



Writing and Reviewing Non-Rectangular Land Descriptions

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2024

Additional Training available – self-study - FREE

BLM Knowledge Resource Center (KRC)

Interpreting and Writing Land Descriptions

[Module 1 - Introduction, History and Types](#)

[Module 2 - The PLSS](#)

[Module 3 - Metes and Bounds](#)

[Module 4 - Other Types of Land Descriptions](#)

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[Land](#)

[Basic Boundary Law](#)

[Land Status Lesson 1](#)

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[Land Status Lesson 3](#)

The screenshot shows the BLM Knowledge Resource Center website. The header includes the BLM logo, the text 'Knowledge Resource Center', a user icon, and a search bar. Below the header is a navigation menu with 'Home', 'Program Areas', and 'Contact Us'. The main content area shows the breadcrumb 'Home / Lands and Realty' and the search results for 'Cadastral - General'. There are 4 resources found, each with a thumbnail and title: 'Basic Map Reading', 'Cadastral Survey', 'Cadastral Survey Historical Manuals and Handbooks', and 'Interpreting and Writing Land Descriptions'. A sidebar on the left contains filters for 'Resource Title', 'Availability' (with checkboxes for 'BLM Internal Users Only' and 'Publicly Available'), and 'Program Area'. A green arrow points from the search results area towards the text on the right.



Search keywords: BLM KRC Cadastral

Certified Federal Surveyor (CFedS)

www.cfed.org

CFedS is a training program that teaches private surveyors how to conduct survey work to Federal standards. Certified Federal Surveyors are trained in:

Records Investigation,
History of the PLSS,
Administrative Procedures,
Indian Land Law & Cultural
Awareness

Federal Boundary Law and
Title Examination

Restoration of Lost Corners

Subdivision of Sections

Survey Evidence Analysis

Water Boundaries

Federal Boundary Standards
and Business Practices

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You may be interested in working with a CFedS if you are:

Completing surveys on or near federal interest lands.

Want to ensure such surveys comply with regulations and policies.

Performing Fee to Trust transactions

Writing or Reviewing Land Descriptions

Session Goal

This session is designed to support Tribal managers with **resources to better understand and write non-rectangular land descriptions** to utilize, protect, develop, and promote Indian lands and resources. Accurate land descriptions ensure that activities, rights, and boundaries are located correctly.

What does a good land description do?

Accurate description in the records allows for the proper management, development and protection of land.

Good land descriptions into TAAMS results in good realty transactions

What is a GOOD land description?

- It is clear, concise, and consistent
- Represents intentions of the grantor
- Leaves no room for interpretations
- Locatable on the ground without oral testimony
- Has acceptable closure (calculation)
- Is properly referenced
- Does NOT create conflict with existing or adjacent parcels

What is a BAD land description?

- Confusing, uncertain, ambiguous, or in conflict with adjoining descriptions.
- Requires using extrinsic evidence and rules of construction to resolve conflict.

Rules of Construction

- A rule of construction is used to interpret a document to determine the purpose of those who drafted it.
 - Words in a deed are presumed to have a purpose.
 - Definition of those words are generally their ordinary meaning unless a local or known difference.
 - Order of precedence is typically used to define controlling calls and intent in deed.

Types of Ambiguity

- **Patent Ambiguity** - on the face of it the deed
 - For example -a description that doesn't close giving rise to more than one interpretation.
- **Latent Ambiguity** – often found when attempting to locate the property on the ground through surveying activity.
 - Requires extrinsic evidence to resolve.
- The number one rule for the interpretation of deeds is to find the intent of the grantor.

Common Mistakes in land descriptions

- Typographic or Scrivener errors
 - Can be carried through many conveyances
- Lack of Controlling Language
 - Calls for surveys and natural or artificial mons.
- Uncertain Basis of Bearing-True, Magnetic, or Grid
- POB that can't be located with certainty
- Description History
 - Where did your parcel come from?

Seniority of Calls - Order of Precedence

- Monuments (natural over artificial)
- Record adjoiner
- A record survey
- Distances
- Bearings
- Area (as an addendum)
- Coordinates

Seniority of Calls - Exercise

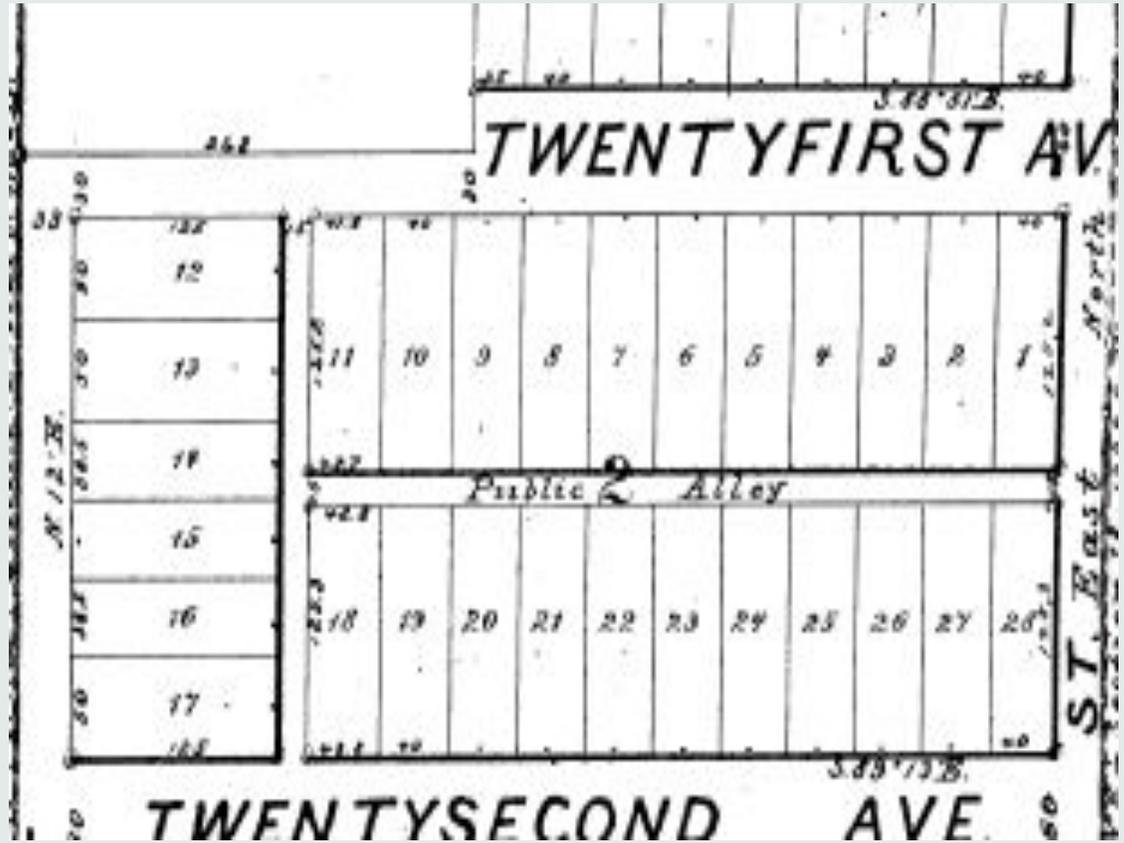
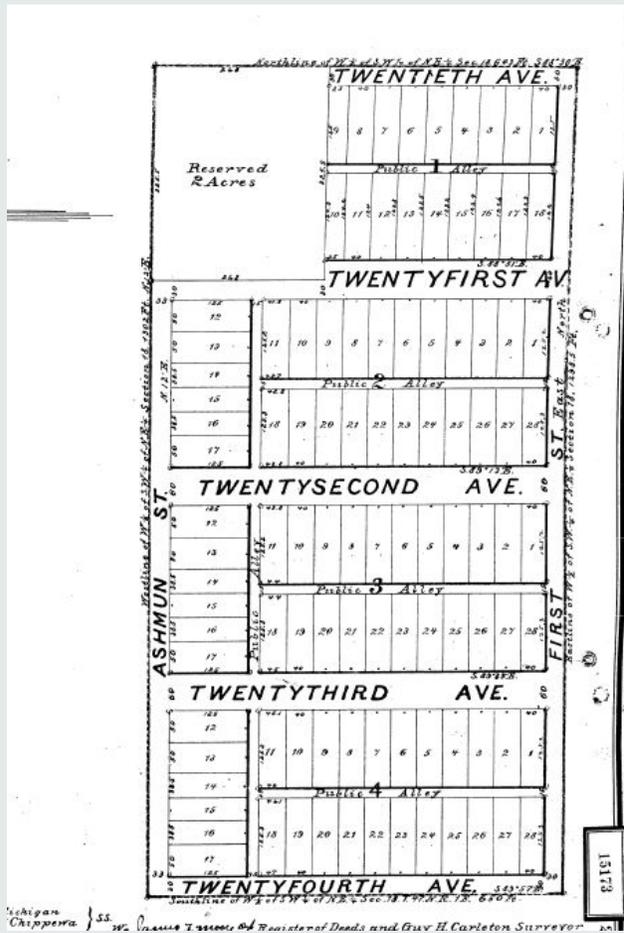
- Thence North, 100 feet
- Thence North 100 feet to an iron pipe
- Thence North 100 ft. to an iron pipe on the S. bdy. of State Hwy. 100
- Thence North 100 ft. to an iron pipe on the S. bdy. of State Hwy. 100 to the Point of Beginning, containing 35 acres more or less
- The North 30 acres of Section 3 East of the Hut Road
- Beginning at an iron pipe at a Latitude: 45-30-11; Longitude 94-25-15

