

# **WOOD COUNTY, OHIO**

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## **LAND TRANSFER POLICY**

**AND**

## **MINIMUM STANDARDS FOR LEGAL DESCRIPTIONS AND PLATS OF SURVEY**

Approved by:

Michael Sibbersen – County Auditor  
Raymond A. Huber, P.E., P.S. – County Engineer

Effective Date: February 1, 1998  
Revised Date: January 1, 2013

Effective January 1, 2013, a Land Transfer Policy shall be followed for the conveyance of title for all real property in Wood County, Ohio.

In compliance with Section 319.203 and 315.251, of the Ohio Revised Code, the Wood County Auditor and Engineer have, by written agreement, adopted standards to be used for all real estate conveyances. In order to address the interests and concerns of parties affected by these standards, representatives were asked to serve on the policy drafting committee. Participants were:

|                                  |   |
|----------------------------------|---|
| Michael Sibbersen                | Wood County Auditor                                 |
| Raymond A. Huber, P.E., P.S.     | Wood County Engineer                                |
| Julie Baumgardner                | Wood County Recorder                                |
| David Steiner, Director          | Wood County Planning Commission                     |
| Karen Young                      | Wood County Auditor's Office                        |
| Roger Richard                    | Wood County Auditor's Office                        |
| Vera Kelley Bury                 | Wood County Auditor's Office                        |
| John M. Musteric, P.E., P.S.     | Wood County Engineer's Office                       |
| Gordon C. Cox, P.S.              | Wood County Engineer's Office                       |
| Kerry Rothenbuhler               | Wood County Engineer's Office                       |
| Kelly Hemminger                  | Wood County Planning Commission                     |
| Thomas E. Silva, P.S., President | Professional Land Surveyors of Ohio, Toledo Chapter |
| Diane Huffman, President         | Wood County Bar Association                         |
| Maggie Fawcett, President        | Wood County Realtor's Association                   |
| Linda Fetzer                     | Portage Valley Title Company                        |
| Robert Kuhlman                   | Kuhlman and Beck                                    |

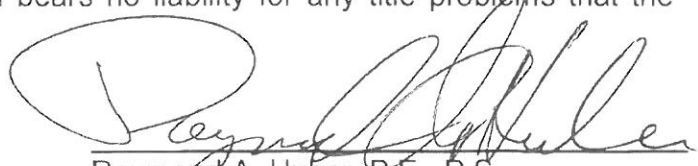
After public hearings held on December 4, 2012 and December 14, 2012, the revised standards were adopted as official policy.

It is the intent of this policy to provide a standard method of approving legal descriptions for all instruments of conveyance of title, correct errors that become evident, and maintain the integrity of the tax maps. It should be understood that all situations could not be covered by this policy. If one of these situations should arise, it will be handled as a special case, and interpreted by the Wood County Land Parcel Division.

We believe this policy will assure uniformity in the conveyance of title to real property in Wood County and protect the property interests of its citizens. If you have questions regarding this information, please feel free to contact either the Wood County Auditor or the Wood County Engineer.

The Wood County Land Parcel Division bears no liability for any title problems that the reviewed descriptions may cause.

  
Michael Sibbersen  
Wood County Auditor

  
Raymond A. Huber, P.E., P.S.  
Wood County Engineer

# WOOD COUNTY LAND TRANSFER POLICY

## SECTION I – GENERAL REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE

1. Beginning with this revision, all legal descriptions on all instruments of conveyance of title for all real property must be reviewed and stamped by the Wood County Land Parcel Division. The Wood County Land Parcel Division consists of the Wood County Offices of the Planning Commission, Engineer, Auditor, Recorder, and any municipal planning authority. All scriveners of instruments of conveyance are encouraged to have legal descriptions reviewed and stamped at least seven (7) days prior to the actual time of conveyance, since the time required to check the legal descriptions may be lengthy. This prior checking will avoid delays and allow time for any corrections that may be necessary. For purposes of this document a “stamp” shall be defined as “a device capable of creating or affixing an official mark indicating genuineness, validity, etc. to a document.

When submitting a legal description for pre-approval, it is requested that the legal description be the actual instrument that will be recorded. If a legal description is re-typed after pre-approval, an additional review will be required which may cause a lengthy delay.

2. Legal descriptions shall be submitted to the following offices prior to recording:
  - a. **COUNTY AUDITOR** – Existing lots of record. If the County Auditor's office determines the legal description is too vague or it cannot locate the parcel(s) by the legal description(s), then it will be reviewed by the County Engineer's office and subject to its recommendations.
  - b. **COUNTY ENGINEER** – Metes and bounds legal descriptions, splits of recorded lots, acreage changes, road/street/alley dedications and vacations, and land contracts for review and approval.
  - c. **PLANNING COMMISSION OR APPLICABLE PLANNING AUTHORITY** – All new parcel splits and/or combinations.
3. If it is determined by the Wood County Land Parcel Division that a legal description is too ambiguous, a new survey and/or legal description for the parcel shall be required.
4. All references to cities, villages, roads, recorded plats, railroads, rivers, streams, etc., must use current or existing names/numbers of record. Old or original names/numbers may be used along with the current name/number for clarity and chain of title purposes, but not in place of the current name/number.
5. The proposed division of a parcel of land as shown on the last proceeding tax duplicate may involve no more than five (5) lots, after the original tract or parcel has been completely subdivided, any one of which is under five (5) acres (inclusive of the remainder). This shall be enforced by the Wood County Planning Commission as follows:

- a. December 31, 1961 shall be the furthest date from which lots shall be counted as prior minor parcel splits against the current landowner of the original tract.
  - b. The Wood County Planning Commission shall only count those lots under five (5) acres and previously subdivided from the original tract when determining the number of minor parcel splits available.
  - c. If more than five (5) lots, each under five (5) acres are proposed, they shall conform to the Platted Subdivision or Major Subdivision Regulations as set forth within the Wood County Subdivision Regulations.
6. Property owners seeking to consolidate existing parcels of land and/or add additional land to an existing parcel of land shall follow the procedure for parcel combinations as outlined below:
  - a. Property owner shall acquire all parcels that will make up the combined parcel. New legal descriptions may be required unless valid legal descriptions exist.
  - b. Property owner shall then, in a separate duly recorded deed, convey to themselves all of the existing legal descriptions that are involved in the parcel combination followed by the phrase "now known as", and the new combined legal description. All subsequent transfers will convey only the new combined legal description.
  - c. Property owner may then re-split the newly combined parcel as they choose. Newly created parcels must comply with applicable zoning regulations and subdivision regulations.
7. Whenever the intent of any deed or land contract is to convey ownership of an adjacent parcel for the purposes of expanding the use of an existing parcel, and such parcel cannot be combined with the existing parcel into a single parcel, and such proposed conveyance does not meet Planning Commission regulations, the statement "the above described parcels cannot be conveyed separately or independently of property described in Volume \_\_\_\_\_ Page \_\_\_\_\_, of the Wood County Deed Records without prior approval by the Wood County Planning Commission" shall be stated on the instrument. This shall be known as restrictive language.

In addition, an Affidavit of Fact will be required to be recorded following the instrument of conveyance for the adjacent parcel(s). It will list all legal descriptions, parcel numbers, references to the instruments where the owner took ownership of the parcels, and restrictive language.

Restrictive language shall be limited to the following circumstances or as determined by the Wood County Land Parcel Division:

- a. Land that exists as a platted village inlot (i.e. within unincorporated village)
- b. Land within a platted subdivision created prior to December 31, 1961
- c. Land located within separate townships and/or township sections
- d. Land located within different jurisdictions (i.e. unincorporated area and incorporated area such as a village or city)
- e. Land located within different taxing districts

- f. Land located within different school districts
  - g. Land that consists of abandoned or vacated railroad, vacated right of way, vacated alley ways, vacated street, etc.
  - h. Segmented properties (i.e. natural watercourses, highways, etc.)
- 8. Every instrument of conveyance shall have its existing parcel number stated on the instrument. The previous volume and page shall be on all instruments of conveyance.
- 9. All instruments of conveyance shall comply with the legibility and layout requirements set forth in the Ohio Revised Code, Sections 317.11, 317.112(A), and 317.114.
- 10. Any instrument of conveyance that is exempt from real property conveyance fees and has a legal description that is vague or ambiguous to the point that it requires a survey to adequately locate the intended parcel will be allowed to transfer until such time as it is no longer exempt. However, if the legal description can be corrected by means other than having a survey performed, the corrections shall be required prior to transfer.
- 11. Legal descriptions for fee exempt transfers that contain five (5) or more exceptions will be approved for transfer one time with a notice that the next time the parcel is transferred, the legal description shall have no more than four (4) exceptions. Fee exempt parcels will be transferred with said notice until the parcel is no longer fee exempt.
- 12. Legal descriptions, other than metes and bounds, may be acceptable if they properly describe the tract and the acreage can be calculated, i.e., "Being ten (10) feet off the west side of Lot 1000, etc." or by aliquot parts, i.e., "Being the NE ¼ of the NE ¼ of Section 14...". Aliquot part descriptions must be greater than ten (10) acres.
- 13. Legal descriptions reviewed by the Wood County Engineer's Office will be stamped one of the following ways or a combination thereof: (for purposes of this document a "stamp" shall be defined as "a device capable of creating or affixing an official mark indicating genuineness, validity, etc. to a document.")
  - a. **DESCRIPTION APPROVED** – This stamp indicates that the legal description for the new parcel split does conform to the "Minimum Standards for Boundary Surveys in the State of Ohio", per Chapter 4733-37 of the Ohio Administrative Code (OAC).
  - b. **DESCRIPTION REVIEWED** – This stamp indicates that the legal description may NOT conform to the "Minimum Standards for Boundary Surveys in the State of Ohio", per Chapter 4733-37 of the Ohio Administrative Code (OAC), but accurately describes the parcel. A new legal description may be suggested for the next transfer.
  - c. **NEW LEGAL DESCRIPTION REQUIRED** – This stamp shall allow the parcel to be transferred on the existing legal description for the last time, with a new survey and a new legal description required for the next transfer, however, the parcel will be allowed to transfer until such time it is no longer exempt.

14. Legal descriptions reviewed by the Wood County Planning Commission will be stamped:

- a. **APPROVED NO PLAT REQUIRED** – This stamp indicates that the proposed split or combination conforms to applicable subdivision, zoning, or other regulations or has received any necessary variances.

15. Legal descriptions will be stamped and will contain the reviewing person's initials along with the date of stamping. Preliminary approvals will be valid for 90 calendar days and final approvals will be valid for 30 calendar days.

## **SECTION II – REQUIREMENTS FOR RECORDED LOTS OF RECORD LEGAL DESCRIPTIONS**

1. All instruments of conveyance transferring a record lot in a municipality or a recorded subdivision area must designate the lot number(s), the official recorded name of the subdivision, the plat book and page of the subdivision and the prior recorded deed reference if any exists.
2. A vacated lot that is not absorbed by a surrounding parcel shall be surveyed, described by a new metes and bounds legal description and transferred as such, since the lot lines will no longer exist. This legal description shall also refer to the former subdivision and lot number for chain of title purposes.
3. Any lot being conveyed in what is commonly known as an “unrecorded plat” must have a metes and bounds legal description.

## **SECTION III – REQUIREMENTS FOR EXISTING METES AND BOUNDS LEGAL DESCRIPTIONS**

1. All legal descriptions must denote the state, county, and municipality or township, range, town, section, and quarter section if applicable, or other land description, i.e. (River Tract, Road Tract, USR, Spafford's Grant) and must have a clear point of beginning and point of termination. They shall show acreage for each legal description or show final acreage after all stated exceptions.
2. All legal descriptions of record which do not alter the current tax structure of a parcel(s) will be reviewed and stamped by the Wood County Land Parcel Division to verify legal description adequacy. If the legal description is discovered to be vague or deficient, the instrument will be returned for corrections.
3. Any existing metes and bounds legal description which, since the previous conveyance, has been incorporated into a municipality or transferred to another political subdivision by means of annexation must be modified to reflect the new corporate location.
4. If a legal description spans more than one tax parcel, and these tax parcels cannot be combined for real property taxation purposes (for example, part in a municipality and part out), the acreage must be stated for each tax parcel.



5. Each legal description shall state the total acreage being conveyed by each parcel after the exceptions have been made.
6. Any legal description stated as an exception must meet the above stated guidelines.

#### **SECTION IV – REQUIREMENTS FOR NEW METES AND BOUNDS LEGAL DESCRIPTIONS**

1. All new metes and bounds legal descriptions shall be prepared by a registered professional surveyor licensed in the State of Ohio and shall meet the “Minimum Standards for Boundary Surveys in the State of Ohio” per Chapter 4733-37 of the Ohio Administrative Code. A checklist (Exhibit A) will be used to verify the minimum standards and any additional standards that may be required by the Wood County Land Parcel Division.
2. All instruments of conveyance with new metes and bounds legal descriptions not previously recorded shall comply with ORC 5301.25 Section B, which states all instruments of conveyance are required to have the name of the person who performed the survey appear on the deed.

#### **SECTION V – DRAFTING REQUIREMENTS FOR PLATS OF SURVEYS (SURVEY DRAWINGS)**

1. All plats of surveys (survey drawings) shall meet the “Minimum Standards for Boundary Surveys in the State of Ohio” per Chapter 4733-37 of the Ohio Administrative Code. A checklist (Exhibit B) will be used to verify the minimum standards and any additional standards that may be required by the Wood County Land Parcel Division.

#### **SECTION VI – LAND INSTALLMENT CONTRACTS (ORC 5313)**

1. All metes and bounds legal descriptions for Land Installment Contracts shall be reviewed and approved by the Wood County Land Parcel Division for conformance to current regulations which may be applicable upon final transfer.
2. Land Installment Contracts shall also be subject to filing requirements set forth in ORC 5313.02.

## Legal Description Review Checklist

### 4733-37-06 DESCRIPTIONS (Ohio Administrative Code In Blue)

(A) The description shall include:

- \_\_\_\_\_ (1) A sufficient caption so that the property can be adequately identified. (i.e. - state, county, township, township number, range number, USR, section, quarter section, river tract, road tract, municipality or village, subdivision, outlot, inlot, lot, or Spafford's Grant). When located within a municipality, include the municipal lot number or outlot number assigned thereto.
- \_\_\_\_\_ (2) A relationship between the property in question and clearly defined control station(s) shall be within the same quarter section. (i.e. - section or quarter section corner, subdivision lot corner of record, centerline intersection of a road or street). Courses shall be along existing identifiable lines of record.
- \_\_\_\_\_ (3) The basis of the bearings. A statement similar to: "This legal description is based upon the assumed bearing of the centerline of Greensburg Pike is (state the bearing)" or "Bearings used hereon are based on an assumed meridian and are for the express purpose of showing angular measurements".
- \_\_\_\_\_ (4) A citation to the public record of the appropriate prior deed(s). Denotation of legal name(s) of the current record title holder and deed reference as to the parent tract(s) at the time of transfer.
- \_\_\_\_\_ (5) The surveyor's name and address, Ohio registration number and date of writing and/or survey, surveyor's original reproducible seal with surveyor's original signature (blue ink only).

\_\_\_\_\_ (B) (1) A description of the boundary monument used as the initial point of the description.

\_\_\_\_\_ (B) (2) A series of calls (courses) for successive lines bounding the parcel to include :

- \_\_\_\_\_ (a) The intent in regards to adjoiners or other existing features ( adjoiner's name and record deed volume(s) and page(s) ). In addition, each course must recite all other common lines, using current names and/or numbers, i.e. centerlines of roads/streets, rivers, streams, ditches, quarter/half-section lines, or other common line of record or interest.
- \_\_\_\_\_ (b) The direction of the line relative to the direction of the basis of bearing. Bearings are to be expressed in degrees, minutes and seconds.
- \_\_\_\_\_ (c) The length of the line in feet and decimal parts thereof stated to two (2) decimal places.
- \_\_\_\_\_ (d) A description of the boundary monument (or reference monument) and whether found or set to identify the end of the particular line, and all other monumentation on the line. (size, material, and type; i.e., 5/8-inch iron rod)
- \_\_\_\_\_ (e) All curved lines shall indicate the radius, central angle, curve length, chord bearing, chord length and direction of the curve.



- \_\_\_\_\_ (f) The reported boundary data shall meet the closure requirements of paragraph (C) of Rule [4733-37-04 of the Administrative Code](#). *Perimeter closure sheets shall be submitted to verify mathematical closures for all parcels.*
- \_\_\_\_\_ (g) *Each course shall be a separate paragraph and all courses must be stated in a clockwise direction from the point of beginning to the point of termination.*
- \_\_\_\_\_ (B) (3) The area of each tax parcel including the road right-of-way area, shall be stated in acres to the third (3rd) decimal point.
- \_\_\_\_\_ (C) Descriptions other than metes and bounds descriptions may be a reference to a recorded survey plat or a parcel on a recorded survey plat and 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 *field* survey and the date thereof, or the description was made based on a previous survey or existing records, of a certain date, by a certain surveyor, and date of description, or the description was not based on an actual field survey.
- \_\_\_\_\_ (E) *Signed and sealed plat of survey (survey drawing, see Exhibit C).*
- \_\_\_\_\_ (F) *Statement describing inscription of surveyor's durable marker (cap).*
- \_\_\_\_\_ (G) *Parcel split within an unincorporated area of Wood County approved by the Wood County Planning Commission.*
- \_\_\_\_\_ (H) *Parcel split within a municipality of Wood County approved by the local planning authority.*
- \_\_\_\_\_ (I) *All new deeds, splitting, combining, or retracing a property for the first time of transfer, attach a copy of the surveyor's original signed legal description on 8-1/2 inches x 11 inches (letter) or 8-1/2 inches x 14 inches (legal) size paper.*

GENERAL COMMENTS: \_\_\_\_\_

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## Plat of Survey Review Checklist

### 4733-37-05 PLAT OF SURVEY (Ohio Administrative Code In Blue)

(A) The surveyor shall prepare a scale drawing of every individual survey, or drawings comprising all of the surveys when they are contiguous, in which the surveyor retraces previously established property lines or establishes new boundaries.

\_\_\_\_\_ (B) Submittal of original signed and original reproducible sealed full size drawing.

(C) The surveyor shall include the following details:

- \_\_\_\_\_ (1) A title such that the general location of the survey can be identified. The title shall include, but not be limited to: state, county, civil township or municipality, and original land subdivision description, including township number, range number, USR, section, quarter section, river tract and road tract. When located within a municipality, include the municipal lot number or outlot number, including the plat book volume and page.
- \_\_\_\_\_ (2) A north arrow with a clear statement as to the basis of the reference direction used.
- \_\_\_\_\_ (3) The control station(s) (point of commencement, point of beginning) or line cited in the description and the relationship of the property to this control must be referenced to an established monumented point within the same quarter section, such as, but not limited to: section or quarter section corners, subdivision lot corner of record, and centerline intersection of streets or roads of record. Courses shall be along existing identifiable lines of record. The size, material, and type of monuments set or found at the control stations shall be noted, (i.e. 5/8-inch iron rod) including the cap inscription.
- \_\_\_\_\_ (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, or a legend of the symbols used to identify monumentation. In addition, there shall be a statement describing the size, material and type of every monument found or set, (i.e. 5/8-inch iron rod), including the cap inscription.
- \_\_\_\_\_ (5) A general notation describing the evidence of occupation that may be found along every boundary line or occupation line. (i.e. fence lines, ditch/stream centerlines, top of banks, etc.)
- \_\_\_\_\_ (6) The length and direction of each line as specified in the 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. The length and direction of each line shall be stated as follows:
- \_\_\_\_\_ (a) Bearings expressed in degrees, minutes and seconds and distances expressed in feet and decimal parts (to two (2) decimal places) thereof on each course or line.
- \_\_\_\_\_ (b) All curved lines shall indicate the radius, central angle, curve length, chord bearing, and chord length.



- \_\_\_\_\_ (c) Each course shall show other common lines *using current names and/or numbers, such as centerline of roads, rivers, streams, section lines, quarter section lines, half section lines or other pertinent common lines of record.* Each course along existing property lines must call out all the adjoiner's name(s) with deed book(s), page number(s) and parcel number(s).
- \_\_\_\_\_ (7) A citation of pertinent documents and sources of data used as a basis for carrying out the work. The citation shall include, but not be limited to: current deeds as of the date of the survey, prior deeds, surveys of record, road records, or other documents of record, and available deeds of record for adjoining parcels along each boundary line of the survey. If the adjoining parcel is a recorded subdivision, only the subdivision name, recording information and lot numbers need to be shown.
- \_\_\_\_\_ (8) The written and graphical scale of the drawing.
- \_\_\_\_\_ (9) The date of the survey, in blue ink only.
- \_\_\_\_\_ (10) The surveyor's printed name, Ohio registration number, original reproducible seal and original, in blue ink only, signature.
- \_\_\_\_\_ (11) The area contained within the perimeter of the surveyed parcel shall state the acreage of each tax parcel and the road-right-of way to the third (3rd) decimal point.
- \_\_\_\_\_ (12) All references to roads or railroads contiguous to the surveyed parcel shall use current names or names of record and applicable right-of-way widths, if available.
- \_\_\_\_\_ (13) All references to rivers or streams shall use current names of record, if available.
- \_\_\_\_\_ (14) Legend is required for all lines and symbols shown on the survey.
- \_\_\_\_\_ (15) Sheet size: 8-1/2 inches x 11 inches minimum; 24 inches x 36 inches maximum.
- \_\_\_\_\_ (16) Lettering height for drawings 8-1/2 inches x 11 inches through 11 inches x 17 inches shall be a minimum of 0.100 inches. Lettering height for drawings larger than 11 inches x 17 inches shall be a minimum of 0.125 inches.
- \_\_\_\_\_ (17) Survey drawings are preferred CAD generated, but all submittals shall be legible.

GENERAL COMMENTS: \_\_\_\_\_

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

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

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

**TOTAL ACREAGE**

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

PROPERTY OWNER  
DEED BOOK PAGE

**LEGEND**

○ MONUMENT FOUND  
● MONUMENT SET

CLIENT INFORMATION

SURVEY CO. INFORMATION

DATE: \_\_\_\_\_ SCALE: \_\_\_\_\_

REV. 4-02

