

# REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE IN

Logan County, Ohio

Effective Date:

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## Introduction and Adoption

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

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

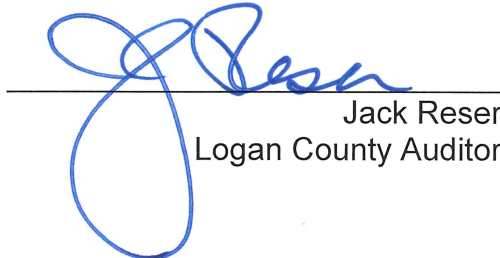
It is understood that all situations cannot be covered by these requirements and when those situations arise they will be handled as special cases interpreted by the County Engineer's Office.

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



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## **I. GENERAL**

### **a. Pre-approval**

It is highly recommended that all new proposed documents, in their entirety, be submitted to the Logan County Map Room prior to conveyance and recording.

### **b. Landlocked Property**

No document shall be approved that creates a landlocked parcel, which is any tract of land that has no road frontage. However, a landlocked tract will be accepted if it is transferred to, or retained by, an adjoining tract with road frontage.

### **c. Insufficient Description**

An insufficient description is described as any legal description with one or more of the following:

- a. A point of the beginning which cannot be determined and/or identified
- b. A blatant error in the legal description
- c. An unidentifiable description (i.e. any description that makes references to property owners that cannot be identified from Map Room and/or Recorder's Office research materials)

### **d. Legibility**

No document shall be approved if the legal description is not legible. This includes, but not limited to, smearing, poor-quality copies, reduced font size, and poor penmanship.

### **e. New Survey Required Stamp**

The document will be accepted for transfer and stamped "NEW SURVEY REQUIRED NEXT TRANSFER" if it meets any of the following criteria:

- a. Has more than four (4) exceptions to an original tract.
- b. Tax Map department personnel determines the legal document has an insufficient legal description.

## **I. GENERAL (cont.)**

If the last recorded document was stamped "NEW SURVEY REQUIRED NEXT TRANSFER," the legal description will not be accepted for further conveyance unless it meets any of the following criteria:

1. Be subject to a foreclosure or forfeiture action, such as a sheriff's deed or auditor's deed.
2. Be a transfer between multiple owners of a property as so long as the parties were listed as grantees on the last deed.
3. Be a transfer between spouses only. This is to include the language "wife of grantor" or "husband of grantor" on deed.
4. Be an affidavit, quit claim deed or quiet title action to correct title of a property.
5. Be a judicial order or certificate of transfer.
6. Be a survivorship, life estate, transfer on death confirmation or trustee affidavit of transfer. Thereafter, a new survey shall be required, prior to completion of the transfer to any owner other than the beneficiaries' interest.
7. Be a transfer between individuals and the same individuals as trustees of a trust (or vice versa). Transfer to successor trustees will also be accepted as long as the property remains in the same existing trust.
8. Be considered a hardship case- to be approved on a case by case basis by the Logan County Auditor.

In these cases, the document shall be stamped "NEW SURVEY REQUIRED NEXT TRANSFER" and be accepted on any additional conveyance.

Transfers from an (or multiple) individual(s) to an LLC, Partnership, Corporation, or any other entity will not be accepted for further conveyance without a new survey.

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

- a. All instruments conveying a new recorded Lot in a recorded subdivision must designate the Lot number(s), the official recorded name, the plat cabinet and slide reference, and the prior recorded deed reference if applicable. This requirement is not intended to apply to previously accepted documents of record.
- b. Any part of a recorded Lot described as a strip of even width or as half of a Lot will be acceptable for conveyance without a new survey.
- c. Multiple Lots and/or part Lots may be combined into one tax parcel number, by a new conveyance, without a survey as long as none of the part Lots have a metes and bounds description.
- d. All other Lot splits and combinations shall have a metes and bounds description.

