

BLM Module 5: Noncompliant Descriptions of Land Study Guide

The slide features the Bureau of Land Management logo on the left, which includes the text 'NATIONAL SYSTEM OF PUBLIC LANDS', 'U.S. DEPARTMENT OF THE INTERIOR', and 'BUREAU OF LAND MANAGEMENT'. To the right of the logo, the text '2000-16' is displayed. The main title 'Interpret & Write Descriptions of Land' is in a large white font on a dark background, with the subtitle 'Noncompliant Descriptions of Land' below it. At the bottom, three small images are shown: two people in the field with a surveying instrument, a topographic map, and a commemorative coin.

Interpret and Write Descriptions of Land. Noncompliant Descriptions of Land.

MODULE OVERVIEW



This module covers examples of common mistakes which create noncompliant descriptions of land and how to avoid them.

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Objectives

The objectives of this module are to help you:

- Compare and contrast land descriptions that are compliant and noncompliant with the Specifications



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A land description must be clear, unambiguous, and subject to only one interpretation.

A description of land must describe one and only one specific piece of land and must be locatable on the ground by a competent land surveyor.

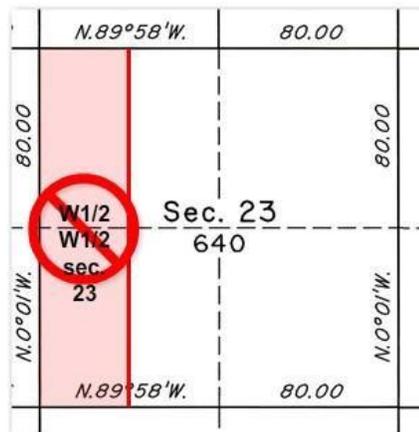
By now, you have learned what makes an adequate description of land. As a reminder, a land description must be clear, unambiguous, and subject to only one interpretation. A description of land must describe one and only one specific piece of land and must be locatable on the ground by a competent land surveyor.

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Implies the land description will stand up to scrutiny under federal and state laws or litigation.



A “legal description,” as the term is commonly used, really has no significance except to imply the land description will stand up to scrutiny under federal and state laws or litigation. Conversely then, it is possible to construct an “illegal” or noncompliant land description which we will now cover.

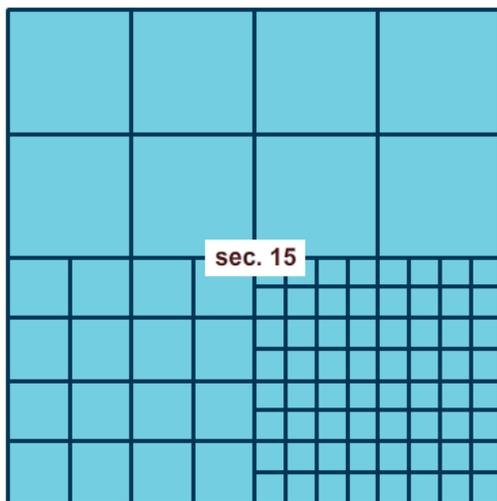


The most common mistake that creates a noncompliant land description is the “half of half” description within the rectangular system.

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43 U.S. Code § 752	43 U.S. Code § 753
<p>Boundaries and contents of public lands; how ascertained.</p> <p>“First. All the corners marked in the surveys, ..., shall be established as the proper corners of sections, or subdivisions of sections...; and the corners of half- and quarter-sections, not marked on the surveys, shall be placed as nearly as possible equidistant from two corners which stand on the same line.</p> <p>“And the boundary lines which have not been actually run and marked shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners...”</p>	<p>Lines of division of half quarter sections; how run.</p> <p>“In every case of the division of a quarter section the line for the division thereof shall run north and south, and the corners and contents of half quarter sections which may thereafter be sold, shall be ascertained in the manner and on the principles directed and prescribed by section 752 of this title.”</p>

Subdivision of sectionalized land in the PLSS is actually codified under Federal Law - 43 U.S. Code § 752 and 43 U.S. Code § 753 as well as prescribed in the “Manual of Surveying Instructions”. Take a few moments to review the excerpts.



Government Measure

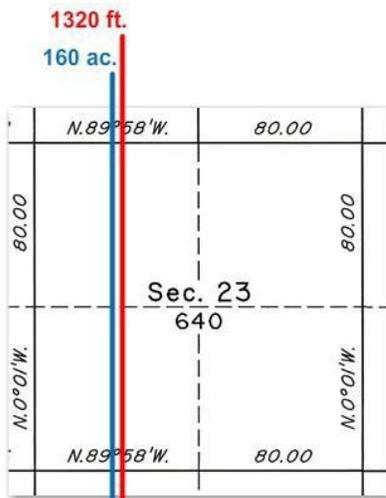
Divide Wholes into Halves and Quarters

Divide Quarters into Halves and Quarters

Does Not Provide Method for “Half in Half”

One half of a regular section consists of two quarter-sections having a common boundary, and the section is divided by a line between opposite quarter-section corners. This procedure, sometimes called “government measure,” is followed throughout the section to create subsequent aliquot parts. The law and the manual say we divide wholes into halves and quarters, then the resulting quarters into their respective halves and quarters. This system does not provide a method of dividing a half in half.

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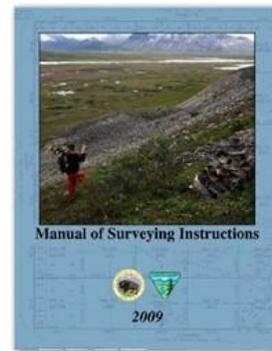
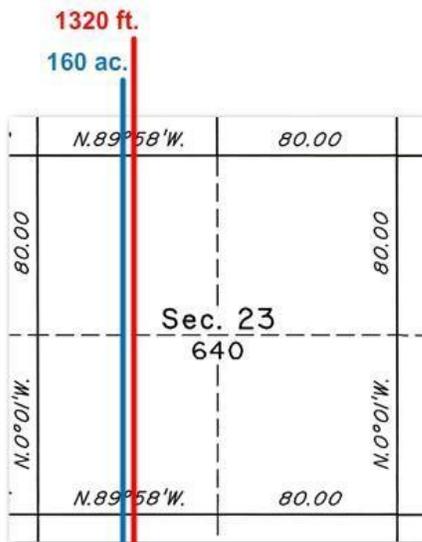


“the west 160 acres of section 23”

“the west 1320 feet of section 23”

Produce Different Boundaries Depending on Interpretation and Methodology

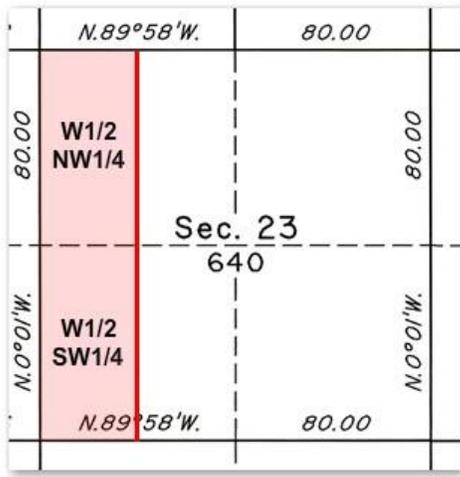
Because there are no rules or federal laws that define how to derive half of a half within PLSS sections, there have been differing interpretations applied in different states and court cases. These interpretations range from dividing the acreage in half, which could be otherwise expressed as “the west 160 acres of section 23” or dividing in half the linear measurements of the external boundaries such as “the west 1320 feet of section 23.” The resulting ambiguity can produce different parcel boundaries depending on the interpretation and methodology used by a field surveyor.



Differ from Proper Subdivision Method

Either result could likely differ from a proper subdivision method prescribed by law and the “Manual of Surveying Instructions.”

