

COUNTY OF ORANGE

GEOMATICS/LAND INFORMATION SYSTEMS DIVISION

Lot Line Adjustment Manual

Prepared May, 1997
Revised May 1998
Revised February 2003
Revised July 2004
Revised June 2009

OC PUBLIC WORKS

BRYAN SPEEGLE, DIRECTOR

IGNACIO OCHOA, DIRECTOR PUBLIC WORKS

RAYMOND L. MATHE, COUNTY SURVEYOR

GEOMATICS/LAND INFORMATION
SYSTEMS DIVISION

300 N. Flower Street, Rm. 230
Santa Ana, Ca 92702
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LOT LINE ADJUSTMENT MANUAL

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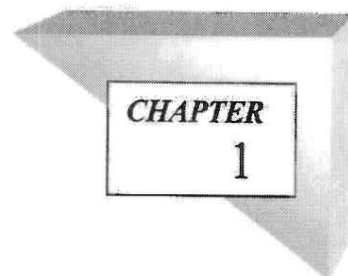
Procedures for Filing Lot Line Adjustments

County of Orange
Subdivision Code
Subarticle 16

Sec. 7-9-355 Criteria

- a. Person(s) owning four (4) or fewer existing adjoining parcels who propose to adjust the boundaries of said parcels in a manner so that the land taken from one parcel is added to an adjoining parcel and a greater number of parcels than originally existed is not thereby created may apply for a lot line adjustment.”
- b. The application for a lot line adjustment shall be prepared by a person authorized to practice land surveying pursuant to the Professional Land surveyors Act.

The following pages contain the policies and procedures, along with copies of the forms needed when submitting a Lot Line Adjustment for approval and recordation.



THE APPLICATION

An application for a Lot Line Adjustment (LLA) can be obtained at the Subdivision & Grading Services Public Counter (PDSD).

Application Package includes:

- A. Submittal Checklist for Lot Line Adjustments
- B. PDSD/Subdivision & Grading Services Filing Instructions pamphlet (6 pages)
- C. Preliminary Change of Ownership Form
- D. The Lot Line Adjustment form (6 pages)+++++++*

Items C & D need to be filled out and returned to the PDSD/Subdivision & Grading/Public Services Counter with appropriate fee (indicated on the checklist).

*The signature of approval from the Manager of PDSD/Subdivision & Grading can be obtained through the Geomatics/Land Information System's Division when the Lot Line Adjustment is ready for approval & recordation.

SUBMITTED BY APPOINTMENT ONLY: (714) 834-5049

***SUBMITTAL CHECKLIST
FOR LOT LINE ADJUSTMENTS***

Date Completed

- _____ 1. Fee: (Map Processing) \$400.00
- (Map Checking/County Surveyor) \$504.00 +
 \$126.00 per parcel
- _____ 2. Application for Lot Line Adjustment (completed, signed and notarized by record owners),
Exhibit A (legal description) Exhibit B (map, including legend), and Site Plan (showing
existing structures and easements).
- _____ 3. Applicant shall provide evidence that establishes the subject property as legal parcels.
- _____ 4. Letter addressed to the Manager, PDSD/Subdivision & Grading Services Division including:
- A. Reason for requesting a Lot Line Adjustment.
- B. Existing zoning on the property.
- C. Required building site area per zoning.
- D. Proposed building site area on each parcel.
- _____ 5. Submit to Orange County Geomatics/Land Information Systems Office:
- A. Ownership Guarantee from Title Company.
- B. Completed Grant Deeds or Quitclaim Deeds (Required for all parcels regardless of single
or dual ownership between the parcels adjusted)
- C. Completed preliminary Change of Ownership Report (forms attached)
- D. Modified Trust Deeds and/or Reconveyance Deeds, if applicable. (Required when a Deed
of Trust is shown in the Ownership Guarantee provided by the Title Company.)

Forward recorded originals to:

County of Orange
OC Public Works/Geomatics/L.I.S. Section
Raymond L. Mathe, County Surveyor
300 North Flower Street
Santa Ana, California 92703-5000

above reserved for County Recorder's use

LOT LINE ADJUSTMENT

LL 20__ -

Record Owners:

PARCEL 1

PARCEL 2

Name: _____

PARCEL 3

PARCEL 4

Name: _____

(I/We are) certify that: (I am/We are) the record owner(s) of all parcels proposed for adjustment by this application: 2) (I/We) have knowledge of and consent to the filing of this application: and 3) The information submitted in connection with this application is true and correct.

Signature(s) of owners(s) or agent
(print or type)

Signature(s) of owners(s) or agent
(print or type)

Signature(s) of owner(s) or agent
(print or type)

Signature(s) of owner(s) or agent
(print or type)

Lot Line Adjustment
LL 20 __ -

The General Plan designates the subject property as _____. It is zoned as _____. The lot line adjustment described herein is consistent with all relevant planning policies and zoning regulations and is categorically exempt from CEQA (Class 3 and 5).

As allowed by and in conformance with the California Subdivision Map Act (Section 66412d) and the Orange County Subdivision Code and Subdivision Manual (Subarticle 16 and Chapter 7, respectively) the lot line adjustment described herein is approved.

County of Orange
OC Public Works
Jess A. Carbajal, Director

By: _____
Manager, Subdivision and Infrastructure

THIS IS AN EXAMPLE OF THE PLANNING CERTIFICATE; CONTACT THE PLANNING DIVISION FOR THE APPROPRIATE ZONING INFORMATION.

LOT LINE ADJUSTMENTS

LL 20__-

Contact Person: _____

Address: _____

Daytime Phone: _____

This document consisting of _____ pages was prepared by me or under my direction.

_____ R.C.E./L.S. _____

My Registration/License Expires _____

Examined and approved as to survey content only for
Raymond L. Mathe, County Surveyor

By: _____

Raymond L. Mathe
County Surveyor, L.S. 6185
My License expires 3/31/12

Dated this _____ day of _____ 20__.

Date Filed	Zoning	SEE EXHIBITS A, B and C attached hereto.
------------	--------	---

EXHIBIT "A"
LOT LINE ADJUSTMENT

LL 20__ -

Legal Description

Owners	Existing Parcels AP Numbers	Proposed Parcels Reference Number

Sheet of sheet (s)

EXHIBIT "B"

LOT LINE ADJUSTMENT

LL 20__ -

Map

Owners	Existing Parcels AP Numbers	Proposed Parcels Reference Number

Sheet of sheet (s)

EXHIBIT "C"

LOT LINE ADJUSTMENT

LL 20__ -

Site Plan

Owners	Existing Parcels AP Numbers	Proposed Parcels Reference Number

Sheet of Sheet(s)

**ORANGE COUNTY SURVEYOR'S OFFICE
GEOMATICS/LAND INFORMATION
SYSTEMS DIVISION**

Procedures for filing Lot Line Adjustments

This section describes the policies and procedures the Orange County Office of Geomatics/Land Information Systems Division (Geomatics/L.I.S.) follows when reviewing and approving a Lot Line Adjustments (LLA's) for recordation.

Included:

- A. Copy of O.C. Geomatics/L.I.S Policies & Procedures Manual regarding LLA'S
- B. Geomatics/L.I.S./ Boundary Unit LLA Checklist Summary
- C. LLA Checklist detail (4 pages)

Geomatics/Land Information Systems Division
Policy & Procedures

LOT LINE ADJUSTMENTS

- A. Upon determination by the Tentative Map Section Representative (TMSR), that a proposed revision to property lines qualifies as a Lot Line Adjustment (LLA) and all PDSD/Subdivision & Grading Services Division (PDSD/S & G) criteria and items for acceptance have been received and approved by the Subdivision Committee, if required, the original LLA application is forwarded to the Geomatics/L.I.S. for further processing and final action.
- B. Original Lot Line Adjustment and package is submitted to the Orange County Geomatics/Land Information Systems (G./L.I.S.) Public Assistance Counter.
 1. Package to include:
 - a. Original LLA
 - b. Lot Book Guarantee/report (whichever clearly shows beneficial interests)
 - c. \$504.00 deposit plus \$126.00 per parcel map checking fee
 - d. Deeds conveying Parcels in conformance with LLA
 - e. Applicable Modified Trust Deeds and/or Reconveyance necessary to effect the intent of the LLA
 - f. Traverse calculation sheets with error of closures shown. (include area of parcels)
 2. Public Services Assistant writes a receipt for the deposit, sends the applicant to the cashier, and when a returned "paid" receipt has been forwarded to by the cashier, the original package is forwarded to the Boundary Unit Supervisor or designated checker.
 3. Boundary Unit Supervisor or his/her designee:
 - a. Prepares a file folder.
 - b. Logs project into the electronic "LLA Book"
 - c. Creates a cost sheet in Accounting database.
 - d. Places file folder in "to be checked" drawer or designated area.
 4. Checker retrieves file folder, makes xerox copy of original LLA and begins review.

