



Oregon Department of Transportation



OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY ENGINEERING TRAINING

WRITING RIGHT OF WAY DESCRIPTIONS

RIGHT OF WAY ENGINEERING GROUP
ENGINEERING AUTOMATION SECTION
GEOMETRONICS UNIT
OCTOBER, 2019



WRITING RIGHT OF WAY DESCRIPTIONS

“The best deed authors use a minimum of terms that give a clear intent without error, conflict, or ambiguity . . . the writer who is applauded is the one who condenses but omits nothing essential, who creates no conflicts and is clear.”
(Evidence and Procedures for Boundary Location)

Suggested Reading

Brown, Curtis M., *Boundary Control and Legal Principles*

Brown, Curtis M., *Evidence and Procedures for Boundary Location*, Chapter 15 on Writing Descriptions

Harbin, Andrew L., *Land Surveyor Reference Manual*, Chapter 25 on Property Law

O.R.S. Chapter 93 – Conveyancing and Recording

ODOT Right of Way Engineering Manual

Making Sense of ODOT Center Line Descriptions



WRITING RIGHT OF WAY DESCRIPTIONS

Type – Statutory Deed Forms – (O.R.S. 93.870)

- Warranty Deed – (O.R.S. 93.850 and 93.855)
- Bargain and Sale Deed – (O.R.S. 93.860)
- Quitclaim Deed – (O.R.S. 93.865)

Conveyance language – (O.R.S. 93.030)

- Grantor
- Consideration
- Grantee

Description OR Reference to Exhibit ‘A’

Covenants, conditions, restrictions and easements

Signatures and Acknowledgements – (O.R.S. 93.410, 93.804)

Exhibit ‘A’

County Recording Stamp – (O.R.S. 93.620)



WRITING RIGHT OF WAY DESCRIPTIONS

Objectives when describing land (*Evidence and Procedures for Boundary Location*)

It is desirable that a land description:

- should contain title identity (relationship between particular description and adjoiners)
- should not interfere with the senior rights of others (exclude lands of others)
- should be so written that either at the present or at a future date it can be readily located by a competent surveyor
- should not contain words capable of alternate interpretations (ambiguities)
- should contain measurement data sufficient to describe a geometric area that closes mathematically
- should be based on a recent survey



WRITING RIGHT OF WAY DESCRIPTIONS

93.310 Rules for construing description of real property. The following are the rules for construing the descriptive part of a conveyance of real property, when the construction is doubtful, and there are no other sufficient circumstances to determine it:

(1) Where there are certain definite and ascertained particulars in the description, the addition of others, which are indefinite, unknown or false, does not frustrate the conveyance, but it is to be construed by such particulars, if they constitute a sufficient description to ascertain its application.

(2) When permanent and visible or ascertained boundaries or monuments are inconsistent with the measurement, either of lines, angles or surfaces, the boundaries or monuments are paramount.

(3) Between different measurements which are inconsistent with each other, that of angles is paramount to that of surfaces, and that of lines paramount to both.

(4) When a road or stream of water not navigable is the boundary, the rights of the grantor to the middle of the road, or the thread of the stream, are included in the conveyance, except where the road or bed of the stream is held under another title.

(5) When tidewater is the boundary, the rights of the grantor to low watermark are included in the conveyance, and also the right of this state between high and low watermark.

(6) When the description refers to a map, and that reference is inconsistent with other particulars, it controls them, if it appears that the parties acted with reference to the map; otherwise the map is subordinate to other definite and ascertained particulars.



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Use Of Coordinates In Legal Descriptions

ORS 93.600 doesn't mention coordinates and ORS 93.310 does not specifically include the use of coordinates in legal descriptions, but it does not exclude them either. The use of coordinates in descriptions is specified in ORS 93.312.

93.312 Oregon Coordinate System. (1) As used in this section, "Oregon Coordinate System" means a coordinate mapping system, composed of three coordinate projection mapping systems known as:

- (a) The Oregon State Plane Coordinate System of 1927;
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Current ODOT preference is not to use coordinates in the legal descriptions.



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Parts of a description (per *Boundary Control and Legal Principles*)

The **caption** cites the general locality, the map number or reference document, city, town, county, or state and other matters of general interest

The **body** identifies a particular land area within the locality designated by the caption

Qualifying clauses (including reservations) take away something included within the body of the description

Augmenting clauses may give something in addition to what was conveyed in the body, such as an augmenting easement for ingress and egress



WRITING RIGHT OF WAY DESCRIPTIONS

Most common Types of Descriptions (*Boundary Control and Legal Principles*)

- Perimeter
- Bounds
- Strip
- Reference, including aliquot parts
- Combinations of the previous



WRITING RIGHT OF WAY DESCRIPTIONS

The File Addendum contains meta data about the acquisition file and previously was prepared by the writer separately with the legal descriptions. The Addendum currently is generated by the Right of Way Section's Right of Way Information Tracking System (RITS). Meta data on the file is entered into various fields in RITS and the generated Addendum is used by Appraisers, Right of Way agents and the Document Specialists to value the proposed taking, negotiate with the owner to acquire the property and prepare the deed. The Addendum is not recorded with the final deed.

FILE ADDENDUM
(NOT to be included with Exhibit A)

File 7563016
Drawing 11B-6-9
Description Writer - ODOT 10/5/2012

OR221: Wallace Road @ Glen Creek Road (Salem) Section
Salem - Dayton Highway
Polk County
Non-Throughway

Rushing Emerald LLC
Parcels 1, 2 and 3

Access Key Phrase: Controlled to highway (Salem Dayton Highway).

Parcel 3 note:
160 square feet, more or less, of Parcel 3 lies within Parcel 2.

These parcels lie within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T 7 S, R 3 W, W.M.

These parcels lie within Tax Lot 7-03-22CB-2200 of Polk County.

Remainder: 19,090 square feet, more or less.

[Note: Remainder area is all of grantor's property lying outside any fee takings. All easements being acquired are included within the remainder area]

Access Control Notes:
Controlled to highway (Salem Dayton Highway): includes all rights of access to the highway but with reservations of access at Engineer's Stations 14+50 and 15+20.

Prior Files: File 36662 (RW 26699)

(EXHIBIT A - NEXT PAGE)

FOR TRAINING PURPOSES ONLY



WRITING RIGHT OF WAY DESCRIPTIONS

FILE ADDENDUM

(NOT to be included with Exhibit A)

File 7563016

Drawing 11B-6-9

Description Writer - ODOT 10/5/2012

The Addendum header shows the Right of Way file number (project number and sequential file number), ODOT drawing number, writer's name and organization and the date

OR221: Wallace Road @ Glen Creek Road (Salem) Section
Salem - Dayton Highway
Polk County
Non-Throughway

The project name, highway, county and throughway status

Starz N Bucks, LLC
Parcels 1, 2 and 3

Grantor's name and number of parcels in the description



WRITING RIGHT OF WAY DESCRIPTIONS

Access Key Phrase: Controlled to highway (Salem Dayton Highway).

Parcel 3 note:

160 square feet, more or less, of Parcel 3 lies within Parcel 2.

The Right of Way Project Manager determines if any access control is needed for a project and resolves the key phrase for the type of Access Rights to be acquired or perpetuated in an acquisition deed.

Input the Access Key Phrase determined by the Right of Way Project Manager.

The Access Key Phrase is used by the Document Specialist to place the correct access language in the deed. It is critical that the writer uses the correct access language key phrase.

Also below the Access Key Phrase include any Parcel Impact Notes: additional information regarding any of the parcels, such as overlapping easement areas.



WRITING RIGHT OF WAY DESCRIPTIONS

These parcels lie within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T 7 S, R 3 W, W.M.

These parcels lie within Tax Lot 7-03-22CB-2200 of Polk County.

Location of the proposed taking by aliquot part and tax lot.

Remainder: 19,090 square feet, more or less.

[Note: Remainder area is all of grantor's property lying outside any fee takings. All easements being acquired are included within the remainder area]

Access Control Notes:

Controlled to highway (Salem Dayton Highway): includes all rights of access to the highway but with reservations of access at Engineer's Stations 14+50 and 15+20.

Prior Files: File 36662 (RW 26699)

Remainder area of the grantor's property.

Note the Access Control conditions for the grantor's property as defined by the Right of Way Project Manager.

