

PREPARATION AND REVIEW GUIDELINES FOR SURVEYS AND SURVEYOR'S REPORTS REQUIRED FOR MHDC MULTIFAMILY PROJECTS

GUIDELINES FOR ALTA SURVEYS REQUIRED PRIOR TO THE START OF CONSTRUCTION:

The Borrower's Surveyor must follow the ALTA/ACSM 2011 Minimum Standard Detail Requirements, Table A – Optional Survey Responsibilities and Specifications identified in form HUD-92457 A-M and MHDC specific requirements as outlined below:

1. The client shall request the survey or arrange for the survey to be requested and shall provide a written authorization to proceed with the survey from the person responsible for paying for the survey. Unless specifically authorized in writing by the insurer, the insurer shall not be responsible for any costs associated with the preparation of the survey. The request shall specify that an **"ALTA/ACSM LAND TITLE SURVEY"** is required and shall designate which of the optional items listed in Table A are to be incorporated. The request shall set forth the record description of the property to be surveyed or, in the case of an original survey, the record description of the parent parcel that contains the property to be surveyed. Complete copies of the record description of the property (or, in the case of an original survey, the parent parcel), any record easements benefiting the property; the record easements or servitudes and covenants burdening the property ("Record Documents"); documents of record referred to in the Record Documents; and any other documents containing desired appropriate information affecting the property being surveyed and to which the survey shall make reference shall be provided to the surveyor for notation on the plat or map of survey.

2. The plat or map of such survey shall bear the name, address, telephone number, and signature of the professional land surveyor who performed the survey, his or her official seal and registration number, the date the survey was completed, the dates of all of the surveyor's revisions and the caption "ALTA/ACSM Land Title Survey" with the certification set forth in paragraph 8.

3. An **"ALTA/ACSM LAND TITLE SURVEY"** shall be in accordance with the then-current "Accuracy Standards for Land Title Surveys" ("Accuracy Standards") as adopted, from time to time by the National Society of Professional Surveyors and the American Land Title Association and incorporated herein by reference.

4. On the plat or map of an **"ALTA/ACSM LAND TITLE SURVEY,"** the survey boundary shall be drawn to a convenient scale, with that scale clearly indicated. A graphic scale, shown in feet or meters or both, shall be included. A north arrow shall be shown and when practicable, the plat or map of survey shall be oriented so that north is at the top of the drawing. Symbols or abbreviations used shall be identified on the face of the plat or map by use of a legend or other means. If necessary for clarity, supplementary or exaggerated diagrams shall be presented accurately on the plat or map. The plat or map shall be a minimum size of 8½ by 11 inches.

5. The survey shall be performed on the ground and the plat or map of an **"ALTA/ACSM LAND TITLE SURVEY"** shall contain, in addition to the required items already specified above, the following applicable information:

(a) All data necessary to indicate the mathematical dimensions and relationships of the boundary represented, with angles given directly or by bearings, and with the length and radius of each curve, together with elements necessary to mathematically define each curve. The point of beginning of the surveyor's description shall be shown as well as the remote point of beginning if different. A bearing base shall refer to some well-fixed line, so that the bearings may be easily re-established. The North arrow shall be referenced to its bearing base and should that bearing base differ from record title, that difference shall be noted.

(b) When record bearings or angles or distances differ from measured bearings, angles or distances, both the record and measured bearings, angles, and distances shall be clearly indicated. If the record description fails to form a mathematically closed figure, the surveyor shall so indicate.

(c) Measured and record distances from corners of parcels surveyed to the nearest right-of-way lines of streets in urban or suburban areas, together with recovered lot corners and evidence of lot corners, shall be noted. For streets and highways abutting the property surveyed, the name, the width and location of pavement relative to the nearest boundary line of the surveyed tract, and the width of existing rights of way, where available from the controlling jurisdiction, shall be shown. Observable evidence of access (or lack thereof) to such abutting streets or highways shall be indicated. Observable evidence of private roads shall be so indicated. Streets abutting the premises, which have been described in Record Documents, but not physically opened, shall be shown and so noted.

