



Lorain County Standards for Land Conveyances

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December 30, 1999
May 11, 2011

INTRODUCTION

The intent of these standards is to establish a consistent method of checking legal descriptions for conveyance of title to real property and to set forth the requirements for preparing a survey drawing(s) for plats, property splits, the creation of subdivisions, condominiums, landminiums and city, village or township lots. Following these standards as set forth will insure proper and accurate descriptions of property for tax purposes.

Not all situations can be covered by these standards and when such situations arise, they will be handled as special cases to be interpreted by the Tax Map Office with the assistance of representatives of the County Engineer's and the County Auditor's offices.

Ultimately, it is the decision of the Lorain County Auditor and the Tax Map Office as to whether a legal description is sufficient to meet the following adopted Land Conveyance Standards as provided for in Sections 315.251 and 319.203 (attached as exhibit A) of the Ohio Revised Code.

Said legal descriptions and accompanying survey drawings, where applicable, must meet and, in some cases, exceed the "Minimum Standards 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 Chapter 4733-37 through 4733-37-07 (attached as exhibit B) of the Ohio Administrative Code and have been adopted by the State of Ohio in Section 315.521 of the Ohio Revised Code effective March 18, 1997.

Said applicable codes referred to from time to time herein, are the current versions as of the date of this publication. Any subsequent revisions, changes or updates to said codes or any new codes that may be established will automatically be made part of this document.

MAJOR SUBDIVISIONS (PLATS)

Numbering System

Anyone submitting a plat shall complete a numbering system form prescribed by the tax map department, which shall provide for contact information.

Auditor's Revised Plat

- a. The County Auditor requires approval by the Tax Map Department for an Auditor's revised plat when subdividing or combining sublots.

- b. The property owner may appeal an adverse decision by a political subdivision to the review committee. The review committee for appeals is comprised of the Auditor or his representative, the Engineer's Tax Map representative, the Prosecutor or his representative, and the individual. The affected political subdivision will be notified when an Auditor's revised plat is being filed.

Superimposing of Maps

Every plat shall be superimposed on a survey of the lands of the dedicators from which such plat is drawn, and shall contain an accurate background drawing of any metes and bounds descriptions of the lands of the dedicators.

Adjoining Land Owners

Major subdivision plats must list the current adjoining land owners as of the date the plat is surveyed.

Creations of Streets

A plat is required to be filed where there is a creation of a street, or a portion of a street, with the exception of road takes for cities, townships, villages, and the State of Ohio.

Taxes, Special Assessments and CAUV Recoupments

All current and delinquent real estate taxes, current and delinquent special assessments and CAUV recoupments must be paid on any parcel of land being platted.

Additional Right-of-Way Acquisitions

Additional right-of-way acquisitions do not have to be reviewed by the Lorain County Planning Commission.

Prior Instrument Numbers

All plats must show prior instrument number, official record volume and page, or deed/book volume and page.

Notice Prior to Recording

All final plats must be submitted to the Tax Map Department thirty days prior to recording. A four hour notice must be given to the Tax Map Department before recording. The mylar must be submitted one week before filing.

Transfer By Plat

The transfer of any real property pursuant to a plat is prohibited, except for the dedication of property to a public purpose upon acceptance by a political subdivision that is set forth on the plat or in a separate document.

Paper Copies

A plat that is presented for transfer shall be submitted in duplicate..

Numbering and Lettering Guidelines

All sublots, units, landominiums and townhomes shall be numbered by progressive numbers throughout the proposed subdivision. Subdivisions bearing the same name shall be numbered in consecutive order. Condominiums, landominiums or townhomes bearing the same name shall be listed as phases in consecutive order. Blocks will be listed by letters. (e.g., Blk A, Blk B, etc.)

CONDOMINIUMS and LANDOMINIUMS

Declarations & Amended Declarations

A declaration must be submitted to the real estate transfer office, with each condominium or landominium presented for transfer. An amended declaration must be presented to the transfer office and recorded for each new phase of condominiums or landominiums. NOTE: Landominiums are the building and the land directly below conveyed together.

Bearings and Distances

The Tax Map Department requires at least two bearings and distances of buildings on both, condominiums and landominiums. Angles on buildings will assumed to be 90 degrees unless otherwise noted.

Common Areas

All common areas for condominiums and landominiums will be assigned their own parcel number for the purpose of real property taxation.

MINOR SUBDIVISIONS (SPLITS)

Split Involving Adjoining Land Owners

Splits involving adjoining land owners shall be reviewed and approved by the planning commission that has jurisdiction.

Combinations of Parcels of Land

There will be **no** combining across original lot lines, combining of sublots, or combining of sublots and acreage together. All other combinations must be approved by the Tax Map Department or may be the result of a survey.

