

CITY OF MILPITAS

Office of Building Safety
455 E. Calaveras Blvd.
Milpitas, CA 95035
408-586-3240
www.milpitas.gov



RECORDATION OF DOCUMENTS

As part of the building permit review and approval process, the Building Official may require certain documents to be recorded with the County of Santa Clara, Clerk-Recorder's Office.

Recordation of documents provides constructive notice to the public and future property owners of the existence and content of executed agreements, understandings, conditions or covenants made or imposed, in conjunction with specific buildings, sites or building permit activities.

Office of Building Safety Document Types: Documents commonly required to be recorded include, but are not limited to:

- [Covenant for Off-Site Work](#)
- [Covenant and Agreement Regarding Maintenance of Uncertified Fill](#)
- **Other declarations:** Other recorded documents, such as declaration of a non-sleeping room area, should be in letter format with careful attention to leaving 2 ½ inches high x 4 ½ inches wide blank space at the top right-hand corner of the page/s for recorder's office use and 2 ½ inches high x 4 inches wide space at the top left-hand corner to list the name and address to which the original documents are to be mailed back. The document size can be either letter size (8 ½ x 11) or legal size (8 ½ x 14).

Please follow the steps outlined below when recording covenant and agreement or declaration document:

1. Obtain and fill out the appropriate covenant form as listed above or, if other type of declaration document is needed, consult with the staff assigned to your project for the appropriate wording and document format. All documents for recording must be clear and legible using typewritten or clearly printed lettering.
2. Provide a plot plan, sketch or other relevant documents as required for the covenant and agreement or by the staff assigned to your project.
3. Provide a copy of proof of ownership for verification (e.g. grant deeds) including the legal description of the subject property. The owner's name on the proof of ownership, covenant, plans and permit applications MUST be identical.
4. Secure the proper signature(s) of the owner(s) of the subject property on the covenant and agreement. All signatures must be acknowledged before a Notary Public on the California All-Purpose Acknowledgement notary form. The following table shows the proper signature(s) required for various types of ownership.

| TYPE OF OWNERSHIP | REQUIRED SIGNATURE(S) |
|-------------------------------|--|
| Individual | The Individual ⁽¹⁾ |
| Partnership | One General Partner ⁽²⁾ |
| Joint Venture | All Joint Venturers |
| Corporation | At least two of the following: The Chairman of the Board, President, Vice President, Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer ⁽²⁾ |
| Limited Liability Corporation | Managing Member ⁽²⁾ |
| Limited Liability Partnership | One General Partner ⁽²⁾ |

⁽¹⁾ A husband and wife who jointly own a property need to both sign the required covenants.

⁽²⁾ The person signing the covenant on behalf of the corporation or partnership must clearly state their capacity in the corporation or partnership.

5. The covenant and agreement form or declaration document MUST be reviewed and approved by the staff assigned to your project prior to recording. Please note that the Santa Clara County Clerk-Recorder's Office will not accept any documents that have been erased or altered in any manner.
6. Record the covenant and agreement form or declaration document at the following location:

SC County Clerk-Recorder's Office
Recording Division
70 West Hedding Street, First Floor (at First St)
San Jose, CA 95110
Hours: 8:00 am – 4:30 pm M-F Phone: (408) 299-5688

Recording Fee: Contact the Recorder's Office for their current fee schedule.

Over-the-Counter Recording: Recording services can be obtained over-the-counter provided you take the original document to be recorded and one copy. The Clerk-Recorder's Office will keep the original document and stamp the copy as a "Conformed Copy". The Office of Building Safety will accept the Conformed Copy as evidence of recordation.

Additional Information: If you need additional information about the Santa Clara County Clerk-Recorder's Office, call (408) 299-5667, visit the county website at www.sccgov.org or email them at ClerkRecorder@REC.SCCGOV.ORG