

**Property Descriptions
For
Rural Alaska:
Interpretation and Writing Skills
For
Land Managers**

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Property Descriptions for Rural Alaska

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I. Introduction

The interpretation and writing of property descriptions is a necessary skill for land managers. The typical land manager may be involved in land sales, easement acquisition, leasing or zoning of land for particular purposes, all of which require the ability to accurately describe a specific parcel.

The intent of this course is to provide basic instruction in writing and using the many types of property descriptions that the rural land manager is likely to encounter.

Definition: What is a legal/property description?

Legal Description: A description recognized by law which definitely locates property by reference to government surveys, coordinates systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

In a practical sense –

- Descriptions should be clear and concise
- Descriptions must describe the land with certainty and to the exclusion of all other interpretations.

1. History & Purpose

Land surveying and identification of boundaries dates back to ancient times. Nomadic hunter/gatherers may have marked certain fishing sites or hunting areas and claimed them as tribal or individual property. However, the onset of agrarian societies with permanent settlements marked the beginnings of monumented boundaries and written descriptions which testified to the title and location of specific parcels of land.

Many boundary surveying books start with a discussion of the 3500 year old Babylonian boundary stones which were inscribed with a description of the property boundary and placed curses against any individual who might move the stone. It should come as no surprise that throughout time and between any two people, there has been an issue of possessions and ownership.

Items of value require that you either have direct possession of them or that you can identify them separate from those belonging to others. (i.e. snow machines/boats) Land has value for homesite, farming, industrial, recreational uses. To preserve its value you must be able to identify its boundaries. Where we might all agree that land has value, we are not always as careful about ensuring that we can identify it.

BLM land surveyor, Jerry Wahl, uses the following tag line for his e-mail:

“Certainty of Land Location has value”

His tag line emphasizes that the location and identification of the land must be accurately preserved in order for the land to retain its value.

It is important to note that there are many ways to describe real property. Certain methods of description lend themselves to the types or shapes of property being conveyed. A lot of the writing of property descriptions has to do with style or conventions used by a particular agency or company. A parcel of land can be accurately and concisely described a dozen different ways. It is however, important to understand the elements of the various methods as well as how to avoid conflicts and ambiguities.

2. Monuments – identifying boundaries without descriptions...

If we were assured that monuments were in fact permanent, readily identifiable and not subject to removal or change, then a written description might not be necessary.

If both the grantor and the grantee were satisfied that they could identify a particular piece of land by noting natural or manmade boundaries then perhaps that would be sufficient. Boundaries of land could be identified in this manner by agreeing on certain *natural monuments* such as rivers, mountain ridges, lake shores, trees, rocks and such. Where *natural monuments* were insufficient to describe the boundaries, *artificial* or *manmade monuments* such as roads, fences, steel pipes & axles, walls, ditches and mounds of stone could be used.

In Old England, land was conveyed by ceremony rather than by a written deed. The Grantor would walk the boundaries with the Grantee and point out the limits or boundaries of the land that was being conveyed. What happened at this ceremony, called *livery of seisin* was not recorded, nor was the date, nor the precise location of the land in question. As far as medieval people were concerned, details like these did not need to be written down. After all, everyone in the village knew whose land it was, what it was worth, and where it was located.

3. Written Descriptions

The ceremonial transfer of land, *livery of seisin* was workable when most of the population was illiterate and ownership of land was a matter of common knowledge in the community. Eventually, lawmakers of the day came to recognize that ceremonial conveyances of land facilitated tax evasion and fraudulent transfers of land, and made litigation over title to land more difficult to resolve.

- *Statute of Frauds* – The Statute of Frauds (adopted in England in 1677 and later incorporated into the laws of the United States) required that contracts be in writing. One of the contracts included in this statute was for the conveyancing of real property where it is required that the deed be signed by the grantor or his legal representative.

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Alaska Statute 09.25.010 Statute of frauds. (a) In the following cases and under the following conditions an agreement, promise, or undertaking is unenforceable unless it or some note or memorandum of it is in writing and subscribed by the party charged or by an agent of that party:

(13)(b) No estate or interest in real property, other than a lease for a term not exceeding one year, nor any trust or power concerning the property may be created, transferred, or declared, otherwise than by operation of law, or by a conveyance or other instrument in writing... ..

The Alaska Statute of Frauds, similar to that of many other states requires that the instrument be in writing, signed by the owner and legally acknowledged.

- **Descriptive Terms**

You may have heard that a “picture is worth a thousand words”. How do we describe an item in words such that it relays an accurate picture to another person. A particular object might be described by noting the color, texture, shape, weight, or comparison to a more commonly known item. The descriptive terms that an individual would use, however, are always subject to their own perceptions. And this is what can make it difficult to get your point across.

- **Written Land Descriptions**

A written land description will generally be required as a part of a:

- Deed conveying real property
- Lease of Real property
- Acquisition or creation of an easement or right of way
- Vacation of an easement or right of way
- Mortgage or Deed of Trust

These documents along with various maps and plats are filed at the recorder’s office or other Government agency which provides a permanent record and places others on notice of a claim to the property. The documents are typically indexed by Grantor, Grantee and location.

- **Elements of the written property description**

The purpose of the written property description is to describe land in sufficient detail such that it can be located on the ground by a person having no familiarity with the property. A written description is also necessary to meet the requirements to pass title.

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A land conveyance document must include a property description, which includes:

Intent – Describes what the parties to a conveyance have in mind

Location – The general location of the property and a point of beginning

Geometric shape – elements, which describe the lines and possibly curves which completely encircle the parcel.

Size – The area within the parcel given in square feet, acres, square meters, hectares or other method.

4. General Format for Descriptions

Preamble/Caption – Provides general location of property – may include County, Township, Range, Meridian, Recording District, Judicial District, etc.

Body – The main portion of the description. The details of the property being described.

Limiting or Qualifying Clauses – These are used to limit or preserve some rights for the grantor or to recognize a previous conveyance. They can also be used to grant a right (easement) to a third party.

Limiting or qualifying clauses take back, restrict, or encumber some portions or right normally included in the body of the description. Examples are easements for roads, utilities, and the like. Qualifying clauses begin with either *Subject to* or with *Reserving* or *Excepting*. *Subject to* is used when the encumbrance has already been in existence. *Reserving* is used when the encumbrance is being created in the conveyance you are writing the description for. *Excepting* identifies a portion of the description body that is not to be included in the current conveyance.

- *Reservations* – New rights reserved by grantor: “RESERVING THEREFROM the easterly 20 feet for private road and utility purposes;”
- *Exceptions* – Area excluded from description: “EXCEPTING THEREFROM, the property conveyed to Jones according to the deed filed on page 43 of book 54 on August 12, 1994 in the records of the Fairbanks Recording District;”
- *Subject to* – Typically this term refers to a right or grant already in existence, such as an easement, and are often included in the deed to ensure continued passage with each successive conveyance. “SUBJECT TO and easement for a public highway as recorded in Book 23 on Page 456 in the Records of the Bethel Recording District.

