



WASHINGTON STATE DEPARTMENT OF
Natural Resources

STATE LAND SURVEY SECTION

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PROPERTY DESCRIPTIONS

BY

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Revised 3/89

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Revised 1/08

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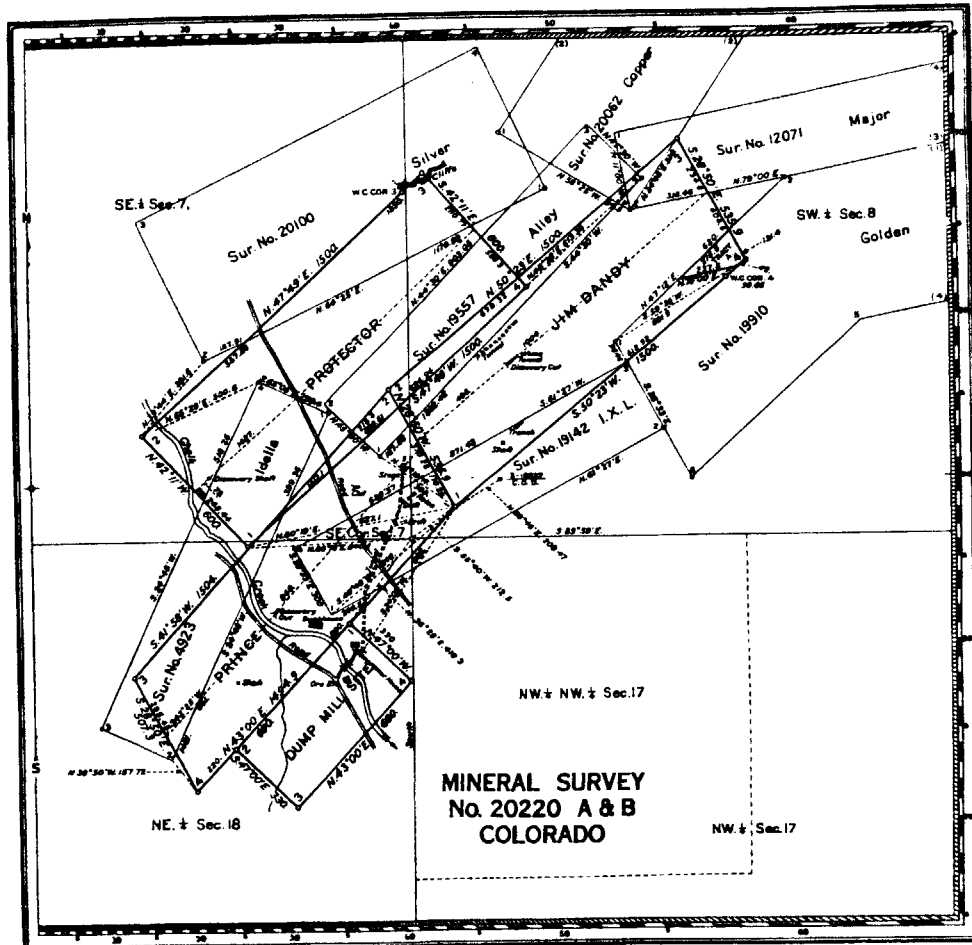


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INTRODUCTION

It has been said that land is the basis of all wealth. As owner and manager of some 5 million acres of land in Washington, the Department of Natural Resources is indisputably wealthy. With this wealth comes responsibility, particularly when it is coupled with the constitutional mandate to manage the lands and their attendant resources for the good of the trust beneficiaries, the people of Washington.

Land cannot be effectively managed unless it can be identified, and property descriptions are the means by which the identification is made. Descriptions are as important a tool as any available to the prudent land owner/manager; they are more important than most. Because of their value, the writer must exercise great care both when reading and writing descriptions. The description must be specific, precise and complete. Yet it should not be more complex than necessary. Contradiction and confusion can result from too wordy a description just as from one too sparse in detail.

Writing descriptions is an acquired skill, an art that must be practiced constantly to attain proficiency. This training aid is only an introduction to this art. It touches only upon certain selected highlights, techniques and pitfalls.

Other resources are listed in the text and in the bibliography. If the writing or understanding of a description requires skills or information beyond those possessed by the person responsible for the description, then he or she must consult other available resources. Within the D.N.R. there are the Regional Surveyors, and the Survey Section of the Engineering Division. If you have questions, ask.

UNDERLYING CONCEPTS

A Matter of Languages

The usual practice is to refer to the type of description discussed in this training aid as a "legal description." But this term is misleading. There is nothing inherently "legal" about the descriptions. Gurdon Wattles says that the term arose because the descriptions often appear in "legal" documents: deeds, wills, leases, court decrees and similar instruments. Yet even these documents may be less than "legal." They may fall short of their goals for sundry reasons, including a failure to adequately describe the property in question. They may or may not be drafted by attorneys; they may or may not receive the approval of a court; they may or may not be governed in form or substance by statute. In addition, the descriptions may appear in clearly non-legal documents: newspaper notices, in-house memoranda and outside correspondence.

To avoid this blurring of issues many practitioners use the term "land description." Yet this term is unfortunately limiting. Much property and many rights that pass by way of these descriptions are not land. One may transfer rights to air, light and water using such descriptions. A condominium is real property, and may be described by "legal"/"land" descriptions, but usually condominium ownership involves no direct ownership of land.

For these reasons, this training aid will discuss "Property Descriptions." The type of property intended to be described is usually, but not always, real property: land, water, subjacent and superjacent rights (i.e. the air above and the earth below), the minerals and resources incident to the land and any permanent fixtures upon the land. However, many of the principles to be covered may apply equally to describe personal property or various intangible properties. One may leave a favorite cup by way of inheritance. The particular cup must be adequately described to distinguish it from other cups owned by the grantor, (the blue cup, second from the right on the top shelf of my china cabinet). That the cup is really yellow does not change the cup. It may void the grant, depending on whether the grantor's intent can be determined. It is the description writer's job to convey this intent unambiguously, without recourse to intrinsic evidence.

UNDERLYING CONCEPTS

Words and Numbers

The discussion about names may appear trivial, artificial and contrived. Nevertheless, it illustrates the fundamental need of any adequate property description: precise use of language. Property descriptions seek to define one specific bit of property in its totality, and to exclude all other property. There is no room for ambiguity; there is an overriding need for clarity. The description will likely be used by many people who will never see the property. They will make decisions on managing, acquiring, assigning and valuing the property, perhaps based solely on the descriptions you prepare.

The draftsman of the description has several of his own tools to aid in describing the property precisely. The two most important are words (including numbers) and illustrations. Between them the words are the more important. The draftsman must seek, by means of words and numbers to describe the geometric limits of the property in question. This training aid illustrates certain ways to accomplish this.

TYPES OF DESCRIPTIONS

This section introduces the more common forms of property descriptions. The list is not exhaustive; property may adequately be described in other ways. Nor are these categories mutually exclusive. Each may be an example of or include parts of other categories. These are, however, the most common methods and have proven themselves by popular use and familiarity.

- A. Metes and Bounds
- B. Adjoiners
- C. Public Land Survey Divisions
- D. Subdivisions and Plats
 - 1. Lots and Blocks
 - 2. Condominium Plats
- E. "Of" Descriptions
 - 1. acreage
 - 2. --'ly portions
 - 3. proportionate parts
 - 4. linear feet
- F. Strip Descriptions
- G. Description by Reference
- H. Description by Exclusion

A. Metes and Bounds Descriptions

Mention property descriptions to most people and metes and bounds descriptions come to mind. This is the classic form of description, involving the recitation of consecutive distances and directions around the property. The distances may be expressed in feet, meters or chains. The directions are usually expressed in the form of bearings, azimuths or deflection angles measured from the preceding course. The courses might read as follows:

...thence N 87° 17' 13" W 541.97 feet...
[Bearings and Feet]

...thence N 53° E 20.2 chains...
[Bearings and Chains]

...thence 348° 19' 47" 71.973 meters...
[Azimuth and Meters]

When using a metes and bounds description it is necessary to provide the meridian used to define directions. That is: where is north? From where are the directions measured? This is covered more fully in the section on Description Fundamentals.

Metes and bounds are often used to supplement the other types of descriptions. For example:

That portion of the southwest $\frac{1}{4}$ of said section 36 lying southwesterly of the centerline of Old Harbor County Road, said centerline being more particularly described as follows:...

followed by a series of directions and distances along the road centerline. Here, the description is in terms of an adjoiner which is described, in turn, by the metes and bounds along the centerline of the strip.

TOWNSHIP 8 NORTH, RANGE 29 EAST, W. M.
BENTON COUNTY, WASHINGTON



LEGAL DESCRIPTION

ZINTEL CANYON STORM DRAIN
RIGHT OF WAY

Real property situated in the City of Kennewick, County of Benton, State of Washington, in the Southeast one-quarter of Section 16, Township 8 North, Range 29 East of the Willamette Meridian more particularly described as follows:

BEGINNING at a point on the East line of said Section 16 that bears North 0°28'59" West 2333.74 feet from the Southeast corner thereof; thence South 66°01'15" West 49.59 feet; thence North 23°58'45" West 30.00 feet; thence North 66°01'15" East 62.83 feet to a point on the East line of said Section 16; thence South 0°28'59" East 32.71 feet to the point of beginning.

Containing 1683 square feet more or less.

SURVEYOR'S CERTIFICATE

I, ROBERT C HERMANN, a Professional Land Surveyor in the State of Washington, hereby certify that this map, as shown hereon, is based upon an actual field survey, and all information is correct as shown.

Date 10 March 1984

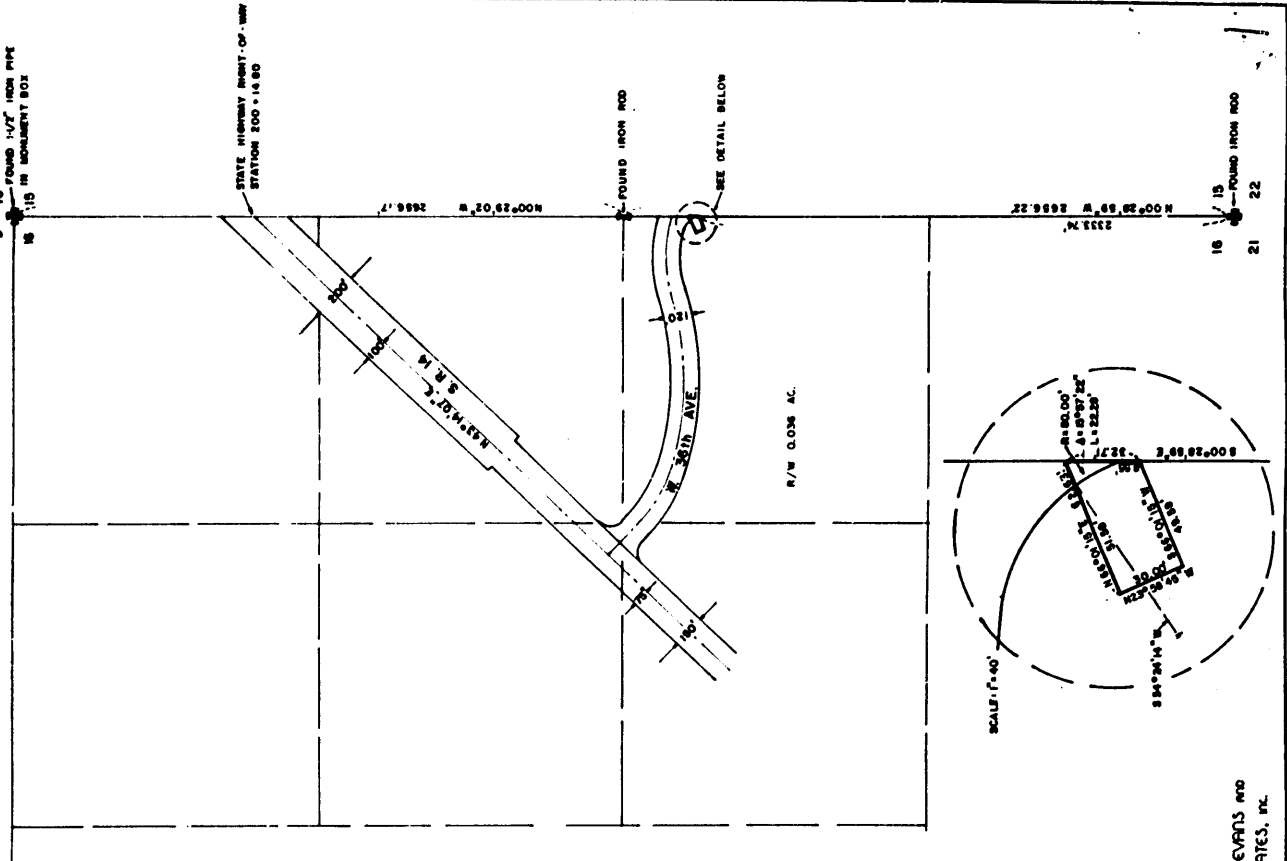


44714

APPROVED AS TO FORM ONLY
By *[Signature]*

REVISION: 25 April 1984 to enclose road area per DNR

DAVID EVANS AND ASSOCIATES, INC.



COPY

B. Description by Adjoiners

An adjoiner is property that can be uniquely and unequivocally identified and which has one or more boundaries in common with the principle parcel being described. When the adjoiner is senior to the described property, the common boundary should be used in the description. When so used, the common boundary is a monument; and as a monument, a metes and bounds call to the common boundary yields to the actual position of the boundary regardless of the bearing and distance cited. (See below under Order of Control between calls.) Such a call might read:

...thence S 15° 14' 47" E 478.91 feet along the southeasterly line of that parcel deeded to J. Smith on January 19, 1978 as recorded in Volume 7 of Deeds, Page 191, records of said county, to the northerly margin of South Bay County Road;...

In this example, the actual bearing along the Smith boundary controls over the called bearing. This line terminates along the county road margin, whether it lays more or less than the recited distance of 478.91 feet.

Property may be described partially or exclusively by way of adjoiners as shown in the following exhibit. In these situations, the senior, identifiable adjoiners are recited in the description to define and control one or more desired boundaries.

In Mason County, Washington:

All that portion of Government Lot 3, Section 17, Township 19 North, Range 3 West, W.M., described as follows:

BEGINNING at the Northeast corner of said Government Lot 3; thence South along the East line of said Government Lot 3, to the center of the channel of Kamilche Creek; thence following the center of the channel of Kamilche Creek in a generally Westerly direction to the Southeasterly corner of a tract conveyed to Harry Simmons and Ella I. Simmons, husband and wife, by deed recorded under Auditor's File No. 141971; thence North along the East line of said tract a distance of 250 feet, more or less to the Southerly right-of-way line of the Northern Pacific Railroad; thence Northeasterly along the Southerly right-of-way line of said railroad to the North line of Government Lot 3; thence East along said North line of Government Lot 3 to the point of beginning.

