

CHAPTER 8 SUBDIVISION REGULATIONS

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10-8-1: GENERAL REGULATIONS

1. **Short title:** This Chapter shall be known and may be cited as the City of Wendover Subdivision Ordinance.
2. **Purpose:**
 - a. This Chapter is established to promote the health, safety and welfare of residents of the City of Wendover and to provide for the orderly subdivision of land located within the City of Wendover, Utah.
 - b. The purpose of the Subdivision Ordinance is to provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions; ensure that all proposed subdivisions are consistent with the General Plan and applicable specific plans; and to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare and the physical, social and economic development of the area.
 - c. It is the purpose and intent of the City of Wendover to preserve open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles.
3. **Authority:** This Chapter is enacted and authorized under the provisions of Title 10, Chapter 9a, et seq. Utah Code Annotated, 1953, as amended.
4. **Definitions and applicability:** For the purposes of this Chapter all terms shall have the same definition as provided by §10-9a-103, Utah Code Annotated, 1953, as amended.
5. **Jurisdiction and penalties:**

- a. An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.
 - b. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (5)(a) or from the penalties or remedies provided in this chapter.
 - c. Notwithstanding any other provision of this chapter, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:
 - i. does not affect the validity of the instrument or other document; and
 - ii. does not affect whether the property that is the subject of the instrument or other document complies with applicable City ordinances on land use and development.
 - d. The City may bring an action against an owner to require the property to conform to the provisions of this chapter.
 - e. An action under this Subsection (2) may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.
 - f. The City need only establish the violation to obtain the injunction. (Ref UCA §10-9a-611)
6. **Creation of substandard lots prohibited:** No lot shall be created that does not conform to the requirements of this code and the zoning district in which it is located.
7. **Protection of land in an agriculture protection area:** For any subdivision located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the subdivision shall provide notice on any plat filed with the county recorder the following notice:
- a. Agriculture Protection Area: This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities. (Ref UCA §17-41-403)
8. **Notice of shooting range area:** For any new subdivision development located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed or operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the county recorder the following notice:
- a. Shooting Range Area: This property is located in the vicinity of an established shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities. (Reference UCA §47-3-3)
9. **Definitions: (as used in this chapter)**

- a. Culinary water authority: means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
- b. Lot line adjustment: means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.
- c. Person: means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- d. Plat: means a map or other graphical representation of lands being laid out and prepared in accordance with U.C.A. Sections 10-9a-603, 17-23-17, or 57-8-13.
- e. Record of survey map: means a map of a survey of land prepared in accordance with U.C.A. Section 17-23-17.
- f. Sanitary sewer authority: means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
- g. Special district: means an entity established under the authority of U.C.A. Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.
- h. Specified public utility: means an electrical corporation, Gas Corporation, Telephone Corporation, franchise or other quasi-public utility as those terms are defined in Section 54-2-1.
- i. Street: means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.
- j. Subdivision: means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

Subdivision includes:

- i. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
- ii. except as provided for in the following definition, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision does not include:

- i. a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- ii. a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:

- a. no new lot is created; and
 - b. the adjustment does not violate applicable land use ordinances; or
- iii. a recorded document, executed by the owner of record:
 - a. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable land use ordinances.
- iv. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.
- k. Unincorporated: means the area outside of the incorporated area of the City of Wendover.
- l. Zoning map: means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

10. Plats required:

- a. Unless exempt or not included in the definition of a subdivision, whenever any lands are divided, the owner of those lands shall have an accurate plat made of them that sets forth and describes:
 - i. all the parcels of ground divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and
 - ii. the lot or unit reference, the block or building reference, the road or site address, the road name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.
- b.
 - i. The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate.
 - ii. The surveyor making the plat shall certify it.
 - iii. The Planning Commission shall approve the plat as provided in this code. Before final approval of a plat, the owner of the land shall provide the Planning Commission with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
- c. After the plat has been acknowledged, certified, and approved, the plat shall be kept by the City until the owner of the land shall file and record it in the county recorder's office. (Reference UCA §10-9a-603)

11. Exemptions from plat requirements:

- a. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this code if the lot or parcel:

- i. qualifies as land in agricultural use under U.C.A. Title 59, Chapter 2, Part 5, Farmland Assessment Act;
 - ii. meets the minimum size requirement of applicable land use ordinances; and
 - iii. is not used and will not be used for any nonagricultural purpose.
- b. The boundaries of each lot or parcel exempted under Subsection (1) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under this code, shall be recorded with the county recorder.
 - c. If a lot or parcel exempted under Subsection (1) is used for a nonagricultural purpose, the lot or parcel shall comply with the requirements of the subdivision plat provisions of this code. (Reference UCA §10-9a-603)
 - d. A plat is not required for a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use regulation. (Reference UCA §10-9a-605)

12. Site analysis map:

- a. Concurrent with the submission of a concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this chapter.

