

Athens County

Conveyance Standards

Minimum Requirements for all Instruments of
Conveyance in Athens County

Effective April 18, 2005

Amended June 30, 2025



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**Transfer and Conveyance Standards of the
Athens County Auditor and the
Athens County Engineer**

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AMENDMENT OF STANDARDS GOVERNING CONVEYANCES OF REAL PROPERTY IN ATHENS COUNTY, OHIO

*Transfer and Conveyance Standards of the Athens County Auditor and the Athens County Engineer
as Adopted under Ohio Revised Code Section 319.203.*

Pursuant to [Section 319.203](#) of the Ohio Revised Code, Jill A. Davidson, MFE, the Athens County Auditor, and Jeff Maiden, P.E., P.S., the Athens County Engineer, hereby agree to the following standards governing the conveyance of real property in Athens County, Ohio, and hereby amend and adopt the same as the official standards governing all conveyances of real property in said County.

The official standards so agreed to, adopted, and amended are attached hereto and made a part hereof. This Agreement is adopted in duplicate, and each of the parties hereto shall keep and maintain an original copy of this Agreement in their office.

In accordance with [Section 319.203](#) of the Ohio Revised Code, public hearings were held concerning the adoption and modification of such standards on **June 12** and **June 24, 2025**, and public testimony and written comments were solicited and received at such public hearing.

And shall supersede the official standards agreed to, adopted, and amended, and attached hereto, shall be effective for all conveyances presented to the Athens County Auditor and the Athens County Engineer on and after **June 30, 2025**, and shall supersede the prior standards effective April 18, 2005.

AGREED TO:



Jill A. Davidson, MFE
Athens County Auditor



Jeff Maiden, P.E., P.S.
Athens County Engineer

The following requirements are a revision of the requirements dated April 18, 2005 which are hereby rescinded. The following requirements are now adopted and established on this date: June 30, 2025.

Section 1 – GENERAL

It is the intention of this document to establish principles and policies to guide property owners, private professionals assisting those property owners, and government offices, in the conveyance and transfer of real property or manufactured homes. These standards articulate the requirements to the best ability of the County Auditor and County Engineer. All interpretations and decisions of application of these standards are to the sole discretion of the County Auditor and County Engineer. All authors of conveyance instruments are encouraged to contact the County Auditor's Office well in advance of the transfer with any questions.

NOTE: It is understood that all situations cannot be covered by these standards and when those situations arise, they will be handled as special cases and interpreted by the County Engineer when pertaining to a survey or description and the County Auditor when relating to the Conveyance process.

All authors of instruments of conveyance are encouraged to have legal descriptions checked by the Athens County Auditor's Office prior to the actual time of conveyance. This will avoid delays and allow time for any corrections if necessary.

Section 2 – APPLICATION OF THE CONVEYANCE STANDARDS

In accordance with Section 319.203 of the Ohio Revised Code, before the County Auditor transfers any conveyance of real property presented to the County Auditor under Section 315.251 or Section 319.20 of the Ohio Revised Code, the County Auditor shall review the conveyance to determine whether it complies with the standards adopted herein. The County Auditor shall not transfer or convey property that does not comply with these standards.

These standards apply to any transfer and/or conveyance of an interest in real property made by conveyance, partition, devise, descent, court ordered, certificate of transfer, affidavit, or any other document that would cause the following:

A. Change in Ownership Rights of Real Property

Any instrument that creates, transfers, or terminates any interest in land or minerals that would cause the County Auditor to change the name of the record owner or any one of the record owners must be presented to the County Auditor pursuant to Ohio Revised Code 319.20.

B. Change in Legal Description of a Parcel of Land

Any instrument that changes, corrects, or amends an existing description of record of any parcel of land must be reviewed by the County Engineer pursuant to Ohio Revised Code 315.251 and then presented to the County Auditor.

C. Transfer of Interest That May Affect the True Value

Any instrument that creates, transfers, or terminates any interest in land that may affect the true value of a parcel for real property tax purposes must be presented to the County Auditor under Ohio Revised Code Section 5713.03. The County Auditor has the authority to review such instruments and adjust property values as necessary to reflect current market conditions. All relevant documents related to the conveyance must be submitted to ensure accurate and timely valuation updates.

