

City of Solvang Voluntary Merger

What is a Voluntary Merger?

A Voluntary Merger is a process by which two or more parcels of land are merged into a single legal parcel. Pay special attention to the phrase “single legal parcel.” Once a merger has been processed and recorded, it cannot be undone without further subdivision processes.

The Merger Process

Preparing a Voluntary Merger for processing and recordation is a fairly simple process. The following pages will provide the application for the merger, explain the documentation required to effectuate the merger of the real property, and provide you with a checklist and sample forms of those documents. Should you have any questions regarding the preparation of the documents, please call the public works director at 688-5575.

PETITION FOR VOLUNTARY MERGER

City of Solvang
411 Second Street
Solvang, CA 93463

Owner's Name: _____

Company Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Mail all correspondence to: _____

Mailing Address: _____

City, State, Zip Code: _____

We, the undersigned, request approval of a Voluntary Merger of Lots, Parcels or Tracts known as (site brief legal description) _____

Santa Barbara County Assessor's Parcel Numbers: _____

Reason for Voluntary Merger _____

We are the owners of record of the real property described above and we attach:

- 1) A current Title Report (within 60-days) showing that we are the owners of record of all real property to be effected by the proposed Voluntary Merger and listing all owners of any interest in the real property proposed for Voluntary Merger; and,
- 2) Pursuant to Chapter 21, the lots to be merged shall be legally created parcels. Submit copies of documents or maps to substantiate parcel validity,

If the lots to be merged are known to have been created illegally, a Conditional Certificate of Compliance shall be required to be obtained prior to submitting the application for the Voluntary Merger.

Pursuant to §21-71.02 of Chapter 21 of the Santa Barbara County Code, where a Record of Survey is deemed necessary by the County Surveyor or the owner of record in order to monument and define the boundaries of the merged parcels, such Record of Survey, made in compliance with the Professional Land Surveyor's Act, shall be filed at the same time as the Petition for Voluntary Merger.

The fee required for the processing and reviewing the Voluntary Merger documents is a \$1,000.00 Deposit, to be submitted at the same time as the petition.

In support of this Petition for Voluntary Merger, we declare that the following items are true and complete and shall be completed prior to the issuance of the Voluntary Merger:

- 1) The merger will not effect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in the connection with any approvals of the division of real property or lot line adjustment; and,
- 2) The boundaries of the merged parcel are well defined with adequate monumentation in existing recorded documents or filed maps; and,
- 3) The merger will not alter the exterior boundary of the parcels to be merged; and,
- 4) The document to be used to effect the merger contains an accurate description and Exhibit Map of the exterior boundaries of the resulting parcel; and,
- 5) Owners, Trustees or Beneficiaries, having any record title interest in the real property effected consent to the merger in this petition, excepting those interests that are excepted from the requirement to consent to the preparation and the recordation of Final Maps under the provisions of the California Government Code §66436 (according to the terms, provisions, reservations and restrictions provided for such consent).
- 6) The lots to be merged are legal parcels.

Name Printed
Title

Signature Date

Name Printed
Title

Signature Date

Name Printed
Title

Signature Date

Name Printed
Title

Signature Date

Voluntary Merger Check List

- _____ Petition for Voluntary Merger (signed by owners)
- _____ Processing fee - \$1,000.00 Deposit
- _____ Current Title Report (within 60 days)
- _____ Copy of document or map legally creating the parcels to be merged
- _____ Certificate and Declaration of Voluntary Merger (signed by Owners)
- _____ Certificate and Declaration of Voluntary Merger (signed by Holders of Record Title Interest)
- _____ Notary Statement for all signatories
- _____ Exhibit A - Legal description of original lots prior to merger per Title Report (Less easement and minerals)
- _____ Exhibit B - Legal description of parcel in post merger configuration
- _____ Exhibit C - Exhibit map (sketch or reduction of Assessor's map)
- _____ Certificate of Merger
- _____ Modified Deed of Trust
- _____ Agent Authorization Form (if applicable)

Voluntary Merger

Local Agency Authorization

The city may, by ordinance, authorize the merger of contiguous parcels under common ownership without reverting to acreage. Such ordinance shall require the recordation of an instrument evidencing the merger. SMA 66499.20 3/4

Approval Criteria

- (a) The merger will not effect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in connection with any approvals of divisions of real property or lot line adjustments; and,
- (b) The boundaries of the merged parcel are well-defined in existing recorded documents or filed maps; and,
- (c) The merger will not alter the exterior boundary of the parcels to be merged; and
- (d) The document used to effect the merger contains an accurate description of the exterior boundaries of the resulting parcel; and,
- (e) All parties having any record title interest in the real property effected have consented to the merger upon a form and in a manner approved by the City of Solvang, excepting all those interests that are excepted from the requirement to consent to the preparation and recordation of Final Maps under the provisions of California Government Code Section 66436 and according to the terms, provisions, reservations and restrictions provided therein for such consent; and,
- (f) All necessary fees and requirements, including a fee for recording the document have been provided.

