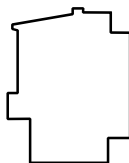


# *Auditor's Office*

## *Tuscarawas County*

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**TO:** Title Companies, Surveyors, Attorneys & Financial Institutions  
**FROM:** *Joseph S. Bachman, Engineer*  
*Matt Judy, Auditor*  
**DATE:** March 18, 1997  
**SUBJECT:** Minimum Requirements for Instruments of Conveyance

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Enclosed are replacement pages for **The Minimum Requirements for all Instruments of Conveyances in Tuscarawas County.** Two changes were made on Thursday, March 13<sup>th</sup> at the second public hearing specifically called to review the standards which became effective December 1, 1996.

The first change appears on Page 1 under I. General Requirements #3-C. Added to the exemption from “the one time transfer” policy **land contracts recorded prior to December 1, 1996.**

The second change is on Page 2, II. Requirements for all Recorded Lots of Record # 2 and was reworded as follows: Any **existing** out-lot or portion of a recorded lot must have **an adequate legal description** to establish a tax structure for the portion being conveyed.

We do not anticipate any further changes to the standards at this time, however we will attempt to stream-line procedures in both the Engineer’s Map Office and the Auditor’s Office as needed.

MINIMUM REQUIREMENTS  
FOR ALL  
INSTRUMENTS OF CONVEYANCE  
IN TUSCARAWAS COUNTY, OHIO

The following Requirements are now adopted and established in conjunction with the Tuscarawas County Engineer and Tuscarawas County Auditor as prescribed by Ohio Revised code section 319.203 effective on this date: **December 1, 1996**. Revisions were adopted on March 13, 1997, after two subsequent public hearings.

These requirements are intended to provide a service to the public to ensure proper and accurate descriptions of property. It is understood that all situations not addressed by these requirements will be handled as special cases by the Tuscarawas County Map Office.

**Instruments which are to be submitted to the Tuscarawas County Map Office before conveyance and/or recording are as follows:**

Existing real estate descriptions of record, all streets, alley, road and subdivision vacations, new surveys, subdivisions, road establishments, annexation descriptions, and land contracts.

## I. General Requirements

### 1. Pre-Approvals

- A. It is recommended that all descriptions be pre- approved by the Map Office no less than two (2) working days prior to transfer.
  - a. This will include private drives and subdivision plats.
- B. The pre-approved copy of the description will be stamped by the Map Office. At the time of closing the pre-approved copy will be submitted to expedite the transfer.
  - a. If the description is a new split within a village/city jurisdiction, and if required to do so, it will need village/city approval prior to submission to the Map Office.

### 2. New Descriptions

- A. All new pre-approved descriptions, for property under five acres, will need Regional Planning and Health Department approval prior to transfer.
- B. Survey plats for the road record are required to be 24" x 26" in size.
- C. Boundary survey plats will have a maximum size of 24" x 36".

### 3. Existing Descriptions

- A. All existing descriptions, including land contracts, will be reviewed prior to recording.
- B. Existing descriptions will be reviewed for adequacy. Closure error of existing metes and bounds descriptions will be less than 1/2000 (feet) and it shall be possible to accurately locate the survey in relation to surrounding properties. Exempt are existing platted lots and subdivisions.
- C. Existing descriptions which are inadequate may be transferred **one time only**. At the first transfer, the deed will be stamped, initialed, and dated by Map office personnel as follows: "INADEQUATE DESCRIPTION NEW DESCRIPTION NECESSARY FOR FUTURE TRANSFER." **Exempt from "the one time transfer" policy are:** land contracts recorded prior to December 1, 1996, survivorship deeds, corrective deeds, transfers resulting from a judicial action, and transfers within an immediate family (immediate family includes: mother, father, son, daughter, grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, spouse, and grandchild).

4. Parcel Identification Numbers
  - A. All descriptions will have a pre-assigned Parcel Identification Number, assigned by the Auditor's Office, prior to transfer.
5. Contiguous Parcels
  - A. It is the policy of the Regional Planning Commission that contiguous parcels cannot be transferred separately if it results in land- locking one or more of the parcels. Therefore, a transfer which results in one or more of the existing parcels not having frontage on a public road will not be permitted.
6. Measurement
  - A. All measurement will be documented in the Old English System.
7. Margin Size on Deeds
  - A. All deeds will allow an adequate amount of space for the affixation of stamps by the Tax Map, Auditor's and Recorder's Offices. It is preferred that a four inch margin be left on the top of the first page.