Also known as a portion of Parcel No. 31917 30 00000.

C. Public Land Survey Descriptions

These descriptions are based upon standard divisions of land into sections, townships and ranges, together with their aliquot parts (quarter-quarter sections, government lots, etc). This system originated with President Thomas Jefferson who, in 1785, persuaded Congress to authorize surveys of all newly acquired public lands of the United States along a regular, rectangular pattern.

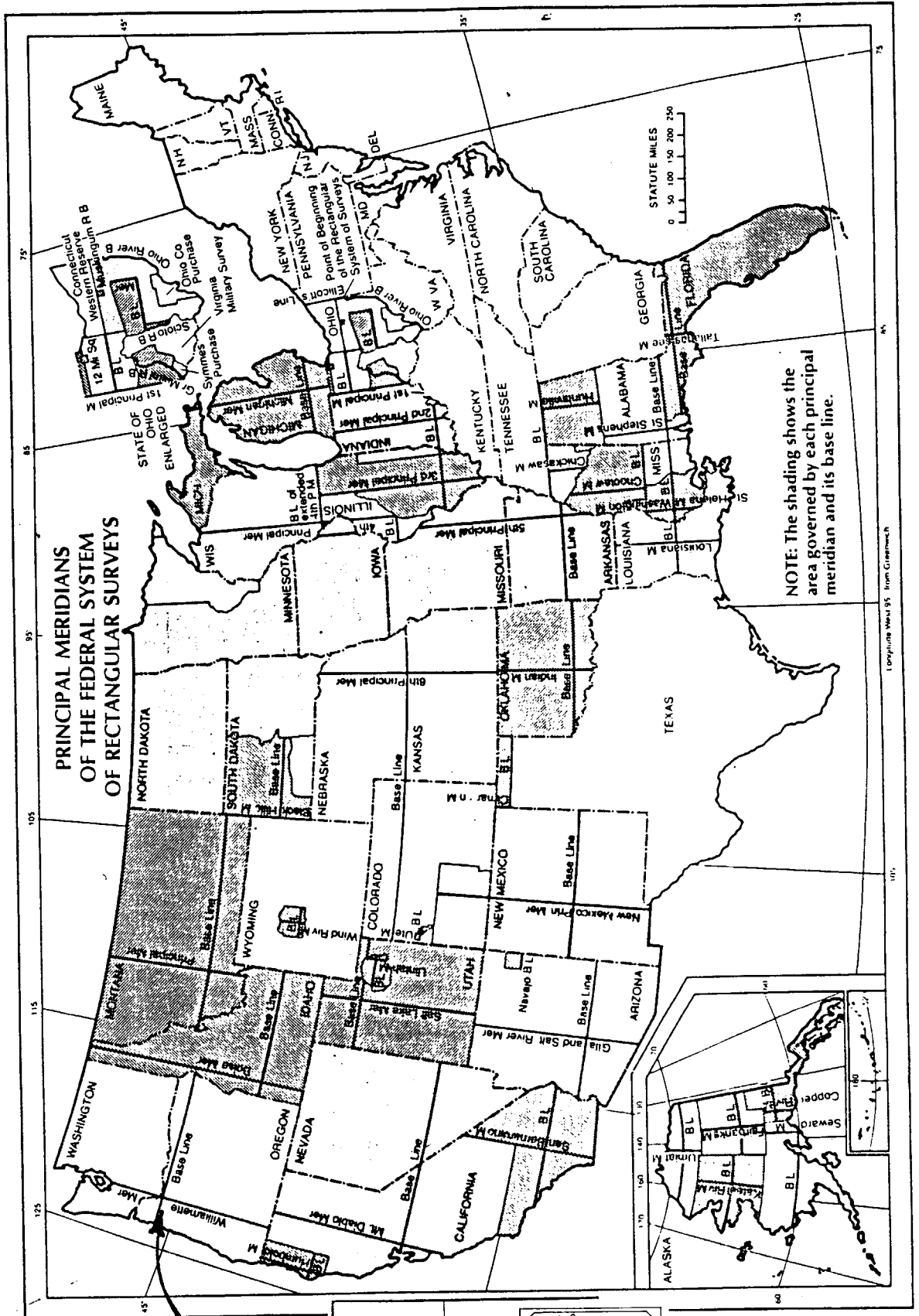
Beginning at an initial point, the surveyors ran their principal meridian along an astronomic north/south line. Beginning again at the principal meridian, the surveyor ran a line east and west along a parallel of latitude. This line is called the baseline. The townships are measured north and south from the baseline; the ranges are measured east and west from the meridian. Each are usually six miles wide and numbered according to their distance from the meridian and baseline. For Washington and Oregon the initial point is a stone monument in Portland, Oregon known as the Willamette Stone. Our principal meridian is the Willamette Meridian, and our baseline is the Willamette Baseline.

Next the surveyors established one-mile squares called sections within each six-mile square township. The section is the fundamental unit of land division in the public land surveys. There are usually 36 sections in the standard township.

Sections are further divided into aliquot parts, the quarter sections, quarter-quarter sections (called "fourties") and government lots. These, and the smaller divisions are all established by the rules and conventions promulgated by the Bureau of Land Management and by the surveying profession.

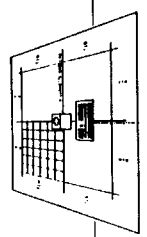
Donation Land Claims are frequently encountered in Oregon and Washington. These are private claims established before the arrival of the government surveyors. The claims were honored by the United States, whose subsequent surveys located them. The holders were generally vested in their claims once the surveys were completed.

Reference to the appropriate section, township, range and meridian provides all the necessary information to locate property at least to within one mile anywhere within the western United States. In Washington, this information is required in all descriptions (WAC 332-130-050). It may be all the information required to describe the property, or it may appear as a part of the caption and thus serve to limit the described property.



**PRINCIPAL MERIDIANS
OF THE FEDERAL SYSTEM
OF RECTANGULAR SURVEYS**

NOTE: The shading shows the area governed by each principal meridian and its base line.



WILLAMETTE STONE
established June 4, 1851

NORTHWEST LAND SURVEY

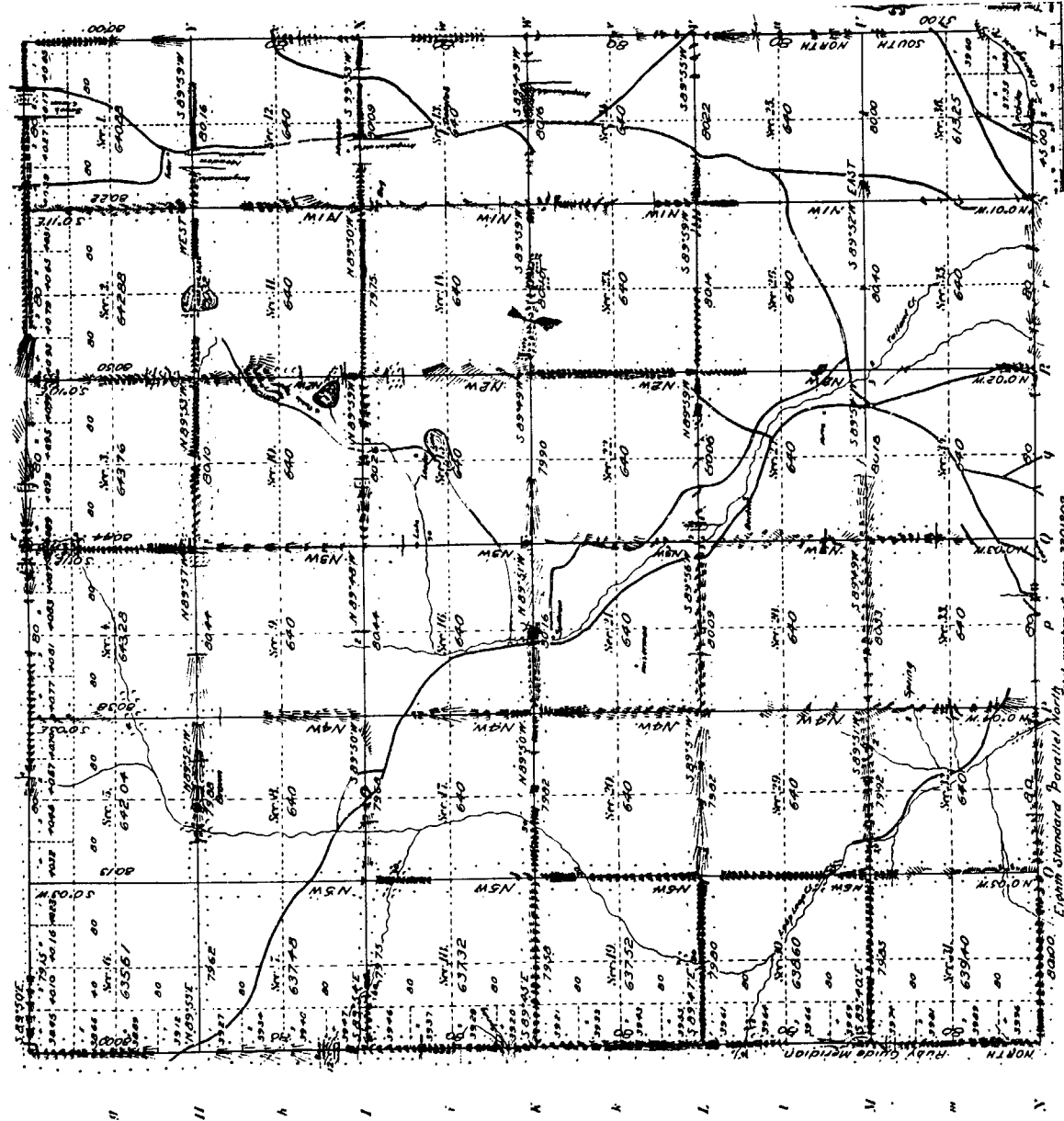
SECTION 36 WITH THE WILLAMETTE NORTH TO NORTH POINT AND SOUTH TO SOUTH POINT, AND EAST TO EAST POINT AND WEST TO WEST POINT, AND THE RANGE BOUNDARY AND TOWNSHIP BOUNDARY.

THE SECTION 36 WITH THE WILLAMETTE NORTH TO NORTH POINT AND SOUTH TO SOUTH POINT, AND EAST TO EAST POINT AND WEST TO WEST POINT, AND THE RANGE BOUNDARY AND TOWNSHIP BOUNDARY.

THE SECTION 36 WITH THE WILLAMETTE NORTH TO NORTH POINT AND SOUTH TO SOUTH POINT, AND EAST TO EAST POINT AND WEST TO WEST POINT, AND THE RANGE BOUNDARY AND TOWNSHIP BOUNDARY.

33-25-A

Township N° 33 North Range N° 25 East Willamette Meridian Washington



Minutes of

Section	Area	Contents	Accepted	Remarks
This Table is part of the Official Plat				
SUPPLEMENTAL PLATS				
Sections	Area	Contents	Accepted	Remarks
19 to 30			Oct 31 1919	
30			Aug 1 1920	
			May 27 1923	
			Oct 5 1923	

Latitude 49° 18' N
Longitude 124° 40' W

The above plat of Township N° 33 North of Range N° 25 East of the Willamette Meridian, Washington, is hereby confirmed in the field notes of the survey thereof on file in this office which have been examined and approved.

Witness my hand and the seal of this office at Olympia, Washington, this 23rd day of March, 1925.

[Signature]
 Register

Survey Commissioned	By Whom Surveyed	Date of Commencement	Final number of Acres
Township Name	William J. Roberts	1919-20	230,802
Subdivisions		60-642-60	23 0/100
Monuments		(M) 115-91	

Accepted by Commissioners' Letter dated Oct 29th 1897

D. Subdivisions and Plats:

These descriptions derive from a pre-existing plan of the property, referred to as a "plat." The descriptions are references to unique, identifiable units shown on and defined by the plat. The plat is usually, but not always, based upon a survey of the property. Furthermore, the plat is usually, but not always, recorded as a public document. The more recent the plat, the more likely that it will conform to both of these elements; but failure in one or both does not necessarily void the plat or an ancillary description. In Washington, the recording is in the office of the auditor in the county in which the property is located.

1. Lots and Blocks

This common form of plat subdivides larger parcels of land into smaller, individual units. The most common sort is for housing lots. Other common examples are the Irrigation Unit Plats and the Farm Unit Tracts common in eastern Washington; commercial plats are commonly used in developing retail properties and light industrial parks; tidelands plats and shorelands plats are used to sell and lease oyster and clamming grounds.

A description using this format might read:

Lot 5, Block 4 of the Plat of the Sunnyvale Addition to the Town of Olympia; recorded in Vol. 93 of Plats, Page 734, under A.F. Number 8712310999, records of Thurston County, Washington.

2. Condominiums

Where the traditional lot and block plat showed a division of property laterally, along the surface of the earth (with the subjacent and superjacent rights traveling with the surface property), the condominium plat further divides the property vertically. Ownership of a condominium unit is really only ownership of that space bounded by the inner surface of the walls, ceiling, floor, windows and doors, together with an ownership in common with all other unit owners of the "common areas": open areas, the substance of the walls, ceilings, floors, parking areas and the like.

This characteristic of condominium ownership requires the plat to show specific plans of the interior and exterior views and measurements of all units and common areas in the condominium.

In Washington, condominiums are governed by the provisions of the Horizontal Regeims Act, R.C.W. 64.32.

A description for a condominium unit might read:

Unit H-15 of the Condominium Plat of Belle Vue Vista; TOGETHER WITH a 9/72 proportional interest in the common areas of said plat, as recorded in Book 121 of Condominiums, Pages 3 through 13, under A.F. Number 8712310998, records of Thurston County, Washington.

E. Description by Parts:

"Of" Descriptions:

These descriptions seek to describe property by way of reference to a defined or determinable portion of an already described or determined parcel. These descriptions may be by way of area, distance in a direction or proportionate part.

Description by Area:

Descriptions solely by way of area may be valid, but care must be taken to be sure that such a call unequivocally identifies the property sought to be described. A description such as "The north 3 acres of Lot A of that Large Lot Subdivision recorded in Book 3 of Surveys, Page 97,..." may or may not be valid. The test is whether a surveyor may reasonably locate the boundaries during a physical survey on the ground. A far preferable way to describe the intended property would be to append the following to the previous part of the description: "the south line of which is parallel with the north line of said Lot A." Absent such a supplemental call, the north 3 acres is probably indeterminable, and therefore, the description is void.

