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July 3, 1989

Mr. Tim Riley
County Engineer
Norwalk, Ohio 44857


Dear Tim:

I hereby request you to inspect and determine the adequacy of the description of every real estate conveyance that is presented to my office for transfer.

Your cooperation is required in order for me to perform my duties as tax assessor for Huron County in accordance with Sections 5713.01, 5713.02, 5713.13, 5713.14, and 5713.15 of the Ohio Revised Code.

Thank you for your help and assistance in this matter.

Sincerely,


John Elmlinger
Huron County Auditor

Huron County Engineer
150 Jefferson Street
Norwalk, Ohio

Timothy Riley P.E., P.S.
County Engineer

Engineer's Office 419 668 1997
Highway Dept. 419 668 2073

July 4, 1989

John Elmlinger
Huron County Recorder
Norwalk, Ohio


Ref: Description review

I have no problem in honoring your request for the review of descriptions for adequacy. In order to accomplish the task I feel it necessary to develop certain criteria that writers of descriptions must meet. I have enclosed a copy of the criteria for your reference. Descriptions found to be in nonconformance with these standards will be noted and flagged for your personal review.

Taking into consideration that we are digitizing the tax maps into a relatively sophisticated computer system, any errors will be noted by the computer. In order to establish an accurate database the above standards are critical.

If my office can be of any further service to you in this matter or in any other matter relative to the transition in the Tax Map Dept., do not hesitate to contact me.

Respectfully Yours,



Timothy Riley P.E., P.S.
Huron County Engineer

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I. INTRODUCTION

For the efficient operation of the Map Department, for the use of the public and because the County Auditor is required to keep an accurate set of tax maps, it is necessary that certain requirements and procedures be met before the Auditor will approve a description for property transfer. These requirements insure an accurate and adequate description of the parcel(s) to be transferred.

- a. All descriptions and plats for land transfer shall conform to the policy statements herein.
- b. All new "metes and bounds descriptions" and all requirements for plats of survey, in addition to the requirements set forth in this policy, shall incorporate the principles 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" for all transfers involving registered engineers and surveyors.
This policy is based on the "Minimum Standards for Boundary Surveys in the State of Ohio", established by the State Board of Registration for Professional Engineers and Surveyors on May 1, 1980.
- c. All metes and bounds descriptions, either existing or new, must be in legal instrument form to be checked by the Auditor for approval. (In the interest of time, you may wish to have all instruments checked for pre-transfer verification at the map department prior to the obtaining of appropriate signatures necessary for the recording of the instrument.)
- d. The County Auditor reserves the right to accept or reject any and all legal descriptions that do not conform to the enclosed standards, restrictions or parts thereof.

II. RECORDED LOTS OF RECORD

1. All instruments conveying a recorded lot in a municipality or recorded subdivided area shall designate the lot number(s) and/or tract(s), the official recorded name, the plat book and page reference of official record, and the prior recorded deed reference if any exists (if none can be found, it must be so indicated).
2. Any out-lot or portion of a recorded lot shall have an accurate description which will permit dimensional reproduction through use of the description. (This makes it possible to establish a tax structure for the portion being conveyed, and enables the County Auditor to determine the residue or balance left, based on existing available records).

III. EXISTING METES AND BOUNDS - OF RECORD

1. All existing descriptions shall be reviewed for adequacy and accuracy.
2. All existing descriptions shall have an accurate and complete name and address of grantee.
3. All existing metes and bounds descriptions of record, as witnessed by the instrument of previous record and transfer, which do not create or alter the current tax structure of a parcel(s), will be checked by the Auditor to verify and accurately identify the parcel(s) to be conveyed.
- 3(a) All existing 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. Whenever this process is necessary there could be a delay in approving the conveyance for transfer purposes.
4. 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 be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.

5. All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which out-lots or exceptions to title exist shall incorporate the following requirements:
 - a. Each out-lot or exception to title of the original tract(s) must be described, as witnessed by the description of previous record and transfer including the deed volume and page number.
 - b. Instruments which contain exceptions to an existing parcel(s) shall have an accurate description from which the Auditor can obtain the dimensional characteristics necessary to verify the total area to be conveyed.
6. If the auditor of the original or previous description is named, it must be repeated in the current deed of transfer.

IV. NEW METES AND BOUNDS - FOR CONVEYANCE

In order that the description presented for transfer be adequate, accurate and detailed so as to be locatable, all descriptions, not previously recorded, shall incorporate the following:

1. Accurate and complete name and address of grantee.
2. Situate - Denote Great Lot, Tract (if applicable), Outlot, Inlot, Sublot, Name of Subdivision (if applicable), Section Number, Township, City or Village, County, State.
3. Place of Beginning (starting point) - All descriptions must be referenced to a survey monument found or set at an established point of beginning such as, but not limited to, centerline intersections of roads or streets of record, lot or inlot corners.
4. Courses:
 - a. Each course of a new metes and bounds description should be in a separately numbered paragraph.
 - b. Each course of a new metes and bounds description must contain a bearing expressed in degrees, minutes and seconds and a total distance recited in feet and decimal parts thereof.
 - c. Each course must contain the names of current adjoining owners together with the recorded Deed Volume and Page for each.

- 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.
 - e. Each course must indicate all other common lines such as centerlines of roads, rivers, streams, lot lines, section lines or any other pertinent line of record.
5. 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 central angle of the curve, the arc distance (in feet and decimal parts thereof), and the long chord bearing and distance (in feet and decimal parts thereof).
 6. References - All reference to roads, rivers, streams, railroads, etc. must use current or existing names of record. Old or original names should also be mentioned when possible.
 7. Acreage - All new metes and bounds descriptions must give the acreage contained within its perimeter and calculated to the fourth decimal place. Total calculated square footage shall also be shown for parcels less than one half acre in size.
 8. Author
 - a. All new metes and bounds descriptions prepared by a surveyor must incorporate the following:
 1. Surveyor's name;
 2. Ohio Registration Number;
 3. The date of writing and/or survey;
 4. A statement indicating whether the subject description was prepared from an actual field survey or from existing records.
 9. Prior Deed References - The deed reference(s) from which the grantor of the conveyance acquired title must be recited.
 10. Additional Information Requirement - 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 must be recited to create an accurate tax structure.

11. 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. Whenever this process is necessary there could be a delay in approving the conveyance for transfer purposes.
12. All new metes and bounds descriptions shall contain a statement as to the basis of the reference direction used.
13. All instruments containing new metes and bounds descriptions, which meet all of the aforementioned requirements will be stamped "Adequate", verifying a correct tax structure to the County Auditor.
14. Whenever the descriptive content of any new legal instrument of conveyance is determined to be ambiguous (i.e. release of interest in a certain parcel of land), 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.
15. All new metes and bounds descriptions prepared by a registered surveyor shall be accompanied by a signed plat of survey.

NOTE: See Paragraph VII "PLATS OR DRAWINGS"

V. LAND CONTRACTS

All land contracts shall be checked for conformance to regulations which may be applicable upon final transfer.

While the Auditor cannot stop the recording of these instruments, we do ask that they be checked to alert the parties involved of any possible problem which would arise at a future date when the property comes in for transfer.

1. Bring the instrument into the Map Department for checking.
 - a. Have it checked for Minor Subdivision approval (if applicable).
 - b. Check the instrument for violations of description regulations.
2. Discuss any problems with Map Department personnel.
3. Obtain appropriate stamp from Map Department.

VI. EASEMENTS

The Auditor cannot stop the recording of easements. However, it is in the best interests of the grantor and grantee to have them checked so the parties involved may be advised as to any problems that may be present. The following guidelines are suggested:

1. Have the easement location accurately described.
 - a. Have the place of beginning (starting point) located in/on a retraceable boundary line of a new or existing parcel of land.
2. Prepare the description by one of the following methods:
 - a. By bearing a distance of each course;
 - b. By centerline description, such as "being a 20 foot wide easement, 10 feet on each side of the following described centerline";
 - c. By dimension and area, such as "a 30 foot wide strip of land adjacent to the east line of Sublot Number 10 for the entire length of said east line, containing approximately 500 square feet".
3. Include a statement of intent for granting or use of the easement.

VII. PLATS OR DRAWINGS

1. All surveyors shall prepare a scale plat or scale drawing of every new metes and bounds description he or she has originated, and upon final approval present a copy of said plat or drawing to the Map Department for filing.
2. All plats or drawings shall incorporate the following details:
 - a. All submitted plats or drawings shall conform to the following size limitations:
Minimum - 8 1/2" x 11"; 8 1/2" x 14";
11" x 17"; 18" x 24"
Maximum - 24" x 36"
 - b. A title, such that the general location of the subject parcel(s) can be readily identified. (This requirement should include the same information as established by "Requirements for New Metes and Bounds Descriptions for Conveyance" Section 2.)

