



Where does my land end and my neighbors' begin? - by Greg de Bruin

August 06, 2019 - Front Section

Summer has arrived, which means many of us are gearing up to start our outdoor projects for the year. 'Tis the season for installing pools, building fences, or perhaps breaking ground on that vacant land you want to improve. However, before these exciting projects begin, we should be asking ourselves one important question: "Where does my land end and my neighbors' begin?"

When you purchased your property, last month or 30 years ago, did you have it surveyed and monumented so that you knew exactly what you were buying? In many cases, your attorney or title company may have ordered the survey on your behalf. Or perhaps the seller commissioned the survey. In any of those cases, the paper map you received, and probably forgot where you filed, will be difficult for you to use to know where your boundary lines are. If you never received a map, then the only evidence you have regarding the limits of your property is in your deed. Have you tried reading a deed? It is not for the faint of heart.

In the old days, before written documents, a deed had a different connotation. When a seller and buyer got together to exchange a parcel of land, the entire village would gather at one corner of the property for sale. The group then executed the "deed" of walking the perimeter of the property so that everyone in town was a witness to the transaction. After that, much mead was consumed and more memories were shared verbally. Later, the new owner would build 20-ft. high walls around his property and pour boiling oil on those who attempted to trespass.

In current times, it is up to your surveyor to "walk your lines" and to leave marks at the corners so that you can retrace his steps. The marks are often called monuments and they may actually be square or round concrete objects, metal "pins," or wooden stakes, set at your corners or spaced along your lines. They are usually set just below or slightly protruding from the ground. These monuments let you and your neighbors know what you own. Modern monuments are cheaper than boiling oil, but even boiling oil is still cheaper than hiring attorneys to sort things out after the fact.

While many surveyors will automatically set marks at any of your corners that haven't already been marked, just as many will offer that service as an additional cost item. If you are given the option of having your corners set, authorize it and pay the additional fee. It will serve you well for the duration of your ownership and will later help you when you wish to sell.

To understand the services that you will receive from your licensed land surveyor, be sure to negotiate and sign a written contract. If your attorney or title company, or a contractor, is acting as

your agent, tell them you want a written contract and that you want input on the terms. Insist that your property be marked in the field. Arrange to have the surveyor meet you on-site and show you where the marks were set. Your surveyor should also let you know of any possible conflicts that might be evident and offer to assist you in discussing these issues with your neighbors.

For further assistance, contact the New York State Association of Professional Land Surveyors and ask for their help. They represent the licensed land surveyors in New York State and can provide a wealth of information on what to expect when engaging the services of a land surveyor and how to find a qualified one in your area. Then you can get that pool built where it belongs and be sipping mead with your neighbors on the 4th of July.

Greg de Bruin is president of the New York State Association of Professional Land Surveyors and vice president of Gayron de Bruin Land Surveying and Engineering, PC, Melville, N.Y.

New York Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540