

**IMPROVEMENT LOCATION
CERTIFICATE
vs.
LAND SURVEY PLAT**

SS60-4-22 CLOSING STATEMENT

35. Recording:

35. a. Warranty Deed

35. b. Deed of Trust

35. c. Release

35. d. Other

36.a Survey

36 b Improvement Location Certificate

37. Documentary Fee

38 Transfer Fee

Colorado Revised Statutes

38-51-102. Definitions.

(8) “Improvement location certificate” means a representation of the boundaries of a parcel of land and the improvements thereon, prepared pursuant to section 38-51-108.

Colorado Revised Statutes

38-51-102. Definitions.

(11) “Land survey” means a series of observations and measurements made pursuant to sections 38-51-103, 38-51-104, and 38-51-105 for the purpose of locating or restoring any real property boundary.

Colorado Revised Statutes

38-51-102. Definitions.

(13) Monumented land survey” means a land survey in which monuments are either found or set pursuant to sections 38-51-103, 38-51-104, and 38-51-105 to mark the boundaries of a specified parcel of land.

Colorado Revised Statutes

38-51-102. Definitions.

(12) “Land survey plat” means a plat that shows the information developed by a monumented land survey or shows one or more set monuments pursuant to sections 38-51-104 and 38-51-105 and includes all information required by section 38-51-106.

Colorado Revised Statutes

38-51-102. Definitions.

(9) “Improvement survey plat” means a land survey plat as defined in subsection (12) of this section resulting from a monumented land survey showing the location of all structures, visible utilities, fences, hedges, or walls situated on the described parcel and within five feet of all boundaries of such parcel, any conflicting boundary evidence or visible encroachments, and all easements, underground utilities, and tunnels for which properly recorded evidence is available from the county clerk and recorder, a title insurance company, or other sources as specified on the improvement survey plat.

38-51-108. Improvement location certificate.

(1) A professional land surveyor may prepare an improvement location certificate for the use of a specific client based upon the professional land surveyor's general knowledge of land boundaries and monuments in a given area whether or not the client is the owner or buyer; except that, if the client is not the owner or buyer, the professional land surveyor shall provide a copy of the certificate to the owner or buyer.

38-51-108. Improvement location certificate.

(2)(a)(I) A certificate prepared pursuant to subsection (1) of this section ***shall not be designated as or construed as being a land survey plat or improvement survey plat.***

(II) Such certificate shall be prominently labeled “improvement location certificate” and contain a statement in the following form:

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for (individual or firm), that it is **not a land survey plat or improvement survey plat**, and that it is **not to be relied upon for the establishment of fence, building, or other future improvement lines**. This certificate is valid only for use by (individual or firm) and describes the parcel's appearance on (date)

I further certify that the improvements on the above described parcel on this date, (insert date), except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said

AES BOARD RULES

F. Minimum Standards for Improvement Location Certificates

1. Field Procedures. Professional notes shall be taken on all Improvement Location Certificates (“ILCs”) and kept as part of the surveyor's permanent record. A diligent search for existing control shall be made by field crews and the highest order of control available shall be used. The professional land surveyor must use such control as is necessary to accurately locate all lines, structures, and topographic features shown on the ILC.

F. Minimum Standards for Improvement Location Certificates

2. Drafting. A sketch or diagram of the parcel shall be used in support of the certificate required by section 38-51-108, C.R.S., and the following standards shall be used:
 - a. Deed lines with the boundary dimensions from the deed description or plat shall be shown.
 - b. Major improvements (permanent structures) shall be shown with dimensions and descriptions (e.g. residences, garages, in-ground pools).

F. Minimum Standards for Improvement Location Certificates

c. Repealed.

d. Minor improvement locations shall be shown graphically (e.g. out buildings with foundations, concrete walks, drives).

e. Plat and apparent easements shall be shown.

f. The posted address shall be shown; if not posted, so state.

g. The legal description shall be shown, and the source shall be stated.

F. Minimum Standards for Improvement Location Certificates

- h. A north arrow and statement of scale shall be shown.
- i. Apparent encroachments shall be noted and shown in an obvious manner. When the level of certainty of dimensions to possible encroachments are not precise enough for a positive determination, a boundary survey shall be recommended.
- j. State specifically or graphically show evidence used to determine the apparent deed lines.

F. Minimum Standards for Improvement Location Certificates

k. State source of where record easement information was obtained and graphically show on the improvement location certificate sketch. If information was obtained from a title company, state which title company and the commitment number.

