



# LAWS OF ALASKA

1998

**Source**

SCS CSHB 17(RES)

**Chapter No.**

40

**AN ACT**

Establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** May 20, 1998

**Actual Effective Date:** AS 40.15.330 and 40.15.370, added in sec. 10, take effect May 21, 1998; remainder of Act takes effect August 18, 1998

AN ACT

1 Establishing the Department of Natural Resources as the platting authority in certain areas of  
2 the state; relating to subdivisions and dedications; and providing for an effective date.

3

4 \* **Section 1.** PURPOSE. The purposes of this Act are to provide the public with an  
5 improved mechanism for the recording of plats for subdivisions and to ensure that provision  
6 has been made for access to those subdivisions. This Act is not intended to provide the state  
7 with any authority to establish engineering or other standards for subdivisions beyond those  
8 expressly set out in this Act.

9 \* **Sec. 2.** AS 19.30.320(4) is amended to read:

10 (4) "subdivision" has the meaning given in AS 40.15.900  
11 [AS 40.15.290].

12 \* **Sec. 3.** AS 29.03.030 is amended to read:

13 **Sec. 29.03.030. Platting authority.** The [SUBJECT TO AS 40.15.075, THE]

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1 Department of Natural Resources is the platting authority **for the state except within**  
2 **a municipality that has the power of land use regulation and that is exercising**  
3 **platting authority** [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE  
4 ALL CITIES].

5 \* Sec. 4. AS 34.65.100 is amended by adding a new paragraph to read:

6 (6) "subdivision" has the meaning given in AS 40.15.900.

7 \* Sec. 5. AS 38.04.910 is amended by adding a new paragraph to read:

8 (13) "subdivision" has the meaning given in AS 40.15.900.

9 \* Sec. 6. AS 40.15.010 is amended to read:

10 **Sec. 40.15.010. Approval, filing, and recording of subdivisions.** Before the  
11 lots or tracts of any subdivision or dedication may be sold or offered for sale, the  
12 subdivision or dedication shall be **approved by** [SUBMITTED FOR APPROVAL TO]  
13 the authority having jurisdiction, as prescribed in this chapter **and** [ THE REGULAR  
14 APPROVAL OF THE AUTHORITY SHALL BE SHOWN ON IT OR ATTACHED  
15 TO IT AND THE SUBDIVISION OR DEDICATION] shall be filed and recorded in  
16 the office of the recorder. The recorder may not accept a subdivision or dedication for  
17 filing and recording unless it shows this approval. [IF NO PLATTING AUTHORITY  
18 EXISTS AS PROVIDED IN AS 40.15.070 AND 40.15.075, LAND MAY BE SOLD  
19 WITHOUT APPROVAL.]

20 \* Sec. 7. AS 40.15.070 is amended to read:

21 **Sec. 40.15.070. Platting authority.** If land proposed to be subdivided or  
22 dedicated is situated within a **municipality that has the power of land use regulation**  
23 **and that is exercising platting authority** [FIRST OR SECOND CLASS BOROUGH],  
24 the proposed subdivision or dedication shall be submitted to the **municipal platting**  
25 **authority** [BOROUGH PLANNING COMMISSION] for approval. [IF THE LAND  
26 IS SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE  
27 THIRD CLASS BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION  
28 SHALL BE SUBMITTED TO THE CITY PLANNING COMMISSION FOR  
29 APPROVAL. THE BOROUGH PLANNING COMMISSION IS THE PLATTING  
30 AUTHORITY FOR THE FIRST OR SECOND CLASS BOROUGH, THE CITY  
31 PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR THE CITY,

1 AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING  
2 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS  
3 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A  
4 PORTION OF SUCH PLATS, AS PROVIDED IN AS 40.15.075. IF THE  
5 BOROUGH OR THE CITY DOES NOT HAVE A PLANNING COMMISSION, THE  
6 BOROUGH ASSEMBLY OR THE CITY GOVERNING BODY, RESPECTIVELY,  
7 IS THE PLATTING AUTHORITY AND THE PROPOSED SUBDIVISION OR  
8 DEDICATION SHALL BE SUBMITTED TO IT.] A subdivision may not be filed and  
9 recorded until it is approved by the platting authority.

10 \* Sec. 8. AS 40.15.070 is amended by adding a new subsection to read:

11 (b) The Department of Natural Resources is the platting authority in the areas  
12 of the state not described in (a) of this section.

13 \* Sec. 9. AS 40.15.200 is amended to read:

14 **Sec. 40.15.200. Application to state and political subdivisions.** All  
15 subdivisions of land made by the state, its agencies, instrumentalities, and political  
16 subdivisions are subject to the provisions of AS 40.15.010 - 40.15.200 [THIS  
17 CHAPTER] and AS 29.40.070 - 29.40.160, or home rule ordinances or regulations  
18 governing subdivisions, and shall comply with ordinances and other local regulations  
19 adopted under AS 40.15.010 - 40.15.200 [THIS CHAPTER] and AS 29.40.070 -  
20 29.40.160 or former AS 29.33.150 - 29.33.240, or under home rule authority, in the  
21 same manner and to the same extent as subdivisions made by other landowners.

