

Modern Real Estate Practice in Illinois, 6th Edition
Filmore W. Galaty, Wellington J. Allaway, Robert C. Kyle
Laurie MacDougal, Consulting Editor

Chapter 9: Legal Descriptions

Learning Objectives

After reading this chapter, students should be able to:

- Identify the three methods used to describe real estate.
- Describe how a survey is prepared.
- Explain how to read a rectangular survey description.
- Distinguish the various units of land measurement.
- Define the following key terms: air lots; base lines; bench marks; correction lines; datum; fractional sections; government check; government lots; government survey system; legal description; lot-and-block; metes-and-bounds method; monuments; plat map; point of beginning; principal meridians; ranges; rectangular survey system; sections; townships; township lines; township squares; township tiers.

Why Learn About Legal Descriptions?

Your customers are paying a lot of money; they expect to become the owners of every bit of land they are entitled to. Certainly the lawyers will review the plats and make sure the legal descriptions are accurate, but the agent should be able to at least know what, in general, the lawyers are talking about. Knowing how land is described, and understanding the reasoning behind it, will help you gain a firmer comprehension of the product with which your profession deals.

Suggested Items to Bring To Class

1. Sample subdivision maps for your area.
2. Photographs, color slides or overhead transparencies showing various types of monuments and benchmarks in your area.
3. Sample legal descriptions utilizing each of the three methods of land description.

Lecture Outline

I. Describing Land

- A. Deeds, mortgages, and trust deeds require a specific (or legally sufficient) description of property to be binding.
- Legally sufficient: allows a competent surveyor to locate the parcel.

II. Methods of Describing Real Estate

A. Metes-and-Bounds Method

- Original type of legal description introduced in our country.
 - Relies on a property's physical features to determine boundaries and measurements.
1. **Metes-and-Bounds Method** starts at a designated place called the point of beginning (POB); surveyor proceeds around the property's boundaries, recording them by referring to linear measurements, natural and artificial landmarks (monuments) and directions, and ends back at the POB, completely enclosing the parcel.
 - Measurements often include the words "more or less" because the location of the monuments is more important than the distance stated in the wording.
 - The *actual distance* between monuments takes precedence over any linear measurements in the description.
 2. **Monuments** are fixed objects used to identify the place of beginning, the ends of boundary segments, or the location of intersecting boundaries.
 - May be natural or manmade objects

IN ILLINOIS . . . *metes-and-bounds descriptions are used when describing irregular tracts, portions of a recorded lot or fractions of a section. Such descriptions always incorporate the rectangular survey method and refer to the section, township, range and principal meridian of the land.*

B. Rectangular (Government) Survey System

- Established by Congress in 1785 to standardize the description of land.
 - Based on an artificially placed group of lines running throughout the country.
1. **Principal meridians** are lines running north and south.

- Each principal meridian describes only specific areas of land by boundaries.
 - No parcel of land is described by reference to more than one principal meridian.
 - The meridian used may not necessarily be the nearest one to the property being described.
2. **Base lines** are lines running east and west. Both principal meridians and base lines are located by reference to degrees of longitude and latitude.

IN ILLINOIS . . . *locations are described by their relation to one of three meridians shown on the map in Figure 9.2 in the textbook. Note that only two of these three meridians actually run through Illinois. The Second Principal Meridian is located in Indiana and controls that portion of Illinois lying south and east of Kankakee. The Third Principal Meridian begins at Cairo, at the junction of the Ohio and Mississippi rivers, and extends northward through Centralia and then northward near Rockford to the Illinois-Wisconsin border. The Fourth Principal Meridian begins near Beardstown and extends northward into Wisconsin. Surveys of land located in the western portion of Illinois use a base line for the Fourth Principal Meridian at Beardstown. Surveys of land in Wisconsin and eastern Minnesota are made from the Fourth Principal meridian using a base line that is the Illinois-Wisconsin border.*

Not all property is described by reference to the nearest principal meridian. Looking at the Illinois map in Figure 9.2 in the textbook, you will see that a property on the western border of the Third Principal Meridian and just west of Rockford will nevertheless be described by reference to the Fourth Principal Meridian. There are no options with regard to the meridians and base lines used to describe a property: once established by government survey, a description will not change.

3. **Township Tiers**

Lines running east and west, parallel to the base line and six miles apart, are township lines. They form strips of land called *township tiers*, designated by consecutive numbers north or south of the base line.

4. **Ranges**

The land on either side of a principal meridian is divided into six-mile-wide strips by lines that run north and south, parallel to the meridian. These north-south strips of land are called *ranges*, designated by consecutive numbers east or west of the principal meridian.

