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3300 LEGAL DESCRIPTION

3301 Introduction

All legal descriptions prepared by or for the Ohio Department of Transportation shall be in accordance with the current Ohio Revised Code 4733 and Ohio Administrative Code Section 4733-37, all applicable county conveyance standards, the Real Estate Policies & Procedures Manual and applicable District guidelines.

Property rights and interests acquired by ODOT are conveyed through the use of an instrument. The instruments contain three parts, the Conveyance, the Acknowledgement and the "Exhibit A". A legal description prepared for ODOT is attached to the instrument as "Exhibit A". Refer to the **Real Estate Policies and Procedures Manual, Section 5401** for details pertaining to the building of the instrument.

When a legal description is required for a total take parcel(s), the District Real Estate Administrator may request the descriptions be prepared and submitted as soon as they are identified and in advance of the remaining right of way parcel takes.

It is the responsibility of the right of way designer and/or reviewer to revise and correct any legal descriptions deemed unacceptable for transfer.

When preparing a legal description for railroad property, the beginning point of each description shall be referenced to both the railroad valuation station and the highway centerline of right of way station.

3302 Standard Legal Description Format

The right of way plan designer and/or reviewer shall adhere to the following format when preparing legal descriptions:

1) All legal descriptions shall be prepared using the applicable RX Forms as supplied by ODOT. For information on the RX Forms see the **Real Estate Policies and Procedures Manual, Section 5400, "Preparation and Execution of Instruments"**.

2) The legal description format shall be prepared in accordance with the following: (1) 8 ½ x 11, (2) one-inch margins, (3) headers and pagination on every page (4) 12-point type, (5) full justification, and (6) Times New Roman Font or as otherwise directed by the District Real Estate Administrator.

3) Provide legal descriptions that have prior approval by the applicable county office when required by the scope of services document or county regulations.

4) Submit a paper copy (along with an electronic copy) of the mathematical closure for each right of way parcel using the bearings and distances recited in the legal description courses.

5) Submit a paper copy of the legal description signed, sealed and dated, along with an electronic copy in a format as specified by the District Real Estate Administrator.

3303 Standard Legal Description Procedure

The right of way designer and/or reviewer shall prepare each legal description containing the following data:

1) The bearings and distances of each take line that must match the bearing and distances given in the right of way plans.

2) A sufficient caption listing the general location of the parcel to be described making reference to any subdivision of which it might be a portion thereof and containing the following when applicable: State, county, city, village, civil township, section, survey township tier, range, lot, block, etc . Identify which side(s) of centerline of right of way the parcel of land is lying on. Include a statement identifying the right of way plan (county/route/section) referred to the centerline of right of way in the legal description. Reference the public record which the legal description is based on; Deed Book "D.B.", Official Record "O.R.", Volume "Vol." or Micro Fiche.

3) The point of beginning or commencement should be at a physically recoverable, recognized geographic point, a clearly defined control station and shall be acceptable by the county office responsible for approving the transfer.

4) If the point of beginning or commencement is NOT a physically acceptable survey monument, then it shall be witnessed by a physically acceptable survey monument per Ohio Administrative Code (OAC) 4733-37-03. Provide documentation and the geographical location of the boundary monument used as the initial point of the legal description.

5) The True Point of Beginning "for the Parcel of land being described" shall be referenced to the centerline of right of way by station and offset.

6) Each course recited in the legal description shall include the bearing/direction of the line relative to the direction of the basis of bearing. The bearing precision shall be to the nearest second.

7) When describing a bearing/direction use the words "degree," "minutes," and "seconds." Symbols may be used at the discretion of District Real Estate Administrator.

8) All distances shall be shown in English units of U.S. survey feet with two (2) decimal places of precision.

9) Specification of any monuments, e.g., iron pins, iron pipes, railroad spikes, etc., shall be cited in the legal description as found or set. If a general statement is used to denote monument set, i.e., iron pin or iron bar set, add a statement at the end of the legal description identifying in detail what the monument set consists of including any labels stamped on the cap. Example: Iron pins set are 3/4" diameter steel rods, 30" long, with a 1-1/2" diameter aluminum cap stamped "ODOT R/W PS XXXX".

10) Sufficient identification and clarification of the intent of a course to follow an existing line, if applicable. Here are a few examples:
    "...with the grantor's easterly property line...".
    "...with the existing Southerly Right of Way line...".
    "...with the existing centerline of Right of Way...".

11) Station and offset calls, shall be included at the discretion of the District Real Estate Administrator.

3304 Closing Statements

The following closing statements (when applicable) must follow the metes and bounds section of each and every legal description. The closing statements should appear in separate paragraphs, in the order shown below:

1) Provide a statement indicating the current Auditor's Permanent Parcel number(s) in which the parcel of land is located. Also provide a breakout of the Present Road Occupied (PRO) in the take area when applicable. When a parcel contains multiple Auditor's Parcel numbers provide a breakout of the area contained in each auditor's parcel number, including the Present Road Occupied (PRO) in the take.

   EXAMPLE of a multiple auditor's parcel number:

   Of the above described tract, ____ acres, including _____ acres in the present road occupied, is located in Auditor's Parcel number 37-00544; ____ acres, including _____ acres in the present road occupied, is located in Auditor's Parcel number 37-00549; and ____ acres, including _____ acres in the present road occupied, is located in Auditor's Parcel number 37-00545.

2) For all parcels which an Auditor's Parcel number cannot be found, provide a statement indicating that the described area is NOT a part of any currently assigned Auditor's Parcel number.

3) Provide a statement identifying the basis of bearings used in the legal description.

4) Provide a statement listing the surveyor’s name who prepared the legal description, his/her surveyor's Ohio registration number, signature and the date of writing and/or survey.

5) A statement that the legal description is based on a survey, including reference to the responsible surveyor and the date of the survey.

SAMPLE LEGAL DESCRIPTIONS are available at the respective District Offices.