Subdivision Map Act
1973
SUBDIVISION MAP ACT
Excerpts from Business and Professions Code

CHAPTER 2. SUBDIVISION MAPS

ARTICLE 1. GENERAL PROVISIONS

11500. This chapter may be cited as the Subdivision Map Act.

11501. The definitions in this article apply to the provisions of this chapter only and do not affect any other provisions of this code.

11502. “County surveyor” includes county engineer, if there is no county surveyor.

11503. “Tentative map” refers to a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

11503.1. “Parcel map” refers to a map showing the division of land as described in subdivisions (b) and (c) of Section 11535.

11504. “Final Map” refers to a map prepared in accordance with the provisions of this chapter and those of any applicable local ordinance, which map is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located.

11505. [Repealed by Stats. 1955, Ch. 1593.]

11506. “Local ordinance” refers to an ordinance regulating the design and improvement of subdivisions, enacted by the governing body of any city or county under the provisions of this chapter or any prior statute, regulating the design and improvement of subdivisions, insofar as the provisions of the ordinance are consistent with and not in conflict with the provisions of this chapter.

11507. “Subdivision” refers to any land or portion thereof subject to the provisions of this chapter as provided in Section 11535.

11508. “Subdivider” refers to a person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.

11509. “Advisory agency” refers to an official or an official body designated by a local ordinance and charged thereby with the duty of making investigations and reports on the design and improvement of proposed divisions of land.
11510. (a) "Design" refers to street alignment, grades and widths, alignment and widths of easements and rights-of-way for drainage and sanitary sewers and minimum lot area and width. "Design" also includes land to be dedicated for park or recreational purposes.

(b) "Design" also refers to such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans of a city or county.

[Amended by Stats. 1971, Ch. 1446.]

11511. (a) "Improvement" refers to such street work and utilities to be installed, or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

(b) "Improvement" also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, is necessary or convenient to insure conformity to or implementation of applicable general or specific plans of a city or county.

[Amended by Stats. 1971, Ch. 1446.]

11512. "Appeal board" refers to a board or other official body designated by a local ordinance to hear and make determinations upon appeals from actions of the advisory agency with respect to tentative subdivision maps, or the kinds, nature and extent of the improvements recommended by the advisory agency to be required.

A separate appeal board may be designated to act upon divisions of land into four or less parcels.

[Amended by Stats. 1965, Ch. 1180.]

ARTICLE 2. ADMINISTRATION

11525. Control of the design and improvement of subdivisions is vested in the governing bodies of cities and of counties. Every county and city shall adopt an ordinance regulating and controlling the design and improvement of subdivisions. Such ordinance shall specifically provide for proper grading and erosion control, including the prevention of sedimentation or damage to offsite property.

[Amended by Stats. 1972, Ch. 942.]

11525.1. Any action or proceeding to attack, review, set aside, void or annul the decision of a governing body concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within 180 days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such de-
cision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

[Added by Stats. 1965, Ch. 1341.]

11525.2. Whether by request of a county board of education or otherwise, a city or county may adopt an ordinance requiring any subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school to dedicate to the school district, or districts, within which such subdivisions are to be located, such land as the local governing body shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service. In no case shall the local governing body require the dedication of an amount of land which would make development of the remaining land held by the subdivider economically unfeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

An ordinance adopted pursuant to this section shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative maps in accordance with Article 4 (commencing with Section 11550) of this chapter. The requirement of dedication shall be imposed at the time of approval of the tentative map. If, within 30 days after the requirement of dedication is imposed by the city or county, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after, the filing of the final map on any portion of the subdivision. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

(a) The cost of any improvements to the dedicated land since acquisition by the subdivider.

(b) The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.

(c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor.

The school district to which the property is dedicated shall record a certificate with the county recorder in the county in which the property is located. The certificate shall contain the following information:

1. The name and address of the subdivider dedicating the property.
2. A legal description of the real property dedicated.
3. A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.

4. Proof of the acceptance of the dedication by the school district and the date of the acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school district shall not be impaired or otherwise affected by the option right of the subdivider.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 11525.

[Amended by Stats. 1972, Ch. 366.]

11526. (a) The design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

(b) Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for the examination of tentative and final maps.

(c) No city or county shall approve a tentative or final subdivision map unless the governing body shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general or specific plans of the city or county.

[Amended by Stats. 1971, Ch. 1446.]

11526.1. No city or county shall approve a final subdivision map for any land project, as defined in Section 11000.5, unless:

(a) The city or county has adopted a specific plan covering the area proposed to be included within the land project.

(b) The city or county finds that the proposed land project, together with the provisions for its design and improvement, is consistent with the specific plan for the area.

This section shall apply to land projects for which tentative maps were approved on or after the effective date of Chapter 763, Statutes of the 1969 Regular Session.

[Amended by Stats. 1972, Ch. 706.]

11526.2. (a) In cities having a population of more than 2,800,000, the design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

(b) Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for the examination of tentative and final maps.
(c) The advisory agency, appeal board or governing body shall not approve a tentative or final subdivision map unless it first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general or specific plans.

[Added by Stats. 1972, Ch. 825.]

11526.5. Any county authorized to enact an ordinance pursuant to Section 35404 of the Vehicle Code may approve a highway or lane as therein described as a part of a subdivision, subject to its maintenance by a special district, county service area or maintenance district.

[Added by Stats. 1969, Ch. 723.]

11527. The governing body of a county has jurisdiction only to approve the map of a subdivision, or such part thereof, as may lie within unincorporated area, and the governing body of a city has jurisdiction only to approve a map of a subdivision, or such part thereof, as may lie within the incorporated area of the city.

11528. The legislative body of any city or county which desires to inspect and make recommendations concerning the map or maps of proposed subdivisions adjacent to but outside of its jurisdictional boundary line, may file with the clerk of the governing body or the advisory agency of any adjoining city or county having jurisdiction, a map or an amended map of territory within such second mentioned city or county in which territory it is interested in proposed subdivisions. The territory may not extend a distance of more than three miles from the common boundary line of the cities or counties.

The clerk of the governing body or the advisory agency of the city or county having jurisdiction shall issue a receipt for the territorial map and thereafter shall transmit to the official designated by the requesting city or county, within three days after the receipt thereof, one copy of each tentative map of any subdivision located wholly or partly within the territory outlined on the territorial map.

Any requesting city or county, which received a copy of a tentative map, shall make its recommendations, if any, to the clerk of the governing body or advisory agency from which the tentative map was received within 15 days after receipt thereof. The recommendations shall be taken into consideration by the governing body, appeal board or advisory agency of the city or county having jurisdiction before action is taken upon the tentative map.

[Amended by Stats. 1961, Ch. 194.]

11528.1. The State Department of Public Works may file with the governing body of any city or county having jurisdiction, a map or an amended map of any territory within one mile on either or both sides of said state highway routing in which territory it believes subdivision development would have an effect upon an existing state highway or a future state highway the route of which has been adopted by the California Highway Commission.

The clerk of the governing body or the advisory agency of the city or county having jurisdiction shall issue a receipt for the territorial map.
and thereafter shall transmit to the district office of the Division of Highways of said department in the district in which the proposed subdivision is located, within three days after the receipt thereof, one copy of each tentative map of any subdivision located wholly or partly within the territory outlined on the territorial map.

The department, upon receiving a copy of the tentative map, may, within 15 days after receipt thereof, make recommendations to the appropriate agency of the city or county in connection therewith regarding the effect of the proposed subdivision upon said highway or highway route.

[Added by Stats. 1955, Ch. 1012.]

11529. The county surveyor or city engineer shall make such detailed examination of tentative and final maps and such field check, if any, as may be necessary to enable him to ascertain compliance with this chapter and to make on final maps the certificate required by Section 11593.

[Added by Stats. 1965, Ch. 1180.]

11531. Any person, firm, corporation, partnership, or association who proposes to subdivide any property located outside the boundaries of any city, may file a tentative map of the proposed subdivision with the advisory agency of such city (or with the clerk of the governing body of such city if there is no advisory agency). The tentative map may, in the discretion of the advisory agency or governing body of the city, be acted upon in the manner provided in Article 4 of this chapter, except that if it is approved such approval shall be conditioned upon annexation of the property to such city within such period of time as shall be specified by the advisory agency, appeal board or governing body of the city.

