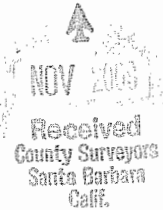


LAW OFFICE OF
FREDERIK A. JACOBSEN

P.O. Box 2003
MENLO PARK, CA 94026
TELEPHONE (650) 483-2556
FACSIMILE: (415) 373-1078
Email: fredjacobsen@earthlink.net

November 17, 2009



County of Santa Barbara
Public Works – Surveyor
123 Anapamu Street
Santa Barbara, CA 93105

Re: Certificates of Compliance Applications 09CC76 and 09CC77

Applicant Jameson Properties LLC has been requested to submit further materials in support of its applications 09CC76 and 09CC77 for Certificates of Compliance (properties located at 1403 and 1407 South Jameson Street in Montecito).

1403 and 1407 Jameson were originally part of the property known as 1256 Coast Highway in Montecito. The then owner, Carl Heitman, wanted to move three houses from Summerland (where a Division of Highways highway widening required their relocation) to his vacant property at 1256 Coast Highway.

He applied for permits for the relocation at different times. The permits showed dimensions for the proposed lots as 78 feet by 150 feet (1403 Jameson), 65 feet by 150 feet (1407 Jameson), and 65 feet by 150 feet (a third lot). The permits for 1403 Jameson and 1407 Jameson were approved by the Planning Commission in 1953 and 1946, respectively. The permit carried a handwritten notation for both lots: **“Lot will contain at least 6,000 sq ft if sold from total property.”** 6000 square feet was the minimum lot size under the zoning of the property at the time [B-1 under Santa Barbara County Ordinance §453].

At the time of their creation, neither Santa Barbara County ordinances nor state law required a plat map showing interior boundaries of proposed lots. The County was concerned that an owner not subdivide adjoining land he did not own; hence, the requirement that exterior lines be shown. A November 7, 1967 memo from the County Surveyor’s office to interested parties (attached hereto), illustrates how County policy was interpreted:

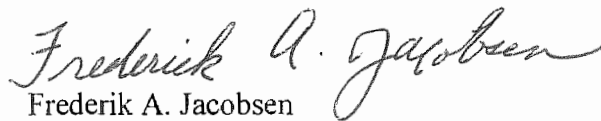
“b) A Parcel Map, of four or less lots, may be compiled from record data taken from filed maps when there is sufficient data to locate and retrace **the exterior boundary lines** of the Parcel Map. One line must be established in the field from found monuments. (Section 11576b). **All interior lot data may be calculated.**”

This is precisely what the owner did by establishing interior lot lines by describing a distance from which the interior lot dimension could be calculated.

The County Assessor also recognized the fact of two lots. The Assessor gave each lot a separate address (1403 and 1407 South Jameson) when it reappraised the lots in 1968, with **knowledge that each house had been separately leased (for \$150 and \$175 per month, respectively)** [copies of the appraisals are attached].

The effect of the lot creation was demonstrated when the third lot (with dimensions 65 feet by 150 feet) was sold on February 20, 1951 [deed is at Book 972, Page 163 of Official Records]. The County has never made the claim, to our knowledge, that this was the sale of an illegal parcel. Jameson Properties LLC asks only to be treated in like manner.

Sincerely yours,

A handwritten signature in cursive script that reads "Frederik A. Jacobsen". The signature is written in black ink and is positioned above the typed name.

Frederik A. Jacobsen
Attorney for Jameson Properties LLC

EXHIBIT "A"

A portion of Lot 217 of the Outside Pueblo Lands of the City of Santa Barbara ,
in the County of Santa Barbara , State of California , described as follows :

Beginning at the most northwesterly corner of that parcel of land described in deed from Ann McNeal to M.J. Rolph recorded August 25 , 1892 in Book 34 , page 10 of Deeds ; thence S. 00° 09 ' 30 " E. along the westerly line of said Rolph parcel a distance of 92.64 feet to the most northwesterly corner of that parcel of land described in deed from Helen Diess et.con. to Carl Heitmann et.ux. recorded May 21, 1942 , as Instrument No. 3989 in Book 551 , page 197 of Official Records ; thence N. 76° 07 ' 00 " E. along the northerly line of said Heitmann parcel a distance of 78.00 feet to a point , same point being the true point of beginning for the herein described parcel of land ; thence N. 76° 07 ' 00 " E. continuing along the northerly line of said Heitmann parcel a distance of 61.47 feet to the most northwesterly corner of that parcel of land described in deed from Carl F. Heitmann and Myrtle L. Heitmann to Fred C. Butterfield and Esther L. Butterfield recorded November 19 , 1964 as Instrument No. 49128 in Book 2079 , page 1056 of Official Records ; thence S. 00° 11 ' 14 " E. along the westerly line of said Butterfield parcel a distance of 120.32 feet to a point , same point being the most southeasterly corner of that parcel of land referred to as " Parcel 1 " on that map recorded in Book 68 , page 74 of Records of Surveys , in the office of the County Recorder ; thence S. 76° 07 ' 00 " W. along the southerly line of said Parcel 1 a distance of 71.50 feet to a point ; thence N. 29° 49 ' 09 " E. 27.93 feet to a point ; thence N. 04° 38 ' 36 " W. a distance of 27.52 feet to a point ; thence N. 76° 07 ' 21 " E. a distance of 15.00 feet to a point ; thence N. 13° 53 ' 00 " W. a distance of 69.55 feet to a point of intersection with the northerly line of said Heitmann parcel , and the conclusion of the herein described parcel of land .

