

1                   **SUBDIVISION AMENDMENTS**

2                   2010 GENERAL SESSION

3                   STATE OF UTAH

4                   **Chief Sponsor: J. Stuart Adams**

5                   House Sponsor: Michael T. Morley

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7                   **LONG TITLE**

8                   **General Description:**

9                   This bill defines terms and amends provisions relating to vacating, altering, or  
10 amending a subdivision plat.

11                  **Highlighted Provisions:**

12                  This bill:

- 13                  ▸ defines terms;
- 14                  ▸ for a municipality or a county, amends provisions relating to vacating, altering, or  
15 amending a subdivision plat; and
- 16                  ▸ makes technical corrections.

17                  **Monies Appropriated in this Bill:**

18                  None

19                  **Other Special Clauses:**

20                  None

21                  **Utah Code Sections Affected:**

22                  **AMENDS:**

23                  **10-9a-103**, as last amended by Laws of Utah 2009, Chapters 163, 181, and 286

24                  **10-9a-603**, as last amended by Laws of Utah 2008, Chapter 326

25                  **10-9a-608**, as last amended by Laws of Utah 2009, Chapters 67 and 338

26                  **17-27a-103**, as last amended by Laws of Utah 2009, Chapters 163, 181, and 286

27                  **17-27a-603**, as last amended by Laws of Utah 2008, Chapters 250 and 326

28                  **17-27a-608**, as last amended by Laws of Utah 2009, Chapters 67 and 338

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30     *Be it enacted by the Legislature of the state of Utah:*

31           Section 1. Section **10-9a-103** is amended to read:

32           **10-9a-103. Definitions.**

33           As used in this chapter:

34           (1) "Affected entity" means a county, municipality, local district, special service  
35       district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
36       cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
37       specified public utility, a property owner, a property owners association, or the Utah  
38       Department of Transportation, if:

39              (a) the entity's services or facilities are likely to require expansion or significant  
40       modification because of an intended use of land;

41              (b) the entity has filed with the municipality a copy of the entity's general or  
42       long-range plan; or

43              (c) the entity has filed with the municipality a request for notice during the same  
44       calendar year and before the municipality provides notice to an affected entity in compliance  
45       with a requirement imposed under this chapter.

46           (2) "Appeal authority" means the person, board, commission, agency, or other body  
47       designated by ordinance to decide an appeal of a decision of a land use application or a  
48       variance.

49           (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
50       residential property if the sign is designed or intended to direct attention to a business,  
51       product, or service that is not sold, offered, or existing on the property where the sign is  
52       located.

53           (4) "Charter school" includes:

54              (a) an operating charter school;

55              (b) a charter school applicant that has its application approved by a chartering entity  
56       in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

57              (c) an entity who is working on behalf of a charter school or approved charter

58 applicant to develop or construct a charter school building.

59 (5) "Conditional use" means a land use that, because of its unique characteristics or  
60 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be  
61 compatible in some areas or may be compatible only if certain conditions are required that  
62 mitigate or eliminate the detrimental impacts.

63 (6) "Constitutional taking" means a governmental action that results in a taking of  
64 private property so that compensation to the owner of the property is required by the:

- 65 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or  
66 (b) Utah Constitution Article I, Section 22.

67 (7) "Culinary water authority" means the department, agency, or public entity with  
68 responsibility to review and approve the feasibility of the culinary water system and sources  
69 for the subject property.

70 (8) "Development activity" means:

71 (a) any construction or expansion of a building, structure, or use that creates additional  
72 demand and need for public facilities;

73 (b) any change in use of a building or structure that creates additional demand and  
74 need for public facilities; or

75 (c) any change in the use of land that creates additional demand and need for public  
76 facilities.

77 (9) (a) "Disability" means a physical or mental impairment that substantially limits  
78 one or more of a person's major life activities, including a person having a record of such an  
79 impairment or being regarded as having such an impairment.

80 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
81 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
82 802.

83 (10) "Educational facility":

84 (a) means:

85 (i) a school district's building at which pupils assemble to receive instruction in a

86 program for any combination of grades from preschool through grade 12, including  
87 kindergarten and a program for children with disabilities;

88 (ii) a structure or facility:

89 (A) located on the same property as a building described in Subsection (10)(a)(i); and

90 (B) used in support of the use of that building; and

91 (iii) a building to provide office and related space to a school district's administrative  
92 personnel; and

93 (b) does not include land or a structure, including land or a structure for inventory  
94 storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or  
95 other use in support of providing instruction to pupils, that is:

96 (i) not located on the same property as a building described in Subsection (10)(a)(i);  
97 and

98 (ii) used in support of the purposes of a building described in Subsection (10)(a)(i).

99 (11) "Elderly person" means a person who is 60 years old or older, who desires or  
100 needs to live with other elderly persons in a group setting, but who is capable of living  
101 independently.

102 (12) "Fire authority" means the department, agency, or public entity with  
103 responsibility to review and approve the feasibility of fire protection and suppression services  
104 for the subject property.

105 (13) "Flood plain" means land that:

106 (a) is within the 100-year flood plain designated by the Federal Emergency  
107 Management Agency; or

108 (b) has not been studied or designated by the Federal Emergency Management Agency  
109 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event  
110 because the land has characteristics that are similar to those of a 100-year flood plain  
111 designated by the Federal Emergency Management Agency.

112 (14) "General plan" means a document that a municipality adopts that sets forth  
113 general guidelines for proposed future development of the land within the municipality.

