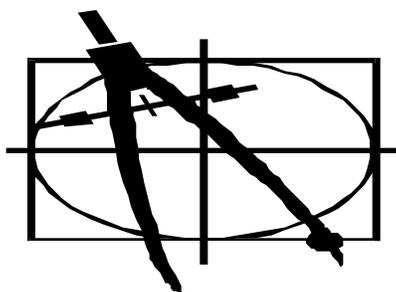


CONVEYANCE STANDARDS & BOUNDARY SURVEY REQUIREMENTS

CLARK COUNTY, OHIO

OFFICE OF THE COUNTY AUDITOR, CLARK COUNTY
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Effective Date March 13, 2003

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NOTICE OF PUBLIC HEARING

Notice is hereby given that the **Clark County Commission**, on behalf of the Clark County Auditor and Clark County Engineer, will hold public hearings on **Tuesday, January 28 and Tuesday, February 11, 2003, 10:20 a.m.**, in the County Commission Chambers, 5th Floor, 50 East Columbia Street, Springfield, Ohio, 45502. The purpose of the hearings is for public comment relative to the adoption of Land Conveyance Standards, pursuant to Ohio Revised Code 319.203.

At the conclusion of the 2nd hearing, the Clark County Auditor and Clark County Engineer will adopt said standards by written agreement, subject to any modification(s). The proposed Clark County Conveyance Standards may be examined at the office of the Clark County Auditor, 31 N. Limestone Street, Springfield, Ohio, 45501 and/or Clark County Engineer's Office, 4075 Laybourne Road, Springfield, Ohio 45505 during regular business hours.

A copy of the proposed changes is posted on the Clark County Engineer web site <http://www.co.clark.oh.us/engineer/engineer.html>

The Board of County Commissioners, in and for Clark County, Ohio, met February 11th, 2003 in Regular Session pursuant to adjournment in accordance with Sec. 121.22 O.R.C. (Sunshine Law) with the following members present, viz:

JAMES E. SHEEHAN

JOHN DETRICK

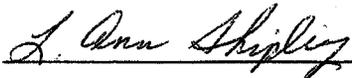
ROGER D. TACKETT

**SECOND PUBLIC HEARING TO
ADOPT THE STANDARDS GOVERNING
PROPERTY CONVEYANCES:**

RESOLUTION NO. 115-03

This is the time and date set by the Board of County Commissioners, Clark County, to hold the Second Public Hearing on the request of the County Engineer and the County Auditor for the proposed adoption of the **Standards Governing Property Conveyances pursuant to Section 319.203 ORC**. Commissioner Sheehan opened the public hearing at 10:20 a.m. Present were Dean Fenton, Shayne Gray, Bill Pierce from the Engineer's Office, George Sadders, Bob Vanderhorst from the Auditor's Office and Robert Borley from the Bar Association. Mr. Fenton explained that there were some revisions, after the first public hearing, based on the discussion regarding the wording in the section that addressed the parcels with two separate legal descriptions. Mr. Fenton discussed the revision to those sections and also the changes recommended by the staff. Mr. Borley had questions regarding the staff recommendations. Mr. Borley stated that it is unacceptable to require a new legal description due to the existing legal description does not call out identifiable boundaries. Mr. Fenton stated they would take the comments under advisement. Mr. Fenton stated that the Standards will go into effect 30 days after the adoption. Mr. Howard stated that the Board of County Commissioners were holding the Public Hearing at the request of the County Engineer and the County Auditor. The County Engineer and the County Auditor adopt the Standards Governing Property Conveyances as required by the ORC.

I, L. Ann Shipley, Acting Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of a motion as recorded in the Journal of the Clark County Commissioners, under date of February 11th, 2003.



L. ANN SHIPLEY, ACTING CLERK

CC: County Auditor
County Administrator
County Engineer
Dean Fenton

STANDARDS FOR BOUNDARY SURVEYS AND DESCRIPTIONS

1) ADOPTION OF STANDARD FOR BOUNDARY SURVEYS AND DESCRIPTIONS

The Standards for Boundary Surveys and Descriptions are adopted, in part, pursuant to Revised Code Section 315.251. (See Appendix A). The effective date of Revised Code Section 315.251 is March 13, 1997.

