

Guidelines for Creating Legal Descriptions

The following is a set of guidelines for creating legal descriptions that meet Register of Deeds requirements such that the documents containing the legal descriptions can be successfully filed. If these guidelines are not followed, the document will be rejected by the Register of Deeds. These guidelines apply to the following types of City and County documents including but not limited to:

- Final Plats
- Affidavits of Correction
- Ordinances and Resolutions for Annexations, Changes of Zone, Special Permits, Use Permits, Preliminary Plats, Street and Alley Vacations, and Waivers

Describing Real Estate at the Time of Filing

Final plats change the legal description of a parcel. A document filed before a plat must contain the “old” legal. A document following the plat must contain the “new” legal.

Condominium Regimes – These should never be included in a legal description for the types of documents handled through the Planning Department (listed above). However, they add an additional layer to a parcel and may raise concerns about other documents previously filed against the regime. The applicant should contact the Register of Deeds office for guidance prior to filing any document within a condo regime area.

I.T. Lot Numbers – When an existing I.T. lot boundary is changed, it is assigned a new I.T. number. The most current description is needed at the time of filing. If an I.T. number changes prior to the filing, the legal description is not current and therefore cannot be recorded. Regarding making corrections to legal descriptions where the I.T. numbers have changed:

- Correct the legal description of the document before it is finalized/signed, if possible.
- Ordinances and Resolutions: The current I.T. number must be noted by adding “Now known as...” to the legal description. The City Clerk will typically make this change by hand after confirming the correction with the applicant and planner.
- Final Plats: This change cannot be made by hand on final plats after they have been signed by the Planning Director. Instead, a corrected sheet must be prepared and submitted to the Planning Department with new signatures acquired.

Ensuring the Legal Description is Complete

Subdivision legal descriptions must contain the correct and complete Subdivision name (based on the filed plat), Block number(s) if subdivision was created with blocks, and Lot number(s) or letter(s).

County Legal Descriptions – Areas of the county without a lot number assigned will need to be identified by Section Number, Township Number, Range Number and Quarter section, down to the quarter of the quarter section if applicable.

Subdivision Names – Some subdivision names start out the same (County Clerks Subdivisions for example). A search on the Register of Deeds website under the subdivision name will show the multiple variations:

<https://lancastercountyne-recorder.tylerhost.net/lancasterrecorder/eagleweb/docSearch.jsp>

The plat of record must be consulted to obtain the full subdivision name. Some subdivision names have lots and blocks within the title of the plat (i.e., COUNTY CLERKS SUBDIVISION OF L9 B2 CHASES); these are part of the Subdivision name and not the blocks and lots that complete the subdivision legal. See examples below:

EXAMPLE 1

COUNTY CLERKS SUB LOTS 1-3 BLK 121 ORIG LINCOLN

SUBDIVISION
OF
LOTS 1, 2 & 3 BLOCK 121 LINCOLN.

Right: (lists subdivision name in full)

Full subdivision name

Lot C, County Clerk's subdivision of Lots 1, 2 and 3, Block 121, Original Lincoln, Lancaster County, Nebraska.

Wrong: (missing elements of full subdivision name)

Lot C, County Clerk's subdivision, Lancaster County, Nebraska.

Lot C, County Clerk's subdivision of Lots 1, 2 and 3, Block 121, Lancaster County, Nebraska.

EXAMPLE 2

*ACKERMAN ADDITION
TO
HAVELOCK*

Full subdivision name

Right: Ackerman Addition to Havelock, Lots 11-16, Block 1.

Wrong: Ackerman Addition, Lots 11-16 Block 1.

Irregular Tract (I.T.) Lots – Per State Statute, I.T. lots must be indexed by Section Number, Township Number, Range Number, Quarter Section(s) and the Lot number.

Quarter section(s) must be specified for I.T. legal descriptions. Quarter sections are encouraged but are not required for descriptions containing only platted subdivisions.

