

1 **LAND USE, DEVELOPMENT, AND**
2 **MANAGEMENT ACT AMENDMENTS**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Gregory S. Bell**

6 House Sponsor: Michael T. Morley

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies county and municipal land use provisions.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ modifies county and municipal provisions relating to the notice required for a
14 proposed subdivision or an amendment to a subdivision and makes them apply to
15 amendments only;

16 ▶ modifies county and municipal provisions relating to a hearing and notice
17 requirement for a proposal to vacate, alter, or amend a public street or right-of-way
18 to:

19 • make the provisions apply to a proposal to vacate some or all of a public street,
20 right-of-way, or easement;

21 • replace the land use authority with the legislative body as the body responsible
22 to hold a public hearing and provide notice; and

23 • modify the notice that is required;

24 ▶ eliminates the requirement for a planning commission recommendation on a
25 subdivision plat in certain circumstances when the planning commission is not the
26 land use authority;

27 ▶ provides exceptions to a prohibition against separate ownership or conveyance of a
28 parcel designated as a common or community area;

29 ▶ modifies county and municipal provisions relating to the vacation, alteration, or

30 amendment of a subdivision plat;

31 ▶ modifies the basis upon which a land use authority may approve the vacation,
32 alteration, or amendment of a plat;

33 ▶ modifies county and municipal provisions relating to the vacation or alteration of a
34 public street or right-of-way;

35 ▶ repeals a redundant provision; and

36 ▶ makes technical changes.

37 **Monies Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **10-9a-207**, as last amended by Laws of Utah 2006, Chapter 240

44 **10-9a-208**, as last amended by Laws of Utah 2006, Chapter 240

45 **10-9a-604**, as last amended by Laws of Utah 2006, Chapter 240

46 **10-9a-606**, as last amended by Laws of Utah 2007, Chapter 268

47 **10-9a-608**, as last amended by Laws of Utah 2006, Chapter 163

48 **10-9a-609**, as last amended by Laws of Utah 2007, Chapter 243

49 **10-9a-609.5**, as last amended by Laws of Utah 2007, Chapter 243

50 **17-27a-207**, as last amended by Laws of Utah 2006, Chapter 240

51 **17-27a-208**, as last amended by Laws of Utah 2006, Chapter 240

52 **17-27a-604**, as last amended by Laws of Utah 2006, Chapter 240

53 **17-27a-606**, as last amended by Laws of Utah 2007, Chapter 268

54 **17-27a-608**, as last amended by Laws of Utah 2006, Chapter 163

55 **17-27a-609**, as last amended by Laws of Utah 2007, Chapter 243

56 **17-27a-609.5**, as last amended by Laws of Utah 2007, Chapter 243

57 REPEALS:

58 10-8-8.5, as last amended by Laws of Utah 1993, Chapter 4



59
60 *Be it enacted by the Legislature of the state of Utah:*

61 Section 1. Section 10-9a-207 is amended to read:

62 **10-9a-207. Notice for an amendment to a subdivision -- Notice for vacation of or**
63 **change to street.**

64 [~~(1) Except for an exempt subdivision under Section 10-9a-605, for a proposed~~
65 ~~subdivision or]~~

66 (1) (a) For an amendment to a subdivision, each municipality shall provide notice of
67 the date, time, and place of [a public hearing that is:] at least one public meeting, as provided
68 in Subsection (1)(b).

69 (b) At least ten calendar days before the public meeting, the notice required under
70 Subsection (1)(a) shall be:

71 [~~(a)~~] (i) mailed [~~not less than three calendar days before the public hearing]~~ and
72 addressed to the record owner of each parcel within specified parameters of that property; or

73 [~~(b)~~] (ii) posted [~~not less than three calendar days before the public hearing,]~~ on the
74 property proposed for subdivision, in a visible location, with a sign of sufficient size,
75 durability, and print quality that is reasonably calculated to give notice to passers-by.