3. Research, Documentation and Information. The surveyor shall perform adequate research, maintain adequate documentation in his/her records, and provide the field crews with adequate information to determine the property dimensions in the field.

AES Board Rules

E. Standards for Land Surveys

1. Definition of a Land Survey. A land survey as defined in sections 38-51-102(11) and 38-53-103(11), C.R.S., includes, but is not limited to, one or more of the following:
 - a. The establishment of boundaries or the restoration or rehabilitation of any monument marking a corner that controls the location of real property.

E. Standards for Land Surveys

b. The location on the ground of any encumbrance affecting the rights or enjoyment of real property.

c. The determination of the position of any monument, reference point, or any other mark, when such monument or mark controls the location of boundaries or rights of ownership in or use of real property.

d. The preparation of maps, plats, descriptions, or any other document for the purpose of preserving the location or conveyance of any and all rights in real property and the subdivision thereof.

E. Standards for Land Surveys

- e. The measurements and computations made to determine the size, shape, or area of parcels for the purpose of marking on the ground, or the conveyance of, any or all rights of ownership in real property.
- f. All other applicable services that are defined in the section 12-120-302(5)(a), C.R.S.
- g. Distinction from Improvement Location Certificates. Improvement Location Certificates are not property boundary surveys. Standards for Improvement Location Certificates are contained in Board Rule 1.6(F)**

E. Standards for Land Surveys

2. **Responsibility to Research Records.** The licensed professional land surveyor shall conduct or be responsible for conducting such research activities that are needed to properly define the property boundary relative to instruments of record and show all visible evidence that may affect ownership and property **rights**. This may include record research at the County Clerk and Recorder's Office, the Colorado Department of Highways, the State Office of the Bureau of Land Management, the County Surveyor's Office, an abstractor's office, and any other appropriate local offices; as well as field research of physical features and monuments and any other features significant in the locality. Instruments of record may be obtained from an abstract, title commitment, or title policy.

E. Standards for Land Surveys

3. Procedural Techniques

- a. Professional Land Surveyor Responsibility. The licensed professional land surveyor shall, under his personal direction, cause a survey to be executed, connecting all available monuments necessary for the boundary location as well as physical and parol evidence and coordinate the facts of such survey.

E. Standards for Land Surveys

b. Surveys Shall Reference Corners. Surveys based on the United States Public Land Survey System shall be referenced to original or properly restored corners. The “United States Department of the Interior, 2009 Manual of Surveying Instructions: For the Survey of the Public Lands of the United States” shall be used as a guide for the restoration of lost or obliterated corners and subdivision of sections into aliquot parts. Residential subdivision layouts shall conform to local subdivision ordinances (standards and regulations). Lot surveys within such subdivisions shall be referenced to existing corner monuments within the subdivision as necessary to verify the survey.

E. Standards for Land Surveys

- a. **Plats to be Deposited.** All plats required to be prepared pursuant to section 38-51-107, C.R.S., shall be deposited with the county in which said survey was performed and a copy of the plat shall be delivered to the client. In addition to the requirements set forth in section 38-51-107, C.R.S., a plat must also be prepared and deposited for any monument found substantially at variance (according to Board Rule 1.6(E)(6)), with dimensions shown on deposited or filed plats or if the monument results in conflicting boundary evidence which has not previously been shown on a plat deposited or filed in accordance with section 38-51-107(1), C.R.S. Said plat shall comply with all applicable provisions of sections 38-51-107 and 38-50-101 C.R.S.

IMPROVEMENT
LOCATION
CERTIFICATE



LAND SURVEY PLAT
(BOUNDARY SURVEY



- IN SUMMARY –

- An ILC is a certification that there is a parcel described by deed and that there are structures on it and that there appears to be, or not to be, any conflicts in occupation or use on or by the subject property.

- A Land Survey Plat is a verification of the boundaries of ownership of a parcel of land and the monuments that mark said boundaries. The LSP will show any boundary conflicts, of either record or occupation. Excepting cases where the owner explicitly requests that easements are not researched and shown, the LSP will show easements of record and apparent easements. An Improvement Survey Plat will include the improvements and the location within the boundary.

ILC Presentation

Slide 1 – Introductions

- Who we are and why we are presenting this webinar – Professional Land Surveyors of Colorado, personal introductions(s)
- PLSC – instrumental in DORA changing the approved real estate closing forms to include Improvement Location Certificate as well as Survey. The effort was a result of County Surveyors and others recognizing that the majority of landowners believed that a Survey was performed whenever a property was purchased.
- The reality is that in the vast majority of cases it was an ILC performed. This webinar is to illustrate the difference between the ILC and LSP or boundary survey.

