

Conveyance Standards & Boundary Survey Requirements Brown County, Ohio



Effective Date — February 1, 2017



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**STANDARDS GOVERNING MINIMUM REQUIREMENTS
FOR ALL FORMS OF CONVEYANCE
IN BROWN COUNTY, OHIO**

Pursuant to Section 319.203 of the Ohio Revised Code, Jill Hall, the Brown County Auditor, and Todd Cluxton, P.E., P.S., the Brown County Engineer, hereby agree to the following standards governing the conveyances of real property in Brown County, Ohio, and hereby adopt the same as the official standards governing all conveyances of real property in said County.

The official standards so agreed to and adopted are attached hereto and made a part thereof This Agreement is adopted in duplicate and each of the parties hereto shall keep and maintain in his or her office an original copy of the agreement.


In accordance with Section 319.203 of the Ohio Revised Code, public hearings were held on the adoption of such standards October 5, 2016 and October 19, 2016 and public testimony and written comments were solicited and received at such public hearing.

The official standards agreed to, adopted and amended, and attached hereto, shall be effective for all conveyances presented to the Brown County Auditor and Brown County Engineer on and after February 1, 2017.

AGREED TO:



Jill Hall
Brown County Auditor



Todd Cluxton, P.E., P.S.
Brown County Engineer

Date: 12-14-16

Date: 12-14-16

**PROCEDURES AND MINIMUM REQUIREMENTS FOR THE CONVEYANCE OF REAL
PROPERTY IN BROWN COUNTY
(BROWN COUNTY MINIMUM STANDARDS)
Effective February 1, 2017**

This document was created to implement standards governing the conveyance of real property, established by Brown County. These standards are to comply with the Ohio Revised Code (O.R.C.) 319.203 Land conveyance standards.

All of this document will be made available on the Brown County Websites

www.browncountyengineer.org

<http://www.browncountyauditor.org/>

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MINIMUM REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE IN BROWN COUNTY

This document is the result of a law effective May 9, 1996. Ohio Revised Code Section 319.203 states that the County Auditor and the County Engineer, by written agreement, **must** adopt standards governing the conveyances of real property **319.203 Land conveyance standards.**

The following Requirements are now adopted and established in cooperation between the Brown County Engineer and the Brown County Auditor.

INSTRUMENTS TO BE SUBMITTED TO THE BROWN COUNTY'S TAX MAP OFFICE BEFORE CONVEYANCE AND/OR RECORDING ARE AS FOLLOWS:

Existing descriptions of record, all street, alley, road, and subdivision vacations, new surveys, subdivisions, re-plats, condominiums, and road establishments, easements, annexation descriptions and land contracts.

A. GENERAL REQUIREMENTS:

1. It is understood that all situations not addressed by these requirements will be handled as special cases by the Brown County Tax Map Office.
2. Time requirements for review by the Tax Map Office; All descriptions will be checked as promptly as possible and in the order they were received.
3. Instruments conveying a new survey description cannot be processed until reviewed and approved by the Tax Map Office and checked by the Brown County Engineer's Office.
4. **Description(s) that do not meet current requirements may transfer with a red *WARNING stamp* stating, "WARNING: THIS DESCRIPTION DOES NOT MEET BROWN COUNTY STANDARDS AND WILL REQUIRE A SURVEY FOR THE NEXT TRANSFER" as shown below:**

WARNING: This Description does not meet Brown County Standards and will require a survey for the next transfer.

By: _____ Date: _____.

5. All new descriptions and surveys submitted to the Tax Map Office shall be originals with the original signature, date, and stamp.
6. For existing descriptions being transferred, original documents are required. Faxed copies are unacceptable.
7. All corrective deeds must state exactly what is being corrected.
8. No land-locked parcel shall be transferred that has no right-of-way, either by easement or adjacent parcel of same ownership. If access is by adjacent parcel of same ownership, the transferring instrument must state that they can only be transferred together. If access is by easement and the easement is not detailed in the instrument, reference must be made to the volume and page of the document detailing the easement.

9. Land contract descriptions must be checked and must follow these same guidelines for deed descriptions. (O.R.C. Section 5313.02) Land contracts shall include prior deed reference (book and page where Grantor took title). A copy of the land contract must be filed in the Auditor's Office. **A land contract will receive a blue NOTICE stamp if there is a problem with the legal description. This means that the property may be transferred by deed one time following the blue NOTICE stamp. At that time, the deed will receive a red WARNING stamp, indicating that prior to the next transfer, the property must be surveyed.**

NOTICE: Legal description is not accurate.

