

LOCAL LAND USE REVISIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the land development authority of a municipal or county land use authority and legislative body.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions governing the dedication of streets and other public places on a plat;
- ▶ amends provisions authorizing a municipal or county legislative body to vacate or amend a subdivision plat;
- ▶ amends provisions authorizing a land use authority to amend a plat;
- ▶ amends provisions authorizing a legislative body to adopt an ordinance or resolution to vacate certain streets, rights-of-way, or easements; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 28 **10-9a-103**, as last amended by Laws of Utah 2012, Chapter 231
- 29 **10-9a-607**, as last amended by Laws of Utah 2010, Chapter 381
- 30 **10-9a-608**, as last amended by Laws of Utah 2010, Chapters 269 and 381
- 31 **10-9a-609**, as last amended by Laws of Utah 2010, Chapter 381
- 32 **10-9a-609.5**, as last amended by Laws of Utah 2010, Chapter 381
- 33 **17-27a-103**, as last amended by Laws of Utah 2012, Chapter 231
- 34 **17-27a-607**, as last amended by Laws of Utah 2010, Chapter 381
- 35 **17-27a-608**, as last amended by Laws of Utah 2010, Chapters 269 and 381
- 36 **17-27a-609**, as last amended by Laws of Utah 2010, Chapter 381
- 37 **17-27a-609.5**, as last amended by Laws of Utah 2010, Chapter 381



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

40 Section 1. Section **10-9a-103** is amended to read:

41 **10-9a-103. Definitions.**

42 As used in this chapter:

43 (1) "Affected entity" means a county, municipality, local district, special service
44 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
45 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
46 public utility, a property owner, a property owners association, or the Utah Department of
47 Transportation, if:

48 (a) the entity's services or facilities are likely to require expansion or significant
49 modification because of an intended use of land;

50 (b) the entity has filed with the municipality a copy of the entity's general or long-range
51 plan; or

52 (c) the entity has filed with the municipality a request for notice during the same
53 calendar year and before the municipality provides notice to an affected entity in compliance
54 with a requirement imposed under this chapter.

55 (2) "Appeal authority" means the person, board, commission, agency, or other body
56 designated by ordinance to decide an appeal of a decision of a land use application or a
57 variance.

58 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or

59 residential property if the sign is designed or intended to direct attention to a business, product,
60 or service that is not sold, offered, or existing on the property where the sign is located.

61 (4) (a) "Charter school" means:

62 (i) an operating charter school;

63 (ii) a charter school applicant that has its application approved by a chartering entity in
64 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

65 (iii) an entity who is working on behalf of a charter school or approved charter
66 applicant to develop or construct a charter school building.

67 (b) "Charter school" does not include a therapeutic school.

68 (5) "Conditional use" means a land use that, because of its unique characteristics or
69 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be
70 compatible in some areas or may be compatible only if certain conditions are required that
71 mitigate or eliminate the detrimental impacts.

72 (6) "Constitutional taking" means a governmental action that results in a taking of
73 private property so that compensation to the owner of the property is required by the:

74 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

75 (b) Utah Constitution Article I, Section 22.

76 (7) "Culinary water authority" means the department, agency, or public entity with
77 responsibility to review and approve the feasibility of the culinary water system and sources for
78 the subject property.

79 (8) "Development activity" means:

80 (a) any construction or expansion of a building, structure, or use that creates additional
81 demand and need for public facilities;

82 (b) any change in use of a building or structure that creates additional demand and need
83 for public facilities; or

84 (c) any change in the use of land that creates additional demand and need for public
85 facilities.

86 (9) (a) "Disability" means a physical or mental impairment that substantially limits one
87 or more of a person's major life activities, including a person having a record of such an
88 impairment or being regarded as having such an impairment.

89 (b) "Disability" does not include current illegal use of, or addiction to, any federally

90 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
91 802.

92 (10) "Educational facility":

93 (a) means:

94 (i) a school district's building at which pupils assemble to receive instruction in a
95 program for any combination of grades from preschool through grade 12, including
96 kindergarten and a program for children with disabilities;

97 (ii) a structure or facility:

98 (A) located on the same property as a building described in Subsection (10)(a)(i); and

99 (B) used in support of the use of that building; and

100 (iii) a building to provide office and related space to a school district's administrative
101 personnel; and

102 (b) does not include:

103 (i) land or a structure, including land or a structure for inventory storage, equipment
104 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

105 (A) not located on the same property as a building described in Subsection (10)(a)(i);

106 and

107 (B) used in support of the purposes of a building described in Subsection (10)(a)(i); or

108 (ii) a therapeutic school.

109 (11) "Elderly person" means a person who is 60 years old or older, who desires or
110 needs to live with other elderly persons in a group setting, but who is capable of living
111 independently.

112 (12) "Fire authority" means the department, agency, or public entity with responsibility
113 to review and approve the feasibility of fire protection and suppression services for the subject
114 property.

115 (13) "Flood plain" means land that:

116 (a) is within the 100-year flood plain designated by the Federal Emergency
117 Management Agency; or

118 (b) has not been studied or designated by the Federal Emergency Management Agency
119 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
120 the land has characteristics that are similar to those of a 100-year flood plain designated by the

121 Federal Emergency Management Agency.

122 (14) "General plan" means a document that a municipality adopts that sets forth general
123 guidelines for proposed future development of the land within the municipality.

124 (15) "Geologic hazard" means:

125 (a) a surface fault rupture;

126 (b) shallow groundwater;

127 (c) liquefaction;

128 (d) a landslide;

129 (e) a debris flow;

130 (f) unstable soil;

131 (g) a rock fall; or

132 (h) any other geologic condition that presents a risk:

133 (i) to life;

134 (ii) of substantial loss of real property; or

135 (iii) of substantial damage to real property.

136 (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
137 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
138 utility system.

139 (17) "Identical plans" means building plans submitted to a municipality that:

140 (a) are clearly marked as "identical plans";

141 (b) are substantially identical to building plans that were previously submitted to and
142 reviewed and approved by the municipality; and

143 (c) describe a building that:

144 (i) is located on land zoned the same as the land on which the building described in the
145 previously approved plans is located;

146 (ii) is subject to the same geological and meteorological conditions and the same law
147 as the building described in the previously approved plans;

148 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
149 and approved by the municipality; and

150 (iv) does not require any additional engineering or analysis.

151 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,

152 Impact Fees Act.

153 (19) "Improvement assurance" means a surety bond, letter of credit, cash, or other
154 security:

155 (a) to guaranty the proper completion of an improvement;

156 (b) that is required as a condition precedent to:

157 (i) recording a subdivision plat; or

158 (ii) beginning development activity; and

159 (c) that is offered to a land use authority to induce the land use authority, before actual
160 construction of required improvements, to:

161 (i) consent to the recording of a subdivision plat; or

162 (ii) issue a permit for development activity.

163 (20) "Improvement assurance warranty" means a promise that the materials and
164 workmanship of improvements:

165 (a) comport with standards that the municipality has officially adopted; and

166 (b) will not fail in any material respect within a warranty period.

167 (21) "Internal lot restriction" means a platted note, platted demarcation, or platted
168 designation that:

169 (a) runs with the land; and

170 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
171 the plat; or

172 (ii) designates a development condition that is enclosed within the perimeter of a lot
173 described on the plat.

174 (22) "Land use application" means an application required by a municipality's land use
175 ordinance.

176 (23) "Land use authority" means a person, board, commission, agency, or other body
177 designated by the local legislative body to act upon a land use application.

178 (24) "Land use ordinance" means a planning, zoning, development, or subdivision
179 ordinance of the municipality, but does not include the general plan.

180 (25) "Land use permit" means a permit issued by a land use authority.

181 (26) "Legislative body" means the municipal council.

182 (27) "Local district" means an entity under Title 17B, Limited Purpose Local

183 Government Entities - Local Districts, and any other governmental or quasi-governmental
184 entity that is not a county, municipality, school district, or the state.

185 (28) (a) "Lot" means a lot, unit, area, building, tract, or other description of real estate
186 that is identified on a recorded plat.

187 (b) "Lot" does not include a parcel.

188 [~~28~~] (29) "Lot line adjustment" means the relocation of the property boundary line in
189 a subdivision between two adjoining lots with the consent of the owners of record.

190 [~~29~~] (30) "Moderate income housing" means housing occupied or reserved for
191 occupancy by households with a gross household income equal to or less than 80% of the
192 median gross income for households of the same size in the county in which the city is located.

193 [~~30~~] (31) "Nominal fee" means a fee that reasonably reimburses a municipality only
194 for time spent and expenses incurred in:

195 (a) verifying that building plans are identical plans; and

196 (b) reviewing and approving those minor aspects of identical plans that differ from the
197 previously reviewed and approved building plans.

