

AMENDED IN SENATE MAY 23, 2008

AMENDED IN SENATE APRIL 8, 2008

AMENDED IN SENATE APRIL 1, 2008

**SENATE BILL**

**No. 1237**

---

---

**Introduced by Senator Cox**

February 14, 2008

---

---

An act to amend Sections 66412, 66434, 66439, 66445, 66447, ~~66452.11, 66452.13~~ 66452.6, 66463.5, and 66477.5 of, and to add Section ~~66452.16~~ 66452.21 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as amended, Cox. Subdivision Map Act: lot line adjustments: designated remainders and omitted parcels: dedications for public purposes.

(1) The Subdivision Map Act establishes standards and procedures for subdivision of land in the state by prohibiting the selling, leasing, or financing of any parcel of real property without compliance with the map review, approval, and recordation requirements of the act.

The act exempts from its provisions, among other things, a lot line adjustment between 4 or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency or advisory agency.

This bill would require a local agency or advisory agency to act to approve or disapprove a lot line adjustment within 60 days after receipt of a complete application for the lot line adjustment.

(2) The act requires that final maps and parcel maps be prepared by or under the direction of a registered civil engineer or licensed land surveyor and conform to all of specified provisions, including that the exterior boundary of the land included within the subdivision be indicated by distinctive symbols and clearly so designated.

This bill would require that the exterior boundary of the land included within the subdivision not include a parcel that has been designated as a remainder of the subdivision or has been omitted from the subdivision.

(3) The act requires that dedications of, or offers to dedicate interests in, real property for specified public purposes be made by a statement on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided.

This bill would require, if a subdivider is required under the act or any other provision of law to make a dedication for specified public purposes on a final map, that the local agency specify whether the dedication is to be in fee for public purposes or an easement for public purposes. The bill would require the subdivider to include certain language in the dedication clause on the final map or any separate instrument.

(4) The act requires the expiration date of any tentative subdivision map, or parcel map for which a tentative map has been approved, that has not expired on specified dates to be extended by specified periods.

This bill would also extend the applicable expiration date to ~~24~~ 12 months, as specified, for any tentative or vesting tentative map for which a map has been approved ~~and~~ *or conditionally approved on or before June 1, 2007, that has not expired on January 1, 2009, and will expire on or before January 1, 2011.*

*(5) The act provides that when a tentative map is required, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval, or after any additional time period as prescribed by local ordinance, not to exceed an additional 12 months. A subdivider may file with the appropriate legislative body, prior to the expiration of the approved or conditionally approved tentative map, an application to extend the time at which the map will expire for a period or periods not to exceed a total of 5 years.*

*This bill, instead, would allow the subdivider to file an application to extend the time at which the map will expire for a period or periods not to exceed a total of 6 years.*

(5)

(6) The act requires a local agency to which property is dedicated in fee for public purposes, or for making public improvements or constructing public facilities, other than for open space, parks, or schools, to record a certificate with the county recorder in the county in which the property is located.

The act requires the local agency, if it has determined that the same public purpose for which the dedication was required does not exist, to reconvey the property to the subdivider or the successor in interest, as specified, except for all or any portion of the property that is required for that same public purpose or for public utilities.

This bill, instead, would require the local agency, if it has determined that the same public purpose for which the dedication was required does not exist regarding all or a portion of the dedicated property, to reconvey the property or the portion of property to the subdivider or, if that subdivider no longer exists or cannot be located, to the heirs, assigns, or successors in interest of that subdivider.

~~(6)~~

(7) The bill would establish a state-mandated local program by imposing new duties upon local agencies.

~~(7)~~

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 66412 of the Government Code is
- 2 amended to read:
- 3 66412. This division shall be inapplicable to any of the
- 4 following:
- 5 (a) The financing or leasing of apartments, offices, stores, or
- 6 similar space within apartment buildings, industrial buildings,
- 7 commercial buildings, mobilehome parks, or trailer parks.
- 8 (b) Mineral, oil, or gas leases.
- 9 (c) Land dedicated for cemetery purposes under the Health and
- 10 Safety Code.

1 (d) A lot line adjustment between four or fewer existing  
2 adjoining parcels, where the land taken from one parcel is added  
3 to an adjoining parcel, and where a greater number of parcels than  
4 originally existed is not thereby created, if the lot line adjustment  
5 is approved by the local agency or advisory agency. A local agency  
6 or advisory agency shall limit its review and approval to a  
7 determination of whether or not the parcels resulting from the lot  
8 line adjustment will conform to the local general plan, any  
9 applicable specific plan, any applicable coastal plan, and zoning  
10 and building ordinances. An advisory agency or local agency shall  
11 not impose conditions or exactions on its approval of a lot line  
12 adjustment except to conform to the local general plan, any  
13 applicable specific plan, any applicable coastal plan, and zoning  
14 and building ordinances, to require the prepayment of real property  
15 taxes prior to the approval of the lot line adjustment, or to facilitate  
16 the relocation of existing utilities, infrastructure, or easements. No  
17 tentative map, parcel map, or final map shall be required as a  
18 condition to the approval of a lot line adjustment. The lot line  
19 adjustment shall be reflected in a deed, which shall be recorded.  
20 No record of survey shall be required for a lot line adjustment  
21 unless required by Section 8762 of the Business and Professions  
22 Code. A local agency shall approve or disapprove a lot line  
23 adjustment pursuant to Chapter 4.5 (commencing with Section  
24 65920) of Division 1.

