

**LAND SUBDIVISION AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill requires a municipality or a county to withhold an otherwise valid subdivision plat approval until the owner of the land provides the legislative body with a tax clearance.

**Highlighted Provisions:**

This bill:

▸ requires a municipality or a county to withhold an otherwise valid subdivision plat approval until the owner of the land provides the legislative body with a tax clearance.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-603**, as last amended by Laws of Utah 2010, Chapters 269 and 381

**17-27a-603**, as last amended by Laws of Utah 2011, Chapter 377

---

---

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

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



28           **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**  
29 **acknowledgment, surveyor certification, and underground utility facilities owner**  
30 **approval of plat -- Recording plat.**

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

34           (a) a subdivision name that is distinct from any subdivision name on a plat recorded in  
35 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) (a) 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           (b) Municipalities are encouraged to receive a recommendation from the fire authority  
49 before approving a plat.

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

53           (4) (a) A plat may not be submitted to a county recorder for recording unless:

54           (i) prior to recordation, each owner of record of land described on the plat has signed  
55 the owner's dedication as shown on the plat; and

56           (ii) the signature of each owner described in Subsection (4)(a)(i) is acknowledged as  
57 provided by law.

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

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

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

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

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

66 (A) boundary, course, dimensions, and intended use of the right-of-way and easement  
67 grants of record;

68 (B) location of existing underground and utility facilities; and

69 (C) conditions or restrictions governing the location of the facilities within the  
70 right-of-way, and easement grants of records, and utility facilities within the subdivision.

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

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

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

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

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

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

78 (IV) any other provision of law.

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

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

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

85 **17-27a-603. Plat required when land is subdivided -- Approval of plat --**  
86 **Recording plat.**

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

90 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in  
91 the county recorder's office;

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

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

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

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

104 (b) Counties are encouraged to receive a recommendation from the fire authority before  
105 approving a plat.

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

109 (4) (a) A plat may not be submitted to a county recorder for recording unless, subject to  
110 Subsection 17-27a-604(2):

111 (i) prior to recordation, each owner of record of land described on the plat has signed  
112 the owner's dedication as shown on the plat; and

113 (ii) the signature of each owner described in Subsection (4)(a)(i) is acknowledged as  
114 provided by law.

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

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

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

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

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

123 (A) boundary, course, dimensions, and intended use of the right-of-way and easement  
124 grants of record;

125 (B) location of existing underground and utility facilities; and

126 (C) conditions or restrictions governing the location of the facilities within the  
127 right-of-way, and easement grants of records, and utility facilities within the subdivision.

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

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

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

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

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

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

135 (IV) any other provision of law.

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

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

---

---

**Legislative Review Note**  
**as of 1-16-14 9:44 AM**

**Office of Legislative Research and General Counsel**