

MINIMUM
REQUIREMENTS
FOR INSTRUMENTS OF
CONVEYANCE
IN CARROLL COUNTY,
OHIO

Revision History:

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Revision Effective Date: October 2, 2017

Foreword

Section 319.203 of the Ohio Revised Code states, "The County Auditor and the County Engineer shall adopt standards governing the conveyance of real property in the County". This section also states "The County Auditor shall not transfer any conveyance that does not comply with these standards."

In compliance with the ORC, the following standards are hereby revised, adopted and established in conjunction with the Carroll County Engineer and Carroll County Auditor effective October 2, 2017.

It is the intent of these standards to provide a consistent method to review instruments of conveyance and to ensure proper and accurate descriptions of real property.

It is understood that all situations cannot be addressed by these standards and when such situations arise, they will be handled as special cases interpreted by the Carroll County Engineer or Auditor.

Instruments which are to be submitted to the Carroll County Map Office for approval before conveyance and/or recording are as follows:

- A. Existing real estate descriptions of record excluding easements, mortgages, coal or other minerals.
- B. New surveys and real estate descriptions, including boundary surveys required by amended ORC 315.251.
- C. All street, alley, road and subdivision vacations.
- D. Subdivisions and road establishments.
- E. Annexation descriptions.
- F. All land contracts.

Provided, however, nothing herein shall prohibit any individual from requesting an opinion from the Carroll County Engineer as to the sufficiency of a description contained in any instrument not set forth above.

Table of Contents

Section I	General Requirements	Page 3
Section II	Requirements for All Recorded Lots of Record	Page 5
Section III	Requirements for Existing Metes and Bounds, Descriptions of Record	Page 5
Section IV	Requirements of New Metes and Bounds, Descriptions for Conveyance	Page 6
Section V	Requirements for Plats of Survey	Page 9

I. General Requirements

1. *Pre-Approvals*

A. It is recommended that all descriptions be pre-approved by the Map Office no less than two (2) full working days prior to transfer. This will include private drives and subdivision plats. Any submission received after 3:00pm may be considered received the start of the next working day. Faxed copies must be legible.

B. The pre-approved copy of the description will be stamped by the Map Office. Originals presented for transfer shall be signed and notarized prior to stamping by the Carroll County Map Office.

The Carroll County Map office shall be notified upon submission if the transfer will be per Section 1, Item 3 (B).

At the time of closing the pre-approved copy will be submitted to the auditor to expedite the transfer.
Note: Lot splits in villages with planning commissions may need their prior approval.

2. *New Descriptions*

A. All new pre-approved descriptions or residue parcels, for property under five acres, will need **Regional Planning Commission** and **Health Department** approval prior to transfer. Residue or remainder parcels less than 5 acres will require approval prior to being created.

B. All split parcels must cite the original auditor's parcel identification number. For example, "this parcel is split from parcel identification number xxx.xxxxxxx.xxx."

C. Survey plats for the road record and subdivisions are required to be 24"x36" in size.

D. Boundary survey plats will have a maximum size of 24"x36".

3. *Existing Descriptions*

A. All existing real estate descriptions of record excluding mortgages, easements, coal or other minerals will be reviewed prior to recording.

Existing descriptions will be reviewed for adequacy. It must be possible to accurately locate the survey in relation to surrounding properties.

B. Existing descriptions which are inadequate may be transferred one time only. At the first transfer, the deed will be stamped, initialed and dated by Map Office personnel as follows:

"INADEQUATE DESCRIPTION - NEW SURVEY DESCRIPTION NECESSARY FOR FUTURE TRANSFER." Exempt from "the one time transfer" policy are: survivorship deeds, corrective deeds, deeds between existing co-owners, transfers resulting from a judicial action and transfers within an immediate family. (Immediate family includes: mother, father, son, daughter, grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, spouse and grandchild.) Generally, any non-arm's length transaction between family members would be exempt.

C. If an existing description describes less than a section, the generally accepted terms designating a portion less than a section may be used, i.e., "NW 1/4 of SEC 10", etc.

Portions of sections, quarter sections or quarter-quarter sections, described as being a given number of acres, or a given distance, off an end or side of such section, quarter section, or quarter-quarter section will be accepted.

4. *Contiguous Parcels*

Regional Planning Commission regulation 5.1.02 dictates that all parcels shall front on a public road. Therefore, a transfer which results in land locking any parcel or not meeting RPC Regulations will not be permitted with the following exception.

Any parcels that do not meet Regional Planning Commission Regulations and are being conveyed to an adjacent owner shall be stamped "**CONTIGUOUS PARCEL**". The grantees' names and ownership on the transfer instrument shall match the grantees' names and ownership of the adjacent parcel being enlarged. If the parcels were later combined by survey and all RPC Regulations were met, the "**CONTIGUOUS PARCEL**" stamp could be removed from the tract on future transfers.

5. *Measurement*

All measurements will be documented in the English System.

6. *Margin Size on Deeds*

All deeds will allow an adequate amount of space for the affixation of stamps by the Tax Map, Auditor's, Recorder's, Regional Planning Commission, Health Department and Village Planning Commission's Offices.

7. *Print Size*

All deeds shall be in reproducible and legible print. Lettering on survey plats shall be not less than 10 pt. lettering (0.10 inch). Refer to the Carroll County Recorder for document requirements.

8. *E Filing*

E-file deeds will be permitted with the agreement of the County Auditor and the County Engineer.

Deeds must meet the same standards as over the counter deeds and will be stamped accordingly or returned for corrections. E-files will be completed within three (3) full working days.

II. Requirements for All Recorded Lots of Record

1. All instruments conveying a recorded lot in a municipality or recorded subdivision (includes campground and recreational lots) must designate the current lot number(s), the prior recorded

deed reference, and the auditor's parcel identification number. It is preferred that the official recorded name of the addition or subdivision be listed.

2. Any subdivision or split of a recorded lot must have an accurate metes and bounds description to establish a tax structure for the portion being conveyed. This will enable the County Auditor and Map Office to determine an accurate residual based on existing records.

3. Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have a metes and bounds description.

4. All lot splits shall require a survey.

5. All lot descriptions must contain all the information pertaining to the description that will be used on the legal instrument form when checked by the Map Office for pre-transfer verification or approval. All instruments conveying recorded lots in a municipality or recorded subdivisions will be subject to Map Office Approval.

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, will be checked by the Carroll County Map Office to verify and identify to the Carroll County Auditor the tax parcel(s) to be conveyed.

2. All existing metes and bounds descriptions of record must 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. All conveyances will list the auditor's parcel identification number for all tracts.

4. Any existing metes and bounds description, since the previous conveyance that has been incorporated into a municipality or other political subdivision by means of annexation, must be changed to reflect its new jurisdiction.

5. 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, must incorporate the following requirements:

A. Each out-lot or exception to title of the original tract(s) must be described verbatim as witnessed by the previous conveyance or record. Therefore, merely listing the volume and page reference from the deed or record will not be sufficient.

B. All instruments of conveyance, using exceptions to title to convey the residue of a tax parcel(s), shall incorporate a statement identifying the tax parcel(s) and the current taxable area.

C. No deed shall contain more than four (4) exceptions.

6. All metes and bounds descriptions must contain all the information pertaining to the description that will be used on the legal instrument form when checked by the Map Office for pre-transfer verification or approval.

IV. Requirements of New Metes and Bounds Descriptions for Conveyance

All new metes and bounds descriptions, not previously recorded, must incorporate the following:

1. Situate

- A. Must denote State, County, Political Township and Municipality. It also must denote the survey township, range, section and quarter section where applicable.
- B. Must denote recorded title and deed reference as to the tract(s) of origin,

2. Tie Down or Reference Point

Deed descriptions referring to acreage in un-platted areas will be described by metes and bounds, adequately tied by metes and bounds, and referenced to a point identifiable on a map, such as the following:

- A. Quarter township corner, section or quarter section corner, or partition lot corner or nearby recorded subdivision corner.
- B. Previously recorded surveys of monumented tie downs that meet current transfer requirements.
- C. When none of the above resources can be located or re-established, recorded highway monumentation or the monumented intersection of two roads listed on the current state inventory of roads may be used.
- D. Adequate tie-in to any of the above points of reference must be given. The bearing and distance from appropriate section line shall be used for reference.
- E. In addition, surveyors are encouraged to reference GPS control points.

At least two points on the survey or one point and an adjacent bearing shall be referenced to the Ohio State Plane Coordinate System, North Zone, on the Plat of Survey. The reference frame and adjustment, ie, NAD83 (2011) is also required.

3. Courses

- A. It is preferred for clarity that each course of a new metes and bounds description be a separate paragraph and all courses must 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 will 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 will be given in a statement similar to the following, "Bearings are based on Ohio State Plane Coordinates North Zone, NAD83 (2011) or bearings are based on the south line of Sec. xx from Carroll County Survey Record xxxx or a deed as recorded in Vol. xx, Pg. xx."

D. Each course must recite all monumentation, either placed or found, along each course or at the point of origination and/or termination of each course. The recitation will include the type, size and material of each monument.

