

LAND USE DEVELOPMENT MANAGEMENT ACT

AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Tilton

Senate Sponsor: Gregory S. Bell

LONG TITLE

General Description:

This bill modifies county and municipal land use development and land use provisions relating to subdivision plats.

Highlighted Provisions:

This bill:

► clarifies that the subdivision plat approval of an owner or operator of underground and utility facilities does not:

- warrant or verify the location of those facilities; or
- affect the owner or operator's rights.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-603, as last amended by Chapters 163, 240 and 257, Laws of Utah 2006

17-27a-603, as last amended by Chapters 163, 240 and 257, Laws of Utah 2006

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



28 Section 1. Section **10-9a-603** is amended to read:

29 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Recording**
30 **plat.**

31 (1) Unless exempt under Section 10-9a-605 or excluded from the definition of
32 subdivision under Subsection 10-9a-103(36), whenever any land is laid out and platted, the
33 owner of the land shall provide an accurate plat that describes or specifies:

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

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

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

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

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

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

51 (4) (a) The owner of the land shall acknowledge the plat before an officer authorized
52 by law to take the acknowledgement of conveyances of real estate and shall obtain the
53 signature of each individual designated by the municipality.

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

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

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

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

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

62 [(i)] (A) boundary, course, dimensions, and intended use of the right-of-way and
63 easement grants of record;

64 [(ii)] (B) location of existing underground and utility facilities; and

65 [(iii)] (C) conditions or restrictions governing the location of the facilities within the
66 right-of-way, and easement grants of records, and utility facilities within the subdivision.

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

68 (A) indicates only that the plat ~~H~~→ [accurately] ←~~H~~ approximates the location
68a of the ~~H~~→ existing ←~~H~~ underground

69 and utility facilities but does not warrant or verify their precise location; and

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

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

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

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

74 (IV) any other provision of law.

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

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

80 Section 2. Section **17-27a-603** is amended to read:

81 **17-27a-603. Plat required when land is subdivided -- Approval of plat --**

82 **Recording plat.**

83 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of
84 subdivision under Subsection 17-27a-103(39), whenever any land is laid out and platted, the
85 owner of the land shall provide an accurate plat that describes or specifies:

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

88 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
89 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is

90 intended to be used as a street or for any other public use, and whether any such area is
91 reserved or proposed for dedication for a public purpose;

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

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

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

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

103 (4) (a) The owner of the land shall acknowledge the plat before an officer authorized
104 by law to take the acknowledgment of conveyances of real estate and shall obtain the signature
105 of each individual designated by the county.

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

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

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

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

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

114 [(i)] (A) boundary, course, dimensions, and intended use of the right-of-way and
115 easement grants of record;

116 [(ii)] (B) location of existing underground and utility facilities; and

117 [(iii)] (C) conditions or restrictions governing the location of the facilities within the
118 right-of-way, and easement grants of records, and utility facilities within the subdivision.

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

120 (A) indicates only that the plat ~~H→~~ [accurately] ~~←H~~ approximates the location
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121 and utility facilities but does not warrant or verify their precise location; and

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

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128 land shall, within the time period designated by ordinance, record the plat in the county
129 recorder's office in the county in which the lands platted and laid out are situated.

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131 renders the plat voidable.

Legislative Review Note
as of 1-17-07 10:58 AM

Office of Legislative Research and General Counsel

H.B. 285 - Land Use Development Management Act Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/23/2007, 2:58:20 PM, Lead Analyst: Wardrop, T.

Office of the Legislative Fiscal Analyst