

## **Requirements for All Instruments of Conveyance in Logan County, Ohio**

Effective Date: April 11, 1997

It is the intent of these requirements to provide a standard method of checking legal descriptions for deeds, easements, affidavits and other instruments that require the use of land descriptions.

It is the desire of the county to provide a service for the public to insure proper and accurate descriptions of property, to correct any errors that are evident and to insure that property is accurately described for tax purposes.

It is understood that all situations cannot be covered by these requirements and when those situations arise they will be handled as special cases interpreted by the County Engineer's Office.

All authors of instruments of conveyance are encouraged to have descriptions checked by the County Engineer's Office Prior to the actual time of conveyance. This will avoid delays and allow time for any corrections that are necessary. The Map Room will stamp the legal description "Pre-approved", and requests that the "pre-approval" be submitted with the original document.

Sections I thru IV of these requirements are the Logan County Requirements for all Instruments of conveyance, and are the subject of the hearing required by the Ohio Revised Code. The appendices of the requirements are included in this document for the information of the user, and are subject to change at any time by the issuing agency.

### **I. GENERAL REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE**

#### **1. Landlocked Property**

No document shall be approved, that upon transfer, creates a landlocked parcel. A landlocked parcel is described as any tract of land, that upon transfer, creates a tract with no road frontage.

However, a landlocked tract will be accepted if the landlocked parcel is sold to, or retained by, an adjoining tract with road frontage. In this case the landlocked parcel must be sold with the frontage tract, or to another owner of the landlocked parcel with road frontage.

#### **2. Exceptions**

An exception is described as any tract of land sold from the original tract. All exceptions to the original tract must be listed on the document following the original tract. These

exceptions must be written, in their entirety, upon the document, as per their original instrument of conveyance.

### **3. Bad Description**

A bad description is described as any legal description with:

- A. A point of beginning which cannot be determined and/or identified.
- B. a blatant error in the legal description
- C. An unidentifiable description - i.e. any description that makes reference to property owners that cannot be identified from map room and/or recorder's office research materials.

### **4. Legibility**

No document shall be approved if the legal description is not legible. This is to include smearing, chipping, flaking, poor penmanship, etc.

### **5. New Survey Required Stamp**

A document shall receive a "*New Survey Required Next Transfer*," stamp if it meets any of the following criteria:

- A. Has more than four (4) exceptions to an original tract.
- B. Is determined to be a bad description. This determination is to be made by the tax map department personnel.

If a document meets any of the above criteria, the document will be accepted for transfer and the "*New Survey Required Next Transfer*" stamp will be affixed to this document.

In the event of the last document being stamped "*New Survey Required Next Transfer*," the legal description has been not acceptable for use on a legal document, and will not be accepted by the map room unless it meets any of the following criteria:

1. Be subject to a foreclosure or forfeiture action, in which case the sheriff's deed or auditor's deed would be acceptable.
2. Be a transfer between co-owners of a property so long as both parties were listed as grantees on the last deed.
3. Be a transfer between spouses only. This is to include the language "*wife of grantor*" or "*husband of grantor*" on deed.

4. Be an affidavit, quit claim deed or quiet title action to correct title of an existing owner.
5. Be a judicial order.
6. Be a certificate of transfer, survivorship affidavit or transfer.
7. Be considered a hardship case - to be approved on a case by case basis by the Logan County Auditor.

In these cases, the document shall be stamped "*New Survey Required Next Transfer*" and be subject to the above criteria for acceptance.

## **II REQUIREMENTS FOR ALL RECORDED LOTS OF RECORD**

1. All instruments conveying a recorded lot in a municipality or recorded subdivided area must designate the lot number(s), the official recorded name, the cabinet and slide reference of official record, and the prior recorded deed reference if any exists. This requirement pertains to all recorded lots of new subdivisions transferring after the effective date of these requirements, and is not intended to apply to previously accepted document of record.
2. Any out-lot or portion of a recorded lot must have an accurate description to establish a tax structure for the portion being conveyed, so as to enable the County Offices to determine the residue or balance left, based on the current Tax Maps and Parcel Numbers.
3. Any area being conveyed in what is commonly known as an "Unrecorded Plat" shall have a metes and bounds description.

