

# **LUCAS COUNTY, OHIO**

## **REQUIREMENTS FOR INSTRUMENTS**

### **OF**

## **CONVEYANCE IN LUCAS COUNTY**

Pursuant to Ohio Revised Code (ORC) 319.203, the Lucas County Auditor and the Lucas County Engineer have adopted written standards for the conveyance of real property.

The purpose of these standards is to allow for the efficient operation of the Lucas County Tax Map Department, to maintain an accurate record of property ownership and parcel identity, and to collect an accurate conveyance fee required by Ohio Revised Code (ORC) Sections 319.20 and 322.02. Therefore, it is necessary that certain requirements and procedures be met before the approval of a property transfer.

Tax maps are maintained by the Lucas County Engineer's Office (Tax Map Department) on behalf of the Lucas County Commissioners for the benefit of the Board of Revision and the Auditor. The maps are kept in the Auditor's Office (ORC 5713.09).

The County Recorder cannot record deeds unless they are first endorsed as transferred by the Auditor (ORC 317.22).

The review process and the approval of a transfer DOES NOT insure clear title to a property. The Lucas County Auditor's Office and the Lucas County Engineer's Office bear no liability for any title problems that the reviewed descriptions may cause.

It should be understood that not all situations can be covered by these standards and requirements. When these situations arise, they will be addressed on a case-by-case basis and interpreted by the Auditor's and/or Engineer's staff.

This document is divided into two sections. Section One is the Auditor's Office Requirements and Section Two is the Engineer's Office Requirements.

  
\_\_\_\_\_  
Lucas County Auditor                      Date                      5-30-17

  
\_\_\_\_\_  
Lucas County Engineer                      Date                      5/28/17

\_\_\_\_\_  
6-16-97  
Effective Date

\_\_\_\_\_  
5-2-17  
Revised Date

# **SECTION ONE**

## **REQUIRED BY THE LUCAS COUNTY AUDITOR'S OFFICE**

### **I. APPLICATION OF TRANSFER AND CONVEYANCE RULES**

The following 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:

**1. 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.

**2. 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.

**3. 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.

### **II. Special Transfers**

The following transfers are subject to special requirements:

**1. 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 to which is attached a certified copy of a death certificate of the deceased joint tenant.

**2. 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)(3).

**3. Transfer on Death Designation Affidavit O.R.C. 5302.23 & 5302.24 (eff.12/28/09)**

An affidavit containing language to show clear intent to designate a transfer on death beneficiary. Must be recorded prior to the death of the individual who executed it to be effective. Will not create a transfer of ownership or require a fee, however, an exemption form is required.

**4. Affidavit of Confirmation O.R.C. 5302.222 (eff. 12/28/09)**

An affidavit used to transfer a deceased owner's interest in real property as designated in a transfer on death designation affidavit. Must be executed by the transfer on death beneficiary to whom the transfer is made. Requires the exempt form and the transfer fee per parcel.

**III. 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:

**1. Reference to Prior Instrument of Record**

A reference to the County Recorder's volume and page of the record of the most recent prior recorded instrument by or through which the grantor claims title, as required by O.R.C. 319.20

**2. 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.

**3. Identification of Interest Conveyed**

The grantor (or representative) shall inform the County Auditor in writing whether the grantor is conveying less than the grantor's current interest in the land. It is also the responsibility of the grantor (or representative) to inform the County Auditor what interest in the property each owner will have with the new deed of record. Total percentage must equal 100%.

**4. Instruments to Conform to Law**

All deeds and other instruments transferring an interest in Real Property shall conform to the laws of Ohio or the law of the place where the instruments were executed.

**5. Documents 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.

**6. Conveyance Forms**

No instruments will be transferred unless accompanied by a properly completed DTE 100 *Conveyance Fee Statement of Value and Receipt* or DTE 100 EX *Statement of Reason for Exemption from Real Property Conveyance Fee*.

