

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE February 7, 2006		(3) CONTACT/PHONE Jo Manson, Planner II; (805) 781-4660	
(4) SUBJECT Hearing to consider an appeal by DEUTSCHE BANK NATIONAL TRUST COMPANY, AS SUCCESSOR TRUSTEE UNDER DECLARATION OF TRUST OF EUGENE RENE LEROY, AND BOREL PRIVATE BANK & TRUST COMPANY, AS TRUSTEE OF THE JEAN LEROY FAMILY TRUST / HARRELL FLETCHER, FLETCHER-CROSS & ASSOCIATES , of the Planning Director's determination concerning application for Certificates of Compliance C04-0165 (SUB2003-00142) and a portion of Certificates of Compliance C04-0164 (SUB2003-00139), for 9 lots ranging in size from approximately 80.00 acres to 127.65 acres in the Agriculture Land Use Category. The project is located at 2105 Guadalupe Road, 2351, 2426 and 1234 Division Street, south of the community of Nipomo in the South County Planning Area, APN's: 092-021-013, 092-031-013, 092-051-012 and 092-061-001. County File Number: SUB2003-00139/C04-0164 and SUB2003-00142/C04-0165 . Date application accepted: September 19, 2005. Supervisorial District #4.					
(5) SUMMARY OF REQUEST An appeal, by the property owners/agent, of a Planning Director's decision that deed history does not support the underlying 8 lots for which 8 certificates of compliance are requested, and a request for confirmation for 2 underlying legal parcels where 1 legal parcel had previously been verified by deed history. The appellant is requesting recognition by the Board that 10 individual parcels exist and 10 unconditional certificates of compliance may be approved rather than accept staff's initial determination that deeds verifying chain of title conveying the property provided prior to the appeal validate <u>either</u> 2 unconditional certificates of compliance, or 1 unconditional certificate of compliance and 2 conditional certificates of compliance.					
(6) RECOMMENDED ACTION Adopt the resolution upholding the appeal in part and modifying the decision of the Planning Director to recognize and approve unconditional certificates of compliance for three legal parcels for a portion of SUB2003-00139/C04-0164, and direct the appellant to apply for two conditional certificates of compliance for illegally created parcels for SUB2003-00142/C04-0165 and a portion of SUB2003-00139/C04-0164 based on the findings listed in Exhibit A.					
(7) FUNDING SOURCE(S) Appeal Fee (\$604.00)		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th , 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 45 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(19) ADMINISTRATIVE OFFICE REVIEW					

C. P. 2-7-06



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: JO MANSON, PLANNER II, INFORMATION SERVICES GROUP

VIA: VICTOR HOLANDA, DIRECTOR OF PLANNING AND BUILDING

DATE: FEBRUARY 7, 2006

SUBJECT: Hearing to consider an appeal by **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS SUCCESSOR TRUSTEE UNDER DECLARATION OF TRUST OF EUGENE RENE LEROY, AND BOREL PRIVATE BANK & TRUST COMPANY, AS TRUSTEE OF THE JEAN LEROY FAMILY TRUST / HARRELL FLETCHER, FLETCHER-CROSS & ASSOCIATES**, of the Planning Director's determination concerning application for Certificates of Compliance C04-0165 (SUB2003-00142) and a portion of Certificates of Compliance C04-0164 (SUB2003-00139), for 9 lots ranging in size from approximately 80.00 acres to 127.65 acres in the Agriculture Land Use Category. The project is located at 2105 Guadalupe Road, 2351, 2426 and 1234 Division Street, south of the community of Nipomo in the South County Planning Area, APN's: 092-021-013, 092-031-013, 092-051-012 and 092-061-001. County File Number: **SUB2003-00139/C04-0164 and SUB2003-00142/C04-0165**. Date application accepted: September 19, 2005. Supervisorial District #4.

RECOMMENDATION

Adopt the resolution upholding the appeal in part and modifying the decision of the Planning Director to recognize and approve unconditional certificates of compliance for three legal parcels for a portion of SUB2003-00139/C04-0164, and direct the appellant to apply for two conditional certificates of compliance for illegally created parcels for SUB2003-00142/C04-0165 and a portion of SUB2003-00139/C04-0164 based on the findings listed in Exhibit A.

DISCUSSION

The appellants submitted three applications for certificates of compliance:
C04-0163 / SUB2003-00138
Andre Leroy Trust request for 2 certificates of compliance
C04-0164 / SUB2003-00139
Eugene Leroy Trust request for 7 certificates of compliance

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C04-0165 / SUB2003-00142

Jean Leroy Trust request for 4 certificates of compliance

The deed history provided by the appellant supported issuance of the two certificates of compliance that were covered by the Andre Leroy Trust request (C04-0163). Evaluation of the other two applications revealed that not all lots requested could be supported.

On September 19, 2005, planning staff wrote a letter (attachment #6) to the agent for the LeRoy Trusts in response to the other two applications for certificates of compliance (C04-0164 and C04-0165). Both applications were requesting legal parcel recognition of particular lots of the Rancho Guadalupe, a map of which survey and subdivision entitled "Map of the Subdivision of the Rancho Guadalupe, - Santa Barbara County and San Luis Obispo County, California, surveyed and subdivided by J.T. Stratton, November 1871" was recorded on March 8, 1880. After evaluation of the information and the deed history/chain of title submitted in the applications and consideration of recent court case determinations, planning staff concluded that the deed history did support two (2) of the underlying lots. Unconditional certificates of compliance for Lots 51 and 55 were recorded on October 21, 2005 (documents #2005-089081 and #2005-089082). Planning staff concluded that the deed history did not support the remaining lots for which certificates of compliance were requested. While unconditional certificates of compliance could be issued for groups of the individual lots being requested, the ownership of these individual lots is currently split between the two trusts and the owners are unwilling to transfer ownership to reflect the legal lot boundaries.

An appeal was initially filed on September 30, 2005, by the property owners/agent. The basis for the appeal was finalized on November 11, 2005. The appellant is requesting recognition by the Board that ten (10) individual parcels exist and ten (10) unconditional certificates of compliance may be approved rather than accept staff's initial determination that 2 conditional certificates of compliance and 2 regular non-conditional certificates of compliance are supported by the deeds provided. The following comments and analysis discuss the issues raised in the appeal.

BACKGROUND

The Rancho Guadalupe Map was recorded March 8, 1880. Therefore, it is a pre-1893 map, recorded under a predecessor statute to the original Subdivision Map Act. Recent case law has determined that maps that were recorded prior to 1893 did not in and of themselves create individual lots. If, however, the lots were subsequently deeded separately from surrounding land, the deeds could provide the evidence of separate legal parcels if the deeds were dated prior to 1972 for lots such as these that are over forty acres in size.

Certificates of Compliance C05-0164 consists of Rancho Guadalupe lots 51, 55, 56, 57, 58 and 59 portion. Certificates of Compliance C04-0165 consists of Rancho Guadalupe



lots 60 portion, 64, 65 and 66. After evaluation of the information and the deed history/chain of title submitted in the application and consideration of recent court case determinations, staff is able to recognize:

2 unconditional and 2 conditional certificates of compliance as follows:

- a) Lot 51 – unconditional certificate - recorded
- b) Lot 55 – unconditional certificate - recorded
- c) Lots 56, 57, 58 and 59 portion – conditional certificate of compliance (owned by the Eugene Leroy Trust)
- d) Lots 60 portion, 64, 65 and 66 - conditional certificate of compliance (owned by the Andre Leroy Trust)

Rancho Guadalupe lot 51 was not included in the appeal because staff was able to determine through deed review that this subdivision lot is a separate legal parcel. An unconditional certificate of compliance for Lot 51 was recorded on October 21, 2005 (document #2005-089082).

The appeal also included a request to recognize two underlying legal parcels within Rancho Guadalupe lot 55 where one legal parcel had previously been verified by deed history. An unconditional certificate of compliance for Lot 55 was recorded on October 21, 2005 (document #2005-089081). Additional deed history for Rancho Guadalupe lot 57 was also submitted with the appeal application for review and analysis. The information submitted appears to support the issuance of a regular certificate of compliance for lot 57 and two regular certificates of compliance for different portions of lot 55.

None of the subdivision lots 56, 58, 59 portion, 60 portion, 64, 65 and 66 have a separate pre-1972 deed that describes the individual lot by itself or separates the lot from surrounding land. Since the Rancho Map is a pre-1893 map, recorded under a predecessor statute to the original Subdivision Map Act, we need proof of separate conveyance for each of the lots separating those lots from surrounding land to effectuate their creation.

In July 1992, through a probate court action, Rancho Guadalupe lots 56, 57, 58, and 59 portion were deeded away from Rancho Guadalupe lots 60 portion, 64, 65 and 66. The Eugene Rene LeRoy Trust holds ownership of subdivision lots 56, 57, 58 and 59 portion. The Andre LeRoy Trust (predecessor of applicant Jean LeRoy Family Trust) holds ownership of lots 60 portion, 64, 65 and 66. Staff recommended two conditional certificates of compliance if ownership is kept in the two separate LeRoy Trusts. If the ownership was regained by one owner, staff concluded that one unconditional certificate of compliance could be approved for all of these subdivision lots together as one legal parcel based on the deed history.

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APPEAL ISSUES

Issue #1:

The Board of Supervisors DID approve the Official Map of 1913, which shows the area in question as lots:

The appeal indicates that in 1913, the County Board of Supervisors approved a county-wide map that displays many pre-1893 and subsequent tracts and therefore has recognized these tracts as creating separate legal parcels.

Response #1:

The County does possess a map that is currently hanging in the hallway by the previous location of the Board offices. This map is entitled: "Map of San Luis Obispo County, CA" and further indicates: "Compiled from Official Records for the Board of Supervisors by A.F. Parsons, County Surveyor, 1913. The map shows the Supervisorial Districts; inserts for the City of Paso Robles and San Luis Obispo; and also displays precincts and judicial townships. The Rancho Guadalupe map is reflected on this county map. This map display is a representation only created for assessment purposes and did not in and of itself create separate legal lots.

Issues #2, #4 and #5:

Lots shown on the Rancho Guadalupe map have been conveyed, referred to and otherwise treated as separate individual lots by grantors, grantees, the County, and the Courts. Lot 57 has been conveyed separately per E DDS 234 and G DDS 6. Lot 55 has two (2) underlying legal lots per L DDS 215 and L DDS 219.

Response #2, #4 and #5:

Response #2: The appellant refers to the phrase "those certain tracts lots and pieces of land being portions of the Rancho Guadalupe...". The subsequent conveyance of these lots would be a method for substantiating legality if the lots were conveyed separately from surrounding land.