5. Township squares

When the horizontal township lines and the vertical range lines intersect, they form township squares, the basic units of the rectangular survey system.

- Townships are 36 miles square and contain 36 sq. miles (23,040 acres).
- a. Each township's description includes:**
 - designation of the township strip.
 - designation of the range strip.
 - name or number of the principal meridian for that area.

6. Sections

A township contains 36 sections of one square mile, or 3600 acres. Sections are numbered 1 through 36.

- Section 1 is always in the northeast, or upper right-hand, corner, with numbering right to left to the upper left-hand corner. From there, the numbers drop down to the next tier and continue from left to right, then back from right to left.
- Each section number 16 is set aside for school purposes. Section 16 is always referred to as a school section.
- Sections are divided into halves (1800 acres) and quarters (900 acres); each of those parts is divided into halves and quarters.

a. Description

The southeast quarter of a section, which is a 900-acre tract, is abbreviated SE¹/₄. The SE¹/₄ of the SE¹/₄ of the SE¹/₄ of Section 1 would be a ten-acre square in the lower right-hand corner of Section 1.

- A comma may be used in place of the word *of*.

7. Correction lines

Every fourth township line, both north and south of the base line, is a correction line designed to accommodate to the curvature of the earth. On each correction line, the range lines are measured to the full distance of six miles apart.

- A *government check* is the area bounded by two guide meridians and two correction lines (approximately 36 miles square).

a. Fractional sections and government lots

- Undersized or oversized sections are classified as fractional sections.
- Areas smaller than full quarter-sections are designated as government lots.

8. Reading a rectangular survey description

Start at the end and work backward to the beginning, reading from right to left.

- a. Legal descriptions should always include the name of the county and state in which the land is located.

9. Metes-and-bounds descriptions are used within the rectangular survey system:

- when describing an irregular tract.
- when a tract is too small to be described by quarter-sections.
- when a tract does not follow the lot or block lines of a recorded subdivision or section, quarter-section lines or other fractional section lines.

IN ILLINOIS . . . *metes-and-bounds descriptions may be included in the rectangular survey system used when describing irregular or small tracts.*

C. Lot-and-Block (Recorded Plat) System

1. Uses lot-and-block numbers referred to in a plat map filed in the public records of the county where the land is located. It is often used to describe property in subdivisions. Two steps:
 - a. A large parcel of land is described either by metes-and-bounds or by rectangular survey.
 - b. Once the parcel is surveyed, it is broken into smaller parcels.
2. A lot-and-block legal description always refers to a prior metes-and-bounds or rectangular survey description.
3. Three identifiers are used:
 - a. Lot and block number
 - b. Name or number of the subdivision plat
 - c. Name of the county and state

IN ILLINOIS . . . *the lot-and-block system is used in Illinois. Subdivision descriptions are the predominant method of describing developed land in urban areas of the state.*

Under the Illinois Plat Act, when an owner divides a parcel of land into two or more parts, any of which is less than five acres, the parts

must be surveyed and a plat of subdivision recorded. An exception to this would be the division of lots or blocks of less than one acre in any recorded subdivision that does not involve the creation of any new streets or easements of access. The county recorder may require an affidavit that an exception exists.

The provisions of the Plat Act are complicated and subject to interpretation by each county recorder. A licensee should consult a lawyer and the recorder about the requirements.

III. Preparing a Survey

Legal descriptions should not be altered or combined without adequate information from a surveyor or title attorney.

IV. Measuring Elevations

An owner may subdivide the air above his or her land into air lots composed of the airspace within specific boundaries located over a parcel of land.

- Condominium laws require that a surveyor prepare a plat map that shows the elevations of floor and ceiling surfaces and the vertical boundaries of each unit with reference to an official datum.
- Subsurface rights are measured below the datum rather than above it.

A. Datum

A point, line or surface from which elevations are measured or indicated.

- For the United States Geological Survey (USGS), datum is defined as the mean sea level at New York Harbor.

IN ILLINOIS . . . *the general datum plane used by Illinois surveyors is the USGS datum. Localities have created local datum referenced by the USGS datum such as the City of Chicago Datum.*

1. Benchmarks

A permanent reference point for marking datums, established throughout the United States.

- Usually an embossed brass marker set into a concrete or asphalt base.
- Principal reference use is for marking datums.

Questions for Discussion

1. Why is it necessary to use legal descriptions?
2. Why does each township have a designated school section?

Classroom Exercises

1. Students who are homeowners should have legal descriptions and plat maps for their property. Ask them to bring them to class.
2. Have students compute the size of a parcel from a partial legal description.
3. Have students locate a specific parcel from its legal description.