



Northern
California Chapter

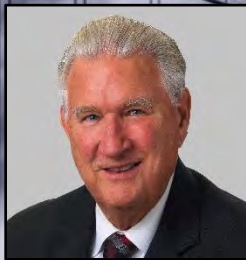
2024 Annual Fall Conference

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So, What Makes It



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Understanding Legal Parcels and Descriptions

"So What Makes it Legal?"

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**What we will
cover today**

Overview of Today's Topics

1. Legal Parcel Case Studies

➤ **How Many Legal Parcels? Why? Potential?**

2. History of Land Title in America

➤ **How we got from the 13 colonies to today**

3. The Three Types of Legal Descriptions

➤ **Public Lands Survey System (PLSS)**

➤ **Recorded Maps & Subdivision Map Act**

➤ **Metes and Bounds**

4. Understanding and working with metes and bounds

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**Legal
Parcel**

vs.

**Developable
Parcel**

Important Legal Parcel Points to Remember

1. Main focus here is on Legal Parcels

- Is it or Isn't it a legal parcel?
- Do more exist/could more be attained?

2. Significance of a Legal Parcel

- It can be legally transferred
- It can be used as security for loan purposes through a deed of trust

3. Legal Parcels are not necessarily Developable Parcels

- Issues pertaining to developability are beyond the scope of this presentation

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**Legal
Parcel**

**Case
Studies**

Legal Parcel Case Studies

1. Coyote Ridge – Santa Clara Co.

2. Alpine Ranch – San Mateo Co.

3. Smith Ranch Big Sur – Monterey Co.

4. Skyline Bl. & Hwy 92 – San Mateo Co.

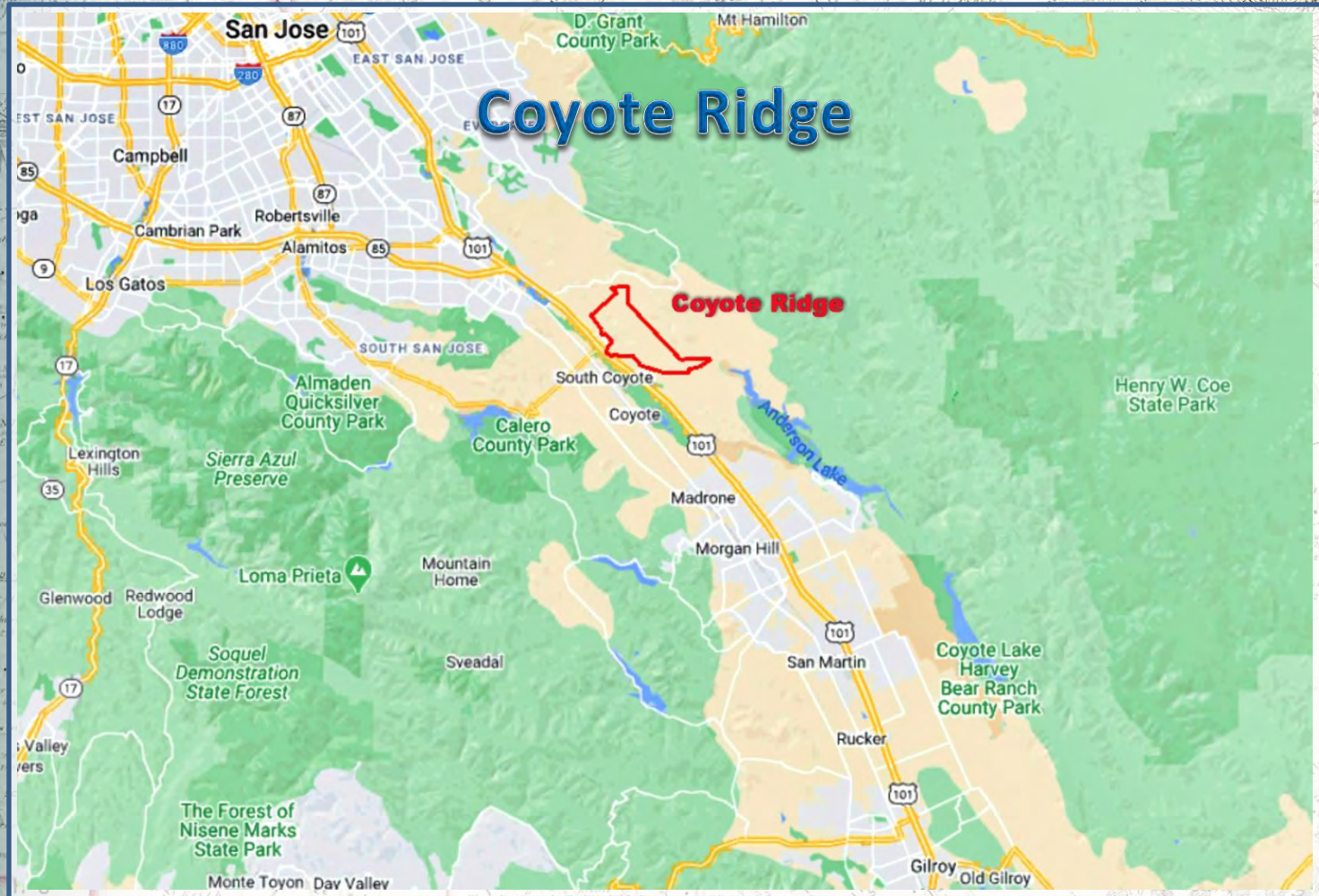
5. Palm Ave. Coyote Valley – Santa Clara Co.

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1.
**Coyote
Ridge**

**How
Many
Legal
Parcels?**

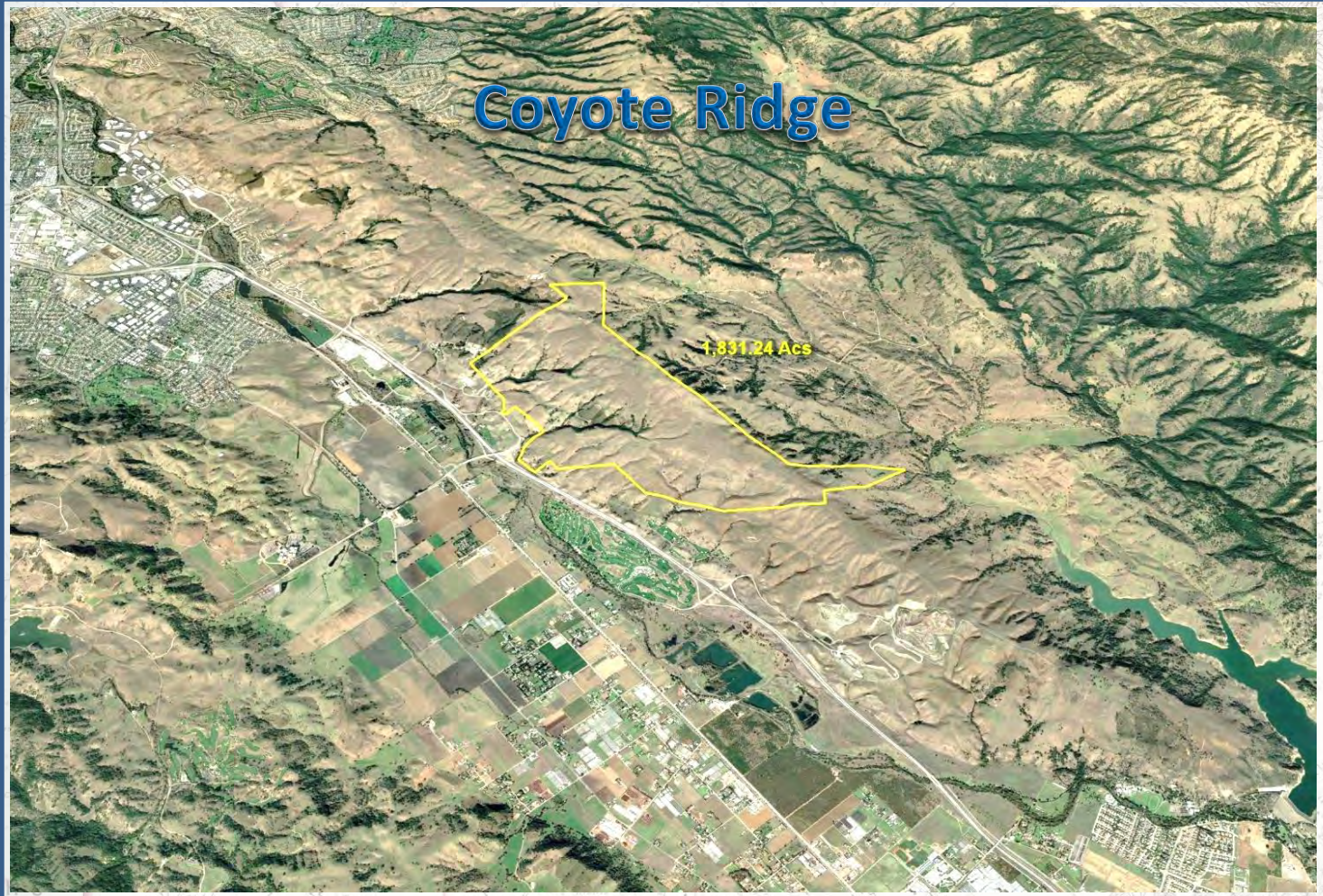


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1. Coyote Ridge

How
Many
Legal
Parcels?



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1. Coyote Ridge

How Many Legal Parcels?



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1. Coyote Ridge

How Many Legal Parcels?

Legal Description

OLD REPUBLIC TITLE COMPANY
ORDER NO. 0615017102-LH
FIFTH AMENDED REPORT

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy - 1990. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred to covered by this Report is:

Fee as to Parcel(s) One and an Easement as to Parcel(s) Two

Title to said estate or interest at the date hereof is vested in:

United Technologies Corporation, a Delaware corporation, Successor by Merger to United Aircraft Corporation, a Delaware corporation

The land referred to in this Report is situated in the unincorporated area of the County of Santa Clara, State of California, and is described as follows:

PARCEL ONE:

Beginning at an iron pipe designated as "C-24", said point being a Southeasterly corner of that certain 3,095.668 acre Parcel shown upon that certain Map entitled, "Record of Survey, Being a Partial Survey of a Portion of Rancho Canada de San Felipe y Las Animas (B-Patents 81), Santa Clara County, California", recorded January 26, 1960 in Book 116 of Maps, at Page 17, Santa Clara County Records; thence from said point of beginning, along the most Southerly line of said 3,095.668 acre Parcel North 89° 31' 28" West, 882.824 feet to an iron pipe at the true point of beginning of this description; said iron pipe is located at coordinates Y 259,251.38 and X 1,660,139.54; thence from said true point of beginning leaving said Southerly line along a Northerly boundary of Parcel No. 1, as described in the Deed from California Pacific Title Insurance Company to Harlen S. Gelderman and Audrey R. Gelderman, dated November 21, 1961, recorded November 21, 1961 in Book 5372 of Official Records of Santa Clara County, at Page 419, under Recorder's Series No. 2096659, the following seven courses and distances: (1) South 57° 51' 32" West, 1,899.880 feet to an iron pipe; (2) thence South 78° 51' 32" West, 1,699.890 feet to an iron pipe; (3) thence South 0° 28' 32" West, 633.515 feet to an iron pipe; (4) thence North 89° 31' 28" West, 3,842.829 feet to an iron pipe; (5) thence North 71° 17' 59" West, 3,222.232 feet to an iron pipe; (6) thence North 39° 23' 28" West, 1,894.780 feet to an iron pipe; (7) thence North 89° 08' 28" West, 2,233.858 feet to an iron pipe in the Northeasterly line of that certain 375.99 acre parcel of land designated as Parcel One, conveyed by California Pacific Title Insurance Company, a corporation, to Laguna Seca Rancho, a California corporation, by Deed recorded March 27, 1957 in Book 3760 at Page 368, Official Records of Santa Clara County; thence along said Northeasterly line North 39° 38' 31" West, 472.401 feet to an iron pipe at the most Northerly corner of said 375.99 acre Parcel; thence along the Northwestwesterly line of said 375.99 acre Parcel South 49° 60' 24" West, 727.020 feet to a 1 1/2" iron pipe at the most Easterly corner of that certain 33.47 acre parcel of land designated as Parcel Three conveyed by Wm. H. Ford, et ux, to Associated Gravel Company, a corporation, recorded March 5, 1927 in Book 309 of Deeds, at Page 55, Santa Clara County Records; thence along a Northeasterly line of said 33.47 acre Parcel North 60° 04' 17" West, 882.660 feet to an iron pipe, being the most Southerly corner of that certain 3.73 acre parcel of land designated as Parcel Three conveyed by Pacific Coast Aggregates Inc., a California corporation to J. A. Daly and Elsie M. Daly, husband and wife, by Deed recorded in Book 1014 at Page 456, Official Records of Santa Clara County; thence along the Southeasterly line of said 3.73 acre Parcel North 20° 23' 28" East, 545.313 feet to an iron pipe at an angle point therein; thence continuing along said Southeasterly line North 10° 37' 28" East, 396.111 feet to an iron pipe at the Northerly corner of said 3.73 acre Parcel, said iron pipe being the most Southerly corner of that certain 22.10 acre parcel of land designated as Parcel Two conveyed by Pacific Coast Aggregates Inc., to J. A. Daley, et ux, in the aforesaid Deed; thence along the

Page 2 of 17 Pages

3324 Fall Conference
Northern California Chapter



1. Coyote Ridge

How Many Legal Parcels?

Legal Description

OLD REPUBLIC TITLE COMPANY
ORDER NO. 0615017102-LH
FIFTH AMENDED REPORT

Southeasterly line of said 22.10 acre Parcel North 38° 50' 08" East, 603.901 feet to an iron pipe at an angle point therein; thence continuing along said Southeasterly line North 52° 20' 08" East, 434.651 feet to an iron pipe at the most Easterly corner of said 22.10 acre Parcel; thence North 41° 07' 33" West, 1,804.332 feet to a fence corner in a mound of rocks at the most Northerly corner of that certain 91.29 acre parcel of land designated as Parcel Two conveyed by Ruth E. Malech and Earl G. Malech, wife and husband, to Ruth E. Malech and Earl G. Malech, wife and husband, by Deed recorded in Book 3314, at Page 8, Official Records of Santa Clara county; thence along a Northerly line of said 91.29 acre Parcel South 53° 03' 28" West, 1,216.478 feet to a 3/4" iron bar at an angle corner in the Northerly line of said 91.29 acre Parcel; thence along a Northeasterly line of said 91.29 acre Parcel North 34° 57' 01" West, 573.068 feet to a 3/4" iron bar at an angle corner in the Northwesterly line of said 91.29 acre Parcel; thence along the most Northwesterly line of said 91.29 acre Parcel South 57° 33' 36" West, 746.725 feet to an iron pipe at the most Easterly corner of the lands shown on the Map of the Dan Rota's Segregation of the so-called Stark Farm, according to the Map thereof recorded in Book E of Miscellaneous Records, at Page 514, Santa Clara County Records; thence along the Northeasterly line of Dan Rota's Segregation the following five courses and distances, respectively: North 37° 28' 54" West, 302.461 feet to an iron pipe; North 50° 13' 54" West, 374.932 feet to an iron pipe; North 39° 58' 54" West, 591.649 feet to an iron pipe; North 64° 13' 54" West, 595.637 feet to an iron pipe; and North 89° 58' 54" West, 285.792 feet to an iron pipe at the most Southerly corner of that certain 0.68 acre tract of land conveyed by O'Connell Bros., a corporation, to Antonio Rodoni and Mary A. Rodoni, his wife, recorded July 17, 1934 in Book 698 of Deeds, at Page 93, Santa Clara County Records; thence along the Northeasterly line of said 0.68 acre tract and the Northwesterly prolongation thereof, North 41° 01' 40" West, 419.590 feet to an iron pipe in the Northwesterly boundary of that portion of the Rancho Del Refugio de Laguna Seca as set apart to Wm. Fisher in the partition of said Rancho by the Third Judicial Court of the State of California in and for the County of Santa Clara in 1858; thence along said Northwesterly boundary North 48° 58' 20" East, 7,681.916 feet to an iron pipe in the Northeasterly boundary of the Rancho Laguna Seca which point is the most Northerly corner of the aforesaid portion of the Rancho del Refugio de Laguna Seca; thence along the Northeasterly boundary of said Rancho Laguna Seca North 42° 20' 09" West, 987.362 feet to an iron pipe in the boundary of that certain tract of land commonly known as the Rancho Canada de San Felipe y Animas, thence along said Northeasterly boundary South 89° 31' 09" East, 2,409.846 feet to an iron pipe at the Northwesterly corner of the aforesaid 3,095.668 acre Parcel; thence along the most Westerly line of said 3,095.668 acre Parcel South 0° 28' 51" West, 2600.879 feet to an iron pipe at a Southwesterly corner of said 3,095.668 acre Parcel in the Northeasterly line at the aforesaid Rancho Laguna Seca; thence along the Southwesterly line of said 3,095.668 acre Parcel and along the Northeasterly line of said Rancho Laguna Seca South 42° 20' 09" East, 10,661.320 feet to an iron pipe at a Southwesterly corner of said 3,095.668 acre Parcel; thence along the most Southerly line of said 3,095.668 acre Parcel South 89° 31' 28" East, 4,618.243 feet to the iron pipe at the true point of beginning of this description being a portion of the Rancho Laguna Seca and also a portion of the Rancho Canada de San Felipe y Animas.

All bearings and distances described herein are based on California State Coordinate System, Zone 3 to obtain ground measured distances, multiply the described distances by the factor 1.0000538.

EXCEPTING THEREFROM those certain four Parcels conveyed to the State of California by Deed recorded February 23, 1973 in Book 0246, Page 499 of Official Records.

ALSO EXCEPTING THEREFROM that certain Parcel conveyed to the County of Santa Clara by Deed recorded January 12, 1976 in Book b815, Page 189 of Official Records.

Apn: 627-11-009;
729-53-001, 729-53-002, 729-53-003 and 729-53-004; and
729-54-002, 729-54-003 and 729-54-004; and

Page 3 of 17 Pages

3324 Fall Conference
Northern California Chapter



1. Coyote Ridge

How Many Legal Parcels?

Legal Description

OLD REPUBLIC TITLE COMPANY
ORDER NO. 0615017102-LH
FIFTH AMENDED REPORT

627-14-011

PARCEL TWO-A:

TOGETHER WITH a perpetual easement and right-of-way for road purposes 20 feet wide running in a general Southeastely and Northeastly direction and beginning in the line between Stations 16 and 17 and terminating in the line between Stations 15 and 16 of the Survey of the San Felipe Rancho, as provided for in the Agreement executed by and between Frank R. Cox and Eva R. Cox, his wife, Rufus Fisk and Hannah B. Fisk, his wife, Jessie Bryan, a widow, and O'Connell Bros., a corporation, recorded September 20, 1932 in Book 620 of Official Records, Page 519, and by Agreement executed by and between Frank R. Cox and Eva R. Cox, his wife, first parties, Rufus Fisk and Hannah B. Fisk, his wife, second parties, Jessie R. Bryan, a widow, third party, and O'Connell Bros., a corporation, fourth party, recorded April 26, 1934 in Book 639 Official Records, Page 16, reference to the records thereof is hereby made for further particulars.

PARCEL TWO-B:

TOGETHER WITH an assignable right of way and easement in gross, of a uniform width of 40 feet, to lay, construct, reconstruct, replace, use, maintain, repair, remove, or relocate water mains, pipe lines, power station facilities and accessory valves, appliances, fixtures and connections over, under, through and across adjacent premises, as granted by O'Connell Bros., a corporation, to United Research Corporation of Menlo Park, as instrument recorded February 4, 1960 in Book 4685 Official Records, Page 740.

PARCEL TWO-C:

TOGETHER WITH an assignable right of way and easement in gross, of a uniform width of 40 feet, to lay, construct, reconstruct, replace, use, maintain, repair, remove, or relocate gas mains, pipe lines and accessory valves, appliances, fixtures, and connections over, under, through and across adjacent premises, as granted by O'Connell Bros., a corporation to United Research Corporation of Menlo Park, by instrument recorded February 4, 1960 in Book 4686 Official Records, Page 1.

