



TULARE COUNTY RESOURCE MANAGEMENT AGENCY

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Economic Development & Planning | Public Works

5961 S. Mooney Blvd., Visalia, CA 93277 | (559) 624-7000 | tularecounty.ca.gov/RMA

VOLUNTARY MERGER

General Information:

Applicant _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Property Owner (if different) _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Agent (if applicable) _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Site Address: _____ **City/Town:** _____

Physical Location of Site (cross streets & nearest community): _____

Assessor's Parcel Nos.: _____

THIS SPACE FOR PERMIT CENTER STAFF USE ONLY

Project Number: _____ Supervisor District: _____ Economic Development: _____

Current Zoning: _____ General Plan Land Use: _____ UAB/UDB/HDB/MSD: Yes ☐ No ☐

Project Description _____

Agricultural Preserve (if applicable) – Preserve No. _____ Contract No. _____

Filing Fee(s): _____ Total Amount Paid: _____ Payment Type: _____

Date Received: _____ Existing Entitlements/References: _____

Application Received/Reviewed by: _____

PERMIT CENTER HOURS: MONDAY – Friday 9:00 A.M. TO 4:30 P.M.

Petition for Voluntary Merger

REQUIREMENTS, FEES AND INSTRUCTIONS *(Please use dark blue or black ink)*

The petition form must be filled out completely and in every respect with all questions answered and all required attachments before the County can officially accept the application for filing. In the course of accepting and processing the application, the Permit Center Official or Engineer may ask the applicant to clarify, correct or otherwise supplement the required information. The application may be filed with the Resource Management Agency Permit Center, at 5961 S. Mooney Blvd., Visalia CA 93277. Phone is (559) 624-7000.

1. The Board of Supervisors shall establish by resolution such fees as may be required for the review and processing of a proposal for voluntary merger. This fee is to cover the cost to the County for advertising, investigating and processing of a proposal for voluntary merger.

Type of Application	Fee for Petition (SUBJECT TO CHANGE AT ANY TIME)
Voluntary Merger (Fee adopted by Tulare County Resolution No. 2009-0591)	\$675

NOTE: The applicant is responsible for the payment of all fees associated with this application

What is a Voluntary Merger?

A Voluntary 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 Voluntary 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 (559) 624-7100 and a representative will be happy to assist you.

Local Agency Authorization

The county 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

- (a) 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,
- (b) The boundaries of the merged parcel are well-defined in existing recorded documents or filed maps; and,
- (c) The merger will not alter the exterior boundary of the parcels to be merged; and
- (d) The document used to effect the merger contains an accurate description of the exterior boundaries of the resulting parcel; and,
- (e) 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 Board of Supervisors of the County of Tulare, 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,
- (f) 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 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 and local Ordinances enacted pursuant thereto except in conformity with the provisions of this chapter.

Procedural Explanation

Petition for Voluntary Merger

The Petition for Voluntary 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.

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 Office of the County Surveyor shall determine if 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 Voluntary 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 Voluntary Merger

A Certificate and Declaration of Voluntary 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 Assistant
Vice-President (any)

Group Two

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

Exhibit A

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

Exhibit C

A sketch entitled "Exhibit C", as stated in the Certificate and Declaration of Voluntary Merger, shall be a drawing of the property in its new configuration. Drawn in black and white only, no colors.

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

- a) Voluntary Merger Number (assigned by the County Surveyor)
- 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 Exhibit (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.

Certificate of Merger

The Certificate of Merger shall be prepared by the County, and is not needed as part of the original submittal. Once all of the forms submitted are in correct form for recordation, the County Surveyor 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 Voluntary 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 Voluntary Merger and Certificate of Merger are recorded concurrently as Document No. _____ Official Records of Tulare County

Recordation Fees

Fees required for the recordation of the Voluntary Merger document package shall be determined based on the County Recorder fee schedule and be payable when submitting the Certificate and Declaration of Voluntary Merger.

Examples

Examples of statements and certificates included in this packet 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.

