

PLEASE NOTE:
THIS DOCUMENT INCLUDES BOTH THE BILL AND ALSO A TRANSMITTAL LETTER
THAT CONTAINS PASSED AMENDMENTS BUT NOT INCORPORATED INTO THE
BILL.



House of Representatives *State of Utah*

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March 5, 2003 (11:33pm)

Mr. President:

The House passed **1st Sub. S.B. 164**, COUNTY AMENDMENTS, by Senator D. Gladwell, with the following floor amendments and also the following House Committee

Amendments in context:

1. Page 23, Line 684
Senate 2nd Reading Amendments,
2-24-2003: After "(2)" insert "(a)"
2. Page 23, Line 685
Senate 2nd Reading Amendments,
2-24-2003: At the beginning of line 685 bracket "(a)" and insert "(i)"
3. Page 23, Line 686
Senate 2nd Reading Amendments,
2-24-2003: At the beginning of line 686 bracket "(b)" and insert "(ii)"
4. Page 23, Line 689
Senate 2nd Reading Amendments,
2-24-2003: At the beginning of line 689 bracket "(c)" and insert "(iii)"
5. Page 23, Line 690
Senate 2nd Reading Amendments
2-24-2003: After "contract," insert "or" and delete "or, as allowed by law, condemnation,"
6. Page 23, Line 692
Senate 2nd Reading Amendments,
2-24-2003: At the beginning of line 692 bracket "(d)" and insert "(iv)"
and after line 692 insert:

"(b) Nothing in Subsection (2)(a)(ii) may be construed to authorize a county to acquire by condemnation the rights to water used in agricultural production unless the land to which those water rights are appurtenant is acquired by condemnation."

and returns it to the Senate for further consideration.

Respectfully,

Carole E. Peterson
Chief Clerk

Senator David L. Gladwell proposes the following substitute bill:

COUNTY AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Gladwell

This act modifies provisions relating to Counties. The act modifies requirements relating to the recording of a map showing a division of agricultural land and authorizes the county legislative body to establish an alternate procedure for recording a document relating to a division of agricultural land. The act modifies county powers relating to the acquisition of real and personal property. The act modifies the powers of a county surveyor. The act modifies the procedure for determining whether an annexation petition meets specified requirements. The act repeals provisions relating to a requirement that older plats comply with minimum standards and the costs of compliance. The act prohibits the recording of a certified copy of a document in the office of the county recorder who issues the certified copy. The act authorizes county recorders and surveyors to establish procedures and guidelines for accepting documents electronically. The act modifies notarial seal requirements. The act modifies requirements relating to the recording of a resolution creating a municipal improvement district. The act prohibits the ^h [certification] RECORDING ^h of a plat containing the same subdivision name as one in a plat already recorded ^h [~~and authorizes the county recorder to change a plat to avoid duplication or confusion on subdivision names~~] ^h . The act modifies provisions relating to fidelity bonds and authorizes the acquisition of theft or crime insurance for county officials. The act authorizes the county recorder to determine and collect fees not otherwise provided for and limits the county recorder's responsibility to collect fees unrelated to the recorder's office. The act also makes technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:



26 AMENDS:

- 27 **10-2-405**, as last amended by Chapter 29, Laws of Utah 2002
- 28 **10-2-406**, as last amended by Chapter 206, Laws of Utah 2001
- 29 **10-2-407**, as last amended by Chapter 206, Laws of Utah 2001
- 30 **10-2-414**, as last amended by Chapter 206, Laws of Utah 2001
- 31 **10-9-804**, as last amended by Chapter 241, Laws of Utah 2001
- 32 **10-9-808**, as last amended by Chapter 291, Laws of Utah 2002
- 33 **17-21-1**, as last amended by Chapter 241, Laws of Utah 2001
- 34 **17-21-18.5**, as renumbered and amended by Chapter 46 and last amended by Chapter
- 35 241, Laws of Utah 2001
- 36 **17-23-12**, as enacted by Chapter 29, Laws of Utah 1987
- 37 **17-23-18**, as last amended by Chapter 241, Laws of Utah 2001
- 38 **17-27-804**, as last amended by Chapter 241, Laws of Utah 2001
- 39 **17-27-806**, as last amended by Chapter 291, Laws of Utah 2002
- 40 **17-27-808**, as last amended by Chapter 291, Laws of Utah 2002
- 41 **17-50-302**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 42 **17A-3-307**, as last amended by Chapter 181, Laws of Utah 1991
- 43 **46-1-16**, as repealed and reenacted by Chapter 287, Laws of Utah 1998
- 44 **57-3-104**, as renumbered and amended by Chapter 61, Laws of Utah 1998

45 REPEALS AND REENACTS:

- 46 **17-16-11**, as last amended by Chapter 251, Laws of Utah 1997

47 REPEALS:

- 48 **59-2-317**, as renumbered and amended by Chapter 4, Laws of Utah 1987
- 49 **59-2-318**, as renumbered and amended by Chapter 4, Laws of Utah 1987
- 50 **59-2-319**, as renumbered and amended by Chapter 4, Laws of Utah 1987

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

52 Section 1. Section **10-2-405** is amended to read:

53 **10-2-405. Acceptance or rejection of an annexation petition -- Modified petition.**

54 (1) (a) (i) (A) A municipal legislative body may:

55 (I) except as provided in Subsection (1)(b) and subject to Subsection (1)(a)(i)(B), deny
56 a petition filed under Section 10-2-403; or

57 (II) accept the petition for further consideration under this part.

58 (B) A petition shall be considered to have been accepted for further consideration
59 under this part if a municipal legislative body fails to act to deny or accept the petition under
60 Subsection (1)(a)(i)(A):

61 (I) in the case of a city of the first or second class, within 14 days after the filing of the
62 petition; or

63 (II) in the case of a city of the third class or a town, at the next regularly scheduled
64 meeting of the municipal legislative body that is at least 14 days after the date the petition was
65 filed.

66 (ii) If a municipal legislative body denies a petition under Subsection (1)(a)(i)(A), it
67 shall, within five days of the denial, mail written notice of the denial to the contact sponsor, the
68 clerk of the county in which the area proposed for annexation is located, and the chair of the
69 planning commission of each township in which any part of the area proposed for annexation is
70 located.

