



# Town of Moraga

Planning Department  
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*For Staff Use Only*

File #: \_\_\_\_\_

Deposit #: \_\_\_\_\_

## LOT LINE ADJUSTMENT APPLICATION FORM

PROPERTY ADDRESS: \_\_\_\_\_ ZONING: \_\_\_\_\_

ASSESSORS PARCEL NUMBERS: \_\_\_\_\_

APPLICANT INFORMATION	APPLICANT'S ENGINEER or SURVEYOR
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY/STATE/ZIP: _____	CITY/STATE/ZIP: _____
PHONE: _____	PHONE: _____
Email: _____	Email: _____
SIGNATURE: _____	

PROPERTY OWNER (1)	PROPERTY OWNER (2)
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY/STATE/ZIP: _____	CITY/STATE/ZIP: _____
PHONE: _____	PHONE: _____
Email: _____	Email: _____
SIGNATURE: _____	SIGNATURE: _____

PROPERTY OWNER (3)	PROPERTY OWNER (4)
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY/STATE/ZIP: _____	CITY/STATE/ZIP: _____
PHONE: _____	PHONE: _____
Email: _____	Email: _____
SIGNATURE: _____	SIGNATURE: _____

**LOT LINE ADJUSTMENT PROCEDURES:**

*A lot line adjustment is where land taken from one parcel is added to an adjoining parcel and where a greater number of parcels than originally existed are not thereby created. Article 1, Section 66412(d) of the Subdivision Map Act defines the circumstances under which lot line adjustments may be approved by a local agency, without filing a tentative map, parcel map or final map. On January 1, 2002 the State Legislature amended Section 66412(d) to limit the manner in which lot line adjustments can be used, as follows:*

1. *Lot line adjustments can only be between four or fewer parcels.*
2. *The parcels must be adjoining.*
3. *The adjusted parcels must conform to the general plan, zoning and building ordinances.*

*After the legal descriptions of the parcels and other supporting documents are accepted by the Town Engineer, the lot line adjustment is usually approved administratively by the Planning Director and a Certificate of Compliance is prepared. Occasionally, a lot line adjustment application may be referred to the Planning Commission if general plan or zoning issues are involved, such as setback standards for properties in the "Open Space" district. Conditions may be imposed to make the lot line adjustment conform to the general plan, zoning and building ordinances or to facilitate the relocation of existing utilities, infrastructure, or easements. After approval by the Town, the deed descriptions of the adjusted parcels must be recorded to show the lot line adjustment in the chain of title. If one or more of the parcels affected by a lot line adjustment is encumbered by a deed of trust, a mortgage, or a lien for a special assessment, the instrument should be amended to reflect the new lot lines to avoid creation of an illegal lot if the lender forecloses.*

**PURPOSE OF PROPOSED LOT LINE ADJUSTMENT:**

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## LOT LINE ADJUSTMENT SUBMITTAL REQUIREMENTS:

*The following list includes all of the items you must submit for a complete lot line adjustment application. If you are not sure if a specific requirement applies to your project, please ask the planning staff. A copy of this list will be used to check your application for completeness after it is submitted. If your application is not complete, a copy of the list will be returned to you with additional requirements noted. Any omissions or erroneous information could delay the processing of the application.*

- 1. Completed Application Form. All property owners involved in the lot line adjustment(s) must sign the application form. The names, addresses and telephone numbers of the property owners, applicant, and others involved with the application, such as the applicant's engineer or surveyor shall be included on the application form. An email address is also very helpful to help speed the processing of the application if additional information is needed.
  
- 2. A deposit of \$4,000.00 is currently required for review of a lot line adjustment application. Please note that the applicant is responsible for all costs incurred by the Town in processing the application. If at any time during the review process, the amount remaining on deposit is insufficient to cover the cost of further review, the applicant will be requested to submit additional funds in order for processing of the application to continue.
  
- 3. A statement from the current property owner of each affected parcel, authorizing the lot line adjustment. The statement(s) shall be signed by the property owner(s) and shall be notarized. If any of the property owners is a corporate body, such as a homeowners association, then at least two members of the Board of Directors shall sign a resolution approving the proposed lot line adjustment and the signatures shall be notarized.
  
- 4. One copy of a preliminary title report not more than six (6) months old for each existing lot to be adjusted.
  
- 5. A written statement from the applicant (or representative) stating reasons for the lot line adjustment and identifying the subject parcels by parcel number, ownership, address etc. Please note that a lot line adjustment cannot be approved if it will reduce the area of any lot smaller than the minimum lot size required in the zoning district or create any variance conditions, such as a building setback that is less than that required in the zoning district. However, an applicant may apply for a lot line adjustment to avoid the need for a variance. The written statement shall also describe any easements on the property that would be affected by the proposed lot line adjustment and any improvements on the property, including subsurface improvements such as drainage pipes that will need to be relocated as a consequence of the lot line adjustment.
  
- 6. A letter from the current property owner(s) stating whether he/she had any knowledge of a violation of the Subdivision Map Act or Moraga Subdivision Ordinance.
  
- 7. If the proposed lot line adjustment has any impact to an existing public utility easement, drainage easement with a natural creek channel, or access easement, the applicant shall have their application reviewed by the applicable agencies listed below to assure compliance with the requirements of those agencies prior to submittal to the Planning Department. An applicant shall also submit any comments from these agencies with regard to the application.
  - Pacific Gas & Electric
  - Contra Costa County Central Sanitary District
  - East Bay Municipal Utility District
  - Other Public Utility (i.e. Pacific Bell, Cable TV, etc.)

