

APPROVAL REQUIREMENTS
FOR
INSTRUMENTS OF CONVEYANCE
IN
ERIE COUNTY, OHIO




Requirements for all instruments of Conveyance in Erie County, revised and effective January 1, 2009.

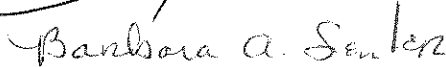
An Erie County policy governing procedures and requirements for acceptance of documents for instruments of conveyance is hereby established.

The purpose of this policy is to permit all departments concerned the ability to maintain accurate records for both the benefit and use of the public.

This policy encompasses the rules and regulations for minimum standards as established by the "State Board of Registration for Professional Engineers and Professional Surveyors" on May 1, 1980.

Forms have been developed to help make the process easier. It is our belief that orderly transfer of property benefits all concerned.


Erie County Engineer


Erie County Recorder



Erie County Auditor

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DESCRIPTIONS & PLATS FOR CONVEYANCE

I. INTRODUCTION

For the efficient operation of the Erie County Tax Map Department, for the use of the public, and to aid the County Auditor in keeping an accurate set of property maps, it is necessary that certain requirements and procedures be met before the Erie County Tax Map Department will approve a property transfer. Property transfers will be approved as meeting the minimum requirements of the Erie County Auditor, for property taxing purposes only. These requirements are set forth in the following policy statements:

1. Subject to meeting all the conditions as set forth in Section II-RECORDED LOTS OF RECORD, Items A thru G and Section III – EXISTING METES & BOUNDS – OF RECORD, Items A thru G, specifically noted other requirements for existing legal descriptions as set forth in sections II & III will not apply.
2. All new “metes and bounds descriptions” and all requirements for plats of survey, in addition to the requirements set forth in this policy, shall incorporate the principals and minimum standards of good surveying, engineering, and draftsmanship as defined by Sections 4733-37 thru 4733-37-07 of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio.

This policy is based on the “Minimum Standards for boundary Surveys in the State of Ohio”. The Standards have been accepted by the State Board of Registration for Professional Engineers and Surveyors as an operating rule and became effective May 1, 1980 according to Sections 4733-37 to 4733-37-07 of the Administrative Code.

REMEMBER 4733.99 PENALTY - Whoever violates Section 4733.22 of the Ohio Revised Code shall be fined not less than one hundred, nor more than five hundred dollars, or imprisoned not more than ninety days, or both. (Eff. 9/16/57)

3. All new metes and bounds descriptions must be in legal instrument form to be checked by County, Township or City offices for pre-transfer approval. These pre-approvals shall be completed prior to the new description being submitted to the County Tax Map Department (refer to “Lot Split brochure/affidavit” for approval checklist). The County Engineer’s Office has (3) business days upon receipt for approval after which the County Tax Map Department has (3) business days following their receipt. Lot splits that are five (5) lots or more are considered a major subdivision, therefore the County Tax Map Department shall require ten (10) business days upon receipt for approval. If any issues are found these approval periods may increase.
4. Whenever the descriptive content (but not the legal description) of any new legal instrument of conveyance is determined to be ambiguous (i.e., release of interest in a certain parcel of land), it will require that a statement of intent and/or nature be incorporated as part of the instrument, to clarify the parcel(s) to be conveyed.
5. The County Offices reserve the right to reject any and all legal descriptions that do not conform to the above standards, restrictions, or parts thereof; and also reserves the right to reject legal instruments of conveyance that violate local, state or federal laws, rules and/or regulations.

I. INTRODUCTION (CONT.)

6. An Engineer's stamp on a description does not necessarily mean that the Auditor's Office will transfer a parcel. The Auditor's Office staff must be able to identify the parcel before it is transferred.
7. All questionable transfers will be referred to the Erie County Prosecutor's Office, by the Erie County Auditor's Office for a legal ruling. Interested persons should submit potential transfers in due time to accomplish their transfer.

II. RECORDED LOTS OF RECORD

Subject to meeting the conditions as set forth in items A thru G, the requirements for existing legal descriptions as set forth in Items 1-3 of this section will not apply.

