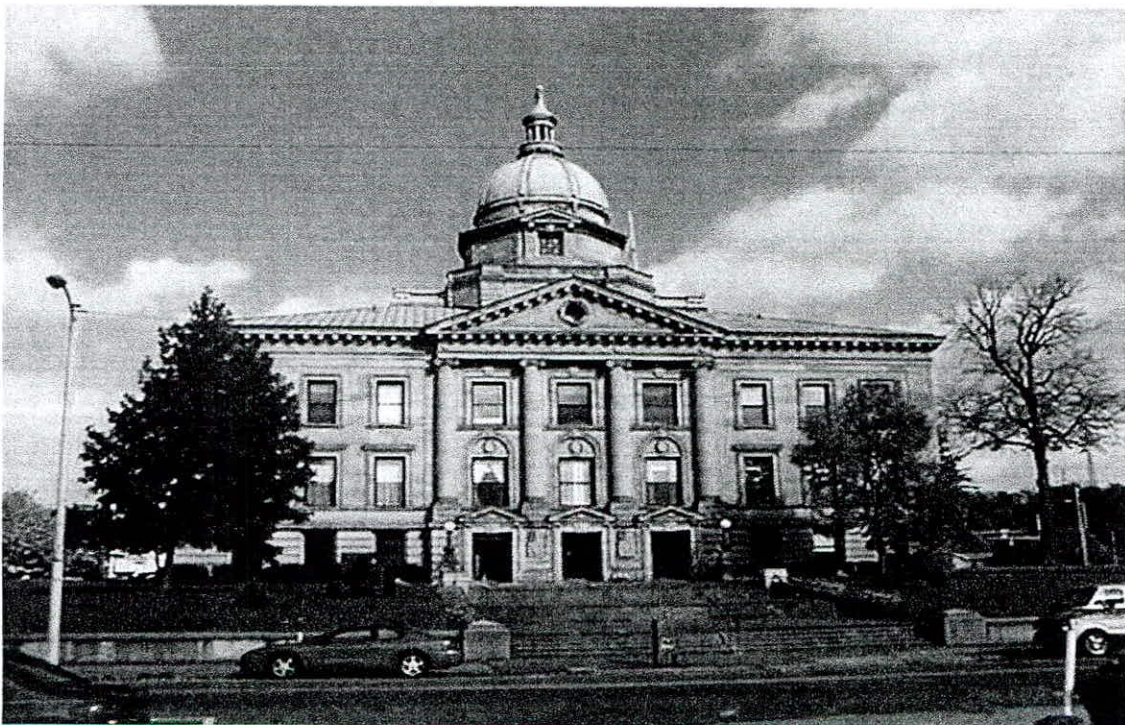


# LAWRENCE COUNTY OHIO



## STANDARDS GOVERNING CONVEYANCES OF REAL PROPERTY IN LAWRENCE COUNTY

EFFECTIVE DATE  
MAY 5TH, 1997

# TABLE OF<sup>2</sup>CONTENTS

1. COVER PAGE
2. TABLE OF CONTENTS
3. MEMO TO SURVEYORS/ENGINEERS
4. COVER LETTER (ADOPTION)
5. STANDARDS OF CONVEYANCE  
ARTICLE I ; SECTION A: GENERAL REQUIREMENTS FOR ALL DE-  
SCRIPTIONS
6. STANDARDS OF CONVEYANCE  
ARTICLE I SECTION B: REQUIREMENTS APPLICABLE TO  
DESCRIPTIONS PREVIOUSLY OF RECORD.
7. STANDARDS OF CONVEYANCE  
ARTICLE 1; SECTION C: REQUIREMENTS FOR DESCRIPTIONS  
NOT PREVIOUSLY OF RECORD (SPLITS)
8. ARTICLE II: TRANSFER PROCEDURES
9. OHIO REVISED CODE: SECTION 319.203
10. OHIO REVISED CODE: SECTION 315.251
11. MINIMUM STANDARDS BOUNDARY SURVEYS
12. MINIMUM STANDARDS BOUNDARY SURVEYS SAMPLE PLAT
13. MINIMUM STANDARDS MORTGAGE SURVEYS
14. MINIMUM STANDARDS MORTGAGE SURVEYS SAMPLE PLAT
15. DEED DESCRIPTION COVER/CHECK SHEET



## LAWRENCE COUNTY ENGINEER

DAVID R. LYND, P.E., P.S.

Courthouse • Veterans Square • Ironton, Ohio 45638  
533-4317 867-5556 532-3436



### MEMO

TO: SURVEYORS/ENGINEER'S

FROM: GARY L. MURNAHAN

DATE: APRIL, 9, 1997

RE: STANDARDS GOVERNING CONVEYANCE OF REAL ESTATE

On April 9, 1997 The Lawrence County Engineer, David R. Lynd, P.E., P.S. and Lawrence County Auditor, Ray T. Dutey, formally adopted standards governing conveyance of real estate in Lawrence County pursuant to Section 319.203 of the Ohio Revised Code.

Amended SubSenate Bill No. 158 was enacted to be effective in May 1996 to amend Sections 319.203 and 315.251 of the Revised Code. Due to the amendment, revisions were made to the current transfer policies. In compliance with 319.203 of the Revised Code two public hearings were held to discuss the revised standards. These standards will become Effective May 5, 1997 and will be county policy.

Enclosed is a copy of the standards. Please make note of the requirement to place a copy of the plat and description on file in the Engineer's Survey Records for all new surveys.

Should you have any questions concerning this matter, please contact me during regular business hours at 614-533-4317.

LAWRENCE COUNTY STANDARDS  
GOVERNING CONVEYANCE OF REAL ESTATE

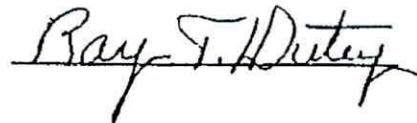
On May 31 and June 14, 1996 a public hearing was held to discuss and consider comment concerning the new Amended Senate Bill No. 158 to sections 315.251 and 319.203 of the Ohio Revised Code dealing with the Proposed Standards of Real Estate Conveyance to be adopted for Lawrence County as required by Section 319.203 of the ORC.

After considering comments in open discussion during said hearings; We the undersigned, in compliance with Section 319.203ORC, do hereby formally adopt the enclosed Standards Governing the Conveyance of Real Estate in Lawrence County. Said standards to be County Policy and will become Effective "Monday May 5th, 1997".

