

HOUSE CS FOR CS FOR SENATE BILL NO. 81 (FINANCE) am H

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 1/21/92

Offered: 5/18/91

Referred: Rules

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 is exercising platting  
9 authority [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE ALL CITIES].

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

11 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before  
12 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision  
13 or dedication shall be approved by [SUBMITTED FOR APPROVAL TO] the authority having  
14 jurisdiction, as prescribed in this chapter and [. THE REGULAR APPROVAL OF THE

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

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

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

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

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

28 \* Sec. 5. AS 40.15.200 is amended to read:

29 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All  
30 subdivisions of land made by the state, its agencies, instrumentalities and political subdivisions  
31 are subject to the provisions of AS 40.15.010 - 40.15.200 [THIS CHAPTER] and AS 29.40.070 -

1 29.40.160, or home rule ordinances or regulations governing subdivisions, and shall comply with  
2 ordinances and other local regulations adopted under AS 40.15.010 - 40.15.200 [THIS  
3 CHAPTER] and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or under home  
4 rule authority, in the same manner and to the same extent as subdivisions made by other  
5 landowners.

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

7 **ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.**

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

11 (b) The commissioner shall review and approve each plat under AS 40.15.300 -  
12 40.15.380 before the plat is recorded under AS 40.17. The approval by the commissioner shall  
13 be affixed to the plat in the form of the following statement:

14 **PLAT APPROVAL**

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

17 \_\_\_\_\_  
18 Commissioner

\_\_\_\_\_ Date

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

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

27 (e) A recorded plat may not be altered or replatted except on petition of the state, a  
28 municipality, a public utility, or the owner of a majority of the land affected by the proposed  
29 alteration or replat. The petition shall be filed with the commissioner and shall be accompanied  
30 by a copy of the existing plat showing the proposed alteration or replat. The provisions of  
31 AS 29.40.130 and 29.40.140(a) apply to an alteration or replat submitted under this subsection.

1 The provisions of (d) of this section do not apply to an alteration or replat petition, but the  
2 commissioner shall state in writing reasons for disapproval of the petition.

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

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

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

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

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

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

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

19 Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat standards  
20 by regulation.

21 Sec. 40.15.340. ENGINEERING STANDARDS. Except for subdivisions of state land,  
22 the commissioner may not establish engineering standards for subdivisions.

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

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

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

31 (2) disposing of land by aliquot part descriptions of 40 acres or more within

1 surveyed sections provided that the least aliquot part unit shall be not less than a 1/4 1/4 section.

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

4 Sec. 40.15.380. APPLICABILITY TO GOVERNMENTAL BODIES; RIGHT-OF-WAY  
5 ACQUISITION PLATS. (a) Except as provided in this section, AS 40.15.300 - 40.15.380 apply  
6 to the state, its agencies, instrumentalities, and political subdivisions in the same manner and to  
7 the same extent that they apply to other landowners.

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

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

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

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

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

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

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

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

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

27 (f) The minimum monumentation requirements for

28 (1) right-of-way acquisition subdivisions are a 5/8" x 24" reinforcement bar with  
29 appropriate identification cap set on the margin of the right-of-way at all points marking the  
30 beginning and end of each curve and on tangents so that the distance between monumented points  
31 does not exceed 1,320 feet; an alternate method may be utilized that consists of placing primary

1 type monuments at centerline points marking the beginning and end of each curve and on  
2 tangents so that no distance exceeds 1,320 feet; all recovered monumented property corners of  
3 records, the lines of which are intersected by a right-of-way acquisition, shall be monumented  
4 as part of the right-of-way plat, either on the right-of-way line or at the original monument  
5 position;

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

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

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

## 17 ARTICLE 5. GENERAL PROVISIONS.

18 Sec. 40.15.900. DEFINITIONS. In this chapter,

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

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

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

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

27 (5) "subdivision"

28 (A) means the division of a tract or parcel of land into two or more lots,  
29 sites, or other divisions for the purpose, whether immediate or future, of sale or building  
30 development, and includes resubdivision and, when appropriate to the context, relates to  
31 the process of subdividing or to the land or areas subdivided;

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

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

6 \* Sec. 7. AS 40.15.075 and 40.15.290 are repealed.

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