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Engineering • Surveying • Planning

The View from Andy's Desk

September 10, 2013 - Andrew R. Cassano is a City/Regional Planner and Professional Land Surveyor with 44 years of experience in Northern California. He is CEO of Nevada City Engineering, Inc., a firm offering regional planning and permitting, land surveying, and civil engineering consulting to the private and public sector since 1978.

Boundary Agreements

The term “boundary agreement” refers to a family of methods for property owners to permanently establish their land boundary to a particular location. Here’s a quick discussion of boundary agreement procedures most common in title and land surveying practice.

Lot Line Adjustment

State and local laws provide that land owners can adjust the boundaries of up to four adjoining parcels, as long as the proposed adjustment meets certain basic general plan and zoning standards. Sometimes logic dictates that a common boundary be in a particular location, like the center of a road, an existing fence line, a stream, or other natural boundary. Or maybe one owner has an excess of land, needs a little cash, and the neighbor is interested in buying additional acreage to add to his property.

With a lot line adjustment, no new parcels can be created. Only existing parcels can be rearranged. This is a ministerial process, meaning that if the application meets the jurisdiction’s approval criteria, it will be approved, without a public hearing or environmental review. The process involves seeking City or County approval and then filing new legal description deeds of the adjusted parcels. Totals of all costs run between \$6,000 and \$8,000 in many cases, or more if owners order the optional field survey, permanent corner markers, and map.

Voluntary Agreement

This method is best used when boundary lines are subject to disagreement between surveyors as to precise location, maybe due to title deficiencies, legal description defects, long term use, or potential past surveying errors.

With this method, adjoining land owners agree to a boundary location permanently marked on the ground. A survey of the mutual boundary is made and each adjoiner “quit claims” all title rights on the other side of the line to the other. A record of survey map, required when permanent corners are set, helps perpetually document the line’s location, so that it can be reestablished in the future without further ambiguity.

Provided an agreement has been reached by the parties, the cost of survey, quit-claim deeds, County fees, and title fees might run between \$5,000 and \$7,500, or more with large land areas, multiple parties, or other complexities.

Litigation

Because this is potentially the most expensive, time consuming, and gut-wrenching option, a consultation with an attorney and a land surveyor is critical before initiating litigation to settle a boundary. With this method, arguments regarding the boundary are formally presented to the court and the boundary location is finally decided by court decree. After court action, a land surveyor can formalize the outcome by setting any needed property corners with durable monuments and filing a record-of-survey map to perpetuate future, accurate relocation.

Free Phone or Email Consultation

We’re happy to talk to you about your situation and to provide additional information on these options through a free initial phone or email consultation. This applies to all of our services.

If the situation is complex, we can provide a budget for a more formal evaluation that might include a meeting on your land or with your attorney, title company, or neighbor. Please call or email anytime.