

## **Riparian and Littoral Rights in Maryland**

**Stephanie O. Marcello, Esq.**

**Mid-Atlantic Underwriting Counsel**

**Westcor Land Title Insurance Company**

### **Handout**

#### **Sample Exceptions**

##### **Littoral Rights**

**[lake]**

##### **General**

# Rights, if any, of the United States of America, State of Maryland, [name of county/city] or other local government and the public in and to that part of the Land, if any, as may have been formed by means other than natural accretions or may be covered by the waters of Lake [name of lake].

##### **Abutting property owners**

# Rights, if any, of the property owners abutting the lake, in and to the waters of the lake and in and to the bed thereof; also boating and fishing rights of property owners abutting the lake or stream of water leading thereto or therefrom.

##### **Rights of others**

# Rights of others in and to the use of the lake located upon the Land, and any applicable reciprocal easement rights. NOTE: Bed of lake may be owned by others.

##### **Riparian Rights**

**[water]**

##### **General Exception for Property abutting Water**

# The right, title or interest, if any, of the public to use any part of the Land which lies between the abutting body of water and any or all of the following: a) the natural line of vegetation; b) the most extreme high water line; c) the bulkhead line; d) the mean high tide line; e) any other line which has been or which hereafter may be legally established as relating to such public use.

##### **General Exception – Disclosed Use**

# Any rights, interests or claims which may exist or arise by reason of the following facts disclosed by an inspection of the Land:

- a. The fact that s [road, path, etc.] extends over a portion of the Land, and is used by the public for access to and from the adjoining body of water known as [name of body of water]; or
- b. The fact that portions of the Land are used by the public for beach and recreational purposes.

#### **Riparian Rights - others**

# Riparian rights of others incident to the Land.

#### **Rights of others – uninterrupted flow**

# Rights of others entitled thereto in and to the continued uninterrupted flow of [*name or description of body of water*] without diminution or pollution.

#### **High water mark (a)**

# This policy does not insure title to any portion of the land lying below the high water mark of [*name of body of water*].

#### **High water mark (b)**

# Any and all rights of the United States of America, the State of Maryland, the local government and the public, if any, in and to so much of the land lying below the high water mark of the [*name of body of water*] unaffected by fill, man-made jetties and bulkheads.

#### **High water mark (c)**

# Rights of the public to use the lands below the high water line for fishing, fowling, navigating or conducting commerce.

#### **Rights of others - use**

# Rights of others in and to the use of the [*creek, stream, river, waterway*] located upon the Land.

#### **Rights of others – lakebed owned by others**

# Rights of others in and to the use of the lake located upon the Land, and any applicable reciprocal easement rights. Note: Bed of lake may be owned by others.

### **Navigational servitude**

# Navigational servitude over that portion of the property that is or may have been under water.

### **[wetlands]**

#### **General (a)**

# Rights of the Federal Government, the State of Maryland and the [*name of county/city*] to regulate all marshland, meadowland or wetland contained within the bounds of the Land.

#### **General (b)**

# Subject to any wetland regulation by the local, state or federal authorities and the rights of the public, if any.

#### **Filled land (a)**

# This policy does not insure title to artificially filled lands, submerged lands, or land which may have been under water or which has been added to the subject land by accretion, reliction or avulsion.

#### **Filled land (b)**

# Title to artificially filled lands, submerged lands, or land which may have been under water or which has been added to the property by way of accretion, reliction or avulsion is not insured.

#### **Filled land – formerly navigable**

# The property described herein being artificially filled-in land on formerly navigable waters, this policy is subject to any adverse claim by the State of Maryland and/or the United States Government by reason of sovereignty and/or riparian rights, if any.

#### **Erosion of shoreline**

# This policy does not insure against any decrease of the Land, if any, caused by erosion or changes in the shoreline or centerline or meander line of the body of water known as [*name of body of water*].

**Use of Shoreline**

# This policy does not insure against the rights of federal, state, or local jurisdictions to regulate usage of the shore area.

**Acreage**

# Any claim alleging that the actual acreage or square footage of the insured parcel is less than the amount in the Land.

**Boundary**

# Any claim based upon ambiguity or uncertainty in the exact location of the boundary along the high water line of [*name of body of water*].

**Use of Docks; Piers**

# Title to or the right to use or maintain any docks, piers, bulkheads, jetties, or artificially filled lands are not insured.

**Marina Condominium**

# The Policy only insures [INSERT NAME OR UNIT NUMBER OF BOAT SLIP] as an appurtenant use to [INSET UNIT NUMBER OF MARINA CONDOMNIUM] and only so long as the general common elements consisting of piers, pilings, docks, ladders and/or floating docks remain accessible and in use. The policy does not insure access to or continued use, nor the location or dimensions, of [INSERT NAME OR UNIT NUMBER OF BOAT SLIP] resulting from destruction, maintenance, repair and/or reconstruction or relocation of the general common elements consisting of piers, pilings, docks, ladders and/or floating docks.

Filled Land - Example



Example - Accretion



Not all Maryland lakes are man-made.....

