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PORTAGE COUNTY
STANDARDS GOVERNING THE CONVEYANCES
OF REAL PROPERTY

Pursuant to ORC 319.203 and 315.21, the Portage County Auditor and Portage County Engineer adopt the following standards to be used by persons filing instruments of real property conveyance.

Public Hearing #1 _____ *April 7, 1998*

Public Hearing #2 _____ *April 21, 1998*

Adopted this 22 *day of* May, 1998.

Effective July 1, 1998


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***REQUIREMENTS FOR ALL INSTRUMENTS
OF CONVEYANCE
IN PORTAGE COUNTY***

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Purpose

The purpose and intention of these standards is to facilitate conveyance of property, to correct errors in former, present, and future conveyances and records, and to obtain definite and accurate legal descriptions for conveyances. This will be the philosophy of all Portage County personnel involved in the transfer of real estate and will result in better service to property owners, title companies, abstractors, and recording and taxing officials of Portage County.

It is understood that all situations cannot be covered by these standards and when unusual or special situations arise, they will be handled as special cases to be interpreted by the County Engineer's Tax Map department, the County Auditor's Real Estate Transfer department, or when necessary, the Portage County Prosecutor's office.

These standards do not substantiate or guarantee the legal sufficiency of the conveyance of real estate from one party to another.

Nothing in these standards shall create a contractual relationship with or a cause of action in a third party against the Portage County Auditor, the Portage County Engineer, or the Portage County Recorder, or any other county personnel associated with the real estate conveyance.

General Requirements

- A. *All survey drawings and subdivision plats must be inked originals or reproducible, nondestructible copies and must be legible with original signatures and seals to insure accurate recording. Similarly all deeds must be legible and reproducible and must have adequate space for affixing the necessary stamps by appropriate county offices and the regional planning commission, where applicable. If necessary, a blank page may be added to the document for the purpose of affixing stamps. Photo copies will not be accepted for recording. All legal descriptions except those describing sublots in a recorded platted subdivision shall include the name and license number of the surveyor. To permit adequate inspection and checking of the closure of the survey, please allow a maximum of two working days for the legal description to be checked. Legal descriptions failing to meet the standards outlined in this document may be referred to the prosecutor's office on an individual basis resulting in longer delays in deed approval.*
- B. *In addition to the requirements as set forth below, all new metes and bounds descriptions and all requirements for plats of survey must incorporate the principles and minimum standards of good surveying, engineering, and draftsmanship as defined by Section 4733 of the Administrative Code, as amended, of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio. These requirements are based on the "Minimum Standards of Boundary Surveys in the State of Ohio." Said Minimum Standards have been accepted by the State Board of Registration for Professional Engineers and Surveyors as an operating rule and became effective May 1, 1980.*
- C. *The Standards Governing Conveyances of Real Property in Portage County may be amended from time to time as the Auditor or Engineer deem necessary. The standards will be modified, however, only after holding two public hearings as required by ORC 319.203.*
- D. *These standards are in addition to any separate requirement of the Portage County Recorder pursuant to Ohio Revised Code Chapter 315.*
- E. *These standards are in addition to any separate requirements of the Portage County Subdivision Regulations administered by the Portage County Regional Planning Commission.*
- F. *These requirements are in addition to any separate requirements or subdivision regulations that may be effective for the cities of Aurora, Kent, Ravenna, Streetsboro and Tallmadge located within Portage County, Ohio..*
- G. *All authors of instruments of conveyance shall have legal descriptions checked by the County Engineer's Tax Map department prior to the conveyance request.*

I. *Requirements for All Recorded Platted Lots of Record*

- A. *All instruments conveying a recorded lot in a recorded platted subdivision must designate the lot number, the official recorded name of the allotment or subdivision, the plat book and page reference of official record, and the prior recorded deed reference if any exists. Metes and bounds descriptions will not be accepted for sublots in a platted subdivision.*
- B. *All instruments conveying a recorded lot or subdivided area must designate the state, county, township, and/or municipality in which the parcel is situated.*
- C. *Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have a metes and bounds description.*
- D. *Vacated lots shall be surveyed from monumented, documented points and shall be described by metes and bounds since vacated property boundaries no longer exist.*
- E. *Auditor's permanent parcel numbers should be included at the conclusion of the legal description whenever possible. The Tax Map department will, however, place the correct parcel number(s) on the official tax map stamp.*

