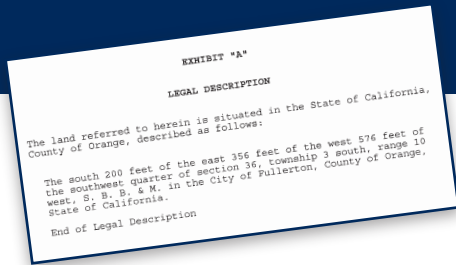
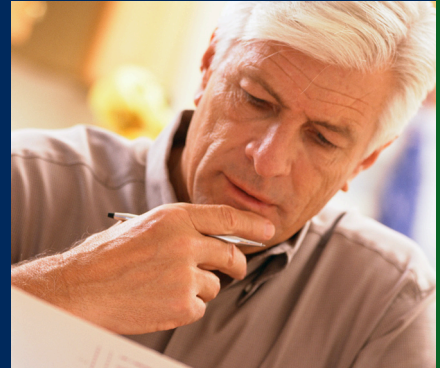


The Purpose of a Legal Description



The primary purpose of a legal description (title description) is to describe a particular parcel of land in a way that uniquely describes only the subject parcel, without ambiguity. It is also important that the legal description survive through time, or be composed in such a way that the legal description is not dependent on elements that may not be available in the future. In the United States, the most common methods used to describe land are by reference to a lot and/or block within an existing subdivision, by aliquot description, by metes and bounds, or by a combination of these. Each of these methods is illustrated in greater detail by the following information.

When a parcel of land lies within an existing platted subdivision, the legal description is usually short and straightforward because the dimensions bounding the parcel should be presented on the subdivision plat. This is often the case in developed areas, such as within cities or towns. The legal description would then refer to one or more of the smaller parcels represented on the subdivision plat, such as "Lots 4 and 5, Block 3, HILLSIDE ACRES, County of Boulder, State of Colorado." This would indicate that a subdivision plat is recorded in Boulder County, Colorado under the name of HILLSIDE ACRES, and that the subject parcel of land is depicted on the subdivision plat as two particular lots lying within a particular block of the subdivision plat. It is apparent, therefore, that each subdivision plat accepted by the public agency having jurisdiction should have a unique name so as not to create the ambiguity of duplicate subdivision names. This is often accomplished by having names such as HILLSIDE ACRES (the original subdivision having this name within the jurisdiction), HILLSIDE ACRES SECOND FILING, or HILLSIDE ACRES ADDITION (subsequent subdivision plats having similar but unique names). If a particular portion of HILLSIDE ACRES is further subdivided into smaller parcels, the new subdivision plat may have a name such as HILLSIDE ACRES, REPLAT A, indicating that it is the replat (reconfiguration) of a portion of HILLSIDE ACRES.

Legal Description are the nomenclature of the U.S. Public Land Survey System. This would include references to portions of Sections, Townships, and Ranges. Land within rural or undeveloped land is often described this way. A typical legal description of this nature would read something like "The northwest quarter of the southwest quarter of Section 30, Township 1 North, Range 70 West of the Sixth Principal Meridian" (a portion of downtown Boulder). Each occurrence of the word "quarter" indicates the division of the section (roughly one mile square) into quadrants (quarters), with each quarter being progressively divided into further quarters.

Descriptions (refers to directions and distances, refers to monuments, both physical and legal), describe the geometry of the perimeter of a parcel of land. A metes and bounds description is often lengthy, as it may contain bearings and distances for each line, descriptive geometry of each curve, and references to other adjacent or nearby parcels of land.

Special attention should be paid to the use of prepositions in a legal description. A preposition indicates a relationship to some previously existing element, a relationship known as a or . The significance of a call is that it implies the seniority, and usually the superiority, of that which it is called to. For example, a metes and bounds description may contain: "Thence North 89° 47' East 373.08 feet, more or less, to a point on the south line of that parcel described in deed . . .", which would indicate that the subject of the preposition ("that parcel described . . .") existed prior to the creation of the legal description we are reading. This would make the legal description we are reading have less seniority than 'that parcel described . . .', and the direction and distance given in the legal description we are reading give precedence to 'the south line of that parcel described . . .' The surveyor must then determine the location of the called line and adjust the bearing and/or distance given to honor the location of the senior parcel. For this reason, the phrase "more or less" often accompanies the directions and distances when a second call appears in a legal description.