Excepting therefrom that area of land described in deed from Carl Heitmann and Myrtle L. Heitmann to the State of California recorded January 14 , 1954 as Instrument No. 746 in Book 1207 , page 492 of Official Records .

The parcel of land described herein contains 6094 square feet and is commonly known as 1407 South Jameson Lane .

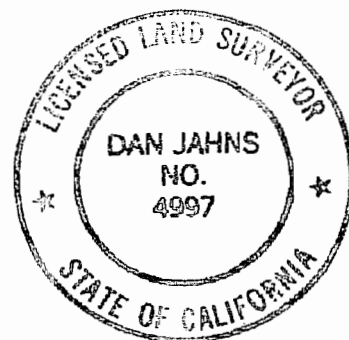
The area described herein is based on information (dimensions and square footage) contained in a building permit approved and issued by the Santa Barbara County Building Department as Permit No. 605 on June 16, 1946, and on County Ordinances and State law in effect and applied to the property at the time the Building Department issued the referenced building permit .

Prepared by


Dan Jahns P.L.S. No. 4997

License expiration date : 12 / 31 / 09

SURVEYING SERVICES



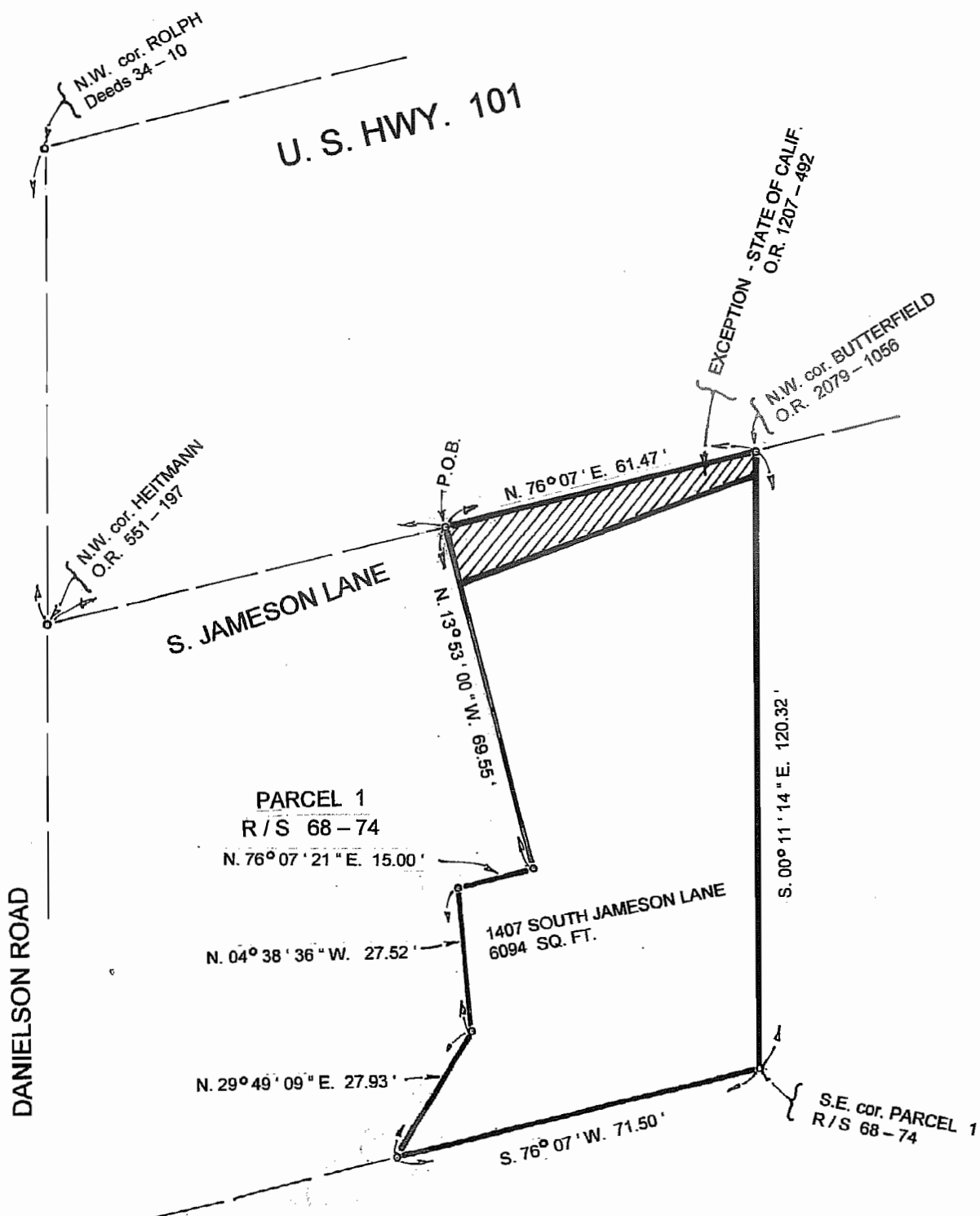


EXHIBIT B

SCALE: 1" = 30'

RESIDENTIAL BUILDING RECORD

ADDRESS 1407 S. JAMESON LN Blk. Lot

DESCRIPTION OF BUILDING

CLASS & SHAPE	CONSTRUCTION	STRUCTURAL	EXTERIOR		ROOF		ELECTRICAL		AIR CONDITION		ROOM AND FINISH DETAIL			
			Stucco	Shingling	Flat	Pitch	(10) Wiring	220V	Heat	Cool	Rooms	Floors	Floor Finish	Trim
D 2 B	Light Sub-stand.	Frame "x" Sheathing	Stucco	Flat	4 Pitch	(10) Wiring	220V	Heat	Cool	Rooms	Floors	Floor Finish	Trim	Interior Finish
Architecture	Standard	Conc. Blk.	Siding "x"	Hip	4	B.X.	Cable	hp-cfm-tons	M. bio.	All	X	Material	Grade	Walls
CALIF/CONV	Above Stand.	Brick	Shed	Shed	4	Fixtures		Central Furn.				A	DP	B+ B