PARCEL TWO-D:

TOGETHER With an assignable right of way and easement, of a uniform width of 40 feet, to lay, construct, reconstruct, replace, use, maintain, repair, remove or relocate water mains, pipe lines, power station facilities and accessory valves, appliances, fixtures and connections over, under, through and across that certain real property of grantor, as conveyed by Gelco Developments and Lake Anderson Corporation, both California corporations, to United Aircraft Corporation, a Delaware corporation, by instrument recorded February 27, 1967 in Book 7649 of Official Records, Page 179, described as follows:

Situated in the County of Santa Clara, state of California, said right-of-way and easement to be located within the area 100 feet in width, the center line of said 100 foot area being described as follows:

Beginning at a 3/4 inch iron pipe at the most Southerly corner of that certain 304.591 acre parcel of land shown upon that certain Map entitled, "Record of Survey, Land Proposed to be Acquired by County of Santa Clara for Park Purposes, portion lands of Gelco Developments and Lake Anderson Corporation, portion Township 8 South, Range 3 East and portion Township 9 South, Range 3 South" filed for record September 28, 1965 in Book 200 of Maps, at Pages 17 through 20, inclusive, Santa Clara County Records, said iron pipe being in the Northwesternly line of that certain 904.50 acre tract of land conveyed by O'Connell Bros., to Santa Clara Valley Water Conservation District by Deed recorded in Book 2985, at Page 403, Official Records of

Page 4 of 17 Pages

REF 1159-B

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Northern California Chapter



1. Coyote Ridge

How Many Legal Parcels?

Conclusion 1: Coyote Ridge

1. This property consists of **nine separate Assessor's Parcels.**
2. The legal description describes only a **single Legal Parcel (the rest are esmts.)**
 - a. **Question: Could there be more than one Legal Parcel?**
 - b. **Answer: Possibly, but not unless/ until proven (more on this later).**

3124 Fall Conference
Northern California Chapter



2. Alpine Ranch

How Many Legal Parcels?



3324 Fall Conference
Northern California Chapter



2. Alpine Ranch

How
Many
Legal
Parcels?



3124 Fall Conference
Northern California Chapter



2. Alpine Ranch

How Many Legal Parcels?



3124 Fall Conference
Northern California Chapter



2. Alpine Ranch

How Many Legal Parcels?

Legal Description

ORDER NO. : 0615019155-ML

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of San Mateo, State of California, and is described as follows:

PARCEL ONE:

Parcel "A" as shown on that certain Map entitled, "Parcel Map of a Resubdivision of Portions of Sections 23, 25, 26 and 36, T. 7 S., R. 4 W., and portions of Sections 30 and 31, T. 7 S., R. 3 W., M.D.B.M.", which Parcel Map was filed in the office of the Recorder of the County of San Mateo, State of California, on December 4, 1975, in Book 29 of Parcel Maps at Pages 47 and 48, and as amended on August 31, 1976, in Book 33 of Parcel Maps at Pages 9 and 10.

PARCEL TWO:

A 30 foot wide non-exclusive easement lying Southerly of, parallel with and adjacent to the following described line:

Commencing at the 1/4 corner to Sections 30 and 31, Township 7 South, Range 3 West, Mount Diablo Base and Meridian, as shown on the Map filed in Book 5 of Maps, Page 150, San Mateo County Records;

thence North 12° 14' 11" East, 840.81 feet to the intersection of the centerline of a private road and the Alpine Road, being the point of beginning; thence South 88° 43' 00" West, 144.82 feet; thence South 76° 09' 00" West, 24 feet, more or less, to the lands of K. B. Towne as described in Book 3539 at Page 239 of Official Records.

PARCEL THREE:

An easement for water lines, pumps and easements for tanks, the water line easements being 10 feet and 20 feet in width, the center line of which is described as follows:

Beginning at a point on the Westerly line of Parcel One, said point being North 0° 28' 24" East 1817.30 feet from the Southwest corner of said Parcel One, thence from said point of beginning North 74° 35' 08" West 27.00 feet, North 71° 13' 12" West 66.04 feet, North 85° 56' 01" West 34.68 feet, South 88° 44' 56" West 32.84 feet, North 77° 23' 36" West 87.58 feet, North 75° 14' 43" West 117.84 feet, North 73° 18' 13" West 140.00 feet to a point on the Easterly line of a proposed tank easement, said tank easement being described as follows: Thence North 32 feet, West 60 feet, South 60 feet, East 60 feet, North 28 feet to the point of beginning of said proposed tank easement continuing thence from the mid point of the Westerly line of said proposed tank easement North 69° 48' 28" West 185.00 feet, North 68° 51' 21" West 270.41 feet, North 70° 02' 36" West 107.81 feet, North 82° 12' 36" West 78.74 feet, South 88° 19' 43" West 95.18 feet, North 89° 57' 47" West 158.56 feet, South 83° 59' 09" West 190.39 feet to a point on the Easterly line of a proposed tank and pump house easement described as follows: thence North along said Easterly line 42 feet, thence West 100 feet, thence South 100 feet, thence East 100 feet, thence North 58 feet to the point of beginning of said proposed tank and pump house easement thence continuing said water line easement from a point on the Northerly line of the tank and pump house, said point being West 10 feet from the intersection of the Easterly and Northerly lines of said pump house, thence leaving said Northerly line North 35° 27' 19" East 79.00 feet, North 38° 00' 26" East 54.61 feet to the point of beginning of a 20 feet in width proposed spring easement, thence continuing North 38° 00' 26" East 15 feet, thence South 80° East 15 feet to the point of termination of said water line easement.

APN: 083-340-140

324 Fall Conference
Northern California Chapter

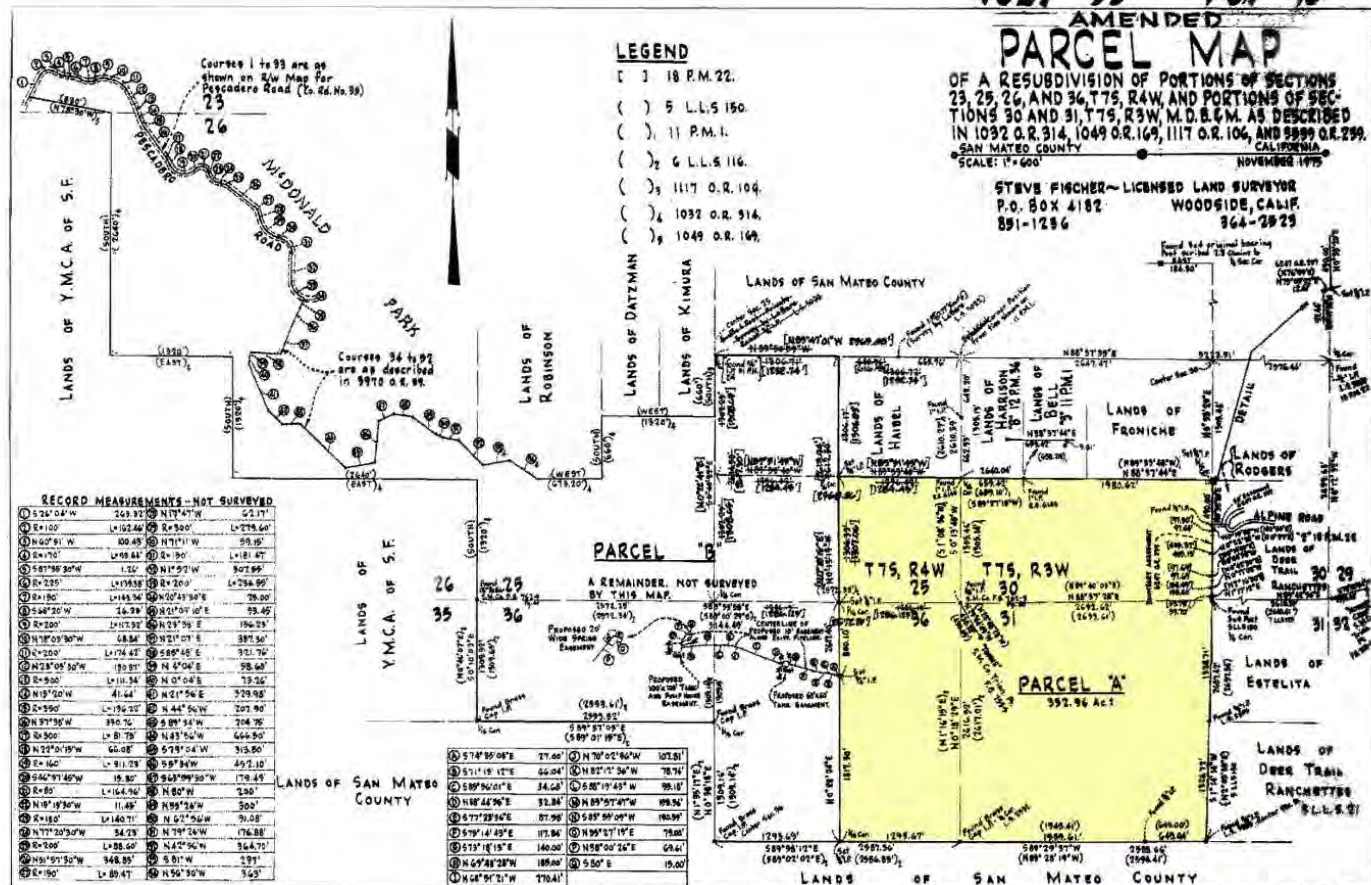


How Many Legal Parcels?



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Sheet 2 of 2 Sheets

Job 48-50

2. Alpine Ranch

How Many Legal Parcels?

Conclusion 2: Alpine Ranch

1. This property consists of **one Assessor's Parcel**

2. The legal description describes only a **single Legal Parcel (the rest are esmts.)**

a. **Question: Could there be more than one?**

b. **Answer: Probably not. However, there is evidence of additional potential. (See following slides)**

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2. Alpine Ranch How Many Legal Parcels?

Density Credits



Online Permit Center

Home

Status

Parcel

Comment

Apply

Help

View Case Status

The information below summarizes the case you selected.

Case Number: DEN95-0001 **Status:** Pending

Name:	ETTINGER DEBORAH W P
Application Date:	01/20/1995
Address:	8700 ALPINE RD
Description:	Density analysis of 352-acre parcel for Camp use. Revised the density on 10-18-07 based upon the discovery that the parcel was an Agricultural Preserve omitted during the original density. The density credits therefore changed from 14.13 to 8.97.

Activities

Type	Requested	Scheduled	Completed	Status	Done By
Revised Density Calculation			9/20/2007	LOOK	TGP
Parcel is all AG preserve, new calculation done this day. The new DC for this parcel is 8.97 (rounded to 9).					
Revised Density Calculation			10/19/2007	DONE	SMS
Revised the density on 10-18-07 based upon the discovery that the parcel was an Agricultural Preserve omitted during the original density. The density credits therefore changed from 14.13 to 8.97.					
Acknowledgement sent			10/30/2007	DONE	IPC
Mailed out results to Owner/Applicant and Assessor's Office.					
Application received			1/20/1995	PASS	SMH
Analysis completed			1/31/1995	PASS	RJP
Verified, DKS. Color copy of map sent with results. Billed owner.					
Send determ.to applicant			2/28/1995	SENT	MML

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Northern California Chapter



2. Alpine Ranch

How Many Legal Parcels?

Density Analysis

What is density analysis?

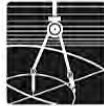


Development is limited in certain coastal and open space areas. Density analysis is a method of determining the number of units you may build on your land and the intensity of use for nonresidential development. It is a preliminary step before subdivision or nonresidential development.

In what parts of the County is density analysis required?

Density analysis is required in all areas zoned RM, TPZ, PAD, RM-CZ, and TPZ-CZ.

What does density analysis entail?



Planning examines a number of details about your site and proposed project, such as:

- ✓ Slope
- ✓ Proximity to fault lines
- ✓ Location (for example, is the property on prime agricultural land?)

Based on these factors, Planning calculates the number of units or density credits for which your property and project qualify.

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Northern California Chapter



2. Alpine Ranch

How Many Legal Parcels?

Conclusion 2: Alpine Ranch – Cont'd

1. This property consists of one Assessor's Parcel
2. The legal description describes only a single Legal Parcel (the rest are esmts.)
3. The acknowledgement of **9 density credits** by the County would allow development of up to **9 units on the property**. The density credits could also be **transferred to another property**. The property could also potentially be **subdivided to up to 9 legal parcels** assuming that other subdivision requirements are satisfied.
4. Currently however, this property remains a **single legal parcel**

3124 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

How
Many
Legal
Parcels?



3124 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

How
Many
Legal
Parcels?

Smith Ranch - Big Sur



3124 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

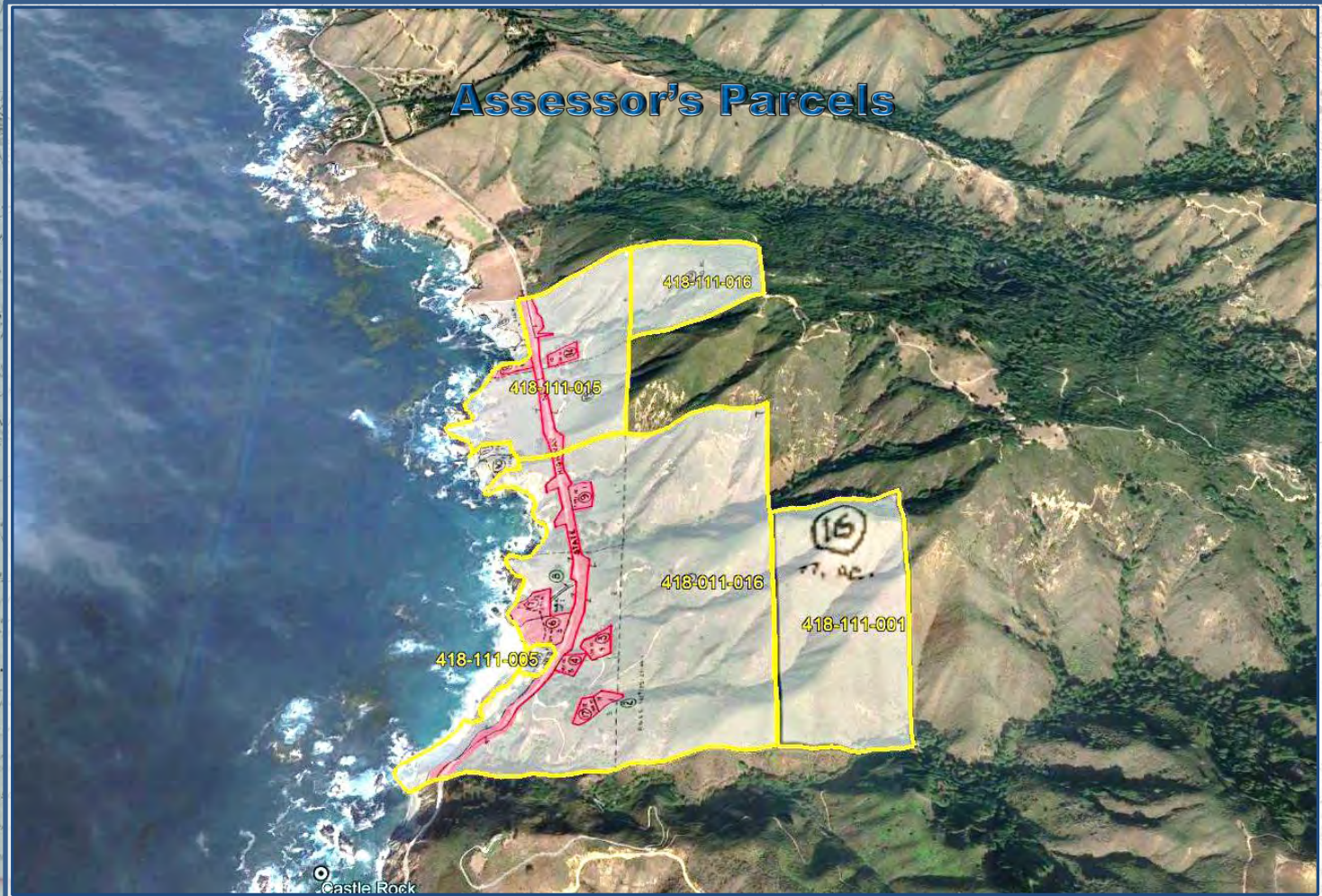
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Assessor's Parcels



3. Smith Ranch - Big Sur

How Many Legal Parcels?

Legal Description

TITLE COMPANY

The land referred to in this Report is situated in the County of Monterey, in the unincorporated area. State of California, and is described as follows:

PARCEL 1:

Lots 4, 5, NE 1/4 of SE 1/4, Section 6, Lots, 1, 2, 3, SE 1/4 of NE 1/4 of SE 1/4 Section 7, SW 1/4 of NW 1/4, NW 1/4 of SW 1/4 Section 8, all in Township 18 South, Range 1 East, M.D.S. & M.

Excepting therefrom the following:

- (a) That portion thereof lying within the lines of Old Coast Road as described in the deed from Richard M. Smith et al to County of Monterey, dated April 18, 1894 and recorded April 18, 1894 in Volume 42 of Deeds at Page 430, therein.
- (b) That portion thereof described in the deed to Jean Marie Dubout, recorded in Volume 57 of Official Records at Page 64 therein and containing 7 acres more or less.
- (c) That portion thereof which lies within the lines of the California State Highway as described in the Deed from Helena Smith, a widow, to State of California, dated March 5, 1932 and recorded April 8, 1932 in Volume 329 of Official Records, at Page 370, therein.
- (d) Those portions thereof as described in the following deeds:
 - (1) R. West Smith, et al to Perena O. Zierker, recorded November 21, 1941, in Volume 745 of Official Records at Page 252
 - (2) R. West Smith, et al to Evelyn A. Shearer, recorded November 21, 1941, in Volume 749 of Official Records at Page 14.
 - (3) R. West Smith, et al to Yvonne Costigan, recorded November 21, 1941, in Volume 745 of Official Records at Page 255.
 - (4) R. West Smith, et al to Vera Geraldine, recorded November 21, 1941, in Volume 743 of Official Records at Page 490.
 - (5) R. West Smith, et al to Genevieve Walters, recorded December 2, 1941, in Volume 746 of Official Records at Page 352.
 - (6) R. West Smith, et al to Anita Shaffer, recorded December 2, 1941, in Volume 751 of Official Records at Page 96.
 - (7) R. West Smith, et al to George Smith, recorded December 2, 1941, in Volume 751 of Official Records at Page 60.
 - (8) R. West Smith, et al to Mary J. Smith, recorded December 2, 1941, in Volume 745 of Official Records at Page 380.

324 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

How Many Legal Parcels?

Legal Description

(9) Mary J. Smith, et al to R. West Smith, recorded January 13, 1942, in Volume 748 of Official Records at Page 296,

(10) R. West Smith, et al to J. Clive Smith, recorded October 2, 1942, in Volume 780 of Official Records at Page 120.

Assessor's Parcel Numbers: 419-011-016, 419-111-001 (Portion); 419-111-015 and 419-111-016

PARCEL II:

NE 1/4 of NE 1/4, Section 7, Township 18, South, Range 1 East, M.D.B. & M.