- c. A north arrow with a clear statement as to the basis of the reference direction used.
- d. The place of beginning or starting point reference as cited in the legal description.
- e. 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, and the materials and size for each.
- f. Name, deed volume, and page of current owner of parcel(s) being surveyed.
- g. All the names, together with their current deed volume and page number, of adjoining owners along each boundary line of the subject parcel(s).
- h. All boundary information for each course as established by "Requirements for New Metes and Bounds Descriptions for Conveyance", Paragraphs 4, 5 and 6.
- i. A citation of pertinent documents and sources of data used as a basis for establishing the subject parcel(s).
- j. The area of the subject parcel(s), clearly indicating the same information as required in "Requirement for New Metes and Bounds Descriptions for Conveyance, Paragraphs 7, 9 and 10. Plat or drawing shall indicate total error of closure (1/10,000 minimum allowable error of closure).
- k. The date and scale (written and graphical).
- l. All surveyors shall show his/her printed and signed name on the plat or drawing. Registered surveyor's plat shall include Ohio Registration Number and Seal.

VIII. ACREAGE CHANGES

Whenever a probable error is discovered in the area of a parcel(s) of land as shown on the Auditor's current tax roles, it shall be necessary for the Map Department to be presented with a recorded, signed and sealed plat prepared by a registered surveyor prior to any certification of the change being made. The County Auditor will accept only such changes, in document form, from the Map Department or the appropriate court.

IX. CHANGES TO PROPERTY MAPS

Explanation: To consolidate parcels on the property maps and remove their separate lines of demarcation, it is necessary to follow certain procedures.

Each deed description may affect the deed description of adjoining properties, and changes must be available for future reference in a clear and uninterrupted chain.

Therefore, before parcel lines may be removed from the property map, the following procedures must be followed:

1. A survey plat and legal description prepared by a registered professional surveyor showing the combined parcels as one parcel shall be submitted to the Map Department in legal instrument form.
2. The survey plat and description shall be checked for compliance with local regulations and, if accepted, the plat shall be filed with the Map Department and recorded in the plat records.
3. The legal instrument must be filed with the County Auditor and recorded with the County Recorder.

X. TRANSFER OF PROPERTY OWNED BY A PARTNERSHIP

It is necessary under Ohio law that a partnership document its existence with the Office of the County Recorder prior to transfer of property to or from the partnership.

XI. ANNEXATIONS

Only annexations submitted in the form of plats and descriptions, prepared from an actual field survey performed by a registered surveyor, will be accepted by the Map Department for checking and filing. (O.R.C. 711.01).

1. All descriptions and plats shall conform to requirements as set forth in these guidelines.
2. ALL PLATS AND DESCRIPTIONS SHALL BE SUBMITTED TO THE MAP DEPARTMENT FOR PRELIMINARY APPROVAL PRIOR TO SUBMITTING THEM TO THE OFFICE OF THE COUNTY COMMISSIONERS.

3. Individuals acting as agents for the petitioners shall obtain the petition for annexation together with an affidavit (signed by the agent) from the Township Trustees and/or County Commissioners and involved property owners.
4. Plat(s), description(s) and petition should be presented to the proper agencies for review. These agencies could include, but are not limited to: County Engineer, County Sanitary Engineer, Board of Health, Township Trustees, Zoning Board, County Planning Commission, County Commissioners and city or village officials.
5. A brochure entitled "Ohio's Annexation process" is available upon request at the Huron County Map Department.

XII. LOT SPLITS (MINOR SUBDIVISIONS)
SUBDIVISION REGULATIONS, HURON COUNTY

Under the current Huron County Subdivision Regulations a minor subdivision is defined as a division of a parcel of land which requires a plat to meet the requirements contained in Section 711 of the Ohio Revised Code and applicable Huron County Subdivision Regulations. Specifically, these requirements are:

1. The proposed subdivision is located along an existing public thoroughfare and involves no opening, widening or extension of any thoroughfare.
2. No more than five (5) lots are involved after the original parcel has been completely subdivided.
3. The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
- 3a. SURVEYORS PLEASE NOTE: SEVERAL TOWNSHIPS REQUIRE THAT MINIMUM AREA REQUIREMENTS BE EXCLUSIVE OF ROAD RIGHT-OF-WAY AREA. PLEASE CHECK THIS OUT PRIOR TO DOING THE SURVEY AND PLEASE INDICATE THE ACREAGE OF THE ROAD RIGHT-OF-WAY AREA ON THE PLAT IN ALL CASES.
4. The property has been surveyed and a plat and legal description of the property prepared by a surveyor is submitted with the application.

In addition to the above requirements, the subdivision (either the lot to be conveyed or the residual parcel) must contain at least one lot less than five (5) acres in size. (Section 711.001 (B) (1) Ohio Revised Code).

The following types of lot splits, by virtue of Section 711.001 (B) (1) of the Ohio Revised Code, are exempt from all county subdivision regulations:

1. The division or partition of land into parcels of five (5) acres or more which do not involve the creation of any new streets or easements of access.
2. The sale or exchange of parcels between adjoining lot owners, WHERE SUCH SALE OR EXCHANGE DOES NOT CREATE ADDITIONAL BUILDING SITES.