Section 3 – QUALITY OF DOCUMENTS

The County Auditor will transfer any document as long as it complies with all statutory provisions along with all of the following when presented to the County Auditor:

A. Original Required

The document of transfer must have the original signature of the grantor or affiant. A copy of a court order will be accepted, but the copy must bear the signature of a judge and show on its face that it has been filed with the clerk of courts or be a certified copy from the clerk of courts.

B. Poor Original Not Accepted

No document of transfer will be accepted which has attached to it a previously recorded document that is identified as a "Poor Original."

C. Illegible Writing

No document of transfer will be accepted in which the document or attachment to it is illegible as determined by the County Auditor or the County Engineer.

D. Attached Exhibits

Any attached exhibits must be clean copies and not contain prior recording stamps or notations.

Section 4 – GENERAL REQUIREMENTS FOR ALL CONVEYANCES OF REAL PROPERTY

These standards apply to any and all conveyances of any interest in real property that are subject to O.R.C. 319.20 whether by deed, court order, certificate of transfer, affidavit or otherwise and shall contain the following:

A. Conveyance Documentation Requirements:

No instrument will be transferred without a properly completed conveyance form that complies with the requirements of this section. Conveyance forms must be clearly printed or typed, completed accurately in their entirety, and include the printed names and phone number of the grantor/grantee or their representative in addition to the required signature.

The Ohio Department of Taxation prescribes the official conveyance forms, which include:

- DTE Form 100 – Real Property Conveyance Fee Statement of Value and Receipt
- DTE Form 100EX – Statement of Reason for Exemption from Real Property Conveyance Fee

Pursuant to Ohio Revised Code 319.202(A), the County Auditor has the discretionary authority to request additional information or documentation, including but not limited to an affidavit of facts, to verify the accuracy of the information provided. This ensures compliance with all legal and procedural requirements for property transfers.

B. Property Description Requirements:

A conveyance must be accompanied by a sufficient description of the property. In particular, items that must be apparent to the County Auditor include boundaries and acreage.

C. Parcel Identification Number (PIN) and Property Address:

The document of transfer must include the County Auditor's Parcel Identification Number (PIN) for each parcel, formatted as a letter followed by 12 digits (e.g., PARID X01-23456789-12), along with the current site address of the property, if applicable. Each parcel involved in the conveyance must be listed individually, either within the instrument of conveyance or as an attachment. The Parcel ID must be placed at the end of each parcel description for clarity and consistency.

Note: For transfers that create a new parcel, the parent parcel number (the original tract being divided) is acceptable.

D. Reference to the Prior Instrument of Record.

Each conveyance must include a reference to the volume and page number of the most recently recorded instrument through which the grantor acquired title, as required by Ohio Revised Code Section 319.20.

E. Multi-Parcel Transfers

A single instrument of transfer will only be accepted if the grantee(s) and the grantor(s) are identical for all described parcels.

F. Receiving and Processing Instruments Through the Mail (U.S.P.S.)

The Athens County Auditor's Office accepts instruments submitted in person or by mail at 15 S. Court Street, Room 330, Athens, Ohio 45701. Documents submitted by mail must be complete and include all required transfer documents and supporting materials as outlined in these conveyance standards.

A self-addressed, stamped return envelope is required for returning documents once the transfer is processed or if the documents cannot be processed. After completing the transfer, our office will courier the documents to the County Recorder for recording, provided that a separate payment for the Recorder's fees is included in the correct amount.

All checks for conveyance and transfer fees must be made payable to the Athens County Auditor. Documents submitted with incorrect payment amounts will be returned.

The Athens County Auditor's Office may accept instruments electronically submitted via County approved online portals.

G. Identification of Interest Conveyed

The grantor must provide written notification to the County Auditor if conveying less than their full interest in the property. For parcels with multiple owners, the County Auditor may require written documentation specifying each owner's designated interest.

H. Improvements must be tied to the ownership of the land

The County Auditor will not transfer a Bill of Sale that conveys ownership of improvements separate from the land. A common example is a cottage community where the land is collectively owned, but individual cottages are owned by community members. This provision does not apply to condominium units, which, by deed, include a prorated interest in the parent parcel.

