

**SENATE BILL NO. 81**

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR FAHRENKAMP

Introduced: 1/22/91

Referred: Resources and Finance

**A BILL**

**FOR AN ACT ENTITLED**

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

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

4 \* **Section 1.** AS 29.03.030 is amended to read:

5           Sec. 29.03.030. PLATTING AUTHORITY. The [SUBJECT TO AS 40.15.075, THE]  
6 Department of Natural Resources is the platting authority for the state except within a  
7 municipality that has the power of land use regulation [IN THE UNORGANIZED  
8 BOROUGH IN THE AREA OUTSIDE ALL CITIES].

9 \* **Sec. 2.** AS 40.15.010 is amended to read:

10           Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before  
11 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision  
12 or dedication shall be submitted for approval to the authority having jurisdiction, as prescribed  
13 in this chapter. The regular approval of the authority shall be shown on [IT] or attached to the  
14 subdivision or dedication [IT] and the subdivision or dedication shall be filed and recorded in

1 the office of the recorder. The recorder may not accept a subdivision or dedication for filing and  
2 recording unless it shows this approval. [IF NO PLATTING AUTHORITY EXISTS  
3 AS PROVIDED IN AS 40.15.070 AND 40.15.075, LAND MAY BE SOLD WITHOUT  
4 APPROVAL.]

5 \* Sec. 3. AS 40.15.070 is amended to read:

6 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or  
7 dedicated is situated within a municipality that has the power of land use regulation [FIRST  
8 OR SECOND CLASS BOROUGH], the proposed subdivision or dedication shall be submitted  
9 to the municipal [BOROUGH] planning commission for approval. [IF THE LAND IS  
10 SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE THIRD CLASS  
11 BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED  
12 TO THE CITY PLANNING COMMISSION FOR APPROVAL. THE BOROUGH PLANNING  
13 COMMISSION IS THE PLATTING AUTHORITY FOR THE FIRST OR SECOND CLASS  
14 BOROUGH, THE CITY PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR  
15 THE CITY, AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING  
16 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS  
17 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A PORTION OF  
18 SUCH PLATS, AS PROVIDED IN AS 40.15.075.] If a municipality that has the power of  
19 land use regulation [THE BOROUGH OR THE CITY] does not have a planning commission,  
20 the [BOROUGH ASSEMBLY OR THE CITY] governing body [, RESPECTIVELY,] is the  
21 platting authority and the proposed subdivision or dedication shall be submitted to it. A  
22 subdivision may not be filed and recorded until it is approved by the platting authority.

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

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

26 \* Sec. 5. AS 40.15.290 is amended to read:

27 Sec. 40.15.290. DEFINITIONS. In AS 40.15.010 - 40.15.290 [THIS CHAPTER]

28 (1) "street" includes streets, avenues, boulevards, roads, lanes, alleys, and other  
29 ways;

30 (2) "subdivision"

31 (A) means the division of a tract or parcel of land into two or more lots,

1 sites, or other divisions for the purpose, whether immediate or future, of sale or building  
2 development, and includes resubdivision and, when appropriate to the context, relates to  
3 the process of subdividing or to the land or areas subdivided;

4 (B) does not include cadastral plats, cadastral control plats, open-to-entry  
5 plats, or remote parcel plats created by or on behalf of the state regardless of whether  
6 these plats include easements or other public dedications.

7 \* Sec. 6. AS 40.15 is amended by adding new sections to read:

8 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

9 Sec. 40.15.300. EXAMINATION OF PLATS BEFORE RECORDING. (a) The  
10 commissioner shall exercise the platting authority for the state except within a municipality that  
11 has the power of land use regulation.

12 (b) The commissioner shall review each plat under AS 40.15.300 - 40.15.400 before the  
13 plat is recorded under AS 40.17. The approval by the commissioner shall be endorsed on the  
14 plat and the plat may not be recorded under AS 40.17 without the approval endorsed on the plat.

15 (c) The commissioner shall use an abbreviated plat review procedure for a plat that  
16 complies with AS 29.40.090.

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

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

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

26 Sec. 40.15.320. MONUMENTS. (a) In a subdivision with five or fewer lots, the  
27 existence of each monument at a controlling exterior corner of the subdivision shall be  
28 established by the surveyor. If a monument of record does not lie on the parcel or tract  
29 boundary, the plat shall reflect a boundary survey and tie to a monument of record.

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

31 Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat standards

1 by regulation.

2 Sec. 40.15.340. ENGINEERING STANDARDS. The commissioner may not establish  
3 engineering standards for subdivisions.

4 Sec. 40.15.350. CERTIFIED COPY OF PLAT AS EVIDENCE. A copy of a plat  
5 certified by the recorder of the recording district in which it is filed or recorded as a true and  
6 complete copy of the original filed or recorded in the recording office for the district is  
7 admissible in evidence in all courts in the state with the same effect as the original.

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

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

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

13 Sec. 40.15.370. REGULATIONS. The commissioner may adopt regulations to  
14 implement, clarify, or make specific the provisions of 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 resources;

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

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

21 (4) "street" has the meaning given in AS 40.15.290;

22 (5) "subdivision" means the division of a tract or parcel of land into two or more  
23 lots or by creation of public access;

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

26 \* Sec. 7. AS 40.15.075 is repealed.

27 \* Sec. 8. AS 40.15.330 and 40.15.370, added in sec. 7 of this Act, take effect immediately under  
28 AS 01.10.070(c).

29 \* Sec. 9. Except as provided in sec. 8 of this Act, this Act takes effect September 1, 1991.