5. Types of Descriptions

- U.S. Rectangular Grid – In the early days of the United States, provisions were made to subdivide territorial land into townships and section in the form of rectangles with lines running along the cardinal direction of north-south and east-west.
- Metes & Bounds – When a tract of land is defined by giving the courses and lengths of all boundaries it is said to be described by *metes & bounds*.
- Subdivision/Plat – In order to minimize potential problems in describing a parcel of land, the parcel is surveyed and a map is filed in the public records. The land can then be described in a conveyance by reference to the plat.
- Other Types of Descriptions – Centerline, Station & Offset, Coordinate, etc.

II. U.S. Rectangular System

1. Background:

In the early years of the United States, the original thirteen colonies retained title and control of surveys for their un-appropriated lands. Later, such title was also retained by the States of Maine, Vermont, West Virginia, Kentucky, Tennessee and Texas. As successive territories were acquired by the federal government, the vacant lands became the Public Domain. To provide for the division of these public lands and their subsequent settlement, the Congress passed legislation in 1785 to establish a rectangular system of surveys in these areas and to setup procedures for the transfer of land to private ownership.

The Rectangular system is a grid system modified to allow for the fact that the earth is not flat. Lines are run North/South and East/West. The Rectangular system is used in 30 of the 50 states and is comprised of 35 separate grid systems.

2. Latitudes & Longitudes (Geographic Positions)

The intent of the rectangular system was to apply an easily described grid to the spherical surface of the earth and to reference the grid with monuments established by survey. The layout of the rectangular grid conforms to parallels of latitude and converging longitudinal lines while providing a numbered grid to facilitate land descriptions.

Latitudes and Longitudes are lines whose intersections will identify geographic positions of points anywhere in the world. The lines cover the earth by degrees,

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with a gridwork of north-south and east-west lines. Lines of Longitude run north-south. Each line is identified by its number of degrees east or west of the starting longitude, or meridian line, which passes through Greenwich, England. There are 180° east and 180° west of this zero meridian. Latitude lines circle the world parallel with the equator. These lines are identified by their position either north or south of the equator. The equator is “zero” degrees latitude. The north and south poles each have a latitude of 90°.

3. Layout of Grid

- Initial Point

The Public Domain has been divided into some thirty-five regions for survey purposes. In each region, an *initial point* has been established and monumented, this initial point serving as the origin for all public land surveys to be extended throughout that region. The various initial points, base lines and principal meridians are designated by a name assigned to the principal meridian. The initial point was typically located in area of existing or potential economic development and monumented in a prominent location.



- Principal Lines

The surveys are run on cardinal lines or lines running north-south and east-west. All principal lines in the system are therefore meridians of longitude (north-south) and parallels of latitude (east-west). The meridians are straight lines but they are not parallel since they converge to meet at the poles. The

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parallels of latitude are at right angles to the meridian at any point. They are, therefore, curved lines.

Base line: The base line of a region is the parallel of latitude that is extended from the initial point true east and west.

Principal Meridian: The Principal Meridian of a region is the meridian of longitude that is extended from the initial point true north or south.

Throughout the United States, some Principal Meridians are named and some are numbered -

In Alaska we have:

Copper River Meridian (1905) – Alaska’s first initial point was established as settlement and mining increased in the valley area.

Fairbanks Meridian (1910) – Mining, farming and demand for public lands necessitated the establishment of a survey network in the Tanana valley near Fairbanks.

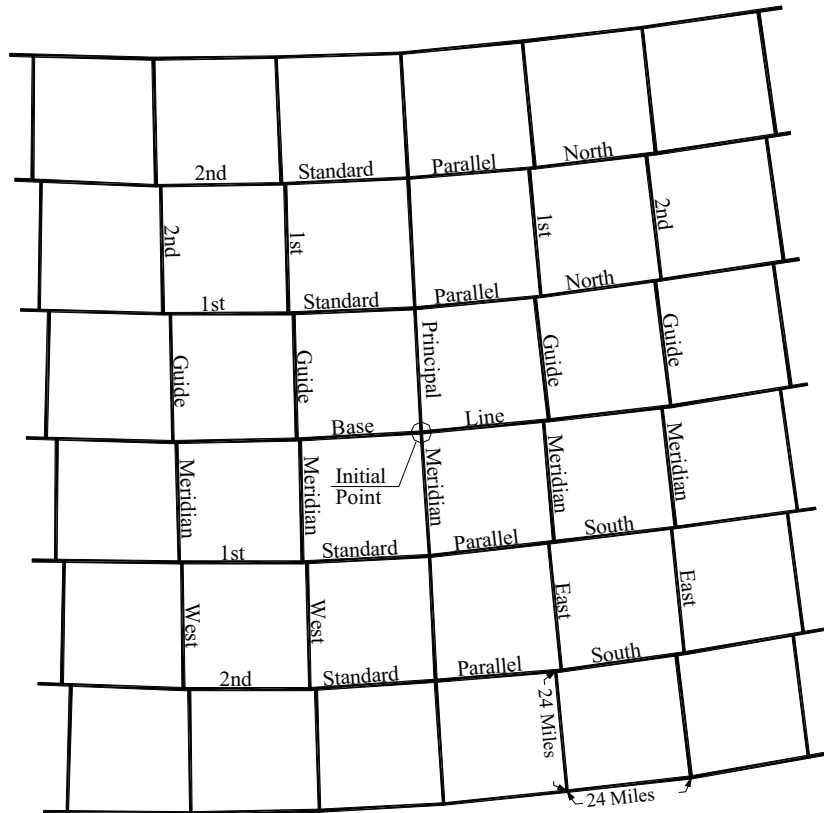
Seward Meridian (1911) – It was thought that Seward would be the number one seaport in Alaska. This along with mining and the railroad leading into the interior justified the location for this initial point.

Kateel River Meridian (1956) – Oil and gas exploration was one of the major factors in establishing the Kateel River and Umiat Meridian.

Umiat Meridian (1956) -

- *Standard Parallels* - Parallels of latitude (also called *correction lines*) are run east and west of the Principle Meridian at intervals of 24 miles north and south of the initial point.
- *Guide Meridians* - Lines that are extended north from the base line, and from each standard parallel, at intervals of 24 miles east and west from the principal meridian.
- *Quadrangles* - Blocks approximately 24 miles by 24 miles formed by standard parallels and guide meridians. The North boundary, because of convergence of the meridians, will be less than 24 miles. Because of errors in field measurements, the boundaries will seldom equal their theoretical lengths.