Section 5 – CONVEYANCE FORM REQUIREMENTS

No instrument will be transferred unless accompanied by a properly completed DTE 100 or DTE 100EX conveyance form that complies with the requirements of this section. Conveyance Forms must be clearly printed or typed, completed accurately in its entirety and include a printed name of the Grantee or Representative in addition to the signature.

A. Payment Requirements for Conveyance and Transfer:

A conveyance or transfer must be accompanied by the correct payment. For current charges, please contact the County Auditor's office. Payment is due at the time of conveyance in U.S. Dollars, and accepted forms of payment include cash, check, money order, certified check, or credit card. Payments must not exceed the total amount due for the conveyance tax and transfer fee per transaction. Any payment exceeding the specified amount due will be rejected.

B. Determination of Conveyance Fees

The non-exempt transfer tax must be calculated based on the full consideration agreed upon by the grantee for the property. While many transactions are all-cash, non-cash considerations must also be included in the tax determination. Such considerations may include personal property, real estate received in trade, or additional costs paid by the grantee, such as delinquent taxes, buyer's fees (such as broker or realtor fees), or other extraordinary expenses. The estimated value of all non-cash considerations shall be included when determining the total amount subject to transfer tax.

1. Normal Non-Exempt Conveyance (DTE Form 100).

This form is required for all transfers that are not exempt by Ohio Revised Code 319.54(G)(3). The conveyance fee shall be based on the "value" as defined in Ohio Revised

Code Section 319.202(C) for real estate, manufactured homes, and mobile homes. This value reflects the full consideration paid or to be paid under the contract prior to the date of conveyance, excluding any portion considered a gift. This is defined as the “full agreed purchase price” between the grantor and grantee. The County Auditor reserves the right to request a copy of the purchase agreement. For properties purchased through a real estate auction, documentation of the transaction must be provided.

2. Exempt Conveyance (DTE Form 100EX)

The statement of reason for exemption from real property conveyance is prescribed by the State of Ohio for all property qualifying for exemption of Conveyance Fees. The DTE 100EX must be completely and accurately completed when submitted with the instrument to be transferred. The County Auditor reserves the right to ask for additional documentation at the time of conveyance.

The DTE 100EX is required to accompany all instruments that are exempt under the Ohio Revised Code 319.202 and 319.54(G)(3). For reason codes (b), (g), and (m) an affidavit of facts explaining the reason code must be submitted with the instrument and Form DTE 100EX.

3. Conveyance by Completion of a Land Contract.

The conveyance fee shall be based on the 'value' as defined in Ohio Revised Code Section 319.202(C). For properties sold under a land installment contract that has been recorded for at least twelve months prior to the conveyance date, 'value' is defined as the unpaid principal balance owed to the seller at the time of conveyance. The fully executed Land Contract Agreement must be presented at the time of conveyance to verify the unpaid balance and any amounts paid prior to conveyance.

4. Conveyance by Gift in Whole or in Part (Non-Exempt):

The conveyance fee shall be based on the “value” as defined in Ohio Revised Code Section 319.202(C), which is the estimated price the real estate or mobile home would bring on the open market under existing and prevailing market conditions in a sale between a willing seller and a willing buyer, both knowledgeable about the property and current market prices. The County Auditor will use the most current appraised value of the parcel(s) as determined by the Auditor’s office to establish the “value” for conveyance purposes.

Note: An exception to this requirement may be made if a current appraisal by a licensed or certified appraiser in the State of Ohio is provided, or if other credible information (such as photographs, property listings, or comparable sales data) is presented indicating that the County Auditor’s appraised value may be inaccurate. It is recommended that any supporting documentation related to the property’s value be submitted to the Auditor’s office at least one business day prior to the conveyance.

Section 6 – CONVEYANCES SUBJECT TO SPECIAL REQUIREMENTS:

The following documents are subject to special requirements.

A. Transfers by Affidavit of Next of Kin

A transfer under the laws of descent and distribution shall be made pursuant to affidavit under Ohio Revised Code 317.22. A certified copy of the death certificate (as specified by law) or other official acknowledgement of death must be attached to the affidavit.

B. Conveyance of Survivorship Interest

A transfer of a survivorship interest shall be made pursuant to Ohio Revised Code 5302.17, only upon certificate of transfer or upon affidavit and certified copy of a death certificate of the deceased joint tenant.