By: _____ Date: _____.

10. Descriptions/plats submitted shall conform to the requirements as set forth in the Requirements and Provisions of Chapter 711 in the O.R.C. and Sections 315.251 and 319.203. New surveys shall also conform to the Minimum Standards for boundary surveying in the State of Ohio, Administrative Code Chapter 4733-37 and the Requirements for New Metes and Bounds Descriptions and Plats of Survey set forth by the Brown County Engineer's Office (see Exhibit A)
11. All documents, including, but not limited to, affidavits, purporting to change a deed in the future, will receive a blue NOTICE stamp if the survey is incorrect.
12. **ABSOLUTELY** No new split/subdivision shall be accepted if the parent tract does not meet the requirements set forth for a metes and bounds closure in these adopted standards. There are no exceptions to this rule. This rule requires a new recorded deed and new plat for the parent tract.
13. Certificate of Transfer/Affidavit of Transfer, Affidavits of Survivorship, and/or Affidavit of Confirmation and any and all documents determined to transfer present ownership act as a deed and doesn't meet the minimum survey requirements will receive the red WARNING stamp. We reserve the right to amend this list of Affidavits based on Section A 1 under General Requirements.

B. REQUIREMENTS FOR TRANSFERRING EXISTING DEED DESCRIPTIONS

1. All existing lots and out-lots, platted and un-platted.
 - a) Lots in recorded subdivisions and additions which are shown on plats in the office of the County Recorder shall be described by lot number, officially recorded name of addition or subdivision and with reference to a plat book and page number or slide number.
 - b) Lots and out-lots in unrecorded subdivisions and additions shall be described by metes and bounds and adequately tied by metes and bounds (as noted in these standards). Such lots referred to by number will not be accepted for transfer.
 - c) When a split is involved see Requirements for New Metes and Bounds Descriptions and Plats of Survey (see Exhibit A).

2. All existing metes and bounds descriptions.

- a) The mathematical error in closure of all boundaries shall be within 0.02 feet in latitude and 0.02 feet in departure.
- b) Legal descriptions referring to acreage in un-platted areas shall be by metes and bounds and adequately tied in by metes and bounds and shall reference to a point identifiable on a map of the area as follows:
 - i. Descriptions must use nearby recorded subdivision corner or corner of a specified lot in a recorded subdivision, or road intersections with established monuments depicting the corner of an existing tract, as the "tie".
 - ii. Vague terms are not acceptable, nor are references to points of beginning such as "in a northerly direction", "with the meandering of a stream", etc. Deeds containing these terms and others, if transferred in the past, may be transferred as outlined in Section A.1.
 - iii. The description of a tract of land lying in part within and in part outside 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.
 - iv. The description of a tract containing an exception(s) shall be fully described by lot number or metes and bounds and referenced by a prior recorded description that meets the current transfer requirements. After the exceptions to a tract or parcel are fully referenced, a net or remainder acreage must accompany the conveyance of intention. No more than three (3) exceptions are permitted per individual parcel. After (3) exceptions, the parent parcel must be surveyed prior to transfer. Government takes (including eminent domain) will not be counted in this three (3) exception limitation.
 - v. Multiple tracts being conveyed on one deed shall state the prior deed reference and if applicable the parcel number at the conclusion of each tract.
 - vi. New Surveys are required for all splits and/or re-surveys as outlined in "Requirements for New Surveys, Splits/Minor Subdivisions." - Section C (Also see Exhibit A)
 - vii. Description(s) that differ in context from the prior recorded description, will not be accepted for transfer.
 - viii. Correcting scrivener errors - changes from the previous description that correct scrivener errors, omissions or other obvious mistakes are permitted in order for the description to be acceptable for transfer.
 - ix. Acreage within a vacated subdivision must have a new survey before transferring, unless it meets current transfer requirements.
 - x. An affidavit involving real estate that is presented to the Auditor's Office shall have a copy of the property description attached.
 - xi. The Preamble of all descriptions shall state the following: State, County, Virginia Military Survey, Township, Subdivision, and Corporation/Municipality or Village where applicable.
 - xii. Instrument preparation, the name and address of the person or Government agency which prepared the instrument must appear at the conclusion of the instrument. The name must be legible.
 - xiii. Any description which has been incorporated into a municipality or other political subdivision, since the previous conveyance, by means of annexation or de-annexation must be changed to reflect its new corporate location and plat reference. Official road name changes should also be noted. (Prior road names, when known, should be so indicated.)

