

Standards For All Instruments of Conveyance

Muskingum County, Ohio

Minimum Standards for all Instruments of Conveyance

Muskingum County, Ohio

Introduction

The following standards are now adopted and established in conjunction with the Muskingum County Engineer and the Muskingum County Auditor, effective on this date: February 1st, 2023.

Applicability

All existing descriptions of record, all street, alley, road and subdivision vacations, new surveys, subdivision plats, road dedications, annexation descriptions, foreclosure, and land contracts will be reviewed pursuant to these standards.

Section 1 - Transfer Procedures

100 - Auditor's Office Procedures

100.01 Place and Timeframe - All instruments shall be dropped off and picked up from the Engineer's Office, third floor of the courthouse. Up to three (3) working days may be required to complete the auditor's checking procedure.

100.02 Forms - A routing slip is completed by the person leaving the instrument. It is attached to the instrument and includes the person's name, address and date as well as the parcel numbers involved and any other unique information concerning the instrument. Incomplete or inadequate routing slips will be returned before the transfer procedure will begin. If the instrument is part of a foreclosure proceeding, attach a Property Description Approval Form available on the Muskingum County Sheriff's Website.

100.03 (Section Removed)

100.04 Needed Information - The instrument's parcel number, owner name, acreage, range-township and section numbers and the township name and/or municipality are checked against the records on file in the Auditor's Office.

- a. Each parcel number indicated on the routing slip must have an acreage whether it is a resurvey, parcel split, combination of parcels, road vacation, road dedication or annexation.

100.05 Findings - Findings are noted on the Auditor's Appraisal Card as well as the routing slip.

100.06 E-Recording (ePN) - The Muskingum County Auditor and Muskingum County Engineer accept instruments for conveyance via E Recording Partners (ePN). Conveyances processed through ePN are exempt from the following sections of these standards: 100.01-100.03, 102.04 in total. For the intents of these standards all documents processed through ePN shall be deemed original paperwork as defined herein. Instruments submitted through ePN digital approval stamps, thusly, ePN instruments will not necessitate the green and red stamps mentioned in 102.01 and 102.02 of these standards.

100.07 Approval by Mail- The Muskingum County Auditor and Muskingum County Engineer accept instruments for approval by mail. For all instruments being submitted for approval only, the following must be included:

- a. A cover letter with contact information
- b. The prior instrument last used, in full. Must be legible.
- c. The instrument being submitted for approval. Must be legible.
- d. A self-addressed stamped envelope for return of the instrument.

100.08 Conveyance and Recording by Mail - If the instrument is to be conveyed by the Muskingum County Auditor and Recorded with the Muskingum County Recorder, the following will need to accompany the instrument in addition to requirements in section 100.07:

- a. Signed and completed form DTE 100 or DTE 100ex.
- b. Appropriate fees for the Muskingum County Auditor.
- c. Appropriate fees for the Muskingum County Recorder.

(Fees must be paid by check. Separate checks must be drafted to each office. No cash through the mail)

Any and all instruments submitted by mail waive any time restrictions set forth in these standards. Likewise all instruments submitted by mail which are deficient will need to be resubmitted and reviewed as a new submittal.

If the instrument seeks to split an existing parcel, please contact the Muskingum County Planning Commission at 740-455-7195 for applicable fees.

101 - Engineer's Office Procedures

101.01 Timeframe - Up to (7) working days may be required to complete the engineer's checking procedure, starting with the day an instrument arrives.

101.02 Parcel Number - The instrument's parcel numbers are first verified for precision, both in number and in location on the Muskingum County GIS mapping.

101.03 Jurisdiction - The instrument's township name and/or municipality is verified.

101.04 Geography - The instrument's section/quarter township and township and range lines are verified, as well as its north arrow.

101.05 Completeness - All descriptions will be checked for completeness (valid Point of Beginning, valid Lead-In, and typographical errors).

a. New descriptions and plats of survey will be checked for closure under current guidelines set forth by the State of Ohio (C) of OAC 4733-37-04.

b. All surveys and descriptions stamped "Approved for Closure" prior to January 1, 2000 will be checked for closure using a 1:2000' ratio of error.

c. All legal descriptions will have their acreage checked against the Auditor's tax card to ensure they match and that no exceptions have been taken out since last transfer.

101.06 Special Cases - It is understood that all situations not addressed by these standards will be handled as special cases by the Muskingum County Engineer's Map Department and the Muskingum County Auditor's Office.