- 114                         (15) "Geologic hazard" means:
- 115                         (a) a surface fault rupture;
- 116                         (b) shallow groundwater;
- 117                         (c) liquefaction;
- 118                         (d) a landslide;
- 119                         (e) a debris flow;
- 120                         (f) unstable soil;
- 121                         (g) a rock fall; or
- 122                         (h) any other geologic condition that presents a risk:
- 123                         (i) to life;
- 124                         (ii) of substantial loss of real property; or
- 125                         (iii) of substantial damage to real property.
- 126                         (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 127                         meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 128                         utility system.
- 129                         (17) "Identical plans" means building plans submitted to a municipality that are
- 130                         substantially identical to building plans that were previously submitted to and reviewed and
- 131                         approved by the municipality and describe a building that is:
- 132                         (a) located on land zoned the same as the land on which the building described in the
- 133                         previously approved plans is located; and
- 134                         (b) subject to the same geological and meteorological conditions and the same law as
- 135                         the building described in the previously approved plans.
- 136                         (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36,
- 137                         Impact Fees Act.
- 138                         (19) "Improvement assurance" means a surety bond, letter of credit, cash, or other
- 139                         security:
- 140                         (a) to guaranty the proper completion of an improvement;
- 141                         (b) that is required as a condition precedent to:

142                   (i) recording a subdivision plat; or  
143                   (ii) beginning development activity; and  
144                   (c) that is offered to a land use authority to induce the land use authority, before actual  
145 construction of required improvements, to:  
146                   (i) consent to the recording of a subdivision plat; or  
147                   (ii) issue a permit for development activity.  
148                   (20) "Improvement assurance warranty" means a promise that the materials and  
149 workmanship of improvements:  
150                   (a) comport with standards that the municipality has officially adopted; and  
151                   (b) will not fail in any material respect within a warranty period.  
152                   (21) "Internal lot restriction" means a platted note, platted demarcation, or platted  
153 designation that:  
154                   (a) runs with the land; and  
155                   (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
156 the plat; or  
157                   (ii) designates a development condition that is enclosed within the perimeter of a lot  
158 described on the plat.  
159                   [~~(21)~~] (22) "Land use application" means an application required by a municipality's  
160 land use ordinance.  
161                   [~~(22)~~] (23) "Land use authority" means a person, board, commission, agency, or other  
162 body designated by the local legislative body to act upon a land use application.  
163                   [~~(23)~~] (24) "Land use ordinance" means a planning, zoning, development, or  
164 subdivision ordinance of the municipality, but does not include the general plan.  
165                   [~~(24)~~] (25) "Land use permit" means a permit issued by a land use authority.  
166                   [~~(25)~~] (26) "Legislative body" means the municipal council.  
167                   [~~(26)~~] (27) "Local district" means an entity under Title 17B, Limited Purpose Local  
168 Government Entities - Local Districts, and any other governmental or quasi-governmental  
169 entity that is not a county, municipality, school district, or the state.

170           [~~(27)~~] (28) "Lot line adjustment" means the relocation of the property boundary line in  
171 a subdivision between two adjoining lots with the consent of the owners of record.

172           [~~(28)~~] (29) "Moderate income housing" means housing occupied or reserved for  
173 occupancy by households with a gross household income equal to or less than 80% of the  
174 median gross income for households of the same size in the county in which the city is  
175 located.

176           [~~(29)~~] (30) "Nominal fee" means a fee that reasonably reimburses a municipality only  
177 for time spent and expenses incurred in:

178           (a) verifying that building plans are identical plans; and

179           (b) reviewing and approving those minor aspects of identical plans that differ from the  
180 previously reviewed and approved building plans.

181           [~~(30)~~] (31) "Noncomplying structure" means a structure that:

182           (a) legally existed before its current land use designation; and

183           (b) because of one or more subsequent land use ordinance changes, does not conform  
184 to the setback, height restrictions, or other regulations, excluding those regulations, which  
185 govern the use of land.

186           [~~(31)~~] (32) "Nonconforming use" means a use of land that:

187           (a) legally existed before its current land use designation;

188           (b) has been maintained continuously since the time the land use ordinance governing  
189 the land changed; and

190           (c) because of one or more subsequent land use ordinance changes, does not conform  
191 to the regulations that now govern the use of the land.

192           [~~(32)~~] (33) "Official map" means a map drawn by municipal authorities and recorded  
193 in a county recorder's office that:

194           (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
195 highways and other transportation facilities;

196           (b) provides a basis for restricting development in designated rights-of-way or between  
197 designated setbacks to allow the government authorities time to purchase or otherwise reserve

198 the land; and

199 (c) has been adopted as an element of the municipality's general plan.

200 [~~(33)~~] (34) "Person" means an individual, corporation, partnership, organization,  
201 association, trust, governmental agency, or any other legal entity.

202 [~~(34)~~] (35) "Plan for moderate income housing" means a written document adopted by  
203 a city legislative body that includes:

204 (a) an estimate of the existing supply of moderate income housing located within the  
205 city;

206 (b) an estimate of the need for moderate income housing in the city for the next five  
207 years as revised biennially;

208 (c) a survey of total residential land use;

209 (d) an evaluation of how existing land uses and zones affect opportunities for  
210 moderate income housing; and

211 (e) a description of the city's program to encourage an adequate supply of moderate  
212 income housing.

