

# REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE IN WYANDOT COUNTY, OHIO



Michael B. Kohl, P.E., P.S., Wyandot County Engineer  
George W. Kitzler, Wyandot County Auditor

Revised: April 30, 2015

ADOPTION OF REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE IN  
WYANDOT COUNTY, OHIO.

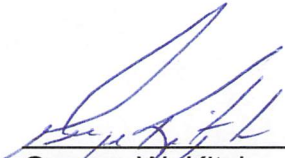
April 30, 2015

Agreement to adopt standards,


Pursuant to Section 319.203 of the Ohio Revised Code, George W. Kitzler, the Wyandot County Auditor and Michael B. Kohl the Wyandot County Engineer, hereby agree to the following standards governing the conveyances of real property in Wyandot County, Ohio.

These standards were adopted after two public hearings conducted by the Wyandot County Auditor and the Wyandot County Engineer held on March 23, 2015 and April 6, 2015, notice of which having been duly published. All public testimony and written comments received prior to April 7, 2015 were considered in the adoption of these standards.

These standards shall be in effective on the date signed and shall remain in effect until revised according to the procedures set forth in Section 319.203 of the Ohio Revised Code.

  
\_\_\_\_\_  
George W. Kitzler  
Wyandot County Auditor

12-21-2015  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Michael B. Kohl, P.E., P.S.  
Wyandot County Engineer

12/18/2015  
\_\_\_\_\_  
Date

# GENERAL

In compliance with Section 315.251 of the Ohio Revised Code, the County Auditor and the County Engineer have adopted these written standards governing the conveyance of real property in Wyandot County, Ohio

It is the intent of these requirements to provide a standard method of checking legal descriptions for deeds, easements, affidavits, land contracts, and other instruments that require the use of land descriptions. These requirements will also meet the obligations of Sections 315.251 & 319.203 of the Ohio Revised Code.

It is the desire of the County to provide a service for the public to insure proper and accurate descriptions of property and to insure that property is accurately described for tax purposes.

All authors of instruments of conveyance are encouraged to have descriptions checked by the County Engineer's Office prior to the actual time of conveyance. This will avoid delays and allow time for any corrections that may be necessary.

**A bad description is a legal description with a point of beginning which cannot be determined and/or identified, an error in the legal description that causes ambiguity, an unidentifiable description or description that makes reference to items that cannot be identified from recorded surveys or documents.**

**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 Wyandot County Engineer's Office.**

The plats of all submitted surveys will be checked to see that they meet all local requirements, as per the attached Wyandot County Survey Checklist (see appendix A), and the Minimum Standards For Boundary Surveys In The State Of Ohio, OAC 4733-37.

The Office of the Wyandot County Engineer holds the authority to reject all transfers of property which do not conform to the included standards, restrictions, or parts thereof.

# **WYANDOT COUNTY BASIC STANDARDS FOR THE APPROVAL OF REAL ESTATE DEED TRANSFERS & LAND CONTRACT AGREEMENTS**

## **PURPOSE**

The purpose and intention of these standards are to facilitate transfer of property and to obtain definite and accurate legal descriptions for transfers. This will be the philosophy of the County Officers in examining real estate descriptions. This will result in better service and records for abstractors, property owners, attorneys, surveyors, recording and taxing officials.

**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 Wyandot County Engineer's Office.**

## **GENERAL PROCEDURES FOR DEED APPROVAL AND TRANSFER**

All deeds and any contracts for future conveyance of title to real estate must be checked for adequate description to ensure that the following standards are complied with. The County Engineer's Tax Map Department will review and stamp the conveyance with the approval of the Tax Map Office when these requirements are met. No conveyance will be accepted by the County Auditor for transfer or by the County Recorder for recording without this approval. Conveyances based upon surveys will not be approved until the survey has been checked and approved for recording.