Signed this 9<sup>th</sup> day of April, Nineteen Hundred Ninety Seven (1997).

Lawrence County Engineer  
David R. Lynd, P.E., P.S.

Lawrence County Auditor  
Ray T. Dutey



STANDARDS GOVERNING CONVEYANCES OF REAL PROPERTY IN LAWRENCE COUNTY, OHIO.

ADOPTED APRIL 9, 1997, BY THE LAWRENCE COUNTY AUDITOR AND THE LAWRENCE COUNTY ENGINEER.

THESE STANDARDS ARE ADOPTED IN ACCORDANCE WITH AMMENDED SUBSTITUTE SENATE BILL 158 AND ARE IN ADDITION TO OTHER REQUIREMENTS ALREADY IN EFFECT FOR ALL DEEDS. THESE STANDARDS FIRST ADOPTED BY LAWRENCE COUNTY IN MARCH, 1987. THESE STANDARDS MAY BE AMMENDED FROM TIME TO TIME AS NECESSARY IN ACCORDANCE WITH ORC 319.203.

ARTICLE I—REQUIREMENTS FOR DESCRIPTIONS.

SECTION A. GENERAL REQUIREMENTS FOR ALL DESCRIPTIONS.

1. ALL DESCRIPTIONS SHALL REFERENCE THE U.S. PUBLIC LANDS RANGE, TOWN, AND SECTION OF THE DESCRIPTION AND THE POLITICAL TOWNSHIP OR MUNICIPAL CORPORATION. RECORDED SUBDIVISION NAME AND LOT NUMBER(S) SHALL BE GIVEN WHENEVER APPLICABLE.
2. THE AUDITOR'S PERMANENT TAX PARCEL NUMBERS OF EACH TRACT (OR THE PARENT TRACT) AND THE ACREAGE CORRESPONDING TO EACH TAX PARCEL SHALL BE GIVEN INCLUDING THE TOTAL ACREAGE TO BE TRANSFERRED.
3. A LEGAL DESCRIPTION OF THE TRACT(S) TO BE TRANSFERRED SHALL BE INCLUDED. A DESCRIPTION BY "ADJOINERS" ONLY, OR BY PARCEL NUMBERS ONLY, OR BY REFERENCING A LAST SOURCE OF TITLE ONLY DOES NOT CONTAIN ADEQUATE TECHNICAL WORDING IN ITSELF TO PERMIT A DEFINITE PROPERTY LOCATION AND IS NOT ACCEPTABLE. EVEN FOR DESCRIPTIONS ALREADY OF RECORD.
4. AUTHOR OF THE DESCRIPTION INCLUDING THE OHIO REGISTRATION NUMBER IF A REGISTERED SURVEYOR MUST BE GIVEN. A DESCRIPTION CAN ONLY BE PREPARED EITHER BY THE PROPERTY OWNER HIM/HERSELF OR ELSE BY A REGISTERED OHIO SURVEYOR.
5. DESCRIPTIONS IN LAND CONTRACTS MUST BE PRESENTED FOR APPROVAL TO AVOID POTENTIAL PROBLEMS WHEN THE CONTRACT IS SATISFIED AND A DEED IS MADE.
6. CERTIFICATES OF TRANSFER MUST BE SUBMITTED FOR APPROVAL OF THE DESCRIPTION.

SECTION B. REQUIREMENTS APPLICABLE TO DESCRIPTIONS PREVIOUSLY OF RECORD.

1. DESCRIPTIONS PREVIOUSLY OF RECORD WILL BE APPROVED PROVIDED THAT THE TAX PARCEL NUMBERS AND ACREAGES TRANSFERED ARE ALL IN AGREEMENT. IF THE ACREAGE CANNOT BE VERIFIED, A NEW SURVEY MAY BE REQUIRED BEFORE TRANSFER.
2. ERRORS IN AN EXISTING DESCRIPTION ARE SUBJECT TO CORRECTION WHERE REVEALED BY REFERENCE TO PRIOR SOURCES OF TITLE OR WHERE THE CORRECTION MAY OTHERWISE BE CLEARLY AND LOGICALLY DETERMINED.
3. A "REMAINDER" OUT OF A TRACT WILL BE CONSIDERED AS A DESCRIPTION PREVIOUSLY OF RECORD AND MAY BE TRANSFERED BY LISTING THE EXCEPTIONS PROVIDED THE FOLLOWING CONDITIONS ARE MET:
  - A. THE ENTIRE REMAINDER MUST BE TRANSFERED. IF ONLY PART OF THE REMAINDER IS TO BE TRANSFERRED, A SURVEY WILL BE REQUIRED.
  - B. THE ACREAGE OF THE REMAINDER TO BE TRANSFERED MUST BE ABLE TO BE RESOLVED BY SUBTRACTING THE ACREAGES OF ALL THE EXCEPTIONS FROM THE PARENT TRACT ACREAGE. IF THE ACREAGE CANNOT BE RESOLVED, A SURVEY WILL BE REQUIRED.

THE EXCEPTIONS THEMSELVES MAY BE LISTED BY REFERENCING THE SOURCE OF TITLE OF EACH EXCEPTION, THE ACREAGE EXCEPTED, AND THE CORRESPONDING AUDITORS TAX PARCEL NUMBER.

SECTION C. REQUIREMENTS FOR DESCRIPTIONS NEVER PREVIOUSLY OF RECORD.

1. DESCRIPTIONS NOT PREVIOUSLY OF RECORD MUST COMPLY WITH THE REQUIREMENTS OF THE MOST CURRENT REVISION OF THE "MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO" OR THE "MINIMUM STANDARDS FOR MORTGAGE LOCATION SURVEYS IN THE STATE OF OHIO" AS APPLICABLE, OHIO ADMINISTRATIVE CODE 4733-37 AND 4733-38. (COPIES ARE AVAILABLE FROM THE ENGINEERS OFFICE AND THE OHIO BOARD OF REGISTRATION FOR ENGINEERS AND SURVEYORS IN COLUMBUS, OHIO).
2. THESE STANDARDS REQUIRE AMONG OTHER THINGS THAT THE SURVEY BE REFERENCED TO THE U.S. PUBLIC LANDS SECTION LINES OR CORNERS OR TO A CLEARLY IDENTIFIABLE ROAD INTERSECTION OR CONTROL STATION AND THAT THE DESCRIPTION MATHEMATICALLY CLOSE WITHIN REQUIRED LIMITS. DESCRIPTIONS THAT DO NOT COMPLY WILL NOT BE APPROVED UNTIL CORRECTED.
3. IN ACCORDANCE WITH AMENDED SUBSTITUTE S.D. 158, A COPY OF THE DESCRIPTION AND A PLAT OF THE SURVEY WILL BE REQUIRED TO BE FILED WITH THE ENGINEER AND WILL SUBSEQUENTLY BE INCLUDED IN THE ENGINEER'S SURVEY RECORDS. A SEPARATE COPY OF THE PLAT AND DESCRIPTION MUST BE PROVIDED TO THE ENGINEER BEFORE A TRANSFER CAN BE MADE.
4. A PARCEL "SPLIT" OUT OF A PARENT TRACT REQUIRES A NEW DESCRIPTION IN ACCORDANCE WITH THIS SECTION C UNLESS IT QUALIFIES AS A REMAINDER AS PREVIOUSLY DESCRIBED IN SECTION B. RESURVEYS OF EXISTING TRACTS ARE ALSO NEW DESCRIPTIONS AND MUST MEET THESE REQUIREMENTS OF SECTION C IF THE RESURVEY IS USED FOR THE TRANSFER OF THE DESCRIPTION. SUBDIVISIONS OF LAND INTO INDIVIDUAL LOTS MUST BE CHECKED UNDER THIS SECTION BEFORE INITIAL RECORDING OF THE SUBDIVISION PLAT.
5. FOR PARCELS THAT ARE NEW SPLITS, THE DEED MUST BE ACCOMPANIED BY AN "AGREED VALUATION DIVISION FORM" FOR USE BY THE AUDITOR'S OFFICE.
6. FOR SPLITS OF SUBDIVISION LOTS, A COPY OF THE PLAT REQUIRED FOR FILING IN THE ENGINEER'S SURVEY RECORDS MUST ALSO BE SUBMITTED TO THE AUDITOR'S OFFICE.
7. IF A RESURVEY REVEALS A CHANGE IN THE ACREAGE, A "SURVEYOR'S CERTIFICATE" MUST BE SUBMITTED TO THE AUDITOR TO CORRECT THE ACREAGE ON THE AUDITOR'S TAX RECORDS, ALONG WITH A COPY OF THE PLAT OF THE RESURVEY FILED WITH THE ENGINEER. ONCE THE ACREAGE HAS BEEN CORRECTED, THE NEW DESCRIPTION MUST BE USED FOR THE NEXT TRANSFER SHOWING THE CORRECT ACREAGE.
8. IN ACCORDANCE WITH THE "MINIMUM STANDARDS" OHIO ADMINISTRATIVE CODE 4733-36-06©, DESCRIPTIONS OTHER THAN "METES AND BOUNDS" ARE ACCEPTABLE AS LONG AS THEY INCLUDE "SUFFICIENT AND ADEQUATE LEGAL AND TECHNICAL WORDING SO THAT THE PROPERTY CAN BE DEFINITELY LOCATED AND DEFINED." NUMBERED LOTS IN RECORDED SUBDIVISIONS AND RECOGNIZED LAND SUBDIVISIONS OF THE U.S. PUBLIC LANDS ARE EXAMPLES OF ALTERNATE DESCRIPTIONS. AS MENTIONED IN SECTION A OF THE STANDARDS, DESCRIPTIONS BY ADJOINERS ONLY, OR TAX PARCEL NUMBERS ONLY ARE NOT ACCEPTABLE.

## ARTICLE II— TRANSFER PROCEDURES

## SECTION A:

1. THE ENGINEER'S OFFICE WILL CHECK DESCRIPTIONS IN THE ORDER THEY ARE RECEIVED IN THE ENGINEER'S OFFICE. PENDING TRANSFERS HAND DELIVERED EITHER IN PERSON, (I.E. WAITING CUSTOMER) OR BY MAIL WILL TAKE PRECEDENCE OVER PREAPPROVALS OR FAX TRANSMISSIONS. THE ENGINEER WILL ENDEAVOR TO PERFORM ALL CHECKS IN A TIMELY MANNER.
2. DESCRIPTIONS MAY BE SUBMITTED FOR PREAPPROVAL. PREAPPROVALS ARE ENCOURAGED TO RESOLVE QUESTIONS BEFORE THE TRANSFER IS TO TAKE PLACE. THE PREAPPROVED DESCRIPTION AND CHECK SHEETS MUST BE RESUBMITTED AT THE TIME OF TRANSFER WITH THE ACTUAL DEED.
3. NO TRANSFERS ARE MADE AFTER 3:00 p.m., BUT THE ENGINEER'S OFFICE WILL CONTINUE TO CHECK DESCRIPTIONS AFTER 3:00 p.m. AS TIME ALLOWS.
4. THE ENGINEER'S OFFICE CAN TAKE APPROVED DESCRIPTIONS AND ANY ACCOMPANYING DOCUMENTS TO THE AUDITOR'S OFFICE OR HOLD THEM FOR PICK UP IF PREFERRED. ALL ATTACHMENTS INCLUDING ANY FEES MUST BE SECURELY ATTACHED TO THE DEED ITSELF IF LEFT WITH THE DEED. THE ENGINEER'S RESPONSIBILITY IS TO CHECK THE DESCRIPTIONS AND THE OFFICE CANNOT ASSUME RESPONSIBILITY FOR TRANSFER OR RECORDING FEES OR OTHER DOCUMENTS IF LEFT WITH THE DEED. IF THIS A CONCERN, ACCOMPANYING DOCUMENTS SHOULD NOT BE LEFT WITH THE DEED.
5. THE PLAT REQUIRED MUST BE AT A SCALE SUITABLE TO FIT ON EITHER 8 1/2" x 11"; 8 1/2" x 14" OR 11" x 17" SIZE SHEETS FOR FILING IN THE SURVEY RECORDS IN THE ENGINEERS OFFICE. A SINGLE PLAT MAY BE USED WITH SEVERAL DESCRIPTIONS AS LONG AS ALL REQUIRED INFORMATION FOR EACH DESCRIPTION IS SHOWN AND ALL DESCRIPTIONS ARE RECORDED AT THE SAME TIME. FOR INSTANCE, SEVERAL ROAD EASEMENTS COULD BE SHOWN ON A SINGLE PLAT OF THE ROAD CENTERLINE.
6. FOR DEEDS LEFT WITH THE ENGINEER, A COVER SHEET MUST BE COMPLETED LISTING A NAME AND PHONE NUMBER TO BE CONTACTED IN THE EVENT OF QUESTIONS OR PROBLEMS AND THE NAME AND MAILING ADDRESS WHERE THE RECORDER IS TO RETURN THE DEED AFTER RECORDING IS COMPLETE. THE ENGINEER'S OFFICE WILL MAKE REASONABLE EFFORTS TO PROMPTLY CONTACT THE NAME LISTED FOR ANY DEED NOT COMPLYING WITH THESE STANDARDS AND WILL THEN HOLD THE DEED IN THE ENGINEER'S OFFICE UNTIL NEEDED CORRECTIONS ARE MADE OR OTHER INSTRUCTIONS ARE RECEIVED. THE PARTIES TO THE DEED ARE RESPONSIBLE THEMSELVES FOR COMPLIANCE WITH THESE STANDARDS AND FOR COMPLETING THE TRANSFER AND RECORDING PROCEDURES.
7. NO ADDITIONAL FEES WILL BE REQUIRED AT THIS TIME.



OHIO REVISED CODE  
319.203

LAND CONVEYANCE STANDARDS

SUBJECT TO DIVISION(B) OF SECTION 315.251 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 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 10 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 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 SHALL NOT TRANSFER ANY CONVEYANCE THAT DOES NOT COMPLY WITH THOSE STANDARDS.

HISTORY: 146 V 158 (EFF 5-8-96); 146 V S 287 (EFF 3-13-97); 146 V S262. EFF 3-18-97.

CROSS -REFERENCES TO RELATED SECTIONS  
TRANSFER OF TITLE TO NAME OF GRANTEE, RC 319.20

OHIO REVISED CODE  
315.251

WHEN BOUNDARY SURVEY PLAT  
AND DESCRIPTION ARE REQUIRED

(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 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 OF THE REVISED CODE.

(B) BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT, IN THE COUNTIES WHERE THE COUNTY ENGINEER ELECTS TO ENGAGE IN THE PRACTICE OF ENGINEERING OR SURVEYING UNDER DIVISION (B) OF SECTION 325.14 OF THE REVISED CODE THE COUNTY AUDITOR OF THAT COUNTY SHALL DESIGNATE ANOTHER ENGINEER WHO IS REGISTERED UNDER CHAPTER 4733. OF THE REVISED CODE AND WHO IS EMPLOYED IN THE SAME COUNTY ENGINEER'S OFFICE TO PERFORM THE DUTY OF OR TO EXERCISE OR PERFORM ANY AUTHORITY OR DUTY OF THE COUNTY ENGINEER UNDER 319.203 OF THE REVISED CODE IF THE COUNTY REASONABLY BELIEVES THAT THE PERFORMANCE OF THAT DUTY OR EXERCISE OF THAT AUTHORITY BY THE COUNTY ENGINEER WOULD CONSTITUTE A VIOLATION OF CHAPTER 102. OF THE REVISED CODE OR ANY OTHER SIMILAR CIVIL OR CRIMINAL STATUTE. PURSUANT TO THIS AUTHORIZATION, THE DESIGNEE ENGINEER SHALL ACT IN THE PLACE OF THE COUNTY ENGINEER. NEITHER THE COUNTY ENGINEER NOR THE DESIGNEE ENGINEER SHALL DISCUSS ANY MATTER REASONABLY RELATED TO THIS AUTHORIZATION. ANY ACT IN COMPLIANCE WITH THIS SECTION IS NOT A VIOLATION OF CHAPTER 102. OF THE REVISED CODE OR ANY OTHER SIMILAR STATUTE.

DIVISION (B) OF THIS SECTION APPLIES ONLY TO A COUNTY ENGINEER HOLDING OFFICE ON THE EFFECTIVE DATE OF THIS AMENDMENT DURING SUCH TIME AS THE PERSON CONTINUES TO SERVE THAT TERM OR AN IMMEDIATELY

CONSECUTIVE TERM OF OFFICE AS A COUNTY ENGINEER.

**HISTORY: 146 V S 158 (EFF 5-8-96); 146 V S 287 (EFF 3-13-97); 146 V 262. EFF 3-18-97**

THE DIVISION (A) IN SB 287(146 V---) IS DELETED BY SB 262 (146V--). THE DIVISION (A) PRESENTED HERE IS TH MATERIAL ENACTED BY SB 262 (146 V ---).

**CROSS-REFERENCED TO RELATED SECTIONS**

TRANSFER OF TITLE TO NAME OF GRANTEE, RC 319.20.

Ohio Administrative Code  
Chapter 4733-37

MINIMUM STANDARDS  
FOR BOUNDARY SURVEYS  
IN THE STATE OF OHIO

- 4733-37-01 Preamble
- 4733-37-02 Research and investigation
- 4733-37-03 Monumentation
- 4733-37-04 Measurement specifications
- 4733-37-05 Plat of survey
- 4733-37-06 Descriptions
- 4733-37-07 Subdivision plats
- 4733-37-01 PREAMBLE

These standards 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 standards, 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 standards shall apply to the survey of only the desired portion.

HISTORY: Effective 5/1/80  
Authority: R.C. Chapter 4733

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: Effective 5/1/80  
Authority: R.C. Chapter 4733

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 or a reference monument can be conveniently or practically set in accordance with Paragraph (C) of this rule, then alternative monumentation, which is essentially as durable and identifiable (e.g., chiseled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

HISTORY: Effective 5/1/80  
Authority: R.C. Chapter 4733

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: Effective 5/1/80  
Authority: R.C. Chapter 4733

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: Effective 5/1/80  
Authority: R.C. Chapter 4733

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: Effective 5/1/80  
Authority: R.C. Chapter 4733

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: Effective 5/1/80  
Authority: R.C. Chapter 4733

# SAMPLE PLAT OF SURVEY

SAMPLE PROVIDED BY PLSO

COUNTY, OHIO  
TOWNSHIP, CITY  
SUBDIVISION & LOT N<sup>o</sup>.  
SECTION, TOWN, RANGE OR MILITARY SURVEY N<sup>o</sup>.

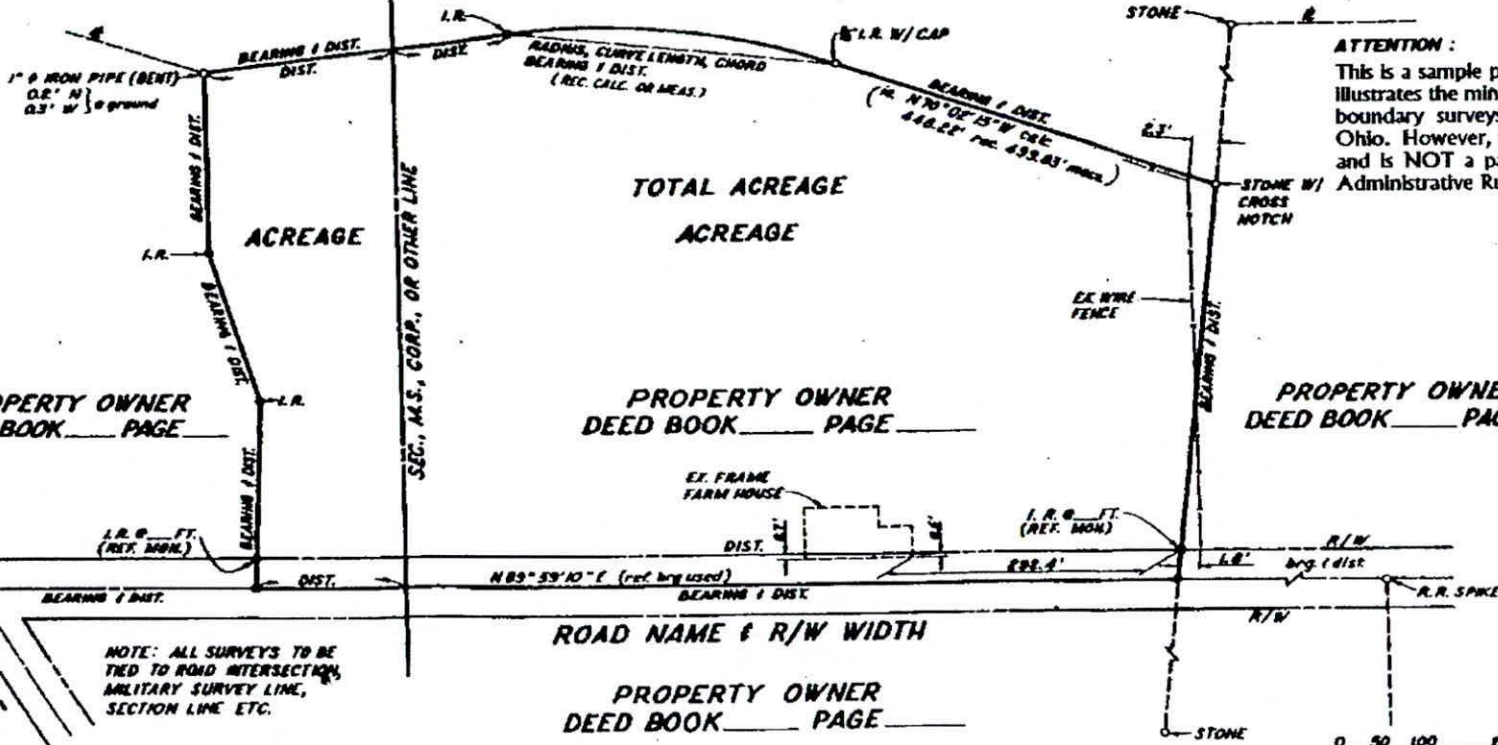
DEED REFERENCE  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

PERTINENT DOCUMENTS AND  
SOURCES OF DATA USED:

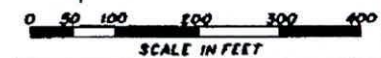
CLEAR STATEMENT AS TO  
THE BASIS OF THE  
REFERENCE DIRECTION  
USED.



PROPERTY OWNER  
DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_



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: _____



Signature  
NAME OF SURVEYOR  
OHIO REG. N<sup>o</sup>.

- LEGEND**
- MONUMENT FOUND
  - MONUMENT SET

NOTE: ALL SURVEYS TO BE TIED TO ROAD INTERSECTIONS, MILITARY SURVEY LINE, SECTION LINE ETC.

**Chapter 4733-38**  
**MINIMUM STANDARDS**  
**FOR MORTGAGE LOCATION SURVEYS**  
**IN THE STATE OF OHIO**

See Chapter 4733 of the Administrative Code and Code Commission Chapter 119 of the Revised Code

4733-38-01 Preamble  
4733-38-02 Research and Investigation  
4733-38-03 Monumentation  
4733-38-04 Measurement Specifications  
4733-38-05 Mortgage Location Survey Plat

**4733-38-01 PREAMBLE.**

THESE STANDARDS ARE INTENDED TO BE THE MINIMUM REQUIREMENTS FOR MORTGAGE LOCATION SURVEYS IN THE STATE OF OHIO

A "MORTGAGE LOCATION SURVEY" SHALL BE DEFINED AS AN INSTRUMENTALITY, COMMON TO THE MORTGAGE LENDING INDUSTRY, WHEREBY, SUBSTANTIAL PROOF IS SUBMITTED TO THE MORTGAGE LENDER AND/OR TITLE INSUROR THAT THE BUILDING(S) AND/OR OTHER IMPROVEMENTS ARE ACTUALLY LOCATED ON THE LAND COVERED BY THE LEGAL DESCRIPTION IN THE MORTGAGE AND THAT SAID MORTGAGE LOCATION SURVEY IS A PROFESSIONAL SERVICE PROVIDED BY PROFESSIONAL SURVEYORS SOLELY FOR THE INTENT OF AND USE BY THE MORTGAGEE AND OR TITLE INSUROR. THE MORTGAGE LOCATION SURVEY DOES NOT CONSTITUTE AN IMPROVEMENT TO THE PROPERTY, AND IS ONLY A PROFESSIONAL OPINION WHICH THESE PARTIES MAY USE AS A GUIDE TO ARRIVE AT ANY DECISIONS THEY MAY WISH TO MAKE CONCERNING SAID REAL PROPERTY.

HISTORY: EFF. 2/15/90  
Authority: R. C. Chapter 4733

**4733-38-02 RESEARCH AND INVESTIGATION.**

(A) THE PROFESSIONAL SURVEYOR SHALL USE THE DESCRIPTION FURNISHED BY THE CLIENT TO PERFORM THE MORTGAGE LOCATION SURVEY. IF THE PROFESSIONAL SURVEYOR DETERMINES THE DESCRIPTION TO CONTAIN APPARENT INCOMPLETENESS OR INSUFFICIENCIES, THE PROFESSIONAL SURVEYOR SHALL SO ADVISE THE CLIENT.

(B) AFTER ALL NECESSARY WRITTEN DOCUMENTS, AS FURNISHED BY THE CLIENT, HAVE BEEN ANALYZED, THE SURVEY SHALL BE BASED ON A FIELD INVESTIGATION OF THE PROPERTY. THE PROFESSIONAL SURVEYOR SHALL MAKE A THOROUGH SEARCH FOR PHYSICAL MONUMENTS AND ANALYZE EVIDENCE OF OCCUPATION.

HISTORY: EFF. 2/15/90  
Authority: R. C. Chapter 4733

**4733-38-03 MONUMENTATION.**

THE PROFESSIONAL SURVEYOR NEED NOT SET BOUNDARY MONUMENTATION UNDER THE PROVISION HEREIN UNLESS THE CLIENT REQUESTS BOUNDARY MONUMENTATION BE SET. IF REQUESTED TO SET BOUNDARY MONUMENTATION, THE PROFESSIONAL SURVEYOR SHALL CONFORM TO ALL PROVISIONS OF RULE 4733-37-03 OF THE ADMINISTRATIVE CODE.

HISTORY: EFF. 2/15/90  
Authority: R. C. Chapter 4733

**4733-38-04 MEASUREMENT SPECIFICATIONS.**

ALL MEASUREMENTS SHALL BE MADE IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS.

(A) THE PROFESSIONAL SURVEYOR SHALL KEEP HIS EQUIPMENT IN SUCH REPAIR AND ADJUSTMENT AS TO CONFORM TO THE PROVISIONS OF PARAGRAPH (A) OF RULE 4733-37-04 OF THE ADMINISTRATIVE CODE.

(B) EVERY MEASUREMENT OF DISTANCE SHALL BE MADE EITHER DIRECTLY OR INDIRECTLY IN SUCH A MANNER THAT THE LINEAR ERROR IN THE REPORTED DISTANCE SHALL NOT EXCEED:

(1) TWO-TENTHS (0.2) OF A FOOT FOR MAJOR IMPROVEMENTS (SEE PARAGRAPH (G) OF RULE 4733-38-05 OF THE ADMINISTRATIVE CODE).

(2) ONE-HALF (0.5) OF A FOOT FOR MAJOR IMPROVEMENT LOCATION (SEE PARAGRAPH (J) OF RULE 4733-38-05 OF THE ADMINISTRATIVE CODE). WHEN A CASE ARISES WHEREIN A GREATER LINEAR ERROR WILL NOT CREATE AMBIGUITY OF LOCATIONS (I.E., TRACTS WHERE THE IMPROVEMENTS ARE LOCATED SUBSTANTIAL DISTANCES FROM BOUNDARIES), THEN THE PROFESSIONAL SURVEYOR MAY USE A GREATER LINEAR ERROR, PROVIDED THE TOLERANCE IS CLEARLY INDICATED ON THE SURVEY PLAT (E.G., 500 FEET +/- 5 FEET).

HISTORY: EFF. 2/15/90  
Authority: R. C. Chapter 4733

**4733-38-05 MORTGAGE LOCATION SURVEY PLAT.**

THE PROFESSIONAL SURVEYOR SHALL INCLUDE THE FOLLOWING INFORMATION ON THE MORTGAGE LOCATION SURVEY PLAT.

(A) A TITLE SUCH THAT THE GENERAL LOCATION OF THE SURVEY CAN BE IDENTIFIED.

(B) A NORTH ARROW.

(C) THE BOUNDARY LINES AS CITED IN THE LEGAL DESCRIPTION, INCLUDING PERTINENT REFERENCES THEREIN.

(D) THE WRITTEN AND GRAPHICAL SCALE OF THE DRAWING.

(E) THE DATE OF SURVEY.

(F) THE PROFESSIONAL SURVEYOR'S NAME, REGISTRATION NUMBER, SIGNATURE, AND SEAL IN ACCORDANCE WITH PARAGRAPH (C) (10) OF RULE 4733-37-05 OF THE ADMINISTRATIVE CODE.

(G) MAJOR IMPROVEMENTS (PERMANENT STRUCTURES) SHALL BE SHOWN WITH DIMENSIONS AND DESCRIPTION (E.G., RESIDENCE, GARAGES, OUTBUILDINGS WITH FOUNDATION, IN-GROUND POOLS, AND THE LIKE).

(H) EASEMENT LIMITS AND BUILDING SET-BACK LINES AS INDICATED ON THE RECORDED PLAT OR AS SUPPLIED BY THE CLIENT.

(I) VISIBLE UTILITY FACILITIES REQUIRING AN EASEMENT AND LOCATED OUTSIDE KNOWN EASEMENTS, CROSSING THE SUBJECT PROPERTY AND SERVING OTHERS, SUCH AS, THOUGH NOT LIMITED TO: POLE LINES, MANHOLES, INLETS AND PEDESTALS AND THE LIKE.

(J) MAJOR IMPROVEMENT LOCATIONS SHALL BE SHOWN WITH DIMENSIONS TO THE NEAREST PROPERTY LINES, WITH A MINIMUM OF TWO DIMENSIONS SHOWN, AND SHALL BE SUFFICIENT TO LOCATE THE STRUCTURE (OFFSETS SHALL BE SHOWN PERPENDICULAR TO STRAIGHT PROPERTY LINES AND RADially TO CURVED PROPERTY LINES).

(K) APPARENT ENCROACHMENTS SHALL BE NOTED AND SHOWN IN AN OBVIOUS MANNER.

(L) THE ADDRESS POSTED ON THE BUILDING(S), IF AVAILABLE.

(M) OBSERVED PROBLEMS OF INGRESS AND EGRESS AND JOINT DRIVE.

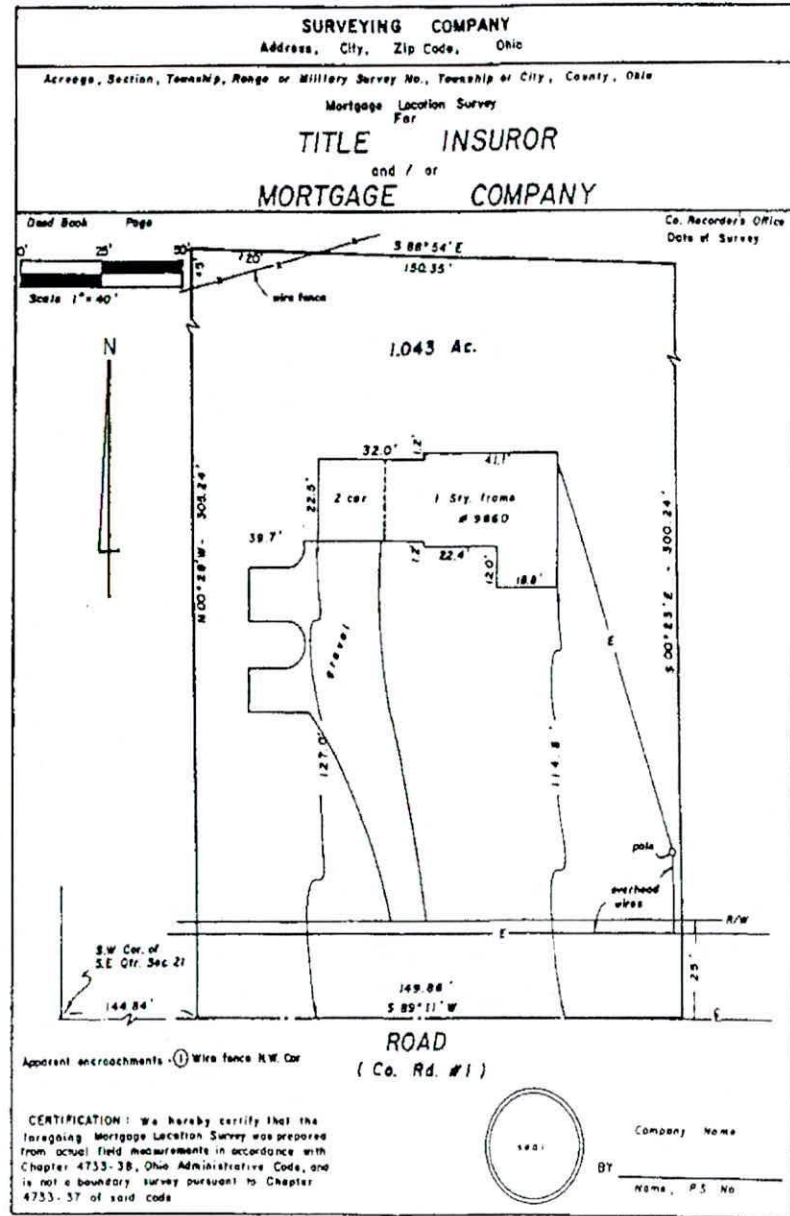
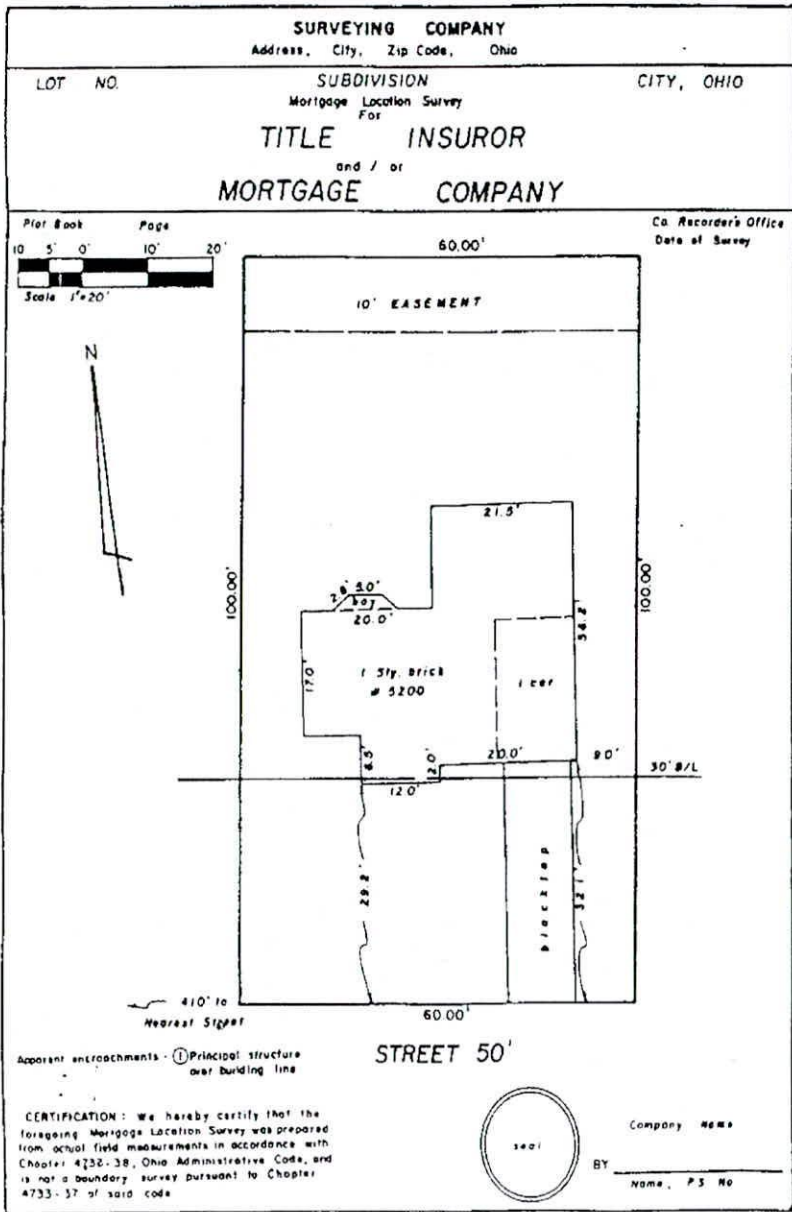
(N) FENCES OR OTHER EVIDENCE OF POSSESSION WHEN NOT IN SUBSTANTIAL CONFORMANCE WITH THE LEGAL DESCRIPTION.

(O) A STATEMENT SHALL APPEAR ON THE PLAT INDICATING THAT THE SURVEY IS A MORTGAGE LOCATION SURVEY PREPARED IN ACCORDANCE WITH CHAPTER 4733-38 OF THE ADMINISTRATIVE CODE, AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37 OF THE ADMINISTRATIVE CODE.

(P) NUMBER EACH PAGE SHOWING INDIVIDUAL PAGE NUMBERS ALONG WITH NUMBER OF PAGES.