- Monuments (natural over artificial)
- Record adjoiner
- A record survey
- Distances
- Bearings
- Area (as an addendum)
- Coordinates

Sequential vs. Simultaneous

- Sequential Conveyances generally have a lapse in time between successive conveyance instruments.
 - Colonial States – Metes and Bounds
 - May cause gaps, overlaps and Senior and Junior Rights.
 - Can't sell what you don't own.
- Simultaneous Conveyances are where several parcels of lands are created at the same moment of time usually with a map or plat.
 - Rectangular or Subdivision surveys
 - Everyone gets their equal share.

Sequential vs. Simultaneous



Types of Non-Rectangular Land Descriptions

- Metes Descriptions – measurements of perimeter
- Bounds Descriptions – defines limits with no measurement
- Metes and Bounds Descriptions – combination of above
- Strip Descriptions – M&B of control line with offsets
- Reference Descriptions – based on recorded plat/plan
- “ly” Descriptions – describes portion of a parcel

Metes Description

The term “**metes**” refers to a boundary defined by a direction and distance for each straight line (course) in its legal description.

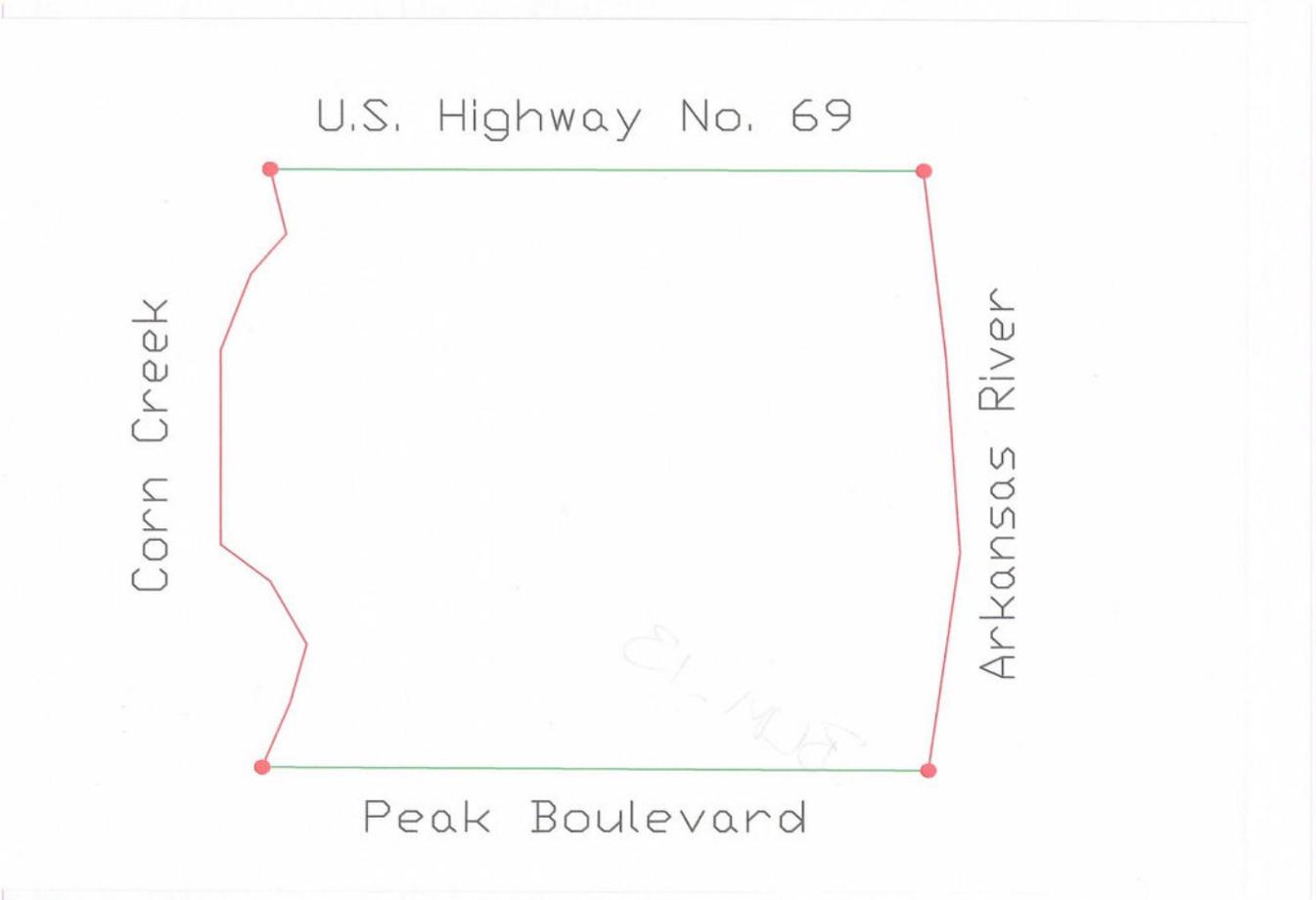
“Thence North 89 degrees, 39 minutes, 47 seconds West, a distance of 147.33 feet (the metes), ...”