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

- a. All existing metes and bounds descriptions of record will be checked by the Logan County Engineer's Office Map Room to verify the legal description and identify the tax parcel(s) to be conveyed.
- b. All existing metes and bounds descriptions shall be recited verbatim as witnessed by the prior instrument(s) of conveyance. The correction of scrivener errors, omissions or other obvious mistakes are permitted in order to make the description more accurate.
- c. Any existing metes and bounds description which, since the previous conveyance, has been annexed into a municipality or other political subdivision shall add its new corporate location to the situate and reflect the new tax district in the tax parcel number.
- d. All instruments of conveying the remainder or balance of an existing tax parcel(s) from which out-sales or exceptions exist shall incorporate the following requirements:
  1. Each out-sale, or exception, of the original tract(s) shall be recited verbatim as witnessed by the previous conveyance of record. The correction of scrivener errors, omissions or other obvious mistakes are permitted in order to make the description more accurate.
  2. All instruments of conveyance with exceptions shall identify the tax parcel(s) to be conveyed, and the current taxable area, stated as either acreage and/or Lot number following the respective parcel numbers, as witnessed by the Logan County Auditor's tax duplicate for the subject conveyance. The Logan County Map Room will write the parcel(s) number when not included on the document.
  3. 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.

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

All new metes and bounds descriptions shall be submitted to the Logan County Engineer's Office Map Room for review, and approval, and incorporate the following:

##### **a. Situate**

Shall denote State, County, Township, Municipality, Section-Town-Range and/or Virginia Military Survey, or subdivision name (with Plat Cabinet and Slide) if applicable.

##### **b. Starting Point**

All descriptions shall be referenced to a monumented point of commencement of common report (such as road intersections, road stationing, V.M.S. lines, Section lines/corners, etc.)

##### **c. Courses**

1. Each course of a new metes and bounds description shall be a separate paragraph, and all courses shall be stated in a clockwise direction from point of beginning to point of termination for the subject description.
2. Each course of a new metes and bounds description shall contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and decimal parts thereof, from point of origination to a point of termination of each course.
3. The basis of the bearings shall be recited as a bearing or state plane coordinates.
4. Each course shall recite all monumentation from the point of beginning of the subject tract, (See 4733-37-03 of Minimum Standards) either placed or found, along each course, or at the point of origination and/or termination of each course. The recitation shall include the type, size and material of each monument. Adjoining owner name(s), deed acreage, and tract number shall also be recited when applicable.
5. Monumentation is required to be set at the edge of all road rights-of-ways. When this is not feasible or possible, a reference monument shall be set.



#### **IV. REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE (cont.)**

6. Every boundary monument and/or reference monument set by the surveyor shall, when practicable, be in accordance with 4733-37-03 of the Minimum Standards for Boundary Surveys in the State of Ohio (see attachment). If no monument was set at a corner, then the term "to a point" shall be used to identify this point.
7. Each course shall show all other common lines such as centerlines of roads, rivers, streams, etc., quarter section lines, Virginia Military District lines, or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.
8. Reference monuments must be set when a course follows a creek, ditch, river, etc.
9. Each course following a road shall specify the record right-of-way width. If it is not of record, then 60 feet shall be recited and note no record exists.

##### **d. Curves**

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

##### **e. References**

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

##### **f. Acreage**

1. All new metes and bounds descriptions shall give the acreage contained within its perimeter and calculated to the third decimal place. The total acreage contained within the road right of way shall be recited to the third decimal place. Total calculated square footage may also be mentioned as a matter of option.
2. Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more tax parcels, a breakdown of the total area shall be recited to create an accurate tax structure.

#### **IV. REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE (cont.)**

##### **g. Owner and Prior Deed Reference**

The owner(s) full name and deed reference(s) (Deed Book or Official Record Volume and Page) from which the grantor of the conveyance acquired title shall be recited. The first page of the last recorded document shall be used as the deed reference. The deed tract number and acreage (not tax acreage) shall also be recited.

##### **h. Surveyor**

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

- i. Printed surveyor's name and address
- ii. Ohio Registration Number and seal
- iii. The day of writing and/or survey
- iv. A statement indicating whether the subject description was prepared from an actual field survey or from existing records

##### **i. Closure**

All new metes and bounds descriptions will be subject to computer verification as to the accuracy of the traverse closure (1/10,000 minimum allowable traverse closure) of the area as described.