25 (e) Boundary line or exchange agreements to which the State  
26 Lands Commission or a local agency holding a trust grant of tide  
27 and submerged lands is a party.

28 (f) Any separate assessment under Section 2188.7 of the  
29 Revenue and Taxation Code.

30 (g) Unless a parcel or final map was approved by the legislative  
31 body of a local agency, the conversion of a community apartment  
32 project, as defined in Section 1351 of the Civil Code, to a  
33 condominium, as defined in Section 783 of the Civil Code, but  
34 only if all of the following requirements are met:

35 (1) At least 75 percent of the units in the project were occupied  
36 by record owners of the project on March 31, 1982.

37 (2) A final or parcel map of the project was properly recorded,  
38 if the property was subdivided, as defined in Section 66424, after  
39 January 1, 1964, with all of the conditions of that map remaining  
40 in effect after the conversion.

1 (3) The local agency certifies that the above requirements were  
2 satisfied if the local agency, by ordinance, provides for that  
3 certification.

4 (4) Subject to compliance with subdivision (e) of Section 1351  
5 of the Civil Code, all conveyances and other documents necessary  
6 to effectuate the conversion shall be executed by the required  
7 number of owners in the project as specified in the bylaws or other  
8 organizational documents. If the bylaws or other organizational  
9 documents do not expressly specify the number of owners  
10 necessary to execute the conveyances and other documents, a  
11 majority of owners in the project shall be required to execute the  
12 conveyances or other documents. Conveyances and other  
13 documents executed under the foregoing provisions shall be  
14 binding upon and affect the interests of all parties in the project.

15 (h) Unless a parcel or final map was approved by the legislative  
16 body of a local agency, the conversion of a stock cooperative, as  
17 defined in Section 1351 of the Civil Code, to a condominium, as  
18 defined in Section 783 of the Civil Code, but only if all of the  
19 following requirements are met:

20 (1) At least 51 percent of the units in the cooperative were  
21 occupied by stockholders of the cooperative on January 1, 1981,  
22 or individually owned by stockholders of the cooperative on  
23 January 1, 1981. As used in this paragraph, a cooperative unit is  
24 “individually owned” if and only if the stockholder of that unit  
25 owns or partially owns an interest in no more than one unit in the  
26 cooperative.

27 (2) No more than 25 percent of the shares of the cooperative  
28 were owned by any one person, as defined in Section 17, including  
29 an incorporator or director of the cooperative, on January 1, 1981.

30 (3) A person renting a unit in a cooperative shall be entitled at  
31 the time of conversion to all tenant rights in state or local law,  
32 including, but not limited to, rights respecting first refusal, notice,  
33 and displacement and relocation benefits.

34 (4) The local agency certifies that the above requirements were  
35 satisfied if the local agency, by ordinance, provides for that  
36 certification.

37 (5) Subject to compliance with subdivision (e) of Section 1351  
38 of the Civil Code, all conveyances and other documents necessary  
39 to effectuate the conversion shall be executed by the required  
40 number of owners in the cooperative as specified in the bylaws or

1 other organizational documents. If the bylaws or other  
2 organizational documents do not expressly specify the number of  
3 owners necessary to execute the conveyances and other documents,  
4 a majority of owners in the cooperative shall be required to execute  
5 the conveyances or other documents. Conveyances and other  
6 documents executed under the foregoing provisions shall be  
7 binding upon and affect the interests of all parties in the  
8 cooperative.

9 (i) The leasing of, or the granting of an easement to, a parcel of  
10 land, or any portion or portions thereof, in conjunction with the  
11 financing, erection, and sale or lease of a windpowered electrical  
12 generation device on the land, if the project is subject to  
13 discretionary action by the advisory agency or legislative body.

14 (j) The leasing or licensing of a portion of a parcel, or the  
15 granting of an easement, use permit, or similar right on a portion  
16 of a parcel, to a telephone corporation as defined in Section 234  
17 of the Public Utilities Code, exclusively for the placement and  
18 operation of cellular radio transmission facilities, including, but  
19 not limited to, antennae support structures, microwave dishes,  
20 structures to house cellular communications transmission  
21 equipment, power sources, and other equipment incidental to the  
22 transmission of cellular communications, if the project is subject  
23 to discretionary action by the advisory agency or legislative body.

24 (k) Leases of agricultural land for agricultural purposes. As used  
25 in this subdivision, “agricultural purposes” means the cultivation  
26 of food or fiber, or the grazing or pasturing of livestock.

