

Ohio State Board of Registration for Professional Engineers and Surveyors

Advisory Opinion Regarding the Preparation of ALTA/ACSM Surveys in Ohio

May 19, 2015

The State Board of Registration for Professional Engineers and Surveyors has recently received complaints concerning the failure of professional surveyors to set property corners and reference monuments when performing ALTA/ACSM Land Title Surveys. This notice is being distributed to clear up any confusion as to what is required under Ohio law when performing an ALTA/ACSM Land Title Survey and to clarify the Board's position on the requirements for setting monumentation.

There appears to be confusion due to the requirements in the *Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys* Table A, published by the American Land Title Associations and the American Congress on Surveying and Mapping on February 23, 2011, which states that placing monuments at all major corners of the boundary of the property is optional. It is important to note that the ALTA/ACSM requirements are not state law and therefore do not dictate the accepted standards of practice in Ohio. Ohio law, specifically Ohio Administrative Code 4733-37 provides the requirements for preparing surveys in Ohio.

Ohio Administrative Code 4733-37 Standards for Boundary Surveys states the following:

4733-37-03 Monumentation.

(A) The surveyor shall set boundary monuments so that, upon completion of the survey, each corner of the property and each referenced control station will be physically monumented.

(B) When it is impossible or impracticable to set a boundary monument on a corner, the surveyor shall set a reference monument, similar in character to the boundary monument and preferably along one of the property lines which intersect at that corner. When such a reference monument is used, it shall be clearly identified as a reference monument on the plat of the property and in any new deed description which may be written for the property.

(C) Every boundary monument and/or reference monument set by the surveyor shall, when practicable:

(1) Be composed of a durable material.

(2) Have a minimum length of thirty inches.

(3) Have a minimum cross-section area of material of 0.21 square inches.

(4) Be identified with a durable marker bearing the surveyor's Ohio registration number and/or name or company name.

(5) Be detectable with conventional instruments for finding ferrous or magnetic objects.

Please be advised that in Ohio ALTA/ACSM Land Title Surveys are considered to be boundary surveys and must be prepared in accordance with Ohio Administrative Code 4733-37 Minimum Standards for

Boundary Surveys. Specifically, when performing an ALTA survey, boundary monuments and reference monuments must be set in accordance with OAC 4733-37-03. Despite the wording in the ALTA/ACSM Minimum Standard Detail Requirements, setting boundary and reference monuments is *not* optional. Should the Board become aware of violations of the Minimum Standards for Boundary Surveys the Board will initiate an investigation which may result in the Board pursuing disciplinary action within its power to enforce the requirements of Chapter 4733 of the Ohio Revised Code.

OHIO STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS & SURVEYORS

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