

1 IN THE SENATE

BY COMMITTEE ON MUNICIPAL AFFAIRS
AND PUBLIC UTILITIES

2 COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 78 AND 112

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act controlling plats, subdivisions and
7 dedications and creating Boards of Platting
8 and defining their jurisdiction; providing
9 for the alteration and vacation of plats;
10 and further providing for standards to
11 govern the recording of plats and prescrib-
12 ing penalties for the violation of this
13 Act, and repealing Sections 16-6-1 and
14 16-6-2 ACLA 1949; further providing for
15 an appropriation."

16 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

17 CHAPTER I.

18 PLATS - RECORDING

19 Section 1. APPROVAL AND RECORDING OF SUBDIVISIONS: Each
20 subdivision or dedication, before any of its lots or tracts may
21 be sold or offered for sale, shall first be submitted for approval
22 to the authority having jurisdiction thereof, as herein pre-
23 scribed, and no sale or offer for sale shall be made unless and
24 until the same shall be approved by such authority as herein
25 provided, with the regular approval of such authority duly shown
26 thereon or attached thereto and until the same has been duly
27 filed for record in the office of the U.S. Commissioner, ex-
28 officio recorder, and no such U.S. Commissioner shall accept
29 for filing any such subdivision or dedication unless it shows

- 1 -

Com. Sub. for
S.B. Nos. 78 & 112 as amended

1 thereon such approval.

2 Section 2. PLATS TO BE ACKNOWLEDGED - CERTIFICATES THAT
3 TAXES AND ASSESSMENTS ARE PAID. Every plat shall be acknowledged
4 before any officer authorized to take acknowledgment of deeds,
5 a certificate of which acknowledgment shall be endorsed on or
6 annexed to the plat and recorded therewith. A person desiring
7 to file a plat, map, subdivision, or replat of any property, or
8 to vacate the whole or any portion of an existing plat, map,
9 subdivision, or replat, must at the time of filing the same for
10 record or of filing the petition to vacate, file therewith a
11 certificate from the tax collecting official or officials of the
12 area wherein the land is situate that all taxes levied against
13 the property at such date have been paid.

14 Section 3. DEDICATION OF STREETS, ALLEYS AND THOROUGHFARES
15 When an area has been subdivided and a plat thereof approved and
16 recorded in accordance herewith, all streets, alleys, thorough-
17 fares, parks and other public areas shown thereon shall be deemed
18 to have been dedicated to public use.

19 Section 4. CERTIFIED COPY OF PLAT AS EVIDENCE. A copy of
20 any plat certified by the Precinct Recorder of the precinct in
21 which it is recorded to be a true and complete copy of the
22 original thereon on file in his office shall be admissible in
23 evidence in any court of the Territory with the same effect as
24 the original.

25 Section 5. RECORDED PLATS LEGALIZED. All plats recorded
26 before the effective date of this Act, whether executed and ack-
27 nowledged in accordance with the provisions of this Act or not,
28 are hereby validated and all streets, alleys or public thorough-
29 fares shown thereon are deemed to have been dedicated to public

1 use, provided that nothing herein contained shall be construed
2 as prohibiting the abandonment of any such prior plat if a sub-
3 sequent plat thereof has been filed indicating such abandonment,
4 that is to say, the last plat of the area of record, as of the
5 effective date of this Act, shall be deemed to be the official
6 plat of such area, and the streets, alleys or thoroughfares
7 shown thereon shall be deemed to be the streets, alleys or
8 thoroughfares dedicated to public use, and all streets, alleys
9 or thoroughfares as shown on any prior plat of the same area
10 or any part thereof, and which are in conflict with those shown
11 on such last plat shall be deemed to have been abandoned and
12 vacated.

13 Section 6. MISSING PLATS. Where a recorded plat is missing
14 and no present record is available except by reference thereto,
15 counterpart copies approved by the platting authority, may be
16 recorded as of the original date of the missing plat and there-
17 after shall be of the same legal effect and notice as the
18 original missing plat.

