

**STARK COUNTY, OHIO
STANDARDS GOVERNING CONVEYANCES
ADOPTED BY THE STARK COUNTY AUDITOR AND ENGINEER
EFFECTIVE MAY 2, 2005
PURSUANT TO OHIO R.C. SECTION 319.203**

GENERAL

It is the intent of these requirements to provide a standard method of checking legal descriptions on deeds, affidavits and other instruments that require the use and verification of land descriptions for parcels listed or to be listed by the county auditor.

It is the desire of the county to provide a service for the public, to correct any errors that are evident and to ascertain that property is accurately described within the minimum standards for boundary surveys for conveyances in the state of Ohio.

All drafters of instruments of conveyance are encouraged to have descriptions checked by the Map Office prior to the actual time of conveyance. This will avoid delays and allow time for any corrections that are necessary. Instruments subject to these standards which are also subject to the jurisdiction of a planning commission should be submitted to the planning commission first.

I. APPLICATION

Every conveyance of real property within the county submitted to the Stark County Auditor for transfer **after May 1, 2005** shall be in conformity with these standards and R.C. § 315.251.

II. EXEMPTIONS

- A. A conveyance subject to these standards because of exceptions to the prior legal description shall be exempt if the only exceptions to the prior legal description are the result of (1) a conveyance in fee simple of road right-of-way for public use to the state of Ohio, a political subdivision or municipality thereof, or (2) a conveyance of a parcel of land in fee simple to the state of Ohio, a political subdivision or municipality thereof, for public use other than road right-of-way where the conveyed parcel does not constitute an additional building site within the meaning of R.C. § 711.001.
- B. Unless otherwise required by law, conveyances by sheriff's deed or by auditor's deed shall be exempt from the operation of these standards.
- C. Conveyances by will or by operation of the law of intestate succession which may be memorialized by the filing of a certificate of transfer issued under R.C. § 2113.61(C) and which do not cause or require a division of land shall be exempt from the operation of these standards.

III. REQUIREMENTS FOR ALL EXISTING RECORDED LOTS OF RECORD

- A. All instruments conveying an existing recorded lot in a municipality or recorded subdivided area must designate the lot number(s), the official subdivision name, if any, the plat book and page reference of official record, and the prior recorded deed reference.
- B. Any out-lot or existing portion of a recorded lot must have an accurate description for the portion being conveyed.

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IV. MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO

Ohio Administrative Code Chapter 4733-37

- IV-1** 4733-37-01 Preamble
- IV-2** 4733-37-02 Research and investigation
- IV-3** 4733-37-03 Monumentation
- IV-4** 4733-37-04 Measurement specifications
- IV-5** 4733-37-05 Plat of survey
- IV-6** 4733-37-06 Descriptions
- IV-7** 4733-37-07 Subdivision plats

IV-1 4733-37-01 PREAMBLE

These rules are intended to be the basis for all surveys relating to the establishment or retracement of property boundaries in the State of Ohio. When the case arises where in one or more provisions herein must be abridged due to local condition, the abridgement shall be clearly indicated on plats and/or legal descriptions and reports. Where local or other prescribed regulations exist which are more restrictive than these rules, the survey shall conform to all local and state regulatory standards. When a client desires only a portion of his property surveyed, and this portion can be clearly isolated from the remainder of the property without affecting the interests of adjoining owners, these rules shall apply to the survey of only the desired portion.

IV-2 4733-37-02 RESEARCH AND INVESTIGATION

- (A) The surveyor shall consult deeds and other documents, including those for adjacent parcels, in order to assemble the best possible set of written evidence of every corner and line of the property being surveyed.
- (B) After all necessary written documents have been analyzed, the survey shall be based on a field investigation of the property. The surveyor shall: make a thorough search for physical monuments, and analyze evidence of monumentation and occupation. In addition, the surveyor shall, when necessary, confer with the owner(s) of the adjoining property and the owner(s) of the property being surveyed.