List any prior ODOT RW files and any additional notes that the writer feels may be important regarding the proposed taking that may affect the appraisal of the property or preparation of the deed may be included.



WRITING RIGHT OF WAY DESCRIPTIONS

The Exhibit 'A' contains the legal descriptions defining the property to be acquired and may contain multiple acquisition parcels. These parcels can be fee takings or easements and the Exhibit A is used as an attachment in the recorded deed.

EXHIBIT A - Page 1 of 2 **File 7563016**
Drawing 11B-6-9
5/22/2017

Parcel 1 – Fee

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, W.M., Polk County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the "W" center line of the relocated Salem – Dayton Highway (Wallace Road) which center line is described as follows:

Beginning at Engineer's center line station "W" 10+00.00, said station being 1,096.64 feet South and 1,929.98 feet East of the Southwest corner of the Jesse Harritt D.L.C. No. 67, Township 7 South, Range 3 West, W.M., Polk County, Oregon; thence North 21°30'38" West 468.27 feet; thence on a spiral curve right (the long chord of which bears North 20°30'38" West 99.99 feet) 100.00 feet; thence on a 954.90 foot radius curve right (the long chord of which bears North 15°25'52" West 102.59 feet) 102.64 feet; thence on a spiral curve right (the long chord of which bears North 10°21'07" West 99.99 feet) 100.00 feet; thence North 9°21'07" West 0.50 feet to Engineer's Station "W" 17+71.41 P.O.T. Back equals "W" 17+72.24 P.O.T. Ahead; thence North 9°21'07" West 1,527.76 feet to Engineer's Station "W" 33+00.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
"W" 13+90.00		"W" 14+33.00	76.00 in a straight line to 45.00
"W" 14+33.00		"W" 14+68.27	45.00
"W" 14+68.27		"W" 15+68.27	45.00 in a straight line to 47.00

Bearings based on County Survey No. 15448, dated June 14, 2010, Polk County, Oregon.

This parcel of land contains 978 square feet, more or less.

Parcel 2 – Permanent Easement For Slopes, Water, Gas, Electric And Communication Service Lines, Fixtures And Facilities

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, W.M., Polk County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the "W" center line

FOR TRAINING PURPOSES ONLY

File 7563016
Drawing 11B-6-9
5/22/2017

Wallace Road) which center line is described in

lows:

Width on Easterly Side of Center Line
50.00
50.00 in a straight line to 52.00

more or less.

Area

...C. No. 51, Township 7 South, Range 3 West, ion of that property described in that Bargain ded March 9, 2004 as Document No. 2004- aid parcel being that portion of said property "W" center line of the relocated Salem – 's Station "W" 15+08.00 and included in a sterly side of said center line, which center

lows:

Width on Easterly Side of Center Line
68.00 in a straight line to 67.00

more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
JULY 19, 1994
SCOTT RICHARD MORRISON
2674

RENEWS: 12/31/2018

FOR TRAINING PURPOSES ONLY



WRITING RIGHT OF WAY DESCRIPTIONS

EXHIBIT A - Page 1 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

The Exhibit A header shows page number and number of pages, Right of Way file number, drawing number and date.

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The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
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"W" 14+33.00		"W" 14+68.27	45.00
"W" 14+68.27		"W" 15+68.27	45.00 in a straight line to 47.00

Bearings based on County Survey No. 15448, dated June 14, 2010, Polk County, Oregon.

This parcel of land contains 978 square feet, more or less.

Parcel 2 – Permanent Easement For Slopes, Water, Gas, Electric And Communication Service Lines, Fixtures And Facilities

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, W.M., Polk County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the "W" center line

FOR TRAINING PURPOSES ONLY



WRITING RIGHT OF WAY DESCRIPTIONS

Each parcel of the Exhibit A includes a parcel number (if there is more than one parcel in the description) and a title specifying what is being taken.

The property being described in the parcels can be a taking in fee title or an acquisition of easement rights. Easements are permanent or temporary and are specific as to use. The grantor retains the underlying fee ownership encumbered by the easement and we can only use the easement area for what was specified (for example, you cannot use a slope easement for placing signs).

EXHIBIT A - Page 1 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

Parcel 1 – Fee

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, W.M., Polk County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the "W" center line of the relocated Salem – Dayton Highway (Wallace Road) which center line is described as follows:

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"W" 14+33.00		"W" 14+68.27	45.00
"W" 14+68.27		"W" 15+68.27	45.00 in a straight line to 47.00

Bearings based on County Survey No. 15448, dated June 14, 2010, Polk County, Oregon.

Parcel 2 – Permanent Easement For Slopes, Water, Gas, Electric And Communication Service Lines, Fixtures And Facilities

and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the "W" center line

FOR TRAINING PURPOSES ONLY



WRITING RIGHT OF WAY DESCRIPTIONS

The **caption** cites the general locality of the property, the map number or reference document, city, town, county, or state and other matters of general interest.

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, W.M., Polk County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records...

EXHIBIT A - Page 1 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

Parcel 1 - Fee

Beginning at Engineer's center line station "W" 10+00.00, said station being 1,096.64 feet South and 1,929.98 feet East of the Southwest corner of the Jesse Harritt D.L.C. No. 67, Township 7 South, Range 3 West, W.M., Polk County, Oregon; thence North 21°30'38" West 468.27 feet; thence on a spiral curve right (the long chord of which bears North 20°30'38" West 99.99 feet) 100.00 feet; thence on a 954.90 foot radius curve right (the long chord of which bears North 15°25'52" West 102.59 feet) 102.64 feet; thence on a spiral curve right (the long chord of which bears North 10°21'07" West 99.99 feet) 100.00 feet; thence North 9°21'07" West 0.50 feet to Engineer's Station "W" 17+71.41 P.O.T. Back equals "W" 17+72.24 P.O.T. Ahead; thence North 9°21'07" West 1,527.76 feet to Engineer's Station "W" 33+00.00.

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"W" 14+68.27		"W" 15+68.27	45.00 in a straight line to 47.00

Bearings based on County Survey No. 15448, dated June 14, 2010, Polk County, Oregon.

This parcel of land contains 978 square feet, more or less.

Parcel 2 - Permanent Easement For Slopes, Water, Gas, Electric And Communication Service Lines, Fixtures And Facilities

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FOR TRAINING PURPOSES ONLY

- Subdivision of the Government Land System
- Donation Land Claim
- Platted Subdivision Name
- County
- Vesting deed reference

Type of deed & Grantee
Recording date & Document Number
County Records



WRITING RIGHT OF WAY DESCRIPTIONS

The **body** identifies a particular land area within the locality designated by the caption.

EXHIBIT A - Page 1 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

Parcel 1 – Fee

...the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the “W” center line of the relocated Salem – Dayton Highway (Wallace Road) which center line is described as follows:

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FOR TRAINING PURPOSES ONLY

- Center line bounds (if applicable)
- Reference to the center line of the highway
- Strip language



WRITING RIGHT OF WAY DESCRIPTIONS

Body of Parcel (cont.)

Description of the reference center line, described line or described tract

Beginning at Engineer's center line station "W" 10+00.00, said station being 1,096.64 feet South and 1,929.98 feet East of the Southwest corner of the Jesse Harritt D.L.C. No. 67, Township 7 South, Range 3 West, W.M., Polk County, Oregon; thence North 21°30'38" West 468.27 feet; thence on a spiral curve right (the long chord of which bears North 20°30'38" West 99.99 feet) 100.00 feet; thence on a 954.90 foot radius curve right (the long chord of which bears North 15°25'52" West 102.59 feet) 102.64 feet; thence on a spiral curve right (the long chord of which bears North 10°21'07" West 99.99 feet) 100.00 feet; thence North 9°21'07" West 0.50 feet to Engineer's Station "W" 17+71.41 P.O.T. Back equals "W" 17+72.24 P.O.T. Ahead; thence North 9°21'07" West 1,527.76 feet to Engineer's Station "W" 33+00.00.

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EXHIBIT A - Page 1 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

Parcel 1 - Fee

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
"W" 13+90.00		"W" 14+33.00	76.00 in a straight line to 45.00
"W" 14+33.00		"W" 14+68.27	45.00
"W" 14+68.27		"W" 15+68.27	45.00 in a straight line to 47.00

Bearings based on County Survey No. 15448, dated June 14, 2010, Polk County, Oregon.

This parcel of land contains 978 square feet, more or less.

Parcel 2 - Permanent Easement For Slopes, Water, Gas, Electric And Communication Service Lines, Fixtures And Facilities

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, W.M., Polk County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the "W" center line

FOR TRAINING PURPOSES ONLY

- Tie to a monument in the Public Land Survey System (PLSS)
- The limits of the center line encompass the parcel being acquired
- The center line begins and ends with tangents



WRITING RIGHT OF WAY DESCRIPTIONS

Body of Parcel (cont.)

Variable width tables define the width of the segments of strip being described lying between Engineer's Stations on the center line

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
"W" 13+90.00		"W" 14+33.00	76.00 in a straight line to 45.00
"W" 14+33.00		"W" 14+68.27	45.00
"W" 14+68.27		"W" 15+68.27	45.00 in a straight line to 47.00

EXHIBIT A - Page 1 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

Parcel 1 – Fee

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North
21°30'38"
to
the
center
line
of
the
road
at
station
100.00
C.T.
Set to

Bearings based on County Survey No. 15448, dated June 14, 2010, Polk County, Oregon.

This parcel of land contains 978 square feet, more or less.

Parcel 2 – Permanent Easement For Slopes, Water, Gas, Electric And Communication Service Lines, Fixtures And Facilities

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FOR TRAINING PURPOSES ONLY



WRITING RIGHT OF WAY DESCRIPTIONS

Body of Parcel (cont.)

Basis of Bearing statement (if needed)

- Must match the RW map
- Oregon Coordinate System
- OCRS
- Record Survey

Bearings based on the Oregon Coordinate System of 1983 (1998 adjustment) north zone

Bearings based on the Oregon Coordinate Reference System (OCRS), Salem Zone

Bearings based on County Survey No. 15448, dated June 14, 2010, Polk County, Oregon

EXHIBIT A - Page 1 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

Parcel 1 - Fee

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The width in feet of said strip of land is as follows:

		Center Line
		line to 45.00
"W" 14+33.00	"W" 14+68.27	45.00
"W" 14+68.27	"W" 15+68.27	45.00 in a straight line to 47.00

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FOR TRAINING PURPOSES ONLY



WRITING RIGHT OF WAY DESCRIPTIONS

Body of Parcel (cont.)

The area statement reports the of area of the parcel being acquired. The area stated is to the nearest square foot or one hundredth of an acre and is always stated as “more or less”.

This parcel of land contains 978 square feet, more or less.

EXHIBIT A - Page 1 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

Parcel 1 – Fee

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D.T.
set to

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
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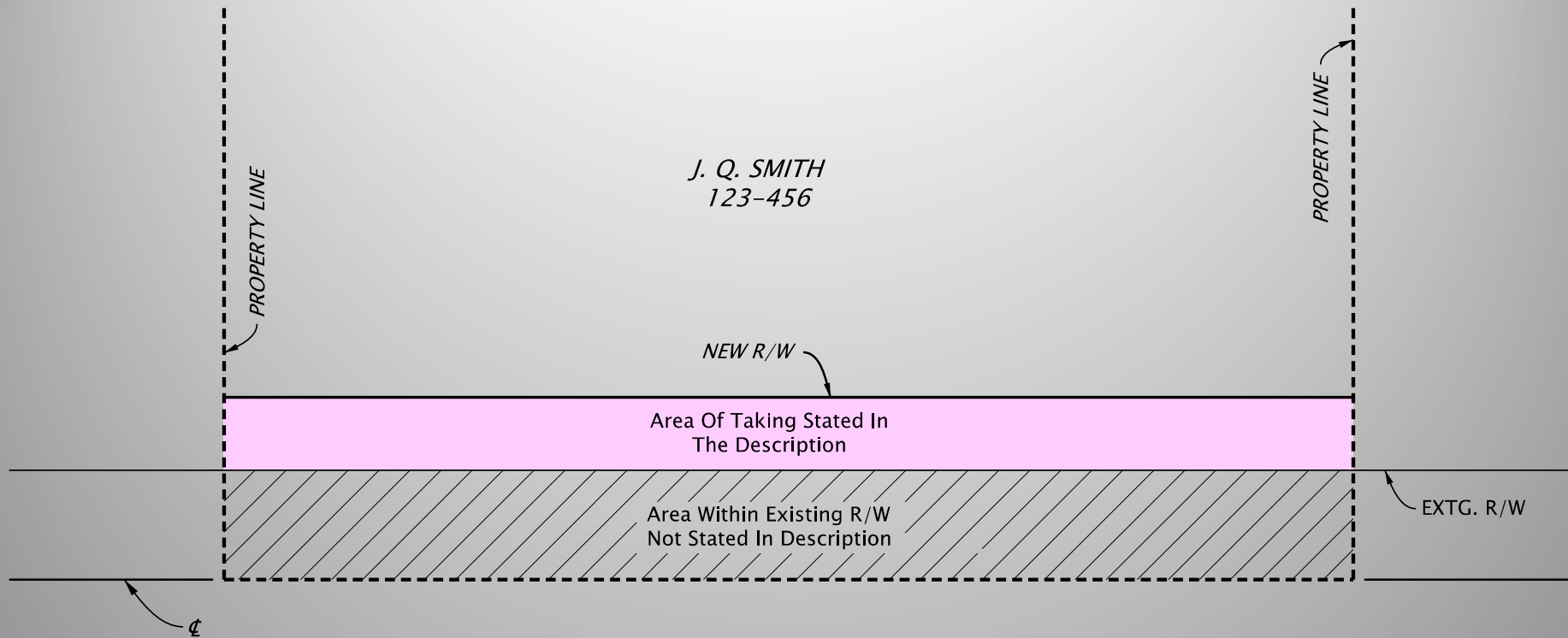
Parcel 2 – Permanent Easement For Slopes, Water, Gas, Electric And Communication Service Lines, Fixtures And Facilities

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, W.M., Polk County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the "W" center line