198 [~~31~~] (32) "Noncomplying structure" means a structure that:

199 (a) legally existed before its current land use designation; and

200 (b) because of one or more subsequent land use ordinance changes, does not conform
201 to the setback, height restrictions, or other regulations, excluding those regulations, which
202 govern the use of land.

203 [~~32~~] (33) "Nonconforming use" means a use of land that:

204 (a) legally existed before its current land use designation;

205 (b) has been maintained continuously since the time the land use ordinance governing
206 the land changed; and

207 (c) because of one or more subsequent land use ordinance changes, does not conform
208 to the regulations that now govern the use of the land.

209 [~~33~~] (34) "Official map" means a map drawn by municipal authorities and recorded in
210 a county recorder's office that:

211 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
212 highways and other transportation facilities;

213 (b) provides a basis for restricting development in designated rights-of-way or between

214 designated setbacks to allow the government authorities time to purchase or otherwise reserve
215 the land; and

216 (c) has been adopted as an element of the municipality's general plan.

217 (35) "Parcel" means a description of real estate that is not part of a recorded plat.

218 (36) "Parcel line adjustment" means an adjustment of a common boundary line
219 between two or more parcels that are not part of a recorded plat.

220 ~~[(34)]~~ (37) "Person" means an individual, corporation, partnership, organization,
221 association, trust, governmental agency, or any other legal entity.

222 ~~[(35)]~~ (38) "Plan for moderate income housing" means a written document adopted by
223 a city legislative body that includes:

224 (a) an estimate of the existing supply of moderate income housing located within the
225 city;

226 (b) an estimate of the need for moderate income housing in the city for the next five
227 years as revised biennially;

228 (c) a survey of total residential land use;

229 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
230 income housing; and

231 (e) a description of the city's program to encourage an adequate supply of moderate
232 income housing.

233 ~~[(36)]~~ (39) "Plat" or "final plat" means a map, plat, or other graphical representation of
234 lands being laid out ~~[and prepared in accordance with Section 10-9a-603, 17-23-17, or~~
235 ~~57-8-13]~~, subdivided, defined, or described for a subdivision, condominium, townhouse,
236 planned unit development, or other land development purpose.

237 ~~[(37)]~~ (40) "Potential geologic hazard area" means an area that:

238 (a) is designated by a Utah Geological Survey map, county geologist map, or other
239 relevant map or report as needing further study to determine the area's potential for geologic
240 hazard; or

241 (b) has not been studied by the Utah Geological Survey or a county geologist but
242 presents the potential of geologic hazard because the area has characteristics similar to those of
243 a designated geologic hazard area.

244 ~~[(38)]~~ (41) "Public agency" means:

- 245 (a) the federal government;
- 246 (b) the state;
- 247 (c) a county, municipality, school district, local district, special service district, or other
- 248 political subdivision of the state; or
- 249 (d) a charter school.

250 [~~(39)~~] (42) "Public hearing" means a hearing at which members of the public are

251 provided a reasonable opportunity to comment on the subject of the hearing.

252 [~~(40)~~] (43) "Public meeting" means a meeting that is required to be open to the public

253 under Title 52, Chapter 4, Open and Public Meetings Act.

254 [~~(41)~~] (44) "Receiving zone" means an area of a municipality that the municipality

255 designates, by ordinance, as an area in which an owner of land may receive a transferable

256 development right.

257 [~~(42)~~] (45) "Record of survey map" means a map of a survey of land prepared in

258 accordance with Section 17-23-17.

259 [~~(43)~~] (46) "Residential facility for elderly persons" means a single-family or

260 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not

261 include a health care facility as defined by Section 26-21-2.

262 [~~(44)~~] (47) "Residential facility for persons with a disability" means a residence:

- 263 (a) in which more than one person with a disability resides; and
- 264 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
- 265 Chapter 2, Licensure of Programs and Facilities; or
- 266 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
- 267 Health Care Facility Licensing and Inspection Act.

268 [~~(45)~~] (48) "Rules of order and procedure" means a set of rules that govern and

269 prescribe in a public meeting:

- 270 (a) parliamentary order and procedure;
- 271 (b) ethical behavior; and
- 272 (c) civil discourse.

273 [~~(46)~~] (49) "Sanitary sewer authority" means the department, agency, or public entity

274 with responsibility to review and approve the feasibility of sanitary sewer services or onsite

275 wastewater systems.

276 [(47)] (50) "Sending zone" means an area of a municipality that the municipality
277 designates, by ordinance, as an area from which an owner of land may transfer a transferable
278 development right.

279 [(48)] (51) "Specified public agency" means:

- 280 (a) the state;
- 281 (b) a school district; or
- 282 (c) a charter school.

283 [(49)] (52) "Specified public utility" means an electrical corporation, gas corporation,
284 or telephone corporation, as those terms are defined in Section 54-2-1.

285 [(50)] (53) "State" includes any department, division, or agency of the state.

286 [(51)] (54) "Street" means a public right-of-way, including a highway, avenue,
287 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
288 or other way.

289 [(52)] (55) (a) "Subdivision" means any land that is divided, resubdivided or proposed
290 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
291 purpose, whether immediate or future, for offer, sale, lease, or development either on the
292 installment plan or upon any and all other plans, terms, and conditions.

293 (b) "Subdivision" includes:

- 294 (i) the division or development of land whether by deed, metes and bounds description,
295 devise and testacy, map, plat, or other recorded instrument; and
- 296 (ii) except as provided in Subsection [(52)] (55)(c), divisions of land for residential and
297 nonresidential uses, including land used or to be used for commercial, agricultural, and
298 industrial purposes.

299 (c) "Subdivision" does not include:

- 300 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
301 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
302 neither the resulting combined parcel nor the parcel remaining from the division or partition
303 violates an applicable land use ordinance;
- 304 (ii) a ~~recorded agreement between owners of adjoining unsubdivided properties~~
305 ~~adjusting their mutual boundary~~ parcel line adjustment if:

306 (A) no new lot is created; and

- 307 (B) the adjustment does not violate applicable land use ordinances;
- 308 (iii) a recorded document, executed by the owner of record:
- 309 (A) revising the legal description of more than one contiguous unsubdivided parcel of
- 310 property into one legal description encompassing all such parcels of property; or
- 311 (B) joining a subdivided parcel of property to another parcel of property that has not
- 312 been subdivided, if the joinder does not violate applicable land use ordinances;
- 313 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
- 314 their mutual boundary if:
 - 315 (A) no new dwelling lot or housing unit will result from the adjustment; and
 - 316 (B) the adjustment will not violate any applicable land use ordinance; or
 - 317 (v) a bona fide division or partition of land by deed or other instrument where the land
 - 318 use authority expressly approves in writing the division in anticipation of further land use
 - 319 approvals on the parcel or parcels.
- 320 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 321 not been subdivided does not constitute a subdivision under this Subsection [~~(52)~~ (55) as to
- 322 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
- 323 subdivision ordinance.
- 324 [~~(53)~~ (56) "Therapeutic school" means a residential group living facility:
- 325 (a) for four or more individuals who are not related to:
 - 326 (i) the owner of the facility; or
 - 327 (ii) the primary service provider of the facility;
- 328 (b) that serves students who have a history of failing to function:
 - 329 (i) at home;
 - 330 (ii) in a public school; or
 - 331 (iii) in a nonresidential private school; and
 - 332 (c) that offers:
 - 333 (i) room and board; and
 - 334 (ii) an academic education integrated with:
 - 335 (A) specialized structure and supervision; or
 - 336 (B) services or treatment related to a disability, an emotional development, a
 - 337 behavioral development, a familial development, or a social development.

338 [(54)] (57) "Transferable development right" means a right to develop and use land that
339 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
340 land use rights from a designated sending zone to a designated receiving zone.

341 [(55)] (58) "Unincorporated" means the area outside of the incorporated area of a city
342 or town.

343 (59) "Vacate" means the process in which a legislative body takes formal action to:

344 (a) abdicate the public interest or the interest of a public utility within a recorded plat
345 by eliminating the ability to describe real estate by reference to the plat or portion of the plat
346 that is vacated; and

347 (b) relinquish a public use or claim.

348 (60) "Vacating plat" means a plat that:

349 (a) shows and describes a public street that is being vacated;

350 (b) identifies and describes the ownership of each part or portion of the vacated street;

351 and

352 (c) is prepared by a surveyor.

353 [(56)] (61) "Water interest" means any right to the beneficial use of water, including:

354 (a) each of the rights listed in Section 73-1-11; and

355 (b) an ownership interest in the right to the beneficial use of water represented by:

356 (i) a contract; or

357 (ii) a share in a water company, as defined in Section 73-3-3.5.

358 [(57)] (62) "Zoning map" means a map, adopted as part of a land use ordinance, that
359 depicts land use zones, overlays, or districts.

360 Section 2. Section **10-9a-607** is amended to read:

361 **10-9a-607. Dedication of streets and other public places.**

362 (1) A final plat that [~~is signed, dedicated, and acknowledged by each owner of record,~~
363 ~~and approved according to the procedures specified in this part,~~] meets the requirements of

364 Section 10-9a-604:

365 (a) operates, when recorded, as a dedication and granting of an easement or
366 right-of-way of all streets and other public places[;]; and

367 (b) vests the fee of a public easement or right-of-way of those parcels of land in the
368 municipality for [the public for the uses] public use or an entity's use as specifically named or

369 intended in the dedication language included on the final plat.

370 (2) The dedication established by this section does not impose liability upon the
371 municipality for streets and other public places that are dedicated in this manner but are
372 unimproved.

373 (3) (a) If a public easement or right-of-way is located in an area that is annexed, the
374 easement or right-of-way shall vest in the annexing entity.

375 (b) A change of a vesting right described in Subsection (3)(a) does not affect a public
376 utility or other facility, structure, monument, or other property that is owned or controlled by a
377 municipality or a utility owner.

378 Section 3. Section **10-9a-608** is amended to read:

379 **10-9a-608. Vacating or amending a subdivision plat -- Legislative body --**
380 **Recording the amended plat.**

381 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
382 subdivision, condominium, or platted project, that has been laid out and platted as provided in
383 this part, may file a written petition with:

384 (i) the land use authority [tø], in accordance with Section 10-9a-609, to amend some or
385 all of a plat; or

386 (ii) the legislative body, in accordance with this section, to have some or all of the plat
387 vacated or amended.

388 (b) If a petition signed by each owner of interest of property located within the plat or a
389 portion of a plat is filed under Subsection (1)(a)(i) to vacate all of a plat or a portion of a plat,
390 the [~~land use authority~~] legislative body shall:

391 (i) prepare a vacating plat; and

392 (ii) except as provided in Subsection (2), hold a public hearing within 45 days after the
393 day on which the petition is filed [if:].

394 [~~(i) any owner within the plat notifies the municipality of the owner's objection in~~
395 ~~writing within 10 days of mailed notification; or]~~

396 [~~(ii) a public hearing is required because all of the owners in the subdivision have not~~
397 ~~signed the revised plat.]~~

398 [~~(2) Unless a local ordinance provides otherwise, the public hearing requirement of~~
399 ~~Subsection (1)(b) does not apply and a land use authority may consider at a public meeting an~~

400 owner's petition to vacate or amend a subdivision plat if:]
401 ~~[(a) the petition seeks to:]~~
402 ~~[(i) join two or more of the petitioner fee owner's contiguous lots;]~~
403 ~~[(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will~~
404 ~~not result in a violation of a land use ordinance or a development condition;]~~
405 ~~[(iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the~~
406 ~~adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located~~
407 ~~in the same subdivision;]~~
408 ~~[(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction~~
409 ~~imposed by the local political subdivision; or]~~
410 ~~[(v) alter the plat in a manner that does not change existing boundaries or other~~
411 ~~attributes of lots within the subdivision that are not:]~~
412 ~~[(A) owned by the petitioner; or]~~
413 ~~[(B) designated as a common area; and]~~
414 ~~[(b) notice has been given to adjacent property owners in accordance with any~~
415 ~~applicable local ordinance.]~~
416 (c) The legislative body:
417 (i) may, in accordance with Section 10-9a-609.5, approve the plat vacation if no owner
418 of interest of property located within the plat or a portion of the plat objects to the vacation at
419 the public hearing; and
420 (ii) may not approve the plat vacation if an owner of interest of property located within
421 the plat or a portion of the plat objects to the vacation at the public hearing.
422 (2) If a petition signed by each owner of interest is filed in accordance with Subsection
423 (1)(a) to amend all or a portion of a plat, the legislative body may, at a public meeting, approve
424 the amendment subject to Subsection (3).
425 (3) (a) If a proposed amendment included in a petition is an amendment that would
426 affect an easement held by a public utility company, and the easement is the only affected
427 public interest, the legislative body shall:
428 (i) send notice to the affected public utility at least 30 days prior to the public meeting;
429 and
430 (ii) if the public utility does not respond within 15 days after the day on which the

431 notice in Subsection (3)(a)(i) is sent, and no later than 15 days before the public meeting, send
432 a second notice.

433 (b) A notice required under Subsection (3)(a) shall:

434 (i) identify the easement identified in the proposed amendment in the petition;

435 (ii) request that the public utility provide the legislative body with a written release or
436 notice of disinterest; and

437 (iii) provide a deadline for the public utility to submit the written release or notice to
438 the legislative body that is no sooner than 30 days after the day on which the first notice is sent.

439 (c) If the affected public utility does not provide a written release or notice of
440 disinterest to the legislative body within 30 days of receiving the first notice described in
441 Subsection (3)(a)(i), the legislative body:

442 (i) may approve the amendment if there is no utility infrastructure located within a lot
443 or easement identified in the petition; and

444 (ii) may not approve the amendment if there is utility infrastructure located within a lot
445 or easement identified in the petition.

446 (d) The legislative body may approve an amendment described in Subsection (3)(c)(i)
447 without a plat.

448 (e) The legislative body may not approve an amendment to a plat or a portion of a plat
449 that affects a public interest other than an interest described in Subsection (3)(a), unless:

450 (i) the legislative body holds a public hearing prior to or concurrent with final plat
451 approval; and

452 (ii) no member of the public objects to the amendment approval at the public hearing.

453 (4) The legislative body shall by ordinance or resolution vacate prior to or concurrent
454 with adoption of a final amended plat each lot and each public or private interest that is
455 amended in accordance with Subsection (2).

456 ~~[(3)]~~ (5) Each request to vacate or amend a plat that contains a request to vacate or
457 amend a public street, right-of-way, or easement is also subject to Section 10-9a-609.5.

458 ~~[(4)]~~ (6) (a) Each petition to vacate or amend an entire plat or a portion of a plat shall
459 include:

460 ~~[(a)]~~ (i) the name and address of each owner of record of the land contained in;

461 (A) the entire plat; or ~~[on]~~

462 (B) that portion of the plat described in the petition; [and]
463 [~~(b)~~] (ii) the signature of each owner [~~described in Subsection (4)(a)~~] who consents to
464 the petition[-]; and
465 (iii) the seal and signature of the surveyor who prepared the description included in the
466 petition.
467 (b) A description prepared for purposes described in Subsection (6)(a)(iii) is exempt
468 from the requirements of Section 17-23-17.
469 [~~(5)(a)~~] ~~The owners of record of adjacent parcels that are described by either a metes~~
470 ~~and bounds description or by a recorded plat may exchange title to portions of those parcels if~~
471 ~~the exchange of title is approved by the land use authority in accordance with Subsection~~
472 ~~(5)(b).]~~
473 [~~(b)~~] ~~The land use authority shall approve an exchange of title under Subsection (5)(a) if~~
474 ~~the exchange of title will not result in a violation of any land use ordinance.]~~
475 [~~(c)~~] ~~If an exchange of title is approved under Subsection (5)(b):]~~
476 [~~(i)~~] ~~a notice of approval shall be recorded in the office of the county recorder which:]~~
477 [~~(A)~~] ~~is executed by each owner included in the exchange and by the land use~~
478 ~~authority;]~~
479 [~~(B)~~] ~~contains an acknowledgment for each party executing the notice in accordance~~
480 ~~with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act, and]~~
481 [~~(C)~~] ~~recites the descriptions of both the original parcels and the parcels created by the~~
482 ~~exchange of title; and]~~
483 [~~(ii)~~] ~~a document of conveyance shall be recorded in the office of the county recorder:]~~
484 [~~(d)~~] ~~A notice of approval recorded under this Subsection (5) does not act as a~~
485 ~~conveyance of title to real property and is not required in order to record a document conveying~~
486 ~~title to real property.]~~
487 [~~(6)~~] (7) (a) The name of a recorded subdivision may be changed by recording an
488 [~~amended plat~~] ordinance or resolution making that change, as provided in this section [~~and~~].
489 (b) A changed name is subject to Subsection [~~(6)(e)~~] (8).
490 [~~(b)~~] ~~The surveyor preparing the amended plat shall certify that the surveyor:]
491 [~~(i)~~] ~~holds a license in accordance with Title 58, Chapter 22, Professional Engineers and~~
492 ~~Professional Land Surveyors Licensing Act;]~~~~

493 ~~[(ii) has completed a survey of the property described on the plat in accordance with~~
 494 ~~Section 17-23-17 and has verified all measurements; and]~~

495 ~~[(iii) has placed monuments as represented on the plat.]~~

496 ~~[(c) An owner of land may not submit for recording an amended plat that gives the~~
 497 ~~subdivision described in the amended plat the same name as a subdivision in a plat already~~
 498 ~~recorded in the county recorder's office.]~~

499 (8) (a) Except as provided in Subsection (8)(b), the county recorder shall approve the
 500 name of an amended plat.

