

# Things To Consider When Moving To Or Buying Land In Wayne County, Pennsylvania

*\*\*The following information provided is not legal advice. It is provided for educational purposes only. Prior to making any decisions always consult an attorney.*

**These topics are presented here to engage the prospective land or homebuyer into thinking about some of the basic subjects that need to be scrutinized when considering a home or land purchase in Wayne County.**

- Is the land surveyed?
  - What are the property boundaries?
- Property rights – surface & subsurface (mineral rights)?
  - Deed Covenants and Restrictions
- What are the municipal ordinances that could affect your plans for the property?
- Is the property suitable to be developed or used for the purposes you intend?
  - Are there wetlands on the property?
  - What is the topography of the land?
  - Is the land located in a flood plain?
  - What types of soils are on the property?
  - Is the property accessible?
- What is the taxing structure in Wayne County?
  - Real Estate Tax
  - Non Real Estate Tax (Per Capita, Occupation, Municipal Services Tax)
- Are utility services available and are some the homeowners' responsibility?
  - Electric Services
  - Telephone Services
  - Television Service
  - Water Services
  - Sewage Services
  - Solid Waste Removal Services
- Will the property owner need to rely on a drilled well for water or is a central water supply network available?
- How is sewage treated that is generated on the property?
  - Where does the sewage go?
- What about garbage disposal?
  - Where does it go?
    - Is there garbage service?
    - Is there a recycling program?
- Contact Information

## Is the Land Surveyed?

It is important to know if the prospected property has been surveyed. A survey gives a person the exact information of a tract of land. Surveying includes measuring and recording the earth's natural features, determining and recording official land boundaries, and measuring the dimensions of man-made structures. This provides builders with exact information when building on a lot.

In order to have a property surveyed a professional surveyor must be contacted and hired. The surveyor will then typically trace through the property deeds to see if the parcel has changed throughout the years. The surveyor will then measure the parcel to determine the property boundary lines and amount of acreage that is within the property to see if it fits what is stated in the property deed.

When building, it is required for the structure to be within compliance of predetermined setbacks from roads, property lines, wells, power lines, gas lines, right of ways, and, potentially, other features depending upon the local municipal ordinances.

## What are the Property Rights?

In Pennsylvania, the mineral estate may be separate from the surface (real) estate. Ownership of minerals on the same tract may be separated from each other - oil, gas, coal, hard rock minerals, etc. All surface and mineral owners have property rights under State law. Pennsylvania recognizes the mineral owner's right to recover the mineral, and the landowner's right to protection from unreasonable encroachment or damage. Pennsylvania does not maintain ownership records of mineral properties; county governments have these records. Surface deeds are almost always recorded in the county's Recorder of Deeds office. An older mineral deed may or may not be recorded in any government office. In modern times real estate transfers are usually taxed, and thus should be recorded in the deeds office of the county where the property is located.

If the deed for the property is "fee simple"; that should mean the surface and mineral rights have not be severed. Otherwise, someone else may own mineral properties on the tract. A thorough title search may discover different ownership rights to the mineral property. If you can't be sure from current documents, searching the property's historical deeds back to the 1860s might reveal that oil and gas has been separated from the surface estate. A phrase in an old deed such as "*oil and gas excepted and reserved*" means that the surface was sold separately from the oil and gas property at that time. If you find such a statement in an old deed, the oil and gas rights would probably not be part of the title to the property. (Pennsylvania Department of Environmental Protection Fact Sheet – Land Owners and Oil and Gas Leases in Pennsylvania <http://www.dep.state.pa.us/dep/deputate/minres/oilgas/fs2834.htm>)

Deed restrictions or deed covenants may be listed in the deed. A deed restriction or deed covenant can determine the way a specific property can look and be used. Deed restrictions may prevent owners from building more than one home on a predetermined lot. Deed restrictions can also go as far as only allowing specific building materials to be used. Any restrictions from prior owners will be listed in the chain of the title.

## **What are the Municipal Ordinances?**

It is very important to know what borough or township the desired property is located in. Each municipality offers different rules, regulations, ordinances, and zoning criteria. These rules, regulations, ordinances, and zoning issues can conflict with your desired use of the property.

For instance, it should be determined if there is zoning in the municipality. Some people may or may not want to buy property in zoned municipalities. Having property located in a zoned municipality can lead to a sense of security from what you may consider an undesirable use. Zoning can help control land uses. Zoning may be more common in urban areas to keep specific land uses in designated areas. Many of Wayne County's rural townships have adopted zoning ordinances. Zoning can designate and regulate how land uses are mixed and/or separated in a municipality. Check the zoning to see what mixes of uses may be allowed in the neighborhood. This will help you decide if this is a neighborhood where you would like to live.