Right-of-Way Acquisitions

Additional right-of-way acquisitions do not have to be reviewed by the Lorain County Planning Commission.

Split Guidelines

The legal description on all deeds submitted for a split must be the result of a survey and must have a tie-in to an intersecting road, section, original lot line, or other known point accepted by the Tax Map Department.

Real Estate Taxes and Special Assessments

All current tax year and delinquent real estate taxes (excludes CAUV recoupment) and current tax year and delinquent special assessments must be paid on any parcel of land being split.

Building Location on Parcels Being Split

Any parcel of land having buildings located on it, must have a signed statement as to which parcel of land the buildings are located after the split is complete.

Parcels of Land Crossing County Lines

Where a tract of land that is described by a single metes and bounds description is located in more than one county, the Lorain County Auditor shall consult with the auditor of that county to determine the treatment of the land for real property tax purposes.

Parcels of Land Crossing Tax Districts

- a. Any land with a single metes and bounds description that is split by a taxing district line shall be made into separately taxed parcels by the County Auditor.

- b. Any platted subplot that is located in different tax districts shall be placed in one district based on one of the following:
 - which district the front of the parcel is located in,
 - which district the street address is located in, or
 - which district the greater part of the parcel is located in.
- c. Any parcel being split for annexation, must have Lorain County Planning Commission approval.
- d. No single tax parcel shall be created by the County Auditor that is located in different taxing districts.

Remainder Surveys

Lorain County requires the remainder parcel be surveyed and a new deed recorded whenever one of the following occur as the result of a split:

- a. The remainder parcel is twenty (20) acres or less according to the County Auditor's records.
- b. A split creating two or more remainder parcels of land that are noncontiguous. Road takes are exempt from this rule.

Note to surveyors: If you are in the process of surveying a piece of land that falls under this rule, please note the date in which the survey was initiated.

STRAIGHT TRANSFERS (EXISTING PARCELS OF LAND)

Exceptions to a Legal Description

- a. No more than three exceptions are permitted. Any deed having more than three exceptions must show the last deed of record, which must match identically to the legal you are presenting for transfer. The deed will then receive an "Update Legal" stamp and must show a corrected description before the next transfer.
- b. Exceptions must contain deed volume and page, date, acreage or subplot size, and who it transferred to.
- c. Any deed with an exception must have a statement of what they are "intending to convey" (i.e., intending to convey 2.50 acres).

Deed Review

All deeds must be submitted to the Tax Map Department to have the legal description reviewed and approved prior to transfer. Legal descriptions may be submitted for review without being attached to a deed provided that the legal description with an original blue approval stamp is attached to the deed as an exhibit when presented for transfer.

For any legal description not matching the auditor's record, the original deed or exhibit must be submitted to the Tax Map Department at least 24 hours prior to the intended transfer date.

Documents presented with 'white-out' will not be accepted for review or transfer.

Update Legal Stamp

The update legal stamp will be used where the legal description renders the parcel boundaries as unrecognizable. When the "*Update Legal*" stamp is used on a legal description, a note will be added in the real estate software system to reflect that the legal description will need to be corrected before another transfer could occur.

Acceptable Legal Descriptions

Legal descriptions are to contain township name, tract (if applicable), original lot, subplot number and subdivision name, or the proposed subdivision name, along with the volume and page of the recorded plat. If the subplot has been altered (shifted lines, split, etc.) the legal description must be recognizable when review by the Tax Map Department. A survey may be required.

Special Requirements for Transferring Real Property

Special requirements for all documents, including court ordered transfers, are as follows:

- a. All deeds must have the prior deed of record volume/page or instrument number.
- b. All deeds must contain the caption phrase, Situated in the State of Ohio, County of, and City/Twp/Village of.
- c. All deeds must contain a statement of the complete tax mailing address of grantee.
- d. Any property presented for transfer that is currently receiving the homestead tax reduction or a reduction for its current agricultural use valuation (CAUV) must complete forms DTE 101 or 102, whichever applies (see exhibit B).

- e. In order to transfer property from one trustee to another an Affidavit of Successor Trustee must be submitted at the time of transfer.
- f. When transferring an Affidavit of Survivorship, a copy of the survivorship deed and a certified copy of the death certificate must be presented to the Real Estate Transfer Office.
- g. Pursuant to the Lorain County Commissioner's Resolution 99-978 (effective January 1, 2000), manufactured homes shall be transferred "like" real estate, whereas, a transfer fee and conveyance fee will be charged and collected.
- h. A certified copy from the Secretary of State must be presented to the Real Estate Transfer Office (attached as exhibit C) for name changes or business mergers.