C. REQUIREMENTS FOR NEW SURVEYS, SPLITS/ MINOR SUBDIVISIONS

1. 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.
2. Must meet Requirements for New Metes and Bounds Descriptions and Plats of Survey set forth by the Brown County Engineers Office (see Exhibit A). Government takes (including eminent domain) will not be counted in the three (3) exception limitation.
3. It is recommended that prior to completion of any survey, all applicable review agencies should be consulted to verify all requirements of the survey. Additional requirements are as follows:
 - a.) Boundary surveys are required under the following circumstances:
 - i. When the legal description of the land to be conveyed is different from the legal description in the most recent conveyance.
 - ii. When existing legal description of a parcel being conveyed has more than three (3) exceptions.
 - iii. When the current description is stamped with a *red WARNING stamp* (see section A number 4)
 - iv. A parcel of land is being split from a parent tract that does not meet current guidelines.
4. Digital submission, for review purposes only, of boundary surveys will be accepted. The plat and legal description should be submitted by e-mail in the following formats:
 - a) Plat of survey: .pdf format.
 - b) Legal descriptions: .pdf format.
5. Requirements for Ties to County GPS Monuments — Brown County is currently implementing a network of control monuments registered with the National Geodetic Survey. Utilization of this control is highly encouraged to perpetuate permanent reference to plats of survey and further assist in the implementation of the county's GIS system. Accordingly, new plats are required to be referenced as follows:
 - a) Subdivisions must tie into two accepted monuments, according to the following conditions. A tie must be made to a set of monuments, if a monument is within a 3000 feet radius of the subdivision. The second monument will be within 3000 feet of the first monument and is inter-visible with the first.
 - b) Plats of Survey must tie into two accepted monuments, according to the following conditions. A tie must be made to a set of monuments, if a monument is within a 3000 feet radius of the subdivision. The second monument will be within 3000 feet of the first monument and is inter-visible with the first.

D. ANNEXATION / VACATION MINIMUM REQUIREMENTS

The description of the property proposed for annexation/vacation and the plat furnished must comply with the requirements specified in the Ohio Revised Code. In addition, the following requirements for proposed annexation/vacation of property within Brown County shall apply:

1. When the territory proposed for annexation/vacation falls within more than one township, the description should summarize the total acreage lying within each involved Township in addition to stating the total acreage proposed for annexation/vacation.
2. Annexation plats should be provided in permanent ink on a reproducible Mylar or other material subject to approval of the County Engineer.
3. Annexation/Vacation plats must be submitted with a graphical scale clearly shown with the original drawing on 18 inch by 24 inch material. Reduced size copies may be submitted for review purposes as long as all lettering and detailing is clearly legible.
4. All roadway names should be clearly indicated with existing right-of-way widths shown.
5. All established monuments that exist should clearly indicate what type of monument. Wherever roadway rights-of-way are met or crossed by a proposed annexation/vacation boundary that is proposed to be the outer boundary for the annexation/vacation the following additional requirements apply:
 - a) An existing iron pin, concrete monument, or railroad spike (on centerline) must clearly be labeled to show the change in road maintenance responsibility in the field.
 - b) When no established monuments exists, iron pins as described in ORC 4733-37-03 shall be added at the right-of-way limits in order to clearly indicate these points in the field. These shall be added within 30 days of annexation approval and must meet the requirements listed in Brown County Subdivision Regulations.
 - c) Any other established monuments along a proposed annexation/vacation will be subject to approval of the Brown County Engineer.

E. MAJOR SUBDIVISIONS

1. See the governing planning authority over the area for major subdivision regulations. Also see Exhibit A.
2. A legal description is required and must be included with the plat in order to be approved and accepted.
3. Plat must be on a Mylar, 18 inch by 24 inch. Reduced size copies may be submitted for review purposes as long as all lettering and detailing is clearly legible.
4. Signatures are required to be legible and in permanent ink. All signatures shall have the name and title in print beneath.