71 (b) A municipal legislative body may not deny a petition filed under Section 10-2-403
72 proposing to annex an area located in a county of the first class if:

73 (i) the petition contains the signatures of the owners of private real property that:

74 (A) is located within the area proposed for annexation;

75 (B) covers a majority of the private land area within the area proposed for annexation;
76 and

77 (C) is equal in value to at least 1/2 of the value of all private real property within the
78 area proposed for annexation;

79 (ii) the population in the area proposed for annexation does not exceed 10% of the
80 population of the proposed annexing municipality;

81 (iii) the property tax rate for municipal services in the area proposed to be annexed is
82 higher than the property tax rate of the proposed annexing municipality; and

83 (iv) all annexations by the proposed annexing municipality during the year that the
84 petition was filed have not increased the municipality's population by more than 20%.

85 (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i)(A) or
86 is considered to have accepted the petition under Subsection (1)(a)(i)(B), the city recorder or
87 town clerk, as the case may be, shall, within 30 days of that acceptance:

88 (a) ~~[with the assistance of the municipal attorney and of]~~ obtain from the assessor,
89 clerk, surveyor, and recorder of the county in which the area proposed for annexation is
90 located[;] the records the city recorder or town clerk needs to determine whether the petition
91 meets the requirements of Subsections 10-2-403(2), (3), and (4); ~~[and]~~

92 (b) with the assistance of the municipal attorney, determine whether the petition meets
93 the requirements of Subsections 10-2-403(2), (3), and (4); and

94 ~~[(b)]~~ (c) (i) if the city recorder or town clerk determines that the petition meets those
95 requirements, certify the petition and mail or deliver written notification of the certification to
96 the municipal legislative body, the contact sponsor, the county legislative body, and the chair of
97 the planning commission of each township in which any part of the area proposed for
98 annexation is located; or

99 (ii) if the city recorder or town clerk determines that the petition fails to meet any of
100 those requirements, reject the petition and mail or deliver written notification of the rejection
101 and the reasons for the rejection to the municipal legislative body, the contact sponsor, the
102 county legislative body, and the chair of the planning commission of each township in which
103 any part of the area proposed for annexation is located.

104 (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(b)(ii),
105 the petition may be modified to correct the deficiencies for which it was rejected and then
106 refiled with the city recorder or town clerk, as the case may be.

107 (ii) A signature on an annexation petition filed under Section 10-2-403 may be used
108 toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as
109 modified under Subsection (3)(a)(i).

110 (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city
111 recorder or town clerk under Subsection (2)(b)(ii), the refiled petition shall be treated as a
112 newly filed petition under Subsection 10-2-403(1).

113 (4) Each county assessor, clerk, surveyor, and recorder shall ~~[cooperate with and assist]~~
114 provide copies of records that a city recorder or town clerk ~~[in the determination]~~ requests
115 under Subsection (2)(a).

116 Section 2. Section **10-2-406** is amended to read:

117 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

118 (1) After receipt of the notice of certification from the city recorder or town clerk under

119 Subsection 10-2-405(2)[(b)] (c)(i), the municipal legislative body shall:

120 (a) (i) publish a notice at least once a week for three successive weeks, beginning no
121 later than ten days after receipt of the notice of certification, in a newspaper of general
122 circulation within:

123 (A) the area proposed for annexation; and

124 (B) the unincorporated area within 1/2 mile of the area proposed for annexation; or

125 (ii) if there is no newspaper of general circulation within those areas, post written
126 notices in conspicuous places within those areas that are most likely to give notice to residents
127 within those areas; and

128 (b) within 20 days of receipt of the notice of certification under Subsection
129 10-2-405(2)[(b)] (c)(i), mail written notice to each affected entity.

130 (2) (a) The notice under Subsections (1)(a) and (b) shall:

131 (i) state that a petition has been filed with the municipality proposing the annexation of
132 an area to the municipality;

133 (ii) state the date of the municipal legislative body's receipt of the notice of certification
134 under Subsection 10-2-405(2)[(b)] (c)(i);

135 (iii) describe the area proposed for annexation in the annexation petition;

136 (iv) state that the complete annexation petition is available for inspection and copying
137 at the office of the city recorder or town clerk;

138 (v) state in conspicuous and plain terms that the municipality may grant the petition
139 and annex the area described in the petition unless, within the time required under Subsection
140 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission
141 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
142 municipality; and

143 (vi) state the address of the commission or, if a commission has not yet been created in
144 the county, the county clerk, where a protest to the annexation petition may be filed.

145 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a
146 written protest in terms of the actual date rather than by reference to the statutory citation.

147 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection
148 (1)(a) for a proposed annexation of an area within a county of the first class shall include a
149 statement that a protest to the annexation petition may be filed with the commission by

150 property owners if it contains the signatures of the owners of private real property that:

151 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
152 annexation;

153 (ii) covers at least 25% of the private land area located in the unincorporated area
154 within 1/2 mile of the area proposed for annexation; and

155 (iii) is equal in value to at least 15% of all real property located in the unincorporated
156 area within 1/2 mile of the area proposed for annexation.

157 Section 3. Section **10-2-407** is amended to read:

158 **10-2-407. Protest to annexation petition -- Township planning commission**
159 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

160 (1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:

161 (i) the legislative body or governing board of an affected entity; or

162 (ii) for a proposed annexation of an area within a county of the first class, the owners
163 of private real property that:

164 (A) is located in the unincorporated area within 1/2 mile of the area proposed for
165 annexation;

166 (B) covers at least 25% of the private land area located in the unincorporated area
167 within 1/2 mile of the area proposed for annexation; and

168 (C) is equal in value to at least 15% of all real property located in the unincorporated
169 area within 1/2 mile of the area proposed for annexation.

170 (b) (i) A planning commission of a township located in a county of the first class may
171 recommend to the legislative body of the county in which the township is located that the
172 county legislative body file a protest against a proposed annexation under this part of an area
173 located within the township.

174 (ii) (A) The township planning commission shall communicate each recommendation
175 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days of the city
176 recorder or town clerk's certification of the annexation petition under Subsection
177 10-2-405(2)~~(b)~~ (c)(i).

178 (B) At the time the recommendation is communicated to the county legislative body
179 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy
180 of the recommendation to the legislative body of the proposed annexing municipality and to the

181 contact sponsor.

182 (2) (a) Each protest under Subsection (1)(a) shall:

183 (i) be filed:

184 (A) no later than 30 days after the municipal legislative body's receipt of the notice of
185 certification under Subsection 10-2-405(2)[~~(b)~~] (c)(i); and

186 (B) (I) in a county that has already created a commission under Section 10-2-409, with
187 the commission; or

188 (II) in a county that has not yet created a commission under Section 10-2-409, with the
189 clerk of the county in which the area proposed for annexation is located; and

190 (ii) state each reason for the protest of the annexation petition and, if the area proposed
191 to be annexed is located in a specified county, justification for the protest under the standards
192 established in this chapter;

193 (iii) if the area proposed to be annexed is located in a specified county, contain other
194 information that the commission by rule requires or that the party filing the protest considers
195 pertinent; and

196 (iv) the name and address of a contact person who is to receive notices sent by the
197 commission with respect to the protest proceedings.

