

## **TSPS Manual of Practice Requirements for Category 1A - Land Title Survey**

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**1. Purpose.** Due to the unique history and laws regarding boundaries and title of real property in Texas, it is necessary to maintain a land title survey standard that is specific to Texas. The minimum standards set forth by the Texas Board of Professional Engineers and Land Surveyors (TBPELS) do not address matters that are unique to land title surveys. Therefore, it is necessary to maintain an independent standard for land title surveys. The TBPELS minimum standards shall be followed unless these standards provide more stringent specifications.

A land title survey, also known as a title survey, is a comprehensive examination and reporting of significant factors affecting a tract's boundary lines, right-of-way lines, and easements. The title survey includes detail not normally gathered for a traditional boundary survey, and, absent a title commitment or report, a survey of this magnitude cannot be performed. The parties to a transaction, including the title insurance company, lender, buyer, and seller, all benefit from a land title survey. The Category 1A Land Title Survey provides clear and concise standards so the parties can have clear expectations regarding the title survey.

**2. Research.** Thorough research is a fundamental step in preparing a quality survey.

**A. Boundary.** The surveyor will obtain sufficient research to adequately determine the boundaries surveyed. This research may be furnished by the client, title company, or any other third-party provider so long as the surveyor reasonably believes the research is sufficient to determine the boundaries and the surveyor states the source of the research on the survey.

**B. Title Encumbrances.** The client or title company shall provide the surveyor with the most recent title commitment to complete the Category 1A Land Title Survey. If the surveyor finds a mistake in the title commitment, such as an omission of an easement that the surveyor knows to exist, the surveyor should notify the title company or make reference to the omitted easement on the survey. The client or title company should provide the surveyor with any source documents necessary to address and/or depict the relevant easements or restrictions on the survey. When a current title commitment is not available, the surveyor may complete the survey using a prior title commitment or title report, and note such on the survey.

**C. Private & Quasi-public Records.** If private or quasi-public documents are needed to complete the survey, the surveyor may utilize such documents as provided, but will not be obligated to perform additional research unless such research is necessary to determine the boundary location in accordance with TBPELS minimum standards.

**3. Fieldwork.** Fieldwork shall be performed using equipment and techniques capable of attaining the precision and quality required by these standards and the profession. Surveying instruments

shall be calibrated and/or adjusted according to manufacturer's specifications and in good working order.

- A. Boundary Monuments.** Corners of the subject tract shall be monumented when practicable. When appropriate, witness monuments should be used.
  - a. Natural Monuments.** Natural monuments are the permanent objects which are the works of nature such as streams, rivers, ponds, lakes, bays, trees, ledges, rock outcrops, and other definitive terrestrial features.
  - b. Artificial Monuments.** A thorough on-the-ground search shall be made for called for artificial monuments affecting the location of the boundaries of the subject tract and adjoining boundary lines. Set monuments shall be of sufficient material to ensure that they will withstand the destructive forces of nature. Iron rods used for monuments shall be a minimum of 1/2 inch in diameter. Other monuments may be used to delineate or witness boundary corners such as an X in concrete, a drill hole, etc. When practicable, monuments set to delineate or witness a boundary corner shall identify the registrant or associated firm.
- B. Water Features.** Visible evidence of water features shall be located. Water features include, but are not limited to, creeks, rivers, ponds, and swamps. If a water feature cannot be accessed, the lack of access shall be noted on the survey plat.
- C. Visible Improvements.** Visible improvements observed on the subject tract while conducting the survey shall be located, and visible improvements outside of the subject boundary but within approximately 5 feet of the boundary line should be located when practicable. Visible improvements could be evidence of easements, encroachments, protrusions, or prescriptive rights, and as such, the location of visible improvements is necessary to prepare a title survey. These improvements include, but are not limited to, the following:
  - a. Buildings.** Buildings observed while conducting fieldwork shall be located. Examples include, but are not limited to, houses, barns, sheds, offices, storage facilities, and other structures. A note shall be made on the plat if no buildings were observed on the property.
  - b. Access Roads.** Public and private roads can be evidence of access and possible prescriptive rights. Visible evidence of roads, streets, highways, alleys, or other public or private ways abutting or crossing the subject tract shall be located. Examples include, but are not limited to, back of curb, edge of pavement (absent curbing), curb cuts, driveways, culverts, and bridges.
  - c. Fences.** Perimeter fences and gates observed while performing fieldwork shall be located. Perimeter fences and gates may be evidence of prescriptive rights.
  - d. Water Wells.** Evidence of water wells and storage tanks observed while performing fieldwork shall be located.
  - e. Utilities.** Visible evidence of utilities observed while performing fieldwork shall be located. Examples include, but are not limited to, utility poles, guy wire anchors, cleanouts, septic tanks, pedestals, pipeline markers/signs, transformers, manhole covers, and meters. Visible evidence does not include sprinkler irrigation

