MONTCLAIR

APPLICATION FOR CERTIFICATE OF PARCEL MERGER

RECORD OWNER(S) _____

_____

_____

_____

REPRESENTATIVE _____
(L. S. or C. E.) _____

_____

_____

_____

PROPERTY DATA: (Attach a copy of legal description for each property to be merged)

ASSESSOR PARCEL NOS.: Parcel 1 _____ - _____ - _____
Parcel 2 _____ - _____ - _____
(If more than two parcels, attach additional sheets)

STREET ADDRESS OF PROPERTY: _____

REQUEST: (Include number of contiguous parcels to be merged and why merger is requested.)

_____

_____

_____

_____

APPLICATION FEE: $1,600.00 ___ Cash ___ Check ___ Credit Card

(I/we) hereby certify that 1) (I am/we are) the record owner(s) of all parcels proposed for merger by this application; 2) (I/we) have knowledge of and consent to the filing of this application, and 3) the information submitted in connection with this application is true and correct.

All owners of record must sign this application.

_____ Date _____

_____ Date _____

_____ Date _____

Representative's Signature _____ Date _____

MONTCLAIR

FILING INSTRUCTIONS
FOR
CERTIFICATE OF PARCEL MERGER

The following instructions are intended to provide the necessary information and procedures to facilitate the processing of Certificate of Parcel Merger application. Your cooperation with these instructions will insure that your application can be processed in the most expeditious manner possible.

I. REQUIREMENTS FOR FILING APPLICATION

The application for a Certificate of Parcel Merger requires the completion of forms requiring ownership and legal descriptions of the properties involved, the preparation of maps illustrating the proposal, and the payment of a processing fee of $1,600. The legal owners of the parcels involved will be responsible for the accuracy of all information submitted in connection with this application.

The items that are required to be submitted will be legal documents that shall be recorded. Therefore, the forms must be typed, and the exhibits drawn legibly.

To accurately compile the information required, the services of a licensed surveyor or qualified C. E. (Civil Engineer) is required. A Preliminary Title Report, dated within six months of the application, must accompany the submittal. Signatures on the application shall be as indicated by the Title Report.

The County Assessor cannot merge parcel boundaries unless all current and past taxes have been paid on the involved parcels. It is the property owner's responsibility to assure that all property tax liabilities have been met.

II. CRITERIA FOR ACCEPTANCE

An application for a Certificate of Parcel Merger may be accepted when it can be determined that the proposal complies with the following specifications:

1. The proposal is consistent with the General Plan.
2. The parcels to be merged are, at the time of merger, under common ownership and written consent has been obtained from all record owners.
3. The parcel as merged will be consistent with the zoning of the property.
4. The parcel as merged will not conflict with the location of any existing structures on the property.

5. The parcel as merged will not be deprived access as a result of the merger.
6. Access to adjoining parcels will not be restricted by the merger.
7. No new lot lines are created through the merger.

III. APPLICATION DRAWING CHECKLIST

A. Drawings:

1. Site Plan

a. Prepare at a suitable scale a site plan which will fill most of the 8½" x 11" sheet.
b. Drawing shall be made so that "North" is to the top or to the right of the site plan drawing.
c. Write the scale of the drawing under the "North" arrow provided.
d. Site Plan Only:
   1. List Record Owners
   2. Addresses
   3. Map Prepared By
   4. APNs
e. Show the area of each parcel in square feet and acres.
f. Dimension and identify all existing structures.
g. Locate any existing structure(s) by showing distances from the nearest lot or property lines.
h. Show the names, locations, and existing rights-of-way widths of all abutting streets.
i. Property lines to be eliminated shall be shown as dashed lines.

2. Exhibit A – Document To Be Recorded

a. Prepare at a suitable scale a site plan which will fill most of the 8½" x 11" sheet.
b. Drawing shall be made so that "North" is to the top or to the right of the site plan drawing.
c. Write the scale of the drawing under the "North" arrow provided.
d. Show the area of each parcel and the total of the merged parcels in square feet and acres.
e. Dimension and identify all existing structures.
f. Locate any existing structure(s) by showing distances from the nearest lot or property lines.
g. Show the names, locations, and existing rights-of-way widths of all abutting streets.
h. Property lines to be eliminated shall be shown as dashed lines.