27 SEC. 2. Section 66434 of the Government Code is amended  
28 to read:

29 66434. The final map shall be prepared by or under the  
30 direction of a registered civil engineer or licensed land surveyor,  
31 shall be based upon a survey, and shall conform to all of the  
32 following provisions:

33 (a) It shall be legibly drawn, printed, or reproduced by a process  
34 guaranteeing a permanent record in black on tracing cloth or  
35 polyester base film. Certificates, affidavits, and acknowledgments  
36 may be legibly stamped or printed upon the map with opaque ink.  
37 If ink is used on polyester base film, the ink surface shall be coated  
38 with a suitable substance to assure permanent legibility.

39 (b) The size of each sheet shall be 18 by 26 inches or 460 by  
40 660 millimeters. A marginal line shall be drawn completely around

1 each sheet, leaving an entirely blank margin of one inch or 025  
2 millimeters. The scale of the map shall be large enough to show  
3 all details clearly and enough sheets shall be used to accomplish  
4 this end. The particular number of the sheet and the total number  
5 of sheets comprising the map shall be stated on each of the sheets,  
6 and its relation to each adjoining sheet shall be clearly shown.

7 (c) All survey and mathematical information and data necessary  
8 to locate all monuments and to locate and retrace any and all  
9 interior and exterior boundary lines appearing on the map shall be  
10 shown, including bearings and distances of straight lines, and radii  
11 and arc length or chord bearings and length for all curves, and any  
12 information that may be necessary to determine the location of the  
13 centers of curves and ties to existing monuments used to establish  
14 the subdivision boundaries.

15 (d) Each parcel shall be numbered or lettered and each block  
16 may be numbered or lettered. Each street shall be named or  
17 otherwise designated. The subdivision number shall be shown  
18 together with the description of the real property being subdivided.

19 (e) (1) The exterior boundary of the land included within the  
20 subdivision shall be indicated by distinctive symbols and clearly  
21 so designated. The exterior boundary of the land included within  
22 the subdivision shall not include a designated remainder or omitted  
23 parcel that is designated or omitted under Section 66424.6. *The*  
24 *designated remainder or omitted parcel shall be labeled as a*  
25 *designated remainder parcel or an omitted parcel.* The map shall  
26 show the definite location of the subdivision, and particularly its  
27 relation to surrounding surveys.

28 (2) If the map includes a “designated remainder” parcel, and  
29 the gross area of the “designated remainder” parcel or similar  
30 parcel is five acres or more, that remainder parcel need not be  
31 shown on the map and its location need not be indicated as a matter  
32 of survey, but only by deed reference to the existing boundaries  
33 of the remainder parcel.

34 (3) A parcel designated as “not a part” shall be deemed to be a  
35 “designated remainder” for purposes of this section.

36 (f) On and after January 1, 1987, no additional requirements  
37 shall be included that do not affect record title interests. However,  
38 the map shall contain a notation or reference to additional  
39 information required by a local ordinance adopted pursuant to  
40 Section 66434.2.

1 (g) Any public streets or public easements to be left in effect  
2 after the subdivision shall be adequately delineated on the map.  
3 The filing of the final map shall constitute abandonment of all  
4 public streets and public easements not shown on the map, provided  
5 that a written notation of each abandonment is listed by reference  
6 to the recording data or other official record creating these public  
7 streets or public easements and certified to on the map by the clerk  
8 of the legislative body or the designee of the legislative body  
9 approving the map. Before a public easement vested in another  
10 public entity may be abandoned pursuant to this section, that public  
11 entity shall receive notice of the proposed abandonment. No public  
12 easement vested in another public entity shall be abandoned  
13 pursuant to this section if that public entity objects to the proposed  
14 abandonment.

15 SEC. 3. Section 66439 of the Government Code is amended  
16 to read:

17 66439. (a) Dedications of, or offers to dedicate interests in,  
18 real property for specified public purposes shall be made by a  
19 statement on the final map, signed and acknowledged by those  
20 parties having any record title interest in the real property being  
21 subdivided, subject to Section 66436.

22 (b) In the event any street shown on a final map is not offered  
23 for dedication, the statement may contain a declaration to this  
24 effect. If the statement appears on the final map and if the map is  
25 approved by the legislative body, the use of the street or streets by  
26 the public shall be permissive only.

27 (c) An offer of dedication of real property for street or public  
28 utility easement purposes shall be deemed not to include any public  
29 utility facilities located on or under the real property unless, and  
30 only to the extent that, an intent to dedicate the facilities is  
31 expressly declared in the statement.

32 (d) (1) If a subdivider is required under this division or any  
33 other provision of law to make a dedication for specified public  
34 purposes on a final map, the local agency shall specify whether  
35 the dedication is to be in fee for public purposes or an easement  
36 for public purposes.

37 (2) If the dedication is required to be in fee for public purposes,  
38 the subdivider shall include the following language in the  
39 dedication clause on the final map or any separate instrument:  
40 “The real property described below is dedicated in fee for public

1 purposes: (here insert a description of the property as shown on  
2 the map).”

3 (3) If the dedication is required to be an easement for public  
4 purposes, the subdivider shall include the following language in  
5 the dedication clause on the parcel map or any separate instrument:  
6 “The real property described below is dedicated as an easement  
7 for public purposes: (here insert a description of the easement as  
8 shown on the map).”