501 (b) A county recorder may not approve the name of an amended plat, unless the name:

502 (i) identifies the plat being amended; and

503 (ii) contains a designation so that the amendment may be uniquely identified from
 504 another plat of record.

505 (c) The county recorder may make a marginal note on the original dedication plat being
 506 amended in accordance with Subsection (8)(a) to identify the new name and the ordinance or
 507 resolution enacting the change of name.

508 ~~[(d)]~~ (9) Except as provided in Subsection [(6)] (7)(a), the recording of [a] an
 509 ordinance, resolution, declaration, or other document that purports to change the name of a
 510 recorded plat is void.

511 (10) A person may not submit an amended plat to the county recorder for recording,
 512 unless the plat is signed, acknowledged, and dedicated by each owner of record of the portion
 513 of the plat that is amended.

514 (11) A management committee, as defined in Section 57-8-3, may sign and dedicate an
 515 amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.

516 (12) A plat may be corrected in accordance with Section 57-3-106 if the correction
 517 does not substantially or materially change the certifications, dedications, or approvals as
 518 originally intended.

519 Section 4. Section **10-9a-609** is amended to read:

520 **10-9a-609. Amending a plat -- Land use authority -- Recording the amended plat.**

521 (1) ~~[The]~~ If authorized by the legislative body, the land use authority may approve the
 522 [vacation or] amendment of a plat by signing an amended plat [showing the vacation or
 523 amendment if], unless the land use authority finds that[:(a) there is good cause for the

524 ~~vacation or amendment, and (b) no public]~~ the amendment amends, changes, or alters a street,
525 right-of-way, or public utility easement [has been vacated or amended].

526 (2) The land use authority shall ensure that the amended plat [~~showing the vacation or~~
527 ~~amendment]~~ prepared by a surveyor is recorded in the office of the county recorder in which
528 the land is located.

529 [~~(3) A legislative body may vacate a subdivision or a portion of a subdivision by~~
530 ~~recording in the county recorder's office an ordinance describing the subdivision or the portion~~
531 ~~being vacated.]~~

532 (3) (a) Unless a local ordinance provides otherwise, and subject to Subsection (3)(b), a
533 land use authority shall consider an owner's petition to amend a plat or a portion of a plat if the
534 petition seeks to:

535 (i) join two or more petitioning fee owner's contiguous lots;

536 (ii) subdivide one or more of the petitioning fee owner's lots;

537 (iii) adjust an internal lot restriction or easement on a lot owned by a petitioning fee
538 owner; or

539 (iv) alter a plat in a manner that does not change existing boundaries or other attributes
540 of a lot within the subdivision if:

541 (A) the lot is not owned by the petitioner;

542 (B) the alteration is not designated as a common area; and

543 (C) in accordance with an applicable local ordinance, each adjacent property owner has
544 received notice of the proposed alteration.

545 (b) The land use authority may not approve an amendment proposed in a petition if:

546 (i) the subdivision will result in a violation of a land use ordinance or development
547 condition;

548 (ii) the amendment requires the alteration or vacation of a public street or public
549 easement; or

550 (iii) the land use authority has not complied with the requirements of Subsection (4).

551 (c) If a land use authority approves a petition, the land use authority shall submit to the
552 legislative body a proposed ordinance or resolution to vacate prior to or concurrent with
553 approval of an amended plat each lot or easement involved in an adjustment described in
554 Subsection (3)(a).

555 (d) The land use authority shall ensure that the amended plat prepared by the surveyor
556 is recorded in the office of the county recorder in which the land is located.

557 (4) (a) If a proposed amendment included in a petition is an amendment that would
558 affect an easement held by a public utility company, the land use authority shall:

559 (i) send notice to the affected public utility at least 30 days prior to taking action on the
560 petition; and

561 (ii) if the public utility does not respond within 15 days after the day on which the
562 notice in Subsection (4)(a)(i) is sent, and no later than 15 days before taking final action, send a
563 second notice.

564 (b) A notice required under Subsection (4)(a) shall:

565 (i) identify the easement identified in the proposed amendment in the petition;

566 (ii) request that the public utility provide the land use authority with a written release
567 or notice of disinterest; and

568 (iii) provide a deadline for the public utility to submit the written release or notice to
569 the land use authority that is no sooner than 30 days after the day on which the first notice is
570 sent.

571 (c) If the affected public utility does not provide a written release or notice of
572 disinterest to the land use authority within 30 days of receiving the first notice described in
573 Subsection (4)(a)(i), the land use authority:

574 (i) may approve the amendment and propose to the legislative body an ordinance or
575 resolution to vacate prior to or concurrent with approval of an amended plat each lot or
576 easement described in a petition described in Subsection (3)(a) if there is no utility
577 infrastructure located within a lot or easement identified in the petition; and

578 (ii) may not approve the amendment or propose to the legislative body an ordinance or
579 resolution to vacate if there is utility infrastructure located within a lot or easement identified in
580 the petition.

581 (5) (a) The owners of record of adjacent parcels may exchange title to portions of those
582 parcels if the exchange of title is:

583 (i) approved by the land use authority in accordance with Subsection (5)(b); and

584 (ii) an exchange described in Subsection 17-27a-103(59)(c).

585 (b) The land use authority shall approve an exchange of title in accordance with this

586 Subsection (5) if the exchange of title will not result in a violation of a land use ordinance.

587 (c) If an exchange of title is approved under Subsection (5)(b):

588 (i) the land use authority shall affix a notice of approval to the face of a plat prepared in
589 accordance with Section 17-23-17 showing the exchange of title and file the notice in the office
590 of the county surveyor; and

591 (ii) each owner of record shall, concurrent with the filing of the record of survey plat
592 required in accordance with Subsection (5)(c)(i), record a deed of conveyance of title reflecting
593 the approved change in the office of the county recorder of each affected county.

594 (d) A notice of approval recorded under this Subsection (5) does not act as a
595 conveyance of title to real property and is not required to record a document conveying title to
596 real property.

597 [~~(4)~~] (6) An amended plat may not be submitted to the county recorder for recording
598 unless it is signed, acknowledged, and dedicated by each owner of record of the portion of the
599 plat that is amended.

600 [~~(5)~~] (7) A management committee may sign and dedicate an amended plat as provided
601 in Title 57, Chapter 8, Condominium Ownership Act.

602 [~~(6)~~] (8) A plat may be corrected as provided in Section 57-3-106 if the correction does
603 not substantially or materially change the certifications, dedications, or approvals as originally
604 intended.

605 Section 5. Section **10-9a-609.5** is amended to read:

606 **10-9a-609.5. Vacating a street, right-of-way, or easement.**

607 (1) A petition to vacate some or all of a public street, right-of-way, or easement shall
608 include:

609 (a) the name and address of each owner of record of land that is:

610 (i) adjacent to the public street, right-of-way, or easement; or

611 (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or
612 easement; and

613 (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

614 (2) If a petition is submitted containing a request to vacate some or all of a street,
615 right-of-way, or easement, the legislative body shall hold a public hearing in accordance with
616 Section 10-9a-208 and determine whether:

617 (a) good cause exists for the vacation; and

618 (b) the public interest or any person will be materially injured by the proposed
619 vacation.

620 (3) The legislative body may adopt an ordinance or resolution granting a petition to
621 vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:

622 (a) good cause exists for the vacation; and

623 (b) neither the public interest nor any person will be materially injured by the vacation.

624 (4) If the legislative body adopts an ordinance or resolution vacating some or all of a
625 public street, right-of-way, or easement, the legislative body shall ensure that one or both of the
626 following is recorded in the office of the recorder of the county in which the land is located:

627 (a) a plat [~~reflecting the vacation~~], if required in accordance with Section 10-9a-609; or

628 (b) an ordinance or resolution described in Subsection (3).

629 (5) The action of the legislative body vacating some or all of a street, right-of-way, or
630 easement that has been dedicated to public use:

631 (a) operates to the extent to which it is vacated, upon the [~~effective date of the recorded~~
632 ~~plat;~~ date of recording in accordance with Subsection (4)] as a revocation of the acceptance of
633 and the relinquishment of the municipality's fee or other property interest in the vacated street,
634 right-of-way, or easement; and

635 (b) may not be construed to impair:

636 (i) any right-of-way or easement of any lot owner; or

637 (ii) the franchise rights of any public utility.

