

# Parcel Merger

Updated January 6, 2021

## What is a Parcel Merger?

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

## The Merger Process

Preparing a Parcel Merger for processing and recordation is a fairly simple process. The following pages will provide the application for the merger, explain the documentation required to effectuate the merger of the real property, and provide you with a checklist and sample forms of those documents. Should you have any questions regarding the preparation of the documents, please call our office at 530-538-2507.

## **Parcel Merger Check List**

- \_\_\_ Petition for Parcel Merger signed by owners (attached).
- \_\_\_ Processing fee.
- \_\_\_ Current Title Report (within 60 days).
- \_\_\_ Copy of document or map legally creating the parcels to be merged (commonly included with Title Report).
- \_\_\_ Certificate and Declaration of Parcel Merger signed by Owners (attached).
- \_\_\_ Certificate and Declaration of Parcel Merger signed by Holders of Record Title Interest (attached).
- \_\_\_ Notary Statement for all signatories
- \_\_\_ Exhibit A - Legal description of original lots prior to merger per Title Report (Less minerals)
- \_\_\_ Exhibit B - Legal description of parcel in post-merger configuration
- \_\_\_ Exhibit C - Exhibit map (sketch or reduction of Assessor’s map may be acceptable)
- \_\_\_ Certificate of Merger
- \_\_\_ Modified Deed of Trust
- \_\_\_ Agent Authorization Form (if applicable)

# PETITION FOR PARCEL MERGER

Processing Division: City of Oroville Engineering Office  
1735 Montgomery Street  
Oroville, CA 95965

Owner's Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Mail all correspondence to: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

County Assessor's Parcel Numbers: \_\_\_\_\_.

Reason for Parcel Merger \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

Where a Record of Survey is deemed necessary by the City Engineer, County Surveyor, or the owner of record in order to monument and define the boundaries of the merged parcels, such Record of Survey, made in compliance with the Professional Land Surveyor's Act, shall be filed at the same time as the Petition for Parcel Merger.

A fee is required for the processing and reviewing the Parcel Merger documents. Deposit, to be submitted at the same time as the petition.

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

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

\_\_\_\_\_  
Name Printed      Title

\_\_\_\_\_  
Signature      Date

\_\_\_\_\_  
Name Printed      Title

\_\_\_\_\_  
Signature      Date

\_\_\_\_\_  
Name Printed      Title

\_\_\_\_\_  
Signature      Date

## **Parcel Merger Information**

### **Local Agency Authorization**

The City may, by ordinance, authorize the merger of contiguous parcels under common ownership without reverting to acreage. Such ordinance shall require the recordation of an instrument evidencing the merger.

### **Approval Criteria**

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

### **Concurrent Filing of Record of Survey**

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

### **Merger of Parcels into a Single Parcel**

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

### **Recording of Merger Without Approval Prohibited**

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

**Fees**

The City Council shall establish by resolution such fees as may be required for the review and processing of a proposal for Parcel merger.

**Procedural Explanation**

**Petition for Parcel Merger**

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

**Processing Fees**

The current processing fee is payable upon submittal of the petition.

**Title Report**

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

**Parcel Validity**

Local Ordinance requires that the parcels to be merged shall have been legally created. It is the petitioner’s responsibility to submit evidence of the legal creation.

**Monumentation of Parcel**

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

**Certificate and Declaration of Parcel Merger**

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

Signature line  
\_\_\_\_\_  
(printed name)  
a) Owner  
b) Beneficiary  
c) Trustee Etc.

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

**Group One**

Chairman of the Board  
President  
Vice-President (any)

**Group Two**

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

**Exhibit A**

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

**Exhibit B**

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

**Exhibit C**

A plat entitled “Exhibit C”, as stated in the Certificate and Declaration of Parcel Merger, shall be a drawing of the property in its new configuration.

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

- a) Parcel Merger Number (Provided by City)
- b) Assessor’s Parcel Numbers
- c) North arrow
- d) Scale and Graphic scale
- e) Heavy lines shall denote the exterior boundary of the merged parcel
- f) Light dashed lines shall denote the interior line(s) being deleted and noted as such.
- g) The Point of Beginning shall be labeled when bearing and distance are recited in Exhibit B.
- h) The name of the Licensed Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying preparing the Exhibits (if applicable) including signature and seal in accordance with Section 8761 of the PLS Act.

Exhibit C may also consist of a reduction of the current Assessor's Map, clearly denoting the merged parcel by a heavy line (d). Items (e), (f) and (g) shall be reflected on the map. Altered Assessor's Maps will only be accepted for parcels for which a final subdivision map, final parcel map, or record of survey has been recorded in the office of the County Recorder.

**Certificate of Merger**

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

**Modified Deed of Trust**

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

**Record of Survey**

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

**NOTE**

Certificate and Declaration of Parcel Merger and Certificate of Merger are recorded concurrently as Instrument No. \_\_\_\_\_ O.R.

**Recordation Fees**

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

**Examples**

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

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

**Red text is to be completed by the applicant**

**RECORDING REQUESTED BY**

**AND WHEN RECORDED**

**RETURN TO:**

Payor of Recording Fees

Street Address

City, State Postal Code

APN's: 000-000-000-000

**CERTIFICATE AND DECLARATION OF PARCEL MERGER**

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

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

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

This Parcel Merger has been approved by the City of Oroville as described in Exhibit "D" and attached hereto and incorporated herein.

By: \_\_\_\_\_  
Owners' Name Printed  
Title

By: \_\_\_\_\_  
Owners' Name Printed  
Title

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Notary** (attached)



**EXHIBIT A**

**Legal Description**  
**Parcel Merger No. \_\_\_\_**

Parcel 1

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

Parcel 2

Lot 13 of Block 37 according to the map of “The Town of Wherever” recorded in Map Book 1000, Pages 300, in the Office of the County Recorder, County of Butte, State of California.

**EXHIBIT B**

**Legal Description**  
for  
**Parcel Merger No. \_\_\_\_**

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

OR

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

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

- First North, 283.42 feet, along the westerly lines said Lots 13 and 2, to the northwesterly corner of said Lot 2; thence
- Second East, 50.00 feet, along the northerly line of said Lot 2, to the northeasterly corner thereof; thence
- Third South, 283.42 feet, along the easterly lines of said Lots 2 and 13, to the southeasterly corner of said Lot 13; thence
- Fourth West, 50.00 feet, along the southerly line of said Lot 2, to the southwesterly corner thereof and the point of beginning.

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

**EXHIBIT D**

**Certificate of Merger**

**Parcel Merger No. \_\_\_\_**

This Certificate and Declaration of Parcel Merger is in substantial conformity with the provisions of Article 1.5 “Merger of Parcels” of the California Government Code and Title 16.36 Mergers by Deed of the Oroville Municipal Code and shall establish the merger of the parcels as referenced herein.

\_\_\_\_\_  
Matt Thompson, P.E. Date  
City Engineer  
License Expiration Date:



*Use the following “NOTES” when applicable*

**NOTE:** Modified Deed of Trust is recorded concurrently as Instrument No. \_\_\_\_ -  
\_\_\_\_\_ O.R.

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