

## ORDINANCE NO. 05-07

AN ORDINANCE OF THE CITY OF FERNDALE AMENDING THE FERNDALE SUBDIVISION ORDINANCE 99-04, BY ADDING A NEW SUBSECTION 1.713 BOUNDARY CORRECTIONS EXEMPTION, TO SECTION 1.7 LOT LINE ADJUSTMENTS.

THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

ARTICLE 1: GENERAL PROVISIONS:

§2.01 This ordinance shall be known as the “Boundary Correction Ordinance.”

§2.02 Subdivision Ordinance 99-04 is hereby amended by adding a new subsection 1.713 Boundary Corrections Exemption, to Section 1.7, Lot Line Adjustments, as follows:

..... Section 1.713 Boundary Corrections Exemption

*Boundary Corrections. The adjustment of property lines for the corrections of record title descriptions or real property is exempt from the Lot Line Adjustment requirements of this Section 1.7, provided that the City Surveyor finds:*

- (a) That the correction is necessary to correct deed descriptions to coincide with the physical conditions and/or occupation lines of the properties*
- (b) That such physical conditions and/or occupancy lines have existed for a minimum of five (5) years.*
- (c) That all affected property owners consent to the correction and*
- (d) That the parcels resulting from the Lot Line Correction will conform to the local general plan and zoning and building ordinances.*

*A written statement declaring the purpose of the correction shall be submitted to the City Surveyor by a Licensed Land Surveyor or a Registered Civil Engineer qualified to practice land surveying along with a Record of Survey or Subdivision Map for recordation showing the monumentation of the new property line.*

*A deed or deeds must be recorded to correct the descriptions and must have a note on the first page as follows: “The recordation of this deed is to correct record title to coincide to the physical occupation of the property. This correction is exempt from the provisions of the Subdivision Map Act and local ordinances*

*enacted pursuant thereto. No new or additional parcels are created by this correction." Legal descriptions within these deeds must be prepared by a Licensed Land Surveyor or a Registered Civil Engineer qualified to practice land surveying.*

§2.03 All other provisions of Ordinance 99-04, shall remain in full force and effect.

ARTICLE 2: SEVERABILITY: If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 3: EFFECTIVE DATE: This ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 4: POSTING REQUIREMENTS

ARTICLE 5: The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 6: ENACTING DATE AND SIGNATURES:

Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on January 5, 2006 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Frances Scavini, City Clerk

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Elizabeth Anderson, Mayor

First Reading: December 1, 2005

Second Reading: January 5, 2006