

OTTAWA COUNTY LEGAL DESCRIPTION REVIEW GUIDELINES

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EFFECTIVE DATE: January 1, 2017

To The Property Owners of Ottawa County, Ohio:

It is the desire of Ottawa County to provide a service for the public to insure proper and accurate descriptions of property, to correct any errors that are evident, and ensure that the property is accurately described for tax purposes.

It is the intent of these requirements to provide a standard method of checking legal descriptions for deeds, easements, affidavits, and other instruments that require the use of land descriptions. (O.R.C. 319.203)

It should be understood that all situations could not be covered by these requirements. If one of these situations arise they will be handled as a special case, and interpreted by the Ottawa County Engineer's Office at that time.

Any person, title company, etc., wishing to transfer and/or record any instruments of conveyance, and any surveyors and/or authors of any legal descriptions, are encouraged to have descriptions checked by the Ottawa County Engineer's Office, a minimum of seven (7) business days prior to the actual time of closing. This will avoid delays and allow time for any corrections that may be necessary.

This review process DOES NOT insure clear title to a certain piece of property, but does assure that the legal description meets the "Minimum Standard for Boundary Surveys in the State of Ohio", as described in Chapter 4733-37 of the Administrative Code.

The Ottawa County Engineer's Office and/or the Ottawa County Auditor's Office, reserve the right, at any time, to update these guidelines to better serve all the parties involved. Update notifications will be posted in the Ottawa County Engineer's Office and the Ottawa County Auditor's Office. Copies of the updates will be available from each office.

The Ottawa County Engineer's Office and/or the Ottawa County Auditor's Office bear no liability for any title problems that the reviewed descriptions may cause.

DESCRIPTION REVIEW PROCEDURE

1. The description to be reviewed, must be turned into the Ottawa County Engineer's office, with the completed Request for review form (see Exhibit A). It is suggested this be done at least seven (7) business days prior to the desired date of transfer.
2. A licensed Professional Land Surveyor will review the description within seven (7) business days. The start of the seven (7) business day timeframe begins the day after the day of submission (i.e. - Submitted on Monday, seven (7) day timeframe begins Tuesday and will be completed by no later than Wednesday the following week).
3. The descriptions will be reviewed on a first come first served basis. This will be done to ensure no favoritism among individuals, title companies, surveyors, etc. It is important the review form is filled out completely.
4. After the initial review, if corrections need to be made, the corrected legal descriptions will be reviewed in the first come first served manner previously described. The seven business day cycle will commence again with each submittal, including corrections.

SUBMITTING DESCRIPTIONS

The Ottawa County Auditor's Office and the Ottawa County Engineer's Office are each able to review specific types of legal descriptions. The list below is organized to assist you in deciding which entity should review your description:

To the Ottawa County Auditor's Office:

Recorded Lots in a subdivision and Existing Legal Descriptions (of record)

If the Ottawa County Auditor's Office deems a description too vague, or cannot locate the parcel by description, then the description will be reviewed by the Ottawa County Engineer's Office and subject to its recommendations.

To the Ottawa County Engineer's Office:

Splits of Recorded Lots in a subdivision, New Metes & Bounds Descriptions, Acreage Changes, Easements (if a review is desired), Roads / Streets / Alleys (vacations & dedications) and Land Contracts

DESCRIPTION STAMPS

The legal description being reviewed by the Ottawa County Engineer's Office will be stamped in one of the following ways:

1. DESCRIPTION APPROVED

This stamp indicates that the description conforms to the "Minimum Standard for Boundary Surveys in the State of Ohio", per Chapter 4733-37 of the Administrative Code. (This is used for all new metes and bounds legal descriptions written after May 1, 1980.)

2. DESCRIPTION REVIEWED

This stamp indicates that the description does not conform to the "Minimum Standard for Boundary Surveys in the State of Ohio", per chapter 4733-37 of the Administrative Code, but accurately describes the parcel in question. A new description may be suggested for the next transfer. (This is for all existing metes and bounds legal descriptions written prior to May 1, 1980, and any description written after, that may be deficient of requirements in Chapter 4733-37 of the Administrative Code).

3. NEW SURVEY REQUIRED NEXT TRANSFER

This stamp may allow the parcel to be transferred on the description for the last time, with a new survey description needed for the next transfer. (This is only used for Court Ordered Transfers and transfers within a family where no fee is required).

All stamps will contain the date of approval along with the reviewing surveyor's initials.

***NOTE:** An Engineer's stamp on a description does not necessarily mean that the Auditor's office will transfer a parcel. The employees of the Auditor's office must be able to locate the parcel before it is transferred.