213 [~~(35)~~] (36) "Plat" means a map or other graphical representation of lands being laid  
214 out and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

215 [~~(36)~~] (37) "Potential geologic hazard area" means an area that:

216 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
217 relevant map or report as needing further study to determine the area's potential for geologic  
218 hazard; or

219 (b) has not been studied by the Utah Geological Survey or a county geologist but  
220 presents the potential of geologic hazard because the area has characteristics similar to those  
221 of a designated geologic hazard area.

222 [~~(37)~~] (38) "Public agency" means:

223 (a) the federal government;

224 (b) the state;

225 (c) a county, municipality, school district, local district, special service district, or

226 other political subdivision of the state; or

227 (d) a charter school.

228 [~~(38)~~] (39) "Public hearing" means a hearing at which members of the public are  
229 provided a reasonable opportunity to comment on the subject of the hearing.

230 [~~(39)~~] (40) "Public meeting" means a meeting that is required to be open to the public  
231 under Title 52, Chapter 4, Open and Public Meetings Act.

232 [~~(40)~~] (41) "Record of survey map" means a map of a survey of land prepared in  
233 accordance with Section 17-23-17.

234 [~~(41)~~] (42) "Receiving zone" means an area of a municipality that the municipality's  
235 land use authority designates as an area in which an owner of land may receive transferrable  
236 development rights.

237 [~~(42)~~] (43) "Residential facility for elderly persons" means a single-family or  
238 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not  
239 include a health care facility as defined by Section 26-21-2.

240 [~~(43)~~] (44) "Residential facility for persons with a disability" means a residence:  
241 (a) in which more than one person with a disability resides; and  
242 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
243 Chapter 2, Licensure of Programs and Facilities; or  
244 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
245 Health Care Facility Licensing and Inspection Act.

246 [~~(44)~~] (45) "Sanitary sewer authority" means the department, agency, or public entity  
247 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
248 wastewater systems.

249 [~~(45)~~] (46) "Sending zone" means an area of a municipality that the municipality's  
250 land use authority designates as an area from which an owner of land may transfer  
251 transferrable development rights to an owner of land in a receiving zone.

252 [~~(46)~~] (47) "Specified public agency" means:  
253 (a) the state;

- 254                   (b) a school district; or  
255                   (c) a charter school.

256       [(47)] (48) "Specified public utility" means an electrical corporation, gas corporation,  
257 or telephone corporation, as those terms are defined in Section 54-2-1.

258       [(48)] (49) "State" includes any department, division, or agency of the state.

259       [(49)] (50) "Street" means a public right-of-way, including a highway, avenue,  
260 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
261 or other way.

262       [(50)] (51) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
263 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
264 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
265 installment plan or upon any and all other plans, terms, and conditions.

266                   (b) "Subdivision" includes:

267                   (i) the division or development of land whether by deed, metes and bounds  
268 description, devise and testacy, map, plat, or other recorded instrument; and

269                   (ii) except as provided in Subsection [(50)] (51)(c), divisions of land for residential  
270 and nonresidential uses, including land used or to be used for commercial, agricultural, and  
271 industrial purposes.

272                   (c) "Subdivision" does not include:

273                   (i) a bona fide division or partition of agricultural land for the purpose of joining one  
274 of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
275 neither the resulting combined parcel nor the parcel remaining from the division or partition  
276 violates an applicable land use ordinance;

277                   (ii) a recorded agreement between owners of adjoining unsubdivided properties  
278 adjusting their mutual boundary if:

279                   (A) no new lot is created; and

280                   (B) the adjustment does not violate applicable land use ordinances;

281                   (iii) a recorded document, executed by the owner of record:

282                   (A) revising the legal description of more than one contiguous unsubdivided parcel of  
283 property into one legal description encompassing all such parcels of property; or

284                   (B) joining a subdivided parcel of property to another parcel of property that has not  
285 been subdivided, if the joinder does not violate applicable land use ordinances; [or]

286                   (iv) a recorded agreement between owners of adjoining subdivided properties  
287 adjusting their mutual boundary if:

288                   (A) no new dwelling lot or housing unit will result from the adjustment; and

289                   (B) the adjustment will not violate any applicable land use ordinance[:]; or

290                   (v) a bona fide division or partition of land by deed or other instrument where the land  
291 use authority expressly approves in writing the division in anticipation of further land use  
292 approvals on the parcel or parcels.

293                   (d) The joining of a subdivided parcel of property to another parcel of property that  
294 has not been subdivided does not constitute a subdivision under this Subsection [~~(50)~~] (51) as  
295 to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
296 subdivision ordinance.

297                   [~~(51)~~] (52) "Transferrable development right" means the entitlement to develop land  
298 within a sending zone that would vest according to the municipality's existing land use  
299 ordinances on the date that a completed land use application is filed seeking the approval of  
300 development activity on the land.

301                   [~~(52)~~] (53) "Unincorporated" means the area outside of the incorporated area of a city  
302 or town.

303                   [~~(53)~~] (54) "Water interest" means any right to the beneficial use of water, including:

304                   (a) each of the rights listed in Section 73-1-11; and

305                   (b) an ownership interest in the right to the beneficial use of water represented by:

306                   (i) a contract; or

307                   (ii) a share in a water company, as defined in Section 73-3-3.5.

308                   [~~(54)~~] (55) "Zoning map" means a map, adopted as part of a land use ordinance, that  
309 depicts land use zones, overlays, or districts.