Some I.T. lots cross quarter section lines; in those cases, each quarter section needs to be identified. The quarter section must be specific. When a lot is wholly contained within a certain quarter (SE1/4 for example) it should not be identified as being in the S1/2 nor E1/2 of the section. Half sections are acceptable in lieu of quarter sections only if a given I.T. lot crosses one quarter section line (i.e., a reference to two halves if a lot is in three of the four quarters is not acceptable).

EXAMPLE

Right: (gives specific quarter section information for Lot 21, I.T.)

The Dominion at Stevens Creek Addition. A subdivision of Outlot G, Waterford Estates 1st Addition in the northwest, southwest and southeast quarters, and Lot 21 Irregular Tracts in the southeast quarter of Section 24, Township 10 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Wrong: (implies that Lot 21, I.T. is located in all 3 quarters by listing them at the end of the description)

The Dominion at Stevens Creek Addition. A subdivision of Outlot G, Waterford Estates 1st Addition and Lot 21 Irregular Tracts, located in the northwest, southwest and southeast quarters of Section 24, Township 10 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Street and Alley Vacations – The approving Ordinances for Street and Alley Vacations are filed at the Register of Deeds against the legal description of the properties adjacent to the vacation area, including the correct Subdivision name based on the title of the plat record, Block number (if said subdivision was created with blocks) and Lot number(s) or letter(s). The Planning Department review of draft Ordinances should ensure that the abutting property is noted to meet the Register of Deeds filing requirements. See examples below:

EXAMPLE 1

Section 1. That the remaining right-of-way for the former Ash Street located east of Alden Avenue and west of South 33rd Street adjacent to Lots 1-4, Block 1, Hennig's Addition, Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

THE SOUTH 30 FEET OF ASH STREET RIGHT OF WAY
ABUTTING LOTS 1 – 4, BLOCK 1, HENNIG'S ADDITION,
LINCOLN, LANCASTER COUNTY, NEBRASKA;

EXAMPLE 2

Section 1. That a tract of land composed of a portion of South Canopy Street right-of-way, and a portion of N Street right-of-way, abutting Lot 1, Block 8, West Haymarket Addition, Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 8, WEST HAYMARKET ADDITION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF "N" STREET; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, ON AN ASSUMED BEARING OF N89°42'01"W, A DISTANCE OF 125.29' TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING N89°42'01"W ON A WESTERLY EXTENSION OF SAID LINE, A DISTANCE OF 8.45' TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1; THENCE N00°19'47"E, ON A SOUTHERLY EXTENSION OF SAID LINE, A DISTANCE OF 8.45' TO A WEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH CANOPY STREET; THENCE S44°41'35"E, ON THE SOUTHWEST LINE OF SAID LOT 1, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 11.94' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 35.69 SQUARE FEET OR 0.00 ACRES, MORE OR LESS;

Affidavits of Correction – The Affidavit of Surveyor or Affidavit of Engineer will list the final plat name being corrected and describe the error(s), which may relate only to certain lots or outlots such as a dimensional error, or the error could affect the entire plat such as an incorrect Section number.

The Acceptance of Affidavit form prepared by the Planning Department and filed with the affidavit will specify which lots and/or outlots the affidavit should be filed against (i.e., only those affected by the error). This is a discretionary decision based on the nature of the error(s). Affidavits of Correction do not require Section/Township/Range information in order to be filed.

Making Corrections to Legal Descriptions

When a correction needs to be made on a document, it is possible to avoid having to re-do the document itself. The change can be made by hand or using a cover sheet that lists the lots/outlots the document should be filed against.

Ordinances and Resolutions – The City Clerk will coordinate with the applicant and planner, then make the change by hand on the first page of the document. Alternatively, the Register of Deeds would accept a cover sheet with the heading “File Against” that clearly lists the property to file the document against.

Final Plats – The Register of Deeds prefers not to accept cover sheets as a form of correction of a legal description as that would create a second, conflicting legal description as compared to the description on the final plat or affidavit document. If there is a correction of an error on the final plat, then a new sheet should be created and re-signed rather than making any change by hand after the Planning Director has signed the plat.

However, a cover sheet is acceptable if the change is a clarification of the legal description rather than a true correction of an error. The cover sheet needs to clearly list the lots and outlots to file the plat against.