

ISSUING GUIDELINES

ALTA Endorsement: 17.2-06 (Utility Access)

Explanation:

This endorsement insures against loss if there is a lack of a right of access to specific utilities or services over, under or upon rights-of-way or easements because of:

- (1) a gap or gore between the boundaries of the Land and the rights-of-way or easements,
- (2) a gap between the boundaries of the rights-of-way or easements, or
- (3) a termination by a grantor, or its successor, of the rights-of-way or easements.

Underwriting Requirements:

1. This endorsement contains a list of possible utilities or services, some of which the subject property may lack access to. Ascertain from the customer the specific utilities or services that are of concern. Use that as the basis for your inquiry. You may add additional applicable utilities if our underwriting requirements are met.
2. Each of the requested utilities or services must be analyzed separately, as follows:
 - (A) Confirm that there is access to the specified utility or services. Although the endorsement does not insure that utility or service lines are actually hooked up and available, review the survey and locate and identify the specified utility or service line.
 - (B) Confirm the existence of an easement or right-of-way that provides access for the utility or services (recorded, platted and/or shown on the survey), but remember that the existence of the easement is not evidence that a utility line actually runs or may run through the easement area, unless the easement is contiguous to the land and is for the specified utility or service. Failure to show a particular utility line on the survey is a potential indicator that the utility service doesn't exist or that access is not available. For example, a sanitary sewer line may not exist because there may be a septic system instead. Similarly, storm water drainage may be handled by drainage ponds. Consult with the surveyor to resolve ambiguities.
 - (C) Confirm that the specified utility or service line actually services the premises. Although a utility or service line may exist, it may not service the land. For example, an electrical power line may cross a property, but not actually deliver electricity to the buildings there. If the survey shows a utility or service line connecting to a building, you may assume that the line services the land. However, if you are unable to make a

determination based solely upon the survey, you should obtain independent confirmation that the utility or service line services the land, for example, by:

- i. Surveyor's written confirmation (on survey or by separate letter);
 - ii. Letter from utility company;
 - iii. Letter from municipal/county authority;
 - iv. Letter from engineer;
 - v. Affidavit from current owner (which may be incorporated into the title affidavit) together with independent evidence (e.g., water/sewer bill); or
 - vi. Municipal water/sewer search.
3. This endorsement can be given for existing improvements or recently-completed construction. It is less likely - but possible - that the requirements can be met for vacant land, since the utility or service lines may not exist yet. If the land is unimproved or construction is not yet complete, please contact underwriting before issuing the endorsement.

Issuing guideline applies to the following Endorsement(s):

ALTA 17.2-06 Utility Access - 2006 ALTA Owner's Policy