

Introduction and Adoption

These standards have been prepared pursuant to Section 319.203 of the Ohio Revised Code to provide a consistent method for reviewing and approving all legal instruments used to convey real property in Madison County.

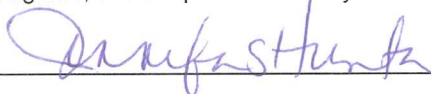
These standards provide a service to property owners by insuring that property is accurately and correctly described, that errors in existing descriptions are corrected, and that proper procedures are followed in the transfer of real property.

Jennifer S. Hunter, the Madison County Auditor, and David P. Brand, the Madison County Engineer, agree to these standards governing conveyances of real property in Madison County, Ohio and adopt these standards effective October 4, 2013.

The appendices to these standards are included for the information of the user. The information contained in the appendices is not part of these standards and is subject to change without legal notice or public hearing.

Public hearings were held on September 18, 2013, and September 30, 2013. All public testimony and written comments received prior to September 18, 2013 were considered in the adoption of these standards.

Signed, agreed, and adopted this 3rd day of October, 2013



Jennifer S. Hunter
Madison County Auditor



David P. Brand
Madison County Engineer

ARTICLE 1. GENERAL

A. Applicability

These standards apply to all instruments (deeds, affidavits, certificates, etc.) which propose to convey an interest in real property in Madison County and which would cause the following:

1. a change in the name of the legal or equitable owners (s) of real property or
2. a change in the description of real property or
3. both.

B. Administration

These standards shall be administered by the County Auditor and the Tax Map Department. All reference to the Tax Map Department in this document implies technical oversight of personnel and approval by the County Engineer or by another Professional Surveyor licensed in the State of Ohio and employed by Madison County. See Appendix for the necessary policies and procedures to insure compliance with these standards.

1. The County Auditor will not transfer any instrument contrary to these standards.
2. The Tax Map Department will not approve any instrument which is not consistent with these standards.

C. Quality of Instruments

1. Upon presentation to the County Auditor, the instrument of conveyance shall have the original signature of the grantor or affiant. If pursuant to a judge's order, a copy of the court order will be acceptable if the copy is certified by the clerk of the court provided a description of the property being transferred is within the judgment order or attached to such Entry if the legal description can be positively identified.

2. No instrument will be accepted if the instrument or any attachment is illegible as determined by the County Auditor or the Tax Map Department.

3. Each instrument must be accompanied by one Conveyance Form (Conveyance Form DTE 100 or DTE 100EX).

D. Breaks in Chain of Title

1. No transfer will be approved where a grantor is not a prior grantee, unless the instrument itself or an affidavit that satisfies the requirement of O.R.C. 5301.252 is provided to the County Auditor that explains to the County Auditor's satisfaction why there is a break in the chain of title or unless the instrument proposes to quit claim an interest.

2. Differences in the name of the grantor and a prior grantee based upon the inclusion or omission of middle names or initials, or different versions of first names (e.g. Charles, Charley), or due to a change in name, and similar differences of a minor nature, must be explained in the document itself (also known as, previously recorded as, etc.) or an affidavit, as required by O.R.C. 5301.252 (B)(1).

E. Real Property in Multiple Taxing Districts

1. Where a tract of land that is described by a single description is located in more than one county, the Madison County Auditor, if needed, shall consult with the County Auditor of the other county to determine the treatment of the land for real property tax purposes.

2. No single tax parcel shall be created by the County Auditor that is located in different taxing districts. Any land with a single metes and bounds description that is split by taxing district lines shall be made into separate tax parcels by the County Auditor.

3. Acreages shall be identified for each taxing district and shall be determined from existing records or from new survey, as applicable.

F. Planning Commission Approval

1. Any instrument that causes a tax parcel to be split thereby requiring approval by a planning commission, subdivision review board, or government official must be approved before it will be accepted by the Tax Map Department.

2. The County Auditor will not determine whether any split is exempt from planning commission approval.

3. The County Auditor will not transfer (change the name of any owner of) any real property pursuant to a subdivision plat, unless that subdivision plat has been previously approved by the appropriate planning commission and political subdivision before recording by the County Recorder.

ARTICLE 2. REQUIREMENTS FOR DESCRIPTIONS

A. All Recorded Lots of Record

1. All instruments conveying a recorded lot in a platted subdivision or in a municipality shall designate the lot number (s), the official recorded name of the platted subdivision or the municipality, the County Auditor's parcel number, the prior recorded deed reference and the situs address (if vacant, simply the name of the road on which the lot fronts).