**7. Residential Rental Property Registration Notice-HB 294**

Ohio Revised Code Section (R.C.) 5323.02 requires an owner of residential rental property to register a contact agent for that property with the county auditor's office within 60 days (including weekends and holidays) following the day a real property conveyance form for that property is filed with the county auditor. Failure to file this information in a timely manner may result in the assessment of a penalty of up to \$150 against the property that is the subject of the violation.

**8. DTE 101 Statement of Conveyance of Homestead Property & DTE 102 Statement of Conveyance of Current Agricultural Use Valuation Property**

These forms are required to be filed at the time of transfer if the grantor is receiving either or both of these reductions on the tax rolls.

**IV. Transfer and Conveyance Fees**

Transfer and Conveyance Fees are expected at the time the documents are presented for transfer. Fees are accepted by cash or check only. Checks should be made payable to the Lucas County Auditor. Please do not include payment to other offices in Lucas County (i.e. recording fees, treasurer fees, engineer fees) in the check payable to the Auditor.

Checks presented to the Auditor must be accurate. The office is not able to provide change for checks written for more than the amount due. The office is

unable to keep excess funds. Customers personally may add money to a check amount either in cash or an additional check if the original check provided is for an amount lower than the amount due. The Auditor will not accept blank checks to be left and filled in by Auditor staff. Please calculate the fees prior to dropping documents for transfer.

### **REAL PROPERTY**

Conveyance Fee: \$4.00 per thousand dollars of the sale price (eff. 1/15/09 per O.R.C. 322.02)

Transfer (Parcel) Fee: \$ .50 per parcel described on the deed

New Plats: \$.50 Parcel Fee per lot

Condominium/Amendment: \$.50 Parcel Fee per unit

### **MANUFACTURED HOMES**

Conveyance Fee: \$4.00 per thousand dollars of the sale price

Transfer (Parcel) Fee: \$ .50 per mobile home certificate being transfer

Relocation Permit: \$5.00

Any person who stops payment on a check which has been presented to transfer property, including transfers relating to the Forfeited Land Sale (and all associated fees), will be referred to the Lucas County Prosecutor's Office.

### **Eff. 6/12/2013**

**If your check is returned to us unpaid for nonsufficient funds (NSF) your account will be debited electronically for both the face amount of the check plus applicable returned check and collections fees by ECOLLECT, LLC.**

## **V. Quality of Documents**

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

### **1. Original Required**

The document of transfer must have the original signature of the grantor of 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 the Clerk of Courts or be a certified copy from the Clerk of Courts.

**2. Poor Original Not Accepted**

No document of transfer will be accepted which has attached to it a previous recorded document that is identified as a "Poor Original" or that is not legible to the County Auditor or County Engineer.

**3. 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.

**4. Colored Paper**

All documents should be on white or beige paper. No colored paper will be accepted.

**5. Do not write in the top area of the Conveyance or Exempt form**

Denoted as "FOR COUNTY AUDITOR'S USE ONLY". Write only below the area that states "GRANTEE OR REPRESENTATIVE MUST COMPLETE ALL QUESTIONS IN THIS SECTION". Doing so may result in the rejection of the document of transfer and a new form (DTE 100 or DTE 100 EX) will need to be completed.

**6. County Engineer Approval**

No document of transfer will be accepted which has not met the requirements of the County Engineer

## **SECTION TWO**

### **REQUIRED BY THE LUCAS COUNTY ENGINEER'S OFFICE**

The following requirements must be met if either of the following occurs:

- 1) The instrument of conveyance contains a legal description different from the previous grant vesting title to the current grantor; or,
- 2) The transfer involves more than one parcel resulting in a creation of a new tax parcel.

Adopted under *Ohio Revised Code*, Section 319.203.

#### **I. REQUIREMENTS FOR ALL RECORDED LOTS OF RECORD**

1. All instruments conveying a recorded lot in a municipality or recorded subdivided area must designate the Auditor's parcel number(s), lot number(s), the official recorded name, the Volume and Page(s) or instrument number reference of official record, and the prior recorded deed reference if any exists.
2. Any out-lot or portion of a recorded lot must have an accurate description to establish a tax structure for the portion being conveyed, so as to enable the County Offices to determine the remainder or balance left, based on the current Tax Maps and Parcel Numbers.
3. Any area being conveyed in what is commonly known, as an "Unrecorded Plat" must have a metes and bounds description.
4. Poor originals will not be accepted. No document of transfer will be accepted which is, or has an attachment to it, which is illegible as determined by the County Engineer or County Auditor.

