

## Legal Description Writing Tips

1. Designers: The best procedure is to identify ROW at the beginning of the project. Begin the title search as soon as possible once you know there will be acquiring of ROW.
  - a. Title search shows one ownership over more than one lot.
  - b. Title search gives the current ownership names.
2. How to identify Tracts: Identify as #1, #2, #3, or A.B.C. Do not identify as ROW #1, Easement #1.
3. Irregular Tracts (IT) or when the lot line is not the same as the property line: check to see if the description of the original tract starts with section line, section corner, or the actual corner of the tract or lot. Always check IT on any 33-foot roadway ROW.
4. If the lot line is the same as the property line then description of “north 10 feet of the lot” may be sufficient. The lot line not being the same as the property line could happen where you see Rem. Port (Remain Portion).
  - a. A simplified legal description like “north 10 feet of the lot” only works if the lot line and the property line are the SAME. If they do not coincide then the description may overlap a previously acquired piece, which would constitute Irregular Tract (IT).
  - b. If the tract is determined to be an Irregular Tract and it goes to the section line, the taking might have to be described by metes and bounds. However, there are times when “north 10 feet of the lot” will suffice. When in doubt, contact the Real Estate Division.
5. If you overlap a portion (corner) or previously obtained ROW, then you should exempt that portion on the legal descriptions.
6. Construction: Please advise Real Estate Division with a copy of all call reports (telephone reports) regarding conversations with and promises made to the property owners. Send these with the deeds.
  - a. Notes should be added to the plans regarding promises made.
7. The Real Estate Division requests that Engineering Services check legal descriptions submitted by consultants prior to sending them to the Real Estate Division.