- a) Revised Code Section 315.251 incorporates by reference Ohio Administrative Code Section 4733-37 entitled "Minimum Standards for Boundary Surveys in the State of Ohio." (See Appendix B).
- b) Additional requirements have been added by the Office of the Clark County Engineer to facilitate meeting the requirements of Revised Code Section 315.251.
- c) It is the intent of these Standards to be complimentary to the Standards Governing Conveyances of Real Property adopted by the County Auditor and the County Engineer pursuant to Revised Code Section 319.203.
- d) As directed by Section 319.203 of the Ohio Revised Code which States:

The County Auditor and County Engineer shall adopt standards governing the conveyance of real property in the County” and “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.”

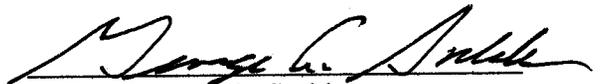
In order to comply with this recently enacted legislation and to provide a consistent method of review and applicable parameters, the following standards are hereby adopted to govern survey plats and descriptions of real estate to be transferred.

- e) All survey plats and legal descriptions prepared from the new surveys shall satisfy the **Minimum Standards For Boundary Surveys** promulgated by the Ohio 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 the County Auditor may be submitted to the Board of Registration for Professional Engineers and Surveyors.

- f) All authors of instruments of conveyance in which the legal description of the most recent conveyance does not carry a prior County Engineer's approval stamp are strongly encouraged to submit their descriptions to be reviewed by the County Engineers office several days prior to the anticipated date of conveyance. This procedure will help avoid delays and allow time for necessary corrections, if any, to be made. Documents will be reviewed on a "first in, first out" basis and will not be subject to any deadlines or closing dates.



Bruce C. Smith P.E., P.S.
Clark County Engineer



George A. Sadders
Clark County Auditor

2) REQUIREMENTS FOR A NEW SURVEY

- a) A boundary survey and new legal description shall be prepared whenever land to be conveyed is:
 - i) Only part of an existing tax parcel (except where such part was described by a separate legal description meeting the requirements hereof in the most recent conveyance of record);
 - ii) Described by a legal description which is different from the legal description in the most recent conveyance; or
 - iii) Described by a legal description which is inadequate pursuant to Standards Governing Conveyance of Real Property ; Item 4 Legal Descriptions contained herein;
- b) The Survey Plat and legal description of the land shall satisfy the Minimum Standards for Boundary Surveys in the State of Ohio set forth by the Board of Registration of Professional Engineers and Surveyors. (Ohio Administrative Code, Section 4733-37, see Appendix B) and the Standards for Boundary Surveys and Descriptions, Clark County.
- c) Survey plats and legal descriptions shall be submitted to the Clark County Engineer for review and approval, provided the following:
 - i) The County Engineer determines that the survey plat and legal description satisfies the Minimum Standards for Boundary Surveys in the State of Ohio.
 - ii) The County Engineer determines the survey plat and legal description complies with the standards contained in this document.
 - iii) The County Engineer shall approve them and file the plat of survey in the County Engineer's survey file. Approved legal descriptions will be maintained on file for comparison to the actual deed presented for review and approval at the time of transfer. Survey plats and legal descriptions filed and approved in such a manner become public records under the Public Records Law, Ohio Revised Code §315.251. (See Appendix A).

3) FILING REQUIREMENTS

- a) Whenever a boundary survey is required, then a survey plat and legal description shall be filed in the Office of the County Engineer prior to the conveyance of the land. The survey plat and legal description shall conform to the following requirements, said requirements being in addition to the requirements contained in the Minimum Standards for Boundary Surveys in the State of Ohio, Ohio Administrative Code Section 4733-37 (See Appendix B).

3) FILING REQUIREMENTS, Cont.