One Legal Description - Two Parcels or Two Legal Descriptions - One Parcel

The purpose of the following rules are to have the maps correspond with the deeds, therefore:

- a. If there is one legal description and two parcel numbers on the auditor's records it may be combined (this rule excludes sublots & some crossing of original lot lines).
- b. If there are two legal descriptions and one parcel number on the auditor's record, the property owner must show a copy of the deed of record (prior to 1980) showing that the property had two legal descriptions. The options, in this case, are to file the deed as is and the property will revert back to two parcel numbers or they may have a new legal description written that reads all the way around the perimeter and the original parcel number will remain.

Matching Deeds to Maps

All metes and bounds legal descriptions listing acreage on the County Auditor record's must contain acreage on the deed to be transferred.

Alley Vacations / Street Vacations / Railroad Vacations

If a legal description does not match the auditor's records due to the vacation of an alley, street, or railroad, the deed being presented must indicate the reason for the disparity. The ordinance number, if available, should be referenced on the deed.

315.251 Minimum standards for boundary surveys.

(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 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 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.

Effective Date: 1996 SB287 03-13-1997; 1996 SB262 03-18-1997

319.203 Adopting standards governing conveyances of real property in county.

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.

Effective Date: 03-18-1997

EXHIBIT B

Chapter 4733-37 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. When the case arises where one or more provisions herein must be abridged due to local condition, the abridgement 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 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 rules shall apply to the survey of only the desired portion.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

4733-37-02 Research and investigation.

(A) The surveyor shall consult deeds and other documents, including those for adjacent parcels, in order to assemble the best possible set of written evidence of every corner and line of the property being surveyed.

(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, and analyze evidence of monumentation and occupation. In addition, the surveyor shall, when necessary, confer with the owner(s) of the adjoining property and the owner(s) of the property being surveyed.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 11/1/2003

4733-37-03 Monumentation.

(A) 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 0.21 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., chiselled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

4733-37-04 Measurement specifications.

All measurements shall be made in accord with the following specifications:

(A) The surveyor shall keep all equipment used in the performance of surveying in proper repair and adjustment.

(B) Every determination 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 ten thousand (allowable linear error = reported distance divided by ten 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 two 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 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.

(D) Surveys performed using metric measurements shall utilize the metric equivalents based upon the U.S. survey foot conversion factor.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

4733-37-05 Plat of survey.

(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) A copy of this drawing shall be given to the client. When required, another copy shall be filed with the appropriate public agencies.

(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.

(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 description and the relationship of the property to this control must be referenced to an established monumented point of beginning such as, but not limited to: centerline intersection of streets or highways record, section or quarter section corners, Virginia military survey corners or lines, or platted lot corners. The type of monuments set or found at the control stations shall be noted.

(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 material and size of every monument found or set.

(5) A general notation describing the evidence of occupation that may be found along every boundary line or occupation line.

(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 shall be stated as follows:-.

(a) Bearings expressed in degrees, minutes and seconds and distances expressed in feet and decimal parts thereof on each course. If a metric equivalent distance is stated, it shall be stated to the third decimal place.

(b) All curved lines shall indicate the radius, central angle, curve length, chord bearing and chord distance.

(c) Each course shall show other common lines such as centerline of roads, rivers, streams, section lines, quarter section lines, half section lines or other pertinent common lines of record.

(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

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.

(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).

(11) The area contained within the perimeter of the surveyed parcel.

(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.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

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 adjoining 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) 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.

(3) The area of the parcel.

(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 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.

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Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

4733-37-07 Subdivisions.

When a subdivision is created from a piece of property, or several adjoining pieces, the following rules shall apply:

(A) Rule 4733-37-02 of the Administrative Code shall apply to the original tract(s) of land prior to being subdivided.

(B) Rule 4733-37-03 of the Administrative Code shall apply to the outside perimeter of the original tract(s) of land and to the outside perimeter of the newly created subdivisions. All newly created lots, blocks, rights of way, angle points, points of curvature and points of tangency shall be monumented according to local regulations. Street rights of way may be monumented with monuments on the centerline instead of right of way monuments. Centerline or right of way monuments shall be set at all intersections, angle points, points of curvature and points of tangency.

(C) All newly created subdivisions shall comply with rules 4733-37-04 and 4733-37-05 of the Administrative Code.

(D) All easements within a newly created subdivision shall be accurately dimensioned so that each easement line can be reproduced without ambiguity.

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Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 11/1/2003



EXHIBIT C

The State of Ohio

Bob Taft

Secretary of State

806024

Certificate

It is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous Fillings; that said records show the filing and recording of: AMD CHN

of:

STARLAND INVESTMENT CO. FORMERLY STARLAND DEVELOPMENT COMPANY

United States of America
State of Ohio
Office of the Secretary of State

Recorded on Roll H557 at Frame 1495 of
the Records of Incorporation and Miscellaneous Fillings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 10TH day of MARCH

A.D. 19 93



Bob Taft

Bob Taft
Secretary of State