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Connecticut homebuyers beware: Experts say property line boundaries can be inaccurate

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WEST HAVEN — When [Naza Bungu bought her Cape Cod style home in West Haven](#), one appealing perk included in the listing was a shed where she could store lawn and home maintenance equipment.

Bungu has used the lawnmower stored in that shed to mow the lawn since 2019, with the intention that her infant daughter would one day have somewhere to play outside. So when Bungu received a letter from the city informing her that the shed is not on her property, but rather on a small, city-owned adjacent parcel, she was shocked.

"I honestly thought that knowing your property lines came with the deed," Bungu said.

Bungu, a first-time homeowner, said there were several things she did not know or took for granted. She said she has a standing agreement with a neighbor to mow their lawns "down the middle" instead of determining the precise location of where their properties meet. She said she also figured that the shed, listed both on the 2019 listing for the home and on her closing paperwork, was an outbuilding fully on her property.

Attorneys who practice property law in Connecticut say it's likely that property lines across the state, as communicated to buyers, may be imprecise.

Jeffrey Cooper, a professor of law at Quinnipiac University, said "shed-sized errors" are uncommon, but property lines as represented on assessors' or geographic information system maps can sometimes be off by inches or feet.

"The inches or feet can add up if there's setbacks and you put in a generator and it's closer to the property line than you thought," he said.

Brian McCann, an attorney practicing property law for Pullman and Comley and a former attorney for the city of Norwalk, said land disputes are "not at all uncommon" in Connecticut, and they typically arise when a property owner intends to develop their property but had been unaware of the property's exact boundaries.

"If a prospective homebuyer or even somebody that currently owns a property wants to get a rough idea of where their property lines are, they can fairly easily go online and check that geographic information system map and have a rough idea," he said.

Although GIS maps show approximations of property boundaries, attorneys said they cannot be trusted to be 100 percent accurate.

"I haven't run into too many situations where you see that GIS property boundary being significantly off, but anybody familiar with GIS systems can tell you they certainly can be off by some factor of several feet, maybe even 5 to 10 feet," McCann said.

Although Connecticut is not unique in having property disputes, officials said quirks of the state's development history may contribute to present-day disputes.

"It's part of our colonial heritage: it's somewhat similar to the issue you feel when you're trying to drive around here or Boston or in some cities that aren't laid out in nice, neat grids," Cooper said. "A lot of these parcels aren't nice, neat squares. They've got angles to them, the street isn't straight, the street behind it isn't straight."

Cooper said a lot of the state's older parcels "were defined literally by a farmer putting down stone walls," a much less-precise measure than the amount of careful measuring that would go into a parcel developed today.

Attorneys said the only way to know the legal and official boundary of a property is to commission a property survey. Cooper said deeds will provide descriptions of properties that often reference markers like pins, stone walls or fences, but those are things prone to entropy and sometimes lack specific geographical locations.

"Sometimes it's discovered an old fence is in a wrong place when you want to add to or develop your property," Cooper said.

Cooper said technology has also evolved in such a way that a surveyor's report can provide laser accuracy in a way that was once not possible, as machines can now determine precise angles and use lasers to determine exact distances.

"Often people bring a surveyor out when they're trying to build a fence or add to their property," said attorney **Lenny Braman**, who represents clients in land use and zoning matters for Stamford-based **Wofsey Rosen Kweskin & Kuriansky**. "That's where certain misunderstandings can come to light."

However, attorneys agreed that the commissioning of such reports before a land transaction is extremely rare.

"A real estate agent is unlikely to check that before they list the house. It's not standard where they'd have a surveyor come out to check it," Cooper said. "A buyer as part of a transaction would also normally not have a surveyor come out to check."

Braman said a buyer's first step would normally be doing a title search.

"The title search is one key place a buyer can do diligence to determine if there are liens on the property they should be aware of or any zoning issues or open building permits or issues with the building department, and title search materials will always include the prior deed," he said.

