

# **REAL PROPERTY CONVEYANCE STANDARDS CHAMPAIGN COUNTY, OHIO**

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# **STANDARDS GOVERNING CONVEYANCE OF REAL PROPERTY IN CHAMPAIGN COUNTY, OHIO**

## **Preamble**

As directed by sections 315.251, 319.203, and other sections of the Ohio Revised Code, and to provide a consistent method of review, the following standards are hereby adopted to govern the conveyance of real property to be transferred on the tax list of Champaign County and survey plats and descriptions of real property to be provided in conjunction with such conveyances.

The intent of these standards is to insure proper and accurate descriptions of property, to correct any errors that are evident, and to insure that property is accurately described for tax purposes. It is understood that all situations cannot be covered by these requirements and when situations not covered arise they will be handled as special cases and will be interpreted by the County Engineer's Office and the County Auditor's Office.

Authors of instruments of conveyance in which the legal description of the most recent conveyance does not carry a prior County Engineer approval stamp are strongly encouraged to submit descriptions to be reviewed by the County Engineer prior to the anticipated date of conveyance. While we understand it would require additional time for the document to be processed, we find it is necessary to give ample time for the review. This procedure will help avoid delays and allow time for any corrections that are necessary. Documents will be reviewed on a "first in, first out" basis and will not be subject to any deadlines or closing dates.

## **I. GENERAL REQUIREMENTS**

- A.** All instruments presented shall be originals, with original signatures, and all plats presented shall be originals. Facsimile copies are not acceptable.
- B.** All instruments of conveyance shall indicate the Auditor's Geographical Parcel Number. If property being conveyed is a split of an existing parcel the number of the parent parcel shall be shown, *e.g.*, "out of parcel number xxxxxxxxxx."
- C.** Whenever a description falls in two or more taxing districts or crosses existing deed lines, a breakdown of the total area must be recited.
- D.** Any description which carries the stamp "NO FURTHER TRANSFER WITHOUT SURVEY" must be surveyed before it will be transferred, except as provided in II. D. (3) below.
- E.** No new description of a portion of a recorded parcel shall be accepted without a new survey of the portion.
- F.** All "corrective deeds" must state the nature and purpose of the correction(s) on the deed.

### **G. Landlocked Property**

- 1)** In conformance with the definition of "Lot" in Article 9, "Definitions," of the Subdivision Regulations for Champaign County, Ohio, and in compliance with Section 329(C) and 413(2) of said Subdivision Regulations, to the extent applicable, no document shall be approved that, upon transfer, creates a landlocked parcel. A landlocked parcel is described as any tract of land, which, upon transfer, creates a tract with no road frontage.
- 2)** However, a landlocked tract will be accepted if the landlocked parcel is sold to, or retained by, an adjoining tract with road frontage. In this case, the landlocked parcel must be sold with the frontage tract, or to another adjoining owner of the landlocked parcel with road frontage, and the instrument of conveyance shall contain a statement the tract shall not be sold separately from said adjoining tract.
- 3)** Further, a landlocked tract will be accepted if it has received a variance from both the Township Board of Zoning Appeals in the township in which the tract is located and a variance from the Champaign County Board of Commissioners pursuant to Section 705 of the aforesaid Subdivision Regulations.

### **H. Exceptions**

- 1)** An exception is described as any tract of land which is not to be included in the conveyance submitted for approval, but which was a part of the original tract as described on the prior deed reference. Such exception may have been previously sold off from the original tract or may be a tract to be retained at the time of the conveyance submitted for approval.

- 2) All exceptions to the original tract must be listed on the document following the original tract.
  - 3) These exceptions must be written, in their entirety, upon the document, as per their original instrument of conveyance.
  - 4) Instruments shall contain no more than four (4) excepted descriptions (save and except) from the original parcel described.
  - 5) Description must state the amount of remainder acreage.
- I. All instruments presented that do not comply with the applicable standards herein will be denied approval and not accepted for transfer until corrected, except as provided in II (D) herein.

**II. SUBMITTAL OF INSTRUMENTS OF CONVEYANCE NOT INVOLVING THE CREATION OF (A) NEW PARCEL(S) NOR INVOLVING A LEGAL DESCRIPTION DIFFERENT FROM THE LEGAL DESCRIPTION OF THE MOST RECENT SURVEY**

- A. Instruments of conveyance involving neither the creation of new parcel(s) nor a legal description different from the legal description of the most recent conveyance may be submitted, along with a copy of the most recent instrument of record, to the County Auditor for transfer.
- B. All existing descriptions of record must be described verbatim as witnessed by the most recent instrument of conveyance.
- C. The Auditor will request the County Engineer's Office to perform a review of any legal description (if not previously approved by the Engineer), if there is reason to believe that the legal description is:
- 1) incorrect
  - 2) not that of the parcel being conveyed
  - 3) unplattable on the tax map as described, or
  - 4) of the "metes and bounds" type.
- D. After receiving an instrument of conveyance the County Engineer's Office shall perform a review of the legal description and shall do one or more of the following:
- 1) Approve the description as written by stamping "Description Approved" and return it to the County Auditor.
  - 2) Recommend that minor correction be made to the description due to obvious errors including, but not limited to, typographical errors, errors of omission, transposed letters or number or rotation of bearings. NOTE: Minor corrections

shall not be construed to include rewriting of descriptions or exceptions, calculations of areas or missing calls or distances, or any change not resulting from an obvious error.