Assessor's Parcel Number: 419-111-001 (Portion)

TITLE COMPANY

3124 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

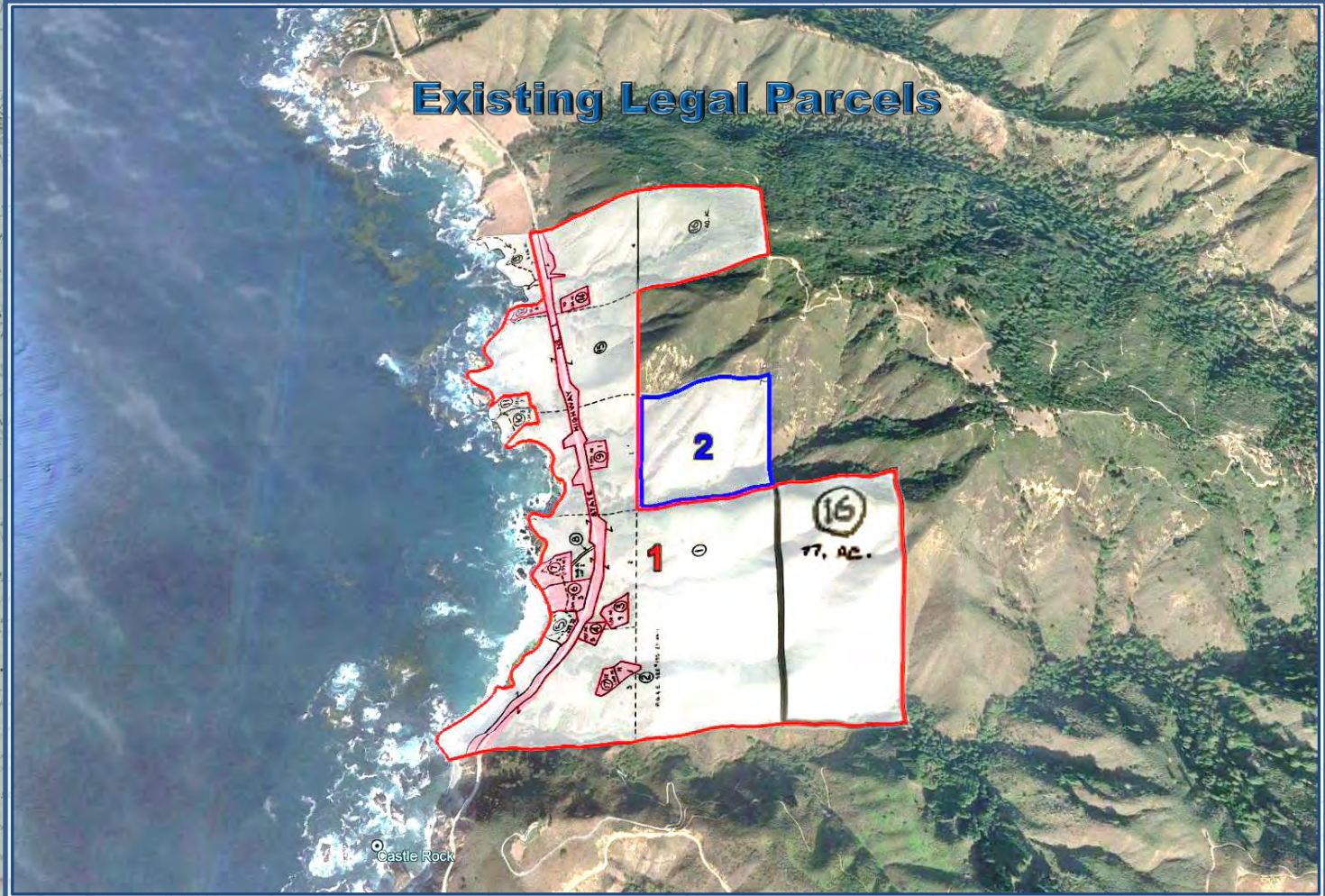
How
Many
Legal
Parcels?

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Northern California Chapter



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Existing Legal Parcels



3. Smith Ranch - Big Sur

How Many Legal Parcels?

Conclusion 3: Smith Ranch Big Sur

1. This property consists of five Assessor's Parcels
 2. The legal description describes two Legal Parcels
 - a. Question: Could there be more than two?
 - b. Answer: Possibly, but not unless/until proven
- (See following slides)

3124 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

How Many Legal Parcels?

Chain of Title Analysis

REGARDING that certain real property situate in the County of Monterey, State of California, more particularly described as follows: SEE EXHIBIT "A"

SUBSEQUENT to research of the Official Records of the County Recorder of the County of Monterey and after examination of the chain of title for Legal Lots of record as of March 4, 1972, the following Legal Lots were found affecting the hereinabove described property:

LEGAL LOT 1: Described as follows: The NE 1/4 of the SE 1/4 of Section 6, in Township 18 South, Range 1 East, M.D.B. & M.

CREATED BY: U.S. PATENT to Edward William Dulac, recorded 1/5/22 in Vol. L of "Patents" Pg. 204

LEGAL LOT 2: Described as follows: The NE 1/4 of the NE 1/4 of Section 7, in Township 18 South, Range 1 East, M.D.B. & M.

CREATED BY: U.S. PATENT to Florence R. Jones, recorded 7/11/44 in Vol. 838 Official Records at Pg. 132

LEGAL LOT 3: Described as follows: The SE 1/4 of the NE 1/4, the NE 1/4 of the SE 1/4 of Section 7, and the SW 1/4 of the NW 1/4, NW 1/4 of the SW 1/4 of Section 8, in Township 18 South, Range 1 East, M.D.B. & M.

EXCEPTING therefrom, that portion lying in Deed to J. Clive Smith, recorded 10/2/42 in Vol. 780 Official Records at Pg. 120

CREATED BY: U.S. PATENT to M. L. Dexter, recorded 10/22/1887 in Vol. B of "Patents" at Pg. 457

LEGAL LOT 4: Described as follows: Lots 4, 5, Section 6, and Lots 1, 2, 3, Section 7, Township 18 South, Range 1 East, M.D.B. & M.

EXCEPTING therefrom:

1. Deed to Perina O. Zirker, recorded 11/21/41 in Vol. 745 Official Records at Pg. 252

3124 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

How Many Legal Parcels?

Chain of Title Analysis

2. Deed to Vera Geraldine, recorded 11/20/41 in Vol.743 Official Records at Pg.490
3. Deed to Mary J.Smith, recorded 12/2/41 in Vol.745 Official Records at Pg.380
4. Deed to R.West Smith, recorded 1/13/42 in Vol.748 Official Records at Pg.296
5. Deed to J.Clive Smith, recorded 10/2/42 in Vol.780 Official Records at Pg.120
6. All that portion lying westerly of the easterly line of the California State Highway as described to State of California, recorded 4/8/32 in Vol.329 Official Records at Pg.370

CREATED BY: U.S.Patent to Samuel Jones, recorded 12/16/09 in Vol.J of "Patents" at Pg.599; and

Deed to State of California, above referred to (deed forming west boundary)

LEGAL LOT 5: Described as follows: Lots 4, 5, Section 6, and Lots 1, 2, Section 7, in Township 18 South, Range 1 East M.D.B.& M.

EXCEPTING therefrom:

1. DEED to Jean Marie Dulout, recorded 4/17/25 in Vol.57 Official Records at Pg.64
2. DEED to Evelyn A.Shearer recorded 11/21/41 in Vol.749 Official Records at Pg.34
3. DEED to Yvonne Costigan, recorded 11/21/41 in Vol.746 Official Records at Pg.255
4. DEED to Vera Geraldine, recorded 11/21/41 in Vol.743 Official Records at Pg.490
5. DEED to Genevieve Walters, recorded 12/2/41 in Vol.746 Official Records at Pg.352
6. DEED to Anita Shaffer, recorded 12/2/41 in Vol.751 Official Records at Pg.56
7. DEED to George Smith, recorded 12/2/41 in Vol.751 Official Records at Pg.60
8. All that portion thereof lying easterly of the westerly line of the California State Highway, as described in deed to the State of California, recorded 4/8/32 in Vol.329 Official Records at Pg.370

324 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur How Many Legal Parcels?

Chain of Title Analysis

CREATED BY: U.S.PATENT to Samuel Jones, recorded 12/16/09 in Vol.J of "Patents" at Pg.588; and

DEED to Genieve Walters, recorded 12/2/41 in Vol.746 Official Records at Pg.352 (Deed forming north boundary)

DEED to Evelyn Shearer, recorded 11/21/41 in Vol.749 Official Records at Pg.34 (Deed forming south boundary)

DEED to Yvonne Costigan, recorded 11/21/41 in Vol.746 Official Records at Pg.255 (Deed forming south boundary)

DEED to State of California, above referred to (Deed forming east boundary)

LEGAL LOT 6: Described as follows: Lot 3, Section 7 in Township 18 South, Range 1 East M.D.B.& M.

EXCEPTING therefrom: That portion thereof lying in Deed to Vera Geraldine, recorded 11/21/41 in Vol.743 Official Records at Pg.490,

also excepting, all that portion thereof lying easterly of the westerly line of the California State Highway, as described in deed to State of California, recorded 4/8/32 in Vol.329 Official Records at Pg.370

CREATED By: U.S.Patent to Samuel Jones, recorded 12/6/09 in Vol.J of "Patents" at Pg.599, and

Deed to Vera Geraldine, recorded 11/21/41 in Vol.743 Official Records at Pg.490 (Deed forming the north boundary)

Deed to State of California, above referred to (Deed forming the east boundary)

DISCUSSION:

Each of the above Legal Lots was created prior to March 4,1972 in a division that created fewer than five parcels, and therefore shall be conclusively presumed lawfully created under the Subdivision Map Act of the State of California, Section 66412.6 (a); and, under the Map Act, they shall not be deemed merged by virtue of the fact that the contiguous parcels are held by the same owner, see Art. 1.5, section 66451.10 of said Map Act. (Gov.Code § 66410).

Legal Lots 5 and 6 are not "contiguous", within the meaning of Cal.Gov.Code §66424, to Lot 4 because they are separated from one another by a "State Highway", not a road nor a street.

There is no definition of a "Highway" in the Map Act, however, the term "highway" is defined in various sections of the Calif. Streets and Highway Code. The term "highway" as defined in the

324 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

How Many Legal Parcels?

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 2. SUBDIVISIONS [66410 - 66499.38]

(Division 2 added by Stats. 1974, Ch. 1536.)

CHAPTER 1. General Provisions and Definitions [66410 - 66424.6]

(Chapter 1 added by Stats. 1974, Ch. 1536.)

ARTICLE 1. General Provisions [66410 - 66413.5]

(Article 1 added by Stats. 1974, Ch. 1536.)

66410.

This division may be cited as the **Subdivision Map Act**.
(Added by Stats. 1974, Ch. 1536.)

66412.6.

(a) For purposes of this division or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.

(b) For purposes of this division or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of this division or the local ordinance. Owners of parcels or units of land affected by the provisions of this subdivision shall be required to obtain a certificate of compliance or a conditional certificate of compliance pursuant to Section 66499.35 prior to obtaining a permit or other grant of approval for development of the parcel or unit of land.

(Amended (as added by Stats. 1988, Ch. 1041, Sec. 2) by Stats. 1993, Ch. 500, Sec. 2. Effective January 1, 1994.
Section operative January 1, 1995, by its own provisions.)

3124 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

How Many Legal Parcels?

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 2. SUBDIVISIONS [66410 - 66499.38]

(Division 2 added by Stats. 1974, Ch. 1536.)

CHAPTER 3. Procedure [66451 - 66472.1]

(Chapter 3 added by Stats. 1974, Ch. 1536.)

ARTICLE 1.5. Merger of Parcels [66451.10 - 66451.24]

(Article 1.5 added by Stats. 1983, Ch. 845, Sec. 2.)

66451.10.

(a) Notwithstanding Section 66424, except as is otherwise provided for in this article, two or more contiguous parcels or units of land which have been created under the provisions of this division, or any prior law regulating the division of land, or a local ordinance enacted pursuant thereto, or which were not subject to those provisions at the time of their creation, shall not be deemed merged by virtue of the fact that the contiguous parcels or units are held by the same owner, and no further proceeding under the provisions of this division or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease, or financing of the contiguous parcels or units, or any of them.

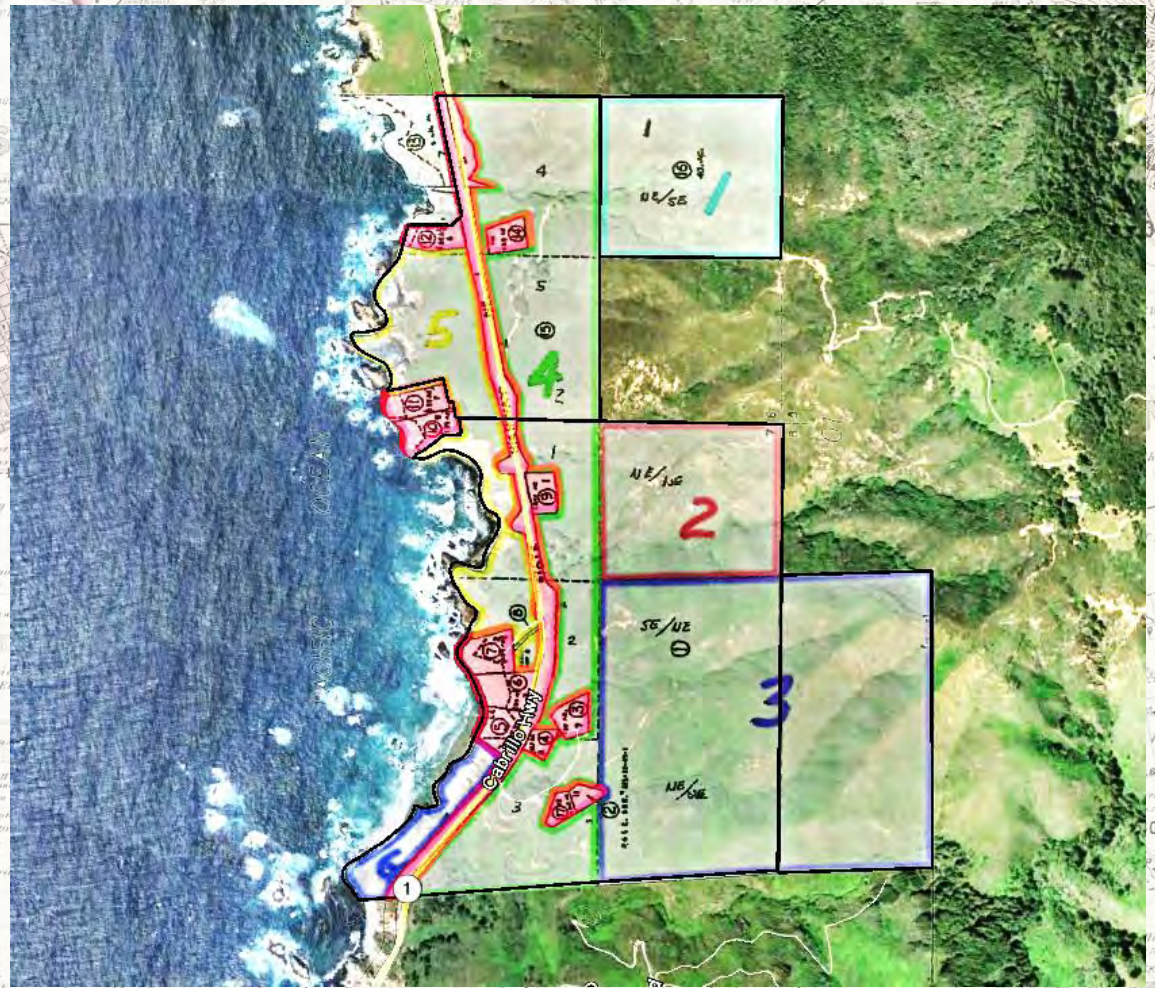
3124 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

How Many Legal Parcels?

Potential
Legal
Parcels



3124 Fall Conference
Northern California Chapter



3. Smith Ranch - Big Sur

How Many Legal Parcels?

Conclusion 3: Smith Ranch - Big Sur

1. This property consists of five Assessor's Parcels

2. The legal description describes two Legal Parcels

3. An outside title expert identifies **six** potential legal parcels

a. Note: These Potential Legal Parcels will not be considered actual Legal Parcels unless/until accepted by Monterey County through the issuance of Certificates of Compliance

4. This property comprises two Legal Parcels

3124 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How
Many
Legal
Parcels?

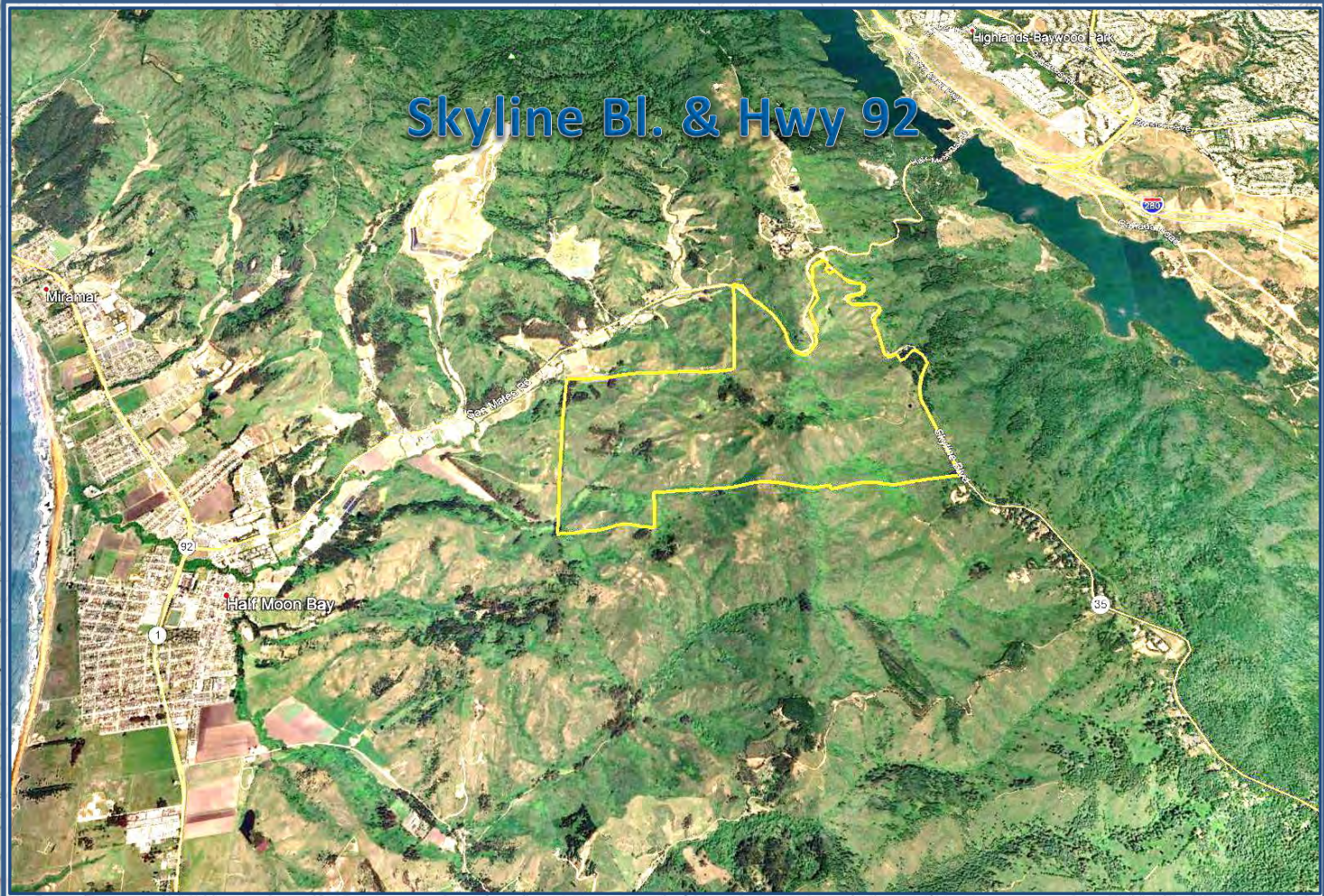


3124 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How
Many
Legal
Parcels?

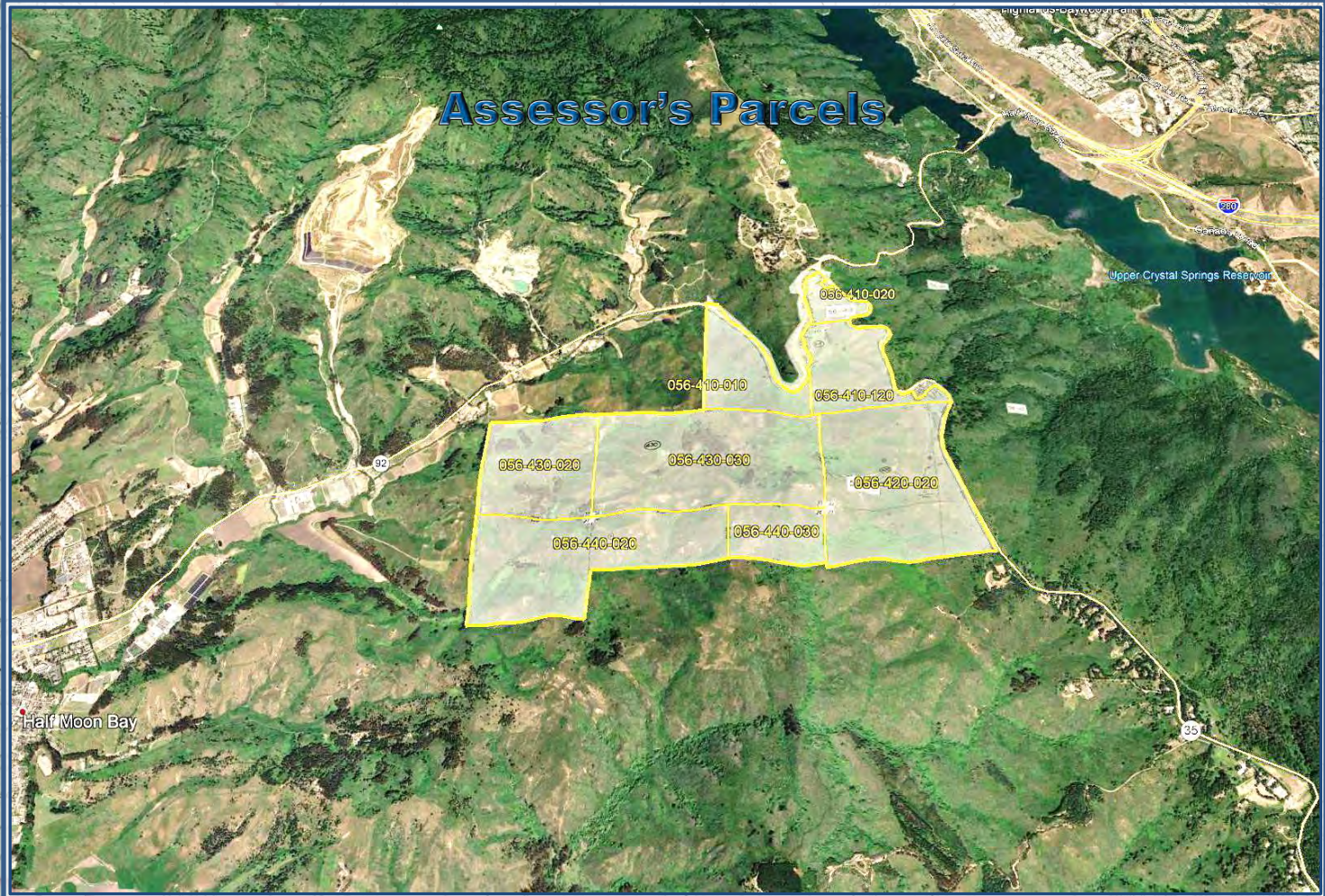


3124 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How
Many
Legal
Parcels?