102 – Engineer's Office Stamp Application

102.01 Approved Descriptions - Descriptions that meet current standards, as described in Section 102.03 of this document, will transfer with the following stamp, "DESCRIPTION APPROVED" in GREEN ink and these stamps will be signed and dated by map department personnel in blue ink.

102.02 Deficient Descriptions - Descriptions that do not meet the current standards, as described in Section 102.03 of this document, will be stamped; "NEW DESCRIPTION NECESSARY" in RED ink, this stamp will be signed and dated by map department personnel, in red ink. Such a stamp indicates that a new survey is required before the property can be transferred.

a. Exemptions to New Description Necessary:

i.. Family/Trust Transfer - Descriptions transferring within an immediate family (Parent to Child, Brother, Sister, Husband or Wife), or to a trust as defined in ORC Chapter 1112, may be able to transfer with a property stamped “NEW DESCRIPTION NECESSARY” with proper documentation, these applications will be assessed by the Auditors office on a case-by-case basis.

ii. Foreclosure - Any parcel of real property being transferred as the result of a Court Order of foreclosure that has a legal description stamped “New Description Necessary”, shall necessitate a new survey and legal description if the foreclosed property in question was mortgaged after January 1, 2008. If the foreclosed property was first mortgaged prior to December 31, 2007, and has a “New Description Necessary” stamp, the property shall be allowed to transfer out of the present title holder’s name, as stipulated in the judicial order. Any further transfer of the property shall necessitate a new survey and legal description

iii. Land Bank Transfer – Descriptions submitted with the grantee as the Muskingum County Land Reutilization Corporation with a New Description Necessary stamp will transfer and will require a new survey upon further transfer.

iv. Corporate - When the Grantor is a member of the Corporation or LLC in which he or she is transferring the property to.

102.03 Minimum Standards - Descriptions/plats submitted shall conform to the requirements as set forth in the Standards and Provisions of Chapter 711 in the Ohio Revised Code and Sections 315.251 and 319.203 and the Minimum Standards for Boundary Surveying in the State of Ohio, Administrative Code Chapter 4733-37, any township zoning and the following Standards.

102.04 Transfer of Stamps – For all stamps to be transferred onto a final instrument of conveyance, an original stamped legal description must be presented to be transferred.

Section 2 – Transfer Standards

200 - Existing Deed Descriptions of: All Lots and Outlots (Platted and Unplatted)

200.01 Whole Lots - Lots in platted areas which are shown on plats in the office of the County Recorder shall be described by lot number, name of addition or subdivision and with a reference to a plat book and page number or slide number.

200.02 Part Lots - Descriptions of parts of such lots and outlots or recorded plats, shall be adequately tied to a recorded lot corner or street intersection shown on the recorded plat and shall

give dimensions of each part. When more than one parcel number exists for a whole lot, the parcels will need to be combined prior to transfer either by Auditor's Combination Request Form or New Survey, or a description presented for each part thereof. If fractional platted lots are combined back to the original platted lot, the lot may transfer as described in section 200 of the standards.

200.03 Part Lot Description - Deed descriptions referring to lots and outlots of unrecorded plats shall be by metes and bounds and adequately tied by metes and bounds. The number of a lot(s) of an unrecorded plat will not be accepted for transfer and may be used as a reference only.

200.04 Parcel Splits - Any lot split shall require a survey.

200.05 Vacated Land - Land currently or previously vacated, shall be accompanied by a metes and bounds description.

200.06 Combined Lots - When lots are combined (by survey or by request of the property owner to the Auditor) an approved new survey will be required to un-combine the parcels.

201 – Existing Deed Descriptions of: Metes and Bounds Descriptions of Record

201.01 Description Monumentation - Deed descriptions referring to acreage in un-platted areas shall be by metes and bounds and adequately tied in by metes and bounds and referenced to the following:

- a. Quarter township corner, section or quarter section corner, fraction section, lease lot, farm lot, river lot, military lot or partition lot corner or nearby recorded subdivision corner.
- b. Previously recorded surveys or monumented tie downs that meet current transfer standards.
- c. When none of the above resources can be located, recorded highway monumentation or intersection of two roads listed on the current state inventory of county roads may be used.
- d. Adequate tie-in to any of the above points of reference must be given. The bearing and distance from an appropriate section line for reference shall be used when needed. Vague terms used on older deeds, such as "in a northerly direction", "with the meandering of a stream", "along a road", are not acceptable, nor are references to points of beginning "on the lands of John Doe" etc.

