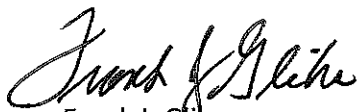


TRANSFER AND CONVEYANCE STANDARDS OF THE
GEAUGA COUNTY AUDITOR AND THE GEAUGA COUNTY
ENGINEER ADOPTED PURSUANT TO OHIO REVISED CODE
SECTION 319.203



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Adopted: 6-3-10

FORWARD

In accordance with Section 319.203 of the Ohio Revised Code, the Geauga County Auditor and the Geauga County Engineer, by agreement, hereby establish the following standards governing the conveyance of real property in Geauga County.

These standards were originally effective on May 8, 1996 and were amended on September 5, 2000 and June 4, 2010.

It is the intent and purpose of these standards to provide a uniform method of reviewing instruments conveying real property to insure that property is accurately and properly described for taxing purposes.

It is understood that all situations and circumstances cannot be covered by these standards. When those situations and circumstances arise, they will be addressed by the County Auditor and the County Engineer.

All authors of conveyance instruments are encouraged to contact the County Auditor's Office well in advance to transfer with any questions.

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DEFINITIONS AND ABBREVIATIONS

Affidavit for Lot split – A document stating a lot split prior to March 31, 2010 was not reviewed for zoning

Affidavit relating to title- An Affidavit relating to certain facts that may affect the title to real estate as further defined in ORC 5301.252

Condominium – A division of land involving real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to Chapter 5311 of the Ohio Revised Code and under each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property

Control Station – A public monument recited in legal descriptions or plats to reference the survey to the Geauga County GIS maps and to physical locations on the earth

Conveyance – Transfer of title to property from one person, people or entity to another person, people or entity

County Auditor, County Engineer or other official title – shall be understood to refer to officials of Geauga County, Ohio acting in accordance with and pursuant to the provisions of the Resolutions of said County and the laws of the State of Ohio

Deed of Record – Property Deeds recorded in the Recorder's Office

Descriptions of Record – Legal Descriptions found in property deeds recorded in the Recorder's Office

Easement – A right, such as a right of way, afforded a person people or entity to make limited use or restricted use of another's real property which usually does not include fee title rights

Exception – An act excluding a parcel or right to real property from a conveyance. An exception is usually by a legal description or statement from the subject parcel

Grantee – The person or legal entity to whom a grant or conveyance is made

Grantor – The person or legal entity by whom a grant or conveyance is made

Instrument – A legal document, such as a property deed

Interest in Real Property – A right, claim or legal share in rights in a piece of real property

Legal Descriptions – Written Words used to delineate the specifics of and define the boundaries of a piece of land

Lot split – The division of land into two or more parcels or lots

Metes and Bounds – The boundaries or limits of a tract of land described by the referencing of directions and distances between points on the land, usually denoted by directional bearings and distances

Monument – An object, such as a pin, pipe, post or stone, fixed in the ground so as to mark a boundary, property corner or position

Outlot – A parcel of land remaining from an original parcel of real property after a subdivision has been divided from a portion of that original parcel

Parcel – A plot of land, usually a division of a larger area

Platted Lot – A parcel of land depicted on map or plat recorded in the Recorder's Office

Previous Split Notification – A document notifying the Grantee that the lands involved in a transfer were not reviewed for zoning prior to and may not currently conform to local zoning regulations

Point of Beginning – In a metes-and-bounds legal description, the starting point of the survey, situated at one corner of the parcel. All metes-and-bounds descriptions must follow the boundaries of the parcel back to the point of beginning

Professional Surveyor – A surveyor registered with the State of Ohio approved to perform survey work within the state

Real Property – Property consisting of land

Recorded Source – A citation as to the volume number and page number of deed, plat or other legal document recorded in the Recorder's Office

Remainder parcel – Lands remaining as part of the original parcel after a parcel or lot split

Road frontage – When a boundary of a parcel runs along a road centerline, right-of-way boundary or is located between the centerline and right-of-way boundary for a specified distance

Situate – A statement of the original lot, tract, township, range, state or other pertinent location information found in the first paragraph of a legal description

Subdivision – A division of land as defined by Section 711.001 of the Ohio Revised Code. This division usually is subject to the Planning Commission regulations

Sublot – A parcel of land created by a subdivision plat recorded in the Recorder's Office. Sublots are usually assigned numbers on the subdivision plat

Tax Parcel – A unit of land defined by the County Auditor for taxing purposes

Taxing Districts – Districts created by the County Auditor divided by political entity boundaries in order to properly collect and distribute taxes

Transfer or Convey – To give an interest in real property

Vacated Sublot – A parcel of land which was previously a platted lot and an integral part of a subdivision, vacated pursuant to Section 711.25 and 711.27 of the Ohio Revised Code. A vacated sublot is no longer described per the recorded plat

U.S. Survey foot – A defined conversion factor relating meters to feet. The conversion ratio 39.37/12 is used in Ohio to convert meters to feet

ABBREVIATIONS

CAUV – Current Agricultural Use Value

GIS – Geographic Information System

ORC – Ohio Revised Code

OAC – Ohio Administrative Code

Section 1

APPLICATION OF THE CONVEYANCE STANDARDS

In accordance with Section 319.203 of the Ohio Revised Code, before the county auditor transfers any conveyance of real property presented to the auditor under Section 315.251 or Section 319.20 of the Ohio Revised Code, the county auditor shall review the conveyance to determine whether it complies with the standards adopted herein. The County Auditor shall not transfer or convey property that does not comply with these standards.

These standards apply to any transfer and/or conveyance of an interest in real property, made by conveyance, partition, devise, descent, court ordered, certificate of transfer, affidavit, or any other document that would cause the following:

(A) Change in Ownership Rights of Real Property

Any instrument that creates, transfers, or terminates any interest in land or minerals that would cause a change in the name of the record owner or any one of the record owners must be presented to the County Auditor pursuant to ORC 319.20.

(B) Change in Legal description of a Parcel of Land

Any instrument that changes, corrects, or amends an existing description of record of any parcel of land must be reviewed by the County Engineer pursuant to ORC 315.251 and then presented to the County Auditor.

Section 2

REQUIREMENTS FOR ALL INSTRUMENTS

All instruments conveying an interest in real property that are subject to ORC 319.20, including all court orders and certificates of transfer, shall contain the following;

(A) Instruments Shall Conform to Law

All deeds and other instruments conveying an interest in real property shall conform to the laws of the State of Ohio.

(B) Original Document

The instrument must have the original signature of the grantor or affiant. Certificate of Transfer and other court ordered transfers must bear the signature of the presiding judge and show that it has been filed with the Clerk of Courts or be a certified copy of the journal entry.

(C) Physical Quality of Document

No instrument will be accepted which has been previously identified as a "Poor Original" or has taped, stapled or pasted portions attached thereto. Authors are advised to follow the current Recording guidelines established by ORC 317.114 to avoid additional recording fees.

(D) Identification of Interest Conveyed

The instrument shall clearly identify the interest in real property being conveyed.

(E) Reference to Prior Instrument of Record

A reference to the volume and page of the immediate preceding recorded source by or through which the grantor claims title as required by ORC 319.20.

(F) Tax Mailing address of Grantee

A statement containing the complete tax mailing address of the person, persons or institution responsible for paying taxes for the transferred parcel or parcels.

(G) Parcel Numbers

Instruments of Conveyance shall denote the Parcel Number(s) assigned by the Auditor.

(H) Conveyance Forms

Property will not be transferred unless accompanied by a properly completed DTE 100 or DTE 100EX conveyance form. One conveyance form is needed for every document being transferred.

Property being transferred that is enrolled in the Homestead Act must complete DTE Form 101. Property qualified for CAUV must complete DTE 102.

(I) Sufficiency of the Legal Description

1. Identification

The description of land must allow the County Auditor and County Engineer to unambiguously identify the real property being transferred. Descriptions containing clerical errors that do not affect these offices ability to identify the property will be accepted provided the clerical errors can be corrected upon the face of the instrument.

2. Description of Tax Parcels

All conveyance documents transferring an interest in a tax parcel shall contain one of the following types of description:

(a) Platted Lot

A platted lot shall be described by its lot number or other designation, the name of the subdivision as platted pursuant to ORC 711.101, the Volume and Page number of the subdivision plat and the total acreage. Approval by the County Engineer shall be evidenced on the Plat.

(b) 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 pursuant to ORC 5311.10 and as denoted on the recorded source.

(c) Metes and Bounds Description

Each tract of land that is neither a platted lot nor a condominium unit shall be described by a metes and bounds description. Said description shall be reviewed in accordance with these conveyance standards. If the metes and bounds description of the real property to be conveyed is different from the recorded source legal description in the most recent conveyance of all or part of that land, a new metes and bounds description will be required.

3. Permitted Exceptions in Description

No single conveyance document may contain more than two (2) exceptions provided the original and the excepted parcels have their own legal descriptions and said legal descriptions are accurate.

Deeds of record that have been recorded prior to May 8, 1996, may contain their original number of exceptions and may add any needed exceptions to transfer that remainder one time. These documents will be stamped:

SURVEY UPDATE REQUIRED
FOR NEXT TRANSFER:

Section 3

REQUIREMENTS FOR SPECIAL CASES

(A) Transfers of Real Property in the Name of a Trust

Before any real property that is held in the name of a trust can be transferred or conveyed from the trust, the trustee(s), if applicable, shall file an affidavit setting forth the information required by ORC 5302.171.

(B) Real Property Located in Multiple Taxing Districts

When a tract of land that is described by a single metes and bounds description is located in more than one county, the Geauga County Auditor shall consult with the County Auditor of the other county to determine the treatment of the land for real property tax purposes.

No single tax parcel shall be created that is located in multiple taxing districts. Any parcel with a single metes and bounds description that is located within multiple taxing districts shall be divided into separate tax parcels by the County Auditor. Any platted lot or subplot that is located in multiple taxing districts will be placed in the taxing district as determined by the County Auditor based upon road frontage, the street address and physical location. Instruments shall state the actual acreage located in each taxing district.

(C) Real Property Transferred as a Result of Death

An affidavit of fact relating to title pursuant to Section 5301.252(B) of the Ohio Revised Code regarding heirship or next of kin [as referenced in Section 317.22 of the Ohio Revised Code] may be presented and filed, with a certified copy of the death certificate or other official acknowledgement of death attached. A survivorship deed pursuant to Section 5302.17 of the Ohio Revised Code may be presented and filed, as long as a certificate of transfer is provided or an affidavit is accompanied by a certified copy of a death certificate.

In addition, any individual who, under the Revised Code or the common law of Ohio, owns real property or any interest in real property as a sole owner, as a tenant in common, or as a survivorship tenant, or together with the individual's spouse owns an indivisible interest in real property as tenants by the entireties, may designate the entire interest, or any specified part that is less than the entire interest, in that real property as transferable on death to a designated beneficiary or beneficiaries by executing, together with the individual's spouse, if any, a transfer on death designation affidavit. Such transfer on death designation affidavit

pursuant to Section 5302.22 of the Ohio Revised Code may be presented and filed, as long as such affidavit provides all of the following:

- a. A description of the real property the title to which is affected by the affidavit and a reference to an instrument of record containing that description;
- b. If less than the entire interest in the real property is to be transferred on death under the affidavit, a statement of the specific interest or part of the interest in the real property that is to be transferred;
- c. A statement by the individual executing the affidavit that the individual is the person appearing on the record of the real property as the owner of the real property or interest in the real property at the time of the recording of the affidavit and the marital status of that owner. If the owner is married, the affidavit shall include a statement by the owner's spouse stating that the spouse's dower rights are subordinate to the vesting of title to the real property or interest in the real property in the transfer on death beneficiary or beneficiaries designated in the affidavit;
- d. A statement designating one or more persons, identified by name, as transfer on death beneficiary or beneficiaries.

(D) Real Property Affected by an Affidavit Relating to Title

An affidavit stating facts to the matters set forth under ORC 5301.252(B) that may affect the title to real estate in this state, made by any person having knowledge of the facts or competent to testify concerning them in open court, may be recorded in the office of the county recorder in the county in which the real estate is situated. When so recorded, such affidavit, or a certified copy, shall be evidence of the facts, insofar as such facts affect title to real estate.

A correction of a legal description may be made by affidavit pursuant to ORC 5301.252 (B)(4) and (B)(5). Such legal description must be reviewed by the County Engineer. The legal description with a County Engineer's stamp or copy thereof must be attached to the affidavit and presented to the County Auditor for review.

(E) Easements

All new easement descriptions with the unincorporated areas of the County must be presented to the Geauga County Planning Commission for review prior to transfer and recording.

Easements within a municipal area must bear the approval stamp from the municipal authority prior to being transferred by the County Auditor.

The City of Chardon has exempted easements from its approval.

Section 4

REQUIREMENTS FOR EXISTING PARCELS AND DESCRIPTIONS

(A) All lots of Record

Any remainder parcel, portion of a lot or parcel must have an accurate description to enable the County Auditor to determine the acreage for taxing purposes.

Lots within a recorded subdivision must be vacated prior to being split or combined pursuant to ORC 711.25, or an amended plat must be filed pursuant to ORC 711.24.

Any area being conveyed that is not within a subdivision must have an accurate metes and bounds description.

The County Auditor will not convey or transfer a parcel that does not have frontage along an existing roadway unless it is transferred to an adjacent landowner or transferred with an adjacent property that has road frontage.

Whenever the descriptive content of an existing metes and bounds legal description is determined to be vague by the County Auditor, the County Auditor may require a survey plat and legal description of the parcel(s) be made and submitted to the County Engineer for approval prior to the transfer of said parcel(s).

(B) Existing Metes and Bounds Legal Descriptions

All existing metes and bounds descriptions of record must be described verbatim as witnessed by the recorded source instrument of a previous conveyance.

Any existing real property that has a metes and bounds description and has been incorporated into a municipality or other political subdivision by means of annexation, since the most previous conveyance, must be updated to reflect its new situate within the instrument of conveyance.

All instruments of conveyance attempting to convey a remainder parcel, outlot or a parcel comprised of previous exemptions must incorporate the following requirements:

1. Each outlot or exception of the original parcel must be described verbatim as witnessed by the previous conveyance of record and must denote recorded sources.
2. All instruments of conveyance using exceptions to convey the balance of 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 Tax Parcel(s) numbers and district, containing acreage or square footage, as shown by the County Auditor's records).
3. The County Auditor and County Engineer will make the necessary marginal notations on the instrument of conveyance to verify the tax parcel(s) to be conveyed.
4. Individuals intending to convey land with exceptions added to the legal description must present a copy of the most recent deed of record for the land being conveyed to the County Auditor.
5. It is recommended that legal descriptions be submitted for review prior to the creation of the final instrument of transfer.

Section 5

REQUIREMENTS FOR LOT SPLITS AND DIVISION OF PARCELS

(A) Lot Splits or Parcels Exempt from a new boundary survey

These include transfer on death designation affidavits, affidavit of survivorship deeds, affidavits of facts relating to title by reason of heirship or next of kin, corrective deeds, and judicial actions. However, the parcel(s) transferred by these types of instruments will still require an updated survey upon the next transfer containing the County Auditor Stamp stating "SURVEY UPDATE REQUIRED".

(B) Subdivision of an Existing Parcel

Any instrument of transfer or conveyance that is defined in ORC 711.001 and the Geauga County Subdivision Regulations must bear the approval stamp of the Geauga County Planning Commission prior to being accepted by the County Auditor for transfer. Upon final approval of a subdivision plat, sublots become separate taxing parcels.

Per ORC Chapter 711 and the Geauga County Subdivision Regulations: All lot splits and combines must be presented to the County Planning Commission for approval or an exemption. These will be reviewed by the County Planning Commission along with the Twp. Zoning Inspector that the new parcel is located within.

The County Auditor does not transfer or convey interest in any real property pursuant to the filing of a plat unless an acceptable transfer is specified on the plat. In cases where property is dedicated to a political subdivision or if the property is vacated by a political subdivision interests in real property may be conveyed in accordance with Ohio law.

All forms required by the County Auditor are available on the website www.auditor.co.geauga.oh.us under "forms".

Section 6

REQUIREMENTS FOR BOUNDARY SURVEYS

If a new boundary survey is required, two (2) copies of the survey plat and legal description shall be submitted to the Tax Map Department of the Geauga County Engineer's Office for review prior to transfer. All survey plats and legal descriptions shall be prepared by a Professional Surveyor. All survey plats and legal descriptions other than transfers to the State of Ohio or any political subdivision of the state for highway or other road purposes shall satisfy the Minimum Standards for Boundary Surveys in the State of Ohio, as codified in Chapter 4733-37 of the Ohio Administrative Code. (See Attachment).

(A) Form of Survey Plats and Legal Descriptions

All copies of survey plats and legal descriptions submitted shall be original sized copies. Copies of these items may be delivered in person or mailed to the office of:

Gauga County Engineer
Tax Map Department
Courthouse Annex, 1st Floor, 1B
231 Main Street
Chardon, OH 44024

(B) Requirements for New Metes and Bounds Legal Descriptions

1. All new metes and bounds legal descriptions, not previously recorded, must be prepared, stamped, signed and dated by a registered Professional Surveyor and must be in compliance with the Ohio Administrative Code Chapter 4733-37.
2. In addition, the following items shall be required:
 - (a) The situate must denote the state, county and municipality or township, tract, lot and section.
 - (b) The legal description must denote recorded source and prior deed reference.
 - (c) Each course of a new metes and bounds description should be a separate paragraph.

- (d) Each course of a new metes and bounds description must contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and the decimal parts thereof as measured or calculated to the second decimal place, from the point of origination to the point of termination of each course.
- (e) Any course of a new metes and bounds description which is a curve must contain delta, its length, its direction (right or left), the radius (in feet and decimal parts thereof as measured or calculated to the second decimal place), and the long chord bearing and distance (in feet and decimal parts thereof as measured or calculated to the second decimal place).
- (f) All references to roads, rivers, streams, railroads etc., must use current names of records. Previous names may also be denoted for clarification purposes.
- (g) All references to adjacent owners should describe owners and County auditor parcel numbers of record at the time the survey was performed.
- (h) All new metes and bounds descriptions must give the area contained within its perimeter in acres calculated to the third decimal place. Total calculated square footage may also be mentioned, if so desired.
- (i) 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.
- (j) All new descriptions will be subject to verification as to the accuracy of the closure and total area of the parcel in accordance with OAC Section 4733-37-04.
- (k) Legal descriptions which satisfy the foregoing requirements will be stamped "Survey Plat and Legal Description Approved per ORC 315.251", and initialed and dated by the County Engineer's Tax Map Department staff.

(C) Requirements for Survey Plats

1. A scaled plat shall be submitted for review of every new metes and bounds description to the County Engineer.

2. All plats of survey must be prepared, stamped, signed and dated by hand by a registered Professional Surveyor and must be in compliance with the OAC Chapter 4733-37.
3. Each adjacent parcel shall depict the current County Auditor assigned permanent parcel number.
4. All surveys must be referenced to the Geauga County GIS System. This may be accomplished by denoting State Plane Coordinates for at least two monumented corners of a parcel or by referencing the survey to two established public monuments. Acceptable control points may include centerline intersection of streets or highways, section or quarter section corners or platted lot corners.
5. Survey plats which satisfy the foregoing requirements will be stamped "Survey Plat and Legal Description Approved per ORC 315.251", and initialed and dated by the County Engineer's Tax Map Department staff.

(D) Subdivision and Condominium Plats

1. All subdivision and condominium plats within the incorporated and unincorporated areas of the County shall be reviewed by the office of the County Engineers for conformity with OAC Section 4733-37 prior to being transferred by the County Auditor.

(E) Metric Measurements

1. Each course of a new metes and bounds description prepared using the metric system shall include the following:
 - (a) Distances shall be recited in meter and decimal parts thereof, along with the equivalent distance in feet and decimal parts thereof, in parenthesis, as measured or calculated to the second decimal place.
 - (b) Bearings shall be expressed in degrees, minutes and seconds.
 - (c) Curves must contain the delta of the curve, its length, direction (right or left), the radius in meters and decimal parts thereof, and the long chord bearing and distance in meters and decimal parts thereof.

2. Area shall be expressed in hectares calculated to the third decimal place along with the equivalent area expressed in acres also calculated to the third decimal place.
3. The U.S. Survey foot definition shall be used when converting between meters and feet. The conversion ratio of 39.37/12 is the U.S. Survey foot multiplier used to convert meters to feet.

(F) Review Process

The initial review time for plats and descriptions may take up to five (5) working days. If corrections or amendments are needed, the County Engineer's staff will contact the surveyor directly. The County Engineers will need to re-review any corrected or amended plats or descriptions.