C. Affidavit Under Ohio Revised Code 5301.252

An affidavit related to title, as defined under Ohio Revised Code 5301.252, is not a valid instrument for conveying real property. Such affidavits may be used to clarify or correct matters of record but do not serve as a substitute for a legally executed deed in the transfer of real estate.

D. Corrective Deeds

Where reasonably appropriate and at the sole discretion of the County Auditor, any instrument which attempts to correct a prior deed of record shall be accompanied by an affidavit setting forth the facts which support the correction of the previously recorded deed.

NOTE: Changing material aspects of the original conveyance, such as changing grantees or the parcel number transferred, is not a correction and will be treated as a conveyance.

E. Mobile Homes

All transfers of mobile homes must comply with Ohio Revised Code 4503.06. The County Auditor will not process a transfer unless the County Treasurer has certified that all taxes have been paid in full, as required by law.

F. Conveyance of CAUV Parcels

All transfers of parcels enrolled in the Current Agricultural Use Valuation (CAUV) Program must include a properly completed DTE 102 Form, as prescribed by the Ohio Department of Taxation. The form must be signed by the grantor (or their authorized representative) and the grantee to ensure compliance with CAUV program requirements.

G. Conveyance of Parcels enrolled in the Homestead Exemption Program

All transfers of parcels enrolled in the Homestead Exemption Program must include a properly completed DTE 101 Form, as prescribed by the Ohio Department of Taxation. The form must be signed by the grantor (or their authorized representative) acknowledging that the grantor and

grantee have considered and accounted for the total estimated amount of such reduction(s) to the satisfaction of both the grantee and the grantor.

H. Easements

Easements presented to the County Auditor do not need to include a conveyance form and will be stamped, "Transfer Not Necessary." The County Auditor reserves the right to request additional documentation. Surveys describing easements may need the approval of the County Engineer.

Easements must conform to the subdivision regulations of the local jurisdiction with subdivision regulatory authority.

I. Road Dedication and Vacation

- **Dedication by Recorded Plat:** All dedications of roads via recorded plat must adhere to the subdivision plat requirements outlined in these standards.
- **Vacation by Recorded Plat:** Any vacation of roads through a recorded plat must comply with the procedures specified in these standards.
- **Dedication or Vacation by Municipal Ordinance:**
Surveyor's Description: A registered surveyor's description of the area to be dedicated or vacated must accompany the municipal ordinance.
Submission to County Engineer: Municipalities are required to present the surveyor's description to the County Engineer before passing the ordinance.

J. Minerals

Any separation of mineral rights, whether by conveyance or reservation, will result in the County Auditor creating a separate tax parcel for the mineral interest. All applicable Conveyance Standards must be met.

Note: Any new description of a mineral parcel must be prepared by a registered surveyor and must include the surveyor's seal and signature, along with the parcel number of the encumbered property. If a mineral parcel description is already recorded in the County Recorder's Office, it may be used verbatim in the new instrument.

K. Court Orders and Sheriff Deeds

Court ordered conveyances resulting from Federal Court, Bankruptcy Court, Probate Court, Court of Common Pleas, Sheriff deeds, deeds upon foreclosure, partition (divorce or dissolution), and by a trustee in bankruptcy shall be accepted even when the description was previously stamped.

When the legal description does not meet the Standards for Conveyance, said description will be allowed to transfer one (1) time only on the court deed. Any subsequent transfer shall require a new survey, plat and legal description.

L. No Transfer Documents

A document which has been deemed "Transfer Not Necessary" by the County Auditor or the County Engineer may not include a previously unrecorded new survey description.

Section 7 – SUFFICIENCY OF DESCRIPTIONS

All descriptions of record shall be sufficient to allow the County Engineer and the County Auditor to identify the land that is being transferred. Clerical errors that do not affect the ability to identify the property may be disregarded, but clerical errors that cannot be resolved may cause disapproval of the transfer. The County Engineer or County Auditor will not approve any description of transfer which does not sufficiently identify the location of the property to be transferred.