ONE / Stories	Special	Brick Adobe	T&G	Cut Up		Few	Chp.	Forced	Grav.	Hall				
TYPE	Design	X Single Wall	Good	Avg.	Fair	Avg.	Med.	Refrg.	Evap.	Living	/			
Use	FOUNDATION	X Floor Joists	Shingles	Gr. stops & D. S.		Many	Spec.	Roof	Wind.	Dining				
X Single	Concrete	X 1st "x" x "x" oc.	Shakes	Gutters & D. S.						Family				
Double	Reinforced	2nd "x" x "x" oc.	Brick	Comp.						Bed	2			
Duplex	Brick	Sub Floor	Stone	X Comp. Shingle	X Fair	Avg.	Good	Radiant		Bed				
Apartament	Wood	Windows	Shingle	Shingle		Laundry		Hy-Boy Furn.		Bed				
Flat	Piers	Slid. X Fixed	Shake	Shake				Wall Furn.						
Motel	Walls	D.H.	Tile	Tile		Fixtures		Floor Furn.		Utility				
Units	Walls	Clg. X	Tar &	Tar &		Wt. Soft'ner		Thermostat		Kitchen	/			
	X Lt. Avg.	Hwy.	Steel	Steel		Wt. Htr. Gal.	X	Fireplace						
	Weatherstrip	X	Screens	X		X Gas	Elect.	Inside B.B.Q.		Drain Bd.	Material	WD	Lgth.	8 Ft. Splash

CONSTRUCTION RECORD		MISCELLANEOUS STRUCTURES		BATH & LAVATORY DETAIL									
Permit No.	For	Structure	Found.	Cons.	Ext.	Roof	Floor	Int.	Size, etc.	Fl. No.	Finish	Fixtures	Shower
	Duple.									/	L/Mo T: B+ B	Wc La Tub Type	Grade St. O.T. G.D. Finish
										/	L/Mo T: B+ B	/ / /	Dcb F / T

TRANSACTION RECORD		SPECIAL FEATURES	
Date	Trans. Hse. Lot	Range & Ovn	Units
		Dishwash.	Slid. Gl. Dr. Fl.
		Garb. Disp.	Plate Glass Fl.
		Blt-in Ref.	Book Cases
		Exh. Fan	Bath Vanity

REMARKS: REAPPRAISAL - SFR RENTS 60/MO ONE 5-13-68 9R 7-17-75: REAPPRAISED -
 NO ENTRY - poor soil per carmen - tenants done rough on house. Rent is about \$150. Pda

