

1st Sub. S.B. 127

VACATING OR CHANGING A SUBDIVISION PLAT

Representative **Ronda Rudd Menlove** proposes the following amendments:

1. *Page 10, Lines 282 through 294:*

282 {+} (b) If a petition is filed, the land use authority shall hold a public hearing within 45
283 days after the petition is filed or, if applicable, within 45 days after receipt of the planning
commission's recommendation under Subsection (2) if: {+}
284 [(i) the plat change includes the vacation of a public street or alley;]
285 [(ii) (i) {+} any owner within the plat notifies the municipality of their objection in writing
286 within ten days of mailed notification; or {+}
287 [(iii) (ii) {+} a public hearing is required because all of the owners in the subdivision have
not
288 signed the revised plat. {+}
289 {+} (2) (a) (i) The planning commission shall consider and provide a recommendation for a
290 proposed vacation, alteration, or amendment under Subsection (1)(a) {~~or (6)~~} before the land use
291 authority takes final action. {+}
292 [(b) (ii) {+} The planning commission shall give its recommendation within 30 days after
the
293 proposed vacation, alteration, or amendment is referred to it, or as that time period is extended
294 by agreement with the applicant. {+}

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

2. *Page 10, Lines 295 through 296:*

295 {~~(b)~~} (3) The public hearing requirement of Subsection (1)(b) does not apply and
a land use authority may consider at a public meeting an owner's petition to alter a subdivision plat if:
(a) the petition seeks to join
296 two or more of the owner's contiguous, residential lots {~~,if~~} ; and
(b) notice has been given pursuant to

3. *Page 10, Line 298:*

298 {~~(c)~~} (4) Each request to vacate or alter a street or alley, contained in a petition to vacate,

4. *Page 10, Line 300:*

300 ~~[(3)]~~ ~~{(2)}~~ (5) Any fee owner, as shown on the last county assessment rolls, of land within

5. *Page 10a, Line 304:*

304 ~~[(4)]~~ ~~{(3)}~~ (6) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a

6. *Page 11, Line 318:*

318 {+} (7) {+} ~~{(4)}~~ (a) The owners of record of adjacent parcels that are described by either
a

7. *Page 11, Line 321:*

321 {+} (7) {+} ~~{(4)}~~ (b).

8. *Page 11, Line 325:*

325 (c) If an exchange of title is approved under Subsection {+} (7) {+} ~~{(4)}~~ (b)[5]:

9. *Page 12, Line 336:*

336 (d) A notice of approval recorded under this Subsection {+} (7) {+} ~~{(4)}~~ does not act as a

10. *Page 12, Lines 339 through 341:*

339 {+} (8) {+} ~~{(5)}~~ (a) The name of a recorded subdivision may be changed by recording an
340 amended plat making that change, as provided in this section and subject to Subsection {+} (8) {+}
341 ~~{(5)}~~ (c).

11. *Page 12, Line 351:*

351 (d) Except as provided in Subsection {+} (8) {+} ~~{(5)}~~ (a), the recording of a declaration or
other

12. *Page 21, Line 634 through Page 22, Line 646:*

634 {+} (b) **If a petition is filed, the land use authority shall hold a public hearing within 45**

635 **days after the petition is filed or, if applicable, within 45 days after receipt of the planning**
commission's recommendation under Subsection (2) if: {+}

636 ~~[(i) the plat change includes the vacation of a public street or alley;]~~

637 ~~[(ii)]~~ (i) {+} **any owner within the plat notifies the county of their objection in writing**
within

638 **ten days of mailed notification; or {+}**

639 [(iii)] (ii) {+} a public hearing is required because all of the owners in the subdivision have
not

640 signed the revised plat. {+}

641 {+} (2) (a) (i) The planning commission shall consider and provide a recommendation for a
642 proposed vacation, alteration, or amendment under Subsection (1)(a) {or (6)} before the land use
643 authority takes final action. {+}

644 [(b)] (ii) {+} The planning commission shall give its recommendation within 30 days after
the
645 proposed vacation, alteration, or amendment is referred to it, or as that time period is extended
646 by agreement with the applicant. {+}

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

13. Page 22, Lines 647 through 648:

647 {-(b)-} (3) The public hearing requirement of Subsection (1)(b) does not apply and
a land use authority may consider at a public meeting an owner's petition to alter a subdivision plat if:
(a) the petition seeks to join
648 two or more of the owner's contiguous, residential lots {,if} ; and
(b) notice has been given pursuant to

14. Page 22, Line 650:

650 {-(c)-} (4) Each request to vacate or alter a street or alley, contained in a petition to vacate,

15. Page 22, Line 652:

652 [(3)] {-(2)-} (5) Any fee owner, as shown on the last county assessment rolls, of land within

16. Page 22, Line 656:

656 [(4)] {-(3)-} (6) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a

17. Page 22, Line 670:

670 {+} (7) {+} {-(4)-} (a) The owners of record of adjacent parcels that are described by either
a

18. Page 22, Lines 673 through 675:

673 {+} (7) {+} {-(4)-} (b).

674 (b) The land use authority shall approve an exchange of title under Subsection {+} (7) {+}

675 {-(4)-} (a) if[-(i) no new dwelling lot or housing unit will result from the exchange of title, and

19. Page 23, Line 677:

677 (c) If an exchange of title is approved under Subsection ~~{+}~~ (7) ~~{+}~~ ~~{-4}~~ (b)⁵:

20. Page 23, Line 688:

688 (d) A notice of approval recorded under this Subsection ~~{+}~~ (7) ~~{+}~~ ~~{-4}~~ does not act as a

21. Page 23, Lines 691 through 693:

691 ~~{+}~~ (8) ~~{+}~~ ~~{-5}~~ (a) The name of a recorded subdivision may be changed by recording an
692 amended plat making that change, as provided in this section and subject to Subsection ~~{+}~~ (8) ~~{+}~~
693 ~~{-5}~~ (c).

22. Page 23, Line 703:

703 (d) Except as provided in Subsection ~~{+}~~ (8) ~~{+}~~ ~~{-5}~~ (a), the recording of a declaration or
other