- 3) If the legal description is deemed incorrect or unplattable on a Sheriff's deed or an in-family transfer, the instrument of conveyance shall be stamped "No Further Transfers Without Survey" and returned to the County Auditor for transfer. (In-family is defined for the purpose of these standards as parents, children, spouse, siblings, grandparents and grandchildren, or to a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust.) Despite the appearance of the above stamp on an instrument, if the next conveyance meets the standards in this paragraph for an exception, the exception may be granted again, with the new conveyance again being stamped "No Further Transfers Without Survey".
- 4) If any property has been incorporated into a municipality or other political subdivision by means of annexation, since its last conveyance, the Engineer's maps shall be changed to reflect the current jurisdiction.

### **III. 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, shall require a boundary survey performed by a Professional Surveyor (registered in the State of Ohio) before the instrument of conveyance is submitted to the County Auditor for transfer. (O.R.C. Section 315.251.) 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 seven (7) working days before submittal to the County Auditor for transfer. The County Engineer's office shall perform a review of the survey plat and legal description of the boundary survey, based upon these standards. (O.R.C. Section 319.203.) Review shall commence upon submission of original plat(s) and description(s); neither shall be reviewed independently. Should any plat contain a new tract that varies from any Township Zoning Regulation, the Plat shall be accompanied by a copy of an approved variance or other authorization from the appropriate Township Zoning Authority of plat approval from their jurisdiction before acceptance for review by the County Engineer's Office.
- B. The survey plat and legal description of the boundary survey shall satisfy the adopted Minimum Standards For Boundary Surveys promulgated by the State of Ohio Board of Registration for Professional Engineers and Surveyors and shall also meet the following standards:

**1) GENERAL REQUIREMENTS**

Names of the Grantor(s) shall be stated on all surveys.

**2) LEGAL DESCRIPTION**

**a)** Legal descriptions shall be based upon a boundary survey and shall contain the following:

- i)** quarter-Section, Section Number, Township Number, Range Number, or V.M.S. Number, if applicable, and political subdivision in which the parcel is located;
- ii)** a beginning point referenced to a permanent monument which can be readily identified in the field. (for example, road intersection, section corners, V.M.S. corners, intersections of a road and section, or V.M.S. lines or corners of platted major subdivisions);
- iii)** a metes and bounds description of the parcel (unless a subdivision lot) which shall have an error of closure ratio of 1:10,000 or smaller;
- iv)** bearings listed in degrees, minutes, and seconds; and distances shall be listed to the nearest hundredth of a foot;
- v)** calls to and descriptions of all monuments with an indication as to whether the monuments were found or set;
- vi)** the total acreage of the parcel described to the nearest thousandth of an acre; the acreage in each section if the parcel lies in more than one section; the acreage of each prior tract, if the new parcel contains all or parts of more than one existing tract, and the remaining deed acreage of each portion of the remaining lands of the tract of which the description is a part if the new parcel splits the remnant into non-contiguous portions;
- vii)** a statement that the description is subject to all legal highways and easements of record at the time of recording of the instrument;
- viii)** the deed volume and page number of the prior deed reference;
- ix)** reference to the basis of bearing used;
- x)** the name and registration number of the professional surveyor that performed the boundary survey and prepared the description;
- xi)** as regards a lot in a recorded major subdivision, the lot number, subdivision name, plat book and page number, or cabinet and slide number in the description;
- xii)** for all new descriptions, a statement of the intent of the description, be it all of the property, a part of the property, or the remainder of the property.

**b)** “Save and except” clauses that are not in accordance with these standards are not acceptable for new descriptions

**3) SURVEY PLAT:** The survey plat at a scale not smaller than 1" = 100' should be clearly and legibly plotted or drawn with ink on not smaller than 11" x 17"

Mylar or other material of equal permanence, and text shall not be less than 1/10", except that in the event that the survey plat is too large for a 24" x 36" size sheet, a scale of 1" = 200' or larger may be used. **The allowable mathematical error of closure or accuracy required shall be 1:10,000 for all new surveys.** The survey plat shall include the following:

- a) locational description by section, township, range or V.M.S., political subdivision, county, and state;
- b) scale, date, and north arrow, with basis of bearing;
- c) names of all owners of adjoining property and adjacent subdivisions, with acreage, shall be shown along with deed references as recorded in the Champaign County Recorder's Office
- d) bearings shall be shown in degrees, minutes, and seconds; distances shown to the nearest one-hundredth foot accuracy with all curved lines showing curve data, including arc length, radius, central angle, chord bearing and distance, and direction of the curve;
- e) names of all streets and roads and their widths shall be shown within and adjoining the surveyed land;
- f) a detailed explanation shall be shown for any existing parcel that is, or appears to be landlocked (any survey which creates a parcel with no road frontage shall be considered landlocked by these standards);
- g) municipal Corporation, township, and county lines where applicable and practical, shall be located and referenced by bearings and distances to the land being surveyed;
- h) partial acreage shall be shown on all surveyed lands being divided by municipal corporation, section, tract, and taxing district lines;
- i) the total calculated area to be conveyed, the area subject to existing right-of-way, and the net area in acres to an accuracy of one thousandth of an acre;
- j) a beginning point referenced to a permanent monument, which can be readily identified in the field (for example, road intersections, section corners, V.M.S. lines, or corners of major platted subdivisions);
- k) names and references of all roads rivers, streams, railroads, or recorded applicable easements that cross or occupy the surveyed parcel;
- l) zoning inspector certification as to the parcel meeting all zoning requirements at the time of submission of the plat;

- m) identification of each property corner, which shall be physically monumented, except where placing actual corners is impossible or it is impracticable, in which case identification of corners by description of a reference monument shall be used, which should be set similar in character to the boundary monument and preferably along one of the property lines which intersect at that corner and which 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;
- n) accurate descriptions of all monuments either at the point where the monument is identified on the plat or in a legend, which descriptions should denote whether the monument was set or found;
- o) the professional surveyor's name, seal, address, phone number, and registration number shall be shown together with surveyor's clause stating that the survey was performed by him or her and the date it was performed;
- p) references to other pertinent documents used to prepare the survey, shown along with the name and number of the professional surveyor of any referenced survey.

#### **IV. REQUIREMENTS FOR INSTRUMENTS OF CONVEYANCE OF LOTS**

- A. All instruments conveying a recorded lot in a municipality, or recorded subdivided area, must designate the lot number(s), the official recorded name, the cabinet and slide reference of official record, and the prior recorded deed reference, if any exists. This requirement pertains to all recorded lots of new major subdivisions transferring after the effective date of these requirements, and is not intended to apply to previously accepted documents of record.
- B. Any out-lot or portion of a recorded lot must have an accurate description to establish a tax structure for the portion being conveyed. The description must show the residue or balance left.
- C. Any area being conveyed in what is commonly known as an "Unrecorded Plat" shall have a metes and bounds description.

#### **V. REQUIREMENTS FOR NEW EASEMENT DESCRIPTIONS**

All instruments involving a new easement shall:

##### **F. Situate**

- 1) denote the state, county, township, municipality and subdivision (if applicable), range, town, section, quarter section, or Virginia Military Survey Number (if applicable);

- 2) denote recorded title and deed reference as to the tracts of origination;

**C. Parcel Identification**

- 1) identify the tract of ground in which the easement is located by metes and bounds description and Auditor's parcel number;
- 2) list deed acreage of all parcel(s) or tract(s) in which easement is located;

**D. Easement Identification**

- 1) Centerline Easements
  - a) state width of easement. (example – “Being a 20 feet wide easement 10 feet each side of the following described line.”);
  - b) include a detailed description of the course of the centerline including a readily identifiable beginning point. (example – “Beginning at a point in the western-most property line, 35 feet, more or less, northwesterly from the southwest corner of the tract. Thence northeasterly, parallel to and 25 feet northwesterly from the grantor's southern-most line, 300 feet, more or less, to a point in the grantor's eastern-most property line.”);
- 5) Strip Easements
  - a. state width of the easement. (example – “Being a 20 feet wide easement...”);
  - b. state location (example continued from above – “... along grantor's south property line...”);

**E. Restrictions**

list any and all restrictions over the aforesaid easement area;

**F. Author Identification**

for all new easement descriptions prepared by a person other than a registered surveyor, incorporate the following:

- 1) the printed name and address of the author;
- 2) the date of writing of description;
- 3) a statement indicating that the description is prepared from existing records or specify means from which it is derived;

**G. Plat Drawings**

not require plat drawings when filing an easement; however, they are preferred, as they define the location of the easement, making it easier to identify. All plat drawings shall be to scale and the bar scale shown on the plat. All plat drawings shall incorporate details as required for survey plats.

## **V. APPLICABILITY OF STANDARDS**

Instruments of conveyance and other documents of record that shall be governed by these conveyance standards are as follows:

### **H. Deeds**

#### **I. Corrective deeds (explanation of corrective action shall be clearly stated)**

#### **J. Lot splits (Minor subdivision)**

### **K. Subdivision Plats**

### **L. Condominium Plats**

### **M. Vacation Plats of Streets or Alleys**

### **N. Dedication Plats**

### **O. Annexation Plats**

### **P. Descriptions for Land Contracts (when created, canceled, or assigned), or**

### **Q. Any other document or instrument, by whatever title, presented for recording that purports to transfer any interest in real property that is not specifically excepted by these standards or by the Ohio Revised Code.**