II. *Requirements for All Condominium Units*

- A. *All instruments conveying a declared condominium unit must designate the name of the condominium development, a reference to the declaration by which the unit was created, and the prior recorded deed reference if any exists.*
- B. *All instruments conveying a condominium unit must designate the state, county, township, and/or municipality in which the parcel is situated.*
- C. *Instruments conveying condominiums may or may not recite the percentage of common interest; however, if a percentage of common interest is included, it must be accurate in light of changes caused by subsequent condominium phases.*
- D. *The creation of original or additional condominium units shall be created by a signed and witnessed declaration or amendment to the declaration accompanied by such drawings and plans to provide the following:*
 - 1. *A legal description of the land.*
 - 2. *The name of the condominium property which must include the word "condominium."*
 - 3. *A general description of the building or buildings and their site location(s) within the development.*
 - 4. *The unit designation of each unit along with its location, approximate area, and percentage of common area.*
 - 5. *A true copy of the by-laws of the unit owners' association or in the case of an amendment, the portion of the amended condominium declaration showing the percentage of interest in common areas.*
 - 6. *Other information concerning the administration and expansion of the condominium area, as outlined in ORC 5311.05.*
- E. *Condominium declarations and drawings must be stamped by the County Tax Map and Auditor's offices before recording. The Auditor's office requires copies of all condominium documents presented for recording.*

F. Auditor's permanent parcel numbers should be included at the conclusion of the legal description whenever possible. The Tax Map department will, however, place the correct parcel number(s) on the official tax map stamp.

III. *Requirements for Existing Metes and Bounds Descriptions of Record*

- A. *All existing metes and bounds descriptions of record which do not create or alter the current tax structure of a parcel will be checked by the Portage County Tax Map department to verify the legal description and identify the tax parcel numbers for the Portage County Auditor.*
- B. *All instruments conveying an existing metes and bounds legal description must designate the state, county, township and/or municipality, and lot number(s) in which the parcel is situated and must cite the previous deed reference if any exists.*
- C. *All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer. The correction of scrivener errors, omissions, or other mistakes is permitted in order to make the description more accurate.*
- D. *Any existing metes and bounds description which since the previous conveyance, has been incorporated into or separated from a municipality must be changed to reflect its new location on subsequent instruments of conveyance.*
- E. *All reference to cities, villages, roads, recorded plats, railroads, streams, etc. must use current or existing names of record as much as practicable. Old or original names or numbers may be used along with, but not in place of, the current name or number for chain of title purposes.*
- F. *If a description spans more than one tax parcel and these parcels can not be combined for real property taxation purposes because they are in separate political subdivisions, an acreage must be stated for each parcel.*
- G. *All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel from which out-lots or exceptions to title exist must incorporate the following:*
 - 1. *Each out-lot or exception to title for the original tract must be described verbatim as witnessed by the previous*

conveyance or record. The correction of scrivener errors, omissions, or other obvious mistakes is permitted in order to make the description more accurate.

- 2. Each documented exception must recite the title and the recorded source by which it can be readily verified. It is not the intent that all easements and restrictions are to be recited unless they are on the previous instrument or readily available.*
- 3. After the exceptions to a tract or parcel are fully described, an acreage of the remainder must be stated as the area intended to be conveyed.*
- 4. No legal description may contain more than four exceptions. If the area to be conveyed can not be described using four exceptions or fewer, then a survey of the remainder is required.*

H. All metes and bounds descriptions shall have sufficient character to permit a mathematical closure of at least ONE PART IN TEN THOUSAND (1 : 10,000). Any deviation from this may require a new survey.

I. Auditor's permanent parcel numbers should be included at the conclusion of the legal description whenever possible. The Tax Map department will, however, place the correct parcel number(s) on the official tax map stamp.