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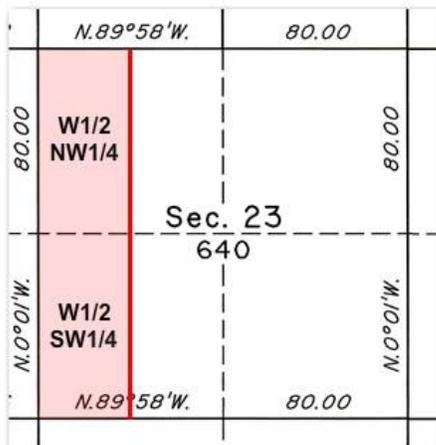


“sec. 23, W1/2W1/2”

“1/2 of 1/2” Not Used

Has More Than One Interpretation

To illustrate, if section 23, W1/2NW1/4 and W1/2SW1/4 is the land being described, the expression “sec. 23, W1/2W1/2” is not used. Dividing a parcel by half (1/2) of half (1/2) is subject to more than one interpretation.



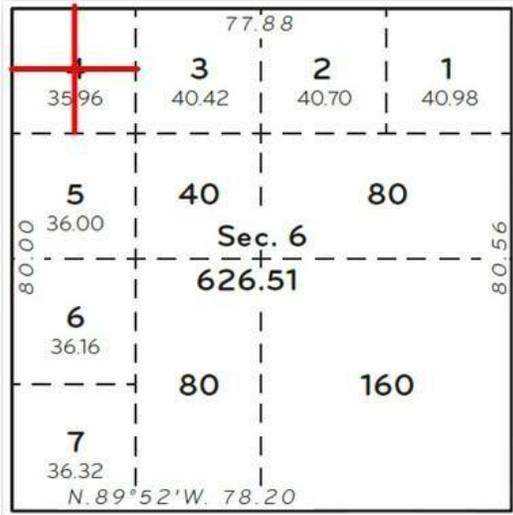
“is based on the proper subdivision of section in accordance with the Manual of Surveying Instructions”

In the rare instance where half (1/2) of a half (1/2) is used in a land description, a statement at the end of the description, after the area statement, similar to “Any area described as a half (1/2) of a half (1/2) is based on the proper subdivision of section in accordance with the Manual of Surveying Instructions” will be included.

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Lots Are Not Aliquot Parts of a Section

43 U.S. Code § 752 and 43 U.S. Code § 753 Do Not Apply



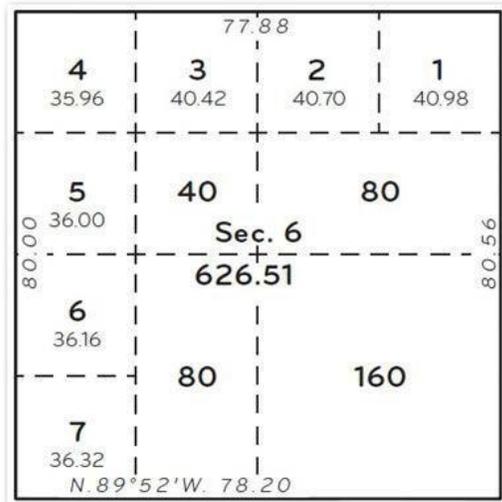
Lots

- Excess or deficiency in area
- Considered a special survey unit

In the plain terms of “rules are rules”, why $\frac{1}{2}$ lots creates a noncompliant land description is even simpler to describe. By definition, lots are not aliquot parts of a section. Lots are created in the PLSS because of excess or deficiency in area and are considered a special survey unit. As such, 43 U.S. Code § 752 and 43 U.S. Code § 753 do not apply. Many lots look rectangular on official survey plats and our minds tend to apply the rules of subdivision by dividing the whole lot into halves and quarters.