9 SEC. 4. Section 66445 of the Government Code is amended  
10 to read:

11 66445. The parcel map shall be prepared by, or under the  
12 direction of, a registered civil engineer or licensed land surveyor,  
13 shall show the location of streets and property lines bounding the  
14 property, and shall conform to all of the following provisions:

15 (a) It shall be legibly drawn, printed, or reproduced by a process  
16 guaranteeing a permanent record in black on tracing cloth or  
17 polyester base film. Certificates or statements, affidavits, and  
18 acknowledgments may be legibly stamped or printed upon the map  
19 with opaque ink. If ink is used on polyester base film, the ink  
20 surface shall be coated with a suitable substance to assure  
21 permanent legibility.

22 (b) The size of each sheet shall be 18 by 26 inches or 460 by  
23 660 millimeters. A marginal line shall be drawn completely around  
24 each sheet, leaving an entirely blank margin of one inch or 025  
25 millimeters. The scale of the map shall be large enough to show  
26 all details clearly and enough sheets shall be used to accomplish  
27 this end. The particular number of the sheet and the total number  
28 of sheets comprising the map shall be stated on each of the sheets,  
29 and its relation to each adjoining sheet shall be clearly shown.

30 (c) Each parcel shall be numbered or lettered and each block  
31 may be numbered or lettered. Each street shall be named or  
32 otherwise designated. The subdivision number shall be shown  
33 together with the description of the real property being subdivided.

34 (d) (1) The exterior boundary of the land included within the  
35 subdivision shall be indicated by distinctive symbols and clearly  
36 so designated. The exterior boundary of the land included within  
37 the subdivision shall not include a designated remainder or omitted  
38 parcel that is designated or omitted under Section 66424.6. *The*  
39 *designated remainder or omitted parcel shall be labeled as a*  
40 *designated remainder parcel or an omitted parcel.*

1 (2) The map shall show the location of each parcel and its  
2 relation to surrounding surveys. If the map includes a “designated  
3 remainder” parcel or similar parcel, and the gross area of the  
4 “designated remainder” parcel or similar parcel is five acres or  
5 more, that remainder parcel need not be shown on the map and its  
6 location need not be indicated as a matter of survey, but only by  
7 deed reference to the existing boundaries of the remainder parcel.

8 (3) A parcel designated as “not a part” shall be deemed to be a  
9 “designated remainder” for purposes of this section.

10 (e) (1) Subject to the provisions of Section 66436, a statement,  
11 signed and acknowledged by all parties having any record title  
12 interest in the real property subdivided, consenting to the  
13 preparation and recordation of the parcel map is required, except  
14 that less inclusive requirements may be provided by local  
15 ordinance.

16 (2) With respect to a division of land into four or fewer parcels,  
17 where dedications or offers of dedications are not required, the  
18 statement shall be signed and acknowledged by the subdivider  
19 only. If the subdivider does not have a record title ownership  
20 interest in the property to be divided, the local agency may require  
21 that the subdivider provide the local agency with satisfactory  
22 evidence that the persons with record title ownership have  
23 consented to the proposed division. For purposes of this paragraph,  
24 “record title ownership” means fee title of record unless a leasehold  
25 interest is to be divided, in which case “record title ownership”  
26 means ownership of record of the leasehold interest. Record title  
27 ownership does not include ownership of mineral rights or other  
28 subsurface interests that have been severed from ownership of the  
29 surface.

30 (f) Notwithstanding any other provision of this article, local  
31 agencies may require that those statements and acknowledgments  
32 required pursuant to subdivision (e) be made by separate instrument  
33 to be recorded concurrently with the parcel map being filed for  
34 record.

35 (g) On and after January 1, 1987, no additional survey and map  
36 requirements shall be included on a parcel map that do not affect  
37 record title interests. However, the map shall contain a notation  
38 of reference to survey and map information required by a local  
39 ordinance adopted pursuant to Section 66434.2.

1 (h) Whenever a certificate or acknowledgment is made by  
2 separate instrument, there shall appear on the parcel map a  
3 reference to the separately recorded document. This reference shall  
4 be completed by the county recorder pursuant to Section 66468.1.

5 (i) If a field survey was performed, the parcel map shall contain  
6 a statement by the engineer or surveyor responsible for the  
7 preparation of the map that states that all monuments are of the  
8 character and occupy the positions indicated, or that they will be  
9 set in those positions on or before a specified date, and that the  
10 monuments are, or will be, sufficient to enable the survey to be  
11 retraced.

12 (j) Any public streets or public easements to be left in effect  
13 after the subdivision shall be adequately delineated on the map.  
14 The filing of the parcel map shall constitute abandonment of all  
15 public streets and public easements not shown on the map, provided  
16 that a written notation of each abandonment is listed by reference  
17 to the recording data or other official record creating these public  
18 streets or public easements and certified to on the map by the clerk  
19 of the legislative body or the designee of the legislative body  
20 approving the map. Before a public easement vested in another  
21 public entity may be abandoned pursuant to this section, that public  
22 entity shall receive notice of the proposed abandonment. No public  
23 easement vested in another public entity shall be abandoned  
24 pursuant to this section if that public entity objects to the proposed  
25 abandonment.

