

HOUSE CS FOR CS FOR SENATE BILL NO. 81 (RESOURCES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 5/16/91
Referred: Finance

Sponsor(s): SENATORS FAHRENKAMP, Sturgulewski

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; relating to subdivisions and dedications; and providing for an
3 effective date."

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

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

6 Sec. 29.03.030. PLATTING AUTHORITY. The [SUBJECT TO AS 40.15.075, THE]
7 Department of Natural Resources is the platting authority for the state except within a
8 municipality that has the power of land use regulation and that has adopted ordinances
9 implementing AS 29.40 [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE
10 ALL CITIES].

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

12 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before
13 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision
14 or dedication shall be approved by [SUBMITTED FOR APPROVAL TO] the authority having

1 jurisdiction, as prescribed in this chapter and [. THE REGULAR APPROVAL OF THE
2 AUTHORITY SHALL BE SHOWN ON IT OR ATTACHED TO IT AND THE SUBDIVISION
3 OR DEDICATION] shall be filed and recorded in the office of the recorder. The recorder may
4 not accept a subdivision or dedication for filing and recording unless it shows this approval. [IF
5 NO PLATTING AUTHORITY EXISTS AS PROVIDED IN AS 40.15.070 AND 40.15.075,
6 LAND MAY BE SOLD WITHOUT APPROVAL.]

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

8 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or
9 dedicated is situated within a municipality that has the power of land use regulation and that
10 has adopted ordinances implementing AS 29.40 [FIRST OR SECOND CLASS BOROUGH],
11 the proposed subdivision or dedication shall be submitted to the municipal [BOROUGH]
12 planning commission for approval. If a municipality that has the power of land use
13 regulation and that has adopted ordinances implementing AS 29.40 [THE LAND IS
14 SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE THIRD CLASS
15 BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED
16 TO THE CITY PLANNING COMMISSION FOR APPROVAL. THE BOROUGH PLANNING
17 COMMISSION IS THE PLATTING AUTHORITY FOR THE FIRST OR SECOND CLASS
18 BOROUGH, THE CITY PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR
19 THE CITY, AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING
20 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS
21 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A PORTION OF
22 SUCH PLATS, AS PROVIDED IN AS 40.15.075. IF THE BOROUGH OR THE CITY] does
23 not have a planning commission, the [BOROUGH ASSEMBLY OR THE CITY] governing body
24 [, RESPECTIVELY,] is the platting authority and the proposed subdivision or dedication shall
25 be submitted to it. A subdivision may not be filed and recorded until it is approved by the
26 platting authority.

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

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

30 * Sec. 5. AS 40.15.200 is amended to read:

31 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All

1 subdivisions of land made by the state, its agencies, instrumentalities and political subdivisions
2 are subject to the provisions of AS 40.15.010 - 40.15.200 [THIS CHAPTER] and AS 29.40.070 -
3 29.40.160, or home rule ordinances or regulations governing subdivisions, and shall comply with
4 ordinances and other local regulations adopted under AS 40.15.010 - 40.15.200 [THIS
5 CHAPTER] and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or under home
6 rule authority, in the same manner and to the same extent as subdivisions made by other
7 landowners.

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

9 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

10 Sec. 40.15.300. EXAMINATION OF PLATS BEFORE RECORDING. (a) The
11 commissioner shall exercise the platting authority for the state except within a municipality that
12 has the power of land use regulation and that has adopted ordinances implementing AS 29.40.

13 (b) The commissioner shall review and approve each plat under AS 40.15.300 -
14 40.15.380 before the plat is recorded under AS 40.17. The approval by the commissioner shall
15 be affixed to the plat in the form of the following statement:

16 PLAT APPROVAL

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

19 _____
20 Commissioner

_____ Date

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

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

29 (e) A recorded plat may not be altered or replatted except on petition of the state, a
30 municipality, a public utility, or the owner of a majority of the land affected by the proposed
31 alteration or replat. The petition shall be filed with the commissioner and shall be accompanied

1 by a copy of the existing plat showing the proposed alteration or replat. The provisions of AS
2 29.40.130 and 29.40.140(a) apply to an alteration or replat submitted under this subsection. The
3 provisions of (d) of this section do not apply to an alteration or replat petition, but the
4 commissioner shall state in writing reasons for disapproval of the petition.

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

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

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

13 (c) The commissioner shall require that a plat submitted for approval bear the certificate
14 of approval of any other state agency having subdivision plat approval authority.

15 Sec. 40.15.320. MONUMENTS. (a) In a subdivision with five or fewer lots, the
16 existence of each monument at a controlling exterior corner of the subdivision shall be
17 established by the surveyor.

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

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

21 Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat standards
22 by regulation.

23 Sec. 40.15.340. ENGINEERING STANDARDS. The commissioner may not establish
24 engineering standards for subdivisions.

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

29 Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.380 do not
30 apply to maps, site plans, or other graphic representations prepared for

31 (1) the purpose of transferring a leasehold interest; the extraction of natural

1 resources; or solely for the issuance of licenses or permits; or

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

4 Sec. 40.15.370. REGULATIONS. The commissioner may adopt regulations to
5 implement, clarify, or make specific the provisions of AS 40.15.300 - 40.15.380.

6 Sec. 40.15.380. APPLICABILITY TO GOVERNMENTAL BODIES; RIGHT-OF-WAY
7 ACQUISITION PLATS. (a) Except as provided in this section, AS 40.15.300 - 40.15.380 apply
8 to the state, its agencies, instrumentalities, and political subdivisions in the same manner and to
9 the same extent that they apply to 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 a similar
12 public purpose in an area outside a municipality that has the power of land use regulation that
13 has adopted ordinances implementing AS 29.40, is subject only to the approval provisions of this
14 section and any provision of AS 40.15.300 - 40.15.380 not in conflict with this section.

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

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

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

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

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

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

22 (e) The commissioner shall review each right-of-way acquisition plat for compliance with
23 this section. If the plat does not meet the requirements of this section, it shall be returned to the
24 submitting agency with an explanation of the deficiencies. A plat for which the commissioner's
25 approval is required under AS 40.15.300 may not be recorded under AS 40.17 without the
26 commissioner's approval endorsed on the plat.

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

29 (f) The minimum monumentation requirements for

30 (1) right-of-way acquisition subdivisions are a 5/8" x 24" reinforcement bar with
31 appropriate identification cap set on the margin of the right-of-way at all points marking the

1 beginning and end of each curve and on tangents so that the distance between monumented points
2 does not exceed 1,320 feet; an alternate method may be utilized that consists of placing primary
3 type monuments at centerline points marking the beginning and end of each curve and on
4 tangents so that no distance exceeds 1,320 feet; all recovered monumented property corners of
5 records, the lines of which are intersected by a right-of-way acquisition, shall be monumented
6 as part of the right-of-way plat, either on the right-of-way line or at the original monument
7 position;

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

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

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

19 ARTICLE 5. GENERAL PROVISIONS.

20 Sec. 40.15.900. DEFINITIONS. In this chapter,

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

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

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

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

29 (5) "subdivision"

30 (A) means the division of a tract or parcel of land into two or more lots,
31 sites, or other divisions for the purpose, whether immediate or future, of sale or building

1 development, and includes resubdivision and, when appropriate to the context, relates to
2 the process of subdividing or to the land or areas subdivided;

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

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

8 * Sec. 7. AS 40.15.075 and 40.15.290 are repealed.

9 * Sec. 8. AS 40.15.330 and 40.15.370, added in sec. 6 of this Act, take effect immediately under
10 AS 01.10.070(c).

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