638 Section 6. Section **17-27a-103** is amended to read:

639 **17-27a-103. Definitions.**

640 As used in this chapter:

641 (1) "Affected entity" means a county, municipality, local district, special service
642 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
643 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
644 property owner, property owners association, public utility, or the Utah Department of
645 Transportation, if:

646 (a) the entity's services or facilities are likely to require expansion or significant
647 modification because of an intended use of land;

648 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
649 or

650 (c) the entity has filed with the county a request for notice during the same calendar
651 year and before the county provides notice to an affected entity in compliance with a
652 requirement imposed under this chapter.

653 (2) "Appeal authority" means the person, board, commission, agency, or other body
654 designated by ordinance to decide an appeal of a decision of a land use application or a
655 variance.

656 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
657 residential property if the sign is designed or intended to direct attention to a business, product,
658 or service that is not sold, offered, or existing on the property where the sign is located.

659 (4) (a) "Charter school" means:

660 (i) an operating charter school;

661 (ii) a charter school applicant that has its application approved by a chartering entity in
662 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

663 (iii) an entity who is working on behalf of a charter school or approved charter
664 applicant to develop or construct a charter school building.

665 (b) "Charter school" does not include a therapeutic school.

666 (5) "Chief executive officer" means the person or body that exercises the executive
667 powers of the county.

668 (6) "Conditional use" means a land use that, because of its unique characteristics or
669 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
670 compatible in some areas or may be compatible only if certain conditions are required that
671 mitigate or eliminate the detrimental impacts.

672 (7) "Constitutional taking" means a governmental action that results in a taking of
673 private property so that compensation to the owner of the property is required by the:

674 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

675 (b) Utah Constitution Article I, Section 22.

676 (8) "Culinary water authority" means the department, agency, or public entity with
677 responsibility to review and approve the feasibility of the culinary water system and sources for
678 the subject property.

679 (9) "Development activity" means:

680 (a) any construction or expansion of a building, structure, or use that creates additional
681 demand and need for public facilities;

682 (b) any change in use of a building or structure that creates additional demand and need
683 for public facilities; or

684 (c) any change in the use of land that creates additional demand and need for public
685 facilities.

686 (10) (a) "Disability" means a physical or mental impairment that substantially limits
687 one or more of a person's major life activities, including a person having a record of such an
688 impairment or being regarded as having such an impairment.

689 (b) "Disability" does not include current illegal use of, or addiction to, any federally
690 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
691 802.

692 (11) "Educational facility":

693 (a) means:

694 (i) a school district's building at which pupils assemble to receive instruction in a
695 program for any combination of grades from preschool through grade 12, including
696 kindergarten and a program for children with disabilities;

697 (ii) a structure or facility:

698 (A) located on the same property as a building described in Subsection (11)(a)(i); and

699 (B) used in support of the use of that building; and

700 (iii) a building to provide office and related space to a school district's administrative
701 personnel; and

702 (b) does not include:

703 (i) land or a structure, including land or a structure for inventory storage, equipment
704 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

705 (A) not located on the same property as a building described in Subsection (11)(a)(i);
706 and

707 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or

708 (ii) a therapeutic school.

709 (12) "Elderly person" means a person who is 60 years old or older, who desires or

710 needs to live with other elderly persons in a group setting, but who is capable of living
711 independently.

712 (13) "Fire authority" means the department, agency, or public entity with responsibility
713 to review and approve the feasibility of fire protection and suppression services for the subject
714 property.

715 (14) "Flood plain" means land that:

716 (a) is within the 100-year flood plain designated by the Federal Emergency
717 Management Agency; or

718 (b) has not been studied or designated by the Federal Emergency Management Agency
719 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
720 the land has characteristics that are similar to those of a 100-year flood plain designated by the
721 Federal Emergency Management Agency.

722 (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

723 (16) "General plan" means a document that a county adopts that sets forth general
724 guidelines for proposed future development of the unincorporated land within the county.

725 (17) "Geologic hazard" means:

726 (a) a surface fault rupture;

727 (b) shallow groundwater;

728 (c) liquefaction;

729 (d) a landslide;

730 (e) a debris flow;

731 (f) unstable soil;

732 (g) a rock fall; or

733 (h) any other geologic condition that presents a risk:

734 (i) to life;

735 (ii) of substantial loss of real property; or

736 (iii) of substantial damage to real property.

737 (18) "Internal lot restriction" means a platted note, platted demarcation, or platted
738 designation that:

739 (a) runs with the land; and

740 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on

741 the plat; or

742 (ii) designates a development condition that is enclosed within the perimeter of a lot
743 described on the plat.

744 (19) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
745 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
746 system.

747 (20) "Identical plans" means building plans submitted to a county that:

748 (a) are clearly marked as "identical plans";

749 (b) are substantially identical building plans that were previously submitted to and
750 reviewed and approved by the county; and

751 (c) describe a building that:

752 (i) is located on land zoned the same as the land on which the building described in the
753 previously approved plans is located;

754 (ii) is subject to the same geological and meteorological conditions and the same law
755 as the building described in the previously approved plans;

756 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
757 and approved by the county; and

758 (iv) does not require any additional engineering or analysis.

759 (21) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
760 Impact Fees Act.

761 (22) "Improvement assurance" means a surety bond, letter of credit, cash, or other
762 security:

763 (a) to guaranty the proper completion of an improvement;

764 (b) that is required as a condition precedent to:

765 (i) recording a subdivision plat; or

766 (ii) beginning development activity; and

767 (c) that is offered to a land use authority to induce the land use authority, before actual
768 construction of required improvements, to:

769 (i) consent to the recording of a subdivision plat; or

770 (ii) issue a permit for development activity.

771 (23) "Improvement assurance warranty" means a promise that the materials and

772 workmanship of improvements:

773 (a) comport with standards that the county has officially adopted; and

774 (b) will not fail in any material respect within a warranty period.

775 (24) "Interstate pipeline company" means a person or entity engaged in natural gas
776 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
777 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

778 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas
779 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
780 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

781 (26) "Land use application" means an application required by a county's land use
782 ordinance.

783 (27) "Land use authority" means a person, board, commission, agency, or other body
784 designated by the local legislative body to act upon a land use application.

785 (28) "Land use ordinance" means a planning, zoning, development, or subdivision
786 ordinance of the county, but does not include the general plan.

787 (29) "Land use permit" means a permit issued by a land use authority.

788 (30) "Legislative body" means the county legislative body, or for a county that has
789 adopted an alternative form of government, the body exercising legislative powers.

790 (31) "Local district" means any entity under Title 17B, Limited Purpose Local
791 Government Entities - Local Districts, and any other governmental or quasi-governmental
792 entity that is not a county, municipality, school district, or the state.

793 (32) (a) "Lot" means a lot, unit, area, building, tract, or other description of real estate
794 that is identified on a recorded plat.

795 (b) "Lot" does not include a parcel.

796 [~~32~~] (33) "Lot line adjustment" means the relocation of the property boundary line in
797 a recorded subdivision between two or more adjoining lots with the consent of the owners of
798 record.

799 [~~33~~] (34) "Moderate income housing" means housing occupied or reserved for
800 occupancy by households with a gross household income equal to or less than 80% of the
801 median gross income for households of the same size in the county in which the housing is
802 located.

803 [~~(34)~~] (35) "Nominal fee" means a fee that reasonably reimburses a county only for
804 time spent and expenses incurred in:

805 (a) verifying that building plans are identical plans; and

806 (b) reviewing and approving those minor aspects of identical plans that differ from the
807 previously reviewed and approved building plans.

808 [~~(35)~~] (36) "Noncomplying structure" means a structure that:

809 (a) legally existed before its current land use designation; and

810 (b) because of one or more subsequent land use ordinance changes, does not conform
811 to the setback, height restrictions, or other regulations, excluding those regulations that govern
812 the use of land.

813 [~~(36)~~] (37) "Nonconforming use" means a use of land that:

814 (a) legally existed before its current land use designation;

815 (b) has been maintained continuously since the time the land use ordinance regulation
816 governing the land changed; and

817 (c) because of one or more subsequent land use ordinance changes, does not conform
818 to the regulations that now govern the use of the land.

819 [~~(37)~~] (38) "Official map" means a map drawn by county authorities and recorded in
820 the county recorder's office that:

821 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
822 highways and other transportation facilities;

823 (b) provides a basis for restricting development in designated rights-of-way or between
824 designated setbacks to allow the government authorities time to purchase or otherwise reserve
825 the land; and

826 (c) has been adopted as an element of the county's general plan.

827 (39) "Parcel" means a description of real estate that is not part of a recorded plat.

828 (40) "Parcel line adjustment" means an adjustment of a common boundary line
829 between two or more parcels that are not part of a recorded plat.

830 [~~(38)~~] (41) "Person" means an individual, corporation, partnership, organization,
831 association, trust, governmental agency, or any other legal entity.

