner markers?

What kind of corner markers are preferred? Iron pipes, iron pipes set in concrete and stones, reinforced concrete monuments, stone monuments or special manufactured markers? Should the markers be set flush with the ground or left up so they can be easily found? Is there a need or desire for corner reference ties to trees, buildings or other good reference points?

Are there specific limits on clearing or can any trees or brush be cut to expedite the work?

What is the required precision of the work? How much possible variation from the relative mathematical positions of the corners is acceptable?

Will a new deed description taken from the new survey data be required?

Is a report of survey desired either as an alternate to a forestry survey map or as a supplement to a very complex boundary survey?

Do you want to do the work and take the responsibility of finding out what the regulations are affecting the property or would you rather have your attorney or surveyor do this for you?



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PROBLEMS WITH DEEDS

The average person buying property assumes that there is some kind of government system protecting them. If they retain an attorney who certifies that the deed they are getting conveys ownership, why do they also need a survey?

There simply is no government system that accurately relates recorded deed ownership with actual location and area. The assessment maps are a first small step in the right direction but you will find no one in or out of government willing to say, let alone certify, that they are correct.

Will your attorney certify that the house you are buying is on the property described in the deed you are getting? Will he certify that you are getting all the area called for by the deed and that there are no encroachments or takings by adverse possession? Will he show you where your property corners are?

How could a house not be on the property? Here are two examples from our own files.

A man with a large tract of land agreed to sell a friend a small parcel out of one corner of his property so he could build a house. They marked the parcel out together, did their own measuring, and wrote their own deed description. The house was built within the limits of the marked out parcel and some years later the property was sold without a survey and using the original description. When this second owner decided to sell, the buyer had a survey done and it was discovered that the property described by the deed did not include the property the house was located on. A big error had been made by the men doing their own measuring and description writing, but someone else had to pay for it.

A man brought a parcel of 17 acres more or less by quit claim deed from the county and made his own determination of where this parcel was located on the ground. He then showed and sold this property by warranty deed to two men who were new to this area. They divided the property and built two houses. When the houses were just about complete it became necessary to have a survey done for mortgage purposes. The survey discovered that the deed from the county conveyed only about 9 acres of swampland and the new houses were built on a neighbor's property. The neighbor even helped them build. He never had a survey, didn't know what he owned and thought they knew what they were doing. They have a warranty deed and could probably sue to get back part of what they paid for the worthless swamp property but this is small consolation when you still have to try and buy the property your house is on.

We could go on for many pages describing surveys from our files that found buildings on the wrong property, deed lines running through buildings, areas that were only half what the deed called for, deed parcels that did not exist or belonged to someone else and many other problems. Just because you have a deed that says you own a certain amount of frontage and a certain amount of acreage does not automatically make it so. It should, but it doesn't.

Of course most deeds are without major problems and all the differences found between deed and fact will not be negative. Many times a survey will find more frontage or area than the deed called for.

Many of the deed descriptions currently in use in this area are for parcels that were originally set out more than one hundred years ago. Each time the property was sold the description was copied for a new deed. Down through the years many errors have been made in the copying Bearings, distances and other data have been left out or changed. In years past a parcel sold for unpaid taxes was simply described by the assessed adjoining owners even though a good metes and bounds description existed in an earlier deed. These and other problems make it necessary for the surveyor to spend many hours searching in the county records for old deed descriptions of the property being surveyed and also of all the adjoining property.



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CERTIFICATIONS

If cost and time were of no importance, all survey work could be done to the highest order of precision possible. Every detail could be located and shown. Surveys could be checked in so many ways that there was no possible chance of the slightest error in any form. But cost and time are important, and so is the value of the property to be surveyed.

For some parcels in northern New York the cost for a proper survey would be more than the value of the land, and for many other parcels the cost of a high precision survey could not be justified.

