

Marion County

BASIC STANDARDS FOR THE APPROVAL OF PROPERTY TRANSFERS

I. REQUIREMENTS FOR ALL RECORDED AND UNRECORDED LOT(S) OF RECORD AND OTHERWISE.

- A. All instruments conveying a recorded lot in a municipality or recorded subdivided area must designate the lot number(s) and the official recorded name.
- B. Any "Out-Lot" or portion of a recorded lot must have an accurate description by metes and bounds to clearly show the portion being conveyed.
- C. All instruments of conveyance shall designate the prior recorded deed reference.
- D. For the purposes of these standards, "instruments of conveyance" excludes mortgages, leases, mechanics' liens and other similar instruments of encumbrance. Notwithstanding the foregoing, as time permits, the Engineer's Office may review other legal descriptions voluntarily submitted.

II. REQUIREMENTS FOR NEW SURVEYS AND/OR EXISTING METES AND BOUNDS DESCRIPTIONS.

- A. All tracts or parcels must be referenced to some definitely known and established point such as a monumented section or quarter section corner, a dedicated lot corner within a dedicated subdivision, a recorded plat and/or highway intersection within the boundaries of the County of Marion.
 1. When descriptions refer to highway or railroad stationing only and do not make reference to monumented points as described in II.A. aforementioned, it shall be considered insufficient.
- B. 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 or deannexation, must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.
- C. The tract or parcel to be conveyed must have a metes and bounds description or be a legal division of the rectangular

system of land transfer and must be accompanied by an acreage.

- D. When adjacent property and owners are used along with recorded volumes, pages and dates, it shall be considered to be an insufficient description.
- E. When a tract or parcel lies in two or more different sections, surveys in Virginia Military Lands, lots in United States Military Lands, inside and outside of a corporation, township or counties, the acreage shall be broken down into each individual item as aforementioned and distances stated when crossing said lines.
- F. When there is an exception to a tract or parcel, the exception must be fully described by metes and bounds description in the deed to be conveyed and comply with the following and aforementioned requirements.
 - 1. After the exception(s) to a tract or parcel is fully described, an acreage must accompany the conveyance of intention.
- G. All resurveys and new parcel splits, regardless of acreage, must be surveyed by a registered surveyor and a plat of said survey accompany said deed being filed with the Marion County Offices except as described in II.H. below.
 - 1. All surveys and plats shall conform to the minimum standards for surveys according to Chapter 4733 of the Ohio Revised Code.
 - a. All new metes and bounds descriptions must include the acreage contained within the perimeter and calculated to the third decimal place.
 - b. All vacations of roads, streets and alleys should be surveyed by a professional surveyor and plats and descriptions submitted to the County Engineer for approval.
 - c. All new surveys and resurveys shall recite the prior deed reference(s) from which the grantor of the conveyance acquired title for the plat, lot, out-lot or acreage described.
 - d. Road, street and alley rights-of-way widths shall be shown on all survey plats and noted in the legal description.

2. The legal description for all new parcel splits located in the City of Marion or in the unincorporated areas of the County of Marion in which one of the parcels, sites or lots, including the remaining parcel, is less than five (5) acres, shall have been reviewed first by the Regional Planning Commission and if no plat is required, shall bear the stamped approval of the Regional Planning Commission before this office will approve the description. (See Chapter 711 of the Ohio Revised Code, RPC Subdivision Regulations §§ 1.18, 1.181 and 2.21)
- H. When the planning codes for the incorporated villages require resurveys or new surveys, Section II.G. above shall be followed.
1. The Planning Commissions for the Villages of Caledonia and Prospect have delegated to the Regional Planning Commission the review of said descriptions. Their approval on behalf of the Village Planning Commission shall be affixed in ink or by stamp by the instrument's legal description before this office will approve the description. (See Chapter 711 of the Ohio Revised Code, RPC Subdivision Regulations Sections 1.18, 1.181 and 2.21) and corresponding village planning codes and ordinances.
 2. As of June 16, 1997, the incorporated village of Morral has a planning code which requires Village Planning Commission approval for all resurveys and new parcel splits. Said approval shall be dated and affixed in ink or by stamp by the instrument's legal description before the Engineer's Office will approve the description.
 3. While the remaining incorporated villages (Green Camp, LaRue, New Bloomington and Waldo) have not enacted planning codes as of June 16, 1997, it is strongly encouraged when filing property transfers for parcels within such villages that all persons comply with the guidelines set forth in Section II.G. above.
- I. All instruments of conveyance shall designate the prior deed reference.
- J. All instruments, including survey plats, subdivision plats, etc., submitted for recording or filing, must be of a quality paper or material that permits legible reproduction

