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Public Service with integrity

Memo

To: Surveyors, Attorneys, Real Estate Agents, Title Examiners,
and other Real Estate Professionals

From: Andrea Weaver, Union County Auditor
Jeff Stauch, Union County Engineer

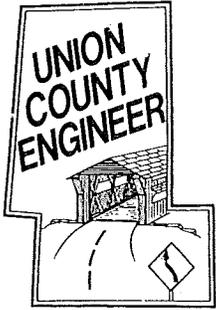
Date: 4/9/2014

Re: Adoption of Revised Union County Real Estate Conveyance Standards

The Union County Engineer and Union County Auditor and their respective staff have completed the revision of the Union County Conveyance Standards. Public Hearings were held on February 19th and March 4th to review changes and receive comment.

The final document can be found on the County Auditor's or County Engineer's homepages, or copies can be provided by either office. Changes and additions to the standards are noted in the left margins.

Beginning on May 1, 2014, these revised Real Estate Conveyance Standards will be adopted by the respective offices of the Union County Auditor, Engineer, and Recorder.



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CONVEYANCE STANDARDS

Union County, Ohio

Effective: May 1st, 2014

Introduction and Adoption

These standards have been prepared pursuant to Section 319.203 of the Ohio Revised Code to provide a consistent method for reviewing and approving all legal instruments used to convey real property in Union County.

These standards provide a service to property owners by insuring that property is accurately and correctly described, that errors in existing descriptions are corrected, and that proper procedures are followed in the transfer of real property.

Andrea Weaver, the Union County Auditor, and Jeff Stauch, the Union County Engineer, agree to these standards governing conveyances of real property in Union County, Ohio and adopt these standards effective May 1st, 2014.

The appendices to these standards are included for the information of the user. The information contained in the appendices is not part of these standards and is subject to change without legal notice or public hearing.

Public hearings were held on February 19th, 2014 and March 4th, 2014. All public testimony and written comments received prior to March 14th, 2014 were considered in the adoption of these standards.

Signed, agreed, and adopted this 14th day of April, 2014.



Andrea Weaver
Union County Auditor



Jeff Stauch
Union County Engineer

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ARTICLE 1

GENERAL

A. Applicability

These standards apply to all instruments (e.g., deeds, land contracts, affidavits, certificates, foreclosures, etc.) which propose to convey an interest in real property in Union County and which would cause the following:

1. a change in the name of the legal or equitable owner (s) of real property or
2. a change in the description of real property or
3. both.

B. Administration

These standards shall be administered by the Union County Auditor and Union County Engineer, as applicable. See the Appendix for necessary policies and procedures to insure compliance with these standards.

1. The County Auditor will not transfer any instrument contrary to these standards.
2. The County Engineer will not approve any instrument which is not consistent with these standards.

C. Quality of Instruments

1. Upon presentation to the County Auditor, the instrument of conveyance shall have the original signature of the grantor or affiant. If pursuant to a judge's order, a copy of the court order will be acceptable if the copy shows that it has been filed with the Clerk of Courts or is certified by the Clerk of Courts provided a description of the property being transferred is within the judgment order.
2. No instrument will be accepted if the instrument or any attachment is illegible (difficult to read) as determined by the County Auditor or the County Engineer (e.g., descriptions typed in all caps, numbers are indecipherable, entire description is typed as one paragraph when each course of should be its own).

| D. Breaks in Chain of Title

1. No transfer will be approved where a grantor is not a prior grantee, unless the instrument itself, or is an affidavit that satisfies the requirement of O.R.C. 5301.252 is provided to the County Auditor that explains to the County Auditor's satisfaction why there is a break in the chain of title, or unless the instrument proposes to quit claim an interest.

E. Real Property in Multiple Taxing Districts

1. Where a tract of land that is described by a single description is located in more than one county, the Union County Auditor shall consult with the County Auditor of the other county to determine the treatment of the land for real property tax purposes.
2. 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.
3. Acreages shall be identified for each taxing district and shall be determined from existing records or from a new survey, as applicable.

