

**STANDARDS GOVERNING CONVEYANCES  
OF REAL PROPERTY IN AUGLAIZE COUNTY, OHIO**

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, *"Before the County Auditor transfers any conveyance of real property presented to the auditor under Section 319.20 of the Revised Code, the County Auditor shall review the conveyance to determine whether it complies with the standards adopted under this section. The County Auditor shall not transfer any conveyance that does not comply with those standards."*

In compliance with the ORC the following standards are hereby adopted to govern survey plats and descriptions of real estate to be transferred. It is the intent of these standards to provide a consistent method of review of legal descriptions, survey plats and eventually correct major errors that are found in existing legal descriptions. It is the objective of the Auglaize County Auditor and Engineer to provide the citizens of the County with the most accurate and detailed tax maps possible. Within the last twelve months, the Auditor and Engineer have completed a program where over 1600 section corners have been surveyed with satellite readings, computer hardware and software have been purchased for mapping purposes along with new aerial photographs of the County being taken. The implementation of these proposed standards, along with these previously mentioned programs will eventually provide the citizens of this county with the most accurate set of tax maps possible.

If a boundary survey is required by ORC Sections 315.251 or 5713.15, the survey plat and description shall satisfy the attached standards.

All authors of instruments of conveyance are encouraged to have their descriptions checked by the County Engineer's office several days prior to the actual time of conveyance. This will help avoid delays and allow time for any necessary corrections. Documents will be reviewed on a "first in, first out" basis and will not be subject to any deadlines or closing dates.

  
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Adopted this 29th day of October, 1996.

Effective date: January 1, 1997.

PROCEDURE FOR SUBMITTAL OF LEGAL DESCRIPTIONS/CONVEYANCES  
OF REAL PROPERTY FOR REVIEW BY CO. ENGINEER & CO. AUDITOR

SECTION I

**I. SUBMITTAL OF INSTRUMENTS OF CONVEYANCE INVOLVING NEITHER THE CREATION OF A NEW PARCEL NOR A LEGAL DESCRIPTION DIFFERENT FROM THE LEGAL DESCRIPTION OF THE MOST RECENT CONVEYANCE:**

A. Instruments of conveyance involving neither the creation of a new parcel nor a legal description different from the legal description of the most recent conveyance, shall be submitted to the County Auditor for transfer after being reviewed by the County Engineer. In said review, the County Engineer's personnel shall do one of the following:

1. Approve the description as written, stamp the document "Approved for Transfer", and forward it to the County Auditor.
2. Recommend to the person that submitted the instrument that minor corrections be made in the legal description due to obvious errors such as typographical errors, errors of omission, transposed letters or numbers, or rotation of bearings (example: northeast should have been southwest). Once notified of the error(s), the person that submitted the instrument, if not the surveyor, shall notify the professional surveyor who prepared the legal description to allow the surveyor to correct the description. The recommended changes in the legal description shall then be returned to the County Engineer's office, along with the instrument of conveyance, with the corrected description. The Engineer shall then stamp the document "Approved for Transfer" for forwarding to the County Auditor.
3. After review, if the legal description is deemed to have major errors in dimensions, acreages, location, plattability, etc. and shall be stamped "New Survey Required Next Transfer" and forwarded to the County Auditor for transfer.

Examples of Major Errors or being deemed unplattable are:

- a. Existing legal description is known to overlap adjoining property description or a gap is known to exist between the existing legal description and the adjoining property description.
- b. Existing legal description is missing dimensions or bearings for at least one side of the parcel.
- c. Existing legal description does not call out an identifiable location of the parcel as to section, quarter-section, township and range numbers, or political subdivision name (city, village, township name).
- d. Existing legal description contains more than four (4) excepted descriptions ("save and except") from the original parcel described.
- e. Existing legal description describes a parcel not owned by the Grantor.

B. After receiving the instrument of conveyance from the County Engineer's office, the County Auditor's reviewing personnel shall review the instrument of conveyance for standard items required for all real estate descriptions, as described in Section IV. When satisfied that these items are included, the County Auditor shall proceed with the transfer.