76 [~~(2) Each municipality shall mail notice to each affected entity of a public hearing to~~
77 ~~consider a preliminary plat describing a multiple-unit residential development or a commercial~~
78 ~~or industrial development.]~~

79 [~~(3)~~] (2) Each municipality shall provide notice as required by Section 10-9a-208 for a
80 subdivision that involves a vacation, alteration, or amendment of a street.

81 Section 2. Section 10-9a-208 is amended to read:

82 **10-9a-208. Hearing and notice for proposal to vacate a public street,**
83 **right-of-way, or easement.**

84 (1) For any proposal to vacate[, alter, or amend] some or all of a public street [or],
85 right-of-way, [the land use authority] or easement, the legislative body shall:

86 (a) hold a public hearing; and ~~shall~~

87 (b) give notice of the date, place, and time of the hearing ~~by~~, as provided in

88 Subsection (2).

89 ~~[(1) mailing notice as required in Section 10-9a-207;]~~

90 ~~[(2) mailing notice]~~

91 (2) At least ten days before the public hearing under Subsection (1)(a), the notice
92 required under Subsection (1)(b) shall be:

93 (a) mailed to the record owner of each parcel that is accessed by the public street,
94 right-of-way, or easement;

95 (b) mailed to each affected entity; ~~and]~~

96 ~~[(3) (a) publishing notice once a week for four consecutive weeks before the hearing]~~

97 (c) posted on or near the street, right-of-way, or easement in a manner that is
98 calculated to alert the public; and

99 (d) published in a newspaper of general circulation in the municipality in which the
100 land subject to the petition is located~~;~~~~or~~.

101 ~~[(b) if there is no newspaper of general circulation in the municipality, posting the~~
102 ~~property and posting notice in three public places for four consecutive weeks before the~~
103 ~~hearing.]~~

104 Section 3. Section **10-9a-604** is amended to read:

105 **10-9a-604. Subdivision plat approval procedure -- Effect of not complying.**

106 (1) ~~(a)~~ A person may not submit a subdivision plat to the county recorder's office for
107 recording unless:

108 ~~[(i) except as provided in Subsection (1)(b), a recommendation has been received from~~
109 ~~the planning commission;]~~

110 ~~[(ii)]~~ (a) the plat has been approved by:

111 ~~[(A)]~~ (i) the land use authority of the municipality in which the land described in the
112 plat is located; and

113 ~~[(B)]~~ (ii) other officers that the municipality designates in its ordinance; and

114 [(iii)] (b) all approvals are entered in writing on the plat by the designated officers.

115 [~~(b) Subsection (1)(a) does not apply if the planning commission is the land use~~
116 ~~authority.~~]

117 (2) A subdivision plat recorded without the signatures required under this section is
118 void.

119 (3) A transfer of land pursuant to a void plat is voidable.

120 Section 4. Section **10-9a-606** is amended to read:

121 **10-9a-606. Common or community area parcels on a plat -- No separate**
122 **ownership -- Ownership interest equally divided among other parcels on plat and**
123 **included in description of other parcels.**

124 (1) A parcel designated as a common or community area on a plat recorded in
125 compliance with this part may not be separately owned or conveyed independent of the other
126 parcels created by the plat[-] unless:

127 (a) the parcel is being acquired by the municipality for a governmental purpose; or

128 (b) the separate ownership or conveyance is approved by the owners of at least 75% of
129 the parcels on the plat, after the municipality gives its approval.

130 (2) The ownership interest in a parcel described in Subsection (1) shall:

131 (a) for purposes of assessment, be divided equally among all parcels created by the
132 plat, unless a different division of interest for assessment purposes is indicated on the plat or
133 an accompanying recorded document; and

134 (b) be considered to be included in the description of each instrument describing a
135 parcel on the plat by its identifying plat number, even if the common or community area
136 interest is not explicitly stated in the instrument.