F. Planning Commission Approval

1. Any instrument that causes a tax parcel to be split thereby requiring approval by a planning commission must be so approved before it will be accepted by the County Auditor.
2. The County Auditor will not determine whether any split is exempt from planning commission approval, and will accept only a written communication from the appropriate planning commission that the split is exempt.
3. The County Auditor will not transfer or change the name of any owner of any real property pursuant to a subdivision plat, unless that subdivision plat has been previously approved by the appropriate planning commission and political subdivision and recorded by the County Recorder. (O.R.C. 711.13).

| G. Foreclosures and Sheriff's Sales

1. See applicable Rules of Court of the Common Pleas Court of Union County (Local Rules 20 & 21).

ARTICLE 2

REQUIREMENTS FOR DESCRIPTIONS

A. All Recorded Lots of Record

1. All instruments conveying a recorded lot in a platted subdivision or platted lot in a municipality or village shall, state the situate, designate the lot number (s), the official recorded name of the platted subdivision or addition, the plat book and page(s) reference of the official recorded document, the County Engineer's parcel map number, the County Auditor's parcel account number (and TIF parcel account number, if applicable) and the prior recorded deed reference, if any exists.
2. Any out-lot or portion of a recorded lot must have a description sufficient to clearly describe, without ambiguity, the land being conveyed, to establish dimensions or acreage for the land being conveyed, and to enable the County Engineer and County Auditor to determine the residue or remaining balance, or must have an acceptable metes and bounds description.
3. Any land being conveyed other than as described in 1. or 2. above must have an acceptable metes and bounds description.

B. Existing Metes and Bounds Description of Record

1. All existing metes and bounds descriptions of record shall be checked by the County Engineer except for descriptions included in exempt transfers (see O.R.C. 319.202 and 319.54 (F) (3), see also Appendix B) unless the parcel subject to the exempt transfer has been split or resurveyed since the last transfer.
2. All existing metes and bounds descriptions of record shall be described verbatim as witnessed by the instruments of previous record and transfer. The correction of scribe errors, omissions or other obvious mistakes is permitted in order to make the description more correct. Submission of a copy of the last previously recorded instrument, before the error appears, may be required.
3.
 - a. The existing metes and bounds description shall be a complete description and shall define the property to be transferred. County Engineer's staff must be able to locate the property on the County mapping system.
 - b. The proposed instrument of conveyance shall recite the parcel map number(s) (based on the County mapping numbering system), the parcel account number(s), and the last record of conveyance (designating Deed Record (Book), Official Record, or Instrument ID).

3. b. cont'd

County Engineer's staff will assist in providing the parcel map number and the parcel account number(s), verified by the County Auditor's staff.

- c. Any existing metes and bounds description which, since the previous conveyance, has been incorporated, in total or in part, into a municipality or other political subdivision by means of annexation must be changed within the situate of the subject instrument of conveyance to reflect its new incorporated location. (Correct situate must be part of description.)
- d. If any surrounding alley/street has been vacated that affects subject parcel it must become part of description noting Commissioner's Journal and date and/or Ordinance # and date of vacation.
- e. The acreage of the property shall be recited consistent with the last previous instrument and shall not vary from the County mapping system acreage (unless the deed acreage is substantiated by a survey of record) by more than:

<u>Deed acreage</u>	<u>Allowable variance</u>
Less than 5 acres	0.2 acre
Greater than 5 acres	3% (rounded to the next 0.1 acres)

4. For instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which exceptions to title exist:

- a. No more than four (4) exceptions are permitted per conveyance,
- b. Each exception must be described in full as witnessed by the previous instrument of record (or original document of partition) except for the correction of scribe errors, omissions, or other obvious mistakes (see Article 2, Section B-2), each exception must follow its parent description,
- c. The description of each exception must conform to these requirements.
- d. All instruments of conveyance using exceptions to convey the balance or remainder of a tax parcel(s) must include the acreage for each exception and the final acreage conveyed.

5. The names of the grantee and grantor and the mailing address of the grantee shall be stated on the instrument of conveyance. A street address shall be included as part of the mailing address if applicable.

