

THE TENTATIVE MAP PROCESS

FROM A GOVERNMENT PERSPECTIVE

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CA SUBDIVISION MAP ACT REVIEW FROM A PUBLIC SECTOR POV.

Things ya gotta know when dealing with the public sector.

BRIEF HISTORY OF THE SMA

The Map Act is the law that governs the legal process of subdividing real property in California. California's first subdivision law was adopted in 1893. The Map Act was originally adopted in 1907. The modern form of the law generally resulted from amendments adopted in 1929 and 1937.

In 1893, the state Legislature adopted the first statewide act designed to regulate subdivision map drafting to ensure the maps' accuracy and completeness. (Stats. 1893, ch. LXXX, pp. 96-97.) The act was amended in 1901 to somewhat tighten the drafting requirements and to give local governments the opportunity to accept or reject property that was shown on a subdivision map as dedicated to public use. (Stats. 1901, ch. CXXIV, § 1, pp. 288-289.) In 1907, the drafting standards for the maps were again strengthened. (Stats. 1907, ch. 231, pp. 290-292.)

California enacted a comprehensive "Subdivision Map Act" in 1937. The Act prohibited the sale of subdivided land without prior government approval of the subdivision, and authorized local governments to regulate the "design and improvements."

PURPOSE OF THE SMA 66410 et. Seq.

Regulation and control of the design and improvement of subdivisions.

The Subdivision Map Act is "the primary regulatory control" governing the subdivision of real property in California. (Hill v. City of Clovis (2000) *997 80 Cal.App.4th 438, 445.) The Act vests the regulation and control of the design and improvement of subdivisions in the legislative bodies of local agencies, which must promulgate ordinances on the subject. (§ 66411.) The Act generally requires all subdividers of property to design their subdivisions in conformity with applicable general and specific plans and to comply with all of the conditions of applicable local ordinances.

A primary goal of the Map Act and local subdivision ordinances is to encourage orderly community development by providing for the regulation and control of the design and improvement of a subdivision, with proper consideration of its relation to adjoining area. The Map Act facilitates coordination of subdivision planning including lot size and configuration, street patterns, and utility easements with the overall community planning shown on the **general and specific plans** adopted by the city or county. A related purpose of the Act is to ensure consistency of subdivision design and improvement with applicable local standards for development type and density, public health, and other environmental concerns.

By generally requiring local review and approval of all proposed subdivisions, the Act aims to "control the design of subdivisions for the benefit of adjacent landowners, prospective purchasers and the public in general." (Hays v. Vanek (1989) 217 Cal.App.3d 271, 289.

More specifically, the Act seeks "to encourage and facilitate orderly community development, coordinate planning with the community pattern established by local authorities, and assure proper improvements are made, so that the area does not become an undue burden on the taxpayer." (Gomes v. County of Mendocino (1995)) 37 Cal.App.4th 977, 985

[California Code, GOV 66411.](#) Regulation and control of the design and improvement of subdivisions are vested in the legislative bodies of local agencies. *Each local agency shall, by ordinance, regulate and control the initial design and improvement of...developments...for which this division requires a tentative and final or parcel map.*

[California Code, GOV 66421.](#)

"Local ordinance" refers to a local ordinance regulating the design and improvement of subdivisions, enacted by the legislative body of any local agency under the provisions of this division or any prior statute, regulating the design and improvements of subdivisions, insofar as the provisions of the ordinance are consistent with and not in conflict with the provisions of this division.

TENTATIVE MAP: WHEN REQUIRED?

[California Code, GOV 66426.](#)

A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums...*see this section for exceptions.*

[California Code, GOV 66428.](#)

(a) *Local ordinances* may require a tentative map where a parcel map is required by this chapter.

WHAT IS IN THE TENTATIVE MAP APPLICATION?

The tentative map shows the design of the proposed subdivision including information such as topographic conditions, street alignment and width, proposed grades, alignment and width of easements and rights-of-way for utilities, minimum lot dimensions and area, etc.

[California Code, GOV 65940.](#) (1) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project.

[California Code, GOV 65941.](#) The information compiled pursuant to Section 65940 shall also indicate the criteria which the agency will apply in order to determine the completeness of any application submitted to it for a development project. ...that criteria *shall not* require the applicant to submit the informational equivalent of an environmental impact report as part of a

complete application, or to otherwise require proof of compliance with that act as a prerequisite to a permit application *being deemed complete*.

TENTATIVE MAP APPLICATION-COMPLETENESS DETERMINATION

[California Code, GOV 65943](#). (a) **Not later than 30 calendar days** after any public agency has received an application for a development project, the agency shall determine in writing ***whether the application is complete and*** shall immediately transmit the determination to the applicant for the development project.

If the application is determined to be *incomplete*, the lead agency shall provide the applicant with an exhaustive list of items that were not complete. That list shall be limited to those items actually required on the lead agency's submittal requirement checklist. See 65940 et seq.

TENTATIVE MAP PURPOSE

[California Code, GOV 66424.5](#). (a) A tentative map is "made for the purpose of showing the **design (see §66418) and improvement (see § 66419)** of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property."

TENTATIVE MAP REVIEW AND PROCESSING

Advisory Agency as referenced in Tentative Map processing.

[California Code, GOV 66415](#). "**Advisory agency**" means a designated official, or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps.

TENTATIVE MAP REVIEW-EXTENSION OF TIME, USE OF CONTRACTOR

[California Code, GOV 66451.1](#). (a) The time limits specified in this chapter for reporting and acting on maps **may be extended** by mutual consent of the subdivider and the advisory agency or legislative body...However, *no advisory agency or legislative body, may require a routine waiver of time limits as a condition of accepting the application...or processing of tentative, final, or parcel maps*, unless the routine waiver is obtained for the purpose of permitting concurrent processing of related approvals or an environmental review on the same development project.

(b) At the time that the subdivider makes an application pursuant to this division, a local agency shall determine [if] it is able to meet the time limits specified in this chapter for reporting and acting on maps. [if] *unable to meet such time limits...* **upon request of a subdivider and for the purpose of meeting such time limits, contract or employ a private entity or persons on a temporary basis to perform ...services ...to permit the agency to meet such time limits**. Such entities [shall] perform all functions necessary to process tentative, final, and parcel maps...