Slide 2 – DORA Real Estate Closing Form

- The change in the closing form made at the request of the PLSC

Slide 3 – CRS definition – Improvement Location Certificate

- A **representation** of boundaries and improvements
- The property line has not been surveyed
- Monuments may be found but cannot be set in performing an ILC

Slide 4 - CRS definition – Land Survey

- **Observations and measurements ...real property boundary**

Slide 5 - CRS definition – Monumented Land Survey

- **Monuments to mark the boundaries**

Slide 6 - CRS definition – Land Survey Plat

- **Showing the results of the monumented land survey**

Slide 7 - CRS definition – Improvement Survey Plat

- **A Land Survey Plat with improvements**
- **Almost the same thing as an ALTA/NSPS Land Title Survey** which is a Land Survey Plat by AES Board Rule

Slide 8 - Improvement Location Certificate statutes

- Based on **general knowledge** of land boundaries and monuments in a given area. This can range from the specific knowledge of the surveyor who prepared and monumented a subdivision to the experience that in an ancient subdivision the fences are usually close to the property lines. This is not a very precise standard.

Slide 9 – ILC Statutes continued

- It is plainly stated that an ILC ***shall not be designated as or construed as being a land survey plat or improvement survey plat.***

Slide 10 - ILC Statutes continued – certification

- This is the only certification required of a Surveyor where the language is dictated by statute. The language states plainly that it is not a land survey plat or improvement survey plat, and that

it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

- An ILC probably will not reflect property corner monuments, the visible evidence of property lines.

Slide 11 – Architects, Engineers and Surveyors Board standards for ILC

- Requires a “diligent search” and that the “highest order of control available” shall be used. Both of these terms are subjective and subject to different ideas of what is required to meet them. It does require the accurate location of all lines, structures, etc. that are shown

Slide 12 - AES Board standards for ILC continued

- A sketch or diagram
- Boundary dimensions from the deed or plat
- Major improvements with dimensions

Slide 13 - AES Board standards for ILC continued

- Previous requirement for ties between structures and the boundary was repealed due to misuse by agencies such as planning departments requiring an ILC for approval of building or fence permits. This was contrary to the statutes and rules and so this requirement was eliminated.
- Plat and apparent easements
- Legal description and source

Slide 14 - AES Board standards for ILC continued

- Paragraph i. – precise versus accurate as stated in slide 10? **“a boundary survey shall be recommended.”**
- deed lines versus boundary lines

Slide 15 - AES Board standards for ILC continued

- Research normally provided by a Title Company
- Surveyor obligated to perform research and provide adequate information to determine the property dimensions, no requirement to determine the location!

Slide 16 - AES Board standards for Land Surveys

- Much more stringent requirements than for the ILC
- Establishment of boundaries (v. deed lines)

Slide 17 - AES Board standards for Land Surveys continued

- Monuments

Slide 18 - AES Board standards for Land Surveys continued

- The clear distinction from Improvement Location Certificates stated in the Board Rules

Slide 19 - AES Board standards for Land Surveys continued

- Surveyor is responsible to properly define the property boundary

Slide 20 - AES Board standards for Land Surveys continued

- All monuments necessary for the boundary location

Slide 21 - AES Board standards for Land Surveys continued

- Required reference to controlling monuments, section or subdivision. Not a requirement of ILC

Slide 22- AES Board standards for Land Surveys continued

- Surveyor is responsible to prepare and deposit for public record a plat of the survey

Slide 23 - The differences between the ILC and the LSP in value and cost –

- The cost of a Land Survey Plat (Boundary Survey) is substantially more than that of an ILC because a lot more is involved in the certainty of establishing and monumenting the boundaries of ownership.

Slide 24

- An ILC is a certification that there is a parcel described by deed and that there are structures on it and that there appears to be or not to be any conflicts in occupation or use on or by the subject property.

Slide 25

- A LSP is a verification of the boundaries of ownership of a parcel of land and the monuments that mark said boundaries. The LSP will show any boundary conflicts, of either record or occupation. *Excepting cases where the owner explicitly requests that easements are not researched and shown,** the LSP will show easements of record and apparent easements. An Improvement Survey Plat will include the improvements and their location within the boundary.
- *This generated several questions regarding why an owner would request easements not be researched and shown. Does this request significantly reduce the cost of a survey? To clarify, this is not an option for Improvement Survey Plats and Subdivision Plats., easements must be shown on these documents.*