6. Whenever the County Engineer or County Auditor determines that the descriptive content of any instrument of conveyance is ambiguous, a statement of intent and/or nature may be required as part of the instrument to clarify the parcel(s) to be conveyed (identifying by house number, for example).

7.
 - a. Instruments which comply with all the requirements of this Section B will be stamped “Existing Description Acceptable.....”. Such statement implies only that the description is acceptable based on these requirements. The statement does not imply that the locations of property lines or corners as expressed by the description or closure are in fact correct.
 - b. Instruments which do not comply with all these requirements will be stamped “NEW SURVEY AND DESCRIPTION REQUIRED BEFORE NEXT TRANSFER”. A new boundary survey (plat and legal description) will be required prior to the next transfer (if next transfer is exempt it will be allowed to transfer without a new survey at that time).

C. New Metes and Bounds Descriptions Not of Record

All new metes and bounds descriptions shall meet minimum standards of good surveying and draftsmanship, and shall meet the most current rules of the “Minimum Standards for Boundary Surveys” as defined by Chapter 4733-37 of the Ohio Administrative Code (see Appendix D). The descriptions shall be consistent with the boundary survey plat and shall incorporate the following details.

1. Situate:
 - a. Shall denote state, county, municipality/unincorporated village (if appropriate), township, Virginia Military Survey Number, etc.
 - b. Shall denote recorded title and deed reference of the tract(s) of origination which shall include owner’s name, deed reference (Deed Record, Official Record, or Instrument I.D.), tract number and tract acreage in accordance with the previous deed (subdivision or addition name, and plat book and page if applicable).
2. The Point of Beginning:
 - a. All descriptions shall be referenced to a monumented corner of the lot or property of which the description is a part.
 - b. In addition all descriptions shall be referenced to other monumented points such as centerline intersections of streets or roads of records, township corners or lines, Virginia Military Survey corners or lines, corners or lines of platted subdivisions, etc.
3. Courses:
 - a. Each course of a new metes and bounds description must be a separate paragraph, and all courses must be listed 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 point of termination of each course.
- c. The basis of the bearing(s) shall be given in a statement similar to that shown on the survey plat (see Article 3, Section D.3).
- d. Each course shall recite the names of current adjoining owners together with the deed references of each, the deed acreage, and current lot number and subdivision name along with plat book and page(s), if applicable.
- e. Each course shall recite monumentation, either placed or found, which has been located along each course, and at the origination and termination of each course which shall include the type, size and material of each monument. If no monument was placed or found, then the term "to a point" shall be used.
- f. Each course shall recite all other common lines such as centerlines of roads, rivers, streams, railroads, etc., Virginia Military Survey lines, or any other pertinent common lines of record or interest as witnessed by the survey for the conveyance. Each course following a road shall specify the record right-of-way width and the planned future right-of-way width of that road. (Right-of-way information is available in County Engineer's Office).
- g. All references to roads, rivers, streams, railroads, etc. shall use current or existing numbers and names of record. Old or original names may also be mentioned.
- h. Any course of a new metes and bounds description which is a curve shall contain the direction of curve (right or left), the length of the curve (in feet and decimal parts thereof), the radius (in feet and decimal parts thereof), the central angle, and the bearing and distance (in feet and decimal parts thereof) of the long chord.

4. Acreage and Closure:

- a. All new metes and bounds descriptions shall give the acreage contained within its perimeter calculated to the third decimal place.
- b. Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more tax parcels as shown on County Auditor's tax duplicate and/or County mapping system, a breakdown of the total acreage within each district or parcel shall be recited.
- c. The maximum error in mathematical closure of a new metes and bounds description shall be 1 in 10,000.

