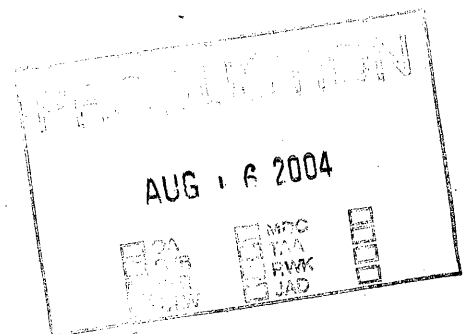


NOTICE TO SURVEYORS WORKING IN PAULDING COUNTY

- COUNTYWIDE MINIMUM ACREAGE FOR NEW PARCELS OF 1.5 ACRES.
- SOME ZONED TOWNSHIPS HAVE MINIMUM ROAD FRONTAGES.
- SOME ZONED TOWNSHIPS HAVE LOT WIDTH TO DEPTH REQUIREMENTS.
- AREAS WITHIN FEMA 100 YEAR FLOODWAYS AND/OR FLOODPLAINS MUST BE SHOWN.
- NEW PARCEL DESCRIPTIONS AND PLATS MUST BE REFERENCED BY BEARING AND DISTANCE TO AT LEAST 2 POINTS OF RECORD.
- SURVEYS LOCATED WITHIN ONE MILE OF A GPS POINT PROVIDED BY THE COUNTY ENGINEER'S OFFICE MUST BE TIED IN TO IT.
- LOCATION AND SIZE OF ALL EXISTING BUILDINGS MUST BE SHOWN.
- PLATS FOR MAJOR SUBDIVISION (ANY MORE THAN 5 LOTS BY THE SAME OWNER, INCLUDING THE RESIDUAL PARCEL, ANY ONE OF WHICH IS LESS THAN 5 ACRES IN AREA) WILL NOT BE APPROVED UNLESS THEY MEET THE REQUIREMENTS OUTLINED IN THE PAULDING COUNTY SUBDIVISION REGULATIONS.



Deed Description Checking Requirements

A description can be approved if:

1. It is a survey description that closes to within allowable tolerances: (1/2000 for surveys prior to May 5, 1980) (1/5000 for surveys performed between May 5, 1980 to present or effective date of 1/10,000 standard, if ratified) (1/10,000 after effective date, if said specification is ratified for the minimum standards for surveys promulgated by the board of registration for professional engineers and surveyors.) Dates on surveys or survey descriptions must be legible, or in the absence of these the date of the survey for the instrument description must be given to qualify for the appropriate, less stringent specification. Descriptions without dates of surveys, or reference to recorded surveys, will be held to the standards in place at the time of filing.

2. It is a non-survey description that closes by definition and the acreage can be accurately determined. Acreage must be stated unless parcel is in lot of record.

3. It is a non-survey description that closes by definition, but the acreage cannot accurately be determined. This applies only to descriptions derived from standard fractions of sections, w/o natural boundary involvement, and down to ten acres (more or less) by said fractions. Acreage for record must be stated unless parcel is in lot of record.

A description cannot be approved and will not be stamped, thereby prohibiting transfer and recording of instrument if:

1. It is a survey description that doesn't close to within allowable tolerances (see 1. Above). (Applies to transfers outside of families; sheriff's deeds being exempt)

2. Neither closure nor acreage can be accurately or reliably determined, but parcel can be reasonably located and identified by the given description.

(Applies to transfers outside of families; sheriff's deeds being exempt)

3. The description does not provide reasonable or sufficient information to locate or identify parcel.

4. The description fails to identify the correct jurisdiction (or jurisdictions, if more than one) for the parcel in question.

5. Minor subdivisions fail to comply with the current prevailing regulations and property splits are submitted without a copy of the survey plat for the newly created parcel and the altered parcel descriptions do not use the new survey information.

6. No instrument will be stamped by our office that does not describe real property.

These rules are being made pursuant to, and in compliance with Ohio Revised Code Section 319.203:

All surveys performed after the date of this agreement must tie into a county GPS point as provided by the county Engineer, if the survey is located within one mile of the GPS point. The Engineer's Office may waive the requirement if the surveyor can demonstrate that this would cause unusual hardship and expense.