Since Ohio law defines either of the above transactions as being exempt from all subdivision regulations (including minor subdivision), the landowner or his/her agent should proceed directly to the Huron County Map Department for description and survey plat approval subsequent for filing of deed(s).

XIII. MINOR SUBDIVISIONS

Application and Procedure:

- Step 1. Persons requesting approval of a minor subdivision/lot split should submit to the Huron County Auditor the following information:
 - a. The legal description in instrument form of the property to be subdivided.
 - b. A plat of survey prepared by a registered surveyor showing the proposed property.
 - c. ENDORSEMENT OF APPROVAL OR REVIEW ON THE PLAT BY THE PROPER AGENCY OFFICIAL. THIS WOULD BE A TOWNSHIP ZONING OFFICIAL, CITY OR VILLAGE OFFICIAL IN CHARGE OF PLANNING AND/OR ZONING. (O.R.C. 711.09)
- Step 2. Landowner or the landowner's agent shall consult with the County Health Department, County Engineer and other applicable authorities prior to beginning any construction on this new parcel.

Step 3. If the County Auditor or representative is satisfied that the proposed subdivision meets all applicable platting, subdividing and zoning regulations it shall, within seven (7) working days after submission of minor subdivision, approve such proposed minor subdivision and, on presentation of a conveyance of said subdivision, stamp the same and the authorized representative shall sign the conveyance. If the application is disapproved, the applicants shall be notified in writing by the Auditor as to the reasons for its disapproval.

Step 4. Upon approval, applicant or agency may file the plat of survey and conveyance with the County Auditor and County Recorder respectively. The survey and legal description must be in the form required by these guidelines.

XIV. SUBDIVISIONS

1. All subdivisions (preliminary plats included) shall be submitted to the Map Department for checking of conformance with "Requirements for New Metes and Bounds Descriptions for Conveyance" and "Requirements for All Plats or Drawings".
2. All subdivisions shall conform to the "Subdivision Regulations of Huron County" as amended. This documentation was adopted October 2, 1973.
3. Any subdivisions located within the corporate limits of a village, a city or within any extrajurisdictional areas of a village or city, shall comply with regulations as adopted, if any, by said village or city. When plat is submitted to the city/village, there shall be a copy submitted to the map department at this time also in order to expedite processing and checking.
4. Issuance of Inlot Numbers in the corporation limit of a village or city is the sole responsibility of the County Recorder's Office.

5. "When the final plat has been approved by the County Planning Commission, the approved drawings (originals) shall be transmitted to the County Commissioners, for such action as may be necessary for the acceptance and dedication of any public ways, easements or water or sewer lines. After such dedication has been consummated, the original tracing shall be returned to the subdivider, who shall obtain a duplicate reproducible tracing, which may be wash-off type photosensitized polyester film. The original tracing and any duplicates that are obtained shall include all required signatures and certifications. The original tracing shall be filed for recording with the Huron County Recorder, and a duplicate reproducible tracing shall be filed with the Huron County Engineer." (H.C.S. Reg., Art. III, Sec. 330.8).

XV. ROADS, STREETS, ALLEYS

To properly serve the needs of the County Auditor's Office concerning the keeping of an accurate tax base, the Map Department must be informed of all road, street or alley dedications or vacations by the responsible government agency.

Only vacations and dedications submitted in the form of plats and formal descriptions prepared and certified to by a registered surveyor (O.R.C. 711.39) will be accepted by the Map Department for checking and recording.

All descriptions and plats shall conform to "Requirements for New Metes and Bounds Descriptions for Conveyance" and "Requirements for all Plats or Drawings"; For an example of an alley vacation, see the plat inserted in the jacket on the inside cover of these regulations.

1. All descriptions and plats shall be submitted to the Map Department for preliminary approval.
2. Obtain petition approval in form of resolution by Township Trustees and/or County Commissioners, and signatures of abutting property owners

OR

Obtain city ordinance approving vacation (this must be certified by Council Clerk).

3. The petitioners shall publish, according to law, the ordinance or petition being proposed.
4. Obtain final approval of the Map Department.
5. Process transfer of parcel(s) at County Auditor's Office and pay appropriate fees.
6. Record appropriate certified documents with the Office of the Huron County Recorder and pay the appropriate fees:
 - a. Original Petition;
 - b. Approved Description and Plat;
 - c. City Ordinance or Trustees and/or County Commissioners Resolution;
 - d. Copy of Publication Notice.

REMEMBER: Dedication of a road, street or alley for public use does not constitute acceptance of same for maintenance by any government body. Roads, streets and/or alleys must first be constructed to the applicable standards of the government body involved before they can be formally accepted for maintenance.