5. Professional Surveyor:
 - a. All new metes and bounds descriptions shall be prepared by a professional surveyor and must incorporate the following:
 - Surveyor's name
 - Ohio Registration Number
 - The date of survey
 - A statement indicating that the description was prepared from an actual field survey.
6. Prior Deed References:
 - a. The deed reference(s) from which the grantor of the conveyance acquired title shall be recited.
7. Additional Requirements:
 - a. The names of the grantee and grantor and the mailing address of the grantee shall be stated on the instrument of conveyance. A street address shall be included as part of the mailing address.
 - b. A good quality copy of the signed and sealed survey plat prepared in accordance with Article 3 below must accompany each instrument containing a new metes and bounds description.
 - c. All instruments containing new metes and bounds descriptions shall incorporate by exhibit the description prepared by the surveyor, signed and/or sealed (both preferred), and meet all the requirements of these standards.
 - d. Any new parcel being created must be done so thru its own conveyance not as an exception in a conveyance.
 - e. Any and all vacated streets or alleys which are part of the tract to be conveyed shall be included in the metes and bounds description stating Commissioner's Journal reference and date, and/or, Ordinance Number and date, of vacation.
8. Approval:
 - a. Instruments which comply with all the requirements of this Section C will be stamped "Description Acceptable.....". Such statement implies only that the description is acceptable based on these requirements. The statement does not imply that the locations of property lines or corners as expressed by the description of the survey plat are in fact correct.
9. Note:
 - a. No instruments containing new metes and bounds descriptions will be transferred or recorded until the requirements contained herein have been satisfied.

ARTICLE 3

REQUIREMENTS FOR PLATS OF NEW BOUNDARY SURVEYS

- A. A boundary survey is required when any tract, lot, or parcel that is being conveyed is not described in the same manner as the tract, lot, or parcel was described in the immediately preceding conveyance of record. A plat of the boundary survey must be submitted to the County Engineer for approval.

- B. Any professional surveyor undertaking a boundary survey in Union County shall prepare a plat of the survey drawn to scale and file with the County Engineer a good quality copy. The copy shall not exceed 11" x 17" in dimension and shall be legible to insure accurate recording. The copy will not be returned. Copies of survey plats so submitted will be recorded in the Survey Records maintained by the County Engineer (electronic copies are acceptable as long as all requirements listed above are met).
 - If reduced to meet size requirements, the survey plat must be legible and say "Not to Scale". A copy of the full size survey plat may be submitted in addition to the reduced copy.

- C. All boundary surveys and all survey plats shall be made in accordance with the "Minimum Standards for Boundary Surveys" as defined by Chapter 4733-37 of the Ohio Administrative Code (see Appendix D) and in accordance with these requirements.
 - When possible and practical, monuments shall be placed, when none are found, at all corners and angle points of properties surveyed and at points where property lines intersect road right-of-way lines. Otherwise reference monuments shall be set preferably along property lines.

- D. All survey plats shall meet minimum standards of good surveying and draftsmanship, shall be consistent with the legal description and shall incorporate the following details:
 1. A title such that the general location of the subject survey can be readily identifiable. The title shall include the same information as stated in Article 2, Section C.1.
 2. A north arrow.
 3. The basis for the bearing(s) shall be stated, for example: "the Bearings are based on an assumed (or true or magnetic) reference" or "the Bearings are based on the centerline of _____ in accordance with Survey (Deed, Official) Record ____, Page ____, (or Instrument I.D.)".
 4. The beginning point reference as stated in Article 2, Section C.2.
 5. All monumentation either found or placed, together with a legend of the symbols used to indentify the subject monumentation and the material and size for each. If all monuments are identified individually, no legend will be required.
 6. All current adjoining owner information along each course, as stated in Article 2, Section C.3.

7. All boundary information for each course as stated in Article 2, Section C.3.
 8. A list of pertinent documents and sources of data used as a basis for carrying out the work.
 9. The scale of the survey plat (written and graphic scale).
 10. The surveyors printed and signed name, Ohio Registration Number, reproducible Seal, and date of survey.
 11. The acreage and other items as required under Article 2, Section C.4.
 12. The road right-of-way width of record shall be shown as well as the planned right-of-way width.
 13. Any new survey that will require a proposed access see current “Access Management Regulations” available on the Union County Engineer’s website or in said office, for necessary information to be included.
 14. Other details as required in Article 2.
- E. Show FEMA Flood Hazard Zones on all survey plats or include a statement that the property is, is not, or may be within a FEMA Flood Hazard Zone. Specify the FEMA panel map number and date.