- A. Provide complete name of grantor as it appears on the Erie County grand list.
 - B. Accurate and complete name and address of grantee.
 - C. Describes verbatim the previous description of record less any previously approved and recorded conveyances. (Correction of errors, omissions, or other obvious mistakes are permitted in order to make the description more accurate.) All corrections made to existing legal descriptions must be annotated on the instrument being filed, so that all changes will be fully documented.
 - D. Properly reflects any new corporation/annexation and/or political subdivision location.
 - E. Does not create a new tax parcel or alter the current tax structure of said existing parcel.
 - F. Can be identified by the Erie County Tax Map Department.
 - G. The County office reserves the right to reject legal instruments of conveyance that violate local, state or federal laws, rules and/or regulations.
1. All instruments conveying a recorded lot in a municipality or recorded subdivided area shall designate the lot number(s) and/or tract(s), the official recorded name, the plat book and page reference of official record, and the prior recorded deed reference, if any exists.
 2. Any original lot, or portion of a recorded lot, shall have an accurate description, which will permit dimensional reproduction through use of the 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).
 3. Any area being conveyed in what is commonly known as an unrecorded Plat, shall have an accurate metes and bound description.

III. EXISTING METES AND BOUNDS - OF RECORD

Subject to meeting the conditions as set forth in Items A thru G, the requirements for existing legal descriptions as set forth in Items 1-3 of this section will not apply.

- A. Provide complete name of grantor as it appears on the Erie County grand list.
 - B. Accurate and complete name and address of grantee.
 - C. Describes verbatim the previous description of record less any previously approved and recorded conveyances. (Correction of errors, missions, or other obvious mistakes are permitted in order to make the description more accurate.) All corrections made to existing legal descriptions must be annotated on the instrument being filed, so that all changes will be fully documented.
 - D. Properly reflects any new corporation/annexation and or political subdivision location.
 - E. Does not create a new tax parcel or alter the current tax structure of said existing parcel.
 - F. Can be identified by the Erie County Tax Map Department.
 - G. The County office reserves the right to reject legal instruments of conveyance that violate local, state or federal laws, rules and/or regulations.
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- 1. All existing metes and bounds descriptions of record, as witnessed by the instrument of previous record and transfer, which do not create or alter the current tax structure of any parcel(s), will be checked by the Erie County Tax Map Department to verify and accurately identify to the County Auditor, the parcel(s) to be conveyed. If the existing metes and bounds description does not accurately and clearly describe the proposed conveyance, a resurvey may be required.
 - 2. 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 location of the subject instrument of conveyance.
 - 3. All instruments of conveyance attempting to convey the remainder or balance of existing tax parcel(s) from which exceptions to title exist, shall incorporate the following requirements:
 - a. Each exception to title of the original tract(s) must be described as witnessed by the description verbatim of the previous record of transfer, including the current deed volume and page number, not described by volume and page only.
 - b. Instruments, which contain exceptions to any existing parcel(s), shall have an accurate description from which the Erie County Tax Map Department can obtain the dimensional characteristics necessary to verify the total area to be conveyed.
 - c. All instruments of conveyance using exceptions to title to convey the balance of any parcel(s) must incorporate a statement identifying the total area of land to be transferred.

IV. NEW METES AND BOUNDS - FOR CONVEYANCE

The Erie County Engineer's Office only reviews **new metes and bounds** as to satisfy the minimum closure requirements set forth in section 4733-37-04 of the Ohio Administrative Code. It remains the responsibility of others to determine that the deed as written, accurately describes the specific property being transferred.

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

1. Provide complete name of grantor as it appears on the Erie County grand list.
2. Accurate and complete name and address of grantee.
3. Situated - Denote Original Lot, Tract (if applicable), Outlot, Inlot, Sublot, Name of Subdivision (if applicable), Section Number, Township, City or Village, State.
4. Place of Commencement (starting point) - All descriptions must be referenced to an established place of commencement such as, but not limited to, centerline intersections of roads or streets of record, section lines, or original lot lines. A description of the boundary monument used at the place of commencement shall be indicated.
5. Courses:
 - a. Each course of a new metes and bounds description shall be in a separate numbered paragraph.
 - b. Each course of a new metes and bounds description must contain a bearing expressed in degrees, minutes, and seconds, and a total distance recited in feet and decimal parts thereof.
 - c. Each course must contain the names of current adjoining owners, together with the recorded Deed Volume and Page for each.
 - d. Each course must recite the monumentation, either placed or found, along each course, or at the point of origination and/or termination of each course.
 - e. Each course must indicate all other common lines such as centerlines of roads, rivers, streams, lot lines, section lines, or any other pertinent line of record.
6. Curves - Any course of a new metes and bounds description which is a curve shall contain the description of the curve, (right or left), and the radius (in feet and decimal parts thereof), the central angle of the curve, the arc distance (in feet and decimal parts thereof), and the long chord bearing and distance (in feet and decimal parts - thereof).
7. References - All reference to roads, rivers, streams, railroads, etc., must use current or existing names of record. Old or original names should also be mentioned when possible.