All state statutes for the practice of land surveying include precision requirements with very stringent tolerances for closure.

Bounds Description

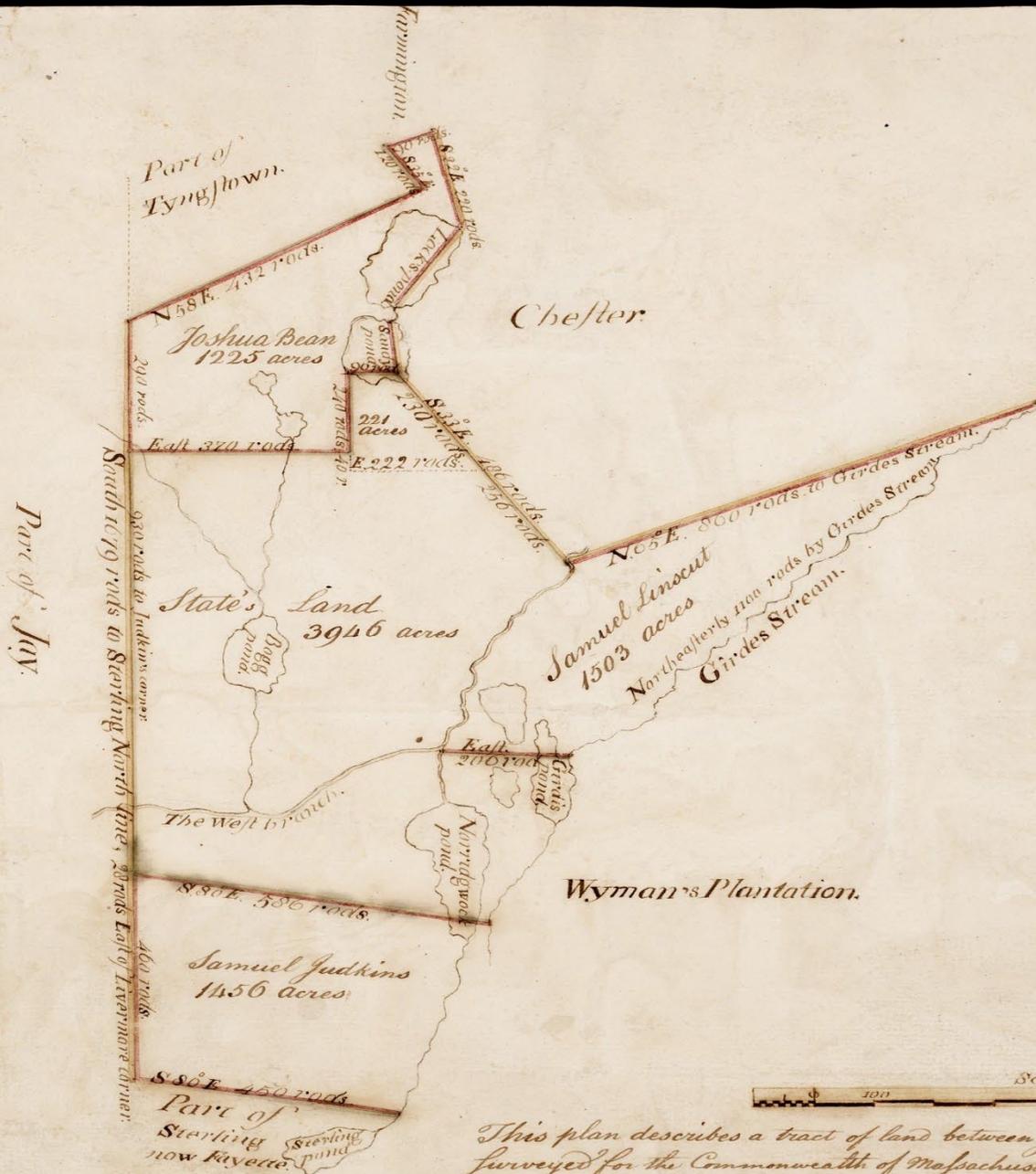
The term “**bounds**” refers to a more general boundary description, such as along a watercourse, a public road, or abutters land.

All that land bounded on the north by U.S. Highway No. 69; bounded on the south by Peak Boulevard, bounded on the east by the Arkansas River, and bounded on the west by Corn Creek”.



Metes and Bounds Description

- The land description by this method should be prepared from surveyed information (map, plat, or notes of the survey) or record information that has been verified, is locatable on the ground, and can be written without ambiguity.
- Metes-and-bounds descriptions are used to describe the boundaries of parcels that involve unusual applications of or departures from the rectangular system of the PLSS.
 - "...after turning around in another direction, and by a sloping straight line to a certain heap of stone which is by pacing, just 18 rods and about one half a rod more from the stump of the big hemlock tree where Philo Blake killed the bear..."
- This system is perpetuated in the 13 original colony States and much of the land East of the Mississippi and South of the Ohio River.



| | |
|----------------|-------------|
| Joshua Bean | 1225 |
| Samuel Linscut | 1503 |
| Samuel Judkins | 1456 |
| State Land | 3946 |
| John Wheeler | 221 |
| Total | 8351 |



Protracted by a scale
of 200 Rods to one Inch

This plan describes a tract of land between Jay, Chester, & Wyman's plantation, surveyed for the Commonwealth of Massachusetts in pursuance of directions from the Committee for the sale of Eastern lands, by their obedient, humble servant