## **II. Requirements for all Recorded Lots of Record**

1. All instruments conveying a recorded lot in a municipality or recorded subdivision must designate the current lot number(s), the prior recorded deed reference (if any exists), and the parcel identification number. It is preferred that the official recorded name of the addition or subdivision be listed.
2. Any existing out-lot or portion of a recorded lot must have an adequate legal description to establish a tax structure for the portion being conveyed. This will enable the County Auditor and Map Office to determine an accurate tax parcel delineation based on current tax maps.
3. Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have a metes and bounds description.

### **III. Requirements for Existing Metes and Bounds Descriptions of Record**

1. All existing metes and bounds descriptions of record, which do not create or alter the current tax structure of a parcel, will be checked by the Tuscarawas County Map Office to verify and identify to the Tuscarawas County Auditor the tax parcel (s) to be conveyed.
2. All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer. The correction of scrivener errors, omissions, or other obvious mistakes are permitted in order to make the description more accurate.
3. All conveyances will list the Auditor's Office parcel identification number for all tracts.
4. Any existing metes and bounds description, since the previous conveyance, that has been incorporated into a municipality or other political subdivision by means of annexation, must be changed to reflect its new jurisdiction.
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 must incorporate the following requirements:
  - A. Each out-lot or exception to title of the original tract (s) must be described verbatim as witnessed by the previous conveyance of record. Therefore, merely listing the volume and page reference from the deed of record will not be sufficient.
  - B. Each documented exception must recite the title and the recorded source by which it can be readily verified. It is not the intent that all easements and restrictions are to be recited unless they are on the previous instrument or readily available.
  - C. All instruments of conveyance, using exceptions to title to convey the residue of a tax parcel(s) shall incorporate a statement identifying the tax parcel(s) and the current taxable area as witnessed by the Tuscarawas County Auditor's tax duplicate for the subject conveyance.
  - D. A maximum of four (4) exceptions plus the residual will be allowed. Any further splitting of the acreage will require a new description of the parent tract and will need to be recorded prior to any other future splits.
6. All metes and bounds descriptions must contain all the information pertaining to the description that will be used on the legal instrument form when checked by the Map Office for pre-transfer verification or approval.

#### **IV. Requirements of New Metes and Bounds Descriptions for Conveyance.**

All new metes and bounds descriptions, not previously recorded, must incorporate the following:

1. Situate:
  - A. Must denote State, County, Township, Municipality. It also must denote range, section, and quarter section where applicable.
  - B. Must denote recorded title and deed reference as to the tract (s) of origin.
2. Starting Point:
  - A. Deed descriptions referring to acreage in unplatted areas will be described by metes and bounds, adequately tied by metes and bounds, and referenced to a point identifiable on a map, such as the following:
    - a. Quarter township corner, section or quarter section corner, military lot or partition lot corner or nearby recorded subdivision corner.
    - b. Previously recorded surveys of monumented tie downs that meet current transfer requirements.
  3. When none of the above resources can be located, recorded highway monumentation or intersection of two roads listed on the current state inventory of county roads may be used.
  4. Adequate tie-in to any of the above points of reference must be given. The bearing and distance from appropriate section line shall be used for reference.
  5. In addition, surveyors are encouraged to reference GPS control points.
3. Courses:
  - A. It is preferred for clarity that each course of a new metes and bounds description should be a separate paragraph, and all courses must be stated in a clockwise direction from point of beginning to point of termination for the subject description.
  - B. Each course of a new metes and bounds description will contain a bearing expressed in degrees, minutes, and seconds and a distance recited in feet and decimal parts thereof from point of origination to a point of termination of each course.