22 \* Sec. 10. AS 40.15 is amended by adding new sections to read:

23 **Article 4. Platting in Areas Outside Certain Municipalities.**

24 **Sec. 40.15.300. Purposes of AS 40.15.300 - 40.15.380.** The purposes of  
25 AS 40.15.300 - 40.15.380 are to provide the public with an improved mechanism for  
26 the recording of plats for subdivisions in areas of the state identified in  
27 AS 40.15.305(a) and to ensure that provision has been made for access to those  
28 subdivisions. AS 40.15.300 - 40.15.380 are not intended to provide the state with any  
29 authority to establish engineering or other standards for subdivisions beyond those  
30 expressly set out in AS 40.15.300 - 40.15.380.

31 **Sec. 40.15.305. Examination of plats before recording.** (a) The

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1 commissioner shall exercise the platting authority for the state except within a  
2 municipality that has the power of land use regulation and that is exercising platting  
3 authority.

4 (b) The commissioner shall review and approve each plat under  
5 AS 40.15.300 - 40.15.380 before the plat is recorded under AS 40.17. The approval  
6 by the commissioner shall be affixed to the plat in the form of the following statement:

7 PLAT APPROVAL

8 This plat is approved by the commissioner of natural resources,  
9 or the commissioner's designee, in accordance with AS 40.15.

10 \_\_\_\_\_  
11 Commissioner Date

12 (c) The recorder may not accept for filing and recording a plat for which the  
13 commissioner's approval is required under this section without the approval of the  
14 commissioner endorsed on the plat.

15 (d) Within 45 days after a plat is filed, the commissioner shall approve the plat  
16 or return it to the applicant for modification or correction. Unless the applicant for  
17 plat approval consents to an extension of time, the plat is approved and a certificate  
18 of approval shall be issued by the commissioner if the commissioner fails to act within  
19 that period. The commissioner shall state in writing reasons for disapproval of a plat.

20 (e) A recorded plat may not be altered or replatted except on petition of the  
21 state, a municipality, a public utility, or the owner of a majority of the land affected  
22 by the proposed alteration or replat. The petition shall be filed with the commissioner  
23 and shall be accompanied by a copy of the existing plat showing the proposed  
24 alteration or replat. The provisions of AS 29.40.130 and 29.40.140(a) apply to an  
25 alteration or replat submitted under this subsection. The provisions of (d) of this  
26 section do not apply to an alteration or replat petition, but the commissioner shall state  
27 in writing reasons for disapproval of the petition.

28 (f) In the case of a vacation of a street, right-of-way, or other public area, the  
29 provisions of AS 29.40.140(b) and 29.40.160(a) and (b) apply. When applying these  
30 provisions to land outside a municipality, the word "municipality" should be read as  
31 "state" when the context requires.

1 (g) Notwithstanding another provision of AS 40.15.300 - 40.15.380, the  
2 commissioner shall approve, without review under AS 40.15.300 - 40.15.380, a plat  
3 under AS 38.04.045 that consists solely of land owned by the state. The commissioner  
4 may not charge a fee for the approval under this subsection.

5 **Sec. 40.15.310. Requirements for plat approval.** (a) Each plat must show  
6 on its face a certificate of ownership, with the names and addresses of each owner  
7 listed. Each owner of record shall sign the certificate, and the signatures shall be  
8 acknowledged.

9 (b) The surveyor preparing the plat shall sign and affix the seal of the  
10 surveyor.

11 **Sec. 40.15.320. Monuments.** (a) In a subdivision with five or fewer lots, the  
12 existence of at least a 5/8 inch by 24 inch rebar and cap monument at controlling  
13 exterior corners of the subdivision shall be established by the surveyor.

14 (b) In a subdivision of more than five lots, each interior corner shall be  
15 monumented with at least a 5/8 inch by 24 inch rebar and cap.

16 (c) If a monument of record does not lie on the parcel or tract boundary, the  
17 plat shall reflect a boundary survey and tie to a monument of record.

18 **Sec. 40.15.330. Plat standards.** The commissioner shall establish plat  
19 standards by regulation.

20 **Sec. 40.15.340. Engineering standards.** Except for subdivisions of state land,  
21 the commissioner may not establish engineering standards for subdivisions.

22 **Sec. 40.15.350. Certified copy of plat as evidence.** A copy of a plat certified  
23 by the recorder of the recording district in which it is filed or recorded as a true and  
24 complete copy of the original filed or recorded in the recording office for the district  
25 is admissible in evidence in all courts in the state with the same effect as the original.