## **INSTRUMENTS OF CONVEYANCE INVOLVING NEITHER THE CREATION OF A NEW PARCEL NOR A LEGAL DESCRIPTION DIFFERENT FROM THE LEGAL DESCRIPTION OF THE MOST RECENT CONVEYANCE:**

### **A. Non-Exempt Transfers**

Instruments of conveyance involving neither the creation of a new parcel nor a legal description different from the legal description of the most recent conveyance shall be submitted to the County Auditor for transfer after being reviewed by the County Engineer's Tax Map Office. In said review, the County Engineer's personnel shall do one of the following:

1. Approve the description as written, stamp the document "Description Checked, Tax Map Office".
2. Recommend that minor corrections be made in the legal description due to obvious errors such as typographical errors, transposed letters or numbers, or rotation of bearings. The recommended changes in the legal description shall then be returned to the Tax Map office, along with the instrument of conveyance. The Engineer shall then stamp the document "Description Checked, Tax Map Office".

3. After review, if the legal description is deemed to be identifiable with a clear and definable point of beginning but fails to meet the current requirements due to minor errors it may transfer one time with a stamp reading

“Notice: This description does not meet current Wyandot County Conveyance Standards, survey required on next non-exempt transfer”

4. After review, if the legal description is deemed to be a bad description (see page 3) the description shall be stamped "Survey Required".

Some examples of major errors are (list is non-inclusive):

- a) Existing legal description is missing dimensions, acreage or bearings.
- b) Existing legal description does not call out an identifiable location of the parcel as to section, quarter-section, township and range numbers, or political subdivision name (city, village, township name).
- c) Existing legal description describes a parcel not owned by the Grantor.

#### B. Exempt Transfers

Existing descriptions that fail to meet the requirements for transfer may transfer in the event there is no monetary consideration and they meet at least one of the requirements:

1. When property is being transferred from the owner(s) to themselves
2. When property is being transferred from the owner(s) to an immediate family member
3. When the trustee(s) of a given trust relinquishes rights to a new trustee(s) of the same trust
4. When the property is being transferred from the owner(s) name into a family trust
5. When property is being transferred from a family into a member's name of that trust
6. When the name of a trust is being changed but the trustee(s) remain the same
7. When a person(s) inherits property by survivorship
8. Life Estates
9. Corrective Deeds
10. Transfers by Court order such as Certificates of Transfer, Executor or Fiduciary, Divorce Decree
11. Sheriff's Deeds, Auditor's Deeds or Judicial Orders

At the time of transfer the legal instrument shall be stamped:

“Notice: This description does not meet current Wyandot County Conveyance Standards, survey required on next non-exempt transfer”.

## **I. EXISTING DESCRIPTIONS WHICH ARE NOT METES AND BOUNDS**

All deeds and land contracts for existing property recorded in the Wyandot County Recorder's Office as of the effective date of these regulations described without a metes and bounds description or division of the rectangular system of land transfer, will be approved if the description meets the following requirements:

1. The description accurately describes the parcel and the geographical location can be determined by the Tax Map representative.
2. The description does not rely on adjoining parcels as the only means to describe a boundary line.
3. The description is exactly the same as the previous recorded instrument and has no new exceptions.
4. The acreage of the property shall be recited consistent with the previous instrument and shall not vary from the tax map or Auditor acreage (unless the deed acreage is substantiated by a survey of record) by more than: +/- 0.2 acre for parcels under 5 acres, and 5% or less for all other parcels.

## **II. EXISTING METES AND BOUNDS DESCRIPTION OF RECORD**

1. All existing metes and bounds descriptions of record, which do not create or alter the current tax structure of a parcel, will be checked by the Wyandot County Engineer's Tax Map representative to verify and identify to the Wyandot County Auditor the tax parcel to be conveyed. Prior deed references from which the grantor of the conveyance acquired title must be provided.
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 clerical errors, omissions or other obvious mistakes is permitted in order to make the description more accurate. In order to show continuity through the chain of title when making these corrections, the existing legal description must be described followed by the more accurately described new legal description.
3. Any existing metes and bounds description 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. Metes and bounds descriptions must contain all information pertaining to the description that will be used on the legal instrument form when checked by the Tax Map Office for pre-transfer verification or approval.

