

**INTERNAL OPERATING PROCEDURES**

Effective as of December 31, 2015

**OFFICE OF THE LIEUTENANT GOVERNOR**

Division of the Tax Assessor

Cadastral Section

**The Honorable Osbert E. Potter**

**Lieutenant Governor**

**United States Virgin Islands**

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## **INTRODUCTION**

The Cadastral Section is a key partner in emergency response, GIS mapping, construction, public real estate transactions, litigation, and a host of other important public services. The Cadastral Section locates and protects property boundaries and maintains that information for the public. The Cadastral Section also provides support for accurate baseline boundary for mapping the GIS system, and accurate collection of tax revenues for the territory. Therefore, in accordance with all powers and duties granted to the Lieutenant Governor of the Virgin Islands, the following internal operating procedures are issued based on the Lieutenant Governor's inherent authority to supervise the assessment of real property; and to provide for and supervise the filing records of real property transactions.

### **A. Objectives.**

These "Internal Operating Procedures" ["I.O.P's"] cover the essential functioning of the Cadastral Section of the Tax Assessor Division of the Office of the Lieutenant Governor and are intended to accomplish the following:

- (1) Define the role of the Cadastral Section as an integral part of the function of the Office of the Tax Assessor;
- (2) Provide internal written guidance to the Cadastral Section to ensure the efficient registration of maps; the processing of deeds; and other cadastral documents;
- (3) Maintain a high level of customer service while ensuring that the needs of the public are met in a timely manner;
- (4) Generate and maintain civility and respect between the general public and the employees of the Cadastral Section of the Office of the Lieutenant Governor.

### **B. Implementation.**

These I.O.P's implement:

- (1) Section 11 of the Organic Act of March 3, 1917, as amended by the Revised Organic Act of 1954;
- (2) Chapter 3, title 3 of the Virgin Islands Code, as amended by Act No. 2431, dated February 12, 1969;
- (3) Act No. 2431, dated February 12, 1969;
- (4) Executive Order No. 306-1987 as authorized by Act No. 2431;
- (5) The customs, traditions and common practices of the Cadastral Section.
- (6) These I.O.P's have been circulated to members of the Virgin Islands Bar and the general public as to how the Cadastral Section carries out its operations. Affected members of the bar and the surveying community have weighed in with their comments. Nevertheless, these I.O.P's do not have the force of law and are not intended to—and do not—create any substantive or procedural rights or other obligations on the part of the Office of the Lieutenant Governor that are enforceable by the public. These I.O.P's do not waive the requirements of any statute or rule of law. Because these I.O.P's are derived from other authorities and do not have the force of law, the I.O.P's will be modified from time to time, without prior notice, to accommodate changes in statutory mandates, emerging rules of law, and the Cadastral Section's evolving internal practices.

### **C. Effective Date.**

As These I.O.P's implement relate solely to the internal management of the Office of the Lieutenant Governor, they are effective immediately.

**Subsection 2361-1 — DEFINITIONS**

As used in these I.O.P's, the following definitions apply:

- (1) "Cadastral map" includes any map that has been approved and registered with the Cadastral Section of the Office of the Lieutenant Governor, bearing a number that is affixed by the Public Surveyor of the Virgin Islands.
- (2) "Tax Map" is a cadastral map that contains the legal description and a twelve-digit parcel identification number, which is also known as a "Tax Identification Number."
- (3) "Office" means the Office of the Lieutenant Governor
- (4) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (5) "Property identification" means the size, shape and dimensions (usually stated in U.S acres or U.S. square feet) of a parcel which may be found on a cadastral map.
- (6) "Real property" means real estate consisting of land, buildings, crops, forests, or other resources still attached to or within the land or improvements or fixtures permanently attached to the land or a structure on it, including any interest, benefit, right, or privilege in such property.
- (8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (9) "Survey system" means the mapping methods based on standards sets by the United States Government, specifically the Department of Interior's U.S. Geological Survey National Geospatial Program, and the Public Land Survey System.
- (10) Geographical Information System or "GIS" means an entire formula, pattern, compilation, program, device, method, technique, process, digital data base or system that electronically records, stores, reproduces and manipulates by computer any geographic information system data. The GIS is wholly dependent on the Cadastral Section and compiles all geographic information system data from the geodetic co-ordinates, maps, and monument information as provided by the Public Surveyor.

**Subsection 2361-2 — ADMINISTRATION OF THE CADASTRAL SECTION**

The Public Surveyor is the supervisor of the Cadastral Section of the Tax Assessor Division of the Office of the Lieutenant Governor. The Public Surveyor is the only authorized individual who may approve and register maps, and is the only authorized individual who may perform deed attests.

