

## CONVEYANCE STANDARDS

### **A. NEW BOUNDARY SURVEY & LEGAL DESCRIPTION NEEDED**

#### **1.**

**a) A boundary survey shall be made whenever land to be conveyed is only a part of the Grantor's land or the legal description of the land to be conveyed is different from the legal description of the land conveyed in the most recent conveyance of all or part of that land, however:**

**i. A boundary survey shall not be required for a new split of over ten (10) acres if it can be described by fractional section description.**

**ii. A boundary survey shall not be required when a Grantor conveys all of his remaining land notwithstanding the fact that he has previously conveyed off one (1) or more tracts, provided that there have not been more than four (4) tracts conveyed out since May 6, 1996 (regardless of ownership).**

**iii. Notwithstanding paragraph (ii), the Engineer, for good cause, may require a boundary survey even if there have been fewer than four (4) conveyances out since May 6, 1996. Good cause includes, but is not limited to, the irregular shapes of tracts conveyed out, the total number of properties conveyed out including those prior to May 9, 1996, or any other person which undermines the basic purposes of these standards.**

**iv. Even if there have been more than four (4) conveyances out of a parcel since May 9, 1996, the Engineer may, for good cause, waive the requirement of a new boundary survey.**

**b) If a boundary survey is required by this section, 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, and shall be submitted to the County Engineer for review. The error of closure shall not exceed one in ten thousand. If, after the County Engineer's review, the County Engineer determines that the survey plat and description satisfy those standards, the County Engineer shall approve the survey plat and description, and shall file a copy of the survey plat and description in the engineer's survey file. The survey plat and description so filed are public records under Section 149.43 of the Revised Code.**

**2. A new survey and legal description will be needed whenever a parcel has a legal description that in the opinion of the County Engineer does not clearly define the area to be conveyed.**

**3. Vacated street and alleys must be described by a metes and bounds legal description at the time of conveyance, not at the time of vacation. If such metes and bounds description cannot be prepared from the existing plats or surveys, a new survey will be needed.**

**4. Since a certificate of transfer of real estate and affidavit for transfer of real estate are not forms of conveyance but simply recorded evidence of transfer of title to real estate which have already taken**

place as a matter of law, the following instruments shall not be governed by these standards, however, they shall be submitted to the map office for review prior to transfer and recording:

a) Certificate of transfer of real estate.

b) Affidavit for transfer of real estate.

c) A conveyance of an interest in the real estate described in such certificate or affidavit, as set forth in (a) and (b) above, by an owner named in either of said instruments to another such owner.

5. Unless required in accordance with paragraph two (2) above, the following do not require a survey:

a) "First time" trusts to yourself or your spouse when created by conveyance of property you currently own.

b) Conveyance to spouse due to divorce.

c) Conveyance to or from a child or grandchild when there is no consideration (i.e. a gift). To invoke this exception, grantor shall submit an affidavit stating that (1) the conveyance is between a parent and child, or between a grandparent and grandchild and (2) is a bona fide gift.

6. Nothing herein shall prohibit any individual from requesting an opinion from the County Engineer as to the sufficiency of the description contained in any instruments set forth above.

## **B. REQUIREMENTS FOR EXISTING DESCRIPTIONS OF RECORD**

1. All existing descriptions of record, which do not create or alter the current tax structure of a parcel(s) will be checked by the Williams County Engineer's Office to verify to the Williams County Auditor the tax parcel(s) to be conveyed. The parcel number shall be shown on the deed.

2. All existing descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer. The correction of scrivener errors, omissions, or other obvious mistakes are permitted in order to make the description more accurate.

3. 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 the County Engineer's Office for pre-transfer verification or approval.

## **C. PROCEDURE FOR THE REVIEW AND TRANSFERRING OF PROPERTY**

1. All conveyances that are transferring a portion of the grantor's property, and that portion is under five (5) acres, shall be submitted to the County Regional Planning Commission if in an unincorporated area.

**Any split in an incorporated area shall have the deed approved by the Municipal Planning Commission in which the parcel is located prior to submission to the County Engineer.**

**2. All deeds shall be presented to the County Engineer Map Office for approval of the legal description with an attached copy of the last description of record together with copies of all deeds that have been split from the grantor's property since May 9, 1996.**

**3. After the County Engineer's approval, deeds are to be presented to the County Auditor for transfer.**

**4. The boxed area of the "Real Property Conveyance Fee Statement of Value and Receipt" (DTE Form 100), lines one through nine, must be entirely completed as well as pertinent information on the "Statement of Reason for Exemption From Real Property Conveyance Fee" form (DTE Form 100EX).**

**5. Any split shall include an "Agreed Division of Land and Building Form" signed by both grantor and grantee describing specific improvement information.**

**6. Any split of property currently taxed under the Current Agriculture Use Valuation Program will require DTE Form 102 "Statement of Conveyance of Current Agriculture Use Valuation Property" signed by grantor/ grantee/ representative and notarized upon delivery with deed to the County Auditor.**

#### **D. THESE PROCEDURES SHALL ALSO APPLY TO LAND CONTRACTS**

##### **General**

**It is the intent of these requirements to provide a standard method of checking legal descriptions for deeds, land contracts, affidavits and other instruments used for land transfers.**

**It is the desire of the county to provide a service to the public to ensure proper and accurate descriptions of property, to correct any errors that are evident, and to ensure that property is accurately described for tax purposes.**

**It is understood that all situations cannot be covered by these requirements, and when those situations arise they will be handled as special cases interpreted by the County Engineer's Office when description related, or County Auditor's Office if related to the conveyance form.**

**These procedures are in accordance with sections 315.251, 319.203 and 5313.02 of the Ohio Revised Code.**

**These standards were adopted on the 1st day of April, 1997, and revised as of the 1st day of January, 1999.**