

COVENANT AND AGREEMENT FOR URBAN LOT SPLITS (SB 9)

*When a property is subdivided using the Urban Lot Split provisions (commonly known as SB 9 subdivision), a Covenant and Agreement (Covenant) is required as specified in Brea City Code (BCC) Section 20.56.050.I. Outlined below is a list of steps necessary to record a Covenant. This checklist should be reviewed with a Planner at the Permit Counter and an unrecorded Covenant must be submitted with your plans. **A Covenant will not be accepted unless accompanied by plans submitted for the Tentative Parcel Map.***

- CONSULT A PLANNER AND AN ENGINEER:** Before initiating any work on an Urban Lot Split, consult a planner and an engineer to verify compliance with all applicable development standards established in the Zoning and the Subdivision Codes, (e.g. lot sizes, lot widths, access, etc.). Please note this consultation is not intended to cover any building/subdivision requirements or design issues. It is recommended that you consult with those departments to ensure all other requirements will be met prior to recordation of a Covenant.
- COMPLETE COVENANT:** The Covenant form must be filled out completely. Provide all the requested information, including the legal description of the subject property. The information must be clear and legible in order to produce a readable photographic record. Signature of all property owners must be provided and notarized. (Refer to attached example.)
- COMMUNITY DEVELOPMENT DIRECTOR REVIEW:** When the above items have been completed, along with the notarization of Page One, the Covenant must then be submitted with your plans for the Tentative Parcel Map application. The packet will be reviewed by all applicable City departments. Upon review and approval, the Community Development Director will sign the Covenant and affix a City-approved stamp. **Please do not record the Covenant without the Community Development Director's signature.**
- RECORDING A COVENANT WITH THE COUNTY:** Upon receiving the Community Development Director's stamp of approval, staff will inform the applicant that the packet is ready to be picked up for recording. The applicant must then go to any of the four Orange County Clerk-Recorder branch offices to record the Covenant (locations are provided on the back of this form). For locations, hours of service, or any other Clerk-Recorder questions, please call (714) 834-2500 or visit <http://www.ocrecorder.com>
- COPY OF COVENANT FOR FILE:** When the Covenant has been recorded, a copy shall be submitted back to the Planning Department for filing. The final plans submitted for the Final Parcel Map must match plans approved for the Tentative Parcel Map. Any submitted inconsistencies in the plans will delay further processing of the Final Map.

Orange County Clerk-Recorder Branch Office Locations

North County Branch Office

Wells Fargo Building/Parking
222 S. Harbor Blvd., Suite 110
Anaheim, CA 92805
(714) 834-2500

South County Branch Office

24031 El Toro Rd., Suite 150
Laguna Hills, CA 92653
(714) 834-2500

County Administration South

601 N. Ross St.
Santa Ana, CA 92701
(714) 834-2500

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of California }
County of Orange }

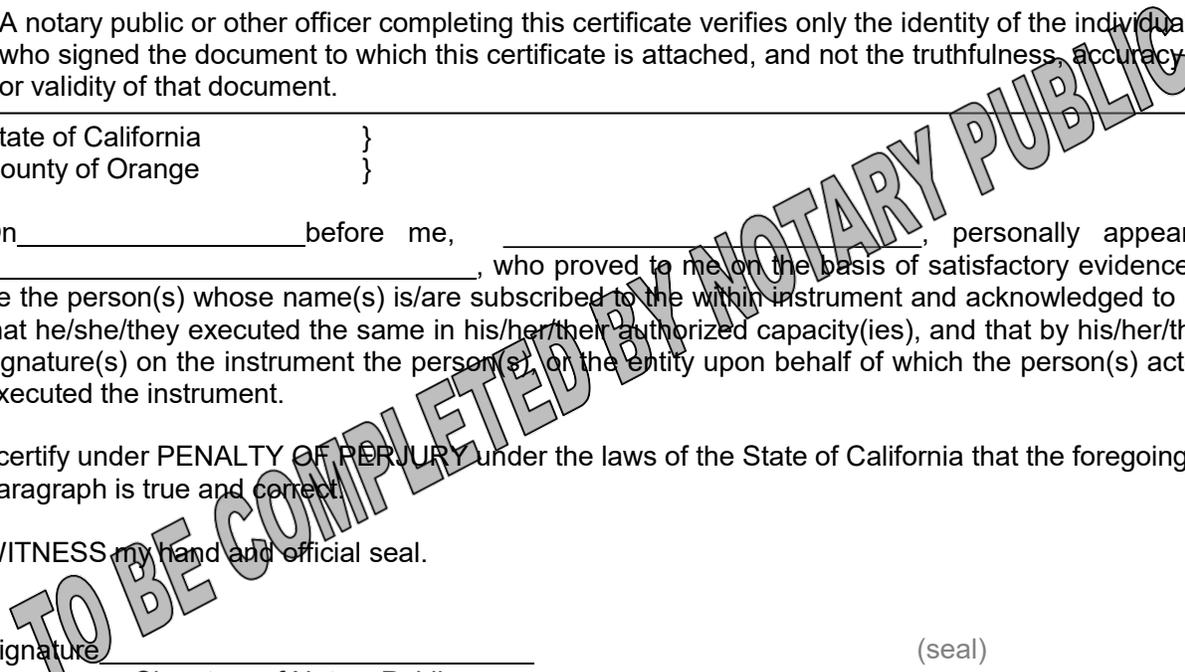
On _____ before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

(seal)



DO NOT RECORD UNTIL PAGE 3 HAS BEEN COMPLETED BY THE CITY

RECORDING REQUESTED BY:)
)
)
)
_____)

AND WHEN RECORDED MAIL TO:)
Community Development Dept.)
Planning Division)
1 Civic Center Drive)
Brea, CA 92821)

Space for Recorders Use Only

COVENANT AND AGREEMENT FOR URBAN LOT SPLIT

The undersigned hereby certify that they are the owners of the following described real property in the City of Brea, County of Orange, State of California:

LEGAL DESCRIPTION: _____

also known as _____ Brea, CA. _____

The above described real property has been created through the Urban Lot Split process, consistent with the applicable definition in Brea City Code Section 20.56.020, and as shown in the Parcel Map No. _____.

The undersigned acknowledges the following: (1) that such parcel was formed by an urban lot split and is therefore subject to the City's urban lot split regulations, including all applicable limits on dwelling size and development; and (2) development on such parcel is limited to development of housing under Sections 20.56.040 and 050, except as required by State law.

The undersigned further agree and covenant that any developments at such parcel shall be maintained in accordance with Brea City Code Sections 20.56.040 and 050 including the following restrictions: (1) there shall not be any separate conveyance of a primary dwelling on the property, any separate fee interest, and any other common interest development within the lot; (2) there shall not be any rental of a dwelling on the property for a period less than thirty (30) consecutive days; (3) there shall not be any non-residential use of the property; and (4) these restrictions shall run with the land and be binding upon the undersigned and all future owners, and lack of compliance may result in legal action against the property owner to compel compliance with the Brea City Code.

Print Name of Property Owner

Print Name of Property Owner

Signature of Property Owner

Signature of Property Owner

Dated

Dated

ACKNOWLEDGEMENT

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State of California }
County of Orange }

On _____ before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

(seal)

DO NOT RECORD UNTIL PAGE 3 HAS BEEN COMPLETED BY THE CITY

FOR CITY OF BREA USE ONLY

Dated: _____ By: _____
Signature of Community Development Director or his/her designee Print Name of Community Development Director or his/her designee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Orange }

On _____ before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

(seal)