HISTORY: EFF. 2/15/90  
Authority: R. C. Chapter 4733





# APPROVAL FORM

Name of Person/Office Leaving Deed: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date: \_\_\_\_\_

## ENGINEER'S OFFICE

### *DESCRIPTION'S PREVIOUSLY OF RECORD*

Range: \_\_\_\_\_ Town: \_\_\_\_\_ Section: \_\_\_\_\_

Township: \_\_\_\_\_ City/Town: \_\_\_\_\_

Lot Number(s): \_\_\_\_\_ Subdivision: \_\_\_\_\_

Area: \_\_\_\_\_ Exceptions: \_\_\_\_\_

Description Approved: (Y)  (N)  Date: \_\_\_\_\_ By: \_\_\_\_\_

Comments: \_\_\_\_\_

### *DESCRIPTIONS NEVER PREVIOUSLY OF RECORD*

Surveyor's Name: Last = \_\_\_\_\_ First = \_\_\_\_\_ Survey Date: \_\_\_\_\_

Range: \_\_\_\_\_ Town: \_\_\_\_\_ Section: \_\_\_\_\_ Surv Recd Vol: \_\_\_\_\_ Pg: \_\_\_\_\_

Township: \_\_\_\_\_ City/Town: \_\_\_\_\_

Lot Number(s): \_\_\_\_\_ Subdivision: \_\_\_\_\_

Area: \_\_\_\_\_ Road Name: \_\_\_\_\_

Road Number: \_\_\_\_\_ LSOT Vol: \_\_\_\_\_ Page: \_\_\_\_\_

Description Approved: (Y)  (N)  Date: \_\_\_\_\_ By: \_\_\_\_\_

Comments: \_\_\_\_\_

## AUDITOR'S OFFICE

Grantors: \_\_\_\_\_ Grantee: \_\_\_\_\_

Transfer Date: \_\_\_\_\_ Sale Price: \_\_\_\_\_

Deputy: \_\_\_\_\_

Parcel Numbers: \_\_\_\_\_

## RECORDER'S OFFICE

Date of Record: \_\_\_\_\_ Type of Instrument: \_\_\_\_\_

Volume: \_\_\_\_\_ Instrument Number: \_\_\_\_\_

Page: \_\_\_\_\_ Plat Vol: \_\_\_\_\_ Page: \_\_\_\_\_

## Requirements for Legal Descriptions in Lawrence County

Grantee: \_\_\_\_\_

Type of Conveyance: \_\_\_\_\_

Surveyor: \_\_\_\_\_

Date: \_\_\_\_\_

### Section A. General Requirements for All Descriptions.

- All descriptions shall reference the U.S. Public Lands Range, Town, and section of the description and the Political Township or Municipal Corporation. Recorded subdivision name and lot numbers (s) shall be given whenever applicable.
- The auditor's permanent tax parcel numbers of each tract (or the parent tract) and the acreage corresponding to each tax parcel shall be given including the total acreage to be transferred.
- A legal description of the tract (s) to be transferred shall be included. A description by "Adjoiners" only, or by parcel numbers only, or by referencing a last source of title only does not contain adequate technical wording in itself to permit a definite property location and is not acceptable. Even for descriptions already of record.
- Author of the description including the Ohio Registration Number if a Registered Surveyor must be given. A description can only be prepared either by the property owner him/herself or else by a Registered Ohio Surveyor.
- Descriptions in land contracts must be presented for approval to avoid potential problems when the contract is satisfied and a deed is made.
- Certificates of Transfer must be submitted for approval of the description.

### Section B. Requirements Applicable to Descriptions Previously of Record.

- Descriptions previously of record will be approved provided that the tax parcel numbers and acreages transferred are all in agreement. If the acreage cannot be verified, a new survey may be required before transfer.



- Errors in an existing description are subject to correction where revealed by reference to prior sources of title or whether the correction may otherwise be clearly and logically determined.
- A "Remainder" out of a tract will be considered as a description previously of record and may be transferred by listing the exceptions provided the following conditions are met:
  - The entire remainder must be transferred. If only part of the remainder is to be transferred, a survey will be required.
  - The acreage of the remainder to be transferred must be able to be resolved by subtracting the acreages of all the exceptions from the parent tract acreage. If the acreage cannot be resolved, a survey will be required.

The exceptions themselves may be listed by referencing the source of title of each exception, the acreage excepted, and the corresponding auditor's tax parcel number.

Section C. Requirements for Descriptions Never Previously of Record

- Descriptions not previously of record must comply with the requirements of the most current revision of the "Minimum Standards for Boundary Surveys in the State of Ohio" or the "Minimum Standards for Mortgage Location Surveys in the State of Ohio" as applicable, Ohio Administrative Code 4733-37 and 4733-38. (Copies are available from the Engineers Office and the Ohio Board of Registration for Engineers and Surveyors in Columbus, Ohio.)
- These standards require among other things that the survey be referenced to the U.S. Public Lands Section Lines or Corners or to a clearly identifiable road intersection or control station and that the descriptions mathematically close within required limits. Descriptions that do not comply will not be approved until corrected.
- In accordance with amended substitute S.D. 158, a copy of the description and a plat of the survey will be required to be filed with the engineer and will subsequently be included in the Engineer's Survey Records. A separate copy of the plat and description must be provided to the engineer before a transfer can be made.
- A parcel "Split" out of a parent tract requires a new description in accordance with this section C unless it qualifies as a remainder as previously described in section B. Resurveys of existing tracts are also new descriptions and must meet these requirements of section C if the resurvey is used for the transfer of the description. Subdivisions of land into individual lots must be checked under this section before initial recording of the subdivision plat.
- For parcels that are new splits, the deed must be accompanied by an "Agreed Valuation Division Form" for use by the auditor's office.

- For splits of subdivision lots, a copy of the plat required for filing in the engineer's survey records must also be submitted to the auditor's office.
- If a resurvey reveals a change in the acreage, a "Surveyor's Certificate" must be submitted to the auditor to correct the acreage on the auditor's tax records, along with a copy of the plat of the resurvey filed with the engineer. Once the acreage has been corrected, the new description must be used for the next transfer showing the correct acreage.
- In accordance with the "Minimum Standards" Ohio Administrative Code 4733-36-06c, descriptions other than "Metes and Bounds" are acceptable as long as they include "Sufficient and Adequate Legal and Technical Wording so that the Property Can Be Definitely Located and Defined." Numbered lots in recorded subdivisions and recognized land subdivisions of the U.S. Public Lands are examples of alternated descriptions. As mentioned in Section A of the Standards, Descriptions by Adjoiners only or tax parcel numbers only are not acceptable.

Description Approved / Not Approved for Transfer: \_\_\_\_\_ Date: \_\_\_\_\_  
Doug Cade, PE, PS