CITY OF SAN DIEGO

MAPPING & LAND TITLE DOCUMENT PREPARATION MANUAL

Printed on recycled paper

This information, or this document (or portions thereof), will be made available in alternative formats upon request.

Table of Contents

CHAPTER 1 GENERAL PROCEDURES 1

Statutes and Requirements 1
Submitting Documents for Review 2

CHAPTER 2 SUBDIVISION APPROVALS 5

Purpose 5
Which Map Is Required? 5
Exclusions from the SMA 5
Exceptions to Normal Subdivision Processing 6
Condominiums 7
Condominium Conversions 7
The Discretionary Decision Process 7
Tentative Map 8
Staff Review and Public Hearing 8
Vesting Rights 9
Term of a Tentative Map 9
Subdivision Map Waivers 10
The Ministerial Review Process 11
Substantial Conformance 11
Final Processing 12

CHAPTER 3 SURVEYING PROCEDURES 13

Purpose 13
Map Review 13
The Standard of Care and Practices 13
Senior Rights 14
Gaps and Overlaps 15
Reversion Rights 15
Discrepancies with Record Data 17
When a Problem is Identified 17
Monument Control 18
Specific Problem Areas 20
Procedure of Survey Map Sheet 20
Basis of Bearings 20

CHAPTER 4 DOCUMENT PREPARATION STANDARDS 25

Purpose 25
Principal Standards 25
Surveying Drafting Standards 26
Requirements Specific to Drawings 36
Requirements Specific to Tentative Maps 37

Table of Contents

CHAPTER 5 SUBDIVISION MAPS 39

Parcel Maps 39
Final Maps 57
Correction and Amendment of Maps 66
Certificate of Correction 67
Amended Maps 67

CHAPTER 6 EASEMENTS 75

Granting of Easements 76
Easement Grants and Dedications 77
Documents and Deeds 77
Review and Approval 78
Legal Descriptions 78
Drawing Requirements 78
Additional Issues 79
Extinguishment of Easements 79
Unaccepted Irrevocable Offers of Dedication or Street Reservations 80
Abutter's Rights of Access 80

CHAPTER 7 OTHER CADASTRAL DOCUMENTS 83

Lot Line Adjustments 83
Certificates of Compliance 84
Lot Tie Agreements 86
Reversion to Acreage 87

APPENDIX A MAP CERTIFICATES 91

APPENDIX B FORMS AND EXAMPLE LETTERS 103

APPENDIX C RELEVANT CASE LAW 105

CHAPTER 1 GENERAL PROCEDURES

A survey document such as a map or a legal description is often related to a development permit allowing an owner to improve and possibly sell real property. A survey document may also be part of a stand-alone request from a property owner to, say, adjust the boundary line between one or more parcels. This chapter will discuss general business procedures that, if used, will facilitate the approval of survey documents in the shortest possible time. There are no specifics on how to prepare the document here. That will come later. There are, however, business practices that the document preparer and the reviewer can do to speed the approval process without sacrificing the quality of the finished document. This chapter sets the framework for all that comes after.

STATUTES AND REQUIREMENTS

The City of San Diego Land Development Code (LDC) provides the regulatory framework for land development within the City of San Diego. The Land Development Code (LDC) is contained in four chapters of the Municipal Code:

1. Chapter 11 defines the five processes used to approve permits and entitlements.
2. Chapter 12 specifies the requirements for the approval of permits and entitlements (Article 5 is Subdivision Approvals).
3. Chapter 13 defines the City's Zoning Ordinance.
4. Chapter 14 contains miscellaneous regulations related to the development of land (Article 4 is Subdivision Regulations).

The Professional Land Surveyors Act, beginning at Section 8700 of the California Business and Professions Code, regulates the preparation of survey documents and who may prepare them. Survey documents must be prepared by or under the direction of a licensed Professional Land Surveyor (PLS) or Professional Engineer (PE), who is authorized to practice land surveying. A Civil Engineer registered prior to January 1, 1982 (registration number below 33965) may practice land surveying and may prepare survey documents. For simplicity, any person qualified to practice land surveying is referred to as 'the surveyor' throughout this manual.

All subdivision maps are prepared in accordance with the Subdivision Map Act (beginning at Section 66410 of the California Government Code), the Professional Land Surveyors Act, and the City of San Diego Land Development Code (LDC).

This Manual is part of the City of San Diego Land Development Manual and is the approved implementation of the requirements established by state and local law. It sets reasonable technical standards for document preparation and professional practice. The requirements and guidelines as specified in this manual should be followed as closely as possible. The City Engineer must give prior approval for any substantive deviations.

SUBMITTING DOCUMENTS FOR REVIEW

The City of San Diego has established procedures to submit documents for staff review and approval. The Land Development Manual (Volume 1, Chapter 1, Sections 1 to 6) describes the submittal requirements for City approvals. Additional information may be needed for complex projects. The submittal requirements for most survey documents can be found in Section 5, Subdivision Approvals and the corresponding required fees or deposits are shown in Information Bulletin 504, 'Fee/Deposit Schedule for Subdivision Approvals.' A typical project submittal package will consist of the required applications, fees, copies of the survey document to be reviewed, a copy of any entitlement authorizing or requiring the preparation of the survey document, and the reference material upon which the survey document was based. The reviewer will keep all reference material until the document is finally approved. The applicant/surveyor should keep duplicate copies for their use.

The project submittal package is delivered to the Development Services Intake Section, which will review the package for completeness, set-up a review project account, and route the materials to all of City staff needed to review and approve the document. A submittal package not meeting the published submittal standards will not be accepted for review.

Document Review

State law and City Ordinance require that the City Engineer review and approve survey documents related to development projects. City staff reviews a survey document to determine its conformity to law (such as zoning), its satisfaction of a development condition of approval, and its technical adequacy. Much of the time spent on a review is devoted to ensuring the technical adequacy of a document. The standards for the technical review are contained in this Manual and are based upon commonly accepted professional surveying practice. Obviously, all issues that may come up cannot be covered in a manual. Reviewers and surveyors should use the Manual as a guide and work together to come up with mutually agreeable solutions to the issues that are not covered.

A review cycle starts when an applicant submits a document for review by City staff. City staff will clearly mark errors and issues of concern on the review document draft and enter these comments into the City's Project Tracking System. A review cycle ends when the document is returned to the applicant with reviewer comments.

The applicant/surveyor must deal address every comment before a document can be approved. The comments or issues will not go away by simply re-submitting a document for review. An applicant/surveyor should contact the reviewer if they disagree with a comment or find it beneficial to discuss. Reviewers and their supervisors are always available to meet with the applicant/surveyor to resolve differences.

Once all corrections have been made and the issues are resolved, the entire "revised package" including previous check print, new sets of revised prints and any additional information requested by the reviewer is submitted for further review and to clear prior comments and issues. The reviewer will still have the reference material and information submitted for the first review. This begins a new review cycle; a process that will be repeated until all corrections, conditions and issues are resolved.

Reducing the Number of Review Cycles

In a perfect world, it should take no more than two or three reviews to complete a document review with the last review cycle being the submittal of the map Mylar or final deed document. This is only possible if reviewers are comprehensive in their review and the customer is responsive to the reviewer's comments between review cycles. There are many factors that can cause a project to go through additional review cycles. We cannot control what our customers choose to do, but customers should be aware that their business practices affect our review time. Some of those factors are:

- **Follow the rules** – Understand the review process time line and adopted document preparation standards. Resist frivolous challenges to review comments where there is no substantive issue.

- **Assume responsibility for your document** – Don't expect City staff to be your quality control – carefully review documents before they are submitted to the City for review.

- **Act on all review comments** – It is not expected that an applicant/surveyor will always agree with review comments, but it is expected that they will address them before resubmitting the project. If necessary, a conflict resolution meeting should be requested.

- **Control your turn around time after reviews** – Many projects fall behind schedule because the applicant/surveyor is slow to make the required changes and resubmit a project after a review.

- **Provide all requested information** – Reviewers cannot review information that the customer fails to provide.

- **Plan your project** – Some projects go through several major revisions during the review process before a final version is submitted for review. This wastes the time of all concerned. Applicants/surveyors should do their project planning up front, not during the review process.

- **Manage permit conditions** – Applicant/surveyors must read and then manage the satisfaction of conditions of approval placed on a tentative map or other permit. Some conditions of approval require a long time to complete. Projects are often delayed at the last minute because the applicant/surveyor failed to satisfy a permit condition.

Firms can adopt business practices that largely eliminate most of the problems that negatively impact the review process, and their projects get approved quickly with few review cycles. The reviewer and applicant/surveyor must work as a team to reduce wasted processing time.

Mark-up Procedures

The following conventions will improve communications between the surveyor and the reviewer and will reduce redundant checks. City staff and the surveyor should use the following conventions during the review of a document:

1. All requested changes and comments will be marked in red on the check print. Be definite and clear on corrections. Suggestions should be so labeled.
2. Items that have been reviewed and approved by the reviewer will be marked in yellow highlighter on the check print.
3. The surveyor should mark changes that were made on the check print with a green highlighter and return it to the reviewer in the next review cycle.
4. To alert the reviewer, changes in a document that were not requested by the reviewer should be “bubbled” or otherwise noted on the new print.

In summary, City staff pledges their support in reaching the common goal of getting a document approved in the shortest possible time. However, it is still the responsibility of the private surveyor to produce a technically adequate document that can be certified by the City Engineer. All substantive issues must be addressed, even if they were inadvertently overlooked on the first and/or subsequent reviews. The applicant/surveyor is finally responsible for the technical quality of a document and for complying with all the requirements of a discretionary approval.

CHAPTER 2 SUBDIVISION APPROVALS

PURPOSE

Any division of land into additional parcels or separate ownership interests for sale, lease, or financing is a subdivision. Subdivisions are regulated under the Subdivision Map Act (SMA) beginning at Section 66410 of the California Government Code. The creation of a condominium, community apartment project, or stock cooperative is also a subdivision of land. The normal process requires the discretionary approval of a tentative map and the ministerial approval of either a parcel map or final map.

WHICH MAP IS REQUIRED?

The first step is to determine which map, if any, is required. The general rule is that a subdivision consisting of four or fewer lots, parcels or condominium units will require a parcel map and a subdivision consisting of five or more lots, parcels or condominium units will require a final map. However, there are several exclusions or exemptions from recording a map and several exceptions from the normal mapping process. As an introduction, the table below summarizes some of the key differences between the two subdivision map processes.

DIFFERENCES BETWEEN A PARCEL MAP AND A FINAL MAP

	Parcel Map	Final Map
Number of lots or condos	4 or fewer	5 or more
Tentative map	May be waived	Required
Field land survey	May use record data with City Engineer approval	A field survey always required
Subdivision improvements	Required at issuance of building permit	Must be constructed or bonded prior to recording the final map
Approval	City Engineer	City Council (may be delegated to City Engineer)

EXCLUSIONS FROM THE SMA

The SMA defines several types of divisions that are exempt from the subdivision entitlement process. The most common are per SMA 66426.5 and SMA 66428 (a)(2). These sections contain the exemption for public utilities and government entities from the requirement to process a map to subdivide property. For example, property can be conveyed to or from the City or San Diego Gas and Electric (SDG&E) by deed without first recording a map to legally create the parcel. Any parcel created in this manner is a legal lot, which may or may not have development rights.

A government entity or utility loses this exemption when the subdivision is for the commercial sale of property as in normal land development. In other words, the City loses its exemption when it behaves like a developer and there is not a governmental purpose for the subdivision.

Another exemption is a lot line adjustment, which is not a subdivision of land per SMA 66412(d). The lot lines between four or fewer adjoining legal parcels may be adjusted so long as no additional parcels are created. The adjusted parcels must conform to building and zoning regulations, be consistent with the general or specific plan, and are subject to the Coastal Act. A parcel map is not required, but one may be used to effectuate the adjustment. Please refer to Chapter 7, Other Cadastral Documents, Lot Line Adjustments for more details.

EXCEPTIONS TO NORMAL SUBDIVISION PROCESSING

The Subdivision Map Act has five exceptions to the rule that a final map is required for a subdivision of five or more lots or condominium units. These exceptions are contained in SMA 66426:

1. The land before division contains less than five acres and all new parcels abut upon a dedicated public street, and there is no requirement for dedications or public improvements. (This is very similar to a map waiver, which will be discussed later.)

2. Each parcel created by the subdivision has a minimum gross area of 20 acres and has approved access to a dedicated public street. (Note here that there is no need to abut the dedicated street. Access via a private easement is permissible. Also, there is no requirement that the site is developed.)

3. The land before division consists of a parcel or parcels of land zoned for industrial or commercial development having approved access to a public street, which is suitable for the development. (This section can greatly simplify the mapping of commercial and industrial developments.)

4. The parcel created by the division has a gross area of not less than 40 acres. (This exception is wide open and is often used to subdivide ranches for deeding to family members or other large parcels for financing purposes. Note that there is no requirement for access to a dedicated public street.)

5. The land being divided is for an environmental subdivision pursuant to SMA 66418.2. (Environmental subdivisions are for land banking and restrict all development of the parcels that are created. They do, however, allow a land owner to create and “sell” mitigation parcels that can then be used to mitigate the environmental impacts of an offsite project.)

A tentative map and parcel map are required for the subdivisions listed above but all of them are also eligible to be considered for a map waiver, which will be discussed below.

CONDOMINIUMS

A condominium, as defined in Sections 1350, et seq. of the Civil Code, is an alternate form of real property ownership and requires some specific comments. A condominium consists of an undivided fractional interest in a single lot called the common area coupled with a separate fee interest in a three-dimensional air space within a building called a unit, the boundaries of which are shown on a recorded subdivision map and, more specifically, the condominium plan. Condominiums are a form of cooperative ownership of property which avoids some of the pitfalls of older conventional cooperatives and enables a purchaser to own his/her unit rather than own it indirectly through purchase of stock or otherwise. The mutual ownership rights and responsibilities are spelled out in the Covenants, Conditions, and Restrictions (CC&Rs), which each owner must subscribe to. Condominiums may consist of residential units, commercial units or industrial units.

The creation of condominium units is a subdivision of land just as the more familiar mapped parcel or lot is a subdivision of land and with some exceptions follows the same process as other subdivisions, depending upon the number of condominium units being created. However, the construction of any number of new condominiums on a single, existing, fully developed parcel may be eligible for a map waiver, which will be discussed later. Multiple lots must be consolidated into a single lot prior to the public hearing to be eligible for a map waiver. Also, as mentioned above, SMA Section 66426(c) allows a special processing exception for some industrial and commercial condominium projects.

CONDOMINIUM CONVERSIONS

Existing apartment buildings may be converted to condominium ownership. The SMA 66427.1 and the Land Development Code §144.0501 have special regulations for condominium conversions to protect the interests of the existing renters or leaseholders. The protections include specific noticing requirements, and in some cases, the payment of relocation expenses by the applicant.

Four or fewer apartment units may be converted by going through the tentative map and parcel map process or a map waiver, if the project qualifies. The conversion of five or more existing apartment units to condominiums always requires a tentative map and final map. The hearing will be before the Planning Commission and no prior consolidation of lots is necessary. Information Bulletin 539 provides additional details on condominium conversions.

THE DISCRETIONARY DECISION PROCESS

Once it is determined which subdivision map is required, the subdivision entitlement must be approved or denied at a noticed public hearing. The basis for the approval or denial of a subdivision is the tentative map. A tentative map is a conceptual exhibit for a proposed subdivision. It depicts the design and improvement of a proposed subdivision and the existing conditions in and around the project area.

Depending upon the size and complexity of a project, the public hearing may be conducted before a Hearing Officer (Process Three), the Planning Commission (Process Four), or the City Council (Process Five). These bodies are called collectively the *designated decision maker*. Projects requiring a zone change, community plan amendment, easement vacation, or certain conditional use permits must be heard by the City Council.

Anyone supporting or opposing the proposed subdivision will be given an opportunity to be heard at the public hearing. The designated decision maker will take all evidence into account, including staff recommendations, and make a decision approving or denying the project. All decisions of a lower body may be appealed once to a higher body. Environmental law decisions are always appealed to the City Council. The City Council's decision is final and is only subject to judicial review under limited circumstances.

TENTATIVE MAP

A tentative map is always required for a final map and may be required for a parcel map. City staff reviews the tentative map and it forms the basis of approval or denial of the subdivision by a Hearing Officer, the Planning Commission or the City Council (the *designated decision maker*). Again, all subdivisions are approved or denied at a noticed public hearing before the designated decision maker. For specific information on the content and format of a tentative map, see Chapter 4.

STAFF REVIEW AND PUBLIC HEARING

Staff reviews a tentative map to ensure the project complies with all ordinances and regulations relating to land development, including the general and community plan. Staff will also study the impact of the project on the surrounding areas, public facilities, and the environment. A CEQA environmental determination must be made.

Based on its review, staff makes a recommendation to the *designated decision maker* to approve the project, deny the project, or approve the project with conditions. The *designated decision maker* will consider the staff report and any public testimony before making the decision for the project. Specific findings are required by the SMA (SMA 66474) and the Land Development Code (125.0440) must be made to approve a tentative map:

- The proposed subdivision and its improvements are consistent with the applicable specific and general plan.
- The proposed subdivision is consistent with zoning and other development regulations.
- The site is physically suitable for the type and density of the development.
- The design of the subdivision and its improvements will not cause substantial environmental damage
- The design of the subdivision will not create a threat to public health and safety.

- The design of the subdivision will not substantially conflict with easements held by private parties.
- If feasible, the subdivision design provides for passive heating and cooling.
- The proposed subdivision is consistent with the housing needs of the region.

Most often staff will recommend approval of the project subject to a list of conditions in the form of a Resolution of Approval. The conditions of approval ensure the necessary infrastructure is constructed to support the subdivision, environmental impacts are mitigated, and adequate public facilities such as school or park sites are provided.

The resolution of approval and the tentative map, taken together, establish what must be done by the applicant to get the parcel map or final map approved and recorded. The parcel or final map must be in "substantial conformance" with the approved tentative map and all conditions of approval listed in the Resolution of Approval must be satisfied before the map is recorded. The recording of the parcel map or final map completes the land subdivision.

VESTING RIGHTS

A tentative map must be reviewed and approved under the ordinances, policies and standards that exist at the time the tentative map application is deemed complete by City staff. However, the subdivider is provided only limited enduring protection against changes in land use regulations or standards controlled by the City after the tentative map is approved. For example, the Permit Streamlining Act (Section 65961 of the Government Code) forbids the imposition of new conditions on the approval of the *final map, parcel map,* or *building permit* that could have been imposed at the time the *tentative map* was approved. The commencement of construction under a *building permit* will vest the subdivider in the regulations that existed at the time the permit was issued, until the permit expires.

To provide more certainty, the subdivider may opt to request a *vesting tentative map*, which will "vest" the project in the same ordinances, policies, and standards that existed at the time the tentative map was deemed complete and continue for two years after a final or parcel map records. A *vesting tentative map* bridges the gap between the approvals of the tentative map, recordation of the final or parcel map, and commencement of construction. There is, however, still no protection from changes based upon health and safety issues or changes mandated by state and federal laws, over which the City has no control.

TERM OF A TENTATIVE MAP

A tentative map is approved for an initial term of three years. A tentative map approved under a development agreement will have the same term as the agreement. All conditions of approval must be satisfied and the parcel or final map recorded before the tentative map expires. Once a Tentative map expires, no parcel or final map may be recorded until a new tentative map is approved.

An applicant may apply for an extension before the tentative map expires. The *designated decision maker* can approve one or more discretionary tentative map term extensions for up to a total of five years, which is added to the original three-year term.

A tentative map may also be extended by phasing the project into multiple final maps. Phasing must be approved at the same time the tentative map is approved to ensure the orderly development of the community. There must be offsite improvements required for the development to qualify for phasing. Every time one of the phased maps is recorded, the tentative map is automatically extended three years, up to a total of ten years, including the initial three-year approval. Therefore, a tentative map that was phased and received all discretionary extensions could have a term of up to 15 years.

SUBDIVISION MAP WAIVERS

A map waiver is intended for simple subdivisions having few, if any, development issues. The approval of a map waiver is a discretionary decision made at a noticed public hearing in accordance with Chapter 12, Article 5, Division 1 of the Municipal Code. Depending on circumstances, one of three actions may be taken at the hearing: (1) approve the map waiver and waive all mapping requirements or, (2) conditionally approve the map waiver and/or partially waive the mapping requirements or, (3) deny the request for a map waiver.

Map waivers are authorized under Section 66428(b) of the Subdivision Map Act and under Article 5, Chapter 12 of the City of San Diego Land Development Code. A project may be considered for a map waiver if:

1. There are no requirements for approval of another major discretionary action such as a Planned Development Permit, or all such approvals have been acquired. In some cases a map waiver application may be consolidated and decided with the other actions.

2. There are no requirements for the construction of major public facilities, engineering studies, or environmental issues, which essentially mean the project is a subdivision of previously developed land.

3. All proposed parcels (or condominiums) meet current zoning and building regulations or have rights as an “existing non-conforming use,” fully permitted under previous regulations or by a variance.

As noted, a map waiver may also be used to subdivide a *newly constructed* condominium project of any size on a *single parcel* or to convert an existing apartment complex of *four or fewer units* to condominiums. A conversion of five or more existing apartment units into condominiums requires the approval of a tentative map and a final map.

Again, map waivers are intended for simple projects, with no other significant discretionary approvals and no other outstanding issues. More complex projects should use a tentative map.

THE MINISTERIAL REVIEW PROCESS

The discretionary approval discussed above gives an applicant the conditional right to subdivide their property, that is, an entitlement to subdivide. To complete the process, the applicant must have a final or parcel map prepared by a licensed surveyor and submitted to the City for review and processing. The format, content and technical requirements for maps will be discussed more fully in other sections of this manual.

The City Engineer is responsible for the review of the map and he or she must ensure that the map is technically correct, that it substantially conforms to the approved tentative map, and all conditions of approval have been satisfied. To satisfy these conditions, an applicant may need to prepare and submit other documents and engineering plans for review and approval.

SUBSTANTIAL CONFORMANCE

As mentioned above, a final map or parcel map can only be approved if it "substantially conforms" to its approved tentative map and resolution of approval. Substantial conformance is a judgment call by the City Engineer when he or she certifies a final or parcel map. Substantial conformance does not mean the final map is exactly the same as the tentative map. It means rather that the final map meets the expectations and assumptions of the decision maker when it approved the tentative map. Staff may proceed in three ways to determine compliance:

1. The City Engineer may determine that the differences between the tentative map and the final map are minor and do not "substantially" affect the project as it was approved.

2. The City Engineer may determine that the changes do not conform to the approved tentative map because they are significant and affect multiple disciplines. However, the applicant may still request a Formal Substantial Conformance Review by all affected staff disciplines. The final map may be approved with the requested changes if all disciplines determine the changes "substantially conform" to the approved tentative map.

3. If one of the above two scenarios do not apply, the applicant may always request discretionary amendment of the tentative map and its associated permits for any major changes that do not conform to the existing tentative map.

In making a substantial conformance determination, the City Engineer and staff will ask questions like these:

- Is there an increase in development rights or density?
- Are new environmental or community impacts caused by the change?
- Are the proposed changes inconsistent with issues raised at the public hearing?
- Do the proposed changes require additional approvals or amendments to permits?
- Are the design changes substantive and beyond purely technical in nature?

If the answer to one or more of these questions is yes, the tentative map will usually need to be formally amended at a noticed public hearing before the body that originally approved the tentative map.

FINAL PROCESSING

Final processing to recording is initiated once the City Engineer can certify on the face of the map:

1. The map substantially conforms to the approved tentative map and all conditions contained in the resolution of approval are satisfied.

2. The map complies with the California Subdivision Map Act and local ordinances.

3. The map is technically correct.

Final processing includes signing any improvement plans and entering into a bonded agreement for the construction of the improvements. Other documents such as offsite easements and agreements may also need to be executed and/or recorded. The process includes the payment of outstanding review and impact fees, such as for park development or assessment districts, as required. If all is in order, a parcel map may be recorded without further processing. An approved final map must be noticed in the City Council Docket to give public notice that the City Engineer has made the above findings. An interested party has ten calendar days from the date of the Council meeting to appeal the City Engineer's findings to the City Council. If there is no appeal filed, the final map may be recorded.

Recording a map at the County Recorder involves several steps. All subdivision maps must have a tax certificate from the County Assessor and Subdivision Guarantee from a title company. The tax certificate certifies that all taxes are paid or bonded for and the Subdivision Guarantee informs the County Recorder who must sign the map as owner. Some separate easement deeds or agreements affecting the map may need to be recorded before the map to allow the recording information to be copied to the parcel or final map. An example of such a document is an offsite easement grant required as a condition of map approval. The map is then recorded. The map's recording information may then be added to other deeds or agreements that depend on the recorded map and they, in turn, can be recorded. An example of such a document is a grant deed to the City of San Diego for an open space lot created on the map.

Recording a subdivision map subdivides the land, accepts/rejects all dedications indicated on the map, and vacates any designated streets or public service easements, which are listed on, but not shown on, the map.

CHAPTER 3 SURVEYING PROCEDURES

PURPOSE

This chapter is intended to assist the surveyor with the technical preparation of the Procedure of Survey Sheet of a final or parcel map. The Procedure of Survey Sheet illustrates how the surveyor located the exterior boundary of the subdivision and existing conditions. The Procedure of Survey Sheet is critical because the exterior boundary location affects the rights of adjoining property owners, which must be protected. We will not discuss how to perform the land survey. However, we will examine subjects that over the years have been problematic on subdivision maps.

MAP REVIEW

The Subdivision Map Act requires that all subdivision maps be reviewed by the local governmental agency under the direction of a Licensed Land Surveyor. This "peer review" examines the map for its format, conformance to legal requirements, and technical adequacy. The private surveyor and the City's map reviewer are a team sharing the same objective of the surveyor, to record the subdivision map in the shortest possible time while protecting the interests of the public, adjoiners and the client.

The reviewer is also concerned about the map's clarity, completeness, and agreement with public records. The surveyor must clearly explain and illustrate the process by which the boundary shown on the map was determined so that another surveyor can understand the procedure and the assumptions made. The map can be considered complete only if all factors affecting the location of the subdivision boundary are considered including other recorded maps, surrounding surveys, the rights of adjoiners, proper technical procedures and legal principles were applied to the analysis of the evidence. And finally, agreement means the degree that the procedure of survey is consistent with the public record and the surveys of others, record or not.

THE STANDARD OF CARE AND PRACTICES

Private and public surveyors often have commonly accepted a set of professional practices used to locate property boundaries. These practices are referred to as the "standard of care," which is usually the standard a court of law would apply to a professional surveyor when assessing negligence. For a defined geographic area, the practices may occasionally differ from the "text book" solution, and within the defined area of their applicability, they should be followed. Let us call this a "local standard of care." The local standard of care is not absolute and must yield to statutory law, applicable court decisions, and the legitimate rights of adjoiners. There are specific areas in the City of San Diego where the concept of a "local standard of care" applies such as Mission Bay, downtown San Diego, and some areas of sectionalized lands in the northern area of the City of San Diego. A problem occurs when the "local standard of care" is not always agreed upon as to what it is, but here are some general principles that have wide applicability:

- Thoroughly research your survey. The importance of thorough research cannot be over emphasized. Office and field research are the only way you can assure yourself that you are in the footprints of the earlier surveyors.
- Seek the advice of fellow surveyors who may have performed surveys in the vicinity of your survey. This is the best way to determine if your survey needs special procedures. Professional organizations such as the San Diego Chapter of California Land Surveyors Association can also provide useful information.
- Respect the work of your fellow surveying professionals. Don't assume that your measurements are so superior to those of your fellow surveyor that you must set your tag right next to their tag.
- Give higher weight to nearer monuments over those that are distant. Survey within your block, but check into other monuments to verify your results.
- Give high regard to older surveys. An older survey may provide evidence of the location of original monuments or the intent of the original owner.
- Pay attention to occupation. Occupation and improvements can reveal the results of earlier surveys long after the monuments were lost.
- Avoid highly creative boundary resolutions when a simpler solution exists.

The following sections will discuss some typical boundary location problems that commonly occur in subdivision surveying and mapping within the City of San Diego.

SENIOR RIGHTS

A deed transfer that conveys only a portion of a parcel of land establishes senior title rights. The grantee acquires a senior right to all of the land described in its deed and the grantor will retain all that remains, a junior right. The order that the deeds were recorded determines who has the most senior right when several portions of the same parcel are conveyed. Generally, the oldest deed is senior to subsequent deeds. Determining junior/senior rights can be very complex and often a chain of title is required. If a portion of a lot is the subject subdivision, the deeds that originally subdivided the lot must be included in the initial submittal.

Senior rights are not created when land is conveyed by a lot and block description based on a recorded map. All lots within the subdivision were created simultaneously when the subdivision map was recorded. However, senior rights can exist when a portion of a subdivided lot is subsequently conveyed by deed such as in a lot line adjustment.

It should be noted that senior rights can exist between two adjoining subdivisions when the underlying parcel is under common ownership. In this case, senior rights must be considered when locating the subdivision boundary common to the two developments with the first map recorded being senior to the second. More generally, the first map recorded in a phased development is senior to the second, and so on for subsequent maps. Senior rights are not relevant when the developer uses a preliminary 'master map' to first establish the unit boundaries because all units would have been created simultaneously.