310           Section 2. Section **10-9a-603** is amended to read:

311           **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner  
312 acknowledgment, surveyor certification, and underground utility facilities owner  
313 approval of plat -- Recording plat.**

314           (1) Unless exempt under Section 10-9a-605 or excluded from the definition of  
315 subdivision under [Subsection 10-9a-103(50)] Section 10-9a-103, whenever any land is laid  
316 out and platted, the owner of the land shall provide an accurate plat that describes or specifies:

317           (a) a name or designation of the subdivision that is distinct from any plat already  
318 recorded in the county recorder's office;

319           (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by  
320 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is  
321 intended to be used as a street or for any other public use, and whether any such area is  
322 reserved or proposed for dedication for a public purpose;

323           (c) the lot or unit reference, block or building reference, street or site address, street  
324 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length  
325 and width of the blocks and lots intended for sale; and

326           (d) every existing right-of-way and easement grant of record for underground  
327 facilities, as defined in Section 54-8a-2, and for other utility facilities.

328           (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the  
329 municipality's ordinances and this part and has been approved by the culinary water authority  
330 and the sanitary sewer authority, the municipality shall approve the plat.

331           (b) Municipalities are encouraged to receive a recommendation from the fire authority  
332 before approving a plat.

333           (3) The municipality may withhold an otherwise valid plat approval until the owner of  
334 the land provides the legislative body with a tax clearance indicating that all taxes, interest,  
335 and penalties owing on the land have been paid.

336           (4) (a) The owner of the land shall acknowledge the plat before an officer authorized  
337 by law to take the acknowledgment of conveyances of real estate and shall obtain the signature

338 of each individual designated by the municipality.

339 (b) The surveyor making the plat shall certify that the surveyor:

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

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

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

345 (c) (i) As applicable, the owner or operator of the underground and utility facilities  
346 shall approve the:

347 (A) boundary, course, dimensions, and intended use of the right-of-way and easement  
348 grants of record;

349 (B) location of existing underground and utility facilities; and

350 (C) conditions or restrictions governing the location of the facilities within the  
351 right-of-way, and easement grants of records, and utility facilities within the subdivision.

352 (ii) The approval of an owner or operator under Subsection (4)(c)(i):

353 (A) indicates only that the plat approximates the location of the existing underground  
354 and utility facilities but does not warrant or verify their precise location; and

355 (B) does not affect a right that the owner or operator has under:

356 (I) Title 54, Chapter 8a, Damage to Underground Utility Facilities;

357 (II) a recorded easement or right-of-way;

358 (III) the law applicable to prescriptive rights; or

359 (IV) any other provision of law.

360 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the  
361 land shall, within the time period designated by ordinance, record the plat in the county  
362 recorder's office in the county in which the lands platted and laid out are situated.

363 (b) An owner's failure to record a plat within the time period designated by ordinance  
364 renders the plat voidable.

365 Section 3. Section **10-9a-608** is amended to read:

- 366           **10-9a-608. Vacating, altering, or amending a subdivision plat.**
- 367           (1) (a) A fee owner of land, as shown on the last county assessment roll, in a  
368 subdivision that has been laid out and platted as provided in this part may file a written  
369 petition with the land use authority to have some or all of the plat vacated, altered, or  
370 amended.
- 371           (b) If a petition is filed under Subsection (1)(a), the land use authority shall hold a  
372 public hearing within 45 days after the day on which the petition is filed if:  
373           (i) any owner within the plat notifies the municipality of the owner's objection in  
374 writing within 10 days of mailed notification; or  
375           (ii) a public hearing is required because all of the owners in the subdivision have not  
376 signed the revised plat.
- 377           (2) [The] Unless a local ordinance provides otherwise, the public hearing requirement  
378 of Subsection (1)(b) does not apply and a land use authority may consider at a public meeting  
379 an owner's petition to vacate, alter, or amend a subdivision plat if:  
380           (a) the petition seeks to:  
381            (i) join two or more of the petitioner fee owner's contiguous[~~, residential~~] lots; [~~and~~]  
382            (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will  
383 not result in a violation of a land use ordinance or a development condition;  
384            (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the  
385 adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are  
386 located in the same subdivision;  
387            (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction  
388 imposed by the local political subdivision; or  
389            (v) alter the plat in a manner that does not change existing boundaries or other  
390 attributes of lots within the subdivision that are not:  
391            (A) owned by the petitioner; or  
392            (B) designated as a common area; and  
393           (b) notice has been given to adjacent property owners [~~and pursuant to~~] in accordance

394       with any applicable local ordinance.

395           (3) Each request to vacate or alter a plat that contains a request to vacate or alter a  
396       public street, right-of-way, or easement is also subject to Section 10-9a-609.5.

397           (4) Each petition to vacate, alter, or amend an entire plat or a portion of a plat shall  
398       include:

399           (a) the name and address of each owner of record of the land contained in the entire  
400       plat; and

401           (b) the signature of each [of these owners] owner who consents to the petition.

402           (5) (a) The owners of record of adjacent parcels that are described by either a metes  
403       and bounds description or a recorded plat may exchange title to portions of those parcels if the  
404       exchange of title is approved by the land use authority in accordance with Subsection (5)(b).

405           (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if  
406       the exchange of title will not result in a violation of any land use ordinance.

407           (c) If an exchange of title is approved under Subsection (5)(b):

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

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

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

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

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

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

416           (d) A notice of approval recorded under this Subsection (5) does not act as a  
417       conveyance of title to real property and is not required for the recording of a document  
418       purporting to convey title to real property.

