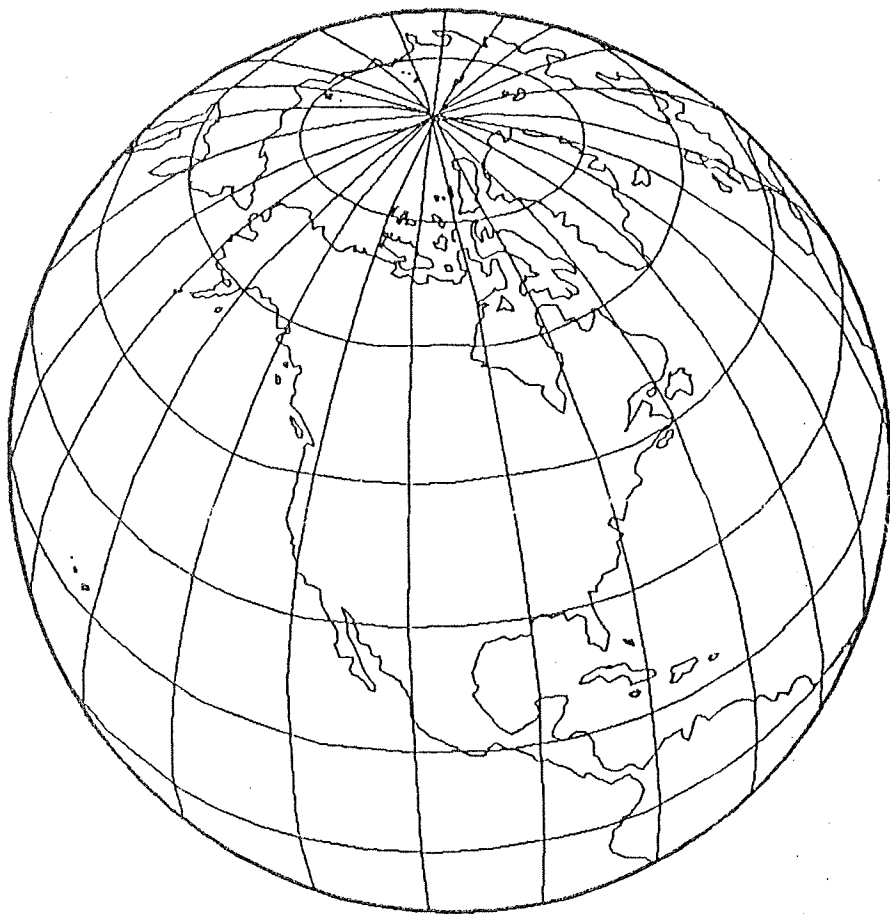


STANDARDS GOVERNING  
CONVEYANCES OF  
REAL PROPERTY IN  
MERCER COUNTY, OHIO



MARK GIESIGE,  
MERCER COUNTY AUDITOR

KEITH G. EARLEY  
MERCER COUNTY ENGINEER

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OF REAL PROPERTY IN MERCER COUNTY, OHIO**

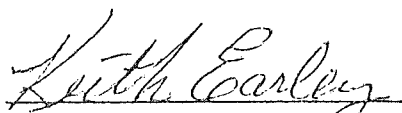
Section 319.203 of the Ohio Revised Code states, *"The County Auditor and the County Engineer shall adopt standards governing the conveyance of real property in the County."* This section also states, *"Before the County Auditor transfers any conveyance of real property presented to the auditor under Section 319.20 of the Revised Code, the County Auditor shall review the conveyance to determine whether it complies with the standards adopted under this section. The County Auditor shall not transfer any conveyance that does not comply with those standards."*

In compliance with the ORC the following standards are hereby adopted to govern survey plats and descriptions of real estate to be transferred. These standards include the requirements specified in Section 315.251 of the Revised Code. It is the intent of these standards to provide a consistent method of review of legal descriptions and survey plats.

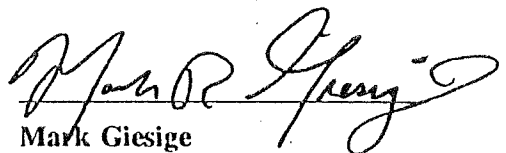
If a boundary survey is required by ORC Sections 315.251 or 5713.15, the survey plat and description shall satisfy the adopted Minimum Standards For Boundary Surveys promulgated by the Board of Registration for Professional Engineers and Surveyors, and these standards. Appeal of review decisions of the survey plat and description by the County Engineer or County Auditor may be submitted to the Board of Registration for Professional Engineers and Surveyors.