Concurrent Filing of Record of Survey

Where a record of survey is deemed to be necessary by the County Surveyor, or the applicant, in order to monument and define the boundaries of the merged parcel, such record of survey, otherwise in compliance with all requirements, shall be filed at the same time as the merger and certificate of merger.

Merger of Parcels into a Single Parcel

The filing of said merger and certificate of merger for recordation shall constitute a merger of the separate parcels into one parcel for the purposes of the Subdivision Map Act and local ordinances enacted pursuant thereto, and the parcels shall thereafter be treated in all respects as a single parcel.

Recording of Merger Without Approval Prohibited

No person shall record a document merging separate legal parcels into a single legal parcel for the purposes of the Subdivision Map Act and local Ordinances enacted pursuant thereto except in conformity with the provisions of this chapter.

Chapter 21, Sec. 21-71.04

Fees

The City Council shall establish by resolution such fees as may be required for the review and processing of a proposal for voluntary merger. The current fee required for a Voluntary Merger is a \$1,000.00 deposit.

Procedural Explanation

Petition for Voluntary Merger

The Petition for Voluntary Merger shall be fully completed and signed by at least one owner of record (original signature required) prior to submittal. Should the owner designate an agent to process the merger on their behalf, a signed Letter of Authorization (original signature required) shall accompany the petition.

Processing Fees

The current processing fee is \$1,000.00 (deposit), payable upon submittal of the petition.

Title Report

A current Preliminary Title Report, current within 60 days of the date of submittal of the petition, shall be required.

Parcel Validity

Local Ordinance requires that the parcels to be merged shall have been legally created. It is the petitioner's responsibility to submit evidence of the legal creation. Refer to the Certificate of Compliance section on the Santa Barbara County Surveyor's Web site for parcel validity information.

Monumentation of Parcel

The Office of the County Surveyor shall determine if a Record of Survey is required to monument the exterior boundary of the merged parcels. The petitioner shall be notified of this decision in writing after he/she submits the Petition for Voluntary Merger. Fees required to process the Record of Survey shall be collected after the petitioner has been notified that a Record of Survey is required.

Certificate and Declaration of Voluntary Merger

A Certificate and Declaration of Voluntary Merger shall be signed by each owner and holder of record title interest. The capacity in which that person is signing shall be stated below their printed name. For example:

Signature line

(printed name)

- a) Owner
- b) Beneficiary
- c) Trustee
- Etc.

As required by Section 313 of the California Corporations Code, any document executed by a corporation requires the signature from at least one person from each of the following two groups:

Group One

Chairman of the Board
President
Vice-President (any)

Group Two

Secretary
Assistant Secretary (any)
Chief Financial Officer
Assistant Treasurer (any)

Exhibit A

A legal description entitled "Exhibit A", as stated in the Certificate and Declaration of Voluntary Merger, shall be a description of the parcels prior to the merger. This description shall be identical to the descriptions listed in the preliminary title report, without the exceptions for minerals and easements, if applicable.

Exhibit B

A legal description entitled "Exhibit B", as stated in the Certificate and Declaration of Voluntary Merger, shall be a description of the newly configured parcel in its entirety. The new description shall be written by a Licensed Land Surveyor, signed and sealed in accordance with Sections 8761 and 8726 of the Professional Land Surveyors Act.

Exhibit C

A sketch entitled "Exhibit C", as stated in the Certificate and Declaration of Voluntary Merger, shall be a drawing of the property in its new configuration.

The following items are required to be shown on Exhibit C:

- a) Voluntary Merger Number (Case No.xx-xx)
- b) Assessor's Parcel Numbers
- c) North arrow
- d) Scale and Graphic scale
- e) Heavy lines shall denote the exterior boundary of the merged parcel
- f) Light dashed lines shall denote the interior line(s) being deleted and noted as such.
- g) The Point of Beginning shall be labeled when bearing and distance are recited in Exhibit B.
- h) The name of the Licensed Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying preparing the Exhibit (if applicable) including signature and seal in accordance with Section 8761 of the PLS Act.