### **III. NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE**

All new metes and bounds descriptions shall meet the standardization guidelines for recorded documents under section 317.114 of the ORC and must incorporate the following.

1. Location:
  - A. Must denote state, county, township, and municipality (if appropriate). It must also denote section, township, range and quarter section.
  - B. Must denote previous/prior deed reference as to the tract of origination.
  
2. Point of Beginning:

All tracts or parcels must be referred to some definitely known and established point such as a monumented section or quarter section corner, a dedicated lot corner, a recorded subdivision plat corner, or monumented centerline intersections of recorded highways within Wyandot County.
  
3. Courses:
  - A. Each course of a new metes and bounds description must be a double spaced typed paragraph, and all courses must be stated in a clockwise direction from the point of beginning to the 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 "Street Name" and all other bearings are from angles and distances measured in the field."
  - D. Each course must recite all monumentation, (See OAC 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. Each course must show all other common lines such as centerlines of roads, rivers, streams, etc., quarter or half section lines, Reservation lines, or any other pertinent common line of record or interest as witnessed by the survey for the, conveyance.
  
4. Curves:

Any course of a metes and bounds description described as 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:**

All references to roads, rivers, streams, railroads etc., must use current or existing numbers or names of record. Old or original names may also be mentioned as additional information to add clarity.

**6. Acreage:**

- A.** All new metes and bounds descriptions must give the acreage contained within its perimeter and the total acreage contained within the road right of way calculated to the third decimal place.
- 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:**

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

- 1). Printed surveyors name and address.
- 2). Ohio registration number and seal.
- 3). The date of writing and/or survey.
- 4). A statement indicating whether the subject description was prepared from an actual field survey or from existing records
- 5). Surveyor's signature.

**8. Prior Deed References:**

The deed reference(s) from which the grantor of the conveyance acquired title must be recited.

**9. Closure:**

All new metes and bounds descriptions must be accompanied by a signed closure report showing that the traverse closes in compliance with OAC 4733-37-04, Measurement Specifications.



#### **IV. LOTS IN RECORDED ADDITIONS OR DIVISIONS**

- 1.** All lots in any municipality or regularly recorded subdivision only need to be designated by the number of said lot and the name of said subdivision or addition and its geographical location.
- 2.** Any existing plot or part of a divided lot shall have adequate dimensions to clearly show the portion being transferred. All new lot splits must be surveyed in accordance with provisions of Section 315.251 of the Ohio Revised Code. The survey must be recorded in the Wyandot County Survey Records. Written approval of the appropriate agency which has jurisdiction to authorize acceptance of the proposed alteration must be attached before any new splits of existing lots will be transferred. The deed must also bear the stamp of the authorized agency to allow processing.
- 3.** Vacating and/or re-platting of existing lots in a subdivision must be altered through appropriate court action. Once a subdivision or lots in that subdivision are vacated, a new subdivision plat may be provided by the landowners for appropriate action by the agencies involved. The new subdivision plat must be signed by each authorized official as established by current subdivision regulations. Changes the Wyandot County tax maps will be made immediately following acceptance and recording of the new subdivision.

## **V. NEW SURVEY SPLITS OF EXISTING PARCELS**

A copy of the surveyor's metes and bounds description and closure report for the parcel must be included with the survey. To permit adequate inspection of the survey plat, a minimum of three working days are required before the survey will be recorded. Failure to meet the standards required for recording surveys will result in the survey being rejected. The surveyor will be contacted once by telephone if their survey is rejected. It is the surveyor's responsibility to make all necessary corrections and any further correspondence to insure that these requirements are met. If corrections are necessary, other than minor alterations which can be made by the surveyor in the Tax Map Office, the surveyor must re-file the survey. The new split must meet Wyandot Regional Planning regulations and the minimum setback requirements. (See Appendix C)