Research:

- a. Obtain applicable record data (tracts, parcel maps, records of survey, LLA's, etc.) if not in submittal package.

Title Page

- b. First page of LLA must have: Owner's names; original signatures with notarization of same (additional sheet may be necessary for notaries); contact person; his/her address and daytime phone of Surveyor/Engineer preparing LLA; (pursuant to Section 8761 of the Land Surveyor's Act, a Surveyor's/Engineer's license/registration number must appear on the first page of the document). (If the owner of the land is a corporation and the property lies within the unincorporated territory, two signatures will be required for each corporation.)
- b1. Page 2 consists of the approval statement from the Manager of PDSD/S & G. The signature may be obtained through the G./L.I.S. Office when the LLA is ready for County Surveyor approval & recordation.

Exhibit "A" (Legal Description)

- c. Checked for completeness, i.e., descriptions, if possible should be written as "together with" and "excepting" so that no opportunity for overlapping descriptions is created.
- d. LS or RCE's signature, seal and expiration date must also be shown on at least one sheet if more than one.

Exhibit "B" (Map)

- e. This must be record data map, the information being taken from the underlying deed or recorded map.
- f. Check calculation traverse/closure sheets (run calculation traverse if not submitted) for square feet of areas/parcels.
- g. Check normal mapping requirements (North arrow, scale, dashed record references, street width, parcel numbers for reach proposed parcel, etc.).
- h. Check map against legal description.
- i. All easements that affect the adjusted lot lines must be shown.
 1. A note referring to record easements within adjusted parcels that do not affect the adjusted lot lines is recommended, i.e., *Note: There are easements of record delineated and referenced on the underlying maps or there may be other recorded easements within the area being adjusted that are NOT shown on this document that could encumber said parcels herein.*

- j. Suggested legend symbols:
 - previous boundary line to be revised
 - _____existing boundary line to remain
 - _____new boundary line per this adjustment
- k. LS or RCE's signature, seal and expiration date must also be shown on at least one sheet if more than one.

Site Plan

- l. Will not be recorded and only requires a superficial examination.

Deeds

- m. Check certainty of legal description. Parcels must correspond exactly as created by LLA. (all parcels labeled in the LLA should be mentioned in one or more of the new deeds/quitclaims)
- n. Signatures must be comparable to LLA and the title report and/or guarantee. (If the owner of the land is a corporation and the property lies within the unincorporated territory, two signatures will be required for each corporation.)
- o. The suggested blank format to be used for the description of the accompanying Grant/Quitclaim deed for Lot Line Adjustments if in single ownership:

**PARCEL(S) _____ AS SHOWN ON EXHIBIT "B"
ATTACHED TO THAT CERTAIN ORANGE COUNTY LOT LINE
ADJUSTMENT NO LL ____ - _____ RECORDED CONCURRENTLY
HEREWITH.**
- p. If the parcels are in separate ownership, a proper description must be written to fully describe the area being conveyed. The following statement should then be added:

**THE ABOVE DESCRIBED PARCEL OF LAND IS ALSO SHOWN AS
A PORTION OF PARCEL _____ AS SHOWN ON EXHIBIT "B"
ATTACHED TO THAT CERTAIN ORANGE COUNTY LOT LINE
ADJUSTMENT NO. LL ____ - _____ RECORDED CONCURRENTLY
HEREWITH.**

5. Review Completed

- a. Red line corrections on xerox copy; type check letter itemizing general requirements still deficient and submit the file to the Boundary Unit Supervisor or a designated Senior Land Surveyor for review.

6. File returned to Checker
 - a. Dependent on the number of corrections and/or typing necessary, the Surveyor/Engineer is contacted by letter and corrections made by him/her.
7. After LLA Forms are approved for recordation:
 - a. Deeds must contain statement that it is being recorded "concurrently with LLA - ____". The LLA must be signed by the Manager of PDSD/S&G.
 - b. File is submitted to the County Surveyor for review and signature.
 - c. Review Fee/Cost for sufficient document checking funds.
8. Recording
 - a. Lot Line Adjustment and all supporting documents (Grant Deeds/Quitclaim Deeds, change of ownership, modified deeds of trust) to be forwarded to a bonded Title Company. Map Checker will be responsible for contacting the Title Officer of record to notify them that the LLA is ready for pick-up at the Survey Public Counter.
8. Log Out
 - a. Place file in the approved LLA cabinet for one year.
 - b. Log out project in the electronic "LLA Book".
 - c. LLA fee/cost sheet is produced from database report/cost sheet file.
 - d. A final letter will be sent to Surveyor/Engineer stating the LLA is recorded (include document number), and if any monuments are set, a record of survey will be required.

NOTE: Refer to Subarticle 16 of the "Orange County Subdivision Manual" and Subdivision Code and to Section 66412 of the "Subdivision Map Act."

OC PUBLIC WORKS
Geomatics/Land Information Systems Division
OFFICE SECTION/MAP CHECKING
Boundary Unit

LOT LINE ADJUSTMENT NO. _____ - _____ CHECKLIST
Date of final review _____
Checkers Initials _____
Reviewer's Initials _____
Date Submitted to County Surveyor for Signature _____
Date Submitted for Recording via Title Company _____
Recorded O.R. No. _____

REVIEWED ITEMS: IF YES - "√" IF NO - 'X' IF N/A - CROSS OUT

S U M M A R Y

- 1. Original Lot Line Adjustment Application
 - A. Title Page
 - B. Exhibit 'A'
 - C. Exhibit "B"
 - D. Site Plan
- 2. Grant or Quitclaim Deeds
- 3. Modified Trust Deeds and/or Partial Reconveyances
- 4. Preliminary Change of Ownership Report
- 5. Title Report-Lot Book Guarantee
- 6. Required Letters

Comments: _____

LOT LINE ADJUSTMENT CHECK LIST

Review Items: If Yes - "√" If No - "X" If N/A - Cross Out

Completed originals submitted from regulations (No xerox copies):

1. Original Lot Line Adjustment

Title Pages

- Wet signatures of owners/names and addresses of all owners (2 for corporations)
- Acknowledgements of all owners (separate page may be needed)
- Contact persons (preparer) address, daytime phone number
- Surveyor's/engineer's wet signature and seal
- Zoning info and date signifying approval of PDS/Division & Grading

PAGE 2

- Approval statement signed by Manager, PDS/Division & Grading

EXHIBIT A (Land Description)

- Owner's name AP number Proposed Parcel Number
- Preamble
- Body
- Exceptions "except.." or portions to be added to the parcel "together with..."
- Page reference
- Include in description: "Attached to and made a part of is a map designated as Exhibit "B"".
- wet signature and seal of surveyor/engineer's license or registration # on at least the first sheet of EXHIBIT 'A' with the following statement: THIS (THESE) DESCRIPTION(S) HAS (HAVE) BEEN PREPARED BY ME OR UNDER MY DIRECTION.

John Q. Surveyor/Engineer, LS/RCE #
My license/Registration expires:

Exhibit B (Map)

- Owner's name, AP number, Proposed Parcel Number
- Record data map from what source
- Verify calculations for closure, square feet and/or acreage of each parcel shown within
- Verify normal mapping requirements are sufficiently clear and concise
 - North arrow
 - Scale
 - Dashed record references
 - Bearings and distances with arrowheads for all parcels (as necessary)
 - Data tables
 - Full and half street widths
 - Parcel numbers
 - At least one cross street intersection for location
 - Page references
- Check map against legal description
- All easements that effect the adjusted lot lines must be shown
- note referring to record easements within adjusted parcels that does not effect the adjusted lot lines, i.e.:

NOTE: There are easements of record delineated and referenced on the underlying maps or there may be other recorded easements within the area being adjusted, that are NOT shown on this document that could encumber said parcels herein.