IV-3 4733-37-03 MONUMENTATION

- (A) The surveyor shall set boundary monuments so that, upon completion of the survey, each corner of the property and each referenced control station will be physically monumented.
- (B) When it is impossible or impracticable to set a boundary monument on a corner, the surveyor shall set a reference monument, similar in character to the boundary monument and preferably along one of the property lines which intersect at that corner. When such a reference monument is used, it shall be clearly identified as a reference monument on the plat of the property and in any new description which may be written for the property.
- (C) Every boundary monument and/or reference monument set by the surveyor shall, when practicable:
 - (1) Be composed of a durable material.
 - (2) Have a minimum length of thirty inches.
 - (3) Have a minimum cross-section area of material of 0.21 square inches.
 - (4) Be identified with a durable marker bearing the surveyor's Ohio registration number and/or name or company name.
 - (5) Be detectable with conventional instruments for finding ferrous or magnetic objects.
- (D) When a case arises, due to physical obstructions such as pavements, large rocks, large roots, utility cables, etc., so that neither a boundary monument nor a reference monument can be conveniently or practicably set in accordance with Paragraph (C) of this rule, then alternative monumentation, which is essentially as durable and identifiable (e.g., chiseled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

IV-4 4733-37-04 MEASUREMENT SPECIFICATIONS

All measurements shall be made in accord with the following specifications:

- (A) The surveyor shall keep all equipment used in the performance of surveying in proper repair and adjustment.
- (B) Every determination of distance shall be made either directly or indirectly in such a manner that the linear error in the distance between any two points (not necessarily adjacent points) shall not exceed the reported distance divided by ten thousand (allowable linear error = reported distance divided by ten thousand) and every angular measurement shall be made in such a manner that the allowable (directional) error, in radians, shall not exceed the allowable linear error divided by the reported distance (allowable (directional) error = allowable linear error divided by reported distance). When the reported distance is less than two hundred feet, the linear error shall not exceed 0.02 feet. The reported distance is the distance established by the survey.
- (C) In all new descriptions and plats of survey, the lengths and directions of the lines shall be specified so that the mathematical error in closure of the property boundary does not exceed 0.02 feet in latitudes and 0.02 feet in departure.
- (D) Surveys performed using metric measurements shall utilize the metric equivalents based upon the U.S. Survey Foot conversion factor.

IV-5 4733-37-05 PLAT OF SURVEY

- (A) The surveyor shall prepare a scale drawing of every individual survey or drawings comprising all of the surveys when they are contiguous, in which the surveyor retraces previously established property lines or establishes new boundaries.
- (B) A copy of this drawing shall be given to the client. When required, another copy shall be filed with the appropriate public agencies.
- (B-1) Every new metes and bounds description shall be accompanied by a scale drawing filed with the Stark County Map Office. Pursuant to R.C. § 4733.23, no map of survey shall be accepted for approval by the County Map Office unless prepared by a professional surveyor currently registered in the State of Ohio.
- (C) The surveyor shall include the following details:
 - (1) A title such that the general location of the survey can be identified. The title shall include, but not be limited to: state, county, civil township or municipality, and original land subdivision description.
 - (1.1) When located within an unincorporated area the caption must denote township name, township number, range number, quarter section or fractional section, section number, and when applicable, allotment name, lot number(s) and plat book volume and page of said allotment or any former lot number(s) and allotment name along with the current name of the owner of the parcel being surveyed.
 - (1.2) When located within a municipality, include the municipal lot number or outlot number and, if available, the plat book volume and page or Official Records Imaging Number (ORIN) of the recorded lot.
 - (2) A north arrow with a clear statement as to the basis of the reference direction used.
 - (3) The control station(s) or line cited in the description and the relationship of the property to this control must be referenced to an established monumented point of beginning such as, but not limited to: centerline intersection of streets or highways, record, section or quarter section corners, Virginia military survey corners or lines, or platted lot corners. The type of monuments set or found at the control stations shall be noted.
 - (3.1) Control stations must be within the same quarter section as the property being described. Acceptable control stations or starting point references are monumented section corners, monumented quarter corners, monumented platted lot corners, monumented platted subdivision corners or monumented street centerline intersections.
 - (3.2) If a section corner or quarter section corner is used as a control station, include the compass direction of the quarter section along with the County Engineer Section Corner point number.
 - (4) A notation at each corner of the property stating that the boundary monument specified in the description was found, or that a boundary monument was set, or a legend of the symbols used to identify monumentation. In addition, there shall be a statement describing the material and size of every monument found or set.
 - (5) A general notation describing the evidence of occupation that may be found along every boundary line or occupation line.
 - (5.1) Each course along existing property lines must call out the adjoining property owner name at the time of the field survey, plus acreage or deed reference, or allotment name and lot number(s), or Public Land Survey System line, and/or other existing physical features. Courses creating new lines of division must be stated as such.
 - (6) The length and direction of each line as specified in the description of the property or as determined in the actual survey if this differs from what is stated in the description by more than the tolerance specified in paragraph (B) of Rule 4733-37-04 of the Administrative Code. The length and direction shall be stated as follows:
 - (a) Bearings expressed in degrees, minutes and seconds and distances expressed in feet and decimal parts thereof on each course. If a metric equivalent distance is stated, it shall be stated to the third decimal place.
 - (b) All curved lines shall indicate the radius, central angle, curve length, chord bearing and chord distance.
 - (c) Each course shall show other common lines such as centerline of roads, rivers, streams, section lines, quarter section lines, half section lines or other pertinent common lines of record.
 - (6.1) Distances shall be recited in feet to the second decimal place.
 - (7) A citation of pertinent documents and sources of data used as a basis for carrying out the work. The citation shall include, but not be limited to: current deeds as of the date of the survey, prior deeds or other documents of record, and available deed of record for adjoining parcels along each boundary line of the survey. If the adjoining parcel is a recorded subdivision, only the subdivision name, recording information and lot numbers need to be shown.
 - (8) The written and graphical scale of the drawing.
 - (8.1) Maps shall be depicted in a standard engineering scale of either 1"=10', 1"=20', 1"=30', 1"=40', 1"=50', 1"=60', 1"=100', 1"=200' or 1"=300'. Acceptable sizes of maps are 8.5" x 11", 8.5" x 14", 11" x 17", 18" x 24", 22" x 34" and 24" x 36". Minimum size of text shall be 0.08".
 - (9) The date of the survey.
 - (10) The surveyor's printed name and Ohio registration number, signature and seal (in a form which may clearly reproduce on any copies which may be made of the original drawing) along with the surveyor's current address and/or phone number.
 - (10.1) The surveyor's original signature and reproducible seal.