198 (b) The party filing a protest under this section shall on the same date deliver or mail a
199 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

200 (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall
201 immediately notify the county legislative body of the protest and shall deliver the protest to the
202 boundary commission within five days of its creation under Subsection 10-2-409(1)(b).

203 (d) Each protest of a proposed annexation of an area located in a county of the first
204 class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and
205 (b):

206 (i) indicate the typed or printed name and current residence address of each owner
207 signing the protest; and

208 (ii) designate one of the signers of the protest as the contact person and state the
209 mailing address of the contact person.

210 (3) (a) (i) If a protest is filed under this section:

211 (A) the municipal legislative body may, at its next regular meeting after expiration of

212 the deadline under Subsection (2)(a)(i)(A) and, for a proposed annexation of an area located in
213 a county of the first class, except as provided in Subsection (3)(a)(iii), deny the annexation
214 petition; or

215 (B) if the municipal legislative body does not deny the annexation petition under
216 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the
217 annexation petition until after receipt of the commission's notice of its decision on the protest
218 under Section 10-2-416.

219 (ii) If a municipal legislative body denies an annexation petition under Subsection
220 (3)(a)(i)(A), the municipal legislative body shall, within five days of the denial, send notice of
221 the denial in writing to:

222 (A) the contact sponsor of the annexation petition;

223 (B) the commission;

224 (C) each entity that filed a protest; and

225 (D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an
226 area located in a county of the first class, the contact person.

227 (iii) A municipal legislative body may not deny an annexation petition proposing to
228 annex an area located in a county of the first class if:

229 (A) the petition contains the signatures of the owners of private real property that:

230 (I) is located within the area proposed for annexation;

231 (II) covers a majority of the private land area within the area proposed for annexation;

232 and

233 (III) is equal in value to at least 1/2 of the value of all private real property within the
234 area proposed for annexation;

235 (B) the population in the area proposed for annexation does not exceed 10% of the
236 population of the proposed annexing municipality;

237 (C) the property tax rate for municipal services in the area proposed to be annexed is
238 higher than the property tax rate of the proposed annexing municipality; and

239 (D) all annexations by the proposed annexing municipality during the year that the
240 petition was filed have not increased the municipality's population by more than 20%.

241 (b) (i) If no timely protest is filed under this section, the municipal legislative body
242 may, subject to Subsection (3)(b)(ii), grant the petition and, by ordinance, annex the area that is

243 the subject of the annexation petition.

244 (ii) Before granting an annexation petition under Subsection (3)(b)(i), the municipal
245 legislative body shall:

246 (A) hold a public hearing; and

247 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

248 (I) publish notice of the hearing in a newspaper of general circulation within the
249 municipality and the area proposed for annexation; or

250 (II) if there is no newspaper of general circulation in those areas, post written notices of
251 the hearing in conspicuous places within those areas that are most likely to give notice to
252 residents within those areas.

253 Section 4. Section **10-2-414** is amended to read:

254 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

255 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of
256 an area located in a county of the first class do not meet the requirements of Subsection
257 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility
258 consultant's submission of the results of the study, file with the city recorder or town clerk of
259 the proposed annexing municipality a modified annexation petition altering the boundaries of
260 the proposed annexation.

261 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the
262 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation
263 petition to the clerk of the county in which the area proposed for annexation is located.

264 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the
265 requirements of Subsections 10-2-403(2), (3), and (4).

266 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified
267 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same
268 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and
269 (3)(a) for an original annexation petition.

270 (b) If the city recorder or town clerk certifies the modified annexation petition under
271 Subsection 10-2-405(2)[~~(b)~~] (c)(i), the city recorder or town clerk, as the case may be, shall
272 send written notice of the certification to:

273 (i) the commission;

274 (ii) each entity that filed a protest to the annexation petition; and
275 (iii) if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.
276 (c) (i) If the modified annexation petition proposes the annexation of an area that
277 includes part or all of a special district or school district that was not included in the area
278 proposed for annexation in the original petition, the city recorder or town clerk, as the case may
279 be, shall also send notice of the certification of the modified annexation petition to the board of
280 the special district or school district.

281 (ii) If the area proposed for annexation in the modified annexation petition is within
282 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the
283 area proposed for annexation in the original annexation petition, the city recorder or town
284 clerk, as the case may be, shall also send notice of the certification of the modified annexation
285 petition to the legislative body of that municipality.

286 (3) Within ten days of the commission's receipt of the notice under Subsection (2)(b),
287 the commission shall engage the feasibility consultant that conducted the feasibility study to
288 supplement the feasibility study to take into account the information in the modified
289 annexation petition that was not included in the original annexation petition.

290 (4) The commission shall require the feasibility consultant to complete the
291 supplemental feasibility study and to submit written results of the supplemental study to the
292 commission no later than 30 days after the feasibility consultant is engaged to conduct the
293 supplemental feasibility study.

294 Section 5. Section **10-9-804** is amended to read:

295 **10-9-804. Plats required.**

296 (1) Unless exempt under Section 10-9-806 or not included in the definition of
297 subdivision under Subsection 10-9-103(1), whenever any lands are laid out and platted, the
298 owner of those lands shall provide an accurate plat that describes or specifies:

- 299 (a) the boundaries, course, and dimensions of the parcels of ground;
- 300 (b) whether the parcels of ground are intended to be used as streets or for other public
301 uses, and whether any areas are reserved for public purposes;
- 302 (c) the lot or unit reference, the block or building reference, the street or site address,
303 the street name or coordinate address, the acreage or square footage for all parcels, units, or
304 lots, and the length and width of the blocks and lots intended for sale; and

305 (d) existing right-of-way and easement grants of record for underground facilities, as
 306 defined in Section 54-8a-2, and for other utility facilities.

307 (2) (a) The owner of the land shall acknowledge the plat before an officer authorized
 308 by law to take the acknowledgement of conveyances of real estate.

309 (b) ~~h [f]The [f] [(i) Subject to Subsection (2)(b)(ii), the] h~~ surveyor making the plat shall
 309a certify
 310 it.

