SYSTEMS OF PROPERTY DESCRIPTION

Interpretation of Common Real Property Descriptions

INTRODUCTION

Land surveying includes

1. Surveying operations involved in original surveys to locate and monument the boundaries of a property;
2. The preparation of a legal description of the limits of a property;
3. The preparation of a property map;
4. Re-surveys to recover and re-monument property corners;
5. Surveys in connection with the subdivision of a property into parcels of predetermined sizes and shapes;
6. Retracement surveys of property lines to re-establish lost or obliterated corners and to make ties to property lines and corners.

Land surveying is one of the oldest branches of surveying known to man, the principles of which have been passed down through the centuries. For this reason, the essentials of land surveying as practiced in various countries are similar in principle.

In the United States, land surveying is a survey conducted for the purpose of ascertaining the correct boundaries of real estate property for legal purposes. In accordance with the federal and state laws, the title to land property in the United States is transferred from one person to another by means of a written document, called a DEED. To constitute a valid transfer, a deed must meet a considerable number of legal requirements, some of which vary in different states. In all the states, however, a deed must contain an accurate description of the boundaries of the property. Examples of deeds are shown in Figure 1, Figure 2 and Figure 3.
Figure 1 – Grant Deed (California)
JOINT TENANCY GRANT DEED

J. P. A. I.

JOHN FELLING and CATHERINE FELLING, husband and wife
(Grantee, Grantors)

FOR A VALUABLE CONSIDERATION, except of which is hereby acknowledged,

The

Hereby Grant to

ANTON MINTER and ANNA MINTER, husband and wife,

As Joint Tenants

the real property in the

County of: Riverside State of California, described as follows:

The Southernly 100 feet of the Northerly 200 feet of the Westerly 130 feet of the South one half of Lot 5 of Block 3, of Cherry Valley West Addition as shown on the map on file in Book 6, page 36 of Maps, Records of Riverside County, California.

EXCEPTING THEREFROM the Westerly 10 feet thereof as granted to the County of Riverside for a public highway by Deed recorded March 3, 1922 in Book 357, page 163 of Deeds, Records of Riverside County, California.

[Signature]

Deed May 11, 1951

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

On May 11th, 1951, before me, Chester W. Manley, a Notary Public in and for said County and State, personally appeared

JOHN FELLING, CATHERINE FELLING

known to me to be the person whose name is subscribed to the within instrument and acknowledged that

THEY acknowledged the same.

WITNESS my hand and official seal.

[Signature]

CHESWEE W. MANLEY
Notary Public in and for said County and State

RECEIVED FOR RECORD MAY 25, 1951
AT 9:00 O'CLOCK A.M.
By: E. C. CHAMBERLIN, Recorder

Figure 2 – Joint Tenancy Deed
Figure 3 – Quitclaim Deed
A right in real property appears in many forms. Outright ownership is called ownership in **FEE SIMPLE**. There are numerous lesser rights, such as **LEASEHOLD** (right to occupancy and use for a specified term) or **EASEMENT** (right to make certain specified use of property belonging to someone else). In all cases, a valid transfer of any type of right in real property usually involves an accurate description of the boundaries of the property.

The ownership of land is almost invariably linked with monuments defining the limits of the land. Many of the monuments placed to mark the boundaries of a property are moved or are destroyed by man, animals, insects, bacteria, or the elements. Factors both animate and inanimate are constantly at work revising and modifying the surface of the earth, and changes are continuous. Ancient Egyptians recognized this lack of permanence in survey marks. Monuments suffering destruction from flood action were quickly and accurately replaced. They placed them and related them to other marks in a network, making restoration a relatively simple matter.

In the early settlement of the United States, it was possible to enter an area, delineate a piece of land of any size with monuments, describe it and assume possession of it. Subsequently claimed parcels of land were related to the earlier monumented parcels and in turn were outlined with markers. The monuments eventually became the framework upon which the system of land location grew.

**PROPERTY BOUNDARY DESCRIPTION:**

A parcel of land may be described

1. by **METES AND BOUNDS**;
2. by giving the coordinates of the property corners with reference to the **STATE PLANE COORDINATES** systems;
3. by a deed reference to a description in a previously **RECORDED DEED**;
4. by references to block and individual property numbers appearing on a **RECORDED MAP**,
5. by reference to **SECTIONS** in the public land system.