137 Section 5. Section **10-9a-608** is amended to read:

138 **10-9a-608. Vacating, altering, or amending a subdivision plat.**

139 [~~(1) (a) Subject to Section 10-9a-609.5, and provided that notice has been given~~
140 ~~pursuant to local ordinance and Section 10-9a-208, the land use authority may, with or~~
141 ~~without a petition, consider and resolve any proposed vacation, alteration, or amendment of a~~

142 ~~subdivision plat, any portion of a subdivision plat, or any lot contained in a subdivision plat.]~~

143 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
144 subdivision that has been laid out and platted as provided in this part may file a written
145 petition with the land use authority to have some or all of the plat vacated, altered, or
146 amended.

147 (b) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
148 public hearing within 45 days after the petition is filed [~~or, if applicable, within 45 days after~~
149 ~~receipt of the planning commission's recommendation under Subsection (2);~~] if:

150 (i) any owner within the plat notifies the municipality of [~~their~~] the owner's objection
151 in writing within ten days of mailed notification; or

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

154 [~~(2) (a) (i) The planning commission shall consider and provide a recommendation for~~
155 ~~a proposed vacation, alteration, or amendment under Subsection (1)(a) before the land use~~
156 ~~authority takes final action.]~~

157 [~~(ii) The planning commission shall give its recommendation within 30 days after the~~
158 ~~proposed vacation, alteration, or amendment is referred to it, or as that time period is extended~~
159 ~~by agreement with the applicant.]~~

160 [~~(b) Subsection (2)(a) does not apply if the planning commission has been designated~~
161 ~~as the land use authority.]~~

162 [~~(3)~~] (2) The public hearing requirement of Subsection (1)(b) does not apply and a
163 land use authority may consider at a public meeting an owner's petition to alter a subdivision
164 plat if:

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

167 (b) notice has been given to adjacent property owners and pursuant to local ordinance.

168 [~~(4)~~] (3) Each request to vacate or alter [~~a street or alley, contained in a petition to~~
169 ~~vacate, alter, or amend] a [subdivision] plat[;] that contains a request to vacate or alter a public~~

170 street, right-of-way, or easement is also subject to Section 10-9a-609.5.

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

175 ~~[(6)]~~ (4) Each petition to vacate, alter, or amend an entire plat[;] or a portion of a plat[;
176 ~~or a street or lot contained in a plat]~~ shall include:

177 (a) the name and address of ~~[all owners]~~ each owner of record of the land contained in
178 the entire plat; and

179 ~~[(b) the name and address of all owners of record of land adjacent to any street that is~~
180 ~~proposed to be vacated, altered, or amended; and]~~

181 ~~[(c)]~~ (b) the signature of each of these owners who consents to the petition.

182 ~~[(7)]~~ (5) (a) The owners of record of adjacent parcels that are described by either a
183 metes and bounds description or a recorded plat may exchange title to portions of those parcels
184 if the exchange of title is approved by the land use authority in accordance with Subsection
185 ~~[(7)]~~ (5)(b).

186 (b) The land use authority shall approve an exchange of title under Subsection ~~[(7)]~~
187 (5)(a) if the exchange of title will not result in a violation of any land use ordinance.

188 (c) If an exchange of title is approved under Subsection ~~[(7)]~~ (5)(b):

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

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

191 (B) contains an acknowledgment for each party executing the notice in accordance

192 with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

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

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

197 (d) A notice of approval recorded under this Subsection ~~[(7)]~~ (5) does not act as a

198 conveyance of title to real property and is not required for the recording of a document
199 purporting to convey title to real property.

200 ~~[(8)]~~ (6) (a) The name of a recorded subdivision may be changed by recording an
201 amended plat making that change, as provided in this section and subject to Subsection ~~[(8)]~~
202 (6)(c).

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

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

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

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

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

212 (d) Except as provided in Subsection ~~[(8)]~~ (6)(a), the recording of a declaration or
213 other document that purports to change the name of a recorded plat is voidable.