311 ~~h [(ii) A surveyor may not certify a plat that gives the subdivision described in the plat the
 312 same name as a subdivision in a plat already recorded in the county recorder's office.] h~~

313 (c) The owner or operator of the underground and utility facilities shall approve the
 314 plat of its property interest if it specifies:

315 (i) the boundary, course, dimensions, and intended use of the right-of-way and
 316 easement grants of record;

317 (ii) the location of existing underground and utility facilities; and

318 (iii) any conditions or restrictions governing the location of the facilities within the
 319 right-of-way, and easement grants of records, and utility facilities within the subdivision.

320 (d) The legislative body shall approve the plat as provided in this part. Before the
 321 legislative body may approve a plat, the owner of the land shall provide the legislative body
 322 with a tax clearance indicating that all taxes, interest, and penalties owing on the land have
 323 been paid.

324 (3) ~~h (a) h~~ After the plat has been acknowledged, certified, and approved, the owner of the
 325 land shall ~~h , SUBJECT TO SUBSECTION (3)(b), h~~ record it in the county recorder's office in the
 325a county in which the lands platted and
 326 laid out are situated.

327 ~~h [(4) Before accepting a plat submitted for recording under this section, a county
 328 recorder may change the name of a subdivision described in the plat to avoid duplication or
 329 confusion with the name of a subdivision described in a plat already recorded in the county
 330 recorder's office:]~~

330a ~~(b) AN OWNER OF LAND MAY NOT SUBMIT FOR RECORDING A PLAT THAT GIVES THE
 330b SUBDIVISION DESCRIBED IN THE PLAT THE SAME NAME AS A SUBDIVISION IN A PLAT ALREADY
 330c RECORDED IN THE COUNTY RECORDER'S OFFICE. h~~

331 Section 6. Section 10-9-808 is amended to read:

332 **10-9-808. Vacating or changing a subdivision plat.**

333 (1) (a) Subject to Subsection (2), the legislative body of a municipality or any other
 334 officer that the legislative body designates by ordinance may, with or without a petition,
 335 consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of

336 a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

337 (b) If a petition is filed, the responsible body or officer shall hold the public hearing
338 within 45 days after receipt of the planning commission's recommendation under Subsection
339 (2) if:

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

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

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

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

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

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

355 (4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street
356 or lot contained in a plat shall include:

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

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

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

361 (5) (a) A petition that lacks the consent of all owners referred to in Subsection (4) may
362 not be scheduled for consideration at a public hearing before the legislative body until the
363 notice required by this part is given.

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

365 (6) Subject to Subsection (2), if the responsible body or officer proposes to vacate,
366 alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall

367 consider the issue at a public hearing after giving the notice required by this part.

368 (7) (a) The owners of record of adjacent parcels that are described by either a metes
369 and bounds description or a recorded plat may exchange title to portions of those parcels if the
370 exchange of title is approved by the planning commission, or such other person or board as the
371 municipal legislative body may designate, in accordance with Subsection (7)(b).

372 (b) The planning commission, or such other person or board as the municipal
373 legislative body may designate, shall approve an exchange of title under Subsection (7)(a) if:

374 (i) no new dwelling lot or housing unit will result from the exchange of title; and

375 (ii) the exchange of title will not result in a violation of applicable zoning
376 requirements.

377 (c) If an exchange of title is approved under Subsection (7)(b), a notice of approval
378 shall be recorded by the planning commission, or such other person or board as the municipal
379 legislative body may designate, in the office of the county recorder which:

380 (i) is executed by each owner included in the exchange and by the planning
381 commission, or such other person or board as the municipal legislative body may designate;

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

384 (iii) recites the descriptions of both the original parcels and the parcels created by the
385 exchange of title.

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

389 (8) (a) The name of a recorded subdivision may be changed by recording an amended
390 plat making that change, as provided in this section **h AND SUBJECT TO SUBSECTION (8)(c) h** .

391 **(b) h [(i) Subject to Subsection (8)(b)(ii), the] THE h surveyor making the amended plat shall**
392 **certify it.**

393 **h [(ii) A surveyor may not certify an amended plat that gives the subdivision described in**
394 **the plat the same name as a subdivision in a plat already recorded in the county recorder's**
395 **office.**

396 **— (iii) Before accepting an amended plat submitted for recording under this Subsection**
397 **(8), a county recorder may change the name of a subdivision described in the amended plat to]**

397a **(c) AN OWNER OF LAND MAY NOT SUBMIT FOR RECORDING AN AMENDED PLAT THAT**
397b **GIVES THE SUBDIVISION DESCRIBED IN THE AMENDED PLAT THE SAME NAME AS A SUBDIVISION**
397c **IN A PLAT ALREADY RECORDED IN THE COUNTY RECORDER'S OFFICE. h**

398 ~~h [avoid duplication or confusion with the name of a subdivision described in a plat already~~
 399 ~~recorded in the county recorder's office.] h~~

400 ~~(b)~~ (c) Except as provided in Subsection (8)(a), the recording of a declaration or other
 401 document that purports to change the name of a recorded plat is void.

402 (9) Municipalities operating under the council-mayor form of government shall comply
 403 with Section 10-3-1219.5.

404 Section 7. Section ~~17-16-11~~ is repealed and reenacted to read:

405 **17-16-11. Fidelity bonds and theft or crime insurance.**

406 (1) As used in this section, "county officials" means:

407 (a) the members of the county legislative body;

408 (b) the county executive;

409 (c) the county clerk;

410 (d) the county auditor;

411 (e) the county sheriff;

412 (f) the county attorney;

413 (g) in a county that is within a prosecution district, the district attorney;

414 (h) the county recorder;

415 (i) the county assessor;

416 (j) the county surveyor;

417 (k) each justice court judge and constable within the county;

418 (l) the county treasurer; and

419 (m) each deputy or assistant of those listed in Subsections (1)(a) through (l) for whom
 420 the county legislative body determines a general fidelity bond or theft or crime insurance
 421 should be acquired.

422 (2) (a) The legislative body of each county shall prescribe the amount of each general
 423 fidelity bond or of theft or crime insurance to be acquired for county officials, except the
 424 county treasurer, before the county officials, except the county treasurer, may discharge the
 425 duties of their respective offices.

426 (b) The State Money Management Council created in Section 51-7-16 shall prescribe
 427 the amount of a general fidelity bond or theft or crime insurance to be acquired for the county
 428 treasurer before the county treasurer may discharge the duties of that office.

429 (c) A county legislative body may acquire a fidelity bond or theft or crime insurance on
430 all county officials as a group rather than individually.

431 (3) (a) The county legislative body shall approve the premium for each fidelity bond
432 before the bond may be filed and recorded.

