

What Needs to be in a Parcel Description

WRITING LEGAL DESCRIPTIONS –Wattles, 4th Edition

“Because land surveyors use legal descriptions as a directive and because descriptions are most always based upon and developed from survey field work, the two are inevitably intertwined. For this reason, knowledge in one part without some comprehension of the other makes for instability in the final product.”

Description Fundamentals: A description of land is the outline of a certain area with the proper grouping of words which delineates one specific piece of land and which cannot apply to any other piece of land.

The preamble, or caption, is where we give the general location of the land so that attention is directed to a vicinity. This is also where we give some general intent of the description.

Types of Descriptions

Metes and Bounds description – bearing and distance and bounds, if applicable, of each line around the parcel.

Should include a basis of bearing at the start of the description to show the correct direction of each line on the boundary and at the end of the description should show area of the enclosed described parcel.

Adjoiner’s description – Calls to Adjoining properties

Aliquot part description – Sectionalized land (This was used by the government during the homestead days.) Land sold from a recorded Township Plat.

Lot and Block description – Platted lands, Subdivisions, Highway Right of Way plats

Strip description – uses a centerline or described control line to define a width of land

A description of a piece of property should always contain the following information:

Point of Beginning

All descriptions need a point of commencement or a point of beginning that is either a public land corner (PLSS) or an accepted, recorded and monumented local point. It should be easily located and unique unto it’s self. In the case of sectionalized lands it may be a called for section within a called for township and range location, or in platted lands it may be a lot and block with a called for subdivision located in a called for county, city or a called for parcel of record within a county or city.

It is important to remember that if the point of commencement is not described or located correctly then the remainder of the description cannot be located on the ground. The Point Of Beginning of the parcel description can be any corner that is convenient and easily tied to the described land corner.

Unique parcel shape

When writing a parcel description it is important to use as much information as possible, without being verbose, to convey the intent of the shape of the parcel being described and remove ambiguity that might occur with a geometric-only description.

Area of the parcel being described

Most surveyors will show the area of the parcel being described to help with the intended size of the parcel being conveyed. This will also help with later surveys to show the intended size of the parcel when it was created.

EVIDENCE AND PROCEDURES – Robillard, Wilson, Brown, 4th Edition

“Before attempting to describe land, the scrivener first must carefully determine the intent of the parties and then select words, keeping in mind the presumed order of importance of description elements which will precisely describe that intent”.

Land Surveyors use CALLS to artificial and natural monuments to help describe the intent of a description.

A call to the road way right-of-way line or the road way centerline.

A call to an adjoiner’s parcel boundary line.

A call to a stream centerline or a river high water line.

A call for a recorded documents, ie deed, plat or record of survey

These CALLS help to remove any future gaps or overlaps between parcels when a land survey is completed at a later date. They help explain the intent of the deed description especially if you are following a description that was written 25, 50 or even 100 years earlier.

These types of calls let the following Land Surveyor know what the intent was of the described parcel when it was first written.

Calls rules of construction:

Natural Monuments – Rivers, Lakes, Oceans, Rocks, Trees

Artificial Monuments – Iron pins, Pipes, concrete posts, fence corners, roads & canals

Recited distance and /or bearing ties to record corners not on boundary

Distance on boundary

Bearings on boundary

Areas (this helps show the intended size of the parcel)

Land Surveyors like to use the words ALONG, PARALLEL WITH and PROLONGATION to help explain the intent of the direction of a course or parcel line,

Along a right-of-way line or along the centerline of a stream

Parallel with the section line or a right-of-way line

Boundary Control and Legal Principles – Brown, 2nd edition

“The surveyor locates land title lines and shows the relationship of possession and title lines; he does not declare who has ownership of land or who has the right of possession. Such matters are referred to attorneys.”