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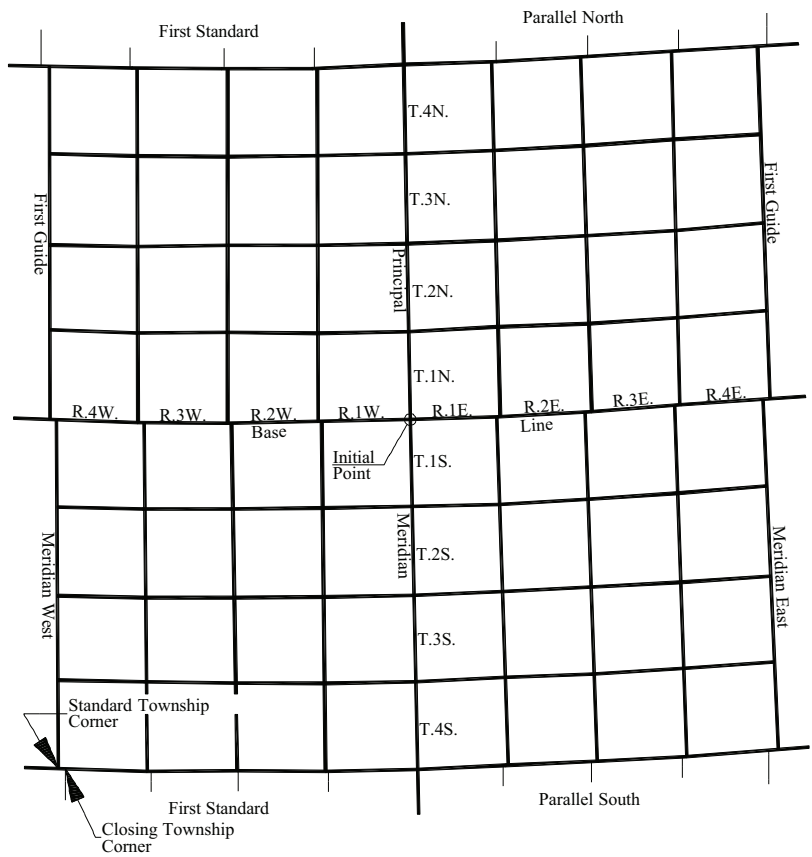
- Townships* – The 24 mile square Quadrangles are divided into Townships. *Range Lines* are run north along true meridians from the monuments (known as *standard township corners*) placed at 6 mile intervals, east and west of the principal meridian, along the based line and each standard parallel. Townships are formed by running lines to the north from points established at 6 mile intervals along the south line of the quadrangle and running east/west lines parallel to the base line at 6 mile intervals. *Township lines* are run along parallels of latitude to join the township corners set at 6 mile intervals along the principal meridian, guide meridians and range lines.

The lengths of the east and west boundaries of a township are theoretically equal to 6 miles. (36 square miles) The south boundary is also theoretically equal to 6 miles although the north boundary will be less than 6 miles due to convergence.

The townships are numbered sequentially north or south from the base line and sequentially east and west from the principal meridian.

Exercise: #1 - Locate Township from Initial Point

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- **Sections** - Each township is divided into 36 sections, each having an area of approximately 1 square mile or 640 acres.

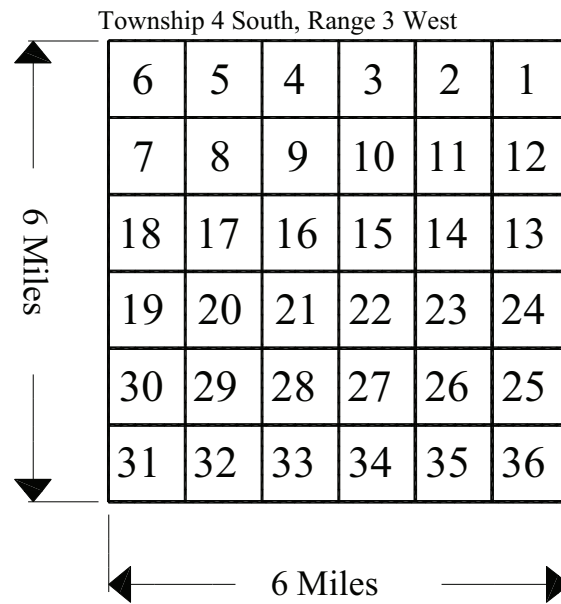
The sections are numbered from 1 to 36 starting at section 1, which is in the northeast corner of the township. The numbering progresses west and east alternately along the tiers of sections until all have been numbered.

Note: This method of numbering is sometimes called the *serpentine* method because of the way it snakes through the township or the *boustrodephonic* method which is Greek for a form of writing that follows the path similar to that of an ox plowing a field.

Each surveyed section typically is monumented with a “section corner” at each of the four corners and $\frac{1}{4}$ corners, which are typically halfway between each section corner or $\frac{1}{2}$ mile apart.

Exercise #2 - Number sections in a Township given parts of 4 adjoining sections

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- *Aliquot Parts:* Sections can be then divided into halves, or more typically into quarters. The quarter sections are formed by running lines between each of the $\frac{1}{4}$ corners. Each quarter section contains approximately 160 acres and is described as being the NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ or NW $\frac{1}{4}$ of the section.

Each quarter section can then be quartered again in the same way creating parcels approximately 40 acres in size.

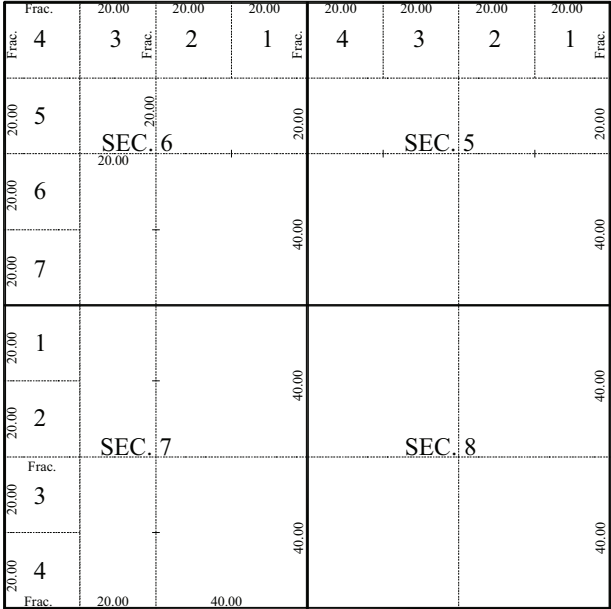
- *Fractional Units:*
Not all sections can be broken into 40-acre parcels using the aliquot part method because townships and sections are not perfectly square. This is caused by convergence of meridians and survey error as well as more unique causes such as fraudulent surveys and the meeting of townships based upon different initial points.

Note: Generally, original public land corners as monumented stand as true corners even if they conflict with their platted dimensions.

Discrepancies in a township are forced to the north and west boundaries of a township. Specifically, they are placed in the north half of the north row of sections (1 through 6), and the west half of the west row of sections (6, 7, 18, 19, 30, & 31).

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These fractional units (less than 40 acres) can also be the result of conflicts with lakes, rivers and existing non-rectangular surveys such as Townsites, Mineral Surveys and U.S. Surveys.



- *Government Lots:* The fractional units (less than 40 acres) are designated as Government Lots and are numbered sequentially in each section.

4. Descriptions in the USPLSS

- *Method:* A series of numbers and letters which defines the parcel with respect to the rectangular grid.

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NW 1/4 160 ac.		N 1/2 NE 1/4 80 ac.			
		S 1/2 NE 1/4 80 ac.			
NW 1/4 SW 1/4 40 ac.	NE 1/4 SW 1/4 40 ac.	N 1/2 NW 1/4 SE 1/4 20 ac.		NE 1/4 SE 1/4 40 ac.	
		S 1/2 NW 1/4 SE 1/4 20 ac.			
SW 1/4 SW 1/4 40 ac.	SE 1/4 SW 1/4 40 ac.	W 1/2 SW 1/4 SE 1/4 20 ac.	E 1/2 SW 1/4 SE 1/4 20 ac.	NW 1/4 SE 1/4 SE 1/4	NE 1/4 SE 1/4 SE 1/4
				SW 1/4 SE 1/4 SE 1/4	SE 1/4 SE 1/4 SE 1/4

- *Reading & Plotting:* Start at the end of the description (largest division) and work toward the beginning (smallest division)

(i.e.) NW 1/4 NE 1/4 SE 1/4 Section 22, T.2N., R.3E., F.M.

