

State of Utah  
School and Institutional Trust Lands Administration  
Agency Administrative Policy

**(Legal Descriptions Policy for Official Agency Records)**

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Approved:

  
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1. Purpose

- a. GIS professionals at the State of Utah School & Institutional Trust Lands Administration (SITLA) are tasked with maintaining a geographic information system that stores, checks and identifies the spatial representations of lands and leases administered by the agency. This is largely achieved through GIS integration and verification of legal descriptions used on Official Agency Records (sometimes referred to as an “OAR”). To make this process more efficient and less error prone, the following policy (“Legal Descriptions Policy for Official Agency Records”) is hereby established and will replace the (“GIS Data Deliverable Standards Policy” and “Legal Descriptions Policy”).

2. Legal Description Requirements

- a. All consultants, engineers, contractors and/or land surveyors are required to provide legal descriptions in a format to be used in an OAR. These formats include aliquot part legal descriptions and surveyed legal descriptions.
- b. Digital data, such as an Esri shapefile or KML file, may also be provided, but is not required. Shapefiles and KML files can be used for general location reference and will not replace a legal description.
- c. This requirement may be waived by SITLA if it is determined to be in the best interest of its beneficiaries. Below are the requirements:
  - i. An aliquot part legal description may be used in an OAR to describe parcels that are greater than or equal to 2.5 acres.
  - ii. A surveyed legal description is **required** if the parcel described in an OAR is not an aliquot part of at least 2.5 acres, unless the record is a Planning Agreement, a Short-Term Non-Exclusive Use Agreement or meets the applicable exceptions for a Long-Term Non-Exclusive Use Agreement.
  - iii. A survey legal description should adhere to “Utah Code Title 17, Chapter 23, Section 17, Section Map of Boundary Survey - - Procedure for Filing - - Contents - - Marking of Monuments - - Record of Corner Changes - - Penalties” <https://le.utah.gov/xcode/Title17/Chapter23/17-23-S17.html>.

- iv. A map and written boundary description should be provided in PDF format and include the following criteria:
    1. Location of the survey by quarter section and township and range
    2. Date of the survey
    3. Scale of drawing and north point
    4. Distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identify monuments within a recorded subdivision
    5. All measured bearings, angles and distances separately indicated from those of record
    6. Surveyor's seal or stamp
    7. Surveyor's business name and address
    8. Locational reference to the Salt Lake Base and Meridian (SLB&M) or the Uinta Special Base and Meridian (USB&M)
    9. Coordinate and datum information as shown by the National Geodetic Survey (NGS)  
<https://www.ngs.noaa.gov/datums/index.shtml>
  - d. A surveyed legal description may always be used to describe parcels in an OAR.
  - e. Legal descriptions on an OAR that describe a perimeter or polygon must close and should include a point of beginning tied to an established survey monument (i.e., section corner).
  - f. Centerline legal descriptions should include the overall width, a point of beginning and a point of ending, each tied to an established survey monument and indicate that the side lines of said centerline be shortened or elongated to terminate at the appropriate feature (i.e., property line, section line, fence line, right of way line, lease boundary, etc.).
  - g. Any legal description should be accurate, specific and detailed so the clear location of the parcel may be located on the ground.
3. Official Agency Record Categories and Applicable Requirements
- a. **Conveyance Documents:** An applicant is required to provide SITLA with:
    - i. 2.5 acre or larger aliquot part legal Description
    - ii. surveyed legal description
    - iii. lot number on a recorded plat (as applicable), for parcels subject to Conveyance Documents.
    - iv. The purchaser assumes full responsibility for the accuracy of the provided legal description. The requirement that the purchaser provide the legal description may be waived by SITLA if determined to be in the best interest of its beneficiaries.
  - b. **Long-Term Exclusive Use Agreements:** An applicant is required to provide SITLA with:
    - i. 2.5 acre or larger aliquot part legal description
    - ii. surveyed legal description.
    - iii. The requirement that the purchaser provide the legal description may be waived by SITLA if determined to be in the best interest of its beneficiaries. The applicant assumes full responsibility for the accuracy of

the provided legal description. The legal descriptions for these agreements should not overlap other exclusive use agreements unless special conditions have been arranged and agreed upon by the SITLA Resource Specialist and approved by the Director. Special conditions must be included in the OAR.

