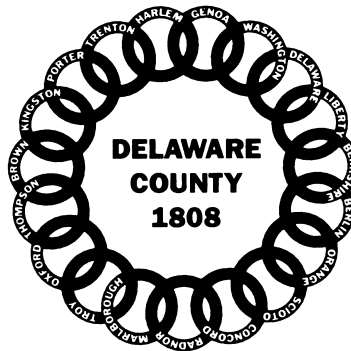


Delaware County Transfer Standards



**Delaware County Auditor
David A. Yost**

**Delaware County Engineer
Chris Bauserman**

Adopted in 1997, Amended in 1999



Dave Yost
County Auditor

Chris Bauserman
County Engineer

June 1, 2000

Dear Stakeholder:

The Ohio Revised Code authorizes the County Engineer and the County Auditor to jointly adopt standards for the transfer of real property within the county. Such standards were adopted in 1997.

Attached are several proposed revisions to the Transfer Standards regarding submission of major subdivisions in digital format, as well as several procedural changes. This letter is to notify you of a thirty-day comment period commencing June 6, 2000. Written comments may be submitted to Delaware County Auditor, DALIS Project at 94 N. Sandusky St., Delaware, Ohio 43015.

These proposed revisions will be the subject of two public hearings after the written comment period has expired. They will be held at 8:30 a.m. July 11 and August 8, 2000 in the County Commissioners' hearing room at 101 N. Sandusky Street, Delaware.

We desire to provide a smooth-functioning process that will serve you, your clients and the people of Delaware County. Your input into this process is valuable and deeply appreciated.

Sincerely,

Dave Yost
Delaware County Auditor

Chris Bauserman
Delaware County Engineer

**TRANSFER AND CONVEYANCE STANDARDS
OF THE DELAWARE COUNTY AUDITOR
AND THE DELAWARE COUNTY ENGINEER
AS ADOPTED UNDER OHIO REVISED CODE SECTION 319.203**

EFFECTIVE DECEMBER 22, 1997

Amended in 1999, amendment adopted in June 2000

Section 1. Application of Transfer and Conveyance Rules.

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

- A. Change In The Name Of Owner(s) Of Land.
Any document that creates, transfers, or terminates any interest in land or minerals that would cause the County Auditor to change the name of the owner or any one of the owners must be presented to the County Auditor under O.R.C. 319.20;
- B. Change In Description.
Any document that changes, corrects, or amends the description of any parcel of land must be presented to the County Auditor under O.R.C. 5713.02; or
- C. Transfer Of Interest That May Affect True Value.
Any document that creates, transfers, or terminates any interest in land that may affect the true value of a parcel for real property tax purposes must be presented to the County Auditor under O.R.C. 5713.03.

Section 2. Special Transfers.

The following transfers are subject to special requirements:

- A. Transfer By Affidavit Of Next Of Kin.
A transfer under the law of descent and distribution may be made pursuant to affidavit under O.R.C. 317.22. A certified copy of the death certificate of other official acknowledgment of death must be attached to the affidavit.
- B. Transfer Of Survivorship Interest.
A transfer of a survivorship interest shall be made pursuant to O.R.C. 5302.17, only upon certificate of transfer or upon affidavit and certified copy of a death certificate of the deceased joint tenant.
- C. Transfer By Affidavit Under O.R.C. 5301.252.
A transfer of the name of the owner or any one of the owners may be made by affidavit pursuant to O.R.C. 5301.252(B)(1); the correction of a legal description may be made by affidavit pursuant to O.R.C. 5301.252(B)(4) and (B)(5); however except in the case of the termination of a life estate or survivorship estate, no transfer shall be made by affidavit pursuant to O.R.C. 5301.252(B)(2) and (B)(3).

Section 3. Specific Requirements For All Documents Of Transfer.

All documents transferring an interest in real property that are subject to O.R.C. 319.20, including all court orders and certificates of transfer, shall contain all of the following:

- A. Reference To Prior Instrument Of Record.
A reference to the volume and page of the record of the next preceding recorded instrument by or through which the grantor claims title, as required by O.R.C. 319.20;
- B. Tax Mailing Address Of Grantee.
A statement of the complete tax mailing address of the grantee or any one of the grantees, as required by O.R.C. 319.20;
- C. Identification Of Interest Conveyed.
The grantor shall state on the instrument of transfer whether the grantor is conveying all, or less than the grantor's current interest in the land.
- D. Instruments To Conform To Law.
All deeds and other instruments transferring an interest in Real Property shall conform to the laws of Ohio or to the law of the place where the instruments were executed.
- E. Document Of Transfer Shall Include Parcel Number And Address.
The document of transfer shall include the County Auditor's parcel number(s) of the land and the current site address of the property, if any.
- F. Conveyance Forms.
No instruments will be transferred unless accompanied by a properly completed "Department of Taxation Form" (DTE) 100 or DTE 100EX conveyance form.