GAPS AND OVERLAPS

A gap is created when a grantor employs a legal description form that fails to convey all of the land that the grantor intended. An overlap is the opposite and is created when an owner includes land within a legal description that is outside of their ownership. For example, suppose Smith first conveys the east fifty feet of their lot to Jones and some time later, the west fifty feet to Brown. If the lot has 100 feet exactly, there is no problem. However, if the lot dimension is actually 101 feet, a one-foot gap is created between the two parcels. The one-foot strip still belongs to Smith. If the lot were actually only 99 feet, Brown would overlap Jones by one foot. Senior rights would grant a full 50 feet to the Jones and the remainder to Brown. No gap or overlap would be created if our owner had used the proper description form. In this case, the owner could have conveyed the east and the west one half of the property to Jones and Brown, thus avoiding any conflict.

Subdivision mapping may itself create a gap or overlap. A gap may be created when an owner fails to subdivide and map their entire ownership. Likewise, an overlap may be created when the subdivider includes land in the map belonging to someone else. The legal description of the adjoining parcels could be the problem as discussed above. However, a faulty field survey that inadvertently omits a portion of the subdivider's ownership from the subdivision map or alternatively encroaches onto a neighboring parcel can result in the same problem.

The City's document review staff will attempt to bring possible conflicts to the attention of the surveyor, but it is the responsibility of the surveyor preparing the deed or map to identify problems in legal descriptions and interpret them correctly.

REVERSION RIGHTS

SMA Section 66434(e) requires that a subdivision map include within its distinctive exterior border all property that the subdivider intends to subdivide, which typically includes reversion rights within adjoining public streets. A reversion right is the assumed right of the owner of a parcel to a portion of the underlying fee interest within an adjoining public street. Sections 831 and 1112 of the California Civil Code create the legal presumption that title to a parcel includes title to the center line of an adjoining public street. It is called "a reversion right" because, when the street easement is vacated, the now unencumbered land is returned to the adjoining owner, if it is the successor in interest to the person that originally dedicated the street for public use. This is not a new fee interest. The adjoiner has always owned the land encumbered by the street easement. There are rules to construe the limits of the reversion area contained in *Brown* and *Wattles*, although these rules are not all inclusive.

Until recently, the City of San Diego has inconsistently enforced the requirement to show reversion rights on subdivision maps and many maps have recorded without showing reversion area. We conclude that there was no intent to sever reversion rights on these earlier maps and therefore when a surveyor now resubdivides the land, the map should include the reversion area unless there is clear evidence to the contrary.

The first question that the surveyor must answer is, “Do reversion rights exist?” A reversion right only exists if the current owner is a successor in interest to the party that dedicated the street. For example, it is possible that the adjoining public street was dedicated on a map that did not include the subject parcel. In this case, the reversion rights for the entire street would probably be vested in the owner or owners adjoining the street on the other side.

In some cases, reversion rights may have been severed by a poorly written legal description in a past conveyance of the property. Only a court can conclusively determine that an earlier conveyance of real property severed reversion rights. Unless there is a definite statement in a deed such as “Excepting therefrom all rights of reversion within the adjoining public streets”, it is best to consider the reversion rights intact. Several court cases support the contention that a grantee usually intends to convey their total interest in a land parcel, including rights of reversion in an adjoining street. (See **Appendix C** for case law.) We know that it was the practice of early deed writers to use a metes and bounds description where a lot and block description was more appropriate. This practice can leave the status of reversion rights indefinite. Again, only a court can make the final determination in such cases, and courts have not been consistent with their rulings.

A conservative title company may not ensure reversion rights if there is any uncertainty. That is their right because they want to minimize their possible liability. That is a business decision, but not necessarily a sound technical finding. The opinion of the title company does not prevent a surveyor from showing the presumed reversion area, absent conclusive evidence that the rights were severed. The surveyor must avoid preparing a map that could be interpreted as severing the existing legitimate reversion rights of the owner.

When an old deed may have severed reversion rights or the title company declines to insure the title to the reversion area, the surveyor may still show the presumed reversion area and protect itself from liability by adding “TOGETHER WITH ANY REVERSION RIGHTS THAT MAY EXIST” to the legal description.

Many title companies have included this statement in their title policy when there is uncertainty. If there is any uncertainty at all to the reversion rights, include the following note above the owner’s signature.

> IT IS OUR INTENT TO SUBDIVIDE OUR ENTIRE INTEREST IN THE REAL PROPERTY SHOWN ON THIS MAP WITHIN THE HEAVY BORDER, INCLUDING ANY REVERSION RIGHTS THAT MAY EXIST WITHIN THE ADJOINING PUBLIC RIGHTS-OF-WAY. IT IS NOT OUR INTENT TO ALTER OR SEVER THE LEGITIMATE RIGHTS OF OTHERS WHO MAY HAVE A CLAIM ON THOSE REVERSION RIGHTS THROUGH PRIOR CONVEYANCES.

These statements are not guarantees that reversion rights exist within the mapped area, but they do clearly show that the subdivider intends to include any that do exist.

DISCREPANCIES WITH RECORD DATA

All monument locations have positional error largely due to the procedures and equipment used by the surveyor who set them. Likewise, there is error in the measurements made by any subsequent surveyor retracing the work of the first surveyor. Measurement errors can be controlled by good field procedure, but they cannot be eliminated. An estimate of error magnitude and its location must be included in any analysis of field survey data. Because there are measurement errors, a minor discrepancy of a few hundreds of a foot between a field measurement and the record information shown on a map should be looked upon as proof of the record value, not grounds to change the record from its long held value.

However, we must always take notice of significant variations from record data or other evidence indicating a boundary problem. All evidence, including lines of possession, must be evaluated. Our task is, in part, to restore a property boundary to where it was intended to be by the original parties. The public always has a stake in the results of a land survey. C.A. Mulford, a well-known surveyor who practiced in the eastern part of our country around 1910, summed up the importance of field measurements nicely:

> *It is far better to have somewhat faulty measurements to where the line actually is, than an accurate measurement to where the line does not exist at all."*

WHEN A PROBLEM IS IDENTIFIED

No subdivision map or deed can be recorded without first resolving conflicts affecting the mapped or described boundary lines. There are a number of possible solutions to correct a problem such as those that were discussed above. The solution selected would depend on the problem and when it was identified:

- Use a lot line adjustment to complete a boundary agreement between adjoining owners to fix a disputed boundary line position. A lot line adjustment is particularly useful to cure encroachments or zoning compliance problems.

- An error in the legal description between adjoiners can often be corrected by recording a quitclaim deed between the parties. Each party quit claims their interest in the parcel on the opposite side of an agreed line. This results in an agreed boundary line location when there is ambiguity.

- When a gap or overlap is significant, senior rights must be honored. Proration is not an appropriate procedure to locate the position of a line where a senior right exists. However, minor discrepancies can often be absorbed by the adjoining lots in equity where there is no evidence of a counter intention by the parties in the deeds creating the gap or overlap and the gap or overlap is non-marketable and insignificant. This is a judgment call. Always evaluate occupation when making your decision.

- The disputed area can be included in the subdivision map with all owners signing the map. The affected area is remapped, eliminating the problem. After the map records, the owners must exchange quit claim deeds to sort out lot ownership.

The City's document review staff will attempt to bring possible conflicts to the attention of the surveyor, but it is the responsibility of the surveyor to identify and correct problems. Reviewers will allow wide latitude to the surveyor as long as generally accepted legal and surveying principles are followed. A solution must make sense after reviewing all factors affecting the problem situation. Academic concepts are good, but common sense is better. Above all, don't leave a new problem for the next surveyor. Document the problem and the choice of solution with a note on the map.

MONUMENT CONTROL

The exterior boundary of subdivision maps is established by measurements from existing monuments set by previous surveyors and resolving those measurements to the record description of the parcel being subdivided, and of its adjoiners. Many of these monuments may not be original and may have been set and re-set several times. Some monuments have been proven to be out of position. It is prudent for a surveyor to verify a monument's position in terms of other monuments, occupation, or other intrinsic boundary evidence.

The surveyor carefully assigns the weight to be placed on each found monument by employing recognized legal principles and the local standard of practice while protecting the legitimate rights of adjoiners.

Historic lead and tack monuments, as best evidence of original block corners and lines, long acquiesced to by the City and private owners, shall be accepted as block corners and shall establish public right-of-way lines.

City staff has never denied the importance of the "historic lead and tack monuments." However, they must be evaluated with other survey evidence to ensure each monument's validity and the degree of control to be assigned to it.

Public right-of-way lines are fixed by original evidence and may be more or less than the record distance shown on a map and may not be parallel.

This may be the case in some subdivisions but not in other subdivisions. In subdivisions where centerlines of streets were not mapped or monumented in the original survey but block corners were originally surveyed, then the original block corner monuments, or the best evidence perpetuating their original locations, prevail and the street right-of-way lines may be more or less than record distance and may not be parallel. Private owners occupying land have the right to rely on original surveys. These maps are mostly the older maps in the downtown areas, such as Horton's Addition, Middletown, etc. However, when street centerlines are mapped and original monuments where set on centerline, then those lines prevail, the streets get their full measure, and the sidelines are parallel. In this case, all original monuments to the street sidelines and lot lines control partition lines between lots and will not prevail over the centerline monuments and the public's full measure of right-of-way. Modern subdivision maps have been done in this manner.

Consistent with the statement above, the centerline well monuments downtown set in the 1950s to 1970s by City field crews are not original monuments, and therefore do not prevail over the position of original block corners. The methods for setting centerline monuments was not consistent and do not always present a good solution. These monuments may be of

value in helping to reestablish the original block corner locations, from record ties, and in some cases may be the best or only evidence available. However, one should prove the centerline well monuments location in relation to the original survey before accepting the centerline well monument as a good position for the street centerline for block boundary establishment and subdivision mapping purposes.

Sections 66434(c) and (e) of the Subdivision Map Act require ties to adjoining subdivisions. How is this to be applied in the downtown block surveys where the original block corners can be reestablished from evidence within the block itself and no other monuments are required to establish a procedure of survey? A reasonable and valuable solution is to tie monuments across the street in adjoining blocks. These ties can be shown as tie lines if not required in the procedure for the block survey being performed. This will produce the practical effect of preserving evidence that is rapidly being destroyed by new construction and it will tie your block procedure to other monuments outside your block.

Centerline monuments set by the City Surveyor do not control over rules of evidence and procedure as the standard of care for the local surveying community.

City Engineer centerline monuments only have weight when they are in agreement with other field measurements. They represent a good faith effort on the part of the City Engineer to establish a useful centerline but should be given no more status than their agreement with other evidence allows. The methods used vary and in some cases may not represent sound professional judgment. However, the monuments should be included and located in any survey to document their position. This will give notice to future surveyors on how to "follow in your footsteps" when they attempt to retrace your work.

Questions:

- Was all relevant record information considered?
- Were ties made to adjoining maps and surveys?
- Were all monuments within the subject parcel's sphere of influence tied? The sphere of influence includes all monuments between the chosen control monument and the mapped parcel.
- What weight was assigned to the various control monuments? Record vs. non-record?
- Was proration done properly?
- Were the rules for dealing with sectionalized and rancho lands followed?
- Does the procedure of survey agree with other record documents?
- When there is a difference with other record data, is the measured and record data shown?
- Was the Basis of Bearings properly established?
- Were bearings properly rotated to grid?
- Are surrounding parcels and maps correctly identified and deed info included for an unmapped parcel?

SPECIFIC PROBLEM AREAS

There are certain parts of the City that have well recognized survey issues. The surveyor is well advised to thoroughly research these areas and to consult local surveyors having knowledge of the specific problems.

- Downtown San Diego
- Mission Beach (occupation)
- North San Diego Sectionalized Lands
- Pueblo Lands
- La Jolla

PROCEDURE OF SURVEY MAP SHEET

The first map sheet is the Procedure of Survey and it is labeled as such. By using all of the information mentioned in this chapter, a thorough procedure of survey is required. Any surveyor should be able to review the map and determine how the boundary was established. It is best to have too much information rather than not enough. If the surveyor's procedure used is not obvious as shown, a surveyor's note will be required to explain the procedure. If there are still further questions, field notes may be requested. The procedure sheet may be combined with the index sheet, only if all of the necessary depicted information is clear and concise, and therefore labeled PROCEDURE OF SURVEY and INDEX.

The procedure clearly depicts the land as it exists prior to the proposed subdivision, the boundary of the subdivision and its location relative to surrounding surveys, city boundaries, section lines, Rancho lines and corners, streets, highways, county roads and major easements. All streets and easements vacated upon the recordation of the map must be shown on the procedure sheet. This is the only pictorial representation of the vacated easements. Additionally, legal access must be shown to the subdivision from the nearest dedicated public right-of-way. A small vicinity map showing the geographic location of the subdivision shall be shown at a large enough scale, with sufficient detail, on the procedure of survey sheet to clearly locate the subdivision relative to existing streets or roads.

The procedure of survey must show how the subdivision boundary was established. Each boundary line must be shown to establish junior/senior rights as appropriate. For instance, if the north line of the subject map is the south line of MAP 12345, the boundary line should be labeled as such. Each boundary line should be defined. The map must show the total ownership interest of the subdivider, which includes the reversionary rights within adjacent streets if applicable.

BASIS OF BEARINGS

Establishment of the Basis of Bearings may be by use of existing CCS83 stations or astronomic observations. Use the California Coordinate System (CCS83) based on the North American Datum of 1983 (NAD83), Zone 6 for the Basis of Bearings and express all measured and calculated bearing values in terms of said system. The convergence angle of grid divergence from a true meridian shall appear on the Procedure of Survey sheet and on each sheet thereafter.

In accordance with the State of California's Public Resources Code, Sec. 8801 et seq, a map that has a Basis of Bearings using state plane coordinates must show field ties from two control stations to at least two monuments in the subdivision. This requires that two measured ties be established between two project monuments and record CCS83 control monuments of first order accuracy or better. Control points acceptable to the City Engineer will be accepted in lieu of first order points.

The monuments that are tied to control shall have coordinates shown. If the project is very large, it is preferable to make the control tie within the interior of the project rather than on the exterior boundary monuments. This practice will give a more correct combined grid factor for the project. A combined grid factor for conversion of grid-to-ground distances, the elevation and the convergence angle shall be shown for one of the newly established points. This convergence will be the basis of grid north for the map. Include a north arrow that reflects grid north, geodetic north and the convergence angle relative to one of the newly established control points on each sheet.

Calculations needed to support the Basis of Bearing, survey procedure and the traverse of the ties shall be furnished with the first submittal for map check. The traverse for the CCS83 ties should use the exact coordinates as shown on the map. This is required to substantiate the data on the map.

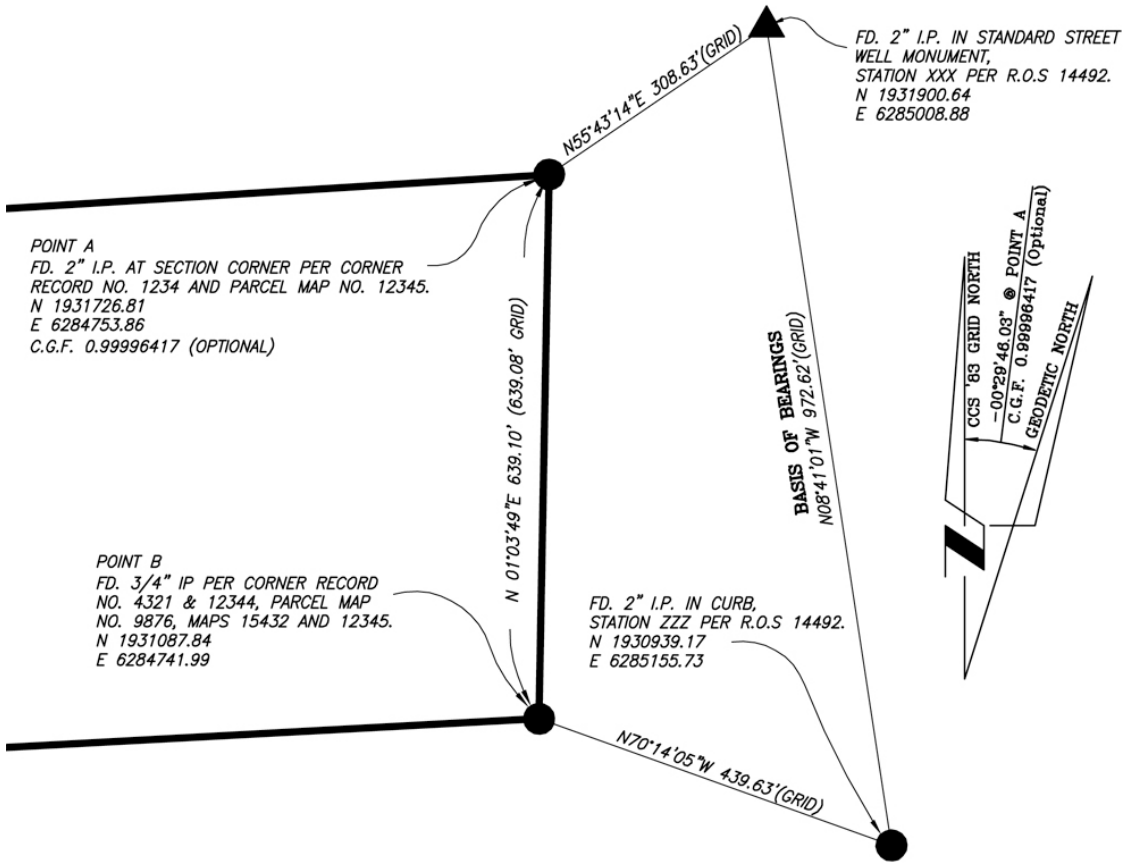
One of the following statements shall appear on the map. The sketch depicts the proper scenario for each type of basis of bearing tie.

If the basis of bearings is CCS83 is based on a conventional field survey, use the following statement. The established tie is required to be shown on the map from the CCS83 control to the new points A & B.

> THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, CCS83, ZONE 6, EPOCH XXXX.XX. TRAVERSE MEASUREMENTS TO POINTS 'A' AND 'B' ARE SHOWN HEREON. THE CCS83 COORDINATES OF POINTS 'A' AND 'B' ARE ESTABLISHED FROM TO G.P.S. STATION (*name*) AND G.P.S. STATION (*name*) PER (*record document*) THE BEARING FROM POINT 'A' TO POINT 'B' IS (*bearing*).
>
> QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.
>
> THE COMBINED GRID FACTOR AT POINT 'A' IS #.#######. (7 places) GRID DISTANCE = GROUND DISTANCE X COMBINED GRID FACTOR. ELEVATION AT POINT 'A' IS ####.##.

Show the coordinates of points 'A' and 'B', the convergence angle, elevation and the combined grid factor at the point that the project is rotated to.
Public Resources Code 8815.5.

If the project is small (i.e., a few lots within a block) and the CCS83 ties have not been waived, it is acceptable to have the new control (A & B) at the block corners (or the offset monuments) rather than at the boundary corners. If this method is used, a boundary line or monument offset line should be the line used for AB.

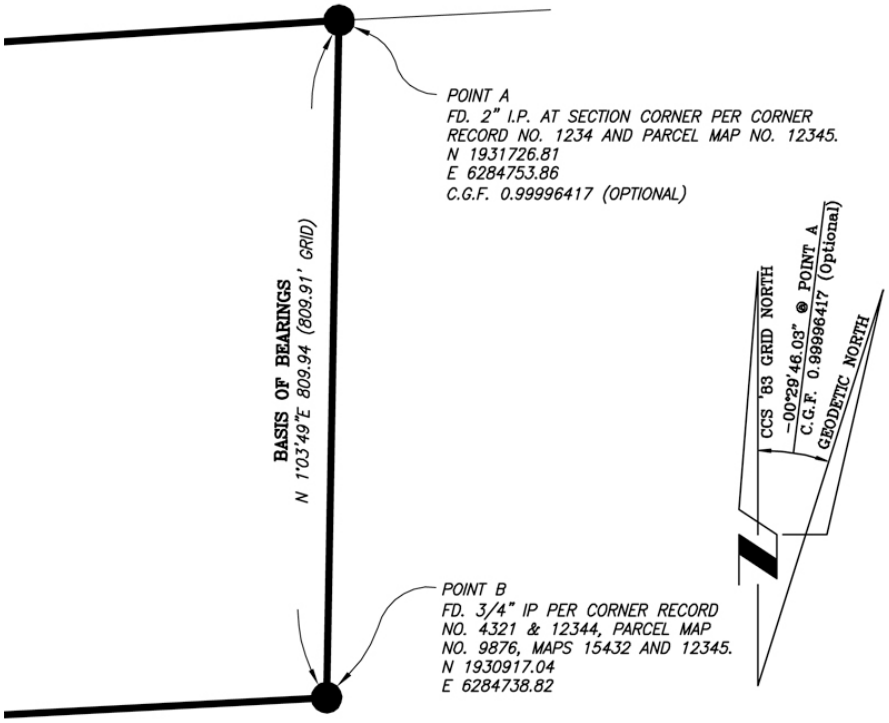


If the map is tied to CCS83 control using G.P.S. measurements, this procedure must be stated within the Basis of Bearings statement. The ties from the control to the project need not be shown.

> THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, CCS83, ZONE 6, EPOCH (*xxxxxx*) AND IS DETERMINED BY G.P.S. MEASUREMENTS TAKEN ON (*date*) AT POINTS 'A' & 'B' AS SHOWN HEREON. POINTS 'A' & 'B' WERE ESTABLISHED FROM G.P.S. STATION (*name*) AND G.P.S. STATION (*name*) PER (*record document*). THE BEARING FROM POINT 'A' TO POINT 'B' IS (*bearing*).
>
> QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.
>
> THE COMBINED GRID FACTOR AT POINT 'A' IS #.#######. (7 places) GRID DISTANCE = GROUND DISTANCE X COMBINED GRID FACTOR. ELEVATION AT POINT 'A' IS ####.##.

Show the coordinates of point ‘A’, the convergence angle, the elevation and the combined factor at the point that the project is rotated.

If the project is small (i.e., a few lots within a block) and the CCS83 ties have not been waived, it is acceptable to have point ‘A’ at a block corners (or the offset monuments) rather than at the boundary corners.



If the map is tied to CCS83 control using CORS, this procedure must be stated within the Basis of Bearings statement. The ties from the control to the project need not be shown.

> THE BASIS OF BEARING FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM 1983 (CCS83), ZONE 6, XXXX.XX EPOCH, AND IS DETERMINED BY GPS MEASUREMENTS TAKEN ON (*date*) AT POINTS A & B SHOWN HEREON. POINTS A & B WERE ESTABLISHED FROM CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) XXXX AND XXXX DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC) AND/OR NATIONAL GEODETIC SURVEY (NGS), RESPECTIVELY. BEARING A-B: XXXXXX
>
> QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.
>
> THE COMBINED GRID FACTOR AT POINT ‘A’ IS #.#######. (7 places) GRID DISTANCE = GROUND DISTANCE X COMBINED GRID FACTOR. ELEVATION AT POINT ‘A’ IS ####.##.

Approved NGS sanctioned CORS stations are available at http://csrc.ucsd.edu/.

Show the coordinates of point 'A', the convergence angle, the elevation and the combined grid factor at the point that the project is rotated. (Public Resources Code 8815.5)

If there is not a discretionary approval for a map such as a lot line adjustment, the basis of bearings may be based upon a record bearing, (not a calculated bearing) from a record map, use the following statement. A record bearing is defined as the bearing between two found monuments on a record line shown on a record map.

> THE BASIS OF BEARINGS FOR THIS MAP IS THE (*describe line*) LINE OF (*lot, centerline of street*) AS SHOWN ON MAP NO. ##### BEARING N123' 45"E

If the basis of bearings is based upon an astronomic observation, use the following statement.

> THE BASIS OF BEARINGS FOR THIS SURVEY IS THE (*describe line sighted, ex.*'THE NORTH LINE OF THE NORTH HALF OF SECTION 1, T11S, R3E, SBM, AS SHOWN HEREON'), THE DIRECTION OF WHICH WAS DETERMINED BY OBSERVATION OF (*Polaris or the sun*), AND WAS CONVERTED TO A CALIFORNIA COORDINATE SYSTEM NAD83, ZONE 6, GRID BEARING OF (*bearing*).
>
> QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.
>
> THE COMBINED GRID FACTOR AT STATION 'A' IS #.########. ELEVATION AT POINT 'A' IS ####.##.

In no instance will a line be permitted as a basis of bearing when:

1. no record bearing is shown on the line
2. no monuments of record are found on the line
3. found monuments on the line are designated 'No Record'
4. the bearing on the line is assumed, unless approved by the City Engineer
5. it is a line on a City tie point sheet, improvement drawing, division plat or any other drawing or plat not recorded in the Office of the County Recorder
6. typically a corner record should not be used because it does not provide a procedure of survey

If the requirement to make measured ties from two control monuments to the project was waived by the City Engineer, add the following note after the Basis of Bearing statement as a separate paragraph.

> THE PROJECT TIES TO THE CALIFORNIA COORDINATE SYSTEM (CCS83) WERE WAIVED BY THE CITY ENGINEER ON (*date*).

CHAPTER 4 DOCUMENT PREPARATION STANDARDS

PURPOSE

The intent of drafting standards is to ensure that a map or drawing is clear, concise and easily interpreted/read by any surveyor. The standards are typical of *Surveying Drafting, Wattles* and *San Diego Regional Standards* (and of what one would learn in high school or college drafting classes). When it is necessary, additional information not covered in this manual may be required in order to obtain a clear and complete map.

PRINCIPAL STANDARDS

Clarity is important! Once the map is filed with the County Recorder, it will be microfilmed and it will be a public record. Therefore, maps need to be suitable for microfilm reproduction. This requires that the map be legibly drawn and then printed, or reproduced by a process guaranteeing a permanent record (such as black ink on polyester base film). Ink used on polyester base film shall be coated with a suitable substance to assure permanent legibility. Ammonia or 'Xerox' type process is not permitted. The standards discussed below will assure clarity.

Lettering

Lettering should also be oriented toward the top or left of each sheet, or somewhere in between. (*Survey Drafting, Wattles*) Lettering shall be no smaller than 1/10 inch; otherwise it will not be legible when reduced. Arrows and leaders should be used to clearly show limits of bearing and distance if required. Leaders should be of simple design.

Scale

The scale of the map/drawing should be of an appropriate scale to show the required information without the excessive use of details or tables. Generally, a minimum scale of one-inch equals 40 feet can be used when lot sizes are one acre or less. For maps with lot sizes larger than one acre, a scale of one-inch equals 100 feet may be more appropriate. It is preferable to use the same scale throughout all map sheets except for the procedure of survey sheet, details, or large lots.

Keep in mind when you pick your map scale that all easements must be shown clearly on the map and lines must be dimensioned clearly. All courses must be shown on the map along the appropriate line work, making it easy to read and use. Leader lines are preferred to point to a line rather than show the data in a table. *The use of tables is discouraged.* Tables make the map/drawing cumbersome to read and use. Tables indicate that the scale is incorrect. If a small table is necessary, it should be on the sheet in which the courses are shown.

A numeric scale and a graphic scale need to be shown on each map sheet (not the title sheets) or drawing. The numeric scale and the graphic scale (three to four inches is appropriate) must be consistent with each other. It should be clear at a glance, which scale is being used, and the major increments on the graphic scale are to be the same as the numeric scale. Only typical engineering scales will be accepted. They include: 1" = 10', 20', 30', 50', 40', 60',

100'. If the map is done in metric, only typical metric scales will be accepted. They include 1:100, 1:200, and 1:500.

Details

When lines and figures crowd the map/drawing, a detail should be drawn at an appropriate scale to clearly show all dimensions, names, etc., and to avoid misinterpretation. If more than one detail is used, each should be identified, i.e., Detail "A". It is best if the detail is on the same sheet as the area that requires it. It becomes very cumbersome flipping map pages back and forth. Each detail should use a different and consecutive letter throughout the map. If a detail is not to scale, it must be indicated as such. Tables are not acceptable for details; that is why a detail is drawn. Enlarged details will be required where crowding of data might cause misinterpretation; the scale is not required but 'NOT TO SCALE' must be noted.

Shading

Shading or crosshatching is NOT permitted on map sheets with the exception of Non-Title sheets. This is a requirement because of microfilming. The map is reduced significantly. Shading is permitted on drawings because they are not reduced very much.

SURVEYING DRAFTING STANDARDS

The principal standards of drafting logically establish drafting standards for mapping. Though not inclusive, additional requirements of SMA 66434 include that each sheet must be numbered, each parcel must be lettered or numbered, the map shall show the definite location of its relation to surrounding surveys, and all streets need to be shown. Also, maps shall be 18 x 26 inches. The top of the map shall be on the 26-inch dimension. A heavy margin line shall be drawn completely around each sheet leaving an entirely blank one-inch margin. Sheet sizes for easements are typically B sheets. C sheets may also be used for easements.

North

Project north, together with the north arrow should be oriented toward the top or left of each sheet or somewhere in between. The north arrow may be simple or ornate but should be of sufficient size and bold enough to be easily seen and may be combined with the graphic scale. The north arrow is required on each map sheet. As noted previously, the lettering must be oriented to the top or left of each sheet or somewhere in between, also.

Basis of Bearing

Maps and drawings require a basis of bearings. Basis of bearings is more particularly described in Chapter 3. Maps typically require ties to CCS83. If the map basis of bearing is CCS83, the north arrow will include geodetic and grid north, the convergence angle and elevation of the point used to rotate the project. Drawings should use the underlying map for the basis of bearings. Do not tie easement drawings to CCS83 coordinates, unless approved by the City Engineer.