EVIDENCE AND PROCEDURES – Robillard, Wilson, Brown, 4th Edition

“To the land surveyor, property descriptions are usually prepared by two types of individuals with limited data indicated: by surveyors, who usually show calls for monuments, courses, adjoiners, and other pertinent information, and by others, from attorneys to landowners, who believe that a “do-it-yourself” deed will save them time, trouble, and money.”

“The deed may be void, ab initio, if the description contained in that deed is incapable of being located by a competent surveyor”

QUESTIONS??

EXAMPLES of PROBLEM DESCRIPTIONS!



PERSONAL REPRESENTATIVE DEED

Pursuant to that certain Order Approving Final Settlement and Distribution of Testate Estates by Personal Representative in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, in the matter of the Estates of MELVIN F. [REDACTED] and MARJORIE L. [REDACTED] deceased, Case No. [REDACTED] entered on June 28, 2005, I, [REDACTED] [REDACTED] as Personal Representative of said estates, have been directed to distribute all real property of the decedents to LINDA L. EVANS. Therefore, I, [REDACTED], as the Personal Representative of the Estates of MELVIN F. [REDACTED] and MARJORIE L. [REDACTED] and as Grantor herein, do hereby GRANT AND CONVEY a One Hundred Percent (100%) interest to LINDA L. [REDACTED] 11700 SW Allen, #25, Beaverton, Oregon, 97005, as Grantee, in and to the following premises situated in Ada County, State of Idaho, more particularly described as follows, to-wit:

Real property located at 368 Taylor Street, Eagle, Ada County, Idaho, and more particularly described as follows-to-wit:
A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, EAGLE, ADA COUNTY, IDAHO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED UNDER RECORD OF SURVEY NO. 2324, INSTRUMENT NO. 9285819, RECORDS OF THE ADA COUNTY RECORDER, BOISE, IDAHO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE IRON PIN MARKING THE
NORTHEAST CORNER OF LOT 10, BLOCK 2 OF DELL
SUBDIVISION, AS FILED FOR RECORD IN THE
OFFICE OF THE ADA COUNTY RECORDER, BOISE,
IDAHO, SAID POINT BEING THE REAL POINT OF
BEGINNING; THENCE ALONG THE FOLLOWING COURSES
AND DISTANCES TO IRON PIN; SOUTH 46 DEGREES
01'00" WEST 183.79 FEET ALONG THE NORTH LINE
OF SAID LOT 10 TO AN IRON PIN ON THE EAST
RIGHT OF WAY OF TAYLOR STREET; THENCE NORTH
00 DEGREES 40'00" WEST, 283.13 FEET ALONG
SAID RIGHT OF WAY; THENCE NORTH 46 DEGREES
20'27" EAST 373.92 FEET; THENCE NORTH 89
DEGREES 45'00" EAST 183.17 FEET; THENCE SOUTH
00 DEGREES 40'00" EAST 393.42 FEET; THENCE
SOUTH 89 DEGREES 04'47" WEST 322.95 FEET TO
THE REAL POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee, her heirs and assigns
forever; subject to encumbrances, easements and rights-of-way
of record or appearing on the land.

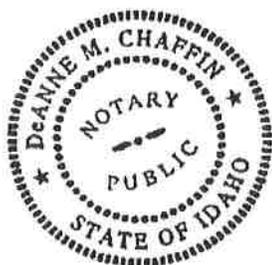
DATED this 28th day of June, 2005. ;

[REDACTED]

STATE OF IDAHO)
 : ss.
County of Ada)

On this 28th day of June, in the year 2005, before me, DeAnne M. Chaffin, a Notary Public in Ada County, State of Idaho, personally appeared [REDACTED] known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estates of MELVIN F. [REDACTED] and MARJORIE L. [REDACTED], and acknowledged to me that he executed the same as such Personal Representative of the Estates of MELVIN F. [REDACTED] and MARJORIE L. [REDACTED]