No final map, based on such a tentative map, shall be approved as provided in this chapter until annexation of such property to the city has been completed. If annexation is not completed within the time specified or any extension thereof then the approval of such tentative map shall be null and void. No subdivision of unincorporated territory may be effected by approval of a tentative map by the advisory agency, appeal board or governing body of a city unless annexation thereof to the city is completed prior to the approval or filing for record of the final map thereof.

[Amended by Stats. 1961, Ch. 194.]

ARTICLE 3. SCOPE OF REGULATION

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements, or railroad rights-of-way.
(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a government agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest equalized county assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

1. The whole parcel before division contains less than five acres, and each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

2. Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

3. Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

4. Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger, or such other amount, up to 60 acres, as may be specified by local ordinances.

(d) In any case provided in subdivisions (c) (1), (c) (2), and (c) (3) of this section, and in any case provided in subdivision (b) or subdivision (c) (4) of this section unless waived by local ordinance as provided in this section, a parcel map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area, improvement and design, flood and water drainage control, and as to all requirements of this section.

The approved parcel map showing each new parcel shall be filed with the recorder of the county in which the land is located prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation.

In any case provided in subdivision (b) or subdivision (c) (4) of this section a local agency may, by ordinance, provide a procedure for waiving the requirement, imposed by this subdivision, that a parcel map be submitted to the governing body or advisory agency for approval. In the event that such a waiver provision is provided by local ordinance, the ordinance shall require a finding, by the governing body or advisory agency, that the proposed division of land complies with requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this chapter and local ordinances, which are applicable to division of land pursuant to subdivision (b) or subdivision (c) (4).
In any case provided in subdivision (b) or subdivision (c) of this section a local ordinance may require the submission and approval of a tentative map prior to the approval of a parcel map. When a tentative map is required, the parcel map shall be filed within one year after the approval of the tentative map. Upon application, an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

In any case where submission of a parcel map is waived by local ordinance pursuant to the provisions of this subdivision, submission and approval of a tentative map may continue to be required by local ordinance.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

[Amended by Stats. 1972, Ch. 706.]

11535.1. For purposes of Section 11535, "subdivision" includes a condominium project, as defined in Civil Code Section 1350, containing five or more condominiums, as defined in Civil Code Section 783, or a community apartment project, as defined in Business and Professions Code Section 11004, containing five or more parcels; but maps of such projects need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a tentative or final map of such a project on account of design or location of buildings on the property shown on the map not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to such maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project. Nothing herein shall be deemed to limit the power of the governing body to regulate the design or location of buildings in such a project by or pursuant to local ordinances.

[Added by Stats. 1965, Ch. 1180.]

11535.2. The provision of subdivision (d) of Section 11535 shall not apply to divisions of real property created solely by short-term leases (terminable by either party on not more than 30 days notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code unless a showing is made in individual cases, upon substantial evidence, that public policy necessi-
tates the application of the provisions of Section 11535 to such short-term leases in such cases.

[Added by Stats. 1971, Ch. 1635.]

11536. Nothing contained in this chapter prevents the recording under the provisions of this chapter and any applicable local ordinances of a final map or a parcel map, of any land not defined as a subdivision.

[Amended by Stats. 1967, Ch. 727.]

11537. (a) This chapter does not prohibit the filing of a map in accordance with the provisions of Chapter 3 of this part and the use thereof for purposes therein provided.

(b) A final map may be recorded under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided providing a public hearing on the proposed reversion to acreage is had before the appropriate governing body or advisory agency, and public notice of such hearing is given in a newspaper of general circulation within the area affected, at least once in each of two weeks immediately preceding the hearing. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After the holding of the hearing and approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The governing body may adopt an ordinance requiring the filing of a tentative map in conjunction with such reversion, and also accept any dedication of land by the final map for public streets, highways, ways, or easements as a condition of approval of such tentative map.

(c) A tax bond shall not be required in any of the cases covered by this section.

[Amended by Stats. 1967, Ch. 332.]

11538. (a) It is unlawful for any person to offer to sell or lease, to contract to sell or lease, or to sell or lease any subdivision or any part thereof until a final map thereof in full compliance with the provisions of this chapter and any local ordinance has been duly recorded or filed in the office of the recorder of the county in which any portion of the subdivision is located.

(b) Subsection (a) does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

[Amended by Stats. 1955, Ch. 1593.]

11538.1. No city or county shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this
chapter or of the provisions of local ordinances enacted pursuant to this chapter if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of the real property at the time of such violation or whether the applicant therefor is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property.

If a city or a county issues a permit or grants approval for the development of any such real property, it may impose such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

[Added by Stats. 1972, Ch. 706.]

11538.2. Whenever a city or a county has knowledge that real property has been divided in violation of the provisions of this chapter or of local ordinances enacted pursuant to this chapter it shall cause to be filed for record with the recorder of the county in which the real property is located, a notice of violation, describing the real property in detail, naming the owners thereof, and describing the violation. Such notice, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

[Added by Stats. 1972, Ch. 706.]

11538.3. (a) Any person owning real property may request, and a city or a county shall determine, whether such real property complies with the provisions of this chapter and of local ordinances enacted pursuant thereto. Upon making such a determination the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this chapter and of local ordinances enacted pursuant thereto. The city or the county may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If a city or county determines that such real property does not comply with the provisions of the chapter or of local ordinances enacted pursuant thereto, it may, as a condition of granting a certificate of compliance, impose any of the conditions permitted under Section 11538.1. Such conditions may be fulfilled and implemented by the property owner who has applied for a certificate of compliance pursuant to this section or by a grantee of such property owner. If such conditions are not fulfilled or implemented by the applicant property owner or the grantee, the certificate of compliance shall have no force or effect upon any subsequent transfer of the property and any subsequent transferee or assignee shall make a new application for a certificate of compliance pursuant to this section, and the city or county may impose such conditions as would have been applicable at the time such assignee or transferee acquired the property.

(c) A certificate of compliance shall be issued for any real property which has been approved for development pursuant to Section 11538.1.
(d) A recorded final subdivision map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

[Added by Stats. 1972, Ch. 706.]

11539. Conveyances of any part of a subdivision shall not be made by lot or block number, initial or other designation, unless and until a final map has been recorded.

11540. (a) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this chapter, or of the provisions of local ordinances enacted pursuant to this chapter, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of this chapter or of local ordinances enacted pursuant to the provisions of this chapter, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

(b) Any grantee, or his successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this chapter or of local ordinances enacted pursuant thereto, may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this chapter or of local ordinances enacted pursuant thereto and against any successors in interest who have actual or constructive knowledge of such division of property.

The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Section 11538.3 or identified in a recorded final subdivision map or parcel map, from and after the date of recording.

The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

[Amended by Stats. 1972, Ch. 706.]

11540.1. Nothing in this chapter prevents the governing body of any municipality or county from regulating the division of land which is not a subdivision, provided that such regulations are not more restrictive than the requirements for a subdivision. Whenever a local ordinance requires improvements for a division of land which is not a subdivision of five or more lots, such regulations shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. The validity of any conveyance, as defined in Section 1215 of the Civil Code, made with respect to any such land which has been divided, or which has resulted from a division, in
violation of the provisions of this chapter or local ordinances enacted pur-

pursuant thereto shall not be affected except that any deed of conveyance,
sale or contract to sell such land is voidable, and damages may be sought, to
the extent and in the same manner provided in Section 11540.

[Amended by Stats. 1972, Ch. 706]

11540.2. Notwithstanding the provisions of Section 11540.1, regula-
tions of municipalities and counties of land which is not a subdivision shall
not be applied to short-term leases (terminable by either party on not more
than 30 days notice in writing) of a portion of the operating right-of-way of
a railroad corporation defined as such by Section 230 of the Public Utilities
Code unless a showing is made in individual cases, upon substantial evidence,
that public policy necessitates the application of such regulations to such
short-term leases in such cases.

[Added Stats. 1971, Ch. 1635.]

11541. Any offer to sell, contract to sell, sale, or deed of conveyance
made contrary to the provisions of this chapter is a misdemeanor, and any
person, firm or corporation, upon conviction thereof, shall be punishable by a
fine of not less than twenty-five dollars ($25) and not more than five hundred
dollars ($500), or imprisonment in the county jail for a period of not more
than six months, or by both such fine and imprisonment.

[Amended by Stats. 1949, Ch. 672.]

