

HB

140

May 5, 1975

TO: Senator Roday  
FROM: Terry Gardiner  
SUBJECT: HB 140

I would like to suggest the following changes to be made to the Judiciary CS for HB 140:

change "borough" to "municipality"  
(page 2, line 8 and 15 and other places in the bill)

after "assembly" add "or council"  
page 2, line 17, and other places in the bill.

## CS FOR HOUSE BILL NO. 140

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3       Sec. 29.33.100. OFFICIAL MAP. (a) The assembly of a first or  
4 second class borough or the council of a first class city located in  
5 the unorganized borough may adopt and modify by ordinance an official  
6 map based upon the recommendations of the planning commission and  
7 consistent with the comprehensive plan. The map shall show existing and  
8 proposed future streets, schools, park land and trails and the area  
9 needed to acquire, widen and enlarge them. It shall be prepared in  
10 sufficient detail to permit the establishment of the future acquisition  
11 lines on the ground and shall be attested to by a registered land  
12 surveyor. After adoption, a certified copy of the map shall be  
13 recorded in each recording district in which any of the land shown on  
14 the map is located. The adoption of the official map shall establish a  
15 reservation of the areas shown for future acquisition for the purpose  
16 indicated on the official map. The recorded official map is notice of the  
17 planned future location of major streets, schools, parks, and trails, but  
18 does not relieve the borough or city of the obligation to acquire these  
19 areas in the manner prescribed by law.

20       (b) For the purpose of preserving the integrity of an official map,  
21 no plat may be recorded and no permit may be issued for a building, or  
22 other structure located within a street, school site, park land or trail,  
23 or other area identified for public purposes shown or laid out on  
24 the map except as provided in this section. However, the reservation of  
25 particular property for public use under the map lapses and becomes void  
26 18 months after an owner of the property reserved makes application for  
27 a preliminary plat, special exception, or building permit for the loca-  
28 tion or construction of a building or structure within the area reserved,  
29 unless during that time the municipality acquires the property or files  
eminent domain proceedings to acquire the property. Property reserved  
on the map but not acquired within five years after the reservation is

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recorded in the district recorder's office shall automatically be released from the restrictions of the map, unless affirmative action is taken by ordinance to hold or reserve the property on the map for another five-year period.

(c) The adoption of an official map does not of itself give the municipality a right, title, or interest in areas identified for public purposes but authorizes the ~~borough~~ <sup>municipality</sup> to acquire an interest without paying compensation for buildings or structures which are created in those areas without a permit or in violation of the conditions of a permit.

(d) At the request of the state, the assembly or council shall reserve land for the state in the same manner and on the same terms that it reserves land for the municipality.

(e) At the time the owner files a preliminary plat or requests a building permit, the municipality shall offer to purchase an option on the owner's property reserved on the official map. The option price shall be equal to the amount of taxes paid by the owner on the property reserved on the official map accruing during the 18-month reserve period.

(f)

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