**Subsection 2361-3 — DUTIES AND RESPONSIBILITIES OF THE PUBLIC SURVEYOR**

**(1). Cadastral Map Preparation for Taxation of Real Property:**

- a. The Cadastral Section functions under the Office of the Tax Assessor in order to increase and maximize real property tax revenue collection efforts. Accordingly, the Cadastral Section shall engage in the following—
  - 1) Create and assign tax identification numbers for each parcel of real property that are used by the Tax Assessor to locate, inventory and appraise all real property within the Territory.
  - 2) Provide information for the GIS, which in turn is used to create a digital tax map.
  - 3) Maintain records of conveyances of real property to update cadastral maps.
  - 4) Assign tax identification numbers to individual parcels within existing tax blocs that have already been created by the Public Surveyor.
  - 5) Promote and control all matters connected with registered maps to accurately identify and safeguard the tax boundaries of real property in the Territory.
  - 6) Review and approve all surveys presented for registration with the Office.
  - 7) Create and maintain cadastral maps for all public lands in the Virgin Islands.

- 8) Assign parcel numbers in such a way that each parcel represents one property record, which is one unit of land that is capable of being separately assessed.
- 9) Ensure that each cadastral map displays the following:
  - a. metes and bounds of each property, lot or parcel identified by the Tax Assessor;
  - b. dimensions of each property, lot or parcel identified by the Tax Assessor, including subdivision boundaries, road frontage and rights of way;
  - c. an assigned parcel identifier;
  - d. acreage of the property, lot, or parcel;
  - e. reference to prior years' maps if any exist;
  - f. scale of the map;
  - g. adjoining map references and/or match lines;
  - h. any other document or map as required for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.
- 10) Make cadastral maps available to the public to be used in the assessment and appraisal appeals before administrative agencies and courts of the Virgin Islands.

**(2). Cadastral Map Maintenance:**

- 1) Take evidence from any person who may have information to prove any point material to a survey or whenever necessary in the discharge of official cadastral duties; and
- 2) Establish procedures and guidelines to govern the paper or electronic submission of plats, records, and other documents to the Cadastral Section as outlined in Appendix A;
- 3) Provide, personally or by a designee, all surveys that are required by the Territory or by a court.
- 4) Ensure that every deed, parcel, and legal land document in the Territory is tied into a monument marker system in order to prevent gaps and overlaps of land ownership.
- 5) Establish definitive monuments and boundary markers that are referenced by measurements to nearby structures and with reference to geographic coordinates.
- 6) Maintain cadastral maps using the same data and methods that are used the creation process for the cadastral map, which may include the following:
  - a. Form new sub-divisions by adding new parcels to the cadastral map.
  - b. When new parcels are added, require that surveyor prepare a new map sheet.
  - c. Ensure that cadastral maps are converted to tax maps concurrent with changes that occur in parcel size, shape or number of real property.
- 7) Integrate with and leverage to the maximum extent practicable current cadastral activities with other Territorial units (DPNR, CZM, etc.) and the federal government.
- 8) Provide expert witness and support in cadastral-related litigation i.e., real estate, right of way, encroachment, and other disputes.
- 9) The Public Surveyor must perform other duties that are required by law, or as prescribed at the direction of the Lieutenant Governor.

**Subsection 2361-4 —PUBLIC SURVEYOR AS THE KEEPER OF PUBLIC REAL PROPERTY RECORDS**

The Cadastral Section serves the Territory by providing historical and current survey information; surveying expertise; superior customer service; and duties as mandated by the Lieutenant Governor. Accordingly, the Cadastral Section is empowered to do the following—

- 1) Administer and maintain public survey monuments and corners.
- 2) Administer a standard review sheet for all surveyors/engineers to follow for submitting survey maps for registration as derived from statutes, common law and other surveying sources.

- 3) Review and approve proposed subdivisions of all land parcels and index them for the public record.
- 4) Review surveys submitted for filing by land surveyors and land engineers for conformity with acceptable surveying practices, the public record, and the formatting rules as set forth by the Public Surveyor.
- 5) Prescribe, and disseminate to those engaged in the business of land surveying any current regulations designed to assist in uniform and professional surveying methods and standards in the Territory.
- 6) Collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries, and to assist in the proper recording of the same.
- 7) Establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the Territorial land survey system.
- 8) Coordinate and catalog all surveys showing the inventory of state-owned real property.
- 9) Within the requirements and time limits set forth in Appendix A, the Public Surveyor will embark on a timely review and feedback on electronically submitted maps prior to registration.
- 10) Maintain a correct and fair record of all surveys made by surveyors, number them in the order made, preserve a copy of the field notes and calculations of each survey, and endorse thereon its proper number. A copy of the survey and a fair and accurate plat, together with a certificate of survey, shall be furnished to any member of the public upon application and payment of fees as allowed by 28 VIC §133k(ii).

