

# **STANDARDS GOVERNING CONVEYANCES OF REAL PROPERTY**



## **Hancock County, Ohio**

**Charity A. Rauschenberg, Hancock County Auditor  
Steven C. Wilson, Hancock County Engineer  
Revised: March 1, 2007**

ADOPTION OF STANDARDS GOVERNING CONVEYANCES OF REAL  
PROPERTY IN HANCOCK COUNTY, OHIO

February 27, 2007

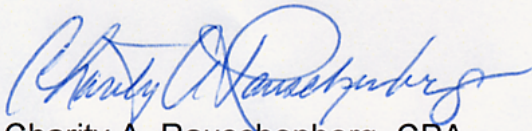
Agreement to adopt standards,

Pursuant to Section 319.203 of the Ohio Revised Code, Charity A. Rauschenberg, the Hancock County Auditor and Steven C. Wilson, the Hancock County Engineer, hereby agree to the following standards governing the conveyances of real property in Hancock County, Ohio.

These standards were adopted after two public hearings conducted by the County Auditor and the County Engineer held on February 5<sup>th</sup> and February 22<sup>nd</sup>, 2007, notice of which having been duly published. All public testimony and written comments received prior to March 1<sup>st</sup> were considered in the adoption of these standards.

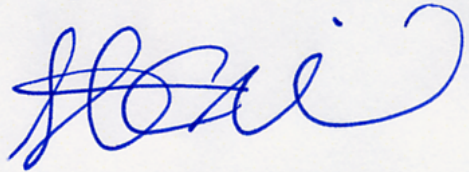
These standards shall be effective on the date signed and shall remain in effect until revised according to the procedures set forth in Section 319.203 of the Ohio Revised Code. These standards shall replace the prior standards effective July 1, 1996.

Effective as of the 1<sup>st</sup> day of March, 2007



Charity A. Rauschenberg, CPA  
Hancock County Auditor

2-27-2007  
Date



Steven C. Wilson, PE, PS  
Hancock County Engineer

2-27-2007  
Date

**TRANSFER AND CONVEYANCE STANDARDS  
OF THE HANCOCK COUNTY AUDITOR  
AND THE HANCOCK COUNTY ENGINEER**

AS ADOPTED UNDER OHIO REVISED CODE SECTION 319.203

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EFFECTIVE March 1, 2007

## INTRODUCTION

The County Auditor and County Engineer desire to provide a service for the public to aid in the proper and orderly conveyance of real property, to correct any errors that are evident with property descriptions and plats, and to insure that property is accurately described for tax purposes.

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

The following sections of the Ohio Revised Code authorize the County Auditor and County Engineer to jointly develop real estate conveyances for their County. Section 315.251 of the Ohio Revised Code states, *"If a deed conveying title to real property is presented to the County Auditor for transfer, and the deed contains a legal description for land that is a cut-up or split of the grantor's one or more existing parcels of land as shown in the county auditor's records, or if the legal description of the land conveyed in the deed is different from the legal description shown in the prior deed to the grantor, a boundary survey plat in conformity with the new description shall be submitted with the deed. The survey plat and description shall satisfy the minimum standards for boundary surveys promulgated by the board of registration for professional engineers and surveyors pursuant to Chapter 4733. of the Revised Code. If, in the opinion of the county engineer, the survey plat and description satisfy those standards, the county auditor shall accept the deed for transfer and a copy of the survey plat shall be filed in the county engineer's survey file for public inspection."*

Section 319.203 of the Ohio Revised Code states, *"The County Auditor and the County Engineer of each County by written agreement, shall adopt standards governing conveyances for real property in the County. The County Auditor and County Engineer may modify those standards from time to time as they consider necessary or desirable. The standards shall be adopted or modified only after the County Auditor and County Engineer have held two public hearings, not less than ten days apart, concerning adoption or modification of the standards. The Standards shall be available for public inspection during normal business hours at the office of the County Auditor and County Engineer."*

This section also states, *"Before the County Auditor transfers any conveyance of real property presented to the Auditor under section 319.203 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."*

The following schedule describes the process for the creation, approval and publication of these standards.

January 23, 2006	First Draft reviewed by Auditor, Engineer, and staff
February 6, 2006	Second Draft reviewed by Auditor, Engineer, Assistant Prosecutor, and staff
January 10, 2007	Third Draft reviewed by Auditor, Engineer, Assistant Prosecutor and staff
January 18, 2007	Notice of First Public Hearing scheduled for February 5, 2007
January 25, 2007	Notice of Second Public Hearing scheduled for February 22, 2007
February 5, 2007	First Public Hearing
February 22, 2007	Second Public Hearing
March 1, 2007	Adoption of Standards

## **DEFINITIONS**

*County* - The word "County" shall mean Hancock County, Ohio.

*County Auditor* - The use of "County Auditor" shall refer to the Hancock County Auditor, deputies or authorized representatives located in the Real Estate department of the Hancock County Auditor in the Hancock County Courthouse, 300 S MAIN ST, FINDLAY, OH 45840.

*County Engineer* - The use of "County Engineer" shall refer to the Hancock County Engineer, deputies or authorized representatives located in the Real Estate department of the Hancock County Auditor in the Hancock County Courthouse, 300 S MAIN ST, FINDLAY, OH 45840.

*Instruments* - Shall refer to any legal recorded document conveying all or part interest in real estate.

## **PROCESS AND PROCEDURES**

1. All authors of conveyance instruments are encouraged to have property descriptions pre-approved by the County Engineer 2-3 working days prior to transfer. This will avoid delays and allow time for any corrections that are necessary. Land contract descriptions should also be checked to avoid costly mistakes and other obvious errors in property descriptions.
2. Deeds based upon surveys will not be approved until survey has been approved by the County Engineer. Lot splits not based on a survey shall be reviewed by the County Engineer prior to transfer to verify

intent of transfer. Mortgage Location Surveys will not be accepted as property surveys in a property conveyance transaction.

3. It is the responsibility of the deed preparer to provide parcel numbers and acreage, if applicable, for existing parcels on all instruments of conveyance.
4. Instruments of conveyance are required to state Township or Corporation, County of Hancock, State of Ohio. Metes and bounds descriptions must also state Township (i.e. T1N) and Range (i.e. R 10E), quarter section(s), Section.
5. Instruments of conveyance are required to have a 1" margin on the left-hand side of each page for the County Auditor's stamps. Also, a 1 ½" margin is required at the top of the first page and at the bottom of the last page for the County Recorder's stamps.
6. Submitted instruments of conveyance involving the creation of a new split, legal description, or minor subdivision must meet the following formatting requirements:
  - a. Read word for word as recited in the pre-approved legal description
  - b. Each call shall be stated in a separate paragraph
7. It is the opinion of the Ohio State Board of Registration for Professional Engineers and Surveyors that *"...registered professional surveyors are the only persons qualified and authorized by law, except as set out in ORC 4733.18, to prepare descriptions for land in this state. When a person, other than a registered professional surveyor, prepares, changes, alters, modifies, or amends a land description, that person is practicing surveying in violation of ORC 4733.22."*
9. Corrective deeds shall state nature of correction.
10. All correspondence shall be directed to deputies or authorized representatives of the Hancock County Auditor - Real Estate Division in the Hancock County Courthouse, 300 S. Main Street, Findlay, Ohio 45840.

## **I. STANDARDS FOR ALL RECORDED LOTS**

1. A legible copy of the prior deed is required with transfers involving a split of a recorded lot. Instruments involving the transfer of an entire lot(s) do not require a copy of the prior deed.