(d) The identifying titles of all recorded plats, filed maps, right of way maps, or similar documents which the survey represents, wholly or in part, shall be shown with their appropriate recording data, filing dates and map numbers, and the lot, block, and section numbers or letters of the surveyed premises. For non-platted adjoining land, names, and recording data identifying adjoining owners as they appear of record shall be shown. For platted adjoining land, the recording data of the subdivision plat shall be shown. The survey shall indicate platted setback or building restriction lines which have been recorded in subdivision plats or which appear in Record Documents which have been delivered to the surveyor. Contiguity, gores, and overlaps along the exterior boundaries of the surveyed premises, where ascertainable from field evidence or Record Documents, or interior to those exterior boundaries, shall be clearly indicated or noted. Where only a part of a recorded lot or parcel is included in the survey, the balance of the lot or parcel shall be indicated.

(e) All evidence of monuments shall be shown and noted to indicate which were found and which were placed. All evidence of monuments found beyond the surveyed premises on which establishment of the corners of the surveyed premises are dependent, and their application related to the survey shall be indicated.

(f) The character of any and all evidence of possession shall be stated and the location of such evidence carefully given in relation to both the measured boundary

lines and those established by the record. An absence of notation on the survey shall be presumptive of no observable evidence of possession.

(g) The location of all buildings upon the plot or parcel shall be shown and their locations defined by measurements perpendicular to the nearest perimeter boundaries. The precision of these measurements shall be commensurate with the Relative Positional Accuracy of the survey as specified in the current Accuracy Standards for ALTA/ACSM Land Title Surveys. If there are no buildings erected on the property being surveyed, the plat or map shall bear the statement, "No buildings." Proper street numbers shall be shown where available.

(h) All easements evidenced by Record Documents which have been delivered to the surveyor shall be shown, both those burdening and those benefiting the property surveyed, indicating recording information. If such an easement cannot be located, a note to this effect shall be included. Observable evidence of easements and/or servitudes of all kinds, such as those created by roads; rights-of-way; water courses; drains; telephone, telegraph, or electric lines; water, sewer, oil or gas pipelines on or across the surveyed property and on adjoining properties if they appear to affect the surveyed property, shall be located and noted. If the surveyor has knowledge of any such easements and/or servitudes, not observable at the time the present survey is made, such lack of observable evidence shall be noted. Surface indications, if any, of underground easements and/or servitudes shall also be shown.

(i) The character and location of all walls, buildings, fences, and other visible improvements within five feet of each side of the boundary lines shall be noted. Without expressing a legal opinion, physical evidence of all encroaching structural appurtenances and projections, such as fire escapes, bay windows, windows and doors that open out, flue pipes, stoops, eaves, cornices, areaways, steps, trim, etc., by or on adjoining property or on abutting streets, on any easement or over setback lines shown by Record Documents shall be indicated with the extent of such encroachment or projection. If the client wishes to have additional information with regard to appurtenances such as whether or not such appurtenances are independent, division, or party walls and are plumb, the client will assume the responsibility of obtaining such permissions as are necessary for the surveyor to enter upon the properties to make such determinations.

(j) Driveways, alleys and other ways of access on or crossing the property must be shown. Where there is evidence of use by other than the occupants of the property, the surveyor must so indicate on the plat or map. Where driveways or alleys on adjoining properties encroach, in whole or in part, on the property being surveyed, the surveyor must so indicate on the plat or map with appropriate measurements.

(k) As accurately as the evidence permits, the location of cemeteries and burial grounds (i) disclosed in the Record Documents provided by client or (ii) observed in the process of performing the field work for the survey, shall be shown.

(l) Ponds, lakes, springs, or rivers bordering on or running through the premises being surveyed shall be shown.

6. As a minimum requirement, the surveyor shall furnish two sets of prints of the plat or map of survey to the title insurance company or the client. If the plat or map of survey consists of more than one sheet, the sheets shall be numbered, the total number of sheets indicated and match lines be shown on each sheet. The prints shall be on durable and dimensionally stable material of a quality standard acceptable to the title insurance company. The record title description of the surveyed tract, or the description provided by the client, and any new description prepared by the surveyor must appear on the face of the plat or map or otherwise accompany the survey. When, in the opinion of the surveyor, the results of the survey differ significantly from the record, or if a fundamental decision related to the boundary resolution is not clearly reflected on the plat or map, the surveyor may explain this information with notes on the face of the plat or map or in accompanying attachments. If the relative positional accuracy of the survey exceeds that allowable, the surveyor shall explain the site conditions that resulted in that outcome with a note on the face of the map or plat.

