

Assess Your Assessment

Do I Need A Survey of My Land?

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Town of Webb Assessor

Many questions are asked at the Assessor's Office regarding property dimensions and other concerns. For example: "I thought the dimensions of my property were 285' x 180', but my tax bill has it listed as 300' x 175'; why?" "My neighbor and I think the locations of our properties are reversed. How do we get this straightened out?" "I think part of my neighbor's house is on my property. What should I do?" "How do I find out if my garage meets the required set back from my property line?" "My father and uncle told us that our land included 5.6 acres; your tax map shows only 4.2 acres." All these concerns and more can be determined or resolved by having a professional survey of the property in question.

It is important that the land dimensions on the assessing records are correct, because the land assessed value is based on those dimensions. When questions arise regarding the size or location of an individual's land, every effort is made by the Assessor's Office to provide information of record to the property owner to help them understand how dimensions, acreage or location are determined. The records reviewed include the tax map, the deed for the property in question and a survey map, if available.

When a property transfer is recorded with the County Clerk, at the time of sale or transfer, a deed is attached. The information in the deed is reviewed by the County Mapping Department to determine if the deed provides details of the property description and verifies if the information within the deed is reflected on the tax map. If a survey has been completed for the property prior to transfer, the description in the deed should reflect the dimensions provided by the survey map. When the property owner has the survey map filed with the County Clerk, the map is given an official number ex. MM4A50. The survey map number is then noted on the tax map and the dimensions reflect those provided on the survey map.

When property is purchased or transferred, an opportunity presents itself for the new property owner to review the deed, survey map and tax map to assure they are the same. *Metes and bounds is a system utilized to describe land or real estate to provide a detailed outline of a property, accomplished by beginning at a known reference point, proceeding to a point on the perimeter of the property being described, and then tracing the boundaries until one returns to the first point on the perimeter, usually a corner. The angles are described by reference to points of the compass, and the distances are described in feet or chains; curves are treated as arcs on a circle. An example follows:*

The following are two TYPICAL DEED DESCRIPTIONS: DEED #1 "Beginning at an iron pipe set on the northerly shore of West Bay 4' more or less from high watermark, said iron pipe being S. 85° 30'E. 598.08' from a point on the westerly boundary of land formerly owned by C. J. Fletcher as shown on a map entitled "Map of Property in Town of Webb, Herkimer County, N. Y., made for Clifford J. Fletcher and Margaret M. Fletcher" by A.L. LaShure, dated June 1953, said point on said westerly boundary being N. 4° 30' E. 752.7' measured along the said westerly boundary of said Fletcher land from a concrete monument set on said westerly boundary 3' more or less from high water mark of First Lake;....." A property owner is fortunate when a deed written with this detail is in their possession. When metes and bounds detail is provided by the deed, as in DEED #1, the

location of the property is specifically described and the boundaries can be followed based on the detail of the deed.

Other deeds may provide a description as vaguely written as follows: DEED #2 "lake front property between Lake Shore Drive and First Lake near Hollywood Hills Hotel west line and adjacent Smith. And further described as land running 20 feet more or less along First Lake from the land now or formerly of Robert Thuling on the west boundary to land now or formerly of John Jones on the east boundary... Land situated in the Town of Webb, County of Herkimer, State of New York, briefly described as follows: Being Lots No. 4, 5, 6 and 7, Block 6 as designated on maps entitled "Hollywood Hills, Section #1, First Lake, Fulton Chain, Herkimer County, NY, etc." This type of description doesn't provide any "metes" and bounds" information and if questions arise regarding boundary lines, the deed lacks specific measurements of proof. As in DEED #2, when only lot numbers are provided within the deed, metes and bounds are not described and therefore it is more difficult to determine where the property boundaries are located.

When you have a survey map for your property, the detail provided by the survey map should also be represented in your deed. If your deed doesn't describe the dimensions provided by the survey map, it would be wise to determine why there are differences. For example, if a parcel of land has been subdivided and the deed for the original land has not been rewritten to reflect the part of the parcel that has been separated, the deed will describe the entire parcel prior to the subdivision. If a subdivision has occurred you could see the terms "excepting out a section of land ..." If separate parcels of land have been merged together to meet zoning requirements or to create an acceptable building lot, a new deed may not have been written and the land will be described by separate deeds, with each deed describing the original parcel prior to the merge.

When assisting the property owner to answer a question or resolve a problem, the Assessor has three references to utilize. The preferred reference is a survey map, which is thought to be most descriptive and reliable. If there is no survey map on file, the deed is utilized. If the office has no deed for a parcel, the dimensions and parcel size are based on the tax map. A survey and deed are legal documents. A tax map is not. Based on *Real Property Tax Law section 550(3) (c)*, a claim for correction of an error in assessment attributable to an alleged error in acreage must be based on a survey submitted by the applicant.

Your property may be one of your most valuable assets. If you as a property owner want to know exactly where your property is located, what the dimensions or size of the property are and where your buildings are located, a property survey will provide you with that information.

For more information about assessing related questions or concerns, please call the assessor's office, reference the Town of Webb website at www.townofwebb.org or go to the New York State Real Property Tax Services Office website at www.orps.state.ny.us.