- 1) Locate the second Township North of and the third East of the Initial Point
- 2) Locate Section 22 (appx. 360 acres)
- 3) Locate the southeast one quarter (appx. 160 acres)
- 4) Locate the northeast one quarter of the southeast one quarter (appx. 40 acres)
- 5) Locate the northwest one quarter of the northeast one quarter of the southeast one quarter (appx. 10 acres)

- *Writing:* Start with the smallest division and work towards the largest division
- *Notes:* Punctuation - Parcels described in the same section are separated with a comma..

Exercise #3 - Write the description for several aliquot parts and determine size
Exercise #4 - Plot several aliquot parts given description

III. Metes & Bounds Descriptions

1. Background

Metes and Bounds: Metes are measures of length and bounds are boundaries. Metes and bounds are used when it is necessary or desirable to describe a parcel with irregular boundaries which does not conform to the rectangular system or to a previously recorded plat.

Commonly used in the original colonies and areas not subject to the rectangular system. Some early descriptions consisted of only Bounds – calls to natural or manmade monuments and existing legal boundaries.

As property values increased, so did the need for more accurate descriptions – requiring measurement of line directions and length – the Metes as well as calls to more definite monuments.

2. Point of Beginning/Point of Commencement/Closure

*“The brush was thick and dense,
The descriptions made no sense,
When asked why it was,
They said, it’s because
We didn’t know where to commence.”*

“The Captain’s in the chartroom navigatin’ on a star; You can’t know where you’re going if you don’t know where you are” – Joe Walsh

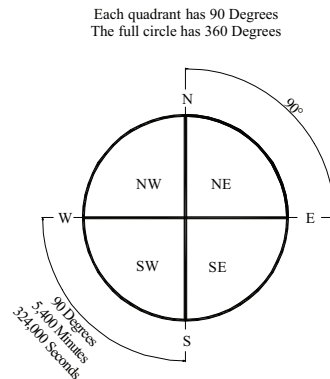
- *Point of Beginning:* Every M&B Description must begin at a readily definable, known point. The Point of Beginning (POB) should be a point on the parcel being described and preferably be an existing natural or manmade monument.
- *Point of Commencement:* If there is no existing monument on the boundary of the parcel being described, the description may start at an existing natural or manmade monument called the Point of Commencement. A description that starts at the Point of Commencement will then proceed to the Point of Beginning and then continue around the parcel being described.
- *Closure:* A parcel description must start at a Point of Beginning, then completely encircle the parcel so that the last line ends at the Point of Beginning. Generally, the description will proceed in a clockwise direction from the POB.

3. Directions: Angles, Bearings and “North”

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- *Angles*: The difference between two directions measured in degrees, minutes, and seconds of arc. As we proceed along a boundary, a change in direction can be related to the previous course by an angle. The change in direction from the last course may be measured by an angle to the right or left, or a deflection angle to the right or left.

A circle has 360 degrees
Each degree has 60 minutes
Each minute has 60 seconds



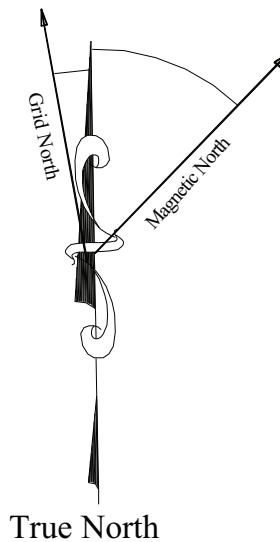
- *Bearings*: An angle from the North or South stated in degrees, minutes and seconds of arc. Bearings are most commonly used in property descriptions to define directions.

The 360-degree circle is broken into four 90-degree quadrants
The quadrants are labeled NE, SE, SW and NW
Bearings are measured from the North or South to the East or West
i.e. - N 30° E - S 30° E - S 30° W - N 30° W

- *North – Basis of Bearings*: Some deed descriptions give bearings of the property lines but fail to indicate whether these are *true, grid or magnetic* bearings. Before you can give or use a direction that is stated with a bearing, you have to know where “North” is. There are several types of “North” and rarely are they in the same direction. It is important to know your “Basis of Bearings”. Never mix bearings based on different types of North.
- True North (Astronomic) –
All lines converge at North Pole;
Determined by observing the sun or stars.

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- Magnetic North –
May be used in older descriptions
Compass points to magnetic North Pole
Difference between True North and Magnetic North = declination
Declination changes over time
A survey based on magnetic bearings must state the date of survey
Local magnetic attraction affects compass
- Grid North –
North lines are parallel – do not converge
Used in systems like Alaska State Plane Coordinate System
Difference between True North and Grid North = mapping angle
Grid North = True north only at Central Meridian
- Assumed North (Datum North) –
Not related to True/Magnetic/Grid north system



Used in local industrial facility (i.e. oil well drilling pad)
Easy to layout/measure points by coordinates

4. Distances – Linear Measurements

There are a variety of linear measurements that can be used in a property description. Some states use Spanish or French measurements due to their roots in Spanish or French law. In Alaska, we will typically find measurements in feet, meters or chains.

- Feet (English Units) –
Distances are given in feet and either tenths or hundredths of feet.

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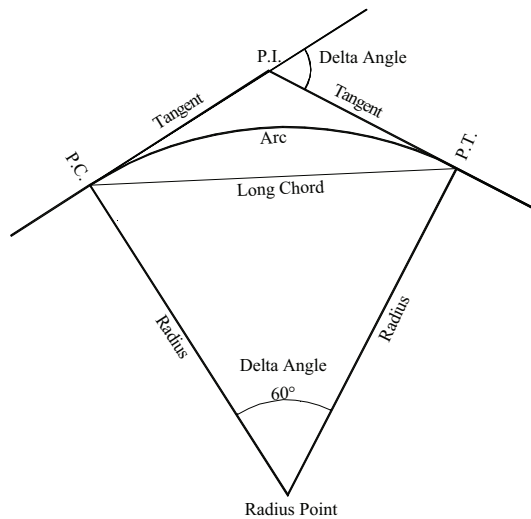
1 mile = 5280 feet

- Meters (Metric Units) –
Distances are typically given in meters and millimeters
Required for newer federal aid projects – Airports and Highways
1 meter = 3.2808 feet
- Chains (Federal Surveys) –
Distances are given in chains and links
1 chain = 66 feet
1 link = 1/100 chain = 0.66 feet
1 chain = 1/80 mile (80 chains per mile)
- Measurement Conventions –
All distances are based upon horizontal measurement – not on slope
Do not mix measurement systems (Dual dimensioning ok)

5. Curves

When describing a curved line, there are generally six elements of the curve that should be given:

- Radius – the distance from the radius point to any point on the curve
- Central angle or delta – the change in direction from one line to another
- Arc Length – distance along the curve



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A curve may be defined from any two elements, however, it is preferred that at least three be given such that the other two can be mathematically verified.