## SECTION II

### II. SUBMITTAL OF INSTRUMENTS OF CONVEYANCE INVOLVING THE CREATION N OF A NEW PARCEL(S) OR A LEGAL DESCRIPTION DIFFERENT FROM THE LEGAL DESCRIPTION OF THE MOST RECENT CONVEYANCE:ORC Sec.315.251

A. Instruments of conveyance involving the creation of a new parcel(s) or a legal description different from the legal description of the most recent conveyance, will require a boundary survey be performed by a Professional Surveyor (registered in the state of Ohio) before the instrument of conveyance is submitted to the County Engineer and Auditor for transfer. The survey plat and legal description of the boundary survey for the instrument of conveyance, shall first be reviewed by the County Engineer for review before submittal to the County Auditor for transfer. The County Engineer's office shall perform a review of the survey plat and legal description of the boundary survey, based upon these standards and those developed by the Auglaize County Subdivision Regulations as adopted by the Auglaize County Commissioners, January 11, 1974. for minor subdivision splits. (ORC Sec. 315.251)

B. The survey plat and legal description of the boundary survey shall meet the following standards:

1. **LEGAL DESCRIPTION:** Legal descriptions shall be based upon a boundary survey and shall be submitted on 8-1/2" by 14" survey sheets as provided by the Auglaize County Engineer and shall contain the following:
  - a) the Grantor and Grantee's names
  - b) the parcel number (for lots splits, use "being a part of" and list the original parcel no.)
  - c) the quarter-section, section number, township and range numbers, and political subdivision in which the parcel is located
  - d) a beginning point referenced to a known monumented point such as a section corner, quarter-section corner, sixteenth section corner, or a lot corner of a recorded subdivision
  - e) a metes and bounds description of the parcel (unless a subdivision lot) which shall have an error of closure ratio of not less than 1 to 10,000
  - f) distances listed to the nearest hundredth foot
  - g) bearings listed in degrees, minutes and seconds based upon GPS documentation, if available at the time of the survey, by the County Engineer.
  - h) calls to and descriptions of all monuments set or found
  - i) the acreage of the parcel described to the nearest thousandth of an acre, for each quarter-section in which the parcel is located
  - j) a statement that the description is subject to all legal highways and easements of record at the time of recording of the instrument
  - k) the deed volume and page number of prior deed reference
  - l) a reference to the basis for the bearings used (GPS, if available)
  - m) the name and registration number of the professional surveyor that prepared the description
  - n) a lot in a recorded subdivision shall have listed the lot number, subdivision name, plat book and page number in the description
  - o) "save and except" clauses are not acceptable for new descriptions
2. **SURVEY PLAT:** Survey plat shall be submitted on 8-1/2" by 14" paper unless the required scale would be smaller than 1" = 100' in which case paper size may be 11" by 17", 18" by 24" or 24" by 36". Subdivision, condominium, vacation, dedication and annexation plats shall be submitted on 18" by 24" mylar sheets (numbered) with a 2" margin on left (18") side. (Continued on next page)

**Plats shall include the following:**

- a) a title, such that the general location of the subject survey can be readily identified and page numbers if more than one page
- b) the quarter-section, section number, township and range number, Virginia Military Survey # and political subdivision in which the parcel is located
- c) a north arrow and scale of the plat
- d) a clear statement as to the basis of the bearings (GPS shall be used if available through the County Engineer)
- e) a beginning point referenced to a known monumented point such as a section corner, quarter-section corner, sixteenth section corner, or a lot corner of a recorded subdivision
- f) existing and proposed property lines described by bearings (DMS) and distances (to nearest 1/100th foot)
- g) all monumentation either found or set, together with a legend of the symbols used to identify the type, size and material of each monument; iron pins to be set at, or referenced to, the intersection of all property lines with existing road right-of way lines
- h) adjoining landowner's names, deed volumes and page numbers
- i) names and references to all roads, rivers, streams, railroads, or easements that cross or occupy the subject parcel
- j) the acreage of existing road right-of-way that occupies the subject parcel
- k) whenever a new metes and bounds description encompasses two existing parcels, two sections or two taxing districts, a breakdown of the total area must be shown
- l) the professional surveyor's printed name, address and registration number
- m) a surveyor's clause stating that the plat represents an actual survey and the date it was performed
- n) the original ink signature of the professional surveyor and the date signed
- o) the surveyor's seal with his or her name and registration number
- p) references to other pertinent documents used to prepare the plat
- q) the name and registration number of the professional surveyor of any other referenced survey
- r) metric measurements may be listed in addition to English measurements but will be secondary and in parenthesis.
- s) the listing of state plane coordinates is optional but may be a requirement of future standards as part of a county-wide network

**3. Field monumentation of surveys shall meet or exceed "State Minimum Standards"**

as adopted by the Ohio State Board of Registration.

C. After the County Engineer's office has performed the review of the survey plat and legal description of the boundary survey, the surveyor shall be notified of deficiencies, if any. The surveyor may then resubmit a corrected survey plat and legal description of the boundary survey. When the survey plat and legal description are in compliance with these standards, the County Engineer's office shall sign both documents **"Approved by , on , 199\_"**, and the reviewer shall assign a Plat Book letter and Page number for those documents. Copies of the survey plat and legal description shall be made with one copy of each returned to the surveyor. The original stamped copy of the survey plat and legal description shall be filed in the County Engineer's survey files and shall become public records under Section 149.43 of the ORC.