F. CONDOMINIUMS

1. See the governing authority or planning authority over the area. Also see Exhibit A.
2. A legal description is required and must be included with the plat in order to be approved and accepted.
3. Plat must be on a Mylar, 18 inch by 24 inch. Reduced size copies may be submitted for review purposes as long as all lettering and detailing is clearly legible.
4. Signatures are required to be legible and in permanent ink. All signatures shall have the name and title in print beneath.

Exhibit A
Requirements for New Metes and Bounds Descriptions and Plats of Survey

BROWN COUNTY ENGINEER
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Requirements for New Metes and Bounds Descriptions and Plats of Survey, Subdivision/Re-plats, Annexation Plats

All new surveys, metes and bounds descriptions, and plats of survey not previously recorded, must be prepared by a registered Professional Surveyor and must be in compliance with the Ohio Administrative Code, Chapter 4733-37 and the following requirements.

LEGAL DESCRIPTION

- 1. The situate must denote the State, County, Virginia Military Survey, Township Name or Municipality as applicable. The situate shall also contain the recorded deed / official record including the acreage of the original tract(s) and state if the description contains all or part of the original tract(s).
- 2. Point of beginning must be referenced from one of the following:
Property corner of record or Lot Corner shown on a recorded and platted major subdivision with a found or set monument. Centerline intersections of streets or roads with a found or set monument, Virginia Military District corners or lines, National Geodetic Survey or Brown County Geodetic Control monument.
- 3. Each course of a metes and bounds description shall be a separate paragraph and all courses must be stated in a clockwise direction from the point of beginning to the point of termination.
- 4. Each course or line must be described with a bearing expressed in degrees, minutes and seconds and a distance expressed in U.S. feet to the nearest hundredths. (Will not accept North, South, East or West without showing degrees, minutes and seconds.) Where the State Plane Coordinate System, Ohio South Zone is utilized, distances, bearings, and acreages shall be shown on the ground.
- 5. The area of tracts being described shall be denoted in acres to the nearest thousandths.
- 6. The description of a tract lying in more than one Political Subdivision, Municipal Corporation or Platted and Recorded major subdivision shall state the acreage in each part to the nearest thousandths.
- 7. Any course of a description which is a curve shall contain the radius, central angle, curve length, chord bearing, chord length and direction of the curve (right or left).
- 8. Descriptions of new tracts that encompass more than one existing tract must state the acreage from each existing tract to the nearest thousandths, the total acreage of the new tract to the nearest thousandths and state in the situate if the new tract contains all or part of the original tracts.
- 9. The legal description shall state the size and material of all monuments and whether they were found or set.
- 10. The legal description must have an official seal, be signed and dated by a surveyor registered in the State of Ohio. No copies of signatures, dates, or seals will be accepted.
- 11. Basis of Bearing must be stated. With reference to a deed of record, an official record, plat of record, centerline survey plat along with the bearing specified. The State Plane Coordinate System, Ohio South Zone, North American Datum 1983, also known as NAD 83(with adjustment year) may also be used as a basis of bearing. An assumed bearing only be used when it is determined there are no other records available.
- 12. The mathematical error in closure of all boundaries shall be within 0.02 feet in latitude and 0.02 feet in departure.
- 13. Statement of surveyor i.e.: This description is based on a field survey performed by or under the direct supervision of (surveyor name), Registered Surveyor (#) in (date i.e.: August 2002).
- 14. All of above requirements must match the plat of survey.
- 15. Adjoining parcels must identify which parcel they are adjoined to by all of the following: Owner's Name, volume and page number, and acreage.

