

**STANDARDS FOR THE APPROVAL OF
REAL ESTATE TRANSFERS
JACKSON COUNTY, OHIO**

The intent of these requirements is to insure proper and accurate descriptions of property. To correct any errors that are evident and to insure that property is accurately described for tax map purposes.

It is understood that all situations cannot be covered by these requirements. When those situations arise they will be handled as special cases as interpreted by the County Engineer's Office.

All authors of instruments of conveyance are encouraged to have descriptions checked before the actual time of conveyance. This will avoid delays and allow time for any corrections that are necessary.

The following requirements supersede any previous requirements for deed checking.

These requirements do not supersede the Jackson County Subdivision Regulations.

We the undersigned being the Jackson County Auditor and Jackson County Engineer may modify these standards from time to time as we consider necessary or desirable. These standards shall be adopted or modified only after conducting two public hearings, not less than ten days apart.

Adopted this 23rd of July in the year 1997.

EDWARD R. JARVIS
JACKSON COUNTY AUDITOR

BRIAN D. McPHERSON P.E., P.S.
JACKSON COUNTY ENGINEER

I. REQUIREMENTS FOR NEW PLATTED ADDITION AND SUBDIVISION LOTS

- A) All instruments conveying a recorded lot in any addition or subdivision must include:
- 1) name of addition or subdivision
 - 2) county name
 - 3) city or village name (if applicable)
 - 4) township name (if applicable)
 - 5) lot number
 - 6) plat book volume and page
- B) Any instrument conveying a portion of the original lot (new split) must conform to state minimum standards for boundary surveys. Also they must conform to all local requirements for new metes and bounds descriptions.
- C) Instruments attempting to convey a lot(s) of a vacated addition or subdivision must meet the requirements for new metes and bounds descriptions. A statement declaring the lot number(s) or part(s) and the name of the addition or subdivision will be required.
- D) All instruments of conveyance must contain the Auditor's parcel Id. number.

II. REQUIREMENTS FOR EXISTING DESCRIPTIONS

- A) All existing descriptions of record which do not create a new parcel or alter the current tax structure of an existing parcel(s) will be submitted to the Auditor for transfer. In the event of any discrepancies the instrument will be forwarded to the GIS/Tax Map office for further review and recommendation.

The discrepancies include but are not limited to:

- 1) Acreage is not stated or in gross error
 - 2) Location is undeterminable
 - 3) Parcel Id. number is missing or incorrect
- B) In the event that the acreage and/or location cannot be determined, the instrument shall have “New Description Required for Future Transfer” stamp affixed prior to recording.
- C) Exceptions to this rule are as follows:
- 1) If the property cannot be located by the description itself and there is other documented evidence to support the actual location of the property, corrections may be made.
 - 2) If the acreage is not stated or in gross error and there is sufficient information contained in the description to determine the acreage, changes may be made.
 - 3) If the Parcel Id. number is missing or incorrect, it may be added to the description.

III. REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTION

All new metes and bounds descriptions, not previously recorded, must comply with state minimum standards for boundary surveys and all additional Jackson County requirements, which are as follows:

- A) All descriptions must be referenced to one of the following:
 - 1) A section, 1/4 section, 1/4-1/4 section, SSR lot, or outlot corner.
 - 2) An intersection with one of the above lot lines and the centerline of a public road.
 - 3) Intersection of two public roads.
 - 4) Centerline stationing of centerline surveys on file at the Recorder's Office.
 - 5) Lot corner or line intersection of a recorded addition or subdivision.
(Corporation lines may not be used.)
- B) No approximate distance(s) and bearing(s) to the tie in will be accepted.
- C) Whenever a new metes and bounds description encompasses two or more Sections, Scioto Salt Reserve Lots, Inlots, Outlots, taxing districts, or two or more tax parcels, a breakdown of the total area of record must be recited to create an accurate tax structure.
- E) All new descriptions shall state the right-of-way width of any and all bounding public roads as on file at the County Engineer's office if available.
- F) All new descriptions must contain the Auditors Parcel Id. number(s) from which the new description was prepared.
- G) Quantity of area must be in acres and accurate to the third decimal place. All area shall be determined from the legal description only and calculations shall start from the point of beginning.
- H) All descriptions must be accompanied by a plat of survey.
- I) Review by the Jackson County Planning Commission will be required when a description in an unincorporated area meets any one of the following:
 - 1) Acreage is less than 20,000 square feet with public water or less than 40,000 square feet without public water.
 - 2) Road frontage is less than 85.00 feet with public water or less than 100.00 feet without public water.
 - 3) Parcel is landlocked.
 - 4) Parcel has an easement of less than 50.00 feet in width.

IV. REQUIREMENTS FOR PLATS OF SURVEY FOR NEW METES AND BOUNDS DESCRIPTIONS.

All plats must be accompanied by a description. The plat of survey shall meet the state minimum standards for boundary surveys and all additional Jackson County requirements:

- A) All plats shall meet all the requirements for descriptions stated herein.
- B) All existing title and source of title of abutting owners along each boundary line of the subject survey or lot number (additions-subdivisions) of the adjacent tracts shall be shown.

V. EXCEPTIONS TO THE REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS

A) SHERIFF DEEDS

In the event that a tract(s) of land is subject to a foreclosure sale and the original instrument contains an error as cited in Section II , Subsection A, the original description may be used in the Sheriff's deed and shall have the "NEW DESCRIPTION REQUIRED FOR FUTURE TRANSFER" stamp affixed prior to recording.