11542. This chapter does not bar any legal, equitable, or summary
remedy to which any aggrieved municipality or other political subdivision,
or any person, firm or corporation may otherwise be entitled, and any such
municipality or other political subdivision or person, firm or corporation may
file a suit in the superior court of the county in which any property attempted
to be subdivided or sold in violation of this chapter is located, to restrain or
enjoin any attempted or proposed subdivision or sale in violation of this chap-
ter.

11543. Whenever a local ordinance requires that a subdivider install
sanitary sewers, drains, or other facilities for sewers and drains as a condi-
tion precedent to the acceptance of a final map, and where, in the opinion
of the governing body it is necessary that laterals or other facilities be con-
structed which can be, or will be, used for the benefit of property not in
the subdivision, and such sanitary sewers, drains, or other facilities are dedi-
cated to the public, the governing body may by contract with the subdivider
agree to reimburse and may reimburse the subdivider for such lateral or
other facility. Such contract shall provide that the governing body may
collect from any person using such lateral or other facility for the benefit
of property not within such subdivision a reasonable charge for such use.

[Amended by Stats. 1970, Ch. 629.]

11543.5. A local ordinance may require the payment of fees as a
condition of approval of a final subdivision map, or parcel map for a divi-
sion of land not defined as a subdivision, for purposes of defraying the actual
or estimated costs of constructing planned drainage facilities for the removal
of surface and storm waters from local or neighborhood drainage areas and
of constructing planned sanitary sewer facilities for local sanitary sewer
areas.

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Such local ordinances may require payment of fees pursuant to this section if:

1. The ordinance was adopted 30 days prior to the filing of the tentative map of any subdivision, or the filing of a parcel map for a division of land not defined as a subdivision, for which payment of fees is required;

2. The ordinance refers to a drainage or sanitary sewer plan adopted for a particular drainage or sanitary sewer area, which contains an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities;

3. The drainage or sanitary sewer plan, in the case of a city, situated in a county having a countywide general drainage or sanitary sewer plan, has been determined by resolution of the governing body of the county to be in conformity with such a county plan, or in the case of a city situated in a county not having such a plan but in a district having such a plan, has been determined by resolution of the governing body of the district to be in conformity with the district general plan, or in the case of a city situated in a county having such a plan and in a district having such a plan, has been determined by resolution of the governing body of the county to be in conformity with such a plan and by resolution of the governing body of the district to be in conformity with the district general plan;

4. The costs, whether actual or estimated, are based upon findings by the governing body that subdivision, or division of land not defined as a subdivision, and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or other division or on the need for such facilities created by the proposed subdivision or other division and development of other property within such areas;

5. The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

6. The drainage or sanitary sewer facilities planned are in addition to existing facilities serving the area at the time of the adoption of such a plan for the area.

Fees required by an ordinance adopted pursuant to this section for planned local drainage or sanitary sewer facilities shall be paid into a "planned local drainage facilities fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of engineering and administrative services to form the district and design.
and construct the facilities. An ordinance adopted pursuant to this section may provide for the acceptance of cash or other consideration in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing such facilities within a local drainage or sanitary sewer area and reimburse the general fund for such advances from the planned local drainage or sanitary sewer facilities fund for the local drainage or sanitary sewer area in which the drainage or sanitary sewer facilities were constructed.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of drainage or sanitary sewer facilities within a local drainage or sanitary sewer area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage or sanitary sewer facilities fund.

[Amended by Stats. 1970, Ch. 1242.]

11543.6. Any city or county within a local drainage or sanitary sewer area may adopt the plan and map designated in Section 11543.5 and impose a reasonable charge on property within the area which, in the opinion of the legislative body, is benefited by the drainage or sanitary sewer facilities. The charge collected must be paid to the county, city, or subdivider constructing the drainage or sanitary sewer facilities pursuant to Sections 11543 or 11543.5, and any city or county within the drainage or sanitary sewer area may enter into a reimbursement agreement with the subdivider.

[Amended by Stats. 1970, Ch. 629.]

11544. Whenever the governing body has reimbursed or agreed to reimburse a subdivider or school district for the construction of a drainage or sanitary sewer lateral or other facility, or any facilities contemplated by Section 15007 of the Education Code, which can or will be used by persons for the benefit of property other than that being subdivided by such subdivider, or for the benefit of property outside of a school site belonging to the school district, such governing body may impose and collect for such use a reasonable charge.

[Amended by Stats. 1970, Ch. 629.]

11545. The word "person" as used in Sections 11543 and 11544 of this code includes districts formed for the purpose of constructing or maintaining sewers. Charges imposed on such districts pursuant to Section 11544 shall be included in assessments levied for district purposes and in any bonds which may be issued by such districts.

[Added by Stats. 1951, Ch. 967.]

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map or parcel map for a division of land not defined as a subdivision, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map for a division of land not defined as a subdivision.
(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision or division of land not defined as a subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision or division of land not defined as a subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less or in divisions of land not defined as subdivisions.

(h) The division of land for which a parcel map is required is to be made by or on behalf of a person engaged in the business of developing and selling real estate as distinguished from a private owner making an occasional sale. A person shall not be deemed to be engaged in the developing and selling of real estate if he has made no more than four sales in either of the last two preceding years. Divisions of land not amounting to a subdivision and not used for residential purposes shall be exempted from the requirements of this section; provided however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within two years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or a county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

The provisions of this section do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

[Amended by Stats. 1972, Ch. 1388.]
11547. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges.

Such local ordinance may require payment of fees pursuant to this section if:

(1) The ordinance refers to the circulation element of the general plan and to flood control provisions thereof which identify streams for which bridge crossings are required on general plan or local roads; provided, such flood control provisions have been adopted by the local agency 30 days prior to the filing of a subdivision map or application for a building permit.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of the subdivision map or building permit application considered at such proceedings.

(3) The ordinance provides that at such public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of fee apportionment are established. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for such property or portions thereof.

(4) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is in addition to any existing bridge facilities serving the area at the time of the adoption of the boundaries of the area of benefit.

(5) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

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If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of a majority of the property within the area of benefit are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility fund. A separate fund shall be established for each planned bridge facility project. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the bridge facility serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of constructing the bridge facility.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the bridge facilities and may reimburse the general fund or road fund for such advances from planned bridge facility funds established to finance the construction of such bridge facilities.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of bridge facilities; provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility funds.

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

[Amended by Stats. 1973, Ch. 665.]

11548. Whenever, pursuant to a local ordinance a subdivider or land developer is required to pay a fee for the construction of a bridge as a condition precedent to the acceptance of a final map or as a condition of issuing a building permit and the facility is dedicated to the public, the governing body may contract with the subdivider or land developer for the construction of the bridge, and reimburse the subdivider or land developer for the cost of constructing the facility.

[Added by Stats. 1970, Ch. 663.]

11549. Any city or county may establish an area of benefit pursuant to Section 11547 and may impose a reasonable charge on property within the area which, in the opinion of the legislative body, is benefited by the construction of the bridge. The charge collected shall be paid to the county, city or subdivider constructing the bridge pursuant to Sections 11547 and
11548, and any city or county having jurisdiction over any property which, in the opinion of the legislative body, is benefited by the construction of the bridge may enter into a reimbursement agreement with the subdivider. [Added by Stats. 1970, Ch. 663.]

11549. A governing body of a city or county shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a governing body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. [Added by Stats. 1971, Ch. 1446.]

11549.6. A governing body shall not deny approval of a final subdivision map pursuant to Section 11549.5 if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map. [Added by Stats. 1971, Ch. 1446.]

11549.7. In cities having a population of more than 2,800,000, the advisory agency, appeal board or governing body shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a governing body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

[Added by Stats. 1972, Ch. 825.]

ARTICLE 4. TENTATIVE MAPS

11550. The initial action in connection with the making of any subdivision shall be the preparation of a tentative map or maps which shall show, or be accompanied by, such data as are specified in the local ordinance in addition to the data specified by the provisions of this chapter.

The subdivider shall file copies of the tentative map or maps with the advisory agency or with the clerk of the governing body if there is no advisory agency.

The official with whom the tentative map or maps are filed shall comply with the provisions of Section 11528 with respect to the request of any adjoining city or county.

11550.1. Upon the filing of the tentative map as provided in Section 11550, the advisory agency or the governing body may submit the tentative map to the Office of Intergovernmental Management pursuant to Section 12037 of the Government Code and request an evaluation of the...
environmental impact of the proposed subdivision. If the subdivision in question is a land project as defined by Section 11000.5, such submission shall be required prior to approval of the map.

