

28 (2) (a) Before the legislative body or officer designated by the legislative body may
29 consider a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6), the
30 legislative body or officer shall refer the proposal to the planning commission for its
31 recommendation.

32 (b) The planning commission shall give its recommendation within 30 days after the
33 proposed vacation, alteration, or amendment is referred to it.

34 ~~[(2)]~~ (3) Any fee owner, as shown on the last county assessment rolls, of land within the
35 subdivision that has been laid out and platted as provided in this part may, in writing, petition the
36 legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated,
37 altered, or amended as provided in this section.

38 ~~[(3) A]~~ (4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or
39 a street or lot contained in a plat shall include:

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

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

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

44 ~~[(4)]~~ (5) (a) ~~[Petitions]~~ A petition that ~~[lack]~~ lacks the consent of all owners referred to in
45 Subsection ~~[(3)]~~ (4) may not be scheduled for consideration at a public hearing before the
46 legislative body until the notice required by this part is given.

47 (b) The petitioner shall pay the cost of the notice.

48 ~~[(5) When]~~ (6) Subject to Subsection (2), if the responsible body or officer proposes to
49 vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they
50 shall consider the issue at a public hearing after giving the notice required by this part.

51 ~~[(6)]~~ (7) Petitions to adjust lot lines between adjacent properties may be executed upon the
52 recordation of an appropriate deed if:

53 (a) no new dwelling lot or housing unit results from the lot line adjustment;

54 (b) the adjoining property owners consent to the lot line adjustment;

55 (c) the lot line adjustment does not result in remnant land that did not previously exist; and

56 (d) the adjustment does not result in violation of applicable zoning requirements.

57 ~~[(7)]~~ (8) Municipalities operating under the council-mayor form of government shall
58 comply with Section 10-3-1219.5.

59 Section 2. Section **17-27-808** is amended to read:

60 **17-27-808. Vacating or changing a subdivision plat.**

61 (1) (a) [~~The~~] Subject to Subsection (2), the county legislative body or any other officer that
62 the legislative body designates by ordinance may, with or without a petition, consider any proposed
63 vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any
64 street, lot, or alley contained in a subdivision plat at a public hearing.

65 (b) If a petition is filed, the responsible body or officer shall hold the public hearing within
66 45 days after [~~it is filed~~] receipt of the planning commission's recommendation under Subsection
67 (2) if:

68 (i) the plat change includes the vacation of a public street or alley;

69 (ii) any owner within the plat notifies the municipality of their objection in writing within
70 ten days of mailed notification; or

71 (iii) a public hearing is required because all of the owners in the subdivision have not
72 signed the revised plat.

73 (2) (a) Before the county legislative body or officer designated by the county legislative
74 body may consider a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6),
75 the county legislative body or officer shall refer the proposal to the planning commission for its
76 recommendation.

77 (b) The planning commission shall give its recommendation within 30 days after the
78 proposed vacation, alteration, or amendment is referred to it.

79 [~~(2)~~] (3) Any fee owner, as shown on the last county assessment rolls, of land within the
80 subdivision that has been laid out and platted as provided in this part may, in writing, petition the
81 legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated,
82 altered, or amended as provided in this section.

83 [~~(3)-A~~] (4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or
84 a street or lot contained in a plat shall include:

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

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

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

89 [~~(4)~~] (5) (a) [~~Petitions~~] A petition that [~~lack~~] lacks the consent of all owners referred to in

90 Subsection ~~[(3)]~~ (4) may not be scheduled for consideration at a public hearing before the
91 responsible body or officer until the notice required by this part is given.

92 (b) The petitioner shall pay the cost of the notice.

93 ~~[(5) When]~~ (6) Subject to Subsection (2), if the responsible body or officer proposes to
94 vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they
95 shall consider the issue at a public hearing after giving the notice required by this part.

96 ~~[(6)]~~ (7) Petitions to adjust lot lines between adjacent properties may be executed upon the
97 recordation of an appropriate deed if:

98 (a) no new dwelling lot or housing unit results from the lot line adjustment;

99 (b) the adjoining property owners consent to the lot line adjustment;

100 (c) the lot line adjustment does not result in remnant land that did not previously exist; and

101 (d) the adjustment does not result in violation of applicable zoning requirements.

Legislative Review Note

as of 1-15-99 7:21 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel