

March 2016



ALTA Surveys

Reporting and Noting Easements Per the NEW 2016 ALTA Survey Standards



With the adoption of the [2016 Minimum Standard Detail Requirements for ALTA/NSPS Surveys](#), surveyors have been given some added responsibilities regarding reporting and noting easements. Within Section 6.C.ii of the standards, all surveys must now reflect a summary of all rights-of-way, easements and servitudes burdening the property and identified in the title evidence provided. Section 6.C.i remains consistent with the 2011 requirement that states surveyors must show on the drawing the location, width and recording information for the items that are plottable.

The 2016 standards add that a notation section must be provided addressing all easements. Those familiar with the Bock & Clark standardized survey product will recognize that our surveys have always included this new requirement under our notation heading "Notes Corresponding to Schedule B-II Items." Per the new standards, all surveyors must now provide something similar. Furthermore, within the notations for any item that is not plottable or shown on the survey, surveyors are given specific statements [Section 6.C.ii (a-g)] to be used in describing the reasoning as to why the item isn't shown.

Upon review of this new section in the requirements, note that none of the suggested explanations call for the surveyor to determine an item's affect on the property. The surveyor's responsibility is only to determine an item's location, whether an item is located on the property or not and if not plottable explain why. This new section of the requirements now clearly provides that instruction. Whether an item affects a property or not is a matter of title and not a survey matter. Now that all surveyors have consistent instruction in reporting and noting these items, survey review for these issues should be an easier task.

Environmental Corner

Vapor - A Closer Look at the New Definition

Although many states have provided guidance in addressing vapor for many years, the most recent revision to the ASTM 1527-Phase I Standards pushed Vapor Migration and Vapor Encroachment consideration to the forefront during the due diligence process. The definition of a Recognized Environmental Conditional (REC) formerly in ASTM was defined as “any hazardous substances or petroleum products into structures on the property or into the ground, ground water or surface water of the property.”

The revised definition omits the specific references of ground, ground water and replaces these terms with **releases to the environment**, broadening the definition and media considered. It is not within the scope of a Phase I ESA to evaluate the potential for vapor to be present inside a building as the result of a release (vapor intrusion), but it is within the scope to identify the presence or likely presence of hazardous substances or petroleum products on the property due to a release, based on an understanding of the various pathways and how contamination is likely to migrate on to the property.

The goal is to evaluate if a property or parcel involved in a real estate transaction has been impacted with chemicals of concern (COC) that may migrate as vapors onto a property or into a building as a result of contaminated soil and/or groundwater on or near the property. If a vapor issue is identified during due diligence, it is not necessarily a deal killer, however, popular mitigation options available to minimize the risk of vapor intrusion include: source remediation, elimination of the receptors, institutional/engineering controls, elimination or reduction of the exposure or some combination of these options.

Bock & Clark News and Upcoming Events



- We have a new look. Check out Bock & Clark's new logo and also our new website, www.bockandclark.com, launching March 31!
 - Bock & Clark will be sponsoring the [Houston Metropolitan Paralegal Association's 37th Annual Full Day CLE Business and Litigation Institute Seminar](#) to be held on Friday, April 8th at the Crowne Plaza in Houston.
 - Jim Brown, Director, will be a featured speaker for the [NBI live seminar](#) on the topic of Legal Descriptions, Title Insurance and Surveys in Real Estate Transactions to be held Monday, April 11 at the Doubletree Hotel in Fairlawn.
 - Bock & Clark is a proud sponsor of the [6th Annual Bisnow Chicago Industrial Conference](#) to be held on Tuesday, April 19. Stop by our table to meet our new business development representative, Nathan Schaefer.
 - Bock & Clark Director, Jim Brown, will be the featured speaker at the [CREW Cleveland April luncheon](#) to be held Tuesday, April 26 at the offices of Ulmer & Berne. He will discuss the changes to the ALTA/NSPS Land Title Survey Minimum Standards. Visit CREW Cleveland's website for more information.
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