IV. NEW METES AND BOUNDS – FOR CONVEYANCE (CONT.)

8. Acreage - All new metes and bounds descriptions must give the acreage contained within its perimeter and calculated to the fourth decimal place. Total calculated square footage may also be mentioned when smaller parcels are involved.
9. Author:
 - a. All new metes and bounds descriptions prepared by a surveyor must incorporate the following:
 1. Surveyor's Name;
 2. Ohio Registration Number;
 3. The date of writing and/or survey;
 4. A statement indicating whether the subject description was prepared from an actual field survey or from existing records.
 - b. In a straight transfer, if the author of the original or previous description is named, it must be repeated in the current deed of transfer.
10. Prior Deed References - The deed reference(s) from which the grantor of the conveyance acquired title must be recited.
11. Additional Information Requirement - Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more tax parcels, a breakdown of the total area must be recited to create an accurate tax structure.
12. All new metes and bounds descriptions will be subject to computer verification as to the accuracy of the traverse closure of the area as described, as per Section 4733-37-04 of the Ohio Administrative Code.
13. All new metes and bounds descriptions shall contain a statement as to the basis of the reference direction used.
14. All instruments containing new metes and bounds descriptions, which meet all of the aforementioned requirements will be deemed acceptable and the accompanying approval form provided by the Erie County Tax Map Department will be signed denoting approval.
15. All new metes and bounds descriptions shall be accompanied by a signed plat of survey.
16. The County offices reserves the right to reject legal instruments of conveyance that violate local, state or federal laws, rules and/or regulations.
NOTE: See Section VII "Plats or Drawings"

V. LAND CONTRACTS

All land contracts shall be checked for conformance to present regulations, which may be applicable upon final transfer.

While the Erie County Tax Map Department cannot stop the recording of these instruments, we do ask that they be checked to alert the parties involved of any possible problem which would arise at a future date when the property comes in for transfer.

1. Bring the instrument into the Erie County Tax Map Department for checking.
 - a. Have it checked for Minor Subdivision Approval (If applicable).
 - b. Check the instrument for violations of description regulations.
2. Discuss any problems with Erie County Tax Map Department Personnel.
3. Obtain appropriate approval from Erie County Tax Map Department.

VI. EASEMENTS

The Erie County Tax Map Department cannot stop the recording of easements. However, it is in the best interests 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.
 - a. Have the place of commencement (starting point), located in/on a retraceable boundary line of a new or existing parcel of land.
2. Prepare the description by one of the following ways:
 - 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 approximately 500 square feet.”
3. Include a statement of intent for granting of or use of the easement.

VII. PLATS OR DRAWINGS

1. All authors shall prepare a scale plat or drawing of every new metes and bounds description he or she has originated, and make available a copy of the plat to be filed with the Erie County Tax Map Department.
 - a. A scale plat or drawing shall be made available, for filing with the Erie County Tax Map Department of every new metes and bounds description.
2. All plats or drawings shall incorporate the following details:
 - a. All submitted plats or drawings shall conform to the following size limitations:
 1. Minimum - 8 ½" x 11"
 2. 8 ½" x 14"
 3. 11" x 17"
 4. 18" x 24"
 5. Maximum – 24" x 36"
 - b. A title, such that the general location of the subject parcel(s) can be readily identified. (This requirement should include the same information as established by "RECORDED LOTS OF RECORD", Section II.
 - c. A north arrow with a clear statement as to the basis of the reference direction used.
 - d. The place of commencement and monumentation as cited in the legal description.
 - e. All monumentation either found or placed, as cited by the metes and bounds description, together with a legend of the symbols used to identify the subject monumentation, and the materials and size for each.
 - f. Name, deed volume, and page of current owner of parcel(s) being surveyed.
 - g. All the names together with their current deed volume and page number of adjoining owners along each boundary line of the subject parcel(s).
 - h. All boundary information for each course as established by "NEW METES AND BOUNDS - FOR CONVEYANCE", Section IV, items 4, 5 and 6.
 - i. A citation of pertinent documents and sources of data used as a basis for establishing the subject parcel(s).