(11) The area contained within the perimeter of the surveyed parcel.

(11.1) The plat of survey shall show the acreage contained within its perimeter calculated to the third decimal place.

(11.2) For properties subject to easements for highway purposes, the map shall show the right of way line and contain a statement of the acreage within the right of way citing the County Engineer's Road Record or municipal records. The total acreage contained within the road right of way shall be recited to the third decimal place.

(11.3) Acreage shall be attributed to the quarter section in which it lies or to separate parts of lots or outlots.

(11.4) When a new parcel is created from more than one existing tract, the acreage to the third decimal place attributable to each shall be stated.

(11.5) Municipal corporations submitting annexation plats which create a division of one tax parcel into more than one tax parcel must indicate the acreage remaining outside the municipal corporation and the name in which such acreage stands either on the plat or by separate documentation.

(12) All references to roads or railroads contiguous to the surveyed parcel shall use current names or names of record and applicable right of way widths, if available.

(13) All reference to rivers or streams shall use current names of record, if available.

(14) Survey maps depicting a property split or cut-up shall utilize a symbol to show the approximate location, type and size of each existing building on each parcel surveyed. If no buildings, so state.

IV-6 4733-37-06 DESCRIPTIONS

(A) When a surveyor is called upon to prepare a new description, either to replace an existing description which is inadequate or to create a new piece of property, said description shall include the following items:

(1) Sufficient caption so that the property can be adequately identified.

(1.1) Denotation of state and county, or where located within incorporated lines, the caption must denote municipality name.

(1.2) Where located within an unincorporated area the caption shall denote township name, township number, range number, quarter section or fractional section, section number, and when applicable, allotment name, lot number(s) and plat book volume and page of said allotment or any former lot number(s) and allotment name or, where in a municipality, the municipal lot number or outlot number assigned thereto.

(1.3) Denotation of legal name(s) of current record titleholder and deed reference as to the parent tract(s) at the time of transfer.

(2) A relationship between the property in question and clearly defined control station(s).

(2.1) Control stations must be within the same quarter section as the property being described. Acceptable control stations or starting point references are monumented section corners, monumented quarter corners, monumented platted lot corners, monumented platted subdivision corners or monumented street centerline intersections.

