

Effective 5/12/2015

10-9a-606 Common or community area parcels on a plat -- No separate ownership -- Ownership interest equally divided among other parcels on plat and included in description of other parcels.

- (1)
 - (a) A parcel designated as a common or community area on a plat recorded in compliance with this part may not be separately owned or conveyed independent of the other lots, units, or parcels created by the plat unless:
 - (i) the parcel is being acquired by a municipality for a governmental purpose; and
 - (ii) the conveyance is approved by the owners of at least 75% of the lots, units, or parcels on the plat, after the municipality gives its approval.
 - (b) A notice of the owner approval described in Subsection (1)(a)(ii) shall be:
 - (i) attached as an exhibit to the document of conveyance; or
 - (ii) recorded concurrently with the conveyance as a separate document.
- (2) The ownership interest in a parcel described in Subsection (1) shall:
 - (a) for purposes of assessment, be divided equally among all parcels created by the plat, unless a different division of interest for assessment purposes is indicated on the plat or an accompanying recorded document; and
 - (b) be considered to be included in the description of each instrument describing a parcel on the plat by its identifying plat number, even if the common or community area interest is not explicitly stated in the instrument.
- (3) A parcel designated as common or community area on a plat before, on, or after May 12, 2015, may be modified in size and location if the modification:
 - (a) is approved as part of a subdivision plat amendment by the local government;
 - (b) is approved by at least 75% of the voting interests in a homeowners association having an interest in the common or community area, if any;
 - (c) is approved by at least 75% of the owners of lots, units, or parcels on the plat if there is no homeowners association having an interest in the common or community area, if any; and
 - (d) does not create a new buildable lot.
- (4) A parcel designated as common or community area on a plat before, on, or after May 12, 2015, may be modified in size without a subdivision plat amendment approval by the local government, if the modification:
 - (a) is a lot line adjustment approved by at least 75% of the voting interests in a homeowners association having an interest in the common or community area, if any;
 - (b) is approved by at least 75% of the owners of lots, units, or parcels on the plat if there is no homeowners association having an interest in the common or community area, if any; and
 - (c) does not create a new buildable lot.

Amended by Chapter 327, 2015 General Session