VII. PLATS OR DRAWINGS (CONT.)

- j. The area of the subject parcel(s), clearly indicating the same information as required in “NEW METES AND BOUNDS - FOR CONVEYANCE”, Section IV, item 8.
 - k. The date, written and graphical scale of the plat or drawing.
 - l. All authors shall show his/her printed and signed name on the plat or drawing. Plat shall show his/her printed and signed name, Ohio Registration Number and Seal.
 - m. The County Recorder may refuse to process and record plats or drawings that DO NOT conform to the minimum or maximum sheet sizes, or if they are illegible (O.R.C.317.112).
3. The County offices reserve the right to reject legal instruments of conveyance that violate local, state or federal laws, rules and/or regulations.

VIII. ACREAGE CHANGES

Whenever it is suspected that a non clerical error exists in the area of any parcel(s) of land as shown on the Auditor’s Current tax rolls, it shall be necessary for the Erie County Tax Map Department to be presented with a recorded, signed, and sealed plat prepared by a registered surveyor prior to certification of the change being made. The County Auditor will accept only such changes, in writing, from the Erie County Tax Map Department or the appropriate court.

IX. CHANGES TO PROPERTY MAPS

Explanation: To consolidate parcels on the property maps and remove their separate lines of demarcation, it is necessary to follow certain procedures.

Each deed description may affect the deed description of adjoining properties, and changes must be available for future reference in a clear and uninterrupted chain.

Therefore, before parcel lines may be removed from the property map, the following procedures must be followed:

- 1. A survey plat and legal description prepared by a registered professional surveyor showing the combined parcels as one parcel shall be submitted to the Erie County Tax Map Department in legal instrument form.
- 2. The survey plat and description shall be checked for compliance with local regulations and, if accepted, the plat shall be filed with the Erie County Tax Map Department and recorded in the plat records volume.
- 3. The legal instrument must be filed with the County Auditor and recorded with the County Recorder.

X. TRANSFER OF PROPERTY OWNED BY A PARTNERSHIP

It is necessary under Ohio law that a document recording the forming of a partnership be first filed with the Office of the County Recorder, before any transfer or property from or to the partnership can be made.

The partnership stamp (from Recorder's Office) showing volume and page of such partnership must be placed on the instrument before it is presented to the Erie County Tax Map Department for transfer.

XI. ANNEXATIONS

Only annexations submitted in the form of plats and descriptions will be accepted by the Erie County Tax Map Department for checking and filing.

1. All descriptions and plats shall conform to:
 - a. SECTION IV. "NEW METES AND BOUNDS - FOR CONVEYANCE" and
 - b. SECTION VII. "PLATS OR DRAWINGS" County Recorder's maximum size for plats is 24" x 36".
2. All descriptions and plats shall be submitted to the Erie County Tax Map Department for preliminary approval.
3. Individual acting as agent for the petitioners shall obtain the petition for annexation together with an affidavit (signed by the agent) from the Township Trustees and/or County Commissioners and involved property owner(s).
4. Plat(s), description(s), and petition(s) should be presented to the proper agencies for review. These agencies could include, but are not necessarily limited to: County Engineer, County Sanitary Engineer, County Board of Health, Township Trustees, Zoning Board, County Planning Commission, County Commissioners, and city or village officials.

XII. ROADS, STREETS, ALLEYS

In the interest of the Erie County Tax Map Department to properly serve the needs of the County Auditor's Office concerning the keeping of an accurate tax base, the Erie County Tax Map Department must be informed of any road, street, or alley dedications or vacations by the responsible government agency.

Only dedications submitted in the form of plats and typewritten descriptions will be accepted by the Erie County Tax Map Department for checking and recording.

1. All descriptions and plats shall conform to SECTION IV. "NEW METES AND BOUNDS - FOR CONVEYANCE" and SECTION VII. "PLATS OR DRAWINGS."
2. All descriptions and plats shall be submitted to the Erie County Tax Map Department for preliminary approval.
- 3A. Obtain petition approval by Township Trustees, and/or County Commissioners, and abutting property owner(s), OR:
- 3B. Obtain city ordinance approving vacation, (this must be certified by Council Clerk).
4. The ordinance or petition shall be published according to law.
5. Obtain final approval of Erie County Tax Map Department.
6. Obtain transfer of parcel(s) from County Auditor's Office.
7. Record appropriate certified documents with Office of the Erie County Recorder.
 - a. Original Petition
 - b. Description and plat
 - c. City Ordinance, or Trustees, and/or County Commissioners Resolution
 - d. Copy of publication notice

REMEMBER: Dedication of a road, street, or alley for public use does not constitute acceptance of same for maintenance by any government body.