Examples of insufficient description of land include, but are not limited to, incorrect or the omission of situate for state, county, township, range or section; significant traverse closure error, calculated land area does not match the auditor's tax list; metes and bounds error in distance, bearing, vague terms such as northerly direction, or any description that is ambiguous or incorrect. Descriptions of land that have been determined insufficient shall be resolved before the Auditor will approve the transfer. To ensure that requirements for a new survey do not conflict with legal proceedings due to a foreclosure or other court action, the Auditor may stamp the deed "Legal Description Does Not Meet Athens County Standards. Future Transfer Will Require Survey" and the deed may use the original description. This may include Sheriff Deeds, Certificates of Transfer, Life Estates and Joint Survivorship Deeds.

A. Description Of Tax Parcels.

All documents that transfer an ownership interest in a tax parcel shall contain one of the following types of description:

1. Platted Lot.

A platted lot shall be described by its lot number or other designation and the name of the subdivision as platted, as required by O.R.C. 711.01.

2. Condominium Unit.

A condominium unit shall be described by its unit number or other designation and the name of the condominium project as set forth in the declaration, as required by O.R.C. 5311.10.

3. Metes And Bounds Description.

Each tract of land that is not a platted lot or condominium unit shall be described by a metes and bounds description in accordance with these rules and approval of the Athens County Auditor.

B. No More Than Three Exceptions in Description.

No transfer will be approved where the description of the land sets forth more than three (3) exceptions to any metes and bounds description. An exception describes land that is included in the general description, but that is not being transferred and is excepted out and identified by a separate description of its own.

C. Descriptions must meet the requirements of Section 13 of these standards.

Section 8—BOUNDARY SURVEY

A. A boundary survey is required when any tract, lot or parcel that is being conveyed is not described in the same manner as the tract, lot or parcel was described in the immediately preceding conveyance of record. A plat of the boundary survey must be submitted to the County Engineer for approval in accordance with Section 315.251 of the Ohio Revised Code and 4733.37 of the Ohio Administrative Code. The plat needs to be an original plat that contains the surveyors name and number and must be to scale. Three original plats are needed. One to be retained by the County Auditor, one to be retained by the County Engineer and one attached to the document that will be recorded in the County Recorder's Office.

B. Must Meet Minimum Standards.

All boundary surveys required under Section 8 (A) must be made in accordance with the "Minimum Standards for Boundary Surveys in the State of Ohio" as defined by Chapter 4733.37 of the Ohio Administrative Code, along with the current requirements of the County Engineer and the County Auditor. (See Section 13).

Section 9—BREAKS IN CHAIN OF TITLE

Because the County Auditor needs to determine the ownership of each tract, lot or parcel of real property and because the County Auditor maintains ownership history of each tax parcel, the following are requirements:

A. Grantor Is Not Prior Grantee.

No transfer will be approved where a grantor is not a prior grantee, unless the document itself or an affidavit that satisfies the requirements of O.R.C. 5301.252 is provided to the County Auditor that explains to the County Auditor's satisfaction why there is a break in the chain of title. The County Auditor may also require additional evidence when necessary to establish the correct ownership of the property.

B. Minor Differences in Names.

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

Section 10—PLANNING COMMISSION APPROVAL OF PARCEL SPLIT

A. Subdivision Of Existing Parcel.

Any transfer or conveyance that causes a tax parcel to be split into a new parcel that is required to be approved by the planning commission or leaves a remaining parcel that requires planning commission approval must be so approved before it will be accepted by the County Auditor for transfer.

B. Auditor Will Not Determine Exemptions.

The Athens County Auditor is not responsible for determining which new description requires an approval from the local jurisdictions with Subdivision Regulatory Authority and our approval is not to be considered as the final rule, but as a general guideline. Always be sure to check with the appropriate jurisdiction for their final determination before transferring deeds for new descriptions. (See Exhibit A – page 22)

C. No Transfer by Plat.

The County Auditor will not transfer (change the name of any owner of) any property pursuant to a plat, except by dedication of property to a public purpose upon acceptance by a political subdivision that is set forth on the plat or in a separate document.

Section 11—LAND THAT IS SPLIT BY TAXING DISTRICT BOUNDARIES

- A.** Where a tract of land that is described by a single metes and bounds description is located in more than one county, the Athens County Auditor shall consult with the County Auditor(s) of the other county to determine the treatment of the land for real property tax purposes.
- B.** No single tax parcel shall be created by the County Auditor that is located in different taxing districts. Any land with a single mete and bounds description that is split by taxing district lines shall be made into separate tax parcels by the County Auditor. Any platted lot that is located in different tax districts shall be placed in the district in which the front of the parcel is located, determined by street address, or in which the greater part of the parcel is located.