Exhibit C may also consist of a reduction of the current Assessor's Map, clearly denoting the merged parcel by a heavy line (d). Items (e), (f) and (g) shall be reflected on the map.

Certificate of Merger

The Certificate of Merger shall be prepared by the petitioner and submitted as part of the documentation package. Once all of the forms submitted are in correct form for recordation, the City Surveyor shall approve the merger by signing this Certificate.

Modified Deed of Trust

If a Deed of Trust exists on one or more of the parcels being merged, a Modified Deed of Trust is required. The Modified Deed of Trust shall cover the entire merged parcel singularly. This document shall record concurrently with the Voluntary Merger.

Record of Survey

When a Record of Survey is filed concurrently to reflect the monumentation of the new parcel, it shall contain the following note:

NOTE

Certificate and Declaration of Voluntary Merger and Certificate of Merger are recorded concurrently as Instrument No. _____ O.R.

Recordation Fees

Fees required for the recordation of the Voluntary Merger document package shall be determined by the County Recorder and collected at the time of recordation.

Examples

The following examples of statements and certificates were written in the generic form. The forms should be modified to reflect the correct person, with the exception of the Notary Statement. For example:

When the form shows the options (He)(She)(We), modify the form to reflect the proper person and delete the other options from the statement.

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

Payor of Recording Fees
Street Address
City, State Postal Code

APN's: _____
Case No. _____

CERTIFICATE AND DECLARATION OF VOLUNTARY MERGER

I (We), the undersigned, do hereby certify that I (we) am (are) the owners of, or have an interest in, the real property described as Exhibit A and that I (we) am (are) the only person(s) whose consent is necessary to pass clear title to said land.

I (We) do hereby merge the real property described in Exhibit A into 1 parcel, for the purposes of the California Subdivision Map Act and local ordinances enacted pursuant thereto, and the parcel shall hereafter be treated in all respects as a single parcel.

The exterior boundaries of the parcel of land resulting from this Voluntary Merger are described in Exhibit "B" and shown on Exhibit "C" attached hereto and incorporated herein.

By: _____
Owners' Name Printed
Title

By: _____
Owners' Name Printed
Title

Date: _____

Date: _____

NOTARY

STATE OF CALIFORNIA)
)ss
COUNTY OF SANTA BARBARA)

On _____, before me, _____

personally appeared _____
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal:

Signature: _____
Page 1 of _____

Certificate of Merger

Case No. xx-xx

This Certificate and Declaration of Voluntary Merger is in substantial conformity with the provisions of Section 66499.20 3/4 of the California Government Code and Section 12-8-4 of the City Solvang Municipal Code and shall establish the merger of the parcels as referenced herein.

Michael B. Emmons PLS 5899
City Surveyor
License Expiration Date: 12/31/2008

Date

SEAL

Use the following "NOTES" when applicable

NOTE: Modified Deed of Trust is recorded concurrently as Instrument No. ____ -
_____ O.R.

NOTE: Record of Survey is recorded concurrently in Book _____ of Records
of Survey at Page(s) _____.

Page 2 of ____

EXAMPLE

EXHIBIT A

Legal Description

Parcel 1

Lot 2 of Block 37 according to the map of "The Town of Wherever" recorded in Map Book 1000, Pages 300, in the Office of the County Recorder, County of Santa Barbara, State of California.

Parcel 2

Lot 13 of Block 37 according to the map of "The Town of Carpinteria" recorded in Map Book 1000, Pages 300, in the Office of the County Recorder, County of Santa Barbara, State of California.

EXAMPLE

EXHIBIT B

Legal Description

for

Case No. xx-xx

Lots 2 and 13 of Block 37 according to the map of "The Town of Wherever" recorded in Map Book 1000, Pages 300, in the Office of the County Recorder, County of Santa Barbara, State of California.

OR

Lots 2 and 13 of Block 37 according to the map of "The Town of Carpinteria" recorded in Map Book 1000, Pages 300, in the Office of the County Recorder, County of Santa Barbara, State of California, more particularly described as follows:

Beginning at the southwesterly corner of said Lot 13; thence,

First North, 283.42 feet, along the westerly lines said Lots 13 and 2, to the northwesterly corner of said Lot 2; thence

Second East, 50.00 feet, along the northerly line of said Lot 2, to the northeasterly corner thereof; thence

Third South, 283.42 feet, along the easterly lines of said Lots 2 and 13, to the southeasterly corner of said Lot 13; thence

Fourth West, 50.00 feet, along the southerly line of said Lot 2, to the southwesterly corner thereof and the point of beginning.