of the instruments and be sufficiently legible to permit the legible reproduction of their contents.

- K. Only in adverse circumstances, when the above requirements cannot be met, will a stamp be affixed to the legal document stating that prior to the next transfer, there must be a new survey or revisions made to the description. It is the burden of the person claiming adverse circumstances to satisfactorily demonstrate such to the Engineer's Office. The Engineer's Office may rely on the Prosecutor's Office for evaluation of these transfers.

III. REGISTERED LAND SYSTEM.

Although the registered land system has been abolished in Marion County, effective July 1, 1994, the statutes governing registered land may still apply in some instances to parcels previously within the registered land system. When applicable, state law still requires the County Recorder to refuse to record any instrument which does not meet registered land standards in those instances. All matters regarding parcels which were previously within the registered land system shall be solely within the County Recorder's jurisdiction unless specifically addressed by court order.

IV. MISCELLANEOUS.

- A. If an instrument of conveyance has been altered as to the name or names of the Grantor and/or Grantee, or as to the legal description, after it has been approved by the Engineer's Office or the Auditor's Office, it must be re-submitted to both offices for their review and approval prior to recording.
- B. If an instrument of conveyance after it has been approved and/or transferred is not filed for record within sixty (60) days, it must be resubmitted to the Engineer's Office and the Auditor's Office for their review and approval prior to recording.
- C. For all property splits containing existing buildings, the Auditor's Office must be specifically advised of the location of the buildings on the separate parcels, before said split is approved, so that the tax records for the new parcels are accurate. A location survey is not required.

D. Unless excepted by R.C. §5302.171, Successor Trustees/Co-Trustees must file an Affidavit when transferring title from a prior Trustee. A sample Affidavit is attached.

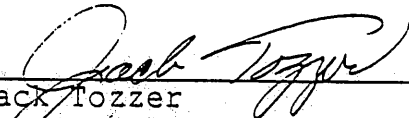
The Marion County Offices reserve the right to accept or reject any and all legal descriptions that do not conform to the aforementioned requirements, restrictions or parts thereof.

The purpose and/or intention of these standards is not to work a hardship or to discriminate against any individual, but to facilitate conveyance of property, to correct errors in former, present and future conveyances and records and to obtain definite and accurate legal descriptions for conveyances. This will be the philosophy of the County Officers in examining real estate descriptions and will result in a better service to property owners, title companies, abstractors, and recording and taxing officials of Marion County, Ohio.

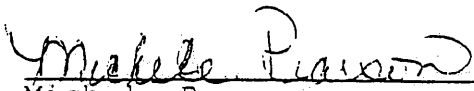
See Also: R.C. §§ 315.251, 319.20, 319.203, 5302.171, 5713.20; OAG Opinion 86-028, OAG Opinion 86-093, OAG Opinion 87-110; Renner v. Tuscarawas County Bd. of Revision (1991), 59 Ohio St. 3d 142; Fubray v. Tuscarawas County Bd. of Revision (1991), 61 Ohio St. 3d 64.; and State ex rel. v. Taraloca Land Co. v Fawley (1994), 70 Ohio St. 3d 441.

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| (Sample of Stamp) | Approved for Conveyance: |
| Approved for Conveyance: | Marion County Engineer |
| Marion County Engineer | Marion County, Ohio |
| Marion County, Ohio | Date _____ By _____ |
| Date _____ By _____ | |

Standards Effective: July 1, 1997



Jack Tozzer
County Engineer



Michele Pearson
County Auditor