#### **II. REQUIREMENTS FOR EXISTING METES AND BOUNDS DESCRIPTIONS OF RECORD**

1. All existing metes and bounds descriptions of record, which do not create or alter the current tax structure of a parcel(s) will be checked by the



- Lucas County Engineer's Office to verify and identify to the Lucas 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. The corrections of scrivener errors, omissions or other obvious mistakes are permitted in order to make the description more accurate.
  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 out-lots or exceptions to title exist must incorporate the following requirements:
    - A. Beginning with the effective date of this document, a total of four (4) exceptions will be allowed, after which a new legal description will be required. If a property has a previously recorded legal description that contains greater than four (4) exceptions, the legal description will be conditionally approved with a stamp that reads *"New Survey Required Next Transfer"*.
    - B. Each out-lot or exception of the original tract(s) must be described verbatim, along with the prior recorded deed reference. The corrections of scrivener errors, omissions or other obvious mistakes are permitted in order to make the description more accurate.
    - C. Each documented exception must recite the situate as defined in section III, (1,A) and its recorded source by which it can be readily verified. It is not the intent that all easements and restrictions are to be recited unless they are on the previous instrument or readily available.
  5. All instruments of conveyance using exceptions to convey the remainder or balance of a tax parcel(s) shall incorporate a statement identifying the tax parcel(s) and district to be conveyed, and the current taxable area as witnessed by the Lucas County Auditor's tax duplicate 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 Lucas County Auditor.) The County Engineer's/Auditor's Office will assist in furnishing the parcel(s) number when requested.

6. All metes and bounds descriptions must contain all the information pertaining to the description that will be used on the legal instrument form when checked by this Office for pre-transfer verification or approval.

### **III. REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE**

All new metes and bounds descriptions, must conform to the " Minimum Standards for Boundary Surveys in the State of Ohio", per Chapter 4733-37 of the Ohio Administrative Code, and must incorporate the following:

1. Situate:
  - A. Must denote state, county, township, municipality (if appropriate). It must also denote town, range, section, half or quarter section, etc.
  - B. Must denote deed reference as to the tract(s) of origination.
2. Starting Point:
  - A. All descriptions must be referenced to an established, monumented, point of beginning or commencement such as centerline intersections of streets or roads of record, established property corners of record, section and or quarter section corners or lines, etc.
3. Courses:
  - A. 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 point of beginning to point of termination for the subject description.
  - B. Each course of a new metes and bounds description shall contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and decimal parts thereof, from point of origination to a point of termination of each course.
  - C. The basis of the bearings shall be given a in statement similar to one of to the following:

- i. "Bearings used hereon are based on an assumed meridian and are for the express purpose of showing angular measurement."
    - ii. Bearings Based on NAD83(2011), Ohio North Zone.
    - iii. Bearings Based on "Name of Prior Subdivision", Recorded in Volume \_\_\_\_\_, Page # \_\_\_\_\_.
  - D. Each course must recite all monumentation, (See O.A.C. section 4733-37-03 of Minimum Standards), either placed or found, along each course, or at the point of origination and/or termination of each course. This recitation shall include the type, size and material of each monument.
  - E. Every boundary monument and/or reference monument set by the surveyor shall when practicable, be in accordance with O.A.C. section 4733-37-03 of the Minimum Standard for Boundary Surveys in the State of Ohio.
  - F. Each course must show all other common lines such as centerlines of roads, rivers, streams, etc. quarter or half section lines, or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.
4. Curves:  
Any course of a new metes and bounds description which is a curve must contain the direction of the curve (right or left), delta angle, arc length, the radius (in feet and decimal parts thereof), chord length and chord bearing of same.
5. References:  
All references to roads, rivers, streams, railroads, etc. must use current or existing numbers or names of record. Old and original names may also be mentioned if they would add clarity.
6. Acreage:  
A. All new metes and bounds descriptions must give the acreage contained within its perimeter and calculated to at least the third decimal place. Calculated square footage may also be mentioned as an option. Areas shall be given for both the total area of the parcel and the area in the road right of way.