A local agency may charge the subdivider fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section.

TENTATIVE MAPS-REVIEW AGENCIES

[California Code, GOV 66452.](#) (a) A **tentative map** shall be filed with the clerk of the **advisory agency** or, if there is no advisory agency, with the **clerk of the legislative body**, or with any other officer or employee of the local agency as may be designated by local ordinance.

[California Code, GOV 66452.1.](#) (a) If the **advisory agency** is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, it shall make its written report on the tentative map to the legislative body **within 50 days** after the filing thereof with its clerk. (b) If the **advisory agency** is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, it shall take that action **within 50 days** after the filing thereof with its clerk and report its action to the subdivider.

Opinion: The total review period for a tentative map is the 30 day period to determine the application complete (65943) (a) AND the 50 day tentative map review period for a total of 80 days.

(c) The local agency shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code. *The time periods specified in subdivisions (a) and (b) shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt* from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

66452.1 (c) See Opinion Below

[California Code, GOV 66452.2.](#) (a) If there is an advisory agency which is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, at the next regular meeting of the legislative body following the filing of the advisory agency's report with it, the legislative body shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days thereafter and the legislative body shall approve, conditionally approve, or disapprove the tentative map within that 30-day period.

(b) **If there is no advisory agency**, the clerk of the legislative body shall submit the tentative map to the legislative body at its next regular meeting which shall approve, conditionally approve or disapprove that map within 50 days thereafter.

Opinion: 66452.2(a) indicates the following: The total review period for a tentative map is the 30 day period to determine the application complete (65943) (a) AND the 50 day tentative map review period for the advisory agency (66452.1) and the allowable 30 days indicated above.

[California Code, GOV 66452.3.](#) Any report or recommendation on a tentative map by the staff of the local agency to the advisory agency or legislative body shall be in writing and a copy thereof served on the subdivider...at **least three days prior** to any hearing or action on such map by such advisory agency or legislative body.

TENTATIVE MAP-REVIEW NOT COMPLETED WITHIN STATUTORY TIME FRAME

[California Code, GOV 66452.4.](#) *(a) If no action is taken upon a tentative map* by an advisory agency... or by the legislative body *within the time limits specified in this chapter* or any authorized extension thereof, *the tentative map as filed, shall be deemed to be approved*, insofar as it complies with other applicable requirements of this division and any local ordinances, and it shall be the duty of the clerk of the legislative body to certify or state his or her approval.

66452.4(b) Once a tentative map is deemed approved pursuant to subdivision (a), *a subdivider shall be entitled, upon request of the local agency or the legislative body, to receive a written certification of approval.*

Important: See Opinion Below!

OPINION, IMPORTANT: REQUIREMENTS FOR APPROVAL OF TENTATIVE MAP-See sections 66452.1 and 66473.5.

§66452.1(c) indicates the 50-day review period for approval or disapproval of a tentative map shall commence **after** *certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt...*

Opinion: The environmental evaluation process must be completed before the 50-day clock starts.

GENERAL PLAN COMPLIANCE

[California Code, GOV 66473.5.](#) No local agency shall approve a tentative map, or a parcel map...unless the legislative body finds that the proposed subdivision...is consistent with the general plan (Gov. Code §65300 et seq.) or specific plan (Gov. Code §65450 et seq.).

OPINION: *prohibits approval of a tentative map, or a parcel map...unless the legislative body finds that the proposed subdivision...is consistent with the general plan.*

[SEE CEQA SECTION BELOW](#)

[SEE GENERAL PLAN/SPECIFIC PLAN SECTION](#)

TENTATIVE MAP REVIEW-LIMITATIONS

IMPORTANT: [California Code, GOV 66474.2.](#) (a) Except as otherwise provided in subdivision (b) or (c), in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only ***those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.***

Note: (b) Subdivision (a) shall not apply if the local agency has initiated new laws or has publicly noticed proposed changes to local laws. **See the sections (b)(c) for language and conditions.**

DETERMINING THE AMOUNT OF PHASED FINAL MAPS AT TENTATIVE MAP CONDITIONING

[California Code, GOV 66452.6](#) (a)(1) ...The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

APPEAL TENTATIVE MAP DECISION

[California Code, GOV 66452.5](#). (a) (1) The subdivider...may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body. (2) The appeal shall be filed...**within 10 days** after the action of the advisory agency from which the appeal is being taken. See local ordinances for procedures.

LIFE OF A TENTATIVE MAP

[California Code, GOV 66452.6](#).

66452.6 (a)(1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be *prescribed by local ordinance*, not to exceed an additional 24 months.

SEE SECTION 66452.6 (a)(1) FOR DETAILS RE CONSTRUCTION OF REQUIRED IMPROVEMENTS

Cont. 66452.6 (a)(1) ...**each filing of a final map authorized by Section 66456.1** shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval.

See below for 66456.1

[California Code, GOV 66456.1](#).

66456.1 Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if: (a) **the subdivider, at the time the tentative map is filed, informs the advisory agency** of the local agency of the subdivider's **intention to file multiple final maps on such tentative map**, or (b) after filing of the tentative map, **the local agency and the subdivider concur in the filing of multiple final maps**. In providing such notice, the *subdivider shall not be required to define the number or configuration of the proposed multiple final maps*. ...The right of the subdivider to file multiple final maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple final maps.

IMPORTANT: [California Code, GOV 66452.6 \(a\)\(1\)](#) *The number of phased final maps that may be filed shall be **determined by the advisory agency** at the time of the approval or conditional approval of the tentative map.*

OPINION, IMPORTANT: **66452.6(a)(1)** contradicts the language of section 66456.1. The government agency has the upper hand in that they will be writing the COA. It may be easier to comply with 66452(a)(1). The number of phased maps may be inflated, the local agency should not disagree to a lower number of final maps to be submitted. The language references the number of phased maps for consideration by the local agency, not the configuration of the phased maps.

OPINION, IMPORTANT: The subdivider should be prepared to demonstrate how utilities, access and services will be designed and installed to accommodate phased development.

