

SELECTING A LAND SURVEYOR

Only a Professional Land Surveyor (land surveyor) licensed through the Oregon State Board of Examiners for Engineers and Land Surveyors (OSBEELS) is authorized to perform land surveys in Oregon.

Before selecting a land surveyor, a property owner or developer needs to consider the surveyor's qualifications. Details of the surveyor's past experience and references should be requested. Like many professions, price is not the sole indicator of the quality of work that will be done for you. Select a land surveyor only when you are confident the person has the necessary facts as well as a thorough awareness of your needs and the requirements of governmental agencies.

In more complex land development projects or where boundary disputes occur, a land surveyor is often part of a team comprised of other professionals; e.g.; attorneys, engineers, architects, planners and environmental specialists.

SURVEY DEFINITIONS

ADJOINER: The next-door neighbor or the property next to the owner's.

ADVERSE POSSESSION: A situation where ownership can be claimed by use or occupation. As defined by law, certain rules apply which are best understood through consultation with a land surveyor or legal counsel.

AGREED BOUNDARY: When adjoining reach agreement where boundary locations are in conflict. This can save thousands of dollars that would otherwise be wasted in resolving disputes.

ENCROACHMENTS: Physical evidence that may represent intrusion or trespass by someone with no legal rights to use the property as described in a deed (use of an owner's land without permission).

OCCUPIED BOUNDARY: Land the property owner occupies that may be defined by fences, hedges or other improvements constructed near or on boundary lines, erected by either the owner or neighbors (adjoiners).

OWNERSHIP BOUNDARY: The perimeter of a parcel of land as defined in a deed or represented on a subdivision/partition plat. When the "Record Title Boundary" and the "Occupied Boundary" agree without evidence of unwritten "Encroachments," a parcel is considered to be free of encumbrances. If the deed is in conflict with the "Occupied Boundary" or evidence exists of unwritten rights only the courts can settle the issue of ownership; e.g.; the public creates a path across property without securing permission from the owner.

RECORD TITLE BOUNDARY: The limits of land conveyed as described in a property owner's deed.

A GUIDE TO SELECTING AN OREGON LAND SURVEYOR



photo by Tymun Abbott

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VALUE OF RETAINING A LAND SURVEYOR

As a property owner, have you been in the position of needing a land surveyor? If so, the Professional Land Surveyors of Oregon (PLSO) has prepared this brochure to help you better understand this process.

Surveying is a highly technical field that requires expertise in real property law, public records research, evaluation of historical survey evidence, mathematics, statistics, measurement systems, planning regulations and current computer technologies.

Surveyors are often retained:

- Prior to purchasing real property
- Prior to beginning any construction improvements within property boundaries
- When dividing parcels of land for sale or adjusting existing parcel boundaries
- When property ownership disputes arise
- To investigate written records and historical survey evidence

Employing the services of a land surveyor can help property owners avoid lawsuits or unnecessary expenses relating to land ownership or a potential land purchase.



SURVEY TYPES

A.L.T.A. SURVEY OR EXTENDED TITLE INSURANCE COVERAGE: To supply a title company and lender with survey and location data for issuing American Land Title Association or Extended Coverage Title Insurance. Such surveys typically show the relationships of existing improvements on a parcel of land relative to the boundaries as defined by the deed. (A.L.T.A. or American Land Title surveys may require a boundary survey).

BOUNDARY: To locate the property corners and boundary lines of a given parcel of land. This involves record and field research, measurements and computations to set boundary lines in accordance with state law. Easement lines and encroachments may also be located in this type of survey.

CONSTRUCTION: To provide construction personnel with directions (by way of staking or other notes) for erecting improvements shown on plans for development; e.g.; roads, buildings, and pipelines.

CONTROL: To establish precise horizontal and vertical positions of points on the ground for use in boundary determination, mapping from aerial photographs, construction staking and other related purposes.

SITE PLANNING: A combination of boundary and topographic surveys for site plan preparation to be used for designing improvements or developments prior to construction, often required as part of a development permit application.

SUBDIVISION OR PARTITION: To subdivide or partition a tract of land into smaller parcels, showing property corners and survey data on a map in conformance with local and state law.

TOPOGRAPHIC: To locate topographic features of the land—natural and man made; for example; buildings, improvements, fences, elevations, trees, streams, and contours (e.g., lines of equal elevation). This type of survey may be required by a governmental agency or may be used by engineers and/or architects for design of site improvements or developments. It is also an excellent management tool for large tracts of forestland. Such a survey is not necessarily limited by property boundaries.

SURVEY METHODS

Land surveyors use electronic distance and angle measuring equipment; some use Global Positioning Systems (GPS) technology. Modern computer systems also assist the professional land surveyor in efficiently measuring and evaluating map data. Research is often required at the county courthouse, Bureau of Land Management, state library, title companies and/or other repositories of land records.

CLIENT RELATIONS

Your land surveyor renders a highly technical and complex service. This work is the foundation upon which your project is built. In case of controversy, a land surveyor may appear in court on your behalf as an expert witness or provide written legal opinions on why a dispute about a boundary exists.

Many land surveyors act on behalf of their client at planning commission meetings and/or other public hearings when city or county permit approval is required for certain developments. They may also prepare feasibility reports for more complex projects.

PLSO members subscribe to a strong Code of Ethics and are committed to the highest standards in protecting the public's interest while establishing and evaluating land boundaries and the construction of improvements.