26 SEC. 5. Section 66447 of the Government Code is amended  
27 to read:

28 66447. (a) If dedications or offers of dedication are required,  
29 they may be made either by a statement on the parcel map or by  
30 separate instrument, as provided by local ordinance. If dedications  
31 or offers of dedication are made by separate instrument, the  
32 dedications or offers of dedication shall be recorded concurrently  
33 with, or prior to, the parcel map being filed for record.

34 (b) The dedication or offers of dedication, whether by statement  
35 or separate instrument, shall be signed by the same parties and in  
36 the same manner as set forth in Section 66439 for dedications by  
37 a final map.

38 (c) (1) If a subdivider is required under this division or any  
39 other provision of law to make a dedication for specified public  
40 purposes on a parcel map, the local agency shall specify whether

1 the dedication is to be in fee for public purposes or an easement  
2 for public purposes.

3 (2) If the dedication is required to be in fee for public purposes,  
4 the subdivider shall include the following language in the  
5 dedication clause on the parcel map or any separate instrument:  
6 “The real property described below is dedicated in fee for public  
7 purposes: (here insert a description of the property as shown on  
8 the map).”

9 (3) If the dedication is required to be an easement for public  
10 purposes, the subdivider shall include the following language in  
11 the dedication clause on the parcel map or any separate instrument:  
12 “The real property described below is dedicated as an easement  
13 for public purposes: (here insert a description of the easement as  
14 shown on the map).”

15 ~~SEC. 6. Section 66452.11 of the Government Code, as added~~  
16 ~~by Section 1 of Chapter 407 of the Statutes of 1993, is amended~~  
17 ~~to read:~~

18 ~~66452.11. (a) The expiration date of any tentative subdivision~~  
19 ~~map or parcel map for which a tentative map has been approved~~  
20 ~~that has not expired on the date that the act that adds this section~~  
21 ~~becomes effective shall be extended by 24 months.~~

22 ~~(b) The extension provided by subdivision (a) shall be in~~  
23 ~~addition to any extension of the expiration date provided for in~~  
24 ~~Section 66452.6, 66452.16, or 66463.5.~~

25 ~~(c) Any legislative, administrative, or other approval by any~~  
26 ~~state agency that pertains to a development project included in a~~  
27 ~~map that is extended pursuant to subdivision (a) shall be extended~~  
28 ~~by 24 months if this approval has not expired on the date that the~~  
29 ~~act that adds this section becomes effective.~~

30 ~~SEC. 7. Section 66452.13 of the Government Code is amended~~  
31 ~~to read:~~

32 ~~66452.13. (a) The expiration date of any tentative or vesting~~  
33 ~~tentative subdivision map or parcel map for which a tentative map~~  
34 ~~or vesting tentative map has been approved, that has not expired~~  
35 ~~on or before the date the act that adds this section becomes effective~~  
36 ~~shall be extended by 12 months.~~

37 ~~(b) The extension provided by subdivision (a) shall be in~~  
38 ~~addition to any extension of the expiration date provided for in~~  
39 ~~Section 66452.11, 66452.6, 66452.16, or 66463.5.~~

1 ~~(e) Any legislative, administrative, or other approval by any~~  
2 ~~state agency that pertains to a development project included in a~~  
3 ~~map that is extended pursuant to subdivision (a) shall be extended~~  
4 ~~by 12 months if this approval has not expired on the date that the~~  
5 ~~act that adds this section becomes effective. This extension shall~~  
6 ~~be in addition to any extension provided for in Section 66452.11.~~

7 ~~SEC. 8. Section 66452.16 is added to the Government Code,~~  
8 ~~to read:~~

9 ~~66452.16. (a) The expiration date of any tentative or vesting~~  
10 ~~tentative subdivision map or parcel map for which a tentative or~~  
11 ~~vesting tentative map, as the case may be, has been approved that~~  
12 ~~has not expired on the date that the act that adds this section~~  
13 ~~becomes effective shall be extended by 24 months.~~

14 ~~(b) The extension provided by subdivision (a) shall be in~~  
15 ~~addition to any extension of the expiration date provided for in~~  
16 ~~Section 66452.6, 66452.11, 66452.13, or 66463.5.~~

17 ~~(e) Any legislative, administrative, or other approval by any~~  
18 ~~state agency that pertains to a development project included in a~~  
19 ~~map that is extended pursuant to subdivision (a) shall be extended~~  
20 ~~by 24 months if this approval has not expired on the date that the~~  
21 ~~act that adds this section becomes effective.~~

22 ~~SEC. 6. Section 66452.6 of the Government Code is amended~~  
23 ~~to read:~~