3324 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How Many Legal Parcels?

Legal Description

Order No. 284955

REV. 190

GUARANTEE REV. 489733

EXHIBIT 'A'

The land referred to is situated in the County of
State of California, and is described as follows:

San Mateo, in the unincorporated area.

PARCEL ONE:

The North 1/2 of the Northeast 1/4 and the North 1/2 of the Northwest 1/4 of Section 26 and the Northeast 1/4 of Section 27, all in Township 5 South, Range 5 West, Mount Diablo Base and Meridian, according to the Official Plat thereof.

EXCEPTING THEREFROM that portion thereof conveyed by Deed from John Vatoos and Amelia Vatoos, his wife, to Allen Louarn and Francoise G. Louarn, his wife, dated February 1, 1904 and recorded April 11, 1904 in Book 108 of Deeds, at Page 366, Records of San Mateo County, being described as follows:

BEGINNING at the Northeast corner of Section 26, Township 5 South, Range 5 West, Mount Diablo Base and Meridian, thence due West 33 chains; thence due South 29.35 chains; thence due East 33 chains; thence due North 19.35 chains; to the point of beginning.

Being a portion of the Northeast 1/4 of said Section 26.

PARCEL TWO:

The southeast 1/4 of Section 22, Township 5 South Range 5 West, Mount Diablo Base and Meridian, according to the Official Plat thereof.

PARCEL THREE:

COMMENCING at the intersection of the Westerly property line of lands of the City and County of San Francisco, commonly known as the Crystal Springs Watershed Lands with the General Southerly boundary of that certain 45.45 acre tract conveyed by Deed from Julia J. Morrison to State of California, dated May 23, 1934 and recorded July 28, 1934 in Book 625 Official Records of San Mateo County, Page 392 (44831-C), said point of intersection being the distance of South 8° 30' 20" East 325.4 feet from a 4 inch by 4 inch post marking the quarter corner between Sections 13 and 14 in Township 5 South, Range 5 West, Mount Diablo Base and Meridian to Station A, 262 plus 86.47 P.O.T. of the survey for the State Highway between three miles East of Half Moon Bay and Skyline Boulevard, designated as Road IV, San Mateo County, Route 105 Section 1, and from Station A, 262 plus 86.47 along said property line, South 31° 16' 30" East 190.92 feet to said intersection and the point of beginning of the property herein described; thence from said point of beginning, along said Westerly property line of the lands of City and County of San Francisco, being the Easterly boundary of that certain 3.92 acre tract conveyed by Deed from Spring Valley Water Co., to Julia J. Morrison, dated November 27, 1909 and recorded January 30, 1910 in Book 176 of Deeds, Page 165, Records of San Mateo County, South 31° 16' 30" East (called North 31° 40' West in said Deed), 275 feet, more or less, to an angle point in said property line; thence North 62° 56' 30" East 14.75 feet, more or less, to the most Westerly corner of that certain 8.06 acre

Page 11 of 14 Pages

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

324 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How Many Legal Parcels?

Legal Description

tract conveyed by aforesaid Deed from Julia J. Morrison to State of California, of record in Book 625 of Official Records of San Mateo County, Page 392, (4801-C); thence along the Southwesterly boundary of said 0.06 acre tract, South 37° 54' 30" East 183.40 feet to a point on the Westerly line of the Skyline Boulevard, designated as Road IV, San Mateo Route 55, distant South 52° 05' 30" West 50.0 feet from Station P, 351 Plus 42.51 R.C.S.M. 558 equals Station A.1 plus 72.78 P.O.T. S.M. 550; thence in a general Southerly direction, along the general Westerly boundary of the Skyline Boulevard, South 17° 54' 30" East 579.94 feet; thence on a curve to the left with a radius of 350 feet, through an angle of 47° 31' a distance of 290.27 feet; thence South 85° 25' 30" East 117.27 feet; thence on a curve to the right with a radius of 200 feet, through an angle of 170° 07' a distance of 593.82 feet; thence South 84° 41' 30" West 158.42 feet; thence on a curve to the left with a radius of 250 feet, through an angle of 176° 51' a distance of 771.65 feet; thence North 87° 50' 30" East 553.45 feet; thence on a curve to the right with a radius of 175 feet, through an angle of 144° 05' 30" a distance of 440.09 feet; thence South 51° 56' West 110.64 feet; thence on a curve to the left, with a radius of 275 feet, through an angle of 66° 40' a distance of 319.94 feet; thence South 14° 44' East 703.00 feet; thence on a curve to the right with a radius of 950 feet, through an angle of 3° 41' a distance of 180.56 feet; thence South 5° 03' East 347.59 feet; thence on a curve to the left, with a radius of 250 feet, through an angle of 123° 27' a distance of 534.45 feet; thence North 52° 30' East 435.16 feet; thence on a curve to the right with a radius of 150 feet, through an angle of 83° 37', a distance of 218.91 feet; thence South 43° 53' East 306.47 feet; thence on a curve to the right with a radius of 450 feet, through an angle of 70° 53' a distance of 556.71 feet; thence South 27° 00' West 272.58 feet; thence on a curve to the left, with a radius of 1550 feet, through an angle of 46° 12' a distance of 1245.83 feet; thence South 18° 12' East 2104.38 feet; thence on a curve to the left, with a radius of 7050 feet, an arc distance of 158.81 feet to the Southerly boundary of Lot 1 Section 25 Township 5 South Range 5 West, Mount Diablo base and Meridian, thence along the Southerly boundary of said Lot 11 and continuing along the Southerly boundary of the North 1/2 of the Northwest 1/4 of Section 25, Township 5 South Range 5 West, South 89° 11' West 3811.6 feet, more or less, to the West line of said Section 25; thence Northerly, along said West line of Section 25 and continuing along the West line of Section 24, 3560 feet, more or less, to the quarter corner between Section 24 and Section 23, Township 5 South, Range 5 West; thence West, along the quarter section line 2645 feet, more or less, to the center of said Section 23; thence North along the center line of said Section 23 and continuing along the center line of Section 14 3330 feet, more or less, to the Southerly boundary of said 45.45 acre tract being designated as State Highway Road IV, San Mateo Route 105, Section A, South 69° 11' 30" East 158.5 feet, more or less, to a point distant South 43° 53' West 60.0 feet from Station "A" 190 plus 00 P.O.T. to said survey; thence South 36° 29' East 657.23 feet; thence South 55° 56' East 313.59 feet to a point in a line parallel with and 100 feet Southwesterly at right angles from the center line of said survey; thence along said parallel line, South 40° 00' East 485.23 feet; thence tangent to the last named course, along a curve to the right, with a radius of 1300 feet through an angle of 15° 25', a distance of 349.79 feet; thence South 24° 35' East 287.06 feet; thence South 10° 30' East 591.22 feet to a point, distant

3324 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How Many Legal Parcels?

Legal Description

10/10/2000 09:54
Order No. 284955

6502595375
Ref. No.

LANDUSELAW.COM

PAGE 14

South 79° 30' West 150 feet from Station "A" 217 plus 38.32 B.C. of said survey, thence from a tangent that bears South 10° 30' East, along a curve to the left, with a radius of 510 feet, through an angle of 144° 42' a distance of 1731.06 feet; thence North 25° 12' West 366.86 feet; thence along a curve to the right with a radius of 600 feet, through an angle of 56° 20' a distance of 589.92 feet; thence North 31° 08' East 531.46 feet; thence North 10° 41' West 585.62 feet to a point, distant North 67° 30' West 378.71 feet; thence tangent to the last named course, along a curve to the right with a radius of 525 feet, through an angle of 48° 24' a distance of 443.49 feet; thence along the Southeastern boundary of that 0.345 acre tract conveyed to State of California, by Deed dated March 29, 1937 and recorded May 11, 1937 in Book 750 Official Records of San Mateo County, Page 29, North 53° 12' East 362.60 feet; thence along the general Southern boundary of said 45.45 acre tract, from a tangent that bears South 62° 04' East, on a curve to the right, having a radius of 100 feet, through an angle of 24° 13' a distance of 42.29 feet; thence South 37° 50' 30" East 15.17 feet to a point on said property line of the lands of the City and County of San Francisco known as the Crystal Springs Watershed Lands, and the point of beginning.

Being so much of the following lots and fractions of sections, as lie West of the general Westerly line of said Skyline Boulevard and said Westerly property line of the Crystal Springs Watershed Lands of the City and County of San Francisco and South of the general Southern line of said State Highway between three miles East of Half Moon Bay and Skyline Boulevard, VIZ:

Northwest 1/4 of Southwest 1/4 of Section 13;
South 1/2 of Southwest 1/4 of Section 13;
Southeast 1/4 of Section 14;
Northeast 1/4 of Section 23;
Lots 3 and 4;
the Northwest 1/4, the Southwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 24;
Lot 1 and the North 1/2 of the Northwest 1/4 of Section 25;
all in Township 5 South, Range 5 West, Mount Diablo Base and Meridian according to the Official Plat thereof.

EXCEPTING THEREFROM the following described lands:

BEGINNING at a point on the Southerly right of way line of California State Highway, Route 85 (known as Skyline Boulevard) as established in Parcel 1 of the Deed of Rights of Way from Spring Valley Water Company, a corporation, to State of California, dated March 15, 1934 and recorded December 22, 1934 in Book 600 Official Records of San Mateo County, Page 245 (30020-A), said point of beginning being at right angles to and distant 50 feet southeasterly from Station 59 plus 19.98 on the center line of said Skyline Boulevard; thence North 52° 30' East along the said Southerly line of Skyline Boulevard; thence North to the true point of beginning of the lands to be described herein; thence from said true point of beginning, continuing along said Southerly line of Skyline Boulevard North 52° 30' East 417.97 feet, Northeasterly and Southeasterly on the arc of a curve to the right tangent to the preceding course, said curve having a

Page 13 of 14 Pages

CITY OF SAN FRANCISCO - CONTINUATION

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

3324 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How Many Legal Parcels?

Legal Description

Order No. 284955

Ref. No.

GUARANTEE no. J44720

PAGE 15

radius of 150 feet, and a central angle of 83° 37', an arc distance of 218.91 feet and South 43° 53' East 89.48 feet; thence leaving said line of Skyline boulevard, South 46° 07' West 61.62 feet; thence South 53° 33' 32" West 75.47 feet; thence South 38° 53' 03" West 114.84 feet; thence South 39° 53' 03" West 165.83 feet; thence South 66° 55' 02" West 247.96 feet; thence North 23° 04' 58" West 236.98 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM so much as conveyed to the State of California in Final Order of Condemnation recorded January 25, 2000, Serial No. 2000-010001, San Mateo County Records.

PARCEL FOUR:

The South 1/2 of Section 23, Township 5 South, Range 5 West, Mount Diablo Base and Meridian; according to the Official Plat thereof; and that particular parcel of land described as follows:

BEGINNING at the Northeast corner of Section 26, Township 5 South, Range 5 West, M.D.B. & M.; running thence West 33 chains, thence due South 19.35 chains; thence due East 33 chains; thence due North 19.35 chains to the place of beginning and being portion of the Northeast 1/4 of Section 26, Township 5 South, Range 5 West M.D.B. & M.

A.P.M. 056-410-010
056-410-020
056-410-120
056-420-020
056-430-020
056-430-030
056-440-020
056-440-030

J.P.W. 56-41-410-01
56-41-410-02
56-41-410-03 (Pcn.)
56-42-420-01
56-43-430-02
56-43-430-03
56-44-440-02
56-44-440-03

Page 14 of 14 Pages

DLA GUARANTEE - CONTINUATION

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

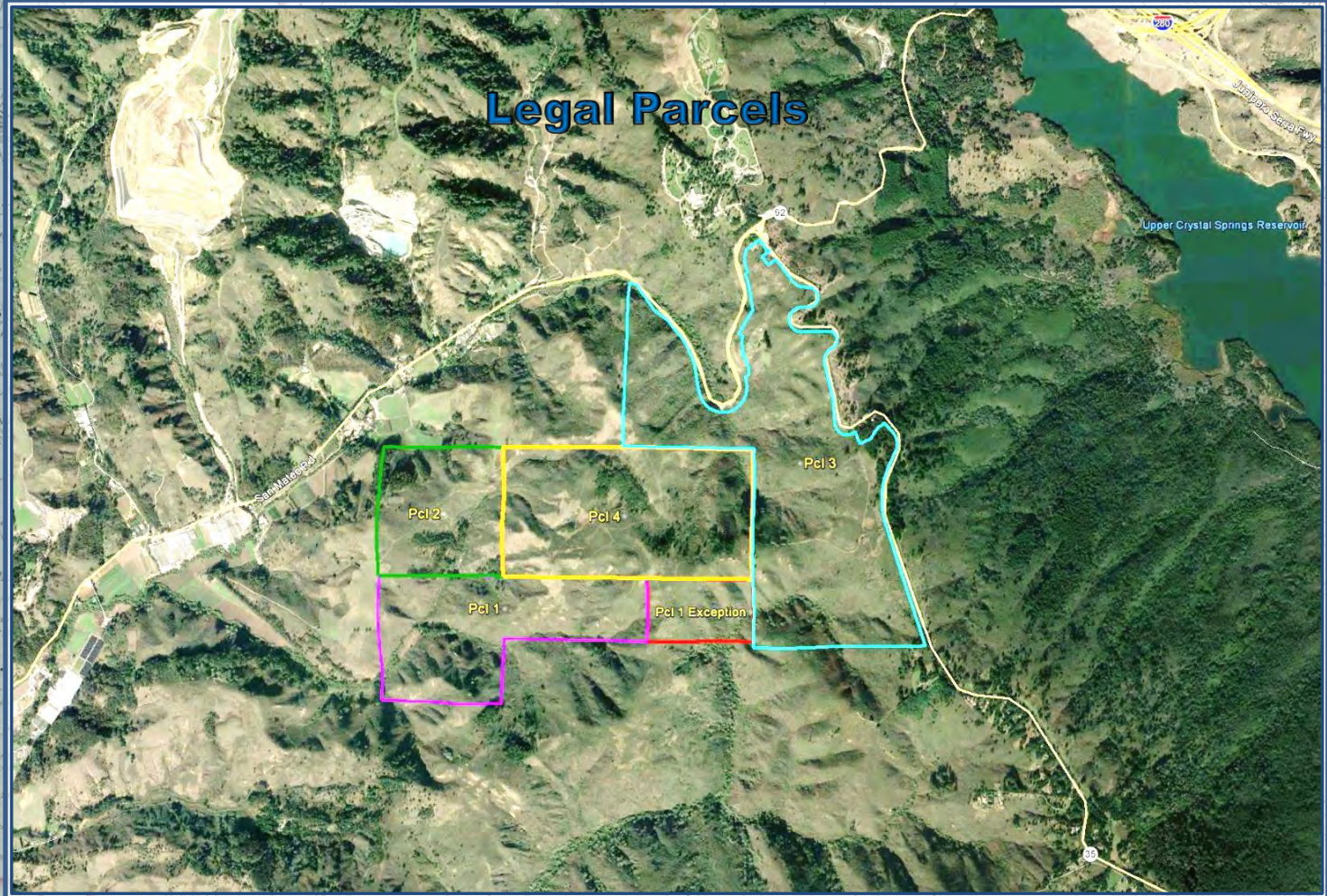
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Northern California Chapter



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4. Skyline Bl. & Hwy 92

How
Many
Legal
Parcels?



3124 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How
Many
Legal
Parcels?

Conclusion: Skyline Bl. & Hwy. 92

1. This property consists of **eight**
Assessor's Parcels

2. The legal description describes **four**
Legal Parcels Here is

a. Question: **Could there be more than
four?**

b. Answer: **Possibly, but not unless/until
proven (See following slides)**

324 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How Many Legal Parcels?

Certificates of Compliance

Research through the San Mateo County Recorder's online Grantor-Grantee Index reveals that a total of **16 certificates of compliance** have been recorded as summarized below. The CoC parcels are mapped on the following page.

San Mateo County Recorder Grantor/Grantee Index

Nb	Record Date	Document Nb	Grantee Name	Document Type	Planning File Nb	Reference Doc
1	6/21/1988	1988-077623		CERT OF COMPLIANCE	CC 88-6 Item3	37 Deeds 613
2	6/21/1988	1988-077624		CERT OF COMPLIANCE	CC 88-6 Item4	77 Deeds 42
3	6/21/1988	1988-077728		CERT OF COMPLIANCE	CC 88-6 Item5	42 Deeds 179
4	6/21/1988	1988-077730		CERT OF COMPLIANCE	CC 88-6 Item6	68 Deeds 252
5	6/21/1988	1988-077731		CERT OF COMPLIANCE	CC 88-6 Item7	176 Deeds 165
6	6/21/1988	1988-077732		CERT OF COMPLIANCE	CC 88-6 Item8	233 Deeds 160
7	6/21/1988	1988-077733		CERT OF COMPLIANCE	CC 88-6 Item9	233 Deeds 160
8	6/21/1988	1988-077734		CERT OF COMPLIANCE	CC 88-6 Item10	233 Deeds 160
9	6/21/1988	1988-077735		CERT OF COMPLIANCE	CC 88-6 Item11	176 Deeds 180
10	6/21/1988	1988-077736		CERT OF COMPLIANCE	CC 88-6 Item12	58 Deeds 12
11	12/24/1999	1999-209290		CERT OF COMPLIANCE	1999-00796	77 Deeds 42
12	12/24/1999	1999-209291		CERT OF COMPLIANCE	1999-00796	77 Deeds 42
13	12/24/1999	1999-209292		CERT OF COMPLIANCE	1999-00796	1 Patent 507
14	12/24/1999	1999-209293		CERT OF COMPLIANCE	1999-00796	88 Deeds 201 & 209
15	12/24/1999	1999-209294		CERT OF COMPLIANCE	1999-00796	1 Patent 507
16	12/24/1999	1999-209295		CERT OF COMPLIANCE	1999-00796	88 Deeds 201 & 209

3124 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How
Many
Legal
Parcels?

Certificate of Compliance

A recorded document which states that the real property identified on the Certificate was created in compliance with the State Subdivision Map Act, or in other words, the parcel was legally divided or created.