- 1.** All tracts or parcels must be referred to by some definitely known and established point such as a monumented section or quarter section, a dedicated lot corner, a recorded subdivision plat corner, or monumented centerline intersections of recorded highways within Wyandot County.
- 2.** The tract or parcel to be transferred must have a metes and bounds description or be an existing legal division of the rectangular system of land transfer. (See Appendix B)
- 3.** The acreage must be stated at the end of any description. When a tract or parcel lies in two or more different sections, quarter sections, tax parcel numbers, or political subdivisions, the acreage must be broken down into each individual item as stated. If a survey is not required by these standards, a certified statement must be provided to the Wyandot County Auditor by the grantor listing all structures which will be transferred with the conveyance.
- 4.** When there is an exception to a tract or parcel the exception must be fully described by metes and bounds description in the deed to be transferred and commonly with the following requirements.
  - A.** No more than four exceptions per parcel or tract will be acceptable for transfer.
  - B.** After the exception or exceptions to a tract or parcel is fully described, an acreage must accompany the conveyance of intent.
  - C.** It is desired that all instruments of conveyance using exceptions to title to convey the balance or remainder of a tax parcel(s) incorporate a statement identifying the tax parcel(s) to be conveyed, and the current taxable area as witnessed by the Wyandot 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, containing acreage as shown by the Wyandot County Auditor).
  - D.** Each documented exception must recite the title 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.

**5.** When a parcel of land is subdivided into five or more smaller parcels the parcels shall be reviewed for compliance with Wyandot County Regional Planning major subdivision requirements. All previously submitted splits from the parent parcel, as determined by the parcel numbering system, are considered in the number of subdivided parcels.

**6.** All new splits, except for legal divisions of the rectangular system of land transfer (see appendix B), regardless of acreage must be surveyed and the plat of said survey must be recorded in the Wyandot County Survey Records in accordance with provisions of Section 315.251 of the Ohio Revised Code. All surveys and plats shall conform to the minimum standards for surveys according to the Ohio Administrative Code Section 4733.37 and Wyandot County requirements.

**7.** Deed description calls which are used as reference calls to the true point of beginning must be along a section line, the centerline of a public highway, or other physically retraceable line of public record when possible. All points used in deed description calls are considered reference points and must be monumented accordingly.

**8.** All instruments, including survey plats, subdivision plats, etc., submitted for recording or filing must be of a quality bond or Mylar material which permits legible reproduction of the instruments. To ensure proper reproduction and microfilming the original plat of survey must be submitted on a minimum size of 11 inch by 17 inch in ink.

**9.** All survey plats shall show all structures, well and septic locations on the surveyed parcel. All structures within 10 feet of the property line must show the distance to the nearest foot.

**10.** To insure legibility, it is required that survey plats be of adequate size to allow all necessary information to be shown in an orderly manner. All curve data, traverse information or other survey data which is not able to be legibly placed along the respective traverse of the survey should be placed in a table.

**11.** All new parcels must have a minimum owned highway frontage of 40 feet for single family housing, and 60 feet for multiple family housing. Easements for driveways will not be allowed as the only highway frontage.

## **VI. COMBINATIONS OF EXISTING PARCELS**

**Explanation:** To consolidate parcels on the property tax maps and remove their separate lines of demarcation, certain procedures shall be followed.

Each deed description may affect the deed description of adjoining properties and changes must be available for future reference in a clear and uninterrupted chain. The old and new legal descriptions will need to show, on one current transfer, said changes to property lines of said consolidated properties. Therefore, before parcel lines may be removed from the property tax map, the following procedures will be required (this applies to metes and bounds descriptions).

1. A survey plat and legal description prepared by a registered professional surveyor showing the combined parcels as one parcel shall be submitted to the Engineer's Tax Map Department.
2. The survey plat and legal description shall be checked for compliance with local and state regulations by the Engineer's Tax Map Department and recorded in the survey records volume.
3. The legal instrument (deed) must be filed with the Engineer's Tax Map Department, County Auditor, and recorded with the County Recorder.