- suggested legend symbols:
 - previous boundary line to be revised
 - _____ existing boundary line to remain
 - _____ new boundary line per this adjustment
- wet signature and seal of surveyor/engineer's license or registration # on at least the first sheet of EXHIBIT 'B' with the following statement:

THIS (THESE) DESCRIPTION (S) HAS (HAVE) BEEN PREPARED BY ME
OR UNDER MY DIRECTION.

John Q. Surveyor/Engineer LS/RCE #
My License/Registration expires:

- Site Plan (may not be recorded)
 - a. Superficial examination

2. Grant or Quitclaim Deeds

- Verify certainty of legal description. Parcels must correspond exactly as proposed by the LLA
- Signatures must be compatible to LLA, the LS or RCE's seal and expiration date must also be shown and all signatures notarized
- The suggested blank format to be used for the description of the accompanying deed for Lot Line Adjustments:
PARCEL(S) _____ AS SHOWN ON ORANGE COUNTY LOT LINE
ADJUSTMENT NO. ____ - ____ RECORDED CONCURRENTLY WITH SAID
DEED.
- All areas completed, i.e., "WHEN RECORDED MAIL To:", "MAIL TAX STATEMENTS TO:". "DOCUMENTARY TRANSFER TAX \$ _____ and signature of Declarant or Agent...etc."

3. Modified Trust Deeds and/or Partial Reconveyance

- Verify certainty of legal description. Parcels must correspond exactly as proposed by the LLA.
- Signatures must be compatible to LLA, the LS or RCE's seal and expiration date must also be shown and all signatures notarized

- The suggested blank format to be used for the description of the accompanying deed for Lot Line Adjustments:

PARCEL(S) _____ AS SHOWN ON ORANGE COUNTY LOT LINE
ADJUSTMENT NO. ___ - ___ RECORDED CONCURRENTLY WITH SAID
DEED.

- All areas completed, i.e., "WHEN RECORDED MAIL TO:", "MAIL TAX STATEMENTS TO:", "DOCUMENTARY TRANSFER TAX \$ _____ and signature of Declarant or Agent...etc."

4. Preliminary Change of Ownership Report (for each parcel of LLA)

- Cursory review
- Wet signatures of all owners

5. Title Report

- Must be current within 6 weeks of submittal date
- Clearly shows owners, possessory and beneficial interests
- Clearly lists easements that impact the parcels
- Descriptions of ownership parcels is shown

6. Letters (Copies sufficient if provided to PDSD/S &G)

- to: Orange County PDSD/Subdivision & Grading Division

_____ reason requesting a lot line adjustment

_____ existing zoning on the property

_____ required building site area per zoning

- from: all parties with a beneficiary interest

_____ mortgage/lien holders

irrevocable offer(s) of fee/easement(s)

trust deed

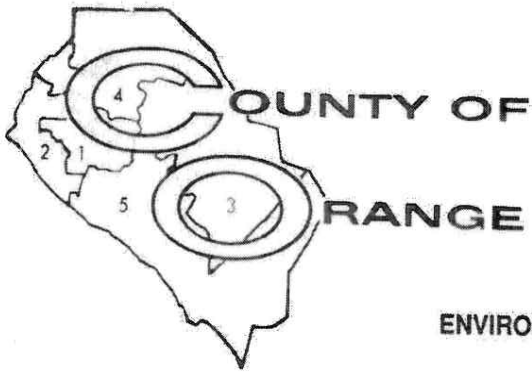
grant or quitclaim deed

Additional comments:

SUPPORT MATERIAL**FOR FILING
LOT LINE ADJUSTMENTS**

The following pages include:

1. Sample of a Modified Deed of Trust Document
2. County of Orange, Subdivision Code/Subarticle 16. Lot Line Adjustments
3. County of Orange County Counsel Opinion regarding Lot Line Adjustments
 - a. A request from First American Title Company initiating the opinion
4. First American Title Insurance Company letter regarding "Preliminary Title Report vs. Lot Book Guarantee" dated February 9, 1995.
5. Distribution letter from John Canas, County Surveyor, regarding Modification of Trust Deeds Prior to Lot Line Adjustment Approval.
6. Chronological documents regarding LLA's
 - a. May 17, 1988 missive from the Board of Registration
 - b. December 21, 1987 Distribution letter from John Canas regarding SB 1123; AB 1208
 - c. Distribution letter from John Canas regarding approved County Ordinance 3845 & AB 1269
 - d. August 20, 1986 Distribution letter from Gary Shelton



MICHAEL M. RUANE
DIRECTOR, EMA

WILLIAM L. ZAUN
DIRECTOR OF PUBLIC WORKS

LOCATION:
12 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

TELEPHONE:
(714) 834-2300
FAX # 834-2870

ENVIRONMENTAL MANAGEMENT AGENCY
PUBLIC WORKS

TO: All Surveyors/Engineers Submitting Lot Line Adjustments
Through The Orange County Surveyor's Office; All City
Engineers And All Title Companies In Orange County

FROM: John Canas, County Surveyor

SUBJECT: Modification of Trust Deeds Prior to Lot Line
Adjustment Approval

In a letter (enclosed) to John Canas, County Surveyor from First American Title Insurance Company, dated August 7, 1991, a major problem involving Lot Line Adjustments was presented. Unless the deeds of trust on the properties involved are modified, a subsequent foreclosure can virtually wipe out the Lot Line Adjustment since the foreclosure will affect the property as originally described in the deed of trust.

The County Surveyor brought this matter to the Professional Liaison Committee and at the November 24, 1992 meeting that committee approved a recommendation that the modification of the trust deeds be recorded concurrently with the Lot Line Adjustment.

Subarticle 16.3, ^gg(1)(2) ^fof the Orange County Subdivision Manual has been amended to read:

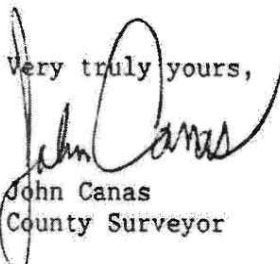
g. After the County Surveyor approves the application, the following processing occurs:

(1) If the parcels/lots involved are owned by different individuals or entities, these owners shall prepare deeds to convey the appropriate portions of the adjusted lots/parcels to each other. Consent to the lot line adjustment by a party or entity holding a beneficial interest in the property shall be reflected in a modification of the deed of trust including, as appropriate, any partial reconveyance necessary to effect the intent of the lot line adjustment. The modifications and, if required, partial reconveyance shall be executed in the manner of a conveyance of real property and recorded concurrently with the deeds required by this section. The County Surveyor will review the deeds and, upon his approval, submit both the deeds and the approved lot line adjustment to the County Recorder for recordation.

(2) If all of the parcels/lots involved are owned by a single individual or entity, the owner shall prepare deeds to convey the newly adjusted parcels/lots to said owner or entity. The legal descriptions shown on these deeds shall agree with the lots/parcels shown on the approved lot line adjustment. Consent to the lot line adjustment by a party or entity holding a beneficial interest in the property shall be reflected in a modification of the deed of trust including, as appropriate, any partial reconveyance necessary to effect the intent of the lot line adjustment. The modifications and, if required, partial reconveyance shall be executed in the manner of a conveyance of real property and recorded concurrently with the deeds required by this section. The County Surveyor will review the deeds and upon his approval, submit both the deeds and the approved lot line adjustment to the County Recorder for recordation. Deeds recorded pursuant to this paragraph shall be exempt from the requirements of Government Code Section 27584 (Monument Preservation Fund).

This change will become effective June 1, 1993. Therefore prior to the approval and recordation of any lot line adjustment existing deeds of trust must be modified so that the description of the property encumbered by them shall reflect the description as shown on the lot line adjustment. The modification document and, if necessary, the partial reconveyance shall be recorded concurrently with the lot line adjustment. Feel free to contact me at (714) 834-3747 should you require any additional information.

