



Protect Your Investment

By Frank S. Ferrantello

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Retention of a professional land surveyor prior to purchasing land, planning, developing or designing improvements is vital to protect the investment. In New York, only a survey made by a licensed land surveyor can define the size and location of property purchases, and most importantly, accurately convey what is really happening on the property, such as easements, situations with adverse possession, or identifying structures in relation to existing certificates of occupancy.

A licensed land surveyor is a highly specialized professional who in order to complete their studies and pass all exams must be well versed with the law and its terminology, real property, boundary, general business, case law, land use, zoning, environmental law, along with federal, state, county, city, town and village local laws. A licensed land surveyor will have in place procedures to provide quality assurance and quality control for the accuracy of the survey. Land surveying is more than a science; it is also an art. This accounts for the varying results among surveys – they are professional opinions of the surveyor. It therefore comes as no surprise that the more qualified and experienced the surveyor, the more reliable the opinion and furthermore, significant disparities may arise between expert surveyors and everyday surveyors.

Due Diligence

The field of surveying requires expertise in real property law, verifying many kinds of legal and physical evidence through public or private records and other resources. It also requires evaluation of historical survey evidence, mathematics, statistics, measurement systems, planning regulations and current computer technologies. The parcel to be transferred is not always clearly defined by a plat map. Many properties are bounded and described and subject to deed and mapping errors or they may have junior and senior rights applied. The surveyor will do their due diligence and search the area for prior evidence, such as monuments and other legal physical evidence that has been placed in the area as permanent markers. Many areas have lost all monumentation due to road work and development so old surveys, maps, studies and reports that have been filed in the county clerk's office or local municipi-

palities must be combined and analyzed to retrace the proper boundary that may have been lost or destroyed.

The expert land surveyor will survey in all directions from the perimeter of the property he or she is surveying and utilize multiple sets of data to obtain accurate positions. A survey for even the simplest 40' x 100' lot might take several hours to complete. It requires the correction of any inherent errors with copied surveys and re-tracing of the original boundary monumentation, if it still exists at the four corners of the block or subdivision or outwards from there.

Each locale has different standards. This is the main reason why many surveyors preside over certain geographical areas only. Surveyors must know the specific evidence of each area.

Communication is Key

Communication is very important when hiring an expert land surveyor. Look for someone easy to talk to, yet able to impart detailed knowledge comprehensively. It is important that the surveyor understands the purpose of survey and what the survey will be used for (purchase or sale, renovation, subdivision, dispute, development, etc.).

A land surveyor renders a highly technical and complex professional service. In cases of controversy, a land surveyor will appear in court as an expert witness on behalf of the client or provide written legal reports on why a dispute about a boundary line exists. This also comes into play if an expert witness is necessary to determine the exact location of an event that relates to liability, for example, a trip and fall or other adverse incident. The surveyor will provide photographic evidence and or exhibits to determine how they came about their results. Given the technical nature of surveying and the difficulty in explaining technical testimony, the surveyor as an expert witness should have a good demeanor and convey confidence.

Many land surveyors act on behalf of clients at public hearings and meetings when village, town, city or county permit approvals are required for developments, subdivisions, variances or special use permits. They may also participate with other consultants in the preparation of feasibility reports for complex projects. The ability to communicate in diverse situations is paramount.