(2.2) If a section corner or quarter section corner is used as a control station, the compass direction of the quarter section along with the County Engineer Section Corner point number.

(2.3) All courses between the starting reference point and the property being described shall be along existing lines of record and shall be so identified.

(3) The basis of the bearings.

(4) A citation to the public record of the appropriate prior deed(s).

(5) The surveyor's name, Ohio registration number and date of writing and/or survey.

(B) A metes and bounds description shall include, in addition to paragraph (A) of this rule:

(1) A description of the boundary monument used as the initial point of the description.

(2) A series of calls for successive lines bounding the parcel, each of which specifies:

(a) The intent in regards to adjoiners or other existing features.

(a-1) A call along existing property lines indicating the current owner of the adjoining property together with the acreage or deed reference, or allotment name, or Public Land Survey System line, and/or other existing physical features that would add clarity.

(a-2) References to roads, rivers, streams, railroads, or other features of landscape included in the description must be current or existing numbers or names of record. Old or original names may also be mentioned if they would add clarity.

(b) The direction of the line relative to the direction of the basis of bearing.

(c) The length of the line, recited in feet to the second decimal place.

- (d) A description of the boundary monument (or reference monument) and whether found or set to identify the end of the particular line.
- (e) All curved lines shall indicate the radius, central angle, curve length, chord bearing, chord length and direction of the curve.
- (f) The reported boundary data shall meet the closure requirements of paragraph (C) of Rule 4733-37-04 of the Administrative Code.
 - (f-1) A closure sheet that shows the mathematical verification of the perimeter closure and must include the bearing, distance and/or curve data for each course, coordinates and the area of each parcel.
- (2.1) Each course of a new metes and bounds description shall be a separate sequentially numbered paragraph, and all courses of boundary must be stated in a clockwise direction.
- (2.2) Courses that have the same bearing must state the overall length between angle points.
- (3) The area of the parcel.
 - (3.1) A statement of the acreage contained within its perimeter calculated to the third decimal place.
 - (3.2) For properties subject to easements for highway purposes, the description shall contain a statement of the acreage within the right of way and cite the County Engineer's Road Record or municipal record. The total acreage contained within the road right of way shall be recited to the third decimal place.
 - (3.3) Acreage shall be attributed to the quarter section in which it lies or to separate parts of lots or outlots.
 - (3.4) When a new parcel is created from more than one existing tract, the acreage to the third decimal place attributable to each shall be stated
- (C) Descriptions other than metes and bounds descriptions may be reference to a recorded survey plat or a parcel on a recorded survey plat and shall include sufficient and adequate legal and technical wording so that the property can be definitely located and defined.
- (D) A statement shall appear indicating that either: the description was made in accordance with a recent survey and the date thereof, or the description was made based on a previous survey, of a certain date, and date of description, or the description was not based on a survey.
- (D-1) The surveyor's original signature and reproducible seal.
- (E) When the surveyor knows a new description is to be used for a fee transfer, the surveyor shall base the description on a current or updated survey of the property.
- (F) Instruments containing new metes and bounds descriptions, which meet all of the aforementioned requirements will be stamped accordingly and the proper notations will be made on the instrument of conveyance, verifying a correct tax structure to the County Auditor.
- (G) Splits within the unincorporated territory of the County shall be reviewed by the Stark County Regional Planning Commission. Splits within municipalities shall be approved by the municipal planning commission, or the designated representative thereof.
- (H) All new original surveyor's metes and bounds descriptions shall be submitted as separate sheet(s) attached to the new map of survey, being on 8.5" x 11" (letter) or 8.5" x 14" (legal) size paper.
- (I) All new deeds splitting, combining, or retracing property for the first time of transfer, must attach as an exhibit, a copy of the surveyor's originally supplied legal description.
- (J) A space of at least 2" in height shall be available at the end of the legal description in the deed for Map Office stamps.
- (K) Pursuant to R.C. § 4733.23, no legal description shall be accepted for approval by the County Map Office unless prepared by a professional surveyor currently registered in the State of Ohio.