Section 12—LAND CONTRACTS

All land contracts must be presented to the office of the Athens County Auditor and approved for conformance to present regulations, which may be applicable upon final transfer.

Any Land Contract that involves splitting or combining existing parcels must first be presented by a recorded deed reflecting the split or combination before the contract can take effect. A Land Contract cannot establish a new survey description.

Land Contracts that are recorded without approval from the County Auditor's office shall be subject to all conveyance requirements at the time of transfer and may not be permitted to qualify for a one-time transfer should the description not be in compliance with the Conveyance Standards.

Section 13—REQUIREMENTS OF CONVEYANCE BY THE COUNTY AUDITOR AND THE COUNTY ENGINEER

Legal descriptions may be submitted to the Auditor's Office for pre-approval. The Athens County Auditor is not responsible for determining which new description requires an approval from the local jurisdictions with subdivision regulatory authority and our approval is not to be considered as the final rule, but as a general guideline. Always be sure to check with the appropriate jurisdiction for their final determination before transferring deeds.

All new metes and bounds descriptions, and all plats of survey must incorporate the principles and minimum standards of good surveying and drafting and must meet the "Minimum Standards for Boundary Surveys in the State of Ohio", as defined by Section 4733.37 of the Ohio Administrative Code.

A. Requirements For All Recorded Lot(s) Of Record.

1. All instruments conveying a recorded lot or other designation in a municipality or recorded subdivided area must designate the lot number or other designation, the official recorded name, the Plat Book and Page or Official Record reference, and the prior recorded deed reference if any exists.
2. Any parcel, outlot or portion of a recorded lot or other designation must have an accurate description to enable the County Engineer and County Auditor to determine any residue or balance left, based on existing available records.
3. Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have an accurate metes and bounds description.

B. Requirements For Existing Metes and Bounds Descriptions of Record.

1. All existing metes and bounds descriptions of record will be checked by the Athens County Auditor to verify and identify the tax parcel(s) to be conveyed.
2. All Points of Beginning must be tied to a Point of Commencement which is a point identifiable by reference to a map of the area such as the following:
 - a. Section or Quarter Section corner, Fraction corner, Lease Lot corner, Farm Lot corner, River Lot corner or nearby recorded Subdivision corner.
 - b. All descriptions must have reference to town and range.
 - c. Adequate tie-in to any of the above points of reference must be given.
3. All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer.
4. Any existing metes and bounds description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.
5. All instruments of conveyance attempting to convey the remainder of balance of an existing tax parcel(s) from which outlot or exceptions exist must incorporate the following requirements:
 - a. All exceptions to the original tract must be listed on the document following the original tract. Each outlot or exception to the original tract(s) must be described either verbatim as witnessed by the previous conveyance of record, or described with sufficient particularity to ascertain the amount of the excepted acreage, the date the exception was conveyed, the grantee of the excepted conveyance, and the volume and page where the conveyance is recorded. No more than three (3) exceptions will be permitted per each original tract.
 - b. Each documented exception must refer to its recorded source if any, by which it can be verified.
 - c. All instruments of conveyance using exceptions to convey the balance or remainder of a tax parcel(s) must incorporate a statement identifying the tax parcel(s) and district to be conveyed, and the current taxable area as set forth on the County Auditor's tax list for the subject conveyance (i.e. it is the intent of this instrument to convey all of Tax Parcel(s) number and district, containing acreage or footage, as shown by the County Auditor's records.)

6. Legal descriptions are encouraged to be submitted to the Auditor's Office for pre-approval prior to the creation of the final instrument of transfer. Five (5) business days should be allowed under normal circumstances for review of these documents. Some cases may require additional time for review.
7. Each tract being conveyed shall state the prior deed reference at the conclusion of each parent tract.
8. A survey shall be required for all splits and/or re-surveys as outlined in Paragraph C.
9. Descriptions such as quarter section (160 Ac.), $\frac{1}{2}$ of quarter section (80.00 Ac.), $\frac{1}{2}$ of $\frac{1}{2}$ of quarter section (40.00 Ac.) and $\frac{1}{2}$ of the $\frac{1}{2}$ quarter section being 20.00 Ac. Are acceptable descriptions. (Example: West $\frac{1}{2}$ of South $\frac{1}{2}$ of East half of the Northeast quarter.)

