CONVEYANCE STANDARDS & TRANSFER PROCEDURES FOR REAL PROPERTY IN JEFFERSON COUNTY, OHIO

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Update of the 2011 Jefferson County Conveyance Standards while incorporating electronic submission, and digital conveyance procedures.

Revision History

Original Effective Date: January 3, 2011
Revision Effective Date

INSTRUMENTS TO BE SUBMITTED TO THE JEFFERSON COUNTY ENGINEER'S MAP DEPARTMENT BEFORE CONVEYANCE AND/OR RECORDING

Existing real estate descriptions of record; all street, alley, road and subdivision vacations; new survey plats and descriptions; subdivision plats; road establishments; annexation descriptions; land contracts; perpetual leases.

Electronic submissions in PDF format may be submitted through approved electronic recording or digital submission systems authorized by Jefferson County. The following instruments shall be submitted for review as applicable: mineral and subsurface interest conveyances; easements and rights-of-way; easement modifications, relocations and releases; and other instruments creating or transferring geographically defined property rights.

The Jefferson County Engineer's Map Office does preform pre-approvals. Originals presented for transfer must be signed and notarized prior to stamping.

PROCEDURES PRIOR TO ACCEPTANCE FOR TRANSFER

A. Instruments of conveyance and new surveys should be submitted at least seven (7) business days prior to transfer. Electronic submissions shall be accepted in accordance with county electronic review procedures. Descriptions in Deed Records prior to the Official Records must be pre-approved by the mapping department prior to conveyance. Instruments conveying by a new survey description cannot be processed until both the new description and plat are submitted to the Jefferson County Engineers Map Department for approval. Descriptions will be checked by the Map Department as promptly as possible.

B. Existing descriptions of record that do not meet current requirements may transfer one time if acceptable to the Map Department and appropriately stamped. Jefferson County Engineers Map Department personnel will initial this stamp stating "NEW DESCRIPTION NECESSARY FOR FUTURE TAX MAP TRANSFER".

C. All combinations and splits must be pre-approved by the Mapping Department. Parcels under five acres will require Planning Commission and Health department approval prior to transfer. Residue or remainder parcels less than 5 acres will require approval prior to being created. Parcels over 5 acres that do not contain frontage along a public road shall receive planning commission approval.

D. Descriptions marked "NEW DESCRIPTION NECESSARY FOR FUTURE TAX MAP TRANSFER" will not be accepted for transfer except as otherwise permitted herein.

E. Property with poor descriptions acquired through Sheriff's sale and Delinquent tax sale may require survey prior to future conveyance.

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F. New surveys submitted and approved shall be marked "APPROVED" and may receive digital or manual approval notation. Construed survey descriptions shall not be accepted as a survey.

G. Descriptions meeting current requirements will transfer with an approved stamp and reviewer initials.

H. Immediate family transfers may be reviewed administratively; however, future survey correction may still be required. Transfers between LLC's, Corporations, and Companies are not considered immediate family even if immediate family is the owner. Descriptions which are poor but are transferring between immediate family members will transfer with a red stamp, even if the prior description was red stamped, **if the property is a gift**. If the property was being sold, even to a family member, it must be surveyed. (Immediate family includes; mother, father, son, daughter, grandparents, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, mother-in-law, spouse, and grandchild.) Exceptions are not limited as in requirement #6 of Requirements for Transferring All Deed Descriptions. The remaining acreage of each tract to be conveyed shall be stated.

I. Electronic submissions may receive digital approval stamps containing reviewer initials, approval dates, CC# Closure Checked, and EC# Error in Closure.

MINIMUM REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE

All instruments presented shall be legible originals or electronically submitted documents containing legally compliant digital signatures and seals.

Space must be provided for stamps from various offices by leaving adequate margins on instrument forms.

Electronic submissions shall:
A. Be submitted in PDF/PDF-A format where possible;
B. Be legible and suitable for permanent archival;
C. Include all required exhibits, seals, acknowledgements, and supporting documentation;
D. Be scanned at a minimum resolution of 300 DPI;
E. Not contain password protection or editing restrictions;
F. Preserve original drawing scale where applicable.

Descriptions/plats submitted shall conform to Ohio Revised Code Sections 315.251 and 319.203 and Ohio Administrative Code Chapter 4733-37 and Jefferson County Conveyance Standards.

DIGITAL REVIEW PROCEDURES

A. Electronic submissions may be reviewed utilizing approved digital review software.

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B. Review comments, approvals, deficiency notices, and correction requests may be applied electronically.

C. Electronic document stamps may contain:
1. Approval Stamps
2. Reviewer Initials
3. CC# Closure Checked
4. EC# Error in Closure
5. Digital Deficiency Notices

D. Approved electronic documents may be flattened and archived as permanent county records.

REQUIREMENTS FOR TRANSFERRING ALL DEED DESCRIPTIONS

1. The preamble/situation/caption shall state: State, County, Township, range number, township number, section number, quarter section, subdivision, corporation or village, Auditor's geographic parcel number, and current address where available.

2. All instruments must contain a complete legal description.

3. Descriptions differing in context from the prior recorded description will not be accepted except for approved corrections or exceptions.

4. Corrective deeds shall clearly state the purpose and nature of the correction.

5. Affidavits involving real estate shall contain the property description attached.

6. Exception areas shall contain the acreage, name it was deeded to, and volume & page of the 1st conveyance of the exception from the parent parcel. Residual acreage and tax parcel remainder areas shall be clearly identified. No more the 3 (three) exceptions per tract will be approved. Exceptions are to be recited at the conclusion of each parent tract. If more than half of the original area is excepted a new survey is required. All instruments of conveyance using exceptions to convey the balance or the remainder of a tax parcel(s) must incorporate a statement identifying the tax parcel(s) and district to be conveyed and the current taxable area as set forth on the County Auditor's tax list for the subject conveyance (i.e. "it is the intent of this instrument to convey all of the tax parcel(s) [number and district], containing [acreage or footage], as shown by the County Auditor's records").

7. Each tract conveyed shall state the volume/page or instrument number of the most recent prior deed.

8. A survey shall generally be required for parcel splits and parcel combinations.

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9. Descriptions falling in multiple taxing districts shall contain a breakdown of acreage.

10. Descriptions containing vague or ambiguous language may be rejected.

REQUIREMENTS FOR TRANFER OF ALL MINERAL RIGHTS, EASEMENTS, RIGHTS-OF-WAY, AND OTHER PROPERTY INTERESTS

A. General and Scope of Review

Instruments conveying, reserving, excepting, creating, modifying, releasing, or otherwise affecting a separate interest in real property shall contain a description sufficient to identify the affected parent parcel or parcels and, where applicable, to establish the location and limits of the property interest being conveyed, reserved, excepted, dedicated, modified, released, or otherwise affected.

Review and approval by the Jefferson County Engineer, County Auditor, or Map Department is limited to compliance with the applicable technical, mapping, and conveyance requirements of these Standards. Approval shall not constitute an opinion or certification of title; a determination of ownership; a determination of the validity, enforceability, priority, or marketability of any property interest; or an interpretation of the legal effect of any deed, easement, reservation, exception, covenant, restriction, lease, or other instrument.

B. Mineral and Subsurface Interests

An instrument conveying, reserving, excepting, or otherwise transferring minerals, mineral rights, oil and gas rights, coal rights, or other subsurface interests shall identify the surface parcel or parcels from which the interest arises. The instrument shall include, as applicable, the Auditor's tax identification number/parcel number, appropriate geographic identification, a reference to the prior recorded instrument through which the grantor claims the affected interest, and a legal description sufficient to identify the land underlying which the mineral or subsurface interest exists.

Where the instrument affects all minerals, a specified mineral estate, or a fractional or undivided mineral interest underlying the entirety of an existing parcel, and no surface boundary is changed, a new boundary survey of the surface parcel shall not be required solely because of the mineral transaction, unless otherwise required by law or these Standards. The instrument shall clearly state the nature and extent of any fractional or undivided interest conveyed.

Where a mineral or subsurface interest affects only a geographically defined portion of an existing parcel, the affected area shall be described with sufficient specificity to establish its location. When the limits do not coincide with existing parcel boundaries, the Map Department may require a survey description and plat sufficient to locate the affected area.

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Where a mineral or subsurface conveyance requires the transfer or creation of a separately taxed mineral interest, the instrument shall satisfy the requirements of the County Auditor for identification, valuation, and transfer of that interest. Administrative parcel, mineral-interest, or mapping identifiers assigned by the County are for recordkeeping purposes and do not independently create or determine ownership.

C. Easements

An easement that does not change a fee-simple parcel boundary shall not be considered a parcel split solely because the easement is created, conveyed, modified, relocated, or released. An easement instrument submitted for review shall identify the parcel or parcels burdened by the easement, the Auditor's tax identification number/parcel number or numbers where applicable, the party or parcel benefited by the easement when applicable, and the location and extent of the easement.