24 ~~66452.6. (a) (1) An approved or conditionally approved~~  
25 ~~tentative map shall expire 24 months after its approval or~~  
26 ~~conditional approval, or after any additional period of time as may~~  
27 ~~be prescribed by local ordinance, not to exceed an additional 12~~  
28 ~~months. However, if the subdivider is required to expend one~~  
29 ~~hundred seventy-eight thousand dollars (\$178,000) or more to~~  
30 ~~construct, improve, or finance the construction or improvement~~  
31 ~~of public improvements outside the property boundaries of the~~  
32 ~~tentative map, excluding improvements of public rights-of-way~~  
33 ~~which abut the boundary of the property to be subdivided and~~  
34 ~~which are reasonably related to the development of that property,~~  
35 ~~each filing of a final map authorized by Section 66456.1 shall~~  
36 ~~extend the expiration of the approved or conditionally approved~~  
37 ~~tentative map by 36 months from the date of its expiration, as~~  
38 ~~provided in this section, or the date of the previously filed final~~  
39 ~~map, whichever is later. The extensions shall not extend the~~  
40 ~~tentative map more than 10 years from its approval or conditional~~

1 approval. However, a tentative map on property subject to a  
2 development agreement authorized by Article 2.5 (commencing  
3 with Section 65864) of Chapter 4 of Division 1 may be extended  
4 for the period of time provided for in the agreement, but not beyond  
5 the duration of the agreement. The number of phased final maps  
6 that may be filed shall be determined by the advisory agency at  
7 the time of the approval or conditional approval of the tentative  
8 map.

9 (2) Commencing January 1, 2005, and each calendar year  
10 thereafter, the amount of one hundred seventy-eight thousand  
11 dollars (\$178,000) shall be annually increased by operation of law  
12 according to the adjustment for inflation set forth in the statewide  
13 cost index for class B construction, as determined by the State  
14 Allocation Board at its January meeting. The effective date of each  
15 annual adjustment shall be March 1. The adjusted amount shall  
16 apply to tentative and vesting tentative maps whose applications  
17 were received after the effective date of the adjustment.

18 (3) "Public improvements," as used in this subdivision, include  
19 traffic controls, streets, roads, highways, freeways, bridges,  
20 overcrossings, street interchanges, flood control or storm drain  
21 facilities, sewer facilities, water facilities, and lighting facilities.

22 (b) (1) The period of time specified in subdivision (a), including  
23 any extension thereof granted pursuant to subdivision (e), shall  
24 not include any period of time during which a development  
25 moratorium, imposed after approval of the tentative map, is in  
26 existence. However, the length of the moratorium shall not exceed  
27 five years.

28 (2) The length of time specified in paragraph (1) shall be  
29 extended for up to three years, but in no event beyond January 1,  
30 1992, during the pendency of any lawsuit in which the subdivider  
31 asserts, and the local agency which approved or conditionally  
32 approved the tentative map denies, the existence or application of  
33 a development moratorium to the tentative map.

34 (3) Once a development moratorium is terminated, the map  
35 shall be valid for the same period of time as was left to run on the  
36 map at the time that the moratorium was imposed. However, if the  
37 remaining time is less than 120 days, the map shall be valid for  
38 120 days following the termination of the moratorium.

39 (c) The period of time specified in subdivision (a), including  
40 any extension thereof granted pursuant to subdivision (e), shall

1 not include the period of time during which a lawsuit involving  
2 the approval or conditional approval of the tentative map is or was  
3 pending in a court of competent jurisdiction, if the stay of the time  
4 period is approved by the local agency pursuant to this section.  
5 After service of the initial petition or complaint in the lawsuit upon  
6 the local agency, the subdivider may apply to the local agency for  
7 a stay pursuant to the local agency's adopted procedures. Within  
8 40 days after receiving the application, the local agency shall either  
9 stay the time period for up to five years or deny the requested stay.  
10 The local agency may, by ordinance, establish procedures for  
11 reviewing the requests, including, but not limited to, notice and  
12 hearing requirements, appeal procedures, and other administrative  
13 requirements.

14 (d) The expiration of the approved or conditionally approved  
15 tentative map shall terminate all proceedings and no final map or  
16 parcel map of all or any portion of the real property included within  
17 the tentative map shall be filed with the legislative body without  
18 first processing a new tentative map. Once a timely filing is made,  
19 subsequent actions of the local agency, including, but not limited  
20 to, processing, approving, and recording, may lawfully occur after  
21 the date of expiration of the tentative map. Delivery to the county  
22 surveyor or city engineer shall be deemed a timely filing for  
23 purposes of this section.

24 (e) Upon application of the subdivider filed prior to the  
25 expiration of the approved or conditionally approved tentative  
26 map, the time at which the map expires pursuant to subdivision  
27 (a) may be extended by the legislative body or by an advisory  
28 agency authorized to approve or conditionally approve tentative  
29 maps for a period or periods not exceeding a total of ~~five~~ *six* years.  
30 The period of extension specified in this subdivision shall be in  
31 addition to the period of time provided by subdivision (a). Prior  
32 to the expiration of an approved or conditionally approved tentative  
33 map, upon an application by the subdivider to extend that map,  
34 the map shall automatically be extended for 60 days or until the  
35 application for the extension is approved, conditionally approved,  
36 or denied, whichever occurs first. If the advisory agency denies a  
37 subdivider's application for an extension, the subdivider may  
38 appeal to the legislative body within 15 days after the advisory  
39 agency has denied the extension.