[Added by Stats. 1971, Ch. 1327.]

11551. In case there is a local ordinance, the subdivider shall comply with its provisions before the map or maps of a subdivision may be approved. In case there is no local ordinance, the governing body may, as a condition precedent to the approval of the map or maps of a subdivision, require streets and drainage ways properly located and of adequate width, but may make no other requirements.

11551.5. The governing body of any city or county may disapprove a tentative map or maps of a subdivision because of flood hazard and inundation and require protective improvements to be constructed as a condition precedent to approval of the map or maps.

[Added by Stats. 1953, Ch. 1335.]

11551.6. The governing body of any city or county shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the governing body finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative map or maps of the subdivision.

[Added by Stats. 1969, Ch. 482.]

11551.7. In cities having a population of more than 2,800,000, the advisory agency, appeal board or governing body shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the advisory agency, appeal board or governing body finds that the proposed waste discharge would result in or add to violation of requirements of such board, the body making such finding may disapprove the tentative map or maps of the subdivision.

[Added by Stats. 1972, Ch. 825.]

11552. (a) If there is no advisory agency, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting, which shall act thereon within 40 days thereafter.

If there is an advisory agency, it shall report, in writing, on the map or maps of any subdivision submitted to it within 50 days after the tentative map has been filed and the report shall approve, conditionally approve or disapprove the map or maps of the subdivision.

The governing body may authorize the advisory agency to report its action direct to the subdivider. If the governing body does not so authorize the advisory agency, the advisory agency shall make its report to the governing body, which body shall act upon the report within 10 days or at its next succeeding regular meeting after receipt of the report.
The governing body, when there is no advisory agency or the advisory agency is required by Section 11550.1 of the Business and Professions Code to submit the tentative map to the Office of Intergovernmental Management, may extend the time permitted for action on such map if it is required to allow consideration of the evaluation received from the Office of Intergovernmental Management, but such extension shall not exceed 15 days.

Any reports or recommendations on the map or maps of any subdivision submitted to the advisory agency or governing body shall be submitted in writing to the subdivider prior to final action on the map or maps by the advisory agency or governing body. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail directed to the subdivider at his designated address and bearing the proper postage.

(b) If the subdivider is dissatisfied with any action of the advisory agency with respect to the tentative map, or the kinds, nature and extent of the improvements recommended by the advisory agency to be required, he may, within 15 days after such action, appeal to the governing body, unless an appeal board has been designated in which event such appeal must be to the appeal board, for a public hearing thereon. The governing body or appeal board as the case may be shall hear the appeal, upon notice to the subdivider and the advisory agency, unless the subdivider consents to a continuance, within 15 days or at its next succeeding regular meeting. At the time fixed for the hearing the governing body or appeal board shall proceed to hear the testimony of the subdivider or any witnesses in his behalf and the testimony of the representatives of the advisory agency or any witnesses in its behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the governing body or appeal board shall within seven days declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the advisory agency and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

If the subdivider or advisory agency is dissatisfied with any action of the appeal board with respect to the tentative map, or the kinds, nature and extent of the improvements required by the appeal board, either may, within 15 days after such action, appeal to the governing body. The governing body shall hear the appeal within 15 days or at its next succeeding regular meeting, unless the subdivider consents to a continuance, and shall give notice of such hearing to the subdivider, the appeal board and the advisory agency. The governing body shall hear the argument of the subdivider, the appeal board and the advisory agency or of their representatives based upon the testimony and the documents before the appeal board, and may receive documents from or hear the testimony of any competent person respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality of kinds of development to
which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into. Upon conclusion of the hearing the governing body shall, within seven days, declare its findings based upon the testimony and documents produced before it or before the appeal board. It may sustain, modify, reject or overrule any recommendations or rulings of the appeal board and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

[Amended by Stats. 1973, Ch. 306.]

11552.1. In cities having a population of more than 2,800,000, if the governing body, pursuant to subdivision (a) of Section 11552 of this chapter, authorizes the advisory body to report its action direct to the subdivider, the advisory agency shall, prior to making its report to the subdivider upon a subdivision as defined in this chapter, give notice of hearing in such manner as may be prescribed by local ordinance to the subdivider and to all property owners within 300 feet of the proposed subdivision and pursuant thereto shall conduct a public hearing at which time all persons interested in or affected by such proposed subdivision shall be heard.

[Added by Stats. 1972, Ch. 825.]

11552.2. Notwithstanding the provisions of Section 11552 of this chapter, in cities having a population of more than 2,800,000, any person affected by a proposed subdivision, rather than only the subdivider, may appeal the decision of the advisory agency or the appeal board with respect to the tentative map of such proposed subdivision. Such appellant shall be entitled to the same notice and rights of testimony as are accorded the subdivider under Section 11552. The failure to give or receive any notice required by that section shall not be a ground for invalidating the approval or disapproval of a tentative map by an advisory agency, appeal board or governing body.

[Added by Stats. 1972, Ch. 825.]

11553. The time limits for acting and reporting on tentative maps as specified in this article may be extended by mutual consent of the subdivider and the governing body, appeal board or advisory agency as the case may be.

If no action is taken within these time limits, the tentative map as filed shall be deemed to be approved and it shall be the duty of the clerk of the governing body to certify the approval; provided, however, if the advisory agency has reported upon, or the appeal board has taken action upon the tentative map within the time limits, has recommended approval or conditional approval and has not disapproved said map and the governing body has failed to act upon the tentative map within the time prescribed by Section 11552 of this code, at the option of the subdivider, the tentative map upon the conditions, if any, set forth in the report of the advisory agency, or in the action of the appeal board shall be deemed approved and it shall be the duty of the clerk of the governing body to certify the approval.

[Amended by Stats. 1961, Ch. 194.]

11554. Within a period of 18 months, as prescribed by ordinance, after approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved.
Upon application of the subdivider an extension of not exceeding two years may be granted by the governing body or by an advisory agency that is authorized to report its action directly to the subdivider. In the event the advisory agency denies a subdivider’s application for extension, the subdivider may appeal to the governing body.

[Amended by Stats. 1967, Ch. 1623.]

11554.5. If an extension of time for preparing the final map has been granted pursuant to Section 11554, the governing body may grant a subsequent extension, not to exceed one year; provided that such extension may be granted only if the governing body finds that there is no general plan for the area and that therefore it is unable to make the finding required by Section 11526. This section shall apply only to tentative maps which have secured the extension provided in Section 11554 prior to March 4, 1972.

[Added by Stats. 1972, Ch. 639.]

11555. Any failure to record a final map within the period prescribed by ordinance from the approval or conditional approval of the tentative map or any extension thereof granted by the governing body, shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted.

[Amended by Stats. 1965, Ch. 1180.]

ARTICLE 5. FINAL MAPS

11565. A final map under the provisions of this chapter shall comply with all the provisions of the chapter, and, if there is a local ordinance, with all of its provisions.

[Amended by Stats. 1955, Ch. 1593.]

11566. The survey and final map shall be made by a registered civil engineer or licensed surveyor who shall set sufficient durable monuments to conform with the standards described in Section 8771 of this code so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by local ordinance. The governing body may require that the exterior boundary of the land being subdivided shall be adequately monumented or referenced before the map is recorded. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the governing body a bond or cash deposit guaranteeing the payment of the cost of setting the monuments, all as provided by Section 11592.

[Amended by Stats. 1963, Ch. 1803.]

11567. The final map shall conform to all of the following provisions:

(a) It shall be a map legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates and acknowledgments, except that such certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink when recommended by the county recorder and authorized by the local governing body by ordinance.
If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) It shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves.

(d) Each lot shall be numbered and each block may be numbered or lettered. Each street shall be named.

(e) The exterior boundary of the land included within the subdivision shall be indicated by colored border. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(f) It shall also satisfy any additional survey and map requirements of the local ordinance.

[Amended by Stats. 1961, Ch. 377.]

11568. When a soil report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report.

[Added by Stats. 1965, Ch. 424.]

ARTICLE 6. PARCEL MAPS

[Article 6 added by Stats. 1965, Ch. 1180.]

11575. A parcel map under the provisions of this chapter shall comply with all the provisions of the chapter and, if there is a local ordinance, with all its provisions.

