

TITLE III - LAND USE AND DEVELOPMENT

DIVISION 10

PRESERVATION OF SURVEY MONUMENTS

CHAPTER 1

SURVEY MONUMENT PRESERVATION FUND

3101-1. PURPOSE AND INTENT.

This chapter is adopted pursuant to the provisions of Government Code Section 27584, et seq., for the purpose of developing a Survey Monument Preservation Fund to pay the necessary expenses incurred or authorized by the County surveyor in any retracement or remonument survey of major historical land division lines upon which later surveys are based, including but not limited to, Government Section lines, swamp and overflow survey lines, tidelands survey lines, acreage subdivision lot lines, and subdivision boundary lines within Humboldt County. (Ord. 1835, § 1, 06/21/1988)

3101-2. DEFINITIONS.

For purposes of this chapter, the following words and phrases shall have the meaning given herein. (Ord. 1835, § 1, 06/21/1988)

(a) GRAND DEED. A grant deed is any conveyance by which an estate in real property is transferred, except that for purposes of this chapter it does not include a reconveyance deed, trust deed, or any grant deed that is recorded or rerecorded solely for the purpose of correcting an error in a previously recorded document. (Ord. 1835, § 1, 06/21/1988)

(b) RECORDED TRACT MAP. "Recorded Tract Map" means a final map filed pursuant to the Subdivision Map Act of the State of California. (Ord. 1835, § 1, 06/21/1988)

(c) PARCEL MAP. "Parcel map" means a parcel map filed pursuant to the Subdivision Map Act of the State of California. (Ord. 1835, § 1, 06/21/1988)

(d) GOVERNMENT ENTITY. "Government entity" means the State of California, a county, city, district, public authority, public agency, and any other political subdivision in the State of California. (Ord. 1835, § 1, 06/21/1988)

3101-3. FEES.

A user fee is hereby imposed, in an amount to be established by the current County Fee Resolution or amendment thereto, which shall be charged and collected by the County Recorder over and above any other fees required by law as a condition precedent to the filing or recording of any grant deed conveying real property, except for grant deeds which: (Ord. 1835, § 1, 06/21/1988)

(a) Convey lots created and described in the deed as lots on a recorded tract map; or (Ord. 1835, § 1, 06/21/1988)

(b) Convey lots to or from government entities. (Ord. 1835, § 1, 06/21/1988)

3101-4. SURVEY MONUMENT PRESERVATION FUND.

The Treasurer of the County of Humboldt shall maintain a Survey Monument Preservation Fund into which shall be paid all funds collected by the County Recorder for the Survey Monument Preservation Fund, which funds shall not be used for any purpose other than those set forth in Section 3202-1 above. (Ord. 1835, § 1, 06/21/1988)

3101-5. ADMINISTRATION.

The County Recorder shall administer this article and shall, on or before the 15th day of each month, forward to the County Treasurer all fees collected pursuant to this division during the prior month for deposit into the County Survey Monument Preservation Fund. (Ord. 1835, § 1, 06/21/1988)

3101-6. EFFECT OF FAILURE TO COLLECT FEES.

Notwithstanding any other provision of this article, the failure of the County Recorder to collect the fees authorized by this chapter at the time of document recordation shall not: (Ord. 1835, § 1, 06/21/1988)

(a) Create any liability on the part of the County Recorder; (Ord. 1835, § 1, 06/21/1988)

(b) Affect the constructive notice otherwise imparted by the recording of the document; or (Ord. 1835, § 1, 06/21/1988)

(c) Prevent the County from subsequently collecting the fee from the grantee or other party who was liable for payment of the fee at the time the document was recorded. (Ord. 1835, § 1, 06/21/1988)

3101-7. DETERMINING THE APPLICABILITY OF FEES.

In determining the applicability of the fees authorized by this chapter to any conveyance, the County Recorder may rely on the information contained on the document offered for recording, or the information obtained from the filer of the document, or information obtained from the County surveyor. (Ord. 1835, § 1, 06/21/1988)