- C. The basis of the bearings will be given in a statement similar to the following: "This bearing is based on the centerline bearing of both road name and number and all other bearings are from angles and distances measured in the field"
  - 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. This recitation will include the type, size, and material of each monument.
  - E. Every boundary monument and/or reference monument set by a surveyor shall be in accordance with the State of Ohio Administrative Code Chapter 4733-37 of the Minimum Standards for Boundary Surveys in the State of Ohio.
  - F. Each course must show all common lines such as the centerline of roads, rivers, streams, etc., as it exists at the time of the new description.
4. Curves:
- A. Any course of a new metes and bounds description which is a curve must contain the direction of the curve (right or left), the radius (in feet and decimal parts thereof), and the long chord bearing and distance (in feet and decimal parts thereof) of the same.
5. References:
- A. All references to roads, rivers, streams, railroads, etc. must use current or existing numbers or names of record. Old or original names may also be mentioned if they would add clarity.
6. Acreage:
- A. All new metes and bounds descriptions must give the acreage calculated to at least the third decimal place. Total calculated square footage may also be mentioned as a matter of option.
  - B. Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more parcels, a breakdown of the total area and the area within a given district or parcel must be recited to create an accurate tax structure

7. Surveyor or Author
  - A. All new metes and bounds descriptions prepared by a surveyor must incorporate the following:
    1. Printed surveyors name and address
    2. Ohio registration number and seal
    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 similar to the following: The above description is based on a "field survey performed by \_\_\_\_\_ on month/day/year" or "from existing records."
    5. Surveyors' signature
8. Prior Deed References.
  - A. The most recent deed reference (s) from which the grantor of the conveyance acquired title must be recited.
9. Computer Verification
  - A. All new metes and bounds descriptions will be subject to computer verification by map office personnel. The maximum allowable traverse closure will be in accordance with the State of Ohio Administrative Code Chapter 4733-37-04.
10. Approval
  - A. All instruments containing new metes and bounds descriptions, which meet all of the aforementioned requirements, will be stamped by Map Office personnel. Proper notations will be made on the instrument of conveyance verifying a correct tax structure to the County Auditor.
11. Ambiguous Content
  - A. Whenever the descriptive content of any legal instrument of conveyance is determined to be ambiguous, 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.

12. Surveyor's Signature and Seal
  - A. All new metes and bounds descriptions prepared by a registered surveyor must be accompanied by a signed and sealed plat of survey.
13. Lots Reverting Back To The Original Lot Number After Several Splits
  - A. When a numbered lot (e.g. 2456) is split several times, but by conveyance the Grantee acquires ownership of the entire lot, the lot is now designated as whole 2456.
14. Railroads
  - A. Any transfer of railroad property shall be referenced to the annual report filed with the Ohio Department of Taxation, Public Utilities Section. This report is known as Section A and/or Section B - Appraisal of Railroad Real Estate. This will allow the County Auditor to determine which parcel reported to the State by the railroad is being affected by the transfer.
15. Alley Vacations
  - A. The portion of an alley to be vacated, contiguous to a given lot of record, must have a metes and bounds survey prior to vacation.

**V. Requirements for Plats of Survey**

1. Any author will prepare a scale drawing of every new metes and bounds description he or she originated and make available a copy of the drawing to be filed with the Map Office.
2. All Plat drawings must incorporate the following details:
  - A. A title, such that the general location of the subject survey can be readily identifiable. (This requirement should include the same information as established by Sections 1, Item A and B of the "Requirements of New Metes and Bounds Descriptions for Conveyance").
  - B. A north arrow with a clear statement as to the basis of the reference - Direction Used.
  - C. The control station (s) or starting point reference as cited in the deed description.

- D. 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 showing the material and size for each. If all monuments are identified individually, no legend will be required.
- E. All existing title and the source of the title of adjoining owners along each boundary line of the subject survey along with the acreage or lot number (s) of the adjacent tracts.
- F. All boundary information for each course as established by "Requirements of New Metes and Bounds Descriptions for Conveyance" Section 3, Items A thru F and Section 4 Item A.
- G. A citation of pertinent documents and sources of data used as a basis for carrying out the work. This will include field book number and page or right of way drawing number for all highway centerlines, if such record exists.
- H. The scale of the subject drawing.
- I. The Surveyors printed and signed name, Ohio Registration Number and Reproducible Stamp or Seal.

In addition to the requirements as set forth above, all new metes and bounds descriptions, and all requirements for plats of survey must incorporate the principals and minimum standards of good surveying, engineering, and draftsmanship as defined by administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio.

These requirements are based on the "Minimum Standard for Boundary Surveys in the State of Ohio."

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Effective Date: December 1, 1996

Revised: March 13, 1997

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