11576. (a) The parcel map shall be prepared by a registered civil engineer or licensed land surveyor. It shall show the definite location of streets or property lines bounding the property for the purpose of showing proposed street widening, conformity with proposed building setback lines, and other information required by the governing body for the orderly administration of their zoning and building regulations.

(b) In any case where the division of land creates four or less parcels, the parcel map may be compiled from recorded or filed data when survey information exists on filed maps to sufficiently locate and retrace the exterior boundary lines of the parcel map and when the location of at least one of these boundary lines can be established from an existing monumented line. The parcel map shall be submitted to the county surveyor or city engineer for his examination prior to filing.
(c) In any case where the division of the land creates five or more parcels, as authorized in Section 11535, subdivisions (c) (1), (c) (2), or (c) (3), or where the division of land creates four or less parcels but does not meet the requirements of subdivision (b) above, the parcel map shall be based upon a field survey of the land made in conformance with the Land Surveyors' Act. In any case the parcel map may be based upon a field survey made in conformance with the Land Surveyors' Act. Where the parcel map is based on a field survey, it shall be submitted to the county surveyor or city engineer for his examination prior to filing.

(d) Within 20 days after receiving the parcel map, or within such additional time as may be reasonably necessary, the county surveyor or city engineer shall examine it for the survey information shown thereon, and if he is satisfied that it is technically correct, he shall place the following certification on the map:

COUNTY SURVEYOR'S CERTIFICATE
(OR CITY ENGINEER'S CERTIFICATE)

This map has been examined this ............... day of .......................,
19........, for conformance with the requirements of Section 11575 of the
Subdivision Map Act.

Signed.........................................................
County Surveyor/City Engineer

(e) With the approval of their respective governing bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including the required certification. Whenever such duties are divided between the county surveyor and the city engineer, each officer shall certify to the duties performed by him.

[Amended by Stats. 1967, Ch. 727.]

11577. The parcel map shall conform to all of the following provisions:

(a) It shall be a map legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque ink when recommended by the county recorder and authorized by the local governing body by ordinance. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 x 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

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(c) Each parcel shall be numbered or otherwise designated.

(d) The exterior boundary of the land included within the parcel or parcels being created shall be indicated by colored border. The map shall show the definite location of such parcel or parcels, and particularly its relation to surrounding surveys. The definite location of the remainder of the original parcel need not be shown.

[Amended by Stats. 1967, Ch. 727.]

11578. If the parcel map satisfies the condition of this article and those applicable provisions of Section 11535 of this code, no final map need be filed.

11579. Certificates shall appear on a parcel map as follows:

SURVEYOR'S CERTIFICATE

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act at the request of (Name of person authorizing map) on , 19 . I hereby certify (that it conforms to the approved tentative map and the conditions of approval thereof; that) all provisions of applicable state law and local ordinances have been complied with.

(Signed and sealed) .................................................................

L. S. (or R.C.E.) No. .................................................................

RECORDER'S CERTIFICATE

Filed this day of , 19 , at m. in Book of County Recorder

at page at the request of .................................................................

(Signed) .................................................................

County Recorder

[Amended by Stats. 1967, Ch. 79 and Ch. 727.]

11580. After affixing his certificate as required in subdivision (d) of Section 11576 the county surveyor or city engineer shall present the map to the county recorder for filing.

When any parcel map is presented to the county recorder and is accepted by him he shall so certify on the face thereof and shall fasten the same securely in a book of parcel maps which he shall keep in his office. The recorder may not have more than 10 days to examine the parcel map before accepting or refusing it for filing. The charge for filing and for indexing by the recorder shall be the same as provided for subdivided land under Section 27372 of the Government Code. Upon acceptance by the recorder, the parcel map shall be a public record.
The original map shall be stored for safekeeping in a reproducible condition. It shall be proper procedure for the recorder to maintain for public reference a set of counter maps that are prints of the original maps and produce the original map for comparison upon demand.

[Amended by Stats. 1967, Ch. 727.]

ARTICLE 7. CERTIFICATES AND ACKNOWLEDGMENTS ON FINAL MAPS

11585. The certificates and acknowledgments for which provision is made in this article shall appear on the final map and may be combined where appropriate.

11586. A lien for State, county, municipal or local taxes and for special assessments or beneficial interest under trust deeds or trust interest under bond indentures, does not constitute an interest in land for the purpose of this article.

11587. Signatures required by this article, of parties owning the following types of interests, may be omitted if their names and the nature of their respective interests are endorsed on the map:

(a) Rights-of-way, easements or other interests, none of which can ripen into a fee and which signatures are not required by the governing body, except those of a public entity or public utility which has previously acquired an easement unless it is determined by the governing body that division and development of the property in the manner set forth on the final map will not unreasonably interfere with the free and complete exercise of the easement by the owner thereof. The subdivider shall send, by certified mail, a sketch of the proposed final map together with a copy of this section to any public entity or public utility which has previously acquired an easement. If the public entity or public utility objects to recording the final map without the signature of such public entity or public utility, it shall so notify the subdivider and the governing body within 30 days after receipt thereof, otherwise the signature may be omitted. Failure of the public entity or public utility to object to recording the final map without its signature shall in no way affect its rights under an easement.

(b) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signatures it is impossible or impractical to obtain. In this case a reasonable statement of the circumstances preventing the procurement of the signatures shall also be endorsed on the map.

(c) Interests in or rights to minerals, including but not limited to oil, gas, or other hydrocarbon substances, if (1) the ownership of such interests or rights does not include a right of entry on the surface of the land, or (2) the use of the land, or the surface thereof, in connection with the ownership of such interests or rights is prohibited by zoning or other governmental regulations of the governing body and the signatures of the owners of such interests or rights are waived by the governing body.

[Amended by Stats. 1971, Ch. 765.]
11588. Any map including territory originally patented by the United States or the State of California, under patent reserving interest to either or both of these entities, may be recorded under the provisions of this chapter without the consent of the United States or the State of California thereto or to dedications made thereon.

11589. A certificate, signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the final map is required.

11590. In event of dedication, there is required a certificate, signed and acknowledged by those parties having any record title interest in the land subdivided, offering certain parcels of land for dedication for certain specified public uses, subject to such reservations as may be contained in any such offer.

An offer of dedication for street or highway purposes may include a waiver of direct access rights to any such street or highway from any property shown on the final map as abutting thereon, and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions. Such waivers of access rights may be required by local authorities as a condition precedent to the approval of any final map.

The certificate may state that any certain parcel or parcels are not offered for dedications. However, a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants. In the event the streets or any of them shown on a subdivision map are not offered for dedication the certificate may contain a statement to this effect. If such statement appears on the map, and if the map is approved by the local governing body, the use of any such street or streets by the public shall be permissive only.

An offer of dedication of land for street, highway or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such land unless and only to the extent an intent to dedicate such facilities is expressly stated in the certificate. This paragraph is declaratory of the intent of existing law.

[Amended by Stats. 1965, Ch. 1738.]

11591. There is required a certificate for execution by the clerk of each approving governing body stating that the body approved the map and accepted or rejected on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.

11592. A certificate by the engineer or surveyor responsible for the survey and final map is required. His certificate shall give the date of the survey and state that the survey was made by him or under his direction, and that the survey is true and complete as shown.
The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions and on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

In the event that the certificate states that all the monuments will be set on or before a specified later date, the subdivider shall furnish to the governing body a bond or cash deposit, at the option of the governing body, in an amount equal to the estimated cost of setting such monuments, not already set prior to recording of the map guaranteeing payment of the cost thereof, but not in excess of the amount of the bond or deposit.

Within five days after the final setting of all monuments has been completed by the engineer or surveyor, he shall give written notice to the subdivider, and to the city engineer or the county engineer or such other public official or employee authorized to receive such notices, that the final monuments have been set.

Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the governing body evidence of such payment and receipt thereof by the engineer or surveyor, together with a request that his bond be released or that his cash deposit be returned. At the earliest possible date thereafter, said bond shall be released or said cash deposit shall be returned to the depositor.

In lieu of the above procedure as it involves a cash deposit, the governing body may pay the engineer or surveyor for the setting of the final monuments from said cash deposit, if so requested by the depositor.