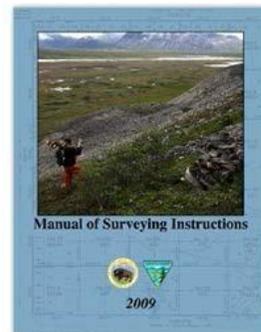
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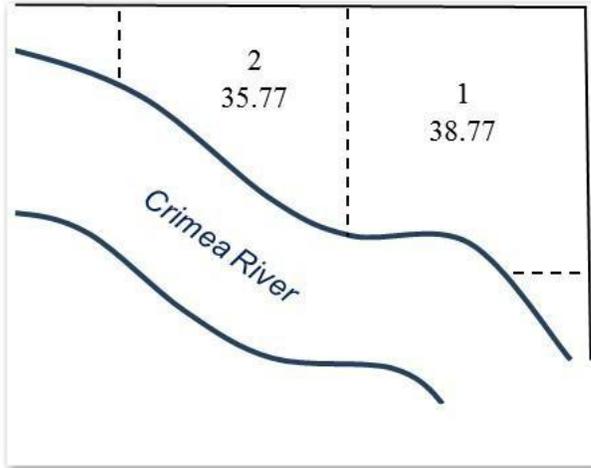
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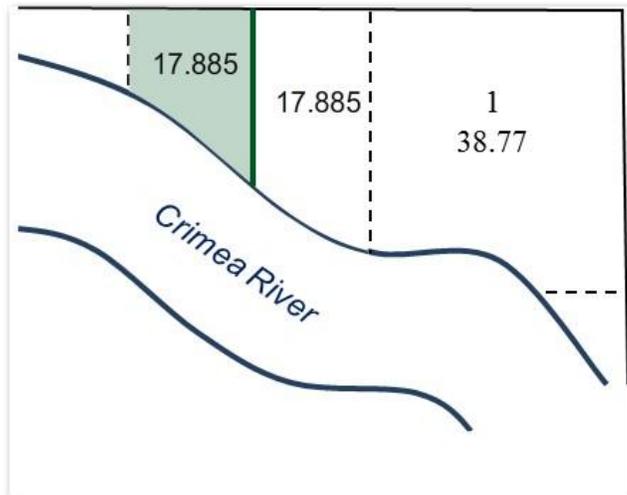
But because it is a special survey, the “Manual of Surveying Instructions” requires special consideration for further subdivision.

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**Two Interpretations of
"west half of lot 2"**

This concept of lots as special survey unit is probably easiest to visualize by looking at lots created by a meandered body of water. Much like the use of "half of a half", there could be at least two interpretations of what the west half of lot 2 would be.

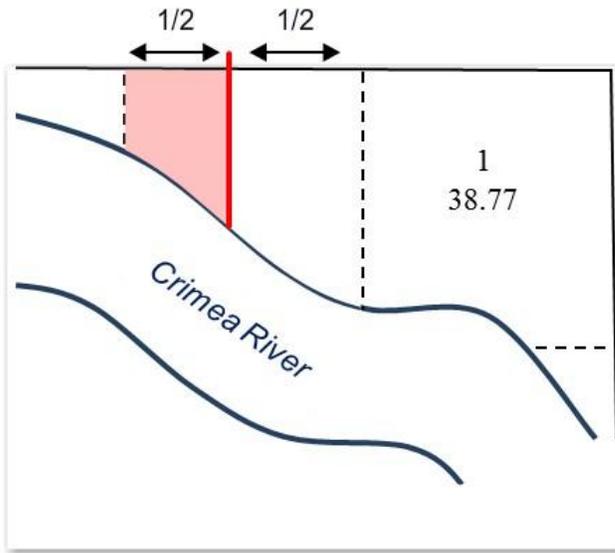


**Two Interpretations of
"west half of lot 2"**

**Divide by Equal Area or
by Equal Division of
Linear Parameters?**

Again, does this ambiguous description mean to divide by equal area...