433 (b) The cost of each fidelity bond and theft or crime insurance policy shall be paid
434 from county funds.

435 (4) Each fidelity bond shall be recorded in the office of the county recorder and a copy
436 of it filed and maintained in the office of the county clerk.

437 (5) (a) The district attorney of each multicounty prosecution district shall:

438 (i) execute a fidelity bond or acquire theft or crime insurance in the amount specified in
439 the interlocal agreement that created the prosecution district; and

440 (ii) record each fidelity bond with the county recorder and file a copy of it with the
441 county clerk as specified in the interlocal agreement.

442 (b) The cost of each fidelity bond or theft or crime insurance policy under Subsection
443 (5)(a) shall be paid as specified in the interlocal agreement that created the prosecution district.

444 Section 8. Section **17-21-1** is amended to read:

445 **17-21-1. Recorder -- Document custody responsibility.**

446 The county recorder:

447 (1) is custodian of all recorded documents and records required by law to be recorded;
448 [and]

449 (2) shall establish policies and procedures that the recorder considers necessary to
450 protect recorded documents and records in the recorder's custody, including determining the
451 appropriate method for the public to obtain copies of the public record under Section 17-21-19
452 and supervision of those who make copies of the public record[-]; and

453 (3) may establish procedures and guidelines to govern the electronic submission of
454 plats, records, and other documents to the county recorder's office consistent with Title 46,
455 Chapter 4, Uniform Electronic Transactions Act.

456 Section 9. Section **17-21-18.5** is amended to read:

457 **17-21-18.5. Fees of county recorder.**

458 (1) The county recorder shall receive the following fees:

459 (a) for receiving, entering, and filing any instrument, paper, or notice, not otherwise

460 provided for, other than bonds of public officers, \$10;

461 (b) for recording any instrument, paper, or notice, including those provided for under
462 Title 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise
463 provided for, \$10 for the first page, if the page is not larger than 8 1/2 inches x 14 inches in
464 size, and \$2 for each additional page, and if any instrument, paper, or notice contains more than
465 one description, \$1 for each additional description;

466 (c) for recording any instrument in which a right-of-way is described, which is
467 connected with or is appurtenant to any tract of land described in the instrument, \$1, but if the
468 instrument contains a description of more than one right-of-way, \$1 for each additional
469 right-of-way, and if any instrument contains more than two names for either first or second
470 party, or plaintiffs or defendants, for each additional name, \$1;

471 (d) for recording, indexing, and abstracting mining location notices, and recording,
472 indexing, and abstracting affidavits of labor affecting mining claims, \$10 for the first page if
473 that page is not larger than 8 1/2 inches by 14 inches in size, and \$2 for each additional page;
474 and

475 (e) for a location notice, affidavit, or proof of labor which contains names of more than
476 two signers, \$1 for each additional name, and for an affidavit or proof of labor which contains
477 more than one mining claim, \$1 for each additional mining claim.

478 (2) (a) Each county recorder shall record the mining rules of the several mining
479 districts in each county without fee.

480 (b) Certified copies of these records shall be received in all tribunals and before all
481 officers of this state as prima facie evidence of the rules.

482 (3) The county recorder shall receive the following fees:

483 (a) for copies of any record or document, a reasonable fee as determined by the county
484 legislative body;

485 (b) for each certificate under seal, \$5;

486 (c) for recording any plat of a subdivision into lots and blocks, \$1 for each lot, and \$30
487 for each sheet;

488 (d) for recording any other plat or map, \$30 for each sheet and \$1 for each lot or unit
489 designation;

490 (e) for taking and certifying acknowledgments, including seal, \$5 for one name and \$2

491 for each additional name;

492 (f) for recording any license issued by the Division of Occupational and Professional
493 Licensing, \$10; and

494 (g) for filing of federal tax lien, \$10, and for the discharge of the lien, \$10~~[-and]~~.

495 ~~[(h)]~~ (4) The county § [recorder] § may determine and collect a fee for all services not
496 enumerated in this section[-a reasonable compensation].

497 (5) A county recorder may not be required to collect a fee for services that are
498 unrelated to the county recorder's office.

499 Section 10. Section **17-23-12** is amended to read:

500 **17-23-12. Additional powers.**

501 The county surveyor may:

502 (1) administer oaths or affirmations necessary to legally establish roads and other
503 surveys; ~~and]~~

504 (2) take evidence from any person who may have information to prove any point
505 material to a survey or whenever necessary in the discharge of his official duties[-]; and

506 (3) may establish procedures and guidelines to govern the electronic submission of
507 plats, records, and other documents to the county surveyor's office consistent with Title 46,
508 Chapter 4, Uniform Electronic Transactions Act.

509 Section 11. Section **17-23-18** is amended to read:

510 **17-23-18. Amendment of survey maps or narratives by affidavit of corrections.**

511 (1) Any survey map or narrative filed ~~and recorded]~~ under the provisions of this
512 chapter may be amended by an affidavit of corrections:

513 (a) to show any courses or distances omitted from the map or narrative;

514 (b) to correct an error in the description of the real property shown on the map or
515 narrative; or

516 (c) to correct any other errors or omissions where the error or omission is ascertainable
517 from the data shown on the map or narrative as recorded.

518 (2) (a) The affidavit of correction shall be prepared by the licensed professional land
519 surveyor who filed the map or narrative.

520 (b) In the event of the death, disability, or retirement from practice of the surveyor who
521 filed the map or narrative, the county surveyor ~~[or designated office]~~ may prepare the affidavit

522 of correction.

523 (c) The affidavit shall set forth in detail the corrections made.

524 (d) The seal and signature of the licensed professional land surveyor filing the affidavit
525 of correction shall be affixed to the affidavit.

526 (3) The county surveyor [~~or designated office~~] having jurisdiction of the map or
527 narrative shall certify that the affidavit of correction has been examined and that the changes
528 shown on the map or narrative are changes permitted under this section.

529 (4) Nothing in this section permits changes in courses or distances for the purpose of
530 redesigning parcel configurations.

531 Section 12. Section ~~17-27-804~~ is amended to read:

532 **17-27-804. Plats required.**

533 (1) Unless exempt under Section 17-27-806 or not included in the definition of a
534 subdivision under Subsection 17-27-103(1), whenever any lands are divided, the owner of
535 those lands shall have an accurate plat made of them that sets forth and describes:

536 (a) all the parcels of ground divided, by their boundaries, course, and extent, and
537 whether they are intended for streets or other public uses, together with any areas that are
538 reserved for public purposes; and

539 (b) the lot or unit reference, the block or building reference, the street or site address,
540 the street name or coordinate address, the acreage or square footage for all parcels, units, or
541 lots, and the length and width of the blocks and lots intended for sale.