If the subdivider does not present evidence to the governing body that he has paid the engineer or surveyor for the setting of the final monuments, and if the engineer or surveyor notifies the governing body that he has not been paid by the subdivider for the setting of the final monuments, the governing body shall, within three months from the date of said notification, pay to the engineer or surveyor the amount of his charges, up to and including the amount of the bond or cash deposit.

In the event of the death, disability, or retirement from practice of the civil engineer or land surveyor charged with the responsibility for setting monuments, or in the event the civil engineer or land surveyor refuses to set such monuments, the governing body may direct the county surveyor or city engineer or such engineer or surveyor as it may select to set such monuments. When the monuments are so set the substitute engineer or surveyor shall delineate said monuments on an exact copy of the recorded map, indorse thereon his certificate pursuant to the provisions of this section with respect thereto and, upon approval thereof indorsed thereon by the county engineer or county surveyor, shall deliver the exact copy to the county recorder. The recorder thereupon shall record such map, and indorse the recording reference thereof upon the map originally recorded which shall operate as reference also to the map showing such additional monuments and shall constitute constructive notice thereof for all purposes as fully as though all of the information and data shown on both maps were shown
upon the map originally recorded. All of the provisions of this section relating to payment shall apply for the services performed by the substituted engineer or surveyor.

[Amended by Stats. 1971, Ch. 539]

11593. (a) If a subdivision lies within an unincorporated area, a certificate by the county surveyor and, if a subdivision lies within a city, a certificate by the city engineer is required. The appropriate official shall state that:

1. He has examined the map.
2. The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof.
3. All provisions of this chapter and of any local ordinance applicable at the time of approval of the tentative map have been complied with.
4. He is satisfied that the map is technically correct.

(b) Upon mutual agreement between the county surveyor and any city engineer, with the approval of their respective governing bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including the required certification. Whenever such duties are divided between the county surveyor and the city engineer, each officer shall certify to the duties performed by him. The county surveyor or the city engineer, or other public official or employee authorized to perform each function, shall complete and file with his governing body his certificate as required by this section within 20 days from the time said final map is submitted to him by the subdivider for approval.

[Amended by Stats. 1943, Ch. 668.]

11594. [Repealed by Stats. 1965, Ch. 1180.]

ARTICLE 8. TAXES AND ASSESSMENTS

11600. Prior to the filing of the final map with the governing body, the subdivider shall file with the clerk of the board of supervisors of the county, in which any part of the subdivision is located, a certificate from the official computing redemptions in any county or any municipal corporation in which any part of the subdivision is located, showing that, according to the records of his office, there are no liens against the subdivision or any part thereof for unpaid State, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the clerk of the board of supervisors mentioned, a certificate by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

11601. Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes
and files with the board of supervisors of the county wherein any part of the subdivision is located, a good and sufficient bond to be approved by the board and by its terms made to inure to the benefit of the county and conditioned upon the payment of all state, county, municipal and local taxes and the current installment of principal and interest of all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

[Amended by Stats. 1959, Ch. 1953.]

11602. If the land being subdivided is a portion of a larger parcel shown on the last preceding tax roll as a unit, the bond or deposit for payment of taxes need be only for such sum as may be determined by the board of supervisors to be sufficient to pay the current and delinquent taxes on the land being subdivided, together with all accrued penalties and costs if such taxes have been or are allowed to become delinquent. The board of supervisors shall also order the creation of new assessor's parcel numbers pursuant to Section 2823 of the Revenue and Taxation Code. Separate assessor's parcel numbers shall be given to the portion of the larger parcel which is not within the proposed subdivision and to the parcel or parcels which are within the proposed subdivision.

If the land being subdivided is sold for taxes it may be redeemed from such sale without the redemption of the remainder of the larger parcel of which it is a part pursuant to the provisions of the Revenue and Taxation Code as if it were held in ownership separate from and other than the ownership of the remainder.

[Amended by Stats. 1971, Ch. 1045.]

11603. Whenever land subject to a special assessment or bond which may be paid in full, is divided by the line of a lot or parcel of the subdivision, such assessment or bond shall be paid in full or a bond filed with the board of supervisors in all respects similar to that provided in this article, payable to the county as trustee for the assessment bondholders for the payment of such special assessments. This section shall not apply to bonds issued under the provisions of the Improvement Bond Act of 1915.

[Amended by Stats. 1971, Ch. 1045.]

11604. If the taxes or special assessments secured by bond or deposit are allowed to become delinquent, the county shall recover from the surety the principal sum of the bond without proof of loss.

The clerk of the board of supervisors shall apply the sum received in payment of any or all such taxes or special assessments, including penalties and costs, if any, accruing thereto, to the proper State, county, municipal or district officers, for the satisfaction of the tax and special assessment liens, and shall pay the balance, if any, over to the surety.

11605. In the event that a deposit of money or negotiable bonds has been made with the clerk of the board in lieu of a bond required by this article, the clerk shall, subject only to such rules as the board of supervisors may in its discretion provide, dispose of the negotiable bonds, if any, and
apply the proceeds thereof, and any money deposited with him, to the payment of the taxes and special assessments including penalties and costs in the same manner provided when a bond has been executed. In the event the clerk of the board, as a result of this section, has funds in his possession and cannot locate the owner thereof, he shall deposit the same in the county treasury for the benefit of the persons entitled thereto.

ARTICLE 9. FINAL APPROVALS

11610. When all the certificates which appear on the final map (except the approval certificate of the governing body) have been signed and, where necessary, acknowledged, the final map may be filed for approval.

If the subdivision lies entirely within the territory of a city, then the filing shall be with the governing body of that city; if entirely within the unincorporated area of a county, then with the governing body of the county; and if partially within two or more of such territories then with the governing body of each, and in the latter case each body shall act thereon as provided in this article.

11610.5. (a) No city or county shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high-water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final subdivision map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated.

A governmental entity must accept such dedication within three years of the approval of the final subdivision map, after which time, unless accepted, such dedication shall be deemed abandoned.

(b) Reasonable public access, as used in subdivision (a), shall be determined by the city or county in which the subdivision lies.

(c) In making the determination of what shall be reasonable public access, the city or county shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.
(d) Nothing in this section shall require a city or county to disapprove either a tentative or final subdivision map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself, if the city or county makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final subdivision map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a city or county prior to the effective date of this section.

(f) The provisions of this section shall not apply to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community which has been approved by a city or county prior to December 31, 1968. The exclusion provided by this subdivision shall be in addition to the exclusion provided by subdivision (e).

(g) Nothing in this section shall be construed as requiring the subdivider to improve any access route or routes which are primarily for the benefit of nonresidents of the subdivision area.

(h) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

11610.7. (a) No city or county shall approve either the tentative or the final map of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency including the state, which subdivision does not provide or have available reasonable access by fee or easement from public highways to any water of the lake or reservoir upon which the subdivision borders either within the subdivision or a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designed on the tentative or final subdivision map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication. The acceptance by such governmental entity of such dedication shall occur within five years of the approval of the final subdivision map, at which time, unless accepted, such dedication shall be deemed abandoned.

(b) Reasonable access, as used in subdivision (a), shall be determined by the city or county in which the subdivision lies.

(c) In making the determination of what shall be reasonable access, the city or county shall consider:
(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific exploration, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a city or county to disapprove either a tentative or final subdivision map solely on the basis that the reasonable access otherwise required by this section is not provided through or across the subdivision itself, if the city or county makes a finding that such reasonable access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final subdivision map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a city or county prior to the effective date of this section.

(f) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

[Added by Stats. 1970, Ch. 761.]

11610.8. No city or county shall issue any permit or grant any approval necessary to develop any real property which is excluded from regulation under this chapter as a subdivision pursuant to paragraph 4 of subdivision (c) of Section 11535 because such property is in excess of forty (40) acres and was created as such a parcel after December 31, 1969, when such property fronts on the coastline or a shoreline, unless it finds that reasonable public access has been provided from public highways to land below the ordinary high-water mark or any ocean coastline or bay shoreline or any water of a lake or reservoir upon which the real property fronts.

"Reasonable public access" as used in this section shall be determined by the city or county in which the real property lies. In making such determination the city or county shall use the same criteria as those set forth in subdivisions (c) and (d) of Section 11610.5 and subdivisions (e) and (d) of Section 11610.7.

[Added by Stats. 1972, Ch. 935.]

11611. The governing body shall at its next meeting or within a period of not more than 10 days after the filing approve the map if it conforms
to all the requirements of this chapter and of any local ordinance applicable at the time of approval of the tentative map, or any rulings made thereunder.