The following sections are incorporated as modified in this agreement:

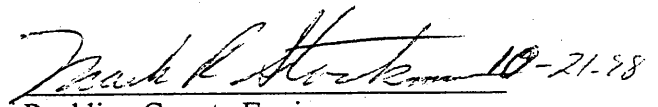
Section 315.251. (A) If a deed conveying real property is presented to the county auditor for transfer, and the deed contains a legal description for land that is a cut-up or split of the grantor's one or more existing parcels of land as shown in the county auditor's records**, or if the legal description of the land conveyed in the deed is different*** from the legal description shown in the prior deed to the grantor, a boundary survey plat in conformity with the new description shall be submitted with the deed. The survey plat and description shall satisfy the minimum standards for surveys promulgated by the board of registration for professional engineers and surveyors pursuant to chapter 4733. of the Revised Code. If, in the opinion of the county engineer, the survey plat and description satisfy those standards, the county auditor shall accept the deed for transfer and a copy of the survey shall be filed in the county engineer's survey file for public inspection.

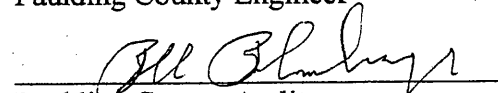
** For the purposes of this agreement, the phrase "county auditor's records" is interpreted to specifically refer to the tax maps kept and maintained by the county engineer's office for the auditor's reference. Also, if due to past practices and inconsistencies in the way that entries were made in the tax map record, parcels have been combined that shouldn't have been, the legal description given on the prior deed to the grantor shall prevail. In cases where standard fractions of sections are strung together in a legal description without a substantial break (new paragraph, not counting exceptions,) (tract or parcel sequence #'s,) (or acreage given (not defining acreage)) shall be considered a distinct parcel. Grey areas arising regarding the partitioning of parcels shall be resolved at the discretion of the engineer's office with consideration of input from all the parties that contribute to the discussion.

***No new survey shall be required for changes made to an existing legal description that update or correct jurisdiction, scrivener's errors, or simplify a legal description without materially changing the parcel description.

(B) Beginning on the effective date of this amendment, in the counties where the county engineer elects to engage in the private practice of engineering or surveying under division (B) of section 325.14 of the Revised Code the county auditor of that county shall designate another engineer who is registered under Chapter 4733. of the Revised Code and who is employed in the same county engineer's office to perform the duty of the county engineer under division (A) of this section or to exercise or perform any authority or duty of the county engineer under section 319.203 of the Revised Code if the county engineer reasonably believes that the performance of that duty or exercise of that authority by the county engineer would constitute a violation of Chapter 102. of the Revised Code or any other similar civil or criminal statute. Pursuant to this authorization, the designee engineer shall act in the place of the county engineer. Neither the county engineer nor the designee engineer shall discuss any matter reasonably related to this authorization. Any act in compliance with this section is not a violation of Chapter 102. of the Revised Code or any other similar statute.

Division (B) of this section applies to a county engineer holding office on the effective date of this amendment during such time as the person continues to serve that term or an immediately consecutive term of office as a county engineer.


Paulding County Engineer


Paulding County Auditor

The preceding regulations were adopted after public hearings were held, on the 23rd of September and the 20th of October of 1998, in accordance with section 319.203 of the Revised Code.

DESCRIPTION CHECKING METHODS AND PROCEDURES

1. Whenever a Sheriff's deed or court ordered property transfer (certificate of transfer from Probate Court, etc.) is submitted, where the description is deficient (lack of precision concerning closure or other inadequacy).

There will be a stamp for using on appropriate instruments (sheriff's deeds and court ordered property transfers) with inadequate descriptions, stating that "survey will be required for next voluntary transfer, Pldg. Co. Eng. Off. _____".

2. When Parcel descriptions are submitted that contain exceptions, it may be unclear or even impossible to determine the identity of the tract to be conveyed or whether the exception was deducted from the area of the parent parcel.

Parcels with exceptions are required to state the remaining acreage (inlots of recored being exempt). While the acreage given may not exactly match the acreage on record it will help to facilitate identification of the parcel. Large differences between the stated acreage and acreage on record may reveal a failure to convey all that is intended.

3. Inadequate parcel descriptions are submitted on instruments where the transfer is to a member of the same family or the ownership or control of the parcel remains with the same individuals (affidavits of transfer, trusteeships, private corporations, etc.) but although the description does not rate the "APPROVED" stamp, the parcel may still be identified.

The "PRESENTED" stamp may be used only when applicable (transfer within family, or ownership or control of the property is not transferred to other individuals by means of a bona fide sale) and then, only when specifically asked for.