system components. The surveyor is not responsible for locating buried utilities that are not visible, unless the surveyor has agreed to do so in writing.

- f. Energy Production.** Visible evidence of non-residential energy production on the property shall be located. Examples include, but are not limited to, oil and/or gas wells, wind turbines, solar panels, and other associated permanent equipment.
- D. Cemeteries.** Cemeteries, if (a) observed while conducting fieldwork or (b) disclosed in documents obtained by or provided to the surveyor, must be located and shown on the survey. If a cemetery has multiple graves, the cemetery may be identified by its perimeter.

**4. Survey Plat.** The survey plat, sometimes also referred to as a drawing or map, shall be drawn in a manner that provides a clear and unambiguous representation of the land surveyed and the improvements and easements located therein.

- A. Fieldwork.** Evidence collected as required in Section 3 above shall be depicted on the survey plat.
- B. Sheet size.** The minimum sheet size for the plat is 8.5 by 11 inches.
- C. Scale.** The plat shall be drawn at a standard engineering scale that is legible. Details or inserts shall be used when necessary to provide a clear depiction of the boundary, improvements, or potential encroachments.
- D. Lines.**
  - a. Boundary.** The subject tract's boundary line shall be drawn using a line weight, width, or color that makes the boundary line distinguishable.
  - b. Record.** Survey lines of any original land grants, original subdivision lot lines, and parent tracts affecting the survey shall be depicted on the survey plat in a distinguishable manner. These lines should be constructed based on the best available evidence, though the location may be approximate.
  - c. Conflicts.** All apparent and visible boundary conflicts between the subject tract and adjoining tracts or surveys of the adjoining tracts shall be shown on the survey.
- E. Easements & Restrictions.** Easements and Restrictions, as described in Section 2.B., shall be noted or depicted on the survey.
- F. Annotations.**
  - a. Boundary.** All boundary lines shall be annotated to report a bearing and distance. All curves shall be annotated to report a minimum of the radius, arc length, central angle, chord bearing, and chord distance.
  - b. Record Boundary.** When appropriate, record bearings, distances, and curve data should be shown on the plat in parenthesis. If the parentheticals are not explained on the plat, the data should be designated as "call." Record data should be derived from the subject deed when available. When the record deed does not contain the necessary record data, the record data may be derived from a prior deed in the chain of title, the deed of a tract severed from the subject tract, a subdivision plat, a TXDOT right of way map, or any other reliable and relevant source. The source of the record data shall be indicated on the survey.

**G. Area.**

- a. **Reported.** The surveyor shall report the determined acreage or square footage of the subject tract(s) on the survey plat.
- b. **Record.** Record acreages, when available, shall be shown in parenthesis along with the volume and page or the instrument/file number of the source instrument.

**H. Basis of Bearing.** The basis of bearing used for the survey shall be noted on the plat and based on one of the following:

- a. **Grid.** A grid bearing based on a Texas Coordinate System approved by the Texas Legislature as defined by the Natural Resource Code.
- b. **Record.** A record bearing shall be based on found and accepted monuments called for in an instrument or plat of public record. The source of the record information shall be noted on the survey.
- c. **Geodetic.** The Geodetic meridian as observed within one mile of the surveyed site.