I. REQUIREMENTS FOR ALL RECORDED LOTS

1. All instruments conveying a recorded lot in a municipality or recorded subdivided area must designate the name of the municipality, the township in which the municipality or subdivision is located, the lot and block number(s), the official recorded name of the subdivision, the plat book and page of official record.
2. Any out-lot, or portion of a recorded lot, shall have an accurate description which will permit dimensional reproduction through use of description. This makes it possible to establish a tax structure for the portion being conveyed and enables the county offices to determine the residue or balance left based on existing available records. This description shall also include information described in Section I Item 1 of these guidelines.
3. Any area being conveyed in what is commonly known as an "Unrecorded Plat", shall have an accurate metes and bounds description, conforming to Chapter 4733-37 of the Administrative Code.
4. All exceptions shall be described in metes and bounds form, and must conform to Chapter 4733-37 of the Administrative Code, or when applicable, by portion of lot. (I.e. the W ½ / W 25' of Lot 4, etc.)

II. EXISTING METES AND BOUNDS (OF RECORD)

1. Any existing metes and bounds descriptions of record, which do not create or alter the current tax structure of a parcel(s), may be submitted directly to the Ottawa County Auditor's Office for transfer. If the Ottawa County Auditor's Office cannot identify the subject parcel the description will be checked by the Ottawa County Engineer's Office. Descriptions referred to the Ottawa County Engineer's Office will be subject to any recommendations made by the Ottawa County Engineer's Office.
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, and/or other obvious errors, is permitted in order to make the description more accurate.
3. Any existing metes and bounds description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation, must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.

4. All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which out-lots or exceptions to the 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. The correction of scrivener errors, omissions, or other obvious errors is permitted in order to make the description more accurate.
 - b. Each documented exception must recite the title and its 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 a previous instrument or readily available.
 - c. All instruments of conveyance using exceptions to title, to convey the balance of a parcel(s), must incorporate a statement identifying the total area of land to be transferred after the exceptions.
5. If the author of the original or previous description is named, it must be repeated in the current deed of transfer.
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 Ottawa County Engineer's Office for pre-transfer verification or approval.
7. A maximum of four (4) exceptions will be allowed, after which, a new description will be required.
8. All existing descriptions must be legible. It is recommended they be re-typed. Copies of existing deeds will not be stamped.

III. *REQUIRMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS*

All new metes and bounds descriptions and survey plats, must conform to the "Minimum Standard for Boundary Surveys in the State of Ohio", per Chapter 4733-37 of the Administrative Code. (See "EXHIBIT B") A checklist, which will be used to check for these standards, is enclosed as "EXHIBIT C". In addition to the requirements set forth in Chapter 4733-37 of the Administrative Code, the following items will be required by Ottawa County:

1. CAPTION (SITUATE)

Denote great lot, tract, outlot, inlot, subplot, name of subdivision, section number, town and range, township, city or village, county, state, et cetera. If in the township of Put-In-Bay, designation of which island is required.

2. STARTING POINT

All descriptions must be referenced to an established point of beginning such as but not limited to: centerline intersections of roads or streets of record, subdivision lot corners of record, and section corners.

3. COURSES

- a. Each course of a new metes and bounds description shall contain a bearing expressed in degrees, minutes, and seconds, and a distance recited in feet and decimal parts thereof, from the point of origination to the point of termination of each course.
- b. Each course must recite all monumentation either set or found along each course. In the instance that a new legal description has a common boundary line with a subdivision with multiple lots of record, reference to found monumentation must be shown on the survey plat but every pin does not need to be referenced in the legal description
- c. Each course must recite all other common lines such as but not limited to: centerlines of roads and/or streets, right-of-way lines of roads and/or streets, rivers, streams, lot lines, et cetera, and any other pertinent common lines of record or interest. Intent to adjoiners must be referenced by the adjoiner's name and record deed volume and page(s). In the instance that a new legal description has a common boundary line with a subdivision with multiple lots of record, reference to each individual lot owner and record information must be shown on the survey plat, but only reference to record information for the subdivision is required for the legal description.

4. CURVES

Any course of a new metes and bounds description that consists of a curve shall contain the following:

- a. Direction of the curve (left or right).
- b. The radius (in feet and decimal parts thereof).
- c. The central angle of the curve.
- d. The arc distance (in feet and decimal parts thereof).
- e. The chord bearing.
- f. The chord distance (in feet and decimal parts thereof).

5. REFERENCES

All references to roads, rivers, streams, railroads, et cetera must use current numbers and names of record. Old or original names and numbers may be referenced if they would add clarity or show continuity with a prior legal description.

6. ACREAGE

All new metes and bounds descriptions must give the acreage contained within its perimeter, calculated to the third decimal place. Whenever the parcel encompasses two (2) or more taxing districts, two (2) or more sections or lots and/or a combination of a sectional parcel of land and a platted lot of record, a breakdown of the total area must be recited for each taxing district, section, or platted lot of record to create an accurate tax structure.