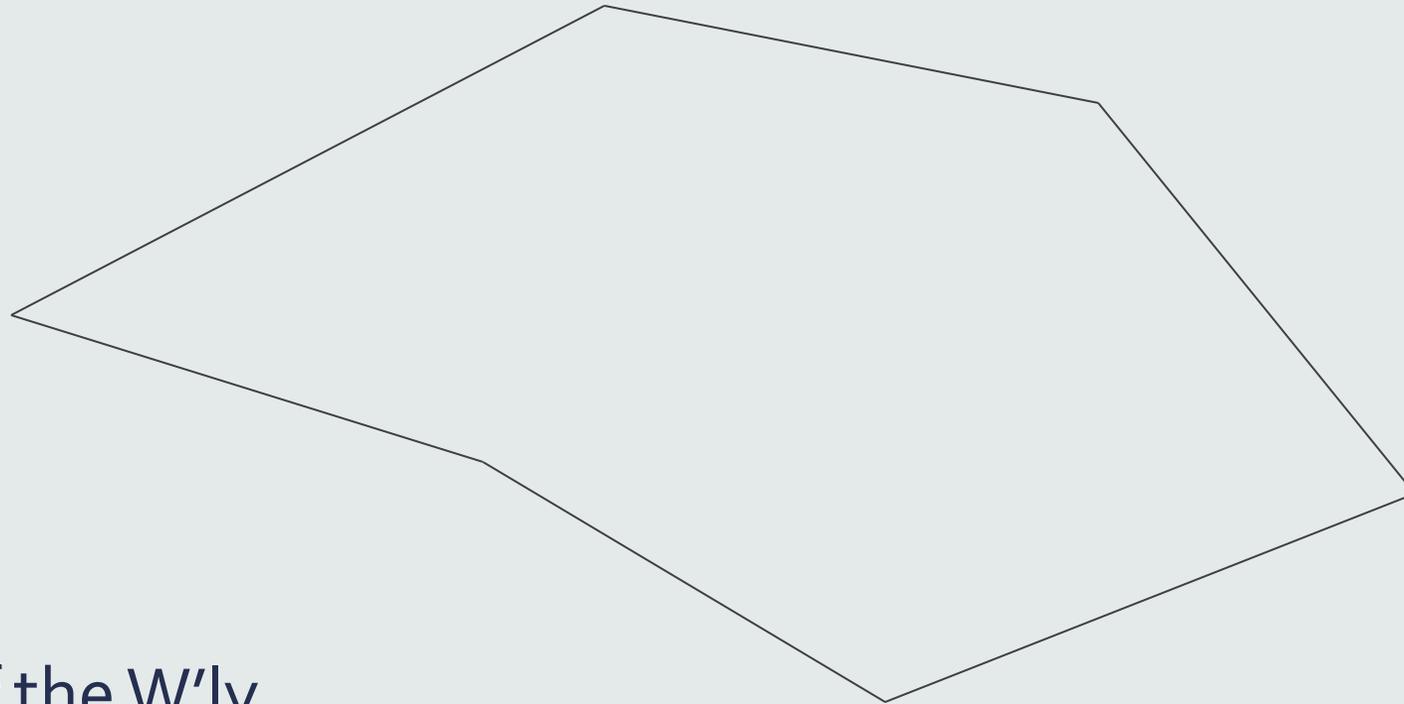
Winthrop
14 March 1795

J. P. Prescott Surveyor

Metes and Bounds Descriptions

- Adaptable to any area of land, no matter how irregularly shaped it may be
- Can be referenced to artificial or natural objects as fences, roads, ridges, shorelines and drainages, subdivision, ROW
- Always starts at a Point of Beginning and then recite courses and distances that return back to the point of beginning
- Description writer guides the reader over the boundary lines.
- Be careful of 'ly descriptions

Dangers of 'ly in Metes and Bounds descriptions



- N'ly 300 feet ?
- E'ly 20 Acres ?
- S'ly 10 Acres of the W'ly
500 feet?

Three Primary Parts of Metes-and-Bounds Descriptions

Caption or preamble

Body

Clauses

Three Primary Parts of Metes-and-Bounds Descriptions

Caption or preamble

The caption or preamble provides a general location of the lands to be described, such as city, county, and state. The description could include the section, township, and range; principal meridian; county and state; or subdivision or map reference with the city, county, and state. It may be a combination of any of these. The caption or preamble is used to locate the general vicinity of the land being described. The details of the location of the lands being described are contained within the body of the description.

Three Primary Parts of Metes-and-Bounds Descriptions

Body

The body of a description contains all the specifics for locating the land or space it delineates. The body is a combination of all or portions of the following elements used to describe the land and to reference its location to the surrounding lands:

- Point of commencement
- Point of beginning
- Course (bearing or direction)
- Distance
- Calls by reference
- Calls for monuments and bounds or adjoining lands with qualifying terms and descriptions
- Closing call to the point of beginning or other known locatable point or line
- Area of land contained (if applicable)
- Basis of bearings
- Any additional information that can assist with the accurate location of the land being described (such as clauses)

Abbreviations should be avoided whenever possible.

Three Primary Parts of Metes-and-Bounds Descriptions

Clauses

Usually at the end of the body of a land description and are for the purpose of clarifying, encumbering, taking away from, adding to, or restricting something with reference to the land being described.

- A **clarifying clause** can clearly define the intent of the party(s).
- A **qualifying clause** can imply an encumbrance such as an easement, or a reservation for some use, or a restriction of how the land described may or may not be used, or a reversionary interest.
- An **augmenting clause** can imply the addition of some right or privilege with the property such as an access easement, or utility easements.
- **Except** means excluding from the area or cutting off a portion of the whole area that has just been described, or withdrawals from the description of the property conveyed.
- **Reserving** means keeping a certain right from the area just granted or taking back a part of something granted.
- **Subject to** refers to a reservation already existing; it means “subordinate to,” “limited by,” or “charged to.”

Strip Description

Modified form of a metes-and-bounds description used to describe linear features such as a utility corridor or road right-of-way.

Composed with reference to a center line with proper citation of the location and/or width with respect to the described line(s).

Do not describe along the perimeter of a closed figure, and can be used to avoid lengthy land descriptions in certain cases.