The time limit for the approval of such map may be extended by mutual consent of the subdivider and the governing body. If no action is taken within such time limit or within the time to which it has been extended by such mutual consent, the map, if it conforms to all the requirements above set forth, shall be deemed to be approved, and it shall be the duty of the clerk of the governing body thereupon to certify the approval.

The governing body shall at that time also accept, accept subject to improvement, or reject any or all offers of dedication and, unless the streets and easements have been improved and accepted, shall, as a condition precedent to the acceptance of any streets or easements, provide for the improvement of such streets or easements in accordance with standards established by such governing body by local ordinance applicable at the time of approval of the tentative map by requiring the subdivider (a) to enter into an agreement with the city or county upon mutually agreeable terms to thereafter improve said streets and easements at the subdivider's expense, or (b) to enter into a contract with the city or county upon mutually agreeable terms to thereafter initiate and consummate proceedings under an appropriate special assessment act for the financing and installation of all the improvements required by local ordinance.

The standards may be adopted by reference, without posting or publishing them, if they have been printed in book or pamphlet form and three copies thereof have been filed for use and examination by the public in the office of the clerk of the local agency prior to the adoption. [Amended by Stats. 1965, Ch. 1180.]

11612. In the event an agreement or contract is entered into, pursuant to subdivision (a) or (b) of Section 11611, for the improvement of the streets or easements, the governing body shall require that the agreement or contract shall be secured by a good and sufficient improvement security.

Any contract entered into pursuant to subdivision (b) of Section 11611 may provide that, upon the furnishing by the contractor of the labor and material and faithful performance bonds required by the particular special assessment act, the improvement security of the subdivider may be reduced by an amount corresponding to the amount of bonds so furnished by the contractor.

"Improvement security" as used in this section means one or more of the following: (1) a cash deposit or deposits made with the city or county, (2) a bond or bonds by one or more duly authorized corporate sureties or (3) an instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument. Said improvement security shall be in the amounts and for the following pur-
poses: (a) an amount determined by the governing body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement, conditioned upon the faithful performance of the agreement or contract and (b) an additional amount determined by the governing body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement, securing payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement.

Improvement security may be released or reduced in whole or in part in the following manner:

(a) Improvement security given for faithful performance of the agreement or contract may be released upon final completion and acceptance of the work or the governing body may provide for the partial release of the improvement security upon the acceptance of the work as it progresses under rules established by the governing body.

(b) Improvement security securing the payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials may six months after the completion and acceptance of the work be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the governing body, and if there are no actions filed, the improvement security may be released in full.

The governing body may authorize the county surveyor or city engineer, or other public official or employee to authorize release or reduction of the improvement security under the above set forth conditions and in accordance with such rules as it may prescribe.

[Amended by Stats. 1967, Ch. 63.]

11612.1. The liability of the improvement security under clause (a) of the second sentence of the third paragraph of Section 11612 shall be confined to:

(a) The performance of the work covered by the agreement or contract between the subdivider and the governing body.

(b) The performance of any changes or alterations in such work; provided, that all such changes or alterations do not exceed 10 percent of the original estimated cost of the improvement.

(c) The maintenance of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished, in performance of the contract with the governing body.

[Added by Stats. 1965, Ch. 1484.]

11612.2. Where the improvement security required by clause (b) of the second sentence of the third paragraph of Section 11612:

(a) Takes the form of a cash deposit made with the city or county, a suit to recover the amount due the claimant may be maintained against the city or county, as the case may be, as the holder of such deposit.

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(b) Takes the form of a surety bond, the right of recovery shall be in a suit against the surety.

(c) Takes the form of an instrument of credit, the cause of action shall be against the financial institution obligating itself on such instrument of credit.

The liability of the holder of, or the obliger on, such improvement security shall not in the aggregate exceed the amount of such improvement security.

[Added by Stats. 1965, Ch. 1484.]

11612.5. Any city or county may, by ordinance, provide that the subdivider may elect to install the improvements required under this chapter, from time to time, in a portion or portions of the premises covered by the subdivision map and in so doing the following procedure shall be followed:

(a) At the time the subdivision map is accepted by the governing body for recording, the subdivider shall deliver to the clerk of the governing body written instructions addressed to the escrow holder referred to in this section together with a deed to all of the premises except that portion thereof in which the improvements have been or are to be immediately installed in accordance with the contract simultaneously delivered to the governing body, covering the entire subdivision.

(b) The deed shall name as grantee, a corporation which is in the practice of handling escrows, approved by the governing body.

(c) Immediately following acceptance of the subdivision map by the governing body, the instructions and deed shall be immediately delivered by the clerk to the grantee, and which instructions shall authorize and instruct the escrow title holder to: (1) record the deed immediately following the recording of the subdivision map, (2) convey from time to time to the subdivider any portion or all of the remainder of the subdivision premises, when the governing body has approved by resolution the delivery of any such conveyance or conveyances and (3) institute proceedings to rescind any portion of the subdivision map as provided for in subdivision (i) of this section.

(d) The governing body shall, as a condition precedent to the approval, require an additional bond or deposit of funds to cover the installation of the improvements provided for in the original contract for improvements on that portion of the premises so conveyed to the subdivider, in like manner as provided for in this chapter.

(e) The governing body in accepting the final map for recording, shall require the bond or deposit of money or securities on only that portion of the subdivision premises which the subdivider has elected to immediately improve, as that portion is described in a declaration of immediate improvement which the subdivider shall submit to the governing body. At the time the final map is accepted by the governing body, the plans and specifications for the contracted improvements shall cover the whole subdivision as designated on the final map.
(f) The original contract between the subdivider and the governing body may, on demand of the governing body, set a limit on the time that the contracted improvements shall be installed and completed on portions or all of the subdivision. The time limit so set for improvement completion shall be not less than two years for each portion of the premises selected for that purpose following acceptance of the declaration of improvement by the governing body; provided, that the governing body may require the improvements contracted for to be completed on the whole subdivision or that the improvements are started on the last portion of the subdivision, with bond thereon on file with the governing body, in not less than four years from the date of acceptance by the governing body of the subdivision map.

(g) The written instructions under subdivision (c) of this section, may, on demand of the governing body, provide that on written notice of a resolution by the governing body directed to the escrow holder of title, the escrow holder shall immediately proceed to rescind that portion of the subdivision map which designates that portion of the subdivision in which the improvements have not been installed in compliance with the terms of the contract, plans and specifications on file with the governing body.

(h) The holder of title to the premises on which the improvements have not been completed, shall, on the demand of the governing body, institute the rescission proceedings to completion.

(i) In the event the necessary rescission proceedings are not completed within the time limit set by the governing body order, the attorney for the governing body shall, on the order of the governing body and under the name of the record owner, institute the proceedings for rescission.

The map rescission proceedings provided for in this section may follow subdivision (b) of Section 11537 of this chapter or Chapter 4 (commencing at Section 11700) of Part 2 of Division 4 of this code, to effect vacation of any portion of the final recorded map, causing the portions of the premises so effected to revert to acreage.

(j) Reasonable attorneys fees and costs in the institution of the rescission proceedings, including the cost of recording any document of rescission, shall be a lien on the premises covered by the rescission when a verified claim of lien is recorded by the attorney for the governing body or by the escrow titleholder.

(k) Nothing in this section shall prevent the subdivider or his successors from instituting legal proceedings for the map rescission on that portion of the subdivision in which the improvements contracted for have not been completed.

(l) Following the rescission the escrow titleholder shall convey title to the premises covered by the decree to the party entitled thereto.

[Added by Stats. 1959, Ch. 1524.]

11613. In lieu of any bond, a deposit may be made, either with the proper governing body or a responsible escrow agent or trust company, subject to the approval of the governing body, or money or negotiable bonds of the kind approved for securing deposits of public money.
11614. Upon the execution by the subdivider, of either one of the agreements or contracts and the posting of the required bond, or the deposit of the required money or negotiable bonds, the map of such subdivision shall forthwith be approved and accepted for recordation.

11615. Title to property the dedication of which is accepted shall not pass until the final map is duly recorded under the provisions of this chapter.