A newly created easement shall be described sufficiently to locate the easement with respect to the parent parcel. The description shall include, as applicable, courses and distances; easement width; centerline or baseline information; point of commencement and point of beginning; references to identifiable parcel boundaries, survey monuments, road centerlines, or other controlling features; acreage or area when required; and sufficient information to determine the location of the easement.

A blanket easement affecting an entire parcel, or an easement whose location is intentionally unspecified, may be identified as a blanket easement when the instrument clearly expresses that intent. The Map Department shall not be responsible for establishing a specific location when the recorded instrument does not establish one.

An instrument modifying, relocating, partially releasing, or terminating an existing easement shall contain a reference sufficient to identify the easement being affected. If only a portion is modified, relocated, or released, a description and plat sufficient to identify the affected portion may be required.

D. Access Easements

Applicable subdivision regulations, zoning regulations, or other laws may require, where a proposed conveyance creates a parcel that does not have frontage on an existing public road, evidence of legal access. Nothing in these Standards shall be construed as independently authorizing the creation of a landlocked parcel.

An access easement submitted in connection with a conveyance shall identify the parcel burdened by the easement and the parcel or property benefited by the easement and shall be described sufficiently to establish its location and width. Approval of an access easement description signifies only that the description is technically sufficient for the purpose reviewed and does not determine whether the easement provides adequate or legally enforceable access for zoning, subdivision, building, emergency-service, financing, title-insurance, or other purposes.

E. Public Road and Highway Rights-of-Way

A conveyance of property in fee simple for public road or highway purposes that changes an existing parcel boundary shall comply with the applicable requirements for a fee-simple conveyance, new legal description, and boundary survey.

An instrument creating or conveying an easement for public highway or roadway purposes shall identify the affected parent parcel, existing road or highway, road centerline or other controlling survey line where applicable, existing and proposed right-of-way limits, easement width or variable width, courses and distances necessary to establish the easement, relevant stations and offsets where applicable, and the area within each affected parcel when required.

Temporary construction, grading, slope, drainage, or similar easements associated with a public improvement shall be identified separately from permanent right-of-way interests and shall state the duration or terminating event when established by the instrument.

F. Utility, Drainage, and Similar Easements

Utility, drainage, sanitary sewer, waterline, pipeline, telecommunications, and similar easements shall be described sufficiently to identify their location within the affected parcel when submitted for technical review. Where an easement is described by centerline, the description shall state the easement width and whether the width is centered upon the described line or extends a specified distance to either side. Appurtenant facilities, additional work areas, temporary construction areas, or variable-width portions shall be separately identified when necessary to establish the limits of the property interest.

G. Reservations and Exceptions Affecting Property Rights

Any reservation or exception that affects the geographic extent of the fee-simple property being conveyed shall be described sufficiently to determine the boundary of the property conveyed and the property retained or excepted and remains subject to Requirement 6 above. An exception that removes a geographically defined portion from the fee-simple conveyance may be subject to the survey and description requirements applicable to parcel splits and new boundaries.

Reservations of mineral rights, easements, development rights, or other nonpossessory interests that do not alter the fee-simple boundary shall not, solely by reason of the reservation, constitute a parcel split.

H. Other Property Interests

Instruments creating or transferring conservation easements, development rights, air rights, leasehold interests, restrictive covenants, licenses, or other interests in real property may be reviewed to determine the identity of the affected parcel and the sufficiency of any geographic description contained therein. Unless otherwise required by law, such interests

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shall not require creation of a separate tax parcel solely because the interest has been created or transferred.

I. Survey, Mapping, and Administrative Identification

Whenever a survey is required by these Standards or applicable law, the survey, plat, and legal description shall comply with Ohio Revised Code Sections 315.251 and 319.203, Ohio Administrative Code Chapter 4733-37, and these Jefferson County Conveyance Standards.

The County Auditor may assign parcel numbers, suffixes, mineral-interest identifiers, mapping numbers, or other administrative identifiers as necessary for taxation, transfer, indexing, or mapping. Such identifiers are for County recordkeeping purposes and shall not independently create, establish, enlarge, diminish, or extinguish any ownership interest or property right. An Auditor's tax identification number/parcel number is not a legal description and shall not supersede the legal description contained in the instrument.

Questions involving title, ownership, or the legal effect of an instrument shall not be determined through the technical conveyance-review process.