2. All Instruments conveying a recorded lot in a municipal or recorded subdivided area must designate the lot number(s) and the subdivision name.
3. Any out-lot or portion of recorded lot must have an accurate description to establish a tax structure of the portion being conveyed, so as to enable the County Auditor to determine the residue or balance remaining, based on the current Tax Maps and Parcel Numbers.
4. Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have a metes and bounds description.
5. Vacated lots shall be surveyed using a monumented point of beginning and shall be metes and bounds descriptions since vacated property boundaries do not exist. However, a vacated subdivision name and lot number can be used as a point of reference in a legal description in addition to the metes and bounds description.

## **II. STANDARDS FOR EXISTING LEGAL DESCRIPTIONS**

1. A legible copy of the prior deed is required with transfers involving existing legal descriptions.
2. Legal descriptions presented for conveyance shall be compared to the prior deed and checked by the County Engineer to verify and identify to the County Auditor the tax parcel(s) to be conveyed. The correction of typographic errors, omissions or other mistakes not substantive in nature is permitted in order to match the prior deed. Corrections should be initialed. All references to terms currently not in use, such as former road names or railroads, must reflect current names or ownership.
3. Any existing legal description or platted lot which has been incorporated into a municipality or other political subdivision by means of annexation must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance. Detachments shall be corrected as well to reflect the current political location.
4. A survey is not required for instruments conveying - entire quarter section, half of a quarter section, quarter of a quarter section, or any quarter or half fraction thereof as determined by the County Engineer. If any of the above is created by a split, then the split would require a new survey.

5. Existing descriptions that do not meet requirements for transfer may transfer if no money is involved and if they meet one of the requirements listed below:
  - a. When property is being transferred from the owner(s) to themselves
  - b. When property is being transferred from the owner(s) to an immediate family member
  - c. When the trustee(s) of a given trust relinquishes rights to a new trustee(s) of the same trust
  - d. When the property is being transferred from the owner(s) name into a family trust
  - e. When property is being transferred from a family into a member's name of that trust
  - f. When the name of a trust is being changed but the trustee(s) remain the same
  - g. When a person(s) inherits property by survivorship
  - h. Life Estates
  - i. Corrective Deeds
  - j. Transfers by Court order such as Certificates of Transfer, Executor or Fiduciary, Divorce Decree

Sheriff's Deeds, Auditor's Deeds or Judicial Orders lacking an acceptable legal description may also transfer.

At the time of transfer the legal instrument shall be stamped "New Survey Required – Next Non-Exempt Transfer".

6. When there is an exception(s) to a tract or parcel the exception(s) shall comply with the following requirements:
  - a. More than three exceptions per parcel or tract will be considered unacceptable for transfer, however, the County Engineer retains the right to request a survey on any number of exceptions if the intent of the transfer is not clearly understood. Exceptions must meet STANDARDS FOR EXISTING LEGAL DESCRIPTIONS.
  - b. Exceptions must be identified in a separate paragraph and referenced to one parcel number on the deed.
  - c. After the exceptions to a tract or parcel are fully described, an acreage must accompany the instrument of conveyance.
7. Acre changes to a tax parcel may only be performed with a recorded deed.
8. Units of measure in metes and bounds descriptions can be either US Survey Feet, rods and chains, or metric units, which shall be acceptable if feet and inches are also shown.

### III. REQUIREMENTS FOR NEW SURVEYS/SPLITS/MINOR SUBDIVISIONS

1. All new metes and bounds descriptions, not previously recorded, shall meet minimum standards as established in Chapter 4733-37 of the ADMINISTRATIVE CODE. Except as herein identified. Surveys shall be presented for pre-transfer approval a minimum of 2 working days in advance.
2. Whenever a new metes and bounds description encompasses any of the following situations, a breakdown of the total area must be recited to create an accurate tax structure.
  - a. Two or more taxing districts
  - b. Two or more sections / quarter sections
  - c. Two or more platted subdivisions
  - d. Both platted and unplatted lands

In each situation the acreage in the existing road right of way for each portion must be recited as well.

