

DEFIANCE COUNTY, OHIO

TRANSFER AND CONVEYANCE STANDARDS OF THE DEFIANCE COUNTY AUDITOR AND THE DEFIANCE COUNTY ENGINEER AS ADOPTED UNDER OHIO REVISED CODE SECTION 319.203

ORIGINAL ENACTED APRIL 1, 1997

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PURPOSE:

THE PURPOSE OF THESE REQUIREMENTS AND STANDARDS IS TO FACILITATE THE TRANSFER OF PROPERTY, TO CORRECT ERRORS IN FORMER TRANSFERS AND RECORDS, AND TO OBTAIN DEFINITE AND ACCURATE DESCRIPTIONS IN FUTURE TRANSFERS. THIS RESULTS IN BENEFITS TO PROPERTY OWNERS, ATTORNEYS, TITLE SEARCHERS, RECORDING, TAXING, AND MAPPING OFFICIALS IN THE COUNTY.

IT IS UNDERSTOOD THAT ALL SITUATIONS CANNOT BE COVERED BY THESE REQUIREMENTS AND WHEN THOSE SITUATIONS ARISE, THEY WILL BE HANDLED AS SPECIAL CASES INTERPRETED BY THE COUNTY ENGINEER'S OFFICE. THE COUNTY ENGINEER AND AUDITOR SHALL ALSO SERVE AS THE APPEALS BOARD IN CASES OF DISAGREEMENT ON ADMINISTRATION OF THESE STANDARDS BY THE TAX MAPPING DEPARTMENT.

THE COUNTY AUDITOR AND THE COUNTY ENGINEER HAVE ADOPTED THESE STANDARDS GOVERNING CONVEYANCES OF REAL PROPERTY IN DEFIANCE COUNTY, AND MAY MODIFY THESE STANDARDS FROM TIME TO TIME AS THEY DEEM NECESSARY OR DESIRABLE (SEC. 319 O.R.C.)

REVIEW PROCESS:

PLANNING COMMISSION

THE DEFIANCE COUNTY PLANNING COMMISSION REGULATES THE SUBDIVISION OF PROPERTY OUTSIDE OF MUNICIPALITIES WHILE EACH INDIVIDUAL MUNICIPALITY REGULATES THE SUBDIVISION OF PROPERTY WITHIN THEIR MUNICIPAL BOUNDARY. ALL SUBDIVISIONS OF LAND MUST BE APPROVED BY THE PLANNING COMMISSION HAVING JURISDICTION BEFORE THE LEGAL DESCRIPTION WILL BE APPROVED BY THE TAX MAPPING DEPARTMENT.

THE COUNTY AUDITOR OR TAX MAP DEPARTMENT WILL NOT DETERMINE WHETHER ANY SPLIT IS EXEMPT FROM PLANNING COMMISSION APPROVAL, AND WILL ACCEPT ONLY A COMMUNICATION FROM THE APPROPRIATE PLANNING COMMISSION THAT THE SPLIT IS ACCEPTABLE.

TRANSFER PROCESS

ALL DESCRIPTIONS MUST BE BROUGHT TO THE DEFIANCE COUNTY ENGINEER'S OFFICE FOR REVIEW. NO TRANSFER WILL BE PERMITTED WITHOUT AN APPROVED DESCRIPTION STAMP FROM THE ENGINEER'S OFFICE. ALL EXISTING OR NEW DESCRIPTIONS THAT MEET THE CURRENT COUNTY STANDARDS WILL BE STAMPED "LEGAL DESCRIPTION APPROVED," SIGNED, AND DATED. DESCRIPTIONS MAY BE SUBMITTED AHEAD OF THE ACTUAL TRANSFER AND APPROVALS ARE VALID UNTIL A CHANGE IN STANDARDS. **ALSO** – ALL DOCUMENTS TRANSFERRING AN INTEREST IN REAL PROPERTY THAT ARE SUBJECT TO O.R.C. 319.20, INCLUDING ALL COURT ORDERS AND CERTIFICATES OF TRANSFER, SHALL CONTAIN ALL OF THE FOLLOWING:

A. REFERENCE TO PRIOR INSTRUMENT OF RECORD.

A REFERENCE TO THE VOLUME AND PAGE OF THE RECORD OF THE NEXT PRECEDING RECORDED INSTRUMENT BY OR THROUGH WHICH THE GRANTOR CLAIMS TITLE, AS REQUIRED BY O.R.C. 319.20;

B. 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 O.R.C. 319.20;

C. IDENTIFICATION OF INTEREST CONVEYED

THE GRANTOR SHALL INFORM THE COUNTY AUDITOR IN WRITING WHEN CONVEYING LESS THAN THE GRANTOR'S CURRENT INTEREST IN THE LAND.

