

28 (1) (a) Subject to Section 10-9a-609.5, and provided that notice has been given
29 pursuant to local ordinance and Section [~~10-9a-208~~] 10-9a-207, the land use authority may,
30 with or without a petition, consider and resolve any proposed vacation, alteration, or
31 amendment of a subdivision plat, any portion of a subdivision plat, or any lot contained in a
32 subdivision plat.

33 (b) If a petition is filed, the land use authority shall hold a public hearing within 45
34 days after the petition is filed or, if applicable, within 45 days after receipt of the planning
35 commission's recommendation under Subsection (2), if:

36 (i) any owner within the plat notifies the municipality of their objection in writing
37 within ten days of mailed notification; or

38 (ii) a public hearing is required because all of the owners in the subdivision have not
39 signed the revised plat.

40 (2) (a) (i) The planning commission shall consider and provide a recommendation for a
41 proposed vacation, alteration, or amendment under Subsection (1)(a) before the land use
42 authority takes final action.

43 (ii) The planning commission shall give its recommendation within 30 days after the
44 proposed vacation, alteration, or amendment is referred to it, or as that time period is extended
45 by agreement with the applicant.

46 (b) Subsection (2)(a) does not apply if the planning commission has been designated as
47 the land use authority.

48 (3) The public hearing requirement of Subsection (1)(b) does not apply and a land use
49 authority may consider at a public meeting an owner's petition to alter a subdivision plat if:

50 (a) the petition seeks to join two or more of the owner's contiguous, residential lots;
51 and

52 (b) notice has been given pursuant to local ordinance.

53 (4) Each request to vacate or alter a street or alley, contained in a petition to vacate,
54 alter, or amend a subdivision plat, is also subject to Section 10-9a-609.5.

55 (5) Any fee owner, as shown on the last county assessment rolls, of land within the
56 subdivision that has been laid out and platted as provided in this part may, in writing, petition
57 to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or
58 amended as provided in this section and Section 10-9a-609.5.

59 (6) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street
60 or lot contained in a plat shall include:

61 (a) the name and address of all owners of record of the land contained in the entire plat;

62 (b) the name and address of all owners of record of land adjacent to any street that is
63 proposed to be vacated, altered, or amended; and

64 (c) the signature of each of these owners who consents to the petition.

65 (7) (a) The owners of record of adjacent parcels that are described by either a metes
66 and bounds description or a recorded plat may exchange title to portions of those parcels if the
67 exchange of title is approved by the land use authority in accordance with Subsection (7)(b).

68 (b) The land use authority shall approve an exchange of title under Subsection (7)(a) if
69 the exchange of title will not result in a violation of any land use ordinance.

70 (c) If an exchange of title is approved under Subsection (7)(b):

71 (i) a notice of approval shall be recorded in the office of the county recorder which:

72 (A) is executed by each owner included in the exchange and by the land use authority;

73 (B) contains an acknowledgment for each party executing the notice in accordance with
74 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

75 (C) recites the descriptions of both the original parcels and the parcels created by the
76 exchange of title; and

77 (ii) a conveyance of title reflecting the approved change shall be recorded in the office
78 of the county recorder.

79 (d) A notice of approval recorded under this Subsection (7) does not act as a
80 conveyance of title to real property and is not required for the recording of a document
81 purporting to convey title to real property.

82 (8) (a) The name of a recorded subdivision may be changed by recording an amended
83 plat making that change, as provided in this section and subject to Subsection (8)(c).

84 (b) The surveyor preparing the amended plat shall certify that the surveyor:

85 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
86 Professional Land Surveyors Licensing Act;

87 (ii) has completed a survey of the property described on the plat in accordance with
88 Section 17-23-17 and has verified all measurements; and

89 (iii) has placed monuments as represented on the plat.

90 (c) An owner of land may not submit for recording an amended plat that gives the
91 subdivision described in the amended plat the same name as a subdivision in a plat already
92 recorded in the county recorder's office.

93 (d) Except as provided in Subsection (8)(a), the recording of a declaration or other
94 document that purports to change the name of a recorded plat is voidable.

