

COUNTY OF CUMBERLAND

ORDINANCE NO. 2008- 3

AN ORDINANCE ESTABLISHING A UNIFORM PARCEL IDENTIFIER SYSTEM BY PROVIDING FOR A DEPOSITORY AGENCY OF THE COUNTY'S TAX MAPS, INCLUDING ADDITIONS, DELETIONS, AND REVISIONS OF SUCH MAPS AND BY PROVIDING FOR THE ASSIGNMENT BY SUCH AGENCY OF UNIFORM PARCEL IDENTIFIERS FOR EACH PARCEL ON THE MAP IN ORDER TO FACILITATE CONVEYANCING AND TO ESTABLISH A MODERN LAND RECORDS SYSTEM

Pursuant to the provisions of the Uniform Parcel Identifier Law, Act of January 15, 1988, P.L 1 (21 P.S. Sec. 331 et seq.) and the Act of January 15, 1988, P.L. 4 (16 P.S./ Sec. 9781.1 et seq.), it is hereby enacted and ordained by the Commissioners of the County of Cumberland, Pennsylvania, as follows:

Section 1. Title – This Ordinance shall be known as the County of Cumberland Uniform Parcel Identifier Ordinance.

Section 2. Definitions – The words and phrases as set forth hereinafter when used in this ordinance shall have the meaning given to them in this section, unless the context clearly indicates otherwise:

A. The terms "County Tax Map," "Governing Body," "Municipality" and "Uniform Parcel Identifier" shall be defined as set forth in the Uniform Parcel Identifier Law as cited hereinafter and as otherwise set forth below.

B. Uniform Parcel Identifier – A finite, punctuated sequence of numbers indicating the land parcel or other interest in real estate, as shown on the County Tax Map.

(1) In the case of a "unit" within the meaning of the act of July 3, 1963 (P.L. 196. No. 117), known as the Unit Property Act, a designator for the number

of the "unit" as indicated on the recorded "declaration plan" shall be included in the sequence of numbers forming the uniform parcel identifier for such "unit."

(2) In the case of a "unit" within the meaning of 68 Pa. C.S. Part II Subpart B (relating to condominiums), a designator for the number of the "unit" as indicated on the recorded declaration shall be included in the sequence of numbers forming the uniform parcel identifier for such "unit."

(3) In the case of an interest in real estate less than fee simple, an additional designator may be included in the sequence of numbers forming the uniform parcel identifier for such interest in order to distinguish such interest from the fee simple parcel of which such interest is a part. An example of such an intent is real estate constructed upon land leased from a different owner.

C. Document – Any writing evidencing an interest in realty in the County of Cumberland, Pennsylvania, and which transfers or otherwise affects an interest in real estate and which is to be recorded in the Office of the Recorder of Deeds of Cumberland County, other than a Will, a General Power of Attorney, or a Deed of Dedication to a municipality for a road.

Included in the definition of "Document" shall be a:

(1) Deed, Quitclaim Deed, Declaration of Taking by Condemnation, Sales Contract or Agreement, Notice of Taking by Adverse Possession,

(2) Right-of-Way, Easement, Ground Lease, Lease Occupancy Agreement, Memorandum of Lease or other Agreement,

(3) Mortgage, Assignment of Mortgage, Extension Postponement or Subordination of Mortgage, Release or Satisfaction of Mortgage, Power of Attorney to Satisfy Mortgage,

(4) Decree Awarding Real Estate, Award in Condemnation, Bankruptcy Notice or Order, or other Order of Court affecting real estate,

(5) Power of Attorney to sell specific real estate, Financing Statement, Clean and Green Application or Amendment thereof, Subdivision or Land Development Plan.

This list is not exclusive and other documents or instruments may be added by the issuance of additional regulations promulgated by the Cumberland County Assessment Office, or by interpretation by the Recorder of Deeds. It is the intention of this Ordinance that every instrument recorded in the Recorder of Deeds Office have a uniform parcel identifier number, or numbers, certified thereon, except for the named exceptions.

D. Permanent depository. The permanent depository is the County Assessment Office, acting through its Tax Mapping Office, as set forth in Section 4 of this Ordinance.

E. Instrument. A document, as defined herein.

Section 3. UPI System Established. A Uniform Parcel Identifier system is established and implemented in the County of Cumberland in accordance with the provisions of this Ordinance.

Section 4. Assessment Office to be Permanent Depository. Pursuant to section 4(a) of the Uniform Parcel Identifier Law (21 P.S. §334(a)), the County Assessment Office, acting through its Tax Mapping Office, shall be the single agency which shall be the permanent depository of all county tax maps and it shall assign to each parcel of real estate in the County a uniform parcel identifier, which shall correspond with the County tax maps, as the same may be supplemented and revised in the future. The designation of the permanent depository may be changed from time to time by resolution, duly adopted

by the Board of County Commissioners. The said permanent depository is referred to herein as either the "permanent depository" or the "Assessment Office."

Section 5. Tax Maps. A. The officials of the permanent depository, as from time to time designated by the Commissioners of Cumberland County, shall create, revise, amend and maintain the County Tax Maps as authorized and required by Section 5 of the Uniform Parcel Identifier Law [21 P.S. Sec. 335].

B. The uniform parcel identifier, as that term is defined in the Uniform Parcel Identifier Law (21 P.S. §332), shall be the existing County tax parcel numbers, as the same may be supplemented and revised in the future, and that pursuant to section 3 of the Uniform Parcel Identifier Law (21 P.S. §333), the County Assessment Office, acting through its Tax Mapping Office, shall maintain a permanent record of all county tax maps with the uniform parcel identifier numbers clearly visible thereon, or in a data field directly linked to the parcel shown on the map, and easily accessible from that map.

C. Pursuant to section 5(b) & (f) of the Uniform Parcel Identifier Law (21 P.S. §335(b) & (f)) the County tax maps shall be maintained in electronic form only, with provision for off-site, secure back-up for all County tax maps, on a daily basis, for each day during which County offices are open.

D. Electronic access to all County tax maps shall be maintained in both the County Assessment Office, acting through its Tax Mapping Office, and the Recorder of Deeds Office. All revisions or new maps shall be available to the public by means of public access terminals in such offices within ten days of the revision or addition being made to the master or original electronic map, pursuant to section 5(d) of the Uniform Parcel Identifier Law (21 P.S. §335(d)),

Section 6. UPI Assigned to Each Parcel. A. At the request of an owner subdividing or amalgamating or otherwise affecting for future transfer, mortgage, release or other purpose, any parcel of realty within the County, or of parcels already designated

on a County Tax Map, or interest in such real estate for which an additional designator may be assigned, the officials of the permanent depository shall assign a uniform parcel identifier to each such parcel included in the proposed transfer, mortgage, release or other purpose, all as more particularly provided in Section 4 (b) of the Uniform Parcel Identifier Law [21 P.S. Sec. 334 (b)]. In the case of multiple described lots, tracts, parcels, or other described areas of land now contained in an existing and recorded "common deed" or document, and now treated as separate tax parcels, a separate uniform parcel identifier shall be assigned for each lot, tract, parcel, or other described area. The County Assessment Office, acting through its Tax Mapping Office, may elect to issue a new uniform parcel identifier in the event that an interest less than the entire fee simple title to a parcel is transferred or affected by an instrument, or in the event that the an instrument transfers or affects less than all of a parcel, or in other similar instances.

B. If the conveyance in the proposed transfer represents a change of size or description of the real estate, the owner shall provide the officials with either a metes and bounds description based on a precise survey or a lot number and references to a recorded subdivision plan, which plan on its face shows metes and bounds, prepared by a professional land surveyor as required by the act of May 23, 1945 (P.L. 913, No. 367), known as the Professional Engineers Registration Law. Any subdivision plan which was prepared prior to the effective date of the aforesaid act and which contains reasonably accurate metes and bounds shall be acceptable for compliance with these provisions. This assignment of uniform parcel identifiers shall take place within one day of the presentation of the request for such assignment when accompanied by the survey or such subdivision plan. No metes and bounds description by survey or subdivision plan shall be required for any transfer, mortgage, release or other purpose involving a right-of-way, surface or subsurface easement, oil, gas or mineral lease or other interest, or any subsurface estate.

Section 7. UPIs Required to Record. Pursuant to section 978.1 of the County Code (16 P.S. §987.1) the Commissioners do hereby require that beginning October 1, 2008, the Recorder of Deeds shall not record or accept for record any conveyance of real

estate, mortgage of real estate or any other instrument affecting real estate in Cumberland County unless the uniform parcel identifier is contained in the body thereof, or is endorsed thereon, and is certified by the permanent depository (the County Assessment Office, acting through its Tax Mapping Office).

Section 8. Certification Required. A. In each instance, the uniform parcel identifier set forth on the instrument to be recorded shall be certified by the permanent depository to be correct, prior to the instrument being recorded. (The permanent depository is the County Assessment Office, acting through its Tax Mapping Office, as provided in Section 4 of this Ordinance.) Each document submitted to the permanent depository for certification of a uniform parcel identifier shall include the applicable uniform parcel identifier number(s) for certification, or those from which a new uniform parcel identifier number(s) is to be created. The person seeking to record the instrument in the Recorder of Deeds Office shall provide information sufficient to identify the property and allow a certification of the uniform parcel identifier by the Assessment Office. The Assessment Office, after verification of the property's uniform parcel identifier, shall certify its acceptance of the uniform parcel identifier and instrument prior to the recording of the instrument by the Recorder of Deeds. All applicable uniform parcel identifiers provided by the person seeking to record a Document, and the certification by the permanent depository, shall be placed at the top of the first page of the document to be recorded. All Documents shall contain at least two (2") inches of space at the top of the first page for this purpose. The Assessment Office may implement rules and procedures which shall reasonably allow for verification of the uniform parcel identifier set forth in the instrument, and which shall govern the placement and certification of acceptance, or rejection, of the uniform parcel identifier as set forth on any instrument to be recorded in the Recorder of Deeds Office. It is the intention of the County that the certification be issued within one day of a document being submitted to the permanent depository, when the request is accompanied by all documentation, in proper order. When a Document meets the provisions of this Ordinance and any rules and procedures implemented hereunder, the certification should normally occur shortly after receipt of the Document by the permanent depository. Notification of rejection may

be made orally to the person seeking to record the instrument, by telephone if a number is available, or by mail.

B. The party desiring to record an instrument shall be solely responsible for correctness of the UPI number(s) set forth on the instrument. The County, the permanent depository, and the Recorder of Deeds office shall not be liable to any party for the accuracy of any UPI number(s) certified on any instrument.

Section 9. Fees. The County shall charge and collect a fee for the services provided pursuant to this Ordinance. Such fee shall be payable to the Recorder of Deeds as the agent for the County at the time that the Document is presented for recording with the Recorder of Deeds. This Fee shall be separate and distinct from any other charge or fee due upon presentation for recording of any Document subject hereto. The fee may from time to time be revised by resolution, duly adopted by the Board of Commissioners of Cumberland County. The initial fee is hereby established at \$10.00 for each uniform parcel identifier affixed or certified as required pursuant to the Act and this Ordinance. In the event of a single instrument relating to multiple uniform parcel identifiers, a separate fee shall be paid for each uniform parcel identifier affixed or certified to each instrument.

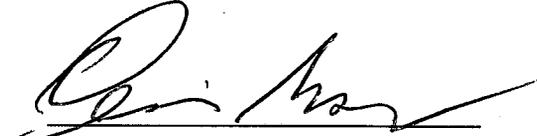
Section 10. Recommendation of Recorder of Deeds. In accordance with Act 1988-4 (16 P.S. Sec. 9781.1), the written recommendation of the Register & Recorder of Cumberland County is attached hereto.

Section 11. Provisions Severable. The provisions of this Ordinance are severable. If any provision of this Ordinance, or its application to any person, entity or circumstances, is held invalid by a court of competent jurisdiction, such determined invalidity shall not affect any other provision or application of this Ordinance.

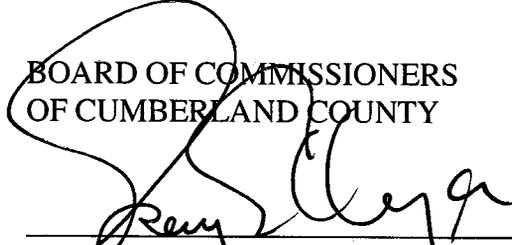
Section 12. Effective Date. This Ordinance shall become effective October 1, 2008.

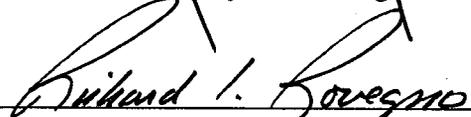
ENACTED AND ORDAINED by the Commissioners of Cumberland County
this 28th day of July 2008.

ATTEST:


Dennis Marion, Chief Clerk

BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY

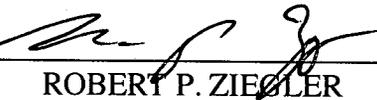

Commissioner Gary Eichelberger


Commissioner Richard Rovegno


Commissioner Barbara B. Cross

I, ROBERT P. ZIEGLER, Recorder of Deeds of Cumberland County, Pennsylvania, do as prescribed by Pennsylvania Statute 16 P. S. Section 9781.1, recommend that those items enumerated in Paragraph 2(c) of the proposed Uniform Parcel Identifier Ordinance, as amended from time to time, be permitted to be recorded only if there is affixed to the document a Uniform Parcel Identifier as assigned by the Cumberland County Assessment Office, acting through its Tax Mapping Department, as provided for in the Act of January 15, 1988 (P.L. 1, No. 1) known as the Uniform Parcel Identifier Law.

RECORDER OF DEEDS
CUMBERLAND COUNTY, PENNSYLVANIA

By  _____
ROBERT P. ZIEGLER

Date: July 9 2008

FREY & TILEY
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STEPHEN D. TILEY
ROBERT G. FREY

MEMORANDUM

TO: Hon. Gary Eichelberger
Hon. Richard Rovegno
Hon. Barbara B. Cross

FROM: Stephen D. Tiley, Esquire *SDT*

DATE: July 14, 2008

RE: Adoption of UPI Ordinance

The Assessment Office and Recorder of Deeds Office are now seeking your adoption of the proposed UPI Ordinance. This Ordinance has been reviewed by those offices as well as by the real estate section of the Cumberland County Bar, and the Pennsylvania Land Title Association. Enclosed please find a copy of the proposed Ordinance, followed by the advertisement which will appear in the newspaper shortly.

The Ordinance is scheduled for adoption at your meeting on July 28, 2008. In the meantime, should you have ~~any questions~~, please feel free to contact me.

SDT/tl

cc: Dennis Marion, Chief Clerk
Bonnie M. Mahoney, Chief Assessor

**NOTICE OF PROPOSED
UNIFORM PARCEL IDENTIFIER ORDINANCE
CUMBERLAND COUNTY, PENNSYLVANIA**

NOTICE IS HEREBY GIVEN by the Commissioners of Cumberland County, Pennsylvania, of its intention to consider for adoption, and to vote upon enactment of, an ordinance entitled and summarized hereafter, at its regularly scheduled meeting to be held on Monday, July 28, 2008, at 2:00 p.m., in the Commissioners Hearing Room, 2nd floor, Cumberland County Courthouse, 1 Courthouse Square, Carlisle, Pennsylvania, or at another public meeting at said location not less than seven (7) nor more than 60 days following publication of this notice.

AN ORDINANCE ESTABLISHING A UNIFORM PARCEL IDENTIFIER SYSTEM BY PROVIDING FOR A DEPOSITORY AGENCY OF THE COUNTY'S TAX MAPS, INCLUDING ADDITIONS, DELETIONS, AND REVISIONS OF SUCH MAPS AND BY PROVIDING FOR THE ASSIGNMENT BY SUCH AGENCY OF UNIFORM PARCEL IDENTIFIERS FOR EACH PARCEL ON THE MAP IN ORDER TO FACILITATE CONVEYANCING AND TO ESTABLISH A MODERN LAND RECORDS SYSTEM

A summary of the proposed ordinance is as follows:

This Ordinance shall be known as the County of Cumberland Uniform Parcel Identifier Ordinance.

A "Uniform Parcel Identifier" is a number which identifies a parcel of land, or an interest in a parcel of land. A "Document" is anything in writing which is to be recorded in the Recorder of Deeds Office of Cumberland County, Pennsylvania, except for a will or general power of attorney.

The Cumberland County Assessment Office shall assign Uniform Parcel Identifier numbers to each parcel of real estate in the County. The Uniform Parcel Identifier numbers shall be the existing tax parcel number for each parcel of land. The Assessment Office may maintain the Uniform Parcel Identifier numbers and tax maps in electronic form, with public access in the Cumberland County Tax Mapping Office, and Recorder of Deeds Office.

The Assessment Office shall create a separate Uniform Parcel Identifier for each existing parcel of land, and each newly subdivided parcel of land. The Assessment Office may issue a separate Uniform Parcel Identifier for an interest in a parcel of land where the interest is less than full ownership, for example, a long-term lease. An owner subdividing or changing the size or description of real estate must provide a survey to the Assessment Office. The recording of a subdivision plan that includes an adequate metes and bounds description, prepared by a professional land surveyor, satisfies this requirement. The Assessment Office will issue a new Uniform Parcel Identifier within one day from receipt of a request and all documentation in proper order.

Beginning October 1, 2008, no document may be recorded without a Uniform Parcel Identifier. Before recording, a Document, with its Uniform Parcel Identifier shown thereon, must be submitted to the Assessment Office for certification of the Uniform Parcel Identifier. The Document must have a two-inch margin at the top to provide space for the certification. There will be a \$10.00 fee for certification, paid to the Recorder of Deeds when the document is recorded. Notwithstanding certification, it is the responsibility of the property owner to set forth the correct Uniform Parcel Identifier on each Document.

The Ordinance shall take effect October 1, 2008.

The full text of the proposed ordinance and agreement may be examined at the Commissioners Office, 2nd floor, Cumberland County Courthouse, 1 Courthouse Square, Carlisle, Pennsylvania, the Cumberland County Law Library or the Cumberland County Recorder of Deeds during regular business hours.

Stephen Tiley, Esq.
Cumberland County Assistant Solicitor

Dennis Marion
Chief Clerk