3. Hancock Regional Planning Commission or the applicable City Planning Commission approval is required for the following cases:
  - a. Splits less than 5.001 acres or splits leaving the remainder with less than 5.001 acres
  - b. Any split of a platted subdivision lot
  - c. Any split with less than 60' frontage or any split leaving the remainder with less than 60' frontage
  - d. "Flag Lots" with less than 5.001 acres in the "flag"
  - e. Any split located in an incorporated city or village
4. Descriptions other than metes and bounds may be acceptable if they accurately describe tract. (i.e., being 10 feet off the west side of Lot No. 1000, etc.) This provision only applies to portions of rectangular lots in a platted subdivision which span an entire side of a lot.
5. Legal Description for new survey approval shall adhere to the following requirements:
  - a. The legal description must be submitted on a separate one-sided 8 ½" x 11" sheet of paper. Legal descriptions on the plat of survey will not be accepted for approval.
  - b. Each call must be stated in a separate paragraph.
  - c. Distances following a common bearing cannot be broken into separate calls.
  - d. Calculated acreage must be rounded to 3 decimal places. For example, 1.2345 acres would be rounded up to 1.235 acres, while 1.23449 acres would be rounded down to 1.234 acres.

- e. The surveyor's printed name, Ohio registration number, signature, and seal must appear on the same sheet of paper as the legal description.
- f. Distances shall be rounded to two decimal places.
- g. Bearings and distances shall be typed numerically. (i.e. N12°34' 56"E, a distance of 123.45')
- h. No survey will be accepted without an attached and completed "APPLICATION FOR SURVEY APPROVAL" form. This form can be picked up in person at the Auditor's Office or faxed upon request.
- i. No faxed or emailed legal descriptions / survey plats will be accepted.
- j. Signed originals can be dropped off in person at the County Courthouse, Auditor's Office, Room 21 or mailed to:

HANCOCK COUNTY AUDITOR'S OFFICE  
300 S MAIN ST RM 21  
FINDLAY OH 45840

The following requirements set forth in the Ohio Administrative Code 4733-37 must also be met:

- k. In all new descriptions and plats of survey, the lengths and directions of the lines shall be specified so that the mathematical error in closure of the property boundary does not exceed 0.02 feet in latitudes and 0.02 feet in departure.*
- l. Sufficient caption so that the property can be adequately identified.*
- m. A relationship between the property in question and clearly defined control station(s).*
- n. The basis of the bearings.*
- o. A citation to the public record of the appropriate prior deed(s).*
- p. A description of the boundary monument used as the initial point of the description.*
- q. A series of calls for successive lines bounding the parcel, each of which specifies:*
  - I. The intent in regards to adjoiners or other existing features.*
  - II. The direction of the line relative to the direction of the basis of bearing.*
  - III. The length of the line.*
  - IV. A description of the boundary monument (or reference monument) and whether found or set to identify the end of the particular line.*
  - V. All curved lines shall indicate the radius, central angle, curve length, chord bearing, chord length and direction of the curve.*
- r. A statement shall appear indicating that either: the description was made in accordance with a recent survey and the date thereof, or*

*the description was made based on a previous survey, of a certain date, and date of description, or the description was not based on a survey.*

6. Survey Plat shall include:
  - a. The attached plat shall be submitted on 8 1/2 " x 11" or 11"x17" paper. Plats submitted on 18" x 24" or 24" x 36" paper will be acceptable if the survey dimensions warrant a larger paper size.
  - b. No overlapping legal descriptions shall be placed on the same survey plat. If this situation arises, please submit as separate drawings.
  - c. In situations where more than one description having the same acreage is placed on the same survey plat, each corresponding description and plat shall be labeled "Parcel A,B,C..." For these situations, The County Auditor will not accept a deed for transfer without the corresponding label placed above the legal description.
  - d. All distances and bearings on the plat must match the distance and bearing from the legal description.
  - e. Must be legible and of a professional quality.
  - f. Flag Lots must show acreage in the "pole" and in the "flag".
  - g. Area within the road right of way, rounded to 3 decimal places.
  - h. To assist the Auditor in maintaining an accurate tax base, all new surveys must show location(s) and dimensions of any taxable structure when practicable.

