

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

**ADOPTED VERSION 01.07.31**

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 and survey plats.

If a boundary survey is required by ORC Sections 315.251 or 5713.15, the survey plat and description shall satisfy the adopted **Minimum Standards For Boundary Surveys** promulgated by the Board of Registration for Professional Engineers and Surveyors, and these standards. Appeal of review decisions of the survey plat and description by the County Engineer or County Auditor may be submitted to the Board of Registration for Professional Engineers and Surveyors.

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. Persons submitting instruments of conveyance, survey plats and descriptions for review by the County Auditor and County Engineer should allow a minimum of three days for review. Documents will be reviewed on a “first in, first out” basis and will not be subject to any deadlines or closing dates, but will be reviewed within a maximum of five working days.

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Wayne C. Gerdeman, P.E., P.S.  
Allen County Engineer

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H. Dean French  
Allen County Auditor

Adopted this 31st day of July, 2001.

Effective date: **August 6, 2001**

**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, may be submitted to the County Auditor for transfer. Pursuant to ORC section 5713.15, the County Auditor may ask the County Engineer's office to perform a review of the legal description if there is reason to believe that the existing legal description is 1) incorrect, 2) not that of the parcel being conveyed or 3) unplattable on the tax map as described.

B. After receiving the instrument of conveyance from the County Auditor's office, the County Engineer or his agent shall perform a review of the legal description and shall do one of the following:

1. Approve the description as written and return 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 by the County Engineer's office, along with the instrument of conveyance, to the County Auditor to await resubmittal of the instrument with the corrected description.

**NOTE: 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 R. C. 4733.18 (B) (4), 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 R. C. 4733.22."**<sup>1</sup>

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<sup>1</sup> Mark T. Jones, P.S., Executive Secretary, **Ohio State Board of Registration for Professional Engineers and Surveyors**; in 1994 letter to Mr. Richard E. Hankison; published in **OHIO SURVEYING NEWS**, Sept.-Oct., 1994.

3. The legal description is deemed unplattable for one of the following reasons and **a new survey of the parcel is recommended** to the County Auditor, following the requirements of Section II of these standards.

**Unplattable if:**

a) Existing metes and bounds legal description of record has an error of closure ratio less than 1 to 1,000.

b) Existing legal description is described as being a given number of acres or feet off of an end or a side of an unsurveyed parcel, section, quarter-section or sixteenth-section. (Descriptions such as “the east 1/2 of the southwest quarter of section 10, T3S, R8E”, are acceptable, if the section has been subdivided and corners located by using the Bureau of Land Management method listed in the ***Restoration of Lost or Obliterated Corners & Subdivision of Sections*** manual published by the Superintendent of Documents, U.S. Government Printing Office..)

c) Beginning point of a metes and bounds description is not referenced to a known monumented point such as a section corner, quarter-section corner, sixteenth section corner, or subdivision lot corner. (Examples of unacceptable beginnings: “Beginning at a PK nail found in the center of State Road; thence....” or “Beginning at a fence line extended....”)

d) Existing legal description is known to extensively overlap adjoining property description or an extensive gap is known to exist between the existing legal description and the adjoining property description.

e) 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).

f) Existing legal description contains more than four (4) excepted descriptions (“save and except”) from the original parcel described.

C. After receiving the instrument of conveyance back from the County Engineer’s office, the County Auditor or his agent shall review the instrument of conveyance for standard items required for all real estate descriptions, such as Grantor, Grantee, their mailing address, prior deed reference, and professional surveyor’s name and registration number. 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 OF A NEW PARCEL(S) OR A LEGAL DESCRIPTION DIFFERENT FROM THE LEGAL DESCRIPTION OF THE MOST RECENT CONVEYANCE:**

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 Auditor for transfer. The survey plat and legal description of the boundary survey for the instrument of conveyance, shall be submitted to the County Engineer's office at least three (3) working days before submittal to the County Auditor for transfer. The County Engineer or his agent shall review (within 5 days) the survey plat and legal description of the boundary survey, based upon these standards. (ORC Sec. 315.251)

B. The survey plat and legal description of the boundary survey shall satisfy the adopted **Minimum Standards For Boundary Surveys** promulgated by the Board of Registration for Professional Engineers and Surveyors and shall also meet the following standards:

