

Texas Veterans Land Mortgage Program



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 fully comply with the current *Professional Land Surveying Practices Act and the Standards of Responsibility and Rules of Conduct, Professional and Technical Standards (Texas Administrative Code, Title 22, Part 29, Chapters 661 - 665)*. The VLB will not approve a survey that does not meet these requirements. General Land Office (GLO) survey staff can be reached at 512-463-3493 for questions regarding survey information review. No restrictions 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 field notes in this transaction in any future transaction involving the surveyed tract and the VLB and veteran purchaser.

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 all *Professional Land Surveying Practices Act and the Standards of Responsibility and Rules of Conduct, Professional and Technical Standards (Texas Administrative Code, Title 22, Part 29, Chapters 661 - 665)* 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, 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;

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(Exhibit #3)

2. A **clearly legible, complete** copy of a Lot/Block survey plat must be provided. On the face of the survey plot there shall be a certification signed and sealed by the surveyor, proper reference to recorded Subdivision Plat i.e. 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; 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 (i.e. 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.

Texas Administrative Code

TITLE 40

SOCIAL SERVICES AND ASSISTANCE

PART 5

TEXAS VETERANS LAND BOARD

CHAPTER 175

GENERAL RULES OF THE VETERANS LAND BOARD

SUBCHAPTER A

GENERAL RULES AND CONTRACTING FINANCING

RULE §175.12

Severances

[Historical](#)

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(a) If a veteran wishes to have clear title to a portion of the land he is purchasing, he may obtain a severance deed from the board for that portion. To accomplish this the following steps should be taken:

(1) A current ground survey of the portion to be severed must be made by a qualified surveyor. The survey requirements of §175.4 of this title (relating to Land Descriptions) must be met. The field notes and plat prepared from the ground survey must be submitted to the board.

(2) Both the tract to be severed and the remaining tract must have access to a public road. If the severed tract includes all of the road frontage, a 60 foot access easement to the portion remaining under contract must be conveyed to the board.

(3) Upon receipt of the field notes and plat, the board will have an appraisal made to determine the amount to be paid for the severed acreage. The veteran will be notified of the result of this appraisal. This amount, which will be applied against the principal of the veteran's account, should be submitted to the board, along with a deed fee. The board will then issue a deed, conveying clear title to the severed portion.

(b) The board will not issue severance deeds listing anyone besides the original veteran purchaser or the last approved assignee as the grantee.

(c) All requests for severances will be subject to the approval of the chairman of the board.

(d) The chairman of the board is authorized to enter into, and execute on behalf of the board, an agreement recognizing that an improvement, when constructed, shall not attach to and become a part of the realty for the duration of any obligation incurred by a purchaser in connection with the erection of such improvement.

Source Note: The provisions of this §175.12 adopted to be effective March 11, 1986, 11 TexReg 1005; amended to be effective August 12, 2001, 26 TexReg 5838

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(d) Metes and bounds descriptions must be prepared from a survey of the property made on the ground. The survey should be made in such manner to be generally acceptable to title companies in the State of Texas for the purpose of deleting the survey exception clause.

(e) Each corner of the tract of land shall be marked by concrete or metal monuments or other durable monuments generally used in the area. A description of each monument set or found and its location, with witnesses as available, shall be incorporated into the metes and bounds description of the property.

(f) When a roadway or easement crosses a tract, it shall be described sufficiently to enable its location throughout the tract and its area to be determined.

(g) Property descriptions and subdivision plats will be examined by the board for acreage, closure, and sufficiency. The board's determination of these items will control.

(h) The surveyor should be instructed to do a proper boundary survey of the land to be conveyed according to the record boundaries of the tracts involved. Any encroachments by existing perimeter fences into the subject tract or into adjacent tracts should be shown together with the area of any lands lying between the record boundaries and the existing occupation. Any occupation on the ground not conforming to the record boundaries should be shown on a plat of survey and fully explained in an accompanying surveyors report.

(i) The chairman may waive any of the foregoing requirements and accept a survey deemed sufficient by the title company to permit deletion of the survey exception clause.

Source Note: The provisions of this §175.4 adopted to be effective May 7, 1991, 16 TexReg 2305; amended to be effective June 9, 2003, 28 TexReg 4434; amended to be effective December 21, 2010, 35 TexReg 11390

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TITLE 40

SOCIAL SERVICES AND ASSISTANCE

PART 5

TEXAS VETERANS LAND BOARD

CHAPTER 175

GENERAL RULES OF THE VETERANS LAND BOARD

SUBCHAPTER A

GENERAL RULES AND CONTRACTING FINANCING

RULE §175.3

Land Selection

(a) Land selected by a veteran for purchase or financing through the program must:

(1) be situated entirely in Texas;

(2) contain at least one acre (excluding, as defined by the board, inundated or submerged land, or otherwise unusable land);

(3) have insurable title under conditions acceptable to the board;

(4) if more than one tract of land is selected the tracts must be contiguous as defined by the board; or, if not contiguous, then one tract must meet the minimum acreage requirement, and the use, location, and value of the tracts would permit the board, in its sole discretion, to consider the combination of the tracts as one tract; and

(5) have direct access to a public road. If the tract does not directly abut a public road, a perpetual access easement appurtenant must be conveyed to the board, or other board approved access must be provided. This easement must meet the county width requirement for publicly maintained roads and, in any event, must be at least 60 feet wide. The easement must be conveyed to the board by general warranty deed or dedicated to the public or subdivision owners. If the easement is conveyed to the board by deed, it must be described by metes and bounds. This description must contain specific tie calls to both the tract and a public road. If the easement is dedicated, the deed to the board must refer to the recording information of the subdivision plat or other dedication instrument. If the board finances the transaction the tract must have similar easement rights. Easements and roads must be usable by standard automobiles during inclement weather.

(b) The board will not purchase or finance a tract of land that was wholly owned by the veteran or his spouse, separately or jointly, within 3 years of the date of application.

(c) If the veteran or his or her spouse owns an undivided interest in the land that he or she has selected, the board may approve the application after the tract has been partitioned and a copy of the recorded partition deed is furnished to the board. The board may purchase only that interest not owned by the applicant or the applicant's spouse. If the land is not partitioned because the applicant is purchasing the remaining undivided interest not currently owned by the applicant or the applicant's spouse, the board may nonetheless approve the purchase or financing of the tract. In such cases, the purchase price or loan amount will be limited to the value of the interest not previously owned by the applicant or the applicant's spouse. Whether or not the land is partitioned however, title to the entire tract must be conveyed to the board, or the board must be in a first lien position as to the entire tract.

(d) Except as provided in subsection (c) of this section, the board will not purchase or finance land in which the seller or any prior owner is to retain any interest, other than a mineral interest or an access or utility easement.

(e) The board will not approve any application that will result in a refinancing of a prior purchase by a veteran or his or her spouse.

(f) A tract must be free and clear of all liens when the board takes title or perfects its lien.

(g) The board reserves the right to refuse to purchase or finance any tract for any reason.

Source Note: The provisions of this §175.3 adopted to be effective March 11, 1986, 11 TexReg 1005; amended to be effective November 10, 1986, 11 TexReg 4487; amended to be effective January 8, 2002, 27 TexReg 286; amended to be effective October 21, 2003, 28 TexReg 9088

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