See Government Code - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

DIVISION 2. SUBDIVISIONS [66410 - 66499.38]

CHAPTER 7. Enforcement and Judicial Review [66499.30 - 66499.38]

ARTICLE 2. Remedies [66499.35]

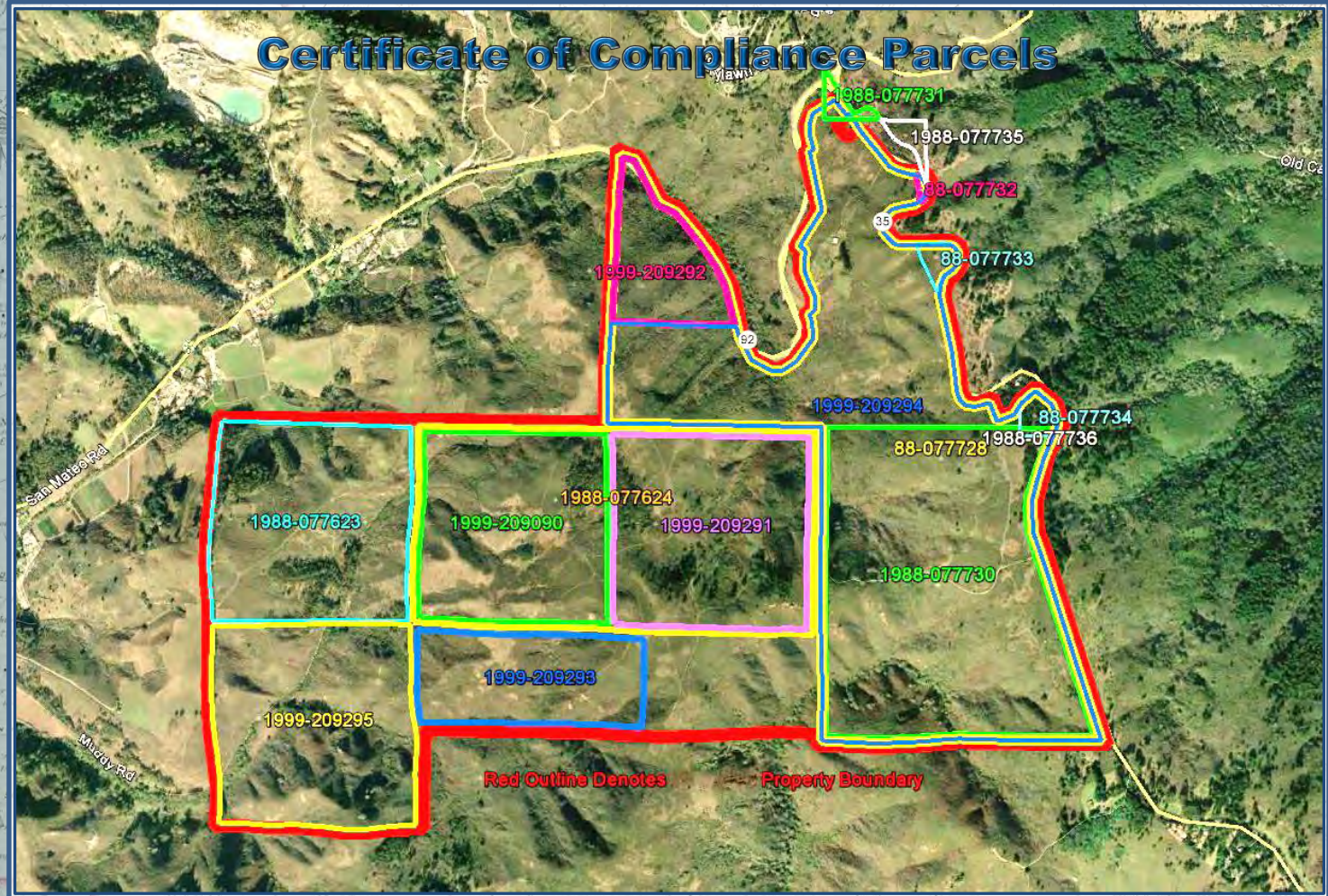
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3124 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How
Many
Legal
Parcels?



3324 Fall Conference
Northern California Chapter



4. Skyline Bl. & Hwy 92

How Many Legal Parcels?

Conclusion: Skyline Bl. & Hwy. 92

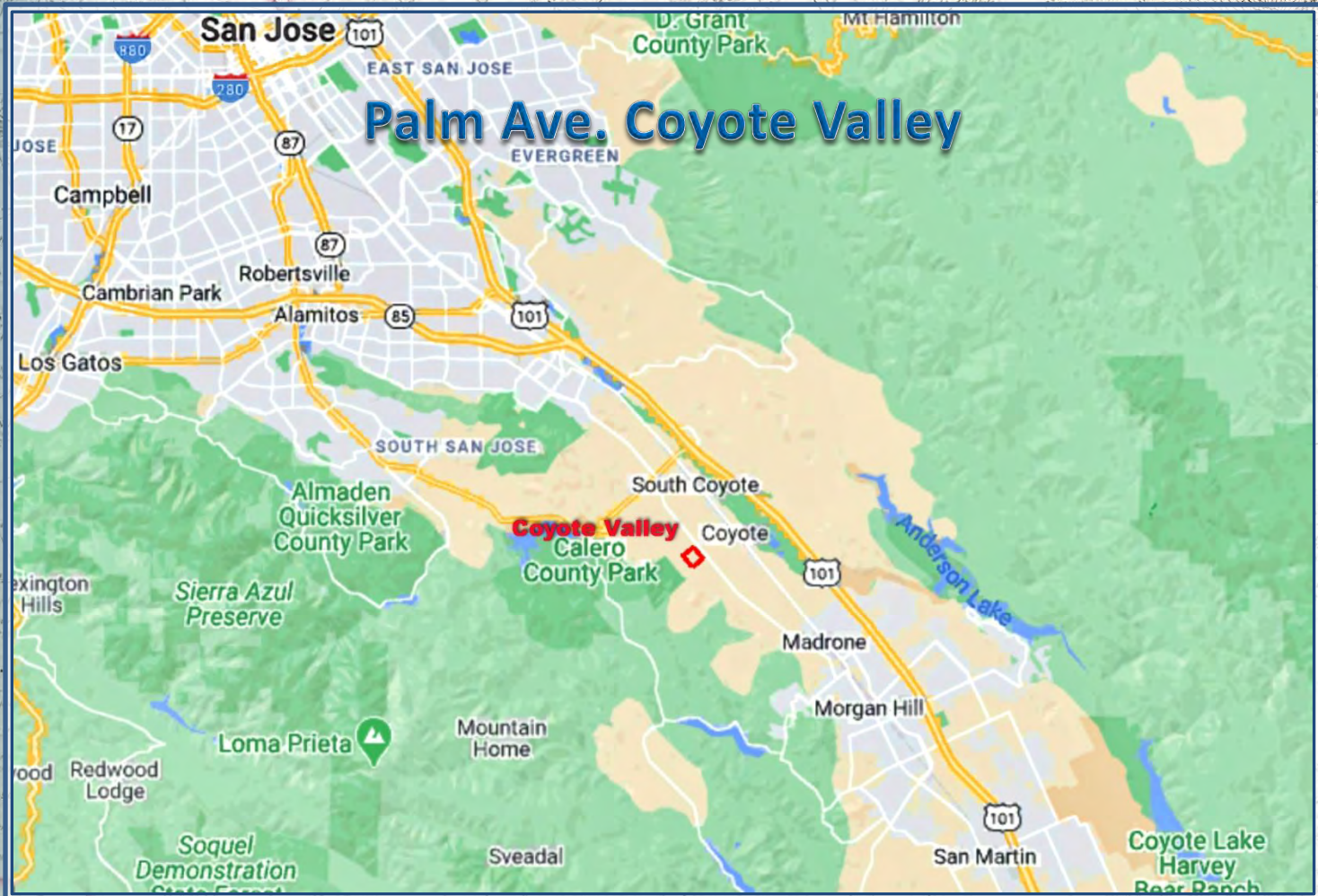
1. This property consists of **eight Assessor's Parcels**
2. The legal description describes **four Legal Parcels**
3. The property has **16 recorded Certificates of Compliance**
 - a. A Certificate of Compliance evidences compliance with the Subdivision Map Act (a legal parcel)
4. Note individual legally saleable parcels **total less than 16 due to overlaps**

3124 Fall Conference
Northern California Chapter



5. Palm Ave. Coyote Valley

How Many Legal Parcels?



3124 Fall Conference
Northern California Chapter



5. Palm Ave. Coyote Valley

How
Many
Legal
Parcels?

3124 Fall Conference
Northern California Chapter



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5.
Palm Ave.
Coyote
Valley

How
Many
Legal
Parcels?

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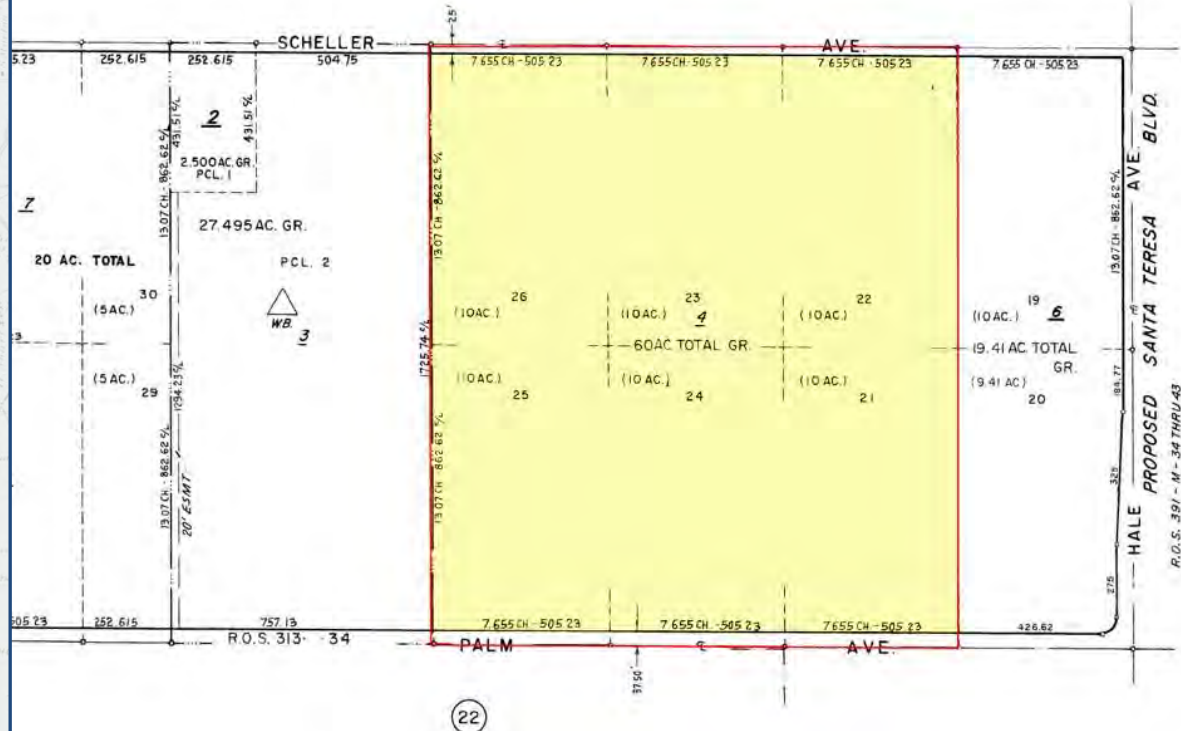
OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK
712

PAGE
21

MURPHY - COLOMBET SUBD. N^o 2

Assessor's Parcel



(28)

(22)

5. Palm Ave. Coyote Valley

How Many Legal Parcels?

Legal Description

The land referred to in this policy is situated in the State of California, County of Santa Clara and is described as follows:

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5. Palm Ave. Coyote Valley

How Many Legal Parcels?

Conclusion: Palm Ave. Coyote Valley

1. This property consists of **one Assessor's Parcel**

2. The legal description describes **Six Recorded Lots**

a. Question: **How many legal parcels?**

b. Answer: **It depends (we will discuss later)**

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How Many Legal Parcels?

Case Study Final Conclusions

- 1. Things are not always what they appear**
- 2. Always rely on a legal description over an Assessor's Plat**
- 3. However, even a legal description may not tell the whole story**
- 4. The property may have more (or less!) potential than you first think**
 - a. Density Credits = Additional Potential**
 - b. Chain of Title Evidence = CoC Potential**
 - c. Certificates of Compliance = Legal Parcels**
 - d. Age of Recorded Map – Can Affect Legal Parcel determination (Later Discussion)**

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How Many Legal Parcels?

Final Conclusions – Cont'd

1. Density Credits are not Legal Parcels

a. Indicative of Additional Development Potential – Possible Subdivision Potential

2. Chain of Title – May Indicate Additional Potential Legal Parcels

a. Not considered actual Legal Parcels until recording of CoCs

3. Certificates of Compliance

a. Do signify Legal Parcels (Conditional CoC defines a path)

b. Do not indicate that a parcel is developable

c. May overlap or have other issues

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How Many Legal Parcels?

Common but Incorrect Beliefs

1. **Assessor's Parcels are Legal Parcels**
2. **Density Credits are Legal Parcels**
3. **A Record of Survey Creates Legal Parcels**
4. **Legal Parcels are always developable**
5. **A Certificate of Compliance indicates that a parcel is developable**
6. **A recorded subdivision lot is always a Legal Parcel (Discussed Later)**

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How Many Legal Parcels?

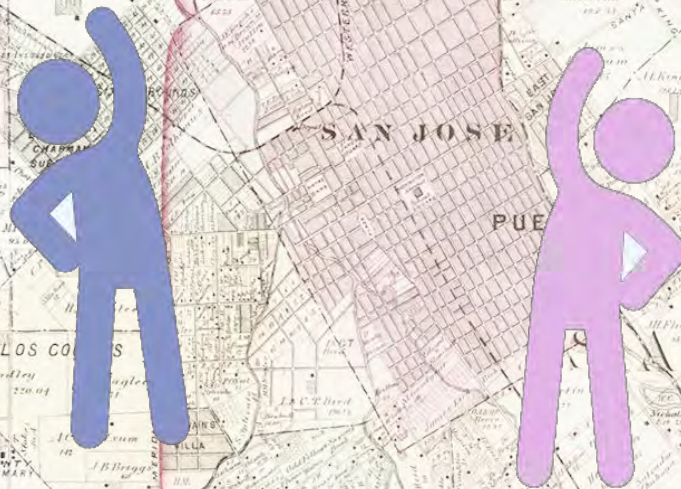
Avoiding Appraiser Liability (What's an Appraiser to do?)

1. Limiting Conditions are important
2. Were you provided a Title Report?
3. Did you ask the owner?
2. Scope of Work Description can limit potential liability.
3. You are not a title expert
 - a. Personal Opinion: If you exercise due diligence typical of your peers you have significantly limited potential liability.
4. What due diligence would a prospective buyer do?

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**Let's Begin a New Topic
(After we take a minute)**



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**Palm Ave.
Coyote
Valley**

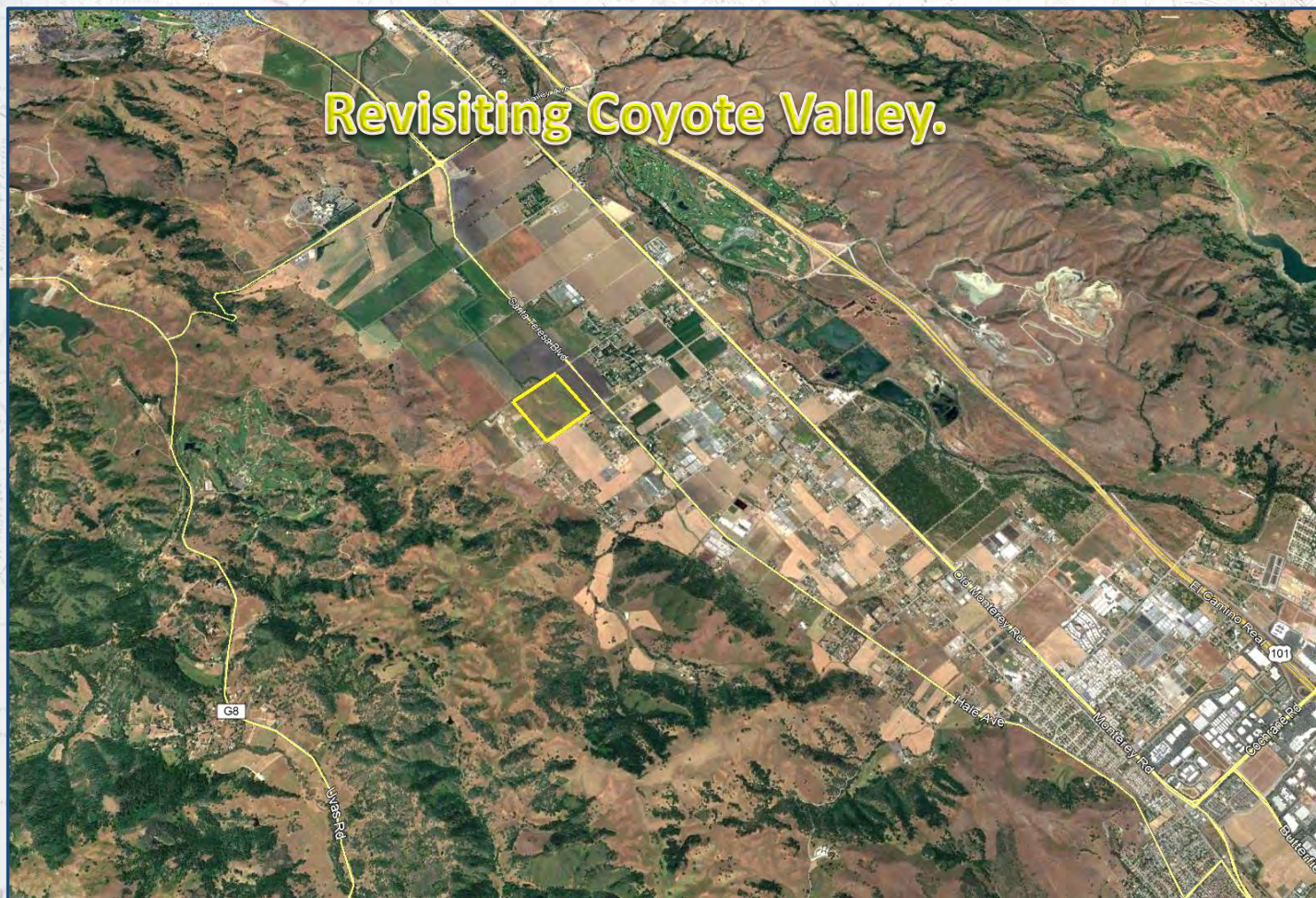
**How
Many
Legal
Parcels?**

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Revisiting Coyote Valley.



**Palm Ave.
Coyote
Valley**

**The
Assignment**

The Appraisal Assignment

- 1. You are asked to appraise 60 acres of vacant land in Coyote Valley (Santa Clara County)**
- 2. Your co-clients are the long-time property owners and the Peninsula Open Space Trust, which wants to buy the land**

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**Palm Ave.
Coyote
Valley**

**The
Assignment**

The Appraisal Assignment

- 1. You are asked to appraise 60 acres of vacant land in Coyote Valley (Santa Clara County)**
- 2. Your co-clients are the long-time property owners and the Peninsula Open Space Trust, which wants to buy the land**
- 3. The land is a **single Assessor's Parcel**. The owners are concerned that “the appraiser handle it correctly” and forward part of an older title report for reference.**

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**Palm Ave.
Coyote
Valley**

**The Title
Report**

Excerpt from Title Report

Title to the estate or interest covered by this policy at the date hereof is vested in:

JACK R. KUZIA and PATRICIA F. KUZIA, his wife, as joint tenants, as to an undivided 1/3 interest; E. LAURENCE SCHOTT and JOANNE D. SCHOTT, his wife, as joint tenants, as to an undivided 1/3 interest; and GEORGE E. SOMPS and GUNHILDE SOMPS, his wife, as joint tenants, as to an undivided 1/3 interest

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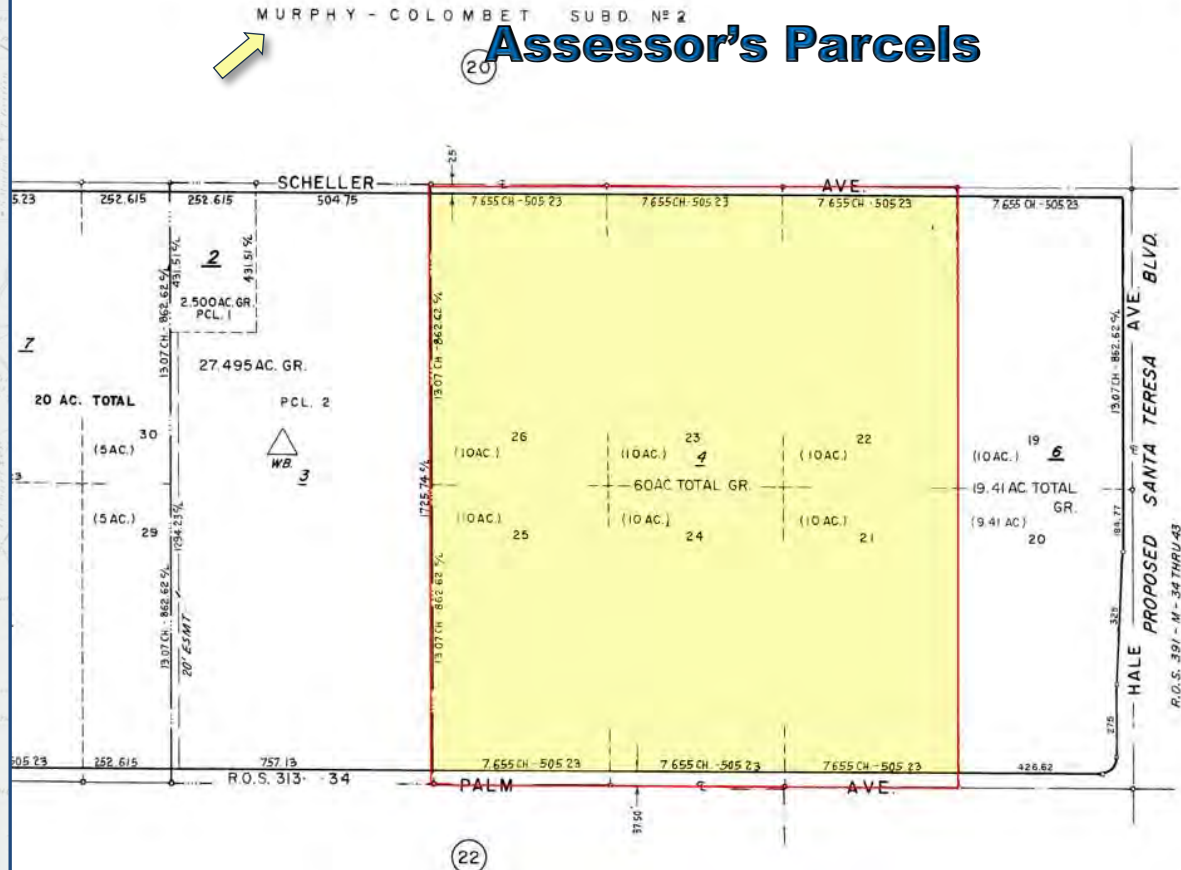


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How Many Legal Parcels?