All authors of instruments of conveyance are encouraged to have their descriptions checked by the County Engineer's office several days prior to the actual time of conveyance. This will help avoid delays and allow time for any necessary corrections. Persons submitting instruments of conveyance, survey plats and descriptions for review by the County Auditor and County Engineer should allow a minimum of three days for review. Documents will be reviewed on a "first in, first out" basis and will not be subject to any deadlines or closing dates, but will be reviewed within a maximum of five working days.

It is understood that all situations cannot be covered by these requirements and when these situations arise they will be handled as special cases interpreted by the County Engineer's Office or County Auditor's Office.



Keith G. Earley, P.E., P.S.  
Mercer County Engineer



Mark Giesige  
Mercer County Auditor

Adopted this 4th day of December, 1998.

Effective date: January 1, 1999.

**PROCEDURE FOR SUBMITTAL OF LEGAL DESCRIPTIONS/CONVEYANCES  
OF REAL PROPERTY FOR REVIEW BY CO. ENGINEER & CO. AUDITOR**

**SECTION I**

**I. SUBMITTAL OF INSTRUMENTS OF CONVEYANCE INVOLVING NEITHER THE CREATION OF A NEW PARCEL NOR A LEGAL DESCRIPTION DIFFERENT FROM THE LEGAL DESCRIPTION OF THE MOST RECENT CONVEYANCE;**

A. Instruments of conveyance involving neither the creation of a new parcel nor a legal description different from the legal description of the most recent conveyance, may be submitted to the County Auditor for transfer. Pursuant to ORC section 5713.15, the County Auditor may ask the County Engineer's office to perform a review of the legal description if there is reason to believe that the existing legal description is 1) incorrect, 2) not that of the parcel being conveyed or 3) unplattable on the tax map as described.

A copy of the prior deed for each parcel being reviewed shall be submitted with the new deed. All existing legal descriptions of record must be transcribed verbatim from the instrument of previous record and transfer corrections of typographical errors, omissions, or other obvious mistakes are permitted in order to make the description more accurate. The corrections shall be shown in parenthesis.

B. After receiving the instrument of conveyance from the County Auditor's office, the County Engineer's reviewing personnel shall perform a review of the legal description and shall do one of the following:

1. Approve the description as written and return it to the County Auditor.
2. Recommend to the person that submitted the instrument that minor corrections be made in the legal description due to obvious errors such as typographical errors, errors of omission, transposed letters or numbers, or rotation of bearings (example: northeast should have been southwest). Once notified of the error(s), the person that submitted the instrument, if not the surveyor, shall notify the professional surveyor who prepared the legal description to allow the surveyor to correct the description. The recommended changes in the legal description shall then be returned by the County Engineer's office, along with the instrument of conveyance, to the County Auditor to await resubmittal of the instrument with the corrected description.

**NOTE:** It is the opinion of the Ohio State Board of Registration for Professional Engineers and Surveyors that "...registered professional surveyors are the only persons qualified and authorized by law, except as set out in R. C. 4733.18 (B) (4), to prepare descriptions for land in this state. When a person, other than a registered professional surveyor, prepares, changes, alters, modifies, or amends a land description, that person is practicing surveying in violation of R. C. 4733.22."<sup>1</sup>

3. The legal description is deemed plattable but has substantial deviations to the Minimum Standards For Boundary Surveys. The instrument of conveyance shall be stamped "New Survey Required Next Transfer" and returned to the County Auditor for transfer.

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<sup>1</sup> Mark T. Jones, P.S., Executive Secretary, Ohio State Board of Registration for Professional Engineers and Surveyors; in 1994 letter to Mr. Richard E. Hankison; published in *OHIO SURVEYING NEWS*, Sept.-Oct., 1994.

Continued on next page

4. The legal description is deemed unplattable for one of the following reasons and a new survey of the parcel is recommended to the County Auditor, following the requirements of Section II of these standards.

**Unplattable if:**

- a) Existing metes and bounds legal description of record has an error of closure ratio more than 1 to 1,000. Which means, when a mathematical check is made, and you traverse by direction and distance along each course as specified in the description, it should return mathematically to the beginning point. The length of the closing course shall not exceed one thousandth of the perimeter of the parcel or a survey is required. Closures of at least one part in ten thousand are desired, but one part in 1,000 are mandatory for existing description. One part in 10,000 is required for new descriptions based on new surveys as stated as item 1 e in Section II B of those regulations.
- b) Existing legal description is missing dimensions or bearings for at least one side of the parcel.
- c) Beginning point of a metes and bounds description is not referenced to a known monumented point such as a section corner, quarter-section corner, sixteenth section corner, or subdivision lot corner. (Examples of unacceptable beginnings: "Beginning at a PK nail found in the center of State Road; thence...." or "Beginning at a fence line extended....")
- d) Existing legal description is known to extensively overlap adjoining property description or an extensive gap is known to exist between the existing legal description and the adjoining property description.
- e) Existing legal description does not call out an identifiable location of the parcel as to section, quarter-section, township and range numbers, or political subdivision name (city, village, township name).
- f) Existing legal description contains more than five (5) excepted descriptions ("save and except") from the original parcel described.

