

## **Ashland County, Ohio** **Land Transfer Policy**

### **Purpose:**

The purpose of this document is to provide for uniform treatment of all documents that are submitted for approval for the transfer of land in Ashland County. This policy is effective twenty-one calendar days after the date of recording and will remain in effect until it is rescinded or amended according to law. This document is enacted following public hearings conducted by the Ashland County Auditor and the Ashland County Engineer, held on July 31, 1996 and August 14, 1996 at 1:30 PM in the Human Services Conference Room.

### **Authority:**

This policy is created in accordance with the Ohio Revised Code Section 319.

### **General:**

If there is any question as to the clarity, validity, understanding or acceptance of any legal description that is to be submitted for record to Ashland County, the legal description shall be submitted early for review. Review is to be requested of the tax map office personnel. Time required for review varies with the description; it is suggested that the review time required be based on input from the tax map personnel.

The Ashland County Auditor is final authority on matters of transfer of real estate within Ashland County, however the Auditor will secure advice from the County Engineer on matters of the adequacy of the legal description.

These requirements are for warranty deeds and certificates of transfer.

The vacation of public land is not considered a transfer, in that no deed occurs, is not included in this regulation.

### **Existing Lots of Record:**

For lots of recorded plats, the proper legal description for transfer is the lot number as shown on the plat of record. In addition to the lot number it is necessary to refer to the official plat name, and where the plat may be found in the Plat records of Ashland County.

If the parcel has been annexed since the recording of the original plat, there shall be provided a revised situate.

Lots from unofficial or unrecorded plats (such as Pine Hill Cabin sites) may be transferred using lot numbers so long as the previous transfer used lot numbers. From this time forward, the original transfer and all succeeding transfers for lots in newly created unofficial or unrecorded plats must be by a metes and bounds description.

All instruments of conveyance will be required to have the permanent parcel number and the prior deed record volume and page.

Vacated lots no longer exist. The transfer of a vacated lot will be by a metes and bounds description prepared by a registered surveyor. Lots are vacated by recording of a plat, vacating same.

The approval stamp of a description for any existing lots of record will be, "Copy of Old Description".

### **Existing Metes and Bounds Descriptions:**

The description for a parcel to be transferred by a metes and bounds must match exactly the description of a previously recorded legal instrument. Scrivener errors can be corrected by providing the correct information in parenthesis.

All description parts must have the prior deed reference.

All save and exceptions are to be completely typed. A save and except of a platted lot shall use the lot number. All save and except descriptions shall provide the prior deed reference and permanent parcel number. A maximum of five (5) save and exceptions may be used in a legal for transfer.

To improve the intent of the instrument it is acceptable to provide a "Meaning to Convey" statement.

Transfer instruments with legal descriptions that are the same parcel as a previously recorded description will be stamped, "Copy of Old Description".

Vague or unclear descriptions, even though clarity is improved by the "Meaning to Convey" statement, will be stamped to require a survey to be done prior to the next

transfer of all or any part of the unclear description in question. A stamp will be placed both on the deed and in the land ownership records of the tax map and auditor's office. A stamp similar to, "Survey Required Prior to Next Transfer", will be used for this purpose.

For the purpose of this document, a vague or unclear description is one that cannot, with certainty, be plotted or located on the tax maps by the employees in the tax map office. Should these employees determine a vague or unclear description exists, the employee will recommend the new survey requirement. Final determination of whether a description is vague or unclear will be made by the County Engineer, with the endorsement of the County Auditor.

### **New Metes and Bounds Descriptions**

In accordance with the laws of the State of Ohio, a legal description is the practice of surveying and as such, it must be prepared by a Surveyor registered to practice in the State of Ohio. Descriptions must meet the requirements of Section 4733 of the Ohio Revised Code and Chapter 4733 of the Administrative Code. These laws are herein incorporated by reference.

The review of the legal description should be initiated a minimum of four (4) working days prior to the submittal of the deed for approval.

All new lot splits of less than five (5) acres located in the unincorporated area of Ashland County shall be submitted to Regional Planning Commission for review, prior to submittal of the instrument for transfer.

All new parcel splits within the limits of a municipal corporation in Ashland County shall be submitted to that municipal corporation for review, prior to submittal of the instrument for transfer.

A reproducible plat shall be provided to the Tax Map office for any new legal description that is submitted for record. This plat will become a part of the permanent records of the office. This plat should be submitted with the request for review of the survey description.

The survey description must provide a breakdown of the acreage included in each parcel. If more than one existing parcel is included within the boundary of the survey, the legal description shall provide acreage breakdown of each individual parcel.

There will be a mathematical closure run on all new legal descriptions, or in the alternative the surveyor may present evidence of closure from a computer printout.

Legal descriptions will be stamped, "New Description Approved-Existing Parcel", for those descriptions that do not create any new parcel; or "Description Approved-Ashland County Engineer" for those legal descriptions that create a new parcel.

The maximum plat size is 24" by 36".

Any easement that effects or provide land access shall be shown on the plat. A description of said easement shall be included in the legal description.

It is valid to include a "Meaning to Convey" statement following the description.

New legal descriptions that are prepared for land contracts are included in this regulation.

### **Annexations or Detachments:**

All descriptions and plats submitted for annexation or detachment shall meet the requirements for new metes and bound descriptions for a new single parcel. There shall be a legal description and a plat prepared that meets the requirements of the applicable sections of the Ohio Revised Code and shows clearly ownership, jurisdiction and intent.