

1 **LAND USE DEVELOPMENT MANAGEMENT ACT**

2 **AMENDMENTS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Aaron Tilton**

6 Senate Sponsor: Gregory S. Bell

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

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

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **10-9a-603**, as last amended by Chapters 163, 240 and 257, Laws of Utah 2006

25 **17-27a-603**, as last amended by Chapters 163, 240 and 257, Laws of Utah 2006

27 *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 -- Owner**

30 **acknowledgement, surveyor certification, and underground utility facilities owner**
31 **approval of plat -- Recording plat.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 (A) indicates only that the plat approximates the location of the existing underground
70 and utility facilities but does not warrant or verify their precise location; and

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

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

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

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

75 (IV) any other provision of law.

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

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

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

82 **17-27a-603. Plat required when land is subdivided -- Approval of plat --**

83 **Recording plat.**

84 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of
85 subdivision under Subsection 17-27a-103(39), whenever any land is laid out and platted, the

86 owner of the land shall provide an accurate plat that describes or specifies:

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

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

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

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

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

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

104 (4) (a) The owner of the land shall acknowledge the plat before an officer authorized
105 by law to take the acknowledgment of conveyances of real estate and shall obtain the signature
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109 Land Surveyors Licensing Act;

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111 Section 17-23-17 and has verified all measurements; and

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116 easement grants of record;

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119 right-of-way, and easement grants of records, and utility facilities within the subdivision.

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

121 (A) indicates only that the plat approximates the location of the existing underground
122 and utility facilities but does not warrant or verify their precise location; and

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

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130 recorder's office in the county in which the lands platted and laid out are situated.

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132 renders the plat voidable.