#### **CONDITIONAL TRANSFER**

In the event that an instrument is presented for transfer with a description that has been previously stamped "Description Insufficient for Tax Mapping Purposes," the instrument will not be accepted for transfer. However, the instrument may be accepted for transfer, if a Conditional Transfer Agreement is entered into, wherein the Grantor agrees to have a new description prepared, and a corrected deed recorded within a reasonable period of time. The Conditional Transfer Agreement must contain the following: date of Agreement; name of Grantor; name of attorney who prepared the instrument; name of Ohio Registered Surveyor who will prepare new description; time frame and anticipated date of new survey completion; identification of parcel(s) by prior deed reference, Auditor parcel number, and record area; a statement acknowledging that the description is defective and that a new description will be presented for transfer. The instrument shall have the "Conditional Transfer" stamp affixed prior to recording.

Any instrument submitted for transfer which contains a description which has been previously stamped "Conditional Transfer" will not be accepted for transfer. Conditional transfers are not encouraged.

**Conditional Transfer Agreement  
Mercer County Engineer**

**Date:** \_\_\_\_\_

**Grantor:** \_\_\_\_\_

**Attorney:** \_\_\_\_\_

**Surveyor:** \_\_\_\_\_

**Anticipated Date of New Description:** \_\_\_\_\_

**Prior Deed Reference:** \_\_\_\_\_

**Auditor Parcel Number(s):** \_\_\_\_\_

**Area of Record:** \_\_\_\_\_

I acknowledge that the description presented for transfer is defective, and that a new survey will be performed and a new description presented for transfer within a reasonable period of time.

**Signed:** \_\_\_\_\_ (Grantor)

**Approved By:** \_\_\_\_\_ (Mercer County Engineer)

C. After receiving the instrument of conveyance back from the County Engineer's office, the County Auditor's reviewing personnel shall review the instrument of conveyance for standard items required for all real estate descriptions, such as Grantor, Grantee, their mailing address, prior deed reference, identification of interest conveyed and professional surveyor's name and registration number. When satisfied that these items are included, the County Auditor shall proceed with the transfer.(ORC 319.20)

**SECTION II**

**II. SUBMITTAL OF INSTRUMENTS OF CONVEYANCE INVOLVING THE CREATION OF A NEW PARCEL(S) OR A LEGAL DESCRIPTION DIFFERENT FROM THE LEGAL DESCRIPTION OF THE MOST RECENT CONVEYANCE;**

A. Instruments of conveyance involving the creation of a new parcel(s) or a legal description different from the legal description of the most recent conveyance, will require a boundary survey be performed by a Professional Surveyor (registered in the state of Ohio) before the instrument of conveyance is submitted to the County Engineer and Auditor for transfer. The survey plat and legal description of the boundary survey for the instrument of conveyance, shall be submitted to the County Engineer's office at least three (3) working days before submittal to the County Auditor for transfer. The County Engineer's office shall review (within 5 days) the survey plat and legal description of the boundary survey, based upon these standards. (ORC Sec. 315.251)

1. **SUFFICIENCY OF DESCRIPTION;** All documents that transfer an ownership interest in a tax parcel shall contain one of the following types of description;

- a) **Platted Land;** A platted lot shall be described by its lot number or other designation and the name of the subdivision as platted including the plat book and page numbers, as required by ORC 711.101.
- b) **Condominium Unit;** A condominium unit shall be described by its unit number or other designation and the name of the condominium project as set forth in the declaration as required by ORC 5311.10.
- c) **Public Land Area;** Descriptions such as "the east half of the southwest quarter of section 10, T4S, R1E"
- d) **Metes and Bounds Description;** Each parcel of land that is not a platted lot, public land area or condominium unit shall be described by a metes and bounds description in accordance with these rules and approval of the County Engineer.