- Moraga-Orinda Fire District (Access Easement Alteration)
- California Department of Fish and Game (Creek Channel Alteration)

8. Two (2) copies of the Lot Line Adjustment site plan, drawn to scale. The Lot Line Adjustment site plan shall include the following information:

- The site plan shall be identified as **EXHIBIT A** in large typeface at the top of the plan.
- The site plan shall include dimensioned lot lines, with bearings, for both the existing and proposed property lines for all parcels involved in the Lot Line Adjustment.
- The scale of the drawing shall be noted on the plan (a standard engineer's scale should be used). The site plan should be drawn at a large enough scale to legibly show the dimensions of the property and the setbacks of buildings and structures on the lots.
- The land area to be transferred and resultant net parcel sizes shall be indicated.
- The assessor parcel numbers of each existing parcel shall be shown on the site plan.
- North arrow (with plan oriented so north points to top of sheet).
- Add signature blocks for the Town Engineer and Zoning Administrator as shown below:

**REVIEWED BY:**

**REVIEWED BY:**

\_\_\_\_\_  
MORAGA TOWN ENGINEER      DATE

\_\_\_\_\_  
ZONING ADMINISTRATOR      DATE  
TOWN OF MORAGA

- The Lot Line Adjustment site plan should include the stamp and signature of the licensed surveyor or civil engineer that prepared the drawing; however, site plan does not have to be a survey map of the properties unless the applicant wants to install permanent property line markers.
- Show boundaries of existing easements and identify the purpose of the easements, such as drainage, access, sanitary sewer or scenic easements.
- If the lot line adjustment involves any property or easements owned by the Town of Moraga, the application will require review by the Town Council and staff will request six (6) additional copies of the site plans after the application is deemed complete.

9. Existing legal description of each parcel involved in the lot line adjustment. This should be from the most recent Title Report for the properties or the County Records Office.

10. Proposed Legal Descriptions of the "adjusted" parcels and closure calculations prepared by a licensed surveyor or civil engineer.

- The new "adjusted" parcel Legal Descriptions shall be identified as **EXHIBIT B** in large typeface at the top of the page.
- If the size of the parcel is increasing in area, then the legal description would be for the entire parcel including the land that is transferred from another parcel or parcels.
- If the size of the parcel is decreasing in area, then the legal description would be for the remaining parcel after a portion of the land is transferred to another parcel or parcels.
- The legal description of each adjusted parcels shall include the signature blocks for the Town Engineer and Zoning Administrator as follows:

**REVIEWED BY:**

**REVIEWED BY:**

\_\_\_\_\_  
MORAGA TOWN ENGINEER      DATE

\_\_\_\_\_  
ZONING ADMINISTRATOR      DATE  
TOWN OF MORAGA

11. Other plans, such as proposed building or fencing plans, that have a bearing on the proposed lot line adjustment and any information deemed necessary by the Planning Department to make a determination that the adjusted parcels will be in conformance with the general plan and zoning ordinance.

# Indemnification/Reimbursement Agreement

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## Project Address and description of project ("Project")

As part of the application for the Project, the applicant and/or property owner (collectively "Applicant") agree to defend, indemnify, and hold harmless the Town of Moraga, its agents, officers, council members, employees, boards and commissions from any and all claims, actions or proceedings (collectively "Claims") brought against any of the foregoing individuals or entities, seeking to attack, set aside, void or annul any approval of the application or related decision, or the processing or adoption of any environmental documents or negative declarations which relate to the approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence on the part of the Town of Moraga, its agents, officers, council members, employees, boards, commissions. If for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The Town of Moraga may, but is not obligated to, defend such Claims as the Town of Moraga, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town of Moraga, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, Town of Moraga, and/or parties initiating or bringing such proceeding. If the Applicant is required to defend the Town of Moraga as set forth above, the Town of Moraga shall retain the right to select the counsel who shall defend the Town of Moraga. Per Government Code Section 66474.9, the Town of Moraga shall promptly notify Applicant of any proceeding and shall cooperate fully in the defense. The Financially Responsible Party acknowledges and agrees that additional deposits may be required while the application is processed, in such amounts and at such times as the Town deems necessary to cover the Town's incurred and projected processing costs including but not limited to environmental studies. Deposit accounts are required to maintain a minimum balance of 20% of the original deposit amount at all times. If your account drops below that threshold, you will be asked to remit the balance due plus the 20% maintenance balance. Failure to maintain your account in this standing will result in a hold placed on the account and work will stop on all project processing until the necessary payment has been remitted. The payment and acceptance of requested deposits does not constitute an approval of permits, entitlements, or authorizations to begin work.

The Financially Responsible Party agrees to be jointly and severally liable with the Property Owner for payment of all fees referenced above. The sale or other disposition of the property does not relieve the Financially Responsible Party of their obligation to maintain a positive balance in the deposit account unless the Town grants prior approval. The Financially Responsible Party agrees to notify the Town in writing prior to any change in ownership or status of any option agreements. The Financially Responsible Party is required to submit a written request for withdrawal of the application or written assumption of the obligations under this agreement signed by the new owner or his/her authorized agent.

Withdrawal or denial of an application does not relieve the Financially Responsible Party of its obligation to pay for costs incurred in connection with this application. The Financially Responsible Party shall be liable for and will pay all costs incurred for the project, up through the date of the written request for application withdrawal or date of approval or denial, whether or not such work is complete and whether or not the costs have previously been billed. Any funds remaining in the account after all associated processing activities have been completed shall be returned to the Financially Responsible Party.

I have read and agree with all of the above.

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Applicant (please print name)

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Applicant signature

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Date

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Property owner name (if different from the applicant)

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Property owner signature (if different from the applicant)

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Date