Description by --'ly Feet:

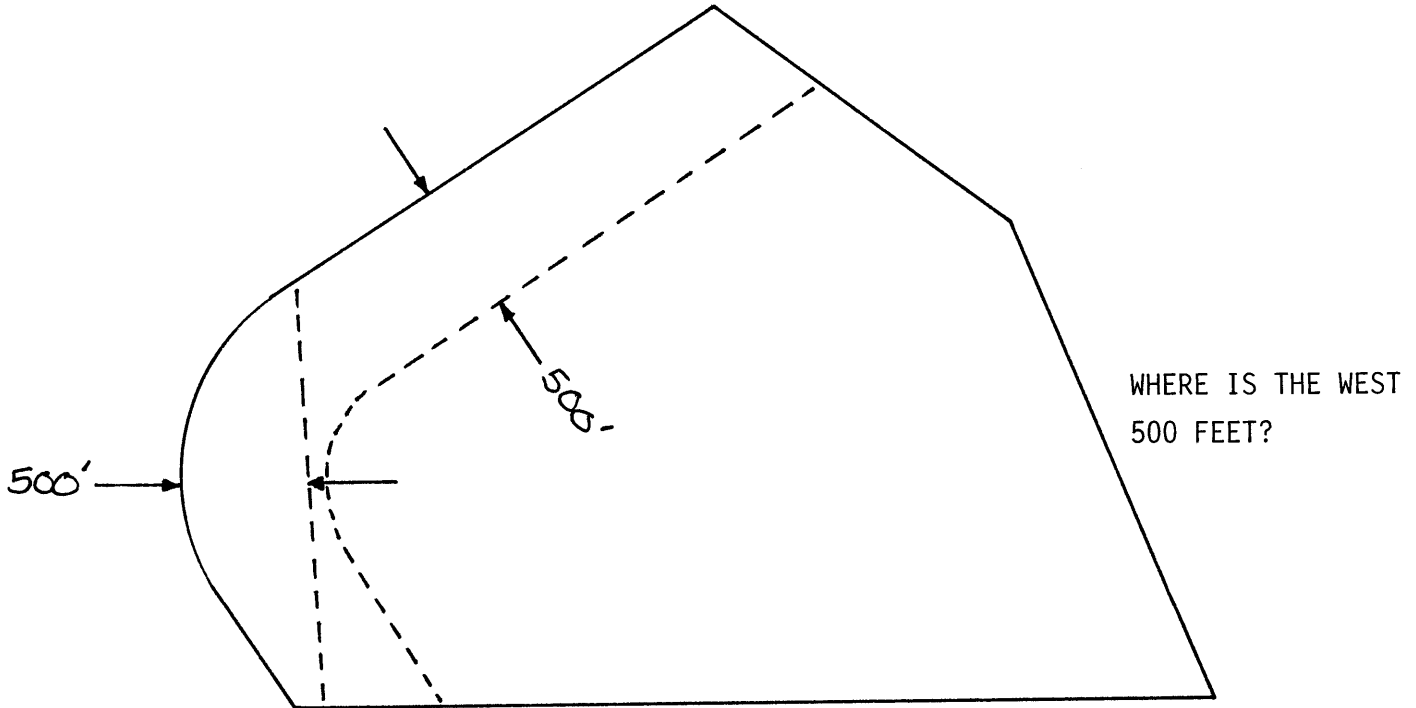
Property may properly be described by way of a linear measurement with a controlling directional call. Thus "the northerly 500.00 feet of Lot A ..." is a valid description. Unless there is a clear indication of a contrary intent the 500 feet is measured at right angles to the northline. Similarly, "the west 342.17 feet of..." is measured at right angles to the west line.

If the recited distance is intended to be measured by some other method than at right angles to the controlling line then the description must clearly recite in what direction the distance is to be measured. For example, the description might read:

the south 500 feet of said Lot A, as measured along
the west line of said lot...

Description by --'ly Feet: (cont.)

This rule limits the usefulness of these descriptions to those where the controlling line is unambiguous. Where the description reads, "The west 500 feet..." and there is no unambiguous west or westerly line, the description may be so defective as to be void. When writing descriptions in these cases, clearly indicate how the distance is to be measured. When confronted with such a description written by another, take great care. Be prepared to do supplemental research to determine the drafter's intent, and realize that you may be faced with a fatally defective description.



Description by Proportionate Part:

Property is often described as a fraction of a larger parcel. Thus "the south ½ of lot 3" is a valid description. Note, however, that the location of the line between the north and south halves depends upon whether the larger parcel is an aliquot part of the rectangular survey system, or not.

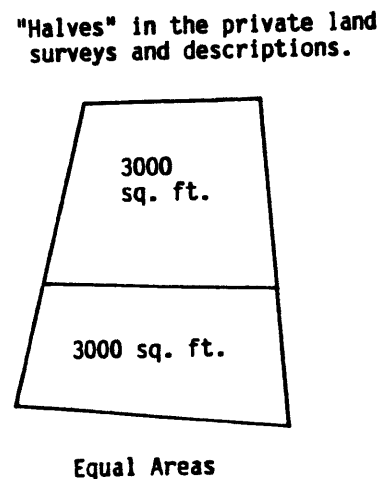
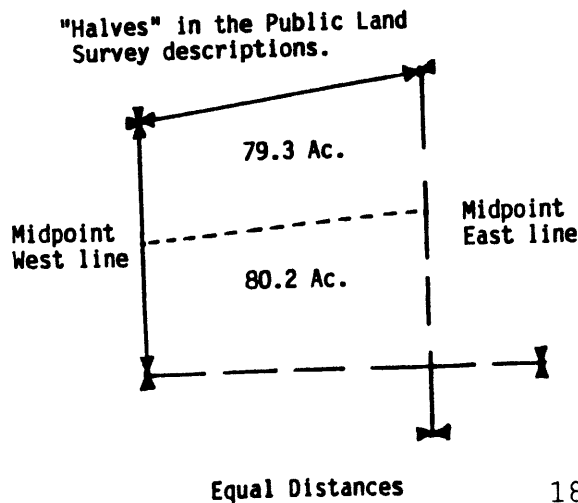
If Lot 3 is, for example, Lot 3 of the McGee Addition to Fort Lauderdale, then the courts have said that half is half by area. The total acreage of lot 3 is determined, and a line dividing lot 3 into two equal areas is defined. This results in the same problems discussed in the section on description by area.

However, if the parent parcel is, for example, the NW1/4-section, township and range, then the south ½ is determined by rules governing the subdivision of sections. The halves are defined by connecting the mid-points of the east and west lines, regardless of direction and the relative areas of the resulting parts. Take care to determine the nature of the property, whether it is public or private land. Review WAC 332.130.040.4.d

DO NOT MIX DIMENSIONS AND FRACTIONS

This is why you always need to check the adjoiners' description -- Someone owns the SW1/4 of the SW1/4 -- 1st they sell the "N1/2 of the SW1/4 of the SW1/4"; later they sell the "S20 acres of the SW1/4 of the SW1/4". Nominally, and to the layman, there is no problem, but this is the source of many gaps and overlaps between deeds.

The best way to describe any remainder is to EXCEPT the first parcel out, i.e. the NW1/4 EXCEPT the N1/2 thereof, or the SW1/4 of the SW1/4, EXCEPT the S 20 acres. (All of these need to reference the Book & Page or A.F. #of the exception) (EXCEPT does not need to be capitalized, I just think it stands out more)



F. Strip Descriptions:

Strip Descriptions are commonly used to describe road rights of way, utility easements, beam paths and corridors for various uses. They provide a simple, economic way to define property where both sidelines are controlled by a single element, usually called the centerline. This is a term of art, because the centerline may not be at the "center" of the strip. It may not be equidistant from the two sidelines.

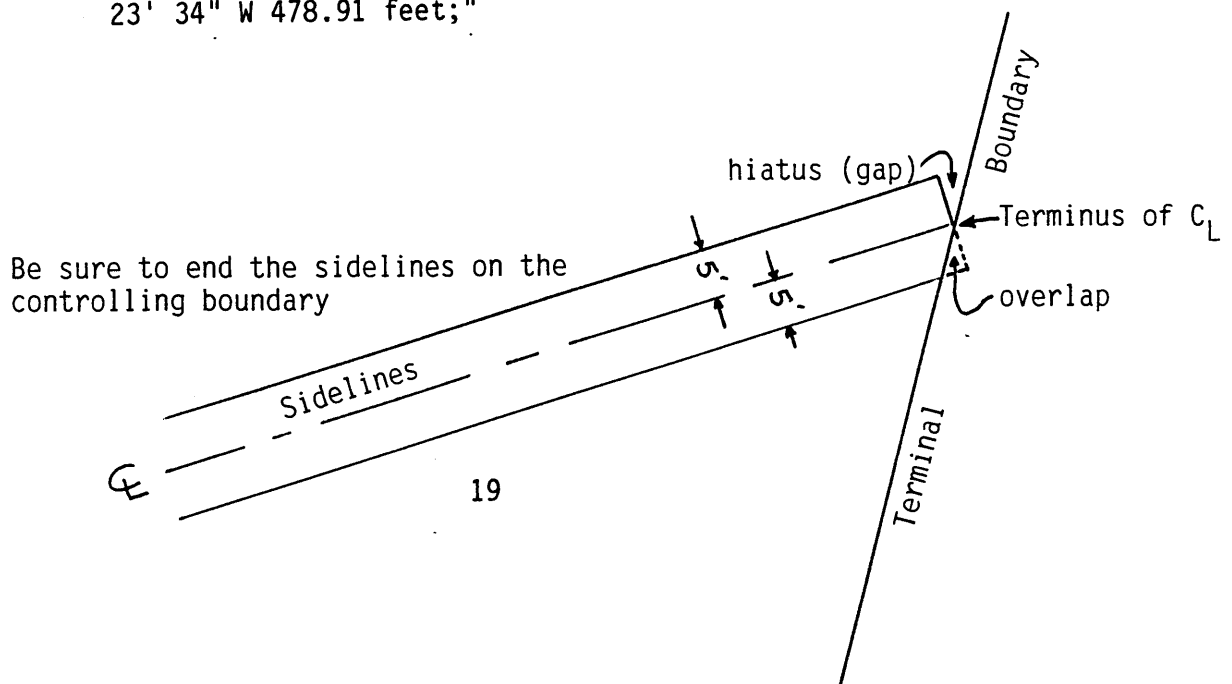
With this type of description, be very careful to provide the strip widths on EACH side of the described line, not on EITHER side of the line. Each means both; either means one side only, but specifically which side remains undetermined. On the other hand, there is no problem describing a strip by reference to one of the sidelines rather than to a centerline. As such, "a strip of land 30.00 feet in width, the south line of which is described as follows..." may validly be used.

When the strip terminates on another defined boundary at some angle other than 90°, it is good practice to insure that the sidelines also terminate on this boundary. The illustration below illustrates the problem when the strip is described only in terms of -- feet on each side of the centerline. The problem can be overcome by including a call to the following effect:

...the sidelines of this strip are also to begin/end on said...

Strip descriptions commonly describe the centerline for the strip by way of bearings and distances, then recite the width(s) of the strip. For example:

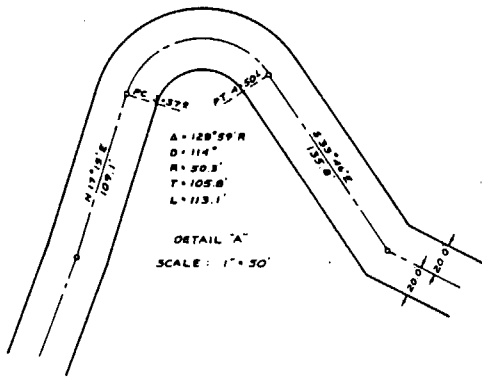
"A strip of land, 10.00 feet in width, 5.00 feet of which lays on each side of the following described line: BEGINNING at the south $\frac{1}{4}$ corner of Section 1; thence N 15° 23' 34" W 478.91 feet;"



STATE OF WASHINGTON
 DEPARTMENT OF NATURAL RESOURCES
 RIGHT OF WAY PLAT
 CO-B-3260 ROAD
 SEC. $\frac{34}{12}$ $\frac{35}{12}$ T. $\frac{37}{36}$ N. R. 39E. W.M.

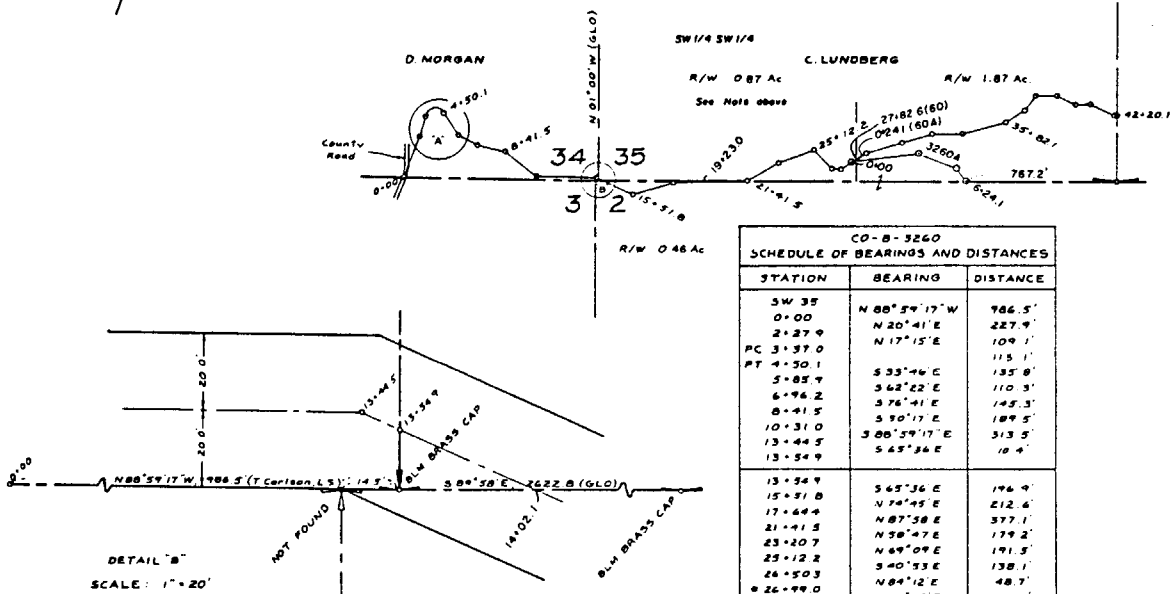
STEVENS COUNTY, WASH.

SCALE 1 INCH = 400 FEET



R/W REQUIRED		
	From Morgan	From Lundberg
Width:	40'	40'
Length:	1355'	3489.3'
Area:	1.24 Ac	3.20 Ac

Note: Additional R/W incurred by the CO-B-3260 Rd. in the SW1/4 SW1/4 Sec. 35 is largely contained by CO-B-3260 R/W and therefore negligible.