DEVELOPMENT AGREEMENT TENTATIVE MAP TIME LIMITATION

[California Code, GOV 66452.6 \(a\)\(1\)](#) ... a tentative map on property subject to a **development agreement** ...may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement.

66452.6 (b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), ***shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence.*** See **66452.6 (f)(1)(2)** for conditions that qualify as a **development moratorium**.

TENTATIVE MAP-EXPIRATION-MAP RECORDATION AFTER TENTATIVE MAP EXPIRATION

66452.6 (d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a *timely filing* is made, **subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map.** Delivery to the county surveyor or city engineer shall be deemed a *timely filing* for purposes of this section.

OPINION, IMPORTANT!

This allows a map to be processed and recorded AFTER the expiration of the Tentative Map!

EXTENSION OF TIME FOR TENTATIVE MAP

66452.6 (e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps *for a period or periods not exceeding a total of six years*. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a).

TENTATIVE MAP-DEVELOPMENT MORATORIUM CONDITIONS

66452.6 (f) For purposes of this section, a development moratorium includes...actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map.

A **development moratorium** shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition.

CEQA-briefly. SEE CA PUBLIC RESORCE CODE

([California Code, PRC 21151.5.](#) (a) (1) For projects described in subdivision (c) of Section 21065, each local agency shall establish, by ordinance or resolution, time limits that do not exceed the following: (A) One year for completing and certifying **environmental impact reports**. (B) One hundred eighty days for completing and adopting **negative declarations**.

(1) shall apply only to those circumstances in which the local agency is the lead agency for a project...all **limits shall be measured from** the date on which an application requesting approval of the **project is received and accepted as complete by the local agency**.

[California Code, PRC 21065.](#) **“Project”** means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and...is...**(c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.**

[California Code, PRC 21061.](#) An **environmental impact report** is an informational document which, when its preparation is required by this division, shall be considered by every public agency prior to its approval or disapproval of a project. The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.

[California Code, PRC 21062.](#)

“Local agency” means any public agency other than a state agency, board, or commission. For purposes of this division a redevelopment agency and a local agency formation commission are local agencies, and neither is a state agency, board, or commission.

(Amended by Stats. 1975, Ch. 222.)

[California Code, PRC 21064.](#) **“Negative declaration”** means a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.

[California Code, PRC 21067.](#)

“Lead agency” means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

(Added by Stats. 1972, Ch. 1154.)

OPINION: IT IS IMPORTANT TO UNDERSTAND THAT A DETERMINATION OF THE ENVIRONMENTAL IMPACT MUST BE COMPLETED PRIOR TO THE ISSUANCE OF THE CONDITIONS OF APPROVAL. MITIGATION MEASURES CAN BE ATTACHED TO THE CONDITIONS OF APPROVAL. SEE SMA 66452.1(c)

GENERAL/SPECIFIC PLAN BASICS-See CA. Gov. Code

[California Code, GOV 65300.](#) Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term **general plan** for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning. Chartered cities shall adopt general plans which contain the mandatory elements specified in Section 65302.

[California Code, GOV 65302.](#) The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. **The plan shall include the following elements:**
Land Use, Circulation, Housing, Conservation, Open Space, Noise, Safety, Environmental Justice.

[California Code, GOV 65450.](#) After the legislative body has adopted a general plan, the planning agency may, or if so directed by the legislative body, shall, prepare specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan.

[California Code, GOV 65453.](#) (a) A **specific plan** shall be prepared, adopted, and amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be **amended as often as deemed necessary by the legislative body.**

REFERENCES:

CEB: ENSURING COMPLIANCE WITH THE SUBDIVISION MAP ACT, December 12, 2023

A GUIDE TO UNDERSTANDING RESIDENTIAL SUBDIVISIONS IN CALIFORNIA, 2014 College of Continuing Education, California State University, Sacramento

CALIFORNIA SUBDIVISION ACTS

1893

SUBDIVISION MAP ACT 1937

THE
STATUTES OF CALIFORNIA

AND
AMENDMENTS TO THE CODES,

PASSED AT THE
THIRTIETH SESSION OF THE LEGISLATURE,
1893.

BEGAN ON MONDAY, JANUARY SECOND, AND ENDED ON TUESDAY, MARCH
FOURTEENTH, EIGHTEEN HUNDRED AND NINETY-THREE.



SACRAMENTO:
STATE OFFICE, : : : : A. J. JOHNSTON, SUPT. STATE PRINTING.
1893.

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Ratifica-
tion of
subsequent
proceed-
ings.

such resolution or ordinance shall declare the intention to have such work done or improvement cease under such other acts or ordinances and continued under this Act; and from such election so made all proceedings theretofore had are hereby ratified, confirmed, and made valid, and it shall be unnecessary to renew or conduct over again any proceedings prior to the passage of this Act.

SEC. 16. That section fifty-three of the above entitled Act is hereby amended so as to read as follows:

Section 53. The provisions of this Act shall be liberally construed to permit the objects thereof.

SEC. 17. This Act shall take effect and be in force immediately after its passage.

CHAPTER LXXX.

An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

[Approved March 9, 1893.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Map or
plat of lots
to be made.

Descrip-
tion of
that re-
served for
public
purposes.

For sale.

Must be
acknowl-
edged.

Recorded.

Penalty for
violation.

SECTION 1. Whenever any city, town, or subdivision of land into lots, or any addition to any city, town, or such subdivision, shall be laid out into lots for the purposes of sale, the proprietor or proprietors thereof shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing:

First—All the parcels of ground within such city, town, addition, or subdivision, reserved for public purposes, by their boundaries, courses, and extent, whether they be intended for avenues, streets, lanes, alleys, courts, commons, or other public uses; and,

Second—All lots intended for sale, either by number or letter, and their precise length and width.

SEC. 2. Such map or plat shall be acknowledged by the proprietor, or if any incorporated company, by the chief officer thereof, before some officer authorized by law to take the acknowledgment of conveyances of real estate.

SEC. 3. The map or plat so made, acknowledged, and certified, shall be filed in the office of the County Recorder of the county in which the city, town, addition, or subdivision is situated.