4. Parcel descriptions are submitted that repeat tracts: first including then excepting the same tracts, probably reflecting the sequence of acquisition of the owner's total but confusing the determination of the parcel to be conveyed.

Descriptions may be required to be revised that defy common sense while not strictly being incorrect. Example: NW1/4NW1/4 and NE1/4NW1/4 and the SW1/4NW1/4 excepting the NE1/4NW1/4 and the SW1/4NW1/4. Clearly the NE1/4NW1/4 and the SW1/4NW1/4 by the first being added to, then subtracted from the parcel accomplishes nothing but needless confusion. Such a revision will not constitute a change in the description which would require a new survey, as long as it is clear that the parcel is not materially changed.

5. Parcel descriptions are submitted that were formulated before the area that contains it was annexed to a village. Such "carried" descriptions may not be taxed correctly since it may be assessed at an incorrect rate by the County Auditor's office. The County Recorder's office may also have difficulty listing the parcel in such a way that its paper trail may easily be found.

If a parcel description gives incorrect or out of date jurisdiction, it must be updated or corrected since it's important for taxing purposes and for abstracting the parcel.

6. Parcel descriptions are submitted that refer to a description on a previously recorded instrument to describe a boundary or part of a boundary rather than describe the line as part of the text. This makes it necessary for the various government agencies involved to look up and interpret the aforesaid previously recorded description thereby increasing the cost to the taxpayers, of operating the said government agencies.

If a description refers to a previously recorded instrument to define a boundary or a portion of a boundary, a copy of said previously recorded instrument must be provided.

7. Our office routinely disapproves survey descriptions when the bearings and distances given do not allow closure to within specified tolerances (1/2000 or 1/5000 for older surveys, and proposed 1/10000 for new surveys). It has been brought to our attention that a call to a specified point takes precedence over a measured distance and that closure may then be attained with an erroneous distance. It must be recognized that a land owner, in order to lay out a building site, may be measuring from the said called specific point towards a point that may not be monumented. Since lack of closure indicates an error in measurement, whether angular or linear, our office wants to avoid, as much as possible, the prospect of approving a survey description that leads to an encroachment.

That continuing past policy, surveys which give a distance to a called specific point (whereby said distance may* not allow closure within spec.) will not be approved. Although the called point may legally effect closure the erroneous distance may cause a structure to be erected with an encroachment upon an adjacent parcel.

*Our office can only check the accuracy of a survey by determining if the traverse returns to the point of the beginning with a reasonable degree of precision (1/2000, 1/5000 or 1/10000, whatever standard is appropriate). It should be kept in mind that if a survey or a description fails to close we cannot generally tell which bearing or distance is at fault. Some latitude may be appropriate if the gap between the beginning and end points is not enough to effect the locating of possible building or planting sites.

8. Sometimes parcel descriptions are submitted that are complicated and confusing due to the nature of the configurations of the parcel being conveyed. In many cases a generalized statement of the nature of the parcel or its relation to adjacent parcels, or the intent of the conveyance can help to clarify the issue. Such a precaution would facilitate the processing of instruments of conveyance by the various government agencies.

Whenever the descriptive content of any legal instrument of conveyance is determined to be unavoidable ambiguous, it may be required that a statement of intent and/or nature be incorporated as part of the instrument, to clarify the parcel to be conveyed.

Our office fairly frequently receives descriptions that give an acreage different from that shown on the record, with no information as to how the new figure was arrived at. The County Auditor's office needs a reliable means to determine the actual area of a given parcel in order to fairly assess the taxes due on it.

Acreage of record can be changed when a survey is provided or a survey description gives a different acreage than that shown on record (provided accuracy is confirmed). Neither surveys

nor descriptions may deduct acreage for road or other types of right-of-way unless said right-of-way was acquired by grant or purchased by warranty deed by the appropriate government agency. All survey descriptions or survey plats must show the total acreage within the legal boundaries of that parcel.

10. Our office has received instruments of conveyance for approval that result from divorce settlements or other court ordered property splits that do not conform to the minor-subdivision regulations in one form or another. The Engineer's Office has no desire to conflict with judges' rulings.

Court ordered minor subdivision splits that don't adhere to the regulations will be referred to the Paulding County Planning Commission by normal application procedure per the commission regulations, which will act appropriately on a case by case basis, to safeguard the public welfare.