832 [~~(39)~~] (42) "Plan for moderate income housing" means a written document adopted by
833 a county legislative body that includes:

834 (a) an estimate of the existing supply of moderate income housing located within the
835 county;

836 (b) an estimate of the need for moderate income housing in the county for the next five
837 years as revised biennially;

838 (c) a survey of total residential land use;

839 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
840 income housing; and

841 (e) a description of the county's program to encourage an adequate supply of moderate
842 income housing.

843 ~~[(40)]~~ (43) "Plat" or "final plat" means a map, plat, or other graphical representation of
844 lands being laid out ~~[and prepared in accordance with Section 17-27a-603, 17-23-17, or~~
845 ~~57-8-13]~~, subdivided, defined, or described for a subdivision, condominium, townhouse,
846 planned unit development, or other land development purpose.

847 ~~[(41)]~~ (44) "Potential geologic hazard area" means an area that:

848 (a) is designated by a Utah Geological Survey map, county geologist map, or other
849 relevant map or report as needing further study to determine the area's potential for geologic
850 hazard; or

851 (b) has not been studied by the Utah Geological Survey or a county geologist but
852 presents the potential of geologic hazard because the area has characteristics similar to those of
853 a designated geologic hazard area.

854 ~~[(42)]~~ (45) "Public agency" means:

855 (a) the federal government;

856 (b) the state;

857 (c) a county, municipality, school district, local district, special service district, or other
858 political subdivision of the state; or

859 (d) a charter school.

860 ~~[(43)]~~ (46) "Public hearing" means a hearing at which members of the public are
861 provided a reasonable opportunity to comment on the subject of the hearing.

862 ~~[(44)]~~ (47) "Public meeting" means a meeting that is required to be open to the public
863 under Title 52, Chapter 4, Open and Public Meetings Act.

864 ~~[(45)]~~ (48) "Receiving zone" means an unincorporated area of a county that the county

865 designates, by ordinance, as an area in which an owner of land may receive a transferable
866 development right.

867 ~~[(46)]~~ (49) "Record of survey map" means a map of a survey of land prepared in
868 accordance with Section 17-23-17.

869 ~~[(47)]~~ (50) "Residential facility for elderly persons" means a single-family or
870 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not
871 include a health care facility as defined by Section 26-21-2.

872 ~~[(48)]~~ (51) "Residential facility for persons with a disability" means a residence:

873 (a) in which more than one person with a disability resides; and

874 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
875 Chapter 2, Licensure of Programs and Facilities; or

876 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
877 Health Care Facility Licensing and Inspection Act.

878 ~~[(49)]~~ (52) "Rules of order and procedure" means a set of rules that govern and
879 prescribe in a public meeting:

880 (a) parliamentary order and procedure;

881 (b) ethical behavior; and

882 (c) civil discourse.

883 ~~[(50)]~~ (53) "Sanitary sewer authority" means the department, agency, or public entity
884 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
885 wastewater systems.

886 ~~[(51)]~~ (54) "Sending zone" means an unincorporated area of a county that the county
887 designates, by ordinance, as an area from which an owner of land may transfer a transferable
888 development right.

889 ~~[(52)]~~ (55) "Specified public agency" means:

890 (a) the state;

891 (b) a school district; or

892 (c) a charter school.

893 ~~[(53)]~~ (56) "Specified public utility" means an electrical corporation, gas corporation,
894 or telephone corporation, as those terms are defined in Section 54-2-1.

895 ~~[(54)]~~ (57) "State" includes any department, division, or agency of the state.

896 ~~[(55)]~~ (58) "Street" means a public right-of-way, including a highway, avenue,
897 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
898 or other way.

899 ~~[(56)]~~ (59) (a) "Subdivision" means any land that is divided, resubdivided or proposed
900 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
901 purpose, whether immediate or future, for offer, sale, lease, or development either on the
902 installment plan or upon any and all other plans, terms, and conditions.

903 (b) "Subdivision" includes:

904 (i) the division or development of land whether by deed, metes and bounds description,
905 devise and testacy, map, plat, or other recorded instrument; and

906 (ii) except as provided in Subsection ~~[(56)]~~ (59)(c), divisions of land for residential and
907 nonresidential uses, including land used or to be used for commercial, agricultural, and
908 industrial purposes.

909 (c) "Subdivision" does not include:

910 ~~[(i) a bona fide division or partition of agricultural land for agricultural purposes;]~~

911 ~~[(ii) a recorded agreement between owners of adjoining properties adjusting their~~
912 ~~mutual boundary if:]~~

913 (i) a parcel line adjustment if:

914 (A) no new lot is created; and

915 (B) the adjustment does not violate applicable land use ordinances;

916 ~~[(iii)]~~ (ii) a recorded document, executed by the owner of record:

917 (A) revising the legal description of more than one contiguous unsubdivided parcel of
918 property into one legal description encompassing all such parcels of property; or

919 (B) joining a subdivided parcel of property to another parcel of property that has not
920 been subdivided, if the joinder does not violate applicable land use ordinances;

921 ~~[(iv)]~~ (iii) a bona fide division or partition of land in a county other than a first class
922 county for the purpose of siting, on one or more of the resulting separate parcels:

923 (A) an electrical transmission line or a substation;

924 (B) a natural gas pipeline or a regulation station; or

925 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
926 utility service regeneration, transformation, retransmission, or amplification facility;

927 [~~(v)~~] (iv) a recorded agreement between owners of adjoining subdivided properties
 928 adjusting their mutual boundary if:

929 (A) no new dwelling lot or housing unit will result from the adjustment; and

930 (B) the adjustment will not violate any applicable land use ordinance; or

931 [~~(vi)~~] (v) a bona fide division or partition of land by deed or other instrument where the
 932 land use authority expressly approves in writing the division in anticipation of further land use
 933 approvals on the parcel or parcels.

934 (d) The joining of a subdivided parcel of property to another parcel of property that has
 935 not been subdivided does not constitute a subdivision under this Subsection [~~(56)~~] (59) as to
 936 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
 937 subdivision ordinance.

938 [~~(57)~~] (60) "Therapeutic school" means a residential group living facility:

939 (a) for four or more individuals who are not related to:

940 (i) the owner of the facility; or

941 (ii) the primary service provider of the facility;

942 (b) that serves students who have a history of failing to function:

943 (i) at home;

944 (ii) in a public school; or

945 (iii) in a nonresidential private school; and

946 (c) that offers:

947 (i) room and board; and

948 (ii) an academic education integrated with:

949 (A) specialized structure and supervision; or

950 (B) services or treatment related to a disability, an emotional development, a
 951 behavioral development, a familial development, or a social development.

952 [~~(58)~~] (61) "Township" means a contiguous, geographically defined portion of the
 953 unincorporated area of a county, established under this part or reconstituted or reinstated under
 954 Section 17-27a-306, with planning and zoning functions as exercised through the township
 955 planning commission, as provided in this chapter, but with no legal or political identity
 956 separate from the county and no taxing authority, except that "township" means a former
 957 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

958 [(59)] (62) "Transferable development right" means a right to develop and use land that
959 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
960 land use rights from a designated sending zone to a designated receiving zone.

961 [(60)] (63) "Unincorporated" means the area outside of the incorporated area of a
962 municipality.

963 (64) "Vacate" means the process in which a legislative body takes formal action to:

964 (a) abdicate the public interest or the interest of a public utility within a recorded plat
965 by eliminating the ability to describe real estate by reference to the plat or portion of the plat
966 that is vacated; and

967 (b) relinquish a public use or claim.

968 (65) "Vacating plat" means a plat that:

969 (a) shows and describes a public street that is being vacated;

970 (b) identifies and describes the ownership of each part or portion of the vacated street;

971 and

972 (c) is prepared by a surveyor.

973 [(61)] (66) "Water interest" means any right to the beneficial use of water, including:

974 (a) each of the rights listed in Section 73-1-11; and

975 (b) an ownership interest in the right to the beneficial use of water represented by:

976 (i) a contract; or

977 (ii) a share in a water company, as defined in Section 73-3-3.5.

978 [(62)] (67) "Zoning map" means a map, adopted as part of a land use ordinance, that
979 depicts land use zones, overlays, or districts.

980 Section 7. Section **17-27a-607** is amended to read:

981 **17-27a-607. Dedication of streets and other public places.**

982 (1) A final plat that [is signed, dedicated, and acknowledged by each owner of record,
983 and approved according to the procedures specified in this part,] meets the requirements of
984 Section 17-27a-604:

985 (a) operates, when recorded, as a dedication and granting of an easement or
986 right-of-way of all streets and other public places[;]; and

987 (b) vests the fee of a public easement or right-of-way on those parcels of land in the
988 county for [the public for the uses] public use or an entity's use as specifically named or

989 intended in the dedication language included on the final plat.