- Direction of Curvature – curve to the left or right
- Direction of Travel – “thence northwesterly, northerly etc., along said curve”
- Tangency – the relationship of the curve to the preceding line; point of tangency – where a line and a circle intersect at one point; In a description, a line is presumed tangent to the preceding course unless stated otherwise; if the line is not tangent, it will be necessary to provide information as to the relationship between the line and the curve.

As an alternative to the last three elements, the Long Chord and Chord Bearing is sometimes stated. The Long Chord is the straight line distance between the beginning of the curve and the end of the curve. The tangency and direction of a curve can be determined with the Long Chord bearing and distance.

6. Descriptive Calls

- *Metes Descriptions:* A parcel of land can be described using only *metes* or measurements such as bearings and distances. A *metes* only description can be verified for mathematical closure, graphically plotted and provide an accurate area. However, the *metes* only description may not accurately relay the intent of the grantor. For example, a call of N 85° W, 153.45 feet may not reach an existing property line as intended if the true distance to that property line is 175.00 feet.
- *Bounds Descriptions:* A parcel of land can also be described using only *bounds* or calls to adjoining. This may accurately reflect the intent of the grantor, however, the dimensions of the lines and the area of the parcel cannot be determined without a survey.

A well written description will generally combine measurements and calls to adjoining. The *metes and bounds* description should reflect the grantor’s intent, prevent gaps and overlaps with adjoining properties and provide reasonably accurate dimensions and areas of the parcel being described.

Calls to monuments –

- A call to a monument in a description is given the highest priority in that a monument set at the time of the conveyance is supposed to best reflect the intent of the parties. It is presumed that as in the old days, the grantee and grantor walked the boundaries, observed the monuments called for in the description, and agreed that these monuments marked the boundaries of the property being conveyed

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- Natural Monuments – Calls to natural monuments such as ridges, lakes shores, rivers and trees have been given priority over manmade monuments because of their perceived permanency and size. The problem with most natural monuments is the potential for ambiguity due to the fact that river and lake shores tend to move over time, and specific points on a ridge or a specific tree may be difficult to locate with any accuracy.
- Manmade Monuments – Manmade monuments identified in the description will hold over other dimensions. These include the standard surveyors monuments such as rebar/cap and pipe monuments, but also may include roads, dikes and railroads to name a few. The objective is to use a monument which is identifiable and relatively permanent. The downside with the typical surveyor's monuments is that they are easily disturbed or destroyed by construction, farming and other development.
- It is generally held that monuments hold the highest priority if called out in the description. However, it has been suggested that monuments not called for but set soon after the conveyance may provide the best evidence of the intended boundaries. Many other factors come into play in determining whether uncalled for monuments should be considered controlling.

Calls to adjoiners –

- Prevents unintended overlaps – When a conveyance makes reference to a line or boundary of a previously conveyed parcel of land, that land is said to be senior. For example, a property owner believes his land to be 100 feet in width. He then sells the East 50 feet to Mr. Jones. At a later date, he sells the West 50 feet to Mr. Smith. Now a survey is performed and it is discovered that the original property was only 90 feet wide. The Jones and Smith parcels overlap by 10 feet. Mr. Jones rights are senior (first in time), so he is entitled to his entire 50 foot width. Mr. Smith rights are junior and he receives the remainder, or 40 feet. The description of Mr. Smith's property should have made a call to the adjoining Mr. Jones property to clarify Mr. Jones senior rights.
- Prevents unintended gaps – If the original property described above was surveyed and found to be 110 feet wide, there would now be a 10-foot gap between Mr. Jones and Mr. Smith. It is unlikely that the original owner intended to retain any excess land that might exist after his conveyance to Jones and Smith. If there were a call to Mr. Jones adjoining property in Mr. Smith's description, there would be no gap

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between Smith and Jones. (And Smith may have received 60 feet of land rather than 50 feet.)

Superiority of Calls (Rules of Construction) –

Calls in deed descriptions refer to monuments, distances, directions, adjoining owners and the area of the tract. When all corners or boundaries cannot be relocated or retraced with certainty, the greatest weight must be given in the resurvey to those calls which are most likely to be correct and which therefore take precedence.

1. Monuments – natural or artificial
2. Calls to Adjoiners
3. Distances
4. Bearings
5. Areas – if stated as a secondary feature. If stated as a primary feature, areas rank between adjoiners and distances

In Alaska, the rules are basically the same, although they are written in extremely convoluted legalese:

Sec. 09.25.040 Rules for construing real estate descriptions. *The following are the rules for construing the descriptive part of a conveyance of real property when the construction is doubtful and there are no other sufficient circumstances to determine it:*

- (1) where there are certain definite and ascertained particulars in the description, the addition of others which are indefinite, unknown, or false does not frustrate the conveyance, but it is to be construed by those particulars if they constitute a sufficient description to ascertain its application:*
- (2) when permanent an visible or ascertained boundaries or monuments are inconsistent with the measurement, either of lines, angles, or surfaces, the boundaries or monuments are paramount:*
- (3) between different measurements which are inconsistent with each other, that of angles is paramount to that of surfaces, and that of lines paramount to both:*
- (4) when a road or stream of water not navigable is the boundary, the rights of the grantor to the middle of the road or the thread of the stream are included in the conveyance, except where the road or bed of the stream is held under another title:*
- (5) when tidewater is the boundary, the rights of the grantor to low-water mark are included in the conveyance:*
- (6) When the description refers to a map and that reference is inconsistent with other particulars, it controls them if it appears that the parties acted with reference to the map; otherwise the map is subordinate to other definite and ascertained particulars.*

7. Areas

- Acres/Square Feet –

$$1 \text{ acre} = 43,560 \text{ square feet} = 208.71' \times 208.71'$$

- Acres/Chains –

$$\begin{aligned} 640 \text{ acres} &= 80 \text{ chains} \times 80 \text{ chains} = 5280' \times 5280' = 1 \text{ mile} \times 1 \text{ mile} \\ 160 \text{ acres} &= 40 \text{ chains} \times 40 \text{ chains} = 2640' \times 2640' = \frac{1}{2} \text{ mile} \times \frac{1}{2} \text{ mile} \\ 40 \text{ acres} &= 20 \text{ chains} \times 20 \text{ chains} = 1320' \times 1320' = \frac{1}{4} \text{ mile} \times \frac{1}{4} \text{ mile} \\ 10 \text{ acres} &= 10 \text{ chains} \times 10 \text{ chains} = 660' \times 660' \\ 2.5 \text{ acres} &= 5 \text{ chains} \times 5 \text{ chains} = 330' \times 330' \end{aligned}$$

- Hectares/Square Meters –

$$\begin{aligned} 1 \text{ hectare} &= 10,000 \text{ square meters (100 meters} \times 100 \text{ meters)} \\ 1 \text{ hectare} &= 2.471 \text{ acres} \end{aligned}$$

8. Closure & Precision

The mathematical computation of each line of the description should result in the last line closing on the Point of Beginning within the specified tolerance.

The *Error of Closure* is the difference between the computed end of the last course and the Point of Beginning.

If you do not have the tools to compute the *Error of Closure*, you should try to plot the description with a scale and protractor to verify that it closes graphically.

The *Perimeter distance* is the sum of the distances around the parcel being described.

