REVERSION AND APPORTIONMENT RIGHTS

In most states, when a conveyance is made adjoining a public street, the presumption of law is that the conveyance includes the bed of the street to the centerline of the street, unless something to the contrary indicates otherwise.

A reversion right is the right to use land located within a vacated easement. Where the boundary lines exist after a street has been vacated is addressed in this lesson.

Only the public easements are removed from vacated streets. Easements in existence prior to the street's dedication may continue to exist.

Ownership of the Bed of Easements

Whenever an easement is granted, the fee title to the land encumbered by the easement remains in the party granting the easement.

Although this principle is easy to apply, sometimes after a number of land conveyances have been made, situations arise in which the fee owner of the bed is not specifically designated in conveyances. For example, who has the fee right to the bed of a street within a subdivision? In such situations statute, common law, or presumptions determine who has the fee rights.

Fee Title or Easement Right?

As between private parties a fee simple title is presumed to be intended by a grant of real property, unless it appears from the grant that a lesser estate was intended. Unless there is a contrary statement in the conveyance or a statute nullifying the rule, the public only acquires an easement in highways.

As between private parties, when the word easement is omitted from a description that was intended to be an easement, fee title may pass. A title reading "30-foot strip of land for road purposes" passes fee title subject to a road easement. "Reserving the west 25 feet for road purposes" may not create an easement, but may reserve the 25 feet in fee title, subject to an easement for road purposes. In California the state takes fee title to all freeways.

Conveyances to Center Line of Public Roads Presumed

A metes and bounds description along a road must be written to definitely exclude the road, otherwise in those cases where the grantor owns the bed of the road it will be presumed that the conveyance intended to pass title to the centerline of the road, subject to public easements.

An owner of land bounded by a road or street is presumed to own to the center of the way; but the contrary may be shown. Such terms as "along said road" do not exclude the road. "Along the east side of said road," "the side line of said road," "excepting the road," and "excluding the road" are definite statements showing clear intent to exclude the road. Unless the deed clearly states that the
road is excluded, or clearly indicates so by its language, the conveyance is to the center line of the road provided the grantor owns the bed of the road.

**Conveyances Along Private Ways**

In the construction of deeds, where lands are bounded on or by a way, either public or private, the law presumes it to be the intention of the grantor to convey the fee title of the land to the center of the way, if the title extends so far. This presumption is of course controlled, whenever there are words used in the description showing a different intention.

**Usage of Easements**

In general easements are limited in usage to whatever is stated in the conveyance. An easement to a private party for road purposes does not include the right to install power poles or to put in underground water lines. In a written easement, the intended usage must be stated. An easement for a road granted to the public often carries with it the right to use it for underground lines, power poles, and other public uses.

**Reversionary Rights**

Unless there is a clear contrary intent in a conveyance to a public body, it is presumed that dedicated roads create only an easement for the public, whereas the title to the road remains in the grantor of the easement. Extinguishing an easement by proper agencies causes the full rights to the land to revert to its former owner, disencumbered of the public use. Reversion is not an altogether accurate term since the land does not revert owing to a lack of alienation in the first place. Upon discharging the public burden, private rights revive.

**Division of Private Ownership in Streets**

The ownership lines in the street are determined by the ownership lines as they existed before the dedication of the road easement. A private conveyance of land abutting on a road, the fee to which belongs to the adjoining proprietors, is interpreted, if possible, to pass fee to the center line thereof; the contrary must be stated.

Metes and bounds descriptions often delineate the limits of private ownership in a street. Where the bounds within a street are given, the necessity for assuming the center of the street as the boundary does not exist. Deed may expressly exclude the street, but, unless they do, the inference is that the street is included. The assumption that the grantee takes title to the center of the street is based upon the idea that the owners on each side contributed their land in equal amounts. When such is not the fact, the assumption does not rise.

**Words Excluding and Including Conveyance to Center Line of Street**

The assumption that an owner owns to the center line of a street can be overcome by definitive statements to the contrary. Such phrases as "along the side line of the street," "exclusive of the street," and "excepting the street" will prevent title in the bed of a street from passing. "Bounded
by the highway," "fronting on the highway, " "to and along the highway," are construed to mean
"along the centerline of the highway" "with and by the highway," and "in line of highway" and are
usually taken in that light in the absence of other words of exclusion.

**Apportionment of Reversion Rights**

The problem of apportioning the limits of ownership arising from the presumption that fee up to the
center line of the street is conveyed is sparsely found in the court records. Within subdivisions,
where the limits of private ownership are seldom defined, the problem becomes complex on curved
and irregular streets.

**General Principle**

Unless a deed or map indicates otherwise, reversion rights extend from the street termini of the
property lines to the center line or thread of the street in a direction that is at right angles to the
center line of the street.

**Reversion Rights of a Lot on a Curved Street**

The reversion rights of a lot in the middle of a block extends radially to the centerline of the street.

**Lots Adjoining a Subdivision Boundary**

Reversion rights of a lot adjoining a subdivision boundary extend along the boundary line of the
subdivision and cannot extend beyond the boundary line.

**Lots at an Angle Point in a Road**

Reversion rights at an angle point in a road extend on the bisection of the angle.

**Apportioning Ownership of Alluvium Between Adjoining Owners**

a. **Proportionate Shore-Line Method.** Land that has been built up by accretion and apportioned
among several riparian owners so that each owner has the same percentage of water frontage that
he had formerly is said to be divided by the proportionate shore-line method.

b. **Proportionate Acreage Method.** Land that has been built up by accretion and apportioned
among riparian owners so that each owner gains an area of alluvion in relation to his former
proportionate length of water frontage is said to be divided by the proportionate acreage method.

c. **Proportionate Thread-of-the-Stream Method.** Land that has been built up by accretion and
apportioned among several riparian owners in such a manner that each owner has the same
percentage of footage in the thread of the stream as he had on the old shore line is said to be
divided by the proportionate thread-of-the-stream method.
d. **Pie Method.** Where water has receded or land has built up along the shore of a circular body of water, and the land is divided in the manner in which a pie is cut, the land is apportioned by the pie method.

e. **Colonial Method.** The method used in Maine to apportion tidelands (alluvial flats) by drawing a base line from one corner of each lot to the other, at the margin of the upland, and running a line from each of these corners, at right angles to the base line to low water will be referred to as the Colonial method.

f. **Long-Lake Method.** If a ling lake is divided by erecting perpendiculars from the thread of the lake to the point of contact of the property line with the shore and the ends are divided by the pie method, the lake is divided by the long-lake method.

g. **Coves.** No uniform rule exists for the division of coves. Within the same state different methods have been applied, depending upon the equities of the circumstances.

h. **Perpendicular Method.** Establishing the division line between properties by turning 90° from a line will be referred to as the perpendicular method. Since radial lines are perpendicular to their tangent of the curve, lines established radially to a curved shore line are herein considered variations of the perpendicular method.

i. **Prolongation of Property Lines.** Dividing accretions and relictions by prolonging the property lines will be referred to as the prolongation-of-property-line method. The weight of authority is against the use of this means. In California, Foss lake, a meandered lake, was divided by a section line as it would exist if run across the water.