



Minimum Requirements

For Instruments of Conveyance

In Harrison County, Ohio



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HARRISON COUNTY ENGINEER

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Foreword

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 revised, adopted and established in conjunction with the Harrison County Engineer and Harrison County Auditor effective **October 1, 2022**. This section also states "The County Auditor shall not transfer any conveyance that does not comply with these standards."

It is the intent of these standards to ensure proper and accurate descriptions of real property, to correct any errors that are evident, and to insure that real property is accurately described for tax purposes.

It is understood that all situations cannot be addressed by these standards and when such situations arise, they will be handled as special cases interpreted by the Harrison County Engineer or Auditor. The status of previously approved descriptions may change due to the passage of these standards or any amendment hereof.

Instruments which are to be submitted to the Harrison County Map Office for approval before conveyance and/or recording are as follows:

- A. Existing real estate descriptions of record excluding easements, mortgages, coal or other minerals.
- B. New surveys and real estate descriptions, including boundary surveys required by amended ORC 315.251.
- C. All street, alley, road and subdivision vacations.
- D. Subdivisions and road establishments.
- E. Annexation descriptions.

Provided, however, nothing herein shall prohibit any individual from requesting an opinion from the Harrison County Engineer as to the sufficiency of a description contained in any instrument not set forth above.

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I. General Requirements

1. Pre-Approvals

A. It is recommended that all descriptions be pre-approved by the Harrison County Map Office no less than four (4) full working days prior to transfer. This will include private drives and subdivision plats. Any submission received after 3:00pm will be considered received at the start of the next working day. Faxed copies must be legible.

B. Please see the Harrison County Pre-Approval process for more information.

Note: Lot splits in villages with planning commissions may need their prior approval.

2. Grantor/Names

A. Grantor is Not Prior Grantee – No transfer will be approved where a grantor is not a prior grantee. A reference to the volume and page of the record of the last preceding recorded instrument or instruments by or through which the grantor claims title, as required by O.R.C. 319.20.

B. Minor Differences in Names – Differences in the name of the grantor and a prior grantee based upon the inclusion or omission of middle names or initials, or different versions of first names (e.g. Charles, Charley), or due to change in name, and similar differences of a minor nature, must be explained in the document itself or an affidavit, as required by O.R.C. 5301.252 (B) (1).

3. New Descriptions

A. All new pre-approved descriptions or residue parcels, for property under five acres, will need Regional Planning Commission and Health Department approval prior to creation. Residue or remainder parcels less than 5 acres will require approval prior to being created.

B. All split parcels must cite the original auditor's parcel identification number. For example, "this parcel is split from parcel identification number xxx-xxxxxxx.xxx."

C. Survey plats for the road record and subdivisions are required to be 22"x34" in size.

D. Boundary survey plats will have a maximum size of 22"x34".

4. Existing Descriptions

A. All existing real estate descriptions of record excluding mortgages, easements, coal or other minerals will be reviewed prior to recording.

B. Existing descriptions will be reviewed for adequacy. It must be possible to accurately locate the survey in relation to surrounding properties. If an existing description presented for transfer containing exceptions is inadequate, a new survey and legal description will be required.

C. Centerline survey descriptions or any description with fewer details than herein set forth shall be deemed inadequate.

C. If an existing description describes less than a section, the generally accepted terms designating a portion less than a section may be used, i.e., "NW 1/4 of SEC 10", etc.

D. Portions of sections, quarter sections or quarter-quarter sections, described as being a given number of acres, or a given distance, off an end or side of such section, quarter section, or quarter-quarter section will be accepted.

E. Chains and Links/Rods/Perches – Antiquated forms of distance and acreage measurement. Deeds using these forms of measurement must be converted to feet and decimal parts thereof, and acreage. The antiquated form of reference must be kept, but the equivalent in feet and acres must be shown for each distance or acreage in parenthesis.

5. Contiguous Parcels

All parcels shall front on a public road. A transfer which results in land locking any parcel will not be permitted with the following exception.

Any parcels that being conveyed to an adjacent owner shall be stamped "CONTIGUOUS PARCEL". The grantees' names and ownership on the transfer instrument shall match the grantees' names and ownership of the adjacent parcel being enlarged. If the parcels were later combined by survey the "CONTIGUOUS PARCEL" stamp could be removed from the tract on future transfers.

6. Measurement

All measurements will be documented in the English System.

7. Margin Size on Deeds

All deeds will allow an adequate amount of space for the affixation of stamps by the Map Office, Auditor's, Recorder's, Regional Planning Commission, Health Department and Village Planning Commission's Offices.

8. Print Size

All deeds shall be in reproducible and legible print. Lettering on survey plats shall be not less than 10 pt. lettering (0.10 inch). Refer to the Harrison County Recorder for document requirements.

II. Requirements for All Recorded Lots of Record

1. All instruments conveying a recorded lot in a municipality or recorded subdivision (includes campground and recreational lots) must:

- a. Designate the current lot number(s),
- b. Include the official recorded plat name
- c. Include the pocket and folder reference
- d. Include the prior recorded deed reference, and the auditor's parcel identification number.

2. Any subdivision or split of a recorded lot must have an accurate metes and bounds description to establish a tax structure for the portion being conveyed. This will enable the County Auditor and Map Office to determine an accurate residual based on existing records.

3. Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have a metes and bounds description.

4. Any and all changes to a Rural Subdivision must be brought before and approved by the Subdivision Committee of the Harrison County Regional Planning Commission.

5. Any split parceling off less than five (5) acres must go through the lot split process at the Harrison County General Health District. No such boundary survey will be reviewed until the Health Department has approved the proposed split. After the Health Department has approved the split, the boundary survey, along with a copy of the Health Department approval, shall be submitted to the Map Office for review.

6. All lot descriptions must contain all the information pertaining to the description that will be used on the legal instrument form when checked by the Map Office for pre-transfer verification or approval. All instruments conveying recorded lots in a municipality or recorded subdivisions will be subject to Map Office Approval.

III. Requirements for Existing Metes and Bounds Descriptions of Record

1. Each description must be referenced by bearing and distance to an established corner, such as a section corner, quarter section corner or recorded lot corner.
2. All descriptions will be checked for traverse closure. The allowable closure error will be no less than **one part in five thousand (1:5,000)**.
3. 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 or other obvious mistakes are permitted in order to make the description more accurate.
4. All conveyances will list the auditor's parcel identification number for all tracts.
5. Any existing metes and bounds description, since the previous conveyance that has been incorporated into a municipality or other political subdivision by means of annexation, must be changed to reflect its new jurisdiction within the situate of the subject instrument of conveyance.
6. All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which out-lots or exceptions to 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 or record. Therefore, merely listing the volume and page reference from the deed or record will not be sufficient.
 - 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 the previous instrument or readily available.
 - C. All instruments of conveyance, using exceptions to title to convey the residue of a tax parcel(s), shall incorporate a statement identifying the tax parcel(s) and the current taxable area.
 - D. A parcel will not be approved for transfer if it is such that the number of exceptions exceed four (4) or the total area of exceptions is more than half of the total parent tract area.
7. Descriptions by Section or aliquot thereof are acceptable (e.g. The Northeast quarter of the Northwest quarter of Section 22, T-12, R-7 containing 40 acres).
8. All descriptions must include the quarter section(s) of which it is a part thereof.

IV. Requirements of New Metes and Bounds Descriptions for Conveyance

All new metes and bounds descriptions, not previously recorded, must comply with the Minimum Standards for Boundary Surveys in the State of Ohio. In addition, such new descriptions shall meet the following requirements:

1. Situate

- A. All descriptions must denote State, County, and either the range, township, section and quarter section or the municipality, plat, subdivision and quarter section.
- B. Must denote recorded title and deed reference as to the tract(s) of origin,

2. Tie Down or Reference Point

Deed descriptions referring to acreage in un-platted areas will be described by metes and bounds, adequately tied by metes and bounds, and referenced to a point identifiable on a map, such as the following:

- A. Section or quarter section corner, or partition lot corner or nearby recorded subdivision corner.
- B. Previously recorded surveys of monumented tie downs that meet current transfer requirements.
- C. When none of the above resources can be located or re-established, recorded highway monumentation or the monumented intersection of two roads listed on the current state inventory of roads may be used.
- D. Adequate tie-in to any of the above points of reference must be given. The bearing and distance from appropriate section line shall be used for reference.
- E. In addition, surveyors are encouraged to reference GPS control points.

3. Courses

- A. It is preferred for clarity that each course of a new metes and bounds description be a separate paragraph and all courses must be stated in a clockwise direction from point of beginning to point of termination for the subject description.
- B. Each course of a new metes and bounds description will contain a bearing expressed in degrees, minutes and seconds, and a distance recited in feet and decimal parts thereof, from point of origination to a point of termination of each course.
- C. The basis of the bearings will be given in a statement similar to the following, "Bearings are based on Ohio State Plane Coordinates North Zone, NAD83 (2011) "or" Bearings are based on the south line of Sec. xx from Harrison County Survey Record xxxx or a deed as recorded in Vol. xx, Pg. xx."

D. Each course must recite all monumentation, either placed or found, along each course or at the point of origination and/or termination of each course. The recitation will include the type, size and material of each monument.

E. Every boundary monument and/or reference monument set by a surveyor shall be in accordance with the State of Ohio Administrative Code Chapter 4733-37 of the Minimum Standards for Boundary Surveys in the State of Ohio.

F. Each course must show all common lines such as the center line of roads, rivers, streams, etc., as it exists at the time of the new description.

4. Curves

Any course which is a curve must show the direction of the curve (right or left), the radius (in feet and decimal parts thereof) and the long chord bearing and distance (in feet and decimal parts thereof) and the central angle of the same. Curve courses shall be in a similar format as listed in above Section 3, and also in accordance with the State of Ohio Administrative Code Chapter 4733. Listing of curve data only will not be accepted.

5. References

All references to roads, rivers, streams, railroads, etc., must use current or existing numbers or names of record. Old or original names may also be mentioned if they would add clarity.

6. Acreage

A. All new metes and bounds descriptions must give the acreage calculated to at least the third decimal place. Total calculated square footage may also be mentioned as a matter of option. Small areas, typically 0.100 acres or less, shall be shown in acres and square feet.

B. Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more parcels, a breakdown of the total area and the area within a given district or parcel must be recited to create an accurate tax structure. When a tract occupies land in more than one section or quarter section, acreage shall be shown for each. Parcels that occupy land in two or more taxing districts will be assigned separate auditor's parcel identification numbers for each district. (e.g. 100 acres being 40 acres of a 45 acre tract, 23 acres of a 29 acre tract, and all of a 37 acre tract).

7. Surveyor or Author

All new metes and bounds descriptions prepared by an Ohio Registered Surveyor must incorporate the following:

- a. Printed surveyors name and address.
- b. Ohio registration number and seal.
- c. The date of writing and/or survey.
- d. A statement indicating whether the subject description was prepared from an actual field survey or from existing records, similar to the following,

The above description is based on a "field survey performed by _____ (not a company name) on month/day/year" or "from existing records."

e. Surveyor's signature

f. All new metes and bounds descriptions must be accompanied by a signed and sealed plat that meets all the above requirements and all of the requirements set forth by the Minimum Standards for Boundary Surveys in the State of Ohio.

8. Prior Deed Reference

A reference to the volume and page of the record of the last preceding recorded instrument or instruments by or through which the grantor claims title, as required by ORC 319.20

9. Pre-Approval

After receiving an instrument of conveyance, or pre-approval, the Map Office shall perform a review of the legal description and shall do one or more of the following:

- a. Approve or Reject the description as written by stamping "Description Approved or Description Rejected", including the date and the initials of the person approving or rejecting.
- b. All descriptions will be checked for traverse closure. The allowable closure error will be no less than one part in five thousand (1:5,000).
- c. Recommend that a minor correction be made to obvious errors including, but not limited to, typographical errors, errors of omission, transposed letters or number or rotation of bearings.
- d. See the Harrison County Pre-Approval process for more information.

10. Approval

All instruments, which meet all of the aforementioned requirements, will be stamped by Map Office personnel. Proper notations will be made on the instrument of conveyance verifying a correct tax structure to the Harrison County Auditor.

11. Ambiguous Content

Whenever the descriptive content of any legal instrument of conveyance is determined to be ambiguous, 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.

12. Accessibility

No parcels, which will be land-locked, will be acceptable for transfer. All parcels shall be accessible to a public road, either by contiguity or by means of easement set forth by metes and bounds description in a minimum width of fifty (50) feet.

13. Railroads

The assessed value and/or transfer of railroad property is certified to the Auditor on the assessment certificate for the effected taxing district in the year in which the property is subject to or no longer subject to public utility property taxation. Real property formerly assessed as real property used in railroad operations that is no longer used in railroad operations should be valued by the county auditor and assessed to a new owner, as applicable.

Railroad Rights-of-way shall be conveyed only by a metes and bounds description, satisfying all of the above requirements.

14. Alley vacations

In the vacating of Public Land (alley, street, etc.) the new owner(s) and their proportioned acreage must be defined by a metes and bounds description and recorded in the Harrison County Recorder's Office.

15. Splits

No new description presented for transfer shall contain any exceptions, excluding: coal or other mineral exceptions.

V. Requirements for Plats of Survey

1. All new metes and bounds descriptions shall be accompanied by a plat of survey. The plat of survey shall meet the requirements of Section 4377-37-05, Plat of Survey, of the Minimum Standards for Boundary Surveys in the State of Ohio. OAC Chapter 4733.

2. All Plat drawings must incorporate the following details:

A. Acreage contained within the perimeter of the newly described tract(s), shall be calculated and shown to the third decimal place. Total calculated square footage might also be noted as a matter of opinion.

B. 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 in each shall be noted on the plat.

C. The areas to be shown include the new parcel area, area of record included in the parent tract(s), and the area of record of remaining parent tract(s), if applicable. If the tract lies in different sections, or in and out of a corporation, the area shall be stated for each.

D. Any course which is a curve must show the direction of the curve (right or left), the radius (in feet and decimal parts thereof) and the long chord bearing and distance (in feet and decimal parts thereof) and the central angle of the same.

E. All existing title and source of the title of adjoining owners along each boundary line of the subject survey along with the acreage or lot number(s) of adjacent tracts.

F. Plat shall clearly show Range, Township, Section, and Quarter Section(s).

G. A citation of pertinent documents of record and sources of data used as a basis for carrying out the work. This will include but not limited to deed volumes, county survey records, railroad maps, field book number and page, and recorded highway centerline plats.

H. The scale of the subject drawing.

I. The surveyor's printed and signed name, Ohio Registration Number, (bearings, (degrees, minutes, seconds) and distances to hundredths of a foot; monuments-type and size, acreage in thousandths, north arrow, adjoining landowners name, acreage and deed reference, remaining acreage, range, township, section numbers, current owner, bar scale, written scale, date, quarter section, acreage breakdown, as required).

J. Basis of bearing.

K. Pertinent Documents

L. Adjoining and nearby road names and/or numbers.

M. All plats will be a maximum of 22" x 34" print. A digital copy may be acceptable on pre-approval by both the Engineer and Auditor or a case by case basis.

VI. EXCEPTION TO NEW DESCRIPTION REQUIREMENTS

Any description not meeting the closure requirements of 1:5000 will be required to be resurveyed before transferring except for:

1. Certificate of Transfer
 2. Sheriff Deed
 3. Life Estate
 4. Family Transfer – Limited to grandparent, parent, spouse, children, and siblings.
 5. All court-ordered conveyances including, but not limited to, documents for transfer upon foreclosure, execution, partition or by a trustee in bankruptcy.
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- Trusts, transfers of property into trusts, partnerships, corporations, limited liability companies, etc. are not exempt from these Standards.
 - Existing instruments marked “New description necessary for future tax map transfer” shall be surveyed. This also applies to any transfers to family members.

VII. DEED DETAILS and Document Standards

1. Deed Details

- a. All deeds shall have a blank area of approximately three (3) inches at the top of the first page for placement of transfer stamps.
- b. All deeds shall have quarter section delineation set forth in the parcel(s) description, Section, Township, Range.
- c. All deeds shall have a reference to Auditor's parcel number(s) in correct format: 00-0000000.000
- d. All deeds when presented for Transfer, shall have all necessary forms, completed, as required by the Harrison County Auditor and/or Map Office.
- e. All deeds must specify the party preparing the instruments (section 319.20)
- f. All deeds must show reference to prior recorded instrument. (section 319.20)
- g. The instrument must bear the complete address of the Grantee, or of anyone of them named in the instrument. (section 5713.13)

2. Document Standards

The Map Office or Auditor will approve no transfer unless the documents presented meet all of the following requirements:

- a. Original Required – The document of transfer must have the original signature of the grantor or affiant.
- b. No color copies will be accepted
- c. Poor Original Not Accepted – No document of transfer will be accepted which has attached to it a previously recorded document/legal description that is identified as "Poor Original".
- d. Illegible Writing – No document of transfer will be accepted in which the document or attachment to it is illegible as determined by the County Auditor or Engineer.

3. Supplemental Document Requirements for Transfers and Non-Transfers.

- a. Transfers That Require Additional Documentation.
 1. Transfer by Affidavit of Next of Kin: A transfer under the law of descent and distribution shall be made pursuant to affidavit under O.R.C. 317.22. A certified copy of the death certificate (as specified by law) or other official acknowledgement of death must be attached to the affidavit.
 2. Transfer of Survivorship Interest: A transfer of a survivorship interest shall be made pursuant to O.R.C. 5302.17, only upon certificate of transfer or upon affidavit and certified copy of a death certificate of the deceased joint tenant.
 3. Deeds in Lieu of Foreclosure: Exemptions under Letter B on the DTE Form 100EX in addition to the mandatory affidavit of facts must include a notice of acceptance in the form of an affidavit from the bank or primary lender to accompany the form.
- b. Non-Transfers That Require Additional Documentation.
 1. Affidavits of Facts under O.R.C. 5301.252

- a. Affidavits filed under 5301.252 do not transfer any title. These affidavits help explain facts or circumstances that *may affect title* when the real property is transferred in the future.
- b. A change of the name of the owner or any one of the owners, that does not change actual ownership may be made by affidavit pursuant to O.R.C. 5301.252(B)(1);
- c. The correction of a legal description may be made by affidavit pursuant to O.R.C. 5301.252(B) (4) and (B) (5).

In addition to the requirements as set forth above, all new metes and bounds descriptions, and all requirements for plats of survey must incorporate the principals and minimum standards of good surveying, engineering and draftsmanship as defined by Section 4733-37 through 4733-37-07 of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio.

These requirements are based on the "Minimum Standard for Boundary Surveys in the State of Ohio."


Alison M. Anderson
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