

**CS FOR HOUSE BILL NO. 17(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 1/31/97  
Referred: Finance

Sponsor(s): REPRESENTATIVE JAMES

**A BILL**

**FOR AN ACT ENTITLED**

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

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

5 \* Section 1. AS 19.30.320(4) is amended to read:

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

8 \* Sec. 2. AS 29.03.030 is amended to read:

9 **Sec. 29.03.030. Platting authority. The** [SUBJECT TO AS 40.15.075, THE]  
10 Department of Natural Resources is the platting authority **for the state except within**  
11 **a municipality that has the power of land use regulation and that is exercising**  
12 **platting authority** [IN THE UNORGANIZED BOROUGH [IN THE AREA OUTSIDE  
13 ALL CITIES].

14 \* Sec. 3. AS 34.65.100 is amended by adding a new paragraph to read:

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

2 \* **Sec. 4.** AS 38.04.910 is amended by adding a new paragraph to read:

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

4 \* **Sec. 5.** AS 40.15.010 is amended to read:

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

15 \* **Sec. 6.** AS 40.15.070 is amended to read:

16 **Sec. 40.15.070. Platting authority.** If land proposed to be subdivided or  
17 dedicated is situated within a **municipality that has the power of land use regulation**  
18 **and that is exercising platting authority** [FIRST OR SECOND CLASS BOROUGH],  
19 the proposed subdivision or dedication shall be submitted to the **municipal platting**  
20 **authority** [BOROUGH PLANNING COMMISSION] for approval. [IF THE LAND  
21 IS SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE  
22 THIRD CLASS BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION  
23 SHALL BE SUBMITTED TO THE CITY PLANNING COMMISSION FOR  
24 APPROVAL. THE BOROUGH PLANNING COMMISSION IS THE PLATTING  
25 AUTHORITY FOR THE FIRST OR SECOND CLASS BOROUGH, THE CITY  
26 PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR THE CITY,  
27 AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING  
28 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS  
29 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A  
30 PORTION OF SUCH PLATS, AS PROVIDED IN AS 40.15.075. IF THE  
31 BOROUGH OR THE CITY DOES NOT HAVE A PLANNING COMMISSION, THE



1 commissioner's approval is required under this section without the approval of the  
2 commissioner endorsed on the plat.

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

8 (e) A recorded plat may not be altered or replatted except on petition of the  
9 state, a municipality, a public utility, or the owner of a majority of the land affected  
10 by the proposed alteration or replat. The petition shall be filed with the commissioner  
11 and shall be accompanied by a copy of the existing plat showing the proposed  
12 alteration or replat. The provisions of AS 29.40.130 and 29.40.140(a) apply to an  
13 alteration or replat submitted under this subsection. The provisions of (d) of this  
14 section do not apply to an alteration or replat petition, but the commissioner shall state  
15 in writing reasons for disapproval of the petition.

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

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

24 (b) The surveyor preparing the plat shall sign and affix the seal of the  
25 surveyor.

26 **Sec. 40.15.320. Monuments.** (a) In a subdivision with five or fewer lots, the  
27 existence of each primary type monument at controlling exterior corners of the  
28 subdivision shall be established by the surveyor.

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

31 (c) If a monument of record does not lie on the parcel or tract boundary, the

1 plat shall reflect a boundary survey and tie to a monument of record.

2 **Sec. 40.15.330. Plat standards.** The commissioner shall establish plat  
3 standards by regulation.

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

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

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

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

14 (2) disposing of land by aliquot part descriptions of 40 acres or more  
15 within surveyed sections provided that the least aliquot part unit shall be not less than  
16 a 1/4 1/4 section.

17 **Sec. 40.15.370. Regulations.** The commissioner may adopt regulations to  
18 implement, clarify, or make specific the provisions of AS 40.15.300 - 40.15.380.

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

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

29 (c) A right-of-way acquisition plat must contain the

30 (1) location and name of the acquisition project;

31 (2) approximate timetable for the acquisition and construction;

1 (3) dimensions and area of the proposed tract, parcel, or parcels to be  
2 acquired and the remainder of the parcel or parcels;

3 (4) name of the record owner or owners of the subject parcels;

4 (5) signature and seal of the surveyor preparing the plat.

5 (d) The commissioner shall review each right-of-way acquisition plat for  
6 compliance with this section. If the plat does not meet the requirements of this  
7 section, it shall be returned to the submitting agency with an explanation of the  
8 deficiencies. A plat for which the commissioner's approval is required under  
9 AS 40.15.300 may not be recorded under AS 40.17 without the commissioner's  
10 approval endorsed on the plat.

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

13 (f) The minimum monumentation requirements for

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

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

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

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

31 **Article 5. General Provisions.**

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

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

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

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

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

10                  (5) "subdivision"

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

14                   (B) does not include cadastral plats, cadastral control plats,  
15 open-to-entry plats, remote parcel plats created by or on behalf of the state, or  
16 plats created by or on behalf of the United States Department of the Interior,  
17 Bureau of Land Management, regardless of whether these plats include  
18 easements or other public dedications;

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

21   \* **Sec. 10.** AS 46.03.900 is amended by adding a new paragraph to read:

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

23   \* **Sec. 11.** AS 40.15.075 and 40.15.290 are repealed.

24   \* **Sec. 12.** AS 40.15.330 and 40.15.370, added in sec. 9 of this Act, take effect immediately  
25 under AS 01.10.070(c).