2. Any out-lot or portion of a recorded lot must have a description sufficient to clearly describe, without ambiguity, the land being conveyed, each call referenced relative to the boundaries of said lot to establish dimensions or acreage for the land being conveyed and to enable the Tax Map Department and County Auditor to determine the residue or remaining balance or must have an acceptable metes and bounds description.

3. Any land being conveyed other than as described in 1. or 2. above must have an acceptable metes and bounds description.

B. Existing Metes and Bounds Descriptions of Record

1. All existing metes and bounds descriptions of record shall be checked by the Tax Map Department.

2. All existing metes and bounds descriptions of record shall be described verbatim as witnessed by the instrument of previous record and transfer. The correction of scribe errors, omissions or other obvious mistakes is permitted in order to make the description more correct, however, submission of a copy of the last previously recorded instrument, before the error appears, may be required.

3. The existing metes and bounds description shall be a complete description (i.e. each call shall have a bearing, expressed in degrees-minutes-seconds, and a distance) and shall define the property to be transferred. Tax Map Department employees must be able to locate the property in the parcel layer.

a. The proposed instrument of conveyance shall recite the parcel number, the last record of conveyance and the situs address (if vacant, simply the name of the road on which the tract fronts). County Auditor employees will assist in providing the parcel number.

b. Any existing metes and bounds description which, since the previous conveyance, has been incorporated, in total or in part, into a municipality or other political subdivision by means of annexation must be changed within the situate of the subject instrument of conveyance to reflect its new corporate location.

c. All descriptions shall be checked for closure. Each shall have a maximum error in mathematical closure of no more than:

<u>Error</u>	<u>Date Range of Field Survey</u>
1:1000	Before 1981
1:5000	1981-2003
1:10,000	After 2003

4. For instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which exceptions to title exist:

- a. No more than four (4) exceptions are permitted per conveyance
- b. Each exception must be described verbatim as witnessed by the previous instrument or record except for the correction of scribe errors, omissions, or other obvious mistakes (see paragraph 2)
- c. The description of each exception must conform to these requirements.
- d. All instruments of conveyance using exceptions to convey the balance or residual of a tax parcel(s) must include the parcel number and the acreage for the residual and for the exceptions.
- e. The balance or residual of an existing tax parcel must be one contiguous piece of ground (after the exception(s)) unless the entire acreage of said exception(s) were created/transferred for a public use to which the residual has no immediate access, such as an Interstate or railroad.
- f. Each described exception must be contained entirely within its original parcel's description.

5. The names of the grantee and grantor and the mailing address of the grantee shall be stated on the instrument of conveyance. A street address shall be included as part of the mailing address if applicable.

6. Whenever the Tax Map Department determines that the descriptive content of any instrument of conveyance is ambiguous, a statement of intent and/or nature may be required as part of the instrument to clarify the parcel(s) to be conveyed (identifying by house number, for example).

7. a. Instruments which comply with all the requirements of this Section B will be stamped "Description Acceptable" (or a similar statement). Such statement implies only that the description is acceptable based on these requirements. The statement does not imply that the locations of property lines or corners as expressed by the description are in fact correct.

b. Instruments which do not comply with all these requirements will be stamped "Next Transfer Requires New Survey" (or a similar statement). A new boundary survey and plat and legal description will be required prior to the next transfer for the offending tract(s) in the existing description. Exceptions to the requirements of this section shall be made for any instrument of conveyance that is exempt from real property conveyance fees pursuant to ORC Section 319.54 (G) (3), until such time as a transfer of said property is no longer exempt.

C. Vacated Streets/Alleys

On any transfer that has an adjoining vacated street/alley, but does not otherwise require a new survey, the following shall be added to the legal description: "plus any applicable portion of an adjoining vacated alley or street."

D. New Metes and Bounds Descriptions Not of Record

All new metes and bounds descriptions shall meet minimum standards of good surveying and draftsmanship, and shall meet the "Minimum Standards for Boundary Surveys" as defined by Section 4733-37 of the Ohio Administrative Code. The descriptions shall be consistent with the boundary survey plat and shall incorporate the following details.