FOR TRAINING PURPOSES ONLY



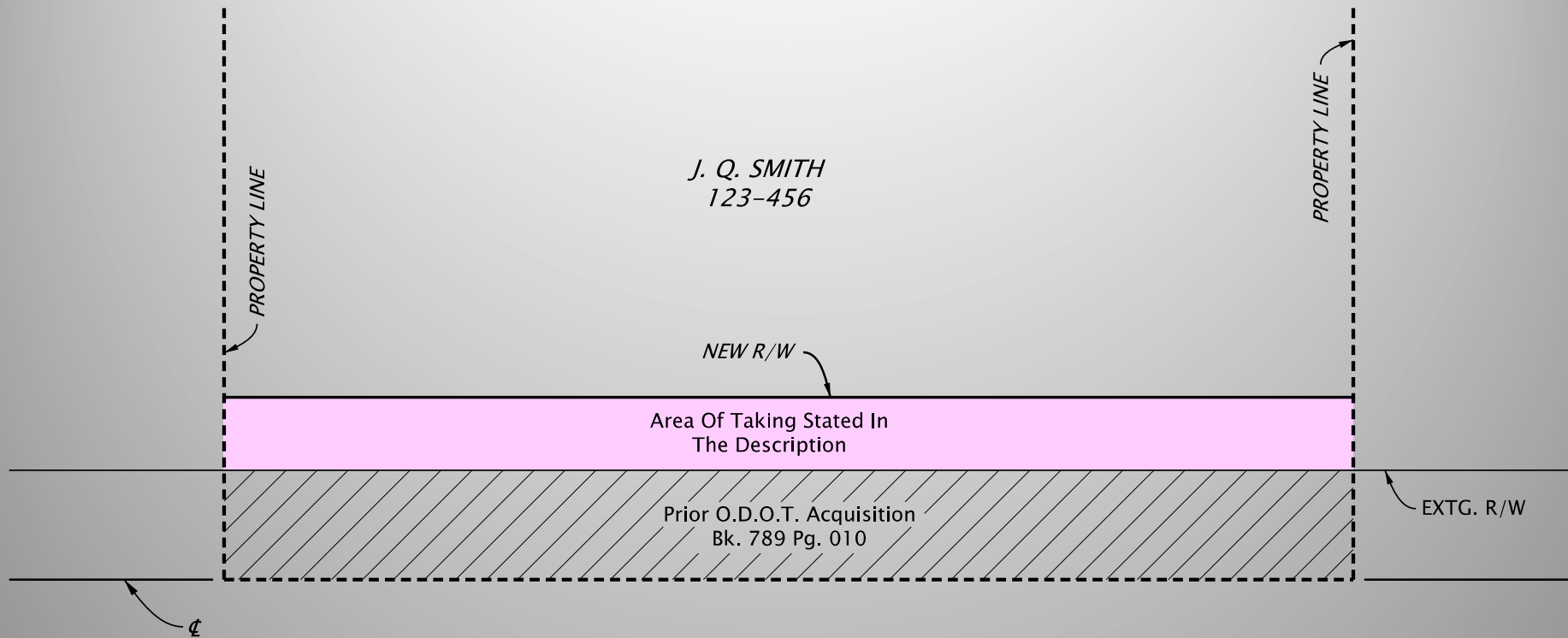
WRITING RIGHT OF WAY DESCRIPTIONS



Grantor's deed calls to the center of the highway. The deed does not except out that portion lying within the existing highway right of way. The new fee acquisition will purchase a strip of land described from the center line. The stated area of the acquisition will be the area of the strip lying outside of the existing highway right of way. The area statement in the description will read **"This parcel of land contains xxx square feet, more or less, outside the existing right of way."**



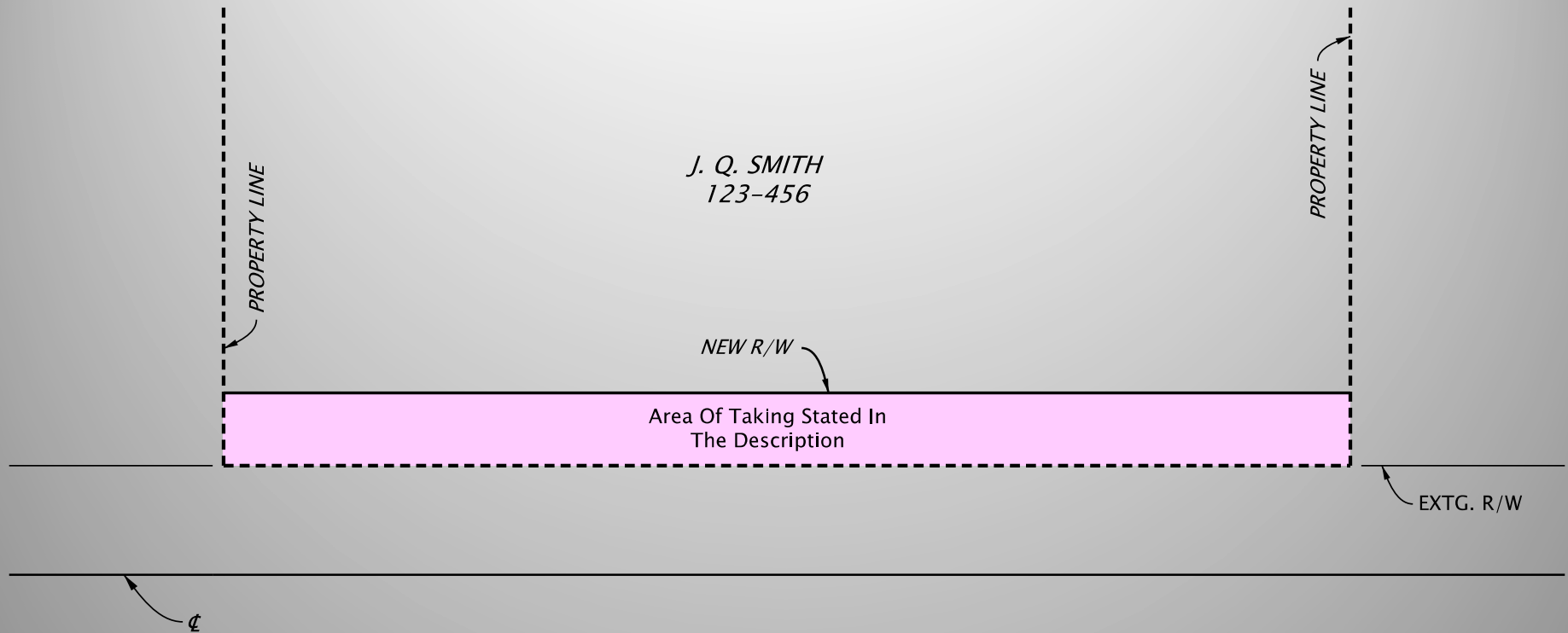
WRITING RIGHT OF WAY DESCRIPTIONS



Grantor's deed calls to the center of the highway. The deed does not except out that portion lying within the existing right of way. A prior O.D.O.T. acquisition has picked up the underlying fee of the highway. The new fee acquisition will purchase a strip of land described from the center line. The description will have a qualifying clause excepting out the prior O.D.O.T. acquisition. Since no part of the Grantor's property lies within the existing highway right of way, the area statement in the description will read **"This parcel of land contains xxx square feet, more or less."**



WRITING RIGHT OF WAY DESCRIPTIONS



Grantor's deed calls to the existing right of way line. The new fee acquisition will be a strip of land described from the center line. Since no part of the Grantor's property lies within the existing highway right of way, the area statement in the description will read "This parcel of land contains xxx square feet, more or less."



WRITING RIGHT OF WAY DESCRIPTIONS

Qualifying clauses (including reservations) take away something included within the body of the description

EXCEPT therefrom

ALSO EXCEPT therefrom

EXCEPT therefrom that property described in that Warranty Deed to the State of Oregon, by and through its State Highway Commission recorded June 10, 1937 in Book 47, Page 628 of Union County Record of Deeds.

EXCEPT therefrom Parcel 1.

EXHIBIT A - Page 2 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

of the relocated Salem - Dayton Highway (Wallace Road) which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
"W" 13+90.00		"W" 14+68.27	50.00
"W" 14+68.27		"W" 15+68.27	50.00 in a straight line to 52.00

EXCEPT therefrom Parcel 1.

Parcel of land contains 551 square feet, more or less.

3 - Temporary Easement For Work Area

Parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, Polk County, Oregon and being a portion of that property described in that Bargainable Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-03 of Polk County Deed Records; the said parcel being that portion of said property northerly of a line at right angles to the "W" center line of the relocated Salem - Dayton Highway (Wallace Road) at Engineer's Station "W" 15+08.00 and included in a strip of land variable in width, lying on the Easterly side of said center line, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
"W" 15+08.00		"W" 15+68.27	68.00 in a straight line to 67.00

EXCEPT therefrom Parcel 1.

This parcel of land contains 612 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
JULY 19, 1994
SCOTT RICHARD MORRISON
2674

FOR TRAINING PURPOSES ONLY

RENEWS: 12/31/2018



WRITING RIGHT OF WAY DESCRIPTIONS

Augmenting clauses may give something in addition to what was conveyed in the body

ALSO that portion

AND ALSO that portion

ALSO that portion of vacated Lake Street inuring to said Block 4 as described in that Order Vacating Streets, recorded May 1, 1976 in Book 1, Page 9 of the County Court Journal, Malheur County, Oregon included in said strip of land.

EXHIBIT A - Page 2 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

of the relocated Salem - Dayton Highway (Wallace Road) which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
"W" 13+90.00		"W" 14+68.27	50.00
"W" 14+68.27		"W" 15+68.27	50.00 in a straight line to 52.00

EXCEPT therefrom Parcel 1.

This parcel of land contains 551 square feet, more or less.

Parcel 3 - Temporary Easement For Work Area

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, described in that Bargain document No. 2004- of said property located Salem -) and included in a r line, which center

Station	to	Station	Width on Easterly Side of Center Line
"W" 13+08.00		"W" 15+68.27	65.00 in a straight line to 67.00

EXCEPT therefrom Parcel 1.

This parcel of land contains 612 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
JULY 19, 1994
SCOTT RICHARD MORRISON
2674

FOR TRAINING PURPOSES ONLY

RENEWS: 12/31/2018



WRITING RIGHT OF WAY DESCRIPTIONS

The preferred method for writing descriptions for ODOT acquisitions is the center line strip description. This method lends itself well to a highway corridor and a long association with the agency dating back to the beginnings of the Highway Division. Other types of descriptions may be used if a strip description does not fit well with the situation.