B. **Legal Description:** Copy the legal description of the lots to be merged from the deeds or a survey of the lots. (Exhibit B)

1. Provide legal description of each individual parcel to be merged.
2. Provide legal description of merged parcels.

IV. RECORDATION

The San Bernardino County Recorder's Office will require a new Grant Deed to be filed upon recordation of the parcel merger. The new Grand Deed is the sole responsibility of the applicant.

RECORDING REQUESTED BY AND MAIL TO: CITY OF MONTCLAIR CITY ENGINEER P. O. BOX 2308 MONTCLAIR, CA 91763	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF PARCEL MERGER NO. _____- _____

RECORD OWNERS	EXISTING PARCELS ASSESSOR PARCEL NUMBERS

LEGAL DESCRIPTION OF MERGED PARCEL

SEE EXHIBIT B

State of _____

County of _____

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

I certify under PENALTY OF PERJURY under the laws of the State
Of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature of Notary

DATED:_____

SIGNATURE OF RECORDED OWNER(S)

_____

_____

_____

CERTIFICATE OF PARCEL MERGER NO. _____-_____ *WAS APPROVED BY THE MONTCLAIR CITY COUNCIL*

*ON:*_____

*BY:*_____

*TITLE:*_____

*DATE:*_____

(Engineer's Stamp)

SITE PLAN

CERTIFICATE OF PARCEL MERGER NO. _____

Record Owner(s)
Address

Map Prepared By
Address

Scale

Assessor's Parcel No.