- b) Digital submission of boundary surveys will be accepted from those surveyors who utilize computer aided drafting (CAD) in the preparation of plats. As Clark County builds and maintains the present GIS system, it is imperative to utilize available resources and minimize costs to the public, while being able to provide a quality system for viewing public information. For review purposes, the plat and legal description should be submitted either by e-mail, diskette or CD-ROM in the following formats:
 - i) Plat of survey: AutoCAD .dwg, format or .dxf format
 - ii) Legal descriptions: Word, Word Perfect, Works or .pdf format
- c) Survey plats shall be prepared in ink on a transparent media (i.e.: Mylar) having a minimum thickness of at least three (3) mils, and contain an original seal, signature and date. Digitally produced plots, which utilize wide format printer technology which places toner on the Mylar film will not be accepted as an original.
- d) The sheet size of the survey plat shall be 18 inches by 24 inches measured out to out. A border shall be drawn approximately ½ “ from the outside edge consistently around the entire sheet. The scale shall be not less than 1 inch=200 feet, unless otherwise approved in advance by the LIS director. Other standard engineering scales may be utilized, to maximize the space available on the sheet. Multiple sheets may be used, if necessary.
- e) The parcel or parcels being conveyed shall be shown with a solid heavy line, drawn to scale with bearings and distances shown adjacent to all lines. Lettering height for parcel dimensions shall be 1/8 inch or larger. The height of all other lettering shall be 3/32 inch or larger.
- f) The County Engineer's record block shall be located in the upper right-hand corner of the Survey Plat, indicating the caption “ Clark County Engineer’s Revised Record of Land Surveys”, Volume _____ Page _____ .
- g) In addition to the requirements contained in Ohio Administrative Code Section 4733-37-05, the survey plat shall contain a reference to an established point of record, meeting one of the following:
 - i) A monumented section corner, quarter section corner or VMS corner;
 - ii) A monumented lot corner of a recorded plat including plat book reference and page; or
 - iii) An intersection of the centerlines of two intersecting public roads or intersecting rights-of-way lines where the right of way widths are identified by record. The point of reference shall be monumented whenever possible.
- h) For adjacent un-platted parcels, state the name of the owner, deed reference and page. State the reference for survey records of adjacent parcels if applicable. References for platted land shall state the name of the subdivision, lot numbers and Plat Book and Page reference.

3) FILING REQUIREMENTS, Cont.

- i) The Survey Plat shall include the names, locations, dimensions and right-of-way widths if known of all streets, railroads and highway easements of record within the parcel being conveyed.
- j) The Survey Plat shall indicate all section, V.M.S., county, township and municipal corporation lines. In the event that the land being conveyed is divided by any of the foregoing lines, then the acreage on either side of the line or lines shall be indicated on the plat of survey.
- k) Corners located in a paved roadway must be referenced by offset monuments, preferably located at the intersection of the property line and the right-of-way line. When offset monuments are not specified, monuments set must fully comply with the requirements of 4733-37 (C).
- l) In the event that a transfer of conveyance causes a parcel to be split into new parcels and if the split requires the approval of a planning commission or similar approval authority, then such approval must be indicated on the survey plat prior to approval by the County Engineer, Tax Map Department. The local government agency having authority of splits shall determine whether the split and residue tract(s) complies with applicable regulations such as frontage, acreage, etc.

4) NEW LEGAL DESCRIPTIONS

- a) The legal descriptions shall conform to Ohio Administrative Code Section 4733-37-06.
- b) The legal descriptions shall conform to the applicable sections of the standards contained in the section entitled "Filing Requirements."
- C) All legal descriptions submitted for review shall incorporate the surveyor's name and date the survey was performed into the body of the text. The surveyor's signature and professional seal must be included on the legal description submitted with the plat of survey.

5) REQUIREMENTS FOR TIES TO COUNTY GPS MONUMENTS – Clark County currently has over 200 first order horizontal control monuments registered with the National Geodetic Survey. Utilization of this control is highly encouraged to perpetuate permanent reference to plats of survey and further assist in the implementation of the county’s GIS system. Accordingly, new plats are expected to be referenced as follows:

- a) Subdivisions must tie into one or two accepted monuments, only if the following are met:
 - i) Tie to one monument, if a monument is within 1/2-mile radius of the proposed subdivision.
 - ii) Tie to a second monument, if a second monument is inter-visible and within 1/2 mile radius of the first monument

- b) Plat of Survey must tie into one or two accepted monuments, only if the following are met:
 - i) Tie to one monument, if a monument is within 1/2-mile radius of the proposed subdivision.
 - ii) Tie to a second monument, if a second monument is inter-visible and within 1/2 mile radius of the first monument

- c) Basis of Bearing statements on all plats and deed descriptions to be made of record within Clark County must be stated:
 - i) With reference to a deed of record, an official record, plat of record, centerline survey plat along with the bearing specified. The State Plane Coordinate System, Ohio South Zone NAD 27 and NAD 83 may also be used as a basis of bearing, only if the control monuments used and bearing between them are denoted in the statement. An assumed bearing may only be used when it is determined there are no other records available.

STANDARDS FOR BOUNDARY SURVEYS AND
DESCRIPTIONS

APPENDIX A

[§ 315.25.1] § 315.251 Required boundary surveys; review and filing of survey plat and description.