1. Situate:
 - a. Shall denote state, county, municipality (if appropriate), township, Virginia Military Survey Number, etc.
 - b. Shall denote recorded title and deed reference of the tract(s) of origination which shall include owner's name, deed reference (Deed Record or Official Record volume and page), County Auditor's parcel number, tract acreage in accordance with the previous deed and the situs address (if vacant, simply the name of the road on which the tract fronts).
2. The point of beginning:
 - a. All descriptions shall be referenced to a monumented corner of the lot or property of which the description is a part.
 - b. In addition, all descriptions shall be referenced—by calls with bearings in degrees-minutes-seconds and distances— to at least one other monumented point (if said points can be found within a one-mile radius of the tract) such as survey monuments with known coordinates documented with Madison County, centerline intersections of streets or roads of records, township corners or lines, and/or corners or lines of platted subdivisions. A list of monuments can be found on the County Engineer's website.
3. Courses:
 - a. Each course of a new metes and bounds description must be a separate paragraph, and all courses must be listed in a clockwise direction from point of beginning to 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 point of termination of each course.
 - c. The basis for the bearing(s) shall be given in a statement similar to that shown on the survey plat.
 - d. Each course shall recite the names of current adjoining owners together with the deed references of each and the deed acreage.
 - e. Each course shall recite monumentation, either placed or found, which has been located along each course and at the point of origination and termination of each course which shall include the type, size and material of each monument. If no monument was placed or found, then the term "to a point" shall be used.
 - f. Each course shall recite all other common lines such as centerlines of roads, rivers, streams, railroads, etc., Virginia Military Survey lines, or any other pertinent common lines of record or interest as witnessed by the survey for the conveyance. Each course following a road shall specify the record right-of-way width and the planned future right-of-way width of the road.
 - g. All references to roads, rivers, streams, railroads, etc. shall use current or existing numbers and names of record. Old or original names may also be mentioned.

h. Any course of a new metes and bounds description which is a curve shall contain the direction of curve (right or left), the length of the curve (in feet and decimal parts thereof), the radius (in feet and decimal parts thereof), and the bearing and distance (in feet and decimal parts thereof) of the long chord.

4. Acreage and Closure:

a. All new metes and bounds descriptions shall give the acreage contained within its perimeter 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 as shown on the County Auditor's tax duplicate and/or tax maps, a breakdown of the total acreage within each district or parcel shall be recited.

c. The maximum error in mathematical closure of a new metes and bounds description shall be 1 in 10,000.

5. Professional Surveyor— all new metes and bounds descriptions shall be prepared by a professional surveyor and must incorporate the following:

a. Surveyor's name.

b. Ohio Registration Number.

c. The date of survey.

d. A statement indicating that the description was prepared from an actual field survey.

6. Prior Deed References—the deed reference(s) from which the grantor of the conveyance acquired title shall be recited.

7. Additional Requirements

a. The names of the grantee and grantor and the mailing address of the grantee shall be stated on the instrument of conveyance. A street address shall be included as part of the mailing address.

b. A good quality copy of the signed and sealed survey plat prepared in accordance with Article 3 below must accompany each instrument containing a new metes and bounds description.

c. All instruments containing new metes and bounds descriptions shall incorporate by exhibit a good quality copy of the signed, stamped description prepared by the surveyor.

d. Any and all vacated streets or alleys which are part of the tract to be conveyed shall be included in the metes and bounds description.

e. No new metes and bounds descriptions shall be accepted based on field surveys dated before January 1, 2003.

f. Any instrument with a new metes and bounds description that splits acreage from a parcel of land with one (1) or two (2) Conditional Uses for Dwelling Houses as defined in Section 7.04 (o) of the Madison County Zoning Resolution (Revised 12/1/2006) shall note any transfer of said Conditional Uses.

8. Approval: Instruments which comply with all the requirements of this Section C will be stamped "Description Acceptable". Such statement implies only that the description is acceptable based on these requirements. The statement does not imply that the locations of property lines or corners as expressed by the description or the survey plat are in fact correct.

9. No instruments containing new metes and bounds descriptions will be transferred or recorded until the requirements contained herein have been satisfied.

ARTICLE 3. REQUIREMENT FOR PLATS OF NEW BOUNDARY SURVEYS

A. A boundary survey is required when any tract, lot or parcel that is being conveyed is not described in the same manner as the tract, lot or parcel was described in the immediately preceding conveyance of record. A plat of the boundary survey must be submitted to the Tax Map Department for approval.

B. Any professional surveyor undertaking a boundary survey in Madison County shall prepare a plat of the survey drawn to scale and file with the Tax Map Department a good quality copy of the survey plat, preferably in electronic format. The copy shall be no larger than 17.5" X 23.5" in dimension and shall be legible to insure accurate recording. Copies of survey plats so submitted will be recorded in the Survey Records maintained by the Tax Map Department.