201.02 Multiple Geography - The description of a tract lying in more than one section, fraction section, lease lot, farm lot, river lot, military lot, partition lot or quarter township, or a tract of land lying in part within and in part without a municipal corporation, and includes two or more

taxing districts, or portions of recorded subdivisions shall state the acreage, dimension, Auditor's parcel number, and prior deed reference of each part.

201.03 Exceptions - The description of an excepted area shall be fully described by a prior recorded description that meets the current transfer standards. The acreage of the exception shall be recited. If a parcel has more than four exceptions, it will be stamped New Description Necessary. Exceptions are to be added at the conclusion of each parent tract. A summation of all parent and excepted acreage shall be placed at the end of the legal description showing a total acreage to be transferred. If the exception is taken from more than one parcel the acreage from each shall be stated and totaled.

201.04 Needed Information - Each tract being conveyed shall state the Auditor's parcel number and prior deed reference at the conclusion of each tract. If Muskingum County Auditor tax parcel numbers are changed in the future, each tract being conveyed shall from that point in time state the new parcel number as well as the parcel number previously used.

201.05 Parcel Splits - The division of any parcel of land shall require a survey.

201.06 Multiple Descriptions - Descriptions presented for transfer that differ in context from the prior recorded description, will not be accepted for transfer. Descriptions with exceptions to the parent tract are permitted. See requirement 201.03 above, concerning exceptions and 201.07 for scrivener errors.

201.07 Scriveners Errors - Changes from the previous description that involve scrivener errors, omissions or other obvious mistakes are permitted in order for the description to be acceptable for transfer.

201.08 Vacated Acreage - Acreage within a vacated subdivision must have a new survey before transferring unless the original description meets the current transfer standards.

201.09 Affidavits - An affidavit involving real estate that is presented to the Auditor's Office shall have a copy of the property description attached.

201.10 Required Preamble - The preamble of all descriptions shall state the following: State, county, township, range, township number, section or military lot number, subdivision, quarter section and corporation or village.

201.11 Land Contracts - Land contracts shall conform to all of the same standards as any instrument of conveyance.

201.12 Corrective Deeds - All corrective deeds shall explain, in the deed, the corrective action being taken.

201.13 New Descriptions - When a parcel has two legal descriptions such as metes and bounds and "Now known as Lot..." or "Now described as...", only the new description will be used.

201.14 Combination - When parcels are combined (by survey or by request of the property owner to the Auditor) an approved new survey will be required to un-combine the parcels.

202 – New Surveys

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.

202.01 Routing Form - A New Survey/Description Routing Form is required to be filled out by the applicant and surveyor and accompany each new survey.

202.02 Number of Copies - A new survey shall require three (3) plat maps and three (3) legal descriptions, all of which shall bear the surveyor's seal and signature in original ink, the surveyor's signature shall be in blue ink. As well, all stamps from all applicable agencies shall be applied in original ink to the plat and legal description. For a new survey to transfer all stamps must be original and all signatures for approval signed in blue ink. (No color copies)

202.03 Originals - An original of all new Surveys for fee transfers shall be submitted to the Auditor's Office for review. At the Engineer's Map Department an original of all approved survey descriptions and plats will be made and will become public information. The plat map submitted must be a scale drawing and not reduced. Faxed copies are not acceptable.

202.04 Adjoining Names and References - Names and deed references of adjoining property shall be on the plat and included in the written description.

202.05 Tie Downs - Tie downs for new surveys must use corners that are the same as referenced in rule 201.01 (a-d) for the requirements for existing deed descriptions.

202.06 Parcel Number - The Auditor's parcel number shall appear in the description and on the plat map of the tract(s) to be conveyed. Descriptions that encompass part of more than one tract must state the acreage and dimension of each part, deed reference and Auditor's parcel number of each part and state if the tract is "all of" or "part of" said tract. Each parcel or part of parcel shall be marked graphically within the confines of each survey polygon.

202.07 Listing Geography - The description of a tract lying in more than one section, military lot, partition Lot or quarter township, a tract of land lying in part within and part without 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, dimensions, and deed reference. All parcels that can be combined, will be combined on any new survey of more than one parcel.