(A) If a deed conveying title to real property is presented to the county auditor for transfer, and the deed contains a legal description for land that is a cut-up or split of the grantor's one or more existing parcels of land as shown in the county auditor's records, or if the legal description of the land conveyed in the deed is different from the legal description shown in the prior deed to the grantor, a boundary survey plat in conformity with the new description shall be submitted with the deed. The survey plat and description shall satisfy the minimum standards for boundary surveys promulgated by the board of registration for professional engineers and surveyors pursuant to Chapter 4733. of the Revised Code. If, in the opinion of the county engineer, the survey plat and description satisfy those standards, the county auditor shall accept the deed for transfer and a copy of the survey plat shall be filed in the county engineer's survey file for public inspection.

This section applies only if the requirements of this section are included in the standards governing conveyances of real property in the county adopted under section 319.203 [319.20.3] of the Revised Code.

(B) *Section B has been omitted and not reproduced in this Appendix. Section B applies only to county engineers engaged in the private practice of engineering and surveying as it relates to the implementation of Section A.*

HISTORY: 146 v S 158 (Eff 5-8-96); 146 v S 287 (Eff 3-13-97); 146 v S 262. Eff 3-18-97.

STANDARDS FOR BOUNDARY SURVEYS AND
DESCRIPTIONS

APPENDIX B

NOTE: THE FOLLOWING IS A RE-PRINT OF CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE FOR REFERENCE ONLY AND IS NOT INTENDED TO IN ANY WAY SUPERCEDE ANY CHANGES WHICH MAY OCCUR TO SPECIFIC SECTIONS OF THE CODE.

Chapter 4733-37
Standards for Boundary Surveys

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. Abridgements of one or more provisions herein 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.

History: Eff. 5-1-80

4733-37-02 Research and investigation.

(A) When the deed description of the subject property and the deed descriptions of adjoining properties do not resolve the unique locations of the corners and lines of the property being surveyed, the surveyor shall consult other sources of information in order to assemble the best possible set of written evidence of every corner and line of the property being surveyed. These sources include, but are not limited to: records of previous surveys, deed descriptions of adjacent properties, records of adjacent highways, railroads and public utility lines; also include subdivision plats, tax maps, topographic maps, aerial photographs, and other sources as may be appropriate.

(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, analyze evidence of occupation and confer with the owner(s) of the property being surveyed. In addition, the surveyor shall, when necessary, confer with the owner(s) of the adjoining property and take statements.

History: Eff. 5-1-80

4733-37-03 Monumentation.

(A) When necessary in accordance with the accepted surveying practice and legal requirements 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 deed 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 0.2 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., chiselled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

History: Eff. 5-1-80

4733-37-04 Measurement specifications.

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

(A) The surveyor shall keep his equipment in such repair and adjustment as to conform to the requirements stipulated by the director of agriculture in sections 1327.46 to 1327.99 of the Revised Code. The specifications, tolerances, and regulations published in the "National Bureau of Standards Handbook 44" shall be the specifications, tolerances and regulations for commercial weighing and measuring devices of the state.

(B) Every measurement 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 five thousand (allowable linear error = reported distance divided by five 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 one 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 deed 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.

History: Eff. 5-1-80

4733-37-05 Plat of survey.

(A) The surveyor shall prepare a scale drawing of every survey in which he 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 proper agency.

(C) The surveyor shall include the following details:

- (1) A title such that the general location of the survey can be identified.
- (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 deed description and the relationship of the property to this control.
- (4) A notation at each corner of the property stating that the boundary monument specified in the deed description was found, or that a boundary monument was set. In addition, there shall be a statement describing the material, size, position and condition of every monument found and/or set.
- (5) A general notation describing the evidence of occupation that may be found along every boundary line and/or occupation line.
- (6) The length and direction of each line as specified in the deed description of the property or as determined in the actual survey if this differs from what is stated in the deed description by more than the tolerance specified in paragraph (B) of rule 4733-37-04 of the Administrative Code.
- (7) A citation of pertinent documents and sources of data used as a basis for carrying out the work.
- (8) The written and graphical scale of the drawing.
- (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).