ARTICLE 4

CONDOMINIUMS

- A. In accordance with ORC Section 5311.02, condominium plats or condominium transfers are not considered subdivisions and are not subject to the requirements of ORC Chapter 711.
- B. All condominium plats should be treated as a transfer of five acres or greater (no planning commission approval required). Only the survey plat and/or the legal description of the exterior boundary of the condominium plat need be approved in the County Engineer's Office. No approval is required if the survey plat and/or legal description of the exterior boundary have been previously approved or for phases of a condominium plat.
- C. The transfer of individual condominium units does not require an approval from the County Engineer's Office.

Procedure 1: Any Description of Record.

1. Owner or agent may submit copy of last previously recorded instrument of conveyance to the County Engineer for pre-approval. Pre-approvals are encouraged for legal descriptions containing multiple tracts and/or multiple exceptions.
2. The County Engineer reviews the legal description for conformance with these regulations. This pre-approval may take up to five (5) working days.
3. Attorney prepares instrument of conveyance in conformance with these regulations.
4. Attorney submits instrument of conveyance and copy of last previously recorded instrument to the County Engineer for approval. (If prior instrument was an exempt transfer then the first non-exempt prior transfer must be provided.)
5. The County Engineer reviews the instrument of conveyance for conformance with these regulations. If the legal description contains multiple tracts and/or multiple exceptions, this approval may take up to five (5) working days if the legal description HAS NOT been pre-approved. If it HAS been pre-approved or if it is a simple description, then this approval should take no more than one (1) working day; however, our goal will be to generally approve such descriptions within one hour. In order to be considered pre-approved a copy of the pre-approval (e-mail and description) shall accompany the deed when brought in for final approval. All conveyances are approved in order received.
6. The County Engineer stamps the instrument of conveyance either "Existing Description Acceptable" or "New Survey and Description Required Before Next Transfer".

NOTE: Legal descriptions must contain all the information needed by the County Engineer to verify compliance with these regulations.

Procedure 2: New Metes and Bounds Descriptions not of Record

1. Ohio Registered Professional Surveyor surveys property and prepares legal description and boundary survey plat.
2. Surveyor, owner, or agent may submit legal description and boundary survey plat to the County Engineer for pre-approval. Pre-approvals are encouraged.
3. The County Engineer reviews the legal description and boundary survey plat for conformance with these regulations and identifies any problems for the surveyor, owner, or agent. The pre-approval may take up to five (5) working days.
4. Attorney prepares instrument of conveyance in conformance with these regulations. Surveyors' copy of legal description with signature and/or seal shall be used for initial conveyance for new description.

5. Attorney submits instrument of conveyance and boundary survey plat to the County Engineer for approval. An application for Conveyance Approval shall also be submitted.
6. The County Engineer reviews the instrument of conveyance and boundary survey plat for conformance with these regulations. This approval may take up to five (5) working days if the legal description and boundary survey plat HAVE NOT been pre-approved. If they HAVE been pre-approved, then this approval should take no more than one (1) working day. All conveyances are approved in order received.
7. If applicable, Access Management approval and Union County Health Department approval must be provided with submittal of conveyance.

NOTE:

Union County Access Management Regulations are available on the Union County Engineer's website or at the Union County Engineer's office, and for the Union County Health Department's requirements please contact the Union County Health Department.

8. When approved, the County Engineer stamps the instrument of conveyance "Description Acceptable....." and, if applicable, "Approved by Logan, Union, Champaign Regional Planning Commission.....".

NOTE:

1. Legal descriptions and boundary survey plats must contain all the Information needed by the County Engineer to verify compliance with these regulations.
2. Any new legal description creating a new parcel in an incorporated area must be approved by that incorporated area, if applicable.

9. Newly created parcels along county and township roadways may be required to grant road right-of-way easements to satisfy the Planned Future Right-of-Way width values, as developed by the Union County Engineer.