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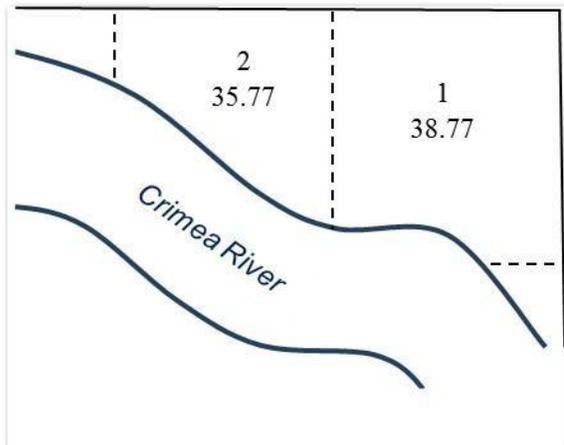


Two Interpretations of
"west half of lot 2"

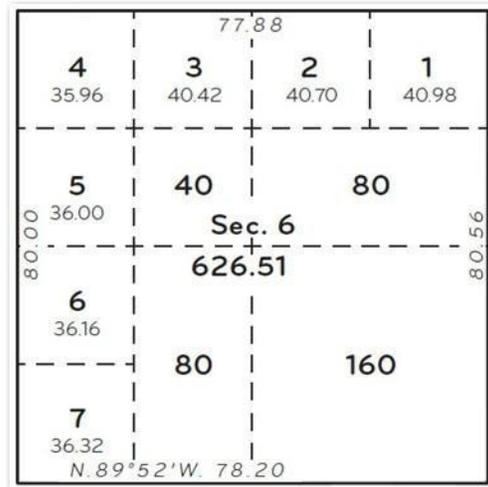
Divide by Equal Area or
by Equal Division of
Linear Parameters?

...or by equal division of the linear parameters?

**New Special Survey or
Supplemental Plat Required**

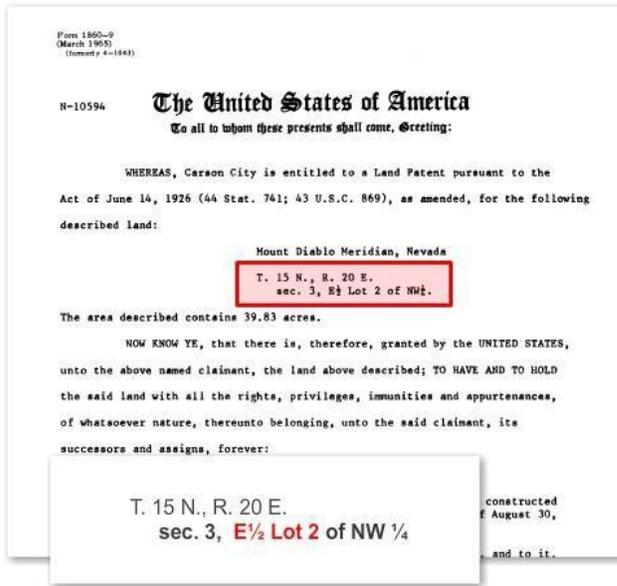


Same for Lot 2 of Township



Because there are no rules to apply to subdividing special surveys, a new special survey or supplemental plat is required to define a new parcel. The same holds true for lot 2 in a northern tier section of a township, even though it looks quite rectangular, and aliquot, in nature.

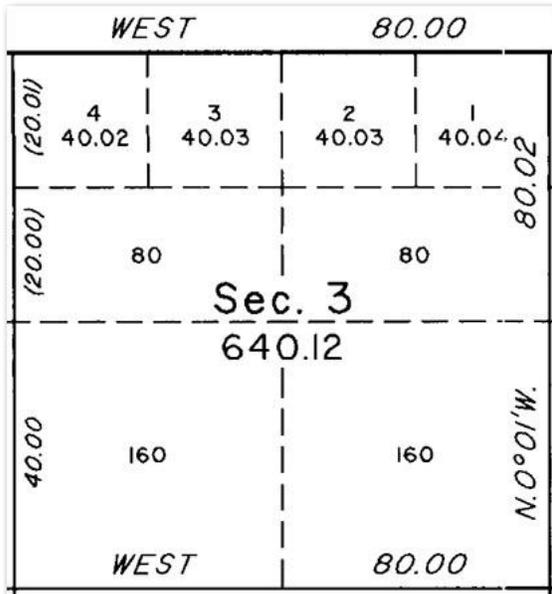
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Two Lots Numbered "2" in Section 3

Consult with your agency land surveyor and senior realty staff.

