

## BUREAU OF RECREATION AND CONSERVATION

<b>Title:</b> Requirements for Boundary Surveys and Title Work ( <b>Acquisition Only</b> )		
<b>Issued by:</b> Bureau of Recreation and Conservation	<b>Effective Date:</b> 10/5/09 <b>Scheduled Review:</b> Annual	Document Number: 2300-034
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<b>Approved By:</b> Tom Ford, Bureau Director	<b>Program Area:</b> All	

### AUTHORITY

Act 18 of 1995, Section 306, Community Recreation and Heritage Conservation. The Department shall have the power to administer Federal and State programs for grants and loans to local governments, municipal authorities and nonprofit organizations for community and regional projects involving the planning, acquisition, rehabilitation and development of public park, recreation and conservation areas, facilities and programs.

### SCOPE

Provides directive for administration of the Community Conservation Partnerships Grant Program

### PURPOSE

The following provides guidance on requirements for boundary surveys and title work for acquisition grants.

### POLICY

#### A. Title Work Requirements

1. Prior to the Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation (Bureau) approval to proceed to settlement, DCNR must receive a copy of the Title Commitment report and may require copies of items listed on the Schedule BII (exceptions to the title commitment). As a requirement to receive final payment, the grantee will need to provide DCNR with the final Title Insurance Policy. The grantee should consider having a title search performed prior to submitting a grant application. The title work should determine if any rights, such as oil, gas, mineral (coal and hard mineral), timber and/or wind have been severed from the property. This information should be provided to the appraiser in order to allow the appraiser to clearly indicate and evaluate the spectrum and value of the interests/rights being appraised.
2. Also, any recorded oil and gas leases, farm leases and/or any other leases and/or agreements associated with the property should be submitted with the grant application and provided to the appraiser to include a copy of the sales agreement, if one has been executed. DCNR needs to verify that the terms of a lease(s); severed right(s); and/or conditions within a sales agreement will not have a negative impact on the project scope.

#### B. Boundary Survey Requirements

1. A boundary survey plan is required for every acquisition project. The boundary survey establishes the property lines and correct acreage for all the property or easement acquired under the grant project. The boundary survey plan should contain the following: the location of the monuments (placed or found) at the property corners; location of existing easements and rights-of-way of record; calculation of acreage; a description of the property; signature and seal by a PA Registered Land Surveyor.

2. It is highly recommended the boundary survey plan be recorded in the County Recorder of Deeds Office to place the public on notice of the boundary of the property or easement acquired.

### C. **Boundary Survey Guidance**

1. What is a boundary survey?
  - a. A boundary survey determines the property lines of a parcel of land described in a deed. It will also indicate the extent of any easements or encroachments and may show the limitations imposed on the property by state or local regulations, right-of-ways, easements, encroachments, etc.
2. Why is a boundary survey required with my acquisition grant project?
  - a. DCNR's survey requirement is in place to protect the taxpayer's investment into these lands and to protect the grantee against future conversions of use should encroachments occur or facilities/activities be proposed that conflict with the DCNR deed restriction. Tax parcel data is not always accurate and therefore cannot be a reliable source. DCNR keeps a public GIS database of all properties invested in to show the value of the funding sources allocated to the Department for the grant program, and to document the amount of acreage protected as a result of the funding.
3. What does a standard boundary survey entail?
  - a. The surveyor thoroughly examines the historical records relating to the land in question and often all lands surrounding it. In addition to the Registry of Deeds this research may include: the Registry of Probate, county commissioners' offices, town offices, historical associations and the Department of Transportation. The surveyor may also talk with prior owners and adjoiningers.
  - b. The field work begins after the research and involves establishing a control network of known points called a traverse. The points are used to search for and locate existing monuments and other evidence of the boundaries. Although the field portion of a survey is the most visible phase of surveying, it usually represents only a third of the entire boundary survey.
  - c. The results of the field work are compared with the research and the surveyor then reconciles all the information to arrive at a final conclusion about the boundaries. A second field trip is then needed to set the new monuments. Finally, the surveyor will draft a boundary survey plan, prepare a legal description and write a report.
4. What are the results of a boundary survey?
  - a. Depending on the services agreed on, a boundary survey may produce:
    - Monuments at all property corners (see types of monuments below).
    - A written (legal) description of the property.
    - A boundary survey plan of the property, showing the results of the survey and bearing the seal of the surveyor.
  - b. A written report explaining the basis of decisions and judgments made to determine the boundaries. A certification can be included.
5. How will the boundaries be marked?
  - a. This also depends on what the client and the surveyor have agreed to; however, boundary corners should whenever possible, be composed of ferrous or other material detectable by an electromagnetic locator. Markers may include wooden posts, iron pins or pipes, marked trees or concrete monuments. Markers found or set should be visible to anyone that has reason to

look for them; and the practitioner who placed the markers should be identifiable on the markers placed. Additionally, you may want to have the surveyor blaze and/or paint trees along the boundary line.

6. Boundary survey plan

- a. The plan provides the client with a permanent record of the survey. If any of the monuments are lost or destroyed, they can be replaced with the information shown on the boundary survey plan. All boundary survey plans must be sealed and signed by the surveyor indicating that the survey conforms to State standards and that the surveyor has checked the work and stands ready to defend it.
- b. The boundary survey plan should also be recorded in the Registry of Deeds. This not only preserves the work for future reference, but also puts the public on notice that the area shown has been thoroughly researched and documented. In a sense it provides insurance against most claims or disputes.

7. If a boundary survey already exists is a new one required?

- a. When an existing survey is available, but the grantee is not sure it will meet the Bureau guidelines, it can be forwarded to the Bureau for a review and determination.
- b. If the seller is required to do a subdivision in order to separate and sell off a portion of land from the parent tract is a boundary survey required?
- c. When the seller is required to do a subdivision plan then a copy of the final subdivision plan is needed. This fulfills the seller's obligation needed to get approval for the subdivision as the new tract will need its own metes and bounds, etc. as part of the legal mechanism put in place by municipalities when landowners want to create new parcels of land. A copy of the final subdivision will be accepted as the boundary survey.

Note: All costs associated with a subdivision are ineligible and must be kept separate from the eligible survey costs when submitting for grant reimbursement of the survey costs.

**D. Record of Boundary Survey Plan Checklist**

1. The survey plan shall be drawn at an appropriate scale, and be of an appropriate size
2. The survey plan shall identify (usually in a title block):
  - a. the type of survey
  - b. the ownership or address of the property
  - c. the municipality and county in which it is located
  - d. the date and scale of the drawing, and
  - e. the practitioner responsible for the survey and plan.
3. The survey plan shall contain:
  - a. an accurate representation of the boundary
  - b. the geometry of the lines (calls)
  - c. the corner markers (found/set) and any points of reference
  - d. the names of record adjoiners and other property identifications, and
  - e. any differences between record and occupation lines.
4. The survey plan should, if appropriate, contain:
  - a. topographic features (notable improvements)
  - b. encumbrances (encroachments and easements)
  - c. restrictions (zoning and deed)

**DISCLAIMER**

The policies and procedures outlined in this guidance document are intended to supplement existing requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DCNR to give the rules in these policies that weight or deference. This document establishes the framework within which DCNR will exercise its administrative discretion in the future.

**PAGE LENGTH**

4 pages

**EFFECTIVE DATE**

Immediately. This policy is to be reviewed and updated every year.

**EXPIRATION**

This policy remains in effect until revised or rescinded.

Tom Ford, Bureau Director

12/14/2023

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Name/Title of Bureau or Office Director

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Date