1. All instruments of conveyance, **except for**, exempt transfers and land contracts that contain descriptions of record, and individual condominiums, shall be reviewed by the Union County Engineer's Office, and stamped "Existing Description Acceptable...." Or "New Survey and Description Required...." prior to the instrument being transferred.
The County Auditor's Office reserves the right to request any description be reviewed at any time by the County Engineer's Office.
2. Processing of subdivision plats, splits, pro-rates, condos, resurveys etc. may take up to 10 (ten) working days. Details subject to verification provided on such forms include but are not limited to transfer documents (legal description, prior deed of record etc.), conveyance forms (mortgage amount, cash, personal property), split forms (acreage, buildings, etc.).
3. A signed and properly completed conveyance fee statement form (DTE 100) or signed statement for exemption form (DTE 100EX) is required for each instrument of conveyance. Additional forms may be required in the case of a split, including copy of survey plat.
4. An approval stamp from the County Engineer's Office is required for all instruments of conveyance with land splits and for all resurveys.
5. Land contracts are stamped "APPROVED" and will be noted in the computer. However, a name change will not take effect until the parcel is transferred and the land contract is satisfied. Land contracts do not require a signed DTE 100EX form. However, one will be used for office purposes.
6. Instruments that transfer, "TRANSFER NOT NECESSARY", do not require a signed exempt form. An example is when both individuals names are exactly the same on our records and joint lives is being added. A deed that is correct in our office but needs to clear title in the Union County Recorder's Office is stamped "Transfer Not Necessary", nothing is noted in system and no DTE 100EX form is completed.
7. All General Partnerships require the County Recorder's stamp before the instrument can be transferred. All Limited Partnerships filed with the County Recorder's Office prior to 7/1/1994 require the partnership stamp. Also, all Limited Liability Associations (LLA) must be filed before certification in the County Recorder's Office prior to property being transferred.
8. Parcels of land that are transferring out of a trust under a new trustee's name require an affidavit stating the reason for the change of name.
9. Both the parcel account number(s) (now 13 digits) and the parcel map number(s) are required on all instruments of conveyance. In the case of a TIF parcel both the base AND the TIF parcel numbers are required.
10. Condominium declarations are not inspected by the County Engineer's Office.
11. Conveyance/Exempt forms must be typed or printed legibly. A legible signature and phone number is also required. The County Auditor's Office can reject if illegible.

1. Document on first page must have 3” margin on top – 1” margin on bottom and all sides of page. Additional pages 1.5” margin on top and 1” on bottom and all sides of page. Font must be 10pt. per ORC 317.114 - \$20.00 non-conforming fee if document does not comply.
2. Transfer and endorsed by Auditor before recorded deed. Must be stamped with “Transferred” or “Transfer not Necessary” - ORC 317.22.
3. Auditor shall endorse each conveyance on its face to indicate the amount of conveyance fee - ORC 319.202.
4. Names printed or typed on instrument before recording when signature is illegible (immediately beneath the signature of each person) – ORC 317.11.
5. Preparer’s statement – Name of person (who), and governmental agency, if any, which prepared such instrument should appear at the conclusion of instrument and such name is either printed, typewritten, stamped, or signed in a legible manner – ORC 317.11.
6. Contents of the instrument shall be sufficiently legible to permit their reproduction by photographic or micro photographic processes – ORC 317.112.
7. Fees: ORC 317.32 - Recording fee - \$28.00 first 2 pages, \$8.00 each additional page.
 - a. Plat/condominium drawing - \$0.10 per sq. inch; minimum \$40.00 per page.
 - b. Plat copy certified - \$0.04 per sq. inch: minimum \$4.00.
8. A power of attorney for the conveyance in real property must be recorded in the office of Recorder in which such property is situated, previous to the recording of a deed – ORC 1337.04.
9. No county shall record a map or plan of a subdivision of a lot or ground without the approval or certification of such map or plan by the planning commission, platting commissioner, legislative authority, engineer, or other board or officer – ORC 317.34.
10. After a plat of a subdivision is completed, it shall be certified by the surveyor and acknowledged by the owner before an officer authorized to take the acknowledgment of deeds, which officer shall certify his official act on the plat. If any owner is a non-resident of the state, his agent, authorized by writing, may make such acknowledgment. Such plat, and if the execution is by agent, his written authority, shall thereupon be recorded in the office of the County Recorder – ORC 711.04.
11. No plat certifying lands outside a municipal corporation may be recorded without the approval of the Board of County Commissioners of the County wherein such lands are situated. This section does not apply to such plats as are required by Section 711.09 or 711.10 to be approved by a planning commission.
12. Condominium property – relocation of boundaries between adjoining units and reallocation of undivided interests in common elements – ORC 5311.031
13. Procedures for adding property to expandable condominium – ORC 5311.051.
14. Recording or declaration – ORC 5311.06.