SEC. 4. Every person who sells, or offers for sale, any lot within any city, town, subdivision, or addition, before the map or plat thereof is made out, acknowledged, filed, as herein provided, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars,

and not more than five hundred dollars, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment.

CHAPTER LXXXI.

An Act to amend section twelve hundred and five of the Code of Civil Procedure, relating to certain liens for salaries and wages, and to persons preferred in estates of deceased persons.

[Approved March 9, 1893.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve hundred and five of the Code of Civil Procedure is hereby amended so as to read as follows:

1205. In case of the death of any employer, the wages of each miner, mechanic, salesman, clerk, servant, laborer, or any other person who renders services or performs work, for services rendered within the sixty days next preceding the death of the employer, not exceeding one hundred dollars, rank in priority next after the funeral expenses, expenses of the last sickness, the charges and expenses of administering upon the estate, and the allowance to the widow and infant children, and must be paid before other claims against the estate of the deceased person.

Priority of wages in case of death of employer.

CHAPTER LXXXII.

An Act to amend section twelve hundred and four of the Code of Civil Procedure, relating to certain liens for salaries and wages, and to persons preferred on assignments for benefit of creditors.

[Approved March 9, 1893.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve hundred and four of the Code of Civil Procedure is hereby amended so as to read as follows:

1204. In all assignments of property made by any person to trustees or assignees, on account of the inability of the person, at the time of the assignment, to pay his debts, or in proceedings in insolvency, the wages and salaries of the miners, mechanics, salesmen, servants, clerks, laborers employed by such person, or any other person who renders services or performs work to the amount of one hundred dollars each, and for services rendered within sixty days previously, are preferred claims, and must be paid by such trustees or assignees before any other creditor or creditors of the assignor.

Wages and salaries preferred claims in cases of assignments.

STATUTES OF CALIFORNIA

EXTRA SESSION OF THE FIFTY-FIRST LEGISLATURE

1936

Began Monday, May Twenty-fifth, and Adjourned
Tuesday, May Twenty-sixth, Nineteen
Hundred Thirty-six.

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened; now, therefore,

I, FRANK F. MERRIAM, Governor of the State of California, by virtue of the power and authority in me vested by section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Monday, the twenty-fifth day of May, one thousand nine hundred thirty-six at ten o'clock a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon an act to make available during the eighty-seventh fiscal year, as well as the eighty-eighth fiscal year, the moneys heretofore appropriated by section 1 of the "California Unemployment Relief Act of 1935," for the same purposes as in said section now provided, creating in the State treasury a special fund for the handling of such moneys and providing for loans to said fund and for the repayment of said loans with such moneys heretofore appropriated by said section 1, by adding to the "California Unemployment Relief Act of 1935" a new section to be numbered 1a.

2. To consider and act upon an amendment of section 2 of Chapter 352, Statutes of 1935, said amendment to relate exclusively to providing definitely for refunds to employers and employees of contributions deposited in the unemployment fund in the State treasury (including funds deposited to the credit of this State in the United States Unemployment Trust Fund) in the event that Title IX of the Federal "Social Security Act" is hereafter repealed, amended, affected or otherwise changed in such manner that the contributions required by Chapter 352, Statutes of 1935, or some portion thereof can not be credited against the tax required to be paid under the provisions of said Title IX.

3. To consider and act upon an act to make registered warrants of this State legal investments for funds the investment of which is restricted by law, and to make registered warrants of this State acceptable as security in all cases in which security is required by law.

4. To consider and act upon an amendment to section 613 of the Fish and Game Code to make applicable to fish and game district 1½ the provisions of said section which relate to open season and bag limit for steelhead trout.

5. To consider and act upon an act to validate bonds of all school districts, high school districts and junior college districts of every kind and character.

6. To consider and act upon amendments to sections 821 and 827 of the Agricultural Code to eliminate and reduce certain standards for Gravenstein apples in order that such apples may be marketed.

7. To consider and act upon an act providing, in the manner provided in Chapter 313, Statutes 1935, for the extension of periods of redemption, reduction and remission of penalties, and postponement of times of sale, resale, and execution of deeds in respect to delinquent county taxes upon real property sold to the State on or before July 6, 1936.

8. To consider and act upon an act to provide for redemption, in ten annual installment payments, of land sold prior to September 30, 1935, to any irrigation district for any delinquent irrigation district tax or assessment if the district still holds the certificate of sale.

9. To consider and act upon an act to provide for the revival and restoration of corporate powers, rights and privileges suspended or forfeited for the nonpayment of taxes or penalties due the State under the provisions of sections 3664a, 3664c and 3664d of the Political Code as said sections existed at any time prior to Sep-

tember 15, 1935, and to validate such revivors made subsequent to September 15, 1935.

10. To consider and act upon an act to validate bonds of water conservation districts organized under the Water Conservation Act of 1929 as amended or reenacted.

11. To consider and act upon an act to make the laws of this State relating to aid to the needy blind conform to the requirements of the Social Security Board pursuant to section 1002 of the Federal "Social Security Act."

12. To consider and act upon an act to validate the formation, organization and existence of sanitary districts and the bonds, including refunding bonds, of such districts.

13. To consider and act upon an act to amend sections 2, 3, 13, and 14 of the Old Age Security Act of the State of California in relation to residence of recipients of aid, appeals to the State Department of Social Welfare, amount of aid granted, time of approval and payment of aid to a person discontinuing attendance at a home or institution, and requiring counties to comply with the act and with orders of the State Department of Social Welfare.

14. To consider and act upon an act to delete from the law the provision that artificially colored canned tomatoes or tomato products are adulterated food, by amending section 4 of Chapter 181, Statutes of 1907.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California, at my office in the State Capitol, this twenty-third day of May, in the year of our Lord one thousand nine hundred thirty-six.

FRANK F. MERRIAM,
Governor of California.

[GREAT SEAL OF THE
STATE OF CALIFORNIA]

Attest: FRANK C. JORDAN, Secretary of State.