History: Eff. 5-1-80

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.
- (2) A relationship between the property in question and clearly defined control station(s).
- (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.
 - (b) The direction of the line relative to the direction of the basis of bearing.
 - (c) The length of the line.
 - (d) A description of the boundary monument (or reference monument) and whether found or set to identify the end of the particular line.
 - (e) Sufficient mathematical data shall be given for each curved line so that the curve can be reproduced without ambiguity.
 - (f) The reported boundary data shall meet the closure requirements of paragraph (C) of rule 4733-37-04 of the Administrative Code.
- (3) The area of the parcel.

(C) Descriptions other than the metes and bounds form 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.

(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.

History: Eff. 5-1-80

4733-37-07 Subdivision plats.

When a subdivision is created from a piece of property, or several adjoining pieces, the surveyor shall prepare a scale drawing showing all of the details specified in rule 4733-37-05 of the Administrative Code. In addition, the drawing will show all of the details of each new lot, street, easement, etc., including the length and direction of each new line. Sufficient mathematical data shall be given for each curved line so that the curve can be reproduced without ambiguity.

History: Eff. 5-1-80

OFFICE OF THE CLARK COUNTY ENGINEER
OFFICE OF THE CLARK COUNTY AUDITOR

STANDARDS GOVERNING THE CONVEYANCES OF REAL PROPERTY

The Standards Governing the Conveyance of Real Property are adopted pursuant to Revised Code Section 319.203. (effective date March 13, 1997). These standards shall apply to any instrument describing Clark County real property, which is submitted to the Clark County Auditor for any change on the Auditor's real estate records. In the interest of maintaining the integrity of the real estate records in their respective offices, the Clark County Engineer and Clark County Auditor reserve the right to deal with proposed conveyances on a case by case basis when the particular problems or issues involved are not adequately addressed by these Standards.

- 1) **GENERAL REQUIREMENTS** – Instruments purporting to transfer an interest in real property which are submitted to the County Auditor for transfer pursuant to Revised Code Section 319.20:
 - a) Shall be executed according to the statutory formalities prescribed by Ohio law, or by the law of the jurisdiction in which the instrument was executed;
 - b) Shall comply with the requirements of Revised Code Section 319.20, including the requirement that the document contain the volume and page (or microfiche reference) of the next preceding recorded instrument by or through which the grantor acquired title, and the requirement that the document contain the tax mailing address of the grantee or one of the grantees;
 - c) Shall contain the County Auditor's parcel number, if reasonably necessary to assist the Engineer or Auditor in the prompt identification of the property;
 - d) Shall be accompanied by a properly completed and executed conveyance fee form (or exempt form); and
 - e) Shall be executed by, or on behalf of, the current owner identified on the County Auditor's record unless the instrument itself, or an affidavit accompanying the same, states to the satisfaction of the Auditor the reason for the break in the chain in title.

- 2) **REQUIREMENTS FOR SPECIFIC INSTRUMENTS/TRANSFERS** - The following standards shall apply to specific instruments or transfers indicated:
- a) A transfer under the law of descent and distribution may be made by affidavit pursuant to Revised Code Section 317.22, provided all requirements of that Section are met. The affidavit shall include a representation that no probate proceeding has been commenced, and that the affiant has no reason to believe that a probate proceeding will be commenced. A certified copy of the death certificate shall be attached to the affidavit.
 - b) The termination of a life estate or a survivorship interest, or a transfer to the beneficiary under a Transfer on Death deed, shall be evidenced by affidavit. A certified copy of the death certificate of the deceased owner shall be attached to the affidavit.
 - c) An affidavit meeting the requirements of Revised Code Section 5301.252 may be used to evidence any of the matters set forth in such statute; in particular, such an affidavit may be used to correct typographical errors in the legal description contained in a previously recorded instrument of transfer; to correct the spelling of the name of the current or previous owner; to evidence variations in a current or previous owner's name; or to evidence a change in a current owner's legal name.
 - d) No transfer to a trust using the name of the trust itself as the grantee (as opposed to a transfer to the trustee, by name) shall be made unless the trust appears to the County Auditor to be a business trust, authorized by law to hold title to real property.
 - e) No transfer from the trustee(s) of a disclosed trust shall be made unless the instrument of transfer, or a memorandum of trust or affidavit accompanying such instrument (or already of record) identifies the current trustee(s), any successor trustee(s) with regard to the transfer and conveyance of real property. A trust is "disclosed" if the instrument purporting to convey property from the trust, or the County Auditor's record identifies the trust by name, date or otherwise; i.e, a conveyance from "John Smith Trustee" is acceptable, but a conveyance from "John Smith, Trustee of the Smith Trust" would require an appropriate affidavit or memorandum of trust to be recorded previously or contemporaneously.
- 3) **QUALITY OF DOCUMENTS** - Instruments purporting to transfer an interest in real property which are submitted to the County Auditor for transfer pursuant to Revised Code Section 319.20:
- a) Shall exhibit the original signature of the grantor, affiant, etc.; provided however, that a copy of the court order which has been certified by the Clerk of Courts shall be acceptable;
 - b) Shall be legible, as determined by the County Engineer or County Auditor; and
 - c) Shall not incorporate as an attachment a previously recorded document which the County Engineer or County Auditor determines to be illegible.