##### **j. Planning Commission Approval**

All divisions of a parcel of land, governed by Chapter 711 of the Ohio Revised Code, shall be approved by the LUC Regional Planning Commission if under 5 acres (or the township's designated minimum acreage), the City of Bellefontaine Planning Commission, DeGraff Planning Commission, West Liberty Planning Commission, or the Russell's Point Planning Commission as applicable.

#### **IV. REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE (cont.)**

##### **k. Road Frontage**

- i. All new parcel splits, conveyed or the remaining tract, must have a minimum road frontage of 20 feet.
- ii. All required minimum road frontage must maintain that full width for the entire access lane of a flag lot.

##### **o. New Deed Format**

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

- i. Be typed verbatim as prepared by the surveyor.
- ii. Be typed in the same format as required by these standards (i.e., separate paragraphs)
- iii. Include the surveyor's name, registration number and date of survey.
- iv. Be legible and conform with the requirements of the Logan County Recorder per Ohio Revised Code Section 317.114

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

- a.** All surveyors shall prepare, and submit to the Logan County Engineer's Office, a scale drawing of every new metes and bounds description he or she originated.
- b.** All plat drawings shall incorporate the following details:
  - 1. A title which includes the situate in Section IV, Item a.
  - 2. A north arrow
  - 3. A statement as to the basis of the bearings or state plane coordinates.
  - 4. The control station(s) or point of commencement as cited in the legal description, and the point of beginning of the subject tract must clearly be shown.
  - 5. All monumentation, either found or placed, as cited in the description, together with a legend reciting the type, material and size of each monument. If all monuments are identified individually, no legend will be required.
  - 6. The full name of all owner(s) and of adjoining owner(s) along each boundary line of the subject survey along with the tract number, deed reference(s), and deed acreage or lot number. If an individual tract acreage has several exceptions, the term "Original Acreage" may be used (i.e. "Original 50 acre tract") if the remaining deed acreage cannot be calculated.
  - 7. All boundary information for each course as established by Section IV, Items c and d.
  - 8. A citation of pertinent documents and sources of data used as a basis for the survey. This shall include Field Book number and page or right of way drawing number for all highway centerlines, if such record exists.
  - 9. A written and graphical bar scale of the subject drawing.
  - 10. The surveyors printed and signed name, Ohio Registration Number and reproducible Stamp or Seal.

## **V. REQUIREMENTS FOR PLATS OF SURVEY (cont.)**

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

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

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

### **a. Situate**

Shall denote State, County, Township, Municipality, Section-Town-Range and/or Virginia Military Survey, or subdivision name (with Plat Cabinet and Slide) if applicable.

### **b. Owner and Prior Deed Reference**

The owner(s) full name and deed reference(s) (Deed Book or Official Record Volume and Page) from which the grantor of the conveyance acquired title shall be recited. The first page of the last recorded document shall be used as the deed reference. The deed tract number and acreage (not tax acreage) shall also be recited.

### **c. Identification**

1. Shall include a readily identifiable beginning point.
2. Shall state width of easement and/or describe perimeter by a metes and bounds description.
3. Shall recite bearings, distances, and/or other pertinent information to clearly define the location.
4. Shall state the intended purpose of easement (for ingress and egress; installation of underground wires; installation of power poles; maintenance; etc.)
5. Shall recite adjoining owner(s) full name and deed reference if easement begins, terminates, or is adjacent to common property line.

### **d. Blanket Easements**

Blanket easements over the entire parcel are not permitted.

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

- a.** Plat drawings are not required when filing an easement, however, they are preferred, as they define the location of the easement, making it easier to identify.
- b.** All plats shall incorporate the following:
  - 1. North Arrow
  - 2. State, County, Township, Municipality, Section-Town-Range (Virginia Military Survey) and subdivision name (with Plat Cabinet and Slide) whenever applicable.
- c.** Shall be to scale with a written and graphical scale shown on the plat.
- d.** Easement Area
  - 1. The centerline of the easement shall be drawn on the plat, and a statement identifying it added
  - 2. Any, and all distances, bearings, etc., pertaining to the easement area shall be shown on the plat.