The following requirements set forth in the Ohio Administrative Code 4733-37 must also be met:

- i. A title such that the general location of the survey can be identified. The title shall include, but not be limited to: state, county, civil township or municipality, and original land subdivision description.*
- j. A north arrow with a clear statement as to the basis of the reference direction used.*
- k. The control station(s) or line cited in the description and the relationship of the property to this control must be referenced to an established monumented point of beginning such as, but not limited to: centerline intersection of streets or highways record, section or quarter section corners, Virginia military survey corners or lines, or platted lot corners. The type of monuments set or found at the control stations shall be noted.*
- l. A notation at each corner of the property stating that the boundary monument specified in the deed description was found, or that a boundary monument was set, or a legend of the symbols used to identify monumentation. In addition, there shall be a statement describing the material and size of every monument found or set.*
- m. A general notation describing the evidence of occupation that may be found along every boundary line or occupation line.*

- n. *The length and direction of each line as specified in the description of the property or as determined in the actual survey if this differs from what is stated in the deed description by more than the tolerance specified in paragraph (B) of rule 4733-37-04 of the Administrative Code. The length and direction shall be stated as follows:*
    - I. *Bearings expressed in degrees, minutes and seconds and distances expressed in feet and decimal parts thereof on each course. If a metric equivalent distance is stated, it shall be stated to the third decimal place.*
    - II. *All curved lines shall indicate the radius, central angle, curve length, chord bearing and chord distance.*
    - III. *Each course shall show other common lines such as centerline of roads, rivers, streams, section lines, quarter section lines, half section lines or other pertinent common lines of record.*
  - o. *A citation of pertinent documents and sources of data used as a basis for carrying out the work. The citation shall include, but not be limited to: current deeds as of the date of the survey, prior deeds or other documents of record, and available deeds of record for adjoining parcels along each boundary line of the survey. If the adjoining parcel is a recorded subdivision, only the subdivision name, recording information and lot numbers need to be shown.*
  - p. *The written and graphical scale of the drawing.*
  - q. *The date of the survey.*
  - r. *The surveyor's printed name and Ohio registration number, signature and seal (in a form which may clearly reproduce on any copies which may be made of the original drawing).*
  - s. *The area contained within the perimeter of the surveyed parcel.*
  - t. *All references to roads or railroads contiguous to the surveyed parcel shall use current names or names of record and applicable right of way widths, if available.*
  - u. *References to rivers or streams shall use current names of record, if available.*
7. When approved, the legal description will be stamped "Acreage/Closure Checked - Hancock County Engineer". Faxed copies will then be sent to the surveyor. If denied, the surveyor will be notified by fax or telephone.
8. All instruments containing new metes and bounds descriptions, which meet all of the aforementioned requirements will be stamped "Description Checked - Hancock County Engineer" and the proper notations will be made on the instrument of conveyance, verifying a correct tax structure to the County Auditor.

#### IV. MAJOR SUBDIVISIONS

1. Obtain necessary approval and signatures from the appropriate government entities prior to delivery to the County Auditor.
2. A legal description of the perimeter is required and must be included on the plat in order to be approved.
3. Appropriate signatures must be signed and contain name, title, and organization (if applicable) legibly printed beneath.
4. The subdivision plat shall be submitted on 18"x28" mylar.
5. Two sets of the plat are required upon delivery to the County Auditor.
6. Plats involving County acceptances must include the following text:

**"COUNTY ACCEPTANCE**

We, the undersigned Commissioners in and for the County of Hancock, State of Ohio, do hereby approve and accept the above plat and all roads, rights-of-way, and easements thereon, excepting \_\_\_\_\_."