C. Requirements For New Metes and Bounds Descriptions for Conveyance.

1. All new metes and bounds descriptions, not previously recorded, must be prepared by a registered Professional Surveyor and must be in compliance with the Ohio Administrative Code, Chapter 4733.37.
2. In addition, the following items shall be required:
 - a. Each course of a new metes and bounds description should be a separate paragraph, and all courses must be stated in a clockwise direction from the point of beginning to the point of termination for the subject description.
 - b. Each course must contain the names of current adjoining owners together with the recorded Deed Book and Page or Official Record for each. When a course being described adjoins a recorded platted subdivision a call for the Plat Book and page will suffice.
 - c. Whenever a new metes and bounds description is part of or encompasses two or more taxing districts, or two or more tax parcels, a breakdown of the area must be recited for each tax district or parcel.
 - d. All instruments including new metes and bounds descriptions, which meet all the aforementioned requirements will be stamped "Description Checked for Mathematical Accuracy" and the proper notations will be made on the instrument of conveyance.
 - e. Whenever the descriptive content of any legal instrument of conveyance is determined to be ambiguous, it will require a survey of the parcel(s) being described be made and a new description and plat be submitted to the County Engineer for approval to the transfer of said parcel(s).

- f. An original copy of all new surveys shall be submitted to the Engineer's Office at least five (5) business days prior to transfer. A survey map and description shall be submitted and remain a part of the Engineer's department records and will become public information. The survey map submitted must be to scale and not reduced. Faxed copies are not acceptable.
- g. Property adjoiners names and deed references shall be on the plat. The surveyors seal, signature, phone number and address shall be on the plat and description, and the acreage must be stated.
- h. Survey Plats and descriptions submitted for approval will be stamped "SURVEY CHECKED FOR MATHEMATICAL ACCURACY," signed and dated by personnel from the County Engineer's Office.
- i. When there is an exception to a tract or parcel, the exception must be fully described by metes and bounds description in the deed conveyed, and/or referenced by a prior recorded description that meets current requirements.
- j. Tie downs for new surveys must use corners that are the same as referenced in Section B.2 (a-c) for the requirements for existing deed descriptions.

3. Exceptions.

All exceptions to the original tract must be listed on the document following the original tract.

Each outlot or exception to the original tract(s) must be described either verbatim as witnessed by the previous conveyance of record, or described with sufficient particularity to ascertain the amount of the excepted acreage, the date the exception was conveyed, the grantee of the excepted conveyance, and the original volume and page where the conveyance is recorded. An exception is described as any tract of land sold from the original tract.

No more than three (3) exceptions will be permitted per each original tract.

****Any parcel established as a remainder of a parent tract that is under five acres and/or lacks adequate public road frontage will require review by the local jurisdiction with subdivision regulatory authority and the Athens City-County Health Department.**

4. Unacceptable Legal Description.

Documents submitted for transfer that do not comply with any requirement of this section or that contain any of the characteristics listed below shall be stamped. See Section 13, (E).

- a. A Point of Commencement which cannot be determined and/or identified
- b. A blatant error in the legal description

- c. Any description that does not close mathematically.
- d. Vague terms or reference points of beginning/ending such as, “in a northerly direction”, “back to the point of beginning (without distance or direction)”, “with the meandering of a stream”, etc.
- e. Contains more than three (3) exceptions to an original tract.
- f. Is determined to be a poor description by the tax map department personnel.

D. Requirements For Plats of Surveys.

- 1. All plats must be in compliance with the Ohio Administrative Code Chapter 4733.37.
- 2. Plats which are attached to the instrument of conveyance shall be prepared in a format that meets the requirements of the Athens County Recorder. For the recorded instrument the County Recorder has established an 8-1/2” X 14” size plats as preferred.