19 CHAPTER II.

20 CONTROL OF PLATS, SUBDIVISIONS AND DEDICATIONS:

21 CREATION OF BOARDS OF PLATTING

22 Section 1. PLATTING AUTHORITY. Whenever any land proposed
23 to be subdivided or dedicated is situated within a city the same
24 shall be submitted for approval to the city planning commission
25 which shall be the platting authority for such city; if no city
26 planning commission exists, the same shall be submitted to the
27 city council, which shall then be the platting authority. When-
28 ever any land proposed to be subdivided or dedicated is situated
29 within a school district but outside a city, the same shall be

1 submitted for approval to the Board of Platting and Zoning as
2 hereinafter created, which shall be the platting authority for
3 such school district outside the city. No subdivision may be
4 filed for record until approved by the respective platting authority.

5 Section 2. PLATTING BOARD ESTABLISHED. There are hereby
6 created Platting Boards with jurisdiction over lands within those
7 portions of independent school districts lying outside the cor-
8 porate limit shall be composed of two members appointed by the
9 City Council of each city within the independent school district,
10 two members appointed by the Board of the independent school
11 district, and one member from each utility district which may
12 lie within the independent school district, to be appointed by
13 the Board of each such utility district. If the total of the
14 foregoing members be an even number, one member at large shall
15 be chosen by the preceding named members. The initial terms
16 of office shall be for one, two and three years, as determined
17 by lot at the first meeting of the Board, and the terms shall
18 thereafter be for three years. At the first meeting of such
19 Board, one of its members shall be chosen as Chairman and a
20 Clerk shall be appointed. All hearings and regular meetings
21 shall be open to the public. Decision shall be by majority
22 vote when a quorum is present, and proceedings shall be governed
23 by Roberts' Rules of Order. Action shall be taken in the form
24 of resolutions and orders. Board members shall serve without
25 pay.

26 Section 3. JURISDICTION AND POWER OF BOARDS. The Boards
27 of Platting shall have jurisdiction over platting and subdividing
28 as herein provided, and shall make and publish rules and regulat-
29 ions to implement and grants of power herein contained.

1 Section 4. PROCEDURE ON PLATS: The platting authority shall
2 approve or disapprove the plat of subdivision or dedication within
3 60 days after the filing thereof, or shall return such plat to
4 the applicant for modification or correction within 60 days from
5 the date of filing thereof; otherwise, such plat shall be deemed
6 to have been approved and a certificate to that effect shall be
7 issued by the platting authority on demand; provided, however,
8 that the applicant for plat approval may consent to the extension
9 of such period. The ground of disapproval of any plat shall be
10 stated upon the records of the platting authority.

11 Section 5. INFORMATION REQUIRED. Every plat, subdivision
12 or dedication shall show initial point of survey, original or
13 re-established corners, with description of them, and actual
14 traverse showing area of closure and all distances, angles and
15 calculations required to determine initial point, corners and
16 distances of the plat.

17 Section 6. PENALTIES. Whoever, being the owner or agent
18 of the owner of any land located within the subdivision, transfers,
19 sells, or agrees, or enters into a contract to sell any land in
20 such subdivision, whether by reference to or by other use of a
21 plat of such subdivision or otherwise, unless and until a plat
22 of such subdivision has been prepared in full compliance with
23 the provisions of this Act and of subdivision regulations adopted
24 hereunder and has been approved by the platting authority having
25 jurisdiction and has been recorded in the office of the U.S.
26 Commissioner, as provided herein, shall be guilty of a misdemeanor,
27 punishable by fine of not more than \$500.00 for each lot or parcel
28 so transferred or sold or agreed or included in a contract to be
29 sold; and the description by metes and bounds in the instrument

1 of transfer or other document used in the process of selling or
2 transferring shall not exempt the transaction from such penalty
3 or from the limits herein provided. The platting authority may
4 sue to enjoin such transfer or sale or agreement to sell, and
5 may recover the said penalty by appropriate action in any court
6 of competent jurisdiction.

7 It shall be unlawful to file or record any such plat of
8 subdivisions in any public office unless the same shall bear
9 thereon, by endorsement or otherwise, the approval of the
10 platting authority, and any person, partnership, or corporation
11 violating this provision shall, upon conviction thereof, be
12 fined not more than \$500.00, or be punished by a term of imprison-
13 ment of not more than six months, or may be subjected to both
14 such fine and imprisonment.

15 Section 7. DEFINITIONS. For the purposes of this Act,
16 the term "street" or "streets" means, relates to, and includes
17 streets, avenues, boulevards, roads, lanes, alleys, and other
18 ways; "subdivision" means the division of a tract or parcel
19 of land into five or more lots, sites, or other divisions for
20 the purpose, whether immediate or future, of sale or building
21 development, and includes resubdivision and, when appropriate
22 to the context, relates to the process of subdividing or to
23 the land or area subdivided.