13. Definition of open space:

- a. Open space is the portion of the subdivision that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through the use of an approved legal instrument.
- b. Any required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant per U.C.A. Annotated 57-18-4. The City of Wendover reserves the right to enforce all restrictive covenants and conservation easements per U.C.A. 57-18-6. Uses of open space may include the following:
 - i. conservation of natural, archeological or historical resources;
 - ii. meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - iii. walking, equestrian, off-highway vehicle or bicycle trails;
 - iv. passive recreation areas, such as open fields;
 - v. active recreation areas which include 9% or less of the total open space area in impervious surfaces;
 - vi. agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;

- vii. landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses;
- viii. easements for drainage, access, and underground utility lines; and
- ix. other conservation-oriented uses compatible with the purposes of this chapter.

14. **Open space requirements:**

- a. Each subdivision shall provide a minimum of 20% of its total acreage as open space. The open space shall be designated on the conceptual plan and recorded on the final plat. The minimum restricted open space shall comprise at least 20% of the gross tract area.
- b. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

15. **Open space networks configuration:** The minimum standards for open space networks are as follows:

- a. The minimum width of any open space area is 25 feet.
- b. All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.
- c. All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places and rights-of-way.
- d. Paths located in primary conservation areas shall be constructed of pervious materials.
- e. Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the City engineer.
- f. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by the City engineer.

16. **Open space and conservation areas:** Open space shall be designated as either primary conservation areas or secondary conservation areas and shall be configured to create or maintain a network of open space.

17. **Ownership and management of open space:**

- a. A homeowners association representing residents of the conservation subdivision may own the open space in fee title. If owned by a homeowners association, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members.
- b. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.
- c. The applicant shall submit a plan for management of open space and common facilities that:

- i. allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - ii. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
 - iii. provides that any changes to the plan be approved by the City of Wendover council; and
 - iv. provides for enforcement of the plan.
- d. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City of Wendover may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowners association or to the individual property owners and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties or the open space property.

18. Prohibited uses of open space:

- a. Uses of open space shall not include the following:
 - i. roads
 - ii. parking lots that occupy more than 9% of the open space;
 - iii. dwellings;
 - iv. commercial uses; or
 - v. land set aside for use that solely benefits any one person or entity.
- b. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this chapter, as well as any further restrictions the applicant or City chooses to place on the use of the open space.

19. Requirements for conservation easements: A conservation easement shall:

- a. clearly delineate primary and secondary conservation areas;
- b. describe the features of the subject property that should be permanently protected in accordance with the Land Conservation Easement Act, U.C.A., Section 57 Chapter 18;
- c. clearly identify the boundaries of the property by survey and a metes and bounds legal description;
- d. clearly list restrictions;
- e. protect the open space in perpetuity by a binding legal instrument that is recorded, which the instrument shall be:
 - i. a permanent conservation easement in favor of either:

1. a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
2. a governmental entity with an interest in pursuing goals compatible with the purposes of this chapter.
- ii. a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
- iii. an equivalent legal tool that provides permanent protection, if approved by the City of Wendover.
- f. If the entity accepting the easement is not the City of Wendover, then a third right of enforcement favoring the City of Wendover shall be included in the easement.
- g. The permanent restrictive covenant(s) shall:
 - i. clearly delineate primary and secondary conservation areas;
 - ii. describe the features of the subject property that should be permanently protected;
 - ii. clearly identify the boundaries of the property by survey and a metes and bounds legal description;
 - iv. clearly list restrictions;
 - v. provide for inspections of the property by the City of Wendover;
 - vi. provide for maintenance of the property;
 - vii. be shown on the final plat and duly recorded with the office of the county recorder; and
 - viii. provide for amendments only with the express written permission of the property owners and the City of Wendover. Amendments to the covenant shall be recorded in office of the county recorder.
- h. show the area and a notation as to the conservation easement on the final plat and be duly recorded with the office of the county recorder; and
- i. provide for amendments only with the express written permission of the property owners, the holder of the easement, and the City of Wendover.
20. **Notice of disclosure:** Before the City of Wendover receives a conservation easement, it shall be disclosed to the easement's grantor, at least three days prior to the granting of the easement, the types of conservation easements available, the legal effect of each easement, and that the grantor should contact an attorney concerning any possible legal and tax implications of granting a conservation easement.