Section 4. Quality of Documents.

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

- A. Original Required.
The document of transfer must have the original signature of the grantor or affiant. In most cases, a copy of a court order will be accepted, but the copy must bear the signature of a judge and show on its face that it has been filed with clerk of court or be a certified copy from the clerk of courts.
- B. Poor Original Not Accepted.
No document of transfer will be accepted which has attached to it a previously recorded document that is identified as a "Poor Original" as determined by the Map Department of the office of the County Engineer.
- C. Illegible Writing.
No document of transfer will be accepted in which the document or attachment to it, is illegible as determined by the County Auditor or County Engineer.

Section 5. Sufficiency Of Description.

- A. Identification.
The description of land shall be sufficient to allow the County Auditor and County Engineer to identify the land that is being transferred. Clerical errors that do not affect the County Auditor's or County Engineer's ability to identify the property will be disregarded, but clerical errors that cannot be resolved will cause the County Auditor or County Engineer to disapprove the transfer.

- B. Description Of Tax Parcels.
All documents that transfer an ownership interest in a tax parcel shall contain one of the following types of description:
1. Platted Lot.
A platted lot shall be described by its lot number or other designation and the name of the subdivision as platted, as required by O.R.C. 711.01.
 2. 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, as required by O.R.C. 5311.10.
 3. Metes And Bounds Description.
Each tract of land that is not a platted lot or condominium unit shall be described by a metes and bounds description in accordance with these rules and approval of the County Engineer.
- C. No More Than Three Exceptions In Description.
No transfer will be approved where the description of the land set forth more than three (3) exceptions to any metes and bounds description. An exception describes land that is included in the general description, but that is not being transferred and is excepted out and identified by a separate description of its own.
- D. Descriptions must meet the requirements of Section 10, (C) and (D) of standards.

Section 6. Boundary Survey.

- 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 plat of the boundary survey must be submitted to the County Engineer for approval in accordance with Section 315.251 of the Ohio Revised Code.
- B. Must Meet Minimum Standards.
All boundary surveys required under 6 (A) 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, along with the current requirements of the County Engineer. (See Section 10).

Section 7. Breaks In The Chain Of Title.

Because the County Auditor needs to determine the ownership of each tract, lot or parcel of real property and because the County Auditor maintains ownership history of each tax parcel:

- A. Grantor Is Not Prior Grantee.
No transfer will be approved where a grantor is not a prior grantee, unless the document itself or an affidavit that satisfies the requirements of O.R.C. 5301.252 is provided to the County Auditor that explains to the County Auditor's satisfaction why there is a break in the chain of title. The County Auditor may also require additional evidence when necessary to establish the correct ownership of the property.
- B. Minor Differences In Names.
Differences in the name of the grantor and a prior grantee based upon the inclusion or

omission of middle names or initials, or different versions of first names (e.g. Charles, Charley), or due to change in name, and similar differences of a minor nature, must be explained in the document itself or an affidavit, as required by O.R.C. 5301.252(B)(1).

Section 8. Planning Commission Approval Of Parcel Split.

A. Subdivision Of Existing Parcel.

Any transfer or conveyance that causes a tax parcel to be split into:

1. a new parcel of five acres or less
2. leaves an existing parcel with five or less acres
3. requires approval by a municipality, or
4. otherwise meets the definition of a subdivision as defined in 711.001 of the Ohio Revised Code

is required to be approved by the appropriate planning commission and must be so approved before it will be accepted by the County Auditor.

B. Auditor Will Not Determine Exemptions.

The County Auditor will not determine whether any split of five acres or less is exempt from planning commission approval, and will accept only a communication from the appropriate planning commission that the split is exempt.

C. No Transfer By Plat.

The County Auditor will not transfer (change the name of any owner of) any real property pursuant to a plat, except by dedication of property to a public purpose upon acceptance by a political subdivision that is set forth on the plat or in a separate document.

Section 9. Land that Is Split By Taxing District Boundaries.