**I. Adjoiner.** Adjoiners shall be reviewed and a reference shall be cited on the survey plat to the instruments of record that define the location of adjoining or adjacent boundaries.**J. Additional Requirements.** The survey plat shall also include the following:

- a. North arrow
- b. Graphic scale and stated scale
- c. Point of Beginning and Point of Commencing, if applicable
- d. Registrant's name and RPLS number
- e. RPLS seal, signature, and date of completion
- f. Firm name and TBPELS firm registration number, if applicable
- g. Legend of symbols, abbreviations, and/or lines, if applicable
- h. Sheet numbers, if more than one sheet (e.g. Sheet 2 of 5)
- i. The caption "Land Title Survey"

**K. Notes.**

- a. **Survey Notes.** Notes, if used, should be applicable for the intended use of the survey. Notes should address or clarify information relevant to the survey.
- b. **Title Note.** Title note shall reference the title commitment details (i.e. the GF number, the effective date, the issued date) and list the appurtenant items from the commitment.

**L. Certification.** All Category 1A survey plats shall include a certification. Each surveyor may determine the preferred wording for the certification, but all certifications shall contain the following language in the certification:

This survey substantially complies with the current Texas Society of Professional Surveyors Manual of Practice requirements for a Category 1A, Condition \_\_\_\_, Land Title Survey.

**5. Descriptions.** The surveyor's description of the land surveyed shall provide a definite and unambiguous location of the tract of land.

- A. Metes and Bounds Description.** When appropriate, the surveyor shall prepare a metes and bounds description of the surveyed property. A metes and bounds description shall be prepared if the surveyor finds significant differences between the surveyed dimensions and record description. A metes and bounds description will be written in two parts, the general description and the particular description.
- a. General Description (Preamble).** The general description will provide a general location of the property in relation to the parent tract, survey, league, or other original land division by compiling the following as appropriate:
- i.** County and state
  - ii.** Survey name and abstract number
  - iii.** Recorded and established subdivision
  - iv.** Recording information for the deed in which the tract is described and record area, when available
- b. Particular Description.** The particular description shall compile and incorporate calls for the following:
- i. Monuments.** All written descriptions shall adequately describe all monuments found or set as part of the surveyed boundary. The description shall include the diameter of the monument and the material of the monument. Monuments located in close proximity to the determined boundary shall be located by a reference or passing call. Monuments used to construct the surveyed boundary shall be referenced.
  - ii. Calls to Adjoin.** The surveyor shall consider adjoining properties during the boundary construction. When appropriate, a call to adjoin shall be used to define the relationship between the subject tract and the adjoining tract or right-of-way.
  - iii. Courses.** Descriptions shall report the bearing and distance of all lines. For curves, the description shall report a minimum of the radius, arc length, central angle, chord bearing, and chord distance.
  - iv. Area.** The surveyor shall report the determined acreage or square footage of the subject tract.
  - v. Basis of Bearing.** The basis of bearing used for the survey shall be noted and based on one of the following:
    - 1. Grid.** A grid bearing based on a Texas Coordinate System approved by the Texas Legislature as defined by the Natural Resource Code.
    - 2. Record.** A record bearing shall be based on found and accepted monuments called for in an instrument or plat of public record. The source of the record information shall be noted.
    - 3. Geodetic.** The Geodetic meridian as observed within one mile of the surveyed site.
  - vi. Additional Requirements.** The description shall include the following:
    - 1.** Point of Beginning and Point of Commencing, if applicable
    - 2.** Registrant's name and RPLS number

3. RPLS seal, signature, and date
4. Firm name and TBPELS firm registration number, if applicable
5. Page numbers if more than one page (e.g. Page 2 of 5)

**B. Lot & Block.** When the surveyed dimensions are in close agreement with the lot's platted calls, the reference to the lot within the recorded subdivision plat is an adequate description. However, a metes and bounds description should be prepared for a platted lot in a recorded subdivision if (i) the subdivision plat contains insufficient data to locate the lot with reasonable accuracy or (ii) the boundary dimensions shown on the subdivision plat are subject to significant conflict, ambiguity, error, or blunder that would hinder the future location of the boundary.

**C. Aliquot Descriptions.** An aliquot description may be used to describe a portion of a lot, tract, survey, or section when the surveyed dimensions are in close agreement with record dimensions.

**6. Tolerances.** See Appendix A for Category 1A survey tolerances.