On the other hand, some other prospective land buyers may not want to own property in a zoned municipality. Some people may view zoning as local government intrusion into an individual's private property rights. Zoning can be very unpopular in rural areas. Depending upon your plans, it may or may not be important for the municipality to have a zoning ordinance in place. So prior to making a final decision, you should see if this fits with your vision of your new home and neighborhood.

## **Is The Property Able to be Built Upon?**

When buying property, the proposed buyer should know if the property is suitable to build a structure on. It is necessary also to check the municipal ordinances to review specific rules and regulations. It is not uncommon for a person to buy land without taking into consideration if the parcel is even suitable to build a structure upon. Some things to take into consideration when developing are:

- Wetlands
- Topography
- Soils
- Accessibility
- Municipal Zoning
- Flood Plains

These are some of the items a prospective property buyer should review to determine if the property is adequate for the desired land use. When building on a piece of land or with any type of construction it is necessary to contact the local sewage enforcement officer and building permit officer in order to obtain the proper permits prior to construction.

## **Pennsylvania's Tax System**

Pennsylvania taxpayers pay two types of taxes: a real estate tax (property tax) and a non-real estate tax. Real estate taxes are levied by three levels of government in Pennsylvania. Property owners will pay a tax to three independent classes: the county, the municipality, and the school district.

Taxpayers may also pay non-real estate tax. Each municipality and school district is enabled to levy such taxes. These non-real estate taxes may consist of taxing the citizen on earned income or wages. Other taxes covered include per capita, occupation, occupational privilege, real estate transfer, amusement / admissions, and business gross receipts.

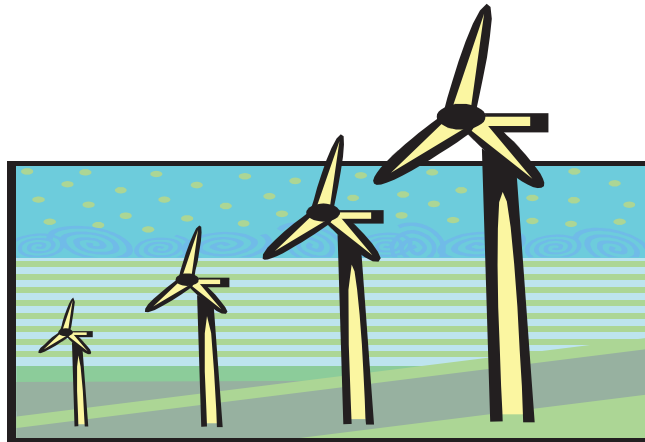
Any prospective land buyer, even if the individual does not live in Pennsylvania but owns land in the commonwealth, must pay a real estate tax. This tax helps to fund the local services made available to the non-resident property owner when they are in Wayne County enjoying their vacation home.

When considering a purchase of real estate (which includes trailers on leased land) always check with the Wayne County Tax Claim Bureau to be sure there are no outstanding real estate taxes associated with the property.

(Governor's Center for Local Government Services)

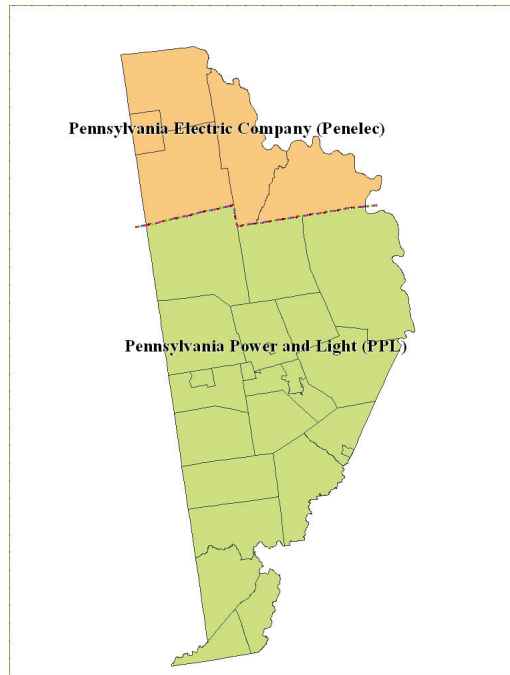
## **What types of Utilities can be Expected?**

Whether buying a property with an existing structure already on it or buying a vacant lot, it is necessary to ask; "What type of utilities can I expect to be available and how much will it cost to get these services to this property?" These utilities can be linked to having more costs than originally considered. Often times these services are ignored and not considered when buying a home or vacant lot. Possible utility fees associated with having a structure on the property are:



## • Electricity

- Location determines which electrical company delivers electrical power to your property. Penelec covers the northern municipalities, while the remainder of Wayne County is served by PPL. It should be known what electrical service provider covers the area where you are considering a purchase of land. If electrical service is not in the immediate area, it may be costly to get service.



Source: Wayne County Comprehensive Plan Update, 2010

## • Telephone

- Six different telephone service providers cover portions of Wayne County. Those who have an assigned territory in Wayne County are: Hancock Telephone Company, Lackawaxen Telecommunications Services, North Eastern Telephone Company, South Canaan Telephone Company, TDS Telecom, and Verizon. Other options such as cell and digital phone services are also available, however cell service may be difficult due to the terrain. Research should be conducted to determine which service provider covers the area of interest. If cell phone reception is important, you should also test the reception prior to your decision.

## • Television Availability

- Television availability can be viewed in many options in Wayne County. Television can be viewed via cable, roof top antenna, satellite dish, and/or telephone lines. Research should be conducted to determine which service would work best for the area in which you are interested.

## • Water

### Where Does The Water Come From?

#### Private On-Lot Well

A majority of Wayne County residents get their water from private on-lot water wells. Generally the drilling of a water well is expensive. The costs that are associated with the drilling can be broken down into the drilling aspect and the materials that are needed to drill the well. Some of the materials needed are: well casing, conveyance lines, aggregate, sealants, casing seal, a pump, well cover, and other various well components. Costs to drill a well can vary widely. The majority of the cost depends on two basic factors, the depth needed to drill in order to find an adequate water supply and how much well casing is required.

#### Community Water System

In some areas, a community water system may be available. A community water system is a public or private utility system designed to supply and transmit drinking water from a common off-lot source to two (2) or more dwelling units or uses. In the case of multi-family dwellings, the common water source may be located on the parcel being developed provided that all dwellings are connected to the common water source.

There are four (4) major water supply companies in Wayne County: Aqua America, PA, Pennsylvania American Water, Pocono Waterworks Company, and the Southern Wayne County Municipal Authority. These provide service in the more densely developed areas of Wayne County.

## • Sewage

### Where Does The Sewage Go?

Sewage is a part of everyday life. The question is: “Where does it go?” It is necessary to know how and where sewage would be or is being treated from the property. Proper sewage disposal practices are important in order to lessen the potential for contamination to the local groundwater supply.

A definite question that needs to be asked is; “Does this property have any sewage system in place?” It all depends on what type of property is being bought. In a highly populated housing development a main sewer network may be set up to collect and deliver the sewage to a central processing facility. In other cases there may be no network of a sewage collection and the property owner would be required to install and maintain their own private on-lot sewage system.

In most of Wayne County, private on-lot sewage systems are used. Private sewage systems can be costly to construct and a series of tests must be completed in order to determine the soil type and the percolation rate of water into the ground. Examples of private septic systems are: conventional in ground systems, sand mounds, spray irrigation systems or other similar community systems. If developing an on-lot or individual sewage system, it is necessary to contact the municipal sewage enforcement officer.



Many lots were created in Wayne County prior to current regulations that call for sewage planning and testing. Simply because a lot has been approved and recorded in the register and recorder's offices does not mean the soils on the lot have been tested and analyzed by a qualified sewage enforcement officer, nor does it guarantee the lot is of a sufficient size to accommodate a sewage system. You need to seek out this information and obtain copies of the test results. **Otherwise, you may be purchasing land that cannot be built upon.** (<http://www.pacode.com/secure/data/025/chapter73/chap73toc.html>)

## • Solid Waste Removal

### Who Picks Up The Garbage, Is There Recycling?



[http://commons.wikimedia.org/wiki/File:Keptidy\\_ask.png](http://commons.wikimedia.org/wiki/File:Keptidy_ask.png)

Garbage is an everyday part of our lives. Each day we use and discard products that are no longer of use to us. When moving to or buying land in Wayne County or anywhere in Pennsylvania it is important to know if the garbage will be disposed of properly. Here are the two ways the trash can be properly disposed of in Wayne County: hire a private trash removal service and recycle those products that can be recycled.

Garbage removal in Wayne County is the homeowner's responsibility. The homeowner must hire private haulers; they are listed in the Yellow Pages under "Garbage" or "Rubbish Removal".

Recycling is also available in Wayne County. The Wayne County Recycling Center is located in Berlin Township. Some townships and boroughs have monthly recycling programs. There are a variety of ways to recycle in Wayne County. Contact the Wayne County Recycling Center for more information. (<http://www.co.wayne.pa.us/?pageid=18>)

## One Last Note of Caution:

It can be very risky purchasing land or lots, site unseen, especially over the Internet. In order to make a wise decision, a prospective land purchaser needs to visit the property they are interested in purchasing. Also, ask questions and obtain evidence to support your decision along with the proper legal and technical guidance available from an attorney, surveyor or other professional, as it may be needed.