## **III REQUIREMENTS FOR EXISTING METES AND BOUNDS DESCRIPTIONS OF RECORD**

1. All existing metes and bounds descriptions of record, which do not create or alter the current tax structure of a parcel(s) will be checked by the Logan County Engineer's Office to verify and identify to the Logan County Auditor the tax parcel(s) to be conveyed.
2. All existing metes and bounds descriptions of record shall be described verbatim as witnessed by the instrument of previous record and transfer. The correction of scrivener errors, omissions or other obvious mistakes are permitted in order to make the description more accurate.
3. Any existing metes and bounds description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of

annexation shall be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.

4. All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which out-lots or exceptions to title exist shall incorporate the following requirements:

A. Each out-lot or exception to title of the original tract(s) shall be described verbatim as witnessed by the previous conveyance of record. The correction of scrivener errors, omissions or other obvious mistakes are permitted in order to make the description more accurate.

B. It is desired that all instruments of conveyance using exceptions to title to convey the balance of remainder of a tax parcel(s) incorporate a statement identifying the tax parcel(s) and district to be conveyed, and the current taxable area as witnessed by the Logan County Auditor's tax duplicate for the subject conveyance. (i.e. it is the intent of this instrument to convey all of Tax Parcel(s) number and district, containing acreage or footage, as shown by the Logan County Auditor. The County Engineer's Office will assist in furnishing the parcel(s) number when requested.

5. All Pre-Approved requests shall contain all the information intended to be used in the legal description of the final document.

#### **IV REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE**

All new metes and bounds descriptions, not previously recorded, shall incorporate the following.

##### **1. Situate**

A. Shall denote state, county, township, municipality (if appropriate). It shall also denote range, town, section, quarter section, or Virginia Military Survey Number, etc.

B. Shall denote recorded title and deed reference as to the tract(s) of origination. This is to include owners name, deed reference (Deed Book Volume or Official Records Volume), tract number and tract acreage as per the last deed. This statement may be placed at the start or the end of the legal description, depending upon the surveyor's preference.

##### **2. Starting Point**

A. All descriptions shall be referenced to a monumental point of commencement of common report.

##### **3. Courses**

A. Each course of a new metes and bounds description shall be a separate paragraph, and all courses shall be stated in a clockwise direction from point of beginning to point of termination for the subject description.

B. Each course of a new metes and bounds description shall contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and decimal parts thereof, from point of origination to a point of termination of each course.

C. The basis of the bearings shall be given in a statement similar to the following:

*"This bearing is based on the centerline of "Road Number" or "Road Name" and all other bearings are from angles and distances measured in the field."*

D. Each course shall recite all monumentation from the point of beginning of the subject tract, (See 4733-37-03 of Minimum Standards) either placed or found, along each course, or at the point of origination and/or termination of each course. The recitation shall include the type, size and material of each monument.

E. Monumentation is required to be set at the edge of all road rights-of-ways. When this is not feasible or possible, a reference monument shall be set.

F. Every boundary monument and/or reference monument set by the surveyor shall, when practicable, be in accordance with 4733-37-03 of the Minimum Standards for Boundary Surveys in the State of Ohio (see attachment). If no monument was set at a corner, then the term "to a point" shall be used to identify this point.

G. Each course shall show all other common lines such as centerlines of roads, rivers, streams, etc. quarter section lines, Virginia Military District lines, or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.

#### **4. Curves**

A. Any Course of a new metes and bounds description which is a curve shall contain the direction of the curve (right or left), the radius (in feet and decimal parts thereof), the long shord bearing and distance (in feet and decimal parts thereof), the arc length, and the central angle, of same.

#### **5. References**

A. All references to roads, rivers, streams, railroads, etc., shall use current or existing numbers or names of record. Old or original names may also be mentioned if they would add clarity.