D. DOCUMENT OF TRANSFER SHALL INCLUDE PARCEL NUMBER AND ADDRESS

THE DOCUMENT OF TRANSFER SHALL INCLUDE THE COUNTY AUDITOR'S PARCEL NUMBER(S) OF THE LAND AND THE CURRENT SITE ADDRESS OF THE PROPERTY, IF ANY.

E. CONVEYANCE FORMS

ALL CONVEYANCE FORMS SHOULD BE FILLED OUT COMPLETELY AND ACCURATELY. ALL APPROVED SPLITS MUST BE ACCURATE AND COMPLETE.

OWNERSHIP REQUIREMENTS

BECAUSE THE COUNTY AUDITOR NEEDS TO DETERMINE THE CURRENT OWNERSHIP OF EACH TRACT, LOT, OR PARCEL OF REAL PROPERTY AND BECAUSE THE COUNTY AUDITOR MAINTAINS OWNERSHIP OF EACH TAX PARCEL IN WHICH:

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 (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 OUTLINED BY O.R.C. 5301.252 (B) (1).

ENGINEER'S OFFICE DESCRIPTION REQUIREMENTS

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 THE 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 COUNTY ENGINEER WITH THE EXCEPTION OF PRE-EXISTING SECTIONAL TRACTS.

1. MINIMUM STANDARDS FOR METES AND BOUNDS DESCRIPTIONS

ALL BOUNDARY SURVEYS 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 CURRENT REQUIREMENTS OF THE COUNTY ENGINEER LISTED BELOW.

IN TRACTS WITH A METES AND BOUNDS DESCRIPTION, THE COURSES "IN A NORTHERLY DIRECTION", "THENCE TO THE PLACE OF BEGINNING", "WITH THE MEANDERING STREAM", OR "ALONG THE ROAD", ETC. ARE NEITHER DEFINITE NOR ADEQUATE DESCRIPTIONS AND THEREFORE **WILL NOT** BE ACCEPTED WITHOUT HAVING A BEARING AND DISTANCE.

DEEDS MAY HAVE **NO MORE THAN THREE (3)** EXCEPTIONS AND EACH EXCEPTION MUST BE FULLY DESCRIBED AND MEET THESE DESCRIPTION REQUIREMENTS. AFTER THE EXCEPTION IS DESCRIBED, AN ACREAGE MUST ACCOMPANY THE CONVEYANCE OF INTENTION AND ALL EXCEPTIONS. ALSO THE PLAT OF SURVEY MUST SHOW THE PARCEL OF INTENTION AND ALL EXCEPTED PARCELS.

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 OR PLATTED SUBDIVISION MUST BE CHANGED WITHIN THE SITUATE OF THE SUBJECT INSTRUMENT OF CONVEYANCE TO REFLECTS ITS NEW CORPORATE LOCATION.

ALL DESCRIPTIONS SHALL BE RECITED IN ENGLISH UNITS WITH OPTIONAL METRIC UNITS IN PARENTHESIS.

IN VACATING OF PUBLIC LAND (I.E. ALLEY, STREET, ETC.) THE NEW OWNER/S AND THEIR PROPORTIONAL ACREAGE MUST BE PROVIDED TO THE MAP DEPARTMENT ALONG WITH A COPY OF THE RESOLUTION AND A PLAT MAP SHOWING THE SAME.

A SURVEY PLAT MUST ACCOMPANY ALL NEW SURVEY DESCRIPTIONS.

A SURVEY PLAT MUST SHOW SUBJECT OWNER'S NAME, DEED BOOK AND PAGE, AND ACREAGE. (SUBDIVISION NAME AND PLAT BOOK AND PAGE, IF APPLICABLE)

PLAT COPIES MUST BE LEGIBLE. (IF ANY INFORMATION IS HARD TO READ OR MISSING, THE PLAT IS UNACCEPTABLE.)