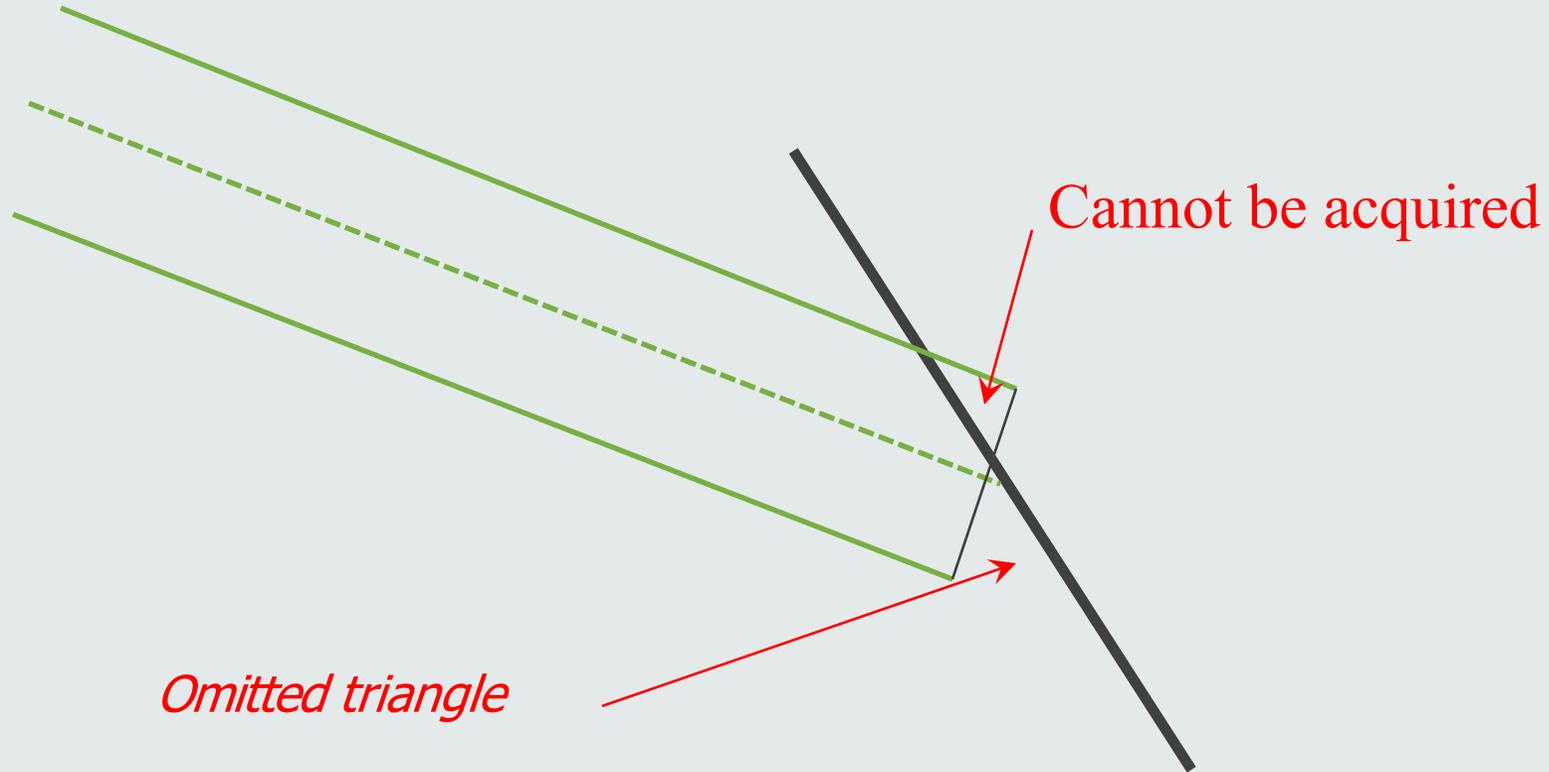
Strip Description

- Composition of a strip description is very similar to a metes-and-bounds description, with some key differences to the caption and body.
- The caption should contain a citation stating the width and the position of the described center line.
- The body is constructed mostly the same, except the end point of the described line is referred to as the “point of termination,” and no call is made back to the “point of beginning” or the “point of commencement.”
- The described center line is assumed to be located exactly midway between both sidelines, unless stated otherwise.
- The sidelines are assumed to be perpendicular and parallel to the described line, unless stated otherwise.

Strip Description

- A qualifying clause should be included to state how the beginnings and ends of the sidelines should be interpreted.
For example, property ownership boundaries will seldom be perpendicular to the described line, which if the description is intended to terminate at such property boundaries, will create “gaps” and “overlaps” in the described area. The intended land interest, whether fee, easement, etc., should be stated clearly in a qualifying clause
- Curves require four items of information:
 1. Call for it
 2. Direction of it
 3. Three elements
 4. Tangent or not?

Strip Description



The sidelines thereof being shortened or elongated to conform to the Grantor's property lines."

Reference Description

Reference to Official Records

United States Supreme Court: *Cragin v. Powell*, 128 U.S. 691, 696 (1888), from which the following is quoted:

It is a well-settled principle that when lands are granted according to an official plat of the survey of such lands, the plat itself, with all its notes, lines, descriptions, and land-marks, becomes as much a part of the grant or deed by which they are conveyed, and controls, so far as limits are concerned, as if such descriptive features were written out upon the face of the deed or the grant itself.

Reference Description

Reference to a record of survey is generally applicable to all kinds of land descriptions.

For example, parcels may be described by lot and block numbers of a city or townsite subdivision based upon a properly identified plat duly recorded in a public office of record.

Descriptions based on recorded plats and maps should identify the particular plat or map by title and date, giving the name and location of the place of record as well as the approving or certifying authority.

Always attempt to avoid re-write of legal description into a metes and bounds – doing so changes intent from a simultaneous conveyances into sequential conveyances

DEERPATH ADDITION

BEING A PART OF THE SW-SW, SEC. 15, GOV'T LOT 4 SEC. 16, OF SEC. 22, ALL IN T. 28 N., R. 16 E., MENOMINEE CO., WISC.

TO LEGEND LAKE

GOV'T. LOT 4, AND THE SE-NE, SEC. 21; GOV'T. LOT 1 AND THE NW-NW

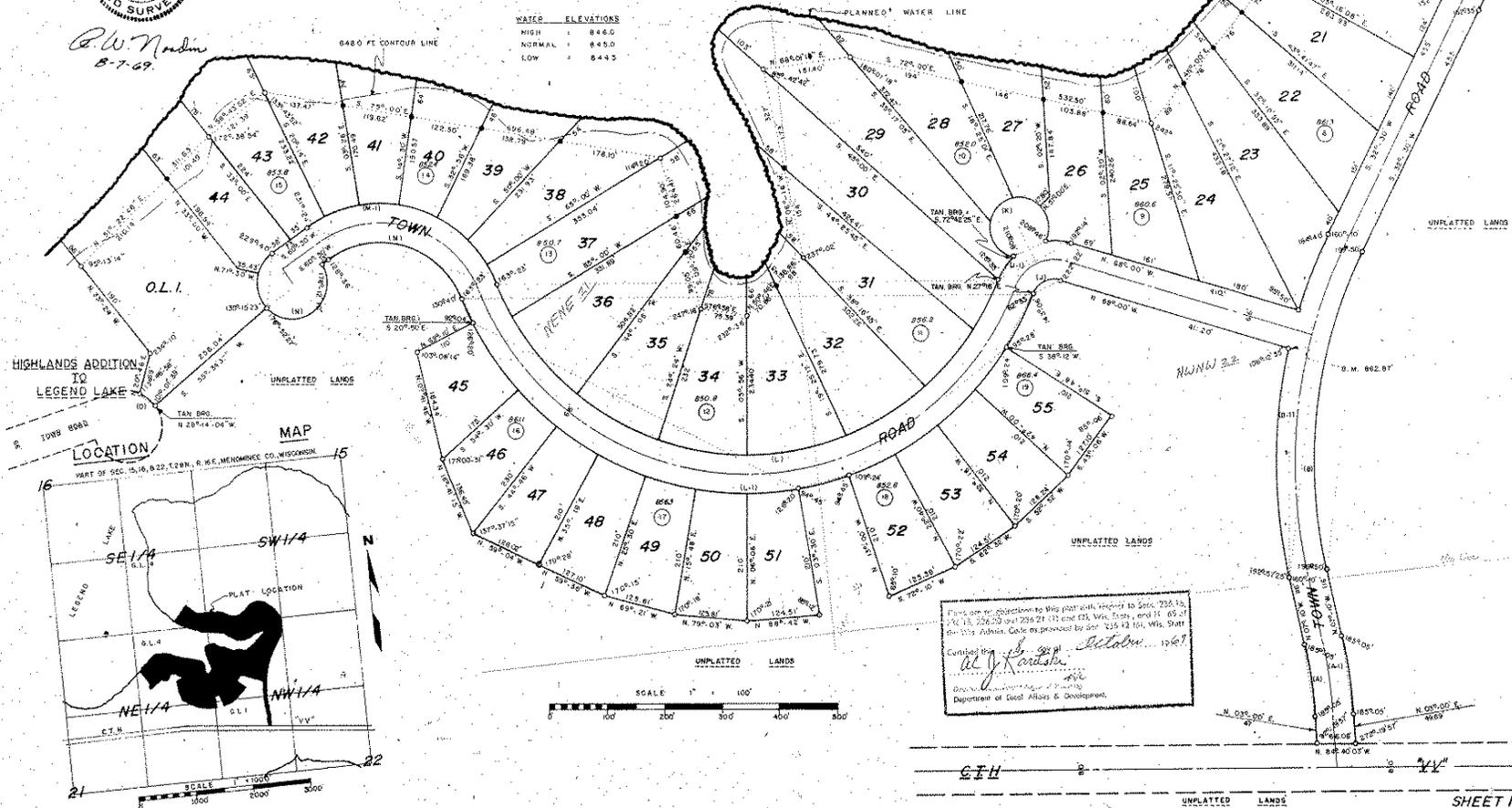
- Indicates 2" x 30" Iron Pipe, weighing 3.65 lbs. per lineal foot.
- Indicates 1" x 30" Iron Pipe, weighing 1.13 lbs. per lineal foot.
- All other lot corners are monumented with 1" x 24" Iron Pipe, weighing 1.13 lbs. per lineal foot.
- ① Indicates location of soil boring and percolation test; number adjacent indicates elevation at first hole.
- All angles and bearings are to the nearest second of arc.
- All distances are to the nearest hundredth of a foot.
- Bearings are true, based upon solar observations.
- Benchmark is based upon U. S. D. & G. S. datum.