**METES AND BOUNDS**: When a tract of land is defined by giving the bearings and lengths of all boundaries, it is described by **METES and BOUNDS**. This is an age-old method of describing land and forms the basis for the majority of deed descriptions in the eastern states of the United States and in many foreign lands. A good metes-and-bounds description starts at a point of beginning, which should be monumented and referenced by ties or distances from well-established monuments on the underlying survey framework. The bearing and length of each side is given in turn around the tract to close back on the point of beginning. The reference bearing may be true, magnetic, grid or assumed. Original surveys were performed on magnetic bearings, but surveys are never run on magnetic bearings today.

The monuments placed at each corner should be described to aid in their recovery in the future. Ties from corner monuments to witness points (trees, poles, boulders, ledges, or other semi-permanent or permanent objects) are always helpful in relocating corners, particularly where the
corner markers themselves lack permanence. In timbered country, blazes on trees or adjacent to a boundary line are most useful in reestablishing the line at a future date. Many metes-and-bounds descriptions fail to include all of these particulars and are frequently very difficult to retrace.

The determination of boundaries in the United States is often difficult because early surveyors often confined themselves to minimal description - that is, to a bare statement of the metes and bounds, courses and distance. Today, good practice requires that a land surveyor include all relevant information in his description.

In preparing the description of a property, the surveyor should bear in mind that the description must clearly identify the location of the property and must give all necessary data from which the boundaries can be reestablished at any future date. The written description contains the greater part of the information shown on the plan. Usually both a description and a plan are prepared when the property is transferred. Both are recorded according to the laws of the county concerned. The metes-and-bounds description of the property shown in Figure 4 is given below.

"All that certain tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the Township of Maplewood in the County of Essex and State of New Jersey and constituting lot 2 shown on the revised map of the Taylor property in said township as filed in the Essex County Hall of Records on March 18, 1944."
Beginning at an iron pipe in the northwesterly line of Maplewood Avenue therein distant along same line four hundred and thirty-one feet and seventy-one one-hundredths of a foot northeasterly from a stone monument at the northerly corner of Beach Place and Maplewood Avenue; thence running, north forty-four degrees thirty-one and one-half minutes West along land of H.L. Coombs one hundred and fifty-six feet and thirty-two one-hundredths of a foot to an iron bar; thence turning and running, north forty-five degrees twenty-eight and one-half minutes East along land of S.M. Taylor eighty-seven feet to an iron bar; thence turning and running, south forty-four degrees and thirty-one and one-half minutes east along land of B.A. Toler one hundred and fifty-six feet and thirty-two one-hundredths of a foot to an iron bar in a northwesterly line of Maplewood avenue; thence turning and running, south forty-five degrees twenty-eight and one-half minutes West along said line of Maplewood Avenue eighty-seven feet to the point and place of beginning; all bearings being true and the lot containing a calculated area of thirteen thousand six hundred square feet. This description has been prepared from a survey made by R.F Jones, Licensed Land Surveyor, New Jersey No. 4411, said survey being dated December 11, 1944."

Figure 5 – Metes and Bounds Description

Another typical metes-and-bounds description is shown in Figure 5 and is as follows:

"Beginning at a point on the north line of Oak Street at a distance of 100.00 feet east of the east line of Third Avenue; thence at right angles northerly a distance of 110.00 feet; thence at right angles easterly a distance of 200.00 feet; thence on a true azimuth from the north of 160°00'00" to the northerly line of Oak Street; thence in a westerly direction along the northerly line of Oak Street to the point of beginning."
This was the method employed in the original thirteen states for the demarcation of tracts of land. Note that each course is specified as to direction, length, terminus, or some combination of these that clearly identifies the boundaries and makes retracement possible. Until 1785, this was the method in almost universal use for describing parcels of land.