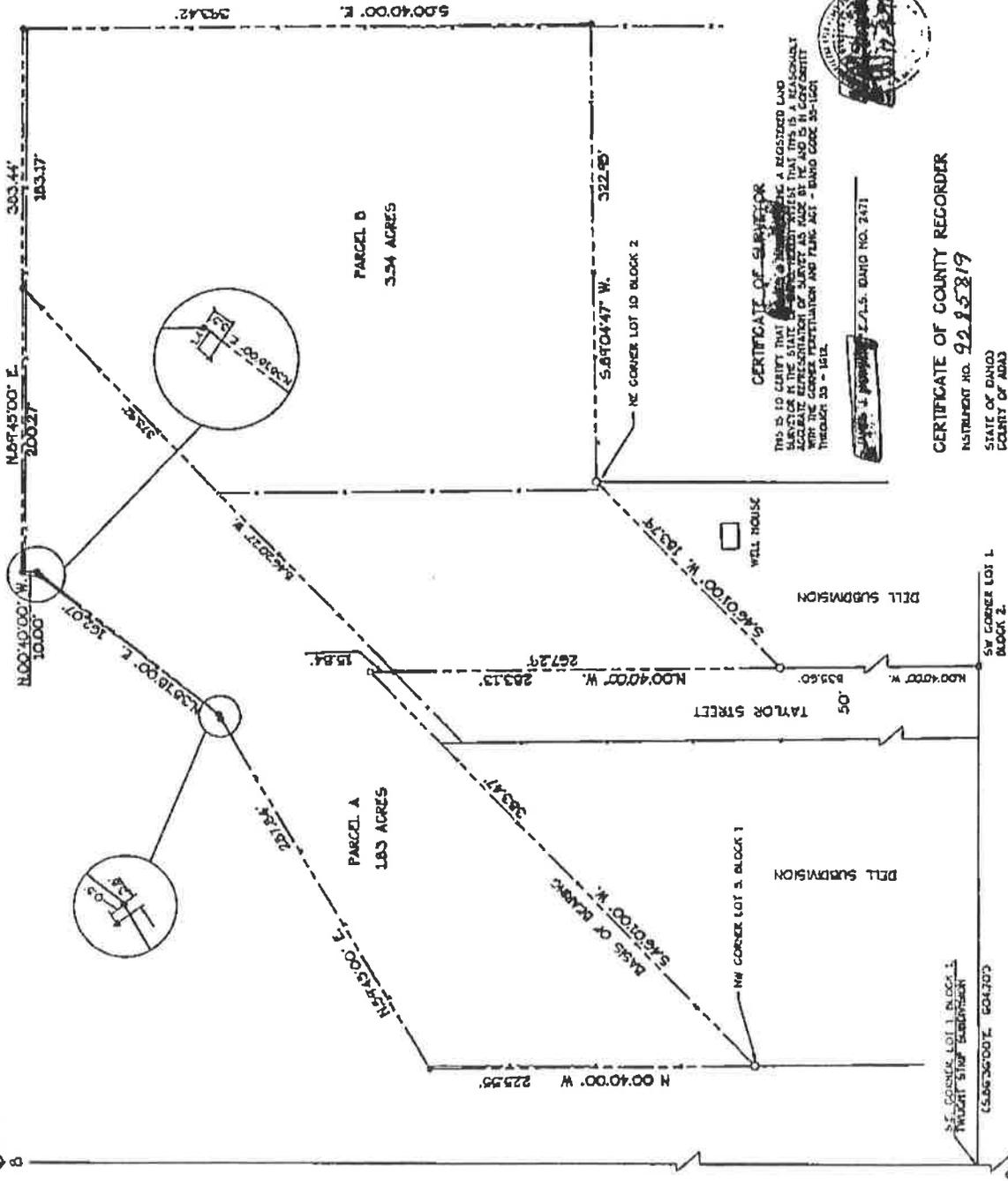
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



DeAnne M. Chaffin
Notary Public for the State of Idaho
Residing in Ada County, Idaho
My Commission Expires: 11-08-2006

