

1                                   **AMENDMENTS TO NOTICE PROVISIONS FOR**  
2                                                                                   **SUBDIVISION CHANGES**

3                                                                                   2009 GENERAL SESSION

4                                                                                   STATE OF UTAH

5                                                                                   **Chief Sponsor: Kraig Powell**

6                                                                                   Senate Sponsor: Gregory S. Bell

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8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13                   This bill:

14                   ▶ modifies a reference to a notice provision in a provision relating to proposed  
15 changes to subdivision plats.

16 **Monies Appropriated in this Bill:**

17                   None

18 **Other Special Clauses:**

19                   None

20 **Utah Code Sections Affected:**

21 AMENDS:

22                   **10-9a-608**, as last amended by Laws of Utah 2006, Chapter 163

23                   **17-27a-608**, as last amended by Laws of Utah 2006, Chapter 163

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

26                   Section 1. Section **10-9a-608** is amended to read:

27                   **10-9a-608. Vacating or changing a subdivision plat.**

28                   (1) (a) Subject to Section 10-9a-609.5, and provided that notice has been given  
29 pursuant to local ordinance and Section [~~10-9a-208~~] 10-9a-207, the land use authority may,

30 with or without a petition, consider and resolve any proposed vacation, alteration, or  
31 amendment of a subdivision plat, any portion of a subdivision plat, or any lot contained in a  
32 subdivision plat.

33 (b) If a petition is filed, the land use authority shall hold a public hearing within 45  
34 days after the petition is filed or, if applicable, within 45 days after receipt of the planning  
35 commission's recommendation under Subsection (2), if:

36 (i) any owner within the plat notifies the municipality of their objection in writing  
37 within ten days of mailed notification; or

38 (ii) a public hearing is required because all of the owners in the subdivision have not  
39 signed the revised plat.

40 (2) (a) (i) The planning commission shall consider and provide a recommendation for  
41 a proposed vacation, alteration, or amendment under Subsection (1)(a) before the land use  
42 authority takes final action.

43 (ii) The planning commission shall give its recommendation within 30 days after the  
44 proposed vacation, alteration, or amendment is referred to it, or as that time period is extended  
45 by agreement with the applicant.

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

48 (3) The public hearing requirement of Subsection (1)(b) does not apply and a land use  
49 authority may consider at a public meeting an owner's petition to alter a subdivision plat if:

50 (a) the petition seeks to join two or more of the owner's contiguous, residential lots;  
51 and

52 (b) notice has been given pursuant to local ordinance.

53 (4) Each request to vacate or alter a street or alley, contained in a petition to vacate,  
54 alter, or amend a subdivision plat, is also subject to Section 10-9a-609.5.

55 (5) Any fee owner, as shown on the last county assessment rolls, of land within the  
56 subdivision that has been laid out and platted as provided in this part may, in writing, petition  
57 to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or

58 amended as provided in this section and Section 10-9a-609.5.

59 (6) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street  
60 or lot contained in a plat shall include:

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

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

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

66 (7) (a) The owners of record of adjacent parcels that are described by either a metes  
67 and bounds description or a recorded plat may exchange title to portions of those parcels if the  
68 exchange of title is approved by the land use authority in accordance with Subsection (7)(b).

69 (b) The land use authority shall approve an exchange of title under Subsection (7)(a) if  
70 the exchange of title will not result in a violation of any land use ordinance.

71 (c) If an exchange of title is approved under Subsection (7)(b):

72 (i) a notice of approval shall be recorded in the office of the county recorder which:

73 (A) is executed by each owner included in the exchange and by the land use authority;

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

76 (C) recites the descriptions of both the original parcels and the parcels created by the  
77 exchange of title; and

78 (ii) a conveyance of title reflecting the approved change shall be recorded in the office  
79 of the county recorder.

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

83 (8) (a) The name of a recorded subdivision may be changed by recording an amended  
84 plat making that change, as provided in this section and subject to Subsection (8)(c).