C. All boundary surveys and all survey plats shall be made in accordance with the "Minimum Standards for Boundary Surveys" as defined by Chapter 4733-37 of the Ohio Administrative Code (see Appendix) and in accordance with these requirements.

1. When possible and practical, monuments shall be placed, when none are found, at all corners and angle points of properties surveyed and at points where property lines intersect road right-of-way lines. Otherwise reference monuments shall be set preferably along property lines.

2. When possible and practical, coordinates (preferably in Ohio State Plane South, Northing and Easting down to the second decimal place) shall be stated for at least one monument from 1. above or reference GPS monuments with known coordinates documented with Madison County (County Engineer's website).

D. All survey plats shall meet minimum standards of good surveying and draftsmanship, shall be consistent with the legal description and shall incorporate the following details:

1. A title such that the general location of the subject survey can be readily identifiable. The title shall include the same information as stated in Article 2, Section C.1.

2. A north arrow.

3. The basis for the bearing(s) shall be stated, for example: "the Bearings are based on an assumed (or true or magnetic) reference" or "the Bearings are based on the centerline of _____ in accordance with Survey (Deed) Record _____, Page _____".

4. The beginning point reference as stated in Article 2, Section C.2.

5. All monumentation either found or placed, together with a legend of the symbols used to identify the subject monumentation and the material and size for each. If all monuments are identified individually, no legend will be required.

6. Any jurisdiction lines (county, township, municipality or school district) that cross the subject property.

7. All current adjoining owner information along each course, as stated in Article 2, Section C.3.

8. All boundary information for each course as stated in Article 2, Section C.3.

9. A list of pertinent documents and sources of data used as a basis for carrying out the work.

10. The scale of the survey plat (written and graphic scale).

11. The surveyors printed and signed name, Ohio Registration Number, reproducible Seal, and date of survey.

12. The acreage and other items as required under Article 2, Section C.4.

13. The road right-of-way width of record shall be shown as well as the planned future right-of-way width.

14. Other details as required in Article 2.

APPENDIX. PROCEDURES (Madison County Tax Map Department)

Procedure 1 (Existing metes and bounds descriptions of record.)

1. Owner or agent may submit copy of last previously recorded instrument of conveyance to the Tax Map Department for pre-approval. Pre-approvals are encouraged for legal descriptions containing multiple tracts and/or multiple exceptions.
2. The Tax Map Department reviews the legal description for conformance with these regulations. This pre-approval may take up to five (5) working days.
3. Attorney, owner or agent prepares instrument of conveyance in conformance with these regulations.
4. Attorney, owner or agent submits instrument of conveyance and copy of last previously recorded instrument to the Tax Map Department for approval.
5. The Tax Map Department reviews the instrument of conveyance for conformance with these regulations. If the legal description contains multiple tracts and/or multiple exceptions, this approval may take up to five (5) working days if the legal description HAS NOT been pre-approved. If it HAS been pre-approved or if it is a simple description, then this approval should take no more than one (1) working day; however, our goal will be to generally approve such descriptions within one hour.
6. The Tax Map Department stamps the instrument of conveyance either "Description Acceptable," or "New Survey Required Next Transfer".

NOTE: Legal descriptions must contain all the information needed by the Tax Map Department to verify compliance with these regulations.

Procedure 2 (New metes and bounds descriptions not of record.)

1. Ohio Registered Professional Surveyor surveys property and prepares legal description and boundary survey plat.
2. Surveyor, owner or agent may submit legal description and boundary survey plat to the Tax Map Department for pre-approval. Pre-approvals are encouraged.
3. The Tax Map Department reviews the legal description and boundary survey plat for conformance with these regulations and identifies any problems for the surveyor, owner or agent. This pre-approval may take up to five (5) working days.
4. Attorney, owner or agent prepares instrument of conveyance (deed, land contract, etc.) in conformance with these regulations.
5. Attorney, owner or agent submits instrument of conveyance and boundary survey plat to the Tax Map Department for approval. An Application for Conveyance Approval shall also be submitted.

6. The Tax Map Department reviews the instrument of conveyance and boundary survey plat for conformance with these regulations. This approval may take up to five (5) working days if the legal description and boundary survey plat HAVE NOT been pre-approved. If they HAVE been pre-approved, then this approval should take no more than one (1) working day.

7. When approved, the Tax Map Department stamps the instrument of conveyance "Description Acceptable."

NOTE: Legal descriptions and boundary survey plats must contain all the information needed by the Tax Map Department to verify compliance with these regulations.