- B. Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more tax parcels, a breakdown of the total acreage must be recited as to the entire description as required in each existing tax parcel (see 6A) to create an accurate tax structure.
7. **Prior Deed Reference:**  
The deed reference(s) from which the grantor of the conveyance acquired title must be recited.
  8. 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 traverse closure) of the area as described. Whenever this process is necessary there will be a delay in approving the conveyance for transfer purposes. It is suggested that the surveys be presented for pre-transfer approval at least 24 hours in advance of making the survey available for transfer. Please be advised that complex transfers or legal description approvals may require greater than the suggested twenty-four (24) hour review time. Surveys can be submitted for pre-approval to the Tax Map Department, currently located in the Auditors Office on the 7<sup>th</sup> floor of One Government Center. The Tax Map Department's telephone number is 419-213-4448.
  9. All instruments containing new metes and bounds descriptions, which meet all of the aforementioned requirements will be stamped "Description Checked" Approved, and the proper notations will be made on the instrument of conveyance, verifying a correct tax structure to the County Auditor.
  10. Whenever the descriptive content of any legal instrument of conveyance is determined to be ambiguous, vague or in error, it will require that a statement of intent and/or nature be incorporated as part of the instrument, to clarify the parcel(s) to be conveyed. These descriptions will be Stamped "*Conditional Approval*" NEW SURVEY REQUIRED FOR NEXT TRANSFER.
  11. All splits less than 5 acres must be approved by the Local Planning Authority.

12. Descriptions other than metes and bounds may be acceptable if they properly describe the tract, i.e., "Being 10 feet of the west side of Lot No. 1000, etc." and they reference a previously approved Plat.
13. All splits lying within any unincorporated area of Lucas County must also be accompanied by an "Access Permit" obtained through the County Engineer's Office, excepting properties that have frontage on a state route. Properties located on a State Route may require an access permit through the Ohio Department of Transportation (O.D.O.T.).

#### **IV. SURVEYOR:**

1. All new metes and bounds descriptions shall be prepared by a registered surveyor and must incorporate the following:
  - A. Printed Surveyor's name and address.
  - B. Ohio Registration Number and Seal.
  - C. The date of writing and/or survey.
  - D. Surveyor's signature.
  - E. A statement indicating whether the subject description was prepared from an actual field survey or from existing records similar to the following:

The above description is based on a "field survey performed by \_\_\_\_\_ on month, day, year" or "from existing records".
2. All new metes and bounds descriptions must be accompanied by a plat of survey, signed and sealed by a registered surveyor.

All deeds with new metes and bounds descriptions not previously recorded shall comply with ORC 5301.25 Section B.

#### **V. REQUIREMENTS FOR ALL PLATS OF SURVEYS**

1. All plats of surveys shall conform to the "Minimum Standards for Boundary Surveys in the State of Ohio", per section 4733-37 of the Ohio Administrative Code.

2. All plats of surveys shall conform to the Lucas County Subdivision Rules and Regulations as adopted by the Lucas County Planning Commission.
3. Any author shall prepare a scaled drawing, using standard Engineer Scales, of every new metes and bounds description he or she originated, and make available a full sized copy of the drawing to be filed with the Lucas County Engineer's Office.
4. All plats of survey and plat drawings must incorporate the following details:
  - A. A situate, such that the general location of the subject survey can be readily identifiable. (This requirement should include the same information as established by Section III, Items 1, A and B of the "REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE").
  - B. A north arrow with a clear statement as to the basis of the reference – Direction Used.
  - C. The control station(s) or starting point reference as cited in the deed description.
  - D. All monumentation either found or placed, as cited by the metes and bounds description, together with a legend of the symbols used to identify the subject monumentation showing the type, size and material for each. If all monuments are identified individually, no legend will be required.
  - E. All tax parcel numbers of the adjoining properties along each boundary line of the subject survey. If the adjoining property has been previously subdivided and recorded, the Volume and Page will be accepted instead of Parcel Numbers.
  - F. All boundary information for each course as established by "REQUIREMENTS FOR NEW METES AND BOUNDS DESCRIPTIONS FOR CONVEYANCE" Section III, Sub-section 3, Items A thru F and Sub-Section 4, Item A.
  - G. A citation of pertinent documents and sources of data used as a basis for carrying out the work. This may include Field Book number and page or right of way drawing number for all limited access highway centerlines, if such record exists.