Line Work

As noted in principal standards, line types and widths are essential for a clear and concise map or drawing. For example, the boundary of the subdivision should be a heavy solid black

line. Easement lines should be light dashed lines. Just by using these simple standards, any surveyor can look at the map and determine what line work is what. The following sketch depicts suggested line weights to assure a legible map or drawing.

Using the principal drafting standards noted above, also include the following elements on maps and drawings.

LEGEND

DESCRIPTION	LINEWEIGHTS PEN WT	WIDTH (MM)	WIDTH (INCH)	LINESTYLES MSTATION	AUTOCAD
SUBDIVISION BOUNDARY/ SHEET BORDER	4	1.20	0.047	0	CONTINUOUS
RIGHT-OF-WAY	2	.60	0.023	0	CONTINUOUS
LOT LINE	1	.50	0.020	0	CONTINUOUS
OFFSITE LOT LINE	0	.35	0.013	2	DASHED2
OFFSITE SUBDIVISION BOUNDARY	1	.50	0.020	2	DASHED2
EASEMENT	0	.35	0.013	5	DASHED
CENTERLINE	0	.35	0.013	4	CENTER
DIMENSION LINE	00	.30	0.011	0	CONTINUOUS
OFFSET/RADIAL LINE/ STREET LIMITS	00	.30	0.011	5	HIDDEN

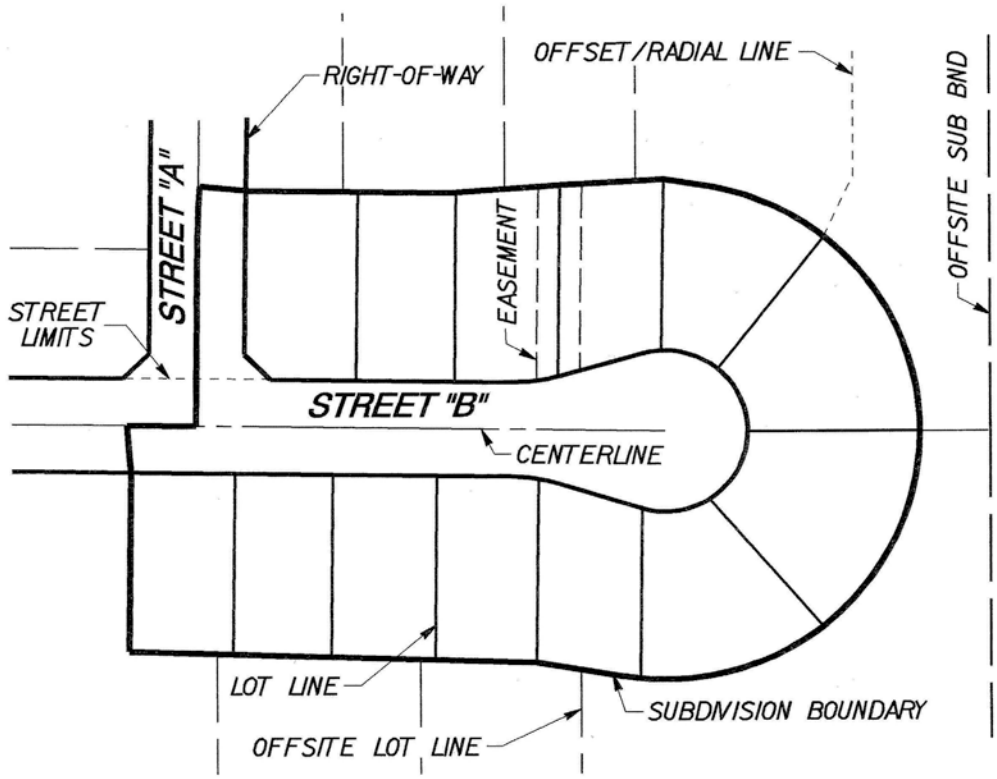


Figure 1

Adjoining maps

Adjoining maps, record subdivision lots or parcels, records of survey and other maps and records need to be shown. The lettering of subdivision names and map numbers, parcel maps, records of surveys, miscellaneous surveys and miscellaneous maps surrounding the project need to be shown in dashed or phantom letters.

Streets

All streets, including within the boundary and surrounding streets, alleys, road surveys, and state highways along with how the rights of ways were dedicated need to be shown. If a right of way was dedicated in portions, depict all portions of the dedicated right of way. Recording information must be shown for all dedications. Designate as (*street name*) DEDICATED PER MAP XXXX or (*street name*) DEDICATED PER DOC. XXXX RCD (*date*). If right of way is being dedicated, proposed street names must be submitted and approved by the City Street Name Coordinator. The dedication must be clearly depicted. If a full width of a street is being dedicated, designate as (*street name*) DEDICATED HEREON. If a portion of a street is being dedicated, designate as PORTION OF (*street name*) DEDICATED HEREON. Designate alleys as UNNAMED ALLEY. Include leader lines if needed to ensure clarity. Also, widths of the streets need to be shown. The full width and half width must be shown, including the centerline of the street. If the width varies, state that the width varies and include leader lines to show the extents of the varying width. The limits of each street should be shown as a light dashed line and labeled STREET LIMITS.

If a street or portion of a street has been vacated, show the vacated area. Designate the area with leaders and VACATED PER DOC # ____ RCD ____. The drawing number may be included as information, however the drawing in itself does not vacate the street. The recorded document evidences the vacation of the street.

Monuments

Show and describe found monuments used to establish the boundary of the subdivision Bearing and distance ties between monuments must be shown. Found monuments must be described on the map sheet or in the legend. The previous record must also be called out or NO RECORD stated, if applicable. All survey monuments within the vicinity must be shown on the map and tied to the boundary, even if their positions are rejected.

Record data is to be shown if there is a variance of record and measured courses between monuments. The record data should be shown in parentheses and indicated in the legend. If there is no variance, record data does not need to be shown since it is assumed to be the same. The surveyor must perpetuate monuments. The map that shows the monument being set and any other map that supports your boundary analysis shall be noted. If there are substantial discrepancies, note them on your procedure. Monuments, when found and accepted by the surveyor, should be perpetuated by placing his/her identification tag on the monument if the original tag is missing. This applies to found monuments used in establishing the boundary of the subdivision. If senior maps or adjacent maps show found or set monuments that would affect your procedure, and the record monuments have been destroyed, a note must be made to evidence this. A note may be SEARCHED FOR 2’ IRON PIPE ‘LS 1234’ PER MAP 5678, NOT FOUND.

If found monuments are of no record, label them as to type, size, disc and surveyor/engineer number, if any. Such monuments should be labeled "NO RECORD" and "ACCEPTED AS" (*describe call out location*) (Use "as shown in Field Book No. _____" or "as shown on Survey Plat of (*name*) LS. _____" if such records are available). For instance, if a lead and disk “LS 1234” was found at a 7’ offset, label it as FOUND LEAD & DISK ‘LS 1234’, NO RECORD, ACCEPTED AS 7’ OFFSET.

Legend

All maps/drawings require a legend. For maps, the legend must be shown on the procedure of survey sheet. The legend should define all abbreviations/patterns used on the map/drawing. The use of abbreviations should be minimized in the interest of clarity. (Ex. IP for iron pipe.)

Additionally, indicate all monument symbols used on the map. The legend will limit or eliminate explanatory repetition of found and/or set monumentation. Do not show monuments on drawings. A symbol is required to be shown for all monuments being set and/or deferred on the exterior boundary of the subdivision. A symbol may be shown at each interior lot corner; however, it is preferred to describe the interior lot monuments by a note in the legend. The symbols are defined in the *San Diego Regional Standard Drawing*, M-13 and should be used for legend/symbols. Monument symbols shown on the map should be open symbols for set monuments and solid symbols for found monuments. Circles are required for pipes, squares are required for lead and disks and triangles are required for well monuments. Minimum symbol size should be 0.10-inch, otherwise they may be difficult to read when microfilmed. These standard symbols should be used where they apply, and supplemental symbols may be used if necessary. In no case will the standard symbols be accepted with meanings other than shown in the Regional Standard Drawings. An example of a standard legend and notes for a map is as follows:

LEGEND:

●	FOUND 2" (OR 3/4" AS APPROPRIATE) IRON PIPE STAMPED "PLS XXXX" PER MAP UNLESS OTHERWISE NOTED
▲	FOUND STREET SURVEY MONUMENT STAMPED "PLS XXXX" PER MAP XXXX
■	FOUND LEAD AND DISK STAMPED "PLS XXXX" PER MAP XXXX
▣	FOUND LEAD AND DISK STAMPED "PLS XXXX" PER MAP XXXX
◎	SET 2" x 24" IRON PIPE AND DISC STAMPED "PLS XXXX"
○	SET 1/2" x 18" IRON PIPE AND DISC STAMPED "PLS XXXX"
□	SET LEAD AND DISK STAMPED "PLS XXXX"
△	SET STREET SURVEY MONUMENT STAMPED "PLS XXXX" PER CITY OF SAN DIEGO REGIONAL STANDARD DRAWING M-10
(R)	INDICATES RADIAL BEARING
//////////	INDICATES RIGHTS OF ACCESS RELINQUISHED HEREON
XXXXXX	INDICATES CITY-COUNTY BOUNDARY
( )	INDICATES RECORD DATA PER MAP XXXX
[ ]	INDICATES RECORD DATA PER MAP XXXX
① ⑧	INDICATES FIRST AND LAST LOT NUMBERS

The following are standard notes for monumentation on a map that may be applicable and symbols do not need to be shown for the locations of the following monuments.

NOTES:

1. UNLESS OTHERWISE SHOWN ON THIS MAP:

   a. ALL LOT CORNERS EXCEPT AS DESCRIBED BELOW WILL BE MONUMENTED BY A 1/2-INCH X 18-INCH IRON PIPE (*or steel pin*) WITH DISK STAMPED PLS XXXX (*or* RCE XXXXX)

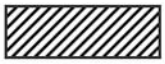
   b. LOT CORNERS ALONG THE SIDELINES OF DEDICATED STREET RIGHTS OF WAY (*will be, are*) MONUMENTED BY A DISK STAMPED PLS XXXX, SET ALONG AN EXTENSION OF THE LOT LINE AT AN OFFSET OF ____ FEET IN THE (*curb, sidewalk*); THE OFFSET SHALL BE MEASURED RADIALLY, OR AT RIGHT ANGLES, TO THE RIGHT OF WAY LINE.

   c. ALL POINTS OF CURVE OF THE SIDELINES OF DEDICATED (will be, are) MONUMENTED BY A DISK STAMPED PLS XXXX SET AT AN OFFSET OF ___FEET IN THE (*curb, sidewalk*); THE OFFSET SHALL BE MEASURED RADIALLY, OR AT RIGHT ANGLES, TO THE RIGHT-OF-WAY LINE.

It should be emphasized that in each of the above cases, the surveyor must be certain that the disk to be set in the curb or sidewalk can be offset as shown on the map. If, after the map records, the disk cannot be placed in the sidewalk or curb at the specified offset a Certificate of Correction will be necessary to correct the character or location of this monument.

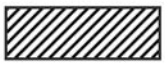
A legend for a drawing is minimal. The major item in the legend would be the pattern for the area that is either being granted or vacated.

An example would be



INDICATES BUILDING RESTRICTION.
EASEMENT ACQUIRED.
AREA: 1.234 ACRES

OR



INDICATES FIRST AVENUE.
DEDICATED PER DOC NO. 2002-12345678 RCD. 3 MAY 2002 VACATED
AREA: 1.234 ACRES

Dimensions

The dimensions depicted on a map/drawing must be legible and complete.

The bearing and total distance along all lot lines, each sideline and center line of every street should be fully shown (ex: N 25º10' 02" E 152.00').

The length, radius and total delta of each curve must be indicated. If a line is non-tangent to a curve, the bearing of each radial line needs to be shown. If lines are tangent, radial bearings are *not* required. (This also alleviates crowding.) The delta of each segment of a curve shall be shown. The sum of the parts on any line must equal the total. When the bearing, length or delta of the sideline of a road is the same as the centerline, it does not need to be repeated.

All dimensions on the map must be shown to the nearest 0.01 (1/100) of a foot. Map dimensions must be ground distances, except for mapping ties to California Coordinate System (CCS83) control monuments, which must be grid distances. If the map is submitted using metric units, then all linear dimensions must be expressed in meters to the nearest 0.001 (1/1000) of a meter. All angular measurements must be expressed to the nearest second of arc. The following are exceptions where whole numbers may be used:

- Nominal or half widths of streets, rights of ways or easements when the sidelines are parallel and concentric with the centerline.

- Radius of curves ex: R=1000

In addition, Lines should be designed avoiding very short dimensions (ex: 0.58'). Short line lengths without justification will be required to be redesigned during the map checking process.

Traverses

All of the dimensions on the map or drawing are reviewed against traverses that are submitted with the project. (See Submittal Guidelines.) The traverses are required to verify that the data shown is mathematically correct. For a map, traverses must include those for the boundary, procedure of survey, each lot, each easement with ties to lot lines and the centerlines of the streets. All curves in a traverse must include the radial bearing, length, delta and radius as depicted. In other words, all dimensions shown on the map must be able to be mathematically verified with the traverses. Therefore the data on the map and the traverses need to match. The traverse data must be rounded to two decimal places to coincide with the map data. Keep in mind, mathematically, it is not correct to begin with two decimal places, such as the coordinates of GPS control, and calculate to more then two decimal places.

Lots

Lots on a map must be numbered or lettered. They should be numbered consecutively throughout the subdivision. The consecutive numbering may be carried over to the following unit maps. Buildable lots will be numbered and non-buildable lots will be lettered. Non-

buildable lots include sub-standard lots for the zone, open space lots, HOA lots, private driveways, etc. The first and last lot numbers must have a circle around them as shown in the example legend. No other lot number should have circles or designs around them.

Each lot must be shown in its entirety on one sheet. Lots that are greater than a half-acre should show the acreage within the lot, excluding reversion rights. Show the acreage to three decimal places. This requirement is for the assessor. Additionally, a lot area tabulation sheet is required. This lists the area of each lot. See **Appendix 4** for a sample.

A 'remainder lot' is owned by the subdivider but not intended to be subdivided by the subject map, as defined by Section 66424.6 of the Map Act. The lot may be sold, leased or financed without any further requirements for filing a map. All lands that have been included within the tentative map boundary but which are not subject to the subdivision need to be shown on the map and designated as REMAINDER LOT. Where the remainder lot/parcel has a gross area of five acres or more, the location and configuration of the lot may be indicated by deed reference and only record bearings distances need to be shown.

A Certificate of Compliance may be applied for through the City if a third party, such as a title company requests it.

A 'not a part' lot is owned by another entity and not subject to subdividing by the subject map. This lot should be indicated as NOT A PART.

Easements

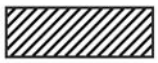
Chapter 6 addresses easements in detail, but not the drafting standards. Whether easements are included on a map or on a drawing, the drafting requirements are basically the same. Easement lines are light dashed lines. The line weights and types are shown on **Figure 1**.

There are several depiction scenarios for easements. They may be shown as being granted on a map. They may be existing, private or public, and need to be shown on a map or drawing. Also, they may be shown as being acquired on a drawing. The location of an easement must be evident. On both maps and drawings, ties to a record lot/parcel corner must be shown to definitively locate the easement in this world. Drawings are exhibits accompanying a legal description of a deed. The legal description will definitively locate the easement in this world, and the drawing must depict the verbiage of the description.

A map must clearly show all easements, existing ones as called out in the title report and proposed ones that are granted on the map. The easements must be delineated showing bearings, distances, widths, and ties to all lot corners and boundary corners. Traverses must be submitted for the easements in order to substantiate the courses shown on the map or drawing. On a drawing, show all easements that conflict or come close to the proposed easement. Show ties between the existing easement and the proposed easement.

If the easement is being granted on a map, label it as being granted hereon. An example would be WATER EASEMENT GRANTED HEREON. Where such easements involve more than one lot, indicate by adding IN LOTS _____, citing the exact lots in which the easement is to be granted. If the easement is being shown as acquired on a drawing, the

easement area that is being granted may be shaded with a pattern that will be discernible once microfilmed. The pattern must be shown in the legend and labeled as 'acquired.' An example would be:

 WATER EASEMENT ACQUIRED

If the easement exists, either public or private, on either a map or drawing, label the easement with the record information. The format in which the County Recorder has recorded documents has changed over the years. Label the easements as such…

> EXISTING (*type, width, centerline, etc*) EASEMENT GRANTED TO (*entity*)…

Instruments recorded from 1850 to June 30, 1931, should be referred to as follows:

> RECORDED (*day month*), 18(*xx*), DOCUMENT NO. (*xxxx*), BOOK (*xxx*), PAGE (*xx*), DEEDS, PATENTS, LIS PENDENS AND OTHERS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA.

Instruments recorded from July 1, 1931 through December 31, 1959, should be referred to as follows:

> RECORDED (*day month*), 19(*xx*), DOCUMENT NO. (*xxxx*), BOOK (*xx*), PAGE (*xxx*), O.R.

Instruments recorded from January 1, 1960 through December 31, 1969, should be referred to as follows:

> RECORDED (*day month*), 19(*xx*), FILE/PAGE NO. (*xxxx*), SERIES (*xxx*), BOOK (*xxxx*), O.R.

Instruments recorded from January 1, 1970 through the late 1980s may be referred to as follows:

> RECORDED (*day month*), 19(*xx*), FILE/PAGE NO. (*xxx*), BOOK (*xxx*), O.R.

Instruments recorded recently should be referred to as follows:

> RECORDED (*day month*), (*xxx*), DOCUMENT NO. (*xxxx*), O.R.

As noted above, all existing easements appearing in the title report are to be accounted for on the map or drawing. A blanket easement is an easement without a specific location set forth in the deed or the location is not discernible. The easement must also be accounted for; however it can only be accounted for with a note. Please use the following note for blanket easements.

> EXISTING (*type*) EASEMENT GRANTED TO (*entity*) PER DOC. NO. (*xxxx*), RECORDED (*day month year*). HAS NO SPECIFIC LOCATION SET FORTH IN THE DEED AND CANNOT BE PLOTTED ON MAP.

Many SDG&E easements grant 3' around all their facilities. The following note should be used.

> EXISTING UTILITY EASEMENT GRANTED TO SAN DIEGO GAS AND ELECTRIC CO. PER DOC. NO. (*xxxx*) RECORDED (*day month year*) IS DEPENDENT UPON PHYSICAL LOCATION OF FACILITIES AND IS NOT PLOTTED HEREON.

If there is an easement granted to or reserved for a person or entity many years ago and it is obvious that the person or entity no longer exists or no longer has an interest in the easement, add the following note:

> A (*type*) EASEMENT GRANTED TO (or RESERVED FOR) *(name)* DEED RECORDED (*date*) IN BOOK (*number*), PAGE (*number*) OF OFFICIAL RECORDS IS NOT SHOWN HEREON BECAUSE IT HAS BEEN MERGED WITH THE FEE INTEREST.

Non-Title Sheet

Non-title information, if needed, is shown on the last sheet of the map. Non-title information indicates information defined and described as additional survey and map information per the Subdivision Map Act, which is required to be placed on the map and not intended to affect record title interest. The sheet must show the areas of concern in regards to the lot lines, etc. Dimensions usually are not required. The areas should be hatched and shown in the legend on this sheet. The scale and north arrow should be shown. Additional survey and map information, with their respective symbols, may include but not be limited to:

- Fire Hazard Reduction Zones
- Proposed Caltrans Right-of-Way
- 100-year Flood Area
- Faults
- Building Restricted Areas

A legend may be shown on the NON-TITLE SHEET to clarify information. An example would be:

LEGEND:

If Fire Hazard Reduction Zones (negative open space) are required to be shown, use the following verbiage in the legend.

INDICATES FIRE HAZARD REDUCTION ZONE PER CHAPTER 14, ARTICLE 2, OF THE CITY OF SAN DIEGO MUNICIPAL CODE

If there are geologic faults within the project, these must be shown on the non-title sheet and signed and sealed by a Geotechnical Engineer. If a building restricted easement will be required along the fault, it must be shown on a map sheet and granted in the owner's statement.

THIS FAULT HAS BEEN REVIEWED BY THE UNDERSIGNED AND IS IN ACCORDANCE WITH THE GEOLOGIC INVESTIGATION REFERENCED BELOW.

(signature) *(seal)*

(referenced investigation)

If a Planned Residential Development Permit requires building restricted areas, use the following verbiage in the legend on the non-title sheet:

INDICATES BUILDING RESTRICTED AREAS, AS PROVIDED FOR IN THE PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO._____ , RECORDED *(day month year)* OF OFFICIAL RECORDS.

Example notes may be if applicable:

> INFORMATION SHOWN ON THIS SHEET IS ADVISORY ONLY AND IS NOT INTENDED TO AFFECT RECORD INTEREST.
>
> INFORMATION SHOWN HEREON IS COMPILED FROM PUBLIC RECORDS OR REPORTS AND ITS INCLUSION ON THIS MAP DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THESE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP.

REQUIREMENTS SPECIFIC TO DRAWINGS

If the easement/dedication is granted per a separate document, the depiction of the easement is typically drawn on a B sheet. C sheets are also acceptable. If the easement is granted on a map, simply indicate the easements with the correct line type, record data, etc. The drawing must include all information needed to completely illustrate the legal description. The following items should be included on most drawings, but only to the extent they are relevant to illustrating the legal description:

- Vicinity map showing the location of the affected property
- North arrow
- Scale
- Basis of Bearings (the same as the underlying parcel)
- Legend of symbols used
- Area in acres x.xxx (used by County Assessor)
- Assessor Parcel Number(s)
- Title (see below) with an abbreviated legal description of the underlying fee (ie: Lot 1, Map 2324)
- Surveyor's seal and signature
- Point of Beginning (or Point of Commencement and True Point of Beginning)
- Deed courses - bearing & distance for lines OR delta, radius & length for curves with radial bearings of non-tangent lines and at changes in curvature or direction
- Underlying document and map references
- Streets and adjoining parcels
- Other easements that are in the vicinity of the proposed easement (these are required to verify that there are not conflicts)

Drawing Titles

The title block must contain a descriptive title such as those listed below. Please consult your reviewer if you are uncertain of the proper title. A grant in fee requires a specific statement of intent. The title for drawing is the same as for a deed. Some examples include:

> STREET DEDICATION - (*name of street*) in (*legal description*) BETWEEN (*street names*)
>
> OPEN SPACE GRANT IN FEE in (*legal description*)
>
> IRREVOCABLE OFFER TO DEDICATE (*type of easement or grant*) in (*legal description*)

SEWER EASEMENT in (*legal description*)

BUILDING RESTRICTED EASEMENT in (*legal description*)

SLOPE EASEMENT in (*legal description*)

STREET VACATION - (*name of street*) - between (*street names*)

(*type*) EASEMENT VACATION in (*legal description*)

REQUIREMENTS SPECIFIC TO TENTATIVE MAPS

A copy of the preliminary title report must be submitted. Additionally, the minimum items must be shown on the tentative map exhibit.

Existing Conditions

- Sheet size used must be no greater than 36” x 48” (Architectural E sheet).
- First sheet shows overall view of development and an index to other sheets.
- Each sheet must have the title of development name, and the tentative map number, City Job Order Number and the Project Tracking System number.
- Topographic survey is at a suitable scale to reveal the needed detail for review. Min. 2’ contours on flat ground and Max. 10’ contours on steep ground. Survey must map conditions beyond the boundary of the tentative map. Note the source, date and vertical datum of the survey.
- Spot elevations are shown as needed
- Scale, north arrow, legend, vicinity map
- Existing street and alley width, pavement, curbs, gutter, and sidewalk
- Full width cross-section for streets within the subdivision that will remain as well as all adjacent streets and alleys as appropriate
- Utilities: water and sewer mains (location, size and service lines), street lights, electrical, gas, cable lines
- Collection and discharge points of onsite and offsite storm drains
- Specify all sewer, water, drainage, public and private improvements and show City drawing numbers
- Show the existing parcel boundaries and legal description. Also show adjacent properties and their legal description. (Map, block and lot numbers, or a deed reference is usually enough)
- All public and private easements that encumber the property are shown or noted on the map. Clearly identify all easements to be vacated.
- Known archeological sites, sensitive habitat, and geological hazards such as an earthquake fault or unstable hillsides affecting the development.
- Existing zoning, overlay zones, development permits

Proposed Development

- Clearly show the subdivision boundary and all proposed lots including open space lots or lots for reserved public facilities. Indicate the approximate area of all lots.
- For a condominium development note the number of proposed condominiums, their type (residential or commercial), and their location if the units are to be built on multiple lots.
- Show proposed grading contours.
- Show proposed street and sidewalk alignment. At this point, only approximate location and dimensions are needed.
- Provide street and driveway cross sections for new streets.
- Show location of all proposed utilities including sewer, water, electrical, gas, cable, telephone and street lighting.
- Show proposed drainage pattern including the location of proposed structures and pipes.
- Show all proposed public service, open space and access easements.

Notes and Information

- Provide the names of the Property Owner, Developer (if different) and the Engineer of Work.
- Summarize the number of lots or condominium units with their designated use and the area within the proposed subdivision boundary. Indicate the existing and proposed parking spaces and location.
- Provide existing zoning and development permit information and list any proposed changes.
- Provide earthwork quantities, must include cut/fill and import/export, as applicable.
- Provide the existing Assessor Parcel Numbers and the CCS 27 and CCS 83 coordinates of the project.

CHAPTER 5 SUBDIVISION MAPS

This chapter will discuss the legal and technical requirements for maps. The simplest of maps, parcel maps will be discussed first. A final map is prepared in the same manner as a parcel map, with a few exceptions. These exceptions are discussed in the final map section. Amended maps will be discussed last. They are prepared the same as the map that is being amended however, the verbiage of the certificates call out the changes. The standards for drafting a map are discussed in **Chapter 4**.

PARCEL MAPS

Parcel maps are defined in Section 66426(f) of the Subdivision Map Act (SMA). Typically, parcel maps are used to create four or fewer parcels or condominium units. **Chapter 2** explains other circumstances that require a parcel map. In addition to the four parcels, the map may also include one parcel which is designated a remainder parcel per SMA 66424.6. A final map is used to create five or more lots or condominium units and will be discussed later. A parcel map may also be used for a lot line adjustment. The lot line adjustment is not a subdivision, but a parcel map is superior to a lot line adjustment plat and it is a simple and quicker instrument to process the adjustment. **Chapter 7** discusses lot line adjustments.

A parcel map must be based upon a field survey in accordance with the Land Development Code Section 144.0311(d) and SMA 66448. If you believe it may be necessary to waive a field survey, the City Engineer must approve the waiver. If there was a tentative parcel map, the map must substantially conform to the approved tentative parcel map, the conditions as set forth in the tentative parcel map's resolution and the conditions of all discretionary approvals associated with the project.

Map Requirements per the SMA

A map is required to be prepared for the purpose of selling a parcel of land. The first legislation, the predecessor to the Subdivision Map Act of today, was the Act of 1893 and it explicitly enacted this law. It was specific to when cities or towns were being established. A map has been required to sell, lease or finance a parcel of land in California ever since then. The requirement for a parcel map, for four or fewer lots, was enacted in 1972. In order for a map to be legally correct, it must be in accordance with the SMA of today.

Preliminary Title Report and Map Guarantee

A preliminary title report (PTR) prepared by a title company is required. The PTR must encompass all the property, including reversion rights and interests within the subdivision. It must describe the property as it exists prior to the parcel map recording and reference all items that encumber the property. Items in the PTR, such as easements, planned development permits and deeds of trust necessitate reference on the parcel map. In addition, if liens or delinquent taxes appear in the PTR, they will be required to be satisfied prior to the map recording pursuant to SMA 66492. An updated PTR may be required to correct errors during the map check process.

The title company also prepares the parcel map guarantee. The owners, trustees and easement holders shown on the map must match exactly, in name, number and type with the owners, trustees or beneficiaries and easement holders as shown in the map guarantee. Prior to the recordation of the map, a tax certificate, an updated PTR and parcel map guarantee will be required. The guarantee is required to ensure that the owners or interested parties have not changed during the review process, taxes are paid and no new encumbrances have appeared.

Certificates

The title sheet satisfies the legal requirements of a mapped subdivision. It includes the legal description of the map, owner's certificate, and the surveyor's certificate, along with all other certificates and statements as required by the Subdivision Map Act and the City's Land Development Code. Certificates must be shown on title sheets only. If needed, there may be an additional title sheet included, but only notary acknowledgments and joint use certificates may appear on a second title sheet. In order to simplify the title sheet, lengthy certificates such as avigation easements or joint use agreements may be granted per a separate document, however the document must be referred to on the map. The layout of the certificates on the title sheet is important and has been standardized. The sheet can be laid out with either three or four columns, but the certificates must be in the same order as explained in this manual. Some parcel maps are very simple and may be prepared on a single sheet. However, the location of the certificates should still be in accordance with this manual, leaving area for the map near the center of the sheet.

The next two sheets (**Figures 2** and **3**) depict the layout of parcel map title sheets in three columns and four columns. Note that SHEET 1 OF ___ SHEETS must appear in the upper right hand corner. Each subsequent sheet shall have the appropriate number. This is required for all maps. Additionally, the words PARCEL MAP shall be in bold letters outside the heavy border on the upper right hand corners. Parcel maps do not have names.