- A. Where a tract of land that is described by a single metes and bounds description is located in more than one county, the Delaware County Auditor shall consult with the County Auditor(s) of the other county to determine the treatment of the land for real property tax purposes.
- B. No single tax parcel shall be created by the County Auditor that is located in different taxing districts. Any land with a single metes and bounds description that is split by taxing district lines shall be made into separate tax parcels by the County Auditor. Any platted lot that is located in different tax districts shall be placed in the district in which the front of the parcel is located, determined by street address, or in which the greater part of the parcel is located if a taxing district line crosses through the front of the lot.

Section 10. Requirements Of Conveyance By The County Engineer.

- A. All new metes and bounds descriptions, and all plats of survey must incorporate the principles and minimum standards of good surveying and drafting and must meet the "Minimum Standards for Boundary Surveys in the State of Ohio", as defined by Section 4733.37 of the Ohio Administrative Code.
- B. Requirements For All Recorded Lot(s) Of Record.
 1. All instruments conveying a recorded lot or other designation in a municipality or recorded subdivided area must designate the lot number or other designation,

the official recorded name, the Plat Book and Page or Official Record reference, and the prior recorded deed reference if any exists.

2. Any parcel, outlot or portion of a recorded lot or other designation must have an accurate description to enable the County Engineer and County Auditor to determine the residue or balance left, based on existing available records.
3. Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have an accurate metes and bounds description.

C. Requirements For Existing Metes And Bounds Descriptions Of Record.

1. All existing metes and bounds descriptions of record will be checked by the County Engineer to verify and identify to the County Auditor the tax parcel(s) to be conveyed.
2. All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer.
3. Any existing metes and bounds description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.
4. All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which outlots or exceptions exist must incorporate the following requirements:
 - a. Each outlot or exception of the original tract(s) must be described verbatim as witnessed by the previous conveyance or record.
 - b. Each documented exception must refer to its recorded source if any, by which it can be verified.
 - c. All instruments of conveyance using exceptions to convey the balance or 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) number and district, containing acreage or footage, as shown by the County Auditor's records).
5. Legal descriptions are encouraged to be submitted to the Map department for pre-approval prior to the creation of the final instrument of transfer. Two (2) working days should be allowed for review of these documents.

D. Requirements For New Metes And Bounds Descriptions For Conveyance.

1. All new metes and bounds descriptions, not previously recorded, must be prepared 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 range, township, quarter township, farm lot, or Virginia Military District Number, etc.
- b. The situate must denote recorded title and deed reference as to the tract(s) of origination.
- c. All descriptions must be tied to a monumented reference point such as centerline intersections of streets or roads of record, record monuments in platted subdivisions, range, township, quarter township or farm lot corners, or Virginia Military District corners or lines, etc.
- d. Each course of a new metes and bounds description should be a separate paragraph, and all courses must be stated in a clockwise direction from the point of beginning to the point of termination for the subject description.
- e. 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, from point of reference to a point of termination of each course.
- f. Each course must contain the names of current adjoining owners together with the recorded Deed Book and Page or Official Record for each. When a course being described adjoins a recorded platted subdivision a call for the Plat Book and page will suffice.
- g. Each course must show all other common lines such as centerline of roads, rivers, streams, range, township, quarter township or farm lot lines, Virginia Military District lines, or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.
- h. Any course of a new metes and bounds description which is a curve must contain the direction of the curve (e.g., right or left), the radius (in feet and decimal parts thereof), the angle delta and the long chord bearing and distance (in feet and decimal parts thereof) of the curve.
- i. All references to roads, rivers, streams, railroads, etc., must use current or existing names and road number of record. Old or original names should also be mentioned.
- j. All new metes and bounds descriptions must state the area, in acres, contained within its perimeter and calculated to the third decimal place, as required by the County Auditor. Total calculated square footage may also be mentioned, if so desired.
- k. Whenever a new metes and bounds description is part of or encompasses two or more taxing districts, or two or more tax parcels, a breakdown of the area must be recited for each tax district or parcel.
- l. All new metes and bounds descriptions will be subject to computer verification as to the accuracy of the traverse closure (1/10,000 minimum allowable closure) of the area as described. Whenever this process is necessary there may be a delay in approving the conveyance for transfer purposes.

- m. All instruments including new metes and bounds descriptions, which meet all of the aforementioned requirements will be stamped "Approved for Transfer, Delaware County Engineer".
- n. Whenever the descriptive content of any new legal instrument of conveyance is determined to be ambiguous, it will require a survey of the parcel(s) being described be made and a new description and plat be submitted to the County Engineer for approval prior to the transfer of said parcel(s).

E. Requirements For Plats Of Surveys.

- 1. A Registered Professional Surveyor shall prepare a scaled plat of every new metes and bounds description he or she has originated and shall submit a copy to the Map Department for filing. The format for the file copy of the survey plat will be specified by the County Engineer.
- 2. All plats must be in compliance with the Ohio Administrative Code Chapter 4733.37.
- 3. All existing title, and source of title of adjoining owners along each boundary line of the subject survey must be properly indicated.
- 4. Plats which are attached to the instrument of conveyance shall be prepared in a format that meets the requirements of the Delaware County Recorder. For the recorded instrument the County Recorder has established an 8-1/2" x 14" size plats as preferred. The minimum letter size shall be 2/32" (3/32" preferred) for the recorded document.

F. Basis of Bearings Statements.

The Basis of Bearing statement on all plats and deed descriptions to be made of record within the Delaware County offices must be stated with reference to a deed of record, an official record, a plat of record or a road improvement plan of record along with the bearing used. The State Plane Coordinate System, Ohio North Zone, NAD27 or NAD83, may also be used as a Basis of Bearing only if the control monuments used along with the bearing between them are denoted in the statement. Assumed bearings may be used provided there are no bearings shown of record.

G. 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 meters and decimal parts thereof, along with the equivalent distance in feet and decimal parts thereof.
 - b. Bearings shall be expressed in degrees, minutes and seconds.
- 2. Area shall be expressed in hectares along with the equivalent area expressed in acres, to the third decimal place as required by the County Auditor.
- 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 from meters to feet.

This Section was mended in 1999, amendment adopted in June 2000.

Section 11. Requirements of Conveyance By the County Auditor.

A. Requirements For Digital Submittal Standards of DXF (Digital Exchange Format) files for Major Subdivision Plats (8+ lots)

The Delaware County Auditor and Delaware County Engineer are responsible for maintaining property ownership maps and information for more than 54,000 parcels of land within the county. The Delaware Land Information System (DALIS) Project was established in 1994 with the primary task of implementing a County-Wide Cadastral database. The database is comprised of several layers such as: Schools, Townships, Municipalities, Major Hydrology, 1991 and 1997 GPS points, Index, Right Of Way, Parcels, Road Center Line, Subdivisions, Spot Elevation, and Topography. The County Auditor and County Engineer are committed to providing and maintaining this information in a timely and accurate manner.

One of the basic tasks involved in cadastral map maintenance is performing property splits, combines, and the insertion of subdivision plats. With the use of CAD and GIS software, a digital subdivision drawing can be directly inserted into the GIS base map. In concept, the engineering CAD drawing should be easily placed in the map to afford these benefits. However, the migration of spatial data from CAD to GIS has its problems and is not a seamless procedure. It has to be planned and implemented so that the issues pertaining to the conversion can be addressed thereby having the maximum benefit.

The process includes setting standards for the submittal of digital subdivision drawings (for plats of 8 lots or greater) and the technique of converting CAD drawings to a format that is congruent with the ARC/INFO database design in the Auditors DALIS office. For plats lesser than 8 lots, the surveyors are encouraged to submit those plats in digital format although not required.

In order to comply with the Digital Standards, a DXF (Digital Exchange Format) file shall be submitted to the Auditor's office (prior to or at the transfer stage) and shall include the following layers in the listed format:

<i>AutoCAD Layer Name</i>	<i>Layer Color</i>	<i>Layer Description</i>
PARCEL_LINE	41	Parcel Line
CLINE_LINE	75	Road Center Line
ROW_LINE	71	Right of Way Line
LOTNO_ANNO	85	Lot Number Annotation
DIMENSION_ANNO	38	Lot Dimension Annotation
PIN_ANNO	59	Parcel Identification Number

Figure 1: List of Layers to be included in the DXF File

1. Annotating the Parcel Identification Number (PIN) on the DXF file.

The PIN shall be added to all the DXF files for subdivisions with more than 8 lots prior to recording. The County Map Department will provide the developers with an annotated copy of the plat including lot numbers, PINs, and addresses prior to

the recording of the plat. The Consultants are encouraged to include the PIN for subdivisions lesser than 8 lots although not required. The PIN is a 14-digit number that is comprised of the following:

For example: 31742601011001

- Digits 1, 2, 3 = Township and Range (3 for township and 17 for the Range)
- Digits 4, 5, 6 = Section and Sub-section (Section is 4 and Sub-section is 26)
- Digits 7, 8 = Block (block is 01)
- Digits 9, 10, 11 = Parcel (parcel number is 011)
- Digits 12, 13, 14 = Sub-Parcel (sub-parcel number is 001)

Annotating the complete PIN (the 14 digits) on each lot is **NOT** required. If the plat is located on two different Map Sheets, each Map Sheet's 6-digit number must be placed in a **rectangle** and annotated in a visible location. Otherwise, only one rectangle with one map sheet will be included in the DXF file. Blocks (either single or multiple) shall be placed in a **square** in a visible spot. The parcel number will be annotated on the lot as a 3-digit number (with layer color 59) as long as there is no sub-parcel number. If there is a sub-parcel number (which will be avoided as much as possible), then both the parcel and sub-parcel number will be placed on each lot using the same layer color.

