

**LANCASTER COUNTY PLANNING COMMISSION'S POLICY
FOR TRANSFERRING PARCELS CREATED PRIOR TO THE EFFECTIVE DATE OF THE
LANCASTER COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

Adopted February 12, 1979

Amended May 14, 1979

The Lancaster County Planning Commission has frequently been requested to determine whether approval under the Lancaster County Subdivision and Land Development Ordinance is required for the sale or conveyance of (1) a portion of a deed which is described as a separate lot, tract, parcel, or purpart of a deed or (2) the entire area of a deed where the grantor retains contiguous land described in another deed(s).

Previously, the Commission has concluded that these transactions require approval, since the common deed lines became nonexistent when the grantor owned both parcels. This conclusion was predicated on the theory of real estate law which holds that the title merges and prior easements and deed restrictions, unless specifically preserved, no longer exist. However, a review of this present policy indicates that, in certain circumstances, the policy has not accomplished the purpose desired. Therefore, the Commission now desires to clarify and modify its policy.

As of this date, the Commission's policy is that approval by the Commission, in accordance with the Lancaster County Subdivision and Land Development Ordinance, is not required for a transfer of (1) a portion of a deed or (2) the entire area of a deed where the grantor retains contiguous land described in another deed(s). This policy is subject to the following specific conditions:

1. The legal description of the land for transfer must coincide exactly with the legal description of the lot, tract, parcel, or purpart when same was first created [**which must be prior to 1 March 1961, the effective date of the first County Ordinance**]. Any change in the property line will require plan submission and approval in accordance with the County Ordinance. However, a property line description may be revised without the submission and approval of a plan if the revision corrects an error in closure provided the deed (a) reflects the previous description, (b) includes a statement which identifies the correction to be made in the description, (c) recites the new description, and (d) includes a statement which acknowledges that this previous description is for the identical land area originally described in the previous deed.
2. The establishment of a new street, new access easement, or new right-of-way will require plan submission and approval in accordance with the County Ordinance. (A new access easement is defined as a physical change or the granting of the benefits of use of the easement to additional parties.)
3. If the previous acquisition of land was exempt from plan approval because the previous grantee was a contiguous landowner (acquisition by Lot Add-On), the submission and approval of a plan, in accordance with the County Ordinance, will be required for a transfer of less than the entire landholding.

4. If the present deed of record does not provide a separate description for the separate lot, tract, parcel, or purpart, the submission and approval of a plan, in accordance with the County Ordinance, will be required.
5. If the original subdivision of the parcel from the parent tract was a violation of the County Ordinance, the present landowner cannot now further perpetuate the violation even though he is conveying exactly what he acquired.
6. If the land for transfer is (a) on record with the Commission, as part of a plan, and /or with the local municipality as part of a permit issuance, and (b) if such record identifies the subject landholdings as a single tract of land regardless of the number of deeds indicated, the submission and approval of a plan in accordance with the County Ordinance will be required for a transfer of less than the entire landholding.
7. If the property line of the land for transfer creates an encroachment with an existing structure, the submission and approval of a plan in accordance with the County Ordinance will be required for a transfer of less than the entire landholding.