Staff acknowledged in a letter to the appellant dated September 19, 2005, that the Rancho Guadalupe map is a pre-1893 map. The courts have held that maps recorded prior to 1893 did not in and of themselves create separate lots. Since the Rancho Map is a pre-1893 map, recorded under a predecessor statute to the original Subdivision Map Act, we need proof of deeds that separate these individual lots from the surrounding land in order for them to be recognized. None of the subdivision lots 56, 58, 59 portion, 60 portion, 64, 65 and 66 were separately conveyed from surrounding land prior to 1972 (the date by which these size parcels would need to have been separately conveyed in order to be recognized as legal). On several of the deeds subdivision lot numbers are referenced with each lot noted as "parcel 1, parcel 2, etc.". Because all of the contiguous lots are transferred together on one deed, the entire geographic area is considered one legal parcel. However, because a portion of this property was deeded away through a probate court action in 1992, staff concluded that two (2) conditional certificates of compliance would be required if the ownership patterns remain as they are today. Conditional certificates of compliance are

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discretionary projects requiring both CEQA review and a hearing before the Subdivision Review Board.

Per deed 413 OR 397 the San Luis Obispo County Board of Supervisors accepted a right of way deed from Eugene Rene and Andre Leroy (Road Dist 4 – Road #28) (attachment #7) which covers a portion of subdivision lots 59 and 60. In order to describe the right of way dimensions the legal description utilized the historical Rancho Guadalupe lots for reference. This legal description did not in any way verify the legality of lots 59 and 60.

In the case of Gardner vs. County of Sonoma, the California Supreme Court held that lots shown on a pre-1893 map are not created by that map. They are only created through separate deeds or conveyances for each individual lot separating it from surrounding land. Metes and bounds, or lot number, references serve to describe a property for conveyance.

Response #4: Additional deed history was submitted with the appeal application for subdivision lot 57 for review and analysis (G DDS 6 and E DDS 234). The deeds verify subdivision lot 57 as a separate legal parcel and therefore an unconditional certificate of compliance may be approved.

Response #5: The appeal requested confirmation of two (2) underlying legal parcels within subdivision lot 55 where one (1) legal parcel had previously been verified by deed history. An unconditional certificate of compliance has been recorded for subdivision lot 55 as requested by the applicant. Additional deed history was then provided with the appeal correspondence to verify two (2) underlying legal parcels within subdivision lot 55 (L DDS 215 and L DDS 219). If the appellant wishes to amend the application request to include these additional lots, staff can support two (2) unconditional certificates of compliance where one was previously approved.

Response #2, 4 and 5: Staff requested deeds to show chain of title in order to analyze the potential creation of lots. Through a review of the deeds provided before the appeal was filed, as well as additional deeds provided with the appeal application, staff is able to find that four parcels were created in the area in question:

- 1) Lot 55 north half (assuming the appellant revises the application request)
- 2) Lot 55 south half (assuming the appellant revises the application request)
- 3) Lot 57
- 4) Lots 56, 58, 59 portion, 60 portion, 64, 65 and 66 together as one parcel if held in common ownership. However, since the area bounded by lots 56, 58, 59 portion were subsequently conveyed separately from 60 portion, 65, and 66, these now constitute 2 illegal lots where one legal lot previously existed. Hence, two conditional certificates of compliance will be required.

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LEROY TRUSTS
EVALUATION OF DEEDS SUBMITTED PRIOR TO AND WITH APPEAL

E DDS 234	1873	Lot 57
G DDS 6	1874	Lot 55 southerly portion
L DDS 215	1878	Lot 55 southerly portion
L DDS 219	1878	Lot 55 northerly portion
12 DDS 41	1891	includes lots 56-60, 64-65 and other non-contiguous properties
15 DDS 433	1892	includes lots 56-60, 64-65 and other non-contiguous properties
18 DDS 245	1892	includes lots 56-60, 64-65 and other non-contiguous properties
183 OR 160	1932	includes lots 56-60, 64-65 and other non-contiguous properties
407 OR 239	1946	includes lots 56-60, 64-65 and other non-contiguous properties
413 OR 397	1946	Lot 59 and Lot 60 portions (portion deeded away)
528 OR 480	1949	includes lots 56-60, 64-65 and other non-contiguous properties
1500 OR 681	1968	includes lots 56-60, 64-65 and other non-contiguous properties
1992-066564	1992	LeRoy Trust lot division – Probate Court
1992-066562	1992	LeRoy Trust lot division – Probate Court

Issue #3:

Probate Court ordered division of groups of lots must be recognized:

All of the subject lots were previously owned jointly in co-tenancy by two LeRoy Trusts. This joint ownership was divided by Orders of the Probate Court sitting in San Mateo County entered on July 8, 1992 and September 29, 1992 in Case No. 84027.



Response #3:

In July 1992, through a probate court action, lots 56, 57, 58, and 59 portion were deeded away from Lots 60 portion, 64, 65 and 66. The Eugene Rene LeRoy Trust holds ownership of lots 56, 57, 58 and 59. The Andre LeRoy Trust (predecessor of applicant Jean LeRoy Family Trust) holds ownership of lots 60, 64, 65 and 66. Since Courts cannot subdivide property, but only settle disputes, it is then up to the property owners to apply to the County for approval of a parcel or tract map to carry out any decision of the Court. This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots over forty acres could not be created after March 4, 1972 without first having a subdivision approval by the County. A tract or parcel map was required to be approved to create parcels at that time, therefore the parcels were not legally created. A parcel or tract map was never applied for. Therefore, two (2) conditional certificates of compliance will be required if ownership is kept in two separate LeRoy Trusts. If the ownership of the entire area is regained by either owner, one (1) unconditional certificate of compliance could be approved for the area bounded by these lots.

Appeal Issue #6:

Staff previously approved seven (7) unconditional certificates of compliance within Rancho Guadalupe:

Three (3) unconditional certificates of compliance have been recorded per application S950149C/C96-0054. Staff have approved four (4) unconditional certificates of compliance per applications SUB2003-00138/C04-0163 (2 certificates) and SUB2003-00139/C04-0164, Phase 2 (2 certificates).

Response #6:

Three (3) unconditional certificates of compliance were recorded on September 12, 1996 per application S950149C/C96-0054 (documents #1996-045860, #1996-045861 and #1996-045862. All three of these properties had sufficient deed history to confirm their legality.

Staff approved four (4) unconditional certificates of compliance per applications C04-0163 (2 certs) and C04-0164, Phase 2 (2 certs). On November 10, 2005 staff sent the agent a letter (attachment #8) confirming the legality of the requested parcels based upon a review and analysis of the deed history provided by the applicant. All four of these properties had sufficient deed history to confirm their legality. These unconditional certificates of compliance have not yet been recorded as the appellant stated in their appeal letter that they "...reserves appellate and other rights available to it with respect to those determinations."

Conclusion:

Assuming the appellant revises the application to include the two halves of Lot 55, the county can legally recognize four (4) of the subdivision lots in the area being requested

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for unconditional certificates of compliance if the appellant is interested in processing a deed transfer by which Lots 56, 57, 58, 59 portion, 60 portion, 64, 65 and 66 are together under one ownership. If a deed transfer is not agreeable to the appellant, then the county can legally recognize three (3) of the subdivision lots in the area being requested for unconditional certificates of compliance: lot 55 north, lot 55 south and lot 57. The appellant would then be required to apply for two (2) conditional certificates of compliance for (#1) Lot 56, 58 and 59 portion and (#2) Lots 60 portion, 64, 65 and 66.

Staff is recommending that your Board uphold the appeal in part and modify the decision of the Planning Director by determining that maps recorded prior to 1893 did not in and of themselves create lots. Since the Rancho Map is a pre-1893 map, recorded under a predecessor statute to the original Subdivision Map Act, we need proof of individual deeds separating each lot from surrounding land to effectuate their creation. In order to be legally recognized, the lots would have to be conveyed separately from surrounding lands.

OTHER AGENCY INVOLVEMENT

County Counsel

FINANCIAL CONSIDERATIONS

An appeal fee was collected in accordance with the county's fee schedule.

RESULTS / IMPACT

Upholding the appeal in part and modifying the decision of the Planning Director will direct staff to approve and record three (3) unconditional certificates of compliance for Lot 55 north portion, Lot 55 south portion and Lot 57 once an amended application request is provided by the appellant. The action will direct the applicant back to the department for processing of an application for 2 (two) conditional certificates of compliance for Lots 56, 58, 59 portion (one) and Lots 60 portion, 64, 65 and 66 (one).

ATTACHMENTS

1. Resolution with findings upholding the appeal in part and modifying the decision of the Planning Director
2. Graphics
 - A. Location Map
 - B. Rancho Guadalupe Map
 - C. Land Use Category Map
 - D. Aerial Photo
 - E. Comparison
3. Appeal letter submitted September 30, 2005
4. Appeal letter submitted October 5, 2005
5. Appeal letter submitted November 11, 2005
6. Staff letter dated September 19, 2005
7. Document 413 OR 397
8. Staff letter dated November 10, 2005

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

7th day February, 2006

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION UPHOLDING THE APPEAL IN PART BY LEROY TRUSTS AND
MODIFYING THE DECISION OF THE PLANNING DIRECTOR TO RECOGNIZE
THREE LEGAL PARCELS THROUGH THE ISSUANCE OF THREE UNCONDITIONAL
CERTIFICATES OF COMPLIANCE AND DIRECTING THE APPELLANT TO APPLY
FOR TWO CONDITIONAL CERTIFICATES OF COMPLIANCE FOR APPLICATIONS
SUB2003-00142 / C04-0165 AND A PORTION OF SUB2003-00139 / C04-0164

The following resolution is now offered and read:

WHEREAS, on September 19, 2005, the Planning Director of the County of San Luis Obispo duly considered and determined that the properties qualified for three legal parcels in consideration of two applications for unconditional certificates of compliance and that the property under consideration within one of the legal parcels could not be further processed without additional deeds to verify lot legality for individual lots; and

WHEREAS, LeRoy Trusts has appealed the Planning Director's determination to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on February 7, 2006, and determination and decision was made on February 7, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be upheld in part and the decision of the Planning Director should be modified and that three unconditional certificates of compliance should be issued and the appellant should apply for two conditional certificates of compliance based upon the findings and determinations set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the appeal filed by LeRoy Trusts is hereby upheld in part and the decision of the Planning Director is modified and that issuance of three unconditional certificates of compliance is hereby approved because each subdivision lot has been verified through deed history, and that the applicant be directed to apply for two conditional certificates of compliance for subdivision lots that have not been recognized as individual legal parcels based on deed history.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

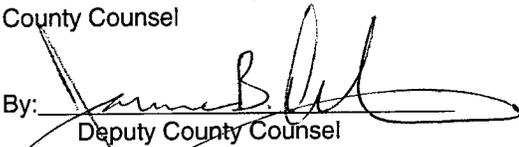
ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: January 26, 2006

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STATE OF CALIFORNIA,)
)
County of San Luis Obispo) ss

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2006.