#### **6. Acreage**

A. All new metes and bounds descriptions shall give the acreage contained within its perimeter and calculated to the third decimal place. The total acreage contained within the road right of way shall be recited to the third decimal place. Total calculated square footage may also be mentioned as a matter of option.

B. Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more tax parcels, a breakdown of the total area shall be recited to create an accurate tax structure.

## **7. Surveyor or Author**

A. All new metes and bounds descriptions prepared by a surveyor shall incorporate the following:

I. Printed surveyors name and address.

II. Ohio Registration Number and Seal.

III. The date of writing and/or survey.

IV. A statement indicating whether the subject description was prepared from an actual field survey or from existing records similar to the following:

The above description is based on a "field survey performed by \_\_\_\_\_ on month, day, year" or "from existing records".

V. Surveyor's signature.

B. All new metes and bounds descriptions prepared by a person other than a registered surveyor shall incorporate the following:

I. The printed name and address of the author.

II. Date of writing of description.

III. A statement indicating that the description is prepared from existing records or specify means from which it is derived.

IV. Author's signature.

## **8. Prior Deed References**

A. The deed reference(s) from which the grantor of the conveyance acquired title shall be recited. The first page of the last recorded document shall be used as the deed reference.

9. All new metes and bounds descriptions will be subject to computer verification as to the accuracy of the traverse closure (1/10,000 minimum allowable traverse closure) of the area as described. Whenever this process is necessary there will be a delay in approving the conveyance for the transfer purposes. It is suggested that the surveys be presented for Pre-transfer approval 48 hours in advance of making the survey available to the public.

10. Whenever the descriptive of any legal instrument of conveyance is determined to be ambiguous, it will require that a statement of intent and/or nature be incorporated as part of the instrument, to clarify the parcel(s) to be conveyed.

11. All new metes and bounds descriptions prepared by a registered surveyor shall be accompanied by a signed and sealed plat of survey as defined in Article V.

12. All divisions of a parcel of land, governed by Chapter 711 of the Ohio Revised Code, shall be approved by the LUC Regional Planning Commission, the City of Bellefontaine Planning Commission, DeGraff Planning Commission, West Liberty Planning Commission, or the Russell's Point Planning Commission as applicable.

13. Descriptions other than metes and bounds may be acceptable if they properly describe the tract, i.e., "Being 10 feet off the west side of Lot No. 1000, etc.) This is for use on lots within a recorded subdivision only.

14. All instruments containing new metes and bounds descriptions, which meet all of the aforementioned requirements will be stamped "Description Checked" and the proper notations will be made on the instrument of conveyance, verifying a correct tax structure to the County Auditor.

15. All documents used in conveyance of a new metes and bounds description shall:

A. Be typed verbatim as per the survey description.

B. Be typed in the same format as per survey description (i.e., separate paragraphs).

C. Include the surveyors name, registration number and date of survey.

## **V. REQUIREMENTS FOR PLATS OF SURVEY**

1. All authors shall prepare a scale of every new metes and bounds description he or she originated, and make available a copy of the drawing to be filed with the Logan County Engineering Department. Any plat over the size of 11"X17" will require 2 copies of the plat to be filed per legal description.

2. All plat drawings shall incorporate the following details:

A. A title, such that the general location of the subject survey can be readily identifiable. (This requirement shall include the same information as established by Sections 1, Item A and B of the

"REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE").

- B. A north arrow with a clear statement as to the basis of the reference - Direction Used.
- C. The control station(s) or point of commencement as cited in the legal description, and the point of beginning of the subject tract must clearly be shown.
- D. All monumentation either found or placed, as cited by the metes and bounds description, together with a legend of the symbols used to identify the subject monumentation showing the material and size for each. If all monuments are identified individually, no legend will be required.
- E. The existing owner and most recent deed recorded of adjoining owners along each boundary line of the subject survey along with the deed acreage or lot number of the adjacent tracts. The acreage of an adjoining owner may be referenced as to the deeds total acreage or an individual tract acreage. If an individual tract acreage has several exceptions, the term "Original Acreage" may be used (i.e. "Original 50 acre tract") for the adjoining owners only.
- F. All boundary information for each course as established by "REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE" Section 3, Item A thru F and Section 4, Item A.
- G. A citation of pertinent sources of date used as a basis for carrying out the work. This shall include Field Book number and page or right of way drawing number for all highway centerlines, if such record exists.
- H. A written and graphical bar scale of the subject drawing.
- I. The surveyors printed and signed name, Ohio Registration Number and reproducible Stamp or Seal.