214 Section 6. Section **10-9a-609** is amended to read:

215 **10-9a-609. Land use authority approval of vacation, alteration, or amendment of**
216 **plat -- Recording the amended plat.**

217 ~~[(1) If the land use authority is satisfied that neither the public interest nor any person~~
218 ~~will be materially injured by the proposed vacation, alteration, or amendment, and that there is~~
219 ~~good cause for the vacation, alteration, or amendment, the land use authority may vacate, alter,~~
220 ~~or amend the plat or any portion of the plat, subject to Section 10-9a-609.5.]~~

221 ~~[(2)]~~ (1) The land use authority may approve the vacation, alteration, or amendment of
222 a plat by signing an amended plat showing the vacation, alteration, or amendment~~[-:]~~ if the
223 land use authority finds that:

224 (a) there is good cause for the vacation, alteration, or amendment; and

225 (b) no public street, right-of-way, or easement has been vacated or altered.

226 ~~[(3)]~~ (2) The land use authority shall ensure that the amended plat showing the
227 vacation, alteration, or amendment is recorded in the office of the county recorder in which the
228 land is located.

229 ~~[(4)]~~ (3) If an entire subdivision is vacated, the legislative body shall ensure that a
230 legislative body resolution containing a legal description of the entire vacated subdivision is
231 recorded in the county recorder's office.

232 Section 7. Section **10-9a-609.5** is amended to read:

233 **10-9a-609.5. Vacating a street, right-of-way, or easement.**

234 (1) A petition to vacate some or all of a public street, right-of-way, or easement shall
235 include:

236 (a) the name and address of each owner of record of land that is:

237 (i) adjacent to the public street, right-of-way, or easement; or

238 (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or
239 easement; and

240 (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

241 ~~[(1)(a)]~~ (2) If a petition is submitted containing a request to vacate ~~[or alter any~~
242 ~~portion]~~ some or all of a street ~~[or alley within a subdivision: (i) the planning commission~~
243 ~~shall, after providing notice pursuant to local ordinance and Section 10-9a-208, make a~~
244 ~~recommendation to the land use authority concerning the request to vacate or alter; and (ii)~~
245 ~~the land use authority], right-of-way, or easement, the legislative body shall hold a public~~
246 ~~hearing in accordance with Section 10-9a-208 and determine whether:~~

247 (a) good cause exists for the vacation [or alteration.]; and

248 ~~[(b) Subsection (1)(a)(i) does not apply if the planning commission has been~~
249 ~~designated as a land use authority.];~~

250 ~~[(2) If the land use authority vacates or alters any portion of a street or alley, the land~~
251 ~~use authority]~~

252 (b) the public interest or any person will be materially injured by the proposed
253 vacation.

254 (3) The legislative body may adopt an ordinance granting a petition to vacate some or
255 all of a public street, right-of-way, or easement if the legislative body finds that:

- 256 (a) good cause exists for the vacation; and
- 257 (b) neither the public interest nor any person will be materially injured by the vacation.

258 (4) If the legislative body adopts an ordinance vacating some or all of a public street,
259 right-of-way, or easement, the legislative body shall ensure that [the] a plat reflecting the
260 vacation is recorded in the office of the recorder of the county in which the land is located.

261 ~~[(3)]~~ (5) The action of the [land use authority vacating or narrowing a street or alley]
262 legislative body vacating some or all of a street, right-of-way, or easement that has been
263 dedicated to public use [shall operate]:

264 (a) operates to the extent to which it is vacated [or narrowed], upon the effective date
265 of the [vacating] recorded plat, as a revocation of the acceptance [thereof,] of and the
266 relinquishment of the [city's fee therein, but the right-of-way and easements therein, if any,]
267 municipality's fee in the vacated street, right-of-way, or easement; and

268 (b) may not be construed to impair:

- 269 (i) any right-of-way or easement of any lot owner [and]; or
- 270 (ii) the franchise rights of any public utility [may not be impaired thereby].

271 Section 8. Section **17-27a-207** is amended to read:

272 **17-27a-207. Notice for an amendment to a subdivision -- Notice for vacation of**
273 **or change to street.**

274 ~~[(1) Except for an exempt subdivision under Section 17-27a-605, for a proposed~~
275 ~~subdivision or]~~

276 (1) (a) For an amendment to a subdivision, each county shall provide notice of the
277 date, time, and place of [a public hearing that is:] at least one public meeting, as provided in
278 Subsection (1)(b).

