



ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING THE SURVEY MONUMENT PRESERVATION FUND AND
SURVEY MONUMENT FEE**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 3.26 of Title 3 of the El Dorado County Ordinance Code pertaining to the establishment of the Survey Monument Preservation Fund and Survey Monument Fee is hereby added to read as follows:

**Chapter 3.26
SURVEYOR FEES**

Sections:

3.26.010	Title
3.26.020	Purpose
3.26.030	Definitions
3.26.040	Fee
3.26.050	Exceptions
3.26.060	Survey monument preservation fund
3.26.070	Administration
3.26.080	Effect of failure to collect fee
3.26.090	Reliance of information

Sec. 3.26.010 – Title.

This chapter shall be known, and may be referred to, in all proceedings as the Survey Monument Preservation Fund and Survey Monument Fee for the Surveyor's Office.

Section 3.26.020 – Purpose.

The purpose of this chapter is to develop a survey monument preservation fund to pay the necessary expenses incurred or authorized by the county surveyor in any retracement or reestablishment of survey monuments of major historical land division lines upon which later surveys are based, such as, but not limited to, government section lines, rancho lines, grant lines, rancho section lines, acreage subdivision lot lines, and subdivision boundary lines within the county. This chapter is adopted pursuant to Sections 27584 and 27585 of the California Government Code.

Section 3.26.030 – Definitions.

"Grant deed" means any conveyance by which a fee simple estate in real property is passed, except that it does not include a quit claim, sheriff's deed, tax deed, reconveyance deed, decree of distribution or judgment of partition.

"Public entity" includes the state, a county, city, district, public authority, public agency, and any other political subdivision in the state.

"Recorded tract map" means a final map approved after August 14, 1929, and filed under the authority of a Subdivision Map Act of the State of California.

Section 3.26.040 – Fee.

There is imposed a user's fee of ten dollars 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.

Section 3.26.050 – Exceptions.

The following grant deeds shall be exempt from such fees:

Grant deeds conveying:

- (1) Lots created by recorded tract maps;
- (2) Real property within the boundaries of any incorporated city;
- (3) Real property from the United States or any agency or instrumentality thereof, or from any public entity;
- (4) Real property to any public entity, or to the United States or any agency or instrumentality thereof.

Section 3.26.060 - Survey monument preservation fund.

The Auditor of the county is required to maintain a survey monument preservation fund, and under no circumstances shall funds collected by the county recorder for the survey monument preservation fund be directed into any other fund or used for any other purpose.

3.26.070 Administration.

The county recorder shall administer this chapter, and on or before the fifteenth day of the month the recorder shall forward to the county treasurer all fees collected under this chapter during the previous month for deposit into the county's survey monument preservation fund.

3.26.080 Effect of failure to collect fee.

Notwithstanding any other provision of this chapter, the failure of the county recorder to collect said fee at the time of a document recordation:

- (1) Shall not create any liability on the part of the recorder; and
- (2) Shall not affect the constructive notice otherwise imparted by the recording of the document; and
- (3) Shall not prevent the county from subsequently collecting the fee from the party who was liable to pay the fee at the time of the document recordation.

3.26.090 Reliance of information.

In determining the applicability of the fee to any conveyance, the county recorder may rely on the information on the document involved and/or information obtained from the filer of the document.

Section 2: Collection of fees will be deferred to July 1, 2026

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2020, by the following vote of said Board:

ATTEST

Kim Dawson

Clerk of the Board of Supervisors

Ayes:

By _____

Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL

By: _____

Title: _____