95 Section 2. Section **17-27a-608** is amended to read:

96 **17-27a-608. Vacating or changing a subdivision plat.**

97 (1) (a) Subject to Section 17-27a-609.5, and provided that notice has been given
98 pursuant to local ordinance and Section [~~17-27a-208~~] 17-27a-207, the land use authority may,
99 with or without a petition, consider and resolve any proposed vacation, alteration, or
100 amendment of a subdivision plat, any portion of a subdivision plat, or any lot contained in a
101 subdivision plat.

102 (b) If a petition is filed, the land use authority shall hold a public hearing within 45
103 days after the petition is filed or, if applicable, within 45 days after receipt of the planning
104 commission's recommendation under Subsection (2), if:

105 (i) any owner within the plat notifies the county of their objection in writing within ten
106 days of mailed notification; or

107 (ii) a public hearing is required because all of the owners in the subdivision have not
108 signed the revised plat.

109 (2) (a) (i) The planning commission shall consider and provide a recommendation for a
110 proposed vacation, alteration, or amendment under Subsection (1)(a) before the land use
111 authority takes final action.

112 (ii) The planning commission shall give its recommendation within 30 days after the
113 proposed vacation, alteration, or amendment is referred to it, or as that time period is extended
114 by agreement with the applicant.

115 (b) Subsection (2)(a) does not apply if the planning commission has been designated as
116 the land use authority.

117 (3) The public hearing requirement of Subsection (1)(b) does not apply and a land use
118 authority may consider at a public meeting an owner's petition to alter a subdivision plat if:

119 (a) the petition seeks to join two or more of the owner's contiguous, residential lots;
120 and

121 (b) notice has been given pursuant to local ordinance.

122 (4) Each request to vacate or alter a street or alley, contained in a petition to vacate,
123 alter, or amend a subdivision plat, is also subject to Section 17-27a-609.5.

124 (5) Any fee owner, as shown on the last county assessment rolls, of land within the
125 subdivision that has been laid out and platted as provided in this part may, in writing, petition
126 to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or
127 amended as provided in this section and Section 17-27a-609.5.

128 (6) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street
129 or lot contained in a plat shall include:

130 (a) the name and address of all owners of record of the land contained in the entire plat;

131 (b) the name and address of all owners of record of land adjacent to any street that is
132 proposed to be vacated, altered, or amended; and

133 (c) the signature of each of these owners who consents to the petition.

134 (7) (a) The owners of record of adjacent parcels that are described by either a metes
135 and bounds description or a recorded plat may exchange title to portions of those parcels if the
136 exchange of title is approved by the land use authority in accordance with Subsection (7)(b).

137 (b) The land use authority shall approve an exchange of title under Subsection (7)(a) if
138 the exchange of title will not result in a violation of any land use ordinance.

139 (c) If an exchange of title is approved under Subsection (7)(b):

140 (i) a notice of approval shall be recorded in the office of the county recorder which:

141 (A) is executed by each owner included in the exchange and by the land use authority;

142 (B) contains an acknowledgment for each party executing the notice in accordance with
143 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

144 (C) recites the descriptions of both the original parcels and the parcels created by the
145 exchange of title; and

146 (ii) a conveyance of title reflecting the approved change shall be recorded in the office
147 of the county recorder.

148 (d) A notice of approval recorded under this Subsection (7) does not act as a
149 conveyance of title to real property and is not required for the recording of a document
150 purporting to convey title to real property.

151 (8) (a) The name of a recorded subdivision may be changed by recording an amended

152 plat making that change, as provided in this section and subject to Subsection (8)(c).
153 (b) The surveyor preparing the amended plat shall certify that the surveyor:
154 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
155 Professional Land Surveyors Licensing Act;
156 (ii) has completed a survey of the property described on the plat in accordance with
157 Section 17-23-17 and has verified all measurements; and
158 (iii) has placed monuments as represented on the plat.
159 (c) An owner of land may not submit for recording an amended plat that gives the
160 subdivision described in the amended plat the same name as a subdivision in a plat already
161 recorded in the county recorder's office.
162 (d) Except as provided in Subsection (8)(a), the recording of a declaration or other
163 document that purports to change the name of a recorded plat is voidable.

Legislative Review Note
as of 1-7-09 1:09 PM

Office of Legislative Research and General Counsel

H.B. 258 - Amendments to Notice Provisions for Subdivision Changes

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