B. The survey plat and legal description of the boundary survey shall satisfy the adopted Minimum Standards For Boundary Surveys promulgated by the Board of Registration for Professional Engineers and Surveyors and shall also meet the following standards:

1. **LEGAL DESCRIPTION SUBMITTAL;** Legal descriptions shall be based upon a boundary survey and shall be submitted on either 8-1/2" by 11" or 8-1/2" by 14" paper and shall contain the following:

Legal description submittals shall include the following:

- a) the quarter-section, section number, township and range numbers, and political subdivision in which the parcel is located
- b) a beginning point referenced to a known monumented point such as a section corner, quarter-section corner, sixteenth section corner, or a lot corner of a recorded subdivision
- c) a printout of the closure of each new parcel shall be submitted with the legal description, a metes and bounds description of the parcel (unless a subdivision lot) which shall have an error of closure ratio of not less than 1 to 10,000
- d) distances listed to the nearest hundredth foot (metric measurements, maybe shown in addition, if desired)
- e) bearings listed in degrees, minutes and seconds
- f) calls to and descriptions of all monuments set or found
- g) the acreage of the parcel described to the nearest thousandth of an acre, for each section in which the parcel is located
- h) a statement that the description is subject to all legal highways and easements of record at the time of recording of the instrument
- i) the deed volume and page number of prior deed reference
- j) the name and registration number of the professional surveyor that prepared the description
- k) a lot in a recorded subdivision shall have listed the lot number, subdivision name, plat book and page number in the description
- l) a surveyor's clause stating that the plat represents that an actual survey and the date it was performed
- m) leave adequate space (a minimum of 2 inches at the bottom of the page) for affixing the necessary certifications by the appropriate county offices
- n) whenever a new legal description falls in two or more taxing districts, a breakdown of the area must be shown.

2. **SURVEY PLAT:** Survey plat shall be submitted on 8-1/2" by 14" paper unless the required scale would be smaller than 1" = 100' in which case paper size may be 11" by 17", 18" by 24" or 24" by 36". Subdivision, condominium, vacation, dedication and annexation plats shall be submitted on 18" by 24" mylar sheets. If more than one sheet is necessary, each sheet shall be numbered and the total number shown, such as sheet 3 of 5.

**Requirements for Ties to County Monuments**

All surveys performed in Mercer County for the establishment of new subdivision plats, new survey plats and new metes and bounds descriptions for the fee transfer of land, not including subdivision lots of record or incorporated areas, shall be required to tie into a minimum of two (2) County survey control monuments provided the survey is located within one mile of a County survey monument, and a second monument is located within one mile of the first monument or within one mile of the survey being performed. If only one monument is located within these limits, a tie to that monument will suffice. A County survey control monument is defined as a survey monument accepted and shown of record by the County Engineer.

Plats shall include the following:

- a) the landowner's or client's name
  - b) a title, such that the general location of the subject survey can be readily identified and page numbers if more than one page
  - c) the quarter-section, section number, township and range number, and political subdivision in which the parcel is located
  - d) a north arrow and scale of the plat (bar scale required)
  - e) a bearing reference made to the Mercer County Local Coordinate Datum System (MCLCDS) if available within one mile of the site on surveys outside the corporation
  - f) a beginning point referenced to a known monumented point such as a section corner, quarter-section corner, sixteenth section corner, or a lot corner of a recorded subdivision
  - g) existing and proposed property lines described by bearings (DMS) and distances (to nearest 1/100th foot)
  - h) all monumentation either found or set, together with a legend of the symbols used to identify the type, size and material of each monument; (iron pins are to be set at the intersection of all property lines with existing road right-of way lines)
  - i) adjoining landowner's names, deed volumes and page numbers
  - j) names and references to all roads, rivers, streams, or railroads that cross or occupy the subject parcel
  - k) the acreage of existing road right-of-way that occupies the subject parcel
  - l) whenever a new metes and bounds description encompasses two sections a breakdown of the total area must be shown
  - m) the professional surveyor's printed name, address and registration number
  - n) the original ink signature of the professional surveyor and the date signed
  - o) the surveyor's seal with his or her name and registration number
  - p) references to other pertinent documents used to prepare the plat
  - q) the name and registration number of the professional surveyor of any other referenced survey
  - r) metric measurements may be listed in addition to English measurements
- C. After the County Engineer's office has performed a review of the original signed survey plat and legal description of the boundary survey, the surveyor shall be notified of deficiencies, if any. The surveyor may then resubmit two original signed corrected survey plats and legal descriptions of the boundary survey. When the survey plat and legal description are in compliance with these standards, the County Engineer's office shall sign and date the plats. One original signed survey plat and legal description shall be filed in the County Engineer's survey files and shall become public records under Section 149.43 of the ORC. The second original signed survey plat and legal description shall be returned for preparation of the instrument of conveyance.

