

Chapter 16.29

RECORDING AND CORRECTIONS OF MAPS

Section

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Sec. 16.29.010 Substantial Compliance Required

Tentative maps and conditions of approval placed on them by the Subdivision Review Committee or Planning Commission assume that the tentative map accurately and correctly represents all pertinent information on boundary lines, easements of record, road locations, drainage, useable area, etc. Should new information be discovered that alters any of the representation of the tentative map or applicable conditions of approval, the County Surveyor shall consult with the County Planning Director. If both the County Surveyor and Planning Director concur that the parcel map substantially complies with the tentative map and conditions of approval, the map can be recorded provided that all other provisions of this Ordinance are complied with. Should both the County Surveyor and Planning Director determine that the changes do materially affect the map then the subdivider shall be required to file a new tentative map or request a post subdivision modification.

Sec. 16.29.020 Recording

- A. Of the maps required by this title, only final and parcel maps may be filed for record with the County Recorder.
- B. No final or parcel map may be filed with the County Recorder without the written consent of all parties having any record title interest in the real property proposed to be subdivided. The subdivider shall present a title report or letter from a competent title company, complete up to the instant of recording, as evidence that the parties consenting to such filing are all the parties having a record title interest in the real property to be subdivided, provided that:
 - 1. Liens for State, County or local taxes or special assessments, trust interests under bond indentures, and mechanics' liens do not constitute "record title interest" for the purpose of this section.
 - 2. The signature of either the holder or beneficial interests under trust deeds or the trustee under such trust deeds, but not both, may be omitted.

3. Signatures of parties owning the following types of interests may be omitted from the owner's certificate if their names and the nature of their respective interests are stated on the final or parcel map:
 - a. Rights-of-way, easements, and other interests which cannot ripen into a fee, except those owned by a public entity or utility.
 - b. Rights-of-way, easements, or reversions which, by reason of changed conditions, long disuse, or leaches, appear to be no longer of practical use or value and signatures are impossible or impractical to obtain. A statement of the circumstances preventing the procurement of the signatures shall appear on the map;
 - c. Interests in or rights to minerals, including but not limited to oil, gas or other hydrocarbon substances.
- C. No final or parcel map shall be filed with the County Recorder until all certificates required by the Subdivision Improvement Standards have been executed by the appropriate person.
- D. The County Recorder shall accept or reject a map submitted for filing within ten (10) days of its submission date. Upon acceptance of a map for filing, the Recorder shall certify such acceptance on the map.
- E. The filing for record of a final or parcel map by the County Recorder shall automatically and finally determine the validity of such map, and when recorded shall impart constructive notice thereof. (Ord. 352-3, Sec. 4 (part), 1979; Ord. 352-2, Sec. 13 and 14, 1977; Ord. 352, Sec. 13, 1975)

Sec. 16.29.030 Corrections and Amendments

- A. After a final map or parcel map is filed with the County Recorder, it may be amended by a certificate or correction or an amending map to:
 1. Correct an error in any course or distance shown thereon;
 2. Show any course or distance that was omitted therefrom;
 3. Correct an error in the description of the real property shown on the map;
 4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; and/or

5. Show the proper location or character of any monument which has been changed in location or character originally shown at the wrong location, or incorrectly as to its character.
- B. The amending map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. If the amending map amends a final map, it shall conform to the requirements of the Subdivision Improvement Standards relating to the form and content of final maps. If the map amends a parcel map, it shall conform to the requirements of the Subdivision Improvement Standards relating to parcel maps. The certificate of correction shall set forth in detail the corrections made and show the names of the present owners of the property affected by the correction.
 - C. The amending map or certificate of correction shall be submitted to the County Surveyor, who shall examine the amending map or certificate of correction for conformance with the requirements of this title. If it conforms, he shall certify to that fact on the amending map or certificate of correction.
 - D. After certification by the County Surveyor, the amending map or certificate of correction shall be filed in the office of the County Recorder. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map. (Ord. 352-3, Sec 4 (part), 1979; Ord. 352-2, Sec. 15, 1977; Ord. 352., Sec. 16, 1975)

Section 16.29.040 Fees

The submittal of an amending map or certificate of correction shall be accompanied by a checking fee as established in the County Fee Resolution.