As a general rule, the blank will be filled in with the word "none".
7. Changes to the legal description of a plat can only be modified by a professional surveyor.

#### V. REQUIREMENTS FOR DIGITAL SUBMITTAL STANDARDS OF DXF (Digital Exchange Format) FILES FOR MAJOR SUBDIVISION PLATS (5+ lots)

1. The County Auditor reserves the right to delay transfer of the plat pending delivery of the DXF file.
2. Upon delivery of the mylar plat to the Auditor's Office, the associated engineering/surveying firm will be notified by phone or email to arrange delivery of the DXF file.
3. Requirements for DXF file:
  - a. 1:1 scale oriented properly. (North is up, not rotated)
  - b. All parcel and ROW lines shall be moved to a unique single layer.
  - c. All lot dimension text shall be merged into a unique single layer.
  - d. Lot Number text shall be merged into a unique single layer.
  - e. Curve distances shall be labeled with the corresponding text or referenced to a curve table.
4. The DXF file should not contain the following features:

- a. Duplicate lines, Overlapping lines
- b. Dangling nodes, Overshoots
- c. Blocks, Cell features, Complex shapes, Complex strings
- d. Exploded text, Leaders, Arrows
- e. Foot symbol on dimensions (i.e. 9.99')
- f. Lines or text not pertaining to the plat dimensions (i.e. utility easements, centerline distances, bearings).

## **VI. CONDOMINIUMS**

1. A legal description of the perimeter is required and must be included with the plat in order to be approved.
2. Appropriate signatures must be signed and contain name, title, and organization (if applicable) legibly printed beneath.
3. The original and a copy of the Declaration and Amendments must be submitted on 18"x28" mylar for each condominium association.
4. A plat and a copy is required for each transfer of real property to the condominium association, submitted on 18"x28" mylar.
5. Changes to the legal description of a plat can only be modified by a professional surveyor.

## **VII. PROCESS FOR ANNEXATIONS**

Only annexations submitted in the form of plats and descriptions will be accepted by the County Engineer for checking and filing.

1. All descriptions and plats shall conform to either:
  - a. STANDARDS FOR EXISTING LEGAL DESCRIPTIONS
  - b. REQUIREMENTS FOR NEW SURVEYS/SPLITS/MINOR SUBDIVISIONS
2. Individual acting as agent for the petitioners should obtain the petition for annexation together with an affidavit (signed by the agent) from the County Commissioners and involved property owners.
3. Plat(s), descriptions and petition should be presented to the proper agencies for review. These agencies include but not necessarily limited to: County Engineer, Board of Health, Township Trustees, Township Zoning Board, Regional Planning Commission, County Commissioners, and City or Village Officials.

## **VIII. APPROVAL PROCESS FOR LAND CONTRACTS**

All land contracts shall be checked for conformance to current regulations which may be applicable upon final transfer. While the County Engineer cannot prevent the recording of these instruments, we encourage they be checked to alert the parties involved of any potential problem which may prevent an acceptable transfer at a future date.

## **IX. ROAD, STREET, AND ALLEY VACATIONS**

In order for the County Engineer to properly serve the needs of the County Auditor's Office concerning the keeping of an accurate tax base, the County Engineer must be informed by means of a recorded legal instrument of any road, street, or alley vacation by the responsible government agency. While a survey is not required, the following two conditions must be met:

1. The ordinance must list affected subdivision(s) and lot number(s) if platted, or if unplatted, the Auditor's parcel number(s).
2. A plat, prepared and certified by a licensed surveyor or engineer, must be submitted in accordance with ORC 711.39.

## **EXHIBIT A**

Ohio Administrative Code 4733-37

<http://onlinedocs.andersonpublishing.com>