

## WHAT CONSTITUTES A LEGAL PARCEL IN CALIFORNIA?

By GlobeSt.com

**S**AN DIEGO—Many in the brokerage community don't fully understand the criteria by which legal parcels are defined in the state as defined by the California Subdivision Map Act of February 1972. This can affect many aspects of **commercial real estate** transactions and cause much legal confusion. **Lee & Associates** principal **Patrick Miller** tells GlobeSt.com why it's important to understand this definition and what constitutes a legal parcel.

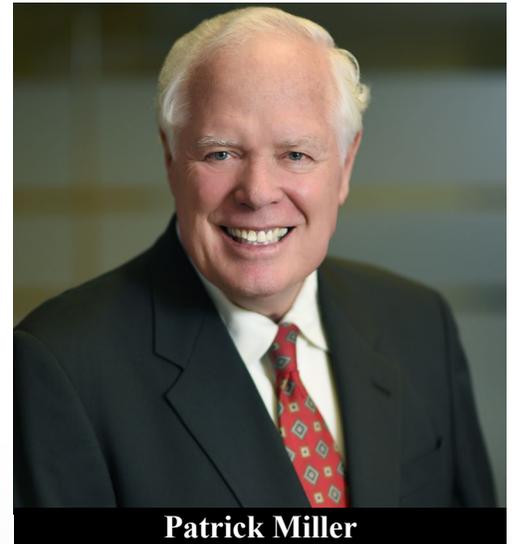
**GlobeSt.com: Why is it important to understand how a legal parcel is defined?**

**Miller:** Almost all of the public and the majority of the real estate brokerage community do not understand what constitutes a "legal parcel" per the California Subdivision Map Act of February 1972. To obtain a permit for building, grading or subdividing real estate in California, a parcel must be legal. Principals and agents assume the ubiquitous Assessor Parcel Map, APN, is a legal parcel, which it is not. APNs exist only for identification of all properties within the state by each counties' tax collectors. Their APN maps plot all privately owned properties within the state subject to taxation.

**GlobeSt.com: How is a legal parcel defined in California?**

**Miller:** Legal parcels are defined by the following criteria. Only one of these criteria have to be satisfied to establish a legal parcel.

1. A lot shown on a Final Map. (Major Subdivision Map)
2. A lot or parcel shown on a Record of Survey approved by the Board of Supervisors or Planning Commission.
3. A parcel shown on a Parcel Map or Certificate of Compliance recorded in lieu of a Parcel Map.
4. A recorded Certificate of Compliance.
5. A parcel shown on an approved Division of Land Plat.
6. A parcel shown on a Lot legalization Plat used as evidence of legal parcel prior to a Certificate of Compliance.
7. A parcel shown on an approved Boundary Adjustment Plat.
8. A parcel described in a Grant Deed or other bona fide conveyance document recorded prior to February 1, 1972. The deed/document does not have to be in the name of the present owner. However, it must describe the perimeter boundaries only of the subject property and no other



**Patrick Miller**

contiguous property. The legal description and County Recorder's information must be legible to County staff. The Deed need not be an original or certified copy.

### **GlobeSt.com: What else should our readers know about legal parcels?**

**Miller:** Properties within urban and suburban areas are generally legal lots approved by county planning departments. But don't assume anything. Land and lots in rural areas are a different story. Prior to February 1, 1972, many parcels were created by survey and sold without any Board of Supervisors' recognition or county approvals. Occasionally, this still happens. Some APN maps will show map and parcel numbers, which is prima facie evidence of legal parcel, but many parcels will have no map or parcel numbers, which is an immediate red flag to research the legal status of the parcel using the criteria above.