419           (6) (a) The name of a recorded subdivision may be changed by recording an amended  
420       plat making that change, as provided in this section and subject to Subsection (6)(c).

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

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

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

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

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

430                   (d) Except as provided in Subsection (6)(a), the recording of a declaration or other  
431 document that purports to change the name of a recorded plat is voidable.

432                  Section 4. Section **17-27a-103** is amended to read:

433                  **17-27a-103. Definitions.**

434                  As used in this chapter:

435                  (1) "Affected entity" means a county, municipality, local district, special service  
436 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
437 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
438 specified property owner, property owners association, public utility, or the Utah Department  
439 of Transportation, if:

440                  (a) the entity's services or facilities are likely to require expansion or significant  
441 modification because of an intended use of land;

442                  (b) the entity has filed with the county a copy of the entity's general or long-range  
443 plan; or

444                  (c) the entity has filed with the county a request for notice during the same calendar  
445 year and before the county provides notice to an affected entity in compliance with a  
446 requirement imposed under this chapter.

447                  (2) "Appeal authority" means the person, board, commission, agency, or other body  
448 designated by ordinance to decide an appeal of a decision of a land use application or a  
449 variance.

450                   (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
451 residential property if the sign is designed or intended to direct attention to a business,  
452 product, or service that is not sold, offered, or existing on the property where the sign is  
453 located.

454                   (4) "Charter school" includes:

455                   (a) an operating charter school;  
456                   (b) a charter school applicant that has its application approved by a chartering entity  
457 in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and  
458                   (c) an entity who is working on behalf of a charter school or approved charter  
459 applicant to develop or construct a charter school building.

460                   (5) "Chief executive officer" means the person or body that exercises the executive  
461 powers of the county.

462                   (6) "Conditional use" means a land use that, because of its unique characteristics or  
463 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
464 compatible in some areas or may be compatible only if certain conditions are required that  
465 mitigate or eliminate the detrimental impacts.

466                   (7) "Constitutional taking" means a governmental action that results in a taking of  
467 private property so that compensation to the owner of the property is required by the:

468                   (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or  
469                   (b) Utah Constitution Article I, Section 22.

470                   (8) "Culinary water authority" means the department, agency, or public entity with  
471 responsibility to review and approve the feasibility of the culinary water system and sources  
472 for the subject property.

473                   (9) "Development activity" means:

474                   (a) any construction or expansion of a building, structure, or use that creates additional  
475 demand and need for public facilities;  
476                   (b) any change in use of a building or structure that creates additional demand and  
477 need for public facilities; or

478                   (c) any change in the use of land that creates additional demand and need for public  
479 facilities.

480                   (10) (a) "Disability" means a physical or mental impairment that substantially limits  
481 one or more of a person's major life activities, including a person having a record of such an  
482 impairment or being regarded as having such an impairment.

483                   (b) "Disability" does not include current illegal use of, or addiction to, any federally  
484 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
485 802.

486                   (11) "Educational facility":

487                   (a) means:

488                   (i) a school district's building at which pupils assemble to receive instruction in a  
489 program for any combination of grades from preschool through grade 12, including  
490 kindergarten and a program for children with disabilities;

491                   (ii) a structure or facility:

492                   (A) located on the same property as a building described in Subsection (11)(a)(i); and

493                   (B) used in support of the use of that building; and

494                   (iii) a building to provide office and related space to a school district's administrative  
495 personnel; and

496                   (b) does not include land or a structure, including land or a structure for inventory  
497 storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or  
498 other use in support of providing instruction to pupils, that is:

499                   (i) not located on the same property as a building described in Subsection (11)(a)(i);  
500 and

501                   (ii) used in support of the purposes of a building described in Subsection (11)(a)(i).

502                   (12) "Elderly person" means a person who is 60 years old or older, who desires or  
503 needs to live with other elderly persons in a group setting, but who is capable of living  
504 independently.

505                   (13) "Fire authority" means the department, agency, or public entity with

506 responsibility to review and approve the feasibility of fire protection and suppression services  
507 for the subject property.

508 (14) "Flood plain" means land that:

509 (a) is within the 100-year flood plain designated by the Federal Emergency  
510 Management Agency; or  
511 (b) has not been studied or designated by the Federal Emergency Management Agency  
512 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event  
513 because the land has characteristics that are similar to those of a 100-year flood plain  
514 designated by the Federal Emergency Management Agency.

515 (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

516 (16) "General plan" means a document that a county adopts that sets forth general  
517 guidelines for proposed future development of the unincorporated land within the county.

518 (17) "Geologic hazard" means:

519 (a) a surface fault rupture;  
520 (b) shallow groundwater;  
521 (c) liquefaction;  
522 (d) a landslide;  
523 (e) a debris flow;  
524 (f) unstable soil;  
525 (g) a rock fall; or  
526 (h) any other geologic condition that presents a risk:  
527 (i) to life;  
528 (ii) of substantial loss of real property; or  
529 (iii) of substantial damage to real property.

530 (18) "Internal lot restriction" means a platted note, platted demarcation, or platted  
531 designation that:

532 (a) runs with the land; and

533 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on

534     the plat; or

535                 (ii) designates a development condition that is enclosed within the perimeter of a lot  
536         described on the plat.

537                 [~~(18)~~] (19) "Hookup fee" means a fee for the installation and inspection of any pipe,  
538         line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other  
539         utility system.

