

Survey and Legal Description Requirements for Texas Veterans Land Board Tracts



NOTE TO SELLER OR VETERAN: PLEASE FORWARD A COPY OF THESE REQUIREMENTS TO YOUR PROFESSIONAL LAND SURVEYOR WHEN ORDERING A NEW SURVEY OF THE PROPERTY TO BE FINANCED THROUGH THE VETERANS LAND BOARD (VLB) PROGRAM.

NOTICE TO SURVEYORS: All professional surveying services provided for use in the purchase of land through the VLB Land Program must comply with the rules and regulations of the ***Texas Board of Professional Land Surveying (TBPLS) (prior to September 1, 2019), or Texas Board of Professional Engineers and Land Surveyors (TBPELS) created September 1, 2019.*** It is the surveyor's responsibility to remain in compliance with these rules and regulations. The VLB staff can be reached at 800-252-8387 for loan and application questions, and General Land Office (GLO) survey staff can be reached at 512-463-3493 for questions regarding survey review questions.

No restrictions or copyright may be placed on the survey plat or metes and bounds description which would limit or prohibit the VLB or veteran purchaser from copying and/or using the plat and field notes in this transaction in any future transaction involving the surveyed tract and the VLB and veteran purchaser. The plat may state that "it is only for the use of the veteran purchaser, seller, Veterans Land Board and the title company." This is the only allowable limiting language.

IMPORTANT NOTICE

You have prepared and are submitting field notes and a survey plat for use in a transaction involving Veterans Land Board financing. By doing so you have agreed to and are bound by the terms of 40 TAC 175.4(e). 40 TAC175.4(e) provides that any field notes or survey plat prepared for and used in any Veterans Land Board transaction includes a license from the surveyor to the board and the veteran purchaser to copy and use the field notes in that transaction and in any future transactions involving the surveyed property.

NOTICE TO VETERANS, SELLERS, AND REAL ESTATE AGENTS: Under certain circumstances Texas statutes require the owner of a tract of land dividing said land into smaller parcels to follow a formal subdivision platting process. It is the responsibility of the owner/seller of the property to legally plat the property if required. If platting is required, the VLB must be provided with a copy of the final approved recorded plat. If the property is not in a recorded subdivision and will be described by field notes, it is recommended that you obtain written verification from the city/county that states that the property is not in violation of their subdivision requirements.

REQUIRED LEGAL DESCRIPTION OF THE TRACT AS FOLLOWS:

FIELD NOTES - A tract of land that is not all of a lot in a city/county approved and recorded subdivision must be described by a metes and bounds description (field notes). The description may be an original document or a copy; it must describe the subject tract being purchased; it must be legible; it must meet **Texas Board of Professional Land Surveying (TBPLS) (prior to September 1, 2019), or Texas Board of Professional Engineers and Land Surveyors (TBPELS) created September 1, 2019** requirements and, it must bear the surveyor's signature and seal.

If there is a companion "survey plat" available, please include it with the field notes.

OR

LOT AND BLOCK - A lot/tract in a city/county approved and recorded subdivision shall be described by a Lot and Block, and either of the following provided:

1. A **full size, clearly legible, complete** copy of the recorded subdivision plat must be provided. The subdivision plat must be signed and sealed by the surveyor and/or engineer and signed by the Commissioner's Court and/or Planning and Zoning Commission, County Clerk and Owner. Also, it must show the right-of-way dedication and all courses, distances, and curve data for all lot lines for each lot. No significant deficiencies, errors, or ambiguities as to tract boundaries may exist on the recorded plat, or.

2. A **clearly legible, complete** copy of a Lot/Block survey plat must be provided. On the face of the survey plat there shall be a certification signed and sealed by the surveyor, proper reference to recorded Subdivision Plat e.g. lot/block, subdivision name and recording information, proper monumentation (found or set), street right-of-way and/or access noted and all courses, distances and curve data for all lot lines must be shown. No significant deficiencies, errors, or ambiguities as to lot boundaries may exist.

ACCESS EASEMENTS:

Easements necessary for access to/from the subject tract to/from a public road must be clearly shown on the subdivision plat together with the dedication of said easement(s) to the public or to the owners of lots/tracts in the subdivision. The width of the easement with its courses and distances must be shown.

If the tract is not in a recorded subdivision and does not abut/adjoin a public road, a perimeter metes and bounds or centerline description (field note) of an access easement must be provided.

For the purpose of these requirements, the term "public road" means any dedicated public roadway, designated to be within the county road system, state or federal highway, or City Street. The Access Easement description must contain the information cited previously in this document and:

- be a minimum of **60** feet wide or meet the county road width requirements for a public road, **whichever is greater**;
- connect with both the tract and a public road with specific references to each other in all descriptions;
- clearly define the designation of a public road;
- must be a document of record in county; and

- if multiple easements are used, each segment must connect with and contain the calls to the segment(s) to which it connects.

A right-of-way or access easement crossing a tract must be:

- described by metes and bounds in a manner that its location and acreage may be determined;
- referenced in the metes and bounds description of the subject tract or shown on the subdivision plat.

ADDITIONAL REQUIREMENTS:

- **The VLB will not approve a survey of a tract unless it contains at least one acre, excluding any portion beneath a dedicated public roadway or navigable waterway or is subject to frequent inundation or is otherwise unusable.** It is the responsibility of the veteran and the seller to ensure the tract meets this one-acre minimum.
- "Flag Lot" shaped tracts must contain 1.0 acres in the main body of the tract, excluding the "staff/pole"
- The mathematical closure of any survey plat or field note description shall be no less than 1:10,000. Essential curve data (e.g. chord bearing, chord, arc, and radius) must be supplied for closure calculations.
- Field notes, when required, must reference the parent deed in the chain of title and tie to a corner of the parent tract.
- The survey must also be acceptable to the title company.