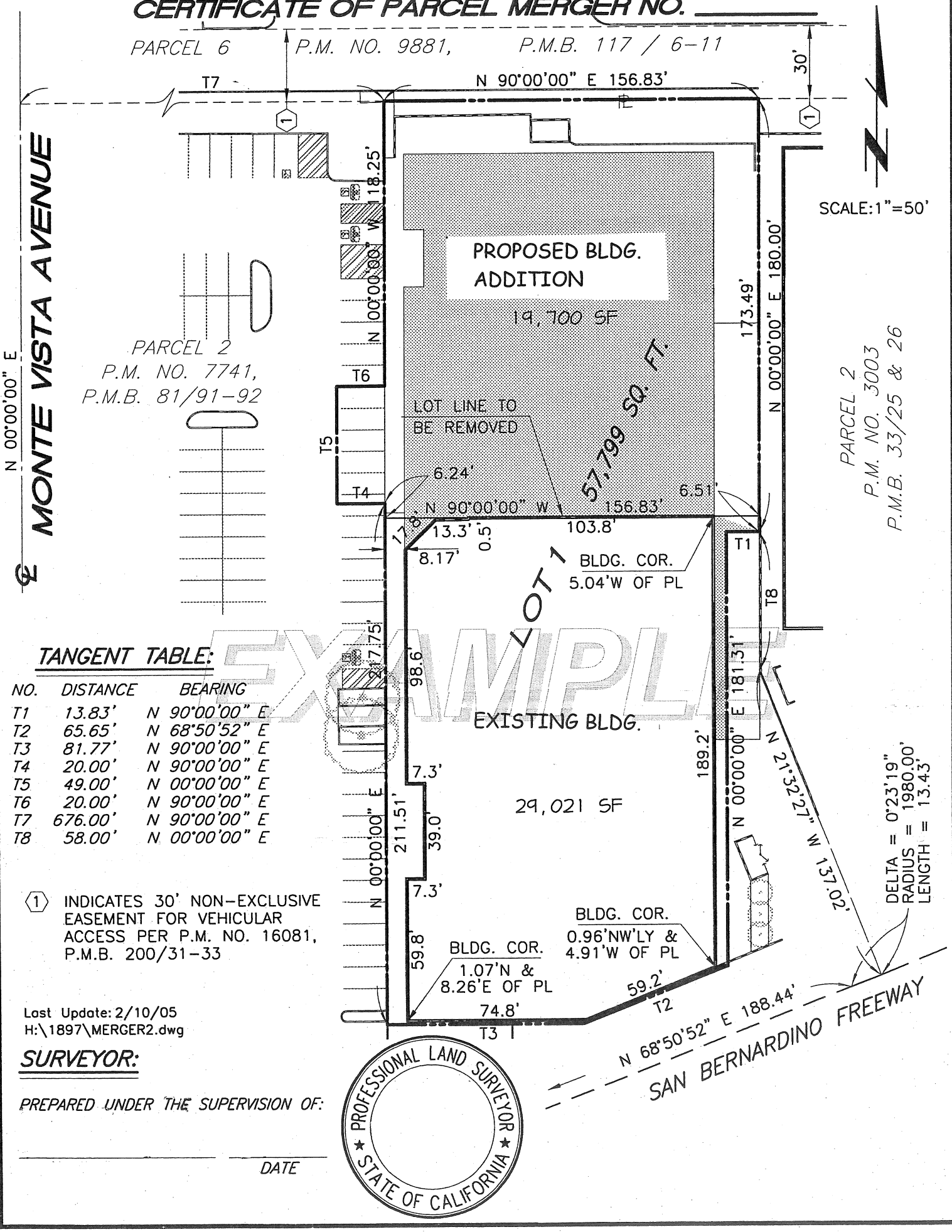
EXHIBIT A

CERTIFICATE OF PARCEL MERGER NO. _____

SCALE: 1"=50'

SITE PLAN
CERTIFICATE OF PARCEL MERGER NO. _____

SHEET 1 OF 1



EXAMPLE

TANGENT TABLE:

NO.	DISTANCE	BEARING
T1	13.83'	N 90°00'00" E
T2	65.65'	N 68°50'52" E
T3	81.77'	N 90°00'00" E
T4	20.00'	N 90°00'00" E
T5	49.00'	N 00°00'00" E
T6	20.00'	N 90°00'00" E
T7	676.00'	N 90°00'00" E
T8	58.00'	N 00°00'00" E