540                 [~~(19)~~] (20) "Identical plans" means building plans submitted to a county that are  
541         substantially identical building plans that were previously submitted to and reviewed and  
542         approved by the county and describe a building that is:

543                 (a) located on land zoned the same as the land on which the building described in the  
544         previously approved plans is located; and

545                 (b) subject to the same geological and meteorological conditions and the same law as  
546         the building described in the previously approved plans.

547                 [~~(20)~~] (21) "Impact fee" means a payment of money imposed under Title 11, Chapter  
548         36, Impact Fees Act.

549                 [~~(21)~~] (22) "Improvement assurance" means a surety bond, letter of credit, cash, or  
550         other security:

551                 (a) to guaranty the proper completion of an improvement;

552                 (b) that is required as a condition precedent to:

553                 (i) recording a subdivision plat; or

554                 (ii) beginning development activity; and

555                 (c) that is offered to a land use authority to induce the land use authority, before actual  
556         construction of required improvements, to:

557                 (i) consent to the recording of a subdivision plat; or

558                 (ii) issue a permit for development activity.

559                 [~~(22)~~] (23) "Improvement assurance warranty" means a promise that the materials and  
560         workmanship of improvements:

561                 (a) comport with standards that the county has officially adopted; and

562                   (b) will not fail in any material respect within a warranty period.

563               [(23)] (24) "Interstate pipeline company" means a person or entity engaged in natural  
564 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission  
565 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

566               [(24)] (25) "Intrastate pipeline company" means a person or entity engaged in natural  
567 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
568 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

569               [(25)] (26) "Land use application" means an application required by a county's land  
570 use ordinance.

571               [(26)] (27) "Land use authority" means a person, board, commission, agency, or other  
572 body designated by the local legislative body to act upon a land use application.

573               [(27)] (28) "Land use ordinance" means a planning, zoning, development, or  
574 subdivision ordinance of the county, but does not include the general plan.

575               [(28)] (29) "Land use permit" means a permit issued by a land use authority.

576               [(29)] (30) "Legislative body" means the county legislative body, or for a county that  
577 has adopted an alternative form of government, the body exercising legislative powers.

578               [(30)] (31) "Local district" means any entity under Title 17B, Limited Purpose Local  
579 Government Entities - Local Districts, and any other governmental or quasi-governmental  
580 entity that is not a county, municipality, school district, or the state.

581               [(31)] (32) "Lot line adjustment" means the relocation of the property boundary line in  
582 a subdivision between two adjoining lots with the consent of the owners of record.

583               [(32)] (33) "Moderate income housing" means housing occupied or reserved for  
584 occupancy by households with a gross household income equal to or less than 80% of the  
585 median gross income for households of the same size in the county in which the housing is  
586 located.

587               [(33)] (34) "Nominal fee" means a fee that reasonably reimburses a county only for  
588 time spent and expenses incurred in:

589                   (a) verifying that building plans are identical plans; and

590                   (b) reviewing and approving those minor aspects of identical plans that differ from the  
591 previously reviewed and approved building plans.

592                   [~~(34)~~] (35) "Noncomplying structure" means a structure that:

593                   (a) legally existed before its current land use designation; and  
594                   (b) because of one or more subsequent land use ordinance changes, does not conform  
595 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
596 the use of land.

597                   [~~(35)~~] (36) "Nonconforming use" means a use of land that:

598                   (a) legally existed before its current land use designation;  
599                   (b) has been maintained continuously since the time the land use ordinance regulation  
600 governing the land changed; and  
601                   (c) because of one or more subsequent land use ordinance changes, does not conform  
602 to the regulations that now govern the use of the land.

603                   [~~(36)~~] (37) "Official map" means a map drawn by county authorities and recorded in  
604 the county recorder's office that:

605                   (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
606 highways and other transportation facilities;  
607                   (b) provides a basis for restricting development in designated rights-of-way or between  
608 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
609 the land; and  
610                   (c) has been adopted as an element of the county's general plan.

611                   [~~(37)~~] (38) "Person" means an individual, corporation, partnership, organization,  
612 association, trust, governmental agency, or any other legal entity.

613                   [~~(38)~~] (39) "Plan for moderate income housing" means a written document adopted by  
614 a county legislative body that includes:

615                   (a) an estimate of the existing supply of moderate income housing located within the  
616 county;  
617                   (b) an estimate of the need for moderate income housing in the county for the next five

618 years as revised biennially;

619 (c) a survey of total residential land use;

620 (d) an evaluation of how existing land uses and zones affect opportunities for  
621 moderate income housing; and

622 (e) a description of the county's program to encourage an adequate supply of moderate  
623 income housing.

624 [~~(39)~~] (40) "Plat" means a map or other graphical representation of lands being laid  
625 out and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

626 [~~(40)~~] (41) "Potential geologic hazard area" means an area that:

627 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
628 relevant map or report as needing further study to determine the area's potential for geologic  
629 hazard; or

630 (b) has not been studied by the Utah Geological Survey or a county geologist but  
631 presents the potential of geologic hazard because the area has characteristics similar to those  
632 of a designated geologic hazard area.

633 [~~(41)~~] (42) "Public agency" means:

634 (a) the federal government;

635 (b) the state;

636 (c) a county, municipality, school district, local district, special service district, or  
637 other political subdivision of the state; or

638 (d) a charter school.

639 [~~(42)~~] (43) "Public hearing" means a hearing at which members of the public are  
640 provided a reasonable opportunity to comment on the subject of the hearing.