279 (b) At least ten calendar days before the public meeting, the notice required under
280 Subsection (1)(a) shall be:

281 ~~[(a)]~~ (i) mailed [not less than three calendar days before the public hearing] and

282 addressed to the record owner of each parcel within specified parameters of that property; or
 283 ~~[(b)]~~ (ii) posted ~~[not less than three calendar days before the public hearing,]~~ on the
 284 property proposed for subdivision, in a visible location, with a sign of sufficient size,
 285 durability, and print quality that is reasonably calculated to give notice to passers-by.

286 ~~[(2) Each county shall mail notice to each affected entity of a public hearing to~~
 287 ~~consider a preliminary plat describing a multiple-unit residential development or a commercial~~
 288 ~~or industrial development.]~~

289 ~~[(3)]~~ (2) Each county shall provide notice as required by Section 17-27a-208 for a
 290 subdivision that involves a vacation, alteration, or amendment of a street.

291 Section 9. Section **17-27a-208** is amended to read:

292 **17-27a-208. Hearing and notice for proposal to vacate a public street,**
 293 **right-of-way, or easement.**

294 (1) For any proposal to vacate~~[-alter, or amend]~~ some or all of a public street ~~[or]~~,
 295 right-of-way, ~~[the land use authority]~~, or easement, the legislative body shall:

296 (a) hold a public hearing; and ~~[shall]~~

297 (b) give notice of the date, place, and time of the hearing ~~[by:]~~, as provided in
 298 Subsection (2).

299 ~~[(1) mailing notice as required in Section 17-27a-207;]~~

300 ~~[(2) mailing notice]~~

301 (2) At least ten days before the public hearing under Subsection (1)(a), the notice
 302 required under Subsection (1)(b) shall be:

303 (a) mailed to the record owner of each parcel that is accessed by the public street,
 304 right-of-way, or easement;

305 (b) mailed to each affected entity; ~~[and]~~

306 (c) posted on or near the street, right-of-way, or easement in a manner that is
 307 calculated to alert the public; and

308 ~~[(3) (a) publishing notice once a week for four consecutive weeks before the hearing]~~

309 (d) published in a newspaper of general circulation in the county in which the land

310 subject to the petition is located~~[, or]~~.

311 ~~[(b) if there is no newspaper of general circulation in the county, posting the property~~
312 ~~and posting notice in three public places for four consecutive weeks before the hearing.]~~

313 Section 10. Section **17-27a-604** is amended to read:

314 **17-27a-604. Subdivision plat approval procedure -- Effect of not complying.**

315 (1) ~~[(a)]~~ A person may not submit a subdivision plat to the county recorder's office for
316 recording unless:

317 ~~[(i) except as provided in Subsection (1)(b), a recommendation has been received from~~
318 ~~the planning commission;]~~

319 ~~[(ii)]~~ (a) the plat has been approved by:

320 ~~[(A)]~~ (i) the land use authority of the county in whose unincorporated area the land
321 described in the plat is located; and

322 ~~[(B)]~~ (ii) other officers that the county designates in its ordinance; and

323 ~~[(iii)]~~ (b) all approvals are entered in writing on the plat by designated officers.

324 ~~[(b) Subsection (1)(a) does not apply if the planning commission is the land use~~
325 ~~authority.]~~

326 (2) A plat recorded without the signatures required under this section is void.

327 (3) A transfer of land pursuant to a void plat is voidable.

328 Section 11. Section **17-27a-606** is amended to read:

329 **17-27a-606. Common or community area parcels on a plat -- No separate**
330 **ownership -- Ownership interest equally divided among other parcels on plat and**
331 **included in description of other parcels.**

332 (1) A parcel designated as a common or community area on a plat recorded in
333 compliance with this part may not be separately owned or conveyed independent of the other
334 parcels created by the plat~~[-]~~ unless:

335 (a) the parcel is being acquired by the county for a governmental purpose; or

336 (b) the separate ownership or conveyance is approved by the owners of at least 75% of
337 the parcels on the plat, after the county gives its approval.

