



5.0 EASEMENTS

INTRODUCTION

Easements should be identified with a note at the location of the plotted easement, or with a number designation at the location of the plotted easement, corresponding to the appropriate easement note.

When using a tablet format, indicate the plotted easements by placing a symbol (typically a triangle/delta) around the number designation.

If the easement is “Not Plottable” or is “Blanket in Nature,” then include an easement note (numbered without the symbol indicating the easement is not plotted). All easements shall be listed in one of these formats.

Those qualifying for Signature Omissions shall also be included in the Signature Omissions on sheet one. Easement information shall include the following:

- Ownership, in favor of ...;
- Purpose;
- Reference to the mechanism (map or document) creating said easement; and
- Width of easement, if applicable.

All easements listed in the Preliminary Title Report (PTR), lying within the current map boundary shall be listed on the final map and plotted (if applicable). If an easement shown in the PTR does not lie within the current map, it should be removed from the PTR and not shown on the map.

All easements dedicated or retained in the Owner’s Statement on the current map shall be listed on the on the final map, and plotted (if applicable). The easement note shall indicate whether the easement is dedicated or retained on the map.

Inclusion of easement(s) under the Signature Omissions Note/Certificate does **not** negate the need to list and plot (if applicable) easement(s) on the final map (see Section 1.5).

Rights-of-way, easements, or other interests that cannot ripen into fee title shall be listed and plotted (if applicable) on the final map. Also stated shall be:

- Purpose;
- Beneficiary (in favor of ...);



- Reference to the document creating said easement(s) (Instrument Number and Date, Record Map information, or “Dedicated Hereon”/“Retained Hereon” via the current map); and
- Width of the easement, if applicable.

A copy of the document creating said easement(s) shall be submitted by the applicant (Surveyor/Engineer or owner/developer) as part of the review process. If said “mechanism” is a recorded document, and the legal description within said document refers to another document or to a map, submit all reference material necessary to verify the location and extent of the easement(s) in question. If an easement is particularly cumbersome to locate, to save time and money on the review process, consider submitting/providing an exhibit to expedite the review.

Presenting the easements in a Tablet format is the preferable method. When using the Tablet format, the “Easement Notes” should be placed on the Boundary Sheet (first map sheet) whenever practical or as soon thereafter as possible. For some maps it may be necessary to have a sheet (typically directly after the Boundary Sheet) dedicated to “Easement Notes” (and/or other Note sections, i.e., Monument Notes).

Each map sheet shall reference the location (See Sheet No. ___ for Easement Notes) of the Easement Notes when using the Tablet format. In this format, the review process can be expedited somewhat, in terms of review/comparison from the PTR to the final map, and also from the Owner’s Statement to the map sheets. Also, as the ECS is often a version of the Boundary Sheet, and some easements are required to be listed and plotted on both the final map and ECS, this is an efficient method to satisfy said requirement.

Easements listed in tablet format shall be numbered with no overlaps or gaps in the numbering. Include a symbol (a triangle/delta) around the easement number to indicate that an easement is plotted. Use the number only, with no symbol (triangle/delta) for “non-plottable” easements. If an easement is not plottable, state the reason in the easement note (e.g., “not locatable from records,” “blanket in nature”).

If the Tablet format is not desirable or practical, the easement note(s) can be placed at the location of the corresponding easement, on each sheet the easement is plotted. If using this alternate format, all requirements as to the identification of easements listed above must be strictly adhered to. If an easement is not plottable, then it shall be listed in the Tablet format. Care should be taken to avoid mixing formats.

Plottable easements shall be fully annotated and dimensioned, defining any encumbrances against the map. Easement(s) shall be tied to the boundary and/or any parcels (as applicable). Easement(s) shall be tied to any other intersecting or abutting/adjoining easements. Strip dimensions/descriptions/annotations are acceptable when applicable.

Any easement(s) required to record prior to the current map shall be plotted and referenced on said map. (This includes off-site easements. The extent of plotting will be determined on a case-by-case basis).

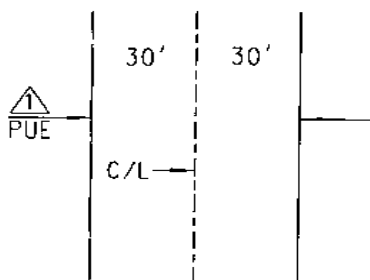
Any easement(s) dedicated on the final map, that is/are not dedicated to the County of Riverside

or to the Public, will require a Certificate of Acceptance from the beneficiary of said easement(s).