**Subsection 2361-5 — FEES**

1. Furnish a copy of any record, plat or paper in the office to any person on demand and upon payment of the required fees.
2. Consistent with the legislative authority set forth in 28 VIC §133k(ii), the Public Surveyor, with the advice and consent of the Lieutenant Governor, shall prescribe the fees to be charged with respect to any act or matter required or permitted to be performed or dealt with in connection with the Cadastral Section.

**Subsection 2361-6 — PUBLIC ACCESS**

1. Provide survey expertise to all persons who are having survey related problems and/or questions.
2. Administer the public survey records and provide research tools for use of the public to access copies of the public records.

**Subsection 2361-7 — ATTESTATION**

Historically, it is the function of the Public Surveyor, or a designee, to attest deeds before they are filed with the Recorder of Deeds. Accordingly, the Cadastral Section shall engage in the following process to handle the attest function—

- a. Embark on a timely review of and feedback on electronically submitted deeds prior to affixing attestation stamp within the time limits set forth in Appendix B.
- b. Verify the description of real property contained in all deeds presented for attestation.
- c. Verify the boundaries of the real property specified in the deed by placing the initials of the Public Surveyor, or a designee, to the right side of the legal property description

after it has been compared against the survey map, and the requirements for legal property descriptions as required by the Public Surveyor.

- d. Administer a standard format for the real property description on all deed submittals prior to affixing an attestation stamp, as outlined in Appendix B.

**Subsection 2361-8 — GEOGRAPHIC INFORMATION SYSTEMS (GIS)**

1. It shall be the duty of the Cadastral Section to produce surveys and maps that support the geographic information system and advance the accuracy of the development of the GIS process in the Territory.
2. The Cadastral Section may advise and coordinate with other agencies (DPNR, CZM, etc.) to review subdivision and development plans throughout the Territory.
3. The Cadastral Section shall rely on any necessary additional geographic information (topographic maps, coastal zone maps, Danish measure briefs, etc.) as part of the official cadastral record of all legally recognized divisions of property. This information may be used to create geodetic coordinated surveys that are shared with GIS. Accordingly, the Cadastral Section shall engage in the following process—
  - a. Prepare cadastral maps containing geodetic coordinates to be furnished to the GIS.
  - b. Participate in the establishment of such standards and common protocols as are necessary to assure the interoperability of geospatial information pertaining to the GIS for all persons who use such information.
  - c. Assist GIS as it incorporates cadastral maps for the entire assessment jurisdiction, showing—
    - i. ownership;
    - ii. the size and position of each parcel in relation to other properties, including bodies of water, roads, and other major geographic features;
    - iii. identifying parcel numbers;
    - iv. other pertinent legal and descriptive information.
  - d. Ensure the accuracy of the cadastral information that GIS incorporates and disseminates when GIS provides the digital framework upon which parcel information can be displayed, such as assessment comparisons, land appraisals, and market or other statistical data.

## APPENDIX A - MAPS

### Procedures For Electronic Survey Map Review Submittals St. Thomas/St. John and St. Croix\* District

- 1) Submittals must be emailed to the Public Surveyor's email address.
- 2) All submittals must be in preferred PDF format or in AutoCAD DWG software from 2007 or later.
- 3) All submittals must be accompanied by a map that contains boundary descriptions and references to prior maps (if any).
- 4) A copy of the official form requesting survey review.
- 5) The Public Surveyor, or a designee, will respond in writing to all submittals.
- 6) All corrections furnished by the Public Surveyor must be resubmitted electronically before final approval is given.
- 7) Before any map submittals may be registered, they must be presented as follows:
  - a. an original document
  - b. bearing an OLG number supplied by the Public Surveyor
  - c. with the original request for survey form.
- 8) Final submittals must be 2 reproducible maps, preferably on Mylar paper)
- 9) Final submittals must be accompanied by Survey Request Registration Form signed by both the Owner of real property, and by the Surveyor.
- 10) When requesting survey maps, please have correct parcel number and PWD/OLG drawing number available.