CO-B-3260 SCHEDULE OF BEARINGS AND DISTANCES		
STATION	BEARING	DISTANCE
SW 35	N 88° 54' 17" W	786.5'
0+00	N 20° 41' E	227.9'
2+27.9	N 17° 15' E	109.1'
PC 3+37.0		115.1'
PT 4+50.1	S 33° 46' E	135.0'
5+85.4	S 62° 22' E	110.3'
6+96.2	S 76° 41' E	145.3'
8+41.5	S 70° 17' E	189.5'
10+31.0	S 80° 59' 17" E	51.5'
13+44.5	S 45° 36' E	10.4'
15+54.9		
13+54.9	S 65° 36' E	196.9'
15+51.8	N 74° 45' E	212.6'
17+64.4	N 87° 58' E	377.1'
21+41.5	N 59° 45' E	179.2'
23+20.7	N 69° 09' E	191.5'
25+12.2	S 40° 53' E	138.1'
26+50.3	N 84° 12' E	48.7'
26+99.0	N 56° 22' E	151.6'
28+50.6	N 73° 30' E	192.7'
30+43.3	N 73° 55' E	159.0'
32+02.3	S 87° 53' E	156.2'
33+58.5	N 74° 05' E	223.6'
35+02.1	N 55° 32' E	107.5'
36+89.6	N 39° 19' E	99.9'
37+89.5	S 87° 21' E	108.1'
38+77.6	S 63° 27' E	102.6'
40+00.2	N 88° 18' E	78.1'
40+79.3	S 57° 51' E	123.6'
42+02.9	DUE EAST	17.2'
42+20.1	S 0° 08' 21" E	342.3'
5+4.35		

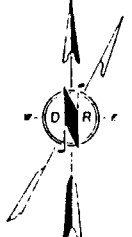
CO-B-3260A SCHEDULE OF BEARINGS AND DISTANCES		
STATION	BEARING	DISTANCE
28+99.0	N 56° 22' E	64.4'
0+00	N 03° 00' E	335.0'
3+35.0	S 68° 00' E	208.0'
5+40.0	S 34° 00' E	84.1'
8+24.0	S 89° 58' E	787.2'
51/4 S 35		

DECLINATION
 TRAVERSED BY: MGP 105
 DRAWN BY: JKE
 DATE: 9/7/78
 APPLICATION NUMBER: E-655, SUPP #2
 APPROVED:
 AREA ENGINEER: [Signature]
 DIVISION, OLYMPIA: [Signature]

REVISION
 [Signature]
 AREA ENGINEER, NORTHWEST
 DATE: 12/10/85, 6/11/88

I, WILLIAM B. MURDOCK, SUPERVISOR, DIVISION OF ENGINEERING, DO HEREBY CERTIFY THAT THIS MAP ACCURATELY REPRESENTS THE LOCATION OF SAID ACCESS ROAD ACROSS SEC. $\frac{34}{12}$ $\frac{35}{12}$ TOWNSHIP 37 NORTH, RANGE 39E WILLAMETTE MERIDIAN

[Signature]
 SUPERVISOR, DIVISION OF ENGINEERING



G. Descriptions by Reference:

Most of the descriptions with which we are concerned occur in and because of land transfers and encumbrances. All states provide some means for recording the instruments of transfer and encumbrance as public documents. While many of the implications of recording these documents are beyond the scope of this training aid, one result is to make the descriptions part of a public record and available to anyone wishing to recover them. This allows one to reference a description of record in any subsequent descriptions of the initially described property or for descriptions of property somehow dependant upon the recorded description for completeness. This is especially important when describing the same property for subsequent transfer, or when the recorded property is a senior adjoiner that should be referenced in the present description.

Strictly speaking, descriptions reciting lots within a recorded plat are descriptions by reference; as are descriptions by aliquot part of the Public Land Survey System. However, because of the unique features of these properties they are treated as separate categories and are discussed above. The following are examples of proper use of descriptions by reference:

That property deeded to George and Gracie Grantee by that instrument recorded in Volume 19 of Deeds, Page 99, records of Mason County, Washington.

...to a point on the westerly boundary of that property described in that Statutory Warranty Deed recorded under A.F. No. 851231099, records of said county; thence along said westerly boundary...

...Being that property escheated to the State of Washington pursuant to the decree of the Superior Court for the State of Washington, for the County of King, entered on July 19, 1934 under Cause Number 2437, In the Matter of the Estate of Phinneas T. Fogg.

In each case a clear and complete reference is made to the recording information of the controlling document. Without this information, the description fails to describe the document, thus it fails to describe the land.

Use of these descriptions is not laziness, nor is it somehow cheating. In fact, if the recorded description describes a controlling adjoiner, the reference to the record description is the most efficient way to invoke the adjoiner in the present description. If the present description is to be used in a quit-claim deed where only the property or interest previously acquired is intended now to be described, then description by reference is the safest way to proceed, especially if there is some doubt about the adequacy of the original description, which was itself acquired by way of quit-claim deed.

It needs to be noted that when a deed calls for a map, plat or any other recorded deed, the called-for item becomes a part of the deed, as if written on the deed itself.

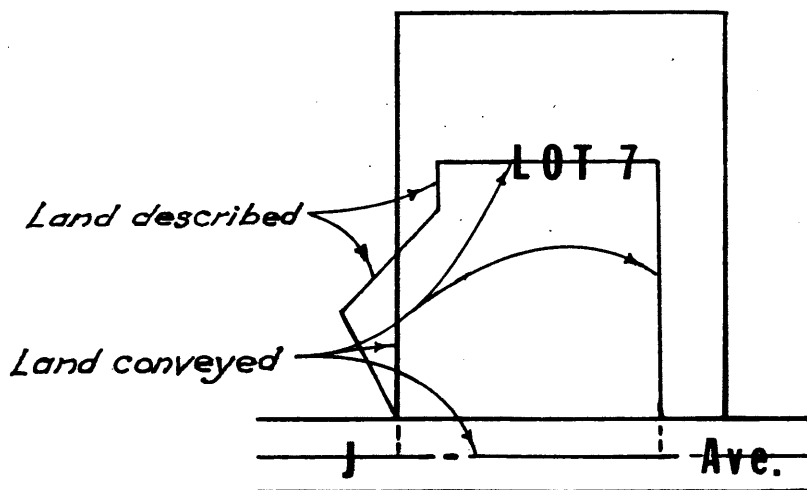
If you are working with a deed that references another document, you must obtain a legible copy of the item, this is not an option, remember it is as if it's written on the face of your deed.

Conveyed vs. Described.

Beware when you see the word "conveyed" in a description; it can carry hidden meanings. It may include and "convey" a larger area than described in the words, or, it may actually "convey" less area than described.

The usual form of reference to a boundary deed is, ". . . to the north line of the land described in deed to P. R. Reynolds recorded March 2, 1956 in Book 746, Page 54, of Deeds" This means that you are tying to that north line *as it is described* in that deed and properly so. This is the preferable way to use such a reference.

It, on the other hand, you have a reference, ". . . to the westerly line of the land conveyed . . .", remember that that may be more or less than described as illustrated

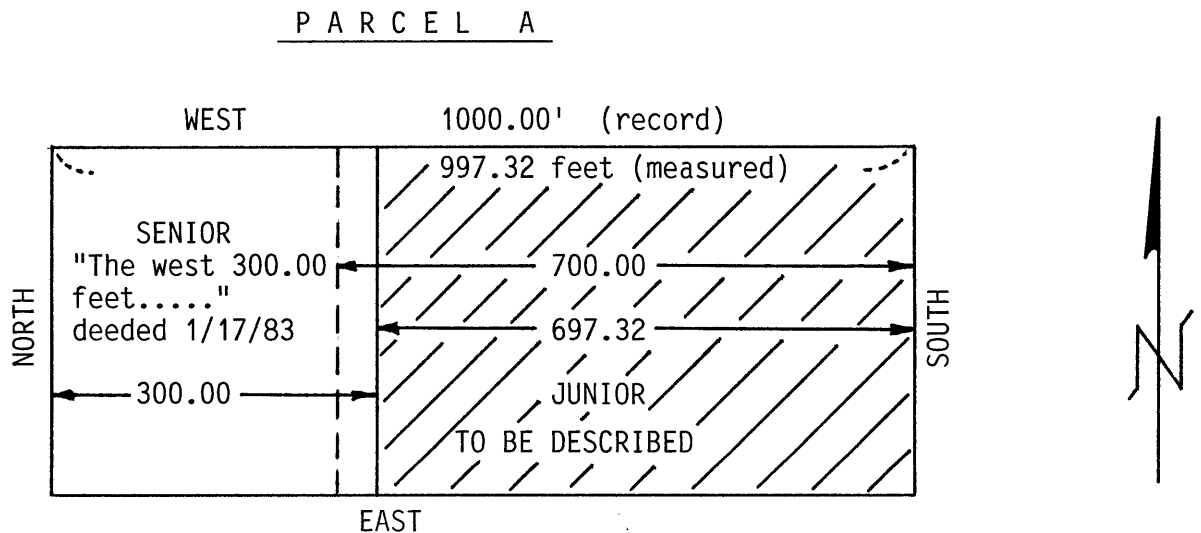


As a note of warning, however, do NOT change the word "conveyed" to "described" if it is that way in an already recorded document; in such a case, you must live with it and search back title to determine its true limits.

H. Descriptions by Exclusion:

When a large tract has been divided and some portions segregated or somehow distinguished, the remainder may be described by first describing the total tract, then specifically excluding or excepting out the previously segregated parcels. Both the total tract as well as the segregated parcels may be described, in turn, by any valid method for describing property.

The practical effect of description by exclusion is to make the previously segregated parcels, adjoiners, and their boundaries, monuments which control over directions and distances. This method will also serve to prevent unintended overlaps or gaps between adjacent property. For this reason description by exclusions are recommended when it is necessary to describe the remainder of a tract from which one or more previous grants have been made. For example, if the west $\frac{1}{2}$ of Parcel A has been sold, the remainder should be sold as Parcel A, excepting the west $\frac{1}{2}$ thereof. It should not be described as the east $\frac{1}{2}$, because an opportunity for conflict exists.



DO: Parcel A, Excepting therfrom the West 300.00 feet.

DON'T: The East 700.00 feet of Parcel A.

ELEMENTS OF PROPERTY DESCRIPTIONS

Over time and through common use property descriptions have acquired a unique style and format. These are largely standardized regardless of the type of description. Generally descriptions consist of the Caption, the Body, any Qualifiers and Exhibits.

Captions:

This is the introductory portion of the description. The caption tells where, generally, the property may be found and it limits the property by specifically naming the state, county and where applicable, the city, section, township and range.

It is possible for a description to consist of only the caption, for example:

Section 16, Township 17 North, Range 1 East, Willamette Meridian, County of Thurston, State of Washington.

This is a complete description in itself, although it is composed of only the caption. If some smaller portion of the section is to be described, the caption will be modified in either or both the body or the qualifiers.

Body:

The body recites that particular parcel intended to be described within the general locale determined by the caption. As illustrated above, this portion of the description is not always necessary. When it is, it may form the bulk of the description, both in size and in substance. In a metes and bounds description or a strip description, this is where the respective courses are listed.

The property described in the body is limited by the caption. That is, any property described in the body that is not included in or is expressly excluded by the caption is not properly part of the described parcel. For example, if the caption read "that portion of Section 16..." and the body involved metes and bounds courses extending north into Section 9, thence southwesterly into Section 17, thence returning easterly into Section 16 to the POINT OF BEGINNING, only property in Section 16 is properly described in the document.

Qualifiers:

This part of the description modifies the property described in the caption and the body. The modifications occur by way of additions to, deletions from and encumbrances on the property. They are most commonly prefaced by introductory phrases such as "Together with...", "Excepting therefrom..." and "Subject to...".

When used to add to the property already described, the qualifiers are not limited by the caption as the body is limited. However, the additional property must itself be completely described, and may contain an entirely new caption. As such, a qualifier in Section 16 might read:

...TOGETHER WITH an easement for ingress, egress and utilities over and across that strip of land in Section 17 of said Township and Range described in that instrument recorded under A.F. Number 8901010001, records of said county.

Exhibits:

Exhibits are not usually necessary to validate a property description. They are, however, required by DNR policy for all descriptions prepared by the department for its own use. Furthermore, they can be especially useful when describing property that is unusually convoluted or is otherwise difficult to describe solely with words and numbers.

When an exhibit is used to supplement a verbal description, and is referenced in the description, the draftsman must take care that the two do not conflict with each other. By incorporating the exhibit into the description, the exhibit itself becomes a part of the description and is subject to the rules of construction covered below, including those concerning general and specific descriptions, the rules regarding conflicting elements and the rules dealing with surplusage.

Caption The northeast quarter of Section 36, Township 36 North,
and Range 37 East, Willamette Meridian, county of Stevens,
Body state of Washington;

Qualifiers Excepting therefrom the southwest quarter of said
 northeast quarter;

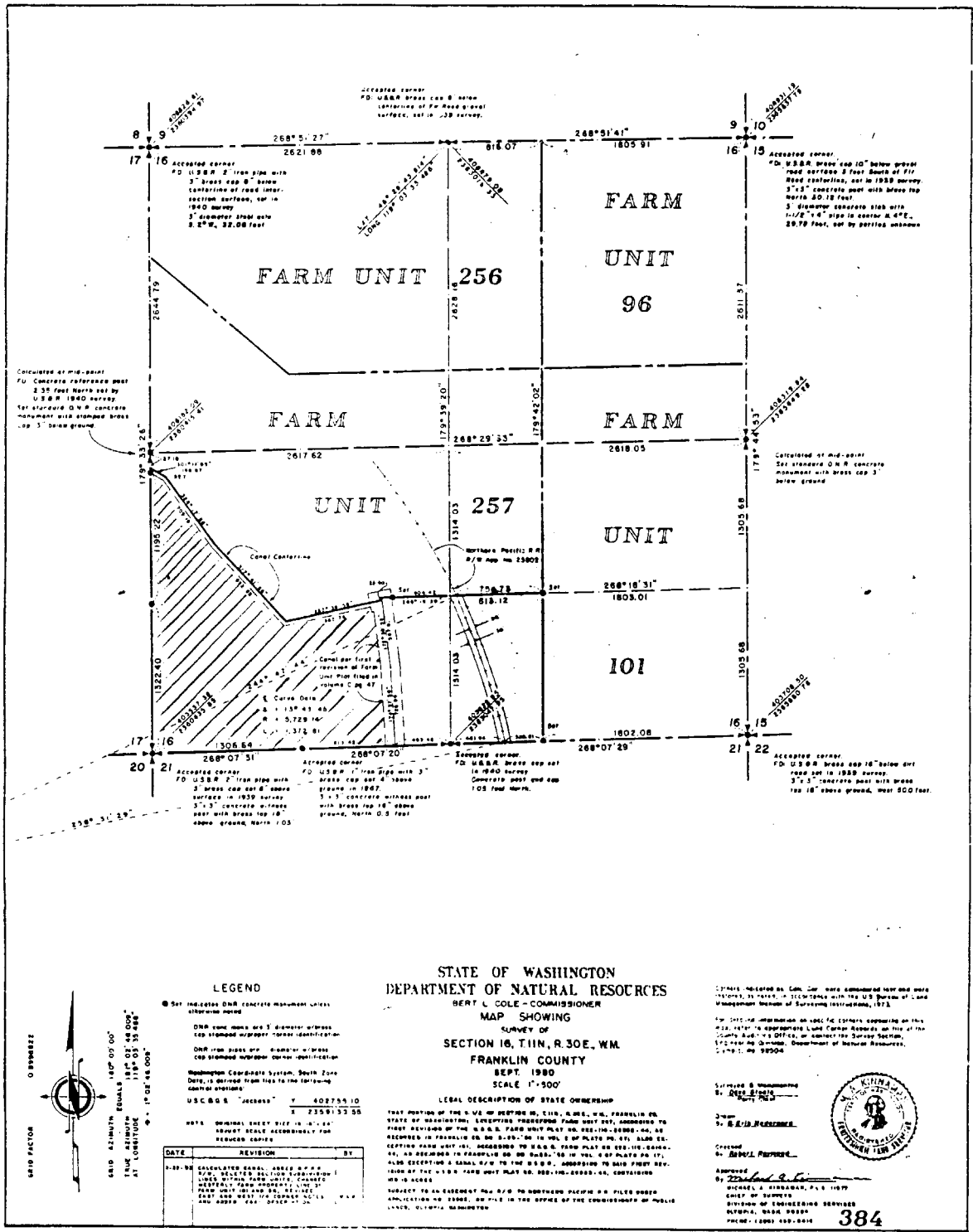
Also Excepting therefrom the southwest quarter of the
southeast quarter of said northeast quarter;