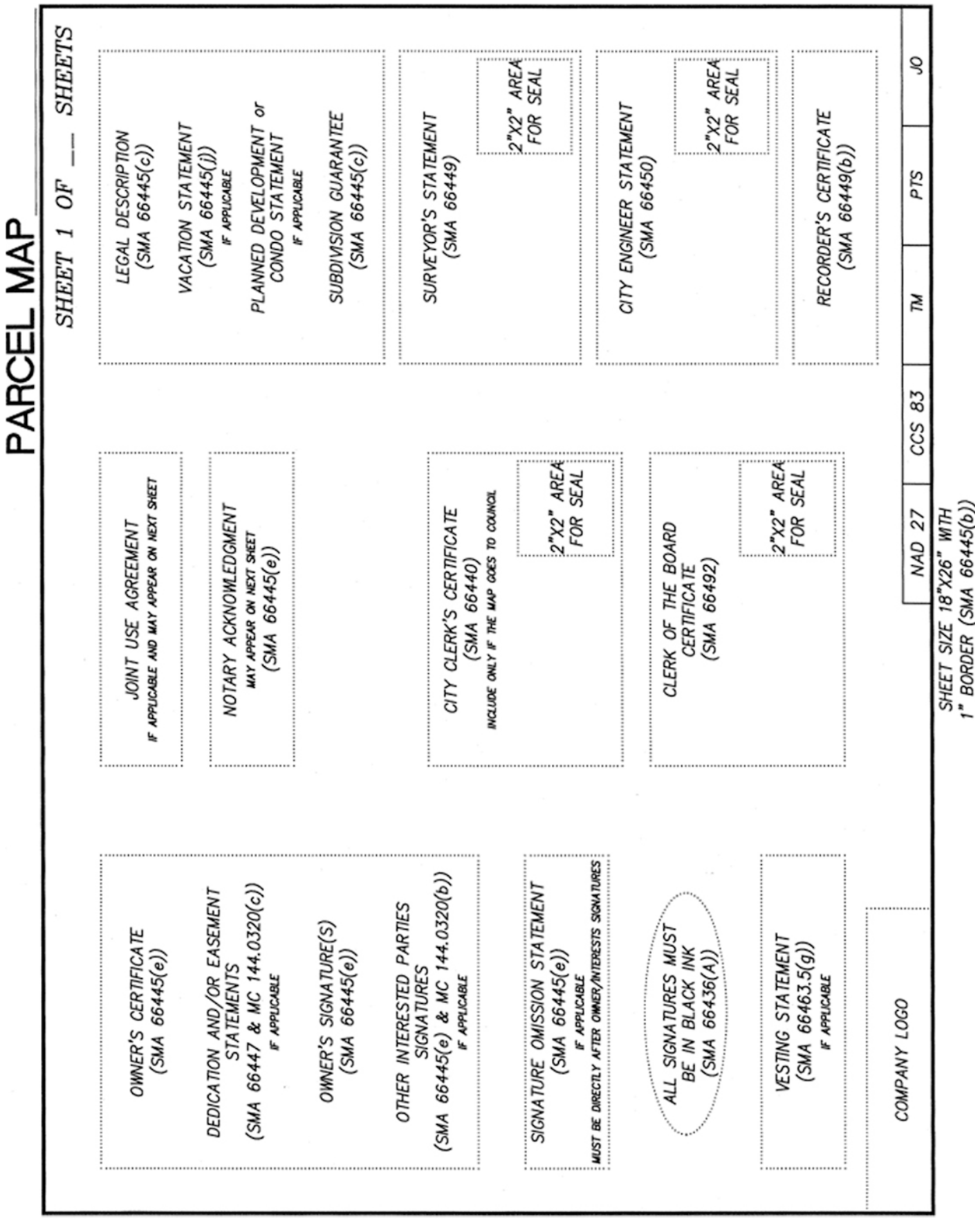

PARCEL MAP
SHEET 1 OF __ SHEETS
OWNER'S CERTIFICATE (SMA 66445(e))
DEDICATION AND/OR EASEMENT STATEMENTS (SMA 66447 & MC 144.0320(c))
IF APPLICABLE
OWNER'S SIGNATURE(S) (SMA 66445(e))
OTHER INTERESTED PARTIES SIGNATURES (SMA 66445(e) & MC 144.0320(b))
IF APPLICABLE
SIGNATURE OMISSION STATEMENT (SMA 66445(e))
IF APPLICABLE
MUST BE DIRECTLY AFTER OWNER/INTERESTS SIGNATURES
ALL SIGNATURES MUST BE IN BLACK INK (SMA 66436(A))
VESTING STATEMENT (SMA 66463.5(g))
IF APPLICABLE
COMPANY LOGO
JOINT USE AGREEMENT
IF APPLICABLE AND MAY APPEAR ON NEXT SHEET
NOTARY ACKNOWLEDGMENT
MAY APPEAR ON NEXT SHEET
(SMA 66445(e))
CITY CLERK'S CERTIFICATE (SMA 66440)
INCLUDE ONLY IF THE MAP GOES TO COUNCIL
2"X2" AREA FOR SEAL
CLERK OF THE BOARD CERTIFICATE (SMA 66492)
2"X2" AREA FOR SEAL
LEGAL DESCRIPTION (SMA 66445(c))
VACATION STATEMENT (SMA 66445(j))
IF APPLICABLE
PLANNED DEVELOPMENT or CONDO STATEMENT
IF APPLICABLE
SUBDIVISION GUARANTEE (SMA 66445(c))
SURVEYOR'S STATEMENT (SMA 66449)
2"X2" AREA FOR SEAL
CITY ENGINEER STATEMENT (SMA 66450)
2"X2" AREA FOR SEAL
RECORDER'S CERTIFICATE (SMA 66449(b))
NAD 27
CCS 83
TM
PTS
JO
SHEET SIZE 18"X26" WITH 1" BORDER (SMA 66445(b))

Figure 2

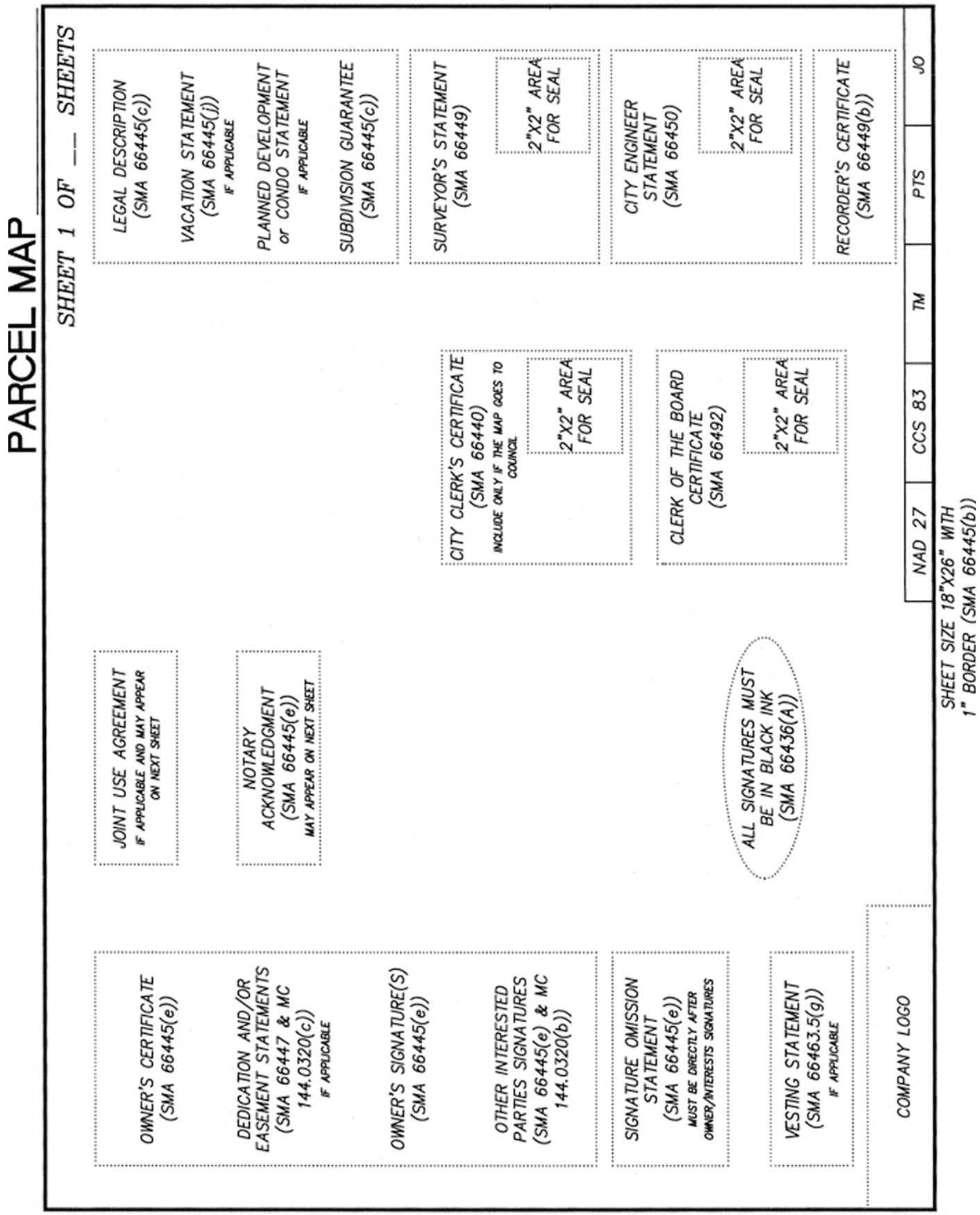

PARCEL MAP
SHEET 1 OF __ SHEETS
LEGAL DESCRIPTION (SMA 66445(c))
VACATION STATEMENT (SMA 66445(j)) IF APPLICABLE
PLANNED DEVELOPMENT or CONDO STATEMENT IF APPLICABLE
SUBDIVISION GUARANTEE (SMA 66445(c))
SURVEYOR'S STATEMENT (SMA 66449)
2"X2" AREA FOR SEAL
CITY ENGINEER STATEMENT (SMA 66450)
2"X2" AREA FOR SEAL
RECORDER'S CERTIFICATE (SMA 66449(b))
CITY CLERK'S CERTIFICATE (SMA 66440) INCLUDE ONLY IF THE MAP GOES TO COUNCIL
2"X2" AREA FOR SEAL
CLERK OF THE BOARD CERTIFICATE (SMA 66492)
2"X2" AREA FOR SEAL
JOINT USE AGREEMENT IF APPLICABLE AND MAY APPEAR ON NEXT SHEET
NOTARY ACKNOWLEDGMENT (SMA 66445(e)) MAY APPEAR ON NEXT SHEET
ALL SIGNATURES MUST BE IN BLACK INK (SMA 66436(A))
OWNER'S CERTIFICATE (SMA 66445(e))
DEDICATION AND/OR EASEMENT STATEMENTS (SMA 66447 & MC 144.0320(c)) IF APPLICABLE
OWNER'S SIGNATURE(S) (SMA 66445(e))
OTHER INTERESTED PARTIES SIGNATURES (SMA 66445(e) & MC 144.0320(b))
SIGNATURE OMISSION STATEMENT (SMA 66445(e)) MUST BE DIRECTLY AFTER OWNER/INTERESTS SIGNATURES
VESTING STATEMENT (SMA 66463.5(g)) IF APPLICABLE
COMPANY LOGO
NAD 27
CCS 83
TM
PTS
JO
SHEET SIZE 18"X26" WITH 1" BORDER (SMA 66445(b))

Figure 3

Owners' Certificate

The owners' certificate is the statement by the owner and all parties having any record title interest and consents to the preparation and recordation of the parcel map. The following certificate is to start in the upper left hand corner of the title sheet. If there are no easements being granted, the signatures follow the statement.

> WE (I) THE OWNER(S) OF OR HAVE AN INTEREST IN THE PROPERTY COVERED BY THIS MAP HEREBY APPROVE SAID MAP AND THE FILING THEREOF.

Dedications and Granting of Easements

It may be required for the owner to dedicate right-of-way or grant easements. The dedications or easements may be required per the Resolution of Approval of the tentative map. Offsite easements may also be required which shall be done by separate document.

There are many types of easements. See **Chapter 6** for some explanations. An easement 'granted' to the City is for the use of the City, such as a drainage easement. An easement that is granted to the City for public use is a 'dedication.' Since the owner is granting these rights to the City, all of these statements appear before the owner's signature.

To dedicate a public street or alley, the following paragraph must follow the owner's statement and above the signature. List the full width streets first, followed by streets not having full widths.

> WE (I) HEREBY DEDICATE TO PUBLIC USE (*street names*) THE ALLEY(S), AND PORTIONS OF (*street names*) FOR USE AS PUBLIC STREETS AND APPURTENANCES THERETO, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION.

Easements that are dedicated to public use may also include a park or pedestrian right- of-way. Add the following dedication statement as applicable.

> WE (I) HEREBY DEDICATE TO PUBLIC USE THE PEDESTRIAN RIGHT-OF-WAY, AND PARK(S) ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION.

If an irrevocable offer of dedication is to be granted, include

> TOGETHER WITH THAT (THOSE) PORTION(S) OF PARCEL(S) MARKED 'IRREVOCABLE OFFER TO DEDICATE PUBLIC STREET' before ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION.

If it is required that an easement be granted, the easement statement follows the right of way and/or park dedication statement. If there is not a dedication, it simply follows the owner's certificate. Easements that may be required include:

- Access to a public street
- Sewer, water or drainage and access to these facilities
- Reclaimed water
- Slope
- General utility and access
- Emergency access
- Open space
- Building restricted
- Landscaping
- Flowage
- Floodwater storage
- Relinquishment of access rights

The granting language for the easements can be found in **Appendix A**.

Reversion Rights

Fee title typically goes to the centerline of the street; therefore the legal description must include reversion rights and the exterior boundary of the land included within the subdivision must be indicated by distinct linework. Sometimes the extent of the reversion rights is not clear and can be ambiguous. To be certain the full title interest is conveyed without severing any rights, the following statement should be included above the owner's signature. Reversion rights will be discussed in more detail as a part of the legal description.

> IT IS OUR INTENT TO SUBDIVIDE OUR ENTIRE INTEREST IN THE REAL PROPERTY SHOWN ON THIS MAP WITHIN THE HEAVY BORDER, INCLUDING ANY REVERSIONARY RIGHTS THAT MAY EXIST WITH THE ADJOINING PUBLIC RIGHTS-OF-WAY. IT IS NOT OUR INTENT TO ALTER OR SEVER THE LEGITIMATE RIGHTS OF OTHERS WHO MAY HAVE A CLAIM ON THOSE REVERSIONARY RIGHTS THROUGH PRIOR CONVEYANCES.

Owner's Signature

The parcel map must be signed by all owners pursuant to the SMA, Section 66445(e). The owners as listed in the map guarantee must sign the map. The signatures must immediately follow the owner's certificate, dedications and grant of easements. All signatures shall be signed in black permanent opaque ink. The name and the interest of the subdivider must be printed below the signature.

> _____
>
> JANE SMITH, OWNER

Signature statements for partnerships, joint ventures and limited liability companies (LLC), etc. are often more complex. The statement insures that, in fact, an authorized person is signing the map. A recorded copy of the agreement is to be provided to the map reviewer. The example below illustrates the proper format.

> IMA SURVEYOR, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER.
>
> > BY: OUTSTANDING INFIELD, INC., A CALIFORNIA CORPORATION, AS MANAGING MEMBER.
>
> BY:_____ BY: _____
>
> (*print name and title*) (*print name and title*)

All corporation signature blocks must be executed by a minimum of two officers of the corporation, unless a copy of the resolution passed by its board of directors authorizing a designated officer to sign on behalf of the corporation is furnished to the map reviewer. (See Corporations Code Section 313.)

Other Interested Parties' Signatures

The map must also be signed by other interested parties identified in the Subdivision Guarantee as having an interest as noted above. Interested parties may be beneficiaries, trustees of deeds, lessees, optionees, etc. Include the parties' interest and the recording date of the document establishing such interest. The example below illustrates the proper format.

> MOUNTAIN HIGH FINANCIAL CORPORATION, TRUSTEE UNDER DEED OF TRUST RECORDED (*date*), AS *(recording information)*, O.R.
>
> BY_____
>
> *(print name and title)*

Signature Omission

Section 66445(e) of the Subdivision Map Act requires a signature omission statement(s). Interested parties need to be notified and a letter needs to be provided to the City that they do not object to the map recording without their signatures. Otherwise provide evidence that the public entity has been notified in accordance with SMA 66436(a)(3)(A)(iv). If the interested parties do not object to the map recording without their signatures, a statement stating their respective interests must be shown on the title sheet immediately following the owner and trustee signatures. Refer to Section 66436 of the Subdivision Map Act for all other interested parties to be listed on the signature omission statement (i.e., the City for reversionary rights and SDG&E for utility easements). Three forms of omission statements are provided depending upon the reason the signature is not required:

Typical Utility Company Statement

THE SIGNATURE (S) OF (*easement holder*), OWNER(S) OF (*type of easement*), AS DISCLOSED BY DEED RECORDED (*date*) AS (*document number*) OF O.R., OF SAN DIEGO COUNTY HAS (HAVE) BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (a) (3) (A) (i) OF THE SUBDIVISION MAP ACT, SINCE THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE(S) IS (ARE) NOT REQUIRED BY THE GOVERNING BODY.

Typical Street Interest Statement

THE SIGNATURE (S) OF THE CITY OF SAN DIEGO, OWNER(S) OF A RIGHT-OF-WAY FOR STREET PURPOSES AS DEDICATED PER MAP _____, OF SAN DIEGO COUNTY HAS (HAVE) BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (a) (3) (A) (i) OF THE SUBDIVISION MAP ACT, SINCE THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE(S) IS (ARE) NOT REQUIRED BY THE GOVERNING BODY.

Long Disuse Statement

THE SIGNATURE(S) OF_____, OWNER(S) OF _____, AS DISCLOSED BY DEED RECORDED _____ IN _____ O.R., OF SAN DIEGO COUNTY HAS (HAVE) BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (a) (3) (B) OF THE SUBDIVISION MAP ACT, SINCE BY REASON OF CHANGED CONDITION, LONG DISUSE, OR LACHES, APPEAR TO BE NO LONGER OF PRACTICAL USE OR VALUE AND SAID SIGNATURE(S) IS (ARE) IMPOSSIBLE OR IMPRACTICAL TO OBTAIN.

Mineral Interest Statement

THE SIGNATURE(S) OF _____, OWNER(S) OF _____, AS DISCLOSED BY DEED RECORDED _____ IN _____ O.R., OF SAN DIEGO COUNTY HAS (HAVE) BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (a) (3) (C) OF THE SUBDIVISION MAP ACT, IN AS MUCH AS THE USE OF THE SURFACE OF THE LAND IN CONNECTION WITH THE MINERAL OWNERSHIP IS PROHIBITED BY ZONING REGULATIONS OR OTHER GOVERNMENTAL REGULATIONS AND SAID SIGNATURE(S) IS (ARE) NOT REQUIRED BY THE GOVERNING BODY.

Vested Tentative Map

If the tentative parcel map is a vested tentative map (VTM), SMA 66498.1, a statement must appear on the map. The following statement must be placed at the bottom left corner of the first title sheet. A vested tentative map confers the right to proceed with development in substantial compliance in effect at the time the VTM was approved.

> THIS MAP SECURES VESTED DEVELOPMENT RIGHTS AND THE RIGHTS THUS VESTED SHALL REMAIN IN EFFECT FOR TWO YEARS FROM THE DATE OF RECORDATION. (See Municipal Code Sec. 125.0131)

City Clerk

Typically a parcel map does not have to be signed by the City Clerk. However, if the map is approved by City Council, the City Clerk must sign the map. An example of a parcel map being approved by Council would be if there is a vacation or if there is City-owned property involved. In these cases, the City Clerk will accept easements/ dedications rather then the City Engineer. If the City Clerk needs to sign because there is City-owned property, use the following language.

> I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT BY RESOLUTION NO. (*minimum 1-inch blank*) THE COUNCIL OF SAID CITY HAS APPROVED THIS MAP AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN. IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS SEAL THIS _____ DAY OF _____ 20(*xx*).
>
> XXXXXXXXXXXXXXXXXXX BY: _____
>
> CITY CLERK DEPUTY

(*leave 2-inch x 2-inch space for seal*)

If the map contains a vacation use the following language. If there are no easements being granted, remove the acceptance language from the certificate.

> I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT, BY RESOLUTION NO. _____ THE COUNCIL OF SAID CITY HAS APPROVED THIS MAP, INCLUDING THE VACATION OF (*street name*) AND THE ABANDONMENT OF THE EASEMENT AS INDICATED HEREON PURSUANT TO THE PROVISIONS OF SECTION 66445 (j) OF THE STATE SUBDIVISION MAP ACT, AND HAS ACCEPTED THOSE ITEMS LISTED IN THE

CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN. IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS SEAL THIS _____ DAY OF _____ 20(*xx*).

XXXXXXXXXXXXXXXXXXX BY: _____

CITY CLERK DEPUTY

(*leave 2-inch x 2-inch space for seal*)

Clerk of the Board

This certificate must be located on the first title sheet and will be signed by the Clerk of the Board of Supervisors after the map has been submitted to the County Clerk's office. (Subdivision Map Act Section 66492; Section 66412(d), Revenue and Taxation Code Section 2192) All maps require this statement. This requirement also includes maps with lots owned by government agencies.

I, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE) REGARDING (A) DEPOSITS FOR TAXES, AND (B) CERTIFICATION OF THE ABSENCE OF LIENS FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH.

XXXXXXXXXXXXXXXXXXX BY: _____

CLERK OF THE BOARD OF SUPERVISORS DEPUTY

DATE: _____

A copy of the recorded Tax Certificate Letter (yellow copy) must be submitted prior to the recordation of the map. It usually takes about four weeks to obtain a tax certificate. Please see the San Diego County Treasurer's website for instructions on obtaining one. A tax certificate is required at all times throughout the year. It is still required, even if the bond amount is zero. Government agencies are not exempt from this requirement.

Legal Description

The legal description of land being subdivided must appear on the map, SMA 66445(c), and should read similar to and describe the same land as is described in the title report. For example, a metes and bounds description will be an abbreviated version, such as

"A PORTION OF LOT 1 OF MAP 12345" or a reference to a deed. On a parcel map, the legal description will be placed on the title sheet in the upper right hand corner. The placement differs for a final map.

If the map is a typical subdivision, the first words in the legal description must be BEING A SUBDIVISION OF.

If the map is for condominiums, the first words in the legal description must be BEING A CONSOLIDATION AND SUBDIVISION OF.

The legal description must also include all reversion rights, vacated streets, dedicated streets, or portions thereof, and streets/easements to be vacated included within the subdivision boundary. Include the vacated portions first, and then include the reversion rights. Simplify the reversion statement if the title report has a complicated statement. Add the following to the basic description as applicable.

> TOGETHER WITH (*portions of*) (*street name/unnamed alley*) AS CLOSED AND VACATED TO PUBLIC USE and/or TOGETHER WITH (*portions of*) (*street name/unnamed alley*) AS DEDICATED TO PUBLIC USE.

If there is any ambiguity as to the reversion rights, please change the reversion part of the above statement to TOGETHER WITH ANY REVERSION RIGHTS THAT MAY EXIST, rather than calling out specific streets.

The legal description must be the property as it exists prior to the map recording. If an easement is being vacated per the Subdivision Map Act Section 66445(j), the following statement must follow and be included at the end of the description.

> THE (*sewer, water, etc.*) EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER (*document, file/page, map*), RECORDED (*date*), OF OFFICIAL RECORDS IS NOT SHOWN WITHIN THIS MAP BECAUSE IT HAS BEEN VACATED PURSUANT TO SECTION 66445 (j) OF THE SUBDIVISION MAP ACT.

The preliminary title report (PTR) must have verbiage stating that the easement will be vacated upon the recordation of the map.

An example of a legal description with all of the above information may be:

> BEING A SUBDIVISION OF LOT 5 OF BLOCK 5 OF THE HENNESVILLE TRACT ACCORDING TO MAP THEREOF NO.12345, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 5, 1945, AND A PORTION OF LOT 43 OF THE HOPPEVILLE TRACT ACCORDING TO MAP THEREOF NO.12434, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MAY 3, 1963, ALL IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; TOGETHER WITH

> THAT PORTION OF SAN BERNARDINO AVENUE AS CLOSED AND VACATED TO PUBLIC USE, ALSO TOGETHER WITH THAT PORTION OF BASELINE STREET AS DEDICATED TO PUBLIC USE.
>
> THE WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO RECORDED 3 MAY 2006, PER DOC. 2006-12345678, OF OFFICIAL RECORDS IS NOT SHOWN WITHIN THIS MAP BECAUSE IT HAS BEEN VACATED PURSUANT TO SECTION 66445(j) OF THE SUBDIVISION MAP ACT.

If the map is for condominium purposes, the following statement must be included below the legal description.

> THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350, ET SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE (*approving authority*) RESOLUTION NO. _____ DATED _____, APPROVES (*number*) (*type*) CONDOMINIUMS.

If there is more then one lot, the statement must reflect the number and type of condominiums approved for each lot.

Planned Development Permit

If a planned development permit appears in the PTR or as an item of the resolution, this must be noted on the map. The following statement goes directly under the legal description if applicable.

> THIS IS A MAP OF A PLANNED (RESIDENTIAL, INFILL RESIDENTIAL, COMMERCIAL, DISTRICT OR INDUSTRIAL) DEVELOPMENT PROJECT AS DEFINED IN THE SAN DIEGO LAND DEVELOPMENT CODE.

Parcel Map Guarantee

The parcel map guarantee needs to be noted on the map. The guarantee is the evidence for the county recorder of all record title interests per SMA 66445(e). Print the following on the title sheet below the legal description (and the above statements if applicable).

> PARCEL MAP GUARANTEE BY: (*title company*)
>
> ORDER NO: _____

Land Surveyor

A parcel map must be prepared by a land surveyor or a civil engineer authorized to survey per SMA 66445. The surveyor must state that the map was prepared in accordance with the SMA. The statement should appear in the column on the right side directly beneath the legal

description. A 2” x 2” space must be available for the surveyor’s seal. Monuments should be set prior to the map recording. If the monuments are set prior to the map recording, use the following statement. (The surveyor is stating that the map represents what is in the ground when the map records.)

> THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF (*name of owner/person authorizing map*) ON (*date*). I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.
>
> (SEE LEGEND ON SHEET ___).
>
> (signed)_____ (seal)
>
> PLS _____ Date_____
>
> LICENSE EXPIRES _____

If exterior boundary monuments are set prior to the map recording but the interior monuments are not set prior to the map recording, add the following paragraph to the paragraph above

> (SEE LEGEND ON SHEET ___).
>
> I WILL SET ALL OTHER MONUMENTS OF CHARACTER AND AT POSITIONS INDICATED BY THE LEGEND IN THIS MAP (*prior to a specific date or *see below*) AND ALL SUCH MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED (SEE LEGEND ON SHEET NO. __)
>
> (signed)_____
>
> (*seal*)
>
> PLS _____ Date _____
>
> LICENSE EXPIRES _____

* Lot line adjustment parcel maps of recently mapped, unimproved subdivisions: WITHIN 2 YEARS OF RECORDATION OF MAP (*xxxxx*) (*underlying map*).

* Lot line adjustment of existing, improved subdivisions: WITHIN 90 DAYS OF RECORDATION OF THIS MAP

* Parcel map with a tentative map: WITHIN 90 DAYS OF RECORDATION OF THIS MAP UNLESS EXTENDED BY THE CITY ENGINEER

When monumentation is delayed, a delayed monument cost estimate and cash bond will be necessary to cover the costs of setting the monuments.

In accordance with the Land Development Code Section 144.0311(d), a parcel map must be based upon a field survey. Some instances may be approved by the City Engineer indicating that a parcel map may be prepared using record data only. In this case, the following Certificate must be used:

> THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS COMPILED FROM RECORD DATA IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF (*name of person authorizing map*) ON (*date*). I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.
>
> (*signed*)_____ (seal)
>
> PLS_____ Date_____
>
> LICENSE EXPIRES _____

If the map is prepared using record data, a field inspection of existing monumentation should be made. The monumentation should be shown and perpetuated with record information. There will be a field monumentation check to verify that monuments are being perpetuated. The following note may be added:

> ALL EXISTING MONUMENTS SHOWN HEREON ARE BASED ON RECORD DATA AND SHOWN FOR THE PURPOSE OF PERPETUATION. NO MEASUREMENTS HAVE BEEN VERIFIED.

City Engineer

The City Engineer statement must be located directly below the surveyor's statement and will be signed when all map corrections are made, resolution conditions satisfied, improvement plans approved, all fees posted and the necessary security and agreement forms executed as applicable.

The statement may require up to three paragraphs. The first paragraph is a requirement of the SMA and states that the map has been examined in accordance with the SMA. The City Treasurer requires the second paragraph. The third paragraph is required if easements are being accepted by the City Engineer.

> I HEREBY STATE THAT THIS MAP WAS EXAMINED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP, IF ANY, AND ANY APPROVED ALTERATIONS THEREOF; THAT IT COMPLIES WITH THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP AND THAT IT IS TECHNICALLY CORRECT.

The second paragraph must be one of the following paragraphs. The paragraph will be determined by the City Treasurer’s office after a review of the preliminary title report and the proposed map.

The 1911 Act Assessment or no assessment is the most common. Include the following:

> I ALSO CERTIFY THAT THERE ARE NO UNPAID BONDS ISSUED UNDER THE STREET IMPROVEMENT ACTS OF THE STATE OF CALIFORNIA AGAINST THIS SUBDIVISION.