(1) INDICATES 30' NON-EXCLUSIVE EASEMENT FOR VEHICULAR ACCESS PER P.M. NO. 16081, P.M.B. 200/31-33

Last Update: 2/10/05
H:\1897\MERGER2.dwg

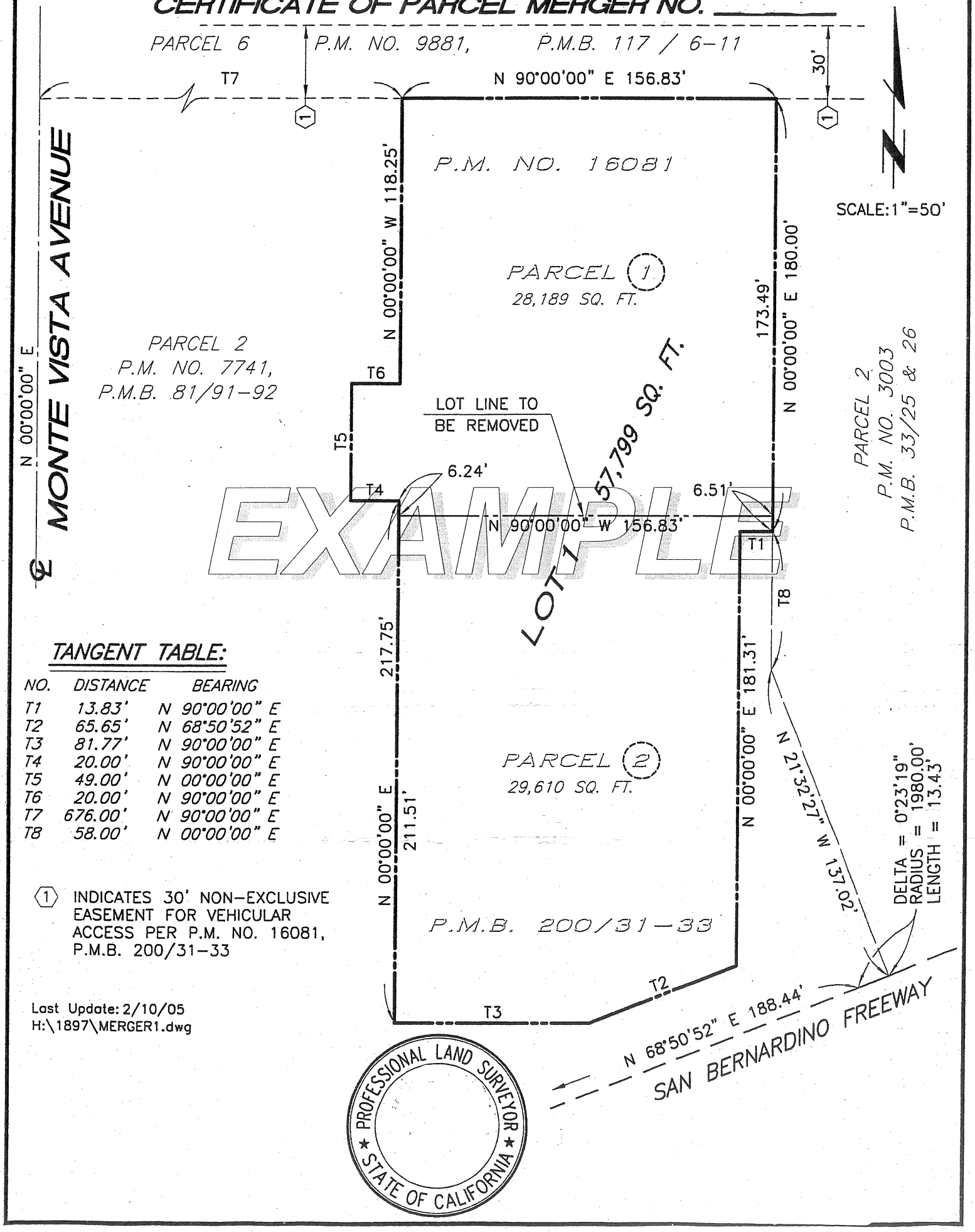
SURVEYOR:

PREPARED UNDER THE SUPERVISION OF:

_____ _____
DATE

PROFESSIONAL LAND SURVEYOR ★ STATE OF CALIFORNIA ★

EXHIBIT "A"
CERTIFICATE OF PARCEL MERGER NO. _____



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(1) INDICATES 30' NON-EXCLUSIVE EASEMENT FOR VEHICULAR ACCESS PER P.M. NO. 16081, P.M.B. 200/31-33

Last Update: 2/10/05
H:\1897\MERGER1.dwg

EXHIBIT B

EXAMPLE

EXISTING LEGAL DESCRIPTION

PARCEL 1:

PARCEL 1 OF PARCEL MAP NO. 16081, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 200 PAGES 31 THROUGH 33 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SUBJECT TO CERTIFICATE OF CORRECTION RECORDED OCTOBER 21, 2003 AS INSTRUMENT NO. 2003-0795472, OFFICIAL RECORDS

CONTAINING: 28,189 SQUARE FEET MORE OR LESS.

PARCEL 2:

PARCEL 2 OF PARCEL MAP NO. 16081, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 200 PAGES 31 THROUGH 33 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SUBJECT TO CERTIFICATE OF CORRECTION RECORDED OCTOBER 21, 2003 AS INSTRUMENT NO. 2003-0795472, OFFICIAL RECORDS

CONTAINING: 29,610 SQUARE FEET MORE OR LESS.

DESCRIPTION PREPARED WAS PREPARED BY ME OR UNDER MY DIRECTION.