641 [~~(43)~~] (44) "Public meeting" means a meeting that is required to be open to the public  
642 under Title 52, Chapter 4, Open and Public Meetings Act.

643 [~~(44)~~] (45) "Receiving zone" means an unincorporated area of a county that the  
644 county's land use authority designates as an area in which an owner of land may receive  
645 transferrable development rights.

646 [45] (46) "Record of survey map" means a map of a survey of land prepared in  
647 accordance with Section 17-23-17.

648 [46] (47) "Residential facility for elderly persons" means a single-family or  
649 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not  
650 include a health care facility as defined by Section 26-21-2.

651 [47] (48) "Residential facility for persons with a disability" means a residence:  
652 (a) in which more than one person with a disability resides; and  
653 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
654 Chapter 2, Licensure of Programs and Facilities; or  
655 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
656 Health Care Facility Licensing and Inspection Act.

657 [48] (49) "Sanitary sewer authority" means the department, agency, or public entity  
658 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
659 wastewater systems.

660 [49] (50) "Sending zone" means an unincorporated area of a county that the county's  
661 land use authority designates as an area from which an owner of land may transfer  
662 transferrable development rights to an owner of land in a receiving zone.

663 [50] (51) "Specified public agency" means:  
664 (a) the state;  
665 (b) a school district; or  
666 (c) a charter school.

667 [51] (52) "Specified public utility" means an electrical corporation, gas corporation,  
668 or telephone corporation, as those terms are defined in Section 54-2-1.

669 [52] (53) "State" includes any department, division, or agency of the state.

670 [53] (54) "Street" means a public right-of-way, including a highway, avenue,  
671 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
672 or other way.

673 [54] (55) (a) "Subdivision" means any land that is divided, resubdivided or proposed

674 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
675 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
676 installment plan or upon any and all other plans, terms, and conditions.

677 (b) "Subdivision" includes:

678 (i) the division or development of land whether by deed, metes and bounds  
679 description, devise and testacy, map, plat, or other recorded instrument; and

680 (ii) except as provided in Subsection [§54] §55(c), divisions of land for residential  
681 and nonresidential uses, including land used or to be used for commercial, agricultural, and  
682 industrial purposes.

683 (c) "Subdivision" does not include:

684 (i) a bona fide division or partition of agricultural land for agricultural purposes;

685 (ii) a recorded agreement between owners of adjoining properties adjusting their  
686 mutual boundary if:

687 (A) no new lot is created; and

688 (B) the adjustment does not violate applicable land use ordinances;

689 (iii) a recorded document, executed by the owner of record:

690 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
691 property into one legal description encompassing all such parcels of property; or

692 (B) joining a subdivided parcel of property to another parcel of property that has not  
693 been subdivided, if the joinder does not violate applicable land use ordinances;

694 (iv) a bona fide division or partition of land in a county other than a first class county  
695 for the purpose of siting, on one or more of the resulting separate parcels:

696 [~~(A) an unmanned facility appurtenant to a pipeline owned or operated by a gas~~  
697 ~~corporation, interstate pipeline company, or intrastate pipeline company; or]~~]

698 (A) an electrical transmission line or a substation;

699 (B) a natural gas pipeline or a regulation station; or

700 [~~(B)~~] (C) an unmanned telecommunications, microwave, fiber optic, electrical, or  
701 other utility service regeneration, transformation, retransmission, or amplification facility; ~~[or]~~

702                   (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
703 their mutual boundary if:

704                   (A) no new dwelling lot or housing unit will result from the adjustment; and

705                   (B) the adjustment will not violate any applicable land use ordinance[.]; or

706                   (vi) a bona fide division or partition of land by deed or other instrument where the  
707 land use authority expressly approves in writing the division in anticipation of further land use  
708 approvals on the parcel or parcels.

709                   (d) The joining of a subdivided parcel of property to another parcel of property that  
710 has not been subdivided does not constitute a subdivision under this Subsection [§54] (55) as  
711 to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
712 subdivision ordinance.

713                   [§55] (56) "Township" means a contiguous, geographically defined portion of the  
714 unincorporated area of a county, established under this part or reconstituted or reinstated under  
715 Section 17-27a-306, with planning and zoning functions as exercised through the township  
716 planning commission, as provided in this chapter, but with no legal or political identity  
717 separate from the county and no taxing authority, except that "township" means a former  
718 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

719                   [§56] (57) "Transferrable development right" means the entitlement to develop land  
720 within a sending zone that would vest according to the county's existing land use ordinances  
721 on the date that a completed land use application is filed seeking the approval of development  
722 activity on the land.

723                   [§57] (58) "Unincorporated" means the area outside of the incorporated area of a  
724 municipality.

725                   [§58] (59) "Water interest" means any right to the beneficial use of water, including:

726                   (a) each of the rights listed in Section 73-1-11; and

727                   (b) an ownership interest in the right to the beneficial use of water represented by:

728                   (i) a contract; or

729                   (ii) a share in a water company, as defined in Section 73-3-3.5.

730           [~~(59)~~] (60) "Zoning map" means a map, adopted as part of a land use ordinance, that  
731 depicts land use zones, overlays, or districts.