A different symbol such as a hexagon placed around the easement number may be used to differentiate easements dedicated/retained on the map from easements of record. Verbiage in the easement notes must coincide with verbiage in the Owner's Statement.

5.1 TABLET FORMAT

Easement Notes:



① Easement for public utility purposes, per TR 30819, MB 336/78-93.

2. Easement for public utility purposes, together with the right of ingress and egress for emergency vehicles, per PM 30240, PMB 208/28-65.

3. Easement in favor of SCE, for construction and maintenance purposes per Inst. No. 01-234567, Rec. 3/02/01, O.R. (Plotted and referenced on map sheet(s))

4. A non-exclusive easement for utility and drainage purposes as reserved to Mark Borough California, Inc. per Inst. No. 21820, Rec. 1/29/86, O.R. Said easement is blanket in nature.

5.2 ALTERNATE FORMAT

The alternate format is used for easements plotted on map sheet(s) with corresponding easement note also listed on map sheet(s).



60' easement for ingress and egress in favor of Tim Jones per Inst. #15093, Recorded Nov. 5, 1964.



5.3 SIGNATURE OMISSIONS

Section 66436 of the Subdivision Map Act states the circumstances that constitute Signature Omissions are as follows:

- Rights-of-way, easements or other interests that cannot ripen into fee, except those owned by a public entity, public utility or subsidiary of a public utility for conveyance to the public utility for rights-of-way (i.e., private easements, not public utility easements);
- Rights-of-way, easements, or reversions that by reason of changed conditions, long disuse or laches appear no longer practical, and signatures are impossible or impractical to obtain (e.g., defunct public utility companies);
- Interests in, or rights to, minerals, including but not limited to, oil, gas, or other hydro-carbon substances; and
- Reservation by patents to the Federal/State government.

All of the above circumstances shall be listed under the heading “Signature Omissions.” Signature Omissions shall be placed on the Signature Sheet only. See example below.

SIGNATURE OMISSIONS

Pursuant to Section 66436 of the Subdivision Map Act, the signatures of the following owners of easements and/or other interests have been omitted:

Easement in favor of Tim Jones for ingress and egress, per Inst. No. 15093, Rec. 11/05/64, O.R.

Jonathan P. Smith, owner of mineral rights per Inst. No. 66053, Rec. 1/05/62, O.R.

Easement in favor of Eastern Skyways Electric Company for electric cables and incidental purposes, per Inst. No. 99101, Rec. 9/03/27. Said company was absolved in 1930, and has not been absorbed by another P.U.C., therefore the present owner is impossible to ascertain.

10% of all oil, gas, or mineral rights as reserved in Patent from the United States of America to Harold Van Patton by Patent per Deed Book 123, Page 231, Rec. 1/03/32, O.R.

Interest in, or rights to, minerals and/or hydrocarbon substances shall be shown in the Easement Notes.

Inclusion of easement(s) under Signature Omissions does **not** negate the need to list and plot (if applicable) the easement(s) under Easement Notes on the first map sheet (see Section 1.5).



The information in the Signature Omissions note(s) should closely reflect that shown in the corresponding Easement Note(s).

5.4 NON-INTERFERENCE LETTERS (NILs)

The applicant shall provide, or cause to be provided, a Non-Interference letter for **all** easements in favor of an existing Public Utility that is listed in the Preliminary Title Report (PTR) and are located within the current map boundary. *Do not assume the Title Company will obtain the required NIL(s).*

Said NIL shall indicate if the proposed subdivision development will interfere with the existing facilities or not.

When a letter from a public utility indicates interference with an easement, the Survey Division will contact both the surveyor/engineer and the utility company to determine if a resolution to the interference is being worked out. If not, the Survey Division will forward the objection to the Board of Supervisors pursuant to the Subdivision Map Act, Section 66436 (a)(3)(A)(v), which states "... the legislative body or advisory agency shall set the matter for a public hearing ...". The map will not be allowed to record until such interference is removed/resolved and a release letter has been submitted to the County Surveyor.

When conditional interference is indicated (dependent upon future grading, construction, etc.), the map may be recorded; however, the letter from the utility company will be filed with the Land Use Section of the Transportation and Land Management Agency (TLMA).

If adequate evidence, per the Subdivision Map Act criteria, is submitted to the County, showing the attempt to obtain the required NIL, and there is a lack of response from the affected Public Utility Company, the map can record without the submittal of said NIL.



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