338 (2) The ownership interest in a parcel described in Subsection (1) shall:
339 (a) for purposes of assessment, be divided equally among all parcels created by the
340 plat, unless a different division of interest for assessment purposes is indicated on the plat or
341 an accompanying recorded document; and
342 (b) be considered to be included in the description of each instrument describing a
343 parcel on the plat by its identifying plat number, even if the common or community area
344 interest is not explicitly stated in the instrument.

345 Section 12. Section **17-27a-608** is amended to read:

346 **17-27a-608. Vacating, altering, or amending a subdivision plat.**

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

351 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
352 subdivision that has been laid out and platted as provided in this part may file a written
353 petition with the land use authority to have some or all of the plat vacated, altered, or
354 amended.

355 (b) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
356 public hearing within 45 days after the petition is filed [~~or, if applicable, within 45 days after~~
357 ~~receipt of the planning commission's recommendation under Subsection (2);] if:~~

358 (i) any owner within the plat notifies the county of [~~their~~] the owner's objection in
359 writing within ten days of mailed notification; or

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

362 [~~(2) (a) (i) The planning commission shall consider and provide a recommendation for~~
363 ~~a proposed vacation, alteration, or amendment under Subsection (1)(a) before the land use~~
364 ~~authority takes final action.]~~

365 [~~(ii) The planning commission shall give its recommendation within 30 days after the~~

366 ~~proposed vacation, alteration, or amendment is referred to it, or as that time period is extended~~
367 ~~by agreement with the applicant.]~~

368 ~~[(b) Subsection (2)(a) does not apply if the planning commission has been designated~~
369 ~~as the land use authority.]~~

370 ~~[(3)]~~ (2) The public hearing requirement of Subsection (1)(b) does not apply and a
371 land use authority may consider at a public meeting an owner's petition to alter a subdivision
372 plat if:

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

375 (b) notice has been given to adjacent property owners and pursuant to local ordinance.

376 ~~[(4)]~~ (3) Each request to vacate or alter ~~[a street or alley, contained in a petition to~~
377 ~~vacate, alter, or amend] a [subdivision] plat[;] that contains a request to vacate or alter a public~~
378 ~~street, right-of-way, or easement~~ is also subject to Section 17-27a-609.5.

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

383 ~~[(6)]~~ (4) Each petition to vacate, alter, or amend an entire plat[;] or a portion of a plat[;
384 ~~or a street or lot contained in a plat] shall include:~~

385 (a) the name and address of ~~[all owners]~~ each owner of record of the land contained in
386 the entire plat; and

387 ~~[(b) the name and address of all owners of record of land adjacent to any street that is~~
388 ~~proposed to be vacated, altered, or amended; and]~~

389 ~~[(c)]~~ (b) the signature of each of these owners who consents to the petition.

390 ~~[(7)]~~ (5) (a) The owners of record of adjacent parcels that are described by either a
391 metes and bounds description or a recorded plat may exchange title to portions of those parcels
392 if the exchange of title is approved by the land use authority in accordance with Subsection
393 ~~[(7)]~~ (5)(b).

394 (b) The land use authority shall approve an exchange of title under Subsection [~~(7)~~
395 (5)(a) if the exchange of title will not result in a violation of any land use ordinance.

396 (c) If an exchange of title is approved under Subsection [~~(7)~~] (5)(b):

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

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

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

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

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

405 (d) A notice of approval recorded under this Subsection [~~(7)~~] (5) does not act as a
406 conveyance of title to real property and is not required for the recording of a document
407 purporting to convey title to real property.

408 [~~(8)~~] (6) (a) The name of a recorded subdivision may be changed by recording an
409 amended plat making that change, as provided in this section and subject to Subsection [~~(8)~~]
410 (6)(c).

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

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

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

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

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

420 (d) Except as provided in Subsection [~~(8)~~] (6)(a), the recording of a declaration or
421 other document that purports to change the name of a recorded plat is voidable.