SEC. 8. The fee for a wholesaler's license shall be \$50. Wholesalers may sell in the usual manner of conducting sales at wholesale, but only to licensees and they shall place upon the invoice in connection with such sale the license number of the purchaser and their own license number. Wholesalers' License fees, etc.

The manufacturer having a wholesaler license shall follow the same rule in selling to one who holds either a wholesaler or retailer license.

No wholesaler shall sell any prophylactics unless they bear the manufacturer's name, address and trade-mark. Nothing in this section prevents a wholesaler from selling prophylactics to physicians.

SEC. 9. The fee for a retailer's license shall be \$2. A retailer's license shall be issued only to pharmacies and rural dealers licensed by the board. A retailer may sell to other licensees; to physicians or upon their order, to any married person and/or to any person over 18 years of age. Such sales shall be confined to the place of business for which license is granted, provided that deliveries may be made to purchasers by the retailer or his agent to any designated address. Retailers License fees, etc

No retailer shall sell any prophylactic classified under this act unless it specifically identifies the manufacturer thereof; provided, that prescriptions are exempted from this provision.

SEC. 10. It shall be unlawful for any person, firm, corporation, copartnership or association to display or expose for sale any of the articles described in section 1 of this act, or any containers or packages containing or advertising the same. Display or advertising

SEC. 11. Any person, firm, partnership or corporation violating any provision of this act is guilty of a misdemeanor. Penalty

SEC. 12. If any section, subsection, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act and each sentence, clause and phrase thereof irrespective of the fact that any one or more of the other sections, subsections, sentences or clauses or phrases be declared unconstitutional. Constitutionality

CHAPTER 670.

An act relating to real estate subdivisions and the making and recording of maps, and granting limited powers to cities, cities and counties, and counties in connection therewith, making certain acts misdemeanors, prescribing penalties therefor, and repealing acts or portions of acts in conflict herewith. "Subdivision Map Act"

[Approved by the Governor June 30, 1937. In effect August 27, 1937.]

The people of the State of California do enact as follows:

SECTION 1. Control of the design and improvement of land subdivisions is hereby vested in the governing bodies of Control of design and improvement of land subdivisions

Superior
court
proceedings

cities and of counties; provided, however, that in all matters concerning such design and improvement any decision by a governing body shall be subject to review as to its reasonableness by the superior court in and for the county in which such land is situated. Any subdivider or person claiming to be aggrieved by the decision of such a governing body may within **ninety days** after the rendering of such decision bring a special proceeding in said superior court to determine the reasonableness thereof, and any such proceeding shall take precedence over all matters upon the calendar of said court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted. The design, improvement and survey data of subdivisions and the form and content of tentative, record of survey and final maps thereof, and the procedure to be followed in securing official approval thereof, shall be governed by the provisions of this act and by the additional provisions of local ordinances dealing with land subdivisions, the enactment of which is hereby authorized.

Definitions

SEC. 2. For the purpose of this act the following terms are defined as indicated:

(a) "County" shall be deemed to include "city and county."

(b) "County surveyor" shall be deemed to include county engineer, if there be no county surveyor.

(c) "Tentative map" shall mean a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

(d) "Final map" shall mean a map prepared in accordance with the provisions of this act and those of any applicable local ordinance, which map is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located.

(e) "Record of survey map" shall mean a map prepared as provided herein and conforming to the provisions of Chapter 506, Statutes of 1933, and any amendments thereto.

(f) "Local ordinance" shall mean an ordinance enacted by the governing body of any city or county, under the powers herein granted and within the limitations herein set forth, regulating the design and improvement of land subdivisions. A certified copy of each such ordinance and amendments thereto shall be recorded in the office of the county recorder.

(g) "Subdivision" shall mean any land or portion thereof shown on the last preceding tax roll as a unit or as contiguous units which is divided for the purpose of sale, whether immediate or future, by any subdivider into five or more parcels within any one year period, except (1) any parcel or parcels of land which contain less than five acres and which abuts upon dedicated streets or highways, and in which street opening or widening, in the dividing thereof into lots or parcels, is not required by the governing body, and where the lot design meets its approval, and (2) any parcel or parcels of land divided into lots or parcels, each of a net area of $2\frac{1}{2}$ acres or more, a tenta-

tive map of which has been submitted to the governing body and has been approved by it as to street alignment and widths, drainage provisions and lot design; in either case there shall be filed a record of survey map pursuant only to the provisions of Chapter 506, Statutes of 1933 and any amendments thereto.

(h) "Subdivider" shall mean a person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.

(i) "Advisory agency" shall mean an official or an official body designated by a local ordinance and charged thereby with the duty of making investigations and reports on the design and improvement of proposed subdivisions.

(j) "Design" shall mean street alignment, grades and widths, alignment and widths of easements and rights of way for drainage and sanitary sewers and minimum lot area and width.

(k) "Improvement" shall mean only such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land dedicated or to be dedicated for streets, highways public ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map thereof.

SEC. 3. Nothing contained herein shall be construed to prevent the recording under the provisions of this act and any applicable local ordinances of a final map of any land not defined herein as a subdivision. Permissible recording

SEC. 4. It shall be unlawful for any person to offer to sell, to contract to sell or to sell any subdivision or any part thereof until a final map or record of survey map thereof in full compliance with the provisions of this act and any local ordinance has been duly recorded or filed in the office of the recorder of the county in which any portion of said subdivision is located; except, however any parcel or parcels of a subdivision of land Recordation or filing of map prior to sale
(1) a map of which was recorded or filed prior to August 14, 1929, or in compliance with the provisions of Chapter 837, Statutes of 1929, or (2) made prior to the effective date of this act and which complied with or was exempt from the provisions of Chapter 837, Statutes 1929, or (3) which has been surveyed and in which sales or contracts of sale have actually been made prior to April 1, 1937: provided, however, that nothing herein contained shall require the recordation or filing of a map showing the property sold or contracted for sale by metes and bounds or by reference to an unrecorded map prior to the effective date of this act as a condition precedent to the conveyance thereof. The governing body of a county shall have jurisdiction only to approve the map of a subdivision, or such part thereof, as may lie within unincorporated area, and the governing body of a city, and city and county shall have jurisdiction only to approve a map of a subdivision, or such part thereof, as may lie within the incorporated area of such city and city and county. Exceptions

Preparation
and filing
of tentative
maps

SEC. 5. The initial action in connection with the making of any subdivision shall be the preparation of a tentative map or maps which shall show, or be accompanied by, such data as are specified in the local ordinance in addition to those specified by the provisions hereof. The subdivider shall file copies of such map or maps with the advisory agency or with the clerk of the governing body if there be no advisory agency. The official with whom said map or maps are filed shall, within three days, forward one copy to the designated official of any adjoining city or county requesting the same as provided in section 9.

