
California Supreme Court Clarifies Rule on Historic Property Divisions

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In a recent decision, the California Supreme Court sided with the City of Oakland (City) in an important property dispute, which clarified when lots created prior to March 4, 1972, can be recognized as separate parcels under the Subdivision Map Act (Act). The Court emphasized the purpose of the statute was to “provide a fair and equitable scheme to settle the validity of divisions of land occurring in decades past under earlier provisions of law,” which supports the Act’s “goals of encouraging orderly community development and preventing undue burdens on the public.”

Background

Cox v. City of Oakland (Jan. 23, 2025, No. S280234) Cal. ____ [2025 WL 272491] centered around a parcel that was historically described as Lots 16, 17, and 18 in the property description on the parcel’s deed. The property owner applied to the City for a certificate of compliance with the Act, asking the City to certify that Lot 18 was legally created as a separate parcel prior to March 4, 1972. Government Code section 66499.35 authorizes property owners to ask a local agency to determine whether the owner’s property complies with the provisions of the Act and, if so, to issue a certificate of compliance that establishes that the parcel can be sold, leased, or financed as a separate parcel. Issuance of the certificate of compliance would allow the property owner to sell Lot 18 independently of Lots 16 and 17. The City denied the property owner’s application on the basis that Lot 18 had never been separately conveyed from surrounding land.

The case hinged on interpretation of Government Code section 66412.6, which says, in relevant part: “any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.”

The property owner petitioned the superior court to review the City’s denial and to issue the certificate of compliance, arguing that Lot 18 was created prior to March 4, 1972, when a deed separately described Lot 18 as one of a group of lots conveyed to a new owner. The City disagreed, arguing that merely

mentioning lot numbers in a property description does not create a separate parcel. Under the City's interpretation of Government Code section 66412.6, a parcel is only created if it is separately conveyed from the surrounding land. The trial court denied the petition, and the property owner appealed. The Court of Appeal reversed the trial court decision, and the City appealed to the Supreme Court.

Supreme Court Holding

The Supreme Court ultimately agreed with the City, explaining that simply using lot numbers to describe property in legal documents does not subdivide land. The Court noted that common practice throughout history has been to use lot numbers to describe property boundaries in a deed, without any intention of creating separate parcels.

To count as a true "division of land" as the term is used in the Act, the Court found that a clear separation of the parcels needs to occur—specifically, one piece of land must be sold or transferred separately from the surrounding land. In this case, the three lots had always been bought and sold together as one parcel, so no legal division ever occurred. Therefore, Lot 18 had never been created as a legally separate parcel eligible for a certificate of compliance under the Act.

Takeaways

This decision helps clarify the rules for property owners and local agencies across California who are addressing similar questions about historic property divisions. It confirms that property descriptions using multiple lot numbers do not automatically create separate legal parcels under the Act that can be sold independently today.

If you have any questions about *Cox v. City of Oakland*, or the Subdivision Map Act in general, please contact one of the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [X \(formerly Twitter\)](#), and [LinkedIn](#), or download our [mobile app](#).

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