Containing an area of 103.87 acres, more or less,
according to the United State Department of Interior,
Bureau of Reclamation Map of Lake Roosevelt, USBR
Boundary - Left Bank, sheet 57 of 237

Caption That portion of the northeast quarter of the southwest
 quarter of Section 36, Township 22 North, Range 1 East,
 Willamette Meridian, county of Pierce, state of
 Washington, being more particularly described as follows:

Body Commencing at the center quarter corner of said
 section, as evidenced by a Washington Department of
 Natural Resources iron pipe and stamped brass cap, as
 shown on the Department of Natural Resources final
 survey map number 451, on file with the office of the
 Commissioner of Public Lands, Olympia, Washington;
 thence along the east/west centerline of said section,
 North 87° 49' 27" West 65.97 feet to the POINT OF
 BEGINNING of this described parcel; thence continuing
 along said centerline North 87° 49' 27" West 792.00
 feet; thence South 1° 27' 39" West 330.03 feet; thence
 South 87° 49' 27" East 750.59 feet; thence North 8°
 37' 23" East 332.11 feet to the POINT OF BEGINNING,
 containing an area of 5.84 acres more or less.

That portion of the southwest 1/4 of Section 16, Township 11 North, Range 30 East, Willamette Meridian, Franklin County, state of Washington, lying southerly and westerly of the southerly and westerly right of way line of the United States Bureau of Reclamation (U.S.B.R.) canal according to the first revision of the U.S.B.R. Farm Unit Plat number 222-116-26553-44, as recorded in Franklin County on September 28, 1954 in Volume C of Plats, Page 47, containing 69.97 acres, as shown crosshatched on Exhibit 'A' attached hereto and made a part hereof and also according to the Washington Department of Natural Resources Final Map number 384, on file in the Office of the Commissioner of Public Lands, Olympia, Washington.



DESCRIPTION FUNDAMENTALS

A. Test for Valid Descriptions:

The need for clear, concise property descriptions can not be overstated. Conflict and litigation often follow an ambiguous description. The courts will seek to effect the intent of the writer, but if this intent cannot be determined, an ambiguous description will be construed against the interests of the grantor. This may result in deeding away property intended to be retained, or failure to transfer property being sold or traded away.

In 1899 the Washington Supreme Court set the test for a sufficient description in practical terms: whether a competent surveyor can identify the property with reasonable certainty, with or without the aide of extrinsic evidence. Senfelder v. Hill, 21 Wn.371,380-381, 58 P.250 (1899). More recently, the court tightened this test by saying that descriptions requiring oral testimony to locate the property were void. Bigelow v. Mood, 56 Wn.2d 340,341, 353 P.2d 429 (1960). For example, a railroad plat tying relevant features not recited in the description but which aids a surveyor in locating the property may save an otherwise deficient description. On the other hand, testimony of a neighbor as to the location of the described property will not be allowed, however knowledgeable he may be.

The practical sufficiency test established by the court in Sengfelder is presently recited in WAC 332-130-040. In the Code, a description is complete from a title standpoint if a physical survey can be accomplished from the description. When following the guidelines in the WAC, however, be sure to follow the Bigelow restriction against dependency upon oral testimony.

B. Order of Control Between Calls:

As illustrated in an earlier section, property descriptions may contain several calls to a corner or along a boundary line. These calls may occasionally conflict with each other, and certain conventions have evolved to give precedence to some calls over others.

The Washington courts have ruled that monuments will control over directions and distances. Adjoiners are monuments. Areas are the least controlling calls, and standing by themselves without qualifications may fail as a valid description. Thus, avoid a description reading merely "The west 25 acres in the northeast $\frac{1}{4}$...". Seek to be as definite as possible, and to use the stronger call in all descriptions.

The following list gives the order in which the various calls will control:

1. Senior rights to property.
2. Natural and artificial monuments recited in the description.
3. Monuments not cited in the description, but disclosed in documents of record.
4. Adjoiners.
5. Direction and distance ties to boundaries other than those of the subject property.
6. Distances along the boundary without ties to monuments.
7. Bearings or angles without ties to monuments.
8. Areas stated as a corollary to the above calls.

Wattles lists items 2 through 8 as controlling, and in the order shown above. Remember, however, that a grantor cannot surrender more than he owns. Senior rights held by third persons in the property will limit the transfer to property held by the grantor. A description purporting to sell "the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$..." when the grantor owns only the northeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ will not transfer any interests in the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$. Therefore, item 1 in the above list will control all subsequent items.

C. Rules of Construction:

Property descriptions are formal writings, subject to rules and conventions both when being read and written. The rules arose largely because these writings and the instruments in which they appear are often subject to litigation. Cribbet lists the following ten Canons of Construction (modified somewhat for this paper):

1. That interpretation of the description prevails which is most favorable to the grantee; i.e. the language of the description is construed against the grantor. (This rule presumes that the grantor drafted the description. A contrary showing may defeat this canon.)
2. If a deed contains two descriptions, one ambiguous and the other unambiguous, the latter prevails in order to sustain the deed as valid.

3. Extrinsic evidence will be allowed to explain a latent ambiguity, but a patent ambiguity must be resolved within the "four corners" of the description.
4. Monuments control distances and courses; courses control distances; quantities (eg. area) are the least reliable guide.
5. Useless or contradictory words may be disregarded as mere surplus. (Be very careful with this. What is useless?)
6. Particular descriptions control over general descriptions.
7. A description, insufficient in itself, may be made certain by incorporation by reference to another description.
8. If an exception in a deed is erroneously described, the conveyance is good for the whole tract and title to the entire parcel will pass.
9. When a tract is bounded by a monument having a finite width, such as a road, the boundary line extends to the center so long as the grantor owns this far. (When the monument is a stream, take care with issues of navigability and the Doctrine of Thalweg.)
10. A description in a deed includes appurtenances to the land, even if not explicitly recited in the description. For example, an appurtenant access easement to which the described tract is the dominant estate is construed as being within the described property.

Keep these rules in mind, both when reading and writing descriptions. Remember, also, that the most important guide when writing the description is to be as clear, concise and precise as possible. If the description is clear on its face, it should not be necessary to refer to such conventions as the above canons to resolve ambiguities and conflicts.

D. Basis of Bearings:

North is north is north...right? No. Unfortunately, when used in descriptions and on surveys, north may be almost anywhere the writer says it is. The most important thing to remember when drafting descriptions is to provide a way to determine where north is, that is, to provide a clear reference from which directions may be determined. This reference is the Basis of Bearings, or the Basis of Meridian. The meridian is that direction from which all other directions are measured.

The meridian may not be north. For example, in descriptions based upon a state plane coordinate system where directions are expressed in azimuths, the azimuths (directions) may be measured from south! Nevertheless, the principle remains: tell the reader from where the directions are measured. There are a variety of ways to do this. For example;

Where is North?

Some possible methods -

A: Intrinsic Basis of Bearings

"East from the NW corner of said Section 16 along the north line thereof a distance of 125.00 feet; Thence S0°16'33"E ---" establishes the north line of the section with a bearing of N90°00'00"E. (Not advisable, it forces the reader to make the assumption, and assumptions are never the best way, but a common way descriptions have been written in Washington.)

B: Solar or Polaris observation

"Bearings based on solar observation at the SE corner of said Section 16"

C: Identified monuments

"The east line of Lot 2 as shown on plat recorded in Book --- at Page ---" (be sure monuments are identified on that plat)

D: Specifically inserting the basis

"Beginning at the SE corner of said Section 16, and considering the east line of the SE1/4 of said Section 16 to bear N0°00'00"E, with all bearings contained herein relative thereto;

Thence -----"

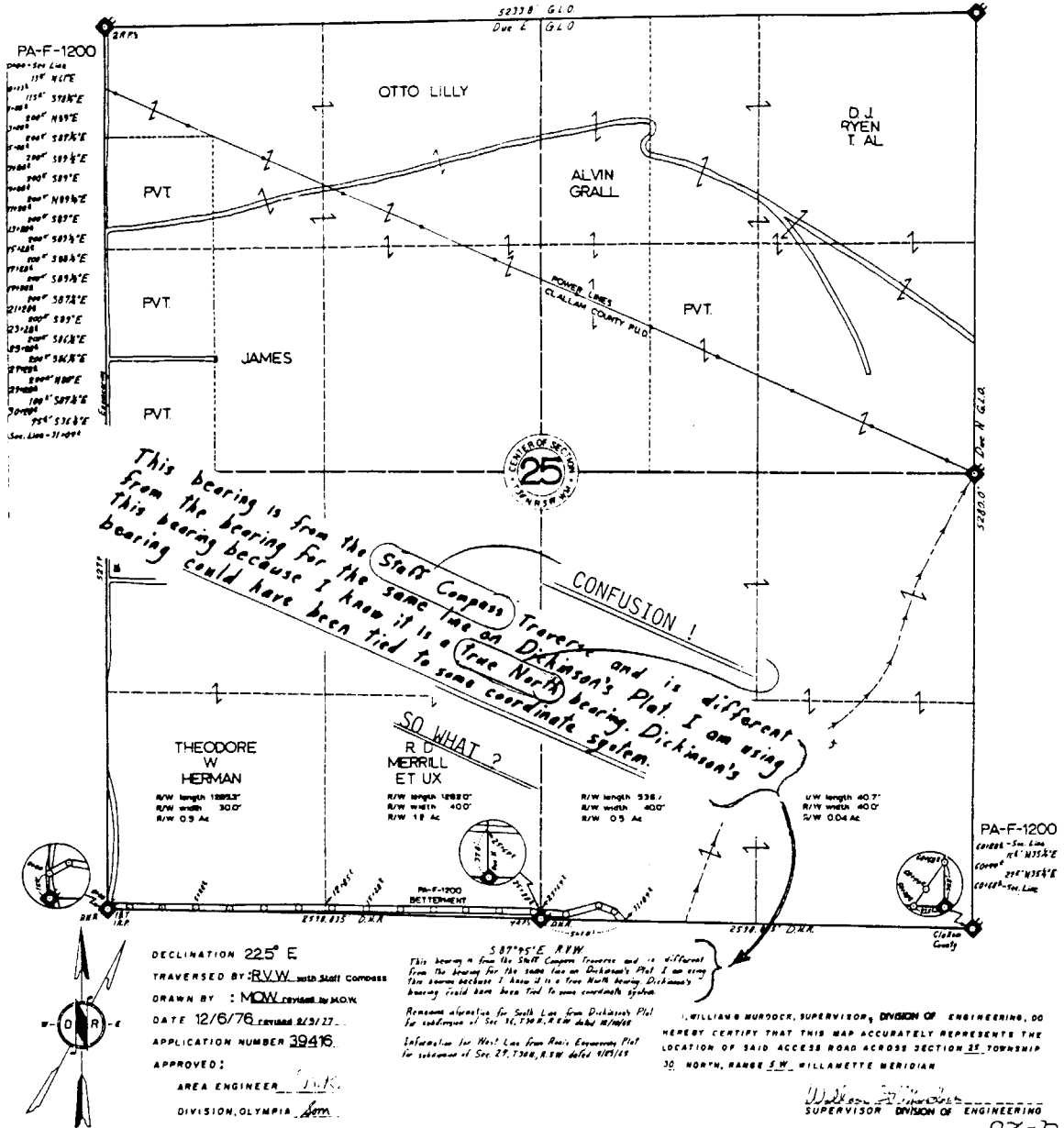
E. Grid Directions

"All foregoing bearings are relative to the Washington Coordinate System, NAD '83(1991) North Zone" refers to a north that is related to, but not the same as, true north. (If working on the grid, be sure to identify which distances are being used)

The preferred direction of a description is clockwise.

Due North:

The California courts have held that "Due" north means the "True" or "Astronomic" north. But the term "due" is ambiguous, and other jurisdictions may reach other conclusions. When writing descriptions easily this is a word to avoid. Seek to establish some clear, easily established meridian. When reading descriptions calling for "due north", expect that it may be interpreted as "true north", unless there are clear indications of a different intent.



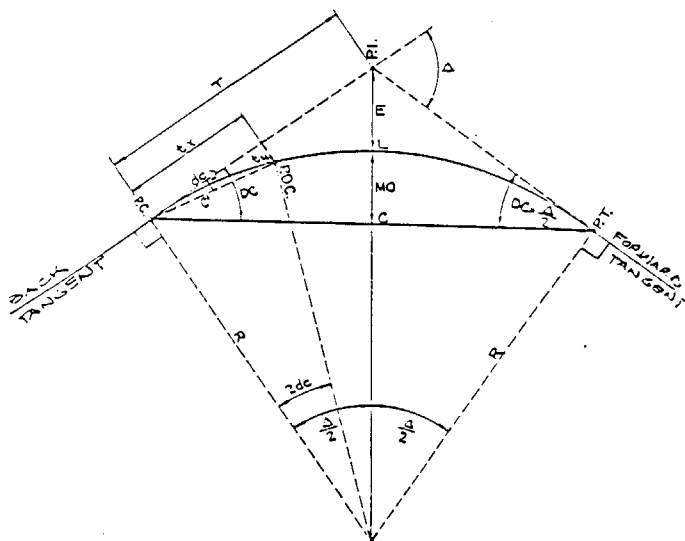
E. Curves in Descriptions:

Horizontal curves used in descriptions may be either circular or spiral. Circular curves are very common and the elements are easily defined. They will be discussed below. Spiral curves, also called transition curves, occur less frequently, but may be encountered in connection with railroad rights of way and older freeway boundaries. The mathematics involved in calculating the elements of spiral curves is beyond the scope of this paper and when faced with one, the writer should consult a surveyor or an engineer familiar with the use and calculation of spirals. However, every description writer should be aware that a strip description whose centerline is a spiral cannot have true spirals as its sidelines.