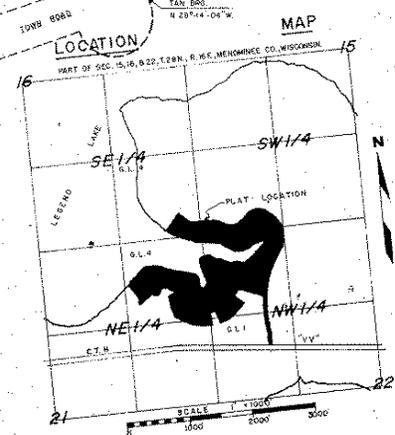
R. W. Nordin
8-7-69

LEGEND

| WATER ELEVATIONS | |
|------------------|-------|
| HIGH | 846.0 |
| NORMAL | 845.0 |
| LOW | 844.5 |



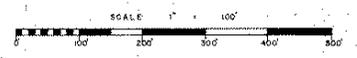
HIGHLANDS ADDITION TO LEGEND LAKE



This plat is in accordance with plat book record to Secs. 23A, 1b, 1c, 1d, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 of Menominee County, Wis. State of Wisconsin. Date as provided by plat 13542 101, Wis. State

Corrected by *[Signature]* 12/6/7

[Signature]
Department of Social Affairs & Development.

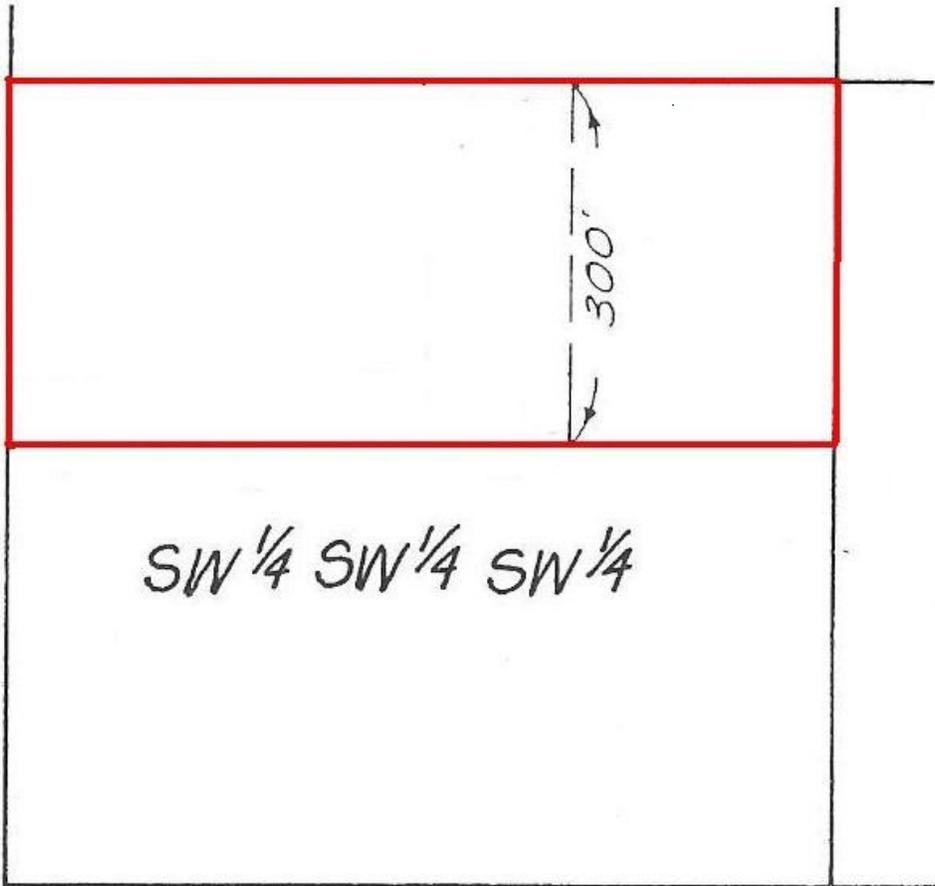


“ly” Descriptions by Distance

- ▶ Distance – using a measure of distance from a reference point. i.e. “the westerly 660 feet of the NW $\frac{1}{4}$ of section 16...”.
- ▶ In this example the perpendicular distance of 660 feet is measured from the west line of the northwest quarter, which is also the west section line of section 16.