26 **Sec. 40.15.360. Applicability.** The provisions of AS 40.15.300 - 40.15.380  
27 do not apply to maps, site plans, or other graphic representations prepared for

28 (1) the purpose of transferring a leasehold interest; the extraction of  
29 natural resources; or solely for the issuance of licenses or permits; or

30 (2) disposing of land by aliquot part descriptions of 40 acres or more  
31 within surveyed sections provided that the least aliquot part unit shall be not less than

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1 a 1/4 1/4 section.

2 **Sec. 40.15.370. Regulations.** The commissioner may adopt regulations to  
3 implement the provisions of AS 40.15.300 - 40.15.380, but only those that are  
4 necessary and that are in accordance with the purposes stated in AS 40.15.300.

5 **Sec. 40.15.380. Applicability to governmental bodies; right-of-way**  
6 **acquisition plats.** (a) Except as provided in this section and AS 40.15.300(g),  
7 AS 40.15.300 - 40.15.380 apply to the state, its agencies, instrumentalities, and  
8 political subdivisions in the same manner and to the same extent that they apply to  
9 other landowners.

10 (b) A plat for a subdivision created by the acquisition by the state, its agencies,  
11 instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for  
12 a similar public purpose in an area outside a municipality that has the power of land  
13 use regulation and that is exercising platting authority, is subject only to the approval  
14 provisions of this section and any provision of AS 40.15.300 - 40.15.380 not in  
15 conflict with this section.

16 (c) A right-of-way acquisition plat must contain the  
17 (1) location and name of the acquisition project;  
18 (2) approximate timetable for the acquisition and construction;  
19 (3) dimensions and area of the proposed tract, parcel, or parcels to be  
20 acquired and the remainder of the parcel or parcels;  
21 (4) name of the record owner or owners of the subject parcels;  
22 (5) signature and seal of the surveyor preparing the plat.

23 (d) The commissioner shall review each right-of-way acquisition plat for  
24 compliance with this section. If the plat does not meet the requirements of this  
25 section, it shall be returned to the submitting agency with an explanation of the  
26 deficiencies. A plat for which the commissioner's approval is required under  
27 AS 40.15.305 may not be recorded under AS 40.17 without the commissioner's  
28 approval endorsed on the plat.

29 (e) After approval by the commissioner, the original plat shall be filed with  
30 the appropriate district recorder within 30 days by the submitting agency.

31 (f) The minimum monumentation requirements for

1 (1) right-of-way acquisition subdivisions are a 5/8 inch by 24 inch  
2 reinforcement bar with appropriate identification cap set points from which the right-  
3 of-way may be defined, not exceeding 1,320 feet or, when line of sight permits, 2,640  
4 feet; all recovered monumented property corners of records, the lines of which are  
5 intersected by a right-of-way acquisition, shall be monumented as part of the right-of-  
6 way plat, either on the right-of-way line or at the original monument position;

7 (2) an airport parcel and land for a similar public purpose subdivision  
8 not defined by centerline shall be as provided in AS 40.15.320.

9 (g) If construction of improvements is scheduled to follow the right-of-way  
10 acquisition, the placement of the centerline monuments may be delayed until the  
11 improvements have been completed, in which case a statement designating the  
12 schedule for placing the monuments must be included on the plat.

13 (h) The state, its agencies, instrumentalities, or political subdivisions may  
14 acquire or obtain conveyances, including dedication of lots or tracts of a right-of-way  
15 acquisition plat, before submittal of a right-of-way acquisition plat for approval by the  
16 commissioner. A right-of-way acquisition conveyance may be recorded before  
17 approval and recording of the right-of-way acquisition plat.

18 **Article 5. General Provisions.**

19 **Sec. 40.15.900. Definitions.** In this chapter,

20 (1) "commissioner" means the commissioner of natural resources;

21 (2) "monument" means a fixed physical object marking a point on the  
22 surface of the earth used to commence or control a survey or to establish a lot corner;

23 (3) "plat" means a map or delineated representation of a tract or parcel  
24 of land showing the subdivision of land into lots, blocks, streets, or other divisions;

25 (4) "street" means an access way in common use including all of the  
26 land lying within a dedicated right-of-way as delineated on a plat showing streets,  
27 whether improved or unimproved;

28 (5) "subdivision"

29 (A) means the division of a tract or parcel of land into two or  
30 more lots by the landowner or by the creation of public access, excluding  
31 common carrier and public utility access;

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1 (B) does not include cadastral plats or cadastral control plats  
2 created by or on behalf of the United States Department of the Interior, Bureau  
3 of Land Management, regardless of whether these plats include easements or  
4 other public dedications;

5 (6) "surveyor" means an individual licensed to practice land surveying  
6 in the state under AS 08.48.

7 \* Sec. 11. AS 46.03.900 is amended by adding a new paragraph to read:

8 (36) "subdivision" has the meaning given in AS 40.15.900.

9 \* Sec. 12. AS 40.15.075 and 40.15.290 are repealed.

10 \* Sec. 13. AS 40.15.330 and 40.15.370, added in sec. 10 of this Act, take effect  
11 immediately under AS 01.10.070(c).