- c. **Long-Term Non-Exclusive Use Agreements:** An applicant is required to provide SITLA with:
    - i. 2.5 acre or larger aliquot part legal description
    - ii. surveyed legal description
    - iii. for long-term non-exclusive use agreements involving roads or trails, latitude and longitude points tied to the Utah State Plane identifying the beginning and ending points of the road or trail as it crosses trust lands, along with an exhibit map, road or trail name, aliquot part legal description and/or any other identifying feature.
    - iv. The requirement that the purchaser provide the legal description may be waived by SITLA if determined to be in the best interest of its beneficiaries. The applicant assumes full responsibility for the accuracy of the provided legal description.
  - d. **Short-Term Non-Exclusive Agreements:** An applicant is required to provide SITLA with a description of the parcel subject to the short-term non-exclusive agreement.
    - i. The requirement that the applicant provide the description may be waived by SITLA if determined to be in the best interest of its beneficiaries. Parcel descriptions in this category can be generalized to meet the business needs of the agreement. Aliquot part legal descriptions, surveyed legal descriptions and (for Short Term Non-Exclusive Agreements that involve existing roads or trails) latitude and longitude points tied to the Utah State Plane identifying the beginning and ending points of the road or trail as it crosses trust lands, along with an exhibit map, road or trail name, are all adequate for this type of agreement, as are references to USGS maps and aerial photos when used to describe a parcel within an aliquot part (for example: Following the established State Route 61, as depicted on the 1976 USGS 24K Sharp Mountain Quad, within Township 8 North Range 2 East, Section 13).
  - e. **Planning Agreements:** Planning agreements may use:
    - i. aliquot part legal descriptions
    - ii. a surveyed legal description
    - iii. references to USGS maps and aerial photos, or such descriptions or depictions as are reasonably acceptable in the context of the agreement.
4. Reviews and Amendments
- a. If a legal description for an OAR is found to be inadequate and/or inaccurate and requires an amendment, the lessee, grantee or permittee must do one of the following, as applicable:
    - i. Replace the existing inadequate and/or inaccurate legal description with a 2.5 acre or greater aliquot part legal description. The aliquot part legal description may include additional land (which may require additional

rentals or fees to be paid) or may eliminate portions of land from the agreement.

- ii. Provide SITLA with a new surveyed legal produced by a licensed land surveyor.
- iii. If the legal description is for an existing road or trail, replace the inaccurate legal description with latitude and longitude points tied to the Utah State Plane identifying the beginning and ending points of the road or trail as it crosses trust lands, along with an exhibit map, road or trail name, aliquot part legal description and/or any other identifying feature.
- iv. The replacement description required for an inaccurate legal description will depend on the category of OAR being amended and the requirements set forth in this Legal Descriptions Policy for Official Agency Records for such category. Special conditions can be arranged with the SITLA Resource Specialist if the lessee, grantee or permittee chooses to replace the inadequate and/or inaccurate legal descriptions for an aliquot part legal description, resulting in an overlap on an active exclusive use agreement. In this case, those affected by the overlap can agree to terms and ultimately waive their rights to exclusive use. In most situations, the waiver of exclusive use should be memorialized in a formal contract amendment.

#### 5. GIS Group Legal Description Support

- a. The GIS Group will continue to assist all working groups with legal description integration and verify to the best of their ability, the location (township, range and section) of all legal descriptions, the completeness and closure status of all surveyed legal descriptions, GIS acreage estimates of all legal descriptions and provide support and recommendations to the SITLA Resource Specialist when discrepancies arise.
- b. The GIS Group will not produce metes and bounds legal descriptions. The GIS Group can, however, assist the staff and the lessee with determining aliquot part legal descriptions, narratives and with other information associated with the requirements under this Legal Descriptions Policy for Official Agency Records. The GIS Group can also help produce maps for unofficial use, short-term non-exclusive use agreements, planning agreements or for other appropriate uses.
- c. The GIS Group will also assist the staff and lessee to conform to the Legal Description Requirements as described in Section 2 of this policy.