B) CERTIFICATES OF TRANSFER

In the event that a tract(s) of land is being transferred by a certificate of transfer (CT) and the original instrument contains an error as cited in Section II , Subsection A, the original description may be used in the CT and the CT shall have the "NEW DESCRIPTION REQUIRED FOR FUTURE TRANSFER" stamp affixed prior to recording.

C) LIFE ESTATES

In the event that a tract(s) of land is being transferred to release a life estate and the original instrument contains an error as cited in Section II , Subsection A, the original description may be used in the affidavit. If the life estate is on record in the Auditor's office, the affidavit shall have the "NEW DESCRIPTION REQUIRED FOR FUTURE TRANSFER", stamp affixed prior to recording. Otherwise, the affidavit shall be stamped "TRANSFER NOT NECESSARY". The affidavit shall be accompanied by the appropriate death certificate, if the release is due to the death of the holder of the life estate.

D) JOINT SURVIVORSHIP

In the event that a tract(s) of land is being transferred as a result of joint survivorship and the original instrument contains an error as cited in Section II , Subsection A. The original description may be used in the affidavit, and the affidavit shall have the "NEW DESCRIPTION REQUIRED FOR FUTURE TRANSFER" stamp affixed prior to transfer. Otherwise, the affidavit shall be stamped "TRANSFER NOT NECESSARY". The affidavit shall be accompanied by the appropriate death certificate.

VI. NEW EASEMENTS - INGRESS AND EGRESS

An easement is essentially an interest in land which creates a right or privilege in a person to use a part of the land of another person. Although an easement is not a fee transfer it is recommended that either the grantor or grantee have the GIS/Tax Map office check the easement for proper platting references.

For easement descriptions the following guidelines are suggested:

- A) The place of beginning should be located in/on a retraceable boundary line of a new or existing parcel.
- B) Prepare the description by one of the following methods:
 - 1) By bearing and distance for each course.
 - 2) By centerline description i.e. " Being a 50 foot wide easement being 25 feet both sides of the following described centerline...".
 - 3) By strip i.e. "Being a 50 foot wide strip along the east side of the following described tract and extending from () to ()...".
- C) Include a statement of intent for granting the easement.
- D) Area (acreage) should not be stated as easements are not fee transfers.

VII. ANNEXATIONS

Only annexations in the form of plats and descriptions will be accepted. Any additional requirements will be handled on a case by case basis as determined by the Jackson County Engineer.

VIII. STREET AND ALLEY VACATIONS

In order to comply with section 711.39 O.R.C. all street and alley vacations must comply with state minimum standards for boundary surveys and all Jackson County Requirements for new metes and bounds descriptions. In addition, the proper legislative authority is responsible for the cost of recording of the instrument(s).

IX. MISCELLANEOUS

CONVEYANCE FORMS

All questions on the conveyance form must be answered completely in order for the Auditor's office to transfer the Real Estate. The cost of any personal property involved in the sale must be listed separately.

ERRORS AND OMISSIONS

Once a description has been approved by the County Engineer's office the same will be approved for subsequent conveyances unless an obvious mistake was committed in the prior approval. The County Auditor's and Engineer's Office will not be responsible for corrections needed.

UNRECORDED SUBDIVISIONS

Instruments attempting to convey all or part of what is called an "UNRECORDED SUBDIVISION" must meet the requirements for existing metes and bounds descriptions or new metes and bounds descriptions.

MORTGAGE SURVEY PLATS

Mortgage survey plats cannot be accepted with descriptions unless it meets state minimum standards for boundary surveys and all Jackson County requirements.

LAND CONTRACTS

Land contracts once fulfilled must meet the same requirements as for platted addition and subdivision lots, existing metes and bounds or new metes and bounds depending on the circumstance .

MINIMUM STATE 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.

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.

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.

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.

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.

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 adjoiners 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.

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.

**DEED REVIEW AND REAL PROPERTY TRANSFER STANDARDS
JACKSON COUNTY, OHIO**

[§ 315.25.1] § 315.251. When boundary survey plat and description required.

(A) Å 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](#) [319.20.3] 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](#) [319.20.3] 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.

[§ 319.20.3] § 319.203. Land conveyance standards.

Subject to division (B) of [section 315.251](#) [315.25.1] 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](#) [315.25.1] 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](#) [315.25.1] 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.

§ 711.39. Vacation of plat by legislative authority.

Upon the institution of proceedings by the legislative authority of a municipal corporation, the board of county commissioners of a county, the department of transportation of the state, or an individual, partnership, or corporation in the court of common pleas, for the vacation of any public streets, alley, avenue, lane, road, boulevard, driveway, or other public way, or any portion thereof, in a village, or addition to or subdivision in a municipal corporation, a plat, map or other plane representation showing such public way sought to be vacated, and all intersecting or connective public ways, shall be prepared and certified to by a licensed surveyor or engineer, and shall form a part of the petition and proceedings for such vacation. Any such public way sought to be vacated shall be shown on said plat by measurements, descriptions, coloring, hatched lines, or other method of identification to distinguish the extent, limit, width, and area of the public way or parts thereof sought to be vacated from those not vacated.

Such plat, map, or plane representation shall be transferred in the office of the county auditor and recorded in the office of the county recorder of the county in which said land is located in the same manner as are plats originally transferred and recorded.

Upon the filing of said plat, map, or plane representation with the county recorder, a cross reference to the record of the vacated portion of the plat shall be made by the recorder on the original plat of the village, or addition to or subdivision in the municipal corporation by which the dedication was made.

Upon the institution of proceedings to vacate platted lots of a village, or addition to or subdivision in a municipal corporation for the purpose of returning such lots as acreage to the tax duplicate, the same procedure shall be required.