ALL SURVEYS MUST SHOW THE AREA OF SURVEY IN ACRES. ALSO, WHEN A TRACT IS SPLIT BY ANYTHING SUCH AS A FARM LOT LINE, CORPORATION LINE, TOWNSHIP LINE, TRACT LINE, ETC., THE ACREAGE MUST BE BROKEN DOWN ACCORDINGLY AND SHOWN ON THE PLAT AND IN THE DESCRIPTION. ALL ACREAGE SHALL BE REPORTED TO THREE DECIMAL PLACES.

WHENEVER A NEW METES AND BOUNDS DESCRIPTION ENCOMPASSES TWO OR MORE TAXING DISTRICTS, OR TWO OR MORE TAX PARCELS, A BREAKDOWN OF THE TOTAL AREA MUST BE RECITED FOR EACH TAX DISTRICT OR PARCEL.

ALL METES AND BOUNDS DESCRIPTIONS WILL BE SUBJECT TO VERIFICATION AS TO THE ACCURACY OF THE TRAVERSE CLOSURE (1 / 10,000 MINIMUM ALLOWABLE TRAVERSE CLOSURE) OF THE AREA AS DESCRIBED.

ALL INSTRUMENTS INCLUDING NEW METES AND BOUNDS DESCRIPTIONS, WHICH MEET ALL OF THE AFOREMENTIONED REQUIREMENTS WILL BE STAMPED "LEGAL DESCRIPTION APPROVED" AND THE PROPER

NOTATIONS WILL BE MADE ON THE INSTRUMENT OF CONVEYANCE, VERIFYING A CORRECT TAX STRUCTURE TO THE COUNTY AUDITOR.

WHENEVER THE DESCRIPTION OF ANY PARCEL IS DETERMINED TO BE AMBIGUOUS, IT WILL REQUIRE A SURVEY OF THE PARCEL(S) BEING DESCRIBED TO BE MADE WITH A NEW DESCRIPTION AND PLAT SUBMITTED TO COUNTY ENGINEER FOR APPROVAL PRIOR TO THE TRANSFER OF SAID PARCEL(S).

IF A PARCEL OWNER DISPUTES A PARCEL AREA OR ACREAGE ON THE TAX MAP, IT SHALL BE NECESSARY FOR THE MAP DEPARTMENT TO BE PRESENTED WITH A SIGNED AND SEALED PLAT PREPARED BY A REGISTERED SURVEYOR PRIOR TO ANY CHANGE IN ACREAGE BEING MADE. THE COUNTY AUDITOR WILL ACCEPT ONLY SUCH CHANGES, IN DOCUMENT FORM, FROM THE MAP DEPARTMENT OR THE APPROPRIATE COURT.

2. EXEMPTIONS FROM SURVEY REQUIREMENTS

SECTIONALIZED LAND – LAND WHICH HAS BEEN PREVIOUSLY TRANSFERRED AS A FRACTIONAL PART OF A SECTION MAY CONTINUE TO BE TRANSFERRED AS PREVIOUSLY DESCRIBED IF THERE ARE NO CONFLICTS WITH ADJOINING DESCRIPTIONS. THE TAX MAP OFFICE WILL NOTIFY THE ENTITY SUBMITTING THE DESCRIPTION FOR REVIEW IF THE ACREAGE INDICATED ON THE DEED APPEARS INACCURATE BASED ON AERIAL PHOTOGRAPHY AND OTHER TAX MAP RECORDS. THE RECORD ACREAGE WILL BE THAT ON THE DEED.

CERTIFICATES OF TRANSFER–DESCRIPTIONS FOR CERTIFICATES OF TRANSFER, AFFIDAVITS AND OTHER TRANSFERS WITHIN FAMILIES WHICH DO NOT MEET THE ABOVE REQUIREMENTS MAY BE STAMPED “NEW DESCRIPTION REQUIRED FOR FUTURE TRANSFER” AND WILL THEN BE ALLOWED TO BE RECORDED.

TRUSTS–DESCRIPTIONS FOR TRUSTS WHICH DO NOT MEET THE ABOVE REQUIREMENTS WILL BE STAMPED “NEW DESCRIPTION REQUIRED FOR FUTURE TRANSFER” AND WILL THEN BE ALLOWED TO BE RECORDED.