4) LEGAL DESCRIPTION – Instruments purporting to transfer an interest in real property which are submitted to the County Auditor for transfer pursuant to Revised Code Section 319.20:

- a) Shall employ a legal description for the land being transferred which is consistent with the County Engineer’s lot/parcel tax maps, and which is in one of the following forms:
 - i) Lot number, full name of the plat, and the plat book and page is recorded (as to platted lots) ;
 - ii) Unit number or other designation, full name of the condominium project as set forth in the declaration of condominium, and the volume and page where such declaration of condominium has been recorded (as to condominium units) ; and/or
 - iii) A metes and bounds description which identifies the property by political subdivision; original survey; township, range, section and quarter section, if applicable, and which is sufficient to allow a competent surveyor to identify the property with reasonable certainty through the use of appropriate rules of construction and extrinsic evidence.
- b) Shall employ a legal description which is either:
 - i) Drawn by a registered Ohio surveyor in conjunction with a survey meeting the requirements of Ohio Administrative Code 4733-37, and the requirements of the Clark County Engineer’s Standards for Boundary Surveys and Descriptions (which standards are incorporated herein by reference), and filed/recorded with the County Engineer pursuant to Ohio Revised Code 315.25; or
 - ii) Identical to the legal description used in the immediately preceding recorded conveyance in the chain of title (or which would be identical to such description but for subsequent exceptions/transfers out which are referenced in the current instrument); provided however, that the attorney preparing the instrument of transfer may correct any obvious scrivener’s errors in such previous descriptions with the Engineer’s approval;

- c) Shall, at the request of the County Auditor, be submitted to the County Engineer's Office to perform a review of any legal description if there is reason to believe that the legal description is:
 - i) Incorrect;
 - ii) Not that of the parcel being conveyed;
 - iii) Un-plattable on existing tax map records;
 - (1) Beginning point of a metes and bounds description is not referenced to a known point, such as a section corner, quarter section corner, VMS corner, subdivision lot corner or the intersection of a section line with a road, railroad or VMS line; or
 - (2) Existing legal description is determined to overlap adjoining property description or a gap is determined to exist between the existing legal description and the adjoining property description; or
 - (3) Existing legal description does not call out identifiable location of the parcel as to section, township, range or Virginia Military Survey No. and political subdivision (city, village or township) ;or
 - (4) Exception(s) contained in the legal description of record are un-plattable;
- d) After reviewing the instrument of conveyance, the County Engineer's Office shall do one of the following:
 - i) Approve the description as submitted, by stamping "Approved" and returning it to the County Auditor;
 - ii) The instrument of transfer which uses a legal description identical to the description used in the immediately preceding conveyance (or a description that would be identical but for subsequent exceptions/transfers out which are referenced in the instrument), the Engineer may approve the proposed transfer, but may stamp the instrument " Inadequate legal description; new survey required for next transfer," and may refuse to approve any subsequent transfers of such property without a new survey and description in accord with the Standards.
 - iii) Notwithstanding the foregoing, the County Engineer and/or County Auditor shall not refuse a transfer of real property pursuant to a court order.

STANDARDS GOVERNING THE CONVEYANCES OF REAL PROPERTY

APPENDIX A

[§ 319.20.3] § 319.203 Land conveyance standards.

Subject to division (B) of section 315.251 [315.25.1] of the Revised Code, the county auditor and the county engineer of each county, by written agreement, shall adopt standards governing conveyances of real property in the county. These standards may include the requirements specified in section 315.251 [315.25.1] of the Revised Code. The county auditor and county engineer may modify those standards from time to time as they consider necessary or desirable. The standards shall be adopted or modified only after the county auditor and county engineer have held two public hearings, not less than ten days apart, concerning adoption or modification of the standards. The standards shall be available for public inspection during normal business hours at the offices of the county auditor and county engineer.