RATING (E. G. A. F. P.)		APPRAISER & DATE	
Cond.	Arch. Func. Con- Stor. Space Work- m/shp	Year	Table %
F	F A F F P A	1900	68
F	F A F F P A	1900	76
F	F A F F P A	1900	43
F	F A F F P A	1900	43

STATE OF CALIFORNIA
 COUNTY OF SANTA BARBARA
 I DO CERTIFY THAT THIS IS A TRUE AND
 CORRECT COPY OF THE ORIGINAL IN THIS
 OFFICE.
 JOSEPH E. HOLLAND
 County Clerk, Recorder and Assessor
 By Mr. De W
 This 18 day of Sept 20 54

SPACE ABOVE THIS LINE FOR RECORDER'S USE



PS. IN THIS SPACE

Grant Deed

Act J. R. S. 8. 10.15

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged
WINSTON H. HANSEN and EILEEN M. HANSEN, husband and wife,
 GRANT to do hereby
VICTOR W. B. REYNOLDS and TERRESE REYNOLDS, husband and wife, as joint tenants,
 the real property in the county of Santa Barbara
 state of California, described as:

That portion of Lot 217 of the Untold Public Lands of the City of Santa Barbara, in the County of Santa Barbara, State of California, described as follows:

Beginning in the center line of the State Highway at the intersection of the northerly prolongation of the easterly line of Danielson Road; thence north 76° 57' east along the center line of said Highway 208.71 feet to the northwesterly corner of the tract of land described in the deed to Oscar Holden contained in Book 332 page 577 of Deeds, records of said County; thence south along the east line of said Holden tract of land 77.01 feet to a 1/4" brass cap and monument set on the southerly line of said State Highway, said point being the true point of beginning of the property herein described; thence continuing along the westerly line of said Holden tract of land south 0° 12' 15" east 110.00 feet to a 1/4" survey pipe; thence parallel with the southerly line of said State Highway south 76° 57' east 69.00 feet to a point; thence north 0° 12' 15" west 110.00 feet to a 1/4" survey pipe set on the southerly line of said State Highway; thence along the southerly line of said State Highway north 76° 57' east 69.00 feet to the true point of beginning.

Dated July 6, 1951

Winston H. Hansen
Eileen M. Hansen

STATE OF CALIFORNIA
 COUNTY OF
 Santa Barbara

On **July 6, 1951**
 before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Winston H. Hansen and Eileen M. Hansen**

known to me to be the persons whose names I subscribed to the within instrument and acknowledged that they executed the same.
 WITNESS my hand and official seal.

[Signature]
 Notary Public in and for said County and State

SPACE BELOW FOR RECORDER'S USE ONLY

INDEXED

105617

RECORDED AT REQUEST OF THE DEEDGRANTOR & HIS SPOUSE

JUL 12 1951

in P.M. with post. & clock

At the in Book 333 by Official Records page 333 Records of Santa Barbara County, Cal.

JAMES G. FOWLER
 Deputy Recorder

By *[Signature]*
 Deputy Recorder

Fee \$ 1.00

PHOTOSTATED BY: *E. Check* Deputy, CHECKED BY: *[Signature]* JAMES G. FOWLER, County Recorder

COPY

Bill.

ADDRESS 1403 S. JAMESON LN

DESCRIPTION OF BUILDING

CLASS & SHAPE	CONSTRUCTION	STRUCTURAL	EXTERIOR		ROOF		ELECTRICAL		AIR CONDITION		ROOM AND FINISH DETAIL					
			Light	Sub-stand.	Sheathing	Stucco	Flat	Pitch	110V Wiring	220V	Heat	Cool	Rooms	Floors	Floor Finish	Trim
D 3 B + 100%	X Light	X Frame 2"x3"-16	BW	St. Tex	Gable	4/12	X 110V	X 220V	X Heat	X Cool	B 1 2	1 2	Material	Grade	Walls	Ceilings
Architecture	Standard	Conc. Blk.	Siding	" x "	Hip	1/4	B.X.	X Cable	M. blu.	All	X	X	Material	F	Walls	Walls
CALIF / CALIF	Above Stand.	Brick / Adobe	B&B	T&G	Shed	4/12	Fixtures		Central Furn.				Material	OP	Walls	Walls
ONE Stories	Special	Brick / Adobe	Good	Avg.	Cut Up		X Few	X Chp.	Forced	Grav.			Material		Walls	Walls
TYPE		Single Wall	Shingles	Fair	Dormers		Avg.	Med.	Refrg.	Evap.			Material		Walls	Walls
Use	Design	X Floor Joists	Shakes	Gu. stops & D. S.	Gu. stops & D. S.		Many	Spec.	Roof	Wind.			Material		Walls	Walls
X Single	FOUNDATION	X 1st: 1/2 x 6" oc.	Brick	Stone	Comp.		PLUMBING		Radiant				Material		Walls	Walls
Double	X Reinforced	2nd: " x " oc.	Brick	Stone	X Comp. Shingle		X Fair	X Avg.	X Good	Hy-Boy Furn.			Material		Walls	Walls
Duplex	Brick	Sub Floor	Stone	Stone	Shingle		X Laundry			Wall Furn.			Material		Walls	Walls
Apartment	Wood	Conc. Floor	Slid. X Fixed	WINDOWS	Shake		X			Wall Furn.			Material		Walls	Walls
Flat	Piers	Insulation	X D.H.	Alum.	Tile		Fixtures			Floor Furn.			Material		Walls	Walls
Motel	X Lt.	Walls	Csmi.	Steel	Tar. &		Wt. Soft'war			Thermostat			Material		Walls	Walls
Units	X Avg.	Weatherstrip	Screens				X Wt. Htr.	X Gal.		Fireplace			Material		Walls	Walls
							X Gas	X Electr.		Inside B.B.Q.			Material		Walls	Walls