The standard types of descriptions are:

- Center line Strip
- Described line
- Described tract
- Metes and bounds
- Description by bounds



WRITING RIGHT OF WAY DESCRIPTIONS

The Described Center Line

The center line that the acquisition parcels are referenced to will be described in the description.

The description will begin at an specified Engineer's Station on the center line.

The Engineer's Station will be tied to a Section corner, Quarter or Sixteenth Section corner, D.L.C. corner, or subdivision lot or block corner.

Traditionally, this tie will be cardinal directions from the PLSS corner (North, South, East, West).

The courses of the alignment are then given along the tangents and curves to the ending station. Lengths of spirals and central curves are stated, along with the radius of the central curve and chord bearing and chords of both the spirals and central curve.



WRITING RIGHT OF WAY DESCRIPTIONS

EXHIBIT A - Page 1 of 2

File 7563016
Drawing 11B-6-9
5/22/2017

Parcel 1 – Fee

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, W.M., Polk County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the "W" center line of the relocated Salem – Dayton Highway (Wallace Road) which center line is described

Beginning at Engineer's center line station "W" 10+00.00, said station being 1,096.64 feet South and 1,929.98 feet East of the Southwest corner of the Jesse Harritt D.L.C. No. 67, Township 7 South, Range 3 West, W.M., Polk County, Oregon; thence North 21°30'38" West 468.27 feet; thence on a spiral curve right (the long chord of which bears North 20°30'38" West 99.99 feet) 100.00 feet; thence on a 954.90 foot radius curve right (the long chord of which bears North 15°25'52" West 102.59 feet) 102.64 feet; thence on a spiral curve right (the long chord of which bears North 10°21'07" West 99.99 feet) 100.00 feet; thence North 9°21'07" West 0.50 feet to Engineer's Station "W" 17+71.41 P.O.T. Back equals "W" 17+72.24 P.O.T. Ahead; thence North 9°21'07" West 1,527.76 feet to Engineer's Station "W" 33+00.00.

A parcel of land lying in the James White D.L.C. No. 51, Township 7 South, Range 3 West, W.M., Polk County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Starz N Bucks, LLC, recorded March 9, 2004 as Document No. 2004-003546 of Polk County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the "W" center line

FOR TRAINING PURPOSES ONLY



WRITING RIGHT OF WAY DESCRIPTIONS

The center line need only be described once in the description. When multiple parcels are described using the same center line, it will be referenced.

The center line of the relocated McKenzie Highway referred to herein is described in Parcel 1.

A description may be written using a center line which is described in another deed. The deed that the center line is described in will be referenced in the parcel description. This most often occurs in ODOT descriptions, surplus property sales.

and included in a strip of land 60 feet in width, lying on the Southerly side of said center line which center line is described in that deed to the State of Oregon, by and through its State Highway Commission, recorded June 26, 1953 in Book 68, Page 119 of Grant County Record of Deeds.



WRITING RIGHT OF WAY DESCRIPTIONS

Equations that occur along the highway center line alignment are noted in the description of the center line.

Beginning at Engineer's center line station "W" 10+00.00, said station being 1,096.64 feet long chord of which bears North 10°21'07" West 99.99 feet; thence on a spiral curve right (the long chord of which bears North 10°21'07" West 99.99 feet) 100.00 feet; thence North 9°21'07" West 0.50 feet to Engineer's Station "W" 17+71.41 P.O.T. Back equals "W" 17+72.24 P.O.T. Ahead; thence North 9°21'07" West 1,527.76 feet to Engineer's Station "W" 33+00.00.

feet, thence North 9°21'07" West 0.50 feet to Engineer's Station "W" 17+71.41 P.O.T. Back equals "W" 17+72.24 P.O.T. Ahead; thence North 9°21'07" West 1,527.76 feet to Engineer's Station "W" 33+00.00.



WRITING RIGHT OF WAY DESCRIPTIONS

The equation is also noted in the variable width table, when the strip being acquired runs across the equation point.

The widths in feet of the strip of land referred to are as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
635+74.00		638+40.00	44.00 in a straight line to 52.00
638+40.00		643+26.00 Bk.= 643+54.30 Ah.	52.00
643+26.00 Bk.= 643+54.30 Ah.		649+22.12	52.00 in a straight line to 30.00



WRITING RIGHT OF WAY DESCRIPTIONS

Strip descriptions are either a constant width or a variable width.

A strip with a **constant width**:

the said parcel being that portion of said property included in a strip of land 40.00 feet in width, lying on the Southerly side of the center line of the relocated Corvallis–Lebanon Highway, which center line is described as follows:

A strip **variable in width** with a width table:

the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the relocated Corvallis–Lebanon Highway, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

<u>Station</u>	to	<u>Station</u>	<u>Width on Southerly Side of Center Line</u>
927+48.00		930+14.00	44.00 in a straight line to 52.00
930+14.00		935+00.00	52.00
935+00.00		940+69.00	52.00 in a straight line to 30.00



WRITING RIGHT OF WAY DESCRIPTIONS

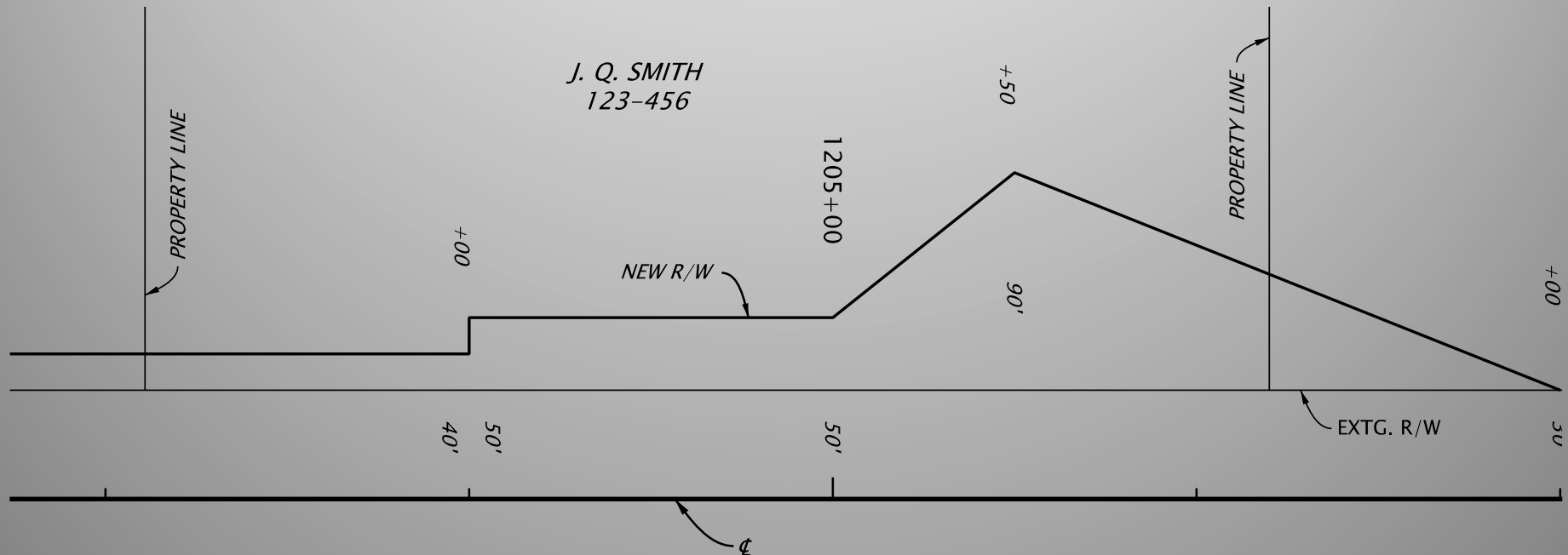
A variable width table in a description can at first be difficult to interpret. Keep in mind that each call in the table is a segment that defines a specified width from the center line between specified Engineer's Stations on the center line. The segment can be either a constant width or a changing width. The following slides will illustrate how a variable width table works.