**Note:** Changes to lots in recorded subdivisions will be by replat only, following the subdivision procedures.

**APPENDIX A**  
**SURVEY CHECKLIST**

DATE: \_\_\_\_\_ PARCEL NUMBER: \_\_\_\_\_

SURVEY FOR: \_\_\_\_\_ SURVEYOR: \_\_\_\_\_

TOWNSHIP: \_\_\_\_\_ SECTION: \_\_\_\_\_ TOWN: \_\_\_\_\_ RANGE: \_\_\_\_\_

**1.) REFERENCES (VOLUME & PAGE):**

- \_\_\_\_\_ Surveys
- \_\_\_\_\_ Deeds (current adjoiningers)
- \_\_\_\_\_ Highway Records
- \_\_\_\_\_ Railroad Records
- \_\_\_\_\_ Subdivision Plats
- \_\_\_\_\_ Other \_\_\_\_\_

**2.) MONUMENTATION:**

- \_\_\_\_\_ Adequate type monument (See Ohio Minimum Standards) at each property corner and/or station.
- \_\_\_\_\_ Reference monuments to be on a property line being established or re-established and must be as close as possible to reference point.
- \_\_\_\_\_ Points shall be set in all roadways and shall be made of a ferrous material for the purpose of magnetic location. (Reference Monuments must be at right-of- way line.)

**3.) PLAT:**

- \_\_\_\_\_ Scaled drawing, indicated in writing and graphically.
- \_\_\_\_\_ North arrow with a clear statement as to the basis of reference direction.
- \_\_\_\_\_ Title block identifying general location of survey.
- \_\_\_\_\_ Control station(s) or line cited in the deed description and the relationship of the property to this control.
- \_\_\_\_\_ Legend of all set and found monuments at all corners or control stations.
- \_\_\_\_\_ Length and direction of each line.
- \_\_\_\_\_ Date of survey.
- \_\_\_\_\_ Surveyor's printed name and Ohio registration number, signature and reproducible seal.
- \_\_\_\_\_ Street or highway names or numbers adjoining and included in survey with respective R/W dimension.
- \_\_\_\_\_ Curve Data.
- \_\_\_\_\_ Closure information supplied.
- \_\_\_\_\_ Is this property subject to Wyandot Regional Planning? (If so, see section 5)
- \_\_\_\_\_ Acreage to be summarized per quarter section and parcel number, and totaled.
- \_\_\_\_\_ Point of beginning (P.O.B.) shown.
- \_\_\_\_\_ Existing structures, well and septic shown.
- \_\_\_\_\_ For parcels which do not have the minimum 200' road frontage, one of the following must be met:
  - \_\_\_\_\_ A minimum owned highway frontage of 40 foot for single family housing.
  - \_\_\_\_\_ A minimum owned highway frontage of 60 foot for multiple family housing.

**4.) OTHER:**

- Legal description
- Determine if location of survey falls within an area Governed by subdivision regulations other than Wyandot County's. (i.e. City of Upper Sandusky).
- Current owners and current adjoiners listed.
- Check number of splits from parent parcel.
- Survey is for adjoiner, no new buildable area created.

**5.) REGIONAL PLANNING:**

- Length of lot less than 4 times the width of lot.
- All Structures, well & septic are shown on plat.
- Minimum property width of 200.00'.
- Minimum acreage of 1.50 acre excluding highway right-of-way
- Setbacks met.

Please contact Wyandot County Regional Planning Department for a complete set of revised regulations

Wyandot County Regional Planning  
109 S. Sandusky Ave., Room 16  
Upper Sandusky, OH 43351  
(419) 294-4931

**APPENDIX B**

**ACCEPTED LEGAL DIVISIONS OF THE RETANGULAR SYSTEM**

NW ¼ NW ¼	NE ¼ NW ¼	W ½ NW ¼ NE ¼	E ½ NW ¼ NE ¼		NE ¼ NE ¼ NE ¼
					SE ¼ NE ¼ NE ¼
SW ¼ NW ¼	SE ¼ NW ¼	NW ¼ SW ¼ NE ¼			N ½ SE ¼ NE ¼
		SW ¼ SW ¼ NE ¼			S ½ SE ¼ NE ¼
N ½ SW ¼		W ½ SE ¼		E ½ SE ¼	
S ½ SW ¼					



APPENDIX C

SETBACK REQUIREMENTS UNDER REGIONAL PLANNING

NEW LOT SPLITS

