

**Effective 5/4/2022**

**57-1-45 Boundary line agreements.**

- (1) An agreement to adjust a known boundary between adjoining properties shall comply with Section 10-9a-524 or 17-27a-523, as applicable.
- (2) A recorded boundary line agreement to establish the location of a boundary between adjoining properties where the location of the boundary is ambiguous, uncertain, or disputed shall comply with Subsections (3) and (4).
- (3) A boundary line agreement between adjoining property owners establishing the owners' existing common boundary for the purpose of settling an ambiguity, uncertainty, or dispute shall include:
  - (a) the name and signature of each party to the agreement and, if applicable, the name and signature of a party's predecessor in interest who agreed to the location of the boundary line;
  - (b) the date of the boundary line agreement;
  - (c) the address of each party to the boundary line agreement for assessment purposes;
  - (d) a statement describing why the owners of adjoining properties were unable to determine the true location of the boundary line between the adjoining properties;
  - (e) a statement that the owners of the adjoining properties agree on the boundary line described in the boundary line agreement;
  - (f) a legal description of each parcel or lot that is subject to the boundary line agreement;
  - (g) a legal description of the agreed boundary line;
  - (h)
    - (i) a reference to a record of survey map as defined in Section 17-23-17 in conjunction with the boundary line agreement that shows:
      - (A) existing dwellings, outbuildings, improvements, and other physical features;
      - (B) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
      - (C) the location of the agreed boundary line; and
      - (D) an explanation in the survey narrative of the reason for the boundary line agreement; or
    - (ii) if the parcels or lots are unimproved, an attached exhibit depicting a graphical representation of the location of the agreed boundary line relative to physical objects marking the agreed boundary;
  - (i) if any of the property that is the subject of the agreement is located in a recorded subdivision and the agreed boundary line is different from the boundary line recorded in the plat, an acknowledgment that each party to the agreement has been advised of the requirement of a subdivision plat amendment; and
  - (j) a sufficient acknowledgment for each party's signature.
- (4) A boundary line agreement described in Subsection (3) may not be:
  - (a) used to adjust a known boundary described in Subsection (1) between adjoining properties;
  - (b) used to adjust a lot line in a recorded subdivision plat or create a new parcel or lot; or
  - (c) used by or recorded by a successor in interest to a property owner who agreed to the boundary line unless the property owners who agreed to the boundary line treated the line as the actual boundary as demonstrated by:
    - (i) actual possession by each owner up to the boundary line;
    - (ii) a fence built and agreed to by each owner on the boundary line; or
    - (iii) each owner cultivating or controlling the land up to the boundary line.
- (5) A boundary line agreement described in Subsection (3):
  - (a) does not affect any previously recorded easement unless the easement is expressly modified by the boundary line agreement;

- (b) establishes the common boundary between the adjoining properties in the originally intended location of the boundary line;
  - (c) affixes the ownership of the adjoining parties to the agreed boundary line;
  - (d) is not subject to the review or approval of a municipal or county land use authority; and
  - (e) shall be indexed by a county recorder in the title record against each property affected by the agreed boundary line.
- (6) The recording of a boundary line agreement described in Subsection (3) does not constitute a land use approval by a municipality or a county.
- (7) A municipality or a county may withhold approval of a land use application for property that is subject to a boundary line agreement described in Subsection (3) if the municipality or the county determines that the land, as established by the boundary line agreement, was not in compliance with the municipality's or the county's land use regulations in effect on the day on which the boundary line agreement was recorded.
- (8) If a judgment made by a court that establishes the location of a disputed boundary is recorded in the county title record, the judgment shall act as a boundary line agreement recorded under this section.

Amended by Chapter 355, 2022 General Session