Before the county auditor transfers any conveyance of real property presented to the auditor under section 319.20 or 315.251 [315.25.1] 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.

HISTORY: 146 v S 158 (Eff 5-8-96); 146 v S 287. Eff 3-13-97; 146 v S 262 (Eff 3-18-97).

SAMPLE PLAT OF SURVEY

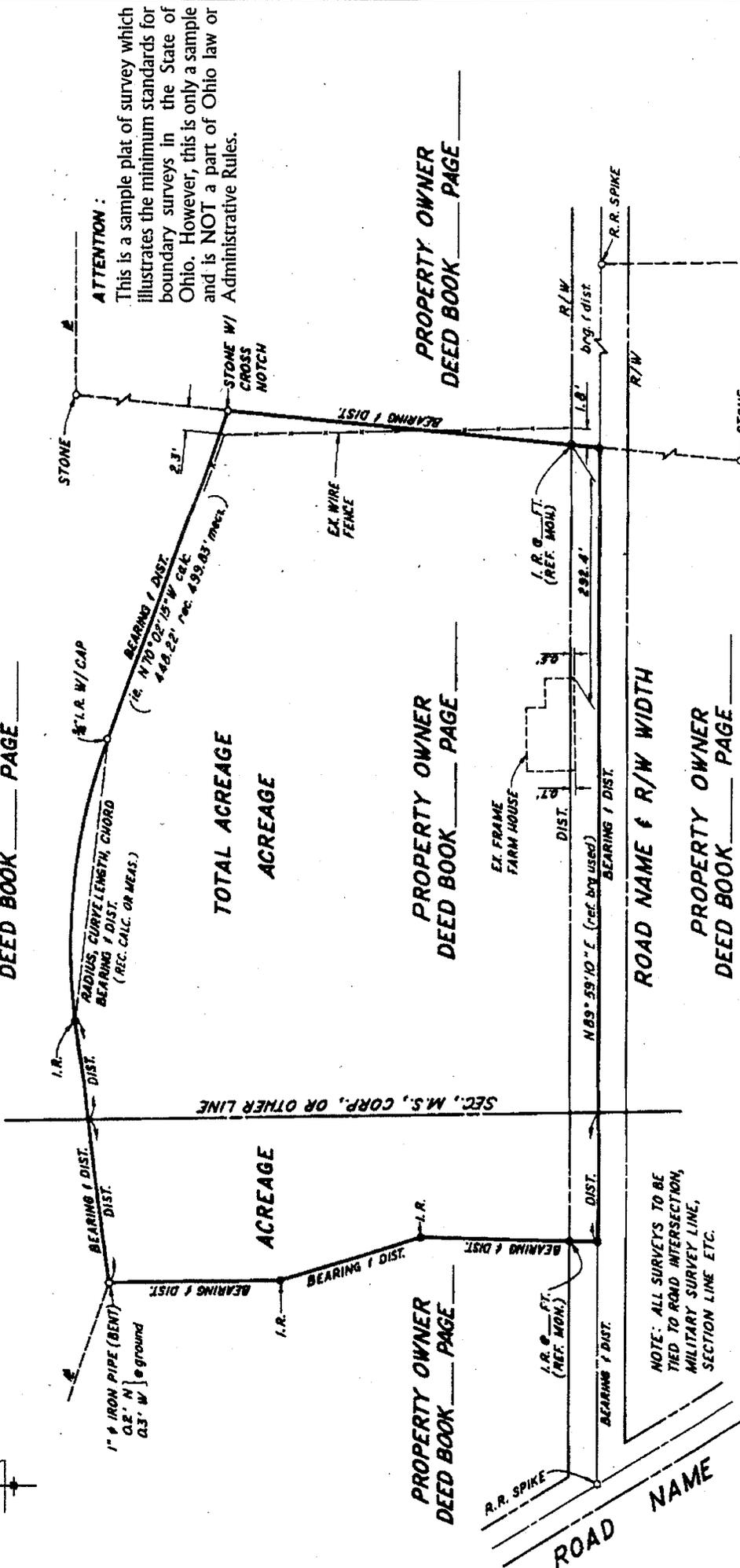
COUNTY, OHIO
TOWNSHIP, CITY
SUBDIVISION & LOT N^o.

SECTION, TOWN, RANGE OR MILITARY SURVEY N^o.

