

WAYNE COUNTY, OHIO

STANDARDS FOR CONVEYANCE OF
REAL PROPERTY | 2022

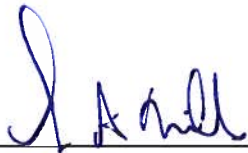
Wayne County, Ohio

Standards for Conveyance of Real Property

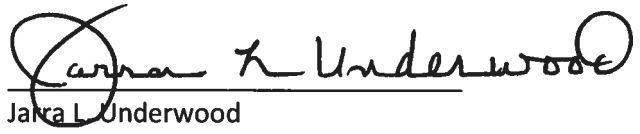
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Purpose

These standards governing the conveyance of real property in Wayne County are adopted and established by the County Engineer and the County Auditor, as prescribed by section 319.203 of the Ohio Revised Code.

These requirements are intended to provide a service to the public to ensure proper and accurate descriptions and surveys for property being conveyed.

Special situations, not addressed by these requirements, will be managed by the Wayne County Tax Map Office and/or Engineer Office.

If any provision of this Document is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

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Wayne County Tax Map Office

Ohio Revised Code Section 315.251 shall apply to all instruments which are to be submitted and approved to the Wayne County Tax Map Office before conveyance and/or recording. These instruments are as follows:

- A. Existing real estate descriptions of record,
- B. All street/alley/road and subdivision vacations
- C. New surveys
- D. Subdivisions
- E. Road dedications
- F. Annexations
- G. Land contracts
- H. Easements / Right of Way for Ingress and Egress
- I. School District Change

A. TAX MAP OFFICE PROCEDURES

A-1 All instruments of conveyance listed above shall be submitted to the Tax Map Office for approval.

A-2 Once an instrument has been approved by the Wayne County Tax Map Office, it must be recorded within five (5) business days of the date initialed on face of document, or you must return to the Tax Map Office to have the legal description verified to ensure no changes have been made. This does NOT include instruments of conveyances for new surveys/plats. Instrument of Conveyance establishing a new survey/plat must record same-day initialed by the Tax Map Office.

A-3 Documents must be executed and complete (with plats if so needed) when submitted.

A-4 Allow up to one full work day (24 hours from drop-off to pick-up) each time a document is submitted. Extra review time may be required in the event of a lengthy or complex document or a heavy volume of submitted documents. It is the intent to turnaround documents as quickly as possible.

A-5 Instruments of conveyance shall provide sufficient space as required by Wayne County Recorder.

A-6 A preliminary review of a legal description will only be completed under limited circumstances as determined by Tax Map Office. Preliminary review does not replace final review.

B. REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE

B-1 Any subdivision of an existing property must have a description with an accuracy as prescribed by the State of Ohio Administration Code, Chapter 4733-37, of the Minimum Standards for Boundary Surveys in the State of Ohio. This shall be done to allow Wayne County Offices to establish an accurate tax structure for the parcel(s) and determine the residual acreage(s) based on the existing records.

B-2 The accepted unit of measurement for all instruments of conveyance shall be in accordance to the National Mapping Standards (NPS). In addition, Metric Units may be used as secondary to the English Units.

B-3 All references to roads, rivers, streams, railroads, etc. must be current numbers or names of record. In addition, old names or numbers may also be mentioned as a matter of option.

B-4 If a Retracement survey has been filed for a parcel, the description from the most recent survey must be used to describe the parcel.

B-5 Instruments of conveyance shall be typed and legible. Minor handwritten corrections will be allowed as approved by Tax Map Office.

C. EXISTING AND NEW PLATTED LOT DESCRIPTIONS

C-1 State, county, and either municipality or political subdivision with geographical township and range, section, and quarter section in the caption

C-2 Lot number, the recorded subdivision or allotment name, and the plat volume and page number

C-3 Auditor's Permanent Parcel Number

C-4 A metes and bounds description is not required and will not be examined unless it is a partial portion of the original platted lot. In this instance only will a survey reference be required (if no survey is available, the phrase "No Survey Found" shall be added in its place)

D. EXISTING METES AND BOUNDS DESCRIPTIONS OF RECORD

D-1 All existing metes and bounds descriptions of record which do not create or alter the current tax structure of a parcel(s) will be checked by the Tax Map Office to identify and verify to the Wayne County Auditor the tax parcel(s) to be conveyed.

D-2 If an existing metes and bounds description is ambiguous or deficient, one (1) transfer may be permitted if the transfer qualifies, but an accurate survey and metes and bounds description shall be required before any additional conveyances. Please reference Section G, Page 8 regarding inadequate or ambiguous legal descriptions that will require a new survey.

D-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 and/or omissions will be made upon the face of the instrument prior to recording. The corrections will be made by the person that prepared the instrument, or by their agent, with the approval of the preparer.

D-4 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 the parcel's new jurisdiction.

E. EXCEPTIONS TO EXISTING METES AND BOUNDS DESCRIPTIONS

E-1 A new metes and bounds description shall be required for all residual parcels with more than three (3) exceptions to title. Any exception to title must incorporate the following:

- a.) Each exception must be described with an acceptable description and placed immediately after the description it is being excepted from.
- b.) Each documented exception must recite the survey volume and page (if available). If no survey is available, the phrase "No Survey Found" shall be added in its place.
- c.) A "Meaning to Convey" statement or similar language must follow the legal description indicating exactly how much land is being conveyed after all recited exceptions to a parcel. If no starting acreage is available, a "Meaning to Convey" statement will not be required.

E-2 All exceptions must be written from the most recent survey with a conveyance. A consolidated legal description can be written for multiple exceptions using a single survey. A legal description cannot be written as a consolidated description using multiple surveys.

E-3 Contiguous parcels cannot be transferred separately if it results in land-locking one or more of the parcels without an easement or approval by the City, Village and/or County Planning.

F. NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE

It is the surveyor's responsibility to check the parcel numbers of all parcels being surveyed. If the parcels are found to be in different taxing/school districts, it will cause delays in the recording of the subdivision/survey plat and will require reconfiguration of the parcels.

A copy of the Wayne County Tax Map Office New Survey & Plat Application can be found on their website. This includes a checklist of items that will be verified each time a new survey or plat is submitted.

All new metes and bound descriptions must conform to the margin requirements of the Wayne County Recorder.

F-1 CAPTION: State, county, and either municipality, geographical township and range, section, and quarter section or political subdivision with geographical township and range, section, and quarter section in the caption

F-2 STARTING POINT: All descriptions must be referenced to an established section/quarter section corner or a lot corner of a recorded subdivision (the allotment name and plat volume and page must be recited in the description).

F-3 COURSES:

- a.) Each course of a new metes and bounds description must be a separate paragraph and numbered in consecutive order, starting after the "place of beginning". All courses must be described in a clockwise direction from the point of beginning to the point of termination for the subject description.
- b.) Each course of a new metes and bounds description must contain a bearing expressed in degrees, minutes, and seconds and a distance recited in feet and decimal parts thereof (not to exceed two (2) decimal places to the right), from a point of origination to a point of termination for each course. Three (3) decimal places to the right may be used only when it is necessary to achieve a more accurate mathematical closure.
- c.) The basis of bearing shall be referenced as part of the description.
- d.) Each course shall contain the name(s) of the adjoining property owner(s), at the date of the survey, and a respective deed volume and page or Official Record reference, or other qualifying features that indicate the intent of the course.
- e.) Each course must recite all controlling monumentation as either set or found. The point of origination and/or termination of each course shall be monumented or a reference monument set as close as practical to the described corner.

F-4 CURVES: Any course of a new metes and bounds description which is a curve, must contain the direction of the curve (i.e.; curve to the right, curve to the left, concave to the south, convex to the north, etc.), the arc length and radius (in feet and decimal parts thereof), and the chord bearing (quadrant direction in degrees, minutes and seconds) the chord distance (in feet and

decimal parts thereof), the internal angle (in degrees, minutes and seconds) and the points of curvature and/or tangency. The curve information given must be sufficient to reproduce the curve accurately and without ambiguity.

F-5 ACREAGE:

- a. All new metes and bounds descriptions must give the acreage contained within its perimeter and calculated to three (3) decimal places to the right. Four (4) decimal places to the right **may** be accepted in certain situations. Total calculated square footage may also be mentioned as a matter of option.
- b. When a new metes and bounds description encompasses two (2) or more township quarter sections, a breakdown of the total area and the area within a given township quarter section must be recited. A new metes and bounds description shall not contain acreage is two (2) or more taxing districts.

F-6 PRIOR DEED REFERENCES: All new metes and bounds descriptions must recite deed reference(s) or Official Record reference(s) for the prior conveyance to the grantor.

F-7 PERMANENT PARCEL NUMBERS: All new metes and bounds descriptions must recite the permanent parcel number(s) that are affected. An “out of” or “part of” statement may be used as necessary.

F-8 If a new metes and bounds description includes any portion of a **PLATTED LOT(s)**, then the affected lot(s) must be replated and renumbered. A retracement metes and bounds survey that includes any portion of a platted Outlot is acceptable.

F-9 All new metes and bounds descriptions will be subject to **COMPUTER VERIFICATION** as to the accuracy of the traverse closure of the area being described. The allowable mathematical error of closure for new metes and bounds descriptions shall be as prescribed by the State of Ohio Administrative Code, Chapter 4744-37 of the Minimum Standards for Boundary Surveys in the State of Ohio.

F-10 PROFESSIONAL SURVEYOR: All new metes and bounds descriptions must be prepared by a professional surveyor and must incorporate the following: Surveyor’s name, Ohio Registration Number, the date of writing and/or survey, and a statement indicating whether the subject description was prepared from an actual field survey or from existing records.

G. AMBIGUOUS OR DEFICIENT LEGAL DESCRIPTIONS THAT WILL REQUIRE A NEW BOUNDARY SURVEY

G-1 INADEQUATE OR AMBIGUOUS DESCRIPTIONS, as identified by the Tax Map Office, will require a new boundary survey to be completed prior to the next conveyance except in the following situations:

- ❖ Survivorship Affidavits, Sheriff Sales, Certificates of Transfer, Transfer on Death Affidavits, Transfer on Death Confirmations, Judicial Orders, Life Estates, Current owner as an individual to Current owner as a Trustee, Current Owner as a Trustee to current owner as an individual
 - If your conveyance falls in one of the above situations the Tax Map Department will allow one (1) transfer and however, the Grantee will be required to obtain a new survey of the property prior to being able to sell, transfer, or change title in any way. A stamp will be placed on the document that states “NEW SURVEY REQUIRED: This description cannot be used again”.
 - If your conveyance does not fall in one of the above situations and the legal description has not been previously marked for survey, the Grantee may decide to sign a Survey Affidavit, as provided on the Tax Map Office Website, acknowledging that they will be required to obtain new survey of this property prior to being able to sell, transfer, or change title in any way. A Survey Affidavit will be provided by the Tax Map Department upon request and a stamp will be placed on the document that states “NEW SURVEY REQUIRED: This description cannot be used again”.

G-2 AMBIGUOUS OR DEFICIENT LEGALS STAMPED “NEW SURVEY REQUIRED” will still be reviewed and are expected to meet current conveyance standards.

H. PLATS/SURVEYS

On the first conveyance only, following the recording of a new platted lot, the old legal must be attached to the deed beginning with a statement “Formally known as part of” or “Formally known as” followed by the statement “Now known as” and the new platted lot description.

It is the surveyor’s responsibility to check the parcel numbers of all parcels being surveyed. If the parcels are found to be in different taxing/school districts, it will cause delays in the recording of the subdivision/survey plat.

Lot and roadway information should be the primary items depicted on a subdivision/survey plat. Secondary items (such as: building set back lines, drainage easements, utility easements, bad sight distance or other items deemed necessary for other departments) may be shown on a separate sheet as necessary to avoid excessive clutter. Data referenced on additional sheets must be referenced as such on original Plat.

H-1 A reproducible copy of a scale drawing, the closure for each parcel, and a copy for every new metes and bounds description, shall be presented to the Tax Map Office for preliminary review prior to the submission of the New Legal Description Packet for processing.

H-2 New survey plats, for parcels 20 acres or less, will need one or more of the following approvals: Wayne County Planning, City or Village, Township Zoning, Soil and Water, and/or Health Department. Check with the proper governing authority for their specific requirements.

H-3 All plat drawings must incorporate the following details:

- a. A title, such that the general location of the subject survey can be readily identifiable as well as the intent (i.e. split, consolidation, retracement, etc.). This requirement should include the same information as defined on Page 6, Section F-1 of the “Requirements for New Metes and Bounds Descriptions for Conveyance”.
- b. A north arrow with a clear statement as to the basis of bearings. It is recommended that the drawing is always laid out with north to the top of the sheet when possible.
- c. The control station(s) or starting point reference as cited in the deed description.
- d. All monumentation either found or set, as cited in the metes and bounds description, together with a legend of the symbols used to identify the subject monumentation, and the material and size of each.
- e. Date of the survey.
- f. All boundary information for each course as defined on Page 6, Section F-3 of the “Requirement for New Metes and Bounds Descriptions for Conveyance”.
- g. The arc length must be shown on the survey plat along the curve itself and also listed with the curve data for each curve.
- h. A citation of pertinent documents and sources of data used as a basis for carrying out the work.

H-4 Subdivision Plats shall be no larger than 24” X 36” with the bar scale on each drawing.

H-5 Survey Plats shall be no larger than 24” X 36” with the bar scale on each drawing.

H-6 All signatures of Owner(s), Witnesses (when applicable), Notaries, and Public Officials must be in blue or black ink with their name typed or printed under each signature. If a Business or Corporation is the owner, the title of the person signing must also be typed or printed under the signature.

If a property owner is unable to sign the plat and the volume and page of the Power of Attorney must be cited on the plat. If the property is in an Estate, the Executor/Executrix must include how the property owner took title in the signature line if it differs from the name on the Estate.

H-7 Match lines on subdivision/survey plats should only be used when absolutely necessary.

In addition to the requirements as set forth above, all new metes and bounds descriptions for plats of survey must meet the Ohio Recorder's Association standardization guidelines and incorporate the principles and minimum standards of good surveying, engineering and draftsmanship as defined by Sections 4733.07-07 of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio, inclusive of any subsequent additions or revisions to the same.

H-8 New Plats/Survey Drawings must include parcel numbers for all parent parcels.