ALSO: Roads, streets, and/or alleys must first be constructed to the applicable standards of the responsible government body suggested for continued maintenance, before they are formally accepted for maintenance purposes.

XIII. CONDOMINIUM PLATS

All condominium descriptions and plats shall conform to the following:

1. SECTION IV. "NEW METES AND BOUNDS - FOR CONVEYANCE" and
2. SECTION VII. "PLATS OR DRAWINGS" County Recorder's maximum size for plats is 24" x 36".
3. The County office reserves the right to reject legal instruments of conveyance that violate local, state or federal laws, rules and/or regulations.

XIV.
CHECKLIST
FOR ALL NEW METES AND BOUNDS DESCRIPTIONS
& PLATS OR DRAWINGS, NOT PREVIOUSLY RECORDED

Items checked are not in compliance with applicable Erie County Regulations

DESCRIPTION

	<u>Page</u>	<u>Sect.IV</u>
<u>1.</u> Accurate and complete name address of grantee	4	2
<u>2.</u> Accurate general location (opening statement)	4	3
<u>3.</u> Proper place of commencement (starting point) and monumentation described	4	4
<u>4.</u> Adjoining owners indicated including volume & page	4	5.c.
<u>5.</u> Required information for all description courses	4	5 & 6
<u>6.</u> References indicated as required	5	7
<u>7.</u> Acreage shown to four decimal places	5	8
<u>8.</u> Required information for any author is shown	5	9
<u>9.</u> Prior deed references shown	5	10
<u>10.</u> Additional information requirement fulfilled when applicable	5	11
<u>11.</u> Closure requirements are met	5	12
<u>12.</u> Statement indicating basis of reference direction	5	13
<u>13.</u> Acceptance and approval of Erie County Tax Map Department	5	14
<u>14.</u> Descriptions accompanied by a signed plat of survey	5	15

PLAT

	<u>Page</u>	<u>Sect. VI</u>
<u>1.</u> Easement(s) if any shown	6	1 thru 3
	<u>Page</u>	<u>Art. VII</u>
<u>2.</u> Plat(s) conform to size limitations	7	2.a.
<u>3.</u> Accurate and complete title is given on plat(s)	7	2.b.
<u>4.</u> North arrow and basis for reference shown	7	2.c.
<u>5.</u> Place of commencement & monumentation properly shown	7	2.d.
<u>6.</u> Monumentation shown, together with an accurate and complete legend of symbols	7	2.e.
<u>7.</u> Name, deed volume and page of current owner of parcel(s) being conveyed.	7	2.f.
<u>8.</u> Names, deed volume and page of adjoining owners shown	7	2.g.
<u>9.</u> Required information for describing courses	7	2.h.
<u>10.</u> Citation of pertinent documents shown	7	2.i.
<u>11.</u> Acreage shown to four decimal places	8	2.j.
<u>12.</u> Date, written and graphical scale is shown	8	2.k.
<u>13.</u> Authors printed and signed name shown	8	2.l.
<u>14.</u> Surveyor's Ohio Registration Number & Seal are shown	8	2.l.

XV.

SPLIT/NEW SURVEY QUESTIONNAIRE
(PLEASE FILL OUT BEFORE TRANSFER)

Prepared by: _____ Phone: _____

Company: _____

Comments: _____

1.) Is the original parcel(s) improved? _____ Yes _____ No

2.) Seller's Name: _____

3.) Buyer's Name: _____

4.) Buyer's Address: _____

5.) Parcel Number(s) _____
(Original parcel)

6.) Total Acres _____
(Original parcel)

7.) Split Acres _____

8.) New Parcel Number(s) _____
(Auditor's Office use only)

9.) Are we combining acreage? _____ Yes _____ No

10.) Is improvement(s) going with split? _____ Yes _____ No

If Yes, describe (house or any outbuildings?) _____

***If improvement is going with split then complete Recoupage form.**

11.) Is property on homestead? _____ Yes _____ No ***If yes, complete Form DTE 101**

(Auditor's Office Use Only)

Date: _____ Time: _____

Reviewed By: _____