Compliance
with local
require-
ments

SEC. 6. In case there is a local ordinance, the subdivider shall comply with its provisions before the map or maps of a subdivision may be approved. In case there is no local ordinance, the governing body may, as a condition precedent to the approval of the map or maps of a subdivision, require streets and drainage ways properly located and of adequate width, but may make no other requirements.

Approval or
disapproval
of tentative
maps

SEC. 7. If there is no advisory agency the clerk of the governing body shall submit the tentative map to said body at its next regular meeting which shall act thereon within forty days thereafter. If there is an advisory agency it shall report on the map or maps of any subdivision submitted to it within thirty days after the tentative map has been filed and said report shall approve, conditionally approve or disapprove the map or maps of the subdivision. The governing body may delegate to said advisory agency the power to report such action direct to the subdivider. If the governing body does not desire to delegate such power to the advisory agency said advisory agency shall make such report to the governing body which shall act upon said report within ten days or at its next succeeding regular meeting after receipt of said report. If the subdivider is dissatisfied with any action of the advisory agency he may, within fifteen days after such action, appeal from said action to the governing body which must hear the same, unless the subdivider consents to a continuance, within ten days or at its next succeeding regular meeting. Said governing body, may by a majority vote of its members, overrule any ruling of the advisory agency in regard to said tentative map and make such findings as are not inconsistent with the provisions of this act or local ordinance adopted pursuant hereto.

Appeal to
legislative
body

Failure to
act, etc

SEC. 8. The time limits for acting and reporting on maps as specified herein may be extended by mutual consent of the subdivider and the governing body or advisory agency as the case may be. If no action is taken within the time limits hereinbefore set forth the tentative map as filed shall be deemed to be approved and it shall be the duty of the clerk of the governing body to certify such approval as hereinafter provided.

Subdivisions
outside
territorial
boundaries

SEC. 9. The legislative body of any city or county which desires to inspect and make recommendations concerning the map or maps of proposed subdivisions adjacent to but outside

of its jurisdictional boundary line, may file with the clerk of the governing body or the advisory agency of any adjoining city or county, a map or an amended map of territory within such second mentioned city or county in which territory it is interested in proposed subdivisions. Such territory may not extend a distance of more than three miles from the common boundary line of said cities or counties.

It shall be the duty of the clerk of the governing body or the advisory agency of such second mentioned city or county to issue a receipt for such territorial map and thereafter to transmit to the official designated by the first mentioned city or county, within three days after the receipt thereof, one copy of each tentative map of any subdivision located wholly or partly within the territory outlined on such territorial map. Any city or county which receives a copy of such tentative map shall make its recommendations, if any, to the clerk of the governing body or advisory agency from whom said map was received within fifteen days after receipt thereof. Said recommendations shall be taken into consideration by the governing body or advisory agency of the second mentioned city or county before action is taken upon said tentative map.

Receipt and
transmission
of map

Recommendations

SEC. 10. In case the subdivider desires to record a final map under the provisions of this act, he shall comply with all the provisions hereof, and, if there is a local ordinance, with all of its provisions. If the subdivider does not elect to prepare and record a final map, then before proceeding with the sale of any part of the subdivision, he shall file, in the office of the county recorder, a record of survey map conforming, in respect to design, to the approved tentative map or maps; in which event the governing body may require only such street grading and surfacing and drainage provisions reasonably necessary for lot access and local neighborhood traffic and drainage needs. The construction of any of the foregoing improvements may be accomplished as provided in section 20.

Election to
record final
map or file
record of
survey map

SEC. 11. The subdivider may within one year after approval or conditional approval of the tentative map or maps of a subdivision, cause said subdivision or any part thereof, to be surveyed and a final map thereof to be prepared in accordance with the tentative map as approved, or he may proceed with the sale thereof by metes and bounds or other similar definite description of the parcels or parts thereof as shown on the approved record of survey map. Any failure so to record such final map or to file such record of survey map within one year from the approval or conditional approval of the tentative map shall terminate all proceedings, and before such final map may thereafter be recorded, approved record of survey map filed, or any such sales be made a new tentative map shall be submitted. Conveyances of any part of a subdivision shall not be made by lot or block number, initial or other designation, unless and until a final map has been recorded.

Preparation
of final
map or sale
with
reference to
record of
survey map

Failure to
record final
map or file
record of
survey map

Survey and
form of
final map

SEC. 12. Said survey and final map shall be made by a registered civil engineer or licensed surveyor who shall set sufficient durable monuments so that another engineer or surveyor may readily retrace the survey; provided, however, that such monuments need not be set at the time the survey is made if a satisfactory assurance is given of their being set later. The final map shall be clearly and legibly drawn in black waterproof India ink upon good tracing cloth, but affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with opaque ink. The size of each sheet of said map shall be eighteen by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves. Each lot shall be numbered and each block may be numbered or lettered. Each street shall be named. The exterior boundary of the land included within the subdivision shall be indicated by colored border. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. The final map shall also satisfy any additional survey and map requirements of the local ordinance.

Certificates
and acknowl-
edgments on
final map

SEC. 13. The following certificates and acknowledgments shall appear on the final map and may be combined where appropriate:

(a) A certificate, signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map. A lien for State, county, municipal or local taxes and for special assessments or beneficial interest under trust deeds or trust interest under bond indentures, shall not be deemed to be an interest in land for the purpose of this section. Any map including territory originally patented by the United States or the State of California, under patent reserving interest to either or both of said entities, may be recorded under the provisions of this act without the consent of said United States or the State of California thereto or to dedications made thereon. Signatures required by this section, of parties owning rights of way, easements or reversions which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signatures it is impossible or impracticable to obtain, may be omitted if the

names of such parties and the nature of their interest is indorsed on the map together with a reasonable statement of the circumstances preventing the procurement of such signatures.