Circular Curves

The circular curve involves several elements that may intimidate the novice or those uncomfortable with mathematics. As always, if you are uncertain about the information or procedures, you should consult an expert. Nevertheless, every circular curve can be described by way of three elements: the direction in which the curve proceeds, and any two of the elements shown on the following diagram.

TYPICAL CIRCULAR CURVE



NOMENCLATURE FOR CIRCULAR CURVES

P.O.T.	Point on tangent outside the effect of any curve.
P.O.C.	Point on a circular curve.
P.O.S.T.	Point on semi-tangent (within the limits of a curve).
P.I.	Point of intersection of back tangent and forward tangent.
P.C.	Point of Curvature—Point of change from back tangent to circular curve.
P.T.	Point of Tangency—Point of change from circular curve to forward tangent.
P.C.C.	Point of Compound Curve—Point common to two curves in the same direction and of different radii.
P.R.C.	Point of Reverse Curve—Point common to two curves in opposite directions and with the same or different radii.
L	Total length of any circular curve measured along its arc in feet.
L	Length between any two points on circular curve in feet.
R	Radius of circular curve in feet.
Δ	Total intersection (or central) angle between back and forward tangents.
DC	Deflection angle for full circular curve measured from tangent at P.C. or P.T.
dc	Deflection angle required from tangent to a circular curve to any other point on a circular curve.
C	Total chord length, or long chord, for a circular curve in feet.
C'	Chord length between any two points on a circular curve in feet.
T	Distance along semi-tangent from the point of intersection of the back and forward tangents to the origin of curvature from that tangent in feet.

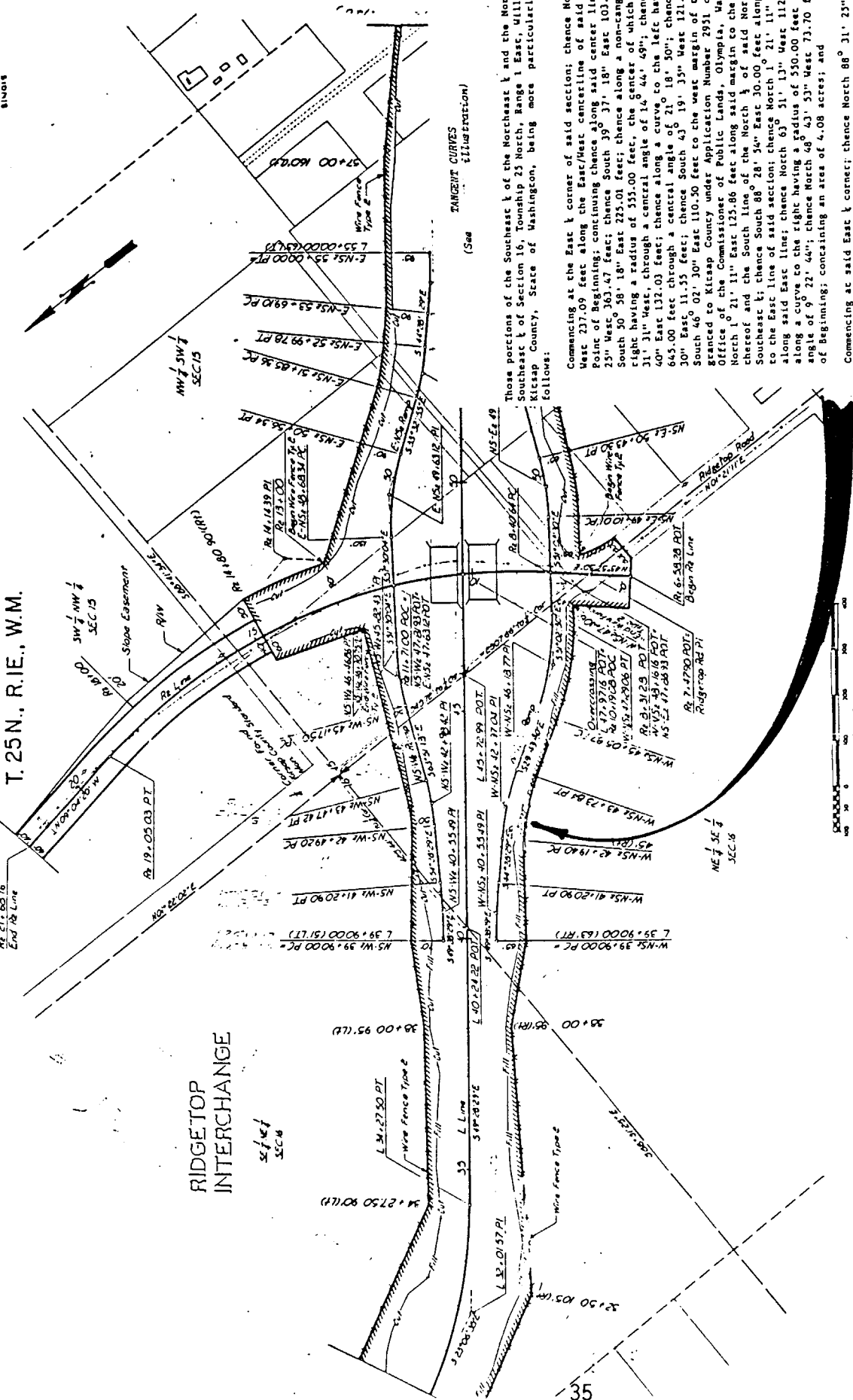
CIRCULAR CURVE EQUATIONS

Symbol	Equation	Unit
L	$= R \Delta (0.017453293) = 2 \cdot \pi \cdot R \cdot \left(\frac{\Delta}{360}\right)$	Feet
T	$= R \tan \frac{\Delta}{2}$	Feet
E	$= \frac{R}{\cos \frac{\Delta}{2}} - R, \text{ also } = R \operatorname{exsec} \frac{\Delta}{2}$	Feet
C	$= 2 R \sin \frac{\Delta}{2}, \text{ also } = 2 R \sin DC$	Feet
MO	$= R \left(1 - \cos \frac{\Delta}{2}\right), \text{ also } = R \operatorname{vers} \frac{\Delta}{2}$	Feet
DC	$= \frac{\Delta}{2}$	Degrees
dc	$= \frac{L_c}{L} \left(\frac{\Delta}{2}\right)$	Degrees
C'	$= 2 R \sin dc$	Feet
tx	$= (2 R \sin dc) (\cos dc), \text{ also } = R \sin 2 dc$	Feet
ty	$= (2 R \sin dc) (\sin dc), \text{ also } = R \operatorname{vers} 2 dc$	Feet

Example, Given: $\Delta = 25^\circ 33'$
 $R = 3000'$

$$\begin{aligned}
 L &= (0.3) (4459.316) = 1337.79' \\
 T &= (0.3) (2267.356) = 680.21' \\
 E &= (0.3) (253.823) = 76.15' \\
 C &= (0.3) (4422.460) = 1326.74' \\
 MO &= (0.3) (247.541) = 74.26'
 \end{aligned}$$

PROJECT NO.	DATE	BY	SCALE
100-100-100	10-10-10	J.E.	1" = 100'



T. 25 N., R. 1 E., W.M.

RIDGETOP INTERCHANGE

TANGENT CURVES (Illustration)

These portions of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 25 North, Range 1 East, Willamette Meridian, Kitsap County, State of Washington, being more particularly described as follows:

Commencing at the East 1/4 corner of said section; thence North 88° 31' 25" West 237.09 feet along the East 1/2 centerline of said section to the Point of Beginning; thence North 43° 52' West 180.51 feet; thence North 37° 18' 01" West 191.77 feet; thence North 50° 16' 37" West 372.54 feet; thence North 24° 56' 25" West 771.86 feet; thence North 32° 52' 52" West 232.92 feet to the North line of said Southeast 1/4 of the Northeast 1/4; thence North 88° 25' 04" West 17.88 feet along said North line to the West line of said Southeast 1/4 of the Northeast 1/4; thence South 1° 15' 33" West 522.30 feet along said West line; thence South 22° 02' 24" East 165.05 feet; thence South 25° 07' 56" East 284.52 feet; thence South 53° 08' 46" East 376.74 feet; thence South 39° 37' 18" East 89.34 feet to the South line of said Southeast 1/4 of the Northeast 1/4; the Southwest corner of which bears North 88° 31' 25" West 719.40 feet; thence along said South line South 88° 31' 25" East 363.47 feet to the Point of Beginning; containing an area of 8.25 acres; and

Commencing at said East 1/4 corner; thence North 88° 31' 25" West 237.09 feet along the East 1/2 centerline of said section to the Point of Beginning; thence North 43° 52' West 180.51 feet; thence North 37° 18' 01" West 191.77 feet; thence North 50° 16' 37" West 372.54 feet; thence North 24° 56' 25" West 771.86 feet; thence North 32° 52' 52" West 232.92 feet to the North line of said Southeast 1/4 of the Northeast 1/4; thence North 88° 25' 04" West 17.88 feet along said North line to the West line of said Southeast 1/4 of the Northeast 1/4; thence South 1° 15' 33" West 522.30 feet along said West line; thence South 22° 02' 24" East 165.05 feet; thence South 25° 07' 56" East 284.52 feet; thence South 53° 08' 46" East 376.74 feet; thence South 39° 37' 18" East 89.34 feet to the South line of said Southeast 1/4 of the Northeast 1/4; the Southwest corner of which bears North 88° 31' 25" West 719.40 feet; thence along said South line South 88° 31' 25" East 363.47 feet to the Point of Beginning; containing an area of 8.25 acres; and

ENTRANCO Engineer
ENVIRONMENTAL AND TRANSPORTATION CONSULTANTS
BELLEVUE, WASH.



PROJECT NO.	DATE
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CIRCULAR CURVES IN A DESCRIPTION
(Tangent and Non-tangent)

Curves are the most cumbersome part of a legal description. All descriptions are written as though you are walking along the line. Therefore, a curve to the left is just that, you are turning to your left as you are walking along the line.

Curves are tangent at each end, unless specifically identified otherwise. Sometimes you will see the word "normal" in a description. In this context, normal means at right angles to the tangent at the PC & PT, or radial to the curve.

Two elements of a curve defines all the others, and generally, standard practice is to use three elements. If one is typed, or read, wrong, there are still two elements to figure out where the error may be.

A surveyor usually knows the delta, and will fix a whole number for either the radius or the tangent (sometimes the degree of curve) to control the curve. When a curve factor is given as a whole number, this was probably the original controlling factor, and should remain as such.

There are many ways to describe a curve;

"---- to a point of curve, from which the radius point bears S24°24'24"E a distance of 100 feet; thence along the arc of said curve to the right through a central angle of 10°00'00", an arc distance of 75.00 feet; thence----"

" thence along the arc of a curve to the right whose central angle is 10°00'00", and radius is 100.00 feet, an arc distance of 75.00 feet;"

" -----to the beginning of a curve, tangent, concave northwesterly and having a radius of 100.00 feet; thence northeasterly along said curve through a central angle of 10°00'00" an arc distance of 75.00 feet to a point of tangency;"

LEGAL DESCRIPTION
SECTION 36 T15N R23E

That portion of the Southeast 1/4 of the Southwest 1/4 of Section 36, Township 15 North, Range 23 East, Willamette Meridian, Grant County, State of Washington, lying southeast of a circle having a radius of 1390 feet, with a radius point described as follows:

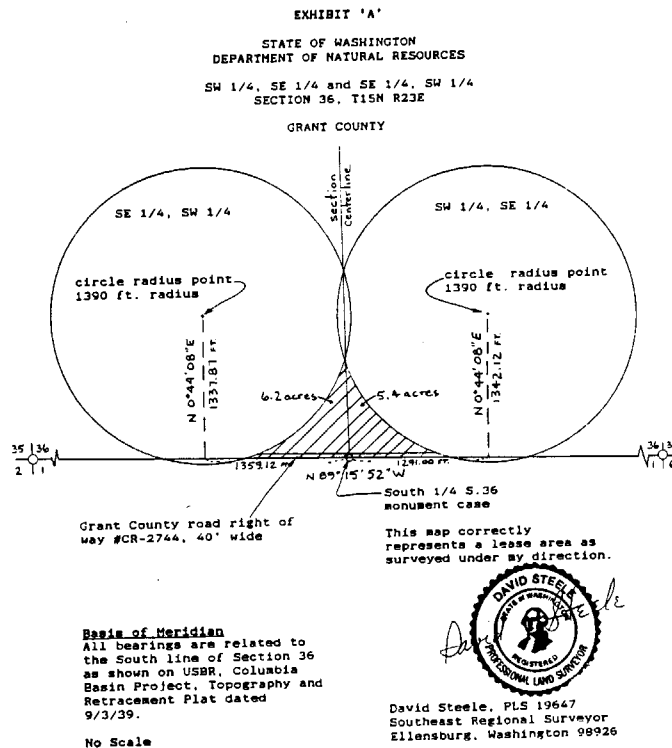
Commencing at the South 1/4 corner of said Section 36, evidenced by a monument case; thence along the South line of said Section 36, North 89°15'52" West, 1359.12 feet; thence North 0°44'08" East, 1337.87 feet to the center of said 1390 foot radius circle, being a concrete pad with typical circle irrigation pivot hardware.

Also that portion of the Southwest 1/4 of the Southeast 1/4 of said Section 36, lying Southwest of a circle having a radius of 1390 feet, with a radius point described as follows:

Commencing at the South 1/4 corner of said Section 36, evidenced by a monument case; thence along the South line of said Section 36, South 89°15'52" East, 1291.00 feet; thence North 0°44'08" East, 1342.12 feet to the center of said 1390 foot radius circle, being a concrete pad with typical circle irrigation pivot hardware.

EXCEPTING therefrom, the South 40.0 feet granted as an easement for road right of way to Grant County under application number CR-2744.

This description contains 11.6 acres as shown crosshatched on Exhibit "A" attached hereto and made a part hereof.



DESCRIPTION STANDARDS

WAC 332-130

Nominally this chapter of the code establishes survey standards. However, remember that a controlling test for adequate descriptions is whether a competent surveyor can locate the property. Sengfelder v. Hill, supra. This chapter of the code echoes the Sengfelder test, declaring a description as complete and accurate from a title standpoint if a survey of the property can be made from the description.

WAC 332-130-050 goes on to list mandatory items for all descriptions. Note especially the following:

1. Section, township, range and meridian are mandatory for all private lands in Washington, and almost certainly for all upland state ownership. 332-130-050 (1)(b),(2)(b)
2. County, state and city (when appropriate) in which the property is situated. 332-130-050 (2)(a)
3. Book page number and the city, county or state recording office in which referenced public documents are recorded. This is especially important for recorded plats. 332-130-050 (1)(c)

Registered land surveyors should note that they are required to stamp and sign all descriptions prepared by them or under their supervision. RCW 18.43.070 provides:

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered professional engineer" or "registered land surveyor". Plans, specifications, plats and reports prepared by the registrant shall be signed, dated and stamped with said seal or facsimile thereof. Such signature and stamping shall constitute a certification by the registrant that the same was prepared by or under his direct supervision and that to his knowledge and belief the same was prepared in accordance with the requirements of the statute.

This requirement is mandatory and not optional. The certification need not appear on the document for which the description is prepared, but it must appear on that copy of the description prepared by the surveyor and submitted to that person responsible for preparing the instrument on which the description will appear.

WAC 332-130-040 LAND DESCRIPTION GUIDELINES.

An instrument used for the conveyance of real property should contain a description of the property sufficiently definite to allow location by a land surveyor without recourse to oral testimony.

The following guidelines consist of elements which are recommended for use in the preparation of land descriptions. They are not intended to be all inclusive and may not be applicable in all situations:

- (1) In a description of a lot, tract, parcel or portion thereof in a recorded plat, short plat, or record of survey:
 - (a) Lot and block number or designation and addition or subdivision name;
 - (b) Official recording data and identification of recording office;
 - (c) Location by section, township, and range with respect to the Willamette Meridian, (if applicable);
 - (d) Property location by county and state.
- (2) In a description of an easement, lot, tract, or parcel described by metes and bounds;
 - (a) Parcel location by the subdivision(s) of the section; or portion of any other official subdivisional tract from a GLO or BLM public land survey; or portion of a recorded plat, short plat, or record of survey;
 - (b) Section, township, and range with respect to the Willamette Meridian;
 - (c) Property location by county and state;
 - (d) Direction and distance to GLO or BLM corners or properly determined section subdivision corners with description of the physical corners, if applicable;
 - (e) A description of the boundary giving:
 - (i) Place of beginning and/or initial point;
 - (ii) Basis of bearings or azimuths;
 - (iii) Bearings, angles or azimuths in degrees, minutes and seconds;

- (iv) Distances in feet and decimals of feet or record units, where applicable;
 - (v) Curve data showing the controlling elements;
 - (vi) Identification of senior adjoiners giving recording office and filing reference;
 - (vii) Calls to existing controlling monuments, both artificial and natural;
 - (viii) Calls which indicate if a course is a section line, subdivisional line, a line of record or parallel therewith;
 - (ix) A bearing and distance for each boundary line of the described parcel with a closing course returning to the point of beginning, except where the boundary can be described by a record, physical or natural feature.
- (3) In a description based on a public land survey subdivision:
- (a) Special segregations such as donation land claims, homestead entry surveys, townsites, tracts, and Indian or military reservations;
 - (b) Government lot number(s);
 - (c) Aliquot part designation;
 - (d) Section, township, and range with respect to the Willamette Meridian;
 - (e) Property location by county and state.
- (4) Other elements of consideration for any land description:
- (a) Avoid ambiguities when exceptions to a parcel are stated;
 - (b) Indicate width of strip description and its relationship to described centerline or survey line;
 - (c) Delineate the dividing line when designating a fractional portion of a parcel;
 - (d) When designating one-half or other fractional portion of an aliquot part by government subdivision procedures, follow with "according to U.S. Government subdivision procedures."

DEFINITIONS - WORDS AND PHRASES -

ACCRETION - The natural build up of dry land (such as silt or sediment, called alluvion or alluvium) by gradual and imperceptible action of water forces.

ADJACENT. Black's Law Dictionary says that the word adjacent means the two objects are close or nearby. They do not have to touch, however, in order to be adjacent to each other.

ADJOINING. According to Black's Law Dictionary, this word is to be distinguished from adjacent. Adjoining means that the objects touch.

ADVERSE POSSESSION - A method of acquisition of title by possession for a statutory period under certain conditions.

ALIQUOT - Contained an exact number of times into another; a part of a measurement that divides the measurement without a remainder.

ALIQUOT PARTS - Legal subdivisions, except fractional lots, or further subdivision of any smaller legal subdivision, except fractional lots, by division into halves or fourths ad infinitum.

ALLUVION - Also alluvium; clay, silt, sand, gravel or similar material Added by accretion .

AQUATIC LANDS - in Washington, State owned tidelands, shorelands, Harbor areas, and the beds of navigable waters.

AVULSION - A sudden change in the course of a river or stream or The sudden inundation of land which may result from natural causes, such as a flood or earthquake, or artificial (man-made) causes, such as dam construction, dredging or filling.

BANK OF A STREAM - RIGHT OR LEFT - These are the directions used when one is facing downstream.

BEGINNING AT, COMMENCING AT, POINT OF BEGINNING and TRUE POINT OF BEGINNING. Many questions and much argument have centered around the use of these words and phrases. Generally, the following rule of thumb will keep the draftsman safe; When starting the description at a point some distance from the property being described, use either BEGINNING AT... to the TRUE POINT OF BEGINNING, OR COMMENCING AT... to the POINT OF BEGINNING. Wattles discourages combining "commencing" and "true point of beginning", although it is not strictly incorrect, Do not, however, combine "beginning" with "point of beginning". The description has already begun, and to say it merely begins again somewhere else is quite ambiguous.

BENCHMARK - A monument whose elevation is known above a given datum.

BULKHEAD LINE - Under federal law, the seaward limit where a person can fill without an Army Corps of Engineers permit. It is often located at the same place as the inner harbor line established under State law.

CHAIN - As a unit of measure, 1 chain equals 66 feet. There are 100 links to a chain, 80 chains to a mile.

CLOSING CORNER - A corner (usually marked by a monument) that indicates where the new line intersects a previously established land boundary. Closing corner monuments are not considered as fixed in position, but may be adjusted by a later surveyor to the line closed upon. They are an exception to the rule that "wherever an original monument is set, its position is unalterable."

COLOR OF TITLE - If a claim to a parcel of real property is based upon some written instrument, although a defective one, the person is said to have color of title. The title appears good, but in reality it is not.

CONTIGUOUS. This is an ambiguous word, like adjacent. Contiguous means both merely nearby, as well as touching.

CONVEYED and DESCRIBED. When used in a description by reference conveyed is often used to mean the same thing as described. However, they must be distinguished. The phrase, "that property conveyed in..." describes the property actually transferred by the cited instrument. This makes the description subject to the legal fact or absence of a conveyance. The phrase "that property described in..." merely references the description previously used, without regard to the validity of any property transfer. Each word has its valid use in a description depending on the intent of the draftsman.

CORNER - The point of intersection of two courses in a land description. It may or may not be marked by a corner monument.

DEED - Act; action, thing done. At law a deed is evidence in writing of an executed and delivered contract, usually for sale of land.

EITHER and EACH. Each means both, either means one or the other. These are confused most often in strip descriptions where the courses of the centerline are supplied and the sidelines are intended to be at so many feet on each side of the centerline. Do not use either when each is intended. This misuse is so ambiguous that it may make the determination of the sidelines impossible.

EROSION - The wearing away of dry land by the gradual action of water from natural causes.

EXCEPT or EXCEPTING. This is used as a qualifier to eliminate something from the property previously described. The exception is followed by some adequate description of the excepted property. (When used in a description, it does not have to be capitalized, but often is, just to ensure it stands out)

EXTREME LOW TIDE - The line below which it might reasonably be expected that the tide will not ebb, which is lower than either mean lower low tide (the average of all daily lower low tides) or daily lower low tide. It occurs only during certain seasons of the year. Outer boundary of tidelands conveyed by the State between 1911 and 1971.

FATHOM - Six feet.

FEDERAL PATENT - See Patent.

FIRST CLASS SHORELANDS - Non-tidal lands in front of the Corporate limits of any city between the line of ordinary high water and either (1) the inner harbor line within one mile on either side of the city limits or (2) the line of navigability within two miles and outside one mile on either side of the city limits.

FIRST CLASS TIDELANDS - Tidal lands in front of the corporate Limits of any city between the line of ordinary high tide and either (1) the inner harbor line within one mile on either side of the city limits or (2) the line of extreme low tide (or mean low tide for properties conveyed by the State prior to 1911) Within two miles and outside one mile on either side of the city limits.

GOVERNMENT LOT - Fractional sections in government surveys, often, but not always, based on large bodies of water.

HARBOR AREA - The area between the inner and outer harbor lines within city limits. It may be leased by the State for navigation and commerce purposes but never sold.

INNER HARBOR LINE - The line established by the State marking the seaward limit of first class tidelands or first class shorelands within city limits and within one mile on either side of those city limits.

LATERAL LINES - Boundary lines between adjoining parcels of Submerged lands, extending from a point on the line of ordinary high tide or line of ordinary high water to a point on the outer limit of the submerged lands. Must be apportioned by common owner(s) of the submerged lands by plat or conveyance.

LATENT AMBIGUITY - A defect not apparent on the face of the instrument, but appears when the instrument is applied to matters outside of the instrument. (An 1869 deed reads "beginning at the NE corner of Jim Brown's Henhouse" is not ambiguous, but where was Mr. Brown's henhouse?)

LINE OF NAVIGABILITY - A line beyond which the water is deep enough for commercial navigation. Outer boundary of shorelands conveyed by the State. Exact location undetermined unless and until fixed by the Department of Natural Resources. It is the same as the inner harbor line if that line has been fixed by the State.

LINE OF VEGETATION - Sometimes, though not technically correct, referred to as the boundary between uplands and shorelands or (less commonly) between uplands and tidelands. See also ordinary high water and ordinary high tide.

LINK - One-hundredth of a chain; 0.66 feet, or 7.92 inches

LITTORAL - Belonging or pertaining to shore. Littoral land is land bordering an ocean, sea, or lake, contrasted with riparian land bordering a river or stream, although riparian is often now commonly used for both types of land.

MEANDER LINE - A line run by the government for the purpose of defining the sinuosities of the shore or bank of a body of water and as a means of ascertaining the quantity in adjoining fractional sections (government lots). It is not an indication of navigability. It is not a boundary unless (1) it is seaward of uplands patented by the federal government prior to statehood (Only on Puget Sound and navigable lakes) or (2), rarely, when specifically intended as such by description.

MEAN HIGH TIDE - See ordinary high tide.

MEAN LOW TIDE - The average of all daily low tides over a period of 18.6 years. Outer boundary of tidelands conveyed by the State between 1895 and 1911.

MORE OR LESS. Wattles says that a good place to use this phrase is when you know or strongly suspect a measurement or a quantity is uncertain. Do not overuse it. It is unnecessary to use a more or less distance to a monument or an adjoiner, because the monument will control and the more or less is redundant. Acreage calls along a riparian boundary, however, are so uncertain that a more or less call would be entirely appropriate. Another appropriate place might be where several sources provide conflicting measurements to a point.

NAVIGABLE/NAVIGABILITY - Used, or susceptible of being used in its ordinary condition, as a highway for commerce, over which trade and travel are or can be conducted in the customary modes of trade and travel on water. All water is presumed by title insurers to be navigable unless adjudicated otherwise.

NORMAL - Normal to a line is 90° to the line. Normal to a curve is a radial line.

ORDINARY HIGH TIDE - Also known as mean high tide. The average elevation of all high tides over a period of 18.6 years. Boundary between uplands and tidelands on navigable waters.

ORDINARY HIGH WATER - The visible line of the bank along non-tidal waters. Sometimes referred to as the line of vegetation, although the latter term is not technically the same. Boundary between uplands and shorelands on navigable waters.

OUTER HARBOR LINE - The outer boundary of the harbor area within city limits as established by the State. The area beyond cannot be given, sold, or leased by the State.

OYSTER LANDS - Submerged land, usually between mean high tide and mean low tide, leased or conditionally deeded for the cultivation of oysters or other shellfish, pursuant to statute. Deep water clam harvesting can be below extreme low tide.

PARALLEL WITH and PERPENDICULAR TO. Lines are parallel with each other, not parallel to each other. They are, however, perpendicular to each other, not perpendicular with each other.

PATENT - The instrument by which the United States conveys title to public lands.

PATENT AMBIGUITY - A defect appearing on the face of the conveyance itself. (A deed reading "A portion of Lot 7, describes nothing in particular, and cannot be remedied by other evidence)

PIERHEAD LINE - Under federal law, the seaward limit where private open-pile structures can be placed with a permit from the Army Corps of Engineers. It is often located at the same place as the outer harbor line established under State law.

PUBLIC TRUST DOCTRINE - The theory under which the government, for the benefit of the public good, controls and regulates water, submerged lands, wetlands and lands covered by or abutting water.

RELICTION - The permanent uncovering or exposure of lands formerly covered by waters.

RESERVING. This call is also a qualifier, but it means that some appurtenance of the described property is retained by the grantor.

RIPARIAN - Belonging or pertaining to lands abutting a stream or river (and generally used also with respect to lands abutting all water, e.g. even littoral lands).

ROD - 16.5 feet.

SECOND CLASS SHORELANDS - All shorelands not classified as first class shorelands, e.g., those lying beyond two miles outside city limits.

SECOND CLASS TIDELANDS - All tidelands not classified as first class tidelands, e.g., those lying beyond two miles outside city limits.

SHORELANDS (see also FIRST CLASS and SECOND CLASS) - Public lands, bordering on shores of a navigable lake or river covered by water, not subject to tidal ebb and flow. Available for sale by the State until 1971, available for lease after 1971. After 1983 some shorelands on navigable lakes having "minimal public value" may be sold to the abutting upland owner.

SHORELINE MANAGEMENT ACT - An act regulating land use of submerged lands (including shorelands or tidelands) and uplands 200 feet inland from these areas, as well as wetlands. Most development in such areas requires a substantial development permit.

SUBMERGED LANDS - Land that is covered by water some or all of the time. On navigable bodies of water, tidelands or shorelands are public lands, some of which have been conveyed by the State between 1895 and 1971, or leased after 1971. Submerged lands under non-navigable rivers or streams are owned by the upland owner to the thread; under non-navigable lakes by upland owners. Lateral lines (boundaries) are determined by mutually agreed apportionment.

THREAD - The center of the main channel of a stream or river. This might be a median line or a line following the deepest or lowest points of the bed. The usual boundary between parcels abutting non-navigable streams or rivers.

TO WIT - That is to say; namely.

TIDELANDS (see also FIRST CLASS and SECOND CLASS) - Public lands over which tidal water ebbs and flows. Available for sale by the State until 1971, available for lease after 1971 (except on Pacific Ocean).

UPLANDS - The dry lands bordering a body of water, the outer boundary of which is either the line of ordinary high tide or ordinary high water.

WETLANDS - Lands inundated or saturated with surface or ground water to support vegetation adapted to saturated soil conditions, which may or may not include submerged lands, as defined under State law. See also Shoreline Management Act.