IV-7 4733-37-07 SUBDIVISION PLATS

When a subdivision is created from a piece of property, or several adjoining pieces, the following rules shall apply:

- (A) Rule 4733-37-02 of the Administrative Code shall apply to the original tract(s) of land prior to being subdivided.
- (B) Rule 4733-37-03 of the Administrative Code shall apply to the outside perimeter of the original tract(s) of land and to the outside perimeter of the newly created subdivisions. All newly created lots, blocks, rights of way, angle points, points of curvature and points of tangency shall be monumented according to local regulations. Street rights of way may be monumented with monuments on the centerline instead of right of way monuments. Centerline or right of way monuments shall be set at all intersections, angle points, points of curvature and points of tangency.
- (C) All newly created subdivisions shall comply with rules 4733-37-04 and 4733-37-05 of the Administrative Code.
- (D) All easements within a newly created subdivision shall be accurately dimensioned so that each easement line can be reproduced without ambiguity.
- (E) Platted subdivisions presented to the auditor for listing must show the area of each lot on the plat drawing.
- (F) Municipal subdivision or annexation plats must state the amount of acreage attributable to newly designated outlots. Out-lots are deemed by the county auditor to be numbered parcels within municipal corporations one acre or more in size and taxed on the basis of acreage.
- (G) Any existing building(s) within the platted area as of January 1st of the year of plat recording must be described and identified as to which new lot it was or is located on.

V. COORDINATE SYSTEM

- A. The official datum for the coordinate system of the Stark County GIS is the Ohio State Plane Coordinate System, North Zone (3401), North American Datum of 1983, 1986 adjustment (NAD83-1986).
- B. The official datum for the elevation system of the Stark County GIS is the North American Vertical Datum of 1988 (NAVD88).
- C. The horizontal and vertical control for the Stark County GIS is known as the Stark County Geodetic Reference System (SCGRS).
- D. Whenever a survey being submitted for approval is located within a Township that has coordinates for section corners published in the SCGRS, the map of survey shall show the state plane coordinates of one monumented corner of any parcel shown and must be based upon the SCGRS. The following rules shall apply;
 - 1. All state plane coordinates must be expressed to three (3) decimal places.
 - 2. The map of survey shall be oriented to grid north and must be based upon the SCGRS.
 - 3. All distances shown on the map of survey shall be ground distances. Grid distances are not acceptable.
 - 4. The following note shall be shown on the map of survey:

The SCGRS points used as reference stations to establish the datum are designated as _____, _____ and _____.

All bearings shown are based on grid north. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.999 _____.

- E. A combined factor (scale factor times elevation factor) for determining grid distances shall be determined in accordance with acceptable practice of state plane coordinate system for the (project area) and shall be noted as the Project Combined Factor (PCF).
- F. The previously stated requirements shall not apply if any corner of the parcel surveyed is more than 1866' (diagonal distance of a $\frac{1}{4}$ of a $\frac{1}{4}$ section) from a section or quarter corner that does not have coordinates published in the SCGRS.
- G. The previously stated requirements shall not apply to existing lots in a platted allotment and/or platted lots within a municipal limit.
- H. Whenever the requirements of Paragraph D must be complied with and conventional surveying techniques are performed, at least two (2) existing monuments that are part of the SCGRS must be tied to.
- I. Whenever the requirements of Paragraph D must be complied with and GPS surveying techniques are utilized, at least three (3) existing monuments that are a part of the SCGRS must be tied to, or a combination of County CORS Network sites and SCGRS monuments to attain at least three (3) existing points that are part of the SCGRS.
- J. All distances stated in the legal description shall be ground distances. Grid distances are not acceptable.

VI. REQUIREMENTS FOR EXISTING METES AND BOUNDS DESCRIPTIONS OF RECORD

- A. Existing metes and bounds descriptions of record, which do not create or alter the current tax structure of a parcel(s) will be checked by the Stark County Map Office to verify and identify to the Stark County Auditor the tax parcel(s) to be conveyed.
- B. Existing metes and bounds descriptions of record must be described substantially as evidenced by the instrument of previous record and transfer. The correction of scrivener's errors, omissions or other obvious mistakes is permitted in order to make the description more accurate. A copy of the previous recorded document transferring title shall be presented at the time of transfer.
- C. Any deed for a parcel of real estate which, since its previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation, attachment, or detachment must contain its new description in any subsequent instrument of conveyance, in the manner set forth on the annexation, attachment, or detachment plat. This shall require a new survey when existing parcels have been altered by annexation, attachment, or detachment.