WRITING RIGHT OF WAY DESCRIPTIONS

The widths in feet of the strip of land referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
1201+50		1204+00	40
1204+00		1205+00	50
1205+00		1205+50	50 in a straight line to 90
1205+50		1207+00	90 in a straight line to 30

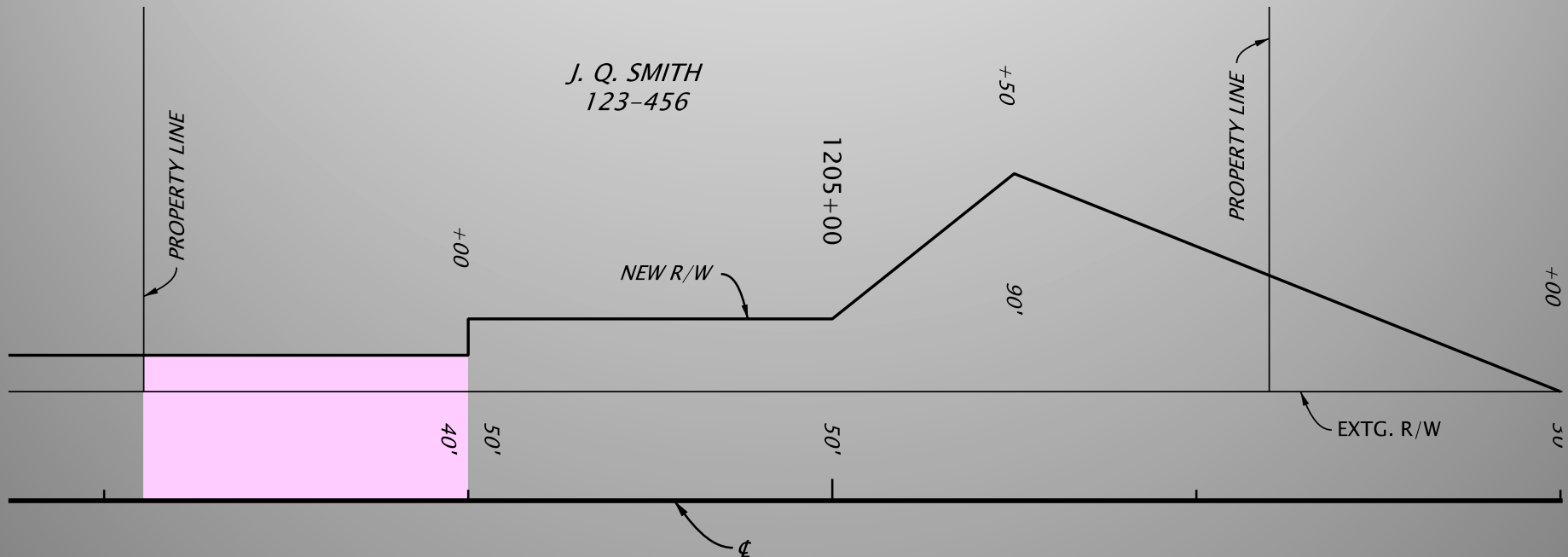




WRITING RIGHT OF WAY DESCRIPTIONS

The widths in feet of the strip of land referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
1201+50		1204+00	40
1204+00		1205+00	50
1205+00		1205+50	50 in a straight line to 90
1205+50		1207+00	90 in a straight line to 30

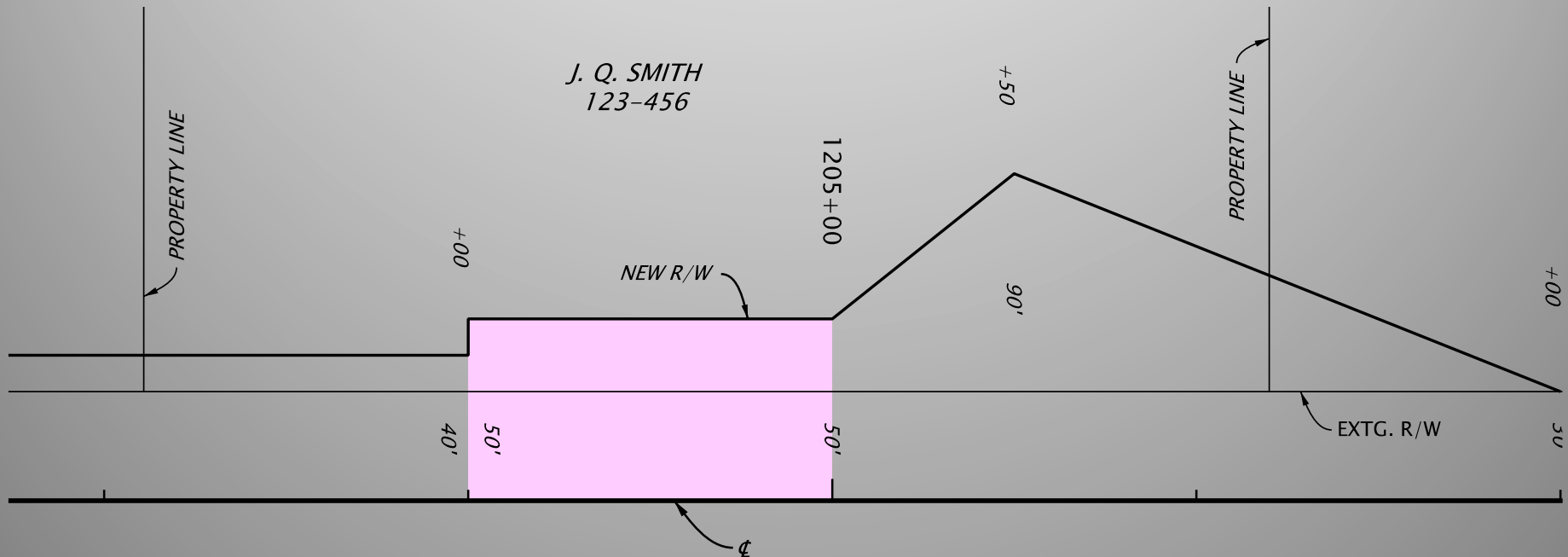




WRITING RIGHT OF WAY DESCRIPTIONS

The widths in feet of the strip of land referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
1201+50		1204+00	40
1204+00		1205+00	50
1205+00		1205+50	50 in a straight line to 90
1205+50		1207+00	90 in a straight line to 30

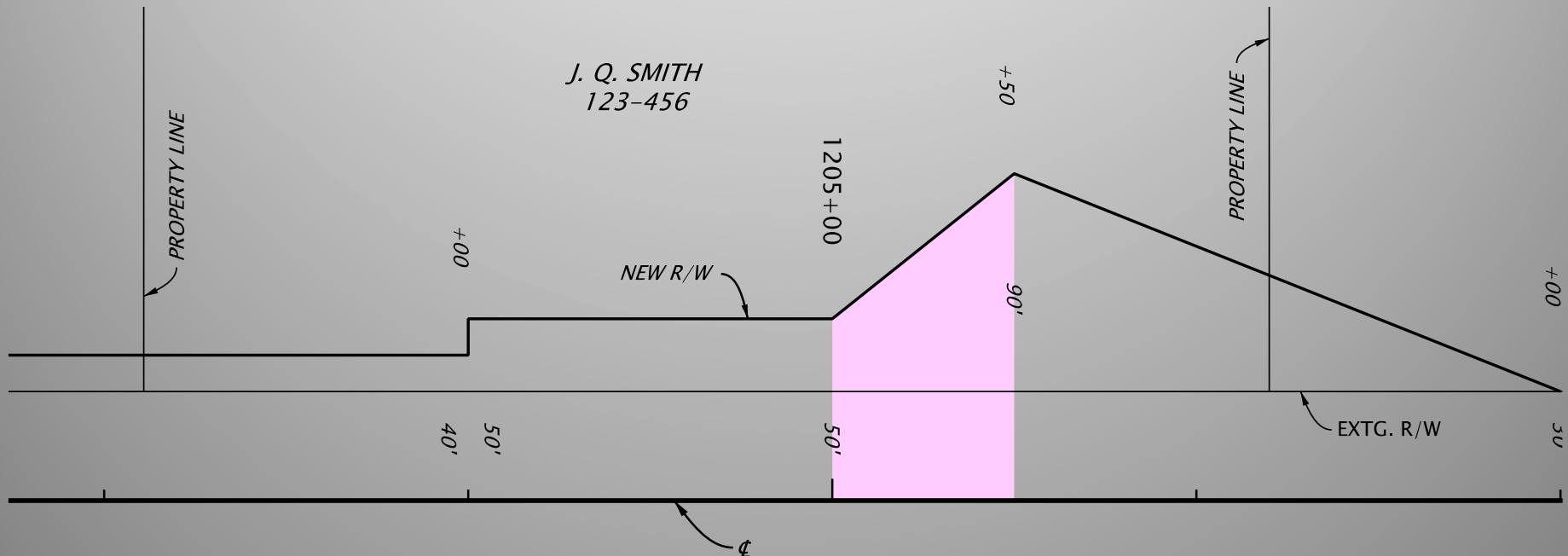




WRITING RIGHT OF WAY DESCRIPTIONS

The widths in feet of the strip of land referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
1201+50		1204+00	40
1204+00		1205+00	50
1205+00		1205+50	50 in a straight line to 90
1205+50		1207+00	90 in a straight line to 30