542 (2) (a) The owner of the land shall acknowledge the plat before an officer authorized
543 by law to take the acknowledgement of conveyances of real estate.

544 (b) ~~h [f] The [f] [(i) Subject to Subsection (2)(b)(ii), the] h~~ surveyor making the plat shall
544a certify
545 it.

546 ~~h [(ii) A surveyor may not certify a plat that gives the subdivision described in the plat the~~
547 ~~same name as a subdivision in a plat already recorded in the county recorder's office.] h~~

548 (c) The county executive shall approve the plat as provided in this part. Before the
549 county executive may approve a plat, the owner of the land shall provide the county executive
550 with a tax clearance indicating that all taxes, interest, and penalties owing on the land have
551 been paid.

552 (3) ~~h (a) h~~ After the plat has been acknowledged, certified, and approved, the owner of the

553 land shall **h**, **SUBJECT TO SUBSECTION (3)(b), h** record it in the county recorder's office in the
 553a county in which the lands platted and
 554 laid out are situated.

555 ~~**h [(4) Before accepting a plat submitted for recording under this section, a county**~~
 556 ~~**recorder may change the name of a subdivision described in the plat to avoid duplication or**~~
 557 ~~**confusion with the name of a subdivision described in a plat already recorded in the county**~~
 558 ~~**recorder's office.]**~~

558a **(b) AN OWNER OF LAND MAY NOT SUBMIT FOR RECORDING A PLAT THAT GIVES THE**
 558b **SUBDIVISION DESCRIBED IN THE PLAT THE SAME NAME AS A SUBDIVISION IN A PLAT ALREADY**
 558c **RECORDED IN THE COUNTY RECORDER'S OFFICE. h**

559 Section 13. Section **17-27-806** is amended to read:

560 **17-27-806. Exemptions from plat requirement.**

561 (1) (a) Notwithstanding Sections 17-27-804 and 17-27-805, a person may submit to the
 562 county recorder's office for recording a document that subdivides property by metes and
 563 bounds into less than ten lots, without the necessity of recording a plat, if:

564 (i) the planning commission, if required by county ordinance, has given the county
 565 executive its recommendation, whether favorable or not; and

566 (ii) the document contains a certificate or written approval from:

567 (A) the executive of the county in whose unincorporated area the property is located; or

568 (B) other officers that the county legislative body designates in an ordinance.

569 (b) By indicating its approval on a document under Subsection (1)(a), the county
 570 executive or other officer designated by the county legislative body certifies that:

571 (i) the planning commission:

572 (A) has given its recommendation to the county executive; or

573 (B) is not required by county ordinance to give its recommendation;

574 (ii) the subdivision is not traversed by the mapped lines of a proposed street as shown
 575 in the general plan and does not require the dedication of any land for street or other public
 576 purposes; and

577 (iii) if the subdivision is located in a zoned area, each lot in the subdivision meets the
 578 frontage, width, and area requirements of the zoning ordinance or has been granted a variance
 579 from those requirements by the board of adjustment.

580 (2) (a) Subject to Subsection (2)(b), a lot or parcel resulting from a division of
 581 agricultural land is exempt from the plat requirements of Section 17-27-804 if the lot or parcel:

582 (i) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland
 583 Assessment Act;

584 (ii) meets the minimum size requirement of applicable zoning ordinances for
585 agricultural uses; and

586 (iii) is not used and will not be used for any nonagricultural purpose.

587 (b) (i) The county legislative body may adopt an ordinance requiring the boundaries of
588 each lot or parcel exempted under Subsection (2)(a) [shall] to be graphically illustrated on a
589 record of survey map that, after receiving the same approvals as are required for a plat under
590 Section 17-27-805, shall be recorded with the county recorder.

591 (ii) As an alternative to enacting an ordinance under Subsection (2)(b)(i), a county
592 legislative body may establish a procedure under which a notice, covenant, or other specified
593 legal instrument containing a legal description of the subject property and identifying the
594 agricultural purpose for the land division is recorded with the county recorder.

595 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
596 purpose, the county in whose unincorporated area the lot or parcel is located may require the lot
597 or parcel to comply with the requirements of Section 17-27-804.

598 (3) (a) Documents recorded in the county recorder's office that divide property by a
599 metes and bounds description do not create a subdivision allowed by this part unless the
600 certificate of written approval required by Subsection (1)(a)(ii) is attached to the document.

601 (b) The absence of the certificate or written approval required by Subsection (1)(a)(ii)
602 does not affect the validity of a recorded document.

603 (c) A document recorded under Subsection (1)(a) which does not meet the
604 requirements of Subsection (1)(a)(ii) may be corrected to comply with Subsection (1)(a)(ii) by
605 the recording of an affidavit to which the required certificate or written approval is attached in
606 accordance with Section 57-3-106.

607 Section 14. Section **17-27-808** is amended to read:

608 **17-27-808. Vacating or changing a subdivision plat.**

609 (1) (a) Subject to Subsection (2), the county executive or any other officer that the
610 county legislative body designates by ordinance may, with or without a petition, consider any
611 proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision
612 plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

613 (b) If a petition is filed, the responsible officer shall hold the public hearing within 45
614 days after receipt of the planning commission's recommendation under Subsection (2) if:

615 (i) the plat change includes the vacation of a public street or alley;
616 (ii) any owner within the plat notifies the municipality of their objection in writing
617 within ten days of mailed notification; or
618 (iii) a public hearing is required because all of the owners in the subdivision have not
619 signed the revised plat.

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

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

626 (3) Any fee owner, as shown on the last county assessment rolls, of land within the
627 subdivision that has been laid out and platted as provided in this part may, in writing, petition
628 the county executive to have the plat, any portion of it, or any street or lot contained in it,
629 vacated, altered, or amended as provided in this section.

630 (4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street
631 or lot contained in a plat shall include:

632 (a) the name and address of all owners of record of the land contained in the entire plat;
633 (b) the name and address of all owners of record of land adjacent to any street that is
634 proposed to be vacated, altered, or amended; and
635 (c) the signature of each of these owners who consents to the petition.

636 (5) (a) A petition that lacks the consent of all owners referred to in Subsection (4) may
637 not be scheduled for consideration at a public hearing before the responsible officer until the
638 notice required by this part is given.