D. After receiving the reviewed copy of the survey plat and legal description from the County Engineer's office, the County Auditor's reviewing personnel shall review the instrument of conveyance when submitted for the newly created parcel or parcel with a new description, for standard items required for all real estate descriptions as described in Section IV, and professional surveyor's name and registration number. When satisfied that these items are included, the County Auditor shall proceed with the transfer.

## SECTION III

### III. JURISDICTION OF STANDARDS:

A. Instruments of conveyance and other documents of record that shall be governed by either Section I or Section II of these standards, pursuant to ORC Sections 5713.15, 315.251, 319.203 and other ORC sections, are as follows:

1. Deeds
2. Corrective Deeds (explanation of corrective action shall be clearly stated)
3. Lot Splits
4. Subdivision Plats
5. Condominium Plats (dedicator's plat, legal description)
6. Vacation Plats of Streets and Alleys
7. Dedication Plats
8. Annexation Plats
9. Descriptions for Land Contracts where new parcels are created.
10. Certificate for Transfer of Real Estate
11. Affidavit of Transfer of Real Estate
12. Descriptions for Land Contracts

B. Instruments of conveyance and other documents that are not governed by either Section I or Section II of these standards are as follows:

1. Simultaneous conveyances of a single description for the purpose of providing several undivided interests.
2. Easements
3. Descriptions for Mortgages and Leases
4. Mortgage Location Surveys
5. Parcel splits using quarter section descriptions where all sides of the proposed split are at least quarter-quarter (or fractional quarter) section lines (example - W 1/2 of SW 1/4, Section 5 = 80 acres more or less)

## SECTION IV

### APPLICATION OF TRANSFER CONVEYANCE RULES

These rules apply to any transfer and conveyance of an interest in real property made by conveyance, partition, devise, descent, court order, certificate of transfer, affidavit, or any other document, that would cause any of the following:

(A) Change in the Name of Owner(s) or Land

Any document that creates, transfers, or terminates any interest in land or minerals that would cause the County Auditor to change the name of the owner or any one of the owners, must be presented to the County Auditor under ORC 319.20:

(B) Change in Description

Any document that changes, corrects or amends the description of any parcel of land must be presented to the County Auditor under ORC 5713.20: and

(C) Transfer of Interest that may Affect True Value

Any document that creates, transfers, or terminates any interest in land that may affect the true value of a parcel for real property tax purposes must be presented to the County Auditor under ORC 5713.03.

### SPECIFIC REQUIREMENTS FOR ALL DOCUMENTS OF TRANSFER

All documents transferring an interest in real property that are subject to ORC 319.20, including all court orders and certificates of transfer, shall contain all of the following:

(A) Reference to Prior Instrument of Record

A reference to the volume and page of the record of the next preceding recorded instrument by or through which the grantor claims title as required by ORC 319.20;

(B) Tax Mailing address of Grantee

A statement of the complete mailing address of the grantee or any one of the grantees, as required by ORC 319.20;

(C) Identification of Interest Conveyed

The grantor shall inform the County Auditor in writing whether the grantor is conveying less than the grantor's current interest in the land.

(D) Conveyance Forms

No instruments will be transferred unless accompanied by a properly completed DTE 100 or DTE 100EX. THESE MUST BE COMPLETED IN FULL.

## SUFFICIENCY OF DESCRIPTION

### (A) Description of Tax Parcels

All documents that transfer an ownership interest in a tax parcel shall contain one of the following types of description:

#### (1) Platted Land

A platted lot shall be described by its lot number or other designation and the name of the subdivision as platted, as required by ORC 711.101.

#### (2) Condominium Unit

A condominium unit shall be described by its unit number or other designation and the name of the condominium project as set forth in the declaration as required by ORC 5311.10.

#### (3) Metes and Bounds Description

Each tract of land that is not a platted lot or condominium unit shall be described by a metes and bounds description in accordance with these rules and approval of the County Engineer.

### (B) Land that is Split by Taxing District Boundaries

No single tax parcel shall be created by the County Auditor that is located in different taxing districts. Any land with a single metes and bounds description that is split by taxing district lines shall be made into separate tax parcels by the County Auditor. Any platted lot that is located in different tax districts shall be placed in the appropriate taxing district. This may cause a single lot to have more than one parcel number.

## CONCLUSION

The purpose of adopting the foregoing standards is to minimize the perpetuation of errors in former transfers and to obtain definite and accurate descriptions for future transfers, as allowed by pertinent sections of the Ohio Revised Code.

revised 9/10/96