

Chapter Fourteen Land Conveyance Standards and Requirements for Approval of Deed Descriptions, Surveys and Survey Plats in Huron County

1400.01 Purpose

The purpose of Chapter 14 is to define the transfer, land conveyance standards and requirements of the Huron County Auditor and the Huron County Engineer for approval of deed descriptions, surveys and plats in Huron County, Ohio. It will also define the requirements that shall be met in land surveying practices within Huron County and to establish the standards and accuracies required for land surveys, legal descriptions for transfer of parcels, plats of surveys, minor and major subdivision plats, large lot divisions, condominiums, cluster homes, and/or city or village lots.

1400.02 Introduction

In order to insure the efficient operation of the county offices, it is necessary that certain procedures and requirements be met before Huron County will approve a boundary survey plat and/or a legal description, etc., for property transfer. It is the intent of these standards and requirements to establish a consistent method of checking documents that are presented for approval.

- A. Following these Standards and Requirements as set forth will insure proper and accurate descriptions of property for tax and transfer purposes.
- B. It is the decision of the Huron County Engineer and the Huron County Auditor as to whether a legal description is sufficient to meet the following adopted Land Conveyance Standards as provided for by Section 315.251 and 319.203 of the Ohio Revised Code.
- C. All “metes and bounds” descriptions, either existing or new, must be in legal instrument form in order to be checked by the County for approval. In the interest of time, it is suggested that all instruments be checked for pre-transfer verification at the Tax Map Department prior to the obtaining of appropriate signatures necessary for the recording of the instrument.
- D. Legal descriptions and accompanying survey plats, where applicable, must meet the “Minimum Standards for 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 according to Chapter 4733-37 through 4733-37-07 of the Ohio Administrative Code (OAC) and have been adopted by the State of Ohio in Section 315.251 of the Ohio Revised Code (ORC) effective March 18, 1997. Chapter 711 ORC Plats, is also made a part of these rules. This also includes addendums made to OAC and ORC.

- E. Efforts have been made, insofar as is practicable, to minimize any duplication or conflict in the requirements and standards contained herein. Because this is not always possible, there may be contained within this document some conflicting requirements or standards. Where such is the case, the more stringent standards or requirements shall govern, unless stated otherwise.
- F. The County Auditor and/or the County Engineer may reject any and all legal descriptions that do not conform to the enclosed standards, restrictions or parts thereof.
- G. Applicable codes referred to from time to time herein, are current versions as of the date of this publication. Any subsequent revisions, changes or updates to said codes or any new codes that may be established will automatically be made a part of this document.

1400.03 General Surveying Requirements

All surveys shall conform to the OAC Chapter 4733, Section 4733-37, Minimum Standards for Boundary Surveys in the State of Ohio, and ORC, Chapter 711, Plats.

- A. Surveying activities shall be performed by, or under the direct supervision of a Registered Professional Surveyor.
- B. All surveys shall be based upon and related to available data of record. It is the surveyor's responsibility to obtain the necessary reference materials prior to making the field survey.
- C. All original plats of surveys including legal descriptions submitted shall be signed in blue ink and stamped to help avoid illegal reproduction of original copies.
- D. The monumentation, evidence, and records used to establish the control for the survey shall be graphically indicated. Where there was no monumentation used, i.e. pavement was split to establish the center line; existing fence row was used to establish the property line, or record dimensions were used, these shall be so stated on the plat. *THE PLAT OF SURVEY SHALL CLEARLY SHOW HOW THE SURVEY WAS DEVELOPED.*

1400.04 Requirements for Filing Instruments for the Conveyance of Real Property

The requirements of ORC 315.251 shall apply to all instruments for the conveyance of real property filed in Huron County, Ohio except as specifically set forth herein. The Huron County Tax Map Department will make every effort to process instruments containing simple descriptions as soon as possible, however, the department works on a "first come-first served" basis. More complex or problematic descriptions will take more time. Combinations, splits, annexations, subdivisions, etc., may take several days for processing. If the Huron County Auditor and/or the Huron County Engineer determines that the legal description in the instrument submitted for transfer or the survey plat does not meet the requirements of these standards, it shall notify the presenter and attempt to work out any technical difficulties on an informal basis.

A. Document Transfer

All documents transferring an interest in real property that are subject to ORC 319.20, including all court orders and certificates of transfer, shall contain all of the following:

1. Document Standards

The instrument of transfer must have the original signature of the grantor or affiant or be a certified copy of a court order. No document or transfer will be accepted in which the document or any attachment is illegible as determined by the County Auditor or the County Engineer. All documents must meet the requirements of ORC 317.114 "Standard format of instruments to be recorded".

2. Reference to Prior Instrument of Record

A reference to the volume and page of the last preceding recorded instrument or instruments by or through which the grantor claims title, as required by ORC 319.20.

3. Tax Mailing Address of Grantee

A statement of the complete tax mailing address of the grantee, or any one of the grantees, as required by ORC 319.20.

4. Complete Name(s) of Grantor(s)

The complete name(s) of the grantor(s) shall be provided as appears on the conveyance where grantor(s) took title, where applicable.

5. Complete Name(s) of Grantee(s)

The accurate and complete name(s) of the grantee(s) shall be provided.

6. Identification of Interest Conveyed

The County Auditor may request assistance determining the designation of each owner's interest on multiple owner parcels.

7. Instrument of Transfer Shall Include Parcel Number and Location Address

The instrument of transfer shall include the County Auditor's parcel number(s) of the land transferring, and the current site address of the property, if any.

8. Conveyance Forms

No instruments will be transferred unless accompanied by a properly completed DTE100 or DTE100EX conveyance form.

9. Multi-Parcel Transfers

Multi-Parcel transfers on a single instrument of transfer will only be accepted if the grantee(s) are identical and grantor(s) are identical for all described properties. Grantors may be identified by A.K.A., F.K.A., etc.

10. Identifying Parcel(s)

Parcel(s) must be identifiable by the Huron County Auditor and/or the Huron County Engineer.

11. Violations of State or Federal Law

Huron County reserves the right to reject legal instruments of conveyance that violate local, state or federal laws, rules, and/or regulations.

The County Auditor and/or the County Engineer may reject any conveyance that is not in compliance with the Ohio Revised Code or the Ohio Administrative Code.

B. Out-of-State/Foreign Instruments

All instruments executed in another state or country in conformity with the laws of that state or country are valid as if executed within the State of Ohio pursuant to section 5301.06 of the Ohio Revised Code.

C. Administrative Parcel Combinations

The Huron County Auditor may permit parcels to be combined. All of the following requirements are necessary:

1. Parcels must have identical ownership.
2. Parcels must be contiguous.
3. Parcels must be in the same taxing district.
4. Parcels must have the same real estate use classification (residential and commercial properties cannot be combined, for example.)
5. For metes and bounds descriptions, all parcels combined must have one legal surveyor's description, with a plat on file in the Tax Map Department.

1400.05 Requirements for New or Existing Descriptions of Record

- A.** All instruments conveying a parcel of record, when submitted for transfer, must describe the parcel verbatim as witnessed by the instrument of previous record and transfer, including separate paragraphs and all surveyor information except as otherwise permitted by these standards and requirements.
- B.** All legal descriptions that were used in a prior recorded instrument of conveyance

will be accepted in the new instrument if the parcel can be located for taxing purposes.

- C. All instruments conveying a recorded lot in a recorded subdivision shall designate the lot number(s) and/ or tract(s), the official recorded name, the plat book and page number of record, and the prior recorded deed reference if any exists(if none can be found it must be so indicated on the instrument). Condominium units shall designate the unit number, condominium name, any amendment number, as well as volume and page of the recorded plat, bylaws and declaration.
- D. Any out-lot or portion of a recorded lot shall have an accurate description which will permit dimensional reproduction through the use of the description.
- E. All new metes and bounds descriptions written from a survey of record will be subject to a computer verification as to the accuracy of the parcel closure of the area described. Closure must meet the measurement specifications defined in Chapter 4733-37-04, Paragraphs (B) and (C), of the Ohio Administrative Code.
- F. If the parcel to be conveyed is an existing parcel, but does not have a description of record due to being the residue parcel resulting from an earlier subdivision, or having changes in its configuration or otherwise altered due to factors such as boundary line agreements, eminent domain proceedings, highway relocations or dedications, etc., a new description shall be required. The new description shall be derived by one of the following methods:

1. Exceptions Method

The description may utilize the last description of record prior to the split(s) or other boundary changes, followed by the descriptions of the parcel(s) having been split out of the original parcel. No more than four (4) “exceptions” conveyed after January 1, 2007 (see Sub Regulation 204.07) May be used in this method and all “exceptions” shall be subject to the same requirements as for a parcel conveyance.

2. New Metes and Bounds Description from Existing or New Survey Method

All new metes and bounds descriptions must be written by a registered surveyor and submitted with an original stamped and signed copy of the survey plat of a new survey or a copy of the appropriate existing plat of survey of record to the Tax Map Department along with the deed for transfer. The new metes and bounds description and the survey plat shall be submitted to the Tax Map Department for review prior to presentation of the deed or other instrument of transfer. Said new survey and description shall comply with the Land Conveyance Standards and Requirements for Approval of Deed Descriptions, Surveys, and Survey Plats in Huron County, Ohio, as herein adopted. See Section 1400.06 for requirements.

G. Exceptions to Requirements of Section 1400.05, Paragraphs A, B, and C (Technical Corrections)

Descriptions that are not identical to the previous description of record, but have been amended or altered by the preparer due to any of the following or similar circumstances which do not make any substantive change in the description of the property, shall not be subject to the requirement that a new metes and bounds description be prepared:

1. Changes in Township and/or Municipal designation due to an annexation and/or detachment proceedings, mergers of unincorporated or incorporated entities or changes in official names of governmental subdivision.
2. Addition or correction of Tract, Section, Lot, Sublot, Subdivision names, street names or identifying numbers or information of record to further identify the property to be transferred and/or required by the County Recorder's Office for indexing purposes.
3. The correction of scrivener errors or omissions in the legal description of the prior instrument of record.
4. To reflect dedication or vacation of public streets.
5. Changes in descriptions reflecting changes in the names of adjoining lot owners or information relating to adjoining lots referred to in the prior legal description of record which do not make any substantive change in the description.
6. Converting chains and links to feet and decimals thereof. The author shall keep chains and links and add feet conversion in parenthesis.

H. The Following Transfers Shall Not be Subject to Section 1400.05, F, 1. (Exceptions Method)

1. Transfers ordered by the Probate Court or by Certificate of Transfer.
2. Transfers from individual(s) to one or more of the same individuals or one or more of the same individuals and others, in connection with the creation or dissolution of a co-tenancy or the filing of a Transfer on Death deed.
3. Transfers in completion of a previously recorded land contract using the same legal description.
4. Transfers terminating a life estate using the same legal description.
5. Any other transfer which in the opinion of the County Auditor or the County Engineer would be in the furtherance of a valid court order, from a court of competent jurisdiction, transferring the real property, including without limitation a decree of foreclosure.