(b) A certificate, signed and acknowledged as above, offering for dedication for certain specified public uses (subject to such reservations as may be contained in any such offer of dedication) those certain parcels of land which said parties desire so to dedicate. Such certificate may state that any certain parcel or parcels are not offered for dedications; provided, however, that a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels other than streets, intended for the exclusive use of the lot owners in such subdivision, their licensees, visitors, tenants and servants.

(c) A certificate for execution by the clerk of each approving governing body stating that said body approved said map and accepted or rejected on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.

(d) A certificate by the engineer or surveyor responsible for the survey and final map, giving the date of the survey and stating that the survey was made by him or under his direction and that the survey is true and complete as shown. Said certificate shall also state that the monuments are of the character and occupy the positions indicated, or that they will be set in such positions and at such time as is agreed upon under the provisions of section 12. Said certificate shall also state that said monuments are or will be sufficient to enable the survey to be retraced.

(e) If a subdivision lies within an unincorporated area, a certificate by the county surveyor and if a subdivision lies within a city, a certificate by the city engineer or by the county surveyor when for that purpose appointed by the governing body of said city, stating that he has examined said final map, that the subdivision as shown hereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof; that all provisions of this act and of any local ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that said map is technically correct.

Sec. 14. Prior to the filing of the final map with the governing body as provided hereinafter, the subdivider shall file with the clerk of the board of supervisors of the county wherein any part of the subdivision is located a certificate from the county auditor and from the auditor or other proper official of any municipal corporation in which any part of said subdivision is located, showing that according to the records of his office, there are no liens against said subdivision or any part thereof for unpaid State, county, municipal or

Certificate
of county
auditor,
etc

local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, and as to the latter the subdivider shall file with the clerk of said board a certificate by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

Certificates
on record
of survey
map

SEC. 15. If a record of survey map is filed as provided in section 10 the following certificates shall appear thereon:

(a) A certificate for execution by the clerk of each approving governing body stating that said body approved said map for subdivision purposes in accordance with the conditional approval of the tentative map as provided herein.

(b) A certificate by the engineer or surveyor responsible for the survey giving the date of the survey and stating that the survey was made by him or under his direction and setting forth the name of the owner who authorized him to make the survey and that such survey is true and complete as shown. Said certificate shall also state that the monuments are of the character and occupy the positions indicated or that they will be set in such positions and at such time as is agreed upon under the provisions of section 12. Said certificate shall also state that said monuments are or will be sufficient to enable the survey to be retraced.

(c) If a subdivision lies within an unincorporated area, a certificate by the county surveyor and if a subdivision lies within a city, a certificate by the city engineer or by the county surveyor when for that purpose appointed by the governing body of said city, stating that he has examined said map, that the subdivision as shown thereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof; that all provisions of this act and of any local ordinance applicable to record of survey maps at the time of approval of the tentative map have been complied with, and that he is satisfied that said map is technically correct.

Bond or
deposit to
secure pay-
ment of
taxes

SEC. 16. Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider shall execute and file with the board of supervisors of the county wherein any part of the subdivision is located, a good and sufficient bond to be approved by said board and by its terms made to inure to the benefit of said county and conditioned upon the payment of all State, county, municipal and local taxes and all special assessments collected as taxes, which at the time said map is recorded are a lien against said property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

Security for
payment of
special
assessments

SEC. 17. Whenever land subject to a special assessment or bond which may be paid in full, is divided by the line of a lot or parcel of the subdivision, such assessment or bond shall be paid in full or a bond filed with the board of supervisors in all

respects similar to that provided in section 16, payable to the county as trustee for the assessment bondholders for the payment of such special assessments.

SEC. 18. If such taxes or special assessments secured as aforesaid are allowed to become delinquent, the county shall recover from the surety thereon the principal sum of said bond without proof of loss. The clerk of said board of supervisors shall apply the sum so received in payment of any or all of such taxes or special assessments, including penalties and costs, if any, accruing thereto, to the proper State, county, municipal or district officers, for the satisfaction of such tax and special assessment liens, and shall pay the balance, if any, over to said surety. Recovery
on bond

SEC. 19. In the event that in lieu of any bond under the provisions of this act, a deposit of money or negotiable bonds has been made with the clerk of said board, the clerk shall, subject only to such rules as the board of supervisors may in their discretion provide, dispose of such securities, if any, and apply the proceeds thereof, and any money deposited with such officer, to the payment of such taxes and special assessments including penalties and costs in the same manner as above provided when a bond has been executed. In the event the clerk of said board, as a result of this section, has funds in his possession and can not locate the owner thereof, he shall deposit the same in the county treasury for the benefit of the persons entitled thereto. Sale of
securities

SEC. 20. When all the certificates which appear on the final map (except the approval certificate of the governing body) have been signed, and where necessary acknowledged, the final map may be filed for approval. If the subdivision lies entirely within the territory of a city, or city and county, then such filing shall be with the governing body of that city, or city and county; if entirely within the unincorporated area of a county, then with the governing body of that county; and if partially within two or more of such territories then with the governing body of each, and in the latter case each body shall act thereon as hereinafter provided. Such body shall at its next meeting or within a period of not more than ten days after such filing approve said map if the same conforms to all the requirements of this act and of any local ordinance applicable at the time of approval of the tentative map, or any rulings made thereunder. Said body shall at that time also accept or reject any or all offers of dedication and may, as a condition precedent to the acceptance of any streets, or easements require that the subdivider, at his option, either improve or agree to improve said streets or easements. In the event an agreement for the improvement of the streets or easements is entered into, the governing body may require that said agreement be secured by a good and sufficient bond in an amount not in excess of the cost of the improvement; provided, however, the subdivider, at his option, in lieu of the agreement to construct improvements, and the bond herein Approval of
final map