County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

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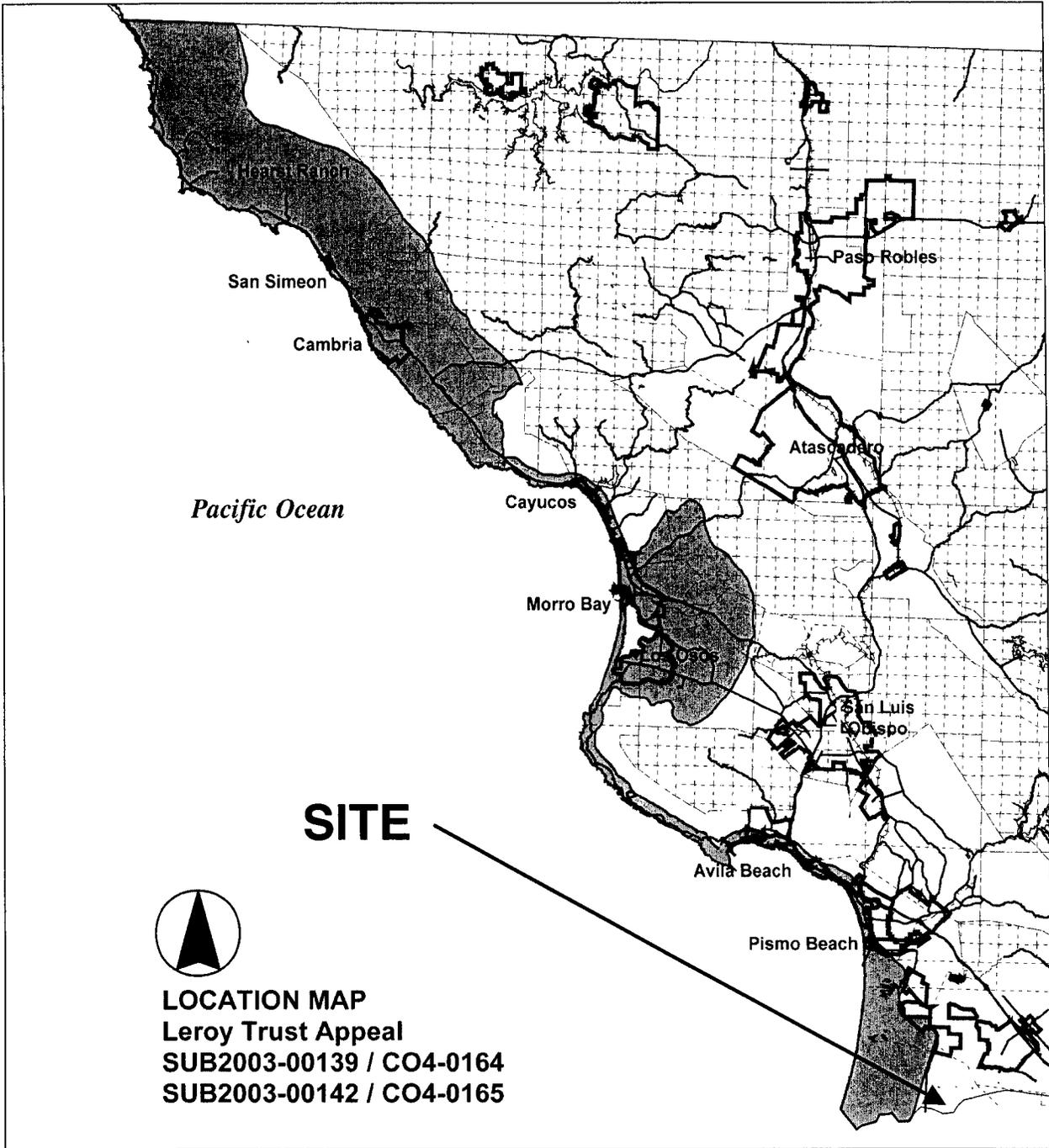
EXHIBIT A

FINDINGS FOR UPHOLDING THE APPEAL IN PART AND MODIFYING THE DECISION OF THE PLANNING DIRECTOR FOR LEROY TRUSTS. C04-0165 / SUB2003-00142 AND A PORTION OF C04-0164 / SUB2003-0139

- A. Only lots that were transferred by deed and separated from surrounding land at a time when deeds could transfer property of the size conveyed can be recognized as legal lots because the Rancho Guadalupe Map was recorded March 8, 1880. Therefore, it is a pre-1893 map, recorded under a predecessor statute to the original Subdivision Map Act. Recent case law has determined that maps that were recorded prior to 1893 did not in and of themselves create individual lots. If, however, the lots were subsequently deeded separately from other lots, the deeds could provide the evidence of separate legal parcels if the deeds were dated prior to 1972 for lots that are over forty acres in size. Staff requires proof of individual deeds separating each lot from surrounding land to effectuate their creation.
- B. The unconditional certificates of compliance requested in application C04-0164, Phase 1 and C04-0165 rely on the configuration shown on the Rancho Guadalupe as creating legal lots. Since lots 56, 58, 59 portion, 60 portion, 64, 65 and 66 were not deeded separately from other surrounding lots the applicant has not proven the existence of individual legal lots. Based on current ownership patterns two (2) conditional certificates of compliance would be required to be submitted for processing, CEQA review, and hearing before the Subdivision Review Board.
- C. Additional deed history submitted with the appeal application for subdivision lot 57 for review and analysis (G DDS 6 and E DDS 234) verified that it is a separate legal parcel and an unconditional certificate of compliance may be approved.
- D. Additional deed history submitted with the appeal application verifies two (2) underlying legal parcels within subdivision lot 55 (L DDS 215 and L DDS 219) and two (2) unconditional certificates of compliance may be approved if requested.
- E. The graphic display outside of the county offices in room 370 of the Courthouse annex is solely a graphic display of the County of San Luis Obispo in the year 1913 created for assessment purposes. The existence of the configurations shown on this map by itself does not create individual lots. The configuration of lots shown on the document known as Rancho Guadalupe is shown on this display map. This map display is a representation only and did not in and of itself create separate legal lots.

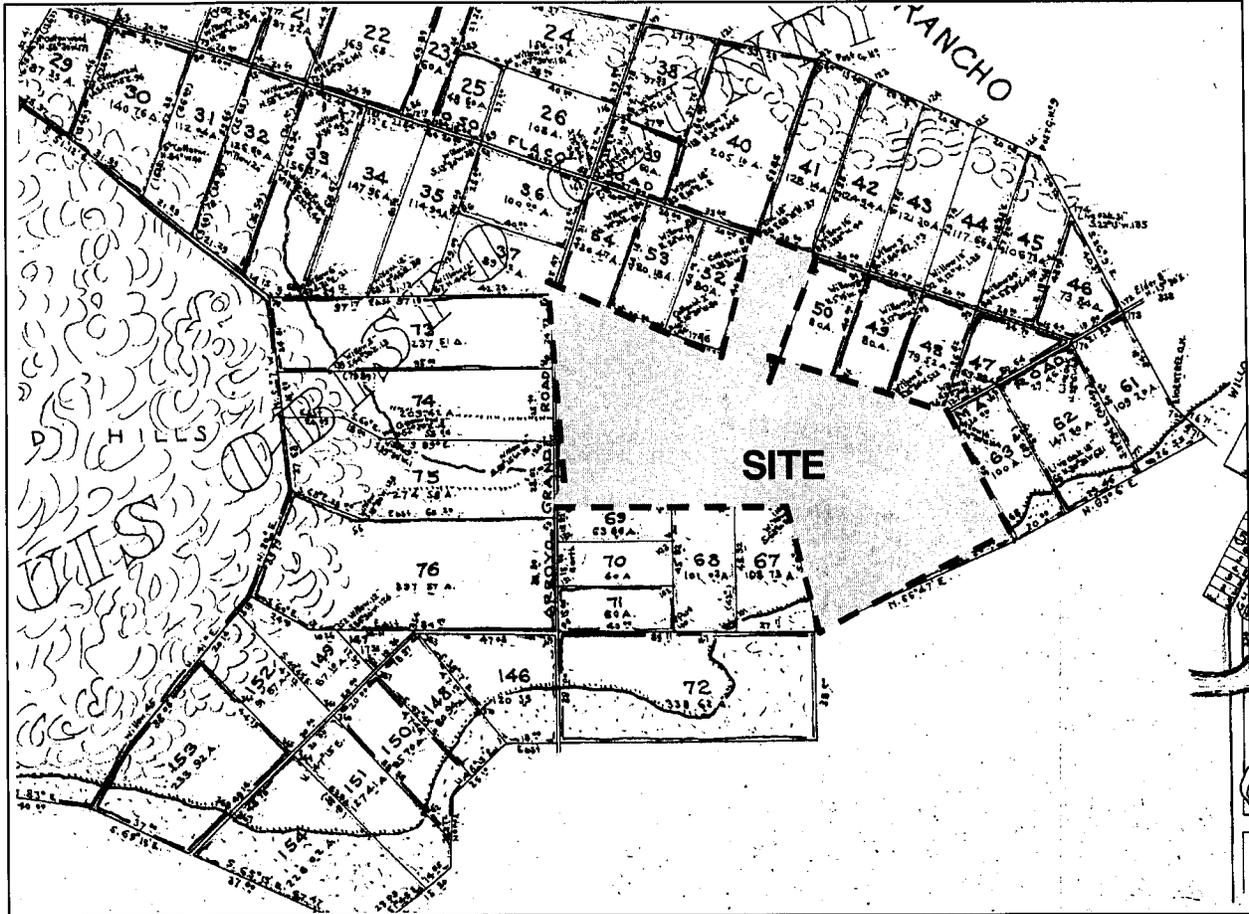
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Attachment 2-A Location Map



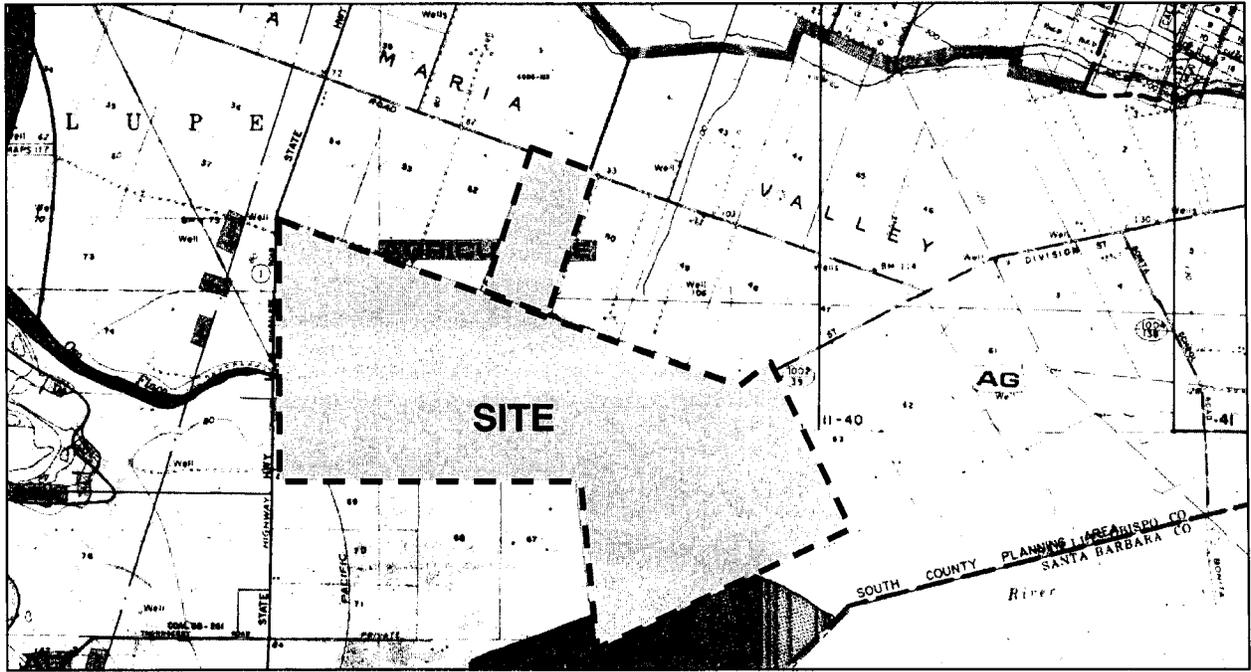
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Attachment 2-B
Pre-1893 Map in Question
Portion of Rancho Guadalupe



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Attachment 2-C
Land Use Category Map
Agriculture



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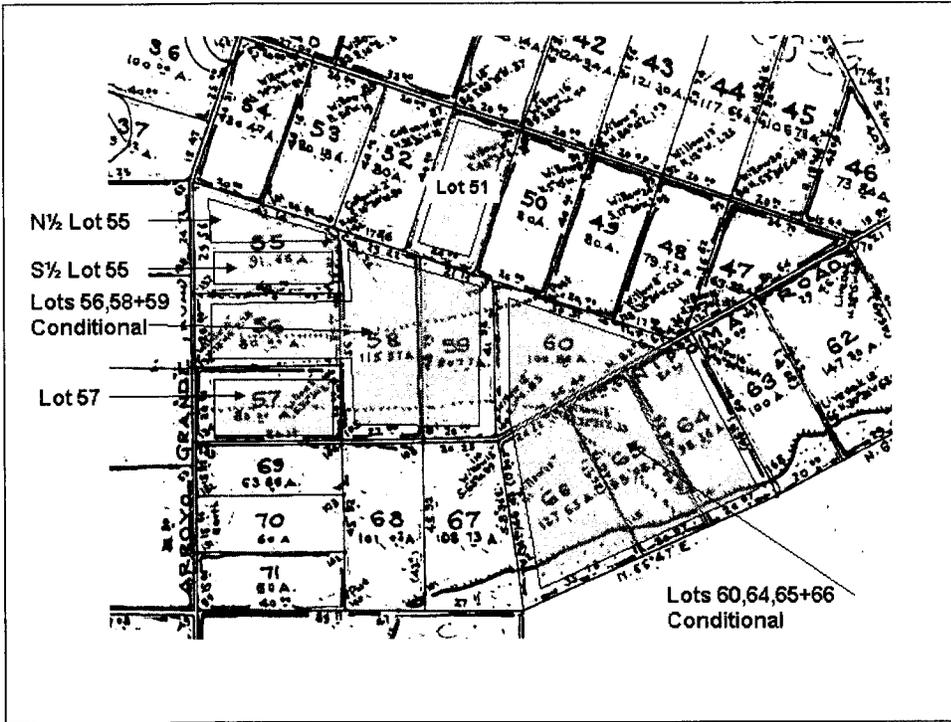
Attachment 2-D
Aerial Photo



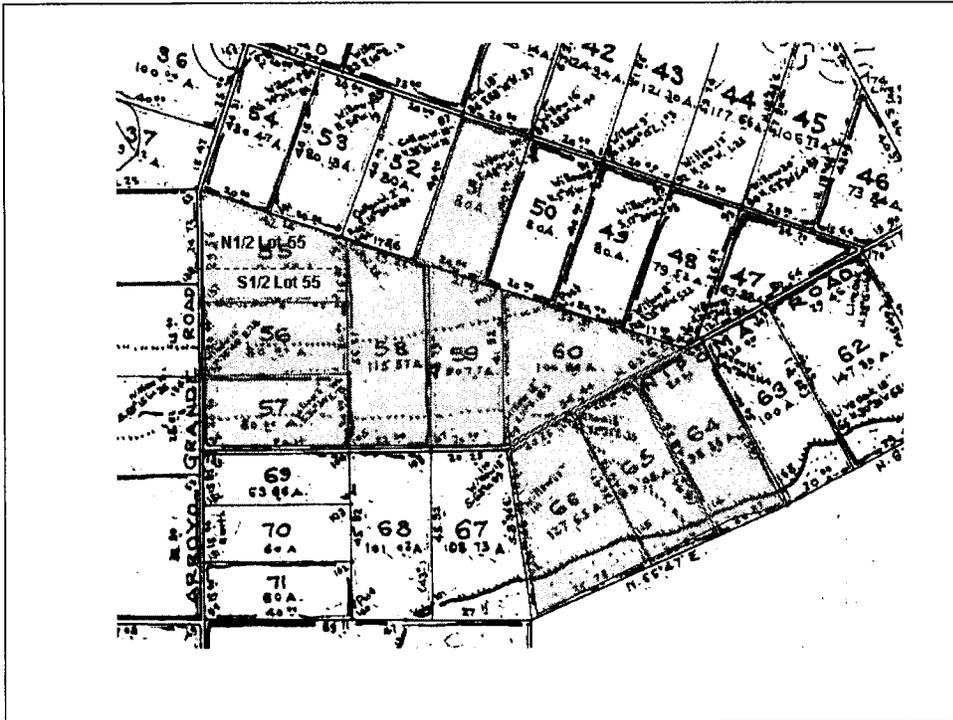
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Attachment 2-E Comparison

County Recommendation:



Appellant's Position:



Note: Not to Scale

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Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

- Plot Plan Site Plan Minor Use Permit Development Plan Variance
- Land Division Lot Line Adjustment Sending Site Determination Other Certificate of Compliance

File Number: C2004-0164 2004-0165 SUB 2003-00139 SUB 2003-00142 No Manson, staff

The decision was made by:

- Planning Director Building Official TDC Review Committee Administrative Hearing Officer
- Subdivision Review Board Planning Commission Other _____

Date the application was acted on 9/19/2005

The decision is appealed to:

- Board of Construction Appeals Board of Handicapped Access Planning Commission Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (*attach additional sheets if necessary*). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

The reasons for the appeal and the specific conditions are being finalized and we will have them to you in a few days.

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (<i>attach additional sheets if necessary</i>)

APPELLANT INFORMATION

Print name: Fletcher-Cross & Associates HARRELL FLETCHER "Leroy Trust"

Address: 801 S. Broadway Suite 1 Santa Maria, CA 93454 Phone Number (daytime): 805.928.6463

We have completed this form accurately and declare all statements made here are true.

[Signature]
Signature

30 September 2005
Date

OFFICE USE ONLY		
Date Received: _____	By: _____	
Amount Paid: _____	Receipt No. (if applicable): _____	Revised 7/31/01/ep

**FLETCHER-CROSS &
ASSOCIATES**

801 S. Broadway Suite 1
Santa Maria, Ca 93454
Phone: 805.928.6463 Fax: 805.928.0733

FAX TRANSMISSION

To: Lona	Fax Number: 788.2373
Company: SLO Planning Commission	Date: 5 October 2005
From: Harrell Fletcher	Fax Number: 928.0733
Company: Fletcher-Cross & Associates	Pages including cover page: 1
Subject: LeRoy Turstis-SLO appeal C2004-0164 and 0165	

Comments:

Lona,

The basis for the appeal of the CofC applications is as follows:

Further investigation/evaluation of and, as appropriate, request for modified action based on parcel validity (e.g. chain of title, historic permits and County ordinances), response to county inquiries in items 4(h) and 4(i) of 9/19/05 letter.

Notwithstanding appeal, my client Eugene Trust does want to accept SLO's offer to issue CofC on Lot 51 and CofC on Lot 55 (but NOT their offer of combined CofC on Lot 55 and Lot 56 together. Please arrange for issuance of those 2 CofC's ASAP.

If you have any questions regarding this information, please do not hesitate to contact me at 928.6463.

Thank you,

Harrell Fletcher

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**Fletcher-Cross
& Associates
CONSULTING**

Santa Maria Inn
801 South Broadway, Suite 1
Santa Maria, California 93454
(805) 928-6463

November 11, 2005

Department of Planning & Building
Attn: Jo Manson
County Government Center
San Luis Obispo, CA 93408

Dear Jo,

Please find attached the appeal of 9/19/05 Determinations of Department of Planning and Building, Certificate of Compliance Applications, County File Nos.: C2004-0164 & C2004-0165.

Hard copy to follow by US mail.

Thank you,

Harrell Fletcher

Cc: Robert J. McCoy, Esq.
Dudnick, Detwiler, Rivin & Stikker LLP
351 California Street, 15th Floor
San Francisco, CA 94104

Christina Gallagher-Nelson, Esq.
Nixon-Peabody
Two Embarcadero Center
San Francisco, CA 93411-3996

Initial Feasibility Studies *Concept Development* *Codes & Conditions Research*
Project Presentation Recommendations *Community Benefit Consulting*

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ATTACHMENT #5

**APPEAL OF 9/19/05 DETERMINATIONS OF
DEPARTMENT OF PLANNING AND BUILDING**

Date: November 11, 2005

**Certificate of Compliance Applications
County File Nos.: C2004-0164 & C2004-0165**

In file C2004-164, landowner applicant Eugene Rene LeRoy Trust appeals the Department's determination, rendered in its letter dated September 19, 2005, not to issue Certificates of Compliance on Lots 56, 57, 58 and 59 in the Rancho Guadalupe Subdivision.

In file C2004-165, landowner applicant Jean LeRoy Family Trust appeals the Department's determination, also rendered in its letter dated September 19, 2005, not to issue Certificates of Compliance on Lots 64, 65, 66 and 60 in the Rancho Guadalupe Subdivision.

[Applicants note that the Department has just rendered, on November 10, 2005, its determination on the Certificate of Compliance application for the unnumbered river bottom lots also included in file no. C2004-164, and on applications covering Lots 153 and 154 and designated by the Department as file no. C2004-163, and reserves appellate and other rights available to it with respect to those determinations.]

BACKGROUND

Rancho Guadalupe was surveyed, subdivided and platted by James T. Stratton on behalf of Theodore LeRoy, the patriarch of the LeRoy family, in November of 1871. That survey, titled Map of the Subdivision of the Rancho Guadalupe—Santa Barbara County and San Luis Obispo County (the "1871 Map"), was filed in the San Luis Obispo County Recorder's Office on March 8, 1880 and was also filed in the Santa Barbara County Recorder's Office. A deed of the entire Rancho Guadalupe to Theodore LeRoy was recorded on November 7, 1872 (D Deeds 458). After resolution of disputes, title was confirmed in other deeds of Rancho lots to Theodore LeRoy which expressly refer to the 1871 Map and can be found as early as July 1, 1880 (M Deeds 235).

The Lots which are the subject of these applications are owned in trust for the benefit of descendents of Theodore LeRoy. The Trusts contemplate long term family ownership of the Lots. The Lots are large acreage parcels under Williamson Act contracts which are, and have been for extended periods, subject to agricultural leases.

BASIS FOR APPEAL

The Department declined to issue the requested Certificates based on its determination that, since the Rancho's subdivision map is a pre-1893 map, recorded under a predecessor statute to the original Subdivision Map Act, proof of individual separate pre-1972 deeds for each lot is required to effectuate creation. This determination is appealed on the following grounds:

1. Official Map Status. The 1871 Map, showing all of its individual subdivision lots and roadways, is incorporated into and made a part of the 1913 Official Map of San Luis Obispo County as compiled for the County's Board of Supervisors by A.F. Parsons, County Surveyor, as approved and accepted by the Board of Supervisors on July 11,

1913 (the "Official Map"). Pursuant to California Government Code Section 66499.35 and 66499.52, the Official Map constitutes a certificate of compliance with respect to the parcels of real property described therein and the Department is accordingly required to issue the subject Certificates.

[Rancho Guadalupe's Official Map status distinguishes Gardner vs. County of Sonoma, where lands at issue in that case merely appeared in a Thompson Atlas, adopted by the County prior to the first Subdivision Map Act, to show township lines and for other unspecified county purposes.]

2. Separate Deeding. For more than a century, the Lots shown on the Rancho map have been conveyed, referred to and otherwise treated as separate individual lots by grantors, grantees, the County, the Courts and others. Repeated examples of this treatment are included in chain of title materials supplied to the Department, including the following:

- As early as July 1, 1880, just 5 months after the map's recordation, deeding referred to "those certain tracts lots and pieces of land being portions of the Rancho Guadalupe as surveyed, subdivided and platted by James T. Stratton...that is to say Subdivision Nos. ... Fifty six (56) Fifty eight (58) Fifty nine (59), Sixty (60)...Sixty four (64) Sixty five (65) Sixty six (66)...." (M Deeds 235 at pages 236 and 237)
- Similarly, by Probate Court final distribution of the Estate of Eugene LeRoy recorded in 1936, all individual Lots which are the subject of this appeal are separately listed by the Probate Court under the heading of "All those certain lots, pieces and parcels of land...being portions of the Rancho Guadalupe as surveyed, subdivided and platted by James T. Stratton...." (183 Deeds 160 at page 188) Similar references to Lots designated as separately deeded parcels under the heading of "those certain lots, pieces and parcels of land" appear in deeds recorded in 1968 and 1982. (1500 OR 679 and 2242 OR 734)
- In 1946, San Luis Obispo County itself, by resolution of its Board of Supervisors, accepted an irrigation line right of way deed from the LeRoys which refers to Lot 59 and Lot 60 as separate Lots and specifically to "the line between said Lots 60 and 59." (413 OR 397) Moreover, public and county use and enjoyment of roadways in the Rancho appear to be derived from the designation of those roadways on the recorded map and not from separate dedication or right of way grants.

[Deeding which consistently and repeatedly designate the property by the Lot numbers shown on the recorded map, under a heading which unambiguously references the separateness of the "lots, pieces and parcels of land" shown on that map, also serves to distinguish the Gardner case, where metes and bounds were used as a legal description of the deeded property.]

3. Probate Court Ordered Division of Groups of Lots Must Be Recognized. All of the subject Lots were previously owned jointly in co-tenancy by two LeRoy Trusts (undivided one-half interests held by each). This joint ownership was divided by Orders of the Probate Court sitting in San Mateo County entered on July 8, 1992 and September 29, 1992 in Case No. 84027. After compliance with the Court Orders, the

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Eugene Rene LeRoy Trust held undivided 100% ownership of subject Lots 56, 57, 58 and 59, and the Andre LeRoy Trust (predecessor of applicant Jean LeRoy Family Trust) held undivided 100% ownership of subject Lots 64, 65, 66 and 60.

This division and the recordation of corresponding transfer documents were done pursuant to such Court Orders, entered by the San Mateo County Superior Court in accordance with California trust and probate law, the terms of the trust instruments, and in reliance on a Private Letter Ruling issued by the Internal Revenue Service, and therefore must be recognized notwithstanding local ordinances to the contrary. Wells Fargo Bank vs. Town of Woodside (1983) 33 Cal.3d 379.

Accordingly, if separate lot status is not otherwise recognized on the grounds set forth in Items #1 or #2 above, then at a minimum Lots 64, 65, 66 and 60, as a group, need to be recognized as a one legal parcel owned by the Jean LeRoy Family Trust, and Lots 56, 57, 58 and 59, as a group, need to be recognized as one legal parcel owned by the Eugene Rene LeRoy Trust (but with Lot 57 as a separate parcel per #4 below).

[The Department's tentative/alternative recommendation for merger of all these Lots under the same ownership would violate the Court Orders and negate a division of trust assets among its various family beneficiaries that was considered extensively by, and made under authority of, the Probate Court, and therefore is not feasible. Indeed, it is difficult to understand how the Department's tentative recommendation of merger could be effected under Government Code Section 66499.20 ½ unless each Lot to be merged in fact had legal parcel status.]

4. Separate Deeding of Lot 57. As to Lot 57, there is a separate deed of this Lot from LeRoy to VanGowdy [sp?] dated August 1, 1873 recorded at E Deeds 234. A copy of this deed is attached. Based on Department standards that individual separate pre-1972 deeds of lots serve to effectuate their creation, a Certificate of Compliance is required for Lot 57.
5. Separate Deeding of Lot 55 Portions. As to Lot 55, there are separate deeds of (i) the southerly portion of this Lot from deSilva to Feliciano dated December 25, 1874 recorded at G Deeds 6, (ii) the same southerly portion of this Lot from Feliciano to LeRoy dated October 25, 1878 recorded at L Deeds 215, and (iii) the northerly portion of this Lot from deSilva to LeRoy dated October 1, 1878 recorded at L Deeds 219 (which deed describes all of Lot 55 but was executed by deSilva after his 1874 conveyance of the southerly portion to Feliciano). Copies of these deeds are attached. Based on Department standards that individual separate pre-1972 deeds of lots serve to effectuate their creation, and on the Department's determination that Lot 55 itself is a separate legal parcel, separate Certificates of Compliance for each of the northerly and southerly portions of Lot 55 are required.
6. Prior County Validation of Trust Holdings. With respect to past procedures by the Department concerning treatment of Trust holdings in the Rancho, applicants note (i) issuance of three separate Certificates of Compliance in 1996 with respect to Lot 162 and adjacent river bottom acreage in County file no. S950149C (regarding Project/Pcl Nos. C96-054/1, C96-054/2, C96-054/3), and (ii) approvals for 4 separate Certificates in File Nos. C2004-0163 and C2004-0164 on November 10, 2005 per Department letter referenced above.

E/D9/234

I have hereunto set my hand and affixed my official seal, at my office in the City and County of San Francisco, the day and year last above written. C. V. Carter, Notary Public & Seal & Recorded at the request of Juan Flores October 3rd 1873 at 10 minutes past 10 o'clock AM

Charles A. Deane, County Recorder
By Julius Krebs, Deputy.

Theodore Le Roy } This Indenture, made the first day of August
vs } in the year of our Lord one thousand eight hundred
Wm Van Gundy } and seventy three between Theodore Le Roy
of the City and County of San Francisco, State of California, the party }
of the first part, and William Van Gundy of the County of Santa Clara }
State aforesaid, the party of the second part, Witness, that the said }
party of the first part, for and in consideration of the sum of Two Thousand }
Dollars, gold coin of the United States of America, to him in hand }
paid by the said party of the second part, the receipt whereof is hereby }
acknowledged, has granted, bargained, sold, aliened, remised, released, con- }
veyed and confirmed, and by these presents does grant, bargain, sell, }
alien, remise, release, convey and confirm unto the said party of the }
second part, and to his heirs and assigns forever, all of that certain }
(piece or tract of land), situate and being in the County of San Luis }
Obispo, State aforesaid, and particularly described as follows, to wit: }
All of subdivision number Fifty seven (57) of the Rancho Guadalupe, }
as described, subdivided and platted by James T. Straton, in November }
1871 and containing according to said survey Eighty acres of Land. }
Together with all and singular the tenements, hereditaments and }
appurtenances thereto belonging or in anywise appertaining, and }
the reversion and reversions, remainders and remainders, rents, issues }
and profits thereof, and also all the estate, right, title, interest, par- }
tialty, possession, claim and demand whatsoever, as well in law as in }
equity, of the said party of the first part, of, in or to the said premises }
and every part and parcel thereof, with the appurtenances. To }
have and to hold, all and singular the said premises together with }
the appurtenances unto the said party of the second part, and to his }
heirs and assigns forever. And the said party of the first part }
do hereby the said premises, in the present and future, warrant, defend }
and defend of his heirs and assigns forever.

LOT 57 →

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Request of J. R. Jackson Deed to No. 1174 at 30
minutes past 4 o'clock P.M.

Charles W. Deane Grant Recor
By Julius Charles Deane
Francis Immanuel de Silva J. Francisco Douglas Swablen
of the County of San Luis Obispo
Antonio Pellicani } and State of California For and

in Consideration of the sum of Ten Hundred and Fifty
Dollars So hereby grant to Antonio Pellicani of the County
of San Luis Obispo and State of California All that real property
situated in San Luis Obispo County and State of California
bounded and described as follows: Being a part of Sub-
mission Number Fifty Five (55) of the Rancho Guadalupe
situate lying and being in the County of San Luis and
State of California and more particularly bounded and
described to wit: Beginning at the South West corner
of Submissions No. 55 Proceeding thence North
along the west line of Sub. No. 55 to a stake
then at right angles from said stake on a line 400
Chs to a stake thence South along the dividing line
of Sub. 55 and 57 12.50 Chs to the South East corner
of Sub. in Submissions 55 thence following the heading
of Sub. in Submissions 55 and 56 to the place of
beginning containing Fifty acres according to a survey &
Subdivision of said Guadalupe Rancho made in
Number 1174 by James D. Jackson Witness my hand
this eighth day of December A.D. 1874 Francis Im-
manuel de Silva J. Francisco Douglas and executed in the
Presence of James D. Waight J. R. Parkfield State
of California County of Santa Barbara 2d day of the said
month day of December A.D. 1874 Antonio Pellicani
four before me R. Pollard is at that time called in and for
said County of State personally appeared Francis Im-
manuel de Silva known to me to be the person whose
name is subscribed to the foregoing instrument and he
acknowledged to me that he executed the same and he
said to me that he executed the same and he said to me
my deal of office at my office in the County of Santa Barbara
State of California

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City and County of San Francisco State of California the party of the second part. Witnesseth that the said party of the first part for and in consideration of the sum of one dollar gold coin of the United States of America do here in hand paid by the said party of the second part, at or before the making and delivery of these presents the receipt whereof is hereby acknowledged has granted bargained sold aliened remised released conveyed and confirmed, and by these presents does grant bargain sell alien remise release convey and confirm unto the said party of the second part, and to his heirs and assigns forever all that certain piece parcel or lot of land situate lying and being in the County of San Francisco State of California and more particularly bounded and described as follows to wit Commencing at the South West corner of subdivision number (55) fifty five of the Rancho Guadalupe in said county of San Luis Obispo according to a survey and subdivision of said Rancho made in November 1871 by James F. Shattuck thence North along the West line of said subdivision 12 chains to a stake thence at right angles from said last mentioned line 40 chains to a stake thence South along the dividing line of subdivisions 55 and 58 50 chains to the South East corner of said subdivision 55 thence following the dividing line of subdivisions 55 and 58 40 chains to the place of beginning containing fifty acres being the Southeast part of land dated in December 16, 1871 to said Antonio Pelicians by Francisco Encargado de Salas together with all and singular the elements hereditaments and appurtenances therunto belonging or in anywise appertaining and the manner and course of command and manner and uses and profits thereof. And also all the estate right title interest property hereditament claim possession claim and demand whatsoever, as well in law as in equity of the said party of the first part of or to the above described premises and every part and parcel thereof with the appurtenances to have and to hold all and singular the above mentioned and described premises together with the appurtenances unto the said party of the second part his heirs and assigns forever. In witness whereof and in full proof of the facts hereinbefore set forth the day and year first above written Antonio P. Pelicians of the County of Santa Barbara in the presence of John Chamberlain Clerk of the County of Santa Barbara on the twenty fifth day of October in the year one thousand eight hundred and seventy one.

0578



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

September 19, 2005

Harrell Fletcher
Santa Maria Inn
801 South Broadway, Suite 1
Santa Maria, CA 93454

SUBJECT: Certificates of Compliance C2004-0164 and C2004-0165

Dear Mr. Fletcher:

The Department of Planning and Building has reviewed the materials submitted with your two (2) applications for eleven (11) certificates of compliance: seven (7) for C2004-0164 and four (4) for C2004-00165. Based on our review of the deed history for both projects we have concluded that the four (4) certificate of compliance parcels you requested for C2004-00165 are actually a part of a larger legal parcel that includes some of the certificate of compliance parcels for C2004-00164. In addition, C2004-00164 should be broken out into two (2) phases – Phase 1, certificates within San Luis Obispo County and Phase 2, certificates within both San Luis Obispo and Santa Barbara Counties. This letter serves as notification of approval of two (2) certificates of compliance for Phase 1 of C2004-00164: Lot 51 and Lot 55 (or possibly Lots 55 and 56 together as noted in the following discussion). This letter also serves as notification of a tentative recommendation for either one (1) conditional certificate of compliance for C2004-0164 for some of the requested certificate of compliance parcels and one (1) conditional certificate of compliance for C2004-00165 OR a tentative recommendation for one (1) Request for Voluntary Merger. Please note the following deed analysis upon which we based our recommendations.

An analysis of the deed history by lot number is as follows:

- 1) Lot 51 (APN: 092-031-007) – This is a legal parcel in accordance with E Deeds 337 (10/25/1873). A certificate of compliance is approved. A draft certificate of compliance is enclosed for your review as parcel 2 of C2004-0164.
- 2) Lot 55 (APN: 092-021-013 portion) – This is a legal parcel in accordance with F Deeds 51 (4/30/1874). A certificate of compliance is approved. A draft certificate of compliance is enclosed for your review as parcel 1 of C2004-0164. However, please note discussion item #3 for a possible option for one (1) certificate of compliance for Lots 55 and 56 together.

ATTACHMENT #6

- 3) Lot 56 (APN: 091-021-013 portion) – This parcel does not have a pre-1972 deed that describes Lot 56 by itself. An individual separate deed for Lot 56 has not been provided for our review. Since the Rancho Map is a pre-1893 map, recorded under a predecessor statute to the original Subdivision Map Act, we need proof of individual separate deeds for each of the lots to effectuate their creation.

Lot 56 is mentioned along with other contiguous parcels on various deeds. In addition, our research revealed that a building permit, #45238, for a mobile home replacement – immediate family quarters was completed on May 3, 1983 for all of APN: 092-021-013 which consists of Lot 55 and Lot 56. In those instances where a pre-1972 deed does not exist and a building permit has been completed, the area defined in the permit on the site plan can qualify for a certificate of compliance. Therefore, you have two options for Lot 56:

- a) one (1) certificate of compliance for Lot 55 and Lot 56 together based upon the building permit and Lot 55 deed; OR
 - b) one (1) certificate of compliance for Lot 55 based upon F Deeds 51 (4/30/1874). Lot 56 would be part of a possible conditional certificate of compliance or a voluntary merger as discussed in #4 below.
- 4) Lots 56, 57, 58, 59, 60, 64, 65 and 66 (APNS: 092-021-013 Portion, 092-021-012, 092-031-013 and 092-061-001) – None of these parcels have a separate pre-1972 deed that describes the individual lot by itself. Since the Rancho Map is a pre-1893 map, recorded under a predecessor statute to the original Subdivision Map Act, we need proof of individual separate deeds for each of the lots to effectuate their creation. On several of the deeds parcel numbers are referenced with each lot noted as “parcel 1, parcel 2, etc.”. Because all of the “parcels” (lots) are on one deed any contiguous geographic area is considered one legal parcel. Our deed history analysis is as follows:
- a) 12 DDS 41 (2/16/1891) – includes all of the mentioned lots and other non-contiguous properties.
 - b) 15 DDS 433 (7/11/1892) - includes all of the mentioned lots and other non-contiguous properties.
 - c) 18 DDS 245 (12/10/1892) - includes all of the mentioned lots and other non-contiguous properties.
 - d) 183 OR 160 (1st recorded 7/12/1932) - includes all of the mentioned lots and other non-contiguous properties.
 - e) 407 OR 239 (1st recorded 5/6/1946) - includes all of the mentioned lots and other non-contiguous properties.

- f) 528 OR 480 (7/1/1949) - includes all of the mentioned lots and other non-contiguous properties.
- g) 1500 OR 681 (12/12/1968) - includes all of the mentioned lots and other non-contiguous properties.
- h) 1992-066564 (9/30/1992) – includes Lots 64, 65, 66 and a portion of Lot 60. Please note that the current assessor parcel map shows all of Lot 60 under your client’s ownership. The deed referenced above and the title report you provided indicate only a portion of Lot 60. Please clarify when the other portion of Lot 60 was deeded away.
- i) 1992-066562 (9/30/1992) – includes Lots 51, 55, 56, 57, 58, and a portion of Lot 59. Please note that the current assessor parcel map shows all of Lot 59 under your client’s ownership. The deed referenced above and the title report you provided indicate only a portion of Lot 59. Please clarify when the other portion of Lot 59 was deeded away.

We can tentatively approve Lots 56, 57, 58, 59 Portion, 60 Portion, 64, 65 and 66 together as one (1) legal parcel based upon the deed history review pending clarification of the portions of Lots 59 and 60 that are no longer in your clients ownership. Please note the option for Lot 56 as noted previously in #2. However, because the ownership vesting for Lots 56, 57, 58 and 59 Portion is different from the ownership vesting for Lots 60 Portion, 64, 65 and 66 we tentatively recommend two (2) options:

- a) one (1) voluntary merger for Lots 56, 57, 58, 59 Portion, 60 Portion, 64, 65 and 66 based on the deed history. Please note the option for Lot 56 as noted previously in #2. This option would require the same owners for all the parcels. We need clarification on when the portions of Lots 59 and 60 were deeded away.
- b) If the ownership vesting remains as it is then we would have to tentatively recommend one (1) conditional certificate of compliance for Lots 56, 57, 58 and 59 Portion (noting option for Lot 56) and one (1) conditional certificate of compliance for Lots 60 Portion, 64, 65 and 66. We need clarification on when the portions of Lots 59 and 60 were deeded away.

I have enclosed a Request for Voluntary Merger application and two (2) conditional certificates of compliance applications for your use. Please keep in mind that conditional certificates of compliance require a public hearing before the San Luis Obispo County Subdivision Review Board and are subject to environmental review in accordance with the California Environmental Quality Act. The application fee for one (1) conditional certificate of compliance is \$2,779.00. If the tentatively recommended two (2) conditional certificates of compliance are applied for on separate applications (one per application) the fee is \$2,779.00 for each application. If two (2) conditional certificates of compliance are requested and are included on the same application the first certificate is \$2,770.00 and the second certificate is \$353.00. If you decide to apply for conditional certificates of compliance we will make note of the current application fees you have

on deposit and calculate the additional fees that would be charged to your projects to reflect the revised project descriptions.

Attached for your review are the legal descriptions for the two (2) non-conditional certificates of compliance that can be recorded by the County as a part of Phase 1 of C2004-0164. Review the legal descriptions carefully and please contact our office if you have any concerns or questions regarding the descriptions on the certificates. We have enclosed the following three (3) draft certificates of compliance for your review which include an option for Lot 56:

- 1) Lot 55
- 1A) Lots 55 and 56 together.
- 2) Lot 51

After we have finalized with you the option you wish to take on Lot 56 we will calculate the recording fees.

If you do not agree with the decision made by the department, you may appeal this determination to the County Board of Supervisors. You must appeal the decision within 14 days from the action date, which is the date of this correspondence. If you wish to appeal, please submit the request to the Planning Commission Secretary with the appropriate appeal fee.

If you have any questions concerning your project or this notice please contact me at (805) 781-4660.

Sincerely,

Victor Holanda, AICP, Director Department of Planning and Building

By 

Jo S. Manson, Planner II
Information Services Group

Enclosures: Three (3) Draft Certificates of Compliance
Request for Voluntary Merger Application
Two (2) Conditional Certificate of Compliance Applications

Handwritten initials/signature

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning and Building
County Government Center
San Luis Obispo, California 93408
ATTN: Jo S. Manson

APN(S): 092-021-013 Portion
PROJECT NO: C04-164
PARCEL NO: 1
FILE NO: SUB2003-00139

DRAFT

CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(a)



This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, being described as follows:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):
DEUTSCHE BANK NATIONAL TRUST
COMPANY (formerly known as Bankers Trust
Company of California, N.A.), as Successor Trustee
under Declaration of Trust of Eugene Rene LeRoy
dated October 30, 1981, as amended March 9, 1984
and clarified by Agreement dated May 3, 1984.

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Jo S. Manson, Planner II

On this ____ day of _____, in the year 20____,
before me, Mary L. Velarde, Notary Public, personally appeared
_____, personally known to
me (or 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.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN LUIS OBISPO)

(SEAL)

APN(S): 092-021-013 Portion
PROJECT NO: C04-164

FILE NO: SUB2003-00139
PARCEL NO: 1

EXHIBIT A

Legal Description

DRAFT

All those certain lots, pieces or parcels of land, situated, lying and being in the County of San Luis Obispo, State of California, being portions of the Rancho Guadalupe, as surveyed, subdivided and platted by James T. Stratton, in November 1871, a map of which survey and subdivision entitled "Map of the Subdivision of the Rancho Guadalupe, - Santa Barbara County and San Luis Obispo County, California, surveyed and subdivided by J.T. Stratton, November 1871" was filed in the County Recorder's Office of said County of San Luis Obispo, on the 8th day of March, 1880, described as follows: All the Subdivision Number 55 of Rancho Guadalupe.

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RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning and Building
County Government Center
San Luis Obispo, California 93408
ATTN: Jo S. Manson

APN(S): 092-021-013
PROJECT NO: C04-164
PARCEL NO: 1A
FILE NO: SUB2003-00139

DRAFT

CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(a)



This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, being described as follows:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):
DEUTSCHE BANK NATIONAL TRUST
COMPANY (formerly known as Bankers Trust
Company of California, N.A.), as Successor Trustee
under Declaration of Trust of Eugene Rene LeRoy
dated October 30, 1981, as amended March 9, 1984
and clarified by Agreement dated May 3, 1984.

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN LUIS OBISPO)

(SEAL)

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Jo S. Manson, Planner II

On this ____ day of _____, in the year 20____,
before me, Mary L. Velarde, Notary Public, personally appeared
_____, personally known to
me (or 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.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

APN(S): 092-021-013
PROJECT NO: C04-164

FILE NO: SUB2003-00139
PARCEL NO: 1A

EXHIBIT A
Legal Description

DRAFT

All those certain lots, pieces or parcels of land, situated, lying and being in the County of San Luis Obispo, State of California, being portions of the Rancho Guadalupe, as surveyed, subdivided and platted by James T. Stratton, in November 1871, a map of which survey and subdivision entitled "Map of the Subdivision of the Rancho Guadalupe, - Santa Barbara County and San Luis Obispo County, California, surveyed and subdivided by J.T. Stratton, November 1871" was filed in the County Recorder's Office of said County of San Luis Obispo, on the 8th day of March, 1880, described as follows: All the Subdivision Numbers 55 and 56 of Rancho Guadalupe.

Excepting from Number 56 and 57 a strip of land one hundred (100) feet wide, described as follows:

Commencing at a point on the center line of the Southern Pacific Railroad Company's Railroad, where said center line intersects the Westerly line of said subdivision No. 56 of said Rancho Guadalupe, at or near Engineer Station 10.393+90 of said center line, along the Arroyo Grande Road; and running thence Southeasterly, along said center line of said Southern Pacific Railroad Company's railroad, following the curvatures thereof, and embracing a strip of land fifty (50) feet wide on each side of said center line, to the Southerly line of said Subdivision Number 57 of said Rancho Guadalupe, at or near Engineer Station 10.414+70 of said centerline, on the Northerly line of the Nipomo County Road, a distance of two thousand and eighty (2,080) feet, more or less, and containing an area of four and seventy-seven hundredths (4.77) acres of land, more or less, which said strip of land was conveyed by Eugene LeRoy, et al., to the Southern Pacific Railroad Company, by deed dated November 28, 1894, and recorded in the office of the County Recorder of said San Luis Obispo County.

Handwritten initials/signature

**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

Director of Planning and Building
County Government Center
San Luis Obispo, California 93408
ATTN: Jo S. Manson

APN(S): 092-031-007
PROJECT NO: C04-164
PARCEL NO: 2
FILE NO: SUB2003-00139

DRAFT

CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(a)



This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, being described as follows:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):
DEUTSCHE BANK NATIONAL TRUST
COMPANY (formerly known as Bankers Trust
Company of California, N.A.), as Successor Trustee
under Declaration of Trust of Eugene Rene LeRoy
dated October 30, 1981, as amended March 9, 1984
and clarified by Agreement dated May 3, 1984.

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN LUIS OBISPO)

(SEAL)

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Jo S. Manson, Planner II

On this ____ day of _____, in the year 20____,
before me, Mary L. Velarde, Notary Public, personally appeared
_____, personally known to
me (or 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.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

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APN(S): 092-031-007
PROJECT NO: C04-164

FILE NO: SUB2003-00139
PARCEL NO: 2

EXHIBIT A
Legal Description

DRAFT

All those certain lots, pieces or parcels of land, situated, lying and being in the County of San Luis Obispo, State of California, being portions of the Rancho Guadalupe, as surveyed, subdivided and platted by James T. Stratton, in November 1871, a map of which survey and subdivision entitled "Map of the Subdivision of the Rancho Guadalupe, - Santa Barbara County and San Luis Obispo County, California, surveyed and subdivided by J.T. Stratton, November 1871" was filed in the County Recorder's Office of said County of San Luis Obispo, on the 8th day of March, 1880, described as follows: All the Subdivision Number 51 of Rancho Guadalupe.

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after set out, do hereby grant to the Party of the Second Part and its assigns, all that certain real property situate in the County of San Luis Obispo, State of California, described as follows:

All that part of Lot 59 and 60 of the Rancho Guadalupe in the County of San Luis Obispo, State of California, as shown on the official map of said Rancho on file in the office of the County Recorder of said County and filed for record in Book A of Maps at page 117, records of said County, described as follows:

Commencing at the southwest corner of said Lot 60 which said corner is common to the southeast corner of said Lot 59; thence running from said point of commencement north 62° 30' 30" East 118.42 feet along the southerly line of said Lot 60 to a point; thence leaving said line and running south 69° 20' 40" west 112.44 feet across a part of said Lot 60 to a point on the line between said Lots 60 and 59 from which said point the southwest corner of said Lot 60 bears south 0° 36' east 15.00 feet distant; thence running from said last mentioned point south 82° 33' 30" west 115.05 feet across a portion of said Lot 59 to a point on the southerly line thereof; thence north 89° 56' east 114.21 feet along the southerly line of said Lot to the point of commencement and containing 0.039 acres of land

As further and additional consideration, second party agrees, at its own cost and expense:

1. To replace the present concrete irrigation line and valve, (now on the property hereinabove conveyed and laying parallel to the present property line) within the new property line. Said work shall be performed at a time convenient to the farming operations of the tenant of the Party of the First Part;
2. To replace in good condition the present property line fence along the new property line;
3. To furnish and install a culvert of proper size and length in order to permit ingress and egress to be had from the county road to the present road leading into the property of the parties of the First Part along the subdivision line.

WITNESS the hands of the Parties hereto, this 10th day of July, 1946.

Eugene Rene LeRoy

Andre LeRoy
by Eugene Rene LeRoy
his attorney in fact.
Parties of the First Part

COUNTY OF SAN LUIS OBISPO

By A. L. Ferrini
Party of the Second Part

STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss

On this 15th day of July in the year one thousand nine hundred and forty-six, before me, Gwen Hourihan County Clerk of the County of San Luis Obispo, State of California, and ex-officio Clerk of the Superior Court of the State of California, in and for said County, personally appeared A. L. Ferrini known to me to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Superior Court the day and year in this Certificate first above written.

(SEAL)

SEAL
Gwen Hourihan
County Clerk and ex-officio
Clerk of the Superior Court.

STATE OF CALIFORNIA, }
City and }
County of San Francisco } ss.

On this 10th day of July in the year One Thousand Nine Hundred and Forty Six before me, MARY J. CREECH, a Notary Public, in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared

FOR

BY

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

November 10, 2005

Harrell Fletcher
Santa Maria Inn
801 South Broadway, Suite 1
Santa Maria, CA 93454

SUBJECT: Certificates of Compliance C2004-0163 and C2004-0164 Portion

Dear Mr. Fletcher:

The Department of Planning and Building has reviewed the materials submitted with your two (2) applications for four (4) certificates of compliance as follows: two (2) certificates of compliance for C2004-0163 (one (1) fully within San Luis Obispo County and one (1) that includes property in both San Luis Obispo and Santa Barbara Counties), and two (2) certificates of compliance for a portion of C2004-00164 that includes property in both San Luis Obispo and Santa Barbara Counties. Based on our review of the deed history for both projects we have concluded that the four (4) certificates of compliance parcels you requested are legal parcels. This letter serves as notification of approval of two (2) certificates of compliance for C2004-0163 and approval of two (2) certificates of compliance for Phase 2 of C2004-00164 (2 legal parcels within the unnumbered lot (riverbed)). Please note the following deed analysis upon which we based our recommendations.

An analysis of the deed history by lot number is as follows:

C2004-0163 (one (1) certificate fully within San Luis Obispo County and one (1) certificate that includes property in both San Luis Obispo and Santa Barbara Counties):

- 1) Lot 153 (APN: 092-051-007 (SLO County) & 113-030-003 (SB County)) – This is a legal parcel in accordance with 15 Deeds 433 minus 528 OR 480. An unconditional certificate of compliance can be approved. We received Exhibits A and B prepared by Jon McKellar for use in the certificate of compliance document. Exhibit B needs the assessor parcel number for San Luis Obispo County changed from 092-050-007 to 092-051-007. Exhibit A should have the following text inserted in the blank provided after “San Luis Obispo County” C04-0163, Parcel #1. We concur with the correcting deeds that should be recorded concurrently with recordation of the certificate of compliance.
- 2) Portion of Lot 154 (APN: 092-051-010) – This is a legal parcel in accordance with 528 OR 480. An unconditional certificate of compliance can be approved. We

concur with the correcting deeds that should be recorded concurrently with recordation of the certificate of compliance.

C2004-0164 Portion (two (2) certificates that include property in both San Luis Obispo and Santa Barbara Counties):

- 1) Unnumbered Lot (river bottom) (APN: 092-061-008 Portion (SLO County) & 113-050-015, 113-050-037 Portion and 113-050-038 Portion (SB County)) – This is a legal parcel in accordance with 18 Deeds 245 cut by 528 OR 485, 1228 OR 60 and 1977 OR 62. An unconditional certificate of compliance can be approved. Exhibit A should have the following text inserted in the blank provided after “San Luis Obispo County” C04-0164, Parcel #7. We concur with the correcting deeds that should be recorded concurrently with recordation of the certificate of compliance.
- 2) Unnumbered Lot (river bottom) (APN: 092-061-008 Portion (SLO County) & 113-050-037 Portion (SB County)) – This is a legal parcel in accordance with 528 OR 485 cut by 1228 OR 60 and 1977 OR 62. An unconditional certificate of compliance can be approved. Exhibit A should have the following text inserted in the blank provided after “San Luis Obispo County” C04-0164, Parcel #8. We concur with the correcting deeds that should be recorded concurrently with recordation of the certificate of compliance.

We do have a sample of a certificate of compliance document for use with bi-county certificates which I have provided as an enclosure for your reference. San Luis Obispo County would be happy to prepare the certificate documents in coordination with Santa Barbara County, Deputy County Surveyor, Jerry Mittermiller (project #05-CC-118-123).

If you do not agree with the decision made by the department, you may appeal this determination to the County Board of Supervisors. You must appeal the decision within 14 days from the action date, which is the date of this correspondence. If you wish to appeal, please submit the request to the Planning Commission Secretary with the appropriate appeal fee.

If you have any questions concerning your project or this notice please contact me at (805) 781-4660.

Sincerely,

Victor Holanda, AICP, Director Department of Planning and Building

By 

Jo S. Manson, Planner II
Information Services Group



Enclosure: Bi-county Certificate of Compliance sample document

cc: Robert J. McCoy, Esq.
Dudnick Detwiler Rivin & Stikker LLP
351 California Street, 15th Floor
San Francisco, CA 94104

County of Santa Barbara
Public Works Department
ATTN: Jerry Mittermiller, County Surveyor's Office
123 East Anapamu St.
Santa Barbara, CA 93101

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RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

SAN LUIS OBISPO COUNTY

APN(S): 090-431-016
PROJECT/PCU-NO: C99-263/1 FILE NO: S990098C

SANTA BARBARA COUNTY

APN(S): 129-041-018 Portion
FILE: 01-CC-001

SAN LUIS OBISPO COUNTY

SANTA BARBARA COUNTY



CERTIFICATE OF COMPLIANCE

California Government Code Section 88499.35 (a)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo and the County of Santa Barbara, State of California, being described as follows:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

See Exhibit C attached for ownership vesting.

SAMPLE

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN LUIS OBISPO)

(SEAL)

VICTOR HOLANDA
Director, Dept. of Plan. & Build., San Luis Obispo County

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2000,
before me, I Hanley, Notary Public, personally

appeared _____,
personally known to me (or 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.

Witness my hand and official seal.

I. Hanley, Notary Public

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APN(S): SLOCo. 090-431-018 and SBCo. 129-041-010 Pardon
PROJECT/PCI NO: SLOCo. # C95-362/1 and SBCo. # 01-CC-01

FILE NO: 5990085C

CERTIFICATE OF COMPLIANCE

California Government Code Section 69499.35 (a)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo and the County of Santa Barbara, State of California, being described as follows:

As described in Exhibit A and shown on Exhibit B attached to this certificate and incorporated herein as if set forth in full.

SAMPLE

RECORD OWNER(S):

See Exhibit C attached for ownership vesting.

MICHAEL B. EMMONS
County Surveyor, Santa Barbara County

By: _____
Michael B. Emmons, County Surveyor Date
LS License # 5899

COUNTY COUNSEL
Approved as to Form

By: _____
Kevin Ready, Sr., Senior Deputy County Counsel Date

APN(S): SLOCo. 082-041-001 and SBCo. 129-041-010 Portion
PROJECT NO: SLOCo. # C89-362/1 and SBCo. # 01-CC-01

FILE NO: S990089C
PARCEL NO: 1

EXHIBIT A
Legal Description

That portion of Rancho de Suey now particularly described as follows:

Beginning at a point, 4.79 chains (316.14 feet) North of a 4" x 4" Stake marked "N.25H.0." which stake is at the intersection of the Northerly line of the County Road and the Westerly line of the tract of the Santa Maria Water Co., at Eugler's Point and running North 2.62 chains (172.92 feet); thence North 35° 30' East, 15.25 chains (1106.50 feet); thence North 35° East, 33.33 chains (2199.78 feet); thence South 26° 30' East, 1.50 chains (99 feet); thence South 21° East, 1.50 chains (99 feet); thence South 14° East, 2.56 chains (168.96 feet); thence South 23° 30' East, 3.24 chains (213.84 feet); thence South 38° 45' East, 3.42 chains (225.72 feet); thence South 45° 15' East, 2.73 chains (180.18 feet); thence South 61° 15' East, 6.00 chains (396.00 feet); thence South 19° 30' East, 3.22 chains (212.52 feet); thence South 7° 15' East, 8.51 chains (568.26 feet); thence East, 11.01 chains (726.66 feet); thence South 61° 30' East, 8.77 chains (578.82 feet); thence South 57° 45' East, 13.13 chains (865.58 feet); thence South 78° East, 7.56 chains (498.96 feet); thence South 78° East, 2.40 chains (158.40 feet) to a large white rock, being a point on the boundary of the Suey Ranch as confirmed by United States Patent to Ramona Carrillo de Wilson, and surveyed by Geo. Thompson, in April 1863; thence along the said boundary of the Suey Ranch, South 29° 15' West, 17.29 chains; thence North 82° 15' West, 42.20 chains (2785.20 feet); thence West, 13.03 chains (859.98 feet); thence leaving said boundary of the Suey Ranch, North 77° 30' West, 14.40 chains (950.40 feet); thence North 5 chains (330 feet); thence West 3.79 chains (250.14 feet), to Point of Beginning.

Said property is shown as a portion of Lot 46 according to map of a part of the Rancho El Suey, San Luis Obispo, State of California, as surveyed by H. C. Ward, May 1880 and filed for record, June 17, 1880 in Book B at page 98 of Maps, in the Office of the County Recorder of said County.

SAMPLE

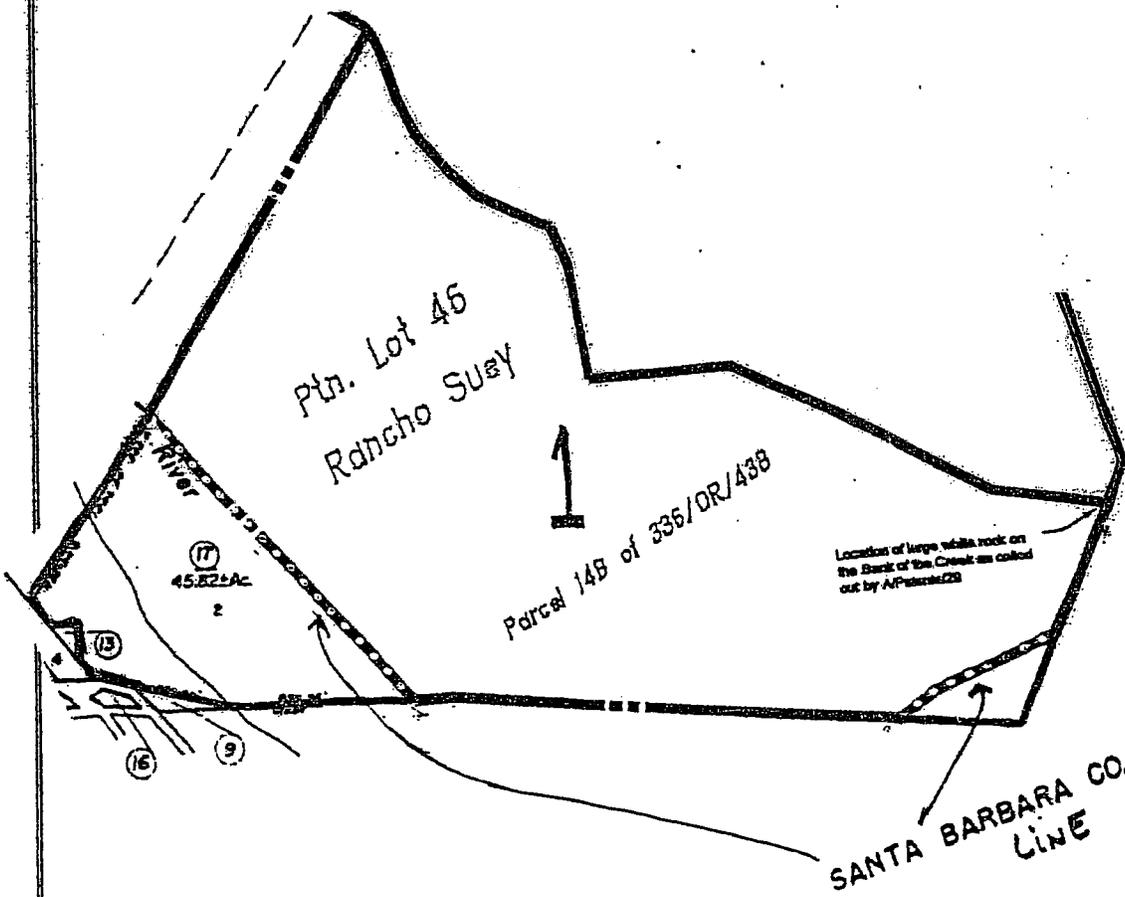
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APN(S): SLOCo. 080-431-016 and SBCo. 128-041-010 Partion
PROJECT NO: SLOCo. # C89-382/1 and SBCo. # 01-CC-01

FILE NO: 5892000C
PARCEL NO: 1

EXHIBIT B
Map

SAMPLE



495

APN(S): SLOCo. 090-431-018 and SBCo. 128-041-010 Porton
PROJECT NO: SLOCo. # C99-382/1 and SBCo. # 01-CC-01

FILE NO: S890088C
PARCEL NO: 1

EXHIBIT C
Ownership Vesting

Charles W. Adam, a married man as his sole and separate property as to an undivided 2/3 interest;

Cynthia M. Ioiomo, a married woman as her sole and separate property as to an undivided 1/6 interest; and

Steven R. Adam, a married man as his sole and separate property as to an undivided 1/6 interest.

SAMPLE

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C/SO