The *Precision* can be determined by dividing the *Error of Closure* into the *Perimeter distance*. For example, if the *Error of Closure* is 0.78 feet and the *Perimeter distance* is 7,345.12 feet, then the *Precision* is $7,345.12' / 0.78'$ –or- 1 part in 9,416.82. This means that the bearings and distances in the description are stated with a precision such that the *Error of Closure* is no greater than 1 foot for every 9,416.82 of line.

Error of Closure is also used to determine the *Precision* of land surveys. Typically, most private land surveys produce measurements such that the resulting precision is no less than 1 part in 5000. The minimum *Error of Closure* for surveys performed for more valuable urban land may be 1 part in 10,000 or higher. A low *Precision* may indicate a poor survey or errors in the written bearings and distances.

Property Descriptions for Rural Alaska

One national standard, the “*Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys*” contains a table called “*Survey Classes by Land Use*”. This table provides a linear closure requirement for varying types of land:

- Class A Urban Surveys – 1:15,000. Surveys of land lying within or adjoining a city or town. This would also include the surveys of commercial and industrial properties, condominiums, townhouses, apartments and other multi unit developments regardless of geographic location.
- Class B Suburban Surveys – 1:10,000. Surveys of land lying outside urban areas. This land is used almost exclusively for single family residential use or residential subdivisions.
- Class C Rural Areas – 1:7,500. Surveys of land such as farms and other undeveloped lands outside the suburban areas which may have a potential for future development.
- Class D Mountain and Marshland Surveys – 1:5,000. Surveys of land which normally lie in remote areas with difficult terrain and usually have limited potential for development.

These closures are generally evaluated at the completion of a field survey of the property. Typically, once the closure requirements have been met, the surveyor adjusts the bearings and distances to close perfectly. The adjusted bearings and distances are then used when writing a legal description for the parcel.

9. Writing the M&B Description

The following elements should be a part of each metes and bounds description. See appendix A for an example guideline for writing M&B descriptions used by DOT&PF Northern Region Right of Way.

- Caption – General Location
- Point of Commencement/Point of Beginning
- Lines described by lengths and bearing (or curves)
- Must completely enclose parcel
- Must return to close on POB
- Intent – Refer to adjoining properties
 Refer to monuments
- Statement of Area
- Statement of Intent - If you are not satisfied that the description sufficiently relays the intent of the parties – feel free to write out a paragraph that states the purpose of the transaction.

IV. Descriptions by Plat Reference

Property Descriptions for Rural Alaska

1. Background - A parcel of land may be subdivided into blocks and lots by recording an approved map, called a plat, in the appropriate government office. A subdivision is a parcel of land divided into lots and blocks with proposed streets, alleys, public utility easements, and other information included by the subdivider. A plat is an accurate drawing showing dimensions and bearings sufficient to locate the subdivision as a whole or any part of it, such as lots, streets, alleys and easements. A good plat should allow users to quickly orient themselves and determine the location of a lot and its size.

2. Types of Plats

- Federal

Plat (USPLS) – The term plat, as employed technically by the US BLM, refers to the drawing which represents the particular area included in a survey, such as a township, private land claim, or mineral claim, and the lines surveyed, established, retraced, or resurveyed, showing the direction and length of each line; the relation to the adjoining parcel or land subdivided; and, as nearly as may be practicable, a representation of the relief, and improvements within the limits of the survey. A public land survey does not obtain complete official or legal status until the field notes and the plat have been approved by the property supervising officer, and accepted by the Director of BLM.

- a) Federal Townsite – There are over 185 Alaska communities that are in part, Federal Townsites. Communities within Alaska filed petitions with the federal government to establish townsites for the purpose of obtaining title to the land they occupied. The townsite survey is divided into blocks, streets, and alleys as a basis for the disposal of title in village or town lots.
- b) United States Survey (U.S. Survey) – The U.S. Survey is one of many surveys categorized as “Special Surveys” by BLM. These are used to define the boundaries of irregular areas of land which are not conformable to legal rectangular system surveys. In Alaska this may include surveys of homesteads, trade & manufacturing sites and native allotments. Once approved, the plats and field notes are filed for the record at the BLM offices. Subsequent patents refer to the specifically numbered U.S. Survey to identify the property conveyed.
- c) Mineral Survey - These surveys are made to mark the legal boundaries of mineral deposits or ore-bearing formations on the public domain where the boundaries are determined by lines other than the normal subdivision of the public lands. Like U.S. Surveys, they are filed at the BLM office referenced in patents as the basis for the property description.

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d) ANCSA 14(c) Survey – Section 14 (c) of the Alaska Native Claims Settlement Act required that the Native Corporation receiving ANCSA land to reconvey certain parcels claimed for airport, municipal, subsistence and non-profit purposes. Although the 14 (c) surveys essentially replaced the federal townsite survey, they are different in that they represent a federally mandated survey of private lands. The 14 (c) survey and platting defines parcels by lot, block and street dedications and is approved by BLM and the appropriate native corporation.

- State or Local Government

Plat – A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey or protraction. A plat should show all data required for a complete and accurate description of the land which it delineates, including the bearings and lengths of the boundaries of each subdivision. A plat may constitute a legal description of the land and be used in lieu of a written description.

- a) Alaska State Land Survey (ASLS) – A.S. 38.04.045 requires that an official cadastral survey be accomplished prior to the patenting of state land. Subdivisions of state owned land are typically platted as Alaska State Land Surveys before they are conveyed.
- b) Subdivision Plat – In Alaska, subdivision platting authority is granted to municipalities under A.S. 38.40.070. This statute requires the local platting authority to adopt ordinances governing dedications and vacation of streets, dimensions and design of lots, and provisions for access to lots and installation of street paving, curbs, sidewalks, etc.
- c) Replat – a subdivision is defined as being “*the division of a tract or parcel of land into two or more lots, sites or other divisions...*”. A replat is generally used to move or vacate an existing lot line and does not create any additional parcels. Local platting authorities also have jurisdiction over the replatting of properties.

- Unorganized Borough

In most parts of Alaska, it is necessary to obtain approval by the local platting authority before land can be subdivided, the plat recorded and sold. However, a subdivision may be filed in the recorder’s office without platting approval if the land is located within the Unorganized Borough and outside the jurisdiction of a city which has platting authority. In fact, under this rule, a plat and survey is not required to create a subdivision. The recording of a deed with a description of the subdivided parcel is sufficient to create the subdivision.

The exception is that replats, or plats which change the location of an existing property line but do not create additional parcels, and vacations of previously platted rights of way, must be reviewed and approved by the Department of Natural Resources. (See A.S. 40.15.075) Legislation has been proposed that will extend DNR's jurisdiction as the platting authority for subdivisions in the Unorganized Borough.

3. Method of Description

All of the previously mentioned plats, if prepared correctly, create accurate and concise descriptions of specific parcels of land. The object of most platting laws is to specify simple means of identifying land and simple means of ensuring certainty of location.

Generally, platted lands are based upon a survey and are monumented. In certain areas, however, "paper plats", those prepared without the benefit of a survey, are common. Descriptions made by reference to a platted property which has been surveyed and monumented offer a certain security in that the plat will generally go through a review and approval process by the local platting authority, the plat must be approved (acknowledged) by the owner, certified by the surveyor and filed for the public record.

To describe a parcel of land that has been platted, there is no need to state bearings or lengths of lines, or calls to monuments or adjoiners. They should all be shown on the plat if they are relevant. For example, a lot and block description can be as simple as:

Lot 27, Block 2 of Simpson Subdivision filed as plat 87-12 in the Nome Recording District, State of Alaska.