6. Transfers pursuant to a previously recorded Transfer on Death deed using the same legal description.

I. Transfer Stamp Requirements

The above described transfers, if approved will be stamped by the Huron County Tax Map Department, whose stamp shall read “Reviewed, Survey Required Before Next Transfer” as shown:

REVIEWED _____ (DATE)

HURON COUNTY TAX MAP DEPARTMENT
SURVEY REQUIRED BEFORE NEXT TRANSFER

1400.06 Requirements for Instruments of Conveyance Containing a New Metes and Bounds Description

All new metes and bounds descriptions from surveys shall be written by a professional land surveyor in compliance with the Ohio Administrative Code, Chapter 4733-37 and must incorporate the following:

A. Existing Survey

All new metes and bounds descriptions based on **Existing Survey(s)** of record must incorporate the following:

1. Caption

- a. Description must denote State, County, Municipality or Township, and the appropriate Section, Tract, Great Lot, Township/City/Village Lots, Inlot or Outlot.
- b. Description must denote recorded ownership and deed reference as to the tract of origination. List the Official Record or Deed Volume and Page(s) or Document Number(s).

2. Point of Reference, Point of Beginning or Point of Origin

- a. All new metes and bounds descriptions must be referenced to an established point of origin for the description such as centerline intersections of roads or streets of record, Township/Tract/ Section/ Lot lines or corners thereof or their intersection with roads of record, or recorded subdivision corners or lines, or recorded City or Village Lots or Outlots.
- b. This reference point should not be confused with the Principal Place of Beginning of the parcel being described. However, when the corner of the described parcel originates at the Reference Point, the Principal Place of Beginning and the Reference Point become one and the same.

3. Courses

- a. Each course of a new description shall be a separate paragraph, and all courses shall be stated in a clockwise direction from the principal place of beginning to the point of termination of the subject description.
- b. Each course of a new metes and bounds description based on survey(s) of record shall cite the bearings (adjusted for clockwise direction) and distances as shown on the existing recorded survey.
- c. Any course describing a curve must contain the direction of the curve (right or left) and all the curve data cited on the existing recorded survey.
- d. Each course must recite all monumentation, as shown on the recorded survey, either set or found and used along each course, or at the point of termination. This recitation shall include the type, size and material of each monument. (I.P. is **NOT** an acceptable description.)
- e. Each course must describe all common lines shown on the recorded survey such as centerlines of roads, railroads, rivers, Section/Tract/Lot lines, etc. (Add updated name in parenthesis following the original record).
- f. Intent in regard to adjoiningers, if used. If an adjoininger(s) is cited, then the full name(s), Official Record(s) or Deed Volume(s) and page(s) or Document Number(s) must be stated.
- g. The basis of the description shall be given in a statement similar to the following: "This description is based on a survey performed by (name of surveyor), Surveyor's Number, date of survey and found in Plat Book _____, Page _____ of Huron County Survey Records.
- h. The description shall recite the basis of the bearings of the survey used.

4. Acreage

- a. Acreage must be stated as shown on the recorded survey of the parcel.
- b. Where the recorded survey is in more than one taxing district, the description must cite each acreage separately and shall be totaled for the whole parcel.

5. Surveyor Information

All new metes and bounds descriptions written from a survey of record and prepared by a registered professional land surveyor must incorporate the surveyor's name and Ohio registration number, the date the survey was performed and a statement indicating the source of any additional information used in the development of the description including tax map and ownership data.

6. Closure Accuracy

All new metes and bounds descriptions written from a survey of record will be subject to a computer verification as to the accuracy of the parcel closure of the area described. Closure must meet the measurement specifications defined in Chapter 4733-37-04, Paragraphs (B) and (C), of the Ohio Administrative Code.

B. New Survey

All new metes and bounds descriptions based on a **New Survey** must incorporate the following:

1. Caption

- a. Description must denote State, County, Municipality or Township, and the appropriate Section, Tract, Great Lot, Township/City/Village Lots, Outlot or Inlot.
- b. Description must denote recorded ownership and deed reference as to the tract of origination. List the Official Record(s) or Deed Volume(s) and Page(s) or Document Number(s).

2. Point of Reference, Point of Beginning, or Point of Origin

- a. All new metes and bounds descriptions must be referenced to an established point of origin for the description such as centerline intersections of roads or streets of record, Township/Tract/Section/Lot lines or corners thereof or their intersection with roads of record, or recorded subdivision corners or lines, or recorded City or Village Lots or Outlots.
- b. This reference point should not be confused with the Principal Place of Beginning of the parcel being described. However, when the corner of the described parcel originates at the Reference Point, the Principal Place of Beginning and the Reference Point become one and the same.

3. Courses

- a. Each course of a new description shall be a separate paragraph, and all courses shall be stated in a clockwise direction from the principal place of beginning to the point of termination of the subject description.
- b. Each course of a new metes and bounds description shall have a bearing expressed as a compass direction in degrees, minutes, and seconds and a distance measured in feet and decimal parts thereof to two (2) decimal places, from point of origination to the point of termination.
- c. Each course description must note all controlling monumentation either set or found and used. The description of each monument shall include the material, type and size. Duplication of monument information is not required where the point of termination of one course becomes the point of origination of the next course. (I.P. is **NOT** an acceptable description.)
- d. Any course of a new metes and bounds description which is on a curve must contain direction of the curve (right or left), the radius, the long chord bearing and distance, and arc length. All distances shall be in feet to two (2) decimal places. Any additional curve data may be added by the surveyor.
- e. When applicable, each course description shall include any other common line(s) such centerlines of roads, rivers, streams, etc., Section lines, Tract lines, Township lines, Lot lines, or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.
- f. Intent in regard to adjoiningers, if used. If an adjoininger(s) is cited, then the full name(s), Official Record(s) or Deed Volume(s) and Page(s) or Document Number(s) must be stated.

4. Basis of Bearings

A clear statement must be given as to the basis of the bearings (direction) used. Bearings are based on astronomic (true) north, magnetic north, geodetic (grid) north, or on an assumed datum as determined by the surveyor or correlating to a specific record bearing which, if used, must be stated on the plat and in the legal description.

5. References

All references to roads, rivers, water bodies, railroads, etc., must use current or existing numbers and/or names of record. Old or original names may also be mentioned for clarity. Names of water bodies are determined to be

of record as they are shown and named on current USGS Quadrangle Sheets.

6. Acreage

- a. All new metes and bounds descriptions must give the acreage contained within its perimeter and calculated to the fourth decimal place. The total acreage contained within the road right of way shall also be recited to the fourth decimal place. Total calculated square footage shall also be shown to two decimal places for parcels less than one acre in size, and all parcels within incorporated villages and municipalities.
- b. Whenever a new metes and bounds description encompasses two or more taxing districts or parcel numbers, a breakdown of the total area must be recited to create an accurate tax structure. The acreage must be recited to four (4) decimal places for each taxing district.

7. Surveyor Information

All new metes and bounds descriptions must include the surveyor's name, Ohio registration number and the date of survey and be incorporated into a statement indicating the subject description was prepared from an actual field survey similar to the following: "The above description is based on a field survey performed by (surveyor's name, not a company name) for surveying company, if applicable, P. S. Number _____ on month, day, year."

8. Closure Accuracy

All new metes and bounds descriptions presented for transfer will be subject to computer verification as to the accuracy of the parcel closure of the area described. Closure must meet the measurement specifications defined in Chapter 4733-37-04, Paragraphs (B) and (C) of the Ohio Administrative Code.

1400.07 Requirements for New Survey Plats

In addition to the requirements as set forth below, all survey plats must incorporate the principles, and minimum standards of good surveying, engineering and draftsmanship as defined by Chapter 4733-37 through 4733-37-07 and any subsequent revisions thereto of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio.

A. Signatures

The survey plat presented to the Huron County Tax Map Department at the same time the deed is presented for transfer must contain an original stamped seal and signature of the surveyor who performed the survey and prepared the plat.

B. Size

The size of the survey plat must be no smaller than 8-1/2 inches by 11 inches and no larger than 24 inches by 36 inches.

C. Material

The material upon which the survey plat is made can be high rag content vellum, mylar, blueline diazo copies, or dense ink computer generated copies on high quality printing paper. The plats submitted must be capable of being clearly scanned or microfilmed. (This is best accomplished if the plats are not folded.)

D. Lettering

All lettering shall be no less than 1/10 inches in height (10 pt. lettering) to guarantee legible reproduction.

E. Plat Details

All survey plats shall incorporate the following details:

1. Title

A title such that the general location of the subject survey can be readily identifiable. This requirement shall include the same information as established in Section 1400.06, A.1., Requirements for Instruments of Conveyance Containing a New Metes and Bounds Description, Existing Survey, Caption.

2. North Arrow

A north arrow on survey plats shall point to the top of the drawing or the right margin of the drawing, whichever is applicable.

3. Basis of Bearings

A clear statement must be given as to the basis of bearings (direction) used. Bearings are based on astronomic (true) north, magnetic north, geodetic (grid) north, or on an assumed datum as determined by the surveyor or correlating to a specific record bearing which, if used, must be stated on the plat and in the legal description.

4. Point of Reference, Point of Beginning or Point of Origin

The starting point must be referenced as cited in the description. This requirement should include the same information as established by Section 1400.06, A.2., Requirements for Instruments of Conveyance Containing a New Metes and Bounds Description, Existing Survey, Point of Reference, Point of Beginning or Point of Origin.

5. Survey Control

Indicate survey control used and its relationship to the property surveyed. Controlling lines and roads must have at least two verifiable points, and must indicate and properly describe the monuments found and used for the control. Said control points must be labeled on the survey plat as found and used and also referenced as such in the legal description.

6. Monumentation

All monumentation either found or placed must be shown, as cited by the metes and bounds description, together with a legend of the symbols used to identify the subject monumentation showing the type, size, and full cap information, if any, for each. (I.P. is **NOT** an acceptable description.) If all monuments are identified individually, no legend will be required.

7. Adjoiners

When adjoining ownership is shown, information shall include the following:

- a. Name or names by which the current or cited adjoiner(s) took title.
- b. Official Record(s) or Deed Book(s) and Page number(s) or Document number(s).
- c. Township, City, Village, Subdivision Lot Number where the adjoiners land is located, if not otherwise indicated.

8. Courses

All boundary information for each course as established by Section 1400.06, A.3, Requirements for Instruments of Conveyance Containing a New Metes and Bounds Description, Existing Survey, Courses.

9. Source Data

A citation of pertinent documents and sources of data used as a basis for carrying out the work, i.e., County Field Book Number and Page, Official Record or Deed Book and Page or Document Number, State Highway right of way drawings, Survey Book and Page, etc. If no source data is used it shall be so stated.

10. Scale

The written and graphic scale of the subject plat.

11. Approval Signature Space on Splits

Blank space must be allowed within a parcel split survey plat for all required approvals for the execution of the split. The approvals may include the following:

- a. Township Zoning Inspector
- b. City/Village approval
- c. Huron County Planning Commission or Administrative Officer approval

Checking with the Tax Map Department, Township Zoning Inspector, and Huron County Planning Commission or Administrative Officer is recommended prior to the submittal of the survey plat. (See Huron County Subdivision Regulations)

12. Surveyor Signature and Stamp

The surveyor's printed and original signed name, Ohio Registration Number and reproducible, original stamp or seal must be on the plat. See Section 1400.03, C.

13. Road Right of Way

The current road right of way widths shall be shown on the survey plat for all roads encompassed within the surveyed parcel. If the width varies within the parcel, the variances should be shown as calculated or extrapolated from the road right of way information available, or if not available, it can be stated "width varies".

14. Date

The date the survey was performed must be listed.

15. Landlocked Parcels

A detailed explanation shall be shown for any parcel that appears to be landlocked.

1400.08 Requirements for Filing Plats or Replats of Condominiums and Cluster Homes and Major Subdivisions

In addition to the requirements as set forth below, all survey plats must incorporate the principles, and minimum standards of good surveying, engineering and draftsmanship as defined by Chapter 4733-37 through 4733-37-07 and any subsequent revisions thereto of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio. Plats shall also be prepared using the same guidelines as outlined in Section 1400.07, Requirements for New Survey Plats.