7. Water boundaries necessarily are subject to change due to erosion or accretion by tidal action or the flow of rivers and streams. A realignment of water bodies may also occur due to many reasons such as deliberate cutting and filling of bordering lands or by avulsion. Recorded surveys of natural water boundaries are not relied upon by title insurers for location of title.

When a property to be surveyed for title insurance purposes contains a natural water boundary, the surveyor shall measure the location of the boundary according to appropriate surveying methods and note on the plat or map the date of the measurement and the caveat that the boundary is subject to change due to natural causes and that it may or may not represent the actual location of the limit of title. When the surveyor is aware of changes in such boundaries, the extent of those changes shall be identified.

8. When the surveyor has met all of the minimum standard detail requirements for an ALTA/ACSM Land Title Survey, the following certification shall be made on the plat:

To (name of client), (name of lender, if known), (name of title insurance company, if known), (name of others as instructed by client):

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2005, and includes Items _____ of Table A thereof. The field work was completed on _____.

Date of Plat or Map: _____ (Surveyor's signature, printed name and seal with Registration/License Number)

The 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys are effective February 23, 2011. As of that date, all previous versions of the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys are superseded by these standards.

*Adopted by the Board of Governors, American Land Title Association, on October 13, 2010.
American Land Title Association, 1828 L St., N.W., Suite 705, Washington, D.C. 20036.*

Adopted by the Board of Directors, National Society of Professional Surveyors, on November 15, 2010.

National Society of Professional Surveyors, Inc., a member organization of the American Congress on Surveying and Mapping, 6 Montgomery Village Avenue, Suite 403, Gaithersburg, MD 20879

In addition to the Minimum Standards, the following items from Table A Optional Survey Responsibilities and Specifications are to be included, as specified in form HUD-92457 A-M:

1. _____ *Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or referenced by an existing monuments or witnesses.*
2. _____ *Address(es) if disclosed in Record Documents, or observed while conducting the survey.*
3. _____ *Flood zone classification (with proper annotation based on federal Flood Insurance Rate Maps or the state or local equivalent) depicted by scaled map location and graphic plotting only.*
4. _____ *Gross land area (and other areas if specified by the client).*
5. _____ *Vertical relief with the source of information (e.g. ground survey or aerial map), contour interval, datum, and originating benchmark identified. **Contours may not exceed 1 foot intervals, except that 2-foot and 5-foot vertical intervals may be used where the mean site gradient exceeds 5 percent and 10 percent respectively. Where curbs and/or gutters exist, show top of curb and flow line elevations.***
6. _____ *(a) Current zoning classification, as provided by the insurer.*
_____ *(b) Current zoning classification and building setback requirements, height and floor space area restrictions as set forth in that classification, as provided by the insurer. If none, so state.*
7. _____ *(a) Exterior dimensions of all buildings at ground level*
8. _____ *Substantial features observed in the process of conducting the survey (in addition to the improvements and features required under Section 5 above) such as parking lots, billboards, signs, swimming pools, landscaped areas, etc.*
9. _____ *Striping, number and type (e.g. handicapped, motorcycle, regular, etc.) of parking spaces in parking areas, lots and structures.*
10. _____ *(a) Determination of the relationship and location of certain division or party walls designated by the client with respect to adjoining properties (client to obtain necessary permissions).*

- _____ *(b) Determination of whether certain walls designated by the client are plumb (client to obtain necessary permissions).*
11. _____ *(b) Observed evidence together with evidence from plans obtained from utility companies or provided by client, and markings by utility companies and other appropriate sources (with reference as to the source of information).*
- *Railroad tracks, spurs and sidings;*
 - *Manholes, catch basins, valve vaults and other surface indications of subterranean uses;*
 - *Wires and cables (including their function, if readily identifiable) crossing the surveyed property, and all poles on or within ten feet of the surveyed property. Without expressing a legal opinion as to the ownership or nature of the potential encroachment, the dimensions of all encroaching utility pole crossmembers or overhangs; and*
 - *Utility company installations on the surveyed property.*
- Note – with regard to Table A, item 11(b), source information from plans and markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary.*
12. _____ *Governmental Agency survey-related requirements as specified by the client, such as for HUD surveys, and surveys for leases on Bureau of Land Management managed lands.*
13. _____ *Names of adjoining owners of platted lands according to the current public records.*
16. _____ *Observed evidence of current earth moving work, building construction or building additions.*
17. _____ *Proposed changes in street right of way lines, if information is available from the controlling jurisdiction. Observed evidence of recent street or sidewalk construction or repairs.*
18. _____ *Observed evidence of site use as a solid waste dump, sump or sanitary landfill.*
19. _____ *Location of wetland areas as delineated by appropriate authorities.*
20. _____ *(a) Locate improvements within any offsite easements or servitudes benefitting the surveyed property that are disclosed in the Record Documents provided to the surveyor and that are observed in the process of conducting the survey (client to obtain necessary permissions).*