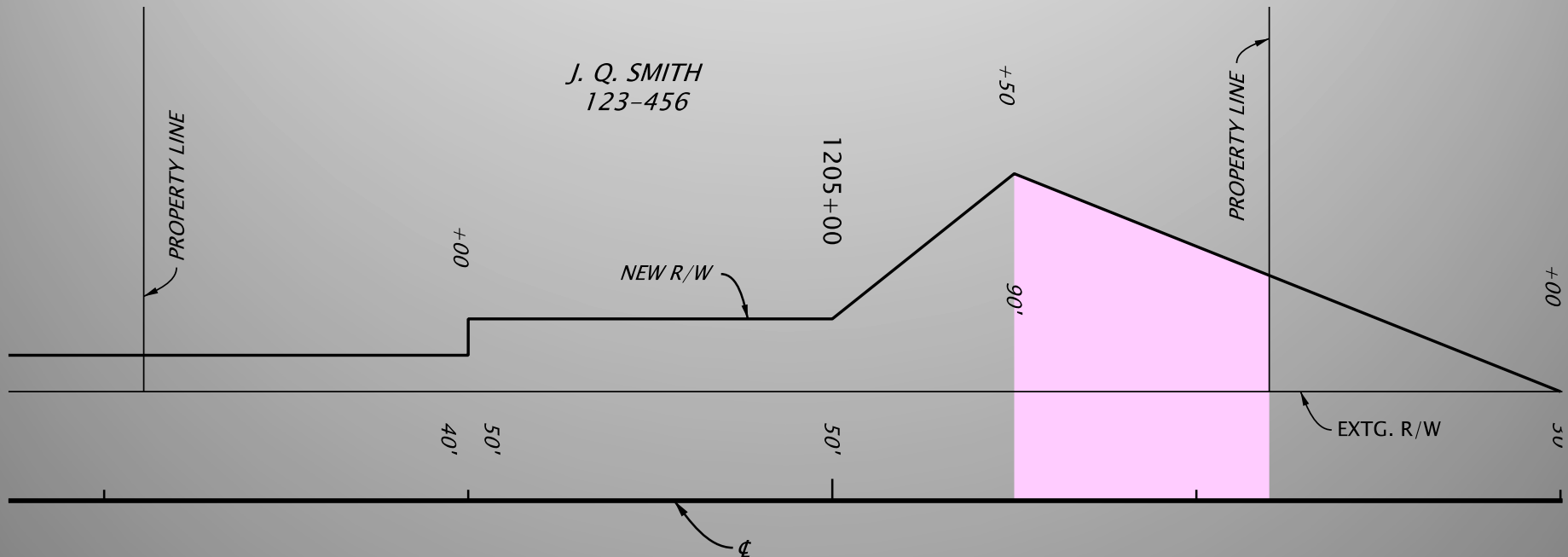




WRITING RIGHT OF WAY DESCRIPTIONS

The widths in feet of the strip of land referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
1201+50		1204+00	40
1204+00		1205+00	50
1205+00		1205+50	50 in a straight line to 90
1205+50		1207+00	90 in a straight line to 30



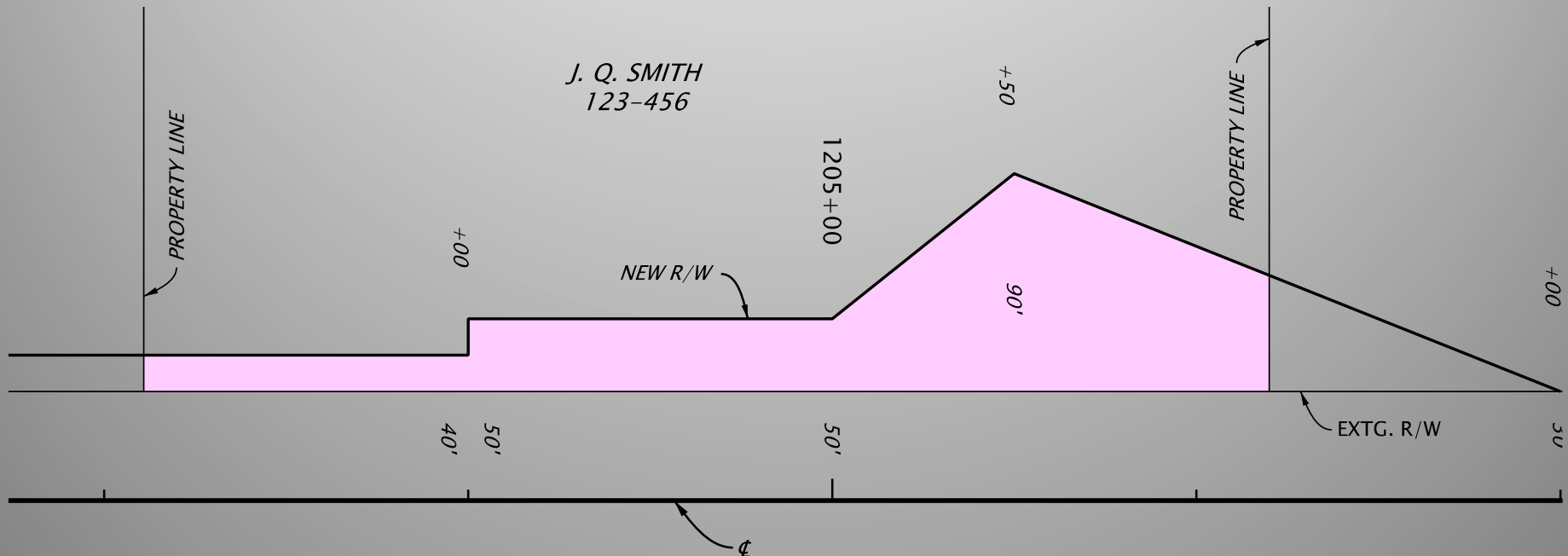


WRITING RIGHT OF WAY DESCRIPTIONS

The segments of the table taken together as a whole define the property described in the body.

Because the widths are stated from the center line, the existing right of way is included in the parcel.

This existing right of way may or may not be taken out of the parcel in a qualifying clause, depending on circumstances.





WRITING RIGHT OF WAY DESCRIPTIONS

Described line descriptions define the parcel boundary by reference to a defined line.

The parcel may be limited to a specified direction of the described line.

Or the parcel may be located on both sides of the described line.

This line could be secondary center line, say for a drainage easement, or it could be a newly defined right of way line that does not lend itself to a constant or variable width description.

The described line may be along multiple center lines.

The points on the described line may be referenced to the center line of the highway.



WRITING RIGHT OF WAY DESCRIPTIONS

Described Line Description

the said parcel being that portion of said property lying Southerly of the following described line:

Beginning at a point opposite and 110.00 feet Northerly of Engineer's Station 661+34.45 on the center line of the relocated Corvallis-Lebanon Highway; thence Easterly in a straight line to a point opposite and 135.00 feet Northerly of Engineer's Station 671+50.00.

The center line of the relocated Corvallis-Lebanon Highway is described as follows:



WRITING RIGHT OF WAY DESCRIPTIONS

Described tract descriptions differ from a described line in that the description defines a closed shape and is similar to a metes and bounds description.