202.08 Courses, Curves and Bearings - Any course of a new metes and bounds description which is a curve must contain the direction of the curve (right or left), the radius (in feet and decimal parts thereof), central angle, curve length, and the long chord bearing and distance (in feet and decimal parts thereof) of the same.

202.09 Plat and Legal Sizes - A legal size (8 1/2 x 14") plat of the survey shall be recorded with the deed. For any single tract that is deemed not feasibly legible on a legal-size sheet (8 1/2 x 14") by a representative of the Auditor's or Engineer's Office, a larger copy of the survey may be placed on file in the Muskingum County Engineer's Map Department. When recording the transfer, a copy reduced to legal size (8 1/2 x 14") of the plat shall be recorded with the statement:

"Reduced copy, not to scale,

Larger copy available in the Muskingum County Engineer's Map Department."

The statement shall be applied by the Muskingum County Engineer's Office.

This statement shall only be used for **SINGLE TRACTS**, and full discretion of what is, and is not legible, once reduced, shall be left to the Muskingum County Engineer, and Muskingum County Auditor.

202.10 Metric Surveys - Surveys performed using metric measurements shall utilize metric equivalents as noted in Section 4733-37-04 of the Ohio Administrative Code, Standards for Boundary Surveys in the State of Ohio.

202.11 Jurisdiction - The division of any parcel of land in the unincorporated area of the county into two or more parcels (for the purpose, whether for immediate or future transfer of ownership) is subject to review by the Muskingum County Planning Commission and the Zanesville – Muskingum County Health Department when the split is 20 acres or less. If the split takes place along a State Route, ODOT Access approval will need to be secured. All proposed parcel splits within the City of Zanesville, the Village of New Concord or the Village of Frazesburg are subject to review by their respective Planning Commission. Approvals from these entities will be required before surveys are approved or transferred.

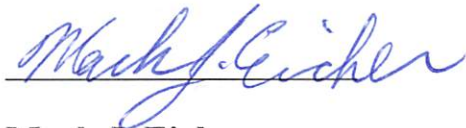
202.12 ODOT Property Splits included in Right-of-Way Plans - A separate plat is not necessary for each property split when submitting descriptions with right-of-way plans. The appropriate right-of-way plan sheet can be submitted for each property split, as long as it is legible (as determined by the Muskingum County Engineer's Office). All of the required information must be included in said right-of-way plans and a full set of right-of-way plans are to be submitted with property split plats and descriptions. Right-of-way descriptions must include the title of the appropriate centerline survey and include title of the right-of-way project (ex. "MUS-60-2.70"). The appropriate plat must be recorded with each description. The Muskingum County Recorder requires the plat to be recorded to be 8 1/2 x 14" with an original stamp. The full plan set will be kept on record in the Muskingum County Engineer's Map Department (3rd floor) at the courthouse.

202.13 Alley and Road Vacations - All alley and road vacations shall conform to Ohio Revised Code and shall have divisions thereof described by metes and bounds or dimension of each division in a table format. Each division of each alley or road being vacated shall bear the acreage of that portion on the plat and legal description. Upon the vacation being approved by the proper governmental authority, the portions shall be merged to the parcel directly abutting it and will become a part of that parcel.

The Muskingum County Auditor and/or Muskingum County Engineer may reject any conveyance which does not include a previously recorded vacated alley or road. The new description must include the statement “Including a portion of the vacated alley/road as recorded in Deed Record (volume and page)”, that is stated as being added to said parcel, in the Road Vacation proceedings.

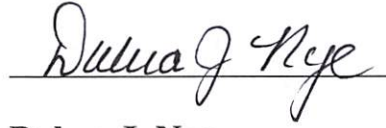
202.14 Road Dedications - All Road Dedications shall conform to the Ohio Revised Code and shall state the acreage from each parcel that is to be included in the new public right-of-way.

202.15 Annexations - Any instrument including a parcel of real estate that has in whole been annexed, attached or detached since the previous conveyance shall bear a reference to the official record which annexed, attached or detached the parcel. If the conveyance includes a parcel which was partially annexed, attached or detached the conveyance shall require a new survey and legal description.



Mark J. Eicher

Muskingum County Engineer



Debra J. Nye

Muskingum County Auditor

Adopted pursuant to Ohio Revised Code 319.203

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Amended: October 29th, 2007 - Effective Date of Revision: January 1, 2008

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Flowchart of Legal Description Paperwork

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