1915 Act Assessment:

> I ALSO CERTIFY THAT THE SUBDIVISION, OR PART THEREOF, SHOWN ON THE ANNEXED MAP AND DESCRIBED IN THE CAPTION THEREOF, IS SUBJECT TO A LIEN FOR A SPECIAL ASSESSMENT IMPOSED PURSUANT TO THE PROVISIONS OF DIVISION 10 OF THE CALIFORNIA STREET AND HIGHWAYS CODE (IMPROVEMENT BOND ACT OF 1915). I FURTHER CERTIFY THAT THERE ARE NO LIENS AGAINST THE SUBDIVISION, OR ANY PART THEREOF, FOR UNPAID SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT FOR SPECIAL ASSESSMENTS NOT YET PAYABLE.

Refunding Act of 1984 for 1915 Improvement Act Bonds:

> I ALSO CERTIFY THAT THE MAP IS SUBJECT TO A LIEN FOR A REASSESSMENT IMPOSED PURSUANT TO THE PROVISIONS OF DIVISION 11.5 OF THE CALIFORNIA STREET AND HIGHWAYS CODE (REFUNDING ACT OF 1984 FOR 1915 IMPROVEMENT ACT BONDS). I FURTHER CERTIFY THAT THERE ARE NO LIENS AGAINST THE SUBDIVISION, OR ANY PART THEREOF, FOR UNPAID

REASSESSMENTS COLLECTED AS TAXES, EXCEPT FOR REASSESSMENTS NOT YET PAYABLE.

Mello-Roos Community Facilities Act of 1982:

I ALSO CERTIFY THAT THE SUBDIVISION, OR PART THEREOF, SHOWN ON THE ANNEXED MAP AND DESCRIBED IN THE CAPTION THEREOF, IS SUBJECT TO A CONTINUING LIEN SECURING THE ANNUAL LEVY OF A SPECIAL TAX LEVIED PURSUANT TO THE PROVISIONS OF THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AS AMENDED, BEING CHAPTER 2.5, PART 1, DIVISION 2, TITLE 5 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA. I FURTHER CERTIFY THAT THERE ARE NO LIENS AGAINST THE SUBDIVISION, OR ANY PART THEREOF, FOR UNPAID SPECIAL TAXES, EXCEPT SPECIAL TAXES NOT YET PAYABLE.

If easements are granted on the map, and the map does not go to council, add the following paragraph to the statement.

I ACCEPT THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN.

If there is an irrevocable offer to dedicate (I.O.D.) granted on the map, use the following statement rather than the previous statement.

BY THE AUTHORITY GRANTED TO ME BY CITY ORDINANCE, I REJECT ON BEHALF OF THE CITY COUNCIL, THOSE PORTIONS OF PARCELS _____ MARKED 'IRREVOCABLE OFFER TO DEDICATE PUBLIC STREET'. SAID OFFER WILL REMAIN OPEN AND SUBJECT TO FUTURE ACCEPTANCE BY THE CITY. ALSO, I ACCEPT THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN.

Note: A separate slope easement may be required by the City Engineer for the ultimate development of the right-of-way. (SD Municipal Code 144.0233); if public utility easements exist, a joint use agreement is necessary

To all of the above listed statements, conclude with the following:

(*name of current City Engineer*)

CITY ENGINEER

(seal)

BY:
(*name of Deputy*) DEPUTY, PLS XXXX

DATE: _____

County Recorder

This certificate, SMA 66449, must be located at the lower right corner of sheet one and is the last certificate to be executed. The filing of the map for record by the County Recorder shall impart constructive notice thereof. (LDC, Chapter 12, Section 125.0550 and SMA 66412.7).

FILE NO. _____

FILED THIS ____ DAY OF _____, 20(*xx*), AT __.M. IN BOOK OF PARCEL MAPS, AT PAGE _____, AT THE REQUEST OF (*surveyor*).

XXXXXXXXXXXXXX, BY: _____
COUNTY RECORDER DEPUTY

FEE. $ _____

Please check the county website for current fees. You may click on FEE.

Joint Use Agreement

If a street is to be dedicated or offered for dedication on the map and it crosses an existing easement of a public utility company's facilities, a Joint Use Agreement (JUA) is required. Agreement for joint use with a public utility company can be used in lieu of a subordination certificate in cases where the utility easement was acquired before approval of the Resolution of Approval. Some easements are not plottable. If the easement is not plottable, a Joint Use Agreement must be included on the map.

The agreement should be shown on the first title sheet if there is room, otherwise it may be shown on the second title sheet. Additionally, the agreement may be made by a separate document and must be referred to on the map pursuant to SMA 66445(h).

The verbiage for the map certificate is in **Appendix A**. The separate document is found in **Appendix B**.

Notary Acknowledgements

The proper notary certificate shall acknowledge all signatures on maps and separate documents per SMA 66445(e). The signature must be in black, indelible ink with the name printed below the signature. The acknowledgement does not require the notary's seal per SMA Section 66436(c) and the seal is discouraged. Most of the time the seal is illegible and

the map is rejected for recordation. The principal office location must be stated and the commission expiration date must be shown. There may be room in the first and second columns, but do not put them in the final column on the right. If there are numerous acknowledgments, it may be desirable to put all of them on the second title sheet. Be certain to instruct the notary to line out and initial inapplicable words. Civil Code 1180 et. seq. is the law for proof of acknowledgements.

STATE OF CALIFORNIA) ss.
COUNTY OF SAN DIEGO)

ON (date) BEFORE ME, (*notary's name*), A NOTARY PUBLIC PERSONALLY APPEARED (*name 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

NOTARY'S SIGNATURE:_____

PRINT NAME: _____

MY COMMISSION EXPIRES ON _____, 20(*xx*)

PRINCIPAL PLACE OF BUSINESS IS IN_____COUNTY

FINAL MAPS

Final maps are defined in Section 66426 of the Subdivision Map Act (SMA). A final map is used to create five or more lots or condominium units. A final map must be based upon a field survey and it must substantially conform to the approved tentative map, the conditions as set forth in the tentative map resolution and the conditions of all discretionary approvals associated with the project. The map must also be compatible with the subdivision improvement plans. A final map is prepared similarly to a parcel map with a few differences. The differences will be explained below.

Map requirements per the SMA

As noted in the Parcel Map section, a map has been required to sell, lease or finance a parcel of land in California since 1893. In order for a map to be legally correct, it must be in accordance with the SMA.

Preliminary Title Report and Subdivision Guarantee

A preliminary title report is required for a final map, just like a parcel map. The only difference is that the guarantee is called a Subdivision Guarantee.

Certificates

The certificates for final maps are similar to those of parcel maps. There are few small differences and they will be explained. The location of the certificates varies. The certificates will be explained in the order they are to appear on the map. The next two sheets (**Figures 5** and **6**) depict the layout of title sheets in three columns and four columns.

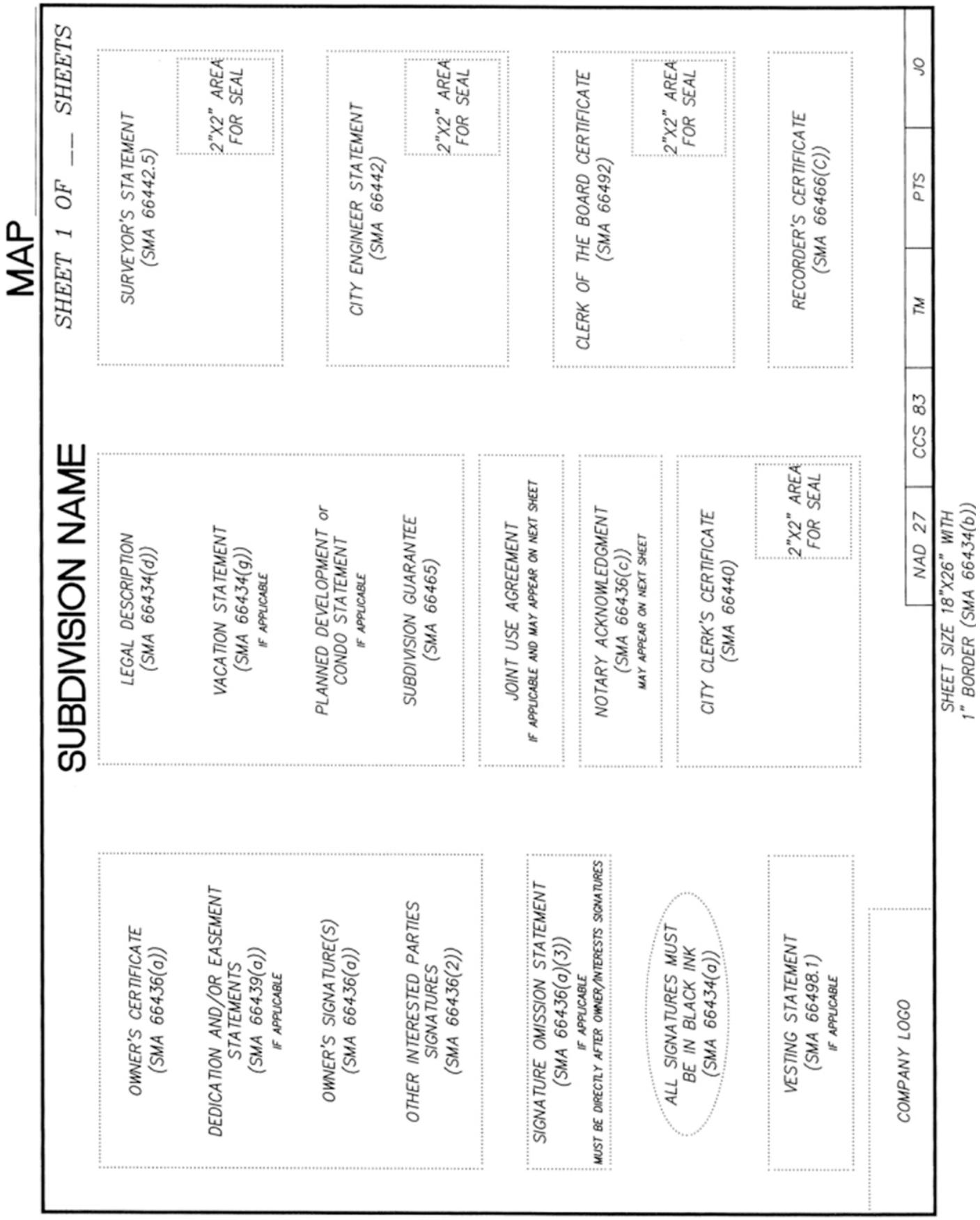

MAP
SHEET 1 OF __ SHEETS
SUBDIVISION NAME
OWNER'S CERTIFICATE (SMA 66436(a))
DEDICATION AND/OR EASEMENT STATEMENTS (SMA 66439(a)) IF APPLICABLE
OWNER'S SIGNATURE(S) (SMA 66436(a))
OTHER INTERESTED PARTIES SIGNATURES (SMA 66436(2))
SIGNATURE OMISSION STATEMENT (SMA 66436(a)(3)) IF APPLICABLE
MUST BE DIRECTLY AFTER OWNER/INTERESTS SIGNATURES
ALL SIGNATURES MUST BE IN BLACK INK (SMA 66434(a))
VESTING STATEMENT (SMA 66498.1) IF APPLICABLE
COMPANY LOGO
LEGAL DESCRIPTION (SMA 66434(d))
VACATION STATEMENT (SMA 66434(g)) IF APPLICABLE
PLANNED DEVELOPMENT or CONDO STATEMENT IF APPLICABLE
SUBDIVISION GUARANTEE (SMA 66465)
JOINT USE AGREEMENT IF APPLICABLE AND MAY APPEAR ON NEXT SHEET
NOTARY ACKNOWLEDGMENT (SMA 66436(c)) MAY APPEAR ON NEXT SHEET
CITY CLERK'S CERTIFICATE (SMA 66440)
2"X2" AREA FOR SEAL
SURVEYOR'S STATEMENT (SMA 66442.5)
2"X2" AREA FOR SEAL
CITY ENGINEER STATEMENT (SMA 66442)
2"X2" AREA FOR SEAL
CLERK OF THE BOARD CERTIFICATE (SMA 66492)
2"X2" AREA FOR SEAL
RECORDER'S CERTIFICATE (SMA 66466(C))
NAD 27
CCS 83
TM
PTS
JO
SHEET SIZE 18"X26" WITH 1" BORDER (SMA 66434(b))

Figure 4

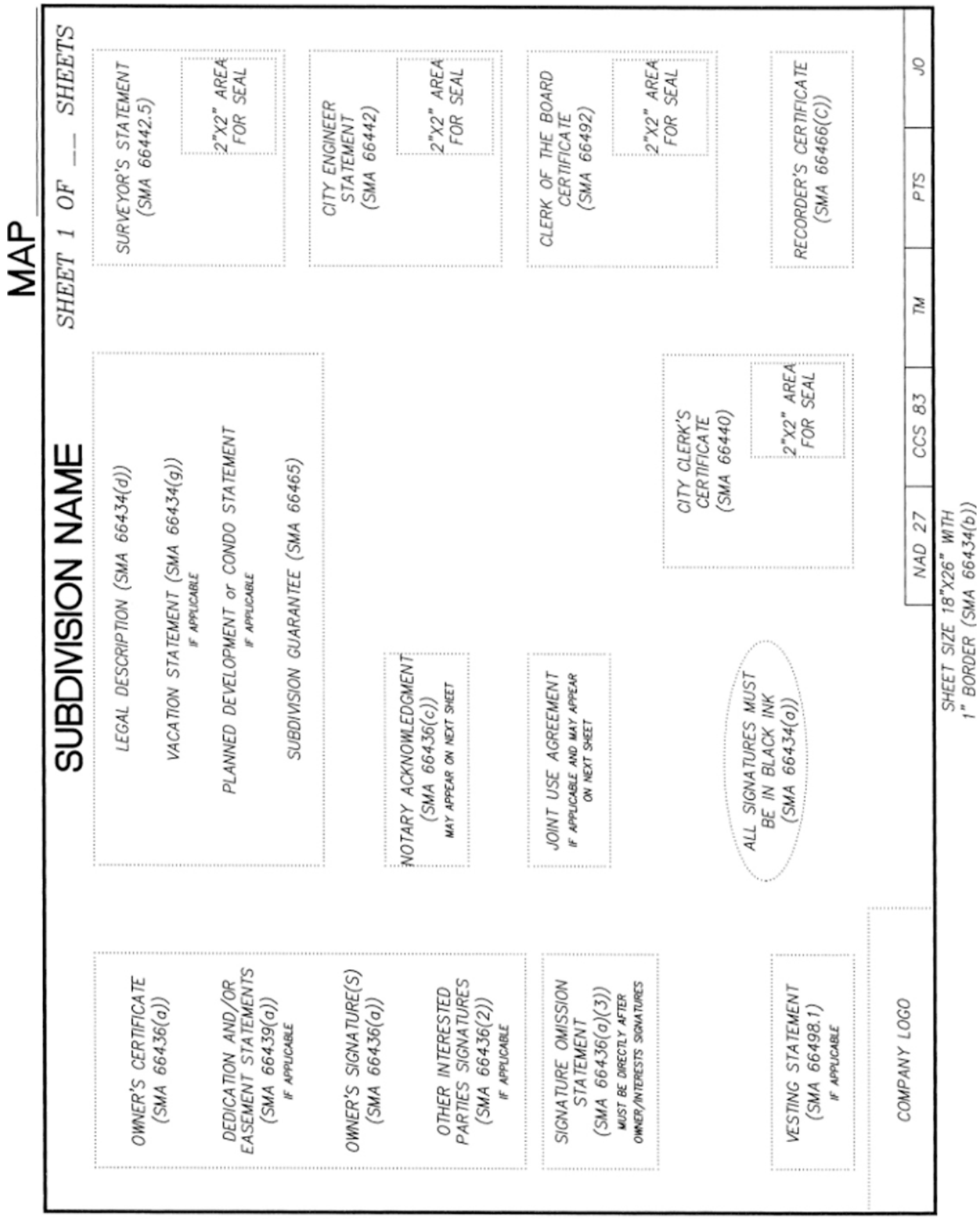

MAP
SUBDIVISION NAME
SHEET 1 OF __ SHEETS
SURVEYOR'S STATEMENT (SMA 66442.5)
2"X2" AREA FOR SEAL
CITY ENGINEER STATEMENT (SMA 66442)
2"X2" AREA FOR SEAL
CLERK OF THE BOARD CERTIFICATE (SMA 66492)
2"X2" AREA FOR SEAL
RECORDER'S CERTIFICATE (SMA 66466(C))
LEGAL DESCRIPTION (SMA 66434(d))
VACATION STATEMENT (SMA 66434(g))
IF APPLICABLE
PLANNED DEVELOPMENT or CONDO STATEMENT
IF APPLICABLE
SUBDIVISION GUARANTEE (SMA 66465)
NOTARY ACKNOWLEDGMENT (SMA 66436(c))
MAY APPEAR ON NEXT SHEET
JOINT USE AGREEMENT
IF APPLICABLE AND MAY APPEAR ON NEXT SHEET
ALL SIGNATURES MUST BE IN BLACK INK (SMA 66434(a))
CITY CLERK'S CERTIFICATE (SMA 66440)
2"X2" AREA FOR SEAL
OWNER'S CERTIFICATE (SMA 66436(a))
DEDICATION AND/OR EASEMENT STATEMENTS (SMA 66439(a))
IF APPLICABLE
OWNER'S SIGNATURE(S) (SMA 66436(a))
OTHER INTERESTED PARTIES SIGNATURES (SMA 66436(2))
IF APPLICABLE
SIGNATURE OMISSION STATEMENT (SMA 66436(a)(3))
MUST BE DIRECTLY AFTER OWNER/INTERESTS SIGNATURES
VESTING STATEMENT (SMA 66498.1)
IF APPLICABLE
COMPANY LOGO
NAD 27
CCS 83
TM
PTS
JO
SHEET SIZE 18"X26" WITH 1" BORDER (SMA 66434(b))

Figure 5

Owners' Certificate

The owners' certificate is the statement by the owner and all parties having any record title interest and consents to the preparation and recordation of the map. The following certificate is to start in the upper left hand corner of the title sheet. It is slightly different than the certificate for a parcel map. If there are no easements being granted, the signatures follow the statement.

> WE (I) HEREBY CERTIFY THAT (WE ARE) (I AM) THE OWNER(S) OF OR HAVE AN INTEREST IN THE LAND EMBRACED WITHIN THE SUBDIVISION TO BE KNOWN AS (*name of subdivision*), AND (WE) (I) HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP CONSISTING OF (*x*) SHEETS AND DESCRIBED IN THE CAPTION THEREOF.

Dedications and Granting of Easements

It may be required for the owner to dedicate right-of-way or grant easements. The dedications or easements may be required per the Resolution of Approval of the tentative map. Offsite easements may also be required which must be done by a separate document. The requirements are exactly the same as for parcel maps.

Reversion Rights

Fee title typically goes to the centerline of the street; therefore the legal description and title report must include reversion rights and the exterior boundary of the land included within the subdivision must be indicated by distinct linework. The requirements are exactly the same as they are for parcel maps.

Owner's Signature

The map must be signed by all owners pursuant to the SMA, Section 66436(a). The owners as listed in the map guarantee shall sign the map. The signatures must immediately follow the owner's certificate, dedications and grant of easements. All signatures must be signed in black permanent opaque ink. The name and the interest of the subdivider must be printed below the signature. The requirements are exactly the same as for parcel maps.

> _____
>
> JANE SMITH, OWNER

Other Interested Parties' Signatures

The map must also be signed by other interested parties identified in the Subdivision Guarantee per SMA 66436(a). Interested parties may be beneficiaries, trustees of deeds, lessees, optionees, etc. Include the parties' interest and the recording date of the document establishing such interest. The example below illustrates the proper format.

MOUNTAIN HIGH FINANCIAL CORPORATION, TRUSTEE UNDER DEED OF TRUST RECORDED (*date*), AS (*recording information*), O.R.

BY_____

(*print name and title*)

Signature Omission

Section 66436(a)(3) of the Subdivision Map Act requires a signature omission statement(s). Interested parties need to be notified and a letter needs to be provided to the City that they do not object to the map recording without their signatures. If the interested parties do not object to the map recording without their signatures, a statement stating their respective interests must be shown on the title sheet immediately following the owner and trustee signatures. The requirements for parcel maps and final maps are exactly the same.

Vested Tentative Map

If the tentative map is a vested tentative map (VTM), SMA 66498.1, a statement must appear on the map. The following statement must be placed at the bottom left corner of the first title sheet. A vested tentative map confers the right to proceed with development in substantial compliance in effect at the time the VTM was approved.

THIS MAP SECURES VESTED DEVELOPMENT RIGHTS AND THE RIGHTS THUS VESTED SHALL REMAIN IN EFFECT FOR TWO YEARS FROM THE DATE OF RECORDATION. (See Municipal Code Sec. 125.0131)

Subdivision Name

The city has a practice of naming subdivisions. For final maps, the subdivision name must be shown on each sheet in bold lettering, centered at the very top of the sheet below the margin line. If the map is to be filed as units, include the appropriate unit designation following the subdivision name. Example: "STONECREST VILLAGE - UNIT NO. 2". Units of the same subdivision must be numbered consecutively, starting with Unit No. 1, and all consecutive units of the subdivisions must be recorded in the same order unless otherwise approved by the tentative map resolution or the City Engineer, i.e. Unit No. 2 must not be recorded before Unit No. 1. The name of the subdivision must be the same name that appears in the owner's statement.

Legal Description

The legal description of land being subdivided shall appear on the map, SMA 66434(d), and should read similar to and describe the same land that is described in the title report. For example, a metes and bounds description, will be an abbreviated version, such as "A PORTION OF LOT 1 OF MAP 12345" or a reference to a deed. On a map, the legal description will be placed on the title sheet directly beneath the subdivision name.

If the map is a typical subdivision, the first words in the legal description must be BEING A SUBDIVISION OF.

If the map is for condominiums, the first words in the legal description must be BEING A CONSOLIDATION AND SUBDIVISION OF.

The legal description must also include all reversion rights, vacated streets, dedicated streets, or portions thereof, and streets/easements to be vacated included within the subdivision boundary. Include the vacated portions first, and then include the reversion rights. Simplify the reversion statement if the title report has a complicated statement. Add the following to the basic description as applicable.

> TOGETHER WITH (*portions of*) (*street name/unnamed alley*) AS CLOSED AND VACATED TO PUBLIC USE and/or TOGETHER WITH (*portions of*) (*street name/unnamed alley*) AS DEDICATED TO PUBLIC USE.

If there is any ambiguity as to the reversion rights, please change the reversion part of the above statement to TOGETHER WITH ANY REVERSION RIGHTS THAT MAY EXIST, rather then calling out specific streets.

The legal description must be the property, as it exists prior to the map recording. If an easement is being vacated per the Subdivision Map Act Section 66434(g), the following statement must follow and be included at the end of the description.

> THE (*sewer, water, etc.*) EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER (*document, file/page, map*), RECORDED (*date*), OF OFFICIAL RECORDS IS NOT SHOWN WITHIN THIS MAP BECAUSE IT HAS BEEN VACATED PURSUANT TO SECTION 66434(g) OF THE SUBDIVISION MAP ACT.

The preliminary title report (PTR) must have verbiage stating that the easement will be vacated upon the recordation of the map.

An example of a legal description is the same as for a parcel map.

Planned Development Permit

If a Planned Development Permit appears in the PTR or as an item of the resolution this must be noted on the map. The following statement goes directly under the legal description if applicable.

> THIS IS A MAP OF A PLANNED (RESIDENTIAL, INFILL RESIDENTIAL, COMMERCIAL, DISTRICT OR INDUSTRIAL) DEVELOPMENT PROJECT AS DEFINED IN THE SAN DIEGO LAND DEVELOPMENT CODE.

Subdivision Guarantee

The subdivision guarantee needs to be noted on the map. The guarantee is the evidence for the county recorder of all record title interests per SMA 66436(a). Print the following on the title sheet below the legal description (and the above statements if applicable).

> SUBDIVISION GUARANTEE BY: (*title company*)
>
> ORDER NO: _____

City Clerk

The final map shall contain a certificate for execution by the City Clerk stating the City approved the map per SMA 66440. The clerk's statement must be at the bottom of the sheet in the middle column if three columns are used and the third column if four are used.

Maps that are approved by the City Engineer, the tentative map has already been approved by City Council or Planning Commission and only needs to go before council as public notice, must include the following statement:

> I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT THE CITY ENGINEER HAS APPROVED THIS SUBDIVISION MAP. I ALSO CERTIFY THAT PROPER PUBLIC NOTICE HAS BEEN GIVEN OF THAT APPROVAL ON _____ 20(*xx*), AND THAT THE LEGAL APPEAL PERIOD HAS EXPIRED.

If a vacation was approved by the City Council at the tentative map approval stage insert this paragraph :

> I FURTHER CERTIFY THAT THOSE PUBLIC STREETS AND EASEMENTS LISTED HEREON AS BEING VACATED OR ABANDONED PURSUANT TO SECTION 66434(g) OF THE SUBDIVISION MAP ACT ARE HEREBY VACATED OR ABANDONED BY THE RECORDATION OF THIS MAP ACCORDING TO CITY COUNCIL RESOLUTION NO. _____ ADOPTED _____ 20(*xx*),
>
> IN WITNESS WHEREOF THESE PRESENTS, I HEREBY EXECUTE AND ATTEST BY SEAL THIS ___ DAY OF _____ 20(*xx*).
>
> (*current City Clerk's name*)
>
> BY: _____
>
> DEPUTY CITY CLERK
>
> (*leave a 2-inch x 2-inch space for City Clerk's seal*)

Maps that need to go before the council because a vacation needs to be approved or the map includes City owned land must include the following statement.

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT, BY RESOLUTION NO. _____ THE COUNCIL OF SAID CITY HAS APPROVED THIS MAP, INCLUDING THE VACATION OF (*street name*) AND THE ABANDONMENT OF THE EASEMENT AS INDICATED HEREON PURSUANT TO THE PROVISIONS OF SECTION 66434 (g) OF THE STATE SUBDIVISION MAP ACT, AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN. IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS' SEAL THIS _____ DAY OF_____, 20(*xx*).

XXXXXXXXXXXXXXXXXXXX BY: _____
CITY CLERK DEPUTY

(*leave a 2-inch x 2-inch space for City Clerk's seal*)

Land Surveyor

The map shall be prepared by a land surveyor or a civil engineer authorized to survey per SMA 66434. Additionally he/she must state that the map was prepared in accordance with the SMA. The surveyor's statement must be located directly below the sheet number in the upper right corner of the title sheet. The survey must be recent in order to reflect all current surrounding mapping. In other words, the status of the monuments shown on the map must reflect the actual status of them when the map records. If the monumentation is completed prior to the map recording, use the following statement per SMA 66442.5.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF (NAME OF PERSON AUTHORIZING MAP) ON (DATE). I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE (DATE), AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

(SEE LEGEND ON SHEET ___).

(*signed*) _____

PLS _____ DATE _____ (*seal*)

LICENSE EXPIRES _____

If the circumstance only allows exterior boundary monuments, or monuments satisfactory to the City Engineer, to be set prior to the map recording and the interior monuments are not set prior to the map recording, a delayed monument cost estimate and a cash bond will be necessary to cover the cost of setting the monuments. Use this paragraph for delayed monumentation.

> THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF (NAME OF PERSON AUTHORIZING MAP) ON (DATE). I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THEY WILL BE SET IN THOSE POSITIONS WITHIN TWO YEARS OF THE RECORDATION OF THIS MAP UNLESS EXTENDED BY THE CITY ENGINEER, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

(The above certificate may need to be modified to reference the completion of work done in connection with another subdivision or by public improvement permit. In the case of another subdivision, the words “within two years” would be replaced with “improvements required in connection with the subdivision agreement for (*name of subdivision map*).” In the case of a public improvement permit, the words “required improvements” would be replaced with “improvements required of Permit _____,”.)

City Engineer

The City Engineer statement (SMA 66442) shall be located directly below the surveyor's statement and will be signed when all map corrections are made, resolution conditions satisfied, improvement plans approved, all fees posted and the necessary security and agreement forms executed as applicable. The statement is the same for parcel maps and final maps. The only difference is in the IOD paragraph; substitute ‘PARCEL’ with ‘LOT’.

Clerk of the Board

This certificate should be located beneath the City Engineer statement. It will be signed by the Clerk of the Board of Supervisors prior to the map being submitted to the County Clerk's office for recordation. (Subdivision Map Act Section 66492; Section 66412 (d), Revenue and Taxation Code Section 2192) All maps require this statement. This requirement also includes map with lots owned by government agencies. The statement is the same for final maps and parcel maps.

County Recorder

This certificate, SMA 66442.5, shall be located at the lower right corner of sheet one and is the last certificate to be executed. The filing of the map for record by the County Recorder shall impart constructive notice thereof. (LDC, Chapter 12, Section 125.0550 and SMA 66412.7).

FILE NO._____

FILED THIS_____ DAY OF _____, 20____, AT __.M. IN

BOOK OF _____, AT PAGE _____, AT THE REQUEST OF (*surveyor*).

XXXXXXXXXXXXXX, BY:_____

COUNTY RECORDER DEPUTY

FEE. $ _____

Please check the county website for current fees. You may click on FEE.

Joint Use Agreement

If a street is to be dedicated on the map and it crosses an existing easement used or intended to be used for public utility company facilities, a joint use agreement (JUA) is required. Agreement for joint use with a public utility company can be used in lieu of a subordination certificate in cases where the utility easement was acquired before approval of the Resolution of Approval. They are to be used when the streets to be dedicated on the map cross an easement used or intended to be used for public utility company facilities. If the easement is not plottable, a joint use agreement must be included on the map.