MISCELLANEOUS STRUCTURES									
Structure	Found.	Cons.	Ext.	Roof	Floor	Int.	Size, etc.		
STG							180' x 4'		

BATH & LAVATORY DETAIL									
Fl. No.	Finish			Fixtures			Shower		
	Floors	Walls	Wc/La/Tub	Type	Grade	St. O.T.	G.D.	Finish	
1	LINOL	PL EN	PL EN	7	7	7	7	7	

SPECIAL FEATURES									
Range & Ovn	Units	Slid. Gl. Dr.	Fl.	Counter Appliances					
				Breakfast Bar					
Dishwash.		Plate Glass	Fl.						
Garb. Disp.		Book Cases							
Bl-in Ref.		Planter							
Exh. Fan		Bath Vanity							

REMARKS: REAPPRAISAL - 5 FR RENTS 120/mo ONE 5-13-68 7-17-75: Reappraisal.
 APPROX 1500 MARKET 017 - 2 in addition condition. Rent is 175/22. Paid.

Two cottages: D3 - 312 = 1477 SF, D 2 - 211 = 903 SF. No list but through broker. Super noisy location on the corner of Danleison facing the freeway. 10' tall privacy fence, gravel driveway & exterior completely fixed up... good condition per PCQR & exterior inspection. Rent on 3 bedroom was \$2,800 per agent. 11-24-03 - KDH

Trying to verify odd sales price, looks like commission but no response to 10-10-03 letter & messages on 11/16/03 & 3-24-04. KDH

RATING (E. G. A. F. P.)		CONSTRUCTION RECORD		TRANSACTION RECORD		APPRaiser & DATE	
Date	Cond.	Arch. Atr.	Func. Plan	Con. Form	Stor. Cp/bd	Space Closet	Work m/ship
11-13-48	F	F	A	F	F	F	A
11-13-48	F	F	A	F	F	F	A

Year Built	Effect. Year	Appr. Year	Age	Remain Life	Normal % Good
1900	1900	1968	68	F	43
1900	1970	1970	70	F	43

APPRaiser & DATE	COMPLETED R. C. N.	% COMPLETE	PRESENT R. C.	% GOOD	R. C. I. N. D.
908 5-13-68	10,670	100	10,670	43	4,590

STATE OF CALIFORNIA
 COUNTY OF SANTA BARBARA
 I DO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL IN THIS OFFICE.
 JOSEPH E. HILLIARD
 County Clerk - Registrar and Assessor
 BY: [Signature]
 THIS: [Date]

EXHIBIT 'A'

A portion of Lot 217 of the Outside Pueblo Lands of the City of Santa Barbara , in the County of Santa Barbara , State of California , described as follows :