422 Section 13. Section **17-27a-609** is amended to read:

423 **17-27a-609. Land use authority approval of vacation, alteration, or amendment**
424 **of plat -- Recording the amended plat.**

425 ~~[(1) If the land use authority is satisfied that neither the public interest nor any person~~
426 ~~will be materially injured by the proposed vacation, alteration, or amendment, and that there is~~
427 ~~good cause for the vacation, alteration, or amendment, the land use authority may vacate, alter,~~
428 ~~or amend the plat or any portion of the plat, subject to Section 17-27a-609.5.]~~

429 ~~[(2)]~~ (1) The land use authority may approve the vacation, alteration, or amendment of
430 a plat by signing an amended plat showing the vacation, alteration, or amendment[:] if the
431 land use authority finds that:

432 (a) there is good cause for the vacation, alteration, or amendment; and

433 (b) no public street, right-of-way, or easement has been vacated or altered.

434 ~~[(3)]~~ (2) The land use authority shall ensure that the amended plat showing the
435 vacation, alteration, or amendment is recorded in the office of the county recorder in which the
436 land is located.

437 ~~[(4)]~~ (3) If an entire subdivision is vacated, the legislative body shall ensure that a
438 legislative body resolution containing a legal description of the entire vacated subdivision is
439 recorded in the county recorder's office.

440 Section 14. Section **17-27a-609.5** is amended to read:

441 **17-27a-609.5. Vacating a street, right-of-way, or easement.**

442 (1) A petition to vacate some or all of a public street, right-of-way, or easement shall
443 include:

444 (a) the name and address of each owner of record of land that is:

445 (i) adjacent to the public street, right-of-way, or easement; or

446 (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or
447 easement; and

448 (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

449 ~~[(1)(a)]~~ (2) If a petition is submitted containing a request to vacate ~~[or alter any~~

450 ~~portion] some or all of a street [~~or alley within a subdivision: (i) the planning commission~~~~
 451 ~~shall, after providing notice pursuant to local ordinance and Section 17-27a-208, make a~~
 452 ~~recommendation to the land use authority concerning the request to vacate or alter; and (ii)~~
 453 ~~the land use authority], right-of-way, or easement, the legislative body shall hold a public
 454 hearing in accordance with Section 17-27a-208 and determine whether:~~

455 (a) good cause exists for the vacation [~~or alteration~~]; and

456 ~~[(b) Subsection (1)(a)(i) does not apply if the planning commission has been~~
 457 ~~designated as a land use authority.]~~

458 ~~[(2) If the land use authority vacates or alters any portion of a street or alley, the land~~
 459 ~~use authority shall]~~

460 (b) the public interest or any person will be materially injured by the proposed
 461 vacation.

462 (3) The legislative body may adopt an ordinance granting a petition to vacate some or
 463 all of a public street, right-of-way, or easement if the legislative body finds that:

464 (a) good cause exists for the vacation; and

465 (b) neither the public interest nor any person will be materially injured by the vacation.

466 (4) If the legislative body adopts an ordinance vacating some or all of a public street,
 467 right-of-way, or easement, the legislative body shall ensure that [the] a plat reflecting the
 468 vacation is recorded in the office of the recorder of the county in which the land is located.

469 ~~[(3)]~~ (5) The action of the [~~land use authority vacating or narrowing a street or alley]~~
 470 legislative body vacating some or all of a street, right-of-way, or easement that has been
 471 dedicated to public use [~~shall operate~~];

472 (a) operates to the extent to which it is vacated [~~or narrowed~~], upon the effective date
 473 of the [~~vacating]~~ recorded plat, as a revocation of the acceptance [~~thereof~~], of and the
 474 relinquishment of the county's fee [~~therein, but the right-of-way and easements therein, if any,~~
 475 in the vacated street, right-of-way, or easement; and

476 (b) may not be construed to impair:

477 (i) any right-of-way or easement of any lot owner [~~and~~]; or

478 (ii) the franchise rights of any public utility [~~may not be impaired thereby~~].

479 Section 15. **Repealer.**

480 This bill repeals:

481 Section **10-8-8.5, Effect of vacation or narrowing of street or alley.**