

Representative Michael T. Morley proposes the following substitute bill:

LAND USE PROVISIONS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: Gregory S. Bell

LONG TITLE

General Description:

This bill modifies county and municipal land use development and management provisions.

Highlighted Provisions:

This bill:

- ▶ modifies the standard that county and municipal land use authorities uses in determining whether to vacate, alter, or amend a plat; and
- ▶ modifies the county and municipal officials who are involved in the process of vacating or altering a street or alley.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

10-9a-609, as last amended by Chapter 163, Laws of Utah 2006

10-9a-609.5, as enacted by Chapter 163, Laws of Utah 2006

17-27a-609, as last amended by Chapter 163, Laws of Utah 2006



26 17-27a-609.5, as enacted by Chapter 163, Laws of Utah 2006



27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section 10-9a-609 is amended to read:

30 **10-9a-609. Land use authority consideration of petition to vacate or change a plat**
31 **-- Criteria for vacating or changing a plat -- Recording the vacation or change.**

32 (1) If the land use authority is satisfied that neither the public interest nor any person
33 will [not] be materially injured by the proposed vacation, alteration, or amendment, and that
34 there is good cause for the vacation, alteration, or amendment, the land use authority may
35 vacate, alter, or amend the plat or any portion of the plat, subject to Section 10-9a-609.5.

36 (2) The land use authority may approve the vacation, alteration, or amendment by
37 signing an amended plat showing the vacation, alteration, or amendment.

38 (3) The land use authority shall ensure that the amended plat showing the vacation,
39 alteration, or amendment is recorded in the office of the county recorder in which the land is
40 located.

41 (4) If an entire subdivision is vacated, the legislative body shall ensure that a legislative
42 body resolution containing a legal description of the entire vacated subdivision is recorded in
43 the county recorder's office.

44 Section 2. Section 10-9a-609.5 is amended to read:

45 **10-9a-609.5. Vacating or altering a street or alley.**

46 (1) (a) If a petition is submitted containing a request to vacate or alter any portion of a
47 street or alley within a subdivision:

48 (i) the [~~land use authority~~] planning commission shall, after providing notice pursuant
49 to local ordinance and Section 10-9a-208, make a recommendation to the [~~chief executive~~
50 ~~officer~~] land use authority concerning the request to vacate or alter; and

51 (ii) the [~~chief executive officer~~] land use authority shall hold a public hearing in
52 accordance with Section 10-9a-208 and determine whether good cause exists for the vacation
53 or alteration.

54 (b) Subsection (1)(a)(i) does not apply if the [~~chief executive officer~~] planning
55 commission has been designated as a land use authority.

56 (2) If the [~~chief executive officer~~] land use authority vacates or alters any portion of a

57 street or alley, the [~~chief executive officer~~] land use authority shall ensure that the plat is
58 recorded in the office of the recorder of the county in which the land is located.

59 (3) The action of the [~~chief executive officer~~] land use authority vacating or narrowing
60 a street or alley that has been dedicated to public use shall operate to the extent to which it is
61 vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the
62 acceptance thereof, and the relinquishment of the city's fee therein, but the right-of-way and
63 easements therein, if any, of any lot owner and the franchise rights of any public utility may not
64 be impaired thereby.

65 Section 3. Section 17-27a-609 is amended to read:

66 **17-27a-609. Land use authority consideration of petition to vacate or change a**
67 **plat -- Criteria for vacating or changing a plat -- Recording the vacation or change.**

68 (1) If the land use authority is satisfied that neither the public interest nor any person
69 will [~~not~~] be materially injured by the proposed vacation, alteration, or amendment, and that
70 there is good cause for the vacation, alteration, or amendment, the land use authority may
71 vacate, alter, or amend the plat or any portion of the plat, subject to Section 17-27a-609.5.

72 (2) The land use authority may approve the vacation, alteration, or amendment by
73 signing an amended plat showing the vacation, alteration, or amendment.

74 (3) The land use authority shall ensure that the amended plat showing the vacation,
75 alteration, or amendment is recorded in the office of the county recorder in which the land is
76 located.

77 (4) If an entire subdivision is vacated, the legislative body shall ensure that a legislative
78 body resolution containing a legal description of the entire vacated subdivision is recorded in
79 the county recorder's office.

80 Section 4. Section 17-27a-609.5 is amended to read:

81 **17-27a-609.5. Vacating or altering a street or alley.**

82 (1) (a) If a petition is submitted containing a request to vacate or alter any portion of a
83 street or alley within a subdivision:

84 (i) the [~~land use authority~~] planning commission shall, after providing notice pursuant
85 to local ordinance and Section 17-27a-208, make a recommendation to the [~~chief executive~~
86 ~~officer~~] land use authority concerning the request to vacate or alter; and

87 (ii) the [~~chief executive officer~~] land use authority shall hold a public hearing in

88 accordance with Section 17-27a-208 and determine whether good cause exists for the vacation
89 or alteration.

90 (b) Subsection (1)(a)(i) does not apply if the [~~chief executive officer~~] planning
91 commission has been designated as a land use authority.

92 (2) If the [~~chief executive officer~~] land use authority vacates or alters any portion of a
93 street or alley, the [~~chief executive officer~~] land use authority shall ensure that the plat is
94 recorded in the office of the recorder of the county in which the land is located.

95 (3) The action of the [~~chief executive officer~~] land use authority vacating or narrowing
96 a street or alley that has been dedicated to public use shall operate to the extent to which it is
97 vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the
98 acceptance thereof, and the relinquishment of the county's fee therein, but the right-of-way and
99 easements therein, if any, of any lot owner and the franchise rights of any public utility may not
100 be impaired thereby.

101 Section 5. **Effective date.**

102 If approved by two-thirds of all the members elected to each house, this bill takes effect
103 upon approval by the governor, or the day following the constitutional time limit of Utah
104 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
105 the date of veto override.

H.B. 129 1st Sub. (Buff) - Land Use Provisions

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.