E. Future Transfer Required Stamp

On a case-by-case basis, the Auditor’s Office may allow the transfer of a property that does not meet the current conveyance standards. Such transfer will be reviewed and verified by the County Engineer prior to being embossed with a *red stamp* stating “LEGAL DESCRIPTION DOES NOT MEET ATHENS COUNTY STANDARDS; FUTURE TRANSFER WILL REQUIRE SURVEY” as shown below:

Legal Description Does Not
Meet Athens County Standards.
Future Transfer Will Require Survey

JUN 30 2025

Jill A. Davidson
Athens County Auditor

Upon placing said stamp, the owner will be on notice that the County Auditor and County Engineer will require a survey to be completed before the next time the parcel is transferred unless the property meets any of the exceptions listed in these standards.

F. Exceptions To the Requirements for New Metes and Bounds Descriptions.

The following documents will be permitted to transfer with the prior legal description regardless of whether the prior document of transfer was stamped, “Legal Description Does Not Meet Athens County Standards. Future Transfer Will Require Survey”:

1. Court Orders and Sheriff Deeds
2. Certificates Of Transfer
3. Survivorship Affidavit of Transfer
4. Life Estates
5. Judicial Orders
6. Transfers within an immediate family. (Immediate family includes: father, mother, son, daughter, grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, spouse, and grandchild.) The remaining acreage of each tract to be conveyed shall be stated.
7. Transfer between co-owners of a property as so long as both parties were listed as grantees on the last deed.

Section 14—LANDLOCKED PARCELS

No document shall be approved, that upon transfer, creates a landlocked parcel. A landlocked parcel is described as any tract of land that upon transfer creates a tract with no public road frontage.

However, a landlocked tract will be accepted if the landlocked parcel is sold to, or retained by, an adjoining tract with road frontage. In this case the landlocked parcel must be sold with the frontage tract, or to another adjoining owner of the landlocked parcel with road frontage.

In addition, if there is a provision included on the document of transfer demonstrating an existing permanent easement of ingress and egress suitable for vehicular traffic, in such case the transfer will be approved.

Any newly created parcel, whether by split or combination, that lacks direct access to a dedicated public right of way must include either a newly established public right of way or an approved access easement. This access must be reviewed and approved by the Athens County Planning Commission prior to transfer. (See sections 307 and 506 of the Athens County Subdivision Regulations)

Section 15—ANNEXATIONS

The description of the territory proposed for annexation and the plat furnished must comply with the requirements specified in the Ohio Revised Code. In addition, the following requirements for proposed annexations of territory in Athens County shall apply:

1. The territory proposed for annexation will have an adequate description for the entire area proposed for the annexation.

2. When the territory proposed for annexation falls within more than one Township, the description should summarize the total acreage lying within each involved Township in addition to stating the total acreage proposed for annexation.
3. Annexation plats should be provided in permanent ink on a reproducible tracing cloth, drafting film or other material subject to approval of the County Engineer.
4. Annexation plats must be submitted with a graphical scale clearly shown with the original drawing no smaller than 11 inches by 17 inches and no larger than 18 inches by 24 inches. Reduced size copies may be submitted for review purposes as long as all lettering and detailing is clearly legible.
5. All roadway names should be clearly indicated with existing right-of-way widths labeled.
6. The recording references for the existing corporation line shall be labeled with the proposed annexation adjoins.

Exhibit A

LOCAL JURISDICTIONS WITH SUBDIVISION REGULATORY AUTHORITY (as of June 30, 2025)

****IMPORTANT NOTICE****

The Athens County Auditor is not responsible for determining which new description requires an approval from the local jurisdictions with subdivision regulatory authority and our approval is not to be considered as the final rule, but as a general guideline. Always be sure to check with the appropriate jurisdiction for their final determination before transferring deeds.

Village of Albany: Albany Village Administrator (740) 698-6127

The Plains Fire District (Athens Township only):
Township Garage (740) 592-1523
zoningathenstwp@gmail.com

Athens City and 3-Mile Zone: Athens City Code Enforcement (740) 592-3306

Nelsonville City and 3-Mile Zone: Nelsonville City Manager (740) 753-1314

Regional County Planning Commission: County Planner (740) 447-5890

The Athens and Nelsonville 3-mile zone and corporation boundaries are optional layers that are available to be selected on the Advanced and Basic Parcel viewers on the Auditor Website.

(<http://www.athenscountyauditor.org/Posts?category=Athens%20County%20Auditor%20GIS%20Website>)