

Clinton County

The following information has been provided to us by the Clinton County Auditor, and was received June 3, 1996. You are cautioned not to rely upon the following information without having your attorney review your instrument of conveyance and contact the Auditor to determine the current standards.

Requirements for EXISTING Deed Transfer

1. All existing metes and bounds descriptions of record, which do not create or alter current tax structure of a parcel(s) will be checked by the County Engineer's Map Office. A conveyance form and other pertinent forms (DTE 101,102) must be COMPLETELY filled out and submitted with deed.
2. 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 scribner errors, omissions or other obvious mistakes are permitted in order to make the description more accurate.
3. Any existing description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must be changed to reflect its new corporate location within the deed.
4. All lots within a municipality which are on a recorded plat must designate the City or village, official recorded subdivision name, present lot number, location of record, and prior recorded deed reference.
5. Any tract to be transferred which is not in a recorded subdivision must have a metes and bounds description. All metes and bounds descriptions must have an error of closure not greater than 1 in 500.
6. When a tract lies in two or more Military Surveys, Townships, counties or in and out of a corporation, the description shall show the acreage which is in each.
7. When there is an exception to a parcel or tract of land contained in the deed description, each exception must be fully described and should meet all requirements contained herein. The number of exceptions per tract shall be limited to three (3).
8. Reference shall be made in the deed to the instrument by which the Grantors acquired title to the property being conveyed giving the deed book and page number of the Clinton County Recorder's Deed Record, Official Record or Registered Land

Record. Existing Land Contracts shall show book and page where recorded.

9. Land Contract descriptions must be checked and must follow these same guidelines for deed descriptions. (O.R.C. Section 5313.02) A copy must be filed in the Auditors office.

10. If the description is of a parcel which has been surveyed, the description must include the name of the Surveyor and show the Volume and Plat number of the Clinton County Engineer's Record of Land Surveys. (O.R.C. Section 5301.25)

11. The following are exceptions to the foregoing requirements provided that the legal description contained in the instrument of conveyance are adequate so as to be located on the auditors' transfer records:

- a.) Descriptions for transferring parcels of land between members of family when no consideration is given.
- b.) Descriptions for transferring parcels as a deed in lieu of foreclosure.
- c.) Descriptions contained in any instrument which is not necessary to transfer ownership of the tract or parcel on the tax duplicate and is presented for recording solely to correct a title defect.
- d.) Descriptions other than metes and bounds which accurately describe part of a recorded plat. (i.e. "Being 10 feet off the west side of lot #2311, etc).
- e.) Existing recorded land contracts are subject to requirements that were in effect at the time they were recorded.

The foregoing exceptions shall not exempt the future transfer of the parcel by that description from the general requirements.

Requirements for NEW Metes and Bounds Description for Conveyance

1. All new descriptions shall be submitted with survey plat and will be checked at that time. When the deed is submitted a conveyance form and other pertinent forms (DTE 101,102) must be COMPLETELY filled out and included.

2. All new descriptions must meet the minimum standards for boundary surveys as specified in the Ohio Administrative Code section 4733-37-06.

3. Any new legal description should have adequate dimensions or description tied into a lot or street intersection or a recorded plat with a bearing on the lot line or street line intersection.

4. Any new tract description must be referenced to some known and established point, such as a road intersection or recorded plat corner.
5. Any tract lying in two or more different Military Survey, Townships, Counties or in and out of a corporation, shall break down the acreage which is in each.
6. Reference shall be made in the deed to the instrument by which the Grantors acquired title to the property being conveyed giving the deed book number and page number or the Clinton County Recorder's Deed Record, Official Record or Registered Land Record.
7. Any description of a curve must contain the direction of the curve (left or right), the radius, and the chord bearing and distance of same.
8. All acreage shall be calculated to at least the third decimal place. Acreage that is within the road right of way shall be recited to the third decimal place.
9. All descriptions shall be recited in English units with optional Metric units in parenthesis.
10. All new descriptions will be subject to computer verification as to the accuracy of the closure and area described. OAC 4733-3704 Section C states that in all new deed descriptions and plats of survey, the lengths and directions of the lines shall be specified so that the mathematical error of closure of the property boundary does not exceed 0.02 feet in latitudes and 0.02 feet in departure.