A. Filing Plats

Original plats of subdivisions, large lot divisions, condominiums, cluster homes, etc., must be presented to the Huron County Tax Map Department along with a digital copy of the same, if possible. Plats presented with the digital file may require a minimum of five (5) working days to process. If a digital copy is not available, the Tax Map Department may require a minimum of seven (7) working days to process the plat. A list of acceptable forms, formats, compression methods, and media types for the digital file is available from the County Auditor's Office.

All subdivision, condominium, etc., plats must incorporate the following details:

1. Title

A title such that the name of the plat, the general location of the property encompassed by the plat and a clear description of what the plat is creating must be readily identifiable. Example of title:

The John D. Jones Subdivision
Located in Wakeman Township, Great Lots 31 and 32
Creating Parcels A & B

2. North Arrow

A north arrow on survey plats shall point to the top of the drawing or the right margin of the drawing, whichever is applicable.

3. Basis of Bearings

A clear statement must be given as to the basis of bearings (direction) used. Bearings are based on astronomic (true) north, magnetic north, geodetic (grid) north, or on an assumed datum as determined by the surveyor or correlating to a specific record bearing which, if used, must be stated on the plat and in the legal description.

4. Point of Reference, Point of Beginning or Point of Origin

The starting point must be referenced as stated in the description. This requirement shall include the same information as established by Section 1400.06, A.2., Requirements for Instruments of Conveyance Containing a New Metes and Bounds Description, Existing Survey, Point of Reference, Point of Beginning or Point of Origin.

5. Monumentation

All monumentation either found or placed must be shown, as cited by the metes and bounds description, together with a legend of the symbols used to identify the subject monumentation showing the type, size, and full cap information, if any, for each. (I.P. is **NOT** an acceptable description.) If all monuments are identified individually, no legend will be required.

Monuments must be set at all new corners of Sublots, Blocks, etc. A general statement citing this is acceptable. Monuments are not required to be set where the actual corner will be occupied by the structure, condominium, or cluster home.

6. Existing Recorded Lines

All existing Section/Tract/or Township/City/Village Lot lines or corners must be shown and identified within the area encompassed by the plat.

7. Adjoiners

When adjoining ownership is shown, information shall include the following:

- a. Name or names by which the current or cited adjoiner(s) took title.
- b. Official Record(s) or Deed Book(s) and Page numbers(s) or Document number(s).
- c. Township, City, Village, Subdivision Lot Number where the adjoiners land is located, if not otherwise indicated.

8. Source Data

A citation of pertinent documents and sources of data used as a basis for carrying out the work i.e., County Field Book Number and Page, Official Record or Deed Book and Page or Document Number, State Highway right of way drawings, Survey Book and Page, etc. If no source data is used it shall be so stated.

9. Scale

The written and graphic scale of the subject drawing.

10. Surveyor Signature and Stamp

The surveyor's printed and original signed name, Ohio Registration Number and reproducible, original stamp or seal must be on the plat. See Section 1400.03, C.

11. Owners Dedications, Easements, Acknowledgements and Signatures

A signature block for each applicable required signature i.e., the proper legal wording for the dedication of indicated roads, easements, and/or acknowledgement of action creating the plat as shown, followed by blanks for all signatures of all owners and witnesses (along with their printed names of same) as well as notary signature and seal.

NOTE: All plats that are filed with the Huron County Recorder's Office must have the signature of the owner(s) as acknowledging the creation of the plat as a minimum.

12. Approval Signature Blocks

Required signature blocks must be provided and may include the following:

- a. Township Zoning Inspector
- b. City Council Clerk
- c. City Planning Commission
- d. County Planning Official
- e. Health Department
- f. Soil and Water Conservation District
- g. County Engineer
- h. Emergency Management Agency
- i. County Commissioners

13. Recording Signature Blocks

Signature blocks must be provided for the recording process in the form as follows:

Approved this ____ day of _____, 2____

Huron County Tax Map Department

Received for transfer this ____ day of _____, 2____

Huron County Auditor

Received for recording this ____ day of _____, 2____

At ____ a.m./p.m.

Recorded in Plat Book No. _____, Page No. _____

Fee \$ _____

Huron County Recorder

14. Material Requirements

The material upon which the plat is drawn shall be mylar or 20 pound paper. No sepia, blue-line or black-line diazo copies or drawings on linen will be accepted. The plat must be drawn in black India ink or other dense black inking material capable of being clearly scanned or microfilmed. No folded plats will be accepted.

15. Lettering Requirements

No lettering less than 0.1 inch (10 pt. lettering) will be accepted.

16. Size Requirements

The plat must be no smaller than 8-1/2 inches by 11 inches and no larger than 24 inches by 36 inches (Recorder's Office requirement).

1400.09 Requirements for Annexation Plats

In addition to the requirements as set forth below, all survey plats must incorporate the principles, and minimum standards of good surveying, engineering and draftsmanship as defined by Chapter 4733-37 through 4733-37-07 and any subsequent revisions thereto of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio. Plats shall also be prepared using the same guidelines as outlined in Section 1400.07, Requirements for New Survey Plats.

All survey plats for proposed annexations shall be presented to the Huron County Tax Map Department for review prior to their presentation to the Huron County Commissioners. **See Appendix at end of this chapter for the Commissioners' instructions for filing a petition for annexation with the Board of County Commissioners.**

Originals of approved Annexation Plats must be presented to the Huron County Tax Map Department and may require a minimum of five (5) working days to process. All Annexation Plats must incorporate the following details:

A. Title

A title setting forth the following:

1. The amount of acreage being annexed.
2. The Township(s) and Section(s)/Tract(s), Lot(s) from which the annexation is being removed.
3. The Municipality to which the annexation is going.
4. The lot(s) designations being created, if any.

B. Parcel Information

Each parcel to be annexed must have the following:

1. Ownership.
2. Acreage, if available.
3. Existing "parcel number".
4. Proposed city or village lot number or space therefore, if applicable.
5. Space for the new "parcel number"
6. Present address, if available.
7. Space for new address, if applicable.

These items must be shown either within the limits of the parcel on the plat or in a

table included as a part of the plat and keyed to the proper parcel on the plat of the annexation.

C. Acceptance Block

The acceptance block should be similar to the following:

- 1. Accepted by the City/Village of _____
- 2. By City Council/Village Ordinance/Resolution No. _____
- 3. At a regular meeting of same held on ____ day of _____, 2____
- 4. By Clerk of the City/Village Council _____

D. Commissioners' Approval Block

The Huron County Board of Commissioners must approve any annexation. The signature block should be similar to the following:

Approved by the Huron County Board of Commissioners this _____ day of _____, 2____

President

Commissioner

Commissioner

E. Recording Signature Blocks

Signature blocks for the Recording process should be similar to the following:

Approved this ____ day of _____, 2____

Huron County Tax Map Department

Received for transfer this ____ day of _____, 2____

Huron County Auditor

Received for recording this ____ day of _____, 2____

At _____ a.m./p.m.

Recorded in Plat Book No. _____, Page No. _____

Fee \$ _____

Huron County Recorder

F. Material Requirements

The material upon which the plat is drawn must be mylar. No sepia, blueline, or blackline diazo copies or drawings on linen will be accepted. The plat must be drawn in black India ink or other dense black inking material capable of being clearly scanned or microfilmed. No folded plats will be accepted.

G. Lettering Requirements

No lettering less than 0.1 inch (10 pt. lettering) will be accepted.

H. Size Requirements

The plat must be no smaller than 8-1/2 inches by 11 inches and no larger than 24 inches by 36 inches.

1400.10 Requirements for Area Detachment Plats

In addition to the requirements as set forth below, all detachment plats must incorporate the principles, and minimum standards of good surveying, engineering and draftsmanship as defined by Chapter 4733-37 through 4733-37-07 and any subsequent revisions thereto of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio. Plats shall also be prepared using the same guidelines as outlined in Section 1400.07, Requirements for New Survey Plats.

All survey plats for proposed detachments shall be presented to the Huron County Tax Map Department for review prior to their presentation to the Huron County Commissioners. **See Appendix at end of this chapter for the Ohio Revised Code Sections (709.38-709.42) instructions for filing a petition for detachment.**

Originals of approved Detachment Plats must be presented to the Huron County Tax Map Department and may require a minimum of five (5) working days to process. All Detachment Plats must incorporate the following details:

A. Title

A title setting forth the following:

1. The amount of acreage being detached.
2. The Municipality, Township(s) and Section(s)/Tract(s), Lot(s) from which the detachment is being removed.
3. The Municipality, Township, County to which the detachment is going.
4. The lot(s) designations being created, if any.

B. Parcel Information

Each parcel to be detached must have the following:

1. Ownership.
2. Acreage, if available.
3. Existing “parcel number”.
4. Proposed city or village lot number or space therefore, if applicable.
5. Space for the new “parcel number”.
6. Present address, if available.
7. Space for new address, if applicable.

These items must be shown either within the limits of the parcel on the plat or in a table included as a part of the plat and keyed to the proper parcel on the plat of the detachment.

C. Acceptance Block

The acceptance block should be similar to the following:

1. Accepted by the City/Village/Township/County of _____
2. By City Council/Village Ordinance/Resolution No. _____
3. At a regular meeting of same held on ____ day of _____, 2____
4. By Clerk of the City/Village Council/Township Fiscal Officer/
County Commissioners _____

D. Commissioners’ Approval Block

The Huron County Board of Commissioners must approve any detachment. The signature block should be similar to the following:

Approved by the Huron County Board of Commissioners this
_____ day of _____, 2____

President

Commissioner

Commissioner

E. Recording Signature Blocks

Signature blocks for the Recording process should be similar to the following:

Approved this ____ day of _____, 2____

Huron County Tax Map Department

Received for transfer this _____ day of _____, 2____

Huron County Auditor

Received for recording this _____ day of _____, 2____

At _____ a.m./p.m.

Recorded in Plat Book No. _____, Page No. _____

Fee \$ _____

Huron County Recorder

F. Material Requirements

The material upon which the plat is drawn must be mylar. No sepia, blueline, or blackline diazo copies or drawings on linen will be accepted. The plat must be drawn in black India ink or other dense black inking material capable of being clearly scanned or microfilmed. No folded originals will be accepted.

G. Lettering Requirements

No lettering less than 0.1 inch (10 pt. lettering) will be accepted.

H. Size Requirements

The plat must be no smaller than 8-1/2 inches by 11 inches and no larger than 24 inches by 36 inches .

1400.11 Requirements for Vacation, Alteration or Establishment of Roads, Highway Easements and Subdivisions

Applications shall satisfy Ohio Revised Code Sections and applicable Conveyance Standards.

1400.12 Requirements for Boundary Line Agreements

A boundary line agreement as covered in Section 5301.21 of the Ohio Revised Code provides for the common lines or corners in dispute. All plats and legal descriptions shall be prepared by a licensed surveyor subject to the requirements contained herein. All Boundary Line Agreements shall be processed in the same manner as deeds.

If the boundary line agreement is located within a recorded subdivision, the Boundary Line Agreement Plat shall meet all the requirements set forth in Section 1400.08, Requirements for Filing Plats or Replats of Condominiums and Cluster Homes and Major Subdivisions.