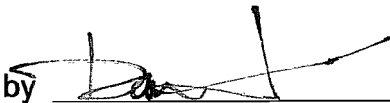
Beginning at the most northwesterly corner of that parcel of land described in deed from Ann McNeal to M.J. Rolph recorded August 25, 1892 in Book 34 , page 10 of Deeds ; thence S. $00^{\circ} 09' 30''$ E. along the westerly line of said Rolph parcel a distance of 92.64 feet to the most northwesterly corner of that parcel of land described in deed from Helen Diess et.con. to Carl Heitmann et.ux. recorded May 12 , 1942 , as Instrument No. 3989 in Book 551 , page 197 of Official Records , same point being the true point of beginning for the herein described parcel of land ; thence N. $76^{\circ} 07' 00''$ E. along the northerly line of said Heitmann parcel a distance of 78.00 feet to a point ; thence S. $13^{\circ} 53' 00''$ E. a distance of 69.55 feet to a point ; thence S. $76^{\circ} 07' 21''$ W. a distance of 15.00 feet to a point ; thence S. $04^{\circ} 38' 36''$ E. a distance of 27.52 feet to a point ; thence S. $29^{\circ} 49' 09''$ W. a distance of 27.93 feet to a point of intersection with the southerly line of " Parcel 1 " as shown on that map recorded in Book 68 , page 74 , of Records of Surveys , in the office of the County Recorder ; thence S. $76^{\circ} 07' 00''$ W. along the southerly line of said Parcel 1 , a distance of 68.52 feet to a point of intersection with the westerly line of said Heitmann parcel ; thence N. $00^{\circ} 09' 30''$ W. along the westerly line of said Heitmann parcel a distance of 120.50 feet to a point , same point being the conclusion for the herein described parcel of land.

Excepting therefrom that area of land described in deed from Carl Heitmann and Myrtle L. Heitmann to the State of California recorded January 14, 1954 as Instrument No. 746 in Book 1207 , page 492 of Official Records .

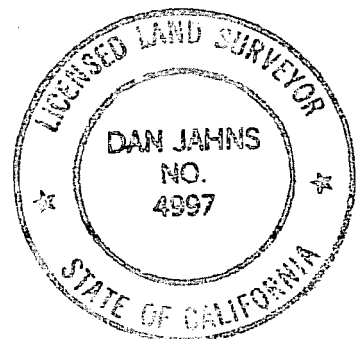
The parcel of land described herein contains 8503 square feet and is commonly known as 1403 South Jameson Lane .

The area described herein is based on information (dimensions and square footage) contained in building permits approved and issued by the Santa Barbara County Building Department as Permit No. 1543 on October 24 , 1950 and Permit No. 53 - V - 34 on December 16 , 1953 , and on County Ordinances and State law in effect and applied to the property at the time the Building Department issued the referenced building permits .

Prepared by


Dan Jahns P.L.S. No. 4997
License expiration date : 12 / 31 / 09

SURVEYING SERVICES





NW cor ROLPH
Deeds 34 - 10

U. S. HWY. 101

S. 00° 09' 30" E. 92.64'

NW cor. HEITMANN
O.R. 551 - 197

P.O.B.

N. 76° 07' E. 78.00'

S. JAMESON LANE

EXCEPTION - STATE OF CALIF.
O.R. 1207 - 492

S. 13° 53' 00" E. 69.95'

1403 SOUTH JAMESON LANE
8503 SQ. FT.

PARCEL 1
R/S 68 - 74

N. 00° 09' 30" W. 120.50'

S. 76° 07' 21" W. 15.00'

S. 04° 38' 36" E. 27.52'

S. 29° 49' 09" W. 27.93'

DANIELSON ROAD

S. 76° 07' 00" W. 68.52'

EXHIBIT B

SCALE: 1" = 30'

COUNTY OF SANTA BARBARA

CALIFORNIA

PUBLIC WORKS AND COUNTY SURVEYOR

COURT HOUSE
SANTA BARBARA
CALIFORNIA
TELEPHONE NO. 6-1611
EXT. 278-279

November 7, 1967

NORMAN H. CALDWELL
COUNTY SURVEYOR
ELMER L. JONES
ASSISTANT



TO WHOM IT MAY CONCERN:

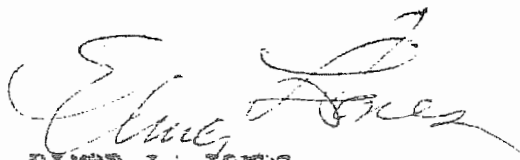
The California Subdivision Map Act has been revised to provide for the following:

- a) A Parcel Map may be based upon a field survey made in conformance with the Land Surveyor's Act. (Section 11576c) However, a duplication of mapping in this case is no longer required. Section 11576c has been deleted. This section required the filing of a record of survey map with the Parcel Map being based upon said map. All surveyed data is to be placed upon the Parcel Map.
- b) A Parcel Map, of four or less lots, may be compiled from record data taken from filed maps when there is sufficient data to locate and retrace the exterior boundary lines of the Parcel Map. One line must be established in the field from found monuments. (Section 11576b) All interior lot data may be calculated.
- c) The exterior boundary of the land included with the parcel or parcels being created shall be indicated by colored border. The map shall show the definite location of such parcel or parcels, and particularly its relation to surrounding surveys. The definite location of the remainder of the original parcel need not be shown. (Section 11577d) The data for the remainder of the original parcel may be taken from deeds, official records, maps, etc.
- d) An error in, or an omission of, a bearing or distance on a filed subdivision or parcel map may be corrected with the filing of an amending map or an affidavit of correction. The County Surveyor must certify that the corrections being made are provided for, by this section. (See Section 11629 for further particulars.)
- e) The Recorder's Certificate has the two words "for record" deleted. (Section 11579)