Form HUD-92457 A-M requirements:

Condo/Air rights Involved: The surveyor must provide a survey made in accordance with any Property Jurisdiction requirements or, in the absence of such requirements, professionally recognized standards.

Flood Hazard Involved: Where any portion of the site is subject to flood hazard, show the 100 year return frequency flood hazard elevation and flood zone for all projects plus the 500 year return frequency flood hazard elevation and flood zone for Section 811 projects. For existing projects show the site elevation at the building entrances, lowest habitable finished floor, and basement for each primary building, and the vehicular parking area that services each primary building. Take return frequency flood hazard elevations from the applicable Federal Flood Insurance Rate Map. Where such is not available, take the elevations from available State or local equivalent data, or when not available, work in conjunction with owner's engineer.

Blanket easement involved: Show on the map/plat the location of any facility that is located within or traverses the property under provisions of a blanket easement.

MHDC requirements:

1. The survey is to be a “transit” survey made at the site by a licensed surveyor. See the instructions on Form HUD-92457 A-M (04/2011) HUD Survey Instructions and Report, and the guidelines contained herein.
 2. The scale of the survey drawing is to be 1 inch = 30 feet or larger. A smaller scale may be acceptable if it will allow the survey to be on one page. Submit full size (24x30 inches) survey with firm submission. Electronic versions of survey are not acceptable.
 3. The initial survey and all subsequent revisions must all be submitted in full size (24” x 30”) hard copy unless otherwise specifically approved by MHDC. A full size (24” x 30”) hard copy of the final approved survey must be submitted to MHDC prior to the date of the MHDC loan closing. The final survey must bear the surveyor’s original signature (in blue ink) and professional seal, and must be dated within ninety (90) days of the date of closing.
 4. The Survey Drawing shall provide the following information:
 - (a) Provide the MHDC project name and project number at the top of the survey
 - (b) Name of City, County, and State of the property location.
 - (c) Owner’s name(s) with the lot and block numbers of the adjacent/adjoining properties.
 - (d) Legal description of the property, and the total square feet and acreage, if available. **The legal description on the survey and pro forma title policy must be identical. Appurtenant easements to the surveyed property should be included in the legal description.**
- NOTE: If a metes and bounds description is required, provide a point of reference from which the legal description is located (e.g., commencing as a point of reference at the NE corner of the NW ¼ of the NW ¼ of Section) on the survey, and dimensions locating this point with respect to the point of beginning. The point of beginning must be noted.
- (e) Material variations from record lines by fences, walls, or structures to be indicated (either on this property or adjoining).
 - (f) All encroachments or deviations from the description of the property or conflicts with descriptions of adjoining properties or encroachments of improvements onto easements or setbacks. If ownership of the fence, wall or structure is known, it must be noted on the survey.
 - (g) All party walls to be shown.
 - (h) Existing on-site and adjacent streets, alleys, drives, and walks. Provide the street names or designations (including widths and dimensions), indicate the surfacing, curbs, and other pertinent data, and provide the distance to the nearest street.

(i) All easements, rights-of-way, set back lines, and other restrictions, including the widths of easements and rights-of-way, distance of right-of-way lines to paving, distance of set-back lines from property lines, and the recording information. The easements must match all of the easements noted on the title commitment. Do not show the property line dimensions to the center of streets.

(j) Location and size of all utility lines, facilities, poles, hydrants, manholes, etc., including those on or adjacent to the property, and in adjacent streets. Include the water, sewer (storm and sanitary), gas, electric, telephone, and TV. Include the sewer invert elevations and direction of flow. All utilities are to be located within an easement unless they access the property by way of a public right-of-way and terminate on the property.

(k) Location of natural features such as preservable trees, streams, rock outcroppings, etc.

(l) Indicate all structures adjoining to the site. Indicate distance from property line and note encroachments, if any.