APPENDIX D

OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO Effective 11/01/2003

4733-37-01 Preamble
4733-37-02 Research and Investigation
4733-37-03 Monumentation
4733-37-04 Measurement Specifications
4733-37-05 Plat of Survey
4733-37-06 Descriptions
4733-37-07 Subdivisions

4733-37-01 Preamble.

These rules are intended to be the basis for all surveys relating to the establishment or retracement of property boundaries in the state of Ohio. When the case arises where one or more provisions herein must be abridged due to local condition, the abridgement shall be clearly indicated on plats and/or legal descriptions and reports. Where local or other prescribed regulations exist which are more restrictive than these rules, the survey shall conform to all local and state regulatory standards. When a client desires only a portion of his property surveyed, and this portion can be clearly isolated from the remainder of the property without affecting the interests of adjoining owners, these rules shall apply to the survey of only the desired portion.

R.C. [119.032](#) review dates: 08/18/2008 and 08/18/2013

4733-37-02 Research and Investigation.

(A) The surveyor shall consult deeds and other documents, including those for adjacent parcels, in order to assemble the best possible set of written evidence of every corner and line of the property being surveyed.

(B) After all necessary written documents have been analyzed; the survey shall be based on a field investigation of the property. The surveyor shall make a thorough search for physical monuments, and analyze evidence of monumentation and occupation. In addition, the surveyor shall, when necessary, confer with the owner(s) of the adjoining property and the owner(s) of the property being surveyed.

R.C. [119.032](#) review dates: 08/18/2008 and 08/18/2013

4733-37-03 Monumentation.

(A) The surveyor shall set boundary monuments so that, upon completion of the survey, each corner of the property and each referenced control station will be physically monumented.

(B) When it is impossible or impracticable to set a boundary monument on a corner, the surveyor shall set a reference monument, similar in character to the boundary monument and preferably along one of the property lines which intersect at that corner. When such a reference monument is used, it shall be clearly identified as a reference monument on the plat of the property and in any new deed description which may be written for the property.

(C) Every boundary monument and/or reference monument set by the surveyor shall, when practicable:

(1) Be composed of a durable material.

(2) Have a minimum length of thirty inches.

(3) Have a minimum cross-section area of material of 0.21 square inches.

(4) Be identified with a durable marker bearing the surveyor's Ohio registration number and/or name or company name.

(5) Be detectable with conventional instruments for finding ferrous or magnetic objects.

(D) When a case arises, due to physical obstructions such as pavements, large rocks, large roots, utility cables, etc., so that neither a boundary monument nor a reference monument can be conveniently or practicably set in accordance with paragraph (C) of this rule, then alternative monumentation, which is essentially as durable and identifiable (e.g., chiselled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

R.C. [119.032](#) review dates: 08/18/2008 and 08/18/2013

4733-37-04 Measurement Specifications.

All measurements shall be made in accord with the following specifications:

(A) The surveyor shall keep all equipment used in the performance of surveying in proper repair and adjustment.

(B) Every determination of distance shall be made either directly or indirectly in such a manner that the linear error in the distance between any two points (not necessarily adjacent points) shall not exceed the reported distance divided by ten thousand (allowable linear error = reported distance divided by ten thousand) and every angular measurement shall be made in such a

manner that the allowable (directional) error, in radians, shall not exceed the allowable linear error divided by the reported distance (allowable (directional) error = allowable linear error divided by reported distance). When the reported distance is less than two hundred feet, the linear error shall not exceed 0.02 feet. The reported distance is the distance established by the survey.