1400.13 Requirements for Recording Highway Easements

All highway easements shall be written by the registered surveyor who prepared the easement plat and must incorporate the following:

A. Requirements for Highway Easement Descriptions

A highway easement description must cover only one existing parcel. It cannot consist of one description which takes the easement across more than one existing adjoining parcel having common ownership.

1. Caption

- a. Denote State, County, Municipality or Township, and the appropriate Section, Tract, Great Lot, Township/City/Village Lots, Outlot or Inlot.
- b. Denote recorded ownership and deed reference as to the tract of origination. List the Official Record(s) or Deed Volume(s) and Page(s) or Document Number(s).

2. Parcel Identification

- a. Identify the tract of ground in which the easement is located by general description of the parcel, owners names and the parcel numbers.
- b. List acreage of all parcel(s) and parcel numbers in which the easement is located.

3. Highway Easement Identification

- a. Centerline Easements
 1. State width of easement, Example: "Being a 60 foot wide easement 30 feet each side of the following described line."
 2. Detailed description of the course of the centerline including a readily identifiable beginning point. Example: "Beginning at a point in the western most property line, approximately 35 feet, more or less, northwesterly from the southwest corner of (grantor's) tract. Thence northeasterly, parallel to and 35 feet northwesterly from grantor's southern most line, approximately 300 feet, more or less, to a point in the grantor's eastern most property line."
- b. Strip Easement
 1. State width of easement. Example: "Being a 60 foot wide easement 30 feet each side of the following described line."
 2. State location. Example: (Continued from above) ".....along the grantor's south property line."

- c. Irregular Shaped Easement
 - 1. Indicate a defined point of beginning tied into a point of record.
 - 2. Provide a clear metes and bounds description.
- d. Restrictions

List any and all restrictions over the aforesaid easement area.

B. Requirements for Highway Easement Plats

All easement plats must reflect the legal description and incorporate the following details:

- 1. A north arrow.
- 2. Written and graphic scale.
- 3. The State, County, Township, and Municipality (if applicable), Section, Tract, Lot, etc.
- 4. Owner(s) name , Official Record or Deed Volume and Page(s) or Document Number(s), the parcel number(s) of the land the easement is on, and the adjoining landowners, Official Record or Deed Book Volume and Page(s) or Document Number(s), if easement begins, or ends on an adjoining property line.
- 5. The property lines of the subject parcel, or the land containing the easement, and any roads mentioned in the written description.
- 6. Any and all distances, bearings, etc., pertaining to the easement area shall be shown on the plat.
- 7. Area of the easement in square feet (for total areas less than one acre) and acres.

1400.14 Description Terminology

ADJOINING	A reference term meaning a boundary that is common with another.
ADJOINING PARCEL	A parcel that has a line(s) in common with the subject parcel being described and implies that the boundary is moving with the call (e.g., along a township line) and the line is the route.

BLOCK,
SUBDIVISION

A term used to describe parcels created in Subdivisions for two purposes:

1. Generally of irregular shape and larger acreage than sublots, not to be used as buildable lots, and often used as “greenspace”, or common areas or drainage basins.
2. Larger acreage than sublots being reserved for later development as sublots or cluster homes or condominiums, etc.

CALL

The “bound” along which or to which in order of superiority, a course of metes and bounds description follows.

1. Calls for monuments – natural (lakes, rivers, trees) or physical (any type of marker set by a surveyor.)
2. Secondary Monuments – descriptive boundary, e.g., to a tree row, to a fence.
3. Reference to record boundary, e.g., township/city/ village lot line, subdivision subplot line, etc.
4. Calls tied to other monuments with bearing and distance to such monuments not at or along the property boundaries.
5. Distances on the boundary.
6. Bearings on the boundary.
7. Area contained within the parcel when not specified within the caption of the description.

EXCEPTING
THEREFROM

To omit or remove the following description from the prior description. To subtract the following acreage from the prior described acreage.

GREAT LOT

A term sometimes used to describe the “original” divisions set up by the first surveyors of an individual township. Sometimes abbreviated as G.L. and as such has been confused with the abbreviation O.L. meaning Outlot.

INLOT

A type of lot created at the incorporation or creation of a municipality. Typically these were smaller parcels that were expected not to be further subdivided. Typically, they were numbered and designated on the Incorporation Plat or original Village Plat as Inlots starting with the number 1. The abbreviation is usually I.L.

LEGAL DESCRIPTION

A legal description of a parcel of land should be clear, complete and concise, and written in such a way that avoids any confusion between the intended parcel and any other parcel.

A legal description consists of four basic parts:

1. Caption

The caption consists of the situation (basic location) of the parcel stating the township(s) or municipality name(s), the county and the state and the specific purpose statement, i.e., what the description is intended to do. (Describing a parcel of land for transfer of ownership; an easement; or certain rights such as life estate, mineral rights, or surface rights).

The caption gives the parameters outside of which any calls in the body of the description that conflict with the caption are nullified. For example, a caption that reads a parcel of land being located Great Lot Number 5, of Lyme Township, then no portion of the body of the description can go outside of that Great Lot and Township.

2. Body

The body of the legal description must be a clear recital of the pertinent facts to describe the land and be complete, without contradictions to the caption or any other factors influencing the location.

3. Exceptions

Exceptions cut out or remove a portion of the land described in the body of the description. They must be complete descriptions, capable of standing alone, to describe the parcel of the exception. The area defined in an exception IS SUBTRACTED from the acreage being conveyed. A summation paragraph at the end of a description containing one or more (limit of three) exceptions helps to clarify the intent of the deed. For example: "intending to convey after said exceptions approximately one acre of land, more or less, subject to all legal highways."

4. Restrictions and/or Reservations

Reservations include conditions of restricted use of a portion of the land being conveyed. For example,

reserving an easement of access across a designated portion of the described land. The area defined in a reservation IS NOT SUBTRACTED from the acreage being conveyed.

The above is paraphrased and adapted to Huron County's particular situation from Chapter 32 "Land Descriptions" by Dennis J. Moulard from The Surveying Handbook, Second Edition, Edited by Russell C. Brinker and Roy Minnick, New York, NY, Chapman and Hall Publishers 1995.

METES AND BOUNDS

A system of describing a parcel of land by giving the directions and distances measured out (meted out) around the parcel and the "call" for the course to extend to a natural or artificial monument.

ORIGINAL LOT

A term sometimes used to describe the "original" divisions set up by the first surveyors of an individual township. Sometimes abbreviated as O.L. and as such can be confused with the same abbreviation used to mean Outlot. See definition of Outlot.

OUTLOT

A type of lot created at the incorporation or creation of a municipality. Typically these were larger parcels that were expected to be split into many subsequent parcels as the municipality grew. Typically, they were numbered and designated on the Incorporation Plat or original Village Plat as Outlots starting with the number 1. The abbreviation is usually O.L. and as such can be confused with the same abbreviation used to mean Original Lot. See definition of Original Lot.

PLAT

A general term used to describe the recorded document that creates a Subdivision, City/Village Lot, annexes parcels into a Municipality, etc. Sometimes also used to refer to the document containing the drawing of a survey. It is referenced by a Plat Book number and Page number where the specific document (Plat) can be found recorded in the Huron County Recorder's Records.

RAW ACREAGE

A general term used to refer to parcels of land that exist as a metes and bounds description within a township. Parcels of land considered as raw acreage descriptions are NOT part of any Subdivision. "Raw acreage" in this usage does not have any intended connotation to the existence or lack of structures on the parcel.

**RECORDED LOT/
SUBLOT**

Refers to a parcel of land as recorded by a plat in the Huron County Recorder's Records. It may be recorded

within the Deed Volumes in the case of Original Township Lots and old Plats, e.g., “Havana Plat” or the more recently created Recorder’s Plat Books or the new Plat Records, which are the record of Subdivisions, new City/Village Lots and Annexations.

RECORDED PARCEL Refers to a parcel of land whose legal description is recorded in the Huron County Recorder’s Records in a Deed Volume or Official Record Volume or is filed by Document Number. The parcel’s description may consist of a recorded lot/sublot or a metes and bounds description of raw acreage.

RESERVING To reserve an interest such as an easement or life estate for the grantor, but the land described as reserved is NOT subtracted from the prior described acreage.

SCRIVENER SECTION OF LAND Writer(s) of deeds
This term should be avoided as “Section” is a specific name of a body of land within original Huron County Townships. A more appropriate term is “parcel of land”.

SUBLOT This term specifically describes a parcel of land as recorded in a subdivision. The full name of the subdivision and its Plat Book number and page should be referenced the first time the subplot is mentioned within the description.

SURVEY A general term used to imply that a registered surveyor has performed a survey of the parcel. A survey plat is on file at the Huron County Tax Map Department or Recorder’s Office. These surveys are used as the basis for descriptions cited in deeds filed in Huron County. Surveys of all new splits and re-surveys of existing parcels must be submitted and added to the survey records when the deed using the survey’s description is first presented for transfer.

TRACT OF LAND This term should be avoided as “tract” is a specific name of a body of land within some original Huron County Townships. A more appropriate term is “parcel of land”.

1400.15 Miscellaneous Signature Blocks

The following are examples of signature blocks that may be required on certain legal documents:

CITY PLANNING COMMISSION CERTIFICATE

This plat was duly accepted by resolution of the Norwalk City Planning Commission on the _____ day of _____, 2_____.

Chairman

COUNTY ENGINEER'S CERTIFICATE:

I hereby certify that the above plat conforms to all engineering and surveying requirements set forth by the County of Huron on this ____ day of _____, 2____.

Huron County Engineer

HURON COUNTY EMERGENCY MANAGEMENT AGENCY

This plat has been reviewed by the Huron County Emergency Management Agency on this _____ day of _____, 2____.

Huron County E.M.A. Director

APPENDIX TO CHAPTER FOURTEEN

EXHIBIT A



July 25, 2002

02-308

RESOLUTION

IN THE MATTER OF ESTABLISHING DEPOSIT AND FEES REGULATIONS FOR COST INCURRED IN ANNEXATION PROCEEDINGS

BOARD OF COMMISSIONERS

Mike Adelman moved the adoption of the following resolution:

Terry Boose
Ardeth Chupp
Mike Adelman

COUNTY ADMINISTRATOR
Mary M. Cain

CLERK
Cheryl Nolan

WHEREAS, amended substitute Senate bill 5 (SB 5) of the 124th General Assembly, changing Ohio's annexation laws, has been passed by the General Assembly and signed by the Governor; and

WHEREAS, the Board of Huron County Commissioners is processing all annexation petitions received after June 28, 2002 under the new law; and

WHEREAS, section 709.014 (A) of the Ohio Revised Code as enacted by SB 5 authorizes the Board of Commissioners of Huron County to establish a reasonable fee or schedule of fees to cover the costs incurred by the county in any proceeding that takes place under Chapter 709 of the ORC; and

WHEREAS, section 709.014 of the ORC as enacted by SB 5 also authorized the board to require an initial deposit to be paid at the time a petition for annexation is filed or promptly thereafter; and

WHEREAS, section 709.032 (B) of the ORC as enacted by SB 5 also provides for the payment of other fees or requires deposits in connection with the processing of annexation petitions; and

WHEREAS, the board desires to implement a deposit and fee schedule for annexation petitions filed with the board; now therefore

BE IT RESOLVED, that the Board of Huron County Commissioners desires to establish a deposit and fees regulations for cost incurred in annexation proceedings:

Section 1.0 Annexation Deposit

Every annexation petition submitted pursuant to Chapter 709 of the ORC shall be subject to a deposit in the amount of twenty-five dollars (\$25.00);

Section 1.1 Time Period In Which To Make Deposit

The deposit required pursuant to Section 1.0 of this resolution shall be filed with the Clerk of the Board at the time of filing.