990 (2) The dedication established by this section does not impose liability upon the county
991 for streets and other public places that are dedicated in this manner but are unimproved.

992 (3) (a) If a public easement or right-of-way is located in an area that is annexed, the
993 easement or right-of-way shall vest in the annexing entity.

994 (b) A change of a vesting right described in Subsection (3)(a) does not affect a public
995 utility or other facility, structure, monument, or other property that is owned or controlled by a
996 county or a utility owner.

997 Section 8. Section **17-27a-608** is amended to read:

998 **17-27a-608. Vacating or amending a subdivision plat -- Legislative body --**

999 **Recording the amended plat.**

1000 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
1001 subdivision, condominium, or platted project, that has been laid out and platted as provided in
1002 this part, may file a written petition with:

1003 (i) the land use authority, in accordance with Section 17-27a-609, to amend some or all
1004 of a plat; or

1005 (ii) the legislative body, in accordance with this section, to have some or all of the plat
1006 vacated or amended.

1007 (b) If a petition signed by each owner of interest of property located within the plat or a
1008 portion of a plat is filed under Subsection (1)(a)(i) to vacate all of a plat or a portion of a plat,
1009 the [~~land use authority~~] legislative body shall:

1010 (i) prepare a vacating plat; and

1011 (ii) except as provided in Subsection (2), hold a public hearing within 45 days after the
1012 day on which the petition is filed [if:].

1013 [~~(i) any owner within the plat notifies the county of the owner's objection in writing~~
1014 ~~within 10 days of mailed notification; or]~~

1015 [~~(ii) a public hearing is required because all of the owners in the subdivision have not~~
1016 ~~signed the revised plat.]~~

1017 [~~(2) Unless a local ordinance provides otherwise, the public hearing requirement of~~
1018 ~~Subsection (1)(b) does not apply and a land use authority may consider at a public meeting an~~
1019 ~~owner's petition to vacate or amend a subdivision plat if:]~~

1020 ~~[(a) the petition seeks to:]~~
1021 ~~[(i) join two or more of the petitioning fee owner's contiguous lots;]~~
1022 ~~[(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will~~
1023 ~~not result in a violation of a land use ordinance or a development condition;]~~
1024 ~~[(iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the~~
1025 ~~adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in~~
1026 ~~the same subdivision;]~~
1027 ~~[(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction~~
1028 ~~imposed by the local political subdivision; or]~~
1029 ~~[(v) alter the plat in a manner that does not change existing boundaries or other~~
1030 ~~attributes of lots within the subdivision that are not:]~~
1031 ~~[(A) owned by the petitioner; or]~~
1032 ~~[(B) designated as a common area; and]~~
1033 ~~[(b) notice has been given to adjacent property owners in accordance with any~~
1034 ~~applicable local ordinance.]~~
1035 (c) The legislative body:
1036 (i) may, in accordance with Section 17-27a-609.5, approve the plat vacation if no
1037 owner of interest of property located within the plat or a portion of the plat objects to the
1038 vacation at the public hearing; and
1039 (ii) may not approve the plat vacation if an owner of interest of property located within
1040 the plat or a portion of the plat objects to the vacation at the public hearing.
1041 (2) If a petition signed by each owner of interest is filed in accordance with Subsection
1042 (1)(a) to amend all or a portion of a plat, the legislative body may, at a public meeting, approve
1043 the amendment subject to Subsection (3).
1044 (3) (a) If a proposed amendment included in a petition is an amendment that would
1045 affect an easement held by a public utility company, and the easement is the only affected
1046 public interest, the legislative body shall:
1047 (i) send notice to the affected public utility at least 30 days prior to the public meeting;
1048 and
1049 (ii) if the public utility does not respond within 15 days after the day on which the
1050 notice in Subsection (3)(a)(i) is sent, and no later than 15 days before the public meeting, send

1051 a second notice.

1052 (b) A notice required under Subsection (3)(a) shall:

1053 (i) identify the easement identified in the proposed amendment in the petition;

1054 (ii) request that the public utility provide the legislative body with a written release or

1055 notice of disinterest; and

1056 (iii) provide a deadline for the public utility to submit the written release or notice to

1057 the legislative body that is no sooner than 30 days after the day on which the first notice is sent.

1058 (c) If the affected public utility does not provide a written release or notice of

1059 disinterest to the legislative body within 30 days of receiving the first notice described in

1060 Subsection (3)(a)(i), the legislative body:

1061 (i) may approve the amendment if there is no utility infrastructure located within a lot

1062 or easement identified in the petition; and

1063 (ii) may not approve the amendment if there is utility infrastructure located within a lot

1064 or easement identified in the petition.

1065 (d) The legislative body may approve an amendment described in Subsection (3)(c)(i)

1066 without a plat.

1067 (e) The legislative body may not approve an amendment to a plat or a portion of a plat

1068 that affects a public interest other than an interest described in Subsection (3)(a), unless:

1069 (i) the legislative body holds a public hearing prior to or concurrent with final plat

1070 approval; and

1071 (ii) no member of the public objects to the amendment approval at the public hearing.

1072 (4) The legislative body shall by ordinance or resolution vacate prior to or concurrent

1073 with adoption of a final amended plat each lot and each public or private interest that is

1074 amended in accordance with Subsection (2).

1075 ~~[(3)]~~ (5) Each request to vacate or amend a plat that contains a request to vacate or

1076 amend a public street, right-of-way, or easement is also subject to Section 17-27a-609.5.

1077 ~~[(4)]~~ (6) (a) Each petition to vacate or amend an entire plat or a portion of a plat shall

1078 include:

1079 ~~[(a)]~~ (i) the name and address of each owner of record of the land contained in:

1080 ~~[(i)]~~ (A) the entire plat; or

1081 ~~[(i)]~~ (B) that portion of the ~~[plan]~~ plat described in the petition; ~~[and]~~

1082 ~~[(b)]~~ (ii) the signature of each owner who consents to the petition[-]; and
 1083 (iii) the seal and signature of the surveyor who prepared the description included in the
 1084 petition.

1085 (b) A description prepared for purposes described in Subsection (6)(a)(iii) is exempt
 1086 from the requirements of Section 17-23-17.

1087 ~~[(5)(a) The owners of record of adjacent parcels that are described by either a metes~~
 1088 ~~and bounds description or by a recorded plat may exchange title to portions of those parcels if~~
 1089 ~~the exchange of title is approved by the land use authority in accordance with Subsection~~
 1090 ~~(5)(b).]~~

1091 ~~[(b) The land use authority shall approve an exchange of title under Subsection (5)(a) if~~
 1092 ~~the exchange of title will not result in a violation of any land use ordinance.]~~

1093 ~~[(c) If an exchange of title is approved under Subsection (5)(b):]~~

1094 ~~[(i) a notice of approval shall be recorded in the office of the county recorder which:]~~

1095 ~~[(A) is executed by each owner included in the exchange and by the land use~~
 1096 ~~authority;]~~

1097 ~~[(B) contains an acknowledgment for each party executing the notice in accordance~~
 1098 ~~with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and]~~

1099 ~~[(C) recites the descriptions of both the original parcels and the parcels created by the~~
 1100 ~~exchange of title; and]~~

1101 ~~[(ii) a document of conveyance of title reflecting the approved change shall be recorded~~
 1102 ~~in the office of the county recorder.]~~

1103 ~~[(d) A notice of approval recorded under this Subsection (5) does not act as a~~
 1104 ~~conveyance of title to real property and is not required to record a document conveying title to~~
 1105 ~~real property.]~~

1106 ~~[(6)]~~ (7) (a) The name of a recorded subdivision may be changed by recording an
 1107 ~~[amended plat]~~ ordinance or resolution making that change, as provided in this section ~~[and]~~.

1108 (b) A changed name is subject to Subsection ~~[(6)(c)]~~ (8).

1109 ~~[(b) The surveyor preparing the amended plat shall certify that the surveyor:]~~

1110 ~~[(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and~~
 1111 ~~Professional Land Surveyors Licensing Act;]~~

1112 ~~[(ii) has completed a survey of the property described on the plat in accordance with~~

1113 ~~Section 17-23-17 and has verified all measurements; and]~~

1114 ~~[(iii) has placed monuments as represented on the plat.]~~

1115 ~~[(c) An owner of land may not submit for recording an amended plat that gives the~~
 1116 ~~subdivision described in the amended plat the same name as a subdivision recorded in the~~
 1117 ~~county recorder's office.]~~

1118 (8) (a) Except as provided in Subsection (8)(b), the county recorder shall approve the
 1119 name of an amended plat.

1120 (b) A county recorder may not approve the name of an amended plat, unless the name:

1121 (i) identifies the plat being amended; and

1122 (ii) contains a designation so that the amendment may be uniquely identified from
 1123 another plat of record.