PETITION FOR VOLUNTARY MERGER

Processing Division: County Surveyor's Office
Resource Management Agency
5961 South Mooney Blvd. Visalia, CA 93277
559-624-7000
rmasurveyors@tularecounty.ca.gov

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 Voluntary Merger of Lots, Parcels or Tracts known as (site brief legal description)

Tulare County Assessor's Parcel Numbers: _____
located in the _____ Supervisorial District, as provided for in Government Code §66499.20.3 (State Subdivision Map Act) and §7-01-2730 of the Tulare County Ordinance Code.

Reason for Voluntary 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 effected by the proposed Voluntary Merger and listing all owners of any interest in the real property proposed for Voluntary Merger; and,
- 2) Pursuant to §7-01-2730(b), 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 Voluntary Merger.

Pursuant to §7-01-2730(g) of the Tulare County Ordinance Code, where a Record of Survey is deemed necessary by the 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 Voluntary Merger. The fee required for the processing and reviewing the Voluntary Merger documents is a \$675.00 application fee, to be submitted at the same time as the petition.

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

- 1) The merger will not effect 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 effected 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

Name Printed
Title

Signature Date

Voluntary Merger Check List

- _____ Petition for Voluntary Merger (signed by owners)
- _____ Processing fee - \$675.00 Application Fee (effective 10/17/09)
- _____ Current Title Report (within 60 days)
- _____ Copy of document or map legally creating the parcels to be merged
- _____ Certificate and Declaration of Voluntary Merger (to be completed by the County and then signed by Owners and Holders of record title interest)
- _____ Notary Statement for all signatories
- _____ Indemnification And Cost Recovery Agreement (signed by owners)
- _____ Exhibit A - Legal description of original lots prior to merger per Title Report (Less easement and minerals)
- _____ Exhibit B - Legal description of parcel in post merger configuration
- _____ Exhibit C - Exhibit Map
- _____ Modified Deed of Trust (if applicable)
- _____ Agent Authorization Form (if applicable)

County Surveyor's Office Use

- _____ Certificate of Merger (to be completed by the County)
- _____ Date-down from Title Company (request the day of recordation)
- _____ Recordation fees (payable to County of Tulare, including conformed copy fee)
- _____ Conformed Copy

CERTIFICATE AND DECLARATION OF MERGER

I (We), the undersigned, do hereby certify that I (we) am (are) the owners of, or have an 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 1 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 Voluntary Merger is described in Exhibit B and shown in Exhibit C attached hereto and incorporated herein.

(Ownership according to the vesting instrument(s))

Owner's Name Printed
Title (if applicable)

Owner's Name Printed
Title (if applicable)

Date: _____

Date: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of Tulare

On _____ before me, _____
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature _____ **(Seal)**

EXAMPLE
(unincorporated territory only)
(existing parcels)

EXHIBIT A

Legal Description

Parcel 1

Lot 2 of Block 37 according to the map of “The Town of Wherever” recorded in Volume 123 of Maps at Page 15, in the Office of the County Recorder, County of Tulare, State of California.

Parcel 2

Lot 13 of Block 37 according to the map of “The Town of Wherever” recorded in Volume 123 of Maps at Page 15, in the Office of the County Recorder, County of Tulare, State of California.

EXAMPLE
(unincorporated territory only)
(merged parcel)

EXHIBIT B

Legal Description
for

Being a parcel of land in Block 37 according to the map of "The Town of Wherever" recorded in Volume 123 of Maps at Page 15, in the Office of the County Recorder, County of Tulare, State of California, more particularly described as follows

Lots 2 and 113 of said Block.

OR

Lots 2 and 13 of Block 37 according to the map of "The Town of Wherever" recorded in Volume 123 of Maps at Page 15, in the Office of the County Recorder, County of Tulare, 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.

Professional Surveyor Name
PLS No. XXXX

Date



The County of Tulare
“INDEMNIFICATION AND COST RECOVERY AGREEMENT”
(must accompany this application)

**Please download or print out the form from the
County Web Site
(located with the list of land use applications).**

**The Indemnification and Cost Recovery Agreement
must be filled in and signed by the applicant and must be
submitted as part of any land use application requiring
discretionary review by the County.**

This Agreement must be signed by the Applicant

Please sign the Agreement **in blue ink (preferred)
and submit the original, signed document with the appropriate
land use application.**