- D. After receiving the instrument of conveyance from the County Engineer's office, the County Auditor's reviewing personnel shall review the instrument of conveyance when submitted for the newly created parcel or parcel with a new description, for standard items required for all real estate conveyances, such as Grantor, Grantee, their mailing address, prior deed reference, and professional surveyor's name and registration number. When satisfied that these items are included, the County Auditor shall proceed with the transfer.

### **SECTION III**

#### **III. JURISDICTION OF STANDARDS:**

- A. Instruments of conveyance and other documents of record that shall be governed by either Section I or Section II of these standards, pursuant to ORC Sections 5713.15, 315.251, 319.203 and other ORC sections, are as follows:

1. Deeds
2. Corrective Deeds (explanation of corrective action shall be clearly stated)
3. Minor Subdivisions
4. Subdivision Plats
5. Condominium Plats (dedicator's plat, legal description)
6. Vacation Plats of Streets and Alleys
7. Dedication Plats
8. Annexation Plats
9. Descriptions for Land Contracts where new parcels are created.
10. Certificate for Transfer of Real Estate
11. Affidavit of Transfer of Real Estate
12. A conveyance of an interest in the real estate described in such certificate or affidavit, as set forth in 1. and 2. above, by an owner named in either of said instruments to another such owner

- B. Instruments of conveyance and other documents that are not governed by either Section I or Section II of these standards are as follows:

1. Easements
2. Descriptions for Land Contracts where new parcels are not created
3. Descriptions for Mortgages and Leases
4. Mortgage Location Surveys

### **SECTION IV**

#### **IV. APPLICATION OF TRANSFER CONVEYANCE RULES**

These rules apply to any transfer and conveyance of an interest in real property made by conveyance, partition devise, descent, court order, certificate of transfer, affidavit, or any other document, that would cause any of the following:

- A. Change in the Name of Owner(s) or Land

Any document that creates, transfers, or terminates any interest in land or minerals that would cause the County Auditor to change the name of the owner or any one of the owners, must be presented to the County Auditor under ORC 319.20:



**B. Change in Description**

Any document that changes, corrects or amends the description of any parcel of land must be presented to the County Auditor under ORC 5713.20: and

**C. Transfer of Interest that may Affect True Value**

Any document that creates, transfers, or terminates any interest in land that may affect the true value of a parcel for real property tax purposes must be presented to the County Auditor under ORC 5713.03.

**SPECIFIC REQUIREMENTS FOR ALL DOCUMENTS OF TRANSFER**

All documents transferring an interest in real property that are subject to ORC 319.20, including all court orders and certificates of transfer, shall contain all of the following:

**A. Reference to Prior Instrument of Record** A reference to the volume and page of the record of the next preceding recorded instrument by or through which the grantor claims title as required by ORC 319.20;

**B. Tax Mailing Address of Grantee**

A statement of the complete mailing address of the grantee or any one of the grantees, as required by ORC 319.20;

**C. Identification of Interest Conveyed**

The grantor shall inform the County Auditor in writing whether the grantor is conveying less than the grantor's current interest in the land.

**D. Conveyance Forms**

**E. Permanent Parcel Number (PPN)**

The Auditors (PPN) shall be included in the legal description for each parcel. The auditors office will assign the PPN for new parcels and affix to the document.

No instruments will be transferred unless accompanied by a properly completed DTE 100 or DTE 100EX. THESE MUST BE COMPLETED IN FULL.

**SUFFICIENCY OF DESCRIPTION**

**A. Description of Tax Parcels**

All documents that transfer an ownership interest in a tax parcel shall contain one of the following types of description:

**1. Platted Land**

A platted lot shall be described by its lot number or other designation and the name of the subdivision as platted, as required by ORC 711.101.

**2. Condominium Unit**

A condominium unit shall be described by its unit number or other designation and the name of the condominium project as set forth in the declaration as required by ORC 5311.10.

**3. Metes and Bounds Description**

Each tract of land that is not a platted lot or condominium unit shall be described by a metes and bounds description in accordance with these rules and approval of the County Engineer.

**B. Land that is Split by Taxing District Boundaries**

No single tax parcel shall be created by the County Auditor that is located in different taxing districts. Any land with a single metes and bounds description that is split by taxing district lines shall be made into separate tax parcels by the County Auditor. Any platted lot that is located in different tax districts shall be placed in the appropriate taxing district. This may cause a single lot to have more than one parcel number.

The above instruments should be submitted for review, so the "Specific Standards for All Documents of Transfer" outlined in Section IV can be checked.

**CONCLUSION**

The purpose of adopting the foregoing standards is to minimize the perpetuation of errors in former transfers and to obtain definite and accurate descriptions for future transfers, as allowed by pertinent sections of the Ohio Revised Code.