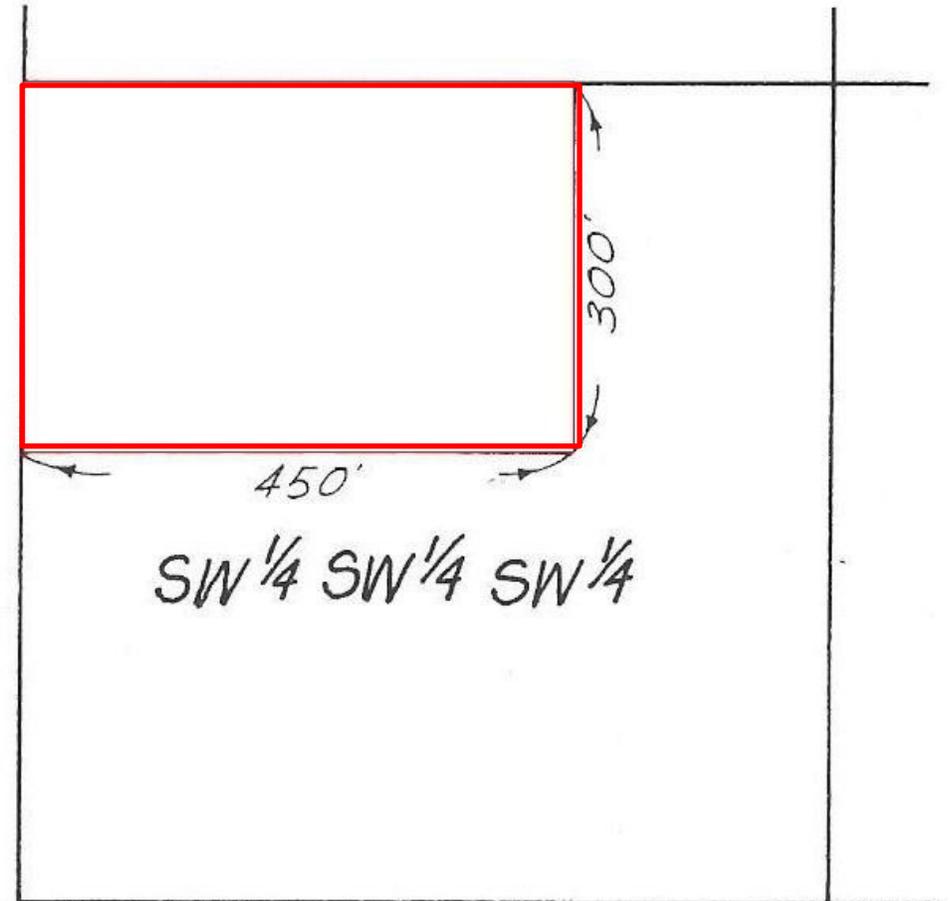
Description with one distance

North 300 feet of the
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$



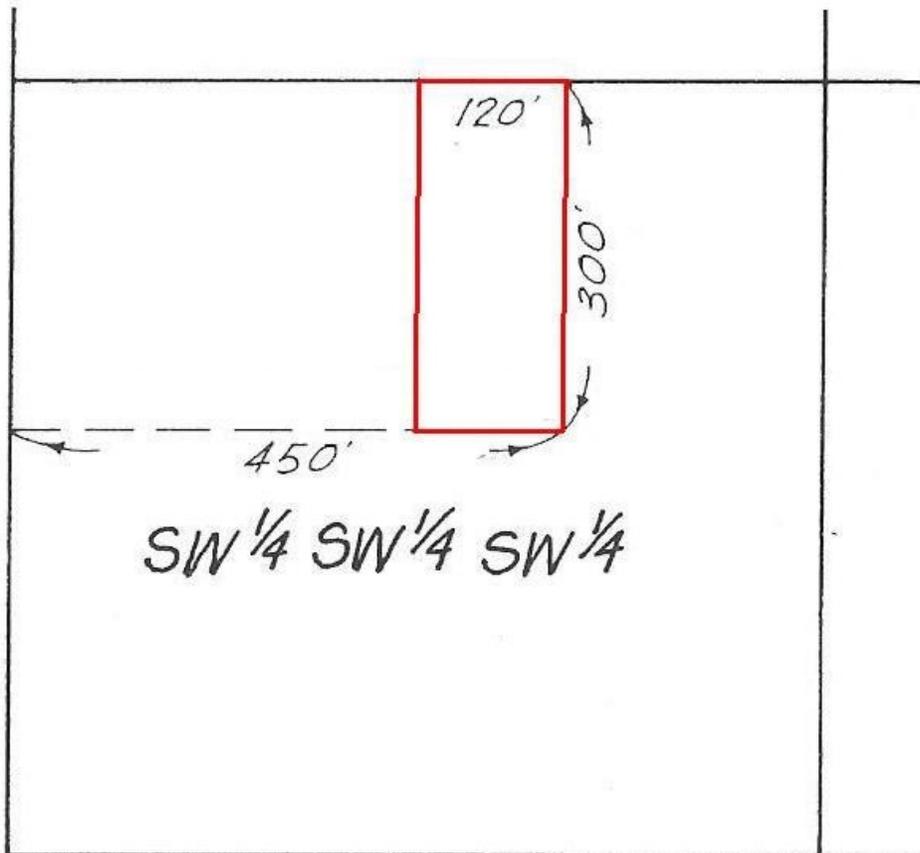
Description with two distances

North 300 feet of the West 450'
of SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$



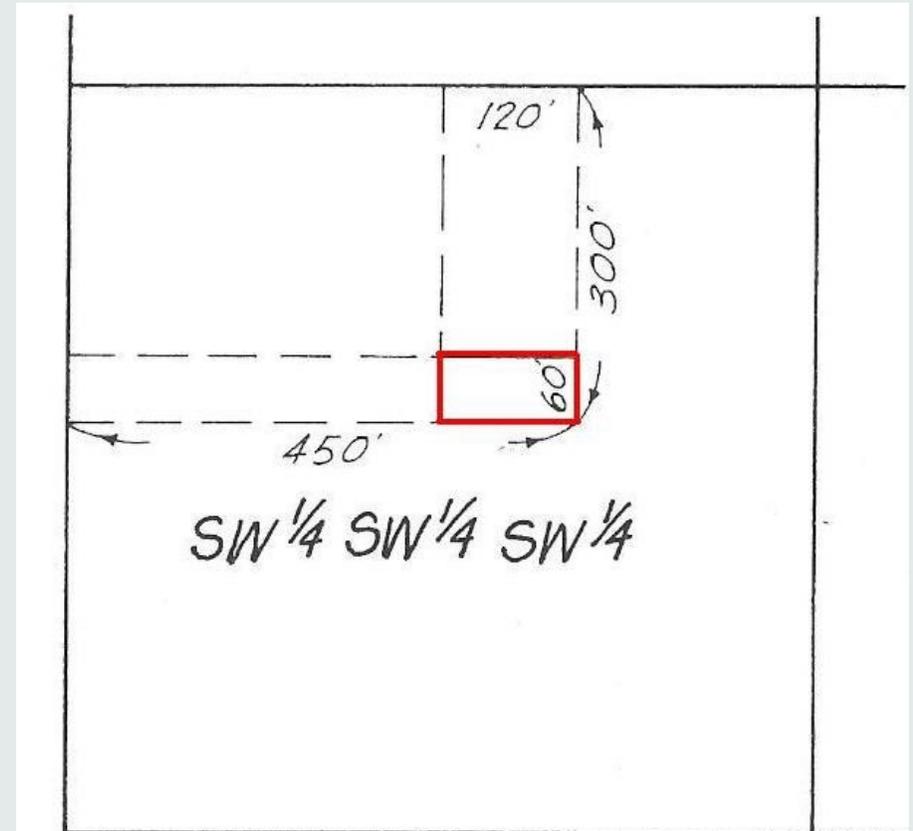
Description with three distances

East 120 feet of the West 450'
of the North 300 feet of the
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$



Description with four distances

South 60 feet of the North 300 feet
of the East 120 feet of the West 450'
of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$