Section 2.0 Fees for Subpoena Requested by Necessary Party

If a necessary party to an annexation proceeding, as defined in Section 709.32 (A) of the ORC, request the Board to issue a subpoena for witnesses or for books, papers, correspondence, memoranda, agreements, or other documents or records relevant or material to the petition, the party requesting the subpoena shall pay in advance the fees and mileage expenses necessary to serve the subpoena. The remainder of the expenses shall be paid out of fees charged by the Board pursuant to section 1.0 above.

Section 2.1 Fees For Subpoena Issued By a Board Without a Request From a Necessary Party

If the board issues a subpoena on its own initiative for witnesses or documents specified in Section 2.0, all costs shall be paid out of fees charged by the Board pursuant to section 1.0.

Section 2.2 Amount of Fees Associated with Subpoenas

The fees and mileage expenses for the Sheriff and witnesses shall be the same as those allowed by the Court of Common Pleas in criminal cases and as maintained on file with the Board of County Commissioners of Huron County.

The first meeting of the Huron County Commissioners was August 1, 1815 with the first three Commissioners being: Caleb Palmer, Charles Parker and Eli S. Barnum. The first Clerk was Ichabod Marshall. The first act was to order a schoolhouse converted for Commissioners' meetings. Norwalk became the county seat in 1818 when the number of registered voters was 56 and when the total taxes collected that year was \$192.40. Commissioners purchased a building to use as a courthouse in 1818 for \$848 and built a new jail for \$275. Huron County's area was dramatically reduced in 1838 when Erie County was formed. Population figures at the end of the first millennium were more than 32,000. Today, Huron County boasts more than 60,000 citizens.

Northwest Territory 1787
Firelands Territory 1782
Settled in 1804
Huron County
Founded in 1809

180 Milan Avenue, Norwalk, Ohio 44857-1195
419-668-3092 • 800-808-5042 • Fax: (419) 663-3370
Email: hurcom@hmcld.net
www.hcccommissioners.com

EXHIBIT A, Cont'd.

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Resolution 02-308
July 25, 2002

Section 2.3 Fees for Transcription of Record Hearing

If a request is made to transcribe the record of the hearing, in accordance with Section 709.32 (B) of the ORC, it shall be accompanied by an amount determined by the Clerk of the Board of County Commissioners to be necessary to cover the costs of transcribing the record;

Section 2.4 Other Fees

Fees not otherwise provided for in this resolution shall be paid by the agent for the petitioners. In addition to the fees provided for in section 1.0, 2.0, 2.1, 2.2, and 2.3 of this resolution, fees shall be paid by the agent for the petitioner for other costs incurred by the Board relating to an annexation petition. These fees may include but are not limited to: 1. all costs incurred in preparing and providing copies of notices and documents to the agent for the petitioner, other parties to the proceeding, the County Engineer, the County Prosecutor or other county officials, including the petition and all papers that accompany the petition; 2. certified resolutions of the Board related to the proceedings; 3. duplicate electronic records of the proceedings; 4. any other papers on file that constitute the record of the proceedings; 5. materials, postage, paper and other supplies, long distance telephone charges, and other related costs.

Section 3.0 Deposit of Fee Revenue

The clerk shall deposit all funds received from deposits or fees for processing annexation petitions into a special revenue fund for the purposes of paying expenses related to the processing of annexation petitions.

Section 3.1 Payment of Expenses

All expenses incurred in the processing of an annexation and detailed accounting of all funds received and expended in processing each annexation petition filed pursuant to Chapter 709 of the ORC. The clerk may issue invoices to the agent for the petitioners whenever it appears that adequate funds are not on deposit to pay expenses in accordance with the deposit and fee scheduled contained in this resolution.

At the conclusion of the annexation proceeding for each petition, the Clerk shall make a final accounting of expenses incurred in processing the petition and shall render an invoice to the agent for the petitioners if adequate funds have not been received. In the event the funds received are in excess of final expenses, the clerk shall cause any such excess over \$1.01 to be refunded to the agent for the petitioners, and further

BE IT RESOLVED, that the foregoing resolution was adopted and all actions and deliberations of the Board of Commissioners of the County of Huron, Ohio, relating thereto were conducted in meetings open to the public, in compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Terry Boose seconded the motion. The roll being called upon its adoption, the vote resulted as follows:

CERTIFICATION
I, Clerk to the Board of Huron County Commissioners do hereby certify that the above is a true and correct copy of the resolution passed on July 25, 2002 and is recorded in the Commissioners Journal on 7/25/02 page 168
Cheryl J. Don
CLERK

Yes

Ardeth Chupp
Ardeth Chupp

Yes

Mike Adelman
Mike Adelman

Yes

Terry Boose
Terry Boose

EXHIBIT A, Cont'd.

September 16, 2003

03-440

RESOLUTION

IN THE MATTER OF ESTABLISHING ADDITIONAL DEPOSIT AND FEE REGULATIONS FOR COST INCURRED IN ANNEXATION PROCEEDINGS

Ardeth Chupp moved the adoption of the following resolution:

WHEREAS, Huron County Board of Commissioners Resolution 02-308, adopted July 25, 2002, established certain costs for deposits and fees for annexation proceedings under the revised annexation laws, Ohio Revised Code chapter 709; and

WHEREAS, the Board desires to also establish a deposit requirement when the Board is asked to provide an official court reporter to record a hearing, pursuant to ORC 709.032 (B); now therefore

BE IT RESOLVED, that the Board hereby establishes the amount of two hundred fifty dollars (\$250.00) as the deposit requirement for the Board to provide an official court reporter to record a hearing; and further

BE IT RESOLVED, that the deposit shall be paid at the time that the party submits the request for the official court reporter and that the request shall be made, if at all, no later than seven (7) days prior to the hearing, pursuant to ORC 709.032 (B); and further

BE IT RESOLVED, that the foregoing resolution was adopted and all actions and deliberations of the Board of Commissioners of the County of Huron, Ohio, relating thereto were conducted in meetings open to the public, in compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Terry Boose seconded the motion. The roll being called upon its adoption, the vote resulted as follows:

Yes Mike Adelman
Mike Adelman

Yes Terry Boose
Terry Boose

Yes Ardeth Chupp
Ardeth Chupp

CERTIFICATION
I, Clerk to the Board of Huron County Commissioners do hereby certify that the above is a true and correct copy of the resolution passed on 9/16/03 and is recorded in the Commissioners Journal Volume _____ page _____

Jickie Zembra
CLERK

EXHIBIT B

ANNEXATIONS, OHIO REVISED CODE CHAPTER 709.

Checklist for Regular Annexations, ORC § 709.02, et seq.
(A majority of the property owners sign onto petition.)

Submissions for annexation as a Regular Annexation must include the following items:

- 1) Petition. Petition must include:
 - a) Name of person to act as Agent for the petitioners.
 - b) Signatures of a majority of the property owners in the territory proposed to be annexed. Signatures must be dated.
 - c) Accurate legal description of the perimeter of the territory to be annexed.
 - d) Accurate map or plat of the territory.
- 2) List of all tracts, lots, or parcels located within, adjacent to, and across the road from the territory proposed to be annexed. List must include:
 - a) Name of owner
 - b) Mailing address of owner
 - c) Permanent parcel number
- 3) Filing fee deposit in the amount of \$_____.

[After the Agent receives notice of the date and time of the hearing from the clerk of the board of county commissioners, the Agent is required to file certain notice with the following:

- a) The municipality to which the annexation is proposed;
- b) The townships included in the territory proposed to be annexed;
- c) All the owners of the property within the territory proposed to be annexed;
- d) The owners of property adjacent to and across the road from the territory to be annexed;
and
- e) If the territory is located in another county, the clerk of the board of county commissioners of that county.

The Agent may need to seek legal advice regarding the time within which to give notice, manner of notice, contents of the notice, proof of notice, and additional statutory requirements of Agent.]

Petitions for annexation have certain legal requirements and consequences. The Office of the Board of Huron County Commissioners cannot give legal advice. It is recommended that all Petitioners seek the advice of their legal counsel.

EXHIBIT B, Cont'd.

**SAMPLE
PETITION FOR REGULAR ANNEXATION
Ohio Revised Code Chapter 709**

Date: _____

To: The Board of County Commissioners of Huron County, Ohio
Huron County Administration Building, Top Floor
180 Milan Avenue, Norwalk, Ohio 44857

The undersigned Petitioners, who are A MAJORITY of the owners of the real estate within the territory proposed to be annexed, consisting of _____ acres in _____ Township, Huron County, Ohio, adjacent to the City/Village of _____, do hereby respectfully petition the Board of Huron County Commissioners to cause such territory to be annexed to said City/Village as a Regular Annexation, ORC § 709.02.

The undersigned Petitioners do hereby designate as their Agent _____ whose address is _____
The Agent's phone number is _____; Fax number is _____
and email address is _____.

The total number of owners within the territory to be annexed is _____.

Attached to this Petition and made part hereof are:

- 1) Accurate legal description of the territory proposed to be annexed, marked Exhibit "A"; and
- 2) Accurate map or plat of the territory proposed to be annexed, marked Exhibit "B".

This Petition is accompanied by the following:

- 1) A list of parcels located within, adjacent to, and across the road from the territory proposed to be annexed, that includes the owner's name, mailing address and permanent parcel number, marked Exhibit "C".
- 2) Filing fee deposit of \$_____.

Petitioners' Signature Address Date

EXHIBIT B, Cont'd.

ANNEXATIONS, OHIO REVISED CODE CHAPTER 709.

Checklist for Expedited Type 1 Annexations, ORC § 709.022.

(All property owners sign onto petition and there is an annexation agreement or CEDA.)

Submissions for annexation as an Expedited Type 1 must include the following items:

- 1) Petition. Petition must include:
 - a) Name of person to act as Agent for the petitioners.
 - b) Signatures of all property owners in the territory proposed to be annexed. Signatures must be dated.
 - c) Notice immediately above signatures in boldface capitol letters stating:
"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY."
 - d) Accurate legal description of the perimeter of the territory to be annexed.
 - e) Accurate map or plat of the territory.
- 2) List of all tracts, lots, or parcels located within, adjacent to, and across the road from the territory proposed to be annexed. List must include:
 - a) Name of owner
 - b) Mailing address of owner
 - c) Permanent parcel number
- 3) Certified copy of Annexation Agreement or Cooperative Economic Development Agreement.
- 4) Filing fee deposit in the amount of \$25.00.

Petitions for annexation have certain legal requirements and consequences. The Office of the Board of Huron County Commissioners cannot give legal advice. It is recommended that all Petitioners seek the advice of their legal counsel.

EXHIBIT B, Cont'd.

**SAMPLE
PETITION FOR EXPEDITED TYPE 1 ANNEXATION
Ohio Revised Code Chapter 709**

Date: _____

To: The Board of County Commissioners of Huron County, Ohio
Huron County Administration Building, Top Floor
180 Milan Avenue, Norwalk, Ohio 44857

The undersigned Petitioners, who are ALL of the owners of the real estate within the territory proposed to be annexed, consisting of _____ acres in _____ Township, Huron County, Ohio, adjacent to the City/Village of _____, do hereby respectfully petition the Board of Huron County Commissioners to cause such territory to be annexed to said City/Village as an Expedited Type 1 Annexation, ORC § 709.022.

The undersigned Petitioners do hereby designate as their Agent _____ whose address is _____
The Agent's phone number is _____; Fax number is _____
and email address is _____.