**\* Note: for submittals on St. Croix all maps must first be presented, electronically or in person, to the St. Croix Cadastral Section.**

## APPENDIX B - DEEDS

### Procedures For Electronic Submission and Review of Deeds Prior to Attest [Please note: customers may still bring in their deeds physically]

- 1) Deeds may be emailed to the Public Surveyor's email address bearing the Subject: "Deed Review Request."
- 2) All deeds must be in PDF format—no Word documents will be accepted.
- 3) The Public Surveyor, or a designee, will review deeds and return corrective comments via email within the following timeframe:
  - a. Simple Deeds [1 parcel description] – 3-5 business days
  - b. Moderately Complex Deeds [2 to 4 parcel descriptions] – 6-7 business days
  - c. Complex Deeds – please call to inquire as to timeframe

**\*\*\*\* EXPEDITED SERVICE:** Although the Cadastral Section has limited personnel and resources, it is possible to have deed attests performed in an expedited manner for a fee. The following is the fee and time schedule for expedited service:

- a. Simple Deeds – up to 48 hours (workdays only) - \$125.00
  - b. Moderately Complex Deeds – up to 72 hours (workdays only) - \$150.00
- 
- 4) All deeds must meet the following requirements before the Public Surveyor, or a designee, affixes the "Attest" stamp:
    - a. Parcel Information to be listed on the front page should contain—
      - i. Parcel Number OR Plot Number as applicable
      - ii. Estate
      - iii. Lot No. [if applicable]
      - iv. Quarter
      - v. Island
      - vi. Map No.
      - vii. Acreage as stated on the map in "US square feet" or "US acres"
      - viii. Prior Recorder of Deeds Information [if available]
    - b. Date of Indenture/Conveyance must be stated on front page
    - c. Terms "Grantor/Seller" and "Grantee/Buyer" are acceptable
    - d. Acknowledgement and Grantor/Seller signature should be on second page
    - e. Witnesses must sign & print names

**Note :** All conveyances must be surveyed, or state the most current registered map number listed for the property.



**SAMPLE WARRANTY DEED**

**[For Reference Purposes Only- Please Consult an Attorney for Specific Legal Help]**

**THIS INDENTURE** made at [CITY], [ISLAND], [STATE], this \_\_\_\_ day of \_\_\_\_\_ [YEAR] by and between [GRANTOR NAME], of [GRANTOR ADDRESS] (hereinafter referred to as "Grantor") and [GRANTEE NAME], of [GRANTEE ADDRESS] (hereinafter referred to as "Grantee").

**WITNESSETH**

That in consideration of the sum of [\$\_\_\_\_], Grantor hereby does hereby remise, release and forever grants, gives, conveys and confirms unto Grantee, Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest in and to the following parcel, lot or plot of land situate, lying and being in [NAME OF ISLAND], Virgin Islands, and described on the public records thereof as follows:

PARCEL OR PLOT NO.  
LOT NO. \_\_\_\_\_, ESTATE \_\_\_\_\_  
QUARTER  
ISLAND, US VIRGIN ISLANDS  
As shown on [PWD/OLG/Surveyor] Map No. \_\_\_\_\_  
Consisting of \_\_\_\_\_ US Acres [OR Square Feet]  
Recorded [date], Book [Volume], Page \_\_\_\_, No. \_\_\_\_.

**TOGETHER WITH** the tenements, hereditaments and appurtenances thereunto belonging, and any and all improvements located thereon, and all the estate, right, title and interest, property, possession, claim, and demand whatsoever, both in law and equity of the Grantor in and to the same.

**SUBJECT TO** zoning regulations of public record, and to all other covenants, restrictions, conditions and easements of record, if any, which may now, or in the future, affect the property described herein,

**AND THE GRANTOR WARRANTS** as follows:

- 1. That the Grantor is seized of the premises in fee simple absolute, and has good right to convey the premises;
- 2. That the Grantee shall quietly enjoy the premises;
- 3. That the premises are free from any encumbrances except as aforesaid;
- 4. That the Grantor will execute or procure any further necessary assurance of the title to said premises; and
- 5. That the Grantor will forever warrant and defend title to said premises.

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**IN WITNESS WHEREOF**, the Grantor has duly executed the aforementioned Warranty Deed on the day and year first above written.

Witness No. 1:  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

**GRANTOR:**  
\_\_\_\_\_

Witness No. 2:  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

**ACKNOWLEDGEMENT**

On this \_\_\_\_\_ day of \_\_\_\_\_, [YEAR], before me personally appeared [NAME OF GRANTOR], known to me or satisfactorily proven to be the individual who executed the foregoing document, and after first being duly sworn did acknowledge that Grantor executed that same freely and voluntarily for the purposes stated herein.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

(Affix Seal)

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: