

Standards for All Instruments of Conveyance

Muskingum County, Ohio

Effective Date: May 1, 1997

Revised: October 29th, 2007

Effective Date of Revision: January 1, 2008

Revised: April 18th, 2008

**Minimum Standards for all Instruments of Conveyance
Muskingum County, Ohio**

The following standards are now adopted and established in conjunction with the Muskingum County Engineer and the Muskingum County Auditor, effective on this date: April 18th, 2008.

Instruments that need to follow These Standards:

Existing descriptions of record, all street, alley, road and subdivision vacations, new surveys, subdivisions and road dedications, annexation descriptions, and land contracts.

****Existing descriptions stamped approved after January 1, 2000 are not subject to the checking procedures****

Section 1 - Transfer Procedures

100 - Auditor's Office Procedures

- 100.1 All instruments shall be dropped off and picked up from the Engineer's Office, third floor of the Court House. Up to three (3) working days may be required to complete the auditor's checking procedure.
- 100.2 A four part routing slip is completed by the person leaving the instrument. It is attached to the instrument and includes the person's name, address and date as well as the parcel numbers involved and any other unique information concerning the instrument. Incomplete or inadequate routing slips will be returned before the transfer procedure will begin.
- 100.3 The person receives a carbon copy of this routing slip which is used to pick up the instrument from the Engineer's Office when they have completed their checking procedures.
- 100.4 The instrument's parcel number, owner name, acreage, range-township and section numbers and the township name and/or municipality are checked against the records on file in the Auditor's Office.

100.5 Findings are noted on the Auditor's Appraisal Card as well as the routing slip. The instrument, with the routing slip attached, is then sent to the Engineer's Office for further checking.

101 - Engineer's Office Procedures

101.1 Up to (7) working days may be required to complete the engineer's checking procedure, starting with the day an instrument arrives from the Auditor's office.

101.2 The instrument's parcel numbers are first verified for precision, both in number and in location on its corresponding tax map.

101.3 Secondly, an instrument's township name and/or municipality is verified.

101.4 Next, an instrument's section/quarter township and township and range lines are verified, as well as its north arrow.

101.5 All descriptions will be checked for completeness (good Point of Beginning, Good Lead-In, and typographical errors).

a. New descriptions and plats of survey will be checked for closure under current guidelines set forth by the State of Ohio (C) of OAC 4733-37-04.

b. All surveys and descriptions stamped "Approved for Closure" prior to January 1, 2000 will be checked for closure using a 1:2000' ratio of error.

101.6 It is understood that all situations not addressed by these standards will be handled as special cases by the County Engineer's Map Department and the County Auditor's Office.

102 – Engineer's Office Stamp Application

102.1 Descriptions that meet current standards will transfer with the following stamp, "**DESCRIPTION APPROVED**" in **GREEN ink** and these stamps will be signed and dated by map department personnel.

102.2 Descriptions that do not meet the current standards will be stamped: "NEW DESCRIPTION NECESSARY" in RED ink.

Descriptions transferring within an immediate family, (Parent to Child, Brother, Sister, Husband or Wife), may be able to transfer a property stamped "NEW DESCRIPTION NECESSARY" with proper documentation, these applications will be assessed by the Auditors office on a case by case basis.

(Note) Descriptions/plats submitted shall conform to the requirements as set forth in the Standards and Provisions of Chapter 711 in the Ohio Revised Code and Sections 315.251 and 319.203 and the Minimum Standards for Boundary Surveying in the State of Ohio, Administrative Code Chapter 4733-37, any

township zoning and the following Standards.

Section 2 – Transfer Standards

200 - Existing Deed Descriptions of: All Lots and Outlots (Platted and Unplatted)

- 200.1 Lots in platted areas which are shown on plats in the office of the County Recorder shall be described by lot number, name of addition or subdivision and with a reference to a plat book and page number or slide number.
- 200.2 Descriptions of parts of such lots and outlots or recorded plats, shall be adequately tied to a recorded lot corner or street intersection shown on the recorded plat and shall give dimensions of each part.
- 200.3 Deed descriptions referring to lots and outlots of unrecorded plats shall be by metes and bounds and adequately tied by metes and bounds. The number of a lot(s) of an unrecorded plat will not be accepted for transfer and may be used as a reference only.
- 200.4 Any lot split shall require a survey.
- 200.5 Land currently or previously vacated, shall be accompanied by a metes and bounds description.

201 – Existing Deed Descriptions of: Metes and Bounds Descriptions of Record

- 201.1 Deed descriptions referring to acreage in unplatted areas shall be by metes and bounds and adequately tied in by metes and bounds and referenced to a point identifiable by reference to a map of the area such as the following:
- A. Quarter township corner, section or quarter section corner, fraction section, lease lot, farm lot, river lot, military lot or partition lot corner or nearby recorded subdivision corner.
 - B. Previously recorded surveys or monumented tie downs that meet current transfer standards.
 - C. When none of the above resources can be located, recorded highway monumentation or intersection of two roads listed on the current state inventory of county roads may be used.
 - D. Adequate tie-in to any of the above points of reference must be given. The bearing and distance from appropriate section line for reference shall

be used when needed.

(Note) Vague terms used on older deeds, such as "in a northerly direction", "with the meandering of a stream", "along a road", are not acceptable, nor are references to points of beginning "on the lands of John Doe" etc.

- 201.2 The description of a tract lying in more than one section, fraction section, lease lot, farm lot, river lot, military lot, partition lot or quarter township, or a tract of land lying in part within and in part without a municipal corporation, and includes two or more taxing districts, or portions of recorded subdivisions shall state the acreage, dimension, Auditor's parcel number, and prior deed reference of each part.
- 201.3 The description of a tract containing an excepted area shall be fully described and/or referenced by a prior recorded description that meets the current transfer standards. The acreage of the exception shall be recited. No more than four (4) exceptions per tract. Exceptions are to be added at the conclusion of each parent tract.
- 201.4 Each tract being conveyed shall state the Auditor's parcel number and prior deed reference at the conclusion of each parent tract. If Muskingum County Auditor tax parcel numbers are changed in the future, each tract being conveyed shall from that point in time state the new parcel number as well as the parcel number previously used. Hopefully, this would allow for a smooth transition in the event that the County would adopt a new parcel numbering scheme.
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- 201.5 The division of any parcel of land shall require a survey.
- 201.6 Descriptions presented for transfer that differ in context from the prior Recorded description, will not be accepted for transfer. Descriptions with exceptions to the parent tract are permitted. See requirement 201.3 above, concerning exceptions and 201.7 for scrivener errors.
- 201.7 Changes from the previous description that involves scrivener errors, omissions or other obvious mistakes are permitted in order for the description to be acceptable for transfer.
- 201.8 Acreage within a vacated subdivision must have a new survey before transferring unless the original description meets the current transfer standards.
- 201.9 An affidavit involving real estate that is presented to the Auditor's Office shall have a copy of the property description attached.
- 201.10 The preamble of all descriptions shall state the following: State, county, township, range, township number, section or military lot number, subdivision, quarter section and corporation or village.

201.11 Land contracts will be reviewed for compliance with these minimum standards and stamped appropriately.

201.12 All corrective deeds shall explain, in the deed, the corrective action being taken.

202 – New Surveys

The survey and plat shall satisfy the requirements as set forth in the Minimum Standards for Boundary Surveying in the State of Ohio, Administrative Code Chapter 4733-37 and promulgated by The Board of Registration for Professional Engineers and Surveyors of the State of Ohio pursuant to Chapter 4733.

Additional requirements are as follows:

202.1 A new survey shall require a plat map and a legal description, both of which shall bear the surveyor's seal and signature in original ink, the surveyor's signature shall be in blue ink. As well, all stamps from all applicable agencies shall be applied in original ink to the plat and legal description. For a new survey to transfer all stamps must be original and all signatures for approval signed in blue ink.

