

*Minimum Requirements
For
Instruments of Conveyance
In
Trumbull County, Ohio*

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I. REQUIREMENTS FOR ALL RECORDED LOTS OF RECORD

1. All instruments conveying a recorded lot in a municipality or recorded subdivided area must designate the lot number (s), the official recorded name, volume and page reference of official record, and the prior recorded deed reference if any exists.
2. Any out-lot or portion of a recorded lot must have an accurate description to establish a tax structure for the portion being conveyed, so as to enable the County Offices to determine the residue or balance left, based on the current Tax Maps and Parcel Numbers. If the description is not accurate, then a new survey will be required before the property is transferred.
3. Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have a metes and bounds description.

II. REQUIREMENTS FOR EXISTING METES & BOUNDS DESCRIPTIONS OF RECORD

1. All existing metes and bounds description of record, which do not create or alter the current tax structure of a parcel (s) will be checked by the Trumbull County Engineers Tax Map Office to verify and identify for the Trumbull County Auditor the tax parcel (s) to be conveyed.
2. All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer. The correction of scribner errors, omissions or other obvious mistakes are permitted in order to make the description more accurate.
3. Any existing metes and bounds descriptions which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.
4. All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel (s) from which out-lots or exceptions to title exist must incorporate the following requirements:
 - A. Each out-lot or exception to title of the original tract (s) must be described verbatim as witnessed by the previous conveyance of record. The correction of scribner errors, omissions or other obvious mistakes are permitted in order to make the description more

accurate.

- B. Each documented exception must recite the title, acreage, 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. It is desired that all instruments of conveyance using exceptions to title to convey the balance of remainder of a tax parcel (s) incorporate a statement identifying the tax parcel (s) and district to be conveyed, and the current taxable area as witnessed by the Trumbull County Auditor's tax duplicate for the subject conveyance. (i.e., it is the intent of this instrument to convey all of Tax Parcel (s) NUMBER AND DISTRICT, containing ACREAGE OR FOOTAGE, as shown by the Trumbull County Auditor. The County Engineer's office will assist in furnishing the parcel (s) number when requested.
 - D. After March 1st, 1998, there will be no more than four (4) exceptions allowed to be noted on any new conveyance. Where exceptions exceed four (4) a new description will be required, prepared by a Registered Surveyor. PREVIOUSLY RECORDED INSTRUMENTS WITH 4 OR MORE WILL BE EXEMPT FROM THIS RULE.
5. All metes and bounds descriptions must contain all the information pertaining to the description that will be used on the legal instrument form when checked by this Office for pre-transfer verification or approval.

III. REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE

All conveyances using new metes and bounds descriptions, not previously recorded, must be prepared by a Registered Surveyor in accordance with Chapter 4733-37 of the Administrative Code of the State of Ohio Board of Registration for Professional Engineers and Surveyors of the State of Ohio.

All new metes and bounds descriptions, not previously recorded, must incorporate the following.

- 1. Situate:
 - A. Must denote state, county, township, municipality (if appropriate). It must also denote range, section, or Virginia Military District Number, tract, out

lot number, etc. as appropriate.

- B. Must denote recorded title and deed reference as to the tract (s) of origination.

2. Starting Point:

- A. All descriptions must be referenced to an established point of beginning such as centerline intersections of streets or roads of record, established property corners of record, section and or quarter section corners or lines.

3. Courses:

- A. Each course of a new metes and bounds description should 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 shall 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 shall be given in a statement similar to the following:

"This bearing is based on the centerline bearing of "Road Number" or "Road Name" and all other bearings are from angles and distances measured in the field."

- D. Each course must RECITE ALL MONUMENTATION, (See 4733-37-03 of Minimum Standards) either placed or found, along each course, or at the point of origination and/or termination of each course. This recitation shall include the type, size and material of each monument.
- E. Every boundary monument and/or reference monument set by the surveyor shall, when practicable, be in accordance with 4733-37-03 of the Minimum Standards for Boundary Surveys in the State of Ohio. (see attachment).
- F. Each course must show all other common lines such as centerlines of roads, rivers, streams etc. quarter or half section lines, Virginia Military District lines, or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.

4. Curves:

- A. Any Course of a new metes and bounds description which is a curve must contain 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) of same.

5. References:

- A. All references to roads, rivers, steams 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 contained within its perimeter and calculated to the third decimal place. The total acreage contained within the road right of way shall be recited to the third decimal place. Total calculated square footage may also be mentioned as a matter of option.
- 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 must be recited to create an accurate tax structure.

7. Surveyor or Author:

- A. All new metes and bounds descriptions prepared by a surveyor must incorporate the following:

- I. Printed surveyors name and address.
II. Ohio Registration Number and Seal.
III. The date of writing and/or survey.
IV. 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 _____ month, day, year" or "from existing records".

- V. Surveyor's signature.

- B. All new metes and bounds descriptions prepared by a person other than a registered surveyor must incorporate the following:

- I. The printed name and address of the author.
II. Date of writing of description.
III. A statement indicating that the description is prepared from existing records or specify means from which it is derived.

8. Prior Deed References:
 - A. The deed reference (s) from which the grantor of the conveyance acquired title must be recited.
9. All new metes and bounds descriptions will be subject to verification as to the accuracy of the traverse closure of the area as described, per current minimum state standards. 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. Whenever this process is necessary, there may be a delay in approving the conveyance for transfer purposes. It is suggested, but not mandatory that the surveys be presented to the Tax Map Department for (pre) transfer approval a minimum of one working day prior to the desired recording date.
10. All instruments containing new metes and bounds descriptions, which meet all of the aforementioned requirements will be stamped by Tax Map Department and proper notations will be made on the instrument of conveyance, verifying a correct tax structure to the County Auditor.
11. 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. All new metes and bounds descriptions prepared by a registered surveyor must be accompanied by a signed and sealed plat of survey. For new metes and bounds descriptions an original copy of the drawing of the survey prepared by a registered surveyor will be kept by the Tax Map Department and will become public record.
13. All splits must be approved by The Trumbull County Planning Commission. Those splits in incorporated areas are subject to approval by the city which has jurisdiction over the parcel location.
14. Descriptions other than metes and bounds may be acceptable if they properly describe the tract, i.e., "Being 10 feet off the west side of Lot No. 1000, etc.)"

IV. REQUIREMENTS FOR PLATS OF SURVEY

1. Any author shall prepare a scale drawing of every new metes and bounds description he or she originated, and make available a copy of the drawing to be filed with The Trumbull County Engineering Department.

2. All plat drawings must incorporate the following details:
 - A. A title, such that the general location of the subject survey can be readily identifiable. (This requirement should include the same information as established by Sections 1, Item A and B of the "REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE").
 - B. A north arrow with a clear statement as to the basis of the reference - Direction Used.
 - C. The control station(s) or starting point reference as cited in the deed description.
 - D. 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 showing the material and size for each. If all monuments are identified individually, no legend will be required.
 - E. All existing title, and source of title of adjoining owners along each boundary line of the subject survey along with the acreage or lot number of the adjacent tracts.
 - F. All boundary information for each course as established by "REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE" Section 3, Items A thru F and Section 4 Item A.
 - G. A citation of pertinent documents and sources of data used as a basis for carrying out the work. This shall include Field Book number and page or right of way drawing number for all highway centerlines, if such record exists.
 - H. The scale of the subject drawing.
 - I. The surveyors printed and signed name, Ohio Registration Number and reproducible Stamp or Seal.

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 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.

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

MISCELLANEOUS CONVEYANCES

The conveyance of all or any portion of railroad right-of-way must be conveyed with a new boundary survey, a new legal description and a survey drawing which must satisfy the requirements of Chapter 4733-37 of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio and the Conveyance Standards.

In the case of a Sheriff Sale, Auditor Sale, State of Ohio, etc., conveyance where the acreage description is deemed not accurate by the County Engineer's Tax Map Office, the conveyance will be stamped "Next Transfer May Require a New Survey". If in the next attempt to transfer the property with the old description the County Engineer's Tax Map Office may deny the description and the transfer.

INADEQUATE DESCRIPTION

- A. Legal description may be deemed inadequate by the County Engineer's Tax Map Office if any of the following exist:
 - 1. The metes and bounds description is presented in chains and links (All measurements will be documented in the U.S. Survey Feet).
 - 2. The point of beginning is not accurate and understandable.
 - 3. The conveyance lists more than four exceptions of property.
 - 4. The exceptions are not in metes and bounds descriptions.
 - 5. A description that contains scribner errors, omissions or other obvious mistakes.

MINIMUM STANDARDS FOR RECORDED EASEMENTS

I. REQUIREMENTS FOR EASEMENT DESCRIPTIONS

- 1. Situate
 - A. Must denote state, county, township and municipality, if applicable, range, section, half section, etc.
 - B. Must denote recorded title and deed reference as to the tracts of origination.
- 2. Parcel Identification

- A. Must identify the tract of ground in which easement is located by either metes and bounds description or by permanent parcel number.
 - B. Must list acreages of all parcel (s)/tract(s) in which easement is located.
3. Easement Identification
- A. Centerline Easements
 - (a) Must state width of easement. (Example) "Being a 20 feet wide easement 10 feet each side of the following described line".
 - (b) Detailed description of the course of the centerline including a readily identifiable beginning point. (Example) "Beginning at a point in the western most property line, approximately 35 feet, more or less, northwesterly from the southwest corner of (grantor's) tract. Thence northeasterly, parallel to and 35 feet northwesterly from grantors southern most line, approximately 300 feet, more or less, to a point in the grantor's eastern most property line".
 - B. Strip Easements
 - (a) Must state width of easement. (Example) "Being a 20 feet wide easement...".
 - (b) Must state location. (Example continued from above)"... along the grantor's south property line."
 - C. Irregular Shaped Easement.
 - (a) Must have a defined point of beginning.
 - (b) Must have a clear metes and bounds description.
 - D. All easement descriptions, no matter what type of description, must state the intended purpose of easement (for ingress and egress; installation of underground wires; installation of power poles; maintenance: etc...)
4. Restrictions
- A. Must list any and all restrictions overt the aforesaid easement area.
5. Author Identification

A. All new metes and bounds descriptions prepared by a person other than a registered surveyor must incorporate the following:

- I. The printed name and address of the author.
- II. Date of writing of description.
- III. A statement indicating that the description is prepared from existing records or specify means from which it is derived.

II. REQUIREMENTS OF PLAT DRAWINGS

- 1. Plat drawings are not required when filing an easement, and shall define the location of the easement, making it easier to identify. All plat drawings must be to scale, and the scale shown on the plat.
- 2. All plat drawings must incorporate the following details:
 - A. A North arrow.
 - B. The state, county, township and municipality, if applicable, range, section, half section, or Virginia Military District number, etc.
 - C. Owner(s) name, permanent parcel number, deed volume and page(s) of land the easement is on, and adjoining landowner(s), permanent parcel number(s), deed volume and page(s) if easement begins, or ends on an adjoining property line.
 - D. The property lines of the subject parcel, or the land containing the easement, and any roads mentioned in the written description.
- 3. Easement Area
 - A. The centerline of the easement shall be drawn on the plate, and a statement identifying it added. (Example) "Centerline 10' Wide Electrical Easement".
 - B. Any, and all distances, bearings, etc., pertaining to the easement area shall be shown on the plat.

(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 a 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 Ohio 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 private 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 the county engineer under division (A) of this section or to exercise or perform any authority or duty of the county engineer under section 319.203 of the Revised Code if the county engineer reasonable 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 reasonable 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.

Section 319.203

COUNTY AUDITOR AND COUNTY ENGINEER TO ADOPT
STANDARDS GOVERNING REAL PROPERTY CONVEYANCES

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 ten 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 auditor shall not transfer any conveyance that does not comply with those standards.

CHAPTER 4733-37 MINIMUM STANDARDS FOR BOUNDARY SURVEYS

4733-37-01 PREAMBLE

These rules 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 rules, the survey shall conform to all local and state regulatory rules. 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 rules shall apply to the survey of only the desired portion.

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.

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 preferable 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 nor a reference monument can be conveniently or practicably 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.

4733-37-04 MEASUREMENT SPECIFICATION

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 weighting 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 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.

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 be made of the original drawing).

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 surveyors 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 4733-037-04 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.

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 all of the details specified in rule 4733-37-5 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.

PURPOSE

It is the intent of these rules and regulations to comply with Ohio Statutory requirements and to provide a service to the public.

A uniform method of checking legal descriptions will tend to insure accurately described conveyances, without ambiguity, that protect the grantor, grantee and author of the conveyance.

It is understood that rules and regulations cannot cover all circumstances. When unusual situations arise, the Engineer and Auditor will discuss the matter and may grant a variance. The granting of a variance is in no way intended to usurp these regulations or Ohio statutory requirements. Only very special, unique situations will be considered.

Any person presenting conveyances shall have the descriptions checked at the County Tax Map Department prior to the time of anticipated conveyance.