(m) Show the available information about subsoil, ground water, fill, and buried foundations, tanks, wells, cisterns, debris, etc.

5. Survey maps are to be certified using the certification on page one of the HUD Survey Instructions and Report, Form HUD-92457 A-M (04/2011), dated, signed and sealed within ninety (90) days before the closing. NOTE: In making this certification, be sure to delete "U.S. Department of Housing and Urban Development (HUD)" and in lieu thereof, insert "Missouri Housing Development Commission (MHDC)". MHDC understands that Section 7 of the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys restricts the certification language which may be placed on the face of a survey to the standard ALTA/ACSM certification stipulated therein, with the exception of any certifications which may be required pursuant to Section 3B of the Minimum Standard Detail Requirements. MHDC is of the opinion that the form HUD-92457 A-M certification language required hereunder is permissible on the face of the survey pursuant to the exception for "other requirements and standards of practice" set out in Section 3B of the Minimum Standard Detail Requirements. However, MHDC understands there is some disagreement among professionals in the survey industry with regard to the acceptability of the HUD certification being provided on the face of the survey. To that end, MHDC will allow the form HUD-92457 A-M certification to be provided on a separate sheet attached to the survey with such additional sheet being cross referenced on the face of the survey and incorporated therein by reference.
6. For multiple lot developments, show all lots and/or tracts on one survey, when possible.

GUIDELINES FOR SURVEYS REQUIRED AFTER THE COMPLETION OF CONSTRUCTION:

1. All corners of the site are to be staked or permanently marked.
2. The survey maps shall contain the information outlined under "GUIDELINES FOR SURVEYS REQUIRED PRIOR TO START OF CONSTRUCTION".

3. In addition, the survey map shall provide the following information:
 - (a) Show locations of manholes, transformers, poles, exterior lights, curb inlets, etc.
 - (b) The dimensions locating all buildings on the lot with respect to the lot and building lines are to be noted.
 - (c) All proposed easements, dedications, etc., not shown on the survey prior to the start of construction, must have the prior approval of MHDC before being filed.
4. If project is rehab then an 'as built' will be accepted at the completion of construction in lieu of an ALTA survey as long as the building footprint has not changed and no new easements need to be shown.
5. Show property in the name of the owner with recorded deed information.
6. The final survey submitted after completion of construction must be submitted in hard copy to MHDC. This survey must bear the surveyor's original signature (in blue ink) and professional seal, and must be dated within ninety (90) days of the date of conversion of the MHDC loan.

THE FOLLOWING ITEMS ARE GENERALLY NOT ACCEPTABLE:

1. Blanket easements.
2. Easements which encroach upon the rights of others by overlapping other easements or rights-of-way and if there are improvements such as sidewalks, patios, and carports within the easement.
3. Excessively large easements, such as a forty foot easement for a two inch gas line.
4. Ingress and egress easements providing access to adjacent properties.
5. Added wording or disclaimers to the certification on the survey, such as: "According to the information available", etc. The certification shall state the survey is correct, without qualifications.

GUIDELINES FOR PREPARATION AND REVIEW OF THE SURVEYOR'S REPORT (FORM HUD-92457M (05/2011)):

1. The Surveyor's Report, Form HUD-92457M (05/2011), must be dated no more than thirty (30) days before the closing of the MHDC loan by a licensed surveyor, and must bear the surveyor's original signature (in blue ink) and professional seal.
2. The date on line 1 of the first paragraph is to be the same as the last revision date on the survey map, and must be within ninety (90) days of the closing of the MHDC loan.
3. The date on line 2 of the second paragraph must be within thirty (30) days of the closing of the MHDC loan.
4. Positive statements are required regarding Items 1 through 10 on the Surveyor's Report. Statements such as the following are not positive statements:

- (a) "Shown on the survey" – If nothing is shown on the survey, then a positive statement has not been made. "
- (b) "None known" – This is not a positive statement, and is obvious the surveyor has not checked the records or made a transit survey.

Examples of acceptable statements are:

"Yes, as shown on survey".

"None".

Note: For items 3, 6 and 10 on the Surveyor's Report, a representation of "none observed" will be accepted.

5. Surveyor's Report and Survey must be able to provide required information independent from one another.

Attachments: HUD Survey Instructions and Report (Form HUD-92457 A-M (04/2011)) and Surveyor's Report (Form HUD-92457M (05/2011))