11616. If at the time the final map is approved any streets, paths, alleys, or storm drainage easements are rejected, the offer of dedication shall remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder; provided, however, that if said offer of dedication has never been accepted, the right to accept said offer as to all or any of the streets, paths, alleys, or storm drainage easements shown on the map may be terminated and abandoned in the same manner as is prescribed for the abandonment or vacation of streets or highways by Part 3, Division 9, or by Chapter 2, Division 2, of the Streets and Highway Code, whichever is applicable.

If a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the governing body.

[Amended by Stats. 1955, Ch. 489.]

11617. If the subdivision lies within a city, subsequent to the approval of the final map by the governing body of the city, the clerk of the governing body of the city shall thereupon transmit the map to the clerk of the county board of supervisors. When all bonds, money or negotiable bonds required under the provisions of this chapter to secure the payment of taxes and assessments which are a lien on some part of the subdivision but which are not yet payable, have been deposited with and approved by the board of supervisors, the clerk of the board shall transmit the final map to the county recorder.

If the subdivision lies within unincorporated territory, then when the map has been approved and the bonds, money or negotiable bonds have been deposited and approved, the clerk of the board of supervisors shall transmit the map to the recorder.

In either case the clerk of the board of supervisors shall certify to the recorder that the provisions of this chapter have been complied with regarding deposits.

11618. [Repealed by Stats. 1965, Ch. 1180.]

11619. When any area in a subdivision as to which a final map has been finally approved by a board of supervisors and recorded pursuant to this article is thereafter annexed to a city, the final map so approved and recorded and any agreements or contracts relating to such subdivision shall continue to govern such subdivision.

Any city ordinance shall not be retroactive so as to require a larger building site than the respective sizes of the lots as designated on the recorded subdivision map.

[Added by Stats. 1959, Ch. 2044.]
ARTICLE 10. RECORDING

11625. The subdivider shall present to the recorder evidence that, upon the date of recording, as shown by public records, the parties consenting to the recordation of the map are all the parties having a record title interest in the land subdivided whose signatures are required by the provisions of Article 7, otherwise the map shall not be recorded.

11626. [Repealed by Stats. 1965, Ch. 1180.]

11627. The approval in accordance with the provisions of this chapter by the appropriate governing body or bodies, and the recordation of the final map or the filing of a record of survey map shall automatically and finally determine the validity of the map, so far as the property thereon shown is included within such city, or county, under the terms and provisions of this chapter and local ordinances.

11628. When any final map is presented to the county recorder and is accepted by him, he shall so certify on the face thereof and shall fasten the same securely in a book of maps of subdivisions or of cities and towns which he shall keep in his office. The recorder may have not more than 10 days to examine the final map before accepting or refusing it for filing. Upon acceptance by the recorder, the final map shall be a public record.

The original map shall be stored for safekeeping in a reproducible condition. It shall be proper procedure for the recorder to maintain for public reference a set of counter maps that are prints of the original maps and produce the original map for comparison upon demand.

[Amended by Stats. 1967, Ch. 727.]

11629. Any map filed under the provisions of this chapter may be amended to correct an error in any course or distance shown thereon, or to show any course or distance that was omitted therefrom, or to correct an error in the description of the land which the map comprised, by (a) the filing of an amending map or (b) the recording of a certificate of correction. The amending map or certificate of correction may be prepared by any registered civil engineer or licensed land surveyor. The amending map of a final map shall conform to the requirements of Section 11567, and in case of a parcel map shall conform to the requirements of Section 11577. The certificate of correction shall set forth in detail the corrections made, and show the names of the present fee owners of property affected by the correction or omission. The county surveyor shall examine such amending map or certificate of correction and if such examination discloses that the only changes shown thereon are changes above provided for, he shall certify this to be a fact over his signature on the amending map or certificate of correction. Thereafter, the amending map or certificate of correction shall be filed or recorded in the office of the recorder in which the original map was filed. Upon the filing of the amending map or recording of the certificate of correction, the recorder shall index the names of fee owners shown on the certificate of correction in his general index and shall note upon the original map and any copies thereof in his office, the book and page reference to the amending map or certificate of correction and thereupon the original map shall be deemed to have been conclusively so corrected.

[Amended by Stats. 1967, Ch. 241.]
ARTICLE II. REVOCATION OF APPROVALS

[Article 11 added by Stats. 1959, Ch. 1956.]

11640. If no lots in a subdivision for which a final map has been approved and recorded under this chapter prior to the effective date of this section have been sold within five years from the date of recordation of the maps or if none of the improvements required to be made have been made within two years from the date of recordation, the governing body of the city, city and county, or county having jurisdiction of the land under this chapter at the time said public hearing is called may on its own motion hold a public hearing, after notice, to determine whether the approval of such final map should be revoked. If it be determined that such approval should be revoked, the governing body shall by resolution revoke such approval without prejudice to the filing of a new map pursuant to this chapter. Such revocation shall be effective upon recordation of a certified copy of such resolution in the county in which the map was recorded, and thereupon all streets, ways and other easements dedicated or offered for dedication by such map shall be of no further force or effect.

11641. The governing body of the city, city and county, or county having jurisdiction of the land under this chapter may establish a fee for processing revocations pursuant to this article in an amount which will reimburse such governing body for all costs incurred in processing such revocation. The person requesting the governing body having jurisdiction to proceed pursuant to this article shall pay the fee established pursuant to this section before any action to proceed under the provisions of this article is initiated by the governing body.

[Added by Stats. 1961, Ch. 467.]

CHAPTER 3. OFFICIAL MAPS

11650. This chapter applies to all counties and, whether incorporated or not, to all cities, towns and villages in this State.

11651. As used in this chapter:

(a) "City council or board of supervisors" includes the proper corresponding governing board and authority in each place where the chapter applies.

(b) "City engineer" and "county surveyor" includes the like or corresponding officer, subject to the direction of the corresponding governing board and authority in each place where the chapter applies.

(c) If there is no city engineer or county surveyor subject to such direction, the corresponding board and authority may employ competent engineers and surveyors to the extent necessary for the carrying out of the purposes of this chapter in the places subject to its jurisdiction, and the persons so appointed shall have the same authority and shall perform the same duties as are given to and enjoined upon city engineers and county surveyors, respectively, in like cases. The services of engineers and surveyors so employed shall be contracted for, examined, passed upon, audited and paid as are other debts contracted by such governing boards and authorities.
Whenever any city, town or subdivision of land is platted or divided into lots or blocks, and whenever any addition to any city, town or subdivision is laid out into lots or blocks for the purpose of sale or transfer, the city engineer or the county surveyor, under the direction and with the approval of the city council or board of supervisors, may make an official map of the city, town or subdivision, giving to each block on the map a number, and to each lot or subdivision in the block a separate number or letter, and giving names to such streets, avenues, lanes, courts, commons or parks, as may be delineated on the official map.

The engineer or surveyor, under the direction and with the approval of the city council or board of supervisors, may compile the map from maps on file, or may resurvey or renumber the blocks, or renumber or relter the lots in the blocks, or change the names of the streets.

Each and every map made and adopted under this chapter shall be certified under the hands of a majority of the members and the presiding officer and secretary and official seal, if any, of the authority adopting the same. The certificate shall set forth in full the resolution adopting the map, with the date of adoption.

The map, so certified, shall be forthwith filed in the office of the county recorder of the county wherein the platted lands are situate. The recorder shall immediately securely fasten and bind each map so filed in one of a series of firmly bound books to be provided, together with the proper indexes thereof and appropriately marked for the reception of the maps provided for in this chapter.

The map shall become an official map for all the purposes of this chapter when certified, filed and bound, but not before.

Whenever the city council or board of supervisors adopts a map prepared under this chapter as the official map of the subdivision, town, city or county, it shall be lawful and sufficient to describe the lots or blocks in any deeds, conveyances, contracts, or obligations affecting any of the lots or blocks as designated on the official map, a reference sufficient for the identification of the map being coupled with the description.

All surveys and the field notes thereof made by any engineer or surveyor, under the provisions of this chapter, or in surveying officially any lots or parcels of land in any city, town or county for the purposes of any map under this chapter, shall be filed in the office of the surveyor or engineer, as the case may be, and shall become a part of the public records of the city, town or county.

EXCERPTS FROM REVENUE AND TAXATION CODE

325. When a map has been adopted as an official map under Chapter 3 of Part 2 of Division 4 of the Business and Professions Code, land may be described by numbers or letters as shown on the official map.
[Amended by Stats. 1943, Ch. 128.]