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

640 (6) Subject to Subsection (2), if the responsible body or officer proposes to vacate,
641 alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall
642 consider the issue at a public hearing after giving the notice required by this part.

643 (7) (a) The owners of record of adjacent parcels that are described by either a metes
644 and bounds description or a recorded plat may exchange title to portions of those parcels if the
645 exchange of title is approved by the planning commission, or such other person or board as the

646 county legislative body may designate, in accordance with Subsection (7)(b).

647 (b) The planning commission, or such other person or board as the county legislative
648 body may designate, shall approve an exchange of title under Subsection (7)(a) if:

649 (i) no new dwelling lot or housing unit will result from the exchange of title; and

650 (ii) the exchange of title will not result in a violation of applicable zoning requirements.

651 (c) If an exchange of title is approved under Subsection (7)(b), a notice of approval
652 shall be recorded by the planning commission, or such other person or board as the county
653 legislative body may designate, in the office of the county recorder which:

654 (i) is executed by each owner included in the exchange and by the planning
655 commission, or such other person or board as the county legislative body may designate;

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

658 (iii) recites the descriptions of both the original parcels and the parcels created by the
659 exchange of title.

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

663 (8) (a) The name of a recorded subdivision may be changed by recording an amended
664 plat making that change, as provided in this section **h AND SUBJECT TO SUBSECTION (8)(c) h .**

665 (b) **h [(i) Subject to Subsection (8)(b)(ii), the] THE h** surveyor making the amended plat shall
666 **certify it.**

667 **h [(ii) A surveyor may not certify an amended plat that gives the subdivision described in**
668 **the plat the same name as a subdivision in a plat already recorded in the county recorder's**
669 **office:**

670 **— [(iii) Before accepting an amended plat submitted for recording under this Subsection**
671 **(8), a county recorder may change the name of a subdivision described in the amended plat to**
672 **avoid duplication or confusion with the name of a subdivision described in a plat already**
673 **recorded in the county recorder's office.]**

673a **(c) AN OWNER OF LAND MAY NOT SUBMIT FOR RECORDING AN AMENDED PLAT THAT**
673b **GIVES THE SUBDIVISION DESCRIBED IN THE AMENDED PLAT THE SAME NAME AS A SUBDIVISION**
673c **IN A PLAT ALREADY RECORDED IN THE COUNTY RECORDER'S OFFICE. h**

674 [(b)] (c) Except as provided in Subsection (8)(a), the recording of a declaration or other
675 document that purports to change the name of a recorded plat is void.

676 Section 15. Section **17-50-302** is amended to read:

677 **17-50-302. General county powers.**

678 (1) A county may:

679 (a) as prescribed by statute, levy, assess, and collect taxes, borrow money, and levy and
680 collect special assessments for benefits conferred; and681 (b) provide services, exercise powers, and perform functions that are reasonably related
682 to the safety, health, morals, and welfare of their inhabitants, except as limited or prohibited by
683 statute.

684 (2) A county may:

685 (a) sue and be sued;

686 (b) acquire [~~land, including at a~~] real property § ~~[, including nonagricultural water and~~
687 ~~water rights,]~~ § by tax sale, purchase, lease, contract, gift, or condemnation, and hold [it] the real
688 property as necessary and proper for county purposes;689 (c) [~~make such contracts and~~] as may be necessary to the exercise of its powers, acquire
690 personal property by purchase, lease, contract, gift, or, as allowed by law, condemnation, and
691 hold such personal property [as may be necessary to the exercise of its powers]; and

692 (d) manage and dispose of its property as the interests of its inhabitants may require.

693 Section 16. Section **17A-3-307** is amended to read:694 **17A-3-307. Protests by property owners -- Hearing -- Alteration of proposal by**
695 **resolution -- Conditions for adding property to district -- Deletion of protesters' property**
696 **from district -- Recording requirements -- Waiver of objections.**697 (1) (a) Any person who is the owner of property to be assessed in the special
698 improvement district described in the notice of intention may, within the time designated in the
699 notice, file, in writing, a protest to the creation of the special improvement district or make any
700 other objections relating to it.701 (b) The protest shall describe or otherwise identify the property owned by the person
702 making the protest.703 (2) (a) On the date and at the time and place specified in the notice of intention, the
704 governing body shall, in open and public session, consider all protests filed and hear all
705 objections relating to the proposed special improvement district.706 (b) The governing body may adjourn the hearing from time to time to a fixed future
707 time and place.

708 (c) After the hearing has been concluded and after all persons desiring to be heard have
709 been heard, the governing body shall consider the arguments and the protests made.

710 (d) The governing body may:

711 (i) make deletions and changes in the proposed improvements; and

712 (ii) make deletions and changes in the area to be included in the special improvement
713 district as desirable or necessary to assure adequate benefits to the property in the district.

714 (e) The governing body may not provide for the making of any improvements that are
715 not stated in the notice of intention nor for adding to the district any property not included
716 within the boundaries of the district unless a new notice of intention is given and a new hearing
717 held.

718 (3) (a) (i) After this consideration and determination, the governing body shall adopt a
719 resolution either abandoning the district or creating the district either as described in the notice
720 of intention or with deletions and changes made as authorized in this section.

721 (ii) The governing body shall abandon the district and not create it if the necessary
722 number of protests as provided in Subsection (3)(b) have been filed on or before the time
723 specified in the notice of intention for the filing of protests after eliminating from the filed
724 protests:

725 (A) protests relating to property or relating to a type of improvement that has been
726 deleted from the district; and

727 (B) protests that have been withdrawn in writing before the conclusion of the hearing.

728 (b) For purposes of this section, the necessary number of protests means the aggregate
729 of the following:

730 (i) protests representing [~~one-half~~] 1/2 of the front footage of property to be assessed in
731 cases where an assessment is proposed to be made according to frontage;

732 (ii) protests representing [~~one-half~~] 1/2 of the area of the property to be assessed where
733 an assessment is to be made according to area;

734 (iii) protests representing [~~one-half~~] 1/2 of the taxable value of the property to be
735 assessed where an assessment is proposed to be made according to taxable value;

736 (iv) protests representing [~~one-half~~] 1/2 of the lots to be assessed where an assessment
737 is proposed to be made according to lot; or

738 (v) protests representing [~~one-half~~] 1/2 of connections to be assessed where an

739 assessment is proposed to be made according to number of connections.

740 (c) If less than the necessary number of protests are filed by the owners of the property
741 to be assessed, the governing body may create the special improvement district and begin
742 making improvements.