PROFESSIONAL LAND SURVEYOR ★ STATE OF CALIFORNIA ★

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Last Update: 02/10/05

EXHIBIT B

EXAMPLE

PROPOSED LEGAL DESCRIPTION

LOT 1:

PARCELS 1 AND 2 OF PARCEL MAP NO. 16081, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 200 PAGES 31 THROUGH 33 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SUBJECT TO CERTIFICATE OF CORRECTION RECORDED OCTOBER 21, 2003 AS INSTRUMENT NO. 2003-0795472, OFFICIAL RECORDS

CONTAINING: *57,799 SQUARE FEET MORE OR LESS.*

DESCRIPTION PREPARED WAS PREPARED BY ME OR UNDER MY DIRECTION.

PROFESSIONAL LAND SURVEYOR ★ STATE OF CALIFORNIA ★

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Last Update: 02/10/05

ORDINANCE NO. 85-596

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING SEC. 9-3.23 TO CHAPTER 3, TITLE 9, RELATING TO MERGER OF PARCELS

SECTION 1. ADDITION TO CODE. The City Council of the City of Montclair hereby adds Section 9-3.23 to Chapter 3, Title 9, of the Montclair Municipal Code, relating to merger of parcels, as follows:

9-3.23. Merger of Parcels.

(a) A parcel or unit may be merged with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance applicable to the parcels or units of land and if all of the following requirements are satisfied:

(1) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(2) With respect to the affected parcel, one or more of the following conditions exists:

(i) Comprises less than 5,000 square feet in area at the time of the determination of merger;

(ii) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;

(iii) Does not meet current standards for sewage disposal and domestic water supply;

(iv) Does not meet slope stability standards;

(v) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;

(vi) Its development would create health or safety hazards;

(vii) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

(b) For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

(c) A merger of parcels becomes effective when the City of Montclair causes to be filed for record with the Recorder of the County of San Bernardino a notice of merger specifying the names of the record owners and particularly describing the real property.

(d) Prior to recording a notice of merger, the City of Montclair shall cause to be mailed by certified mail to the then-current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Recorder of the County of San Bernardino on the date that notice is mailed to the property owner.

(e) At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the City of Montclair a request for a hearing on determination of status.

(f) Upon receiving a request for a hearing on determination of status, the City of Montclair shall fix a time, date and place for a hearing to be conducted by the Planning Commission and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the city's receipt of the property owner's request therefor, but may be postponed or continued with the mutual consent of the city and the property owner.

(g) At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in this merger ordinance. At the close of the hearing, the Planning Commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

(h) If, within the thirty-day period specified in Subsection (g) herein, the owner does not file a request for hearing in accordance with subsection (e), the Planning Commission may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided in subsection (c) herein no later than ninety (90) days following the mailing of notice required by subsection (f) herein.

(i) If, in accordance with subsection (g) or (h) herein, the Planning Commission determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in subsection (c) herein a release of the notice of intention to determine status, recorded pursuant to subsection (d) and shall mail a clearance letter to the then-current owner of record.

SECTION 2. VALIDITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such holding or holdings, shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 3. PENALTY. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance, and any person violating any of the provisions of this Ordinance shall be guilty of an infraction. Any person convicted of an infraction shall be punishable by (1) a fine not to exceed Fifty Dollars ($50.00) for the first violation; (2) a fine not exceeding One Hundred Dollars ($100.00) for a second violation of the same ordinance within the same year; and a fine not to exceed Two Hundred Fifty Dollars ($250.00) for each additional violation of the same ordinance within one year, and each person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of this Ordinance is committed, continued, or permitted by such person and shall be punishable accordingly.

SECTION 4. PUBLICATION. The City Clerk of the City of Montclair shall cause this ordinance to be published at least once within fifteen (15) days after its passage.

APPROVED AND ADOPTED this 6th day of May, 1985.

Harold M. Hayes
Mayor

ATTEST:

Margaret A. Crawford
City Clerk

I, Margaret A. Crawford, City Clerk of the City of Montclair DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance Number 85-596 of said city which was introduced at a regular meeting of the City Council held on the 15th day of April, 1985, and finally passed not less than five (5) days thereafter on the 6th day of May, 1985, by the following vote, to-wit:

AYES: Rhinehart, Lewman, Hackett, Paulitz, Hayes
NOES: None
ABSTAIN: None
ABSENT: None

Margaret A. Crawford
City Clerk