The total number of owners within the territory proposed to be annexed is _____.

Attached to this Petition and made part hereof are:

- 1) Accurate legal description of the territory proposed to be annexed, marked Exhibit "A"; and
- 2) Accurate map or plat of the territory proposed to be annexed, marked Exhibit "B".

This Petition is accompanied by the following:

- 1) List of parcels located within, adjacent to, and across the road from the territory proposed to be annexed, that includes the owner's name, mailing address and permanent parcel number, marked Exhibit "C".
- 2) Certified copy of the Annexation Agreement or Cooperative Economic Development Agreement, marked Exhibit "D".
- 3) Filing fee deposit of \$25.00.

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY."

Petitioners' Signature Address Date

EXHIBIT B, Cont'd.

ANNEXATIONS, OHIO REVISED CODE CHAPTER 709.

Checklist for Expedited Type 2 Annexations, ORC § 709.023.

(All property owners sign onto petition but there is no annexation agreement or CEDA.)

Submissions for annexation as an Expedited Type 2 must include the following items:

- 1) Petition. Petition must include:
 - a) Name of person to act as Agent for the petitioners.
 - b) Signatures of all property owners in the territory proposed to be annexed. Signatures must be dated.
 - c) Notice immediately above signatures in boldface capitol letters stating:
"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."
 - d) Accurate legal description of the perimeter of the territory to be annexed.
 - e) Accurate map or plat of the territory.
- 2) List of all tracts, lots, or parcels located within, adjacent to, and across the road from the territory proposed to be annexed. List must include:
 - a) Name of owner
 - b) Mailing address of owner
 - c) Permanent parcel number
- 3) Filing fee deposit in the amount of \$25.00.

[After the Agent files the petition and supporting documents with the clerk of the board of county commissioners, the Agent is required to file certain notice with the following:

- a) The municipality to which the annexation is proposed;
- b) The townships included in the territory proposed to be annexed;
- c) The owners of property adjacent to and across the road from the territory to be annexed; and
- d) If the territory is located in another county, the clerk of the board of county commissioners of that county.

The Agent may need to seek legal advice regarding the time within which to give notice, manner of notice, contents of the notice, proof of notice, and additional statutory requirements of Agent.]

Petitions for annexation have certain legal requirements and consequences. The Office of the Board of Huron County Commissioners cannot give legal advice. It is recommended that all Petitioners seek the advice of their legal counsel.

EXHIBIT B, Cont'd.

**SAMPLE
PETITION FOR EXPEDITED TYPE 2 ANNEXATION
Ohio Revised Code Chapter 709**

Date: _____

To: The Board of County Commissioners of Huron County, Ohio
Huron County Administration Building, Top Floor
180 Milan Avenue, Norwalk, Ohio 44857

The undersigned Petitioners, who are ALL of the owners of the real estate within the territory proposed to be annexed, consisting of _____ acres in _____ Township, Huron County, Ohio, adjacent to the City/Village of _____, do hereby respectfully petition the Board of Huron County Commissioners to cause such territory to be annexed to said City/Village as an Expedited Type 2 Annexation, ORC § 709.023.

The undersigned Petitioners do hereby designate as their Agent _____ whose address is _____
The Agent's phone number is _____; Fax number is _____
and email address is _____

The total number of owners within the territory to be annexed is _____.

Attached to this Petition and made part hereof are:

- 1) Accurate legal description of the territory proposed to be annexed, marked Exhibit "A"; and
- 2) Accurate map or plat of the territory proposed to be annexed, marked Exhibit "B".

This Petition is accompanied by the following:

- 1) A list of parcels located within, adjacent to, and across the road from the territory proposed to be annexed, that includes the owner's name, mailing address and permanent parcel number, marked Exhibit "C".
- 2) Filing fee deposit of \$25.00.

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."

Petitioners' Signature Address Date

EXHIBIT C

Chapter 4733-37 Standards for Boundary Surveys

4733-37-01 Preamble

These rules are intended to be the basis for all surveys relating to the establishment or retracement of property boundaries in the state of Ohio. When the case arises where one or more provisions herein must be abridged due to local condition, the abridgement shall be clearly indicated on plats and/or legal descriptions and reports. Where local or other prescribed regulations exist which are more restrictive than these rules, the survey shall conform to all local and state regulatory standards. When a client desires only a portion of his property surveyed, and this portion can be clearly isolated from the remainder of the property without affecting the interests of adjoining owners, these rules shall apply to the survey of only the desired portion.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

4733-37-02 Research and investigation

(A) The surveyor shall consult deeds and other documents, including those for adjacent parcels, in order to assemble the best possible set of written evidence of every corner and line of the property being surveyed.

(B) After all necessary written documents have been analyzed, the survey shall be based on a field investigation of the property. The surveyor shall make a thorough search for physical monuments, and analyze evidence of monumentation and occupation. In addition, the surveyor shall, when necessary, confer with the owner(s) of the adjoining property and the owner(s) of the property being surveyed.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 11/1/2003

EXHIBIT C, Cont'd.

4733-37-03 Monumentation

(A) The surveyor shall set boundary monuments so that, upon completion of the survey, each corner of the property and each referenced control station will be physically monumented.

(B) When it is impossible or impracticable to set a boundary monument on a corner, the surveyor shall set a reference monument, similar in character to the boundary monument and preferably along one of the property lines which intersect at that corner. When such a reference monument is used, it shall be clearly identified as a reference monument on the plat of the property and in any new deed description which may be written for the property.

(C) Every boundary monument and/or reference monument set by the surveyor shall, when practicable:

(1) Be composed of a durable material.

(2) Have a minimum length of thirty inches.

(3) Have a minimum cross-section area of material of 0.21 square inches.

(4) Be identified with a durable marker bearing the surveyor's Ohio registration number and/or name or company name.

(5) Be detectable with conventional instruments for finding ferrous or magnetic objects.

(D) When a case arises, due to physical obstructions such as pavements, large rocks, large roots, utility cables, etc., so that neither a boundary monument nor a reference monument can be conveniently or practicably set in accordance with paragraph (C) of this rule, then alternative monumentation, which is essentially as durable and identifiable (e.g., chiselled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

4733-37-04 Measurement specifications

All measurements shall be made in accord with the following specifications:

(A) The surveyor shall keep all equipment used in the performance of surveying in proper repair and adjustment.

EXHIBIT C, Cont'd.

(B) Every determination of distance shall be made either directly or indirectly in such a manner

that the linear error in the distance between any two points (not necessarily adjacent points) shall not exceed the reported distance divided by ten thousand (allowable linear error = reported distance divided by ten thousand) and every angular measurement shall be made in such a manner that the allowable (directional) error, in radians, shall not exceed the allowable linear error divided by the reported distance (allowable (directional) error = allowable linear error divided by reported distance). When the reported distance is less than two hundred feet, the linear error shall not exceed 0.02 feet. The reported distance is the distance established by the survey.

(C) In all new descriptions and plats of survey, the lengths and directions of the lines shall be specified so that the mathematical error in closure of the property boundary does not exceed 0.02 feet in latitudes and 0.02 feet in departure.

(D) Surveys performed using metric measurements shall utilize the metric equivalents based upon the U.S. survey foot conversion factor.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

4733-37-05 Plat of survey

(A) The surveyor shall prepare a scale drawing of every individual survey, or drawings comprising all of the surveys when they are contiguous, in which the surveyor retraces previously established property lines or establishes new boundaries.

(B) A copy of this drawing shall be given to the client. When required, another copy shall be filed with the appropriate public agencies.

(C) The surveyor shall include the following details:

(1) A title such that the general location of the survey can be identified. The title shall include, but not be limited to: state, county, civil township or municipality, and original land subdivision description.

(2) A north arrow with a clear statement as to the basis of the reference direction used.

(3) The control station(s) or line cited in the description and the relationship of the property to this control must be referenced to an established monumented point of beginning such as, but not limited to: centerline intersection of streets or highways record, section or quarter section corners, Virginia military survey corners or lines, or platted lot corners. The type of monuments set or

EXHIBIT C, Cont'd.

found at the control stations shall be noted.

(4) A notation at each corner of the property stating that the boundary monument specified in the deed description was found, or that a boundary monument was set, or a legend of the symbols used to identify monumentation. In addition, there shall be a statement describing the material and size of every monument found or set.

(5) A general notation describing the evidence of occupation that may be found along every boundary line or occupation line.

(6) The length and direction of each line as specified in the description of the property or as determined in the actual survey if this differs from what is stated in the deed description by more than the tolerance specified in paragraph (B) of rule 4733-37-04 of the Administrative Code. The length and direction shall be stated as follows:-.

(a) Bearings expressed in degrees, minutes and seconds and distances expressed in feet and decimal parts thereof on each course. If a metric equivalent distance is stated, it shall be stated to the third decimal place.

(b) All curved lines shall indicate the radius, central angle, curve length, chord bearing and chord distance.

(c) Each course shall show other common lines such as centerline of roads, rivers, streams, section lines, quarter section lines, half section lines or other pertinent common lines of record.

(7) A citation of pertinent documents and sources of data used as a basis for carrying out the work. The citation shall include, but not be limited to: current deeds as of the date of the survey, prior deeds or other documents of record, and available deeds of record for adjoining parcels along each boundary line of the survey. If the adjoining parcel is a recorded subdivision, only the subdivision name, recording information and lot numbers need to be shown.

(8) The written and graphical scale of the drawing.

(9) The date of the survey.

(10) The surveyor's printed name and Ohio registration number, signature and seal (in a form which may clearly reproduce on any copies which may be made of the original drawing).

(11) The area contained within the perimeter of the surveyed parcel.

(12) All references to roads or railroads contiguous to the surveyed parcel shall use current names or names of record and applicable right of way widths, if available.

(13) All references to rivers or streams shall use current names of record, if available.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

EXHIBIT C, Cont'd.

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

4733-37-06 Descriptions

(A) When a surveyor is called upon to prepare a new description, either to replace an existing description which is inadequate or to create a new piece of property, said description shall include the following items:

- (1) Sufficient caption so that the property can be adequately identified.
- (2) A relationship between the property in question and clearly defined control station(s).
- (3) The basis of the bearings.
- (4) A citation to the public record of the appropriate prior deed(s).
- (5) The surveyor's name, Ohio registration number and date of writing and/or survey.

(B) A metes and bounds description shall include, in addition to paragraph (A) of this rule:

- (1) A description of the boundary monument used as the initial point of the description.
- (2) A series of calls for successive lines bounding the parcel, each of which specifies:
 - (a) The intent in regards to adjoining or other existing features.
 - (b) The direction of the line relative to the direction of the basis of bearing.
 - (c) The length of the line.
 - (d) A description of the boundary monument (or reference monument) and whether found or set to identify the end of the particular line.
 - (e) All curved lines shall indicate the radius, central angle, curve length, chord bearing, chord length and direction of the curve.
- (f) The reported boundary data shall meet the closure requirements of paragraph (C) of rule 4733-37-04 of the Administrative Code.

(3) The area of the parcel.

(C) Descriptions other than metes and bounds descriptions may be a reference to a recorded survey plat or a parcel on a recorded survey plat and shall include sufficient and adequate legal

EXHIBIT C, Cont'd.

and technical wording so that the property can be definitely located and defined.

(D) A statement shall appear indicating that either: the description was made in accordance with a recent survey and the date thereof, or the description was made based on a previous survey, of a certain date, and date of description, or the description was not based on a survey.