However, there is no guarantee that any prior land surveys will be included in the materials, as there is no existing requirement for it.

"The town clerk in each city and town in Connecticut is charged with recording on land records whatever is given to them to record, so long as it's something to be recorded," Braman said.

"Generally, a town clerk will not independently verify something to determine if it's accurate, but they accept and record essentially forever what it is you give them to record. So you are somewhat limited by what is in the land records already."

Attorneys said surveyor's reports are usually done when a property is being upgraded, not when it is being purchased.

"If someone is going to make an improvement on their property, if it's a pool or outbuilding like a shed or barn, it would be, in that circumstance, prudent to go and have the property boundary located," McCann said. "Normally towns will require exactly that, because those activities, those constructions like a pool or barn or shed or even a patio or deck, typically require permitting from the local municipality."

David Gallitto, president of CT Realtors, said real estate transactions ordinarily involve a Realtor representing the buyer and representing the seller. Both parties will provide the most accurate information they have during the transaction, but it is almost unheard of for a surveyor's report to be commissioned during a land transaction, especially by a potential buyer on a property they do not yet own.

"You rarely see that in a real estate transaction," he said. "Normally it's a review of the documents either provided by the seller or whatever is garnered by the buyer at City Hall, because they have as much right to go in and retrieve documents on the property they're going to be purchasing to better educate themselves."

Ultimately, he said a Realtor's fiduciary is to his or her client, so besides accumulating as much information as is publicly available, Realtors act on behalf of the clients. Given the state of Connecticut's real estate market, Gallitto said the high demand and low supply means that there is pressure for transactions now to move faster.

"Sometimes things are set aside now. It's part and parcel with the market we are currently in," he said.

Jacob Miller, owner of brokerage and software development firm HMP Compass Realty, said he can only remember one transaction in over 1,000 real estate transactions in his career where a surveyor's report was used and relevant at the time of the transaction.

"Surveys are not cheap," he said. "Unless you're talking about a very high-end property, most people buying a house aren't trying to fork out an additional \$2,000."

He said an additional complication is there is often a significant lead time before a survey can be completed, and a buyer would also need to obtain permission to do a survey if they don't own the property.

"You are, in most instances, just basically relying on what the former owner has considered their property lines. Sometimes you're looking at trees or fences or things of that nature, but without a survey you don't in most instances know what exactly the boundary lines of your parcel are," Miller said.

Miller said that it's possible that any number of his clients have had surveys done for their properties after the transaction is completed, but he is not privy to that information and surveys are virtually never invoked during his involvement.

Although a land transaction requires a lot of paperwork, the responsibility ultimately falls on a buyer that the purchase they are making is a wise one, lawyers said.

"Generally, the rule is 'buyer beware,'" said **Braman**. "Buyers are expected to do their due diligence."

Cooper said there may be some paths for remedy in the instance a buyer believes they were misled, such as a warranty deed or title insurance. However, attorneys also said the best primary course of action is for a buyer to rely on their own best judgment.

"You cannot rely on what a real estate agent or broker tells you or represents to you as their understanding of a property value, and I don't mean that as disparaging against real estate brokers, but it's just a representation and they're probably only relaying what they've been told," McCann said. "I do experience often where somebody comes to me with a property line dispute and they say it's how they always understood it because that's what the seller said, but it turned out to not be there. You should probably as a buyer do your own due diligence."

Braman said buyers should not assume that the information they are provided is immune from human error.

"We're dealing with human beings: property owners, surveyors, municipal officials, all human beings who make mistakes from time to time," he said. "There are definitely situations where attorneys look at land records and try to determine who owns a strip of property or who has the

right to use it, and since it has been in use for so long in some cases, the ownership rights can sometimes be unclear or lost to the sands of time or are not determinable with 100 percent certainty."

Bungu, the West Haven homeowner, said the future of her property currently hangs in the balance. She offered to buy the city-owned parcel abutting her property so long as the city pays to remove a tree on the parcel. Currently, she is awaiting a City Council vote to approve her purchase.