ABBREVIATIONS COMMONLY USED IN WRITTEN DESCRIPTIONS

N	NORTH
E	EAST
S	SOUTH OR SECTION
W	WEST
SEC	SECTION (PREFERRED)
T	TOWNSHIP
R	RANGE OR RADIUS
AC	ACRES
CH	CHAIN
FT	FEET
IN	INCHES
ELY	EASTERLY
NWLY	NORTHWESTERLY
	(ETC)
°	DEGREE
'	MINUTE
"	SECOND
B	BOOK
V	VOLUME
VOL	VOLUME
GL	GOVERNMENT LOT
DLC	DONATION LAND CLAIM
W.M.	WILLAMETTE MERIDIAN
1/4	ONE QUARTER
1/2	ONE HALF
R/W	RIGHT OF WAY
R.O.S.	RECORD OF SURVEY
PLS	PROFESSIONAL LAND SURVEYOR

The use of any of these abbreviations will not introduce ambiguity into a description. Their use is more a matter of style.

A FEW NON STANDARD AREAS

CORRECTION DEED

One overlooked area of description writing is the correction deed. A deed conveying a parcel of land is made of record, and an error is found, so a correction deed is required and called for. The mere recording of that correction deed, amending area or some other aspect of the boundary is not sufficient.

One must remember the theory of the recording system and constructive notice. A stranger searching the records is entitled to rely on the first conveyance of record and does not need to continue to search the grantor's name to find the correction deed.

Always require a deed back from the grantee to the grantor and then the correction deed from the grantor to the grantee.

This advice comes from a title examiner's handbook, and a DNR attorney disagrees with this position, considering the doctrine of constructive notice. That means that a correction deed recorded with a records office is constructive notice to the world as much as the original deed.

DONATION CLAIMS

Correct designation of a description describing a portion of a Donation Claim would be:

"That portion of George Washington Donation Claim Number _____, lying within a portion of Section _____ Township _____ North, Range _____ East, Willamette Meridian, _____ County, Washington, more particularly described as follows;"

In a description of a tract which describes land which lies partially within a Donation Claim and also within part of a Section, the caption needs to specifically refer to both the donation and the Section. The Donation Claim is technically not a part of the Section, rather the survey surveyed around the Donation Claim.

VACATED STREETS

Where a street has been vacated, a question arises as to whether the vacated portion adjoining will pass without specific mention in the deed. Generally, this will be decided by whether or not the vacated portion is sufficient in size to be capable of separate use. If the vacated strip is capable of separate use, it must be described to indicate an intent of the grantor that he did not wish to retain title to the strip. Once a strip is mentioned in a deed, it needs to be included in all subsequent descriptions. After all, it is a separate parcel of ground.

In simple cases, the vacation of a street causes the adjoining half of the street to attach to the abutting ownership between the sidelines of the property projected to the center of the street. For complicated intersections, such as a diagonal streets, the question can become fairly intricate. The best language to use in a description which includes portions of streets or alleys in this category is "together with that portion of vacated street (or alley, etc.) which would attach thereto by operation of law".

VACATED LOTS, BLOCKS AND PLATS

Where the lots within a block, or where the whole block, or the whole plat has been vacated, it is not necessary to drop all reference to the recorded plat, and describe the property by metes and bounds. Just because a plat is vacated does not mean that it is purged from the records. The main result of a vacation is the lifting of the dedication of any public streets and alleys.

A proper description after the vacation would be "Vacated Lots 1 and 2, Block 2, according to Plat etc." Of course, if the streets were vacated also and the intention is to convey any portion of the adjoining streets, they would be described as "Together with the south half of vacated First Street etc."

AQUATIC DESCRIPTIONS

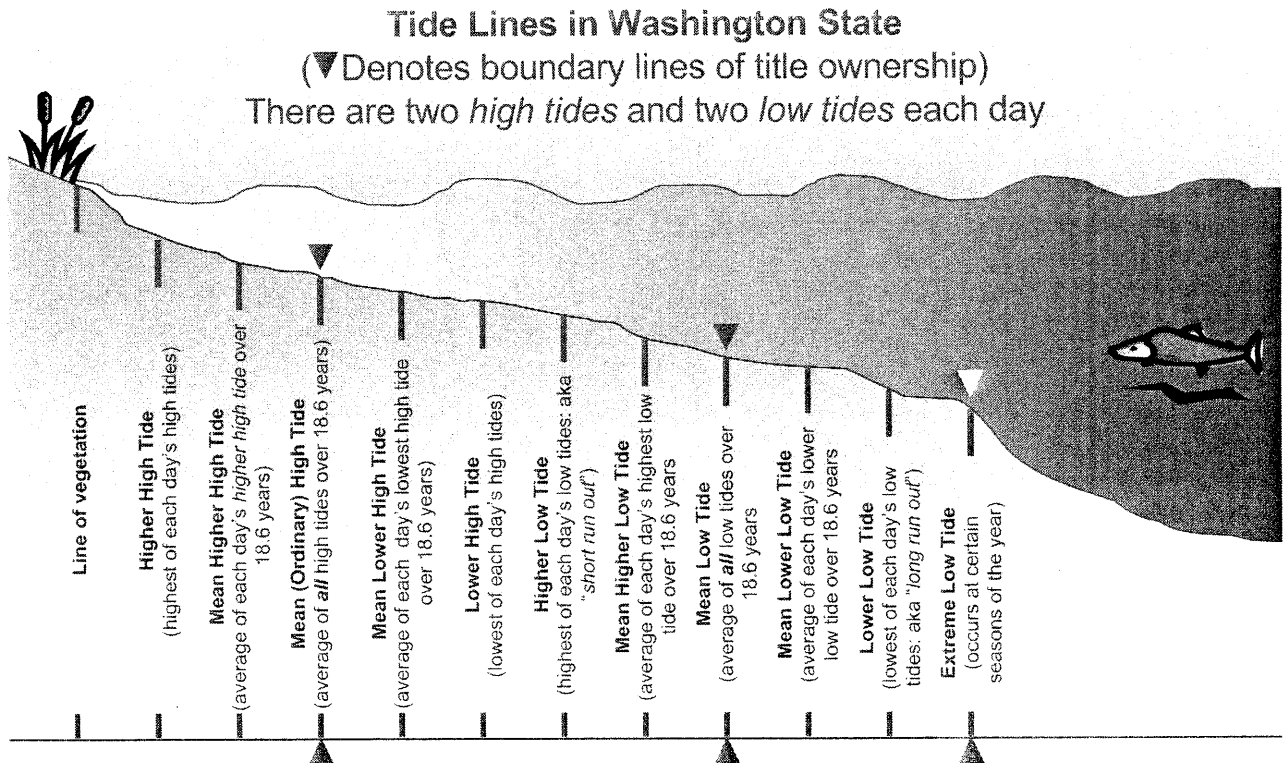
Aquatic descriptions are just like uplands descriptions, they have to be locatable by a competent surveyor.

Be sure of the definitions of the words you use in a description, and whether the body of water is navigable.

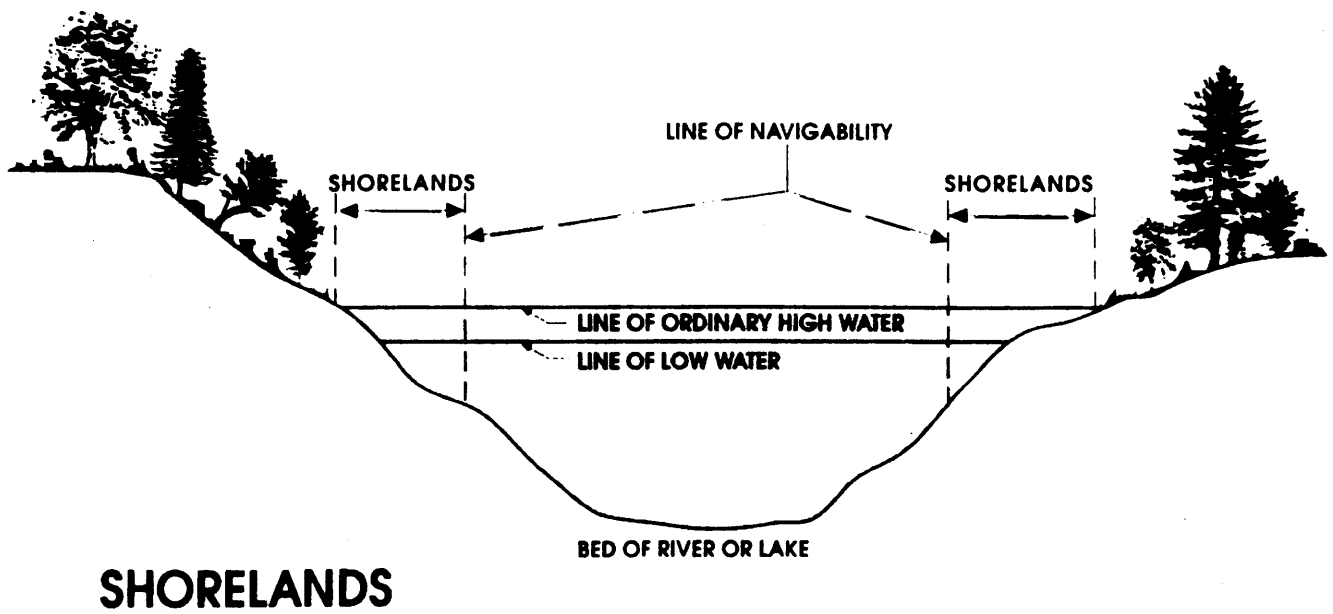
Meander lines are often used in the description of aquatic parcels. Unplatted tide and shore lands were often originally sold by frontage and the description will specify a distance along the meander line. Some aquatic land parcels, such as oyster tracts, used the meander line as the shoreward boundary. Platted first class tide and shore lands very often used the meander line as the boundary between the aquatic lands and the uplands.

Another standard is the "Second Class Tidelands lying in front of --- (uplands description)".

If you use this, be sure you understand where the "in front of" is, the sidelines of the upland parcel are seldom just extended straight out.



In non-tidal navigable waters, the boundary between uplands and shorelands is the line of ordinary high water. Shorelands are those lands between the line of ordinary high water and the line of navigability.



The description of any parcel of land bordering a lake or river will hinge on whether the body is navigable. The beds and shores (up to and including the line of ordinary high water) of waters that had the capability of supporting commerce at the time Washington became a state were granted to the State of Washington. The State of Washington asserted ownership to the beds and shores of navigable waters in Art. 17, Sec. 1 of the state constitution. This action by the state rejected the concept of riparian rights for those adjoining navigable waters. The State Supreme Court affirmed this in EISENBACH v. HATFIELD, 2 WN 236, 26 P. 539 (1891) stating that riparian owners adjoining navigable waters have no inherent rights in the waters, at least against the State or any member of the public.

Navigability of any body of water is always a question of fact, hence the ultimate test has been described as the ability to "float a Supreme Court opinion". The elements to be considered for lakes include the depth, size, geographic location, and suitability, in its natural condition, for carrying on of commerce. Documentation of actual use for transportation and commerce will generally serve to establish navigability, even though such use has long ago ceased. The Washington Supreme Court has, in some cases, ruled that if a lake possesses characteristics that make it capable of supporting navigation then it must be considered navigable even though it has never been used for that purpose. "The question is determined by capacity and not by use" LANT v. WOLVERTON, 122 Wash. 62, 210 Pac. 1. The Court has, in other cases, ruled that in addition to "capacity" a lake must be capable of actually being used as a highway over which trade and travel may be conducted (PROCTOR v. SIM, 134 Wash. 606, 236 Pac. 114). This "capability" of use includes location in relation to other transportation routes, and settlements.

Additional elements considered in determining the navigability of rivers include tidal influence and whether the original survey by the General Land Office (GLO) established meander lines (government surveyors were instructed to survey the meanders of navigable rivers and of all lakes over a certain size). Tidal waters are generally considered navigable. Meander lines are evidence that the original surveyor considered a stream to be navigable, but the courts have consistently held that the presence or absence of meander lines is not, by itself, sufficient to determine the navigability status of any body of water. The Washington Department of Natural Resources presumes all meandered bodies of water to be navigable unless declared otherwise by a court of competent jurisdiction (WAC 332-30-106 (41)). Waters that have been declared not navigable in a case that the State was not a party to may still be considered navigable by the State. It should be noted that "useful commerce" may include transportation of people and goods by canoes and other shallow draft vessels.

The boundary between the beds and shores of non-tidal waters is the line of navigability which is defined as a measured line at a depth sufficient for ordinary navigation as determined by the Board of Natural Resources for the body of water in question (WAC 332-30-106(33)). The line of navigability has been established in very few of the navigable lakes and rivers of the state, and the rule quoted above gives no guidance as to any minimum depth. Shore lands were sold by the State on many lakes and a few rivers, but the beds of all navigable waters remain in state ownership. The absence of an official line of navigability makes the determination of the boundary between state and private lands impossible to determine. The shore lands in a few areas, such as Lake Union and Lake Washington, have been platted and harbor areas established. The boundaries of shore lands in the platted areas are defined by the waterward plat boundary which is considered to be the line of navigability.

The upper boundary of shore lands is normally the line of ordinary high water. The line of ordinary high water in non-tidal waters is commonly referred to as the "line of vegetation". The courts have defined this line as the "line of permanent upland vegetation", a line "below which the soil is valueless for agriculture", and a line below which the land is so often and regularly submerged as to cause a "distinct change in the character of the soil". The Washington Supreme Court has interpreted Section 2, Article 17 of the State Constitution (the State "disclaims ownership to tide, swamp and overflow lands patented by the United States") to mean that when lands adjacent to a navigable lake or bay was sold, by the federal government, prior to Washington becoming a state, the upland boundary is the meander line or the line of ordinary high water, whichever is farther waterward. This applies only to the Puget Sound, lakes, bays and waters treated as a bay, it does not apply to rivers or the Pacific ocean.

WASHINGTON STATUTE OF FRAUDS

RCW 64.04.010

Conveyances and encumbrances to be by deed.

Every conveyance of real estate, or any interest therein, and every contract creating or evidencing any encumbrance upon real estate, shall be by deed:

RCW 64.04.020

Requisites of a deed.

Every deed shall be in writing, signed by the party bound thereby, and acknowledged by the party before some person authorized by *this act to take acknowledgments of deeds.

The Statute of Frauds requires that land be transferred by written deed, and that the deed must reasonably describe the land it conveys. It is of course, difficult to determine how precise a description must be to satisfy that requirement, but an indefinite description can nullify a deed, and void the transaction.

There are five ways property can be transferred in Washington completely outside the deed. (“unwritten transfer of title”)

All of them require some well-defined act to mark the boundary in a way that will be visible to subsequent purchasers.

1. Adverse Possession
2. Parol Agreement
3. Estoppel
4. Location by a common grantor
5. Mutual recognition and acquiescence in a definite line by the parties for a long period of time.

See *Lamm v. McTighe*, 72 Wash. 2d 587, 591, 434 P.2d 565, 568 (1967)

Another method may be for the reformation of a mutual mistake, a method used in only a few recent cases.

See *Thorsteinson v. Waters*, 65 Wash. 2d 739, 744-745, 399 P.2d 510, 513-514 (1965), and cases cited therein.