BOOK 712	PAGE 21
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Assessor's Parcels



Appraisal
Institute™

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**Palm Ave.
Coyote
Valley**

**Google
Earth
Aerial View
of Subject**

Aerial View



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**Palm Ave.
Coyote
Valley**

**Street View
of Subject
Palm Ave**

Palm Avenue



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**Palm Ave.
Coyote
Valley**

**Street View
of Subject
Scheller
Ave**

Scheller Avenue



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**Palm Ave.
Coyote
Valley**

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**Palm Ave.
Coyote
Valley**

**How
Many
Legal
Parcels?**

The Appraiser's Dilemma

- 1. The lots were subdivided in 1908 and **may not be legal** lots (no certificates of compliance have been issued)**
- 2. What to do?**
 - (a) Owners believe they have six legal parcels (worth over \$4M)**
 - (b) Should POST pay this price if the parcels have not been certified compliant?**

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**Palm Ave.
Coyote
Valley**

**How
Many
Legal
Parcels?**

The Appraiser's Decision

3. What I did

(a) Predicated the appraisal on an extraordinary assumption:

"This appraisal assumes that the six individual lots, which were created through a subdivision map recorded May 4, 1908, are legal, individually saleable parcels."

(b) Called POST to alert them and make them aware that the extraordinary assumption had a significant effect on market value

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**Palm Ave.
Coyote
Valley**

**After the
Assignment**

After The Assignment

4. What happened

- (a) POST offered around half the appraised value based on the extraordinary assumption and suggested the owners do a bargain sale**
- (b) The owners were willing to do a bargain sale if they could get tax benefits for a charitable donation**
- (c) One owner called to ask about an appraisal for the IRS to support the \$2M+ donation**

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**Palm Ave.
Coyote
Valley**

**After the
Assignment**

After The Assignment

5. What did I tell them?

- (a) I explained the extraordinary assumption and the fact that the value would be far lower if it did not apply**
- (b) I told the caller that I could not do an appraisal for the IRS based on the extraordinary assumption**
- (c) I suggested the owners apply to the county for six certificates of compliance**

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3 - Metes
and
Bounds

3. Metes and Bounds

Now the Fun Begins!

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3 - Metes and Bounds

3. Metes and Bounds

- System used in England for many centuries, and imported to the original 13 colonies. Comprises a **series of courses** that enclose a **defined parcel** and return to the starting point.
- “**Metes**” refers to a boundary defined by the **direction and distance** each course. **Can be lines or curves.**
- “**Bounds**” refers to a **more general boundary description**, such as along a certain watercourse, a stone wall, an adjoining public road way, or an adjacent property boundary.
- The “**True Point of Beginning**” is of paramount importance in establishing the exact physical location of the described lands. It “**sets the anchor**”.
- **TPOB is typically referenced to one or more established monument locations.**

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3 - Metes and Bounds

3. Metes and Bounds – Cont'd: Courses

• Course Unit of Distance (Length)

- Rod = 16.5 feet
- League = 960 rods = 3 miles (ranchos)
- Chain = 4 rods = 66 feet
- Link = 1/100th of a chain
- Mile = 80 chains = 5,280 feet

• Course Direction of Distance (Bearing)

- Commences at TPOB or end of previous course. Proceeds in a specified direction, either along a straight line or a curve. Curve can be simple, compound (2 simple curves in same direction joined), reverse (2 simple curves in opposite directions joined), transition or spiral (varying radius).

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Legal Descriptions

Sufficiency

Sufficiency of Legal Description

The description ***"the next contiguous thirty acres"*** was held to be insufficient.

Constr, Inc. v Hesse (1960) 180 CA2d 377, 384

Supreme court held that although a memorandum may not contain a property description that is by itself definite and certain, it satisfies the requirement ***"if it furnishes the 'means or key' by which the description may be made certain and identified with its location on the ground."***

Beverage v Canton Placer Mining Co. (1955) 43 C2d 769, 774

Test for sufficiency of legal description is **degree of difficulty** that a competent surveyor would have in locating land and establishing its boundaries.

McKinley v. Lagae (1962) 207 CA2d 284

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Legal Descriptions

Nuts and Bolts

Plotting a Legal Description

It's not that hard once you understand how courses (bearings) work in legal descriptions.

- ❖ All course bearings begin from either due north or due south
- ❖ The deflection is then left (west) or right (east) the specified degrees
- ❖ Fractions of degrees are usually specified in minutes and seconds
 - One degree equals 60 minutes
 - One minute equals 60 seconds
 - Example: North 87 degrees 42 minutes 24 Seconds East would appear in a legal description as **N87°42'24"E**
- ❖ Fractions of degrees can also be specified as decimals although it would be extremely unusual in a legal description.
 - Example: North 87 degrees 42 minutes 24 Seconds East would appear in a legal description as **N87.7067°E**

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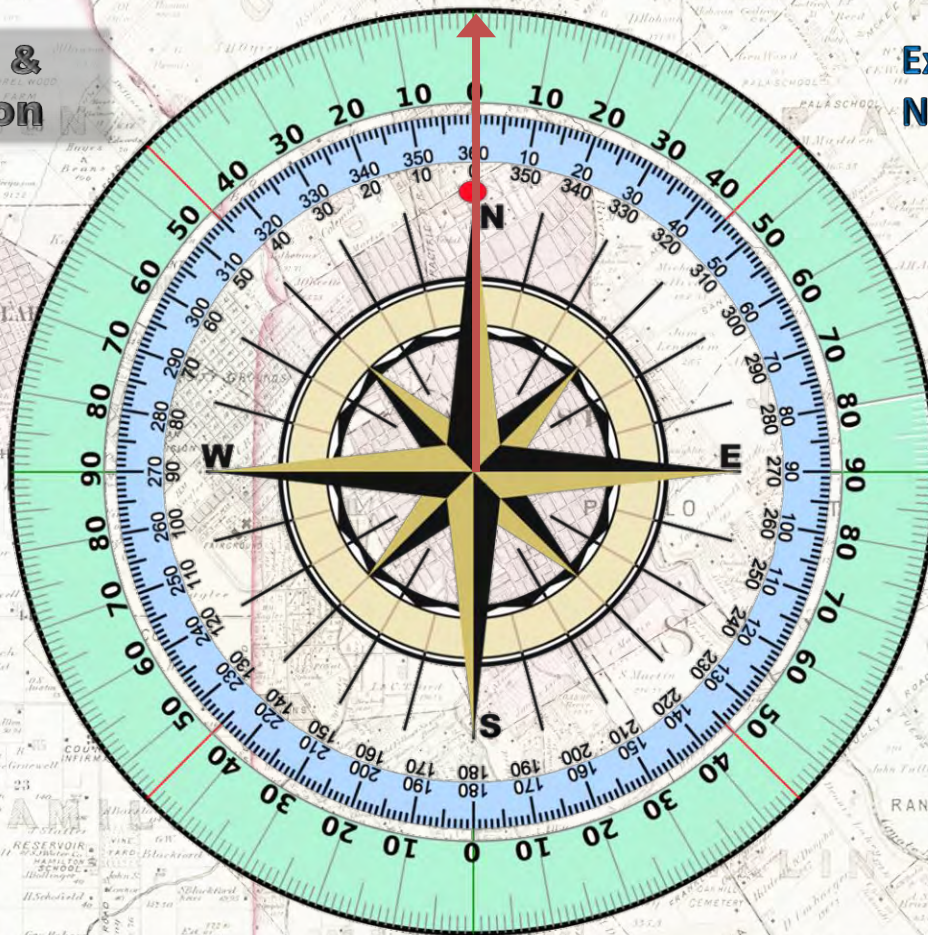


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
N0°0'0"W (or E)



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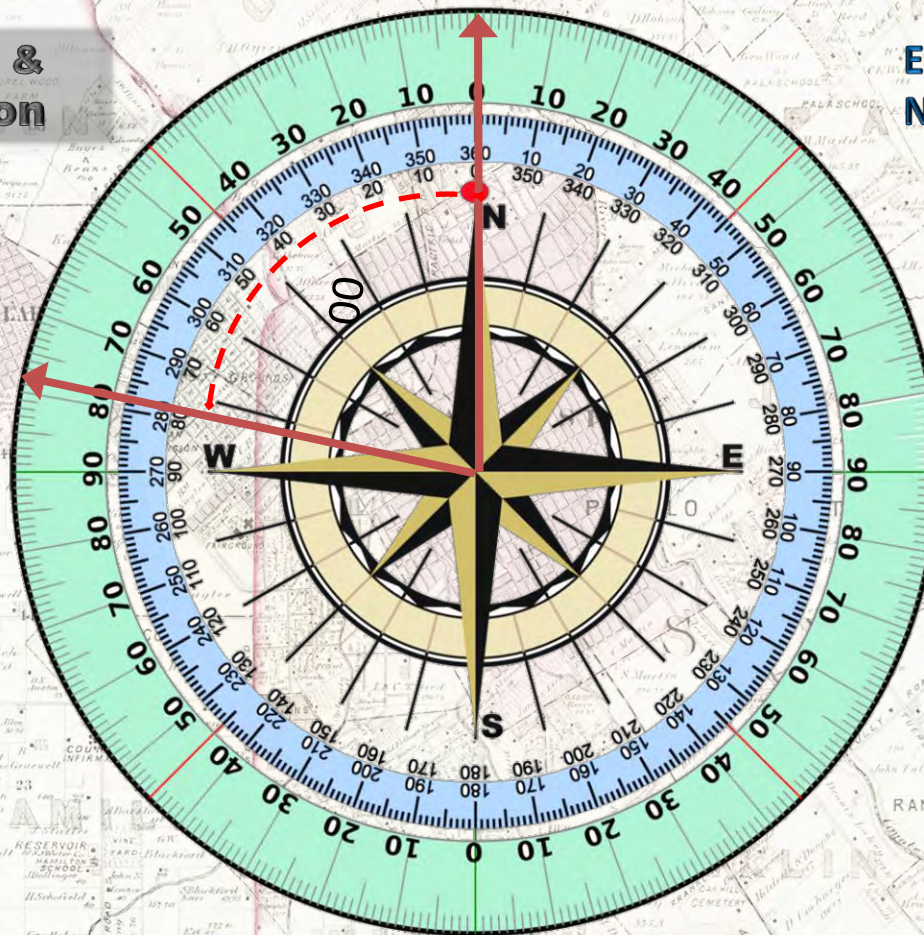


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
N77°42'24"W



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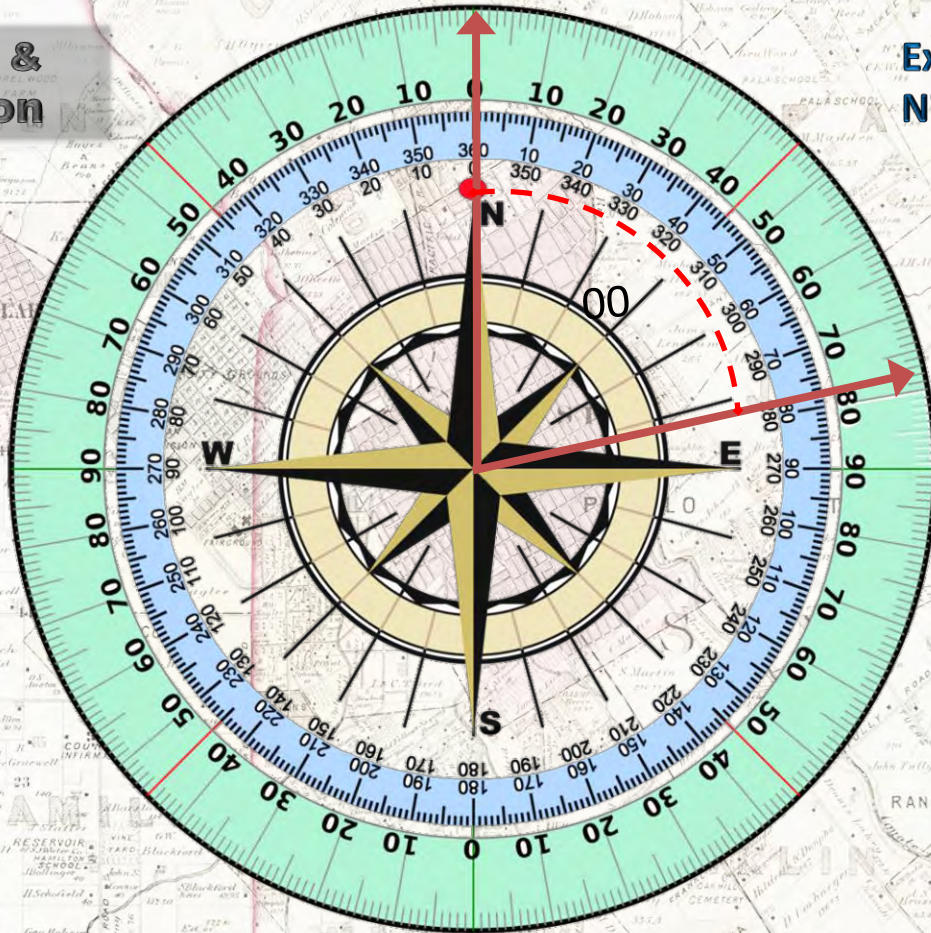


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
N77°42'24"E



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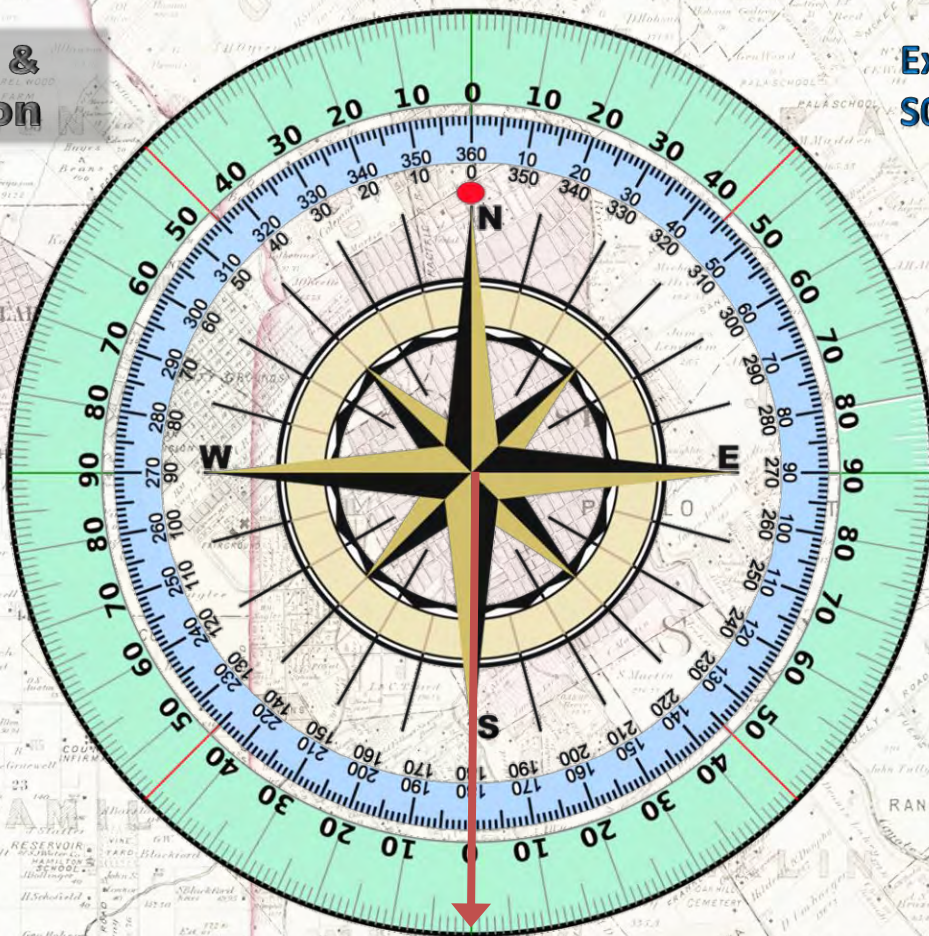


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
S0°0'0"W (or E)



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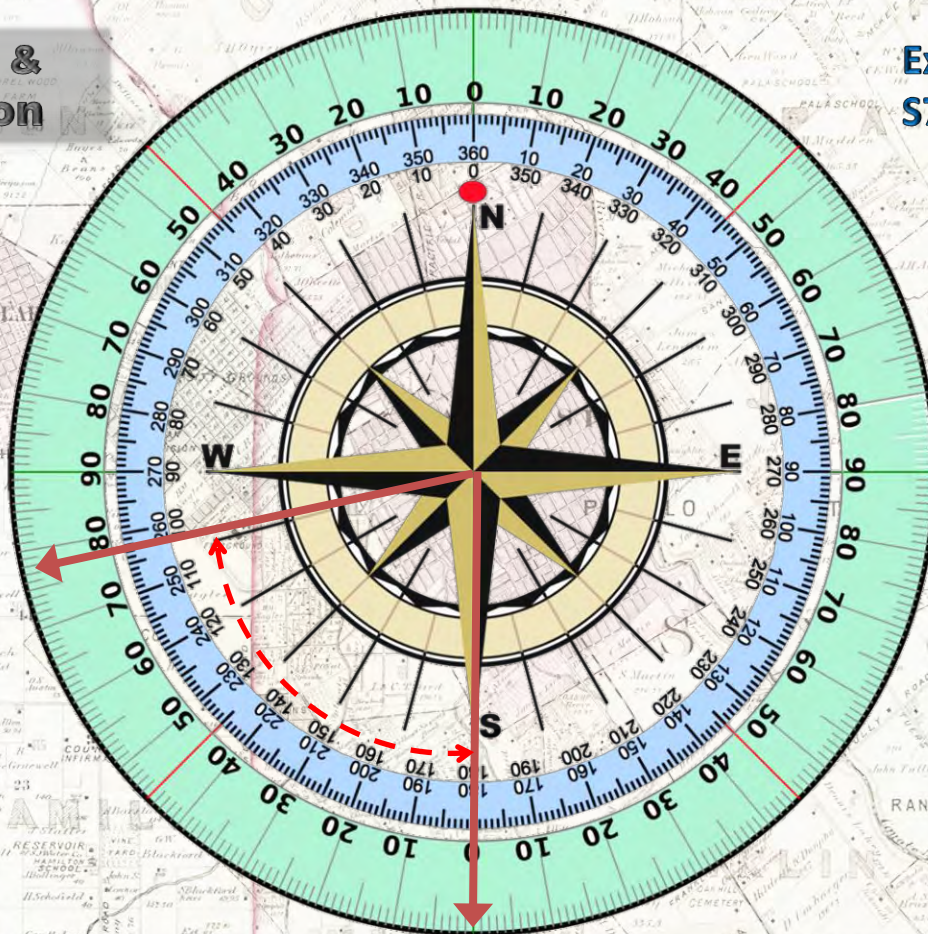


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
S77°42'24"W



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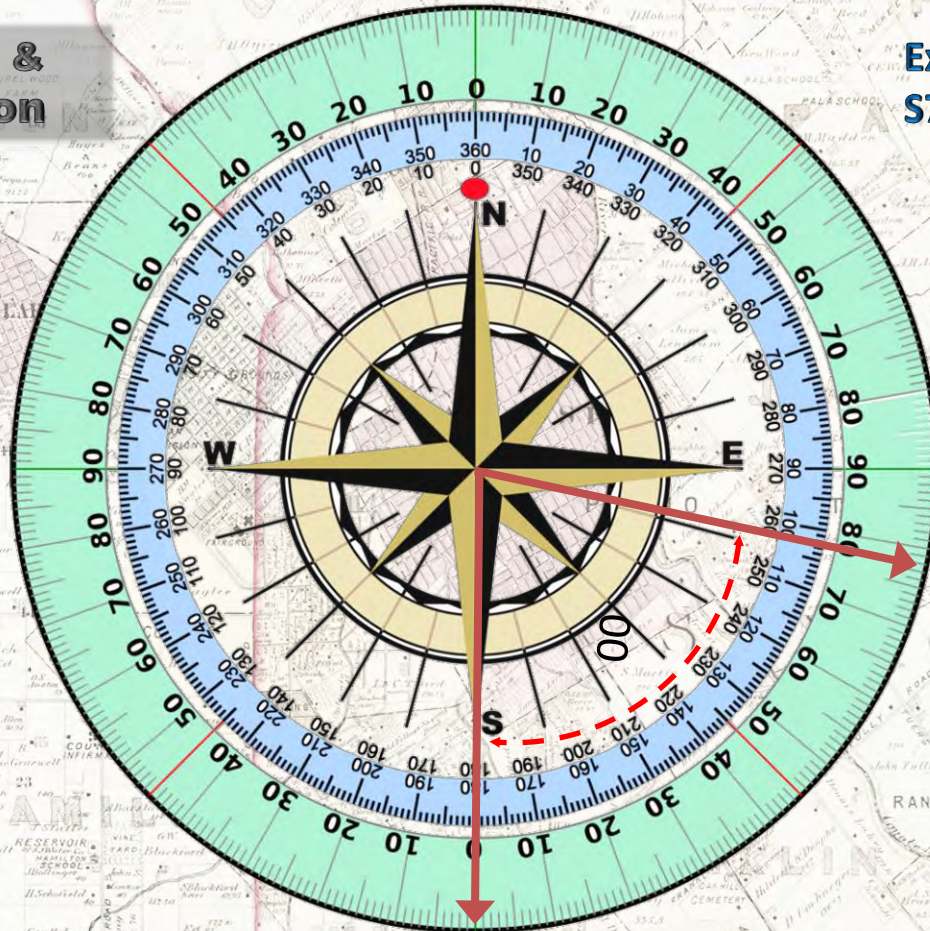


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
S77°42'24"E



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Legal Descriptions

Nuts & Bolts

Plotting a Legal Description

Curves

- ❖ Curves are of course more involved but always have at least one element tied to a course (bearing).

- ❖ Descriptive elements of curves can include:

- Direction (R or L)
- Bearing of tangent to curve (often bearing of prior course)
- Bearing of radius
- Bearing of Chord
- Length of radius
- Length of Central Angle
- Length of cord

- ❖ Note that not all of the above elements are required

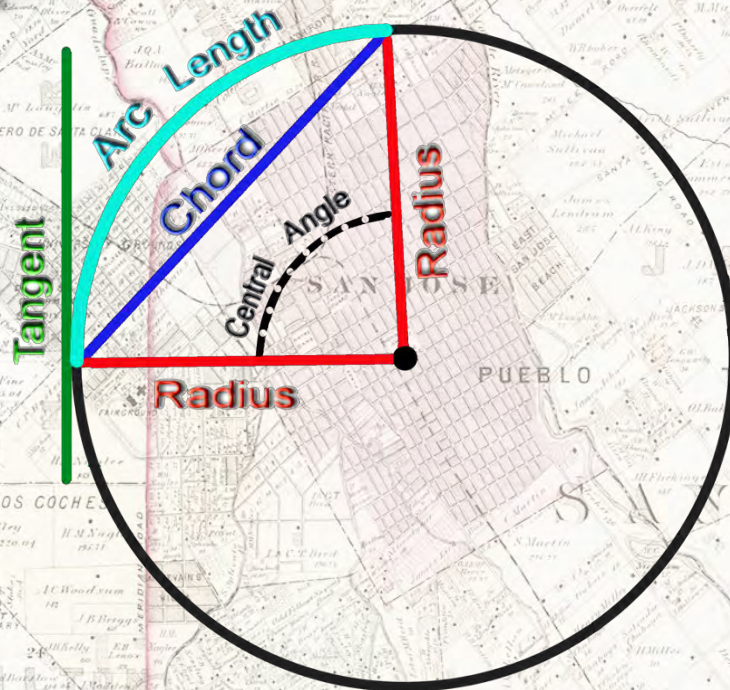
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Legal Descriptions

Parts of a Curve (Course Shape)

Parts of a Curve



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Legal Descriptions

Nuts & Bolts

Plotting a Legal Description

ASSESSOR'S PARCEL NO. 074-0906-034
ALAMEDA, CALIFORNIA

REAL PROPERTY SITUATE IN THE CITY OF ALAMEDA, COUNTY OF ALAMEDA
STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE INDENTURE
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AT PAGE 332, OFFICIAL RECORDS OF ALAMEDA COUNTY; THENCE ALONG THE
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THE NORTHEASTERLY LINE OF SAID CENTRAL PACIFIC RAILWAY PARCEL (5693
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TANGENT CURVE CONCAVE TO THE NORTHEAST, WHICH A RADIAL BEARS
NORTH 54°04'09" EAST TO THE RADIUS POINT, HAVING A RADIUS OF 477.88
FEET, A CENTRAL ANGLE OF 34°59'51" AND AN ARC LENGTH OF 291.78 FEET TO
THE NORTHERLY LINE OF THE 0.07 ACRE PARCEL OF LAND DESCRIBED IN THE
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RECORDED ON MAY 17, 1927 IN BOOK 1440 AT PAGE 339, OFFICIAL RECORDS
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LINE ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, WHICH A
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RADIUS OF 527.68 FEET, A CENTRAL ANGLE OF 13°24'42" AND AN ARC LENGTH
OF 123.52 FEET TO THE POINT OF BEGINNING.**

CONTAINING 10,060 SQUARE FEET OR 0.231 ACRE OF LAND, MORE OR LESS.

This is a typo: should be
West. (Not uncommon
to find errors in legal
descriptions.)

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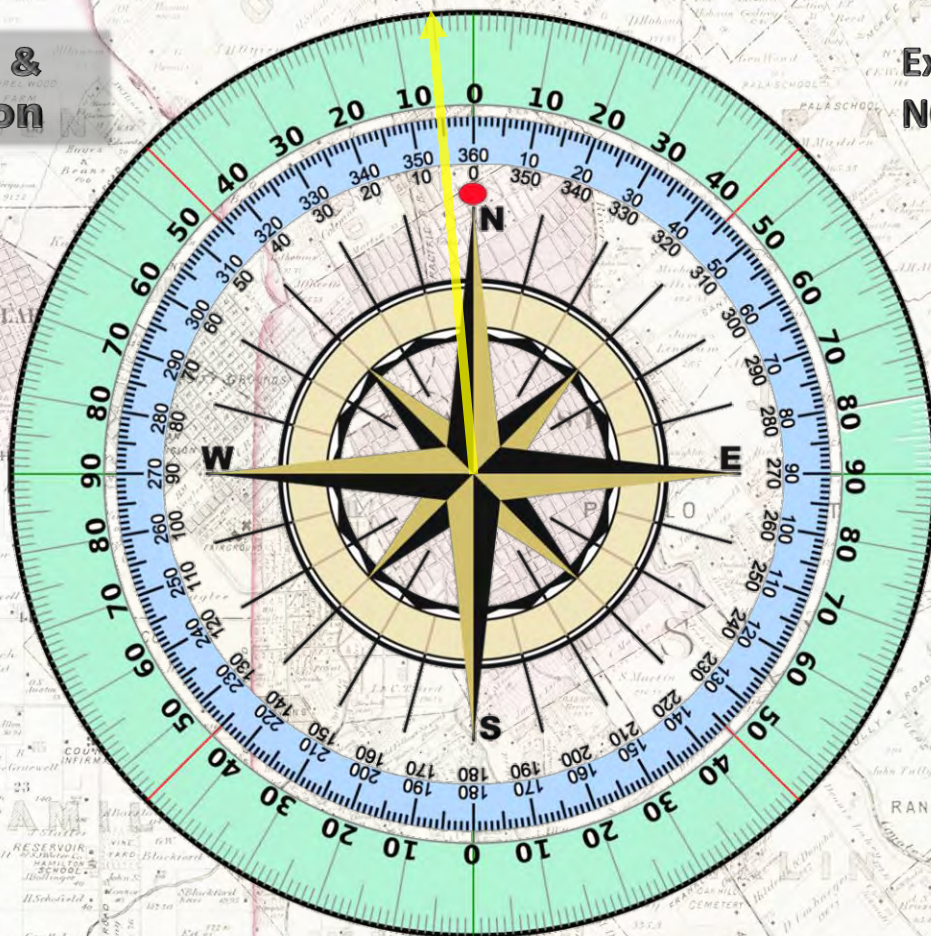


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
N05°56'0"W



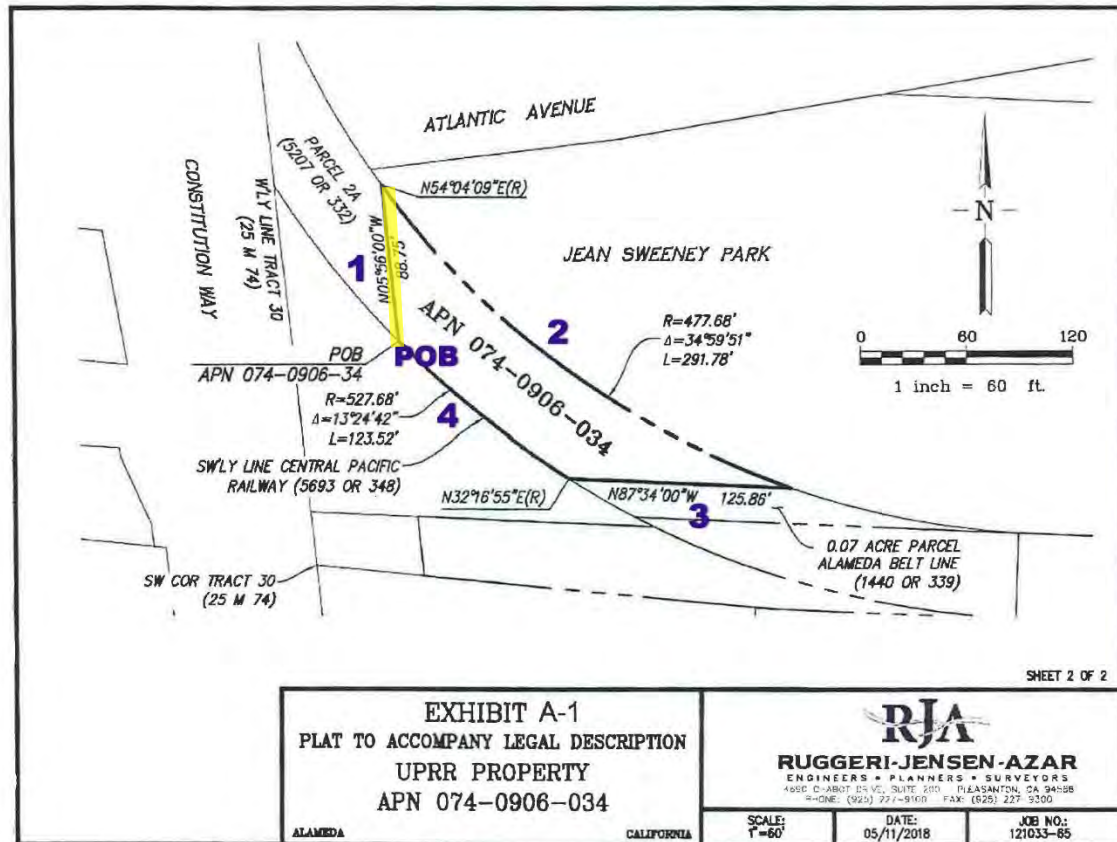
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Legal Descriptions

Nuts & Bolts

Plotting a Legal Description



Legal Descriptions

Nuts & Bolts

Plotting a Legal Description

ASSESSOR'S PARCEL NO. 074-0906-034
ALAMEDA, CALIFORNIA

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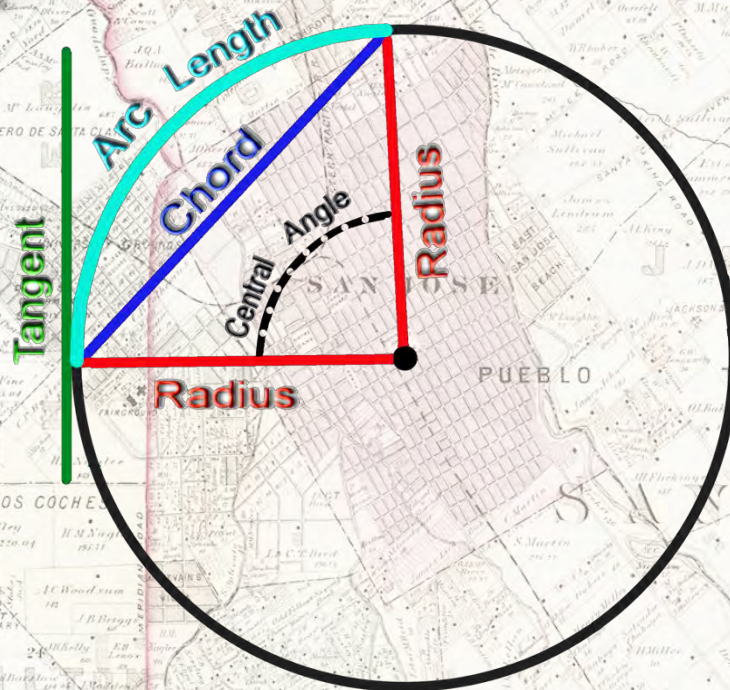
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Legal Descriptions

Parts of a Curve (Course Shape)

Parts of a Curve



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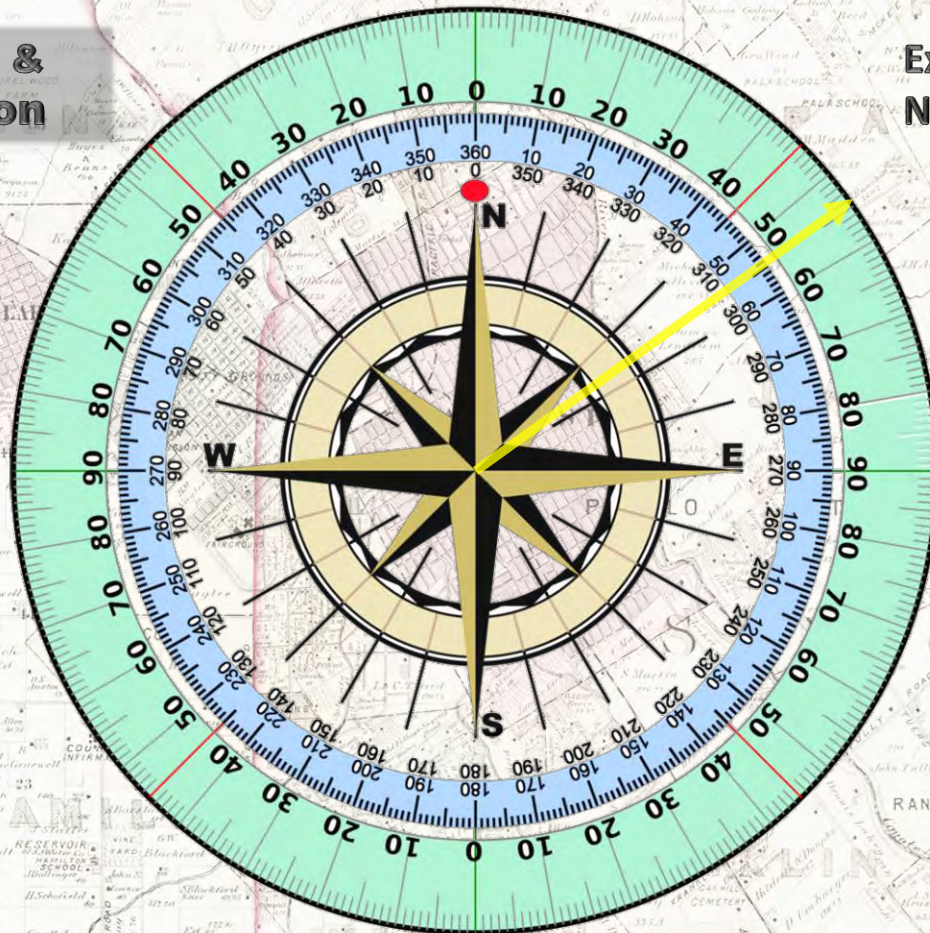


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
N54°04'09" E



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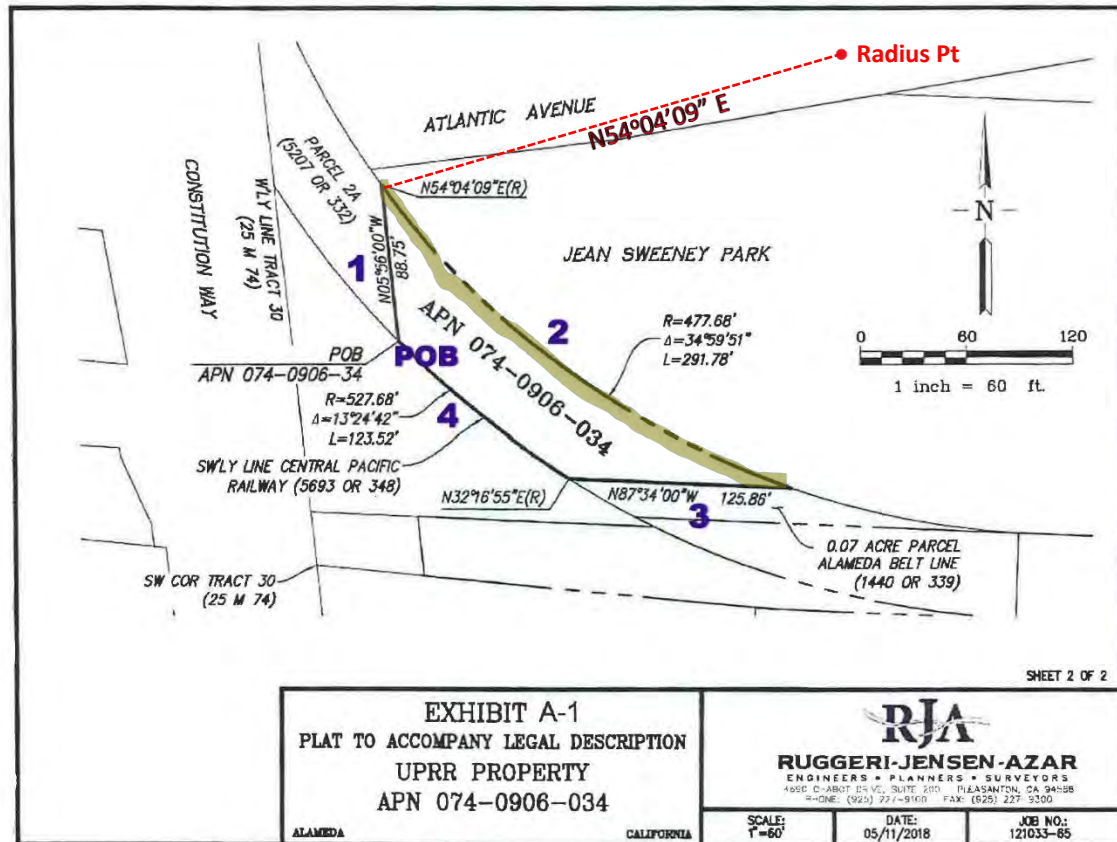


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Legal Descriptions

Nuts & Bolts

Plotting a Legal Description



Legal Descriptions

Nuts & Bolts

Plotting a Legal Description

ASSESSOR'S PARCEL NO. 074-0906-034
ALAMEDA, CALIFORNIA

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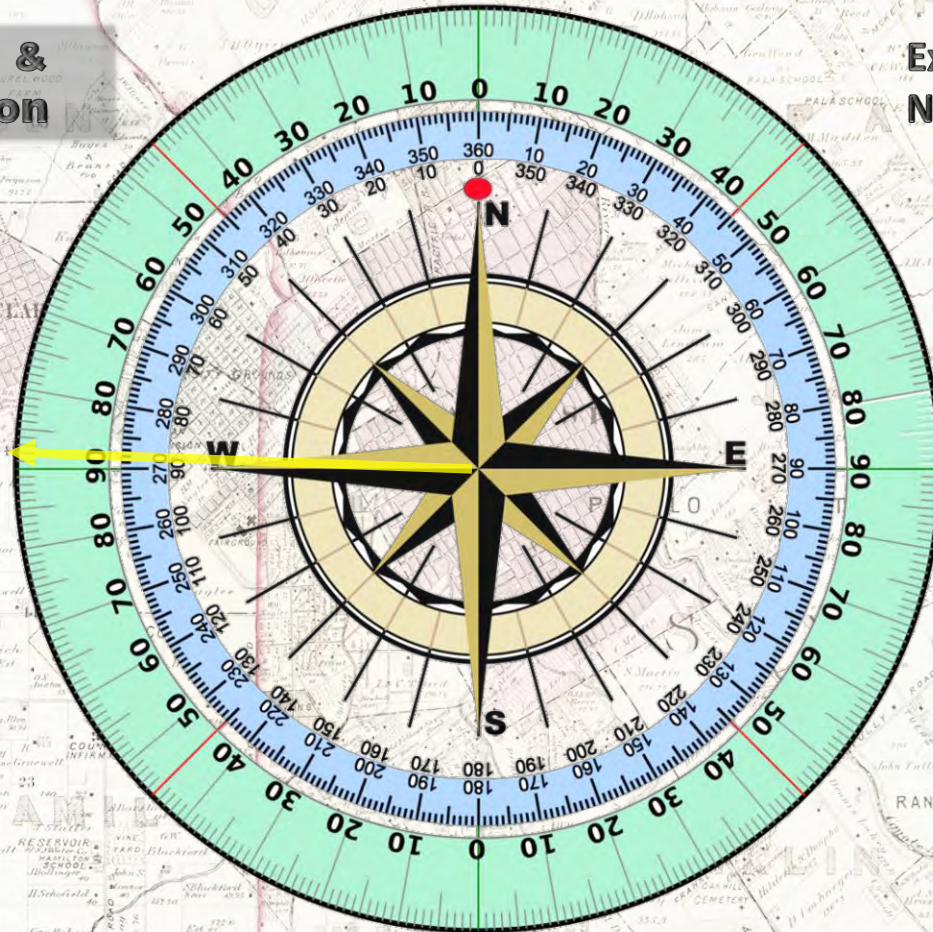


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
N87°34'0"W



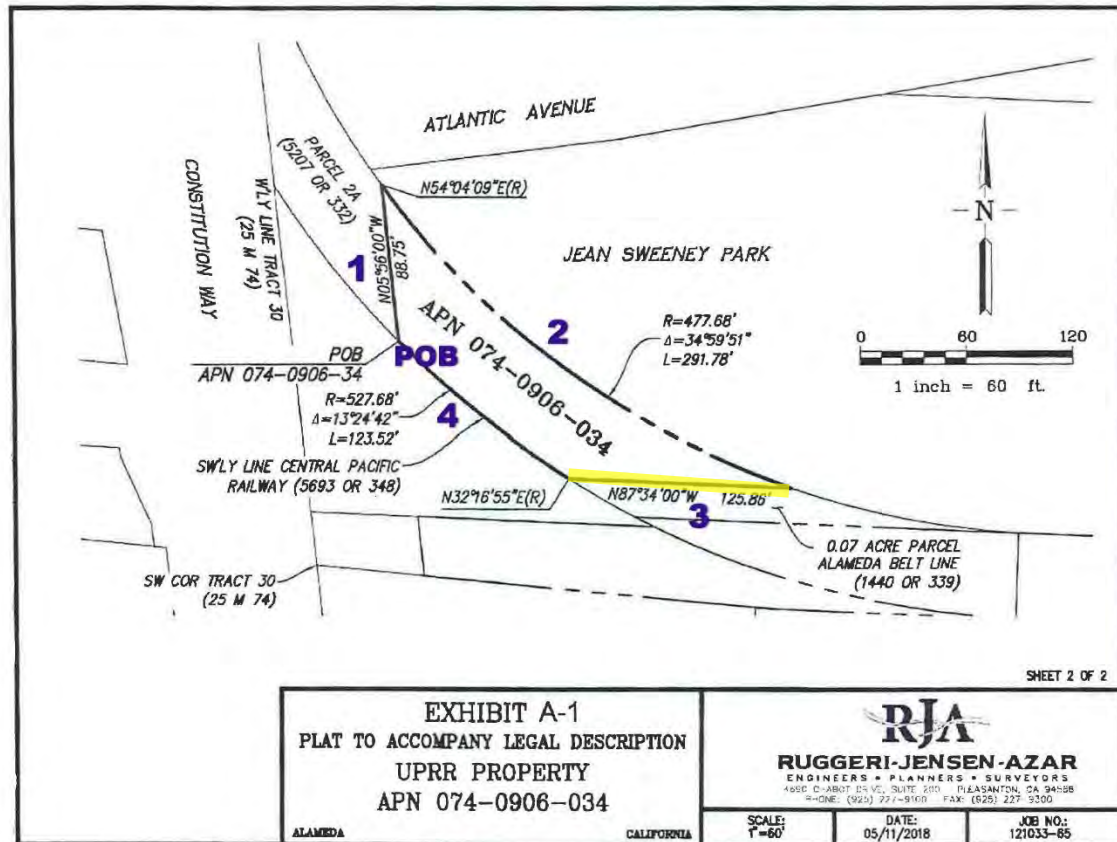
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Legal Descriptions

Nuts & Bolts

Plotting a Legal Description



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Northern California Chapter



Legal Descriptions

Nuts & Bolts

Plotting a Legal Description

ASSESSOR'S PARCEL NO. 074-0906-034
ALAMEDA, CALIFORNIA

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POB

BEGINNING AT THE SOUTHEASTERLY CORNER OF PARCEL 2A, AS LAST SAID PARCEL IS DESCRIBED IN JUDGMENT NO. 22481-G, RECORDED IN BOOK 5207 AT PAGE 332, OFFICIAL RECORDS OF ALAMEDA COUNTY; THENCE ALONG THE EASTERLY LINE OF LAST SAID PARCEL NORTH 05°56'00" EAST 88.75 FEET TO **1** THE NORTHEASTERLY LINE OF SAID CENTRAL PACIFIC RAILWAY PARCEL (5693 OR 348); THENCE SOUTHEASTERLY ALONG LAST SAID LINE ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, WHICH A RADIAL BEARS NORTH 54°04'09" EAST TO THE RADIUS POINT, HAVING A RADIUS OF 477.88 FEET, A CENTRAL ANGLE OF 34°59'51" AND AN ARC LENGTH OF 291.78 FEET TO THE NORTHERLY LINE OF THE 0.07 ACRE PARCEL OF LAND DESCRIBED IN THE INDENTURE BETWEEN PLANATAL COMPANY AND ATLANTIC BELT LINE, RECORDED ON MAY 17, 1927 IN BOOK 1440 AT PAGE 339, OFFICIAL RECORDS OF ALAMEDA COUNTY; THENCE ALONG LAST SAID LINE NORTH 87°34'00" WEST **3** 125.86 FEET TO THE SOUTHWESTERLY LINE OF SAID CENTRAL PACIFIC RAILWAY PARCEL (5693 OR 348); THENCE NORTHWESTERLY ALONG LAST SAID **4** LINE ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, WHICH A RADIAL BEARS NORTH 32°16'55" EAST TO THE RADIUS POINT, HAVING A RADIUS OF 527.68 FEET, A CENTRAL ANGLE OF 13°24'42" AND AN ARC LENGTH OF 123.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,060 SQUARE FEET OR 0.231 ACRE OF LAND, MORE OR LESS.

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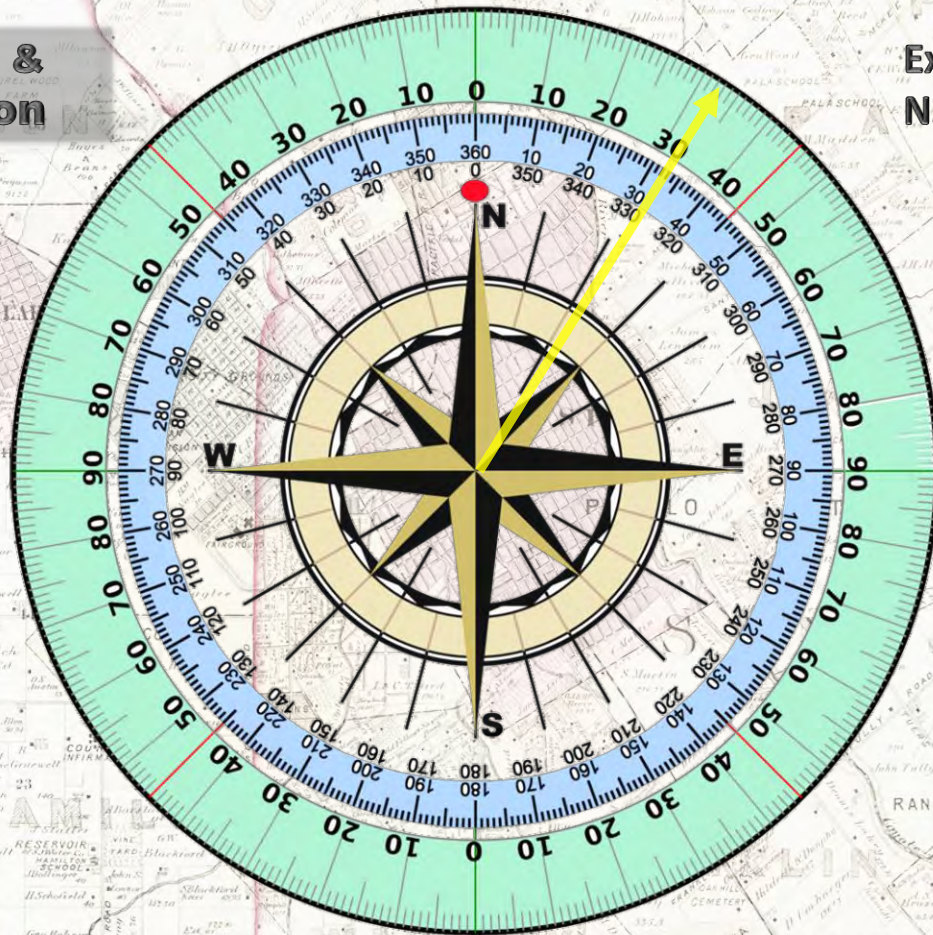


Legal Descriptions

Combined Compass (Course Direction)

Azimuth & Deflection

Example:
N32°16'55"E



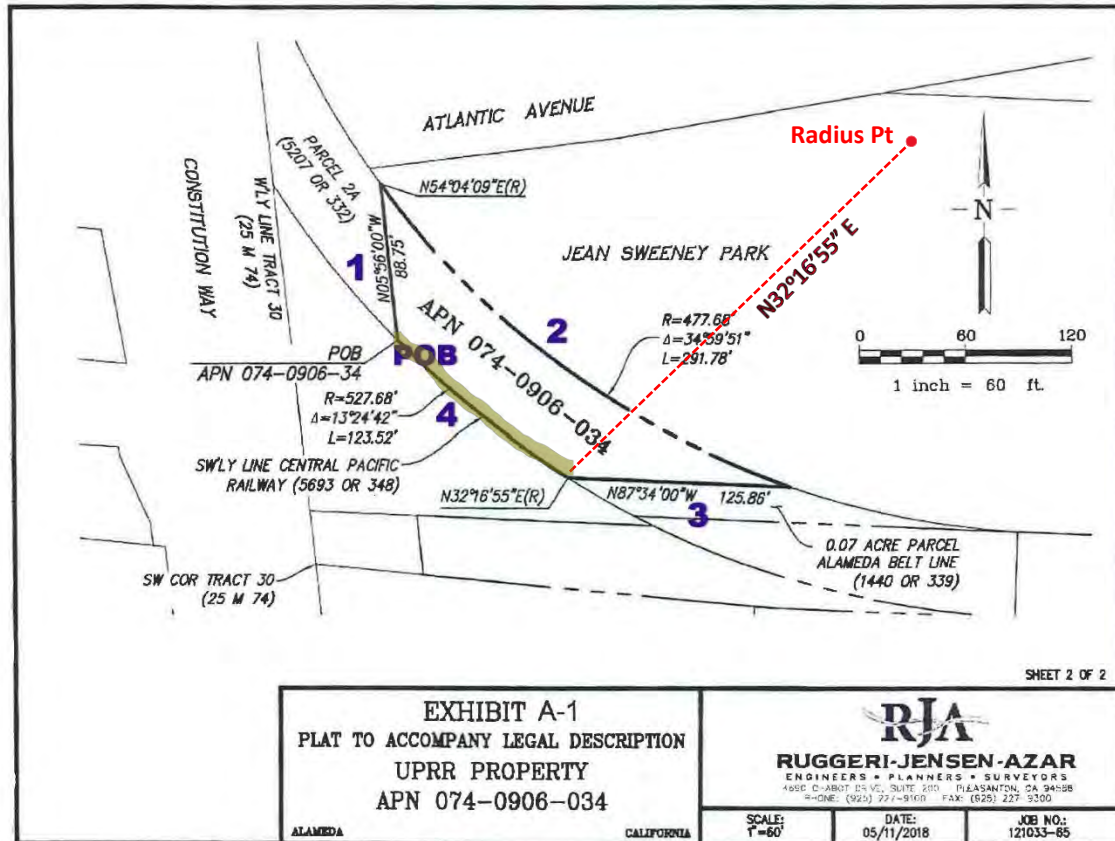
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Legal Descriptions

Nuts & Bolts

Plotting a Legal Description



3124 Fall Conference
Northern California Chapter



Legal Descriptions

Nuts & Bolts

Plotting a Legal Description in DeedPlotter

ASSESSOR'S PARCEL NO. 074-0906-034
ALAMEDA, CALIFORNIA

REAL PROPERTY SITUATE IN THE CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE INDENTURE BETWEEN THE ANGLO CALIFORNIA NATIONAL BANK OF SAN FRANCISCO AND CENTRAL PACIFIC RAILWAY COMPANY, RECORDED IN BOOK 5693 AT PAGE 348, OFFICIAL RECORDS OF ALAMEDA COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POB

BEGINNING AT THE SOUTHEASTERLY CORNER OF PARCEL 2A, AS LAST SAID PARCEL IS DESCRIBED IN JUDGMENT NO. 22481-G, RECORDED IN BOOK 5207 AT PAGE 332, OFFICIAL RECORDS OF ALAMEDA COUNTY; THENCE ALONG THE EASTERLY LINE OF LAST SAID PARCEL NORTH 05°56'00" **EAST 88.75 FEET TO 1** THE NORTHEASTERLY LINE OF SAID CENTRAL PACIFIC RAILWAY PARCEL (5693 OR 348); THENCE SOUTHEASTERLY ALONG LAST SAID LINE ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, WHICH A RADIAL BEARS NORTH 54°04'09" EAST TO THE RADIUS POINT, HAVING A RADIUS OF 477.68 FEET, A CENTRAL ANGLE OF 34°59'51" AND AN ARC LENGTH OF 291.78 FEET TO THE NORTHERLY LINE OF THE 0.07 ACRE PARCEL OF LAND DESCRIBED IN THE INDENTURE BETWEEN PLANATAL COMPANY AND ATLANTIC BELT LINE, RECORDED ON MAY 17, 1927 IN BOOK 1440 AT PAGE 339, OFFICIAL RECORDS OF ALAMEDA COUNTY; THENCE ALONG LAST SAID LINE NORTH 87°34'00" WEST **125.86 FEET TO THE SOUTHWESTERLY LINE OF SAID CENTRAL PACIFIC RAILWAY PARCEL (5693 OR 348); THENCE NORTHWESTERLY ALONG LAST SAID LINE ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, WHICH A RADIAL BEARS NORTH 32°16'55" EAST TO THE RADIUS POINT, HAVING A RADIUS OF 527.68 FEET, A CENTRAL ANGLE OF 13°24'42" AND AN ARC LENGTH OF 123.52 FEET TO THE POINT OF BEGINNING.**

CONTAINING 10,060 SQUARE FEET OR 0.231 ACRE OF LAND, MORE OR LESS.

Greenbrier Graphics Deed Plotter - For Windows - Ex A 10,060 SF.dwg

File Edit Editor Lines Fill Text Scale Map Section UnScroll Zoom in Zoom out Help

- 1 N05.5600W 88.75
- 2 curve
- 3 N87.3400W 125.86
- 4 Curve @1 width N42E 50

CURVE DATA WINDOW 2

<R>right, <L>left, or Concave ?	☒
Curve Radius at Property Line ?	477.68
Arc Length [Distance with curve] ?	291.78
Central Angle or Delta [D.MS] ?	34.5951
Chord Direction [D.MS] ?	
Chord Length [Distance Thru Curve] ?	
Tangent Direction [D.MS] ?	
Radial Direction [D.MS] ?	N54.0409E

OK Cancel

CURVE DATA WINDOW 4

<R>right, <L>left, or Concave ?	☒
Curve Radius at Property Line ?	527.68
Arc Length [Distance with curve] ?	123.52
Central Angle or Delta [D.MS] ?	13.2442
Chord Direction [D.MS] ?	
Chord Length [Distance Thru Curve] ?	
Tangent Direction [D.MS] ?	
Radial Direction [D.MS] ?	N32.1655E

OK Cancel

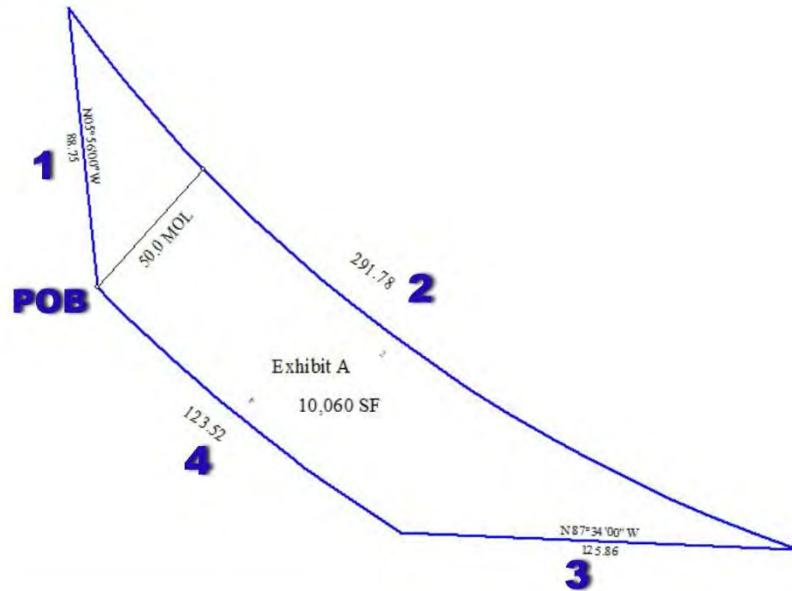
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Legal Descriptions

Nuts & Bolts

Plotting a Legal Description



Title:		Date: 12-20-2019
Scale: 1 inch = 40 feet	File: Ex A 10.060 SF.des	
Tract 1: 0.231 Acres: 10060 Sq Feet: Closure = n65.1333e0.00 Feet: Precision = 1/261656: Perimeter = 630 Feet		
Tract 2: 0.000 Acres: 0 Sq Feet: Closure = s42.0000w50.00 Feet: Precision = 1/1: Perimeter = 50 Feet		
001=N05.5600W88.75		
002=L1 R=471.68, Arc=291.78, Delta=34.5951		
Rpn=504.0000E		
003=N87.3400W125.86		
004=R1 R=371.68, Arc=123.52, Delta=13.2442		
Rpn=504.1250E		
005=@1 width		
006=N42E 50		

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**Thank
You!**

Thank you for your Attention!

This presentation is available in PDF format.

Please don't hesitate to direct questions or comments to:

Neil A. Lefmann, MAI, SRA

Kidder Mathews | Valuation Advisory Services

neil.lefmann@kidder.com

Cel: 408-483-9080

(Now Bart takes it home)

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