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Engineering • Surveying • Planning

The View from Andy's Desk

February 26, 2015 - Andrew R. Cassano is a City/Regional Planner and Professional Land Surveyor with 46 years of experience in Northern California. He is CEO of Nevada City Engineering, Inc., a firm offering regional planning and permitting, land surveying, and civil engineering consulting to the private and public sector since 1978.

When a Parcel is Not a Parcel

OK, let's go over this again. I'm still getting calls with misunderstandings at the rate of one per month or so. A county assessor's parcel is not necessarily a legal parcel that can be sold or used for financing. And a single assessor's parcel could conceivably contain more than one legal parcel.

ASSESSOR'S PARCELS are established by the assessor's office for County valuation and taxation purposes only. Extra assessor's parcels are assigned for various reasons, like land separated by a public road, or a fire or school district boundary, or even because one parcel does not fit on a single map page. Such parcel assignments by the assessor DO NOT create independently marketable legal parcels. If you're not sure, check with your title company.

A LEGAL PARCEL is one that can be sold separately or used for financing. A legal parcel can support all of the uses allowed by zoning, such as a home, second unit, etc. All parcels that appear on a recorded parcel map or subdivision map are conclusively determined to be legal parcels. It doesn't matter if they've been changed around by a lot line adjustment.

A LEGAL PARCEL is also a parcel that was individually transferred by a deed prior to March 4, 1972, the date that minor land division laws changed to require parcel maps. Sometimes proving this requires title research in the form of a "chain of title guarantee" identifying the validating deed transfer date. Occasionally, a legal parcel is just what's left over after earlier pieces were deeded away before March 4,

1972. The law says that the City or County may require a "Certificate of Compliance" which is a formal process to forever prove that a parcel is legal. We process those, if the need arises.

Occasionally, a parcel was inadvertently created after March 4, 1972, without a parcel map process. These parcels are technically illegal and the County can and will refuse to issue a building permit for such parcels. Sometimes such parcels can be legalized with a "Conditional Certificate of Compliance" where land division conditions of approval are applied and satisfied after the fact. We can help evaluate these situations.

Since a parcel map process is incredibly expensive and time consuming, it's worthwhile to consider whether the single assessor's parcel might have more than one legal parcel inside of it. It is kind of rare, but here are some clues worth checking out: (1) the land is an older and larger holding that perhaps a pioneer family assembled over time, (2) the land description references old mining claims that might have been patented separately, (3) the assessor's maps show dashed lines through the parcel, perhaps referring to a past land division, or (4) the title report or deed description describes the land in parts, like "parcel 1, parcel 2," etc. None of these PROVE separate parcels of course, but they suggest that more investigation is a good idea.

Your title company is the first line of information about parcel status. And our firm can help too, especially when Certificates of Compliance or a Parcel Map is required. Call anytime for a free initial phone consultation. We know when a parcel is a parcel (or we know how to find out).