

**CONVEYANCE STANDARDS
FOR
PIKE COUNTY, OHIO**

Denny T. Salisbury, P.E., P.S., Pike County Engineer

Teddy L. Wheeler, Pike County Auditor

DEED REVIEW AND REAL PROPERTY TRANSFER STANDARDS

Sec. 315.251

Sec. 315.251. (A) 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. The survey plat and description shall satisfy the minimum standards for boundary surveys promulgated by the board of registration for professional engineers and surveyors pursuant to Chapter 4733. of the Revised Code. If, in the opinion of the county engineer, the survey plat and description satisfy those standards, the county auditor shall accept the deed for transfer and a copy of the survey plat shall be filed in the county engineer's survey file for public inspection.

This section applies only if the requirements of this section are included in the standards governing conveyances of real property in the county adopted under section 319.203 of the Revised Code.

(B) Beginning on the effective date of this amendment, the counties where the county engineer elects to engage in the private practice of engineering or surveying under division (B) of section 325.14 of the Revised Code the county auditor of that county shall designate another engineer who is registered under Chapter 4733. of the Revised Code and who is employed in the same county engineer's office to perform the duty of the county engineer under division (A) of this section or to exercise or perform any authority or duty of the county engineer under section 319.203 of the Revised Code if any county engineer, reasonably believes that the performance of that duty or exercise of that authority by the county engineer would constitute a violation of Chapter 102. of the Revised code or any other similar civil or criminal statute. Pursuant to this authorization, the designee engineer shall act in the place of the county engineer. Neither the county engineer nor the designee engineer shall discuss any matter reasonably related to this authorization. Any act in compliance with this section is not a violation of Chapter 102. of the Revised Code or any other similar statute.

Division (B) of this section applies only to a county engineer holding office on the effective date of this amendment during such time as the person continues to serve that term or an immediately consecutive term of office as a county engineer.

Sec. 319.20

Sec. 319.20. After complying with sections 319.202, 315.251, and 319.203 of the Revised Code, and on application and presentation of title, with the affidavits required by law, or the proper order of a court, bearing the last known address of the grantee, or of

any one of the grantees named in the title, and a reference to the volume and page of the recording of the next preceding recorded instrument by or through which the grantor claims title, the county auditor shall transfer any land or town lot or part thereof, minerals therein, or mineral rights thereto, charged with taxes on the tax list, from the name in which it stands into the name of the owner, when rendered necessary by a conveyance, partition, devise, descent, or otherwise. If by reason of the conveyance or otherwise, a part only of a tract or lot, minerals therein, or mineral rights thereto, as charged in the tax list, is to be transferred, the auditor shall determine the tax value of the part of a tract or lot of real estate, minerals therein, or mineral rights thereto, so transferred, and the value of the remaining part compared with the value of the whole.

Whenever a part only of a tract or lot of real estate has been transferred by the auditor and such tract or lot bears unpaid taxes, penalties, interest, or special assessments, the unpaid taxes, penalties, interest, or special assessments shall immediately be apportioned, upon demand or request by the transferee or remaining owner, in the following manner:

- (A) The auditor shall allocate to the part so transferred, and to the remaining part, amounts of any current or delinquent taxes, interest, or penalties that have accrued against the parcel as a whole, proportionate to their respective values.*
- (B) The lien of taxes, penalties, interest, and special assessments, as levied against the original tract, shall extend to the part so transferred and the part remaining only to the extent of the amounts so allocated to the respective parts.*

This section does not change the total amount of taxes, special assessments, or other charges as originally levied, or the total amount of the balance due. The auditor shall certify such apportionments to the county treasurer.

Whenever the state acquires an entire parcel or part only of a parcel of real property in fee simple, the county auditor, upon application of the grantor or property owner or the state, which application shall contain a description of the property as it appears on the tax list and the date of ownership, shall prepare an estimate of the taxes that are a lien on said property but have not been determined, assessed, and levied for the year in which the property was acquired. The county auditor shall thereupon apportion such estimated taxes proportionately between the grantor and the state for the period of the lien year that each had or shall have had ownership or possession of the property, whichever is earlier.

Section 319.42 of the Revised Code applies to the apportionment of special assessments.

Complaint against such values as determined by the auditor or the allocation of assessments by the certifying authority may be filed by the transferee or the remaining owner, and if filed, proceedings including appeals shall be had in the manner and within

the time provided by sections 5717.01 to 5717.06 and 5715.19 to 5715.22 of the Revised Code, for complaints against valuation or assessment of real property.

The auditor shall endorse on the deed or other evidences of title presented to the auditor that the proper transfer of the real estate described in such deed has been made in the auditor's office or that it is not entered for taxation, and sign the auditor's name to such deed. The address of the grantee, or any one of the grantees, set forth in the deed or other evidences of title shall be entered by the auditor on the transfer sheets and on the general tax list of real property prepared pursuant to section 319.28 of the Revised Code.

Sec. 319.203.

Sec. 319.203 Subject to division (B) of section 315.251 of the Revised Code, the county auditor and the county engineer of each county, by written agreement, shall adopt standards governing conveyances of real property in the county. These standards may include the requirements specified in section 315.251 of the Revised Code. The county auditor and county engineer may modify those standards from time to time as they consider necessary or desirable. The standards shall be adopted or modified only after the county auditor and county engineer have held two public hearings, not less than ten days apart, concerning adoption or modification of the standards. The standards shall be available for public inspection during normal business hours at the offices of the county auditor and county engineer.

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.

The provisions of Ohio Revised Code Sections 315.251 and 319.203 are hereby adopted by the Pike County Engineer and the Pike County Auditor.

In addition to the requirements as set forth in the Pike County Land Conveyance Standards as adopted under Ohio Revised Code Section 319.203, all new metes and bounds descriptions, and all requirements for plats of surveys must incorporate the principles and minimum standards of good surveying, engineering, and draftsmanship as defined and amended by Administrative Code Chapter 4733-37 pursuant to Chapter 199 of the Revised Code and the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio.

It is the intent of these requirements to provide a standard method of checking legal descriptions for deeds, easements, affidavits and other instruments that require the use of land descriptions.

The purpose of adopting these standards is to minimize the perpetuation of errors in former transfers and to obtain definite and accurate descriptions for future transfers.

These requirements are intended to provide a service to the public to ensure proper and accurate descriptions of property. It is understood that all situations not addressed by these requirements will be handled as special cases by the Pike County Engineer's Office and the Pike County Auditor's Office.

Effective Date: February 28, 2000

*Denny T. Salisbury, P.E., P.S.
Pike County Engineer*

*Teddy L. Wheeler
Pike County Auditor*

REQUIREMENTS OF CONVEYANCE BY THE COUNTY ENGINEER

- A. *All boundary surveys required 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"*
- B. *All measurements will be documented in the Old English (U.S. Foot) System. Because of ODOT requirements, metric measurements may also be included, when applicable.*
- C. *All descriptions and surveys must denote state, county, township, and municipality boundaries. All surveys must also denote range, section, and quarter section where applicable or VMS number(s) when applicable and possible.*
- D. *Any course of a new metes and bounds description which is a curve must contain the direction of the curve (right or left), the radius (in feet and decimal parts thereof), and the long chord bearing and distance (in feet and decimal parts thereof) of the curve.*
- E. *All new descriptions shall have an adequate tie point for the purpose of locating the "true point of beginning" of the parcel. Said point will be a known point such as an intersection of two roads listed on the current inventory of county, township, or state roads.*
- F. *All surveys shall show the existing title and the source of the title of adjoining owners along each boundary line of the subject survey along with acreage of the adjacent tracts when the information is available.*
- G. *All descriptions must be accompanied by a plat of the survey.*
- H. *A legal description of each parcel or lot is required when a plat of a major subdivision is being recorded.*

REQUIREMENTS OF CONVEYANCE BY THE PIKE COUNTY AUDITOR

No transfer will be approved by the County Auditor unless the documents presented meet the following requirements:

- A. A boundary survey is required when any tract, lot, or parcel that is being conveyed is not described in the same manner as the tract, lot, or parcel was described in the immediately preceding conveyance of record. A description and plat of the boundary survey must be submitted to the County Engineer for approval.
- B. A legal description and plat of survey will be required whenever real property to be conveyed is only a part of the Grantor's tract. The documents must be checked and stamped by the Pike County Engineer.
- C. All new descriptions for property within the county will need Planning Commission approval and shall bear a Planning Commission stamp prior to transfer. Only Beaver Village, Piketon Village and Waverly City are exempt from this. They will continue to stamp their own surveys rather than the County Planning Commission.
- D. All new descriptions for splits of property under 5 acres in size will need Board of Health approval and shall bear a Board of Health stamp prior to transfer.
- E. All legal descriptions for new tracts or parcels that are split off an existing tract or parcel shall indicate from which tract or parcel of the existing deed the new tract or parcel is being taken. The legal description for the new tracts or parcels shall also indicate the Auditor's parcel number of the existing tract or parcel from which the new tract or parcel is being taken.
- F. The deed of transfer must have the original signature of the grantor. The Recorder's Office will determine prior to transferring the document if it can be scanned or micro photographed in their office.
- G. All Deeds of Correction shall explain the corrective action being taken in the deed.
- H. All documents transferring real estate must reference the volume and page of the prior recorded instrument.
- I. No instrument containing a new parcel split will be transferred unless accompanied by a completed Proposed Division of Valuation On Split of Acreage, Pike County, Ohio as required by the County Auditor, (see form attached hereto). Both the Grantor and Grantee must sign the form. No Representative will be allowed to sign the form for them.
- J. All instruments of conveyance accompanied by a registered survey which states a difference in acreage from the acreage shown on the auditor's tax duplicate shall state if it is the intent of the instrument to convey all the property owned by the grantor.

- K. All documents to be conveyed must have the original signatures, seals and stamps from the appropriate entities.
- L. Where a tract or parcel is located in more than one township, the total area in each township shall be designated to the best estimation.
- M. A completed DTE Form 100 or DTE Form 100 (EX), as appropriate, shall be provided to the Pike County Auditor for each transfer of real estate, (see forms attached hereto).
- N. All Land Contracts must be presented to the Auditor's office prior to being recorded. They shall be stamped "Transfer Not Necessary" by the Auditor's Office.
- O. Parcel numbers of property being transferred must appear on deeds and attachments thereto.

**PROPOSED DIVISION OF VALUATION
ON SPLIT OF ACREAGE,
PIKE COUNTY, OHIO**

PARCEL # _____ **TOWNSHIP** _____

To the Auditor of Pike County:

Based on a new survey, we submit the following information regarding the parcel:

I. According to the new survey, the parcel Actually contains _____ acres.

IF SURVEY IS ONLY A PART OF PACEL

II. The new survey contains _____ acres from Parcel # _____,

Presently carrying _____ acres in the Auditor s records.

III. The land being survey out is presently being carried in the Auditor s Office as:

_____Homesite _____Woodland

_____Pasture _____Other

_____Tillable

IV. ARE THERE BUILDINGS ON THIS PARCEL?

_____YES _____NO

IF YES, PLEASE DESCRIBE THE BUILDINGS AND WHICH PARCEL THE BUILDINGS ARE ATTACHED TO?

Grantor Date Grantee Date