E. Every boundary monument and/or reference monument set by a surveyor shall be in accordance with the State of Ohio Administrative Code Chapter 4733-37 of the Minimum Standards for Boundary Surveys in the State of Ohio.

F. Each course must show all common lines such as the center line of roads, rivers, streams, etc., as it exists at the time of the new description.

4. Curves

Any course of a new metes and bounds description which is a curve must contain the direction of the curve (right or left), the radius (in feet and decimal parts thereof) and the long chord bearing and distance (in feet and decimal parts thereof) and the deflection angle of the same. Curve courses shall be in a similar format as listed in above Section 3. Listing of curve data only will not be accepted.

5. References

All references to roads, rivers, streams, railroads, etc., must 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 must give the acreage calculated to at least the third decimal place. Total calculated square footage may also be mentioned as a matter of option. Small areas, typically 0.100 acres or less, shall be shown in acres and square feet.

B. Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more parcels, a breakdown of the total area and the area within a given district or parcel must be recited to create an accurate tax structure. When a tract occupies land in more than one section or quarter section, acreage shall be shown for each. Parcels that occupy land in two or more taxing districts will be assigned separate auditor's parcel identification numbers for each district.

7. Surveyor or Author

All new metes and bounds descriptions prepared by a surveyor must incorporate the following:

a. Printed surveyors name and address.

b. Ohio registration number and seal.

c. The date of writing and/or survey.

d. 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 _____ (not a company name) on month/day/year" or "from existing records."

e. Surveyor's signature

8. Prior Deed Reference

The most recent deed reference(s) from which the grantor of the conveyance acquired title must be recited.

9. Computer Verification

All new metes and bounds descriptions will be subject to computer verification by Map Office personnel. Error of closure of all new metes and bounds descriptions shall not exceed 0.02 feet in latitude and 0.02 feet in departure. Closure shall meet the measurement specifications defined in OAC 4733-37-04(b) & (c). Error of closure reports shall be provided with every new metes and bounds description. The error of closure report shall be entered from data contained in the legal description and survey.

10. Approval

All instruments containing new metes and bounds descriptions, which meet all of the aforementioned requirements, will be stamped by Map Office personnel. Proper notations will be made on the instrument of conveyance verifying a correct tax structure to the Carroll County Auditor.

11. Ambiguous Content

Whenever the descriptive content 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.

12. Surveyor's Signature and Seal

All new metes and bounds descriptions prepared by a registered surveyor must be accompanied by a signed and sealed plat of survey.

13. Railroads

The assessed value and/or transfer of railroad property is certified to the Auditor on the assessment certificate for the effected taxing district in the year in which the property is subject to or no longer subject to public utility property taxation. Real property formerly assessed as real property used in railroad operations that is no longer used in railroad operations should be valued by the county auditor and assessed to a new owner, as applicable.

14. Alley vacations

The portion of an alley to be vacated, contiguous to a given lot of record, must have a metes and bounds survey prior to vacation.

V. Requirements for Plats of Survey

1. Any author will prepare a scale drawing of every new metes and bounds description he or she originated and make available a copy of the drawing to be filed with the Map office.

2. All Plat drawings must incorporate the following details:

- A. A title, such that the general location of the subject survey can be readily identifiable. *(This requirement should include the same information as established by Sections I, Item A and B of the "Requirements of 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 tie-down or starting point reference as cited in the deed description.
- 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. All existing title and source of the title of adjoining owners along each boundary line of the subject survey along with the acreage or lot number(s) of adjacent tracts.
- F. All boundary information for each course as established by "Requirements of New Metes and Bounds Descriptions for Conveyance" Section 3, Items A through F and Section 4.
- G. A citation of pertinent documents of record and sources of data used as a basis for carrying out the work. This will include but not limited to deed volumes, county survey records, railroad maps, field book number and page, and recorded highway centerline plats.
- H. The scale of the subject drawing.
- I. The surveyor's printed and signed name, Ohio Registration Number, and reproducible stamp and seal.

In addition to the requirements as set forth above, all new metes and bounds descriptions, and all requirements for plats of survey must incorporate the principles and minimum standards of good surveying, engineering and draftsmanship as defined by Section 4733-37 through 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."

Lynn Fairclough,
Carroll County Auditor

Brian J. Wise, P.E. P.S.
Carroll County Engineer

This document recorded by the Carroll County Recorder this ____ day of _____ 2017.

Patricia Oyer, Carroll County Recorder

Recorded in Volume _____, Page _____.

This document prepared by Rodney C. Yoder P.S., Carroll County Deputy Surveyor