7. AUTHOR OR SURVEYOR

- A. All new metes and bounds descriptions prepared by a **Registered Surveyor** must incorporate the following:
- 1) Surveyor's printed name.
 - 2) Surveyor's signature (in blue ink only).
 - 3) Surveyors' professional seal.
 - 4) Ohio Registration Number.
 - 5) The date of writing and/or survey.
 - 6) 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, by a certain surveyor, and date of description, or the description was not based on a survey. (See Chapter 4733-37-06 (D).)
- B. All new metes and bounds descriptions prepared by a person other than a registered surveyor must incorporate the following:
- 1) The printed name of the author.
 - 2) The date of writing the description.
 - 3) A statement shall appear indicating that either: a) the description was made in accordance with a recent survey and the date thereof; b) the description was made based on a previous survey, of a certain date, by a certain surveyor, and date of description; or c) the description was not based on a survey. (See Chapter 4733-37-06 (D).)
 - 4) The only person(s) other than a Registered Surveyor allowed to prepare a metes and bounds legal description in Ottawa County is the record owner of a parcel to be described or created.

8. BASIS FOR BEARINGS

The basis for bearings shall be given in a form similar to the following: "All bearings are based on the (reference line) bearing (bearing), or by stating the reference bearing within the description.

9. PRIOR DEED REFERENCES

To assist the continuance of the chain of title, a minimum of one (1) prior deed reference must be recited.

10. MISCELLANEOUS INFORMATION

- a. All new metes and bounds descriptions shall conform and be verified as to the accuracy of the traverse closure. (See Chapter 4733-37-04 of the Administrative Code for tolerances.)
- b. All splits of ten (10.000) acres or less, will be reviewed through the Administrative Approval Process, as designated by the Ottawa Regional Planning Commission. Subdivisions will be reviewed through the Planning Commissions subdivision review process.
- c. All new metes and bounds descriptions must be accompanied by one (1) plat of survey that shall conform to Chapter 4733-37-05 of the Administrative Code.
- d. Descriptions other than metes and bounds may be acceptable if they properly describe the parcel. (I.e. Being the Westerly 100 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, et cetera.)

IV. **REQUIREMENTS FOR PLATS OF SURVEYS**

Any author shall prepare a scale drawing of every new metes and bounds description he or she originated, and provide a copy to the Ottawa County Engineer's Office, on a minimum sheet size of 8 $\frac{1}{2}$ " by 11". The plat of survey must conform to Chapter 4733-37-05 of the Administrative Code. The survey plat must contain the surveyor's professional seal. The survey plat must also contain the surveyor's original signature and the date in blue ink only.

V. **EASEMENTS**

Review of descriptions for easements is not a requirement before recording. However, it is in the best interest of the grantor and grantee to have them checked so the parties involved may be advised as to any problems that may be present. The following guidelines are suggested:

1. Have the easement location accurately described.
2. Have the place of beginning located on a retraceable boundary line of a new or existing parcel of land.
3. Prepare the description by one of the following methods:
 - A. By bearing and distance of each course.
 - B. By centerline description, such as being a 20 foot wide easement, 10 feet on each side of the following described centerline ...
 - C. By dimension and area, such as a 30 foot wide strip of land adjacent to the east line of Sublot Number 10 for the entire length of said east line, containing 1.55 acres.
4. Include a statement of intent for granting or use of easement.

VI. **ACREAGE CHANGES**

Whenever a probable error is discovered in the area of a parcel(s) of land, as shown on the Ottawa County Auditor's current tax rolls, it shall be necessary for the Ottawa County Engineer's Office to be presented with a signed and sealed plat prepared by a **Registered Surveyor** prior to certification of the change being made. The Ottawa County Auditor will accept only such changes, in documented form from the Ottawa County Engineer's Office or appropriate court.

VII. ROADS, STREETS, ALLEYS (VACATIONS AND DEDICATIONS)

To properly serve the needs of the Ottawa County Auditor's Office, concerning the keeping of accurate tax base records, the Ottawa County Engineer's Office, must be informed of all vacations and/or dedications of any road, street or alley, by the responsible government agency.

Only vacations and/or dedications submitted in the form of metes and bounds descriptions and plats will be accepted by the Ottawa County Engineer's Office for checking. All descriptions and plats must conform to Chapter 4733-37 of the Administrative Code.

NOTE: Dedication of a road, street or alley, for public use does not constitute acceptance of same for maintenance by any government body. Roads streets, or alleys must first be constructed to the applicable standards of the government body involved before they are formally accepted for maintenance.

VIII. MISCELLANEOUS

Land Contracts prior to 3/19/93, Death Certificates, Certificates of Transfer, Sheriff Deeds, Auditor Deeds and Court Orders, when necessary, will be stamped "NEW SURVEY REQUIRED NEXT TRANSFER".