This type of description is used for irregularly shaped tracts that cannot be described by a center line strip.

- For example, when the shape of a tract changes direction and runs backward along the center line.

The points on a described tract are usually defined in relation to the center line of the relocated highway.

The parcel taking may be the entire tract or a portion lying within the tract



WRITING RIGHT OF WAY DESCRIPTIONS

Described Tract Description

the said parcel being that portion of said property lying within the following described tract:

Beginning at Engineer's Station 668+10.00 on the center line of the relocated Corvallis–Lebanon Highway; thence Northerly at right angles to said center line 104.89 feet; thence Northwesterly in a straight line to a point opposite and 195.00 feet Northerly of Engineer's Station 657+60.00; thence Easterly in a straight line to a point opposite and 107.80 feet Northerly of Engineer's Station 659+95.00; thence Southerly in a straight line to Engineer's Station 659+95.00; thence Westerly along said center line to the point of beginning.

The center line of the relocated Corvallis–Lebanon Highway referred to herein is described in Parcel 1.



WRITING RIGHT OF WAY DESCRIPTIONS

Metes and bounds descriptions

“As commonly used by surveyors, the metes and bounds description means complete perimeter descriptions wherein each course is described in sequence and the entire description has a direction of travel around the area described. The distinguishing feature of this type of description . . . is that each course identified must be described one after another in the same direction of travel that would occur if a person walked around the entire perimeter. Either of two directions can be used, clockwise or counterclockwise, but once a direction is selected it must be consistent for the remainder of the description.” (*Evidence and Procedures for Boundary Location*)



WRITING RIGHT OF WAY DESCRIPTIONS

Metes and Bounds Description

the said parcel being that portion of said property described as follows:

Beginning at the Northeast corner of said property, said corner being the Northeast corner of the George F. Crawford D.L.C. No. 59, Township 12 South, Range 3 West, W.M.; thence North $88^{\circ} 14' 49''$ West, along the North line of said D.L.C. No. 59, 257.18 feet to the Northwest corner of said property; thence South $4^{\circ} 24' 39''$ West along the West property line of said property, 190.00 feet; thence South $55^{\circ} 32' 17''$ East, 181.39 feet; thence North $43^{\circ} 00' 00''$ East, 170 feet, more or less, to a point on the East line of said D.L.C. No. 59, said point being South $2^{\circ} 12' 48''$ West 160.00 feet from the Northeast corner of said D.L.C. No. 59; thence North $2^{\circ} 12' 48''$ East along said East line, 160.00 feet to the point of beginning.



WRITING RIGHT OF WAY DESCRIPTIONS

Description by Bounds

Description bounds help clarify the intent of the description by limiting the taking to a specific area of the Grantor's property.

Bounds by Engineer's Stations in the description are perpendicular to the center line.

The bound may be a single station call with a direction or it may be two Engineer's Stations with the taking lying between the calls.

The most common usage of station bounds in ODOT descriptions are with small easements for drainage, signs, driveways or work areas, and where the taking is along only a portion of the frontage of the property.



WRITING RIGHT OF WAY DESCRIPTIONS

“...said parcel being that portion of said property lying Northwesterly of a line at right angles to the center line of the Pacific Highway at Engineer’s Station 1150+50 and included in a strip of land variable in width, lying on the Northeasterly side of said center line...”

“...the said parcel being that portion of said property lying Southerly of a line at right angles to the center line of the relocated Lower Columbia River Highway at Engineer’s Station 34+909.863.”

“...the said parcel being that portion of said lot lying between lines at right angles to the “H” center line of the relocated Pacific Highway West at Engineer’s Station “H” 25+945.747 and “H” 25+953.747 and included in a strip of land 18 meters in width, lying on the Northerly side of said center line...”

“...the said parcel being that portion of said property lying Westerly of a line which is parallel to and 121 feet Easterly of the center line of the relocated Pacific Highway and Northerly of a line drawn at right angles to said center line at Engineer’s Station 216+25.”



WRITING RIGHT OF WAY DESCRIPTIONS

Descriptions may also be bound by other elements, such as adjoining properties, intersecting streets, bodies of water, prior ODOT acquisitions, or even other parcels in the deed.

“...the said parcel being that portion of said Moore D.L.C. lying Westerly of a line at right angles to the center line of the Northbound lane of the East Portland Freeway at Engineer’s Station “NB” 804+00 and included in a strip of land 20 feet in width, lying Northerly of and adjoining the Northerly line of the strip of land heretofore set forth in Parcel 1.”

“...lying Westerly of a line at right angles to the center line of the relocated John Day Highway at Engineer's Station 915+50; Southerly of the line of mean high water on the Southerly bank of the John Day River and Northerly of the existing John Day Highway.”

“...the said parcel being all state-owned submerged and submersible land lying between the lines of mean high water on the Westerly and Easterly banks of the Molalla River included in a strip of land variable in width, lying on each side of the center line...”

“...the said parcel being all state owned submerged and submersible lands lying between the lines of mean high water on the North and South banks of Depoe Bay and included in a strip of land 110.00 feet in width, 60.00 feet on the Easterly side and 50.00 feet on the Westerly side of the center line of the Oregon Coast Highway...”

“...the said parcel being that portion of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Southwesterly of the Southwesterly line of that property designated as Parcel 4 and described in that Warranty Deed to David L. Page and Susan M. Page, recorded December 20, 2000, Fee No. 2000-12237, Columbia County Clerk’s Office, and included in a strip of land...”



WRITING RIGHT OF WAY DESCRIPTIONS

Excess fee parcels occur when the damage to a Grantor's property is to such an extent that the Grantor requests ODOT to purchase their remainder property. This is a revision process and the excess parcel is added as the last parcel in the description so as not to renumber all other parcels in the description. The excess includes any and all easement parcels in the description and excepts any fee parcels.

PARCEL 4 – Fee

A parcel of land lying in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 10 South, Range 10 West, W.M., Lincoln County, Oregon and being that property described in that Bargain and Sale Deed to Orval Parks and Betty Jean Parks, recorded June 23, 1965 in Book 256, Page 267 of Lincoln County Record of Deeds

EXCEPT therefrom Parcel 1.

This parcel of land contains 2.25 acres, more or less.



WRITING RIGHT OF WAY DESCRIPTIONS

An Access parcel is one where ODOT acquires a Grantor's property rights of access to the highway. An Access parcel description defines all of the Grantor's property being affected by the conveyed access rights.

Create an Access parcel in a description every time access rights are being acquired or modified. In descriptions with multiple parcels, make the Access parcel "Parcel 1."

An Access Parcel is created only if there is a change in the existing access rights.

PARCEL 1 - Access

A tract of land lying in Lots 1, 2, 3, 4, and 5, Block 1, NICHOLS ADDITION TO THE CITY OF LEBANON, Linn County, Oregon and being that property described in those Bargain and Sale Deeds to Gary D. Weatherly, Robert E. Weatherly, Jr. and Bruce A. Weatherly, recorded March 14, 1979 in MF Volume 227, Page 306 of Linn County Records and recorded July 14, 1980 in MF Volume 266, Page 909 of Linn County Records.



WRITING RIGHT OF WAY DESCRIPTIONS

- Railroad preference: description based on the railroad center line and center line tied to a section corner.
- When calling out the railroad name it is important to mention if the railroad was formerly known by another name.
- ODOT never buys Fee from active railroad property. It is standard practice to acquire a Permanent Easement for Highway Right of Way Purposes.
- It is desirable that Railroad Descriptions be strip descriptions. A good technique to limit the parcel within a railway right of way is to bound the parcel between lines at right angles to the center line of the relocated Railway.

Permanent Easement For Highway Right of Way Purposes

A parcel of land lying in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 12 South, Range 2 West, W.M., Linn County, Oregon, and being a portion of the Willamette Valley Railway right of way; the said parcel being that portion of said right of way lying between lines at right angles to the center line of the relocated Willamette Valley Railway at Engineer's Stations "RR" 573+70.00 and "RR" 575+00.00, which center line is described as follows:



WRITING RIGHT OF WAY DESCRIPTIONS

For more information on writing legal descriptions and right of way engineering in general, refer to the Right of Way Engineering Manual, available on the ODOT web site.