**BY PLANE COORDINATES**

For many years, the triangulation and traverse monuments of various domestic and foreign survey agencies have been defined by their geographic positions; that is, by their latitudes and longitudes. Property corners might be fixed in position in the same way. The necessary computations are involved and too few land surveyors are sufficiently well versed in the theory of geodetic surveying for this method to attain widespread use. In recent years, state plane coordinate systems have been developed and used in many states. These grid systems involve relatively simple calculations and their use in describing parcels of land in increasing. Every state is now covered by a statewide coordinate system commonly called a STATE PLANE COORDINATE SYSTEM.

A property description by metes and bounds might include points located by coordinates as follows:

> “Commencing at U.S. Coast and Geodetic Survey Monument "Bradley, Va", having coordinates $y = 75,647.13$ ft. and $x = 35,277.48$ ft, as based on the Virginia Coordinate System, North Zone, as are all the coordinates, bearings, and distances in this description; thence S36o30'E, 101.21 ft. to the intersection of Able Street and Baker Avenue, whose coordinates are $y = 75,565.77$ ft. and $x = 35,337.45$ ft, etc.”

**BY RECORD MONUMENTS AND ADJOINERS**

A record monument, sometimes called a legal monument, is a monument referred to in a conveyance description and is often interpreted to mean a call for an adjoiner or abuttal property. A call for an adjoiner, such as a call "to the property of Daniels" requires obtaining and reading a copy of the adjoiner is conveyance to determine the adjoiner's true location. A call for an adjoiner is a call that has size and shape (is physical in this connotation), but the limits of the size and shape cannot be seen until marked by physical objects. No assurance exists that the visual objects are in their correct position until the adjoiner's conveyance is researched and located on the ground. To locate a natural or artificial monument, the surveyor goes into the field with research data and searches for the monument. To locate a record monument, the surveyor must first obtain a copy of the record describing the monument, then he must locate the boundaries in accordance with the record.

**BY BLOCKS, TRACTS, OR SUBDIVISIONS**

In many counties and municipalities, the land of the community is divided into subdivisions called blocks, tracts or subdivisions. Each of these subdivisions is further subdivided into lots. Blocks and tracts usually have numbers, while a subdivision usually has a name. Each lot within a block, tract, or subdivision usually has a number.
From data obtained in a tax map survey or cadastral survey, a map book is prepared which shows the location and boundaries of each major subdivision and of each of the lots it contains. The map book is filed in the county or city recorder's office and is used, in deeds or other instruments. For example a particular lot is described as: "Lot 73 of Tract 5417 as per map recorded in book 72, pages 16 and 17, in the office of the county/city recorder of (named) county/city"; or as "Lot 32 of Christopher Hills Subdivision as per, etc."

SECTIONs

As the country grew in size with the acquisition of lands by purchase and negotiation, the need for a uniform means of dividing it into logical shapes and sizes conducive to settlement became urgent. Several attempts were made in the north eastern states to divide large areas by means of a rational rectangular system prior to 1785. From these efforts, the United States Public Land Surveys System evolved, and most of the country beyond the limits of the original colonies was subdivided in this new manner. The basic pattern centered on a rectangular system of townships six miles square, each subdivided into 36 sections of about one square mile area per section. The sections were marked with corner monuments at mile intervals and at intermediate half-mile intervals. Maps were prepared and filed, and successive regions were opened for acquisition by pioneer settlers moving west. The survey of a large area by this system begins at an initial point and progresses in the four cardinal directions from it. The relationship between the location of the initial point and any area that is surveyed with the initial point's position as a start makes possible a universally understandable description. Figure 6 illustrates the method.
In California, three initial points have been established and are used. They are named San Bernardino, Humboldt, and Mount Diablo.

A description of the shaded section of land in Figure 6 would be: "Section 14, Township 3 North, Range 2 East, San Bernardino Meridian."
Figure 7 illustrates some of the basic principles involved in describing the subdivision of a section. A full description of the shaded area would be: "The southwest quarter of the northwest quarter of Section 14, Township 3 North Range 2 East, San Bernardino Base and Meridian."

United States Land Surveys developed into a very important means of land identification. The form in which records and plats are filed, the organization of the General Land Office, the types of monuments and reference points used, the degree of precision employed in establishing the markers, and the deviations from basic rules all form a very large body of information. It is essential that the well informed chief of party be thoroughly familiar with these matters.