1 (f) For purposes of this section, a development moratorium  
2 includes a water or sewer moratorium, or a water and sewer  
3 moratorium, as well as other actions of public agencies which  
4 regulate land use, development, or the provision of services to the  
5 land, including the public agency with the authority to approve or  
6 conditionally approve the tentative map, which thereafter prevents,  
7 prohibits, or delays the approval of a final or parcel map. A  
8 development moratorium shall also be deemed to exist for purposes  
9 of this section for any period of time during which a condition  
10 imposed by the city or county could not be satisfied because of  
11 either of the following:

12 (1) The condition was one that, by its nature, necessitated action  
13 by the city or county, and the city or county either did not take the  
14 necessary action or by its own action or inaction was prevented or  
15 delayed in taking the necessary action prior to expiration of the  
16 tentative map.

17 (2) The condition necessitates acquisition of real property or  
18 any interest in real property from a public agency, other than the  
19 city or county that approved or conditionally approved the tentative  
20 map, and that other public agency fails or refuses to convey the  
21 property interest necessary to satisfy the condition. However,  
22 nothing in this subdivision shall be construed to require any public  
23 agency to convey any interest in real property owned by it. A  
24 development moratorium specified in this paragraph shall be  
25 deemed to have been imposed either on the date of approval or  
26 conditional approval of the tentative map, if evidence was included  
27 in the public record that the public agency which owns or controls  
28 the real property or any interest therein may refuse to convey that  
29 property or interest, or on the date that the public agency which  
30 owns or controls the real property or any interest therein receives  
31 an offer by the subdivider to purchase that property or interest for  
32 fair market value, whichever is later. A development moratorium  
33 specified in this paragraph shall extend the tentative map up to the  
34 maximum period as set forth in subdivision (b), but not later than  
35 January 1, 1992, so long as the public agency which owns or  
36 controls the real property or any interest therein fails or refuses to  
37 convey the necessary property interest, regardless of the reason  
38 for the failure or refusal, except that the development moratorium  
39 shall be deemed to terminate 60 days after the public agency has  
40 officially made, and communicated to the subdivider, a written

1 offer or commitment binding on the agency to convey the necessary  
2 property interest for a fair market value, paid in a reasonable time  
3 and manner.

4 *SEC. 7. Section 66452.21 is added to the Government Code,*  
5 *to read:*

6 *66452.21. (a) The expiration date of any tentative or vesting*  
7 *tentative subdivision map or parcel map for which a tentative or*  
8 *vesting tentative map, as the case may be, has been approved or*  
9 *conditionally approved on or before June 1, 2007, that has not*  
10 *expired on the date that the act that adds this section becomes*  
11 *effective, and will expire on or before January 1, 2011, shall be*  
12 *extended by 12 months.*

13 *(b) The extension provided by subdivision (a) shall be in addition*  
14 *to any extension of the expiration date provided for in Section*  
15 *66452.6, 66452.11, 66452.13, or 66463.5.*

16 *(c) Any legislative, administrative, or other approval by any*  
17 *state agency that pertains to a development project included in a*  
18 *map that is extended pursuant to subdivision (a) shall be extended*  
19 *by 12 months if this approval has not expired on the date that the*  
20 *act that adds this section becomes effective. This extension shall*  
21 *be in addition to any extension provided for in Section 66452.13.*

22 *(d) For purposes of this section, the determination of whether*  
23 *a tentative subdivision map or parcel map expires on or before*  
24 *January 1, 2011, shall count only those extensions of time pursuant*  
25 *to subdivision (e) of Section 66452.6 or subdivision (e) of Section*  
26 *66463.5 that were approved on or before the date that the act that*  
27 *adds this section becomes effective, and any additional time in*  
28 *connection with the filing of a final map in accordance with*  
29 *subdivision (a) of Section 66452.6 for a map that was recorded*  
30 *on or before the date that the act that adds this section becomes*  
31 *effective. The determination shall not include any development*  
32 *moratorium or litigation stay allowed or permitted by Section*  
33 *66452.6 or Section 66463.5.*

34 *SEC. 8. Section 66463.5 of the Government Code is amended*  
35 *to read:*

36 *66463.5. (a) When a tentative map is required, an approved*  
37 *or conditionally approved tentative map shall expire 24 months*  
38 *after its approval or conditional approval, or after any additional*  
39 *period of time as may be prescribed by local ordinance, not to*  
40 *exceed an additional 12 months.*

1 (b) The expiration of the approved or conditionally approved  
2 tentative map shall terminate all proceedings and no parcel map  
3 of all or any portion of the real property included within the  
4 tentative map shall be filed without first processing a new tentative  
5 map. Once a timely filing is made, subsequent actions of the local  
6 agency, including, but not limited to, processing, approving, and  
7 recording, may lawfully occur after the date of expiration of the  
8 tentative map. Delivery to the county surveyor or city engineer  
9 shall be deemed a timely filing for purposes of this section.

10 (c) Upon application of the subdivider filed prior to the  
11 expiration of the approved or conditionally approved tentative  
12 map, the time at which the map expires may be extended by the  
13 legislative body or by an advisory agency authorized to approve  
14 or conditionally approve tentative maps for a period or periods not  
15 exceeding a total of ~~five~~ *six* years. Prior to the expiration of an  
16 approved or conditionally approved tentative map, upon the  
17 application by the subdivider to extend that map, the map shall  
18 automatically be extended for 60 days or until the application for  
19 the extension is approved, conditionally approved, or denied,  
20 whichever occurs first. If the advisory agency denies a subdivider's  
21 application for an extension, the subdivider may appeal to the  
22 legislative body within 15 days after the advisory agency has  
23 denied the extension.

24 (d) (1) The period of time specified in subdivision (a) shall not  
25 include any period of time during which a development  
26 moratorium, imposed after approval of the tentative map, is in  
27 existence. However, the length of the moratorium shall not exceed  
28 five years.

29 (2) Once a moratorium is terminated, the map shall be valid for  
30 the same period of time as was left to run on the map at the time  
31 that the moratorium was imposed. However, if the remaining time  
32 is less than 120 days, the map shall be valid for 120 days following  
33 the termination of the moratorium.

34 (e) The period of time specified in subdivision (a), including  
35 any extension thereof granted pursuant to subdivision (c), shall  
36 not include the period of time during which a lawsuit involving  
37 the approval or conditional approval of the tentative map is, or  
38 was, pending in a court of competent jurisdiction, if the stay of the  
39 time period is approved by the local agency pursuant to this section.  
40 After service of the initial petition or complaint in the lawsuit upon

1 the local agency, the subdivider may apply to the local agency for  
2 a stay pursuant to the local agency's adopted procedures. Within  
3 40 days after receiving the application, the local agency shall either  
4 stay the time period for up to five years or deny the requested stay.  
5 The local agency may, by ordinance, establish procedures for  
6 reviewing the requests, including, but not limited to, notice and  
7 hearing requirements, appeal procedures, and other administrative  
8 requirements.

9 (f) For purposes of this section, a development moratorium shall  
10 include a water or sewer moratorium or a water and sewer  
11 moratorium, as well as other actions of public agencies that regulate  
12 land use, development, or the provision of services to the land,  
13 including the public agency with the authority to approve or  
14 conditionally approve the tentative map, which thereafter prevents,  
15 prohibits, or delays the approval of a parcel map.

16 (g) Notwithstanding subdivisions (a), (b), and (c), for the  
17 purposes of Chapter 4.5 (commencing with Section 66498.1),  
18 subdivisions (b), (c), and (d) of Section 66498.5 shall apply to  
19 vesting tentative maps prepared in connection with a parcel map  
20 except that, for purposes of this section, the time periods specified  
21 in subdivisions (b), (c), and (d) of Section 66498.5 shall be  
22 determined from the recordation of the parcel map instead of the  
23 final map.

24 SEC. 9. Section 66477.5 of the Government Code is amended  
25 to read:

26 66477.5. (a) The local agency to which property is dedicated  
27 in fee for public purposes, or for making public improvements or  
28 constructing public facilities, other than for open space, parks, or  
29 schools, shall record a certificate with the county recorder in the  
30 county in which the property is located. The certificate shall be  
31 attached to the map and shall contain all of the following  
32 information:

33 (1) The name and address of the subdivider dedicating the  
34 property.

35 (2) A legal description of the real property dedicated.

36 (3) A statement that the local agency shall reconvey the property  
37 to the subdivider if the local agency makes a determination  
38 pursuant to this section that the same public purpose for which the  
39 property was dedicated does not exist, or the property or any

1 portion thereof is not needed for public utilities, as specified in  
2 subdivision (c).

3 (b) The subdivider may request that the local agency make the  
4 determination that the same public purpose for which the dedication  
5 was required still exists, after payment of a fee which shall not  
6 exceed the amount reasonably required to make the determination.  
7 The determination may be made by reference to a capital  
8 improvement plan as specified in Section 65403 or 66002, an  
9 applicable general or specific plan requirement, the subdivision  
10 map, or other public documents that identify the need for the  
11 dedication.

12 (c) If a local agency has determined that the same public purpose  
13 for which the dedication was required no longer exists regarding  
14 all or a portion of the dedicated property, the local agency shall  
15 reconvey the property or the portion of property to the subdivider  
16 identified under paragraph (1) of subdivision (a), except for any  
17 portion of the property that is required for that same public purpose  
18 or for public utilities. If that subdivider no longer exists or cannot  
19 be located, the local agency shall convey the property or the portion  
20 of property to the heirs, assigns, or successors in interest of that  
21 subdivider.

22 (d) If a local agency decides to vacate, lease, sell, or otherwise  
23 dispose of the dedicated property the local agency shall give at  
24 least 60 days notice to the subdivider whose name appears on the  
25 certificate before vacating, leasing, selling, or otherwise disposing  
26 of the dedicated property. This notice is not required if the  
27 dedicated property will be used for the same public purpose for  
28 which it was dedicated.

29 (e) This section shall only apply to property required to be  
30 dedicated on or after January 1, 1990.

31 SEC. 10. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution because  
33 a local agency or school district has the authority to levy service  
34 charges, fees, or assessments sufficient to pay for the program or  
35 level of service mandated by this act, within the meaning of Section  
36 17556 of the Government Code.