The agreement may be shown on the first title sheet if there is room, otherwise it may be shown on the second title sheet. Additionally, the agreement may be made by a separate document and it must be referred to on the map pursuant to SMA 66435.2.

The verbiage for the map certificate is in **Appendix A**. The separate document is found in **Appendix B**. The language and document is the same for final maps and parcel maps.

Notary Acknowledgements

The proper notary certificate must acknowledge all signatures on maps and separate documents per 66436(a). The requirements are the same for final maps and parcel maps.

CORRECTION AND AMENDMENT OF MAPS

Once a map records, there are methods available to modify or correct the data on the recorded map per SMA 66469. A Certificate of Correction (C of C) is a means to make minor corrections and an amended map may be required for major corrections. Corrections may only be made if no additional burden is made upon the real property owners and there is no alteration to rights, title or interest in the real property. A reversion to acreage map may be used to revert a subdivision back to acreage per SMA 66499.11.

CERTIFICATE OF CORRECTION

A certificate of correction is only used to correct simple errors or omissions on a recorded parcel map or final map as described in SMA 66469. Typical errors include misspelling a street name, a change in the type of corner monument set, and an incorrect dimension. Omissions include an omitted signature, parcel number, or dimension. A certificate of correction is ministerial and requires only the City Engineer's approval. Any surveyor can file a certificate of correction, not just the surveyor who prepared the map.

A certificate of correction must be formatted per the County of San Diego requirements on a standard 8" X 11" sheet (see example) that includes the following data:

a. RECORDING REQUESTED BY XXXXXXXXXXX, Director

b. WHEN RECORDED MAIL TO City of San Diego

Items a & b must appear in the upper left corner of the sheet, above a line which is 2.5" from the top edge of the sheet. The upper right hand corner is for the recorder's use.

Items c & d are informational. Items e through h must be included in the body.

c. Assessor's Parcel number

d. Work Order Number and PTS number

e. Map name and number

f. LIST OF CORRECTIONS

g. CERTIFICATE OF SURVEYOR, which also must include all the fee owners of the map at the time of recordation of the original map.

h. Certificate of the City Engineer

It is wise to delay filing a certificate of correction for errors or omissions on a recently recorded until the City's field monument check is complete. There is a good chance that the nature of some monuments have changed. The delay will allow all corrections or modification to be processed on one certificate of correction. The next page shows an example of a recorded certificate of correction.

AMENDED MAPS

An amended subdivision map is used to correct errors or omissions that are more extensive than could be easily handled with a certificate of compliance. They are not subject to the tentative map process. An amended map may also be used to modify a recently recorded map, to adjust lot lines or make other changes that still conform to the existing approved tentative map. Map modifications of this kind can only be made to a recorded map when the tentative map is still valid and usually only when the modified area is still owned by the subdivider. Modifications after the tentative map expires or after the affected area has been

sold to third parties require a different process such as a new subdivision map, a lot line adjustment, or a separate easement vacation or grant.

An amended map may be used to correct or modify an entire subdivision map or just a portion of it. An amended map must clearly show the boundary of the area or areas being corrected or modified. Unique features of this type of map include the following:

- The amended map replaces the original map or parts of it. There is no extension of the tentative map expiration date or any vested rights running with it.
- There is no need to re-dedicate of easements granted on the original map.
- There is no need for a new construction bond.
- There is not a requirement for a Clerk of the Board's certificate per SMA 66492.
- All property conveyances within the amended map boundary must reference the amended map in legal descriptions.
- Assessment district boundaries may need to be adjusted, if applicable.

Certificates

The format and content of an amended map is the same as a parcel map or final map except for the differences noted below. The certificates reflect the amendments.

Subdivision Name

If the map is a final map, the subdivision name must be worded the same as it appeared on the recorded map, except that it must be preceded with:

> AMENDED MAP OF ALL OF (*original subdivision name*)
>
> or
>
> AMENDED MAP OF LOTS ___ THROUGH ___ OF (*original subdivision name*)

This title is shown on each sheet of the amended map. There is no title for an amended parcel map.

Owners and Title Interest Certificate

The owner's certificate must be placed in the upper left-hand corner of the title sheet and is to be signed by all owners, trustees and other interested parties of the property contained within the amended portions, except for those owners of interest which cannot ripen into fee title and whose signatures are not required by the City. An example of this certificate is as follows:

> WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LANDS EMBRACED WITHIN THE SUBDIVISION SHOWN ON (*map or parcel map number*) FILED (*recording date*) IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO

> COUNTY. AS SUCH OWNERS OR INTERESTED PARTIES, WE DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS AMENDED VERSION OF SAID MAP CONSISTING OF __ SHEETS AND DESCRIBED IN THE CAPTION THEREOF.

This certificate must also acknowledge all new dedications and easements being granted on the amended map and existing dedications and easements that were granted on the original map; therefore add the following as applicable.

> WE HEREBY ACKNOWLEDGE THE DEDICATION OF (Name of streets), AND THE GRANTING OF THE (*list easement(s)*) ALL AS SHOWN ON SAID (PARCEL) MAP NO. __.

or

> WE HEREBY ACKNOWLEDGE THE GRANTING OF THE FLOWAGE EASEMENT PER SAID (PARCEL) MAP NO. ____, AS SHOWN ON THIS MAP.

In a similar format, also acknowledge the exclusion of any easement or road dedication that was granted on the original map but is not being shown on the amended map, possibly because it may be rerouted.

> WE HEREBY ACKNOWLEDGE THE EXCLUSION OF THE FLOWAGE EASEMENT PER SAID (PARCEL) MAP NO. _____ BY NOT SHOWING IT ON THIS MAP.

If new easements are being granted or rights of way dedicated, use the same statements required for typical parcel and final maps.

Vested Development Rights

The following statement must be added to the lower left hand corner of the title sheet if the original map was a vested map.

> THIS MAP HAS SECURED VESTED DEVELOPMENT RIGHTS ASSOCIATED WITH THE RECORDATION OF (*map or parcel map number*) AND THE RIGHTS THUS VESTED SHALL REMAIN IN EFFECT FOR TWO YEARS FROM DATE OF RECORDATION OF SAID MAP.

Legal Description

The legal description must include the following

> BEING AN AMENDED (PARCEL) MAP (OF) (*subdivision name*), IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, THE ORIGINAL MAP OF SAID SUBDIVISION HAVING

BEEN FILED AS (PARCEL) MAP NO. _____ IN THE OFFICE OF THE RECORDER OF SAID COUNTY ON (*recording date*).

Beneath the legal description, a complete list of amendments must follow. The following is sample wording of such a list that would appear below the preamble:

THIS AMENDED MAP CORRECTS ERRORS GENERATED FROM MISCALCULATIONS OF THE EXISTING EASEMENTS IN LOTS 1 AND 3 ALONG THE RIGHT OF WAY OF (*street name*) AND RECONFIGURES LOTS 1 THROUGH 3 INCLUSIVE.

Planned Development Statement

If the original map is a planned development, the statement as shown on the original map must appear on the amended map directly below the legal description.

Subdivision Guarantee

The Subdivision Guarantee statement is required just as per a final map and a parcel map; however a new Subdivision Guarantee is required for the amended map.

City Clerk

If the map includes City owned land or if the amended map has made modifications of the original map that are not in substantial conformance with the tentative map, it will require City Council approval.

THE CITY COUNCIL OF THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, HEREBY CERTIFIES THAT IT IS THE OWNER OF (*list lot(s)*) SHOWN ON (*map or parcel map number*) FILED (*recording date*) IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY. AS SUCH HOLDER AND OWNER OF EASEMENTS DESCRIBED IN DEEDS RECORDED (*List recording information of all effective easements*), ALL OF OFFICIAL RECORDS, WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS AMENDED MAP CONSISTING OF__ SHEETS AND DESCRIBED IN THE CAPTION HEREOF.

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, DO HEREBY ENDORSE THIS AMENDED MAP AS AND FOR THE ACT OF THE CITY COUNCIL.

BY:_____

XXXXX XXX, DEPUTY
CITY CLERK

Land Surveyor

Use the same surveyor statement as the original map, but add the following paragraph to the statement, and above the surveyor's signature:

> I FURTHER STATE THAT ALL STREETS, EASEMENTS AND OTHER MATTERS OF RECORD WITHIN OR ASSOCIATED WITH (*subdivision name*) (PARCEL) MAP NO. ____ REMAIN UNCHANGED UNLESS SPECIFICALLY AMENDED OR CORRECTED BY THIS MAP.

City Engineer

The city engineer certificate is different then the map that is being amended. The certificate must read as follows:

> I, CITY ENGINEER OF THE CITY OF SAN DIEGO, HEREBY CERTIFY THAT I HAVE EXAMINED THIS AMENDED MAP OF (*subdivision name*) CONSISTING OF ____ SHEETS, AND THE ONLY CHANGES MADE TO THE ORIGINAL MAP THEREOF NO. _____ ARE THOSE PROVIDED IN SECTIONS 66469 AND 66470 OF THE SUBDIVISION MAP ACT. I HEREBY APPROVE THIS MAP.
>
> XXXXXXXXXXXXXXX,
>
> CITY ENGINEER
>
> BY:_____
>
> XXXXXXXXXXXXXXX, DEPUTY
>
> P.L.S. XXXX
>
> DATED: _____

Clerk of the Board

The certificate is not required for amended maps per SMA 66492.

County Recorder

This certificate, SMA 66442.5, shall be located at the lower right corner of sheet one and is the last certificate to be executed. The filing of the map for record by the County Recorder shall impart constructive notice of the corrections. (SMA 66472).

FILE NO. _____

FILED THIS_____ DAY OF _____, 20(*xx*), AT __.M. IN

BOOK OF _____, AT PAGE _____, AT THE REQUEST OF (*surveyor*)

.

XXXXXXXXXXXXXX, BY:_____

COUNTY RECORDER DEPUTY

FEE. $ _____

Please check the county website for current fees. You may click on FEE.

Corrections

The drafting requirements for amended maps are the same as they are for parcel and final maps. The only and most important difference is that the corrections must be shown and be evident. These drafting requirements will be explained here, rather than in Chapter 4 because of their uniqueness.

Besides the varying certificates on the title sheet, the actual corrections need to be shown on the map sheets. First of all, if less than the entire map is being amended, the heavy boundary must be drawn around the amended lots indicated in the legal description on the title sheet.

Each sheet must contain an amendment note. In some instances, some sheets may not be affected by a correction or amendment, therefore place the following note on the sheet: THERE ARE NO AMENDMENTS ON THIS SHEET. All other sheets that have amendments must include AMENDMENT NOTES and then describe the amendments.

Corrections and amendments on map sheets can be shown in various ways. To correct miscalculated line work data, the corrected data may be represented by the use of a symbol, i.e. brackets, and placed in the legend. In this example, the record data from the original map is left in place on the map sheet of the amended map, with the corrected data in brackets being placed along side. An example of this would be

[ ] INDICATES RECORD DATA PER (PARCEL) MAP NO. _____ CORRECTED HEREON.

If the amended map is to show corrections for lot reconfiguration, another symbol will need to be added to the legend, preferably a number inside of a square, with a label.

6 TYPICAL INDICATION OF MODIFIED LOT

In addition to the legend, "AMENDED MAP NOTE:" must be added to the map sheet where the corrections and amendments are taking place. Following this note must be a detailed description of the corrections for the lot reconfiguration. An example of this note is:

> ALL LOTS SHOWN HEREON WITH LOT NUMBERS ENCLOSED IN SQUARES HAVE BEEN RECONFIGURED. ALL OTHER LOTS SHOWN HEREON ARE UNCHANGED FROM THEIR CONFIGURATION ON MAP NO. ___.

There are other changes required that do not fall under the category of error or omission. For instance, if a street is dedicated on the original map, it is still dedicated per the original map, not the amended map. These items need to be specified on the amended map. If the statement on the original map is shown as

- 20-FOOT WIDE DRAINAGE EASEMENT GRANTED HEREON.
- PORTION OF (*street name*) DEDICATED HEREON.
- OPEN SPACE EASEMENT OVER ALL OF LOT 21 GRANTED HEREON.

show on the amended map as,

- 20-FOOT WIDE DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER MAP NO. XXXXX
- PORTION OF (*street name*) DEDICATED ON MAP NO. XXXXX
- OPEN SPACE EASEMENT OVER ALL OF LOT 21 GRANTED TO THE CITY OF SAN DIEGO PER MAP NO. XXXXX

respectively.

CHAPTER 6 EASEMENTS

An easement allows one party to use a portion of land owned by someone else for some specific purpose. Easements create a non-ownership interest in real property. They can be *appurtenant, in gross, negative, exclusive, permanent, or temporary*. We will discuss each of these terms in more detail below. All easements produce an *encumbrance* on the property burdened by the easement and, most often, a *benefit* to the person or parcel holding the easement right. Easements usually "run with the land." That is, they remain a burden or a benefit regardless who owns the respective land parcels. The discussion below is technical, but these concepts are necessary to fully understand the role of easements in land development.

An easement that benefits an adjoining parcel it is said to be *appurtenant to*, or attached to, that parcel. An access easement across the land of a neighbor is a good example of an appurtenant easement. The parcel having the easement across it is called the *servient tenement* or "serving" parcel. The parcel benefited by the easement is called the *dominant tenement* or "benefited" parcel. The easement is appurtenant to the "benefited" parcel and a burden on the "serving" parcel.

An "in gross" easement has no dominant tenement. Therefore, no adjacent parcel is benefited by the easement. An example of an easement "in gross" is a utility easement, such as an easement for a gas line to SDG&E. The servient tenement is burdened by the easement with the gas line running within it. There is no specific benefit to another parcel. The easement is a grant of permission for SDG&E to construct and maintain their facilities within the easement area.

The above two examples are *positive easements*, a specific right is granted to one party to do something across the lands of another owner. A *negative easement* is different and provides no direct benefit to a person or adjoining parcel, but rather it restricts the owner of a parcel from doing something within the easement area. An example of a negative easement is a "Building Restricted Easement," which prohibits the owner from constructing roofed structures within the easement area. Again, there is no dominant tenement or benefited parcel or person. There is only a restriction on what the owner of the encumbered parcel can do with their land. The City uses negative easements to enforce restrictions on land use.

Another useful concept is needed for understanding easements is the meaning of an exclusive or non-exclusive easement. An easement is exclusive if the owner of the property burdened by the easement is restricted from granting an easement for the same purpose to another party within the area of the existing easement. The property owner may still grant an easement to another party for a different purpose over the area encumbered by the first easement so long as the new easement does not interfere with the rights granted to the holder of the first easement. For example, an access easement across the surface of the land may be granted over the area encumbered by a water line easement because the two uses generally do not conflict.

A non-exclusive easement is not restrictive, so if an owner's property is encumbered by a non-exclusive pipeline easement to SDG&E, the owner can also grant a pipeline easement to the City of San Diego within the same easement area. The concept of "prior rights" still protects the holder of the first easement from uses of the easement area that conflict with the rights granted to the holder of the first recorded easement.

Granting of Easements

An easement must be in writing and recorded against the title of the burdened parcel. It can only be granted by the owner of that parcel. Easements may be explicitly granted in a deed, on a recorded map, or as part of a recorded agreement. The granting document must be specific as to who is granting the easement and who is to benefit from the easement. An easement *in gross* granted to John Doe by Mary Roe for access across her property means that John Doe, and John Doe alone, can use the easement for access. This easement is held by John Doe and may or may not pass to his heirs. If John Doe's property adjoins that of Mary Roe, an appurtenant easement is most likely created and whoever owns the land currently owned by John Doe, together with the guests and visitors of the owner may use the easement. This easement is attached to and "runs with the land" of both the benefited and the burdened parcels.

The language of the easement grant must also specifically define the rights being granted, such as the right to construct, use, and maintain a water line across the lands of the burdened parcel. The easement cannot be used for any purpose not stated in the easement grant or otherwise assumed in common usage. For example, a water line easement cannot be used for a sewer line or for public access. However, a water line easement does allow the inclusion of valves and other appurtenances (structures) directly related to the water line.

The defined purpose for some easements has by use and legal interpretation become quite broad. An important example is a public street easement that allows the right of ingress and egress (coming and going) to the general public for motor vehicles, bicycles, pedestrians and horses. In addition, a public street easement allows the construction, use, and maintenance of public utilities such as water and sewer pipes, electric and communication lines, and drainage facilities together with any appurtenances connected with those uses. By common usage, an easement granted to the City for street purposes includes all of these auxiliary uses common to a public street, even though they are not specifically mentioned in the language of the easement grant. However, even an easement that is as broadly construed as a public street easement does not carry the right to use the encumbered area for completely unrelated uses such as a park or open space. We will have a little more to say about public street easements when we discuss dedications and vacations.

The third requirement for a valid easement is to define the location of the easement. The easement's location in a document is determined by its legal description and sometimes a drawing illustrating the legal description. The easement location is totally graphical on if shown a subdivision map. In either case, the location must be definitive, with all ties, calls and dimensions given to ascertain an unambiguous location. We will discuss these requirements more fully later on in this chapter.

Easements may also be created by unwritten means such as by *prescription.* A prescriptive easement is created by use of the lands of another for a specific purpose for the statutory time. An example is taking access to your property across the land of an adjoining owner without permission. In California, the statutory time is five years of uninterrupted use. We mention this only in passing. The City of San Diego will not issue a permit or approve a development that is uses an unwritten easement for a required function. A prescriptive easement may be valid, but it must first be perfected by a quiet title action in court before it can be used for development purposes. We will now focus more specifically on easements granted to the City of San Diego, rather than easements in general.

Easement Grants and Dedications

The City of San Diego is a municipal corporation and it holds thousands of easements for many different purposes as a corporate body. These easements are similar to corresponding easements held by any private landowner and can be held in gross, such as a utility easement, or as an easement appurtenant to City-owned property. The City, as a municipal corporation, can also grant easements to other parties.

A *dedication* is different. An easement *dedicated to public use* such as a street, grants an *in gross* easement to the general public. A dedication is granted to the City of San Diego, as the *custodian* of the public interest. An easement intended for public use must clearly be dedicated to public use within the easement language. In this case, the general public has no rights. A valid dedication must be *offered* for dedication to the public by the owner and *accepted* by the City on behalf of the public.

An *irrevocable offer of dedication* (IOD) is the same as a dedication, except, the city does not accept the dedication at the time it is offered. Therefore, the dedication process is not complete. An irrevocable offer of dedication remains open for future acceptance by the City. The owner may still use the land encumbered by IOD for any desired purpose until the City accepts the dedication.

Documents and Deeds

A legal description and its associated drawing are usually exhibits attached to another document. For example, the associated document could be a deed conveying an interest in real property, an agreement, or a City Council Resolution. The legal description defines the limits of the property interest conveyed or affected by an action or agreement. The drawing is used to illustrate the legal description.

The City of San Diego requires the applicant/surveyor to use one of its standard forms for deeds and agreements. The standard forms are printed or in a secure PDF file that the user cannot modify. The City Engineer may provide a custom deed or agreement form when project circumstances require one. Any significant modification of a standard form will require the approval of the City Attorney. The deed or other document customarily references the legal description as Exhibit A and the drawing as Exhibit B.

See Appendix B for typical deed templates.

Review and Approval

The City Engineer reviews legal descriptions for conformance to the standards discussed in this section and those published in “Writing Legal Descriptions” by Gurdon Wattles. Likewise, drawings will be reviewed under the standards contained in this manual and as published in “Survey Drafting”, also by Gurdon Wattles.

Legal Descriptions

The description should be written in the simplest form possible for the purpose of the document. As an example, if the intent is to dedicate the north ten feet of a lot for a public street, the simplest description would be ‘the northerly ten feet of Lot 5, Block 3, Map 1963’ rather than a metes and bounds description going around the dedicated area. If an entire easement is vacated, it can be described as ‘that certain water easement granted to the City of San Diego by deed recorded March 23, 2003 as Document 2003-123456’. Other acceptable forms include strip, aliquot part, bounds, and lot and block. The choice of a form should match the intent and purpose of the legal description. Keep in mind; you need to be certain that no gaps or overlaps are created by the way your legal description is scribed. To ensure that no gaps or gores are created adjoiners/senior deeds must be called to.

A metes and bounds description must include all courses and calls needed to fully describe the subject area. When possible, bearings should follow around the parcel in a clockwise direction. The basis of bearings for the description should generally be the same as the underlying map. The check traverse verifies the courses within the legal description, so therefore it may not close perfectly. A point inverse traverse is not acceptable.

Drawing Requirements

Drawings must include all information needed to completely illustrate the legal description and must be prepared on a City of San Diego standard sheet. Avoid showing information that is not directly related to the legal description. All of the bearings, distances, calls, and dimensions must be in complete agreement with the legal description. Drawings are to be prepared on a standard ‘B’ (11” x 17’) or ‘C’ (17” x 22”) sized sheets. Drafting standards are the same as for a map. See **Chapter 4** for drafting standards. The B & C sheet exhibits are reduced to fit on an 8.5" x 11" sheet. D Sheets are not suitable for drawings because they require an extreme reduction to fit into a recordable document. The lettering on reduced drawings must be legible. This requires B sheets to have lettering no less than 1/8" and C sheets to have lettering no less than 1/4".

Most easements are intended to be a permanent encumbrance on the burdened property and a permanent benefit to the holder of the easement. Occasionally, an easement is only needed temporarily. A temporary easement must clearly state the period during which it is valid and by what means it is to be released. For example, a “temporary construction easement may be valid for a period of two years after which time it will be become null and void without further action. It may also be valid during an indefinite period of construction operations, but with the specific authority for the city Engineer to record a quit claim deed upon acceptance of the improvements.

Additional Issues

- A *Subordination Agreement* is required for all deeds of trust affecting the underlying fee of an easement or dedication. This agreement protects the easement grant from a possible foreclosure of the lien. (See **Appendix B** for the form.)

- A *Joint Use Agreement* is required for a Street Dedication or an Irrevocable Offer of Dedication (IOD) for Road Purposes when there is an existing public utility easement(s) granted to Pacific Bell, SDG&E, or other public utility within the area of the proposed dedication. An agreement is required particularly if the utility easement cannot be plotted. The drawing must show the location of existing public utility easements that are pertinent to, and fall within, the dedicated area. This agreement provides for the joint use and mutual maintenance of the subject area. (See **Appendix B** for the form.)

- An Irrevocable Offer of Dedication for a public street may also require a slope easement for construction per LDC 144.0233 unless waived by the City Engineer.

- All grants of land in fee to the City of San Diego must be free of encumbrances such as liens and trust deeds.

- Land title documents must be executed by all record title owners and notarized.

- The approved document is signed by the City Engineer or other official as appropriate and recorded in the Office of the San Diego County Recorder by City staff.

Extinguishment of Easements

Land use changes and new developments goals often require that easements be eliminated or relocated. Easements between private parties are easy to extinguish. The holder of the easement (dominant tenement) simply releases its interest in the easement by recording a *quit claim deed* to the owner of the burdened parcel (servient tenement). A quit claim deed releases whatever interest a party has in a parcel to the grantee. It is an ideal document to clear any title from an encumbrance or when there is a cloud on title.

Easements held by the City can only be eliminated by a vacation action of the City Council. A vacation action is a legislative act and cannot be delegated to a lower body such as the Planning Commission. The vacation process terminates the public's right to use an easement that the City has accepted on behalf of the public; i.e., a street, alley, or a public service easement. Vacations are generally requested by property owners to acquire legal use of the area that is encumbered with the easement. The proposed use of the area must be allowed under existing zoning and building regulations. Vacations may increase acreage and existing development entitlements. For instance, a street vacation may increase the floor area ratio of a lot.

The City must be compensated if it paid to acquire the right-of-way or easement. The need for compensation is determined during the review process.

You may review Section 125.0900 of the Land Development Code and

City Council Policy 600-15 regarding street vacations for further information. Street Vacations are also regulated by the State of California Streets and Highways Code beginning at Section 8300.

In order to vacate a street, the City of San Diego must make a finding that there is no present or future need for the street. City staff conducts a thorough review of any vacation request to determine if the required findings can be made. During the review process, staff may identify public needs such as pedestrian access, emergency access and maintenance access. Easements can then be reserved to allow for these functions after the street is vacated.

All street vacations are routed to your local community planning group for their comments and recommendation. If the street vacation has significant issues, a noticed public hearing is held before the Planning Commission to make their recommendation to the City Council. In all cases, a noticed public hearing before the City Council is required. Only the City Council may approve or deny a vacation request. You will be notified of any scheduled public hearing and you will have the right to attend and voice your concerns.

Unaccepted Irrevocable Offers of Dedication or Street Reservations

As noted previously, an irrevocable offer of dedication (IOD) is the same as a dedication, except, the city does not accept the dedication at the time it is offered. Therefore, the dedication process is not complete. An irrevocable offer of dedication remains open for future acceptance by the City. Prior to the 1990s, IODs were referred to as street reservations. In accordance with the Subdivision Map Act, a reservation indicates that costs are incurred by the City. Offers of dedication, which were incorrectly called street reservations, do not incur costs to the City, and the terminology was corrected.

In accordance with California Code of Civil Procedure 771.010, if a street reservation or irrevocable offer of dedication is granted on a map, and has not been accepted by the City within 25 years of the map recording, the offer may no longer be valid. If a project is encumbered with a street reservation or IOD, and it is believed that it is no longer valid, one may submit a request to have the validity verified. The City will review the request and determine whether or not the offer of dedication is still valid.

Once the City determines that the offer is no longer valid, it will quitclaim its interest. If the project includes a map, the quitclaim will be recorded prior to the map, therefore not appearing on the map. The map will serve the purpose of reflecting that the IOD no longer exists. If there is not a map for the project, a B sheet should be prepared to accompany the legal description of the quitclaim. The B sheet will serve as the reflection of the IOD no longer existing.

Abutter's Rights of Access

Access rights may be required to be relinquished during the discretionary permit process or ministerial approval process. A lot/parcel that is bounded by two dedicated streets must have access rights relinquished to the primary thoroughfare. Or, access may be required to be relinquished along a certain street because of safety issues. The access rights may be relinquished on a map, or by a separate document.

If the vehicle to relinquish the access is a map, simply add the statement on the map, the same way an easement would be granted. The verbiage is in **Appendix A**. If the relinquishment is accomplished by a separate document, prepare a typical B sheet easement drawing, legal description and deed, just as you would for any other easement.
See Appendix B for the deed template entitled RELINQUISHMENT OF ABUTTER'S RIGHTS OF ACCESS.

The city engineer is authorized to revest all or part of access rights that have been relinquished if there is a change in circumstances making access necessary and safe. If a project requires that a portion or all of the access rights that were relinquished be revested, this can be accomplished ministerially. As mentioned above, for relinquishments, either show on a map or prepare a drawing for a revestment. See Appendix B for the deed template entitled NOTICE OF REVESTMENT OF ABUTTER'S RIGHTS OF ACCESS.

CHAPTER 7 OTHER CADASTRAL DOCUMENTS

LOT LINE ADJUSTMENTS

Purpose

A Lot Line Adjustment provides a simpler process by which adjoining property owners can change their shared ownership boundary, or an owner of multiple adjoining parcels can rearrange boundary lines to better accommodate a proposed development project. A lot line adjustment is not a subdivision of land because no additional parcels are created. The Lot Line Adjustment is authorized by Section 66412(d) of the Subdivision Map Act and by the Land Development Code beginning with Section 125.0301.

Eligibility

Owners of real property may adjust their shared boundary lines if all lots being adjusted are legal, conforming lots. A Lot Line Adjustment cannot increase development rights unless additional approvals are obtained. All resulting parcels must conform to current zoning regulations. No more than four adjoining lots can be adjusted and there can be no net gain in the number of lots or parcels. A subdivision map is required if more than four lots are being adjusted. A Coastal Development Permit is also required if the lots being adjusted are in the Coastal Zone. (La Fe, Inc. v. County of Los Angeles, 73 Cal. App. 4th 231, see **Appendix C**)

Process

Lot line adjustments are processed and decided by city staff under Land Development Code Process One. No public hearing or noticing is required. After the submittal package is deemed complete, it is routed to appropriate city staff for review. Staff will examine the adjustment application to insure that it meets the previously listed eligibility requirements and that the adjusted lots satisfy current zoning and building regulations. If your application is approved, the applicant/surveyor prepares and submits the final lot line adjustment plat, with its associated legal descriptions, or the parcel map for technical review. Staff will review the final documents for their form and content and to identify encumbrances such as easements, tax liens, assessment district boundaries, and trust deeds that may require adjustment or removal to convey clear title. The Parcel Map or Certificate of Compliance together with the required deeds are recorded at the County Recorder's Office once all documents are technically correct and any encumbrances are removed

Requirements

An applicant/surveyor may choose either a Lot Line Adjustment plat or a Parcel Map to make the adjustment. Both options will be discussed in detail below so the most appropriate instrument can be chosen. In either case, there is no requirement for a field survey or a requirement to set monuments. However, it is always recommended that a field survey be performed, including the setting of new lot corner monuments. The format and content of the plat or parcel map is the same as described previously in this manual for maps. Please see the example Lot Line Adjustment Plat and Parcel Map at the end of this chapter.

The surveyor must submit an exhibit with the project application showing the existing lots, the proposed new ownership lines and the location of all existing structures, dimensioned to the adjusted lines. This exhibit is reviewed by planning to determine whether or not the proposed adjustment is in accordance with zoning, setbacks, etc. The exhibit is usually a copy of the lot line adjustment plat or parcel map. A title report with associated reference documents must also be provided. Please see Section 5 of the Project Submittal Manual for the complete submittal details.

