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REQUIREMENTS FOR ALL  
INSTRUMENTS OF CONVEYANCE IN  
HARDIN COUNTY, OHIO

Effective Date: \_\_\_\_\_



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## I. GENERAL

In compliance with Section 315.251 of the Ohio Revised Code, the County Auditor and the County Engineer have adopted these written standards governing conveyances of real property in Hardin County, Ohio.

It is the intent of these standards 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 the property is accurately described for more precise documentation of the land in Hardin County. These standards along with the filing system for surveys will better assist Lawyer's, Surveyor's, Realtor's, Abstractor's and better serve the public.

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

All instruments of conveyance should be checked by the Engineer's office prior to the actual time of conveyance. The Engineer's office holds the authority to approve and reject all transfers of property. The Engineer's office is not responsible for performing any changes to the documents.

No legal conveyance document shall be approved that upon transfer, creates a landlocked parcel or a parcel with no road frontage except when landlocked parcel is sold to or retained by, an adjoining tract with road frontage. In this case the landlocked parcel must be sold with the frontage tract, or to another adjoining owner of the landlocked parcel with road frontage, or the landlocked parcel must have an easement to right-of-way to gain access to landlocked parcel.

A bad description is a legal description with a point of beginning which cannot be determined and/or identified, an error in the legal description that causes ambiguity, an unidentifiable description or description that makes reference to items that cannot be identified from recorded surveys or documents.

"NEW DESCRIPTION REQUIRED PRIOR TO NEXT TRANSFER" stamp shall be placed on a document that has more than four (4) exceptions to an original tract or to a document that has a "bad description" as determined by the Hardin County Tax Map Dept. If a previous document is stamped with "NEW DESCRIPTION REQUIRED PRIOR TO NEXT TRANSFER" the document will not be approved without a new survey and description following the standards required herein except for sheriff's deeds, co-owner transfers when both parties are listed as grantees on last deed, transfers between spouses, affidavit, or quiet title action to correct title of an existing owner, judicial order, certificate of transfer, survivorship affidavit of transfer.

## II. REQUIREMENTS FOR EXISTING INSTRUMENTS

### A. REQUIREMENTS FOR ALL RECORDED LOTS OF RECORD

1. All instruments conveying a recorded lot in a municipality or recorded subdivided area must designate the lot number(s), the official recorded name of the municipality or subdivided area, the plat volume and page reference of official record, and the prior recorded deed reference if any exists. Deed shall include permanent parcel number.

2. Any area being conveyed other than as described above or commonly known as an "Unrecorded Plat" must have an accurate metes and bounds description.

B. REQUIREMENTS FOR EXISTING METES AND BOUNDS DESCRIPTIONS

1. All existing metes and bounds descriptions of record, which do not create or alter the current tax structure of a parcel will be checked by the Hardin County Engineer's office to verify and identify the tax parcel to be conveyed. Deed shall include permanent parcel number
2. All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer. The correction of scribner errors, omissions or other obvious mistakes are permitted in order to make the description more accurate. All references to terms or locations currently not in use such as old road names verses new road numbers must be reflect current standards, ownership, and/or name.
3. Any existing metes and bounds description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must reflect its new corporate location within the situate of the subject instrument of conveyance.
4. All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel from which out-lots or exceptions to the title exist must incorporate the following:
  - A. Each out-lot or exception to the title of the original tract must be described verbatim as witnessed by the previous conveyance of record. The correction of scribner errors, omissions, or other obvious mistakes are permitted in order to make the description more accurate.
  - B. Each out-lot or exception to a title must recite the title and its recorded source by which it can be readily verified. It is not the intent that all easements and restrictions are to be recited unless they are on the previous instrument or readily available.
  - C. All instruments of conveyance using exceptions to title to convey the balance or remainder of a tax parcel must incorporate a statement identifying the tax parcel to be conveyed, and the current taxable area as witnessed by the Hardin County Auditor's tax duplicate.

(example: "Containing after exceptions 5.098 acres." or "Leaving 5.098 acres.")

- D. All instruments of conveyance using exceptions to a title to convey the balance or remainder of a tax parcel are limited to four (4) exceptions.
- E. All descriptions which are divided by corporation lines, **township lines, section lines, or separate taxing parcels** must have the acreage in each **division**.
- F. All metes and bounds descriptions must begin at an identifiable starting point.
- G. All metes and bounds descriptions must contain all information pertaining to the descriptions that will be used on the legal instrument form when checked by the Engineer's office for pre transfer verification.
- H. **All documents of transfer shall bear stamp of a Notary Public as required. No document of transfer will be accepted in which the document or attachment to it, is illegible as determined by the Tax Map or Auditor's office.**

### III. **NEW INSTRUMENT REQUIREMENTS**

#### A. REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS

All new splits of existing parcels must be described by a metes and bounds description. All new metes and bounds descriptions must incorporate the following:

- 1. Situate:
  - A. Must denote state, county, township, municipality, **part of section (ex. NW ¼ OR S ½)**, section, **township & range**, or Virginia Military Survey Number, etc.
  - B. Must denote recorded title and deed reference as to the tract of origination.
- 2. Starting Point:
  - A. All descriptions must be referenced to an established point of beginning such as centerline intersections of streets or roads of record **where corner or quarter corners are present**, section and

quarter section corners or lines, or Virginia Military Survey lines or corners if easily verifiable.