The Land Surveyor is a fact finder with special education and training along with experience in, knowledge of, and often extensive records for a particular geographic area. Most Land Surveyors in private practice are continuously learning and developing better methods and checks to make their surveys as perfect as possible within socially acceptable costs. They are never-the-less human, and cannot be expected to guarantee that their work is totally error free or that every quasi-judicial judgement will be affirmed by any and all courts of law. The legal obligation of the Land Surveyor is to provide a proper professional service. This means the Land Surveyor must meet or exceed the normal standard of care, provide adequate supervision of employees, and otherwise try to make their surveys as perfect as is reasonably practical.

Legal realities only allow a practitioner to certify to a normal standard of care or minimum standards that do not begin to consider professional experience or ability. An ordinary certification merely indicates that a particular survey is no worse than most other surveys done at about the same time and in the same geographic area. Therefore, a certification has only limited value. Your real security will lie with adequate title insurance and a reputable land surveying firm.

The standard Kevin Hall Surveying certification indicates that the survey meets or exceeds the minimum standards for land surveys published in the current Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors.

If somebody has a need for a complete guarantee, they must contract specifically for this service.

OVERHEAD

A surveyor in the north country today who wants to provide a proper and complete service to his clients has more overhead than most people would suspect. He must employ skilled technicians and woodsmen that can operate the many different surveying instruments and assist in all phases of field work, office computations, drafting and deed research. He must purchase and maintain a theodolite with built in electronic distance measuring equipment that cost many thousands of dollars. He must have a modern field vehicle equipped with a magnetic locator, tripods, chain saws, steel tapes, level rods, sight poles, shovels, axes, safety cones, safety vests and many more tools and supplies. He must have an office equipped with computers, calculators, copying machines, drafting tables, typewriter, filing cabinets and all other ordinary office and drafting supplies. He must collect and maintain old survey records and maps that might help with future work. He must attend conferences and seminars and have a modern survey library in order to know the latest laws and newest technology. In January and February the snow is usually too deep for productive field work and this time is spent filing maps and records, repairing equipment and increasing professional knowledge.

When the accounting has been done at the end of a year it is always less than half of what was charged to clients in hourly rates that is left for the surveyor's salary.



KEVIN A. HALL, L.S.
ADIRONDACK LAND SURVEYOR

CHOOSING A SURVEYOR

I surely wish there was no such thing as problems with surveys and that every survey done by a New York State Licensed Land Surveyor was a good reliable survey. Then all you would have to do is call the licensed surveyors in your area for the lowest price.

Unfortunately it is quite possible to get a bad survey, one that is worse than no survey at all, and not find out for many years. Why is a bad survey worse than no survey? Because it may cause fences to be built in the wrong location or deed descriptions to be written incorrectly thereby creating survey and legal problems.

Surveyors that do cheap surveys cannot afford to spend the time on deed and map research, looking and digging for monuments and doing survey analysis that is needed to correctly determine boundaries. Since they are unsure of the boundaries and worried about the liability they tend to give the benefit of any doubt to the neighbor.

If you want a surveyor that will protect your interests, you must choose carefully. Don't be afraid to ask questions about experience or ask to see samples of recent survey maps. You might also ask what professional organizations the surveyor belongs to and what conferences or seminars he has attended recently.

Land surveying is not just a simple exercise in measuring. It is a professional service that requires quasi-judicial decisions as to the correct location of property corners and lines along with value judgments on what will best serve the client's interests. A survey might require good knowledge of real property law, forestry, astronomy, local history, construction or engineering. If you want a good survey you must be sure that the surveyor you have chosen has the knowledge, experience and equipment needed for your survey.

The highest price quote will not always mean the best survey. One surveyor may already have extensive control and information for the area in question, while another surveyor would have to spend many hours to develop this data. One surveyor might be so busy he would have to work overtime to get your job done, while another surveyor could easily fit the job into his schedule. A surveyor may be including in his price work that you do not need. These and other factors, such as having the right equipment and travel time to the job site, can effect survey costs.

Choosing the right surveyor is not easy. You will be depending on the professional judgement of the surveyor you choose, so take some time, ask some questions, and choose carefully.

We hope this brochure has helped you understand why surveys are needed, if you need one and what type of survey would satisfy your needs. With our modern equipment, extensive records and local experience, we feel able to provide the service you need in a prompt and economical manner.