RECORD OF SURVEY NO. 2324

CPT NO. 6214500



LEGEND

- FENCE LINE
- PROPERTY BOUNDARY
- SET 1/2" x 24" RCH PN
- SET 3/8" x 30" RCH PN
- △ FOUND 1/2" RCH PN
- FOUND 3/8" RCH PN
- ◆ BRASS CAP
- BEARING / DISTANCE TAKEN FROM PLAT FROM DILL SUBDIVISION (L.S. 263000)

GRAPHIC SCALE



RECORD OF SURVEY FOR BILL TAYLOR	
LOCATED IN THE NW 1/4 SE 1/4 SECTION 8, T.4N. R.1E., B.M. ADA COUNTY, IDAHO	
DATE 12-4-72	BOOK NO. 3102
SCALE 1" = 50'	DRAWN BY RWS
	DRAWING NO. 411-08-2-4-0-000

CERTIFICATE OF SURVEYOR
THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO AND THAT THIS IS A CORRECT AND ACCURATE REPRESENTATION OF SURVEY AS MADE BY ME AND IS IN CONFORMITY WITH THE CONVEYANCE AND PLAT ACT - IDAHO CODE 30-1501 THROUGH 30-1510.

WILLIAM L. HARRIS, L.S., DAVID NO. 2471

CERTIFICATE OF COUNTY RECORDER

INSTRUMENT NO. 9215219

STATE OF IDAHO
COUNTY OF ADA

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDS OF ALL TOWNSHIP AT 10:15 AM, OCTOBER 30, 1972, IN THE 2324th DAY OF DECEMBER 1972.

Witnessed by: *Cliff Taylor*
COUNTY RECORDER

44 56

INDEX NO. 411-08-2-4-0-000

CPT NO. 9284841

RECEIVED

MAY 28 1997

Ada County Clerk

ADA CO. RECORDER
J. DAVID NAVARRO

COPY COPY

FILED
P.M.

MAY 30 1997

Jefferson Place
350 N. 9th Street, Suite 500
P. O. Box 199
Boise, Idaho 83701
Telephone: (208) 344-4566

97 JUN 12 11 37

FEE 1800
RECORDED AT THE REQUEST OF

J. DAVID NAVARRO, Clerk
By MOLLY REED, DEPUTY

Attorney at Law

PMB File No.: 70-5262.01
PMB File No.: 70-5407.01

Attorneys for Plaintiffs
Treasure Valley Concrete, Inc.
and Idaho Power Company

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

TREASURE VALLEY CONCRETE, INC.,)
an Idaho corporation,)

Plaintiff/Counterdefendant,)

vs.)

STATE OF IDAHO; STATE BOARD OF)
LAND COMMISSIONERS by and through)
PHIL E. BATT, Governor;)
PETE T. CENARRUSA, Secretary of State;)
ALAN G. LANCE, Attorney General;)
J.D. WILLIAMS, State Controller; and)
ANNE FOX, Superintendent of Public)
Instruction; and IDAHO DEPARTMENT)
OF LANDS by and through)
STANLEY HAMILTON, Director,)

Defendants/Counterclaimants.)

Case No.: CV OC 9603613D

JUDGMENT AND
DECREE QUIETING TITLE

IDAHO POWER CO., an Idaho Public Utility,

Plaintiff,

vs.

STATE OF IDAHO; STATE BOARD OF LAND COMMISSIONERS by and through PHIL E. BATT, Governor; PETE T. CENARRUSA, Secretary of State; ALAN G. LANCE, Attorney General; J.D. WILLIAMS, State Controller; and ANNE FOX, Superintendent of Public Instruction; and IDAHO DEPARTMENT OF LANDS by and through STANLEY HAMILTON, Director,

Defendants.

