

Claim Regarding Validity of 1974 Subdivision Map Barred Under Laches Doctrine

The Court of Appeal held that a landowner's petition for "exclusion" under the Subdivision Map Act seeking orders declaring a parcel map void and restoring the historical lot lines was barred under the doctrine of laches. *Decea v. City of Ventura*, 59 Cal. App. 5th 1097 (2021). Decea bought a house in the Lake Sherwood community of Ventura County in 2007. The house sat within "Parcel A" on a map recorded by a former owner in 1974. The 1974 map also included historical lot lines from a subdivision map recorded by the original developers in 1923. Parcel A overlaid three of these historical lots and parts of two others, totaling 1.04 acres. In 2017, Decea sought to reconfigure Parcel A into two half-acre lots, but was told by the County that Parcel A consisted of one legal lot, not five. This meant Decea could not subdivide the property without falling below the area's one-acre minimum lot size. Decea disputed the validity of the 1974 parcel map and whether the former owner had legally merged the five original lots into one. The County did not change its position, and Decea filed suit seeking to exclude his property from the 1974 map under the Subdivision Map Act's "exclusion" provisions, which require local agencies to disregard a recorded map under some circumstances. Decea claimed that even if the 1974 map had been properly recorded, it had not been intended to erase the 1923 lots and merge them into Parcel A. His evidence included excerpts of a prior owner and County officials discussing the effect of the parcel map at two administrative hearings in 1985. The County objected to Decea's petition for exclusion, arguing that the prior owner knew at the 1985 hearings that the land was considered a single parcel by the County and failed to contest that interpretation of the 1974 parcel map. The County moved to dismiss the petition under the doctrine of laches, under which an otherwise timely claim may be dismissed when a party unreasonably delays enforcing a right, resulting in prejudice to the other party. The court upheld the trial court's dismissal of the petition under the laches doctrine, finding that there were unnecessary and prejudicial delays because the prior owner had known of possible errors on the parcel map in 1985 but failed to raise them. The court noted that the prior owner's dialogue with the County in 1985 showed that he acknowledged the 1974 map's validity and knew what he had to do to correct any errors. However, the County heard nothing further from the property owner until Decea approached it 2017. The court pointed out that the testimony of the prior owner and his contemporaries would have been highly probative as to the issues raised the petition, and that the loss of this testimony constituted substantial evidence of prejudice to the County. "The time to address the map's purported errors," the court said "passed 35 years ago [and] [i]t would be inequitable to awaken the issues now."

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