

BY THE RESOURCES COMMITTEE

1 IN THE SENATE

2

SENATE BILL NO. 546

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act establishing the Department of Natural Re-
7 sources as the platting authority in certain areas of
8 the state; and providing for an effective date."

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

10 * Section 1. AS 29.03.030 is amended to read:

11 Sec. 29.03.030. PLATTING AUTHORITY. The [SUBJECT TO AS 40.15.-
12 075, THE] Department of Natural Resources is the platting authority
13 for the state except within a municipality that has the power of land
14 use regulation [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE ALL
15 CITIES].

16 * Sec. 2. AS 40.15.010 is amended to read:

17 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS.
18 Before the lots or tracts of any subdivision or dedication may be sold
19 or offered for sale, the subdivision or dedication shall be submitted
20 for approval to the authority having jurisdiction, as prescribed in
21 this chapter. The regular approval of the authority shall be shown on
22 [IT] or attached to the subdivision or dedication [IT] and the subdi-
23 vision or dedication shall be filed and recorded in the office of the
24 recorder. The recorder may not accept a subdivision or dedication for
25 filing and recording unless it shows this approval. [IF NO PLATTING
26 AUTHORITY EXISTS AS PROVIDED IN AS 40.15.070 AND 40.15.075, LAND MAY
27 BE SOLD WITHOUT APPROVAL.]

28 * Sec. 3. AS 40.15.070 is amended to read:

29 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be

1 subdivided or dedicated is situated within a municipality that has the
2 power of land use regulation [FIRST OR SECOND CLASS BOROUGH], the
3 proposed subdivision or dedication shall be submitted to the municipal
4 [BOROUGH] planning commission for approval. [IF THE LAND IS SITUATED
5 WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE THIRD CLASS BOROUGH,
6 THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED TO THE CITY
7 PLANNING COMMISSION FOR APPROVAL. THE BOROUGH PLANNING COMMISSION IS
8 THE PLATTING AUTHORITY FOR THE FIRST OR SECOND CLASS BOROUGH, THE CITY
9 PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR THE CITY, AND THE
10 DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING AUTHORITY IN THE
11 REMAINING AREAS OF THE STATE AND THIRD CLASS BOROUGH FOR THE CHANGE OR
12 VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS, AS PROVIDED IN
13 AS 40.15.075.] If a municipality that has the power of land use
14 regulation [THE BOROUGH OR THE CITY] does not have a planning commis-
15 sion, the [BOROUGH ASSEMBLY OR THE CITY] governing body [, RESPECTIVE-
16 LY,] is the platting authority and the proposed subdivision or dedica-
17 tion shall be submitted to it. A subdivision may not be filed and
18 recorded until it is approved by the platting authority.

19 * Sec. 4. AS 40.15.070 is amended by adding a new subsection to read:

20 (b) The Department of Natural Resources is the platting authori-
21 ty in the areas of the state not described in (a) of this section.

22 * Sec. 5. 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. EXAMINATION OF PLATS BEFORE RECORDING. (a) The
25 commissioner shall exercise the platting authority for the state
26 except within a municipality that has the power of land use regula-
27 tion.

28 (b) The commissioner shall review each plat under AS 40.15.300 -
29 40.15.400 before the plat is recorded under AS 40.17. The approval by

1 the commissioner shall be endorsed on the plat and the plat may not be
2 recorded under AS 40.17 without the approval endorsed on the plat.

3 (c) The commissioner shall use an abbreviated plat review proce-
4 dure for a plat that complies with AS 29.40.090.

5 (d) Within 30 days after a plat is filed, the commissioner shall
6 approve the plat or return it to the applicant for modification or
7 correction. Unless the applicant for plat approval consents to an
8 extension of time, the plat is approved and a certificate of approval
9 shall be issued by the commissioner if the commissioner fails to act
10 within 30 days. The commissioner shall state in writing reasons for
11 disapproval of a plat.

12 Sec. 40.15.310. REQUIREMENTS FOR PLAT APPROVAL. (a) Each plat
13 must show on its face a certificate of ownership, with the names and
14 addresses of each owner listed. Each owner of record shall sign the
15 certificate and the signatures shall be acknowledged.

16 (b) The surveyor preparing the plat shall sign and affix the
17 seal of the surveyor.

18 Sec. 41.15.320. MONUMENTS. (a) In a subdivision with five or
19 fewer lots, the existence of each monument at a controlling exterior
20 corner of the subdivision shall be established by the surveyor. If a
21 monument of record does not lie on the parcel or tract boundary, the
22 plat shall reflect a boundary survey and tie to a monument of record.

23 (b) In a subdivision of more than five lots, each lot corner
24 shall be monumented.

25 Sec. 40.15.330. PLAT STANDARDS. The commissioner shall estab-
26 lish plat standards by regulation.

27 Sec. 40.15.340. ENGINEERING STANDARDS. The commissioner may not
28 establish engineering standards for subdivisions.

29 Sec. 40.15.350. CERTIFIED COPY OF PLAT AS EVIDENCE. A copy of a

1 plat certified by the recorder of the recording district in which it
2 is filed or recorded as a true and complete copy of the original filed
3 or recorded in the recording office for the district is admissible in
4 evidence in all courts in the state with the same effect as the origi-
5 nal.

6 Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 -
7 40.15.400 do not apply to subdivision maps prepared

8 (1) for the purpose of transferring a leasehold interest
9 and for the issuance of licenses and permits; or

10 (2) for surveyed sections where the aliquot parts described
11 are 40 acres or larger.

12 Sec. 40.15.370. REGULATIONS. The commissioner may adopt regu-
13 lations to implement, clarify, or make specific the provisions of
14 AS 40.15.300 - 40.15.400.

15 Sec. 40.15.400. DEFINITIONS. In AS 40.15.300 - 40.15.400,

16 (1) "commissioner" means the commissioner of natural re-
17 sources;

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

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

24 (4) "subdivision" means the division of a tract or parcel
25 of land into two or more lots or by creation of public access;

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

28 * Sec. 6. AS 40.15.075 is repealed.

29 * Sec. 7. AS 40.15.330 and 40.15.370, as enacted in sec. 5 of this Act,

1 take effect immediately under AS 01.10.070(c).

2 * Sec. 8. Except as provided in sec. 7 of this Act, this Act takes
3 effect September 1, 1990.