

May 27, 2009

Mr. L. Steven Brooks  
27 East Columbus Street  
PO Box 201  
Mt. Sterling, Ohio 43143-0201

Re: Preparation of Legal Descriptions

Dear Mr. Brooks:

This letter is in response to your letter of August 7, 2008 regarding clarification of persons who can prepare legal descriptions.

Ohio Revised Code Section 4733.01 (F) defines the practice of surveying as:

“Practice of surveying” means any professional service that requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for the adequate performance of the art of surveying, including, but not limited to, measuring the area or the contours of any portion of the earth’s surface, the lengths and directions of the bounding lines, and the contour of the surface, for their correct determination and description and for conveyancing for recording, or for the establishment or re-establishment of land boundaries and the platting of lands and subdivisions; and like measurements and operations involved in the surveying of mines, commonly known as “mine surveying.”

Based on ORC 4733.01, it is the Board’s opinion that only a registered professional surveyor can correctly determine if the description for a parcel of land accurately describes that parcel of land, its location on the earth’s surface, and its relationship to adjoining lands. Accordingly, the preparation of a metes and bounds legal description is clearly the practice of surveying.

Regarding the preparation of descriptions intended to only convey an “interest” in real property (easement, right-of-way, lease, etc.), it is again the Board’s opinion that this work falls within the practice of surveying. However, this Board recognizes that in some situations, a description conveying an “interest” (as opposed to fee simple title) to a parcel of land may be adequately described by general methods. Examples of descriptions by general methods that may be prepared by an individual other than a registered professional surveyor are:

- a. A 20 foot easement running parallel with the north line of a parcel as that line is described in the existing legal description for the property.

- b. The easterly 10 feet of a lot previously represented on a subdivision plat.
- c. All of the land lying south of (a defined road or other feature) running through a parcel as described in the existing legal description of the property.
- d. A blanket easement over an entire parcel as previously described in the existing legal description for the property.

Please bear in mind that while these “general methods” may provide an adequate description in some circumstances, specific project needs as well as varying requirements (conveyance standards, etc.) of each county may dictate that a higher standard be employed.

I hope this fully explains the Board’s position in this matter. If we can be of further assistance, please advise.

Sincerely,

**OHIO STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND SURVEYORS**

John F. Greenhalge  
Executive Director