This describes a unique parcel on a unique plat filed in a unique recording district. There should be no conflict or confusion with any other parcel of land. If there is a downside to this method, it is that the deed alone is insufficient to tell you the size and shape of the parcel. You will also have to obtain a copy of the plat. Platting tends to be a more expensive method of describing land because of surveying and mapping costs.

d) Other Survey Plats

A Record of Survey is a map prepared in accordance with A.S. 34.65.010. After making a survey in conformity with the practice and definition of land surveying, a land surveyor shall file a record of survey with the district recorder if the survey discloses a material discrepancy with a previously file plat, evidence that does not appear on a previously file plat or evidence that might result in boundaries different

from those of record. The purpose of a Record of Survey is not to create new parcels or move existing property lines.

Should you describe a parcel with reference to a Record of Survey? A Record of Survey is required to note the source document upon which the boundary survey is based. If you describe a parcel by reference to the Record of Survey, it could be interpreted that you are referring back to the source document. On the other hand, a Record of Survey is also known as an “opinion survey”. A second surveyor could re-survey the parcel from the source document and come up with significantly different dimensions due to variations in interpretation of the source document and recovered evidence. So this potential for conflict suggests that you should always refer back to the source title document unless you are dealing with new parcels created under the previously mentioned platting laws.

V. Other Types of Descriptions

There are many other commonly used methods of describing property. Different methods lend themselves to certain property shapes or uses. Used correctly and with caution, these alternate methods can be as accurate and unambiguous as any of the other methods we have discussed.

- Centerline/Strip description – “A strip of land 50 feet in width, 25 feet on each side of the following described centerline.....”
- Point description/Station & Offset – “To a point offset 50 feet to the left of station.....”
- Coordinate description – “to a point having coordinates of N 495,100.50, E 1,574,426.10, thence... ..”
- Linear description – “The East 50 feet of....”
- Proportional description – “The northerly 1/3 of....”
- Area description – “The westerly 5 acres of.....”

VI. Sources of Error in Property Descriptions

1. Surveying Errors

As much as I would like to think that all surveyors are perfect and that errors in property descriptions can only be attributed to the writers, I have to admit that poor surveys add their fair share to property description problems. The potential sources of error contributed by surveys include:

- Defective instruments
- Poor procedures in measuring
- Incompetent surveyors

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- Error in computation
2. Ambiguities and Typographical errors in writing descriptions
 - *Patent Ambiguity* – A patent ambiguity is an uncertainty in a description that is obvious on the face of the document and arises from the defective or obscure language used. A conveyance containing a patent ambiguity cannot be explained by extrinsic (external, not contained in the deed) evidence and may be void by the courts. For example: “NW ¼ NE ¼ Section 38, Township 1 North, Range 2 West, Umiat Meridian” There is no section 38 in a township, therefore, this ambiguity is apparent by reading the document.
 - *Latent Ambiguity* – A latent ambiguity arises when the language of the description in the document is clear, but its application on the ground causes certain conflicts to arise. For example: “thence northwesterly to the oak tree where John Brown killed a bear...” In 1873, probably everyone in the area knew the location of the oak tree referenced in the description. In 1997, there may be plenty of oak trees and no way to tell which one is the tree referenced in the description. Parol (testimony) or extrinsic evidence may be admissible to locate the description on the ground.
 3. Loss of Evidence

Your typical property description will commonly refer to both documentary and physical evidence that will control the location of a parcel of land.

Preservation of documentary evidence is generally not a significant problem as most of the referenced plats or documents will have been recorded or are on file at government offices. Care should be taken not to refer to a plat that is only located at a private surveyor’s office or in other personal files due to the possibility that it may be destroyed or become unavailable.

Preservation of monuments that control the Point of Commencement or Beginning or establish the intent of the parties is also very important. The destruction or disturbance of these monuments will make the location of the property more ambiguous and greatly increase the cost when it becomes necessary to locate the boundaries in the future.

New technology such as GPS satellite positioning may make it easier to accurately re-establish boundaries where the monuments have been lost but only if the original monuments were tied into the coordinate system used by the GPS systems.

Given the cost to survey and replace corners, monuments should be considered an important asset that adds to the value of any parcel of land.

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**DOT&PF Northern Region
Property Descriptions for ROW Parcels
Guidelines**

METES & BOUNDS

As there are many personal preferences to musical styles, individual preferences to the writing and content of legal descriptions are many and varied. The purpose of this paper is to address the standardization of guidelines followed when composing metes and bounds legal descriptions.

By definition, a written legal description of a property should to "stand alone" without the benefit of a drafted plat. The most important requirement of a legal description is to define the physical location of a property so that its precise location can be established on the earth. It is extremely important for the writer to remember that, in its final form, the property description becomes a legal document of record and therefore will have historical significance. As a tool, the legal description must meet the needs of many disciplines with different interests. With this in mind, the authors of property descriptions should make every effort to simplify and express the intent of all concerned parties to the description of conveyed land.

Metes and bounds legal descriptions describe successive sides of a property with respect to direction and distance - the metes. In addition, the property is described by references, or calls, to adjoining boundary lines and descriptions - the bounds. These include but are not limited to governmental boundaries, such as right of way lines, adjoining boundaries of record, fixed or record artificial monuments and natural monuments.

Following is an example of a metes and bounds legal description. Please take notice of the capitalization, use of punctuation and also note where appropriate to spell out a number or symbol and where it is not. In parentheses are the parts of the metes and bounds description and comments about situations which require special consideration.

- I. **Caption** - identifies the general location of the property being described - for our purposes, to the United States Rectangular Survey System.

Parcel No. __: A parcel of land situate in the West Half of Section 23, Township 1 North, Range 1 West of the Fairbanks Meridian, Fairbanks Recording District, Fourth Judicial District, State of Alaska, to wit:

(Describe aliquot parts of a section or the regular 160-, 80-, 40- acre, etc. subdivisions of a section as the West Half, Northeast Quarter, East Quarter, and so on, as opposed to the West One-Half, Northeast One-Quarter or East One-Quarter.)

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- II. **Body** - identifies a specific tract of land in the general area described in the Header.

Commencing at the northwest corner of said Section 23;

THENCE S 01° 33' 18" W along the west line of Section 23 a distance of 145.00, more or less, to the ordinary high water mark of Frost Pond Lake as established by survey in 1974;

THENCE along meanders as follows:

S 36° 18' 57" E a distance of 57.13 feet;

S 23° 30' 00" E a distance of 125.54 feet;

S 12° 15' 30" E a distance of 200.36 feet;

S 28° 00' 00" W a distance of 306.58 feet to the point of intersection with the west line of said Section 23;

- A. **Meanders** - The subject of incorporating meander line calls into the body of a property description is a topic which invites much discussion and approached in volumes by authors more qualified than myself. Meander lines are not, unless specified, boundaries but used to define the sinuosities of the banks of water bodies. When making a call to a measurable body of water, it is to the "ordinary high water mark" and not to the "mean high water mark" as is the custom with some writers of legal descriptions. In Interior Alaska the highs and lows of upland waters are extremely random, thus they become non-measurable quantities in which to determine a mean. The distance to an "ordinary high water mark" from a fixed point is variable, so use of the phrase "more or less" is desirable. If known, reference the date of survey.