The Land Surveyor's Act has been revised as follows:

- a) Section 8763 requires a one inch margin on all sides of a record of survey map. The overall (outside) dimensions remain 18 by 26 inches.
- b) The Recorder's Certificate has the two words "for record" deleted. (Section 8764.5)

The above referred to revisions are effective November 8, 1967.


ELMER L. JONES
Assistant County Surveyor

ELJ/dw

§ 66447

Note 4

nature requirement as to parcel maps, however, where there has been dedication or an offer of dedication in connection with the parcel map, the trustee signature requirement with respect to the dedication may not be suspended or modified by the local legislative body. 59 Op. Atty.Gen. 386, 7-13-76.

5. Non-exclusive easements

A non-exclusive easement for road and utility purposes obtained by a private individual and

PLANNING AND LAND USE

Title 7

appurtenant to his land may generally not be dedicated to a county for public use in the absence of express language in the original grant of the easement indicating that it is for public use; such an easement may be dedicated to the county for public use if the original grant to the subdivider was for "public and private purposes." 61 Op.Atty.Gen. 466, 11-3-78.

§ 66448. Field survey; recorded or filed data

In all cases where a parcel map is required, the parcel map shall be based upon a field survey made in conformity with the Land Surveyors Act when required by local ordinance, or, in absence of that requirement, shall be based either upon a field survey made in conformity with the Land Surveyors Act or be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable the retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

(Added by Stats.1974, c. 1536, p. 3472, § 4, operative March 1, 1975. Amended by Stats.2006, c. 643 (S.B.1196), § 21.)

Historical and Statutory Notes

Legislative findings and declarations and reimbursement provisions relating to Stats.2006, c. 643 (S.B.1196), see Historical and Statutory Notes under Government Code § 8855.

Derivation: Business and Professions Code former § 11576, added by Stats.1965, c. 1180, p. 2985, § 13, amended by Stats.1967, c. 727, p. 2100, § 4.

Cross References

"Local ordinance" defined for purposes of this Division, see Government Code § 66421. Professional Land Surveyors' Act, see Business and Professions Code § 8700 et seq.

Law Review and Journal Commentaries

Map quest: The subdivision map act may be the most heavily litigated statute in land use law. Lisa M. Dittman, 29 L.A. Law. 23 (Jan. 2007).

Library References

Zoning and Planning ☞132.
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 12 to 16, 28.

Research References

Treatises and Practice Aids

Miller and Starr California Real Estate
§ 25:26, Preparation and Filing of Parcel
Maps.

§ 66449. Necessary statements for a parcel map

The following statements shall appear on a parcel map:

(a) Engineer's (surveyor's) statement:

This map was prepared by me or under my direction (and was compiled from record data)(and is based upon a field survey) in conformance with the

to construct
ose cases in
e or refuse
e offsite im-
Hill v. City
Rptr.2d 901,
ied. Zoning

Act under
a postponing
because the
tentative map
on of offsite
neither local
title or inter-
such cases,"
in property
l map, with
me limit re-
to construct
se in which
licable time
Hill v. City
Rptr.2d 901,
ied. Zoning

limits.
conditions
denial of

rative

her laws;

r process-
rce maps
The provi-
tions and
offers of

SUBDIVISIONS

Div. 2

§ 66463

(b) Whenever a local agency provides, by ordinance, for the approval, conditional approval, or disapproval of parcel maps by the county engineer, surveyor, or other designated official, the local agency may also, by ordinance, provide that the officer may accept or reject dedications and offers of dedication that are made by a statement on the map.

(c) Whenever a local agency provides, by ordinance, for the approval of parcel maps by the legislative body, the parcel maps shall be filed pursuant to the procedure for final maps as prescribed by Sections 66457 and 66458.

(d) The time limits for action or approval of a tentative map and parcel map for which a tentative map is not required shall be no longer than the time limits contained in Sections 66452.1 and 66452.2.

(Added by Stats.1974, c. 1536, p. 3479, § 4, operative March 1, 1975. Amended by Stats.1977, c. 234, p. 1037, § 8, eff. July 7, 1977; Stats.1983, c. 1224, § 3; Stats.1984, c. 337, § 2; Stats.1987, c. 982, § 17; Stats.1989, c. 847, § 9.)