202.2 A Copy of all new Surveys for fee transfers shall be submitted to the Auditor's Office. At the Engineer's Map Department a copy of all approved survey descriptions and plats will be made and will become public information. The plat map submitted must be a scale drawing and not reduced. Faxed copies are not acceptable.

202.3 Property adjoiner's names and deed references shall be on the plat and included in the written description.

202.4 Tie downs for new surveys must use corners that are the same as referenced in rule 201.1 (A-D) for the requirements for existing deed descriptions.

202.5 The Auditor's parcel number shall appear on the description and plat map of the tract(s) to be conveyed. Descriptions that encompass part of more than one tract must state the acreage and dimension of each part, deed reference and Auditor's parcel number of each part and state if the tract is all or part of said tract.

202.6 The description of a tract lying in more than one section, military lot, partition Lot or quarter township, a tract of land lying in part within and part without a municipal corporation, or in two or more taxing districts, and a tract that includes portions of a recorded subdivision shall state the acreage lying in each part, dimensions, deed reference and Auditor's parcel number (if applicable) of each part and state if the tract is all or part of said tract.

202.7 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 the same.

202.8 A legal size (8 1/2 x 14") plat of the survey shall be recorded with the deed. For any single tract that is deemed not feasibly legible on a legal size sheet (8 1/2 x 14") by a representative of the Auditor's or Engineer's Office, a larger copy of the survey may be placed on file in the Muskingum County Engineer's Map Department. When recording the transfer, a copy reduced to legal size (8 1/2 x 14") of the plat shall be recorded with the statement:

***"Reduced copy, not to scale,
Larger copy available in the Muskingum County Engineer's Map Department."***

The statement shall be applied by the Muskingum County Engineer's Office.

This statement shall only be used for **SINGLE TRACTS**, and full discretion of what is, and is not legible, once reduced, shall be left to the Muskingum County Engineer, and Muskingum County Auditor.

202.9 Surveys performed using metric measurements shall utilize metric equivalents as noted in Section 4733-37-05 of the Minimum Standards for Boundary Surveys in the State of Ohio.

202.10 The division of any parcel of land in the unincorporated area of the county into two or more parcels (for the purpose, whether for immediate or future transfer of ownership) is subject to review by the Muskingum County Planning Commission and the Zanesville – Muskingum County Health Department when the split is 20 acres or less. Furthermore, if said split occurs on a state route, then ODOT reviews said split prior to the Muskingum County Planning Commission approval. This is done to make sure said split meets the minimum spacing or sight distance requirement as stated on ODOT Access Management Manual.

(Note) Please reference the Muskingum County Planning Commission's Regulations for further information on new lot splits. All applicable regulations are available in the Office of the Muskingum County Planning Commission, third floor of the Muskingum County Court House.

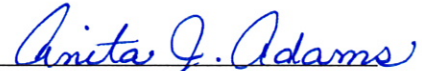
202.11 Any parcel of real property being transferred as the result of a Court Order of foreclosure that has a legal description stamped "*New Description Necessary for Auditors Transfer*", shall necessitate a new survey and legal description if the foreclosed property in question was mortgaged after January 1, 2008. If the foreclosed property was mortgaged prior to December 31, 2007, and has a "*New Description Necessary for Auditors Transfer*" stamp, the property shall be allowed to transfer out of the present title holder's name, as stipulated in the judicial order. Any further transfer of the property shall necessitate a new survey

and legal description. A copy of the judicial order shall be submitted with the routing slip for transfer to be approved.

(Note) Applications submitted through standard mail service shall nullify any time constraints imposed in this document.



Douglas R. Davis
Muskingum County Engineer



Anita J. Adams
Muskingum County Auditor

Revised On: **April 18th, 2008**

**Upon acceptance, these standards shall become effective April 18th, 2008