85 (b) The surveyor preparing the amended plat shall certify that the surveyor:

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

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

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

91 (c) An owner of land may not submit for recording an amended plat that gives the  
92 subdivision described in the amended plat the same name as a subdivision in a plat already  
93 recorded in the county recorder's office.

94 (d) Except as provided in Subsection (8)(a), the recording of a declaration or other  
95 document that purports to change the name of a recorded plat is voidable.

96 Section 2. Section **17-27a-608** is amended to read:

97 **17-27a-608. Vacating or changing a subdivision plat.**

98 (1) (a) Subject to Section 17-27a-609.5, and provided that notice has been given  
99 pursuant to local ordinance and Section [~~17-27a-208~~] 17-27a-207, the land use authority may,  
100 with or without a petition, consider and resolve any proposed vacation, alteration, or  
101 amendment of a subdivision plat, any portion of a subdivision plat, or any lot contained in a  
102 subdivision plat.

103 (b) If a petition is filed, the land use authority shall hold a public hearing within 45  
104 days after the petition is filed or, if applicable, within 45 days after receipt of the planning  
105 commission's recommendation under Subsection (2), if:

106 (i) any owner within the plat notifies the county of their objection in writing within ten  
107 days of mailed notification; or

108 (ii) a public hearing is required because all of the owners in the subdivision have not  
109 signed the revised plat.

110 (2) (a) (i) The planning commission shall consider and provide a recommendation for  
111 a proposed vacation, alteration, or amendment under Subsection (1)(a) before the land use  
112 authority takes final action.

113 (ii) The planning commission shall give its recommendation within 30 days after the

114 proposed vacation, alteration, or amendment is referred to it, or as that time period is extended  
115 by agreement with the applicant.

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

118 (3) The public hearing requirement of Subsection (1)(b) does not apply and a land use  
119 authority may consider at a public meeting an owner's petition to alter a subdivision plat if:

120 (a) the petition seeks to join two or more of the owner's contiguous, residential lots;  
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122 (b) notice has been given pursuant to local ordinance.

123 (4) Each request to vacate or alter a street or alley, contained in a petition to vacate,  
124 alter, or amend a subdivision plat, is also subject to Section 17-27a-609.5.

125 (5) Any fee owner, as shown on the last county assessment rolls, of land within the  
126 subdivision that has been laid out and platted as provided in this part may, in writing, petition  
127 to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or  
128 amended as provided in this section and Section 17-27a-609.5.

129 (6) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street  
130 or lot contained in a plat shall include:

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

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

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138 exchange of title is approved by the land use authority in accordance with Subsection (7)(b).

139 (b) The land use authority shall approve an exchange of title under Subsection (7)(a) if  
140 the exchange of title will not result in a violation of any land use ordinance.

141 (c) If an exchange of title is approved under Subsection (7)(b):

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144 (B) contains an acknowledgment for each party executing the notice in accordance  
145 with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and  
146 (C) recites the descriptions of both the original parcels and the parcels created by the  
147 exchange of title; and  
148 (ii) a conveyance of title reflecting the approved change shall be recorded in the office  
149 of the county recorder.  
150 (d) A notice of approval recorded under this Subsection (7) does not act as a  
151 conveyance of title to real property and is not required for the recording of a document  
152 purporting to convey title to real property.  
153 (8) (a) The name of a recorded subdivision may be changed by recording an amended  
154 plat making that change, as provided in this section and subject to Subsection (8)(c).  
155 (b) The surveyor preparing the amended plat shall certify that the surveyor:  
156 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and  
157 Professional Land Surveyors Licensing Act;  
158 (ii) has completed a survey of the property described on the plat in accordance with  
159 Section 17-23-17 and has verified all measurements; and  
160 (iii) has placed monuments as represented on the plat.  
161 (c) An owner of land may not submit for recording an amended plat that gives the  
162 subdivision described in the amended plat the same name as a subdivision in a plat already  
163 recorded in the county recorder's office.  
164 (d) Except as provided in Subsection (8)(a), the recording of a declaration or other  
165 document that purports to change the name of a recorded plat is voidable.