Case No.: CV OC 9604445D

This matter came on regularly for hearing on May 8, 1997, on the motion for summary judgment filed by Plaintiffs and the cross-motion for summary judgment filed by Defendants. Mary K. Denton and Richard C. Boardman appeared for Plaintiffs, and Steven J. Schuster appeared for Defendants. The Court having reviewed the affidavits filed and briefs lodged by the parties and having considered the arguments of counsel, and good cause appearing, and the Court having determined and the parties having stipulated that there is no genuine issue of material fact, and the Court having determined in its Memorandum Opinion that Plaintiffs are entitled to judgment as a matter of law,

PART ONE: CASE NO: CV OC 9603613D

IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiff Treasura Valley Concrete, Inc., was on July 17, 1996, the date of commencement of the above-entitled action, and now is the owner in fee simple, and in actual and peaceable possession of the real property, including the sand, gravel and pumice located thereon and therein, more particularly described as follows:

JUDGMENT AND DECREE QUIETING TITLE - 2

W2NE4NE4 EXC N 175' SEC 35 3N 2E; and

SE4NE4 EXC E2E2 and EXC TAX 1 & 8 SEC 35 3N 2E;

EXCEPT the following described real property;

Starting at the NE corner of Sec. 35, T. 3 N., R. 2 E. of B.M. and running thence due West along the North Section Line (which is the center of East Amity Road) a distance of 661.4 feet to a 3/8" x 8" spike driven in the center of the roadway; running thence a distance of 175.0 feet in a S. 0 deg. 23' 51" W. direction to a 3/4" Ø pipe which is the point of beginning; running thence 528.42 feet in a S. 0 deg. 23' 51" W. direction to a 5/8" Ø rebar; running thence 659.32 feet in a S. 89 deg. 57' 16" W. direction to a 5/8" x 20" rebar; running thence 528.26 feet to a N. 0 deg. 20' 09" E. direction to a 1/2" Ø pipe; thence 659.86 feet in a N. 89 deg. 56' 44" E. direction to the 3/4" Ø pipe, the point of beginning. This tract contains 8.001 acres, and has a road R/W or easement of 50 ft. width along the East Side Line.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' claim to the sand, gravel and pumice on and in the above-described property is without any right whatever, and Defendants, and each of them, have no estate, right, title, interest, or claim in or to the real property, or any part of the real property, either legal or equitable, present or future, vested or contingent, with the exception of mineral rights reserved to the State of Idaho in its Deed No. 7691, issued to M. E. and Ethel B. Payne, on April 24, 1950, which reserved mineral rights do not include the rights to sand, gravel and pumice in and on the property described therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, and each of them, be and are hereby enjoined and prohibited from interfering with Plaintiff's use of the sand, gravel and pumice located on and in the above-described property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Treasure Valley Concrete, Inc., shall have and recover from Defendants its costs, taxed in the amount of \$_____.

JUDGMENT AND DECREE QUIETING TITLE - 3

<W:\live\lpc\judgment.wp\032297

Township 3N Range 2E

IDAHO POWER CO.

121-125

#11425
#120600

1121216
1121230
BANKS
OLIVER C.
JACQUELINE
110300

KARL HUNNELL
+ SONS, INC.
#110200

RICHARDSON, RAYAL RX
SIGETY ALVIN A
#110500

NELSON SAND & GRAVEL, INC.

54/145
2/6/67

YANCO MACHINE
SHOP, INC.

FARMER'S, JR.
FIRST GRAB
#110000

STATE BANK OF IDAHO
INT. BANK

FRANK C. GRANT'S
ESTATE

#110075

ROD, JOHN C. & JACQUELINE
#110030

(FIRST SECURITY BANK OF IDAHO, TRUSTEE OF THE "FRANK C. GRANT'S FAMILY TRUST")
760486
2-6-76

#110000

State of Idaho
#131200

CANT. TREASURER VALLEY

#14200 CONCRETE
#141800

#141500

STATE

CITY OF

OF

IDAHO

STATE OF IDAHO
(INT. BANK)

#141200
T. Lindeland + Stanley E. Dujiler
64764
2-28-68

HIGGINS + RUTLEDGE
INSURANCE, INC.
#142000