3. Courses:

- A. Each course of a new metes and bounds description must be a separate paragraph, and all courses must be stated in a clockwise direction from the point of beginning to the 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 the point of origination to the point of termination of each course. **All new description and survey units must have English units but metric may be shown in parenthesis following each English unit call.**
- C. The basis of the bearings must be noted. **(ex. The bearings of this survey are based on the centerline bearing of CR 135 being N01°25'30"E.) An assumed meridian will not be sufficient.**
- D. Each course must recite all monumentation, 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
- E. Every boundary monument and/or reference monument set by a surveyor shall, when practicable, be in accordance with 4733-37-03 of the Minimum Standards for Boundary Surveys in the State of Ohio.
- F. Each course must show all other common lines such as centerlines of roads, rivers, streams, etc., quarter or half section lines, Virginia Military Survey lines, **existing tax parcel or lot lines** or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.

4. Curves:

- A. Any course of a new metes and bounds description which is a curve must contain the direction of the curve (right or left), the radius (in feet and decimal parts thereof ), and the long cord bearing and distance in degrees, minutes, and seconds and in feet and decimal parts thereof) of same,

5. References:

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

6. Acreage:

- A. All new metes and bounds descriptions must give the acreage contained within its perimeter calculated to the third decimal place. Total calculated square footage may also be mentioned as a matter of opinion.
- B. Whenever a new metes and bounds description encompasses two or more townships, two or more sections, two or more taxing districts, or two or more tax parcels, a breakdown of the total acreage calculated to the third decimal place must be given to create an accurate tax structure.
- C. Condominium Units must have acreages listed separately for each unit and a total acreage for all common areas.

7. Surveyor or Author:

- A. All new metes and bounds descriptions prepared by a surveyor must incorporate the following:
  - I. Printed surveyors name and address.
  - II. Ohio Registration Number and seal.
  - III. The date of writing and /or survey.
  - IV. A statement indicating whether the subject description was prepared from actual field work or from existing records.
  - V. Surveyor's signature.
- D. All new metes and bounds descriptions prepared by a person other than a registered surveyor must incorporate the following:
  - I. The printed name and address of the author
  - II. Date of writing of description.
  - III. A statement indicating that the description was prepared from existing records or specify means from which it is derived.
  - IV. A Statement of "Subject to an accurate survey

8. Prior Deed References:

- A. The deed references from which the grantor of the conveyance acquired title must be recited.

9. Approval by the Hardin County Engineer:

- A. All instruments containing new metes and bounds descriptions must be submitted to the Hardin County Engineer for review in accordance with these requirements.
- B. A signed and sealed plat of survey prepared in accordance with the following section must accompany each instrument containing a new metes and bounds description prepared from actual field work.  
Deeds can not be transferred without an original copy of survey. Deeds will not transfer with a faxed copy. New surveys should be approved by Hardin County Tax Map Dept. prior to time of deed transfer to avoid delays in transfer.
- C. Instruments which comply with all these requirements will be stamped "Description Checked". Such statement implies that the description is acceptable based on these requirements. The Permanent parcel number(s) must also be listed by the Tax Map Dept. before a deed can transfer.
- D. Whenever the descriptive content of any legal instrument is determined to be ambiguous, a statement of intent and/ or nature shall be incorporated as a part of the instrument, to clarify the parcel to be conveyed.
- E. The Hardin County Engineer's office suggests submitting instruments for approval at least one day in advance of the date when the approval is desired.
- F. All splits must be approved by the Hardin County Regional Planning Commission and all other departments as required.

A. LAND CONTRACTS

- 1. Land Contract descriptions must be checked and stamped "description checked" by the Tax Map Dept. before recorded.
- 2. Land Contracts must comply with the same standards as required for new instruments for new metes and bounds descriptions contain herein

IV. MINIMUM STANDARDS

A. REQUIREMENTS FOR PLATS OF SURVEY

- 1. Any author shall prepare a scale drawing (MAX. 11 x 17) of every new metes and bounds description he or she originated, and make available a copy of the drawing to be filed with the Hardin County Tax Map Department.

2. All plat drawings must incorporate the following:

When practical all survey plats should be drawn on a maximum 11 x 17 sheet size to enable Tax Map Dept. to Scan Surveys.

- A. Company name, address, and phone number if not on an attached description.
- B. A brief description of the parcel. (same as required by Section 1 A & B of the "REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS).
- C. Name of whom the land was surveyed for.
- D. Date surveyed.
- E. Scale (bar scale).
- F. North arrow and the "Basis of Bearings" (not assumed).
- G. All bearings and distances for each course.
- H. Starting point reference as cited in the deed description.
- I. Distance to an intersection of centerlines, section line, VMS line, etc. and noting of recorded, measured, or calculated. If different than recorded list both recorded and measured.
- J. Show all monumentation either found or placed, as cited by the metes and bounds description, together with a legend of the symbols used to identify the subject monumentation showing material and size for each. No legend is required. if all monuments are identified individually.
- K. Name of landowners and volume and page of adjacent parcels.
- L. Seal at bottom right with signature and registered surveyors number.
- M. If survey is of a lot in a subdivision the R.O.W. width and name of street must be shown. If survey is not in a subdivision the centerline of the street must be shown and labeled with the name of road. The R.O.W. width is optional.
- N. If there is a building on the parcel a box with the house number should be shown in approximately the same location of the building.
- O. Description of property should be on a separate page.
- P. Closure requirements shall be met.



In addition to the requirements set forth above, all new metes and bounds descriptions, and all requirements for plats of surveys must 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 Standards 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.