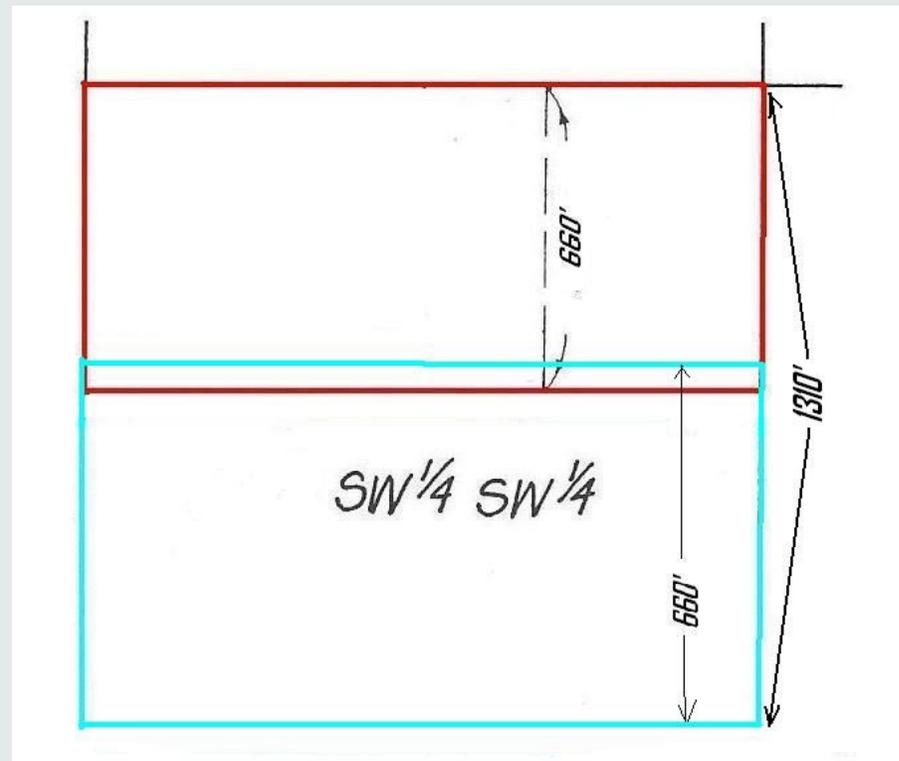
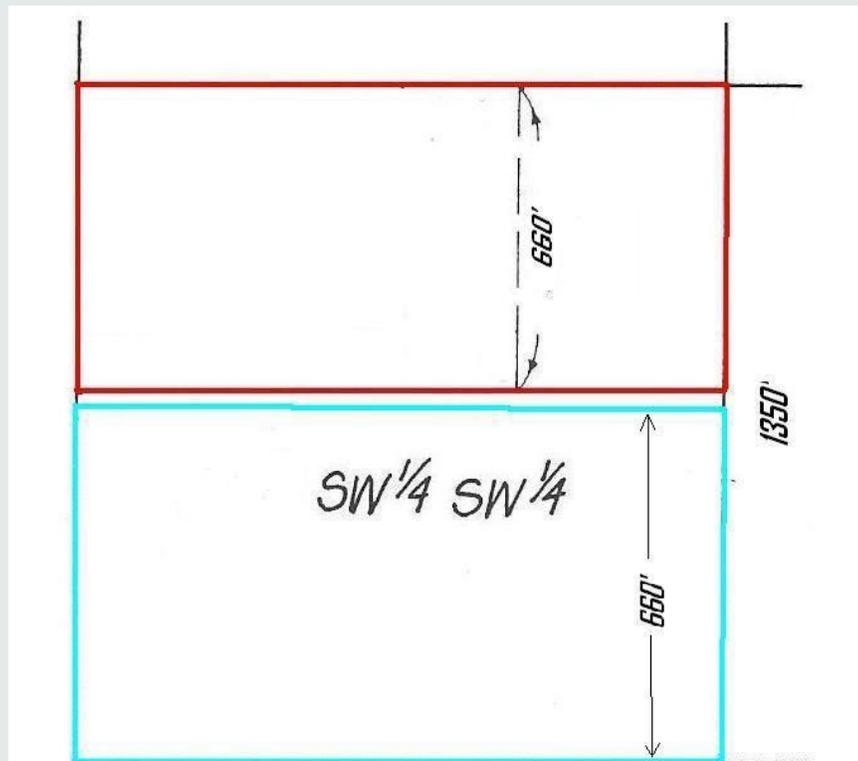


Description by using distances from different sides of a parcel

What is wrong with these two descriptions?

Owner SW¹/₄ SW¹/₄ first conveys - North 660' of the SW¹/₄ SW¹/₄

Then later conveys -South 660' of the SW¹/₄ SW¹/₄



Writing and Reviewing Descriptions

- Accurate description in the records allows for the proper management, development and protection of land.
- Good land descriptions into TAAMS results in good realty transactions
- Verify description is clear, concise, and consistent AND free from typographical or scrivener errors
- Locatable Point of Beginning (POB)
- Represents intentions of the grantor – Make sure you understand the intent of the parties

Writing and Reviewing Descriptions

- Leaves no room for interpretations - Locatable on the ground without oral testimony
- Has acceptable closure (calculation) and clear basis of bearings (True, Magnetic, Grid)
- Is properly referenced including description history and where parcel originated from
- Does NOT create conflict with existing or adjacent parcels
- Make sure that you research the record to know abutters & record monument relationships
- Reference record monuments properly
- Remember that BILS and CFedS surveyors available for support

Questions



Thank you for your time and attention

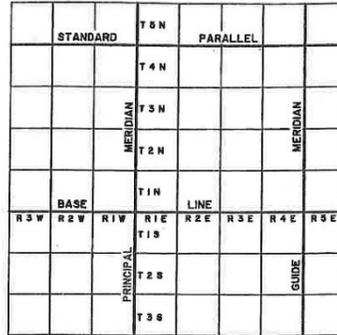


Diagram Showing General Scheme of Dividing Public Domain Land into Townships

| | | | | | | | |
|----|----|----|----|----|----|----|----|
| 36 | 31 | 32 | 33 | 34 | 35 | 36 | 31 |
| 1 | 6 | 5 | 4 | 3 | 2 | 1 | 6 |
| 12 | 7 | 8 | 9 | 10 | 11 | 12 | 7 |
| 13 | 18 | 17 | 16 | 15 | 14 | 13 | 18 |
| 24 | 19 | 20 | 21 | 22 | 23 | 24 | 19 |
| 25 | 30 | 29 | 28 | 27 | 26 | 25 | 30 |
| 36 | 31 | 32 | 33 | 34 | 35 | 36 | 31 |
| 1 | 6 | 5 | 4 | 3 | 2 | 1 | 6 |

Sectional Map of Township Showing Adjoining Sections

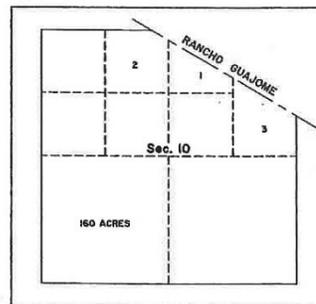
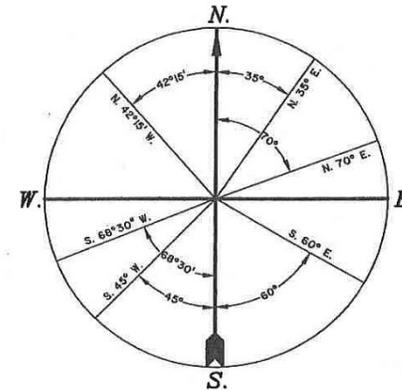
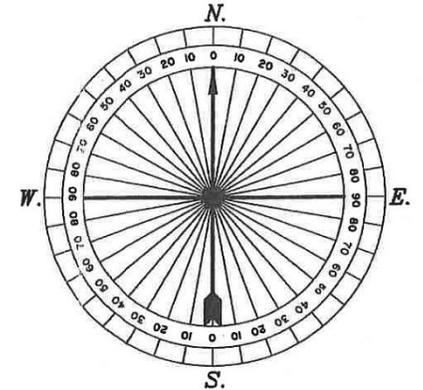


Diagram illustrating division of Fractional Section into Government Lots

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAND DESCRIPTION DIAGRAM



60 Seconds Equals One Minute
60 Minutes Equals One Degree



90 Degrees in a Right Angle
360 Degrees in a Circle