For example:

For a 17-lot subdivision in two Map Sheets (317426 and 317425), since there is no Sub-Parcel, the Map Sheet number is placed in a rectangle, the Block in a square and the Parcel number with layer color 59 as in figure 2.

If a new block is not created which means the parent parcel is subdivided (this will be avoided as much as possible), then both the parcel and the sub-parcel number must be annotated. For example, if the parent PIN is 31713008001000, then for a ten-lot subdivision, parcel numbers 1.001 through 1.010 will be annotated in the DXF file (using the same layer color).

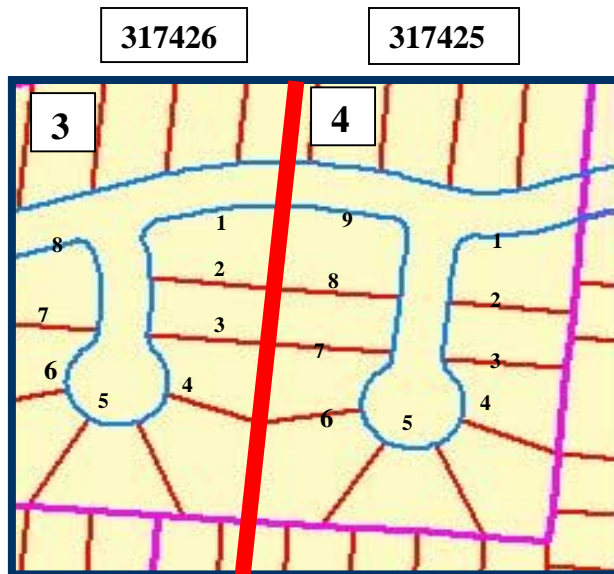


Figure 2: Annotating PINs on Subdivision Plats with more than 8 lots and on two Map Sheets

2. The DXF file should not include the following features.
 - a. Dashes and/or prentices with dimensions
 - b. Any two annotations or line layers combined
 - c. Circles and Half Circles between arcs
 - d. Text created with single arc lines (exploded)
 - e. Parcel lines not continuing (broken lines)
 - f. Arrows and extra erroneous lines or annotations
 - g. Foot symbol on dimensions (Ex: 21.00')
 - h. Radius symbol on dimensions (Ex: (R))

3. File Format to Submit:
 - a) Name of file must be 8 characters and include the phase number (where exists)
 - i. Ex: *Lantern Chase Ph 1* would be *lantern1.dxf*
 - b) Files must be in DXF format (generated in AutoCAD version 12, 13, or 14)
 - c) Files must be saved and submitted either on a:
 - i. 3.5" floppy
 - ii. CD-Rom
 - iii. Zip disk
 - iv. E-mailed to dalis@co.delaware.oh.us

Upon submission of the DXF file to DALIS Project, a receipt in a form of an email or a letter will be sent to the consultant which shall then be used to submit to the Auditor's office at the transfer stage. A revision to the Subdivision Regulations is in the adoption process and if the new Regulations are approved without any changes, a County Engineer staff member will circulate the plats throughout the Court House. This requirement will be modified at that point as follows:

A receipt in a form of an email or a letter will be sent to the consultant and to the Auditor's office so that the Auditor's staff can verify the receipt of the DXF file at the time of the transfer.

B. Requirements for Additional Copies of Subdivision Plats.

For all subdivision plats with more than 8 lots, developers must have all copies of the plats with them prior to Auditor's approval. The Auditor's staff will not sign off on any plats in the absence of those copies. After the plat is signed, the developer can proceed to record the plat and shall leave the Auditor's two copies at the Recorder's office to be picked up by the Auditor's staff at a later time. A revision to the Subdivision Regulations is in the adoption process and if it is approved without any changes, a County Engineer staff member will circulate all copies of the plats throughout the Court House for signatures, recording, and distribution. This requirement will be removed upon the adoption of the proposed Subdivision Regulations.