- H. The scale of the subject drawing, both written and graphic.
  - I. The surveyors printed and signed name, Ohio Registration Number and reproducible Stamp and Seal.
  - J. See example Plat attached exhibit "A"
5. Vacating subdivision plats  
All subdivision plats to be vacated shall be vacated in accordance with chapters 711 and 5553 of the Ohio Revised Code. Streets roads and alleys cannot be vacated and dedicated on the same plat if in the opinion of the County Auditor or the County Engineer the plat does not clearly show or delineate the intent of what is being vacated and or dedicated.
6. Easements
- A. Easements granted to the Board of Lucas County Commissioners will be subject to review and approval by TAX MAP DEPARTMENT AND OTHER AFFECTED DEPARTMENTS AND AGENCIES.
  - B. Easements on between Private Parties do not require a review of the description by the Tax Map Department before being recorded. However, it is in the best interest of the grantee and the grantor to have them checked so that the parties involved may be advised to potential problems. The following guidelines are suggested:
    - i. Have the easement location accurately described.
    - ii. Have the place of commencement (starting point), located in/on a retracable boundary line of a new or existing parcel of land.
    - iii. Prepare the description by one of the following ways:
      - i. By bearing and distance of each course;
      - ii. By centerline description, such as "being a 20 foot wide easement; 10 feet on each side of the following described centerline;"
      - iii. By dimension and area, such as "a 30 foot wide strip of land adjacent to the east line of Lot Number 10 of Floodwater Acres Subdivision for the entire length of said east line, containing 500 square feet.

- iv. Include a statement of intent for granting or use of the easement.

**VI. MINIMUM DRAFTING REQUIRMENTS FOR ALL PLATS OR SURVEYS TO BE FILED WITH THE LUCAS COUNTY, OHIO ENGINEER'S OFFICE.**

1. For All Plats
  - A. All letting shall be applied to the film without the use of intermediate film.
  - B. Survey drawings on 8½" x 11" or 8½" x 14" shall have a minimum letter size of 0.10 in height. The width factor shall be 1.
  - C. Survey drawings larger than specified in Section "B" above shall have a minimum letter size of 0.125 height. The width factor shall be 1.
2. Additional Requirements for Major Subdivisions
  - A. All plats shall be on mylar drafting film with permanent ink. Sheets shall be 20 inches by 30 inches, minimum and 24 inches by 36 inches maximum.
  - B. Requirements for ties to County monuments.
    - i. Surveys shall be required to tie into a minimum of two (2) monuments with established state plane coordinates, provided the survey is located within ½ mile of an established monument, and a second monument is located within ½ mile of the first monument or within ½ mile of the survey be performed.
    - ii. The ½ mile requirement is only required when the survey is located upon a roadway, section line, or ¼ section line where there is monumentation.
    - iii. Monuments with existing State Plane Coordinates can be identified by checking the Lucas County Engineer's "control point web application" and looking under the "reference" section.



- iv. Proper identification of monuments must be denoted on the plat along with the coordinates and:
  - a. Coordinate system description, i.e. "NAD 83 (2007) Ohio North Zone 3401"
  - b. Specify vertical datum if any elevations are given, i.e. "NAVD 88"
  - c. Use the U.S. Survey Foot.
    - 1. The U.S. Survey Foot.  
It is defined as: 1 meter = 39.37 inches.
- v. When monuments with State Plane Coordinates are used, they shall be used to determine the basis of bearings for the plat.