Lot Line Adjustment Plats

A Lot Line Adjustment Plat is an unrecorded map of the requested boundary adjustment. The plat is only used as an exhibit. The plat must show the location of all existing lots or parcels and the proposed new ownership lines that will result from the adjustment. The Applicant/surveyor must prepare a legal description for each parcel being adjusted, but they may be based upon record information. Only ownership lines are being adjusted so record lots and parcels will remain as they were after the adjustment. This can occasionally make the legal description very complex. If a field survey is performed, a separate Record of Survey may need to be filed with the County Recorder if required under the provisions of the Land Surveyors Act. A Lot Line Adjustment Plat does not give constructive notice of the adjustment. The owners of the separate parcels must exchange grant deeds to complete the adjustment and give constructive notice of its completion. The City will issue a separate Certificate of Compliance for each parcel involved in the adjustment to document the City's official approval.

Lot Line Adjustment Parcel Maps

A Parcel Map is a superior title instrument to the Lot Line Adjustment Plat described above. A Lot Line Adjustment Parcel Map requires no tentative map and may be prepared from record information. A field survey is recommended, but not required. A separate Record of Survey will not be required if boundary monuments are set. A Lot Line Adjustment Parcel Map re-maps the existing lots or parcels into the new adjusted parcels and the Parcel Map gives constructive notice with no need to record separate Certificates of Compliance. Simple quit claim deeds, based upon the new mapped parcels, must be exchanged between owners to complete the adjustment, unless there is only one owner. A Lot Line Adjustment Parcel Map may be used to grant easements, dedicate streets, and, with additional processing, vacate unneeded streets or easements.

CERTIFICATES OF COMPLIANCE

Purpose

An owner or perspective buyer of real estate may request a Certificate of Compliance to determine if a subdivision of land (or condominium unit) was created legally in accordance with the California Subdivision Map Act 66499.35 and the San Diego Land Development Code §125.0201. If granted, a Certificate of Compliance is recorded against title and provides conclusive, constructive notice that a subdivision of land was legally created. A recorded Certificate of Compliance allows a parcel to be sold, leased or financed without further proceedings. No development rights are granted unless such rights are specifically stated in the Certificate of Compliance.

Buyers and sellers of real property must be aware that it in accordance with SMA 66499.31 it is a felony to illegally subdivide land and an illegally created parcel may not be sold, leased, or used as security for a loan. A development permit may not be issued for an illegally created parcel per SMA 66499.34 and title companies will generally not insure title to such a parcel. A Certificate of Compliance provides assurance that a parcel was legally created.

Eligibility

State law prescribes the method by which property may be subdivided and sold as separate parcels (or condominium units). A parcel or parcels of land are presumed to have been legally created if one or more of the following conditions apply:

1. The parcel is shown on a recorded subdivision map.
2. The parcel is an approved remainder parcel of a recorded subdivision map.
3. The parcel was shown on a Division Plat.
4. The parcel was shown on a Record of Survey that was approved by the City Council prior to March 4, 1972.
5. The parcel was conveyed by a deed and held separately as a conforming parcel prior to March 4, 1972. Non-conforming parcels conveyed between adjoining owners do not create a new parcel and should be considered a lot line adjustment.
6. The parcel was patented by the United States Government. All of the land described in the patent is considered one parcel, no matter how many aliquot parts are included in the patent. Sectionalization is a descriptive form to convey land and does not constitute a subdivision of land.
7. The parcel was approved as part of a Lot Line Adjustment between adjoining owners.
8. The parcel was created pursuant to a Court Order in Partition.
9. The parcel was created as a conveyance to or from a government entity or public utility.
10. The parcel was issued a qualifying development permit and the owner relied on the permit by commencing construction per SMA 66499.35(c)

When requesting a Certificate of Compliance, a copy of the deed by which the parcel is currently held and satisfactory evidence that one or more of the conditions listed above apply to the parcel must be included. The City Engineer may consider other circumstances when determining the legality of a parcel such as the chain of title and conformance to zoning or other City regulations. The City Engineer may also use a Certificate of Compliance to memorialize a development approval granted by the City such as the approval of a condominium development on a single parcel or the approval of a lot line adjustment. Certificates of Compliance are decided by the City Engineer. The City Engineer will examine the documents provided by the applicant supporting the contention that a parcel was legally created. If the parcel or parcels are determined to be legally created, a Certificate of Compliance will be prepared and recorded by the City.

Special Issues

Not withstanding the above, certain parcels may not be considered legal for development purposes. Some examples include portions of parcels conveyed between adjoiners in a lot line adjustment are not separate legal parcels, but are merged with the adjoining ownerships. Likewise, reversion areas from vacated streets are merged with the adjoining ownership and cannot be conveyed separately.

Similarly, while it is perfectly legal for a government entity to receive and convey small land parcels, a non-conforming, remnant government parcel conveyed to a private adjoining owner does not create a separate, developable parcel. Also, problems often occur in the interpretation of sectionalized land descriptions. The land parcel as described in the original patent is the controlling factor. The Courts have stated that aliquot parts of the parcel described in the patent are not in themselves separate parcels. The City Engineer must include the context under which a parcel was created, not just the fact that a parcel was conveyed in determining the legality of that parcel and the conveyance. If the City Engineer determines that the parcels were created illegally, a Conditional Certificate of Compliance may be recorded. A Conditional Certificate of Compliance per SMA 66499.35(b) will clearly state the conditions that an owner must satisfy to legalize the parcel or parcels of land for conveyance and /or development.

LOT TIE AGREEMENTS

Purpose

A lot tie agreement is a recorded document that ties lots together, so that the lots may not be sold separately. The 'Covenant to Hold as One Parcel' is a temporary restriction put upon the property per LDC 125.0760. The reason the lots may not be sold is that they are dependent upon each other in order to be in compliance with regulations. A lot tie agreement is not an alternative for a consolidation of lots for a project to meet Map Act requirements. The lot tie runs with the land and is binding upon any future owners. It is in effect until the City Engineer or a Senior Structural Engineer (for the City Manager), dependent upon the reason, releases it by recording a document terminating the lot tie.

Eligibility

The type of project typically determines the requirement for a lot tie agreement. Once a development project is submitted for review by the City, a reviewing discipline may require the lot tie as an adequate means to meet requirements of the project. Therefore, the lot tie agreement is a requirement set forth by City staff. It is typically not a process initiated by the applicant.

An example of a typical project that requires a lot tie agreement may be a retail store. The store may occupy one lot, yet the required parking occupies the adjacent lot. The lot tie eliminates the possibility of selling the parking lot, therefore leaving the store with inadequate parking. This requirement is usually requested from a planner or a traffic engineer.

Another typical reason is to meet the requirements of the California Building Code (CBC). An engineer will make this request during the plan review of the buildings. Situations that may require a lot tie are fire-protection of exterior walls, protection of openings located on building exteriors, disabled access or means of egress. A senior structural engineer will process the lot tie agreement.

Release of a Lot Tie

The lot tie may be released and terminated if the reason the lots were tied together no longer exists. All evidence that the requirement for the lots to be tied together no longer exists needs to be submitted. The lot ties that were recorded for satisfaction of CBC need to be submitted through structural plan check. A Senior Structural Engineer will facilitate the release.

The release of lot ties that are not CBC related must be submitted to the discipline that required the tie and map check. Map check staff will require evidence that the reason no longer exists from the appropriate discipline. Map check will prepare the release of the lot tie and record it. Once the release is recorded against tile, the lots may be sold as separate parcels.

REVERSION TO ACREAGE

Purpose

Reversion to acreage is a procedure authorized by the provisions of Sections 66499.11 through 66499.20 3/4 of the Subdivision Map Act. This allows previously subdivided land to be reverted to unsubdivided acreage. Proceedings for reversion to acreage may be initiated by either the City Council on its own motion or by petition of all the owners of record of the real property within the subdivision. The formal reversion process is typically initiated by the City to eliminate a previously approved subdivision when the improvements required as map conditions have not been constructed within the designated time limits or when no lots have been sold.

Procedure

The procedure for preparing a map for reversion to acreage is the same as filing any other subdivision map. If the reversion is initiated by the City Council, there is no requirement for a tentative map. If any streets or easements are to remain, they must be clearly shown on the map. Unneeded streets and easements may be vacated along with the consolidation of subdivided lots. Only easements dedicated to the public or the City may be vacated on the map.

Preparation

Specific differences between a Reversion to Acreage map and a typical subdivision are map, are within the certificates on the title sheet of the map. If the certificate is not mentioned below, the requirement is the same as for a typical map.

Map Title

If the map is a final map, the title will be REVERSION TO ACREAGE MAP OF (*subdivision name*), otherwise parcel maps do not have titles.

Legal Description

The legal description of a final map must be shown as:

> BEING A REVERSION TO ACREAGE OF LOTS_ OF (*subdivision name*), ACCORDING TO THE MAP THEREOF NO. _____ FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON (*recording date*), TOGETHER WITH (*List street names and/or portions thereof dedicated on original map*) AS VACATED AND CLOSED TO PUBLIC USE BY FILING OF THE REVERSION MAP AS PROVIDED IN SECTION 66499.18 OF THE SUBDIVISION MAP ACT, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA.
>
> If any dedicated roads or portions thereof per the original map remain dedicated to public use add this statement to the above paragraph: INCLUDING A PORTION OF (*street name*) WHICH REMAINS DEDICATED TO PUBLIC USE, IN THE CITY OF SAN DIEGO.

If the reversion is of a parcel map, the legal description must be:

> BEING A REVERSION TO ACREAGE OF PARCEL(S) _____ OF PARCEL MAP NO. _____ IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON (*recording date*) AS FILE/ PAGE (*or document*) NO. OF OFFICIAL RECORDS. TOGETHER WITH *(List street names and/or portions thereof dedicated on original map)* AS VACATED AND CLOSED TO PUBLIC USE BY FILING OF THE REVERSION MAP AS PROVIDED IN SECTION 66499.18 OF THE SUBDIVISION MAP ACT.

If any dedicated roads or portions thereof per the original map remain dedicated to public use add this statement to the above paragraph:

> INCLUDING A PORTION OF (*street name*) WHICH REMAINS DEDICATED TO PUBLIC USE, IN THE CITY OF SAN DIEGO.

Owner's Certificate

The owner's certificate must be worded as follows:

> WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF, OR ARE INTERESTED IN, THE LAND EMBRACED WITHIN THE SUBDIVISION KNOWN AS (*subdivision name and number or parcel map number*), SAID MAP HAVING BEEN FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON (*recording date*) OF OFFICIAL RECORDS, AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS REVERSION TO ACREAGE MAP, CONSISTING OF ___ SHEETS AND DESCRIBED IN THE CAPTION THEREOF.

If the City initiates the reversion process, use the following statement instead of the owner's statement:

> PURSUANT TO THE SUBDIVISION MAP ACT AND APPROVED BY THE CITY COUNCIL BY RESOLUTION NO. _____THE CITY CLERK AUTHORIZES THE PREPARATION AND RECORDATION OF THIS MAP.
>
> BY: _____
>
> XXXXXXXXXXXXXXXX
>
> CITY CLERK

City Engineer

The City Engineer certificate changes slightly reflecting the reversion.

> I, CITY ENGINEER OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, AND HAVE FOUND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, AS AMENDED, AND OF ANY LOCAL ORDINANCE OF SAID CITY APPLICABLE TO THE FILING OF THE REVERSION TO ACREAGE MAP HAVE BEEN COMPLIED WITH, AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.
>
> (*current City Engineer)*
>
> BY:
>
> _____, DEPUTY
> P.L.S. XXXX
>
> DATED: _____

City Clerk

The City Clerk's Statement also changes slightly reflecting the reversion:

> I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT BY RESOLUTION NO. _____ , THE COUNCIL OF SAID CITY HAS APPROVED THIS REVERSION TO ACREAGE MAP OF (*subdivision name*), AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN.

IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS SEAL THIS ___ DAY OF 20(*xx*).

(*current City Clerk)*
CITY CLERK

BY: _____

DEPUTY

The map sheet requirements and drafting standards are the same as for a typical map. However, any easements or dedications not being vacated with the reversion must be labeled specifically. Examples may be:

EXISTING 20-FOOT WIDE SEWER EASEMENT GRANTED PER MAP NO. _____ TO REMAIN.

-or-

PORTION OF (*street name*) DEDICATED PER MAP NO. (*xxx*) TO REMAIN.

APPENDIX A MAP CERTIFICATES

ACCESS EASEMENTS FOR SEWER

TOGETHER WITH AN ACCESS EASEMENT IN LOT(S) ____ WITH THE RIGHT OF INGRESS AND EGRESS FOR MAINTENANCE OF THE PUBLIC SEWER FACILITIES WITHIN SAID LOT(S) ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED AS 'ACCESS EASEMENT GRANTED HEREON.'

ARCHAEOLOGICAL PROTECTION EASEMENT

WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, AN ARCHAEOLOGICAL PROTECTION EASEMENT OVER, UNDER, UPON AND ACROSS (A PORTION OF) LOT(S) ____. NO PART OF SAID EASEMENT SHALL BE USED EXCEPT FOR THE PURPOSE OF INSTALLING, ERECTING, CONSTRUCTING, PLANTING, AND MAINTAINING THEREON: (1) GRASS, FLOWERS, SHRUBS, SHALLOW ROOTED TREES AND IRRIGATION AND OTHER LANDSCAPING APPURTENANCES, (2) FENCES AND RETAINING AND OTHER WALLS HERETOFORE OR HEREAFTER APPROVED BY THE CITY OF SAN DIEGO, (3) RECREATIONAL FACILITIES PROVIDED THE SAME SHALL NOT INCLUDE ANY BUILDING, (4) UTILITY DISTRIBUTION FACILITIES PROVIDED THE SAME (EXCEPT FOR TRANSFORMER BOXES AND SIMILAR EQUIPMENT NOT ERECTED ON POLES, DERRICKS OR SIMILAR SUPPORTS) ARE INSTALLED UNDERGROUND AT A DEPTH NO GREATER THAN TWO FEET BELOW THE EXISTING GRADE AND AT A DEPTH APPROVED BY THE CITY OF SAN DIEGO, (5) SURFACE AND UNDERGROUND DRAINAGE FACILITIES PROVIDED THE SAME ARE INSTALLED AT A DEPTH NO GREATER THAN TWO FEET BELOW THE EXISTING GRADE, (6) SIDEWALKS, PATHS AND STEPS, (7) DIRECTIONAL SIGNS, (8) OUTDOOR LIGHTING FACILITIES AND COMMUNITY TELEVISION FACILITIES, AND (9) CITY APPROVED ARCHAEOLOGICAL EXCAVATIONS. THE GROUND WITHIN SAID EASEMENT SHALL REMAIN UNDISTURBED BELOW TWO FEET OF THE EXISTING GRADE WITH THE EXCEPTION OF GROUND DISTURBANCE ASSOCIATED WITH A CITY APPROVED PROJECT NO. _____.

AVIGATION APPROACH EASEMENT FOR BROWN FIELD

WE (I) HEREBY GRANT AND RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, AN AVIGATION EASEMENT AND RIGHT OF WAY FOR THE USE AND BENEFIT OF THE PUBLIC FOR THE FREE AND UNOBSTRUCTED PASSAGE OF AIRCRAFT IN, THROUGH AND ACROSS ALL THE AIRSPACE ABOVE ELEVATION 684 FEET M.S.L., OVER ALL THE LAND AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION; AND ALSO WITHIN THAT AIRSPACE WITHIN THE AREA DESIGNATED 'AVIGATION APPROACH EASEMENT' AS SHOWN ON THIS MAP, ABOVE A PLANE SURFACE SLOPING UPWARD AT A 50:1 RATIO IN A DIRECTION AWAY FROM THE AIRPORT AND PARALLEL TO THE CENTERLINE OF THE AVIGATION APPROACH EASEMENT, PASSING THROUGH A REFERENCE ELEVATION OF 584 FEET M.S.L. AT THE LOCATION OF THE 'ELEVATION REFERENCE LINE' SHOWN ON THIS MAP; AND ALSO ABOVE A PLANE SURFACE SLOPING UPWARD AND OUTWARD AT A 7:1 RATIO, IN A DIRECTION PERPENDICULAR TO THE CENTERLINE OF THE AVIGATION APPROACH EASEMENT, FROM THE NORTHEASTERLY AND SOUTHWESTERLY LINES OF THE AVIGATION APPROACH EASEMENT;

TOGETHER WITH THE CONTINUING RIGHT OF THE GRANTEE, ITS SUCCESSORS IN INTEREST AND ASSIGNS, TO CLEAR AND KEEP CLEAR ANY AND ALL OBSTRUCTIONS WHICH ENCROACH OR EXTEND INTO THE HEREINBEFORE DESCRIBED EASEMENT AND RIGHT OF WAY, AND FOR SUCH PURPOSE TO ENTER UPON THE SURFACE OF GRANTOR'S PROPERTY AND LOWER OR REMOVE THOSE PORTIONS OF BUILDINGS OR ANY OTHER STRUCTURE, OR TREES OR OTHER VEGETATION, WHICH EXTEND INTO THE EASEMENT AND RIGHT OF WAY HEREIN GRANTED, AND TOGETHER WITH THE RIGHT OF INGRESS TO, EGRESS FROM, AND PASSAGE OVER GRANTOR'S PROPERTY FOR THE PURPOSE OF EFFECTING AND MAINTAINING SUCH CLEARANCE AS AFORESAID. RESERVING UNTO GRANTOR, ITS SUCCESSORS IN INTEREST AND ASSIGNS, THE RIGHT TO USE AND OCCUPY GRANTOR'S PROPERTY FOR ALL PURPOSES WHICH DO NOT INTERFERE WITH OR ABRIDGE THE RIGHTS HEREBY GRANTED. GRANTOR, FOR GRANTOR AND SUCCESSORS IN INTEREST AND ASSIGNS OF GRANTOR, COVENANTS AND AGREES THAT NEITHER THEY NOR ANY OF THEM WILL ERECT, OR PERMIT THE ERECTION OF, ANY STRUCTURE OR OBJECT, OR PERMIT THE GROWTH OF ANY TREE OR VEGETATION, OR ALLOW ANY STRUCTURE, OBJECT, TREE, OR OTHER VEGETATION TO ENCROACH UPON OR EXTEND INTO SAID EASEMENT AND RIGHT OF WAY, AND THAT NEITHER THEY OR ANY OF THEM WILL HEREAFTER USE, OR PERMIT OR SUFFER THE USE OF GRANTOR'S PROPERTY IN SUCH MANNER AS TO CREATE ELECTRICAL INTERFERENCE WITH RADIO COMMUNICATION TO OR FROM ANY AIRCRAFT, OR AS TO MAKE IT DIFFICULT FOR AIRCRAFT PILOTS TO DISTINGUISH BETWEEN AIRPORT LIGHTS AND OTHER LIGHTS OR AS TO IMPAIR VISIBILITY IN THE VICINITY OF THE AIRPORT, OR AS TO OTHERWISE ENDANGER THE LANDING, TAKING OFF, OR MANEUVERING OF AIRCRAFT. ALSO, TOGETHER WITH THE CONTINUING RIGHT OF THE PUBLIC TO CAUSE OR ALLOW IN ALL THE AIRSPACE ABOVE THE SURFACE OF GRANTOR'S PROPERTY SUCH NOISE AS MAY BE CAUSED BY, OR RESULT FROM, THE OPERATION OF AIRCRAFT; IT BEING UNDERSTOOD AND AGREED THAT GRANTEE INTENDS TO MAINTAIN AND DEVELOP THE ADJACENT AIRPORT, AND THAT THE EASEMENT GRANTED HEREIN WILL BE USED AT ALL TIMES AND BY EVERY TYPE OF AIRCRAFT WHICH IS NOW IN EXISTENCE OR WHICH MAY BE DEVELOPED IN THE FUTURE FOR BOTH COMMERCIAL AND NONCOMMERCIAL FLIGHTS; AND GRANTOR, FOR GRANTOR AND THE SUCCESSORS IN INTEREST AND ASSIGNS OF GRANTOR, DOES HEREBY FULLY WAIVE AND RELEASE ANY RIGHT OR CAUSE OF ACTION WHICH THEY OR ANY OF THEM NOW HAVE OR MAY HAVE IN THE FUTURE AGAINST GRANTEE, ITS SUCCESSORS AND ASSIGNS ON ACCOUNT OF OR ARISING OUT OF SUCH NOISE HERETOFORE AND HEREAFTER CAUSED BY THE OPERATION OF AIRCRAFT IN SAID AIRSPACE, IT BEING UNDERSTOOD AND AGREED THAT THE AFORESAID COVENANTS AND AGREEMENTS SHALL RUN WITH THE LAND.

AVIGATION EASEMENT AND RIGHT-OF-WAY FOR BROWN FIELD

WE (I) HEREBY GRANT AND RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, AN AVIGATION EASEMENT AND RIGHT-OF-WAY FOR THE USE AND BENEFIT OF THE PUBLIC FOR THE FREE AND UNOBSTRUCTED PASSAGE OF AIRCRAFT IN, THROUGH AND ACROSS ALL THE AIRSPACE ABOVE ELEVATION 684 FEET M.S.L., OVER ALL THE LAND AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION; TOGETHER WITH THE CONTINUING RIGHT OF THE GRANTEE, ITS SUCCESSORS IN INTEREST AND ASSIGNS, TO CLEAR AND KEEP CLEAR ANY AND ALL OBSTRUCTIONS WHICH ENCROACH OR EXTEND INTO THE HEREINBEFORE DESCRIBED EASEMENT AND RIGHT-OF-WAY, AND FOR SUCH PURPOSE TO ENTER UPON THE SURFACE OF

GRANTOR'S PROPERTY AND LOWER OR REMOVE THOSE PORTIONS OF BUILDINGS OR ANY OTHER STRUCTURE, OR TREES OR OTHER VEGETATION, WHICH EXTEND INTO THE EASEMENT AND RIGHT-OF-WAY HEREIN GRANTED, AND TOGETHER WITH THE RIGHT OF INGRESS TO, EGRESS FROM, AND PASSAGE OVER GRANTOR'S PROPERTY FOR THE PURPOSE OF EFFECTING AND MAINTAINING SUCH CLEARANCE AS AFORESAID. RESERVING UNTO GRANTOR, ITS SUCCESSORS IN INTEREST AND ASSIGNS, THE RIGHT TO USE AND OCCUPY GRANTOR'S PROPERTY FOR ALL PURPOSES WHICH DO NOT INTERFERE WITH OR ABRIDGE THE RIGHTS HEREBY GRANTED. GRANTOR, FOR GRANTOR AND SUCCESSORS IN INTEREST AND ASSIGNS OF GRANTOR, COVENANTS AND AGREES THAT NEITHER THEY NOR ANY OF THEM WILL ERECT, OR PERMIT THE ERECTION OF, ANY STRUCTURE OR OBJECT, OR PERMIT THE GROWTH OF ANY TREE OR VEGETATION, OR ALLOW ANY STRUCTURE, OBJECT, TREE, OR OTHER VEGETATION TO ENCROACH UPON OR EXTEND INTO SAID EASEMENT AND RIGHT OF WAY, AND THAT NEITHER THEY OR ANY OF THEM WILL HEREAFTER USE, OR PERMIT OR SUFFER THE USE OF GRANTOR'S PROPERTY IN SUCH MANNER AS TO CREATE ELECTRICAL INTERFERENCE WITH RADIO COMMUNICATION TO OR FROM ANY AIRCRAFT, OR AS TO MAKE IT DIFFICULT FOR AIRCRAFT PILOTS TO DISTINGUISH BETWEEN AIRPORT LIGHTS AND OTHER LIGHTS OR AS TO IMPAIR VISIBILITY IN THE VICINITY OF THE AIRPORT, OR AS TO OTHERWISE ENDANGER THE LANDING, TAKING OFF, OR MANEUVERING OF AIRCRAFT. ALSO, TOGETHER WITH THE CONTINUING RIGHT OF THE PUBLIC TO CAUSE OR ALLOW IN ALL THE AIRSPACE ABOVE THE SURFACE OF GRANTOR'S PROPERTY SUCH NOISE AS MAY BE CAUSED BY, OR RESULT FROM, THE OPERATION OF AIRCRAFT; IT BEING UNDERSTOOD AND AGREED THAT GRANTEE INTENDS TO MAINTAIN AND DEVELOP THE ADJACENT AIRPORT, AND THAT THE EASEMENT GRANTED HEREIN WILL BE USED AT ALL TIMES AND BY EVERY TYPE OF AIRCRAFT WHICH IS NOW IN EXISTENCE OR WHICH MAY BE DEVELOPED IN THE FUTURE FOR BOTH COMMERCIAL AND NONCOMMERCIAL FLIGHTS; AND GRANTOR, FOR GRANTOR AND THE SUCCESSORS IN INTEREST AND ASSIGNS OF GRANTOR, DOES HEREBY FULLY WAIVE AND RELEASE ANY RIGHT OR CAUSE OF ACTION WHICH THEY OR ANY OF THEM NOW HAVE OR MAY HAVE IN THE FUTURE AGAINST GRANTEE, ITS SUCCESSORS AND ASSIGNS ON ACCOUNT OF OR ARISING OUT OF SUCH NOISE HERETOFORE AND HEREAFTER CAUSED BY THE OPERATION OF AIRCRAFT IN SAID AIRSPACE, IT BEING UNDERSTOOD AND AGREED THAT THE AFORESAID COVENANTS AND AGREEMENTS SHALL RUN WITH THE LAND.

BUILDING RESTRICTED EASEMENT

WE HEREBY GRANT AND RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, ANY AND ALL RIGHT TO CONSTRUCT, ERECT OR MAINTAIN ANY ABOVEGROUND ROOFED BUILDING OR COVERED STRUCTURE, EXCEPT AS PROVIDED FOR IN (PLANNED RESIDENTIAL, INFILL RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR DISTRICT) DEVELOPMENT PERMIT NO. _____, OVER, UPON OR ACROSS ALL THOSE PORTIONS OF LOT(S). _____ WITH THE EXCEPTION OF THOSE PORTIONS OF SAID LOT(S) AS ARE SHOWN AND DESIGNATED AS BUILDING SITES, AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED 'BUILDING RESTRICTED EASEMENT GRANTED HEREON', RESERVING TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT(S) HEREIN GRANTED THE CONTINUED USE OF SAID REAL PROPERTY FOR ANY PURPOSE EXCEPT AS HEREIN PROVIDED AND THE RIGHT TO GRANT EASEMENTS TO ANY PUBLIC UTILITY COMPANY FOR DISTRIBUTION FACILITIES PROVIDED THE SAME ARE INSTALLED

UNDERGROUND. RESPONSIBILITY FOR MAINTENANCE OF SAID LANDS SHALL REMAIN WITH THE OWNER OF THE FEE TITLE OF SAID LAND. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN ANY MAINTENANCE RESPONSIBILITY TO THE CITY OF SAN DIEGO, NOR SHALL ANYTHING CONTAINED HEREIN BE CONSTRUED TO CONFER ANY RIGHTS TO THE GENERAL PUBLIC.

BUILDING RESTRICTED EASEMENT FOR RECREATION LOT

WE HEREBY GRANT AND RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ANY RIGHT TO CONSTRUCT, ERECT, OR MAINTAIN ANY HABITABLE STRUCTURE AS DEFINED IN THE UNIFORM BUILDING CODE BECAUSE OF THE EXISTENCE OF A POSSIBLE SEISMIC HAZARD OVER, UPON OR ACROSS ALL THOSE PORTIONS OF LOT(S), AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED 'BUILDING RESTRICTED EASEMENT GRANTED HEREON'. RESERVING TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT(S) HEREIN GRANTED THE CONTINUED USE OF SAID REAL PROPERTY FOR ANY PURPOSE EXCEPT AS HEREIN PROVIDED AND THE RIGHT TO GRANT EASEMENTS TO ANY PUBLIC UTILITY COMPANY FOR DISTRIBUTION FACILITIES PROVIDED THE SAME ARE INSTALLED UNDERGROUND. RESPONSIBILITY FOR MAINTENANCE OF SAID LANDS SHALL REMAIN WITH THE OWNER OF THE FEE TITLE OF SAID LAND AND NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN ANY MAINTENANCE RESPONSIBILITY TO THE CITY OF SAN DIEGO, NOR SHALL ANYTHING CONTAINED HEREIN BE CONSTRUED TO CONFER ANY RIGHTS TO THE GENERAL PUBLIC.

BUILDING RESTRICTED EASEMENT FOR RECREATION LOT

WE (I) HEREBY GRANT AND RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, ANY AND ALL RIGHT TO CONSTRUCT, ERECT, OR MAINTAIN ANY ABOVEGROUND ROOFED BUILDING OR COVERED STRUCTURE, EXCEPT FOR A RECREATIONAL BUILDING AND ASSOCIATED FACILITIES AS PROVIDED FOR IN PLANNED (RESIDENTIAL, INFILL RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR DISTRICT) DEVELOPMENT PERMIT NO. _____, OVER, UPON OR ACROSS ALL THOSE PORTIONS OF LOT(S) _____, WITH THE EXCEPTION OF THOSE PORTIONS OF SAID LOTS AS ARE SHOWN AND DESIGNATED AS BUILDING SITES, AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED ‘BUILDING RESTRICTED EASEMENT FOR RECREATION LOT GRANTED HEREON’, RESERVING TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT(S) HEREIN GRANTED THE CONTINUED USE OF SAID REAL PROPERTY FOR ANY PURPOSE EXCEPT AS HEREIN PROVIDED AND THE RIGHT TO GRANT EASEMENTS TO ANY PUBLIC UTILITY COMPANY FOR DISTRIBUTION FACILITIES PROVIDED THE SAME ARE INSTALLED UNDERGROUND. RESPONSIBILITY FOR MAINTENANCE OF SAID LANDS SHALL REMAIN WITH THE OWNER OF THE FEE TITLE OF SAID LAND AND NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN ANY MAINTENANCE RESPONSIBILITY TO THE CITY OF SAN DIEGO, NOR SHALL ANYTHING CONTAINED HEREIN BE CONSTRUED TO CONFER ANY RIGHTS TO THE GENERAL PUBLIC.