24 CHAPTER III.

25 VAGATION OF PLATS AND STREETS

26 Section 1. PETITION. No plat of any area shall be altered,
27 amended or changed, except upon petition of the owners of a
28 majority of the land to be thereby affected, showing the changes
29 contemplated. No street, alley or public thoroughfare or any

1 part thereof shall be vacated, except upon petitions of the
2 owners of the majority of the front feet of the land fronting
3 upon the part of the street, alley or public thoroughfare sought
4 to be vacated. Such petitions shall be filed with the Clerk of
5 the City or of the Board of Platting and Zoning, praying that
6 the plat, addition or subdivision, or part thereof, be amended,
7 replatted or vacated, or that the street, alley or public
8 thoroughfare or part thereof be vacated. The petition shall be
9 accompanied by a plat, draft or a copy of the existing plat,
10 showing the proposed amendment, replat or vacation.

11 Section 2. TIME AND PLACE OF HEARING; NOTICE. Upon the
12 payment of the costs thereof, the Clerk shall fix a time for the
13 hearing of the petition which shall not be less than thirty nor
14 more than sixty days after the filing, and shall cause a notice
15 to be issued under his hand and the seal of the platting author-
16 ity, stating when and by whom the petition was filed the object
17 thereof, and the time and place of the hearing. The notice
18 shall also generally describe the plat, addition or subdivision
19 sought to be amended, replatted or vacated, or the street, alley
20 or public thoroughfare or part thereof sought to be vacated.
21 This notice shall be published once a week for three consecutive
22 weeks in a newspaper of general circulation published within the
23 largest governing district in which the land is located; the
24 Clerk shall also mail by registered mail a copy of such notice
25 to each of the owners of the affected property not joining in
26 the petition as shown by the records in the property taxing
27 office of the largest jurisdiction in which the land, plat
28 or addition or subdivision is located, at the addresses there
29 shown.

- 7 -

Com. Sub. for
S.B. Nos. 78 and 112 as amended.

1 Section 3. HEARING, DETERMINATION AND ORDER. At the
2 hearing, the platting authority shall inquire into and determine
3 the merits of the relief prayed for and make such order as
4 justice and the public welfare require.

5 Section 4. NEW PLAT TO BE FILED; ORDER OF VACATION. If the
6 amended plat or replat be approved, it shall be filed and re-
7 corded with the Recorder of the Recording District where the
8 property is situated and thereafter shall be the lawful plat.
9 Should the plat, addition, subdivision, street, alley or public
10 thoroughfare, or part thereof be vacated and not otherwise
11 altered, or replatted, it shall only be necessary to file with
12 the said Recorder the order or resolution vacating the same and
13 the Recorder shall thereupon note upon the original plat the
14 part so vacated.

15 Section 5. TITLE TO VACATED AREA, STREETS, PUBLIC SQUARES.
16 The title to the street or other public area vacated shall
17 attach to the lots or lands bordering on such area in equal
18 proportions, except that where the area has been originally
19 dedicated by different persons, original boundary lines shall
20 be adhered to so that the street area which lies on one side of
21 such boundary line shall attach to the abutting property on
22 such side, and the street area which lies upon the other side
23 of such boundary line shall attach to the property on such other
24 side, provided, however, that all that portion of a vacated
25 street which lies within the limits of a platted addition shall
26 attach to the lots of the platted addition bordering on such
27 area. If a public square is vacated, the title thereto shall
28 vest in the independent school district wherein the square lies
29 or if it lies within a city, then it shall vest in said city for

1 the use of said city or school district, to be used and disposed
2 of as other public lands. If the property vacated is a lot,
3 lots or tract, title thereto shall vest in the rightful owner.

4 Section 6. REPEAL OF CONFLICTING ACTS. Sections 16-6-1 and
5 16-6-2 ACLA 1949 shall be and the same are hereby repealed.

6 CHAPTER IV.

7 MISCELLANEOUS

8 Section 1. Funds for carrying out the provisions of this
9 Act shall be set forth in the general appropriation bill but no
10 more than two thousand dollars per annum shall be allocated for
11 any board created under the authority of this Act, which shall
12 be expended only upon proper vouchers submitted by the officers
13 of such boards in the form prescribed by the Auditor.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29