Lots have been patented, sometimes erroneously, in halves or quarters. Without explicit evidence of the Federal Government's intent, the location of the division line is uncertain. In this case, there were two lots numbered 2 in section three. If you encounter these instances, consult with your agency land surveyor and senior realty staff.



Normally Four Lots Adjoining North Boundary

lots 1 and 2, S1/2NE1/4

~~NE1/4~~

Sec. 3

Specifications Reference: Chapter II

Remember, lots are a legal subdivision of a section, but not an aliquot part of the section. Because of this, lots cannot be included in a larger parcel being described in whole as aliquot. To illustrate, an irregular section 3 will normally contain four lots adjoining the north boundary of the township. A contiguous unit, such as lots 1 and 2, and S1/2NE1/4 cannot be combined as NE1/4. However, when a whole section containing lots is to be described, just the section number should be cited. For more information, refer to chapter II of the Specifications.

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SkillCheck

Why does the use of "half of half" create a noncompliant land description? (Select all that apply.)

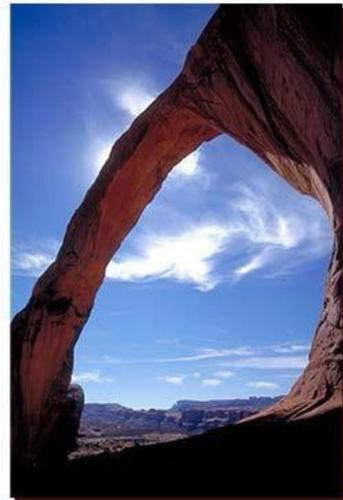
- A. Sections are not aliquot parts of a lot
- B. Dividing a parcel by half of a half is subject to more than one interpretation.
- C. The PLSS system does not provide a method of dividing a half in half.

Correct Answers: B. Dividing a parcel by half of a half is subject to more than one interpretation and C. The PLSS system does not provide a method of dividing a half in half.

Summary

Having completed this module, you should now be able to:

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Quiz Answer Key

1. Which of the following are examples of noncompliant descriptions of land? (Select all that apply.)

- A. sec. 23, N1/2N1/2.
- B. 1/2 the acres of section 10.
- C. sec. 16, W1/2NW1/4 and W1/2SW1/4.
- D. Sec. 5, NE1/4 lot 5.
- E. sec. 1, lots 3 and 4, and S1/2NW1/4.

Correct Answers: A. sec. 23, N1/2N1/2., B. 1/2 the acres of section 10., and D. Sec. 5, NE1/4 lot 5.

2. True or False: Two PLS parcels described as E 1/2 and the W 1/2 of the E1/2 of section 6 must contain equal acreages according 43 U.S. Code §752.

Correct Answer: False

3. True or False: Lots created in the PLSS are considered a legal subdivision and a special survey unit within a section.

Correct Answer: True

4. Which of the following descriptions of land are noncompliant with the Specifications? (Select all that apply.)

- A. sec. 10, W1/2W1/2.
- B. the west 160 acres of section 23.
- C. sec. 10, W1/2NW1/4 and W1/2SW1/4.
- D. sec. 18, all and including lots 1 thru 4.
- E. sec. 1, lots 3 and 4 and S1/2NW1/4.

Correct Answers: A. sec. 10, W1/2W1/2., B. the west 160 acres of section 23., and D. sec. 18, all and including lots 1 thru 4.