PLAT OF SURVEY

- 1. Must denote the State, County, Virginia Military Survey., and Township Name or Municipality as applicable.
- 2. Must denote land owner names and deed references / official record of all tracts, including all adjoiners along with their area of record in acres and any Recorded Subdivisions along with their Plat Book and page numbers.
- 3. Point of beginning must be referenced from one of the following:
Property corner of record or Lot Corner shown on a recorded and platted major subdivision with a found or set monument. Centerline intersections of streets or roads with a found or set monument, Virginia Military District corners or lines, National Geodetic Survey or Brown County Geodetic Control monument.
- 4. If the property being surveyed is within a 3,000 feet radius of any National Geodetic Survey or Brown County Geodetic Control monument, the survey must be tied to the monument.
- 5. All new surveys, which encompass two or more counties, shall be required to tie into a minimum of two (2) County Line Survey Monuments (if the County Line Monuments are available).
- 6. Each course or line must be described with a bearing expressed in degrees, minutes and seconds and a distance expressed in U.S. feet to the nearest hundredths. (Will not accept North, South, East or West without showing degrees, minutes and seconds.) Where the State Plane Coordinate System, Ohio South Zone is utilized, distances, bearings, and acreages shall be shown on the ground.
- 7. Must denote the centerline of roads, section lines or quarter section lines and any other common line of reference along with their bearings and distances as applicable. All rivers or streams shall also be mentioned.
- 8. All references to roads, rivers, streams, railroads, etc. must use current names of record. Old or original names should also be shown when available.
- 9. All political boundary lines and Virginia Military Survey lines shall appear on the plat including municipal, township, and county lines.
- 10. The area of any new tracts shall be stated in acres to the nearest thousandths.
- 11. All retracement surveys, new tracts and remainders of original tracts lying in more than one Political Subdivision, Municipal Corporation or Platted and Recorded major subdivision shall state the acreage to the nearest thousandths in each part.
- 12. The Auditor's parcel number of the original tract(s) shall also be shown.
- 13. Plats of new tracts that encompass more than one existing tract must state the acreage to the nearest thousandths from each existing tract, the total acreage of the new tract to the nearest thousandths and state if the new tract contains all or part of the original existing tracts.
- 14. Any course which is a curve shall contain the radius, central angle, curve length, chord bearing, and chord length.
- 15. The size and material of all monuments and whether they were found or set must be shown. Any reference pin set, must be within 150 feet of the corner.
- 16. The plat must have an official seal, be signed and dated by a surveyor registered in the State of Ohio. No copies of signatures dates or seals will be accepted.
- 17. Basis of Bearing must be stated. With reference to a deed of record, an official record, plat of record, centerline survey plat along with the bearing specified. The State Plane Coordinate System, Ohio South Zone, North American Datum 1983, also known as NAD 83(with adjustment year) may also be used as a basis of bearing. An assumed bearing only be used when it is determined there are no other records available.
- 18. The mathematical error in closure of all boundaries shall be within 0.02 feet in latitude and 0.02 feet in departure. Latitude and Departure error shall be stated on plat.
- 19. Citation of pertinent documents and sources of data used e.g.: subject and adjoining deeds, recorded plats, surrounding surveys, county tax maps, etc.
- 20. Have a North arrow and scale bar shown. (Graphical and Written)
- 21. Be at one of the following scales: 1"- 10', 20', 30', 40', 50', 60', 80', 100', 150', 200', 300', 400, or 500' and have a minimum letter size of 0.08".
- 22. A legend is required or all lines and symbols must be identified.
- 23. Acceptable sheet sizes: Minimum – 11" x 17" Maximum - 18"x24".

SUBDIVISION/RE-PLATS

In addition to the items listed under "PLAT OF SURVEY", Subdivision Plats and Re-Plats shall include the following items:

- 1. Owner's acknowledgement (all county or township roads must dedicate a minimum of 25 feet from the centerline). All new roads must have dedication statement.
- 2. All set corners must be ¾", any size if found or referenced by at least a ¾" iron pin. There must be at least four 1" pins or concrete monuments set for every ten lots.
- 3. Engineer's approval is required for all subdivisions. Subdivisions located within the Township are required to have the County Commissioners, Planning Commission and the Board of Health approval. If it is located within a village it will need the Mayor/Clerk's approval. If the subdivision includes construction of a new road within a village, village must waive requirements of the Brown County Subdivisions Standards for streets and include a statement to reserve acceptance until the road is built to their standards.
- 4. Covenants and restrictions must be listed if any are to exist.
- 5. No two subdivisions shall have the same name.

ANNEXATIONS

In addition to the items listed under "PLAT OF SURVEY", Annexation Plats shall include the following items:

- 1. All set corners must be 1" iron pins except in roadways.
- 2. Islands are not permitted.
- 3. Existing corporation lines shall have the existing Annexation Plat Book, Page Number and Slide with hash marks along the existing lines.
- 4. Village Council and County Commissioners approval.
- 5. Parcel Numbers.
- 6. Physical address of land.
- 7. Indicate if it is a total annexation or partial annexation. If partial, identify the buildings included.