(E) When the surveyor knows a new description is to be used for a fee transfer, the surveyor shall base the description on a current or updated survey of the property.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

Rule Amplifies: 4733.20

Prior Effective Dates: 5/1/1980; 11/1/2003

4733-37-07 Subdivisions

When a subdivision is created from a piece of property, or several adjoining pieces, the following rules shall apply:

(A) Rule 4733-37-02 of the Administrative Code shall apply to the original tract(s) of land prior to being subdivided.

(B) Rule 4733-37-03 of the Administrative Code shall apply to the outside perimeter of the original tract(s) of land and to the outside perimeter of the newly created subdivisions. All newly created lots, blocks, rights of way, angle points, points of curvature and points of tangency shall be monumented according to local regulations. Street rights of way may be monumented with monuments on the centerline instead of right of way monuments. Centerline or right of way monuments shall be set at all intersections, angle points, points of curvature and points of tangency.

(C) All newly created subdivisions shall comply with rules 4733-37-04 and 4733-37-05 of the Administrative Code.

(D) All easements within a newly created subdivision shall be accurately dimensioned so that each easement line can be reproduced without ambiguity.

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: 119.03

Statutory Authority: 4733.07

EXHIBIT C, Cont'd.

Rule Amplifies: 4733.20

Prior Effective Dates: 11/1/2003

NOTICE

To All SURVEYORS Preparing New Legal Descriptions For Transfer in Huron County

Effective IMMEDIATELY, all new legal descriptions prepared will be required to contain a hand written signature and date in blue ink, and the document must be sealed. (Seals may be manual or computer generated)

This change is pursuant to the passage of House Bill 337, which became law on August 7, 2002, and revised the Sealing Requirements of O.R.C. 4733.14.

Please see attached copy of Revised 4733.14, and a copy of the new law from the PLSO newsletter.

EXHIBIT D, Cont'd.

4733.14 Certificate of registration - seals.

The state board of registration for professional engineers and surveyors shall, upon payment of the registration fee, register and issue a certificate showing initial registration of an applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a registered professional engineer, the certificate shall authorize the practice of "professional engineering," and in the case of a registered professional surveyor, the certificate shall authorize the practice of "professional surveying." Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairperson and the secretary of the board under seal of the board.

Registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer, or of a registered professional surveyor, while the registration remains unrevoked or unexpired.

Each registrant may, upon completing registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "registered professional engineer," or "registered professional surveyor," provided, however, that any registered surveyor's seal obtained prior to the amendment of this section effective April 4, 1985, 140 Ohio Laws 4092, shall remain as a legal seal for any registrant who was registered as a "registered surveyor." Plans, specifications, plats, reports, and all other engineering or surveying work products issued by a registrant shall be stamped with the seal and be signed and dated by the registrant or bear a computer-generated seal and electronic signature and date, but no person shall stamp, seal, or sign any documents after the registration of the registrant named thereon has expired or the registration has been revoked or suspended, unless the registration has been renewed or reissued.

Effective Date: 08-06-2002; 2006 HB699 03-29-2007

OHIO STATE BOARD OF REGISTRATION**HB 337 PASSES LEGISLATURE,
BECOMES EFFECTIVE ON AUGUST 7, 2002**

Sub. HB 337, sponsored by Representative Tom Lendrum, PE (R-Huron) and introduced on June 28, 2001, was requested by the Board in order to modernize and streamline its registration act. The bill passed the House of Representatives unanimously on February 13, 2002, passed the Senate unanimously on April 17, 2002, was signed by Governor Taft on May 7, 2002 and becomes effective after August 7, 2002. The bill is a consensus bill due to more than two years of discussions between the Board and the statewide engineering and surveying associations (OSPE, ACEC-Ohio, CEAO and PLSO) as well as other stakeholders such as the Associated General Contractors, the Ohio Home Builders Association and the Ohio Bar Association.

The bill updates and modernizes the Board's registration act enacted in 1933 which has only been substantially amended in the early 1970's (to require a college degree in order to become a Professional Engineer) and the mid 1980's (to require a college degree to become a Professional Surveyor). In 2001, SB 77 was enacted in order to delete overly burdensome ownership requirements for engineering and/or surveying companies. This latest legislation finishes the updating process and protects the public without any growth in government or new burdensome regulations.

The primary revisions to the law contained in HB 337 are summarized as follows:

- To provide that a Board member will continue his or her term of office until a successor takes office. Under current law, a member's term may only continue a maximum of sixty days. This becomes problematic if there is a delay in the appointment of a successor.
- To revise the experience requirements to become a Professional Engineer or Professional Surveyor to allow up to two years of experience prior to college graduation. Current law only allows credit for engineering experience after college graduation, which unfairly penalizes co-op and non-traditional students who alternate college studies with work experience in order to become a more productive and well rounded employee and also to mitigate the financial concerns of a college education.
- To delete the provisions allowing for registration as a Professional Engineer or Professional Surveyor by "eminence" without examinations or as a Professional Engineer with a "related science" degree such as math, chemistry, physics, geology, or oceanography. This assures that registrants are properly educated and tested in order to protect the public and is parallel to the requirement for other professionals such as doctors, attorneys, etc.
- To allow an applicant who fails an examination the opportunity to retake the examination twice a year rather than once a year as in current law.
- To require a signature, date and seal on all engineering or surveying work products and to provide for the use of electronic seals. Current law requires only a seal, which can be easily copied. The additional requirement for a signature and date will help to assure that the work was prepared by a properly registered professional and the use

of electronic seals, with appropriate safeguards, will expedite the timing of approvals and bids and therefore the construction process.

- To standardize the annual renewal fee at \$16 for either a PE or PS, eliminating the \$21 annual renewal for "dual registrants" in current law.
- To give the Board the authority to impose a fine of not more than \$1000 for each offense for which a registrant is found to be guilty after a hearing to assure due process. The Board's enforcement efforts are always aimed at bringing registrants into compliance with the code of ethics and standards of practice, and the fining authority will provide another "tool" in that effort.
- To update and streamline the Board's investigation and disciplinary process. For example, current law requires that an adjudication hearing be held even if no hearing is requested, thereby wasting time and money for all parties involved.
- To prohibit a public agency from accepting or using engineering or surveying plans which were not prepared by a Professional Engineer or Professional Surveyor. Current law only gives such authority to "officers of the law of this state". An Attorney General's opinion issued in 1999 advised that a public agency, under current law, does not have the authority to reject engineering plans not prepared by a Professional Engineer. Clearly, this needs to be corrected in order to protect the public safety. One can only imagine the possible harm of a complex bridge or high-rise building designed by an improperly trained and unlicensed individual.

In order to view the complete text of HB 337, see www.legislature.state.oh.us/bills.cfm?ID=124_HB_337

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**HB 337 REVISES SEALING REQUIREMENTS
FOR PROFESSIONAL ENGINEERS AND
SURVEYORS AND REGULATES
ELECTRONIC SEALS**

A revision to ORC 4733.14 contained in HB 337, which becomes effective on August 7, 2002, revises the requirements for the sealing of documents by a Professional Engineer (PE) or Professional Surveyor (PS) and regulates the use of electronic seals. Under the new law, a PE or PS must seal, sign and date all of their engineering or surveying work products (e.g. plans, plats, reports, etc.). The signature and date must be handwritten. The document may be sealed manually or with a computer-generated seal, but documents transmitted electronically **must** have the computer-generated seal removed before transmission and must contain, in place of the seal, the following language:

"This document was originally issued by _____ (name of registrant) on _____ (date). This document is **not** considered a sealed document."

The new requirements will allow for electronic transmission of engineering or surveying documents for review, comments, approvals, bids, etc. while providing appropriate safeguards to assure that the official work products are those actually issued by the PE or PS instead of documents which may have been altered by third parties.

EXHIBIT E

CHECKLIST OF ITEMS REQUIRED ON ALL NEW METES & BOUNDS DESCRIPTIONS

- _____ 1. The situate must denote State, County, Township Number, Range, Section, Great Lot Number and /or Tract Number, Inlot Number, Sublot Number, and Township Name or Municipality Name as applicable.
- _____ 2. Point of Beginning and commencement must be referenced from a found or set monument from one of the following:
 - a. Section corner, Great Lot corner, Inlot corner, Sublot corner, Outlot corner, Tract corner
 - b. Corner of a recorded major subdivision
 - c. Intersection of street or road center lines or a center line intersection with a corner as mentioned in "a" above
- _____ 3. Each course of a metes and bounds description shall be a separate numbered 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.
- _____ 5. The area of parcels being described shall be denoted in square feet to two decimal places and acres to four decimal places for parcels less than one acre and in acres to four decimal places for parcels greater than one acre. Right-of-way acreage must also be shown.
- _____ 6. The description of a parcel lying in more than one Section, Tract, Great Lot, Outlot, Inlot, Sublot, Municipality, Subdivision, Township or Parcel Number, shall state the area in each part.
- _____ 7. Any course of a description which is a curve shall contain the radius, central angle, curve length, chord distance and bearing, and the direction of the curve (right or left).
- _____ 8. The description shall state the type, size and material of all monuments and whether they were set, found or previously set. Monuments are required at all deflections or corners of surveyed parcels per OAC 4733-37-03 (page 150).
- _____ 9. The legal description must have an official seal, be signed and dated in blue ink by a registered surveyor in the State of Ohio. No copies of signatures or dates will be accepted.
- _____ 10. The basis of bearings must be stated (i.e. assumed, based on a recorded survey in Plat Volume & pg. number)
- _____ 11. The mathematical error of closure of all boundaries shall be within 00.02 feet in latitude and 00.02 feet in departure. Or not less than 1 in 10,000.
- _____ 12. Statement of the surveyor i.e. This description is based on an actual field survey performed by or under the direct supervision of (surveyor name), Registered Surveyor Number, in (date i.e. August, 2005).
- _____ 13. All of the above must match the survey plat.

CHECKED ITEMS NEED TO BE CORRECTED BEFORE APPROVAL.

EXHIBIT F
CHECKLIST OF ALL ITEMS REQUIRED ON ALL NEW SURVEY PLATS

- _____ 1. The situate must denote State, County, Township Number, Range, Section, Great Lot Number and /or Tract Number, Inlot Number, Sublot Number, and Township Name or Municipality Name as applicable.
- _____ 2. Point of Beginning and commencement must be referenced from a found or set monument from one of the following:
 - a. Section corner, Great Lot corner, Inlot corner, Sublot corner, Outlot corner, Tract corner
 - b. Corner of a recorded major subdivision.
 - c. Intersection of street or road center lines or a center line intersection with a corner as mentioned in “a” above.
- _____ 3. Each course of a surveyed parcel must be shown 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.
- _____ 5. The area of parcels being shown shall be denoted in square feet to two decimal places and acres to four decimal places for parcels less than one acre and in acres to four decimal places for parcels greater than one acre. Right-of-way acreage must also be shown.
- _____ 6. Show current road right of way width’s.
- _____ 7. If the parcel lies in more than one Section, Tract, Great Lot, Outlot, Inlot, Sublot, Municipality, Subdivision, Township or Parcel Number the plat shall show the area in each part.
- _____ 8. Any course which is a curve shall contain the radius, central angle, curve length, chord distance and bearing, and the direction of the curve (right or left).
- _____ 9. The survey shall show the type, size and material of all monuments and whether they were set, found or previously set. Monuments are required at all deflections or corners of surveyed parcels per OAC 4733-37-03 (page 150).
- _____ 10. The survey must have an official seal, be signed and dated in blue ink by a registered surveyor in the State of Ohio. No copies of signatures or dates will be accepted.
- _____ 11. The basis of bearings must be shown (i.e. assumed, based on a recorded survey in Plat Volume & pg. number)
- _____ 12. The mathematical error of closure of all boundaries shall be within 00.02 feet in latitude and 00.02 feet in departure. Or not less than 1 in 10,000.
- _____ 13. Citations of pertinent documents and other sources of data used i.e. :subject and adjoining deeds, recorded plats, surveys of record, maps, etc., shall be shown. If none are used it shall be stated “No Sources Used”
- _____ 14. The monumentation, evidence, and records used to establish the control for the survey shall be graphically indicated. Where there was no monumentation used, i.e. pavement was split to establish the center line; existing fence row was used to establish the property line, or record dimensions were used, these shall be so stated on the plat. *THE PLAT OF SURVEY SHALL CLEARLY SHOW HOW THE SURVEY WAS DEVELOPED.*
- _____ 15. A north arrow with basis of bearing shall be shown. A written and graphic scale bar shall be shown.
- _____ 16. A legend is required for all lines and symbols shown.

CHECKED ITEMS NEED TO BE CORRECTED BEFORE APPROVAL.

EXHIBIT G

709.38 Petition for detachment of lands and attachment to contiguous township - may form new township

Upon petition of a majority of the freehold electors owning lands in any portion of the territory of a municipal corporation, or, if no freehold electors own land therein, upon petition of a majority of the owners of lands therein, accurately described in such petition with an accurate map or plat thereof, praying to have such portion of territory detached therefrom, the board of county commissioners, with the assent of the legislative authority of the municipal corporation given in an ordinance passed for the purpose, shall detach such portion of the territory therefrom and attach it to any township contiguous thereto, or, if the petition so requests, such board shall erect the territory into a new township, the boundaries of which need not include twenty-two square miles of territory.

Before any such territory is attached or detached, under this section, the following requirements shall be met:

(A) The board shall:

(1) Ascertain and apportion the amount of existing indebtedness of the municipal corporation from which the detachment is made, which indebtedness shall be assumed and paid by the township contiguous thereto and to which the territory is attached, or by the new township, if a new township is erected, or by the corporate successors of such township, and such apportionment shall be made in proportion to the tax duplicate for the detached territory transferred to a contiguous township erected into a new township to the total tax duplicate for the remaining portion of the municipal corporation from which the detachment is made;

(2) Ascertain, adjust, and divide between the contiguous township or the new township, if a new township is erected, and the remaining portion of the municipal corporation all moneys and other credits belonging to such municipal corporation in the same proportion as is provided in this section for division and apportionment of any indebtedness;

(3) Order the amount so adjusted and divided to be paid or delivered by the parties in possession thereof to the proper officers of the contiguous township or new township and to the remaining portion of the municipal corporation.

(B) After such apportionment is made each section of the original territory by which the indebtedness was incurred shall be primarily liable for the portion of the indebtedness so apportioned.

(C) In the issuing of bonds under Chapter 133. of the Revised Code, and in arriving at the limitations imposed in such sections, only the portion of the indebtedness apportioned to each section of territory shall be counted as the net indebtedness.

(D) The petition, map, ordinance, and the order of the board, certified by the county auditor, shall be recorded in the plat book in the office of the county recorder, and as soon as such record is made the proceedings shall be complete, both as to the detaching of such territory from the municipal corporation and the annexation thereof to the township or the erection of the territory into the new township, and to the apportionment of the indebtedness.

EXHIBIT G, Cont'd.

(E) Wherever territory has been detached from a municipal corporation and attached to a township or created into a new township, the board of township trustees of such township, or, where such township has become a municipal corporation or been annexed to any municipal corporation, the legislative authority of the corporate successor of such township may, by ordinance, duly passed, contract, through its proper officers, with the municipal corporation from which the detachment was originally made, to apportion the indebtedness of the original territory in the manner provided in this section. Such contract shall be made by ordinance or resolution, duly passed by the legislative authority of the municipal corporation or board of township trustees, and the effect of such contract shall be the same as if such apportionment was originally made by the board of county commissioners, as provided by this section.

Effective Date: 10-30-1989

709.39 Petition to submit question of detachment of territory - election

The freehold electors owning lands in any portion of a village, such portion being contiguous to an adjoining township, and comprising not less than one thousand five hundred acres of land, may file a petition with the board of elections in such county requesting that an election be held to obtain the opinion of the freehold electors owning lands and residing within such portion of the village upon the question of the detachment of the portion from such village, or, upon the question of the detachment of such portion from the village and the erection of such detached portion into a new township. Such petition shall contain:

- (A) An accurate description of the territory sought to be detached;
- (B) An accurate map or plat thereof;
- (C) If the erection of a new township is also sought, the name proposed for such new township;
- (D) The name of a person to act as agent of the petitioners;
- (E) Signatures equal in number to fifteen per cent of the total number of votes cast at the last general election in such territory.

Within ten days after the filing of such petition with the board the board shall determine whether the petition conforms to this section. If it does not conform, no further action shall be taken thereon. If it does conform, the board shall order an election, as prayed for in the petition, which election shall be held at a convenient place within the territory sought to be detached, on a day named by the board, which day shall be not less than seventy-five days thereafter. The board shall thereupon give ten days' notice of such election by publication in a newspaper of general circulation in such territory, and shall cause written or printed notices thereof to be posted in three or more public places in such territory. The election shall be conducted in the manner provided in Title XXXV [35] of the Revised Code, and the judges and clerks thereof shall be designated by such board.

EXHIBIT G, Cont'd.

If no freehold electors own lands in the portion of the village seeking to be detached, the owners of lands within that portion may file a petition with the board of county commissioners requesting that the board proceed with the detachment procedures, or with procedures for the detachment and erection of the portion of the village into a new township, pursuant to section 709.38 of the Revised Code. The petition shall contain the items required in divisions (A), (B), and (D) of this section, and signatures equal in number to at least a majority of the owners of land within the portion of the village seeking to be detached.

The ballots shall contain the words “for detachment,” and “against detachment.” If a majority of the ballots cast at such election are cast against detachment, no further proceedings shall be had in relation thereto for a period of two years. If a majority of the votes cast at such election are cast for detachment, the result of such election, together with the original petition and plat and a transcript of all the proceedings of such board in reference thereto shall be certified by the board and delivered to the county recorder, who shall forthwith make a record of the petition and plat and transcript of all the proceedings of the board and the result of the election, in the public book of records, and preserve in his office the original papers delivered to him by such board. The recorder shall certify thereon that the transcribed petition and map are properly recorded. When the recorder has made such record, he shall certify and forward to the secretary of state, a transcript thereof.

The detachment of such territory from the village shall thereupon be complete, and, if the petition included a request that such territory be erected into a new township, the territory shall thereupon constitute a new township, under the name and style specified in such petition. All expense involved in holding such election, and in the filing, recording, and transcribing of the records, provided for in this section, shall be defrayed by the petitioners, and the board and the recorder may require the payment thereof in advance as a condition precedent to the taking by them, or either of them, of any action provided for in this section.

Effective Date: 03-23-1981

709.40 Apportionment of property, funds, and indebtedness

When territory is detached from a village in accordance with section 709.39 of the Revised Code, an apportionment of the property, funds, and indebtedness of the village shall be made between such village and the detached territory upon the basis of the respective tax duplicates in the village after such detachment and in the detached territory. All water pipes and sewers, laid either in such village or detached territory, shall be considered as property within the meaning of that term, as used in this section, in so far as such water pipes or sewers have been paid for out of the general funds of the village. If the village authorities and the public authorities in control of the detached territory are unable to agree upon such apportionment, it shall be made by the probate court, upon application by the authorities of either the village or the detached territory.

Effective Date: 10-01-1953

EXHIBIT G, Cont'd.

709.41 Petition for detachment of farm land

The owner of unplatted farm lands, annexed to any municipal corporation after the incorporation thereof, may file a petition in the court of common pleas of the county in which the lands are situated, in which such owner shall be named as plaintiff, and the municipal corporation shall be the defendant, setting forth the reasons why the land should be detached, and the relief prayed for. A summons shall issue on such petition as in other actions, and the case shall proceed as in other causes.

No such action shall be brought, or detachment ordered or decreed, within five years from the time that such lands were annexed by any such municipal corporation under sections 707.01 to 707.30, inclusive, and sections 709.01 to 709.42, inclusive, of the Revised Code.

Effective Date: 10-01-1953

709.42 Hearing - decision

If, upon the hearing of a cause of action as provided by section 709.41 of the Revised Code, the court of common pleas finds that the lands are farm lands, and are not within the original limits of the municipal corporation, that by reason of the same being or remaining within the municipal corporation the owner thereof is taxed and will continue to be taxed thereon for municipal purposes in substantial excess of the benefits conferred by reason of such lands being within the municipal corporation, and that said lands may be detached without materially affecting the best interests or good government of such municipal corporation or of the territory therein adjacent to that sought to be detached; then an order and decree may be made by the court, and entered on the record, that the lands be detached from the municipal corporation and be attached to the most convenient adjacent township in the same county. Thereafter the lands shall not be a part of the municipal corporation but shall be a part of the township to which they have been so attached. The costs shall be taxed as may seem right to the court.

Effective Date: 10-01-1953

EXHIBIT H

711.24 Changing of town lots

Any person owning, either jointly or severally, and either in his own right or in trust, and having the legal title to any land laid out in town lots, not within the limits or subject to the control of a municipal corporation, may change such lots and the streets and alleys bounding them by making, acknowledging, and having recorded, as provided in sections 711.01 to 711.38, inclusive, of the Revised Code, a new plat of such land, and having the proper transfers made in the office of the county auditor. No such change shall be made if it injuriously affects any lots on the streets or alleys, or within the plat so changed, unless all the owners of the lots so affected are parties joining in making the change, or such owners give their consent in writing on the new plat, which is recorded therewith. Any change of a town plat made under this section shall have the same effect as if made by the judgment of a court having jurisdiction thereof.

Effective Date: 10-01-1953

711.25 Vacation of lots not within a municipal corporation

Any person owning, either jointly or severally, either in his own right or in trust, and having the legal title to any land laid out in town lots, or having such title to any whole block of lots in any land laid out in town lots, and not within the limits of or under the control of a municipal corporation, may vacate such lots or block of lots upon giving notice of such intention for two weeks, in a newspaper published and of general circulation in the county in which such land lies. If any of such lots have been sold, personal written notice shall be given to the owner thereof.

Effective Date: 10-01-1953

711.26 Auditor shall make changes and transfers

If no notice of an injunction granted against, or a dissent from, the vacation of lots under section 711.25 of the Revised Code is served upon the county auditor of the county where the lands lie by the owners of any of such lots, within ten days after the completion of the notice required by such section, such auditor shall make all necessary changes and transfers in and upon his duplicate after such ten days from the time of the completion of the notice, proof of which shall be furnished him.

Effective Date: 10-01-1953

711.27 Certificate of auditor - record by recorder

The county auditor shall give to the party at whose instance a vacation of lots or blocks of lots is made under section 711.25 of the Revised Code a certificate stating that such lots or blocks have been vacated. Such certificate shall be presented to the county recorder, who shall write upon the plat of such lots or blocks the word "vacated." Such vacation shall have the same effect as if made by the judgment of a court having jurisdiction thereof. The auditor and recorder shall be entitled to such fees for their services under this section as those to which they are entitled in like cases, which shall be paid by the party making such vacation.

Effective Date: 10-01-1953

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