THENCE S 01° 33' 18" E along said west line of Section 23 a distance of 1820.19 feet, more or less, to the point of intersection with the existing northerly right of way line of Alaska Project No. S-044(3), said point being 55.43 feet left of and at right angles to approximate Centerline Station "O" 299+51.84 P.O.T. of Alaska Project No. RS- 0644(13);

- B. **Stationing** - Two items of note in the previous course are worth mentioning. First, the use of the phrase "more or less" is meaningless. The Section line is tied to a record boundary, i.e. the right of way line, regardless of the distance to that boundary. Whenever using "more or less," you strongly infer, from the evidence, a problem and are trying to alert attention to that problem. Be very critical of its usage. In this instance, it is preferable to have omitted the phrase. Second, the adjective "approximate" is used to describe the location of the centerline station. This is done in order to give a general location reference and to prioritize the controlling call of the Section line which is not fixed by the roadway centerline.

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However, the point of intersection with the right of way line is intended to be perpendicular to the centerline at a fixed offset distance.

THENCE S 89° 14' 42" E along said existing right of way line a distance of 79.18 feet to a point of curve, said being the southeast corner of Eagle's Lair Subdivision according to the plat filed January 2, 1947 as Instrument No. 47.123, records of the Fairbanks Recording District.

C. **Plat Reference** - Note reference to record title/plat.

THENCE southeasterly along a curve to the right having a central angle of 06° 56' 42", a radius of 5779.58 feet and an arc length of 700.56 feet to a point, said point being 43.46 feet left of and at right angles to Centerline Station "O" 307+26.52 P.T. of Alaska Project No. RS-0644(13) and the TRUE POINT OF BEGINNING.

D. **Curves** - In the previous course it is understood that the curve is tangential since the incoming and outgoing lines specify the curve requirements. Ordinarily this will be the most common situation. At least three parameters which define the curve must be included in the description so that all its elements may be calculated if necessary. Metes and bounds descriptions normally state central angle or delta, the radius distance and arc length. If a curve is non-tangential, statements must be included in the description as well as information which can be used to reestablish the curve. Please notice in previous description course that the centerline stationing is specific due to the right of way line being fixed by the roadway centerline. An example of a non-tangential curve description is given below:

THENCE N 75° 10' 42" E along said existing right of way line a distance of 79.18 feet:

THENCE southeasterly along a curve to the right and not tangent with the last described line, said curve has a radius of 5779.58 feet, a central angle of 06° 56' 42", an arc length of 700.56 feet and the chord of said curve bears S 86° 10' 31" E;

THENCE N 83° 15' 30" E along a line not tangent to said curve a distance of 300.56 feet;....

THENCE N 06° 35' 10" E along the northerly right of way line of Alaska Project No. RS-0644(13) a distance of 16.54 feet;

(Please be aware that it is unnecessary to state the obvious and use the phrase "to a point" at the end of a course description. The end of any line is a point. However, "to a point", is very appropriate and is used when there is a direct tie that must be held. In this case the point becomes a controlling call.)

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THENCE S 83° 24'50" E continuing along said northerly right of way line a distance of 788.99 feet to a point of curve, said point being 60.00 feet left of and at right angles to Centerline Station "O" 315+15.52 P.C. of Alaska Project No. RS-0644(13);

THENCE southeasterly along a curve to the right having a central angle of 47° 15' 01", a radius of 1014.93 feet and an arc length of 932.52 feet to a point, said point being 60.00 feet left of and at right angles to Centerline Station "O" 323+92.92 P.T., of Alaska Project No. RS- 0644(13);

(Note that in the previous two courses the critical piece of information given is the offset distances from centerline to the P.C. and P.T. stationing. The right of way line is thus shown to be concentric to the centerline. Mention of the centerline stations gives a location reference.)

THENCE S 30° 46' 12" E a distance of 500.33 feet to the southwest corner of a tract of land as described by the Warranty Deed recorded May 22, 1963 in Book 246 at Page 114, records of the Fairbanks Recording District.

E. **Boundary Reference** - Note reference to record title/plat.

THENCE S 01° 30' 45" W along a line 40.00 feet westerly of and parallel with the east line of said West Half of Section 23 a distance of 18.72 feet to the point of intersection with the northerly existing right of way line of Farmers Loop Road, Alaska Project No. S-0644(3);

(When using the term "parallel" to describe a line, the correct preposition to be used is with. It is important to know that you are never "parallel to" anything, you are only "parallel with" the object referenced.)

THENCE N 30° 46' 12" W along said northerly existing right of way line a distance of 502.53 feet to a point of curve;

THENCE northwesterly along a curve to the left having a central angle of 52° 20' 08", a radius of 1004.93 feet and an arc distance of 917.43 feet;

(It is recommended that when coursing along a record boundary such as an existing right of way line, only record information for that line be described with no mention to centerline stationing or offset.)

THENCE N 06° 53' 39" E a distance of 10.00 feet;

THENCE N 83° 06' 21" W a distance of 238.91 feet;

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THENCE S 06° 53' 39" W a distance of 10.00 feet;

THENCE N 83° 06' 21" W a distance of 563.78 feet to the TRUE POINT OF BEGINNING.

(Never use the phrase "more or less" in the last course since the point of beginning is a mandatory call regardless of the bearing or distance.)

Containing () square feet/acres [*Gross Area*], more or less, of which () square feet/acres, more or less lie within the existing right of way of [*Name road if applicable*]. Said parcel is hereby conveyed to the State of Alaska, Department of Transportation and Public Facilities.

Miscellaneous Notes

For our purposes, these are the basic elements of a metes and bounds legal description. Some other considerations of convention when writing metes and bounds descriptions are:

1. It is preferable to describe lines in a clockwise direction.
2. The points from which you "Commence" and your "TRUE POINT OF BEGINNING" should be definite points, of a permanent nature (if at all possible) and are easily identifiable on a map.
3. If there are other parcels in the area described by metes and bounds descriptions, use the same point to "Commence" from in your description as was used in the other descriptions.
4. Verify that your metes and bounds description closes mathematically.
5. Above all, be sure that you are saying what you mean. Virtually every line should have some sort of controlling call.
6. If a plat is attached, be sure that there are sufficient references, ties, and dimensions on the plat such that the description can be tracked around the plat.

In conclusion, as stated earlier, no two individuals are likely to write the same description. However, if some standardized procedures are followed, much headache and confusion can be eliminated

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LOT & BLOCK DESCRIPTIONS

Parcel No. ()

All that part of the following described tract of land:

Lot (), Block () of () Subdivision, filed as [*Instrument or Plat No.*]
() on [*Date*] (), Records of the Fairbanks Recording District, Fourth
Judicial District, State of Alaska.

Which lies within the right of way lines of Alaska Project No. () delineated as to said tract of land on the plat attached hereto and made a part hereof as page () of this instrument and designated as parcel No. ().

Containing () square feet [*Gross Area*], more or less, of which () square feet, more or less lie within the existing right of way of [*Name road if applicable*]. Said parcel is hereby conveyed to the State of Alaska, Department of Transportation and Public Facilities.

APPENDIX “B”

Exercises

APPENDIX “C”

Examples