REQUIREMENTS FOR TRANSFERRING - EXISTING DEED DESCRIPTIONS OF: ALL LOTS AND OUTLOTS (PLATTED AND UNPLATTED)

1. Lots in platted areas which are shown on plats in the office of the County Recorder shall be described by lot number, officially recorded name of addition or subdivision, and with reference to a plat book and page number, or cabinet and slide number.

2. Descriptions of parts of such lots and out-lots of recorded plats shall be adequately tied to a recorded lot corner or street intersection shown on the recorded plat and shall give dimensions of each part. Furthermore, any part lot that is irregular (that is not rectangular) must be metes and bounds description and conform to the requirements for all Metes and Bounds Descriptions of Record.

3. Partial conveyances such as "the north half" of a lot shall refer to an equal conveyance of area and shall define the direction of the dividing line, e.g. "parallel with the north lot line".

REQUIREMENTS FOR TRANSFERRING - EXISTING METES AND BOUNDS DESCRIPTIONS OF RECORD

1. Deed descriptions referring to acreage in un-platted areas shall be by metes and bounds and adequately tied to identifiable monuments or corners.

A. Section corner, quarter section corner, fractional section corner, or nearby recorded subdivision corner.

B. Previously recorded surveys of monumented tie-downs that meet the current transfer requirements.

C. When none of the above can be located, recorded highway monumentation or intersection of two roads listed on the current state inventory of county roads may be used.

2. Vague terms such as “northerly direction” or “along a road” are not acceptable without sufficient clarity.

3. Existing and new metes and bounds descriptions shall maintain sufficient mathematical closure accuracy for conveyance purposes.

4. Acreage within vacated subdivisions require new survey prior to transfer.

5. Public Land Survey System fractional descriptions may be accepted where appropriate.

REQUIREMENTS FOR NEW SURVEYS

All new survey plats and descriptions must be prepared, signed, dated, and sealed by a registered Professional Surveyor and shall satisfy Ohio Administrative Code Chapter 4733-37 and Jefferson County Conveyance Standards.

A. Digital drawing files may be submitted in conjunction with plats and descriptions in approved formats.

B. Geographic coordinate references, GPS observations, GIS data, and State Plane Coordinate references may be utilized where appropriate.

C. All descriptions shall reference an established point of beginning.

D. Bearings shall clearly identify the basis of bearing utilized.

E. All new metes and bounds descriptions shall be subject to computer and/or GIS verification as to closure, geometry, parcel topology, and consistency with existing tax mapping records.

F. Approved descriptions may be digitally stamped “APPROVED” or similarly designated by the Jefferson County Engineer’s Map Department.

REQUIREMENTS FOR SUBDIVISION PLATS

The subdivision plat shall satisfy Ohio Administrative Code Chapter 4733-37 and Jefferson County Subdivision Regulations.

Additional requirements:
1. Perimeter description of subdivision must appear on plat.
2. Plat shall not exceed 24 inches by 36 inches.

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3. Acreage from each tract used to create subdivision shall be stated.
4. Location map identifying nearby section lines, roads, and corporation lines shall be provided.
5. GIS parcel verification may be utilized during review.
6. Acreage for each lot and outlot in the subdivision shall be included in the plat.

ERECORDING COMPATIBILITY

Jefferson County may accept electronic submissions and recordings through approved vendors including Simplifile, CSC, ePN, or equivalent approved electronic recording systems.

SPECIAL CASES

Situations not specifically addressed herein shall be handled as special cases by the Jefferson County Engineer's Map Department.

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Pursuant to Section 319.203 of the Ohio Revised Code, E.J. Conn, the Jefferson County Auditor, and Eric, B. Hilty, the Jefferson County Engineer, hereby agree to the forgoing standards governing the conveyance of real property in Jefferson County, Ohio, and hereby adopt the same as the official standards governing all conveyances of real property in said county.

The official standards so agreed to and adopted are attached hereto and made a part hereof. This agreement is adopted in the duplicate and each of the Parties hereto shall keep and maintain in their office and original copy of the agreement.

In accordance with sections 319.203 of the Ohio Revised Code, public hearings were held on the adoption of such standards on _____ and _____, and public testimony and written comments were solicited and received at such public hearing.

The official standards agreed to, adopted and attached hereto, shall be effective for all conveyances presented to the Jefferson County Auditor and Jefferson County Engineer on or after _____.

AGREED TO:

_____ _____

E.J. Conn
Jefferson County Auditor

Eric. B. Hilty
Jefferson County Engineer

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