

# **HENRY COUNTY CONVEYANCE STANDARDS AND LAND TRANSFER POLICY**



**REVISED DECEMBER 2013**

Approved By:

Kevin Garringer - County Auditor

Timothy J. Schumm, P.E., P.S. - County Engineer

Land Transfer Policy Committee:

Kevin Garringer - County Auditor's Office

Sara Myles - County Recorder

Timothy Schumm, Nancy Johnston and Patrick McColley - County Engineer's Office

## ***MISSION STATEMENT:***

**To provide the citizens of Henry County an effective, efficient and practical policy, while conforming to the laws set forth in the O.R.C, this policy will establish proper procedures and rules governing the land transfer process. Having a good Land Transfer Policy will result in more accurate tax maps, as well as more uniform and legible documents for recording and reviewing.**

**In order to address the interests and concerns of all affiliated parties, each party was asked to send a representative so they could be properly represented on the committee.**

**Our hope was to set forth in writing the criteria by which conveyances of real property will be approved or rejected for transfer by the County Engineer's Office and the County Auditor's Office.**

**All situations cannot be covered by these requirements, and special cases will be handled on a case by case basis.**

**Land Transfer Policy Committee**

**HENRY COUNTY  
LAND TRANSFER POLICY**

**PART A: Requirements for all land transfers**

1. All instruments of conveyance, including Land Installment Contracts, must be submitted to the County Mapping Department for review prior to submittal to the County Auditor who will determine compliance with the provisions of this Land Transfer Policy.
2. Submitting a draft copy prior to the time of transfer is encouraged and will avoid delays and allow time for any corrections to be made.
3. "If a deed conveying title to real property is presented to the County Auditor for transfer, and the deed contains a legal description for land that is a cut-up or split of the grantor's one or more existing parcels of land as shown in the County Auditor's records, or if the legal description of the land conveyed in the deed is different from the legal description shown in the prior deed to the grantor, a boundary survey plat in conformity with the new description shall be submitted with the deed." (O.R.C. 315.251) A new split of ten acres or more that can be described by fractional section description will be allowed.
4. All instruments of conveyance and land installment contracts that are splits and are less than five acres must be submitted to the Henry County Planning Commission or the city zoning department, if applicable, for review. All original surveys of splits approved by the Planning Commission must be presented with the instruments of conveyance to the County Auditor at time of transfer.
5. All reference to cities, villages, roads, recorded plats, railroads, streams, etc., must use current or existing names of record. Old or original names or numbers may be used along with, but not in place of, a current name or number.
6. If an instrument of conveyance is to convey ownership of an adjacent parcel to expand an existing parcel, and such parcels cannot be combined into a single parcel, and do not meet Planning Commission regulations, a statement of intent for combined use shall be required on said instrument prior to approval.
7. All instruments of conveyance shall list tax parcel numbers for the parcels being conveyed.
8. All instruments of conveyance shall list the volume and page of the prior instrument for the parcels being conveyed. (O.R.C. 319.20)
9. The standard format of all instruments of conveyance for the parcels being conveyed shall be prepared in accordance with O.R.C. 317.11, 317.111, 317.112, and 317.114.
10. Any instrument of conveyance that is exempt from real property conveyance fees (O.R.C. 319.54(G)(3)), has a real property description that is vague or ambiguous and would otherwise

require a survey (O.R.C. 315.251), and cannot be corrected according to the other provisions of this Policy will be allowed to transfer. However, the instrument will be stamped “Conditional Approval”.

11. The survey plat and description must satisfy the minimum standards for boundary surveys promulgated by the board of registration for professional engineers and surveyors pursuant to Chapter 4733 of the Ohio Administrative Code and the Ohio Revised Code, and must be submitted to the County Mapping Department for review. If, in the opinion of the County Mapping Department, the survey plat and description satisfy those standards (O.R.C. 315.251), the County Mapping Department will stamp “Description Verified” on the legal description.
12. “A copy of the survey plat shall be filed in the County Engineer’s survey file for public inspection.” (O.R.C. 315.251)
13. “Before the County Auditor transfers any conveyance of real property presented to the auditor under section 319.20 or 315.251 of the Revised Code, the County Auditor shall review the conveyance to determine whether it complies with the standards adopted under this section. The County Auditor shall not transfer any conveyance that does not comply with those standards.” (O.R.C. 319.203)
14. No legal descriptions will be approved when the boundary lines of adjoining tracts of land, or lots in a municipal corporation do not meet, or overlap and encroach upon each other by recorded instruments.
15. Legal descriptions may refer to a subdivision that is not of official record in the County Recorder’s Office as long as other defining characteristics are included. These defining characteristics must make it possible to accurately find and describe a tract or parcel without the use of said subdivision.
16. Legal descriptions that combine platted and non-platted tracts of land, or create non-contiguous parcels will not be approved for transfer.
17. No land-locked parcel shall be transferred that has no right-of-way access, either by easement or adjacent parcel of same ownership. If access is by adjacent parcel of same ownership, the transferring instrument must state that they can only be transferred together. If access is by easement and the easement is not detailed in the instrument, reference must be made to the volume and page of the document detailing the easement.
18. A split will not be allowed unless taxes are current.
19. A transfer will not be allowed unless taxes are current or upon prior approval of the County Auditor.