#### 6. Business System Requirements for Legal Descriptions

- a. Business System requirements for legal descriptions have been established to avoid the introduction of typos and errors into the business system and to allow for one central location of "official" legal descriptions. Below are the requirements:
  - i. Official surveyed legal descriptions and maps associated with them will be uploaded to the agency Open Content Management Suite (OCMS) and will be identified as the official legal description.
  - ii. Word documents describing the metes and bounds description for surveyed legal descriptions will not be copied and pasted into the business system.

- iii. The metes and bounds section of the business system will contain a link to the official legal description in OCMS.
7. GIS Disclaimer
  - a. The GIS Map Disclaimer will be used on printed and digital maps, metadata, web applications and other such documents, as appropriate.
8. Waive Requirements
  - a. In addition to those waivers already expressly stated herein, SITLA may waive any other requirements set forth in this Legal Descriptions Policy for Official Agency Records, with the Director's approval, if it is determined that such waiver is in the best interest of its beneficiaries.
9. Definitions
  - a. **Aliquot Part Legal Description:** The standard subdivisions of a section, such as a half section, quarter section or quarter-quarter section. The minimum acceptable aliquot part description is a quarter-quarter-quarter-quarter section which is equivalent to approximately 2.5 Acres (example: NE4NE4NE4NE4 of Section 32, Township 9 South Range 16 East, SLB&M).
  - b. **Conveyance Document:** A document concerning the transfer of legal title to real property from SITLA to another entity or an individual, such as a Certificate of Sale or Patent.
  - c. **GIS Map Disclaimer:** A statement placed on all maps, web applications or other map related products when the SITLA GIS Group has produced or aided in the production of such map, web application or other map related product. The statement will provide that the depiction in the document should not be relied upon and will disclaim SITLA's responsibility as to the accuracy of the depiction. The GIS Map Disclaimer will be approved by SITLA's Director and will be modified from time to time as necessary.
  - d. **Legal Description:** An Aliquot Part Legal Description (equal to or greater than 2.5 acres), a professionally Surveyed Legal Description or a lot number on a recorded plat, that clearly and accurately describe the intended ground location. The description must be complete enough that a particular parcel of land can be located and identified on the ground.
  - e. **Long Term Exclusive Use Agreement:** An agreement with a term greater than one year that reserves the exclusive use of the land to the lessee, grantee or permittee. Examples: Special Use Lease Agreements, Mineral Leases (exclusive use right based on the commodity leased) and Development Leases.
  - f. **Long-Term Non-Exclusive Use Agreement:** An agreement with a term greater than one year that does not reserve the exclusive use of the land to the lessee, grantee or permittee. Examples: Easements and Rights-of-Way Grants.
  - g. **Official Agency Record ("OAR"):** Director's Actions, Contracts, Patents, Certificates of Sale, Quit Claim Deeds, Development Leases, Mineral Leases and all other agreements entered into by SITLA, as well as the SITLA Land Management Business System when reporting the above.
  - h. **Planning Agreement:** An agreement that does not grant the right to use trust lands, but instead addresses planning and similar issues associated with the management of trust lands. Examples: Master Development Agreements and Cost Sharing Agreements.

- i. **Short-Term Non-Exclusive Use Agreement:** An agreement with a term of less than one year that does not reserve the exclusive use of the land to the lessee, grantee or permittee. Examples: Rights of Entry, Grazing Permits, Small Forest Products Permits, Timber Applications and other permits or licenses. Grazing Permits are included in this category, even though they may be long term, because SITLA can terminate these permits with limited notice.
- j. **Surveyed Legal Description:** A legal description produced and recorded by a licensed land surveyor as required by applicable law.