Historical and Statutory Notes

Derivation: Business and Professions Code former § 11575, added by Stats.1965, c. 1180, p. 2985, § 13.

Cross References

"Local agency" defined for purposes of this Division, see Government Code § 66420.
"Local ordinance" defined for purposes of this Division, see Government Code § 66421.
"Tentative map" defined for purposes of this Division, see Government Code § 66424.5.

Law Review and Journal Commentaries

Map quest: The subdivision map act may be the most heavily litigated statute in land use law. Lisa M. Dittman, 29 L.A. Law. 23 (Jan. 2007).

Library References

Municipal Corporations ⇨43.
Zoning and Planning ⇨29.5.
Westlaw Topic Nos. 268, 414.
C.J.S. Municipal Corporations §§ 76 to 77.
C.J.S. Zoning and Land Planning § 21.

Research References

Encyclopedias

CA Jur. 3d Dedication § 30, Dedication Requirements.
CA Jur. 3d Real Estate--Selected Topics § 1128, Processing and Approval of Map.
CA Jur. 3d Real Estate--Selected Topics § 1129, Dedication of Subdivision Property.
Cal. Civ. Prac. Real Property Litigation § 14:66, Parcel Maps.

Treatises and Practice Aids

Cal. Common Interest Devs.: Law and Practice § 12:101, Form and Content.

Cal. Common Interest Devs.: Law and Practice § 12:134, Fees and Conditions of Approval.
Miller and Starr California Real Estate § 25:26, Preparation and Filing of Parcel Maps.
Miller and Starr California Real Estate § 25:29, Time Periods for Approval or Disapproval.
Miller and Starr California Real Estate § 25:37, Standards for Approval or Disapproval--Applicable Standards.
12 Witkin, California Summary 10th Real Property § 813, (S 813) Alternative Maps.

Notes of Decisions

Construction and application 1

1. Construction and application

Subdivision Map Act places an obligation on the local governing body to acquire an interest in land upon which the subdivider is obligated to build improvements within 120 days of the filing of the final subdivision map, and a failure to abide by the statutory time limit results in a waiver of the obligation to construct the improvements. Hill v. City of Clovis (App. 5 Dist. 2000) 94 Cal.Rptr.2d 901, 80 Cal.App.4th 438, rehearing denied. Zoning And Planning ⇌ 382.2

Provision of Subdivision Map Act under which local body is prohibited from postponing or refusing approval of a final map because the subdivider has failed to meet a tentative map condition which requires construction of offsite improvements on land in which neither local body nor subdivider has sufficient title or interest, and which also states that "[i]n such cases," local body must acquire interest in property within 120 days of filing of final map, with failure to abide by the statutory time limit re-

sulting in a waiver of obligation to construct improvements, applies only to those cases in which local body acts to postpone or refuse approval of a final map because the offsite improvements had not been complete. Hill v. City of Clovis (App. 5 Dist. 2000) 94 Cal.Rptr.2d 901, 80 Cal.App.4th 438, rehearing denied. Zoning And Planning ⇌ 382.2

Provision of Subdivision Map Act under which local body is prohibited from postponing or refusing approval of a final map because the subdivider has failed to meet a tentative map condition which requires construction of offsite improvements on land in which neither local body nor subdivider has sufficient title or interest, and which also states that "[i]n such cases," local body must acquire interest in property within 120 days of filing of final map, with failure to abide by the statutory time limit resulting in a waiver of obligation to construct improvements, did not apply to case in which city did not acquire land within applicable time limits, but did approve final maps. Hill v. City of Clovis (App. 5 Dist. 2000) 94 Cal.Rptr.2d 901, 80 Cal.App.4th 438, rehearing denied. Zoning And Planning ⇌ 382.2

Article 5

PARCEL MAPS

Section

- 66463. Compliance with local ordinances; application of other laws; time limits.
- 66463.1. Multiple parcel maps filed prior to expiration of tentative map; conditions precedent.
- 66463.5. Expiration of tentative map; effect; extension of time; appeal from denial of extension; development moratorium; pending lawsuits.

Article 5 was added by Stats.1974, c. 1536, p. 3479, § 4, operative March 1, 1975.

Law Review and Journal Commentaries

Regulating land use in a constitutional shadow: The institutional contexts of exactions. Mark Fenster, 58 Hastings L.J. 729 (2007).

§ 66463. Compliance with local ordinances; application of other laws; time limits

(a) Except as otherwise provided for in this code, the procedure for processing, approval, conditional approval, or disapproval and filing of parcel maps and modifications thereof shall be as provided by local ordinance. The provisions of Sections 66477.1, 66477.2, and 66477.3 relating to dedications and offers of dedication on final maps, shall apply to dedications and offers of dedications on parcel maps.

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