CLEAR ZONE EASEMENT FOR BROWN FIELD

All maps that require a clear zone area for Brown Field must be submitted to the airport for review.

> WE (I) HEREBY GRANT AND RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, ANY AND ALL RIGHT TO CONSTRUCT, ERECT, OR MAINTAIN ANY ABOVEGROUND ROOFED BUILDING OR COVERED STRUCTURE, EXCEPT STRUCTURES FOR THE WAREHOUSING OR STORAGE OF PRODUCTS OTHER THAN FLAMMABLES, EXPLOSIVES AND CORROSIVES, OVER, UPON OR ACROSS ALL THOSE PORTIONS OF LOTS ____, AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED 'CLEAR ZONE EASEMENT GRANTED HEREON', RESERVING TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT(S) HEREIN GRANTED THE CONTINUED USE OF SAID REAL PROPERTY FOR ANY PURPOSE EXCEPT AS HEREIN PROVIDED AND THE RIGHT TO GRANT EASEMENTS TO ANY PUBLIC UTILITY COMPANY FOR DISTRIBUTION FACILITIES PROVIDED THE SAME ARE INSTALLED UNDERGROUND. RESPONSIBILITY FOR MAINTENANCE OF SAID LANDS SHALL REMAIN WITH THE OWNER OF THE FEE TITLE OF SAID LAND AND NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN ANY MAINTENANCE RESPONSIBILITY TO THE CITY OF SAN DIEGO, NOR SHALL ANYTHING CONTAINED HEREIN BE CONSTRUED TO CONFER ANY RIGHTS TO THE GENERAL PUBLIC.

COVENANT AGREEMENT

A covenant agreement may be required per the resolution for access. If reciprocal access and/or parking rights are required, use this statement. The proposed easements must be shown and tied on the map and label ACCESS EASEMENT.

> WE HEREBY DECLARE THAT LOT (PARCEL)(S) _____ COVERED BY THIS MAP SHALL BE HELD, SOLD AND CONVEYED, SUBJECT TO THE FOLLOWING INTEREST WHICH SHALL BECOME AN EASEMENT AS PROVIDED HEREIN, WHICH IS CREATED FOR THE PURPOSE OF PROTECTING THE VALUE AND DESIRABILITY OF, AND WHICH SHALL RUN WITH, THE REAL PROPERTY AND BE BINDING ON ALL PARTIES HAVING ANY RIGHT, TITLE OR INTEREST IN THE DESCRIBED PROPERTIES OR ANY PART THEREOF, THEIR HEIRS, SUCCESSORS AND ASSIGNS, AND SHALL INURE TO THE BENEFIT OF EACH OWNER THEREOF. LOT (PARCEL) _____ OF THIS (PARCEL) MAP IS HEREBY GRANTED AN ACCESS EASEMENT OVER PARCEL _____, AND PARCEL _____ IS HEREBY GRANTED AN ACCESS EASEMENT OVER LOT (PARCEL) _____, AS SHOWN HEREON AND DESIGNATED 'ACCESS EASEMENT', WHICH GRANT OF EASEMENT SHALL ATTACH AND BECOME EFFECTIVE UPON TRANSFER BY OWNER OF TITLE TO EACH LOT (PARCEL).

EMERGENCY ACCESS EASEMENTS

> WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, AN EASEMENT FOR INGRESS AND EGRESS OF EMERGENCY VEHICLES FOR ACCESS TO THE PROPERTIES WITHIN THIS SUBDIVISION OR TO OTHER ADJACENT OR NEARBY LANDS FOR EMERGENCY PURPOSES, AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED 'EMERGENCY ACCESS EASEMENT GRANTED HEREON'.

FLOOD WATER STORAGE EASEMENT

WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, AN EASEMENT AND RIGHT-OF-WAY FOR THE STORAGE OF FLOOD WATERS OVER, UPON AND ACROSS THE PORTION OF LOT(S) DESIGNATED AS 'FLOOD WATER STORAGE EASEMENT GRANTED HEREON' ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION, RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT HEREIN GRANTED THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY, SUBJECT TO THE FOLLOWING CONDITIONS: THE ERECTING OF BUILDINGS, WALLS, FENCES OR OTHER STRUCTURES, OR CHANGING THE SURFACE GRADE SHALL BE PROHIBITED. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN ANY MAINTENANCE RESPONSIBILITIES TO THE CITY OF SAN DIEGO.

FLOWAGE EASEMENT

WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, AN EASEMENT AND RIGHT-OF-WAY FOR THE NATURAL FLOWAGE OF WATERS OVER, UPON AND ACROSS THE PORTION OF LOT(S) ____ DESIGNATED AS 'FLOWAGE EASEMENT GRANTED HEREON' ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION, RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT HEREIN GRANTED THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY, AND SUBJECT TO THE FOLLOWING CONDITIONS: THE ERECTING OF BUILDINGS, WALLS, FENCES OR OTHER STRUCTURES, OR THE PLANTING OR GROWING OF TREES OR SHRUBS, OR CHANGING THE SURFACE GRADE, SHALL BE PROHIBITED. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN FLOWAGE MAINTENANCE RESPONSIBILITIES TO THE CITY OF SAN DIEGO.

GENERAL UTILITY AND ACCESS EASEMENT

WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, THE EASEMENTS FOR GENERAL UTILITY AND ACCESS PURPOSES OVER, UNDER, UPON, AND ACROSS LOT(S) ____, SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND IDENTIFIED AS 'GENERAL UTILITY AND ACCESS EASEMENT GRANTED HEREON'; INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR THE REPAIR, MAINTENANCE, AND ALTERATION OF ANY UTILITY EQUIPMENT OR FACILITY SITUATED IN OR ON SAID EASEMENT; AND ALSO THE RIGHT OF INGRESS AND EGRESS OF EMERGENCY VEHICLES FOR ACCESS TO THE PROPERTIES WITHIN THIS SUBDIVISION OR THE OTHER ADJACENT LANDS FOR EMERGENCY PURPOSES: RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT HEREIN GRANTED, (1) THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY SUBJECT TO THE FOLLOWING CONDITIONS: THE CHANGING OF THE SURFACE GRADE AND THE INSTALLATION OF PRIVATELY OWNED UTILITIES, WHICH MAY INCLUDE SEWER AND WATER MAINS, WATER SERVICES AND SEWER LATERALS, CONDUITS, STORM DRAINS, FIRE HYDRANTS, ELECTRICAL WIRING ETC. SHALL BE PROHIBITED UNLESS AN ENCROACHMENT PERMIT IS FIRST OBTAINED FROM THE CITY ENGINEER PURSUANT TO THE MUNICIPAL CODE, AND (2) THE RIGHT TO GRANT EASEMENTS TO SAN DIEGO GAS AND ELECTRIC COMPANY, PACIFIC BELL, A COMMUNITY TELEVISION ANTENNA COMPANY, OR OTHER PUBLICLY FRANCHISED ENTITY PROVIDING A MASTER TELEVISION ANTENNA SYSTEM, PROVIDED THE LOCATION OF SUCH UTILITIES CONFORM TO THE LOCATION OF SIMILAR UTILITIES IN DEDICATED STREETS.

LANDSCAPING EASEMENT

WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, A LANDSCAPING EASEMENT WITH THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, UPON AND ACROSS LOT(S) _____ FOR CONSTRUCTION, PLANTING AND MAINTAINING THEREON GRASS, FLOWERS, SHRUBS, TREES AND IRRIGATION AND OTHER LANDSCAPING APPURTENANCES. THE CONSTRUCTION OF FENCES, WALLS, PATHS, STEPS, BUILDINGS OR OTHER STRUCTURES OR ANY USE NOT CONSISTENT WITH THE CITY'S USE THEREOF SHALL BE PROHIBITED UNLESS AN ENCROACHMENT REMOVAL AGREEMENT IS FIRST OBTAINED FROM THE CITY ENGINEER PURSUANT TO MUNICIPAL CODE. SAID LANDS ARE SHOWN ON THE SHEETS ATTACHED HERETO AND IDENTIFIED AS 'LANDSCAPING EASEMENT GRANTED HEREON'.

OPEN SPACE EASEMENT

WE (I) HEREBY GRANT AND RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, ANY AND ALL RIGHT TO CONSTRUCT, ERECT OR MAINTAIN ANY STRUCTURE: TO CONSTRUCT, ERECT OR MAINTAIN FENCES: TO REMOVE LIVE TREES AND SHRUBS, TO CHANGE THE GRADE; OR TO OTHERWISE CHANGE THE OPEN SPACE CHARACTER OF THE LAND, UNLESS APPROVED BY THE CITY, OVER, UPON OR ACROSS ALL THOSE PORTIONS OF LOT(S) ____, AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED 'OPEN SPACE EASEMENT GRANTED HEREON', RESERVING TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT(S) HEREIN GRANTED THE RIGHT TO GRANT EASEMENTS TO ANY PUBLIC UTILITY COMPANY FOR DISTRIBUTION FACILITIES PROVIDED THE SAME ARE INSTALLED UNDERGROUND; AND THE RIGHT TO MAINTAIN FIREBREAKS, TRIM OR REMOVE BRUSH AND OTHERWISE PERFORM PREVENTIVE MEASURES REQUIRED BY THE FIRE DEPARTMENT TO PROTECT STRUCTURES AND OTHER IMPROVEMENTS FROM POTENTIAL FIRES. RESPONSIBILITY FOR MAINTENANCE OF SAID LANDS SHALL REMAIN WITH THE OWNER OF THE FEE TITLE OF SAID LANDS AND NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN ANY MAINTENANCE RESPONSIBILITY TO THE CITY OF SAN DIEGO, NOR SHALL ANYTHING CONTAINED HEREIN BE CONSTRUED TO CONFER ANY RIGHTS TO THE GENERAL PUBLIC.

PUBLIC UTILITY

WE, THE UNDERSIGNED, (*name of corporation*), HEREBY CERTIFY THAT WE ARE INTERESTED IN THE LAND EMBRACED WITHIN THE SUBDIVISION TO BE KNOWN AS _____, BY VIRTUE OF A (AN) EASEMENT(S) RECORDED _____ AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP CONSISTING OF ____ SHEETS AND DESCRIBED IN THE CAPTION THEREOF, AND WE HEREBY DEDICATE TO THE PUBLIC USE (*names of streets*) SHOWN HEREON AND NO OTHERS.

BY: _____ BY: _____

(TITLE) (TITLE)

RECREATION EASEMENT

WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF LANDSCAPING, IRRIGATION SYSTEMS, EROSION CONTROL FACILITIES, HIKING TRAILS, EQUESTRIAN TRAILS, BIKEWAYS, AND OTHER SIMILAR FACILITIES AND APPURTENANCES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO THE GENERAL PUBLIC, OVER, UPON, AND ACROSS LOT(S) ____, AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED 'RECREATION EASEMENT GRANTED HEREON'. ALSO GRANTING TO THE CITY OF SAN DIEGO THE RIGHT TO PERMIT ANY PUBLIC UTILITY COMPANY TO CONSTRUCT DISTRIBUTION FACILITIES, PROVIDED SUCH FACILITIES ARE CONSTRUCTED UNDERGROUND.

RELINQUISHMENT OF ACCESS RIGHTS

WE HEREBY RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, ANY AND ALL ABUTTERS' RIGHTS OF ACCESS IN AND TO (street name), ADJACENT AND CONTIGUOUS TO LOTS ____ THROUGH ____ INCLUSIVE, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION. THE CITY ENGINEER IS AUTHORIZED TO REVEST ALL OR PART OF SAID ACCESS RIGHTS IF THERE IS A CHANGE IN CIRCUMSTANCES MAKING ACCESS NECESSARY AND SAFE.

SDG&E JOINT USE AGREEMENT

IN LIEU OF DEDICATION, SAN DIEGO GAS AND ELECTRIC COMPANY HEREBY CONSENTS THAT PUBLIC STREETS MAY BE CONSTRUCTED AND MAINTAINED OVER, UPON AND ACROSS PORTIONS OF SAN DIEGO GAS AND ELECTRIC COMPANY'S EASEMENTS AND RIGHT-OF-WAYS RECORDED_____ OF OFFICIAL RECORDS OF SAN DIEGO COUNTY, LYING WITHIN THE BOUNDARY OF THE FOLLOWING STREET, _____ HEREINAFTER REFERRED TO AS AREAS, SUBJECT TO THE FOLLOWING:

(A) IN THE EVENT THAT THE FUTURE USE OR ALTERATION OF SAID AREAS BY THE CITY FOR STREETS OR PUBLIC IMPROVEMENTS INCIDENTAL THERETO, SHALL AT ANY TIME OR TIMES NECESSITATE A REARRANGEMENT, RELOCATION OR RECONSTRUCTION OF ANY OF THE COMPANY'S FACILITIES OR THE ACQUISITION OF ADDITIONAL PROPERTY EASEMENTS, OR BOTH, PURSUANT THERETO; THE SAME SHALL BE PERFORMED BY COMPANY, OR BY ANY OTHER PARTY WITH THE CONSENT OF COMPANY, AT THE COST OF THE CITY.

(B) IN THE EVENT THAT THE FUTURE USE OF SAN DIEGO GAS AND ELECTRIC COMPANY'S EASEMENTS OR PROPERTIES BY COMPANY SHALL AT ANY TIME OR TIMES NECESSITATE A REARRANGEMENT, RELOCATION OR RECONSTRUCTION OF THE PUBLIC IMPROVEMENTS INCIDENTAL THERETO; THE SAME SHALL BE PERFORMED AT THE COST OF THE COMPANY.

(C) ALL USES OF SAID AREAS BY EITHER PARTY SHALL BE SUCH AS WILL NOT PERMANENTLY INTERRUPT THE USE OR OPERATION OF THE FACILITIES THEREIN OF THE PARTY; USES OF SAID AREAS BY EITHER PARTY WHICH TEMPORARILY INTERFERE WITH THE USE OF THE OTHER PARTY, WILL BE MADE ONLY WHEN REASONABLY NECESSARY AND WILL BE PROMPTLY TERMINATED AS SOON AS THE NECESSITY THEREFORE NO LONGER EXISTS.

(D) SAN DIEGO GAS AND ELECTRIC COMPANY RETAINS THE RIGHT TO REVIEW AND APPROVE OF SPECIFIC LOCATIONS OF ALL FACILITIES WITHIN ITS EASEMENT TO AVOID CONFLICT WITH EXISTING AND FUTURE COMPANY FACILITIES. SUCH APPROVALS SHALL BE GRANTED BY SAN DIEGO GAS AND ELECTRIC COMPANY'S 'LETTER OF PERMISSION FOR GRADING AND CONSTRUCTION OF IMPROVEMENTS' AND APPROVALS SHALL NOT BE UNREASONABLY WITHHELD.

(E) IF THE CITY SHALL HEREAFTER VACATE OR ABANDON IN WHOLE OR IN PART, THE AREAS WHICH ARE OCCUPIED BY SAN DIEGO GAS AND ELECTRIC COMPANY'S EASEMENTS OR PROPERTIES, THE CITY SHALL, IN THE VACATION OR ABANDONMENT PROCEEDINGS, RESERVE TO COMPANY ALL RIGHTS OWNED TO COMPANY PRIOR TO THE EXECUTION OF THIS CERTIFICATE.

(F) EXCEPT AS EXPRESSLY HEREIN SET FORTH, THIS AGREEMENT SHALL NOT AN ANY WAY ALTER, MODIFY OR TERMINATE ANY OF COMPANY'S PRIOR RIGHTS IN SAID AREA.

IN WITNESS THEREOF, SAN DIEGO GAS AND ELECTRIC COMPANY HAS CAUSED THIS INSTRUMENT TO BE EXECUTED UNDER ITS CORPORATE NAME AND BY ITS PROPER OFFICER THEREUNTO DULY AUTHORIZED, THIS _____ DAY OF _____, 20(*xx*).

SAN DIEGO GAS AND ELECTRIC COMPANY, A CORPORATION

BY: _____

_____, MANAGER

LAND AND ENVIRONMENTAL DEPT.

SEWER, WATER, DRAINAGE AND RECLAIMED WATER EASEMENTS

WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, THE EASEMENT(S) WITH THE RIGHT OF INGRESS AND EGRESS FOR THE CONSTRUCTION AND MAINTENANCE OF SEWER, WATER AND DRAINAGE FACILITIES, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION DESIGNATED AS 'SEWER, WATER AND DRAINAGE EASEMENT GRANTED HEREON,' RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT HEREIN GRANTED THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY; AND SUBJECT TO THE FOLLOWING CONDITIONS: THE ERECTING OF BUILDINGS, MASONRY WALLS, MASONRY FENCES AND OTHER STRUCTURES; OR THE PLANTING OR GROWING OF TREES OR SHRUBS; OR CHANGING THE SURFACE GRADE; OR THE INSTALLATION OF PRIVATELY OWNED PIPELINES SHALL BE PROHIBITED UNLESS AN ENCROACHMENT PERMIT IS FIRST OBTAINED FROM THE CITY ENGINEER PURSUANT TO THE MUNICIPAL CODE.

Use SEWER, WATER & DRAINAGE as applicable

SIGHT VISIBILITY EASEMENT

WE (I) HEREBY GRANT AND RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, ANY AND ALL RIGHT TO CONSTRUCT, ERECT OR MAINTAIN ANY STRUCTURES, MASONRY WALLS, MONUMENT SIGNS; PLANT AND MAINTAIN SHRUBBERY OR HEDGES; RAISE THE GRADE; OR DO ANYTHING

THAT WOULD CAUSE AN OBSTRUCTION TO A CLEAR VIEW FROM ADJACENT STREETS OVER, UPON OR ACROSS ALL THOSE PORTIONS OF LOTS ____, AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED 'SIGHT VISIBILITY EASEMENT GRANTED HEREON', RESERVING TO THE OWNER OF FEE UNDERLYING SAID EASEMENT(S) HEREIN GRANTED THE CONTINUED USE OF REAL PROPERTY FOR ANY PURPOSE EXCEPT AS HEREIN PROVIDED, AND SUBJECT TO THE FOLLOWING CONDITIONS: THE CONSTRUCTION OF WIRE FENCES, PLANTING AND MAINTAINING TREES, AND INSTALLATION OF POLE MOUNTED SIGNS MAY BE PERMITTED, PROVIDED THEY DO NOT OBSTRUCT THE VIEW FROM ADJACENT STREETS AND AN ENCROACHMENT PERMIT IS FIRST OBTAINED FROM THE CITY ENGINEER. RESPONSIBILITY FOR MAINTENANCE OF SAID LANDS SHALL REMAIN WITH THE OWNER OF THE FEE TITLE OF SAID LAND AND NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN ANY MAINTENANCE RESPONSIBILITY TO THE CITY OF SAN DIEGO, NOR SHALL ANYTHING CONTAINED HEREIN BE CONSTRUED TO CONFER ANY RIGHTS TO THE GENERAL PUBLIC.

SLOPE EASEMENTS

WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, AN EASEMENT AND RIGHT-OF WAY FOR EARTH EMBANKMENT SLOPES, TOGETHER WITH THE RIGHT TO CONSTRUCT SUCH SLOPES AND EMBANKMENTS AND FACILITIES INCIDENTAL THERETO, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED AS 'SLOPE EASEMENT GRANTED HEREON,' RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT HEREIN GRANTED THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY; AND SUBJECT TO THE FOLLOWING CONDITIONS: THE ERECTING OF BUILDINGS, MASONRY WALLS, MASONRY FENCES AND OTHER STRUCTURES; OR THE PLANTING OR GROWING OF TREES OR SHRUBS; OR CHANGING THE SURFACE GRADE; OR THE INSTALLATION OF PRIVATELY OWNED PIPELINES SHALL BE PROHIBITED UNLESS AN ENCROACHMENT PERMIT IS FIRST OBTAINED FROM THE CITY ENGINEER PURSUANT TO THE MUNICIPAL CODE.

STANDARD JOINT USE AGREEMENT

IN LIEU OF DEDICATION, (*name of company*) HEREBY CONSENTS THAT PUBLIC STREETS MAY BE CONSTRUCTED AND MAINTAINED OVER, UPON AND ACROSS PORTIONS OF ITS EASEMENTS AND RIGHT OF WAY RECORDED _____ OF OFFICIAL RECORDS OF THE COUNTY RECORDER, COUNTY OF SAN DIEGO, LYING WITHIN THE BOUNDARIES OF THE FOLLOWING: (*names of streets*) HEREINAFTER REFERRED TO AS AREAS, SUBJECT TO THE FOLLOWING:

(A) IN THE EVENT THAT THE FUTURE USE OR ALTERATION OF SAID AREAS BY CITY FOR STREETS OR PUBLIC IMPROVEMENTS INCIDENTAL THERETO OR SHALL AT ANY TIME OR TIMES NECESSITATE A REARRANGEMENT, RELOCATION OR RECONSTRUCTION OF ANY OF THE COMPANY'S FACILITIES OR THE ACQUISITION OF ADDITIONAL PROPERTY EASEMENTS, OR BOTH; PURSUANT THERETO, THE SAME SHALL BE PERFORMED BY COMPANY, OR BY ANOTHER PARTY WITH THE CONSENT OF COMPANY, AT THE COST OF THE CITY PROVIDED, HOWEVER, IN THE EVENT THAT ACQUISITIONS OF ADDITIONAL EASEMENTS OR PROPERTY IS REQUIRED, THE SAME SHALL BE OBTAINED BY THE CITY IN FORM SATISFACTORY TO COMPANY, OR BY COMPANY WITH THE WRITTEN CONSENT OF THE CITY AT THE COST OF THE CITY.

(B) IN THE EVENT THAT THE FUTURE USE OF SAID EASEMENTS OR PROPERTIES BY COMPANY SHALL AT ANY TIME OR TIMES NECESSITATE A REARRANGEMENT, RELOCATION OR RECONSTRUCTION OF THE SAID PUBLIC IMPROVEMENTS INCIDENTAL THERETO, THE SAME SHALL BE PERFORMED AT THE COST OF COMPANY.

(C) ALL USES OF SAID AREAS BY EITHER PARTY SHALL BE SUCH AS WILL NOT PERMANENTLY INTERRUPT THE USE OR OPERATION OF THE FACILITIES THEREIN OF THE PARTY; USES OF SAID AREAS BY EITHER PARTY WHICH TEMPORARILY INTERFERE WITH THE USE OF THE OTHER PARTY, WILL BE MADE ONLY WHEN REASONABLY NECESSARY AND WILL BE PROMPTLY TERMINATED AS SOON AS THE NECESSITY THEREFORE NO LONGER EXISTS.

(D) (*name of company*) RETAINS THE RIGHT TO REVIEW AND APPROVE OF SPECIFIC LOCATIONS OF ALL FACILITIES WITHIN ITS EASEMENT TO AVOID CONFLICT WITH EXISTING AND FUTURE COMPANY FACILITIES. SUCH APPROVALS SHALL BE GRANTED BY (*name of company*)

LETTER OF PERMISSION FOR GRADING AND CONSTRUCTION OF IMPROVEMENTS AND APPROVALS SHALL NOT BE UNREASONABLY WITHHELD.

(E) IF THE CITY SHALL HEREAFTER VACATE OR ABANDON, IN WHOLE OR IN PART, THE STREETS WHICH ARE OCCUPIED BY _____ EASEMENTS OR PROPERTIES, THE CITY SHALL IN THE VACATION ABANDONMENT PROCEEDINGS, RESERVE THE COMPANY ALL RIGHTS OWNED BY COMPANY PRIOR TO THE EXECUTION OF THIS CERTIFICATE.

(F) EXCEPT AS EXPRESSLY HEREIN SET FORTH, THIS AGREEMENT SHALL NOT IN ANY WAY ALTER, MODIFY OR TERMINATE ANY OF COMPANY'S PRIOR RIGHTS IN SAID AREA.

IN WITNESS THEREOF, (*name of company*) HAS CAUSED THIS INSTRUMENT TO BE EXECUTED UNDER ITS CORPORATE NAME AND BY ITS PROPER OFFICER THEREUNTO DULY AUTHORIZED, THIS _____ DAY OF _____, 20(*xx*).

BY: _____ TITLE

TEMPORARY CONSTRUCTION EASEMENTS

WE (I) HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, A TEMPORARY EASEMENT AND RIGHT OF WAY TO CONSTRUCT SLOPES AND INCIDENTS APPURTENANT TO STREET IMPROVEMENTS THERETO, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED AS 'TEMPORARY CONSTRUCTION EASEMENT GRANTED HEREON,' RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT HEREIN GRANTED THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY; AND SUBJECT TO THE FOLLOWING CONDITIONS: THE ERECTING OF BUILDINGS, MASONRY WALLS, MASONRY FENCES AND OTHER STRUCTURES; OR THE PLANTING OR GROWING OF TREES OR SHRUBS; OR CHANGING THE SURFACE GRADE; OR THE INSTALLATION OF PRIVATELY OWNED PIPELINES SHALL BE PROHIBITED UNLESS AN ENCROACHMENT PERMIT IS FIRST OBTAINED FROM THE CITY ENGINEER PURSUANT TO THE MUNICIPAL CODE. THIS EASEMENT SHALL TERMINATE AND CEASE TO EXIST UPON COMPLETION AND ACCEPTANCE BY THE CITY OF SAN DIEGO OF THE APPURTENANT STREET IMPROVEMENTS.

APPENDIX B FORMS AND EXAMPLE LETTERS

APPENDIX C

RELEVANT CASE LAW

To access California Court Cases:

Click on the link below:

http://www.lexisnexis.com/clients/CACourts/

Posted with the permission of LexisNexis.

LexisNexis reserves the right to rescind this permission at any time.

Read and check the **Terms and Conditions**

Click on "VIEW OPINIONS"

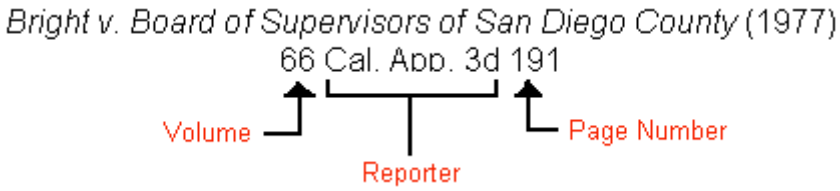
Under "Search California Opinions" click on

"*CA Published Cases, Combined*"

Under "Get Opinion by Cite", fill required information

- Enter Volume
- Select Reporter
- Enter Page Number

(**Note**: Page # must be first page of document)



Click "GO" to access case.

Antiquated Subdivisions & Grandfather Clauses

Gardner v. County of Sonoma (2001) 92 Cal. App. 4th 1055

Hays v. Vanek (1989) 217 Cal. App. 3d 271

John Taft Corp. v. County of Ventura (1984) 161 Cal. App. 3d 749

Lakeview Meadows Ranch v. County of Santa Clara (1994) 27 Cal. App. 4th 593

Morehart v. County of Santa Barbara (1994) 7 Cal. 4th 725

Dedications (pre-1893)

Archer v. Salinas City (1892) 93 Cal. 43

*Forsyth v. D.C. Dunagan (*1892) 94 Cal. 438

*Hayward v. Manzer (*1886) 70 Cal. 476

Kittle v. Pfeiffer (1863) 22 Cal. 485

People v. Reed (1889) 81 Cal. 70

Phillips v. Day (1889) 82 Cal. 24

San Leandro v. Le Breton (1887) 72 Cal. 170

Stone v. Brooks (1868) 35 Cal. 489

Gifts

Pescolido v. Smith, Planning Director (1983) 142 Cal. App. 3d 964

Leases

Robinson v. City of Alameda (1987) 194 Cal. App. 3d 1286

Lot Line Adjustments

La Fe Inc v. County of Los Angeles (1999) 73 Cal. App. 4th 231

Loewenstein v. City of Lafayette (2002) 103 Cal. App. 4th 718

San Dieguito Partnership v. City of San Diego (1992) 7 Cal. App. 4th 748

Miscellaneous

Wells Fargo Bank v. Town of Woodside (1983) 33 Cal. 3d 379

Mikels v. Rager (1991) 232 Cal. App. 3d 334

Quartering

Bright v. Board of Supervisors (1977) 66 Cal. App. 3d 191

*Pratt v. Adams (*1964) 229 Cal. App. 2d 603

Reversion Rights

Anderson v. Citizens Savings and Trust Co. (1921) 185 Cal. 386

Besneatte v. Gourdin (1993) 16 Cal. App. 4th 1277

*Brown v. Bachelder (*1932) 214 Cal 753

City of Redlands v. Nickerson (1961) 188 Cal. App. 2d 118

*Merchant v. Grant (*1915) 26 Cal. App. 485

Murray v. Title Insurance and Trust Co. (1967) 250 Cal. App. 2d 248

*Norcross v. Adams (*1968) 263 Cal. App. 2d 362

Wagner v. Chambers (1965) 232 Cal. App. 2d 14

Takings

Nollan v. Calif. Coastal Commission (1986) 177 Cal. App. 3d 719

Tentative Maps

Youngblood v. Board of Supervisors (1978) 22 Cal 3d 644