

# Deeds & Lot Legality



At the time an application for land development approval or certificate of compliance is submitted, the applicant must present proof that the lot was created legally. This form describes the types of documents that satisfy this requirement.

## Current Grant Deed

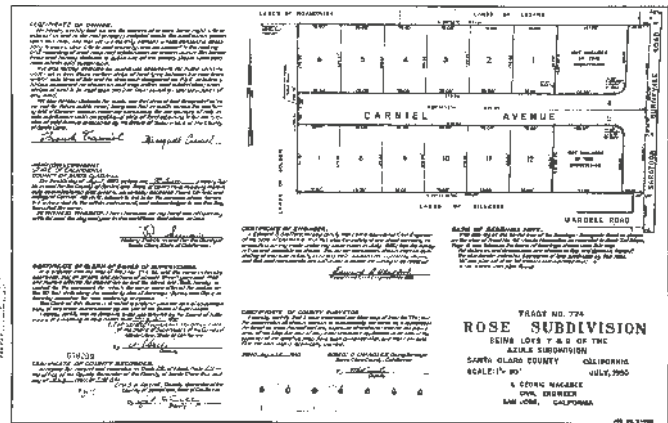
The current deed (such as grant deed or quit claim deed-- not a deed of trust) is required to verify ownership. The owner's name(s) as shown on the deed must match the name(s) and signature(s) on the application. The lot description on this deed must also correspond with the descriptions on other deeds or items submitted to verify legal creation.

If the owner does not have a copy of the recorded deed, one may be obtained at the County Recorder's Office, (County Government Center, 1st floor) or from a title company. A deed of trust is not acceptable.

## Evidence Showing Legal Creation of Lot

### 1. Parcel Map/ Tract Map

A parcel map normally records minor subdivisions and some lot-line adjustments. Tract maps are records of major subdivisions comprised of more than four lots. If the legal description on a current deed describes a whole lot or parcel as shown on a recorded parcel/ tract map, such lot or parcel is considered legal.



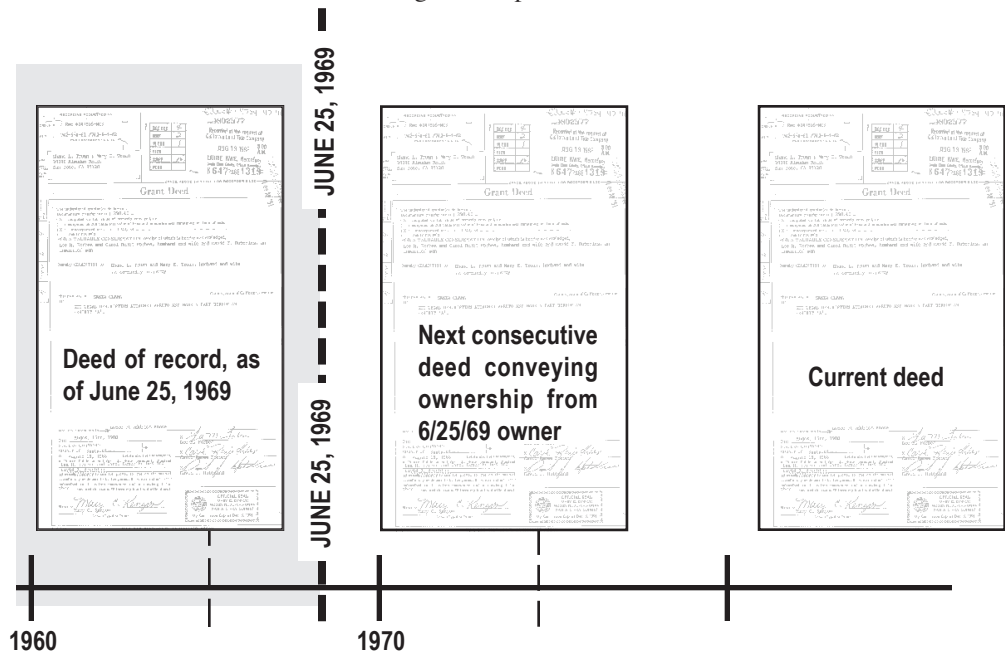
Sample Tract Map

### 2. Deeds of Record as of June 25, 1969

On June 25, 1969, the County established a procedure which required lot splits to undergo the same requirements as other minor subdivisions. This includes the filing of a map for record.

Prior to June 25, 1969 lots could be created by simply recording a deed with a description of the new parcel. A lot created in this manner generally requires copies of 3 deeds to verify its legality. Submittal must include:

- the deed that was in effect on June 25, 1969;
- the deed showing first-transfer of title after 6/25/69, and;
- the current deed.



## Other Qualifying Evidence of Lot Legality

- Recorded certificate of compliance issued by the County of Santa Clara.
- Recorded certificate of lot merger or lot line adjustment.
- The lot is on a recorded record of survey, with a certification by the Clerk of the Board of Supervisors stating that it is a legal lot.
- If a portion of a legal lot was acquired by a government agency, the residual may be a legal lot, pursuant to the Subdivision Map Act.