11. To the present, the procedures of the Engineer's deed checking department has been patterned after the Ohio Attorney General's Opinion 87-110 in that no description can be refused because the owner's name of record doesn't match what's on the instrument. Along those lines we have not refused descriptions that failed to mention an exception of record since that constitutes a conflict of ownership, although we do bring it to the attention of whoever is submitting the instrument. Up to now the County Auditor's office has held up transfers which leave off an exception.

The omission of one or more exceptions will prevent approval for the transfer of a parcel.

12. Even with the above mentioned provisions for simplifying and clarifying parcel descriptions an excessive number of exceptions does not serve the public well, either in the processing of their instruments of conveyance or in explaining to the landowner what he or she owns. It has to be easier for a landowner to deal with a description of what they own, rather than descriptions of what they don't own.

An excessive number of exceptions (3 or more) will be grounds for ordering a survey.

13. In order to safeguard the interests of land buyers we believe that land contracts must also be held to the same standards as other forms of conveyance, especially as regards to minor-subdivision regulations. We want to avoid someone paying for years on a parcel that they would not be able to get a deed for.

Land contracts will be held to the same standards as other forms of conveyance, as much as possible. All parcels being bought on land contract will be subject to minor subdivision regulations when they apply (before deed may be acquired).

14. It must be pointed out that the Engineer's Office does not automatically get copies of all surveys performed in the county, as some people seem to think, nor do we have the time or staff to look up surveys of record when they are needed for transferring instruments, although we are glad to help find them if necessary.

It is the responsibility of the landowner, the surveyor, or (by agreement) the deed preparer to furnish copies of survey plats or subdivision plats (and required sketches) for submission to the Engineer's Office for approval and filing for record. Any copies made at the Engineer's

Office will be charged for, and any plats submitted larger than ledger size (11" x 17") must be taken to Engineer's Operations to be copied and paid for.

15. In order that vacations of public ways and lots of record conform to Ohio Revised Code 711.39 and to insure accuracy regarding the vacating of the appropriate area that is called for, a survey is indicated.

O.R.C. 711.39 clearly states that for any municipal corporation to vacate any public way or portion thereof, a plat, prepared and certified by a licensed surveyor or engineer, must be submitted along with the petition and proceedings for recording.

16. There has been much confusion about what has been vacated and what has not over the years. There have even been instruments recorded referring to adjacent streets or alleys that "may have been vacated", adding to the confusion.

If no record can be found supporting a vacation of a street, or right of way, or inlet(s) formerly of record, we assume that it's not vacated.

17. We don't expect a big increase in the number of metric surveys or descriptions but in order to avoid having to spend a lot of time converting measurements over to English equivalents by our office, the surveyor should provide them.

Metric descriptions may be used on condition that English equivalents are given priority when appended to each bearing.

18. Given that there have been many different kinds of both temporary and permanent construction and maintenance easements granted to various government agencies and service providers over the years, it would not be practical to require that they all be included on survey plats or descriptions as it would be next to impossible to check thoroughly in a timely manner.

All easements are not required to be shown on plats and included in descriptions unless they are on the previous instrument or readily available.

19. Since most easements would be perfectly well suited by a centerline description it would make little sense to require anything more complicated.

Centerline descriptions of easement will be allowed.

20. So that the minor-subdivision regulations enacted by the Paulding County Planning Commission may be enforced in the spirit that they were intended we believe that for maintaining the health of the county regarding septic system and drainage conditions that all such splits must be accounted for and properly processed. Prior to enactment of the minor-subdivision regulations some parcels may have been split off by deed but never developed or were otherwise forgotten about. Any such parcel may not have been excepted from the parent parcel description in subsequent transfers. Consolidation of a pre-existing parcel back into its parent parcel will result from such a sequence of events.

21. Both the County Engineer's and the County Auditor's Office would like to have the most accurate accounting of acreage for parcels that is possible with current technology. Besides benefitting the county by assuring that all acreage is taxed appropriately it would increase the

accuracy of mapping the county for a multitude of purposes. Fairness to individual taxpayers is also a concern of ours. It is not right for some taxpayers to be taxed for every square foot of ground that they own (if they have a survey) or for more acreage than they own (if they don't have a survey) while some are certainly being taxed for less acreage than they actually own. We also frequently have people in our office who have just bought some property but are unable to do what they want to with it, because there is no monumentation or any thing to tell them where the true limits of their property are.

That a survey be required for all parcel descriptions that cannot be accurately checked for closure and acreage (inlots or platted lots of record being exempt). Standard fractional division of sections will be allowed down to 10 acres (more or less).