In addition to the requirements as set forth above, all metes and bounds descriptions, and all requirements for plats of survey shall incorporate the principals, and minimum standards of good surveying, engineering and draftsmanship as defined by sections 4733-37 thru 4733-37-07 of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio.

These requirements are based on the "Minimum Standard for Boundary Surveys in the State of Ohio." Said Minimum Standards have been accepted by the State Board of Registration for Professional Engineers and Surveyors as an operating rule and became effective May 1, 1980 according to Sections 4733-37 to 4733-37-07.

## **VI. REQUIREMENTS FOR NEW RECORDED EASEMENT DESCRIPTIONS**

### **1. Situate**

A. Shall denote state, county, township and municipality, if applicable, range, town, section, quarter section, or Virginia Military Survey Number etc...

B. Shall denote recorded title and deed reference as to the tracts of origination.

## **2. Parcel Identification**

A. Shall identify the tract of ground in which the easement is located by either metes and bounds description or by permanent parcel number.

B. Shall list deed acreage of all parcel(s)/tract(s) in which easement is located.

## **3. Easement Identification**

### **A. Centerline Easements**

a) Shall state width of easement. (Example) "Being a 20 feet wide easement 10 feet each side of the following described line".

b) Detailed description of the course of the centerline including a readily identifiable beginning point. (Example) "Beginning at a point in the western most property line, 35 feet, more or less, northwesterly from the southwest corner of the tract. Thence northeasterly, parallel to and 25 feet northwesterly from the grantors southern most line, 300 feet, more or less, to a point in the grantor's eastern most property line".

### **B. Strip Easements**

a) Shall state width of easement. (Example) "Being a 20 feet wide easement..."

b) Shall state location. (Example continued from above) "...along the grantor's south property line."

### **C. Irregular Shaped Easement**

a) Shall have a defined point of beginning.

b) Shall have a clear metes and bounds description.

D. All easement descriptions, no matter what type of description, shall state the intended purpose of easement (for ingress and egress; installation of underground wires; installation of power poles; maintenance; etc. ...)

## **4. Restrictions**

A. Shall list any and all restrictions over the aforesaid easement area.

## **5. Author Identification**

A. All new easement descriptions prepared by a person other than a registered surveyor shall incorporate the following:

I. The printed name and address of the author.

II. Date of writing of description.

III. A statement indicating that the description is prepared from existing records or specify means from which it is derived.

## **VII. REQUIREMENTS OF PLAT DRAWINGS FOR EASEMENTS**

1. Plat drawings are not required when filing an easement, however, they are preferred, as they define the location of the easement, making it easier to identify. All plat drawings shall be to scale, and the bar scale shown on the plat.

2. All plat drawings shall incorporate the following details:

A. A North arrow.

B. The state, county, township and municipality, if applicable, range, section, town, half section, or Virginia Military Survey number, etc...

C. Owner(s) name, permanent parcel number, deed volume and page(s) of land the easement is on, and adjoining landowner(s), permanent parcel number(s), deed volume and page(s) if easement begins, or ends on an adjoining property line.

D. The property lines of the subject parcel, or the land containing the easement, and any roads mentioned in the written description.

3. Easement Area

A. The centerline of the easement shall be drawn on the plat, and a statement identifying it added. (Example) "Centerline 10' Wide Electrical Easement".

B. Any, and all distances, bearings, etc. pertaining to the easement area shall be shown on the plat.