(C) 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.

(D) Surveys performed using metric measurements shall utilize the metric equivalents based upon the U.S. survey foot conversion factor.

R.C. [119.032](#) review dates: 08/18/2008 and 08/18/2013

4733-37-05 Plat of Survey.

(A) The surveyor shall prepare a scale drawing of every individual survey, or drawings comprising all of the surveys when they are contiguous, in which the surveyor retraces previously established property lines or establishes new boundaries.

(B) A copy of this drawing shall be given to the client. When required, another copy shall be filed with the appropriate public agencies.

(C) The surveyor shall include the following details:

(1) 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.

(2) A north arrow with a clear statement as to the basis of the reference direction used.

(3) 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.

(4) 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.

(5) A general notation describing the evidence of occupation that may be found along every boundary line or occupation line.

(6) 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: -.

(a) 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.

(b) All curved lines shall indicate the radius, central angle, curve length, chord bearing and chord distance.

(c) 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.

(7) 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.

(8) The written and graphical scale of the drawing.

(9) The date of the survey.

(10) 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).

(11) The area contained within the perimeter of the surveyed parcel.

(12) 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.

(13) All references to rivers or streams shall use current names of record, if available.

R.C. [119.032](#) review dates: 08/18/2008 and 08/18/2013

4733-37-06 Descriptions.

(A) When a surveyor is called upon to prepare a new description, either to replace an existing description which is inadequate or to create a new piece of property, said description shall include the following items:

(1) Sufficient caption so that the property can be adequately identified.

(2) A relationship between the property in question and clearly defined control station(s).

- (3) The basis of the bearings.
- (4) A citation to the public record of the appropriate prior deed(s).
- (5) The surveyor's name, Ohio registration number and date of writing and/or survey.
- (B) A metes and bounds description shall include, in addition to paragraph (A) of this rule:
 - (1) A description of the boundary monument used as the initial point of the description.
 - (2) A series of calls for successive lines bounding the parcel, each of which specifies:
 - (a) The intent in regards to adjoiners or other existing features.
 - (b) The direction of the line relative to the direction of the basis of bearing.
 - (c) The length of the line.
 - (d) A description of the boundary monument (or reference monument) and whether found or set to identify the end of the particular line.
 - (e) All curved lines shall indicate the radius, central angle, curve length, chord bearing, chord length and direction of the curve.
 - (f) The reported boundary data shall meet the closure requirements of paragraph (C) of rule [4733-37-04](#) of the Administrative Code.
- (3) The area of the parcel.
- (C) Descriptions other than metes and bounds descriptions may be a reference to a recorded survey plat or a parcel on a recorded survey plat and shall include sufficient and adequate legal and technical wording so that the property can be definitely located and defined.
- (D) 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.
- (E) When the surveyor knows a new description is to be used for a fee transfer, the surveyor shall base the description on a current or updated survey of the property.

R.C. [119.032](#) review dates: 08/18/2008 and 08/18/2013

4733-37-07 Subdivisions.

When a subdivision is created from a piece of property, or several adjoining pieces, the following rules shall apply:

(A) Rule [4733-37-02](#) of the Administrative Code shall apply to the original tract(s) of land prior to being subdivided.

(B) Rule [4733-37-03](#) of the Administrative Code shall apply to the outside perimeter of the original tract(s) of land and to the outside perimeter of the newly created subdivisions. All newly created lots, blocks, rights of way, angle points, points of curvature and points of tangency shall be monumented according to local regulations. Street rights of way may be monumented with monuments on the centerline instead of right of way monuments. Centerline or right of way monuments shall be set at all intersections, angle points, points of curvature and points of tangency.

(C) All newly created subdivisions shall comply with rules [4733-37-04](#) and [4733-37-05](#) of the Administrative Code.

(D) All easements within a newly created subdivision shall be accurately dimensioned so that each easement line can be reproduced without ambiguity.

R.C. [119.032](#) review dates: 08/18/2008 and 08/18/2013