Agreement
to improve
streets
Bond

Deposit in
lieu of bond

provided for, may enter into a contract with said governing body, secured by a faithful performance bond, if required by the governing body, in an amount not to exceed the estimated cost of said improvement, by which he agrees, within such time as may be provided in said contract, to initiate and to consummate proceedings under an appropriate special assessment act for the formation of a special assessment district covering said subdivision or part thereof, for the financing and construction of designated improvements upon the streets or easements dedicated by such map. In lieu of any bond, a deposit may be made, either with the proper governing body or a responsible escrow agent or trust company, subject to the approval of such governing body, of money or negotiable bonds of the kind approved for securing deposits of public money. Upon the execution, by the subdivider, of either one of the aforesaid agreements or contracts and the posting of the required bond, or the deposit of the required money or negotiable bonds, the map of such subdivision shall forthwith be approved and accepted for recordation. Title to property so accepted shall not pass until the final map is duly recorded under the provisions of this act. If at the time the final map is approved any streets are rejected the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open said streets for public use, which acceptance shall be recorded in the office of the county recorder. If a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the governing body.

Transmission
of map to
board of
supervisors
and county
recorder

SEC. 21. If the subdivision lies within a city, subsequent to the approval of the final map by the governing body of the city, the clerk of said body shall thereupon transmit said map to the clerk of the county board of supervisors. When all bonds, money or negotiable bonds required under the provisions of this act to secure the payment of taxes and assessments which are a lien on some part of the subdivision but which are not yet payable have been deposited with and approved by said board, the clerk of the board shall transmit the final map to the county recorder. If the subdivision lies within a city and county or within unincorporated territory, then when said map has been approved and said bonds, money or negotiable bonds have been so deposited and approved, the clerk of the board shall transmit said map to said recorder. In either case said clerk of the board shall certify to said recorder that the provisions of this act have been complied with regarding such deposits.

Evidence
of parties

SEC. 22. The subdivider shall present to the said recorder evidence that, upon the date of recording, as shown by public records, the parties consenting to the recordation of said map are all the parties whose signatures are required by the pro-

visions of section 13 (a) (b), otherwise said map shall not be recorded.

SEC. 23. Except as provided in section 24 no final map of a subdivision as defined herein shall be accepted by the county recorder for record unless all provisions of this act and of any local ordinance have been complied with. The recorder may have not more than ten days to examine the final map before accepting or refusing it for recordation. The approval in accordance with the provisions of this act by the appropriate governing body or bodies, and the recordation of such final map or the filing of a record of survey map shall automatically and finally determine the validity of such map, so far as the property thereon shown is included within such city, or county, under terms and provisions of this act and local ordinances.

Acceptance
of final
map for
recording

SEC. 24. This act shall not be deemed to prohibit the filing of a map in accordance with the provisions of section 3658a of the Political Code and the use thereof for purposes therein provided or in accordance with the provisions of any act requiring the filing of licensed surveyor's or registered civil engineer's records of surveys; provided further, that a final map may be recorded under the provisions of this act for the purpose of showing as acreage land previously subdivided into parcels or lots or blocks, and a map may likewise be recorded if it does not divide into two or more taxable parcels any parcel of land which is described as a unit on the latest adopted county tax roll, and in none of the above cases shall a tax bond be required, and in either of the last two cases, if sufficient recorded data exist from which an accurate map may be compiled, there need not be a certificate by a surveyor or engineer.

Scope of
act

Previously
subdivided
acreage
land, etc

SEC. 25. When any final map is presented to the county recorder and is accepted by him, he shall so certify on the face thereof and shall fasten the same securely in a book of maps of subdivisions or of cities and towns which he shall keep in his office, and said map shall be deemed to be a public record. He shall also keep a separate indexed book of local ordinances relating to subdivisions.

Public
record

SEC. 26. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed each provision of this act irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases, or portions thereof, be declared unconstitutional.

Constitutionality

SEC. 27. Any existing ordinance regulating the subdivision of land and enacted heretofore by any city or county in compliance with law, shall, unless amended or repealed, continue in full force and effect, in so far as the provisions of said ordinance are not in conflict with the provisions of this act.

Local
ordinances

SEC. 28. Any offer to sell, contract to sell or sale contrary to the provisions of this act shall be a misdemeanor, and any person, firm, or corporation, upon conviction thereof, shall

Penalties

be punishable by a fine of not less than twenty-five dollars and not more than five hundred dollars, or imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which any aggrieved municipality or other political subdivision, or any person, firm or corporation may otherwise be entitled, and any such municipality or other political subdivision or person, firm or corporation may file a suit in the superior court of the county in which any property attempted to be subdivided or sold in violation of this act is located, to restrain or enjoin any attempted or proposed subdivision or sale in violation of this act.

Voidable
contracts,
etc

SEC. 29. Any sale or contract to sell made contrary to the provisions of this act shall be voidable at the sole option of the buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of execution of such document, but such document shall be binding upon any assignee or transferee of such person other than those above enumerated, and upon the vendor, or person contracting to sell, or his assignee, heir or devisee.

Repeal.
Stats 1929,
p. 1790

SEC. 30. An act entitled "An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; authorizing cities, counties and counties to adopt by ordinance subdivision regulations in addition to those provided hereby; prohibiting any attempt to place other requirements for the recording of such maps, prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof by reference to any map other than a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith," approved June 17, 1929, and all other acts and parts of acts in conflict with this act are hereby repealed; provided, however, that such repeal shall not affect any contract or bond executed pursuant to said act approved June 17, 1929, or any rights of action accruing thereunder.

Short title

SEC. 31. This act shall be known and cited as the "Subdivision Map Act."

CHAPTER 671.

Stats 1935,
p 1297,
amended

An act to amend the "Use Tax Act of 1935," approved June 25, 1935, by amending section 4 thereof relating to exemptions, by adding "newsprint" to the tangible personal property exempt from the tax imposed by such act.

[Approved by the Governor June 30, 1937. In effect August 27, 1937.]

The people of the State of California do enact as follows:

Stats 1935,
p 1299.

SECTION 1. Section 4 of the "Use Tax Act of 1935," approved June 25, 1935, is hereby amended to read as follows: