



Legal Description Requirements

Legal descriptions for the conveyance of real property must meet all of the following requirements:

Ohio Administrative Code 4733-37-06 Effective 05/01/1980, 11/01/2003

(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.
Example: Situated in John's Military Survey No. 1234, Union Township, Clermont County, State of Ohio, and being more particularly described as follows.
- (2) A relationship between the property in question and clearly defined control stations.
Example: Tie to road intersections, military survey lines, recorded lot corners.
- (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.

In addition to (A), (D), and (E) the description must meet (B) or (C).

(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 adjoiners or other exiting 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) Sufficient mathematical data shall be given for each curved line so that the curve can be reproduced without ambiguity.
 - (f) The reported boundary shall meet the closure requirements of Paragraph © of Rule 4733-37-04 of the Administrative Code.
- (3) The area of the parcel.

(C) Descriptions other than metes and bounds form shall include sufficient and adequate legal and technical wording so that the property can be definitely located and defined.

Example: Being (part or all) of Lot 1, Branch Hill Subdivision, Phase 1, Record Plat as recorded in Official Record 1234 page 1234 of the Clermont County Recorder's Office.



*Jeremy P. Evans, P.E., P.S.
Clermont County Engineer*

(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 survey or updated survey of the property.

In addition to OAC 4733-37-06, Legal descriptions for transfer must meet all of the following requirements as approved in the current Clermont County Transfer and Conveyance Standards.

Poor original not accepted. (section 4-B)

Illegible writing not accepted. (section 4-C)

When a new legal description is prepared the following statements shall follow the description or be incorporated into the body of the description. (section 5-I)

"The above described real estate is a part of (or all of) the same premises described as recorded in Deed Book____ page ____ of the Clermont County Ohio Deed Records and identified as parcel no. _____ on the Tax Maps of said County.

Being the result of a survey and plat dated _____, made by _____ P.S., Ohio Reg. No. _____"

Deed descriptions. (section 5-J)

(a) Any non-exempt deed with three or more exceptions will not be transferred.

(b) Any non-exempt deeds that are presently on record will not be accepted for transfer unless the lengths and directions, of the description, specify the mathematical error in closure of the property boundary has an accuracy of not less than 1 part in 5000 parts.

(c) Any deed must conform with the most current survey on file in Tax Map Department which conforms with minimum standards for the State of Ohio.