**PART B: Requirements for all platted lots of record**

1. All instruments conveying a platted lot in a municipality or other subdivided area must designate the following: state, county, municipality, lot number(s), the official recorded plat title, and, if used, the current plat book and page or plat cabinet slide number reference of official record.
2. Any subdivision or split of an existing platted lot must have an accurate description to establish a tax structure for the portion being conveyed. This enables the County offices to determine the residual land (remaining balance) based on existing records.
3. Any subdivision located outside of a municipality shall include state, county, township, and section as part of the description.
4. Any vacated platted lot(s) that are not absorbed by adjacent parcels shall be described by a new metes and bounds description since the lot lines will no longer exist. This new description shall also refer to the former subdivision and lot(s) number for title chain-of-transfer purposes.

**PART C: Requirements for all metes-and-bounds descriptions of record**

1. All descriptions must denote the state, county and municipality or township, town, range, section and quarter section, must have a clear point of beginning, and must close. The description of any parcel that is located in more than one section shall show the number of acres contained in each section and the total number of acres being conveyed.
2. Any existing metes and bounds description which has been incorporated or annexed into a municipality or transferred to another political subdivision must be modified to reflect the new corporate location.
3. If a description spans more than one tax district, and the property cannot be combined for real property taxation purposes (i.e. spanning a corporate line or multiple school districts), the acreage must be stated for the part located in each tax district.
4. Each description shall state the total acreage being conveyed by each parcel after the exceptions have been made.
5. If a parcel spans more than one quarter section, the acreage shall be stated for the amount of land in each quarter section.
6. A parcel is limited to three exceptions. If a parcel has more than three exceptions, the scrivener shall reduce the exceptions to three or less, or a new description and survey shall be made.
7. Any description stated as an exception must meet the above stated guidelines.
8. A. All new metes and bounds descriptions prepared by a Professional Surveyor must incorporate the following:

- a) Printed surveyor's name.
  - b) Ohio Registration Number.
  - c) The date of writing and/or survey.
  - 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, by a certain surveyor, and date of description, or the description was not based on a survey. (See O.A.C. 4733-37-06(D))
9. All new metes and bounds descriptions prepared by a person other than a Professional Surveyor must incorporate the following:
- a) The printed name of the author.
  - b) The date of writing the description.
  - c) 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, by a certain surveyor, and date of description, or the description was not based on a survey. (See O.A.C. 4733-37-06(D))

**PART D: Review Process**

1. If the transfer is a split less than five acres it must first be submitted to the Henry County Planning Commission or the city zoning department, if applicable, for review.
2. Legal instruments shall be submitted to the County Mapping Department, where the legal description and survey will be checked for accuracy and conformity. If the legal description and survey comply with the adopted standards and the Ohio Revised Code, the description will be stamped "Description Verified." Unless problems occur, the instrument will be ready to be picked up within 2 business days.
3. The instrument shall be submitted to the County Auditor. The County Auditor will review the conveyance to determine whether it complies with applicable sections of the O.R.C. and the Land Transfer Policy. If, in the opinion of the County Auditor, the instrument is compliant with the O.R.C. and Land Transfer Policy, the instrument will be transferred.
4. The instrument will then be submitted to the County Recorder, where upon recordation it will become official record. An additional fee will be assessed if Part A Section 8 of this policy is not followed. (ORC 317.114(A)(9))
5. No instruments for final conveyance will be accepted by mail. Drafts may be submitted by mail, fax, or electronic means.
6. Municipalities may have additional requirements. If a conveyance instrument details areas in a municipality it is strongly encouraged contact be made to the municipality prior to submitting the instrument for transfer.

HENRY COUNTY AUDITOR  
Kevin Garringer



HENRY COUNTY ENGINEER  
Timothy Schumm, P.E., P.S.

**WRITTEN AGREEMENT**

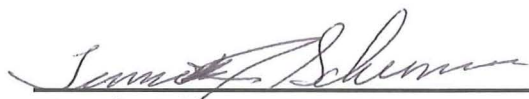
Pursuant to Section 319.203 of the Ohio Revised Code, Timothy Schumm, Henry County Engineer, and Kevin Garringer, Henry County Auditor, hereby agree to amend and adopt the Henry County Land Transfer Policy as the official standards governing all conveyances of real property in Henry County.

Pursuant to Section 319.203 of the Ohio Revised Code, public hearings were held on the adoption of such standards on January 15, 2014 and January 29, 2014, public testimony and written comments were received and responded to at such hearings.

The land transfer policy shall be effective beginning February 1, 2014.

  
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Kevin Garringer  
Henry County Auditor

1-29-14  
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Date

  
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Timothy Schumm, P.E., P.S.  
Henry County Engineer

1-29-14  
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Date