1. **LEGAL DESCRIPTION SUBMITTAL:** Legal descriptions shall be based upon a boundary survey and shall be submitted on either 8-1/2" by 11" or 8-1/2" by 14" paper and shall contain the following:  
**Legal description submittals shall include the following:**
  - a) the quarter-section, section number, township and range numbers, and political subdivision in which the parcel is located
  - b) a beginning point referenced to a known monumented points such as a section corner, quarter-section corner, sixteenth section corner, or a lot corner of a recorded subdivision
  - c) 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
  - d) distances listed to the nearest hundredth foot
  - e) bearings listed in degrees, minutes and seconds
  - f) calls to and descriptions of all monuments set or found
  - g) the acreage of the parcel described to the nearest thousandth of an acre, for each section or tax parcel in which the subject parcel is located
  - h) a statement that the description is subject to all legal highways and easements of record at the time of recording of the instrument
  - i) the deed volume and page number of prior deed reference
  - j) a reference to the basis for the bearings used
  - k) the name and registration number of the professional surveyor that prepared the description
  - l) in lieu of items a), b), d) and k), an unchanged lot in a recorded subdivision shall have listed the lot number, subdivision name, plat book and page number in the description
  - m) "save and except" clauses are not acceptable for new descriptions
2. **SURVEY PLAT:** Survey plat shall be submitted on 11" by 17" (preferred) or 8-1/2" by 14" paper. Minimum print size shall be 0.10" (10 point or Leroy 100). Subdivision, condominium, vacation, dedication and annexation plats shall be submitted on 18" by 23" mylar sheets (numbered) with a 2" margin on left (18") side. (Continued on next page)

**Plats shall include the following:**

- a) the landowner's name (except on condominium & vacation plats)
- b) a title, such that the general location of the subject survey can be readily identified and page numbers if more than one page
- c) the quarter-section, section number, township and range number, and political subdivision in which the parcel is located (on subdivision lots, show lot number, subdivision name, plat book and page number, and political subdivision (township, village or city))
- d) a north arrow and graphical scale on the plat.
- e) a clear statement as to the basis of the bearings
- f) a beginning point referenced (direction and distance) to two known monumented points such as a section corner, quarter-section corner, sixteenth section corner, or a lot corner of a recorded subdivision
- g) existing and proposed property lines described by bearings (DMS) and distances (to nearest 1/100th foot)
- h) all monumentation either found or set, together with a legend of the symbols used to identify the type, size, condition and material of each monument; iron pins to be set at the intersection of all property lines with existing road right-of-way lines, and all right-of-way line intersections (monumentation for street and alley vacations shall be placed on centerline of street or alley, or new property line)
- i) adjoining landowner's names, deed volumes and page numbers (or for adjacent subdivision lots, adjoining lot numbers, subdivision name, plat book and page number)
- j) names and references to all roads, rivers, streams, railroads, or easements that cross or occupy the subject parcel
- k) the acreage of existing road right-of-way that occupies the subject parcel
- l) 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
- m) the professional surveyor's printed name, address and registration number
- n) a surveyor's clause stating that the plat represents an actual survey and the date it was performed
- o) the original ink signature of the professional surveyor
- p) the surveyor's seal with his or her name and registration number
- q) references to other pertinent documents used to prepare the plat
- r) the name and registration number of the professional surveyor of any other referenced survey
- s) metric measurements may be listed in addition to English measurements
- t) the listing of state plane coordinates is optional but may be a requirement of future standards as part of a county-wide network
- u) the parcel number (see attached *Real Estate Map Number and Parcel Number Explanation*). For lots splits, use "being a part of" and list the original parcel number.

C. After the County Engineer or his agent 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 stamp both documents "**Reviewed by \_\_\_\_\_, on \_\_\_\_\_ (date), \_\_\_\_\_ (year)**", and the reviewer shall sign and date this clause on both documents. Two copies of the survey plat and legal description shall be made with one copy of each returned to the surveyor and one copy being sent to the County Auditor. 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 or his agent 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 conveyances, such as Grantor, Grantee, their mailing address, prior deed reference, 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<sup>2</sup>
4. Subdivision Plats
5. Condominium Plats (boundary plat & legal description only)
6. Vacation Plats of Streets and Alleys
7. Dedication Plats
8. Descriptions for Land Contracts where new parcels are created.

B. Instruments of conveyance and other documents that are governed by either Section I, Section II or may be subject to NEW SURVEY REQUIRED NEXT TRANSFER (**NSRNT**) are as follows:

1. Certificate for Transfer of Real Estate
2. Affidavit of Transfer of Real Estate
3. Descriptions for Land Contracts
4. Living Trusts - To or from a Living Trust when the transfer is to or from the Grantor (Settlor) or Beneficiary or Beneficiaries of said Trust and the parcel has not changed in size or other dimension, no new parcel is created, and the transfer is not the result of a sale.
5. Transfer by operation of law or contract e. g. joint and survivorship; transfer on death; and tenancy by the entireties, provided no new parcel is created.
6. Transfer by Court Order, provided no new parcel is created.
7. A conveyance of an interest in real estate by an owner named in either of said instruments to another such owner

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

1. Easements
2. Descriptions for Mortgages and Leases
3. Mortgage Location Surveys
4. Annexation Plats

### **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.

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<sup>2</sup>**ORC Section 711.131** defines a “Minor Subdivision” also known as a “Lot Split” as: “....a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided.”