SURVEY COSTS

The cost for most land surveys is based on the following factors:

- 1. SURVEY TYPE:** The complexity of a survey and the presence of any disputes are significant factors. The development of large industrial sites or rural land could require many hours of effort as compared to the survey of a residential lot; cost is proportional to the time needed to complete a survey but is not necessarily proportional to parcel size.
- 2. RECORD SEARCH:** Research varies by (a) the number of parcels; (b) the number of past transactions; and (c) the quality of legal descriptions, which may require examining property ownership documents; e.g., deed records, road records, and planning reports.
- 3. PROPERTY SIZE AND SHAPE:** An irregularly shaped parcel has more property corners to mark than a rectangular parcel containing the same area. The property size, along with features such as water boundaries, has a direct effect on the time required to survey the land.
- 4. SECTIONALIZED SURVEY WORK:** Oregon rural property surveys are typically based on work that was performed more than 100 years ago by General Land Office (GLO) surveyors. Following in the footsteps of these "sectionalized" surveys (a section = one square mile) could require considerable effort. Looking for evidence of old surveys is an art and can require extensive fieldwork.
- 5. TERRAIN:** A level parcel of urban land is easier to survey than a mountainous rural parcel.
- 6. VEGETATION:** Branches, brush, and small trees must often be cleared near the property boundaries to provide a line of sight. Shrubs, flowers, and trees on home sites are normally not disturbed but may require additional field time to avoid when placing final corners.

7. ACCESSIBILITY: The time needed to perform surveying work varies with the distance to and difficulty in reaching property boundaries. Your land surveyor may need to recover survey monuments on a neighbor's property some distance away from the parcel being surveyed. These distant survey monuments may influence boundary location, affecting costs.

8. AMOUNT OF EXISTING EVIDENCE ON PROPERTY: Existing evidence left by previous surveyors may assist your land surveyor; for example, iron, wood, or stone monuments (markers), old fences and other evidence of boundaries erected. Testimony by long-term residents may be required and valuable.

9. DIFFICULT NEIGHBORS: When neighbors are cooperative, a controversial boundary line location may be set through boundary line agreements at considerable cost savings. When neighbors dispute a boundary, access to important boundary evidence may be difficult, thereby affecting costs.

10. SEASON: In the summer, thicker foliage may result in more field labor; winter weather may slow travel as well as conceal critical field evidence.

11. TITLE COMPANY/LENDER REQUIREMENTS: Landowners should have a good understanding of the costs and documents required prior to beginning a survey. Your land surveyor can assist you in understanding these requirements.

12. OTHER FACTORS: State law requires filing of a survey map with the County Surveyor whenever a boundary monument is established. Most counties charge recording fees to maintain these records, which may be costly. Due to the potentially litigious nature of property law, some companies carry professional liability insurance as additional protection for their clients.

There are many variables that make it difficult to determine exact costs in advance. However, based on experience, your land surveyor should be able to provide a cost estimate. The land surveyor you choose may require a contract for their services that details the work to be done and the compensation.

FREQUENTLY ASKED QUESTIONS

WILL A LAND SURVEYOR TELL ME WHERE MY BOUNDARY LINES ARE? In Oregon, as in most states, only a court of law can decide questions of property ownership. Your land surveyor locates the boundaries of the property on the ground as described in your deed, marking the property corners with physical monuments if none exist, provides a map and documents survey results. This map will be recorded with the County Surveyor in the county in which the property is located. If conflicts exist, your land surveyor will explain why and advise on proper remedies. Only the courts can settle disputes over ownership.

WILL I KNOW IF ENCROACHMENTS ON THE PROPERTY EXIST? Typically yes, your land surveyor will know of the existence of encroachments as a result of research. Encroachments may not have to be shown on the map submitted for filing with the county surveyor. A separate map may be necessary.

WILL I KNOW IF EASEMENTS EXIST ON MY PROPERTY? If the purpose of the project were a complete boundary survey, the answer would normally be yes. In the case of a survey for one boundary line to check the location of an improvement or fence line, possibly not. The owner should make it clear to the land surveyor what additional information should be disclosed by the survey. Practically speaking, the research necessary to survey one boundary is generally the same as surveying entire parcel. If the property has not been surveyed in a long time or boundary monuments have disappeared, a complete boundary survey is the most cost-effective.

HOW WILL I KNOW WHAT HAS BEEN SURVEYED? Your land surveyor will perform the survey in accordance with the scope of work mutually agreed upon. If the scope of work calls for monumentation, property corners will be marked with steel rods or other permanent monuments with the license number of the land surveyor or the registered business name stamped on it. The property corners should be shown to the owner. A survey map will be filed whenever property corners are set indicating dimensions of property lines and other relative data as required by state law.

SHOULD I EXPLAIN WHY I WANT A SURVEY MADE? Prior to beginning a survey, the owner should clearly define the scope of work with the land surveyor by clarifying goals and expectations for the finished product. The more the land surveyor knows the owner's needs, the better he/she can recommend the type of survey work needed.

HOW CAN THERE BE CONFLICTING BOUNDARY AND EASEMENT LINES? Boundary and easement line disputes, gaps, and overlaps are sometimes a result of faulty legal descriptions that were originally written and recorded by persons lacking proper qualifications. It is critical to have property lines clearly described and surveyed when boundaries or easement lines are created or changed. Under current law, any newly created and most adjusted boundary lines require a survey and processing through governmental agencies. A proper survey may reduce potential boundary and easement conflicts or resolve outstanding issues. The creation or modification of boundaries or easements should only be attempted using the expertise of a professional land surveyor.