IV. *Requirements for New Metes and Bounds Descriptions for Conveyance*

- A. *All resurveys and new parcel splits, regardless of acreage, must be surveyed by a registered surveyor and a signed and sealed plat of said survey must accompany the deed when it is filed with the Portage County Tax Map department.*
- B. *All surveys and plats shall conform to the minimum standards for surveys according to Chapter 4733 of the Ohio Administrative Code, as amended.*
- C. *All new metes and bounds descriptions must denote the state, county, township, and/or municipality as well as the lot number(s).*
- D. *The deed reference from which the grantor of the conveyance acquired title must be recited.*
- E. *Whenever a new metes and bounds description encompasses two or more taxing districts, a breakdown of the total area must be recited to create an accurate tax structure.*
- F. *All metes and bounds descriptions shall have sufficient character to permit a mathematical closure of at least ONE PART IN TEN THOUSAND (1:10,000). Any deviation from this may require a new survey.*
- G. *All instruments including survey plats, subdivision plats, and other drawings submitted for filing and recording must be of a quality paper or material that conforms to the requirements of the Portage County Subdivision Regulations.*
- H. *All new metes and bounds descriptions must give the acreage contained within its perimeter calculated to the third decimal place. The total acreage contained within the road right-of-way shall also be recited to the third decimal place.*
- I. *All new metes and bounds descriptions prepared by a surveyor must incorporate the following:*

1. *Printed surveyor's name and address*
2. *Ohio Registration number and seal*
3. *The date of writing and/or survey*
4. *A statement indicating whether the subject description was prepared from an actual field survey or from existing records*

V. *Land Contracts*

- A. *While a deficient legal description can not prevent a land contract from being recorded, we require that the instruments be checked and stamped to alert the parties involved of any potential problems when title finally transfers.*
- B. *Following review by the Tax Map department, the land contract must be stamped by the County Auditor's office. At this time, a copy of the document must be provided to the Auditor. Recording should follow review by the Tax Map department and acceptance by the Auditor's office.*

VI. *Subdivision Plats and Replats*

- A. *All authors of plats and replats must follow the rules set forth in the Portage County Subdivision Regulations or the rules promulgated by the appropriate municipal authority.*
- B. *Plats and replats shall have adequate printed blocks for notations of transfer and recording by the County Auditor and County Recorder.*
- C. *All plats and replats must also show notarized certification by the owner or owners of the adoption of the plat and, where applicable, the dedication of streets and other public areas.*

VII. Acreage Discrepancies

- A. When there are errors or ambiguities in the area of a parcel of land when comparing it to the Auditor's current tax rolls, it shall be necessary for the Engineer's Tax Map department to be presented an updated signed and sealed plat of survey prepared by a registered surveyor.*
- B. After checking the survey, the County Tax Map department will certify the change in writing to the County Auditor. The Auditor will accept such certifications of acreage change only from the Tax Map department or an appropriate court.*
- C. Clerical errors by the Tax Map department or the Auditor's office will be corrected upon presentation of previous deeds or other appropriate documentation.*

VIII. *Annexations*

- A. *Only an annexation submitted in the form of a plat and description will be accepted by the Tax Map department and County Auditor's office.*
- B. *All descriptions and plats shall be submitted to the Tax Map department at least three working days prior to the desired filing date.*
- C. *Within 30 days of a municipality's acceptance of the territory to be annexed, the individuals acting as agents for the petitioners shall file with the Tax Map department the plat and description along with the property owners' petition for annexation, the Portage County Commissioners' resolution approving the annexation, and the municipal authority's ordinance accepting the area to be annexed.*
- D. *Plats, descriptions, petitions, ordinances, and resolutions should be presented to the County Auditor, the County Recorder, and the Board of Elections. A copy of all documents must be provided to the County Auditor prior to approval by that department.*

LX. Road Right-of-Way Vacation Plats

- A. All road right of way vacation plats shall be submitted on mylar to the County Engineer's Tax Map department. Along with the plat, a copy of the Commissioners' resolution or municipal ordinance approving the vacation shall be provided. The plat size and scale shall be determined by the size of the area being vacated. All requirements under ORC Section 711 and amendments shall be complied with.*
- B. All adjoining landowners shall be shown on the vacation plat, along with each adjoiner's share of the area of vacated road. Each share of the vacated road area shall revert to the abutting owners from which such land was taken originally. Half of the vacated right-of-way shall attach to the owners abutting on either side. The vacated portion will be maintained on the tax rolls of the County Auditor as part of the abutting parcel but at the option of the owner, will only be combined on the county tax maps by survey to effect a single legal description.*
- C. The plat and County Commissioner's resolution or municipal ordinance shall be processed through the County Engineer's Tax Map department, County Auditor's office, and the County Recorder's office for final recording. A copy of all documents must be provided to the County Auditor prior to approval by that department.*