

Chapter 5 The Creation of Metes and Bounds and Non-sectionalized Boundaries

5.1 Introduction

This chapter will describe and explain the various methods of creating non-sectionalized parcels...or any parcel not covered by the Public Land Survey System.

There are no written laws to rely; it was necessary to improvise with what was available. Applying certain basic principles founded on "common sense" and religious doctrines, the law ultimately set a foundation for modern surveyors to follow.

There are seven principles in this chapter...they are all dealing with how a parcel is created by some form of a description, a survey or a combination of both.

5.2 Methods of Creating Metes and Bounds and Non-sectionalized Descriptions

The non-sectionalized description may originate either by running the lines on the ground and marking the corners with monuments, or by creating the parcel by written means with a survey.

5.3 Metes Descriptions

Principle 1.

Legally, it has been held that a conveyance to be valid it requires the name of the grantor and grantee, a description of the property, recital of consideration and the delivery of the instrument. There are, however, no legal requirements on how a parcel shall be described. Other than it must be in writing that is the only requirement...the courts will attempt to make a description valid when ever possible.

Metes descriptions always beginning (or commence) from a known point of record. By making calls to courses a priority is established. If there is a conflict in the information, the author has established an order of importance to determine what shall be held and what should be given junior rights consideration.

Note! See the Order of Importance in Conflicting Elements on page 307.

Principle 2.

5.4 Bounds Descriptions

This is a method of calling to the adjoining parcels...the thing to remember is that you create a junior parcel to all the other adjoining parcels since they are called out as the boundary.

In a bounds description one cannot create a legal boundary by calling for the individual's own land!

5.5 Combination Metes and Bounds Descriptions

Of all the methods of describing property this is the most common. Most people think of metes and bounds descriptions when describing property. In a metes and bounds description is important to remember that each course is defined by four elements:

The line traveled the direction of travel, the distance traveled, and the point traveled to!

5.6 Strip Descriptions and Stationing

In describing roads or right of ways, strip descriptions are preferred. It is important to call out the width of the strip and the distances on EACH side of the following described line. Then describe the line by courses that contain the same elements of a metes and bounds description.

The sidelines of the strip description should contain a call that says...the sidelines of which shall be prolonged or shortened to terminate on the *ly and *ly lines.

Stationing relates to distance along an alignment. It is important to call out a point of beginning that has some specified engineer's stationing and where one can find that stationing.

5.7 Descriptions by Reference

These are description that refer to a map or plat of record (or not of record)...the important thing is that one should call out the document number, map book number, page number, date, and where the reference is kept.

Sometimes a copy of the reference is attached to the description...especially in "R-sheet's".

5.8 Aliquot Parts

Once the aliquot portion is described to the aliquot boundaries, any modification by adding calls to other bounds

nullifies the aliquot description.

5.9 Other Means of Creating Boundaries in Descriptions

Dividing Lines

Distances

Proportional

Exceptions

Areas

“Of” Descriptions

5.10 Nomenclature in metes and Bounds Descriptions

Principle 3.

Principle 4.

Direction of Travel = one direction only...avoid going back and forth in a description

Measurements of Distance = retrace in the units called for in the description.

Monuments = Accurately describe what was set or found!

Principle 5.

Record monuments and Adjoiners = Physical monuments hold over the location call

Properties of Monuments = permanent, easily retraced, visible, etc.

5.11 Adjoiners

Similar to bounds description...the adjoiner's description will hold over the position or limits of the parcel.

5.12 Deed Terms for Curves

Always use three elements to define even though two elements are only required to mathematically determine.

Normally, the Radius, the central angle and the length of arc are used.

Curves also have direction, right or left.

Curves are presumed to be tangent unless otherwise stated.

5.13 Lines and Their Elements

Lines have direction and magnitude and are considered straight between the beginning and terminus.

Direction shall be true not magnetic no matter if it is an Azimuth or Bearing.

Angles are always horizontal angles turned to the right from a back sight. If they are an other type, deflection, left, vertical etc, that should be stated very clearing.

Azimuth are considered from North in the northern hemisphere and from South in the southern hemisphere.

Projections should be clearly stated if they apply. Especially in Grid descriptions.

Parallel lines are measure perpendicularly from the controlling line.

Coordinates have a datum and that should be called out clearly in the description.

5.14 Tax Descriptions and Abbreviated Descriptions

Only use standard abbreviations in descriptions. Abbreviations should be avoided since they can be ambiguous in nature!

5.15 Subdivision Descriptions

Maps depicting parcels of land...What was set, found, size material, location, restrictions, conditions etc.

5.16 Parcels Created by Protraction

Parcels created by subdivisions on paper only!

5.17 Features of Platting Laws

See the six essentials of platting acts on page 110

5.18 Writing Land Descriptions

Principle 6.

Review from previous chapters and handouts

5.19 Early Surveys

Care should be taken when resurveying. Early surveys sometimes contain gross errors that may need to be corrected.

5.20 Priority Calls in Metes and Bounds Surveys

Principle 7.

See list of five on page 113

5.21 Applying Priority Calls

- Lines actually run
- Monuments set
- Adjoining parcels
- Area

5.22 Conclusion

Cost must not be a controlling factor in boundary determination.

Follow in the footsteps of the original surveyor.

Apply basic principles in resolving conflicts of elements.