732           Section 5. Section **17-27a-603** is amended to read:

733           **17-27a-603. Plat required when land is subdivided -- Approval of plat --**

734           **Recording plat.**

735           (1) Unless exempt under Section 17-27a-605 or excluded from the definition of  
736 subdivision under [~~Subsection 17-27a-103(48)~~] Section 17-27a-103, whenever any land is laid  
737 out and platted, the owner of the land shall provide an accurate plat that describes or specifies:

738           (a) a name or designation of the subdivision that is distinct from any plat already  
739 recorded in the county recorder's office;

740           (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by  
741 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is  
742 intended to be used as a street or for any other public use, and whether any such area is  
743 reserved or proposed for dedication for a public purpose;

744           (c) the lot or unit reference, block or building reference, street or site address, street  
745 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length  
746 and width of the blocks and lots intended for sale; and

747           (d) every existing right-of-way and easement grant of record for underground  
748 facilities, as defined in Section 54-8a-2, and for other utility facilities.

749           (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's  
750 ordinances and this part and has been approved by the culinary water authority and the  
751 sanitary sewer authority, the county shall approve the plat.

752           (b) Counties are encouraged to receive a recommendation from the fire authority  
753 before approving a plat.

754           (3) The county may withhold an otherwise valid plat approval until the owner of the  
755 land provides the legislative body with a tax clearance indicating that all taxes, interest, and  
756 penalties owing on the land have been paid.

757           (4) (a) The owner of the land shall acknowledge the plat before an officer authorized

758 by law to take the acknowledgment of conveyances of real estate and shall obtain the signature  
759 of each individual designated by the county.

760 (b) The surveyor making the plat shall certify that the surveyor:

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

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

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

766 (c) (i) As applicable, the owner or operator of the underground and utility facilities  
767 shall approve the:

768 (A) boundary, course, dimensions, and intended use of the right-of-way and easement  
769 grants of record;

770 (B) location of existing underground and utility facilities; and

771 (C) conditions or restrictions governing the location of the facilities within the  
772 right-of-way, and easement grants of records, and utility facilities within the subdivision.

773 (ii) The approval of an owner or operator under Subsection (4)(c)(i):

774 (A) indicates only that the plat approximates the location of the existing underground  
775 and utility facilities but does not warrant or verify their precise location; and

776 (B) does not affect a right that the owner or operator has under:

777 (I) Title 54, Chapter 8a, Damage to Underground Utility Facilities;

778 (II) a recorded easement or right-of-way;

779 (III) the law applicable to prescriptive rights; or

780 (IV) any other provision of law.

781 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the  
782 land shall, within the time period designated by ordinance, record the plat in the county  
783 recorder's office in the county in which the lands platted and laid out are situated.

784 (b) An owner's failure to record a plat within the time period designated by ordinance  
785 renders the plat voidable.

786       Section 6. Section **17-27a-608** is amended to read:

787       **17-27a-608. Vacating, altering, or amending a subdivision plat.**

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

792       (b) If a petition is filed under Subsection (1)(a), the land use authority shall hold a  
793 public hearing within 45 days after the day on which the petition is filed if:

794           (i) any owner within the plat notifies the county of the owner's objection in writing  
795 within 10 days of mailed notification; or

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

798       (2) [The] Unless a local ordinance provides otherwise, the public hearing requirement  
799 of Subsection (1)(b) does not apply and a land use authority may consider at a public meeting  
800 an owner's petition to vacate, alter, or amend a subdivision plat if:

801           (a) the petition seeks to:

802              (i) join two or more of the petitioning fee owner's contiguous[,-residential] lots; [and]

803              (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will

804 not result in a violation of a land use ordinance or a development condition;

805              (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the  
806 adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located  
807 in the same subdivision;

808              (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction  
809 imposed by the local political subdivision; or

810              (v) alter the plat in a manner that does not change existing boundaries or other  
811 attributes of lots within the subdivision that are not:

812                  (A) owned by the petitioner; or

813                  (B) designated as a common area; and

814                   (b) notice has been given to adjacent property owners [and pursuant to] in accordance  
815                   with any applicable local ordinance.

816                   (3) Each request to vacate or alter a plat that contains a request to vacate or alter a  
817                   public street, right-of-way, or easement is also subject to Section 17-27a-609.5.

818                   (4) Each petition to vacate, alter, or amend an entire plat or a portion of a plat shall  
819                   include:

820                   (a) the name and address of each owner of record of the land contained in the entire  
821                   plat; and

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

823                   (5) (a) The owners of record of adjacent parcels that are described by either a metes  
824                   and bounds description or a recorded plat may exchange title to portions of those parcels if the  
825                   exchange of title is approved by the land use authority in accordance with Subsection (5)(b).

826                   (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if  
827                   the exchange of title will not result in a violation of any land use ordinance.

828                   (c) If an exchange of title is approved under Subsection (5)(b):

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

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

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

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

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

837                   (d) A notice of approval recorded under this Subsection (5) does not act as a  
838                   conveyance of title to real property and is not required for the recording of a document  
839                   purporting to convey title to real property.

840                   (6) (a) The name of a recorded subdivision may be changed by recording an amended  
841                   plat making that change, as provided in this section and subject to Subsection (6)(c).

- 842           (b) The surveyor preparing the amended plat shall certify that the surveyor:
- 843            (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
- 844            Professional Land Surveyors Licensing Act;
- 845            (ii) has completed a survey of the property described on the plat in accordance with
- 846            Section 17-23-17 and has verified all measurements; and
- 847            (iii) has placed monuments as represented on the plat.
- 848           (c) An owner of land may not submit for recording an amended plat that gives the
- 849            subdivision described in the amended plat the same name as a subdivision in a plat already
- 850            recorded in the county recorder's office.
- 851           (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
- 852            document that purports to change the name of a recorded plat is voidable.