



*Community Development Department
Planning Division (415) 435-7390
1505 Tiburon Boulevard, Tiburon, CA 94920
www.townoftiburon.org*

VOLUNTARY MERGER OF PARCELS

General

A Voluntary Merger is a process by which a property owner voluntarily initiates a process to combine separate but contiguous parcels of land under common ownership into one parcel or holding of land. This procedure is sometimes used to avoid paying multiple parcel tax assessments or multiple property tax bills (see Note below), or to rectify situations where a building straddles a property line. Please note that the title ownership of all parcels to be merged must be exactly the same in order to qualify for voluntary merger.

California Government Code Section 66499.20.3 (Subdivision Map Act) authorizes local governments to allow such mergers by ordinance. Article 5 of Chapter 14 of the Tiburon Municipal Code (see attached) sets forth those provisions. Please be advised that once parcels of land have been merged, it can be extremely difficult if not impossible to separate them again. Before you apply, be certain that this procedure is the correct procedure for your intended purposes.

Application Filing and Processing

A. Application Filing information. A Voluntary Merger application shall include the following:

- 1) A completed Town of Tiburon Land Development Application Form and \$230 filing fee.
- 2) A legal description, prepared by a qualified professional (e.g. title company, civil engineer, surveyor) describing the property as it would exist subsequent to the merger. This legal description shall describe the property as a single parcel using distances and bearings, with a point of beginning, and which achieves "closure" upon returning to the point of beginning. Use of phrases such as "together with" and "excluding therefrom" is prohibited.
- 3) A copy of a title report for the parcels would be useful if available; otherwise, please specify the exact name or names of current ownership for each parcel. If the property is held in a Trust, the complete full name and date of the Trust must be provided.
- 4) A graphic depiction of the parcels to be merged, in a format and of clarity acceptable for recordation at the Marin County Recorder's office.
- 5) A Waiver of Right of Hearing & Notice form (form will be provided to you by the Town).

B. Processing. Voluntary Merger applications shall be submitted to the Planning Division. The Director (or his designee) has decision-making authority on Voluntary Merger applications. No environmental review or public hearing is required. The merger application decision is discretionary and will be reviewed to confirm that the parcels to be merged are contiguous and are under common ownership, that the merged parcels will meet the minimum area and width requirements for the regulating zone in which they are located, and that merger is appropriate from a land use planning perspective. Processing time is approximately one week.

C. Recordation. The Planning Division will cause to be recorded with the County Recorder a Notice of Merger along with a Waiver of Right of Hearing and Notice, pursuant to Government Code Section 66451.12, which finalizes the merger of the parcels. Applicants must pay the recording fee.

NOTE: The merger process may not always eliminate multiple property tax assessments. This is because a Voluntary Merger merges “parcels of land”, which are not always the same as “assessor parcels”. The County Assessor may assign one or more “assessor parcel” numbers to a single holding or “parcel of land” for assessment or other purposes over which the Town of Tiburon may have no control. Contact the Marin County Assessor for information regarding merging of assessments and tax rate areas codes on parcels.

Excerpts from Title IV, Chapter 14, Article 5 of the Tiburon Municipal Code
Regarding Voluntary Mergers

14-5.503 Initiation by Property Owner.

(a) Request for Determination. Within thirty (30) days of the receipt of a written application to the Director by the owner of the affected parcels, and payment of required fees, the Director and Town Engineer shall determine whether the affected parcels shall be merged and the Director shall notify the property owner of the determination. If the Director and Town Engineer determine that the parcels shall not be merged, the property owner may file a written request for a hearing with the Planning Commission pursuant to the requirements of this article within thirty (30) days of the date of the Director's notice. The Planning Commission shall then hold a hearing on the proposed merger. If the Planning Commission makes a determination that the parcels are to be merged, the Director shall record a notice of merger or certificate of compliance within thirty (30) days of the Commission's determination. The notice of merger or certificate of compliance shall specify the name of the record owners and a description of the property. The Director shall notify the property owner of the merger.

(b) Waiver of Right to Hearing. If the merger of contiguous parcels is initiated by the record owner, the owner may waive the right to a hearing before the Planning Commission and to all notices required by this article. Upon receipt of the waiver, if the Director and Town Engineer agree that the parcels should be merged, the Director shall record a waiver of right of hearing and notice and a notice of merger or certificate of compliance simultaneously.



WAIVER OF RIGHT OF NOTICE AND HEARING

(Pursuant to Sections 66451.13, 66451.14 and 66499.20.3 of the Government Code)

I certify that I am the property owner or have right of control over the below-listed parcels:

Marin County Assessor Parcel No.
Marin County Assessor Parcel No.
Marin County Assessor Parcel No.

I have applied to the Town of Tiburon for a voluntary merger of contiguous parcels pursuant to Section 66499.20.3 of the Subdivision Map Act and Chapter 14, Article 5, of the Tiburon Municipal Code. As the proposed merger of parcels is voluntary and of my own seeking, I hereby waive any right to notice and hearing that may otherwise be provided me pursuant to Sections 66451.13 and 66451.14 of the Subdivision Map Act and Chapter 14, Article 5, of the Tiburon Municipal Code.

OWNER:

_____ Date: _____

OWNER:

_____ Date: _____

Attach Notary Sheet(s)---- (signatures of owners must be notarized)

RECORDING REQUESTED BY:
TOWN OF TIBURON
WHEN RECORDED RETURN TO:

Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

NOTICE OF MERGER

(Pursuant to Government Code Section 66499.20.3)
(WITH WAIVER OF RIGHT OF NOTICE AND HEARING ATTACHED)

NOTICE IS HEREBY GIVEN that pursuant to an application filed by the property owner and approved by the Town of Tiburon, the following parcels of real property, commonly known as 333 Cupcake Street, located in the Town of Tiburon, State of California, are merged and shall constitute one parcel of land pursuant to Government Code Section 66451.12 and Tiburon Municipal Code Title IV, Chapter 14, Section 14-5.503. Merger shall be effective upon recordation of this notice of merger. A legal description of the merged parcels is attached as Exhibit A. A graphic depiction of the parcels to be merged is attached as Exhibit B for illustration purposes only.

NOTICE IS FURTHER GIVEN that the record owner of the subject parcels has signed a waiver of right of notice and hearing regarding the merger of parcels, attached as Exhibit C hereto.

Property Owner(s) of Record:

Bruce Jones, Trustee of the Jones Family Revocable Inter Vivos Trust U/T/A dated 12/10/1989

Assessor Parcel Number(s):

038-499-01 and 038-499-22

NOTE: The attached description in Exhibit A and graphic depiction in Exhibit B were received from others, and neither the Town of Tiburon nor any of its officers or employees assumes responsibility for their accuracy.

TOWN OF TIBURON
A Municipal Corporation

By: _____
Scott Anderson
Director of Community Development

Dated: March 2, 2017
(Notarization Required)

Attachments: Exhibit A: Legal Description of Merged Parcels
Exhibit B: Graphic Depiction of Parcels being Merged
Exhibit C: Waiver of Right of Notice and Hearing