Very truly yours,


John Canas
County Surveyor

PAC:gia
2112514540570

cc: Ella Murphy
Steve Ball
Chuck Mette



READING FILE

First American Title Insurance Company

114 EAST FIFTH STREET, (P. O. BOX 267) SANTA ANA, CALIFORNIA 92702 · (714) 558-3211

August 7, 1991

John Canas
County of Orange
County Surveyor
400 Civic Center Drive West
Santa Ana, CA 92701

Dear Mr. Canas,

An interesting legal issue arose in our offices recently which the Subdivision Map Act does not address, yet the results are unduly harsh. First American believes the County will be interested in this occurrence and, thus, we bring this to your attention for comment and guidance.

The Scenario:

Owner purchases two independent adjacent parcels, in two separate transactions securing each parcel with a deed of trust (separate beneficiaries). The parcels are consolidated via lot line adjustment at a later date. The lenders are not notified of the impending consolidation, nor do the lenders consent to the consolidation of the two parcels into one.

Sometime later, the lender on parcel one forecloses upon the note and deed of trust, and the property is sold to a bonafide purchaser for value.

Certainly, no Map Act violation occurs by virtue of the foreclosure sale. The bonafide purchaser and original owner become co-owners of the property. However, in order for the bonafide purchaser to later sell the property he purchased without violating the provisions of the Map Act, a partition action must be instituted.

It is our understanding that a lot-line adjustment is the only form of recordable interest which falls within the guise of the Subdivision Map Act in which the County does not require written consent of all interest holders (including lenders) on the property before it is approved.

If the above statement is factually correct, is the lot-line adjustment subject to invalidation upon foreclosure and sale of the property?

RECEIVED

AUG 09 1991

EMA

It is our opinion that lot line adjustments should be required to have owners and beneficiaries sign them and should also be required to concurrently record a deed and perhaps even modifications of all deeds of trust, so that this and numerous other problems would not occur.

Recently, the issue of making lot line adjustments recordable went before the Legislator which said that they did not need to be recorded because there was already a method by reflecting the lot line adjustment in a deed or record of survey. There is no provision to record lot line adjustments, as far as we can tell.

No law exists on the subject to guide us, therefore the County's comments and counsel is requested.

Very truly yours,



Steven F. Ball
Attorney at Law
Subdivision Manager

SFB/cc



Laurie Grushen
Associate Regional Counsel
Claims Officer

LG/cc

WHEN RECORDED MAIL TO:

(Space Above Line for Recorder's Use Only)

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST (the "Modification") is made this _____ day of _____, 1995 by and between _____, a California limited partnership (the "Trustor") and _____, a California state banking corporation (the "Beneficiary").

RECITALS

A. Beneficiary is the holder of a deed of trust (hereinafter the "Deed of Trust") recorded on _____, as Instrument No. _____ of the Official Records of Orange County, California, covering certain real property in the County of Orange, State of California, owned in fee by the Trustor more particularly described therein (the "Encumbered Property").

B. Trustor desires to adjust the boundaries of some of the lots within the Encumbered Property to be as depicted on Lot Line Adjustment LL _____ (the "Lot Line Adjustment"). The concurrent recordation of a modification of the Deed of Trust to effect the intent of such Lot Line Adjustment is required by the County as a condition to the recordation of such Lot Line Adjustment.

C. The parties hereto desire to modify the Deed of Trust to effect the consent of the Beneficiary to the recordation of the Lot Line Adjustment as set forth above and to amend the Deed of Trust to substitute a legal description that will cover the real property owned by the Trustor following the recordation of any such deeds as adjusted by such Lot Line Adjustment for the Encumbered Property.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of _____

County of _____

On _____ before me, _____
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared _____
Name(s) of Signer(s)

personally known to me – OR – proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

Signer Is Representing:

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

Signer Is Representing:

as follows: NOW THEREFORE, by the execution hereof, the Trustor and Beneficiary agree

Adjustment.

1. Beneficiary consents and agrees to the recordation of the Lot Line
2. The real property described on Exhibit A attached hereto shall be substituted for the property that is encumbered by the Deed of Trust to secure the payment and performance by Trustor under the Deed of Trust so that from and after the recordation of this Modification of real property described on Exhibit A shall be granted, assigned and transferred by Trustor to Trustee in Trust subject to all of the terms and provisions set forth in the Deed of Trust.
3. This Modification shall not affect the lien or charge of said Deed of Trust as to any portion of the Encumbered Property owned by the Trustor as of the recordation of the Deed of Trust.
4. Except as amended hereby, all provisions of the Deed of Trust shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Modification of Deed of Trust to be executed as of the day and year first above written.

By:

By:

corporation BANK, a California state banking

By: _____
Its: _____

By: _____
Its: _____

REVISED
06-06-95
06-22-95

LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, AND IS DESCRIBED AS FOLLOWS:

PARCEL A

PARCEL OF NO. IN UNINCORPORATED TERRITORY OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED APRIL 19, 199 AS INSTRUMENT NO. OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION OF THE LAND CONVEYED TO WATER DISTRICT BY DEED RECORDED DECEMBER 31, 199 AS INSTRUMENT NO. OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THOSE PORTIONS OF THE LAND CONVEYED TO WATER DISTRICT BY DEEDS RECORDED MARCH 24, 199 AS INSTRUMENT NO. MARCH 31, 199 AS INSTRUMENT NO. AND APRIL 8, 199 AS INSTRUMENT NO. ALL OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE LAND CONVEYED TO UNIFIED SCHOOL DISTRICT BY A DEED RECORDED OCTOBER 15, 199 AS INSTRUMENT NO. OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM LOTS AND OF TRACT NO. AS SHOWN ON THE MAP FILED IN BOOK PAGES AND OF MISCELLANEOUS MAPS IN THE OFFICE OF SAID COUNTY RECORDER.

ALSO EXCEPTING THEREFROM LOTS AND OF TRACT NO. AS SHOWN ON THE MAP FILED IN BOOK PAGES THROUGH OF MISCELLANEOUS MAPS IN THE OFFICE OF SAID COUNTY RECORDER.

PARCEL B

PARCELS A, 1 AND 2 AS SHOWN ON EXHIBIT "B" OF ORANGE COUNTY LOT LINE ADJUSTMENT NO. LL RECORDED CONCURRENTLY HEREWITH IN OFFICIAL RECORDS.

from Subdivision Map Act

CHAPTER 7: LOT LINE ADJUSTMENT

7.1 GENERAL INFORMATION

The Government Code specifies that the Subdivision Map Act is not applicable to proposed Lot Line Adjustments between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created. The Lot Line Adjustment is a procedure that may be used under certain specified circumstances as a method for making minor revisions to property lines between two or more existing parcels. The Director or designee, shall have the final authority to administratively approve, conditionally approve or disapprove the proposed Lot Line Adjustment.

7.2 FILING INSTRUCTIONS

The following instructions are intended to provide the necessary information and procedures to facilitate the processing of Lot Line Adjustment applications.

a. Requirements for Filing Application

Completion of the Lot Line Adjustment Application requires basic information regarding ownership and legal descriptions of the properties involved, a title report for each separately owned property, the preparation of maps illustrating the proposal, and the payment of processing fees. The legal owners of the parcels involved are responsible for the accuracy of all information submitted in connection with this application.

Some required items are documents that will be recorded; therefore, the forms must be typed, and exhibits drawn legibly. Also, to assure the reproducibility of the documents, black ink must be used on all forms and maps.

To accurately compile the information required, the Lot Line Adjustment Application must be prepared by a person authorized to practice land surveying pursuant to Sections 8700 through 8805 of the Business and Professions Code, State of California.

b. Criteria for Acceptance

A Lot Line Adjustment may be accepted when the proposal complies with the following:

- (1) The project site described in the proposal consists of legal parcels/lots.
- (2) Any land taken from one parcel/lot will be added to an adjacent parcel/lot and no additional parcels/lots will result from the Lot Line Adjustment.
- (3) The project complies with the requirements of the California Environmental Quality Act.
- (4) The proposal is consistent with the General Plan.
- (5) The parcels/lots proposed by the Lot Line Adjustment will not create conflict with current zoning and building regulations.
- (6) The Lot Line Adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.

c. Items to be Submitted

Forms and filing instructions should be obtained from the Subdivision and Grading Services Division. The applicant shall use the 8½" x 11" forms provided.

(1) Application for lot line adjustment

This form must be filled out completely. The record owners of all parcels/lots involved must sign the application form. Each signature must be notarized. If the record owner is a corporation, the signing officer's name and title must appear below his or her signature. Full legal descriptions for the existing parcels/lots must accompany the application. A copy of the grant deed and title report for each parcel/lot must accompany the application.

(2) Exhibit "A" - legal descriptions

This must include the names of the current record owners, assessor parcel numbers and legal descriptions of the proposed parcels/lots. This form must be typed as it will be one of the recorded documents. The licensed land surveyor or registered civil engineer who prepared the legal description must sign at least one page of Exhibit "A" along with his/her stamp or seal and the expiration dates of the license or registration per the Professional Land Surveyors' Act, Section 8761.

(3) The map must be drawn in black ink on the 8-1/2" x 11" forms supplied. The map must be clear, readable, and provide the following information:

- (a) Map scale and north arrow must be shown.
- (b) The location of the project site in relation to existing streets and the distance to the nearest cross street must be shown. It must be detailed enough to allow someone not familiar with the area to locate the project site.
- (c) The existing and proposed parcel/lot layout must be shown. Bearings and distances for all parcel/lot lines must be shown. A solid line three times heavier than the next heaviest line on the map for proposed property lines, solid lines for existing lot lines and dashed lines for existing lot lines to be adjusted must be used.
- (d) A number for each new parcel/lot (Parcel 1, Parcel 2, etc.) must be used. The net area of each new parcel/lot must be shown. (Net area equals the gross area minus any easements that restrict the surface use of the property, such as vehicular, pedestrian or equestrian easements.)
- (e) The licensed land surveyor or registered civil engineer who prepared the map must sign at least one page of Exhibit "B" along with his/her stamp or seal and the expiration dates of the license or registration per the Professional Land Surveyors' Act, Section 8761.

(4) Site plan

Since only certain information can be on the official recorded Lot Line Adjustment map (Exhibit "B"), a second map is required showing additional information deemed necessary to verify compliance with County building and zoning ordinances. This information must be submitted on a form labeled "SITE PLAN" which will be furnished by the Subdivision and Grading Services Division. The following information must be included on the Site Plan:

- (a) The location and width of all existing or proposed easements or rights of way, whether public or private, for roads, drainage, scenic preservation, resource preservation, open

space, sewers and flood control purposes must be shown. The easements must be labeled as existing or proposed and indicate to whom the easement is granted.

- (b) The location of all above ground or underground structures, including septic tanks and leach lines on the site must be shown, dimension distances from proposed property lines to structures. If there are no structures on the parcels/lots proposed for the adjustment, a note must be placed on the map stating that no structures exist on the property.
- (c) The licensed land surveyor or registered civil surveyor who prepared the site plan exhibit must sign the exhibit along with his/her stamp or seal and the expiration date of the license or registration per the Professional Land Surveyors' Act, Section 8761.

(5) Letter of Request

A letter addressed to the Director, must be submitted with the application explaining:

- The reason for requesting a Lot Line Adjustment.
- Existing zoning on the property.
- Required building site area per zoning, existing building site area, and proposed building site area.
- For existing buildings, required setbacks per zoning, existing setbacks and proposed setbacks

d. Required Fees/Deposits

(1) Filing fee

A fee has been established for the processing of an application for a Lot Line Adjustment.

(2) Environmental evaluation

A Lot Line Adjustment is considered to be Categorically Exempt, Class 5, by the California Environmental Quality Act. A fee has been established for processing the environmental evaluation.

(3) Map processing deposit

A map processing deposit using the hourly processing rate will be collected by the County Surveyor. This will be based on the estimated number of hours for checking the application and processing the approved Lot Line Adjustment.

(4) Recording fee

A recording fee has been established by the County Recorder to record the approved Lot Line Adjustment.

7.3 PROCESSING PROCEDURE

- a. The applicant is required to submit the completed forms to the Subdivision and Grading Services Division representative located in the Development Processing Center.
- b. Upon filing the application staff will assign the application a Lot Line Adjustment (LL) Number.

- c. The Director may impose conditions or exactions on its approval of a Lot Line Adjustment to conform to zoning and/or building ordinances, and/or to facilitate the relocation of existing utilities, infrastructure, and/or easements.
- d. If the Lot Line Adjustment approval was subject to a condition or conditions, each condition shall be satisfied in a manner meeting the approval of the Manager, Subdivision and Grading Services Division, prior to the submission of the deeds and the Lot Line Adjustment to the County Surveyor.
- e. The County Surveyor reviews the application to assure the document is technically correct and in an acceptable form for recordation. The County Surveyor takes final approval action on the application and signs and affixes his seal on the application Lot Line Adjustment.
- f. After the County Surveyor approves the application, the following processing occurs:
 - (1) If the parcels/lots involved are owned by different individuals or entities, these owners shall prepare deeds to convey the appropriate portions of the adjusted lots/parcels to each other. Consent to the Lot Line Adjustment by a party or entity holding a beneficial interest in the property shall be reflected in a modification of the deed of trust including, as appropriate, any partial reconveyance necessary to effect the intent of the Lot Line Adjustment. The modifications and, if required, partial reconveyance shall be executed in the manner of a conveyance of real property and recorded concurrently with the deeds required by this section. The County Surveyor will review the deeds and, upon his approval, submit both the deeds and the approved Lot Line Adjustment to the applicant's bonded Title Insurance Company for recordation.
 - (2) If all of the parcels/lots involved are owned by a single individual or entity, the owner shall prepare deeds to convey the newly adjusted parcels/lots to said owner or entity. The legal descriptions shown on these deeds shall agree with the lots/parcels shown on the approved Lot Line Adjustment. Consent to the Lot Line Adjustment by a party or entity holding a beneficial interest in the property shall be reflected in a modification of the deed of trust including, as appropriate, any partial reconveyance necessary to effect the intent of the Lot Line Adjustment. The modifications and, if required, partial conveyance shall be executed in the manner of a conveyance of real property and recorded concurrently with the deeds required by this section. The County Surveyor will review the deeds and upon his approval, submit both the deeds and the approved Lot Line Adjustment to the applicant's bonded Title Insurance Company for recordation. Deeds recorded pursuant to this paragraph shall be exempt from the requirements of Government Code Section 27584 (Monument Preservation Fund).
- g. All County Surveyor map processing fees must be paid prior to the submission of the deeds and the Lot Line Adjustment to the County Recorder.



HAYES

First American Title Insurance Company

114 EAST FIFTH STREET, (P. O. BOX 267) SANTA ANA, CALIFORNIA 92702 · (714) 558-3211

February 9, 1995

County of Orange-EMA
300 N. Flower St. Sixth Floor
Santa Ana, Ca 92702

ATTN: John Canas

RE: Preliminary Title Reports vs. Lot Book Guarantees

Dear John,

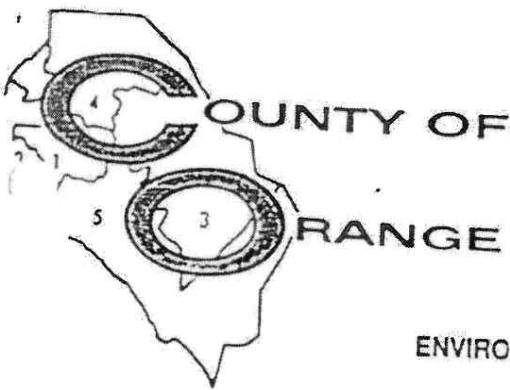
Pursuant to your request, this letter will explain what a Preliminary Title Report (ptr) is and what a Lot Book Guarantee is. The ptr is prepared on a standard CLTA form and includes the following information: the date to which title was searched, the estate or interest covered by the report, the vesting of title, the description of the real property, and the standard exceptions and other exceptions that would be made in the ultimate policy. The ptr is only a statement of the conditions under which an insurer will issue a policy of title insurance. A Lot Book Guarantee (CLTA Guarantee Form No. 12) reports only the state of title as reflected in certain of the companies plant records, namely the vestee of the most recent transfer of title and any mortgages or deeds of trust affecting the property. Should you want the present trustee and the present beneficiary, you must specifically ask for them.

With respect to your second question and with the assumption that a final title report is the same as the issuance of a policy of title insurance, we are occasionally asked to issue a policy if there are two different owners doing the lot line adjustment.

Thirdly a Lot Book Guarantee would be sufficient, if you also specifically asked for the present trustee and the present beneficiary under each deed of trust.

THANK YOU.

Steven F. Ball
Attorney-at-law
Subdivision Manager



MICHAEL M. RUANE
DIRECTOR, EMA

WILLIAM L. ZAUN
DIRECTOR OF PUBLIC WORKS

LOCATION:
12 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

TELEPHONE:
(714) 834-2300
FAX # 834-2870

ENVIRONMENTAL MANAGEMENT AGENCY
PUBLIC WORKS

TO: All Surveyors/Engineers Submitting Lot Line Adjustments
Through The Orange County Surveyor's Office; All City
Engineers And All Title Companies In Orange County

FROM: John Canas, County Surveyor

SUBJECT: Modification of Trust Deeds Prior to Lot Line
Adjustment Approval

In a letter (enclosed) to John Canas, County Surveyor from First American Title Insurance Company, dated August 7, 1991, a major problem involving Lot Line Adjustments was presented. Unless the deeds of trust on the properties involved are modified, a subsequent foreclosure can virtually wipe out the Lot Line Adjustment since the foreclosure will affect the property as originally described in the deed of trust.

The County Surveyor brought this matter to the Professional Liaison Committee and at the November 24, 1992 meeting that committee approved a recommendation that the modification of the trust deeds be recorded concurrently with the Lot Line Adjustment.

Subarticle 16.3, g(1)(2) of the Orange County Subdivision Manual has been amended to read:

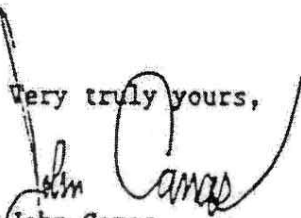
g. After the County Surveyor approves the application, the following processing occurs:

(1) If the parcels/lots involved are owned by different individuals or entities, these owners shall prepare deeds to convey the appropriate portions of the adjusted lots/parcels to each other. Consent to the lot line adjustment by a party or entity holding a beneficial interest in the property shall be reflected in a modification of the deed of trust including, as appropriate, any partial reconveyance necessary to effect the intent of the lot line adjustment. The modifications and, if required, partial reconveyance shall be executed in the manner of a conveyance of real property and recorded concurrently with the deeds required by this section. The County Surveyor will review the deeds and, upon his approval, submit both the deeds and the approved lot line adjustment to the County Recorder for recordation.

(2) If all of the parcels/lots involved are owned by a single individual or entity, the owner shall prepare deeds to convey the newly adjusted parcels/lots to said owner or entity. The legal descriptions shown on these deeds shall agree with the lots/parcels shown on the approved lot line adjustment. Consent to the lot line adjustment by a party or entity holding a beneficial interest in the property shall be reflected in a modification of the deed of trust including, as appropriate, any partial reconveyance necessary to effect the intent of the lot line adjustment. The modifications and, if required, partial reconveyance shall be executed in the manner of a conveyance of real property and recorded concurrently with the deeds required by this section. The County Surveyor will review the deeds and upon his approval, submit both the deeds and the approved lot line adjustment to the County Recorder for recordation. Deeds recorded pursuant to this paragraph shall be exempt from the requirements of Government Code Section 27584 (Monument Preservation Fund).

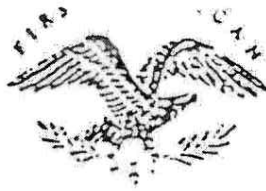
This change will become effective February 1, 1993. Therefore prior to the approval and recordation of any lot line adjustment existing deeds of trust must be modified so that the description of the property encumbered by them shall reflect the description as shown on the lot line adjustment. The modification document and, if necessary, the partial reconveyance shall be recorded concurrently with the lot line adjustment. Feel free to contact me at (714) 834-3747 should you require any additional information.

Very truly yours,


John Canas
County Surveyor

PAC:gia
2112514540570

cc: Ella Murphy
Steve Ball
Chuck Mette



READING FILE

First American Title Insurance Company

114 EAST FIFTH STREET, (P. O. BOX 267) SANTA ANA, CALIFORNIA 92702 • (714) 558-3211

August 7, 1991

John Canas
County of Orange
County Surveyor
400 Civic Center Drive West
Santa Ana, CA 92701

Dear Mr. Canas,

An interesting legal issue arose in our offices recently which the Subdivision Map Act does not address, yet the results are unduly harsh. First American believes the County will be interested in this occurrence and, thus, we bring this to your attention for comment and guidance.

The Scenario:

Owner purchases two independent adjacent parcels, in two separate transactions securing each parcel with a deed of trust (separate beneficiaries). The parcels are consolidated via lot line adjustment at a later date. The lenders are not notified of the impending consolidation, nor do the lenders consent to the consolidation of the two parcels into one.

Sometime later, the lender on parcel one forecloses upon the note and deed of trust, and the property is sold to a bonafide purchaser for value.

Certainly, no Map Act violation occurs by virtue of the foreclosure sale. The bonafide purchaser and original owner become co-owners of the property. However, in order for the bonafide purchaser to later sell the property he purchased without violating the provisions of the Map Act, a partition action must be instituted.

It is our understanding that a lot-line adjustment is the only form of recordable interest which falls within the guise of the Subdivision Map Act in which the County does not require written consent of all interest holders (including lenders) on the property before it is approved.

If the above statement is factually correct, is the lot-line adjustment subject to invalidation upon foreclosure and sale of the property?

RECEIVED

AUG 09 1991

EMA

It is our opinion that lot line adjustments should be required to have owners and beneficiaries sign them and should also be required to concurrently record a deed and perhaps even modifications of all deeds of trust, so that this and numerous other problems would not occur.

Recently, the issue of making lot line adjustments recordable went before the Legislator which said that they did not need to be recorded because there was already a method by reflecting the lot line adjustment in a deed or record of survey. There is no provision to record lot line adjustments, as far as we can tell.

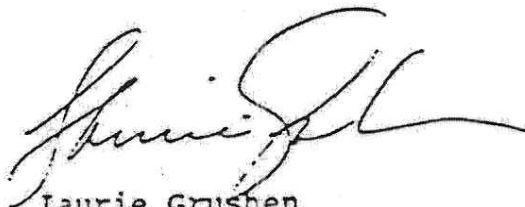
No law exists on the subject to guide us, therefore the County's comments and counsel is requested.

Very truly yours,



Steven F. Ball
Attorney at Law
Subdivision Manager

SFB/cc



Laurie Grushen
Associate Regional Counsel
Claims Officer

LG/cc



County of Orange

MEMO

April 12, 1985

TO: Ella M. Smith, Assistant County Recorder

FROM: Daniel J. Didier, Deputy County Counsel

SUBJECT: Lot Line Adjustments

By recent memorandum, you have requested our opinion as to the recordability of the above type documents. In the majority of instances, such actions are presented for recording as part of a Board of Supervisors or city council resolution, which are recorded. Recently, however, some cities have chosen to designate a representative of the city to approve the lot line adjustment and bypass the resolution process. You have, therefore, requested our review of such subject.

In our opinion, a "lot line adjustment" can be recorded, whether evidenced by resolution or by official action by a designated official, provided the document bears the names of the property owners affected and the signature of the approving official as acknowledged pursuant to Government Code Section 27287.

Since recordation of instruments is a matter of statutory creation, it is necessary that reference be had to the statutes to determine what instruments may be recorded. Our Op. 84-149.

Government Code Section 27280 provides a general authority for recording instruments affecting title to real property. Government Code Section 27287 then provides (with exceptions not pertinent herein) that before an instrument can be recorded, it must be acknowledged by the person executing it. Civil Code Section 1191 would provide the acknowledgment form for acknowledgment by the public official executing the document. Government Code Section 27232 et seq. would provide for indexing of the owners whose property is thereby affected.

The question arises, however, as to who is considered "the person executing the document" for purposes of acknowledgment under Government Code Section 27287. The California Supreme Court, in the case of Keese v. Beardsley (1923), 190 Cal. 465, had occasion to review the language of Government Code Section 27287 (then embodied in Civil Code Section 1161) and declared:

"The provisions concerning the recording of instruments must be construed in the light of their purpose, that is, to give notice to subsequent claimants of the acts of prior owners, alienating or encumbering the title It is therefore, necessary that it be acknowledged by the person whose rights in the property are alienated or encumbered thereby; such as the grantor or mortgagor or vendor."

H100/78

Ella M. Smith, Assistant County Recorder
 April 12, 1985
 Page 2

The Subdivision Map Act vests control over land divisions within local jurisdictions, as well as providing for the enactment of local ordinances regulating and controlling subdivision maps. Govt. Code Sec. 66410 et seq. While our review of the Act did not disclose a provision for "lot line adjustments," such procedure would not appear as inconsistent with a local entity's broad jurisdiction to regulate such subject matter (Ayres v. City Council of Los Angeles (1949), 34 Cal. 2d 31, 37) especially to provide correction or adjustment, as required by a city council or city engineer.

Attached to your memorandum is a City of Orange form entitled "Application for Lot Line Adjustment." The document provides for, inter alia, insertion of the names of the record owners (in this case, a developer still retains title to the parcels) as well as the signature of each affected owner. The form provides for certain environmental approvals as well as for review and approval by the city engineer. Legal descriptions are also required.

In such situations, involving official action by the city council, a city engineer or other designated person, pursuant to city regulation, we believe the "lot line adjustment" can be recorded as executed by the city official. It can be presumed that official action was regularly performed, e.g., that the city official had been properly delegated such authority. Ev. Code Sec. 664. Official city action changing boundaries pursuant to their local authority would appear as constituting an "instrument affecting title to real property." On the other hand, where a "lot line adjustment" is not based upon official action, but merely a euphemism constituting a conveyance between adjoining landowners, such would require execution by the actual person "whose rights in the property are being alienated," that is, the respective property owner.

In conclusion, we believe the "lot line adjustment" form submitted by the City of Orange, as reviewed and approved by the City Engineer, properly acknowledged pursuant to Government Code Section 27287 and Civil Code Section 1191, would be properly recorded.

If you have any further questions on this subject, please advise.



DJD:hp

H100/78

BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

1428 HOWE AVENUE, SUITE 56, SACRAMENTO, CA 95825-3298
MAILING ADDRESS: P.O. BOX 659005, SACRAMENTO, CA 95865-9005
TELEPHONE: (916) 920-7468



May 17, 1988

Attention: All California Professional Land Surveyors

The Board has responded to the question:

"Does Section 8726 require a licensed professional land surveyor to prepare any description in a title document which, for the purpose of describing the limit of real property, establishes a boundary for any parcel of land?"

We ask that you disseminate to your members and/or appropriate employees, a copy of our response.

S.B. 1123 amended Section 8726 to add subdivision (k) to provide that a person engages in the practice of land surveying where he or she:

"(k) Determines that information shown or to be shown within the description of any deed, trust deed, or other title document prepared for the purpose of describing the limit of real property in connection with any one or more of the functions described in subdivisions (a) to (f), inclusive."

In addition subdivision (c) of Section 8726 provides that a person engages in the practice of land surveying where he or she:

"(c) Locates, relocates, establishes, reestablishes, or retraces any property line or boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries."

A title company or an attorney does not engage in the practice of land surveying where, in preparing deeds of conveyance or other documents of title, he or she extracts a property description from recorded documents. However, any new property description which creates a new or different boundary that is not recorded in the County Recorder's Office would constitute the practice of land surveying.

May 17, 1988

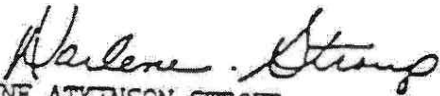
An additional question was less clear: "If the description prepared follows lines which existed as property boundaries on past documents, but which are no longer parcel lines, and no field survey is required, would the preparation of the description fall within the practice of land surveying?"

If this question is directed at the situation where a parcel of land has been merged with another parcel and a boundary line eliminated, the preparation of a new description of the whole would be required to be performed by a surveyor. However, where a person owns contiguous legal parcels which are described as metes and bounds description as parcels 1, 2, 3, etc. and the owner decides to sell one existing legal parcels, the property description of this conveyance would not have to be performed by a land surveyor.

It is also noted that a title company that makes a request to change a new description for their underwriting purposes would not appear to be engaging in the practice of land surveying.

We trust that the foregoing is of assistance.

Sincerely,



DARLENE ATKINSON STROUP
Executive Officer

DAS:dc:k1f

cc: All Board Members



ENTITY-MAJOR-SPECIFIC-DATE-LOC.

25440 HOOD 12/30 140

ERNE SCHNEIDER
DIRECTOR, EMA

C. R. NELSON
DIRECTOR OF PUBLIC WORKS

LOCATION:
400 CIVIC CENTER DRIVE WEST
SANTA ANA, CALIFORNIA

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

TELEPHONE:
(714) 834-2300

ENVIRONMENTAL MANAGEMENT AGENCY
PUBLIC WORKS
December 31, 1987

FILE

TO: All City Engineers
FROM: John Canas, Deputy County Surveyor
SUBJECT: SB 1123; AB 1208

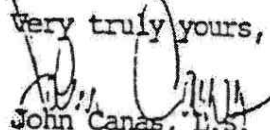
SB 1123 (Chapter 805), a portion attached, has added preparing legal descriptions to the Land Surveyor's Act (Sec. 8726(k)). The members of the League of California Surveying Organizations has interpreted this to mean only those authorized to practice Land Surveying may prepare legal descriptions. The County Surveyor's Office will not accept Lot Line Adjustments or Certificate of Compliance applications prepared by private parties who do not have this authorization. We feel that the cities in the County should follow this policy. This will maintain consistency in complying with State Law throughout Orange County.

This bill has also amended Section 8761.1 of the L.S. Act by adding the word "approve" to the authority of a Licensed Land Surveyor or Registered Civil Engineer. This has been interpreted to mean that the person approving a map, plat, report, description or other document must sign, seal and show the expiration date of his or her license or registration. There has been a problem in the past with seals on maps covering up words or signatures. The Recorder has rejected these maps, causing excessive delays in recordation. This office suggests that you use either a metal embossing type seal in lieu of an ink pad type seal, or leave sufficient room on the document to incorporate your seal.

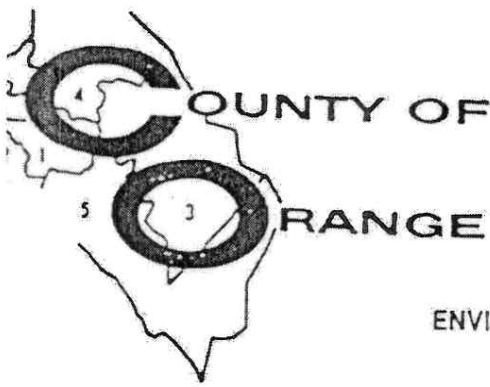
AB 1208 (Chapter 982) changes the Subdivision Map Act whereas the word "statement" may be substituted for the word "certificate". Either may be shown for the City Engineer.

Contact Paul Cuomo (834-2957) with any questions you may have regarding these items.

Very truly yours,


John Canas, L.S.
Deputy County Surveyor

PC:ks



MICHAEL M. HUANE
DIRECTOR, EMA

WILLIAM L. ZAUN
DIRECTOR OF PUBLIC WORKS

LOCATION:
12 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

TELEPHONE:
(714) 834-2300
FAX # 834-2870

ENVIRONMENTAL MANAGEMENT AGENCY
PUBLIC WORKS

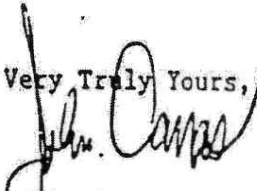
TO: All Surveyors/Engineers Submitting Maps in Orange County
All City Engineers
All Title Companies

FROM: John Canas, County Surveyor

SUBJECT: 1) County Ordinance No. 3845 relative to Lot Line Adjustments;
2) AB 1269 - City Engineers

- 1) County Ordinance No. 3845, (attached), was approved by the Board of Supervisors on November 12, 1991. This ordinance requires that Lot Line Adjustment applications be prepared by persons authorized to practice land surveying. It also requires that the applicants prepare deeds that will reflect the newly adjusted lots or parcels and that these deeds will be submitted as part of the deliverables. Once the application has been approved by the County Surveyor it shall be submitted to the County Recorder along with the deeds and both shall be recorded concurrently. This ordinance shall apply to all Lot Line Adjustments submitted to the County after January 2, 1992.
- 2) Assembly Bill 1269, (attached), was approved by the Governor on October 8, 1991, and chaptered in Chapter 738. It amends Sections 66442 and 66450 of the Subdivision Map Act relating to Parcel and Final Map Certificates. These amendments require that both certificates be substantially the same and that post 1982 Registered Civil Engineers who are the City Engineer may sign the maps but may not certify that the map is technically correct. This must be done by a person authorized to practice land surveying. The County Surveyor's office will be preparing new certificates to reflect the changes in the law and will send these to you in early January.

Should you have any questions regarding these matters contact Paul Cuomo, Deputy County Surveyor at 834-2957.

Very Truly Yours,

John Canas
County Surveyor

ORDINANCE NO. 3845

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA, AMENDING THE ORANGE COUNTY SUBDIVISION CODE, LOT LINE ADJUSTMENTS.

The Board of Supervisors of the County of Orange, California, does ordain as follows:

Section 1. Amend Section 7-9-355 to read:

Sec. 7-9-355. Criteria

A person or person(s) owning two (2) or more adjacent parcels who propose to adjust the boundaries of said parcels in a manner so that the land taken from one parcel is added to an adjacent parcel and a greater number of parcels than originally existed is not thereby created may apply for a Lot Line Adjustment.

"The application for Lot Line Adjustment shall be prepared by a person authorized to practice land surveying pursuant to Sections 8700 through 8806 of the Business and Professions Code, State of California."

Section 2. Amend Section 7-9-356b to read:

- b. Applications for Lot Line Adjustments shall be reviewed by the Manager, Subdivision Division or designee, for compliance with the Subdivision Manual. Conditions may be placed on the L.L.A. at this time if deemed necessary. The Manager of the Subdivision Division, may determine on a case-by-case basis that the public interest would be better served by a public hearing in front of the Subdivision Committee. In such case, the L.L.A. shall be processed per Section 7-9-253, Public Hearings, of the Orange County Subdivision Code. Upon approval by the County Surveyor a certificate of approval of Lot Line Adjustment shall be issued and recorded.

Section 3. The following is added to Section 7-9-356:

- f. After the Lot Line Adjustment proposal is approved by the manager, Subdivision Division, for compliance with the Subdivision Manual, and all the parcels or lots involved are owned by a single individual or entity, the owner shall prepare deeds to convey the newly adjusted parcels or lot to said owner or entity. The legal descriptions shown on these deeds shall agree with the lots or parcels shown on the lot line adjustment proposal. The County Surveyor shall review the lot line adjustment and deeds, and upon his approval, submit them to the County Recorder for recordation. Deeds recorded pursuant to this paragraph shall be exempt from the requirements of Government Code Section 27584. (Monument Preservation Fund).
- g. After the Lot Line Adjustment proposal is approved by the Manager, Subdivision Division, for compliance with the Subdivision Manual, and the parcels or lots involved are owned by different individuals or entities, these owners shall prepare deeds to convey the appropriate portions of the adjusted lots or parcels to each other. The County Surveyor shall review the Lot Line Adjustment and deeds, and upon his approval, submit them to the County Recorder for recordation.

authorize city or county engineers registered as civil engineers after January 1, 1982, to make the statements that they have examined the map, the subdivision as shown is substantially the same as it appeared on the tentative map, and that all provisions of the Subdivision Map Act and other applicable local ordinances have been complied with. This bill would expressly authorize persons eligible to practice land surveying pursuant to the Professional Land Surveyors' Act or persons registered as civil engineers prior to January 1, 1982, pursuant to the Professional Engineers' Act or persons registered as civil engineers prior to January 1, 1982, pursuant to the Professional Engineers' Act to make the statement that they are satisfied that the map is technically correct.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 66442 of the Government Code is amended to read:

66442. (a) If a subdivision for which a final map is required lies within an unincorporated area, a certificate or statement by the county surveyor is required. If a subdivision lies within a city, a certificate or statement by the city engineer or city surveyor is required. The appropriate official shall sign, date, and, below or immediately adjacent to the signature, indicate his or her registration or license number with expiration date and state that:

(1) He or she has examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof.

(3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map have been complied with.

(4) He or she is satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code). The county

surveyor, the city surveyor, or the city engineer, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete and file with his or her legislative body his or her certificate or statement, as required by this section, within 20 days from the time the final map is submitted to him or her by the subdivider for approval.

SEC. 2. Section 66450 of the Government Code is repealed.

SEC. 3. Section 66450 is added to the Government Code, to read: 66450. (a) If a subdivision for which a parcel map is required by the county surveyor is required. If a subdivision lies within a city, certificate or statement by the city engineer or city surveyor is required. The appropriate official shall sign, date, and, below or immediately adjacent to the signature, indicate his or her registration or license number with expiration date and state that:

(1) He or she examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, if required, and any approved alterations thereof.

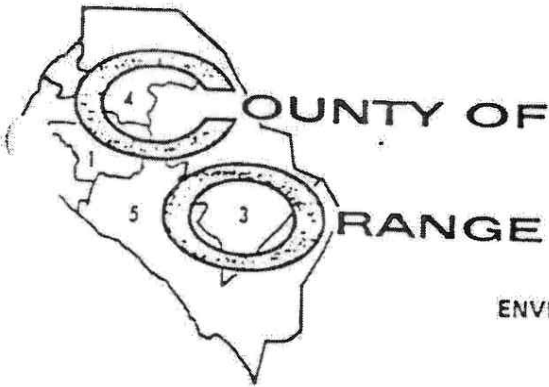
(3) All provisions of this chapter and of any local ordinance applicable at the time of approval of the tentative map, if required, have been complied with.

(4) He or she is satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) of subdivision (a) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code).

(c) The county surveyor, city engineer, or city surveyor, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete and file with his or her legislative body his or her certificate or statement, as required by this section, within 20 days from the time the parcel map is submitted to him or her by the subdivider for approval.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that



ENVIRONMENTAL MANAGEMENT AGENCY
PUBLIC WORKS

August 20, 1986

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FILE

TO: All Surveyors/Engineers Submitting Maps in Orange County,
All Title Companies and City Engineers.


FROM: G. K. Shelton, Deputy County Surveyor

SUBJECT: Supporting Documents for Proposed Lot Line Adjustments

The Orange County Surveyor's staff has recently reviewed several proposed lot line adjustment applications that had some major problems. The problems, had they not been detected, could have caused title defects and possible litigation. In one case the property being revised was not owned by the person signing the document. In another case, all the record owners did not sign the application and in a third case, the lots being adjusted were not legal building sites.

In an effort to avoid these and other similar problems from occurring in the future, this office will not approve a lot line adjustment unless it is accompanied by a Lot Book Report covering each lot or parcel involved. In the case of property described by metes and bounds or created by deeds other than lot or parcel descriptions, the original deed creating the parcel must be submitted with the application. Should you have any questions regarding this letter please contact Paul Cuomo, Supervising Land Surveyor at 834-2957.

Very truly yours,


G. K. Shelton, L.S.
Deputy County Surveyor

PC:ks