743 (4) Before the completion of construction of the proposed improvements, the
744 governing body may add additional properties to be improved and assessed to a created
745 district, but only after:

746 (a) the governing body finds that the inclusion of the additional property within the
747 district will not adversely affect the owners of properties already included within the district;

748 (b) the governing body obtains a written consent from each owner of the property to be
749 added and improved that includes the legal description and tax identification number of the
750 property, a waiver of any right to protest against the creation of the district, consent to being
751 included within the district, and consent to the making of the proposed improvements with
752 respect to the property to be added; and

753 (c) the governing body approves for recording an addendum to the resolution that
754 created the district.

755 (5) (a) If the proposed special improvement district is structured to include only
756 properties whose owners have voluntarily consented to an assessment, all properties of owners
757 that have not consented to an assessment by the date specified in the notice of intention shall be
758 deleted from the district.

759 (b) The governing body shall then determine whether or not to create the special
760 improvement district considering:

761 (i) the amount of the proposed assessment to be levied against the remaining properties
762 within the district; and

763 (ii) the benefits to be received by those properties from the improvements proposed to
764 be constructed within the district.

765 (6) (a) (i) (A) If the governing body creates the special improvement district, it shall,
766 within five days from the date of creating the district, ~~[file a copy of the final approved notice~~
767 ~~of intention, a]~~ record the original or a certified copy of the final approved resolution creating
768 the district~~[, and a list of properties proposed to be assessed described by tax identification~~
769 ~~number and legal description]~~ in the [county] recorder's office [in] of the county in which the

770 district is located.

771 (B) Each original or certified copy of the resolution recorded under Subsection
772 (6)(a)(i)(A) shall contain the legal description and tax identification number of each property to
773 be assessed.

774 (ii) The governing body may include the filing fee as part of the overhead costs
775 authorized by Section 17A-3-313.

776 (b) If, after the district has been created, the governing body adds additional properties
777 to be assessed to the district under this section, it shall, within five days from the date of adding
778 these properties, ~~[file]~~ record in the county recorder's office ~~[a]~~ the original or a certified copy
779 of the addendum required by Subsection (4) that includes the legal description and tax
780 identification number of the added property.

781 (c) If the governing body deletes any property to be assessed within the district after the
782 district has been created, it shall issue and record a release and discharge of the recorded
783 encumbrance created as a result of the ~~[filing]~~ recording required by this section in a form that
784 includes the legal description and tax identification number of the property and otherwise
785 complies with the recording statutes.

786 (7) (a) Any person who fails to file a protest within the time specified, or having filed,
787 withdraws his protest, is considered to have waived any objection to the creation of the district,
788 the making of the improvements, and the inclusion of his property in the district.

789 (b) A waiver does not preclude a person's right to object to the amount of the
790 assessment at the hearing provided for in Section 17A-3-317.

791 Section 17. Section **46-1-16** is amended to read:

792 **46-1-16. Official signature -- Official seal -- Seal impression.**

793 (1) In completing a notarial act, a notary shall sign on the notarial certificate exactly
794 and only the name indicated on the notary's commission.

795 (2) (a) A notary shall keep an official notarial seal that is the exclusive property of the
796 notary and that may not be used by any other person. Upon the resignation, revocation, or
797 expiration of a notarial commission, the seal shall be destroyed.

798 (b) Each notarial seal obtained by a notary on or after July 1, 2003 shall use purple ink.

799 (3) A new seal shall be obtained for any new commission or recommission. A new
800 seal shall be obtained if the notary changes the notary's name or address of record at any time

801 during the notary's four-year commission. The seal impression shall be affixed near the notary's
802 official signature on a notarial certificate and shall include a sharp, legible, and
803 photographically reproducible ink impression of the notarial seal that consists of:

804 (a) the notary public's name exactly as indicated on the commission;

805 (b) the words "notary public," "state of Utah," and "my commission expires
806 (commission expiration date)";

807 (c) the address of the notary's business or residence;

808 (d) a facsimile of the great seal of the state of Utah; and

809 (e) a rectangular border no larger than one inch by two and one-half inches surrounding
810 the required words and seal.

811 (4) An embossed seal impression that is not photographically reproducible may be used
812 in addition to, but not in place of, the photographically reproducible seal required in this
813 section.

814 (5) The notarial seal shall be affixed in a manner that does not obscure or render
815 illegible any information or signatures contained in the document or in the notarial certificate.

816 (6) A notary acknowledgment on an annexation, subdivision, or other transparent map
817 or plat is considered complete without the imprint of the notary's official seal if:

818 (a) the notary signs the acknowledgment in permanent ink; and

819 (b) the following appear below or immediately adjacent to the notary's signature:

820 (i) the notary's full name;

821 (ii) the words "A notary public commissioned in Utah"; and

822 (iii) the expiration date of the notary's commission.

823 (7) A notary acknowledgement on an electronic message or document is considered
824 complete without the imprint of the notary's seal if:

825 (a) the electronic message or document has been digitally signed pursuant to Section
826 46-3-401 in the presence of a notary;

827 (b) the notary has confirmed that the digital signature on the electronic message or
828 document is verifiable by the public key listed in the certificate issued to the signer in
829 accordance with Section 46-3-403;

830 (c) the notary electronically signs the acknowledgement with a digital signature
831 pursuant to Section 46-3-401; and

832 (d) the following information appears electronically within the message digitally signed
833 by the notary:

834 (i) the notary's full name and commission number exactly as indicated on their
835 commission; and

836 (ii) the words "notary public," "state of Utah," and "my commission expires on _____
837 (date)"; and

838 (iii) the address of the notary's business or residence exactly as indicated on their
839 commission.

840 Section 18. Section **57-3-104** is amended to read:

841 **57-3-104. Certified copies entitled to record in another county -- Effect.**

842 [~~Whenever a~~] (1) (a) A document [is] of record in [the] a county recorder's office [of
843 ~~the county recorder of any county, a copy of the record of the document] that is certified by the~~
844 ~~county recorder may be recorded in the office of the county recorder of [any other] another~~
845 ~~county.~~

846 (b) The recording of a certified copy in the office of the county recorder of another
847 county has the same force and effect as if the original document had been recorded in the other
848 county.

849 (2) A certified copy of a document may not be submitted for recording under
850 Subsection (1) in the office of the same county recorder that issued the certified copy.

851 Section 19. **Repealer.**

852 This act repeals:

853 Section **59-2-317, Compliance with minimum standards.**

854 Section **59-2-318, Appropriations distributed to counties to cover costs of revised**
855 **plats.**

856 Section **59-2-319, Statement of work submitted by county recorders.**