Professional Surveyor
PLS No. XXXX
License Expiration Date: MM/DD/YYYY

Seal

Page 4 of ____

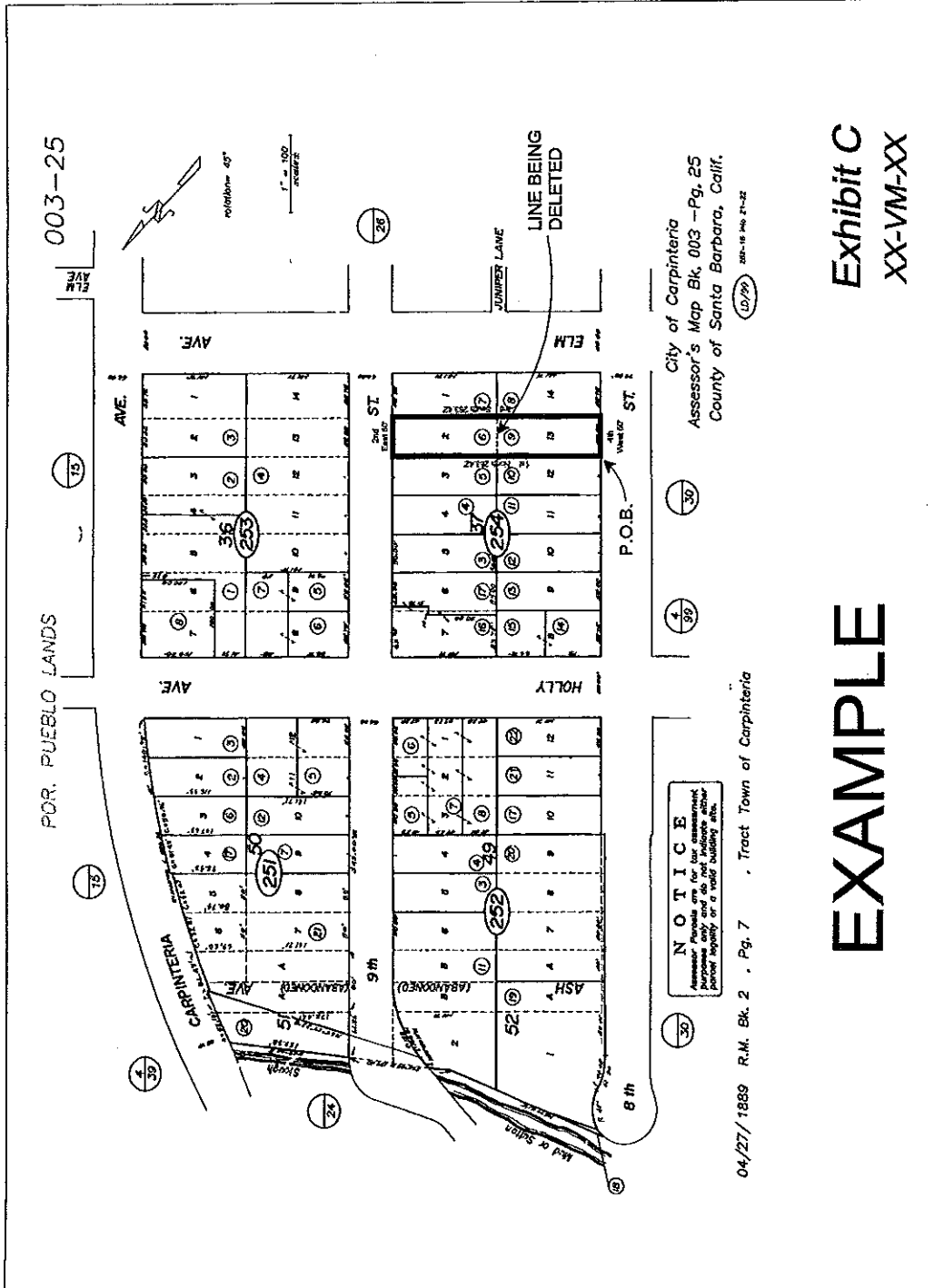


Exhibit C
XX-VM-XX

EXAMPLE