1124 (c) The county recorder may make a marginal note on the original dedication plat being
 1125 amended in accordance with Subsection (8)(a) to identify the new name and the ordinance or
 1126 resolution enacting the change of name.

1127 ~~[(d)]~~ (9) Except as provided in Subsection [(6)] (7)(a), the recording of [a] an
 1128 ordinance, resolution, declaration, or other document that purports to change the name of a
 1129 recorded plat is void.

1130 (10) A person may not submit an amended plat to the county recorder for recording,
 1131 unless the plat is signed, acknowledged, and dedicated by each owner of record of the portion
 1132 of the plat that is amended.

1133 (11) A management committee, as defined in Section 57-8-3, may sign and dedicate an
 1134 amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.

1135 (12) A plat may be corrected in accordance with Section 57-3-106 if the correction
 1136 does not substantially or materially change the certifications, dedications, or approvals as
 1137 originally intended.

1138 Section 9. Section **17-27a-609** is amended to read:

1139 **17-27a-609. Amending a plat -- Land use authority -- Recording the amended**
 1140 **plat.**

1141 (1) ~~[The]~~ If authorized by the legislative body, the land use authority may approve the
 1142 ~~[vacation or]~~ amendment of a plat by signing an amended plat ~~[showing the vacation or~~
 1143 ~~amendment if],~~ unless the land use authority finds that~~[(a) there is good cause for the~~

1144 ~~vacation or amendment, and (b) no public]~~ the amendment amends, changes, or alters a street,
1145 right-of-way, or public utility easement [has been vacated or amended].

1146 (2) The land use authority shall ensure that the amended plat [~~showing the vacation or~~
1147 ~~amendment]~~ prepared by a surveyor is recorded in the office of the county recorder in which
1148 the land is located.

1149 [~~(3) A legislative body may vacate a subdivision or a portion of a subdivision by~~
1150 ~~recording in the county recorder's office an ordinance describing the subdivision or the portion~~
1151 ~~being vacated.]~~

1152 (3) (a) Unless a local ordinance provides otherwise, and subject to Subsection (3)(b), a
1153 land use authority shall consider an owner's petition to amend a plat or a portion of a plat if the
1154 petition seeks to:

1155 (i) join two or more petitioning fee owner's contiguous lots;

1156 (ii) subdivide one or more of the petitioning fee owner's lots;

1157 (iii) adjust an internal lot restriction or easement on a lot owned by a petitioning fee
1158 owner; or

1159 (iv) alter a plat in a manner that does not change existing boundaries or other attributes
1160 of a lot within the subdivision if:

1161 (A) the lot is not owned by the petitioner;

1162 (B) the alteration is not designated as a common area; and

1163 (C) in accordance with an applicable local ordinance, each adjacent property owner has
1164 received notice of the proposed alteration.

1165 (b) The land use authority may not approve an amendment proposed in a petition if:

1166 (i) the subdivision will result in a violation of a land use ordinance or development
1167 condition;

1168 (ii) the amendment requires the alteration or vacation of a public street or public
1169 easement; or

1170 (iii) the land use authority has not complied with the requirements of Subsection (4).

1171 (c) If a land use authority approves a petition, the land use authority shall submit to the
1172 legislative body a proposed ordinance or resolution to vacate prior to or concurrent with
1173 approval of an amended plat each lot or easement involved in an adjustment described in
1174 Subsection (3)(a).

1175 (d) The land use authority shall ensure that the amended plat prepared by the surveyor
1176 is recorded in the office of the county recorder in which the land is located.

1177 (4) (a) If a proposed amendment included in a petition is an amendment that would
1178 affect an easement held by a public utility company, the land use authority shall:

1179 (i) send notice to the affected public utility at least 30 days prior to taking action on the
1180 petition; and

1181 (ii) if the public utility does not respond within 15 days after the day on which the
1182 notice in Subsection (4)(a)(i) is sent, and no later than 15 days before taking final action, send a
1183 second notice.

1184 (b) A notice required under Subsection (4)(a) shall:

1185 (i) identify the easement identified in the proposed amendment in the petition;

1186 (ii) request that the public utility provide the land use authority with a written release
1187 or notice of disinterest; and

1188 (iii) provide a deadline for the public utility to submit the written release or notice to
1189 the land use authority that is no sooner than 30 days after the day on which the first notice is
1190 sent.

1191 (c) If the affected public utility does not provide a written release or notice of
1192 disinterest to the land use authority within 30 days of receiving the first notice described in
1193 Subsection (4)(a)(i), the land use authority:

1194 (i) may approve the amendment and propose to the legislative body an ordinance or
1195 resolution to vacate prior to or concurrent with approval of an amended plat each lot or
1196 easement described in a petition described in Subsection (3)(a) if there is no utility
1197 infrastructure located within a lot or easement identified in the petition; and

1198 (ii) may not approve the amendment or propose to the legislative body an ordinance or
1199 resolution to vacate if there is utility infrastructure located within a lot or easement identified in
1200 the petition.

1201 (5) (a) The owners of record of adjacent parcels may exchange title to portions of those
1202 parcels if the exchange of title is:

1203 (i) approved by the land use authority in accordance with Subsection (5)(b); and

1204 (ii) an exchange described in Subsection 17-27a-103(59)(c).

1205 (b) The land use authority shall approve an exchange of title in accordance with this

1206 Subsection (5) if the exchange of title will not result in a violation of a land use ordinance.

1207 (c) If an exchange of title is approved under Subsection (5)(b):

1208 (i) the land use authority shall affix a notice of approval to the face of a plat prepared in
1209 accordance with Section 17-23-17 showing the exchange of title and file the notice in the office
1210 of the county surveyor; and

1211 (ii) each owner of record shall, concurrent with the filing of the record of survey plat
1212 required in accordance with Subsection (5)(c)(i), record a deed of conveyance of title reflecting
1213 the approved change in the office of the county recorder of each affected county.

1214 (d) A notice of approval recorded under this Subsection (5) does not act as a
1215 conveyance of title to real property and is not required to record a document conveying title to
1216 real property.

1217 [~~4~~] (6) An amended plat may not be submitted to the county recorder for recording
1218 unless it is signed, acknowledged, and dedicated by each owner of record of the portion of the
1219 plat that is amended.

1220 [~~5~~] (7) A management committee may sign and dedicate an amended plat as provided
1221 in Title 57, Chapter 8, Condominium Ownership Act.

1222 [~~6~~] (8) A plat may be corrected as provided in Section 57-3-106 if the correction does
1223 not substantially or materially change the certifications, dedications, or approvals as originally
1224 intended.

1225 Section 10. Section **17-27a-609.5** is amended to read:

1226 **17-27a-609.5. Vacating a street, right-of-way, or easement.**

1227 (1) A petition to vacate some or all of a public street, right-of-way, or easement shall
1228 include:

1229 (a) the name and address of each owner of record of land that is:

1230 (i) adjacent to the public street, right-of-way, or easement; or

1231 (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or
1232 easement; and

1233 (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

1234 (2) If a petition is submitted containing a request to vacate some or all of a street,
1235 right-of-way, or easement, the legislative body shall hold a public hearing in accordance with
1236 Section 17-27a-208 and determine whether:

- 1237 (a) good cause exists for the vacation; and
- 1238 (b) the public interest or any person will be materially injured by the proposed
- 1239 vacation.
- 1240 (3) The legislative body may adopt an ordinance or resolution granting a petition to
- 1241 vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
- 1242 (a) good cause exists for the vacation; and
- 1243 (b) neither the public interest nor any person will be materially injured by the vacation.
- 1244 (4) If the legislative body adopts an ordinance or resolution vacating some or all of a
- 1245 public street, right-of-way, or easement, the legislative body shall ensure that one or both of the
- 1246 following is recorded in the office of the recorder of the county in which the land is located:
- 1247 (a) a plat [~~reflecting the vacation~~], if required in accordance with Section 17-27a-608;
- 1248 or
- 1249 (b) an ordinance or resolution described in Subsection (3).
- 1250 (5) The action of the legislative body vacating some or all of a street, right-of-way, or
- 1251 easement that has been dedicated to public use:
- 1252 (a) operates to the extent to which it is vacated, upon the [~~effective date of the recorded~~
- 1253 ~~plat,~~] date of recording in accordance with Subsection (4) as a revocation of the acceptance of
- 1254 and the relinquishment of the county's fee or other property interest in the vacated street,
- 1255 right-of-way, or easement; and
- 1256 (b) may not be construed to impair:
- 1257 (i) any right-of-way or easement of any lot owner; or
- 1258 (ii) the franchise rights of any public utility.

Legislative Review Note
as of 2-19-13 10:22 AM

Office of Legislative Research and General Counsel