SAMPLE PROVIDED BY PLISO

DEED REFERENCE BOOK _____ PAGE _____
PERTINENT DOCUMENTS AND SOURCES OF DATA USED:

CLEAR STATEMENT AS TO THE BASIS OF THE REFERENCE DIRECTION USED.



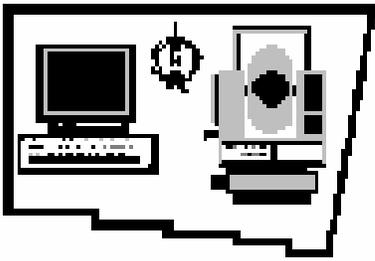
ATTENTION:
This is a sample plat of survey which illustrates the minimum standards for boundary surveys in the State of Ohio. However, this is only a sample and is NOT a part of Ohio law or Administrative Rules.



CLIENT INFORMATION
SURVEY CO. INFORMATION
DATE: _____ SCALE: _____

SURVEYORS SEAL
Signature
NAME OF SURVEYOR
OHIO REG. N^o.

LEGEND
○ MONUMENT FOUND
● MONUMENT SET



Clark County
Engineer's Department
L.I.S Center
Bruce C. Smith, P.E., P.S.
Clark County Engineer

31 N. Limestone St.
Springfield, Ohio 45502

Office # (937) 328-2430
Fax # (937) 328-2701

E-Mail
lis@co.clark.oh.us

Plat or Description Review

Survey location, name, etc. _____

Date Received: _____ Review Date: _____

- The survey plat or legal description is approved as submitted.
- The survey plat or legal description requires some modification as indicated by the items checked below.

~/~/

- (1) The original description and survey plat were not submitted.
- (2) The public road names, existing and proposed (Thoroughfare Plan) rights or way widths, are not identified correctly.
- (3) Surveyor's name, registration number and date of survey are not referenced in the legal description. The surveyor's original seal is not present on the description.
- (4) Surveyor's name, registration number, seal, and date of survey are not shown on plat. The surveyor's original signature has been omitted from the plat.
- (5) Subject property owner's name, deed volume, official record volume and page reference are not adequately identified.
- (6) Total acreage, acreage per section, acreage per lot or acreage contained within the "right of way", is not displayed correctly.
- (7) Basis of reference bearing is not shown on plat or in deed description.
- (8) Adjacent property owners, name, deed volume /or official record volume and page number, are not shown in plat or called in deed description.
- (9) Reference data used, for completing the survey, are not shown in plat. This includes plat book, location plat, surveys and deeds.
- (10) Survey boundary does not mathematically close within the specified tolerance of 1:5000, or the mathematical error exceeds 0.02' in latitude and 0.02' in departure.
- (11) The Point of beginning of subject property is not indicated on the plat or called in the legal description.

Donald Boyle – Road Maintenance Superintendent
Paul W. DeButy – Design Engineer
Doug Frank – Bridge Superintendent
K. Dean Fenton, P.S., Deputy – Inspections / Permits

Ned Weber, Deputy – Operations / Maintenance

Bill Pierce, P.S. – LIS Director
Lisa Massie – Administrative Asst.
Mark Niccolini – Ditch Maintenance Supervisor
Lew Richards – Traffic Supervisor

- ___ (12) Sheet size (18" x 24"), with border (1/2"), survey volume and page number block is not placed in upper right corner. Survey plat is not original ink on Mylar material, 3-mil thickness minimum.
- ___ (13) Bar scale, written scale, north arrow is not on plat. Plat scale shall not exceed 1" = 200' (maximum)."
- ___ (14) Section, Township, Range number, B.M.R.S. or Virginia Military Survey (VMS) number, civil township name, city or village, county, and/or state are not correctly displayed on the plat or called in the legal description.
- ___ (15) Survey is not tied to an existing or established "Monument", such as a section corner, quarter corner, plat corner of a subdivision, intersection of public roads. If the location is inter-visible with existing Clark County GPS control monuments, the plat shall be referenced horizontal distance, bearing or angle.
- ___ (16) Horizontal curves do not contain sufficient elements such as the Chord Bearing, Chord length, radius and arc length, on the survey plat or legal description.
- ___ (17) Monumentation {Existing or set} shall include size, type, position and condition, on the survey plat and legal description.

Other Remarks:

Reviewed by: _____

William A. Pierce P.S.
LIS Director