10-8-2: SUBDIVISION APPLICATION PROCEDURE

1. **Diligence:** Each development shall be actively pursued to completion. Any application that exceeds the time limits stated in this chapter will be deemed null and void and all vested rights are waived by the subdivider for that development. An application shall be null and void and all vested rights waived by the subdivider for that development if they do not complete a stage or they fail to make a progress report to the Planning Commission within 180 days. Any extension must be requested prior to the expiration of the original approval. Should an application become void, the applicant must reapply at the first stage for that level of development.
2. **Application procedure:**
 - a. Each application for a subdivision shall have all required submittals before it is accepted as a complete application. No application for the next stage of the subdivision process shall be accepted until such time as the City has approved the application for the previous stage of the development.
 - b. There shall be no presumption of approval of any aspect of the process.
 - c. No application shall be accepted for any approval stage if the time limit has expired on the previous approval stage.
 - d. The Planning Commission may request specific information found to be incomplete in its review and table further action until the information is submitted.
 - e. A denial shall include written findings of fact and decision. Denial may be based, in addition to other reasons of good cause, upon incompatibility with the general plan, lack of a culinary water supply, insufficient fire suppression system, geological concerns, location, incompatibility with surrounding land uses, the inability of City service or utility providers to provide public services, or the adverse effect on the health, safety, and general welfare of the City and its residents.
 - f. Appeals of the decision of a Planning Commission on any subdivision issue shall be made in writing to the City Council within 30 days of the decision.
3. **City to determine a complete application:** The City shall determine if an application is complete and contains all required materials as required by this chapter.
4. **Lack of preliminary subdivision application information - a determination of an incomplete application:**
 - a. The lack of any information required by this chapter for a complete application, or improper information supplied by the applicant, shall be cause for the City to find the application incomplete.
 - b. A determination of an incomplete application shall prohibit the scheduling of the application on a Planning Commission meeting agenda. If the application lacks any required information, the City shall notify the applicant of the material or information lacking from the application. The City shall allow 30 days from the date of notification for the applicant to provide the materials or information required. If the application remains incomplete after 30 days the City shall return the entire incomplete application to the applicant, accompanied by all application fees paid.

5. **Appeal of City's determination of completeness:** Any person aggrieved by a decision of the City in a determination of a complete application may appeal the City's decision in writing within 30 days of the City's decision to the Planning Commission.
6. **Concept plan requirements:** The concept plan shall show:
- a. the general location of the subdivision, the property boundaries and adjoining properties with ownership;
 - b. lot and road layout indicating general scaled dimensions;
 - c. county, Cityship, range, principal meridian, quarter section, blocks, the number of lots and true north;
 - d. a vicinity map showing significant natural and man-made features off site with a scale of 1 inch = 2000 feet on the site;
 - e. the acreage of the entire tract and the acreage of the portion to be developed;
 - f. the area for which approval will be requested for the first phase of development except for minor, commercial and industrial subdivisions;
 - g. an area plan showing the total area on a single sheet for subdivisions requiring more than one sheet at the required scale;
 - h. the sites, if any, for multi-family dwellings, shopping centers, community facilities, commercial, industrial, or other uses exclusive of single-family dwellings;
 - i. total development area, the number of proposed dwelling units and the amount of open space.
 - j. easements and rights-of-way;
 - k. property boundaries;
 - l. topographic contours;
 - m. general soil types;
 - n. the planned location of protected open space;
 - o. existing roads and structures;
 - p. potential connections with existing open space and trails.
 - q. parcels of land that will have a conservation easement or are to be dedicated for schools, roads, parks, or other public purposes; and
 - r. an approval signature block for the Planning Commission Chair.
7. **Preliminary plat requirements.**
- a. The preliminary plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with U.C.A. Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with U.C.A. Section 17-23-17, has

- verified all measurements and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the Tooele County Surveyor's Office.
- b. Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for its denial.
 - c. A traverse shall not have an error of closure greater than one part in 10,000.
 - d. Each plat shall show:
 - i. the general location of the subdivision and adjoining properties with ownership;
 - ii. all deed lines of the subject and adjoining properties and lines of occupation such as fence lines;
 - ii. the 100 foot radius wellhead protection zone on all existing wells within and outside of the subdivision where the protection zone falls within the boundary of the subdivision;
 - iv. bearing and distance tie-in to the historic and dependant survey and at least one established monument must be shown on the plat. If no historic monument can be located, it must be stated upon the plat;
 - v. County, Cityship, range, section, quarter section blocks, plats and true north shall be included on the plat;
 - vi. graphic scale of the plat;
 - vii. existing ground contours at 2 foot intervals based on National Geodetic survey Sea Level Datum;
 - viii. the name of the subdivision as approved by the Tooele County Recorder;
 - ix. An open space management plan;
 - x. a vicinity map showing significant natural and man-made features on the site and within one mile of the subdivision perimeter boundary with a minimum scale of 1 inch = 2000 feet; and
 - xi. approval signature blocks for:
 - A. the Public Works Director;
 - B. the City Engineer;
 - C. the County Surveyor; and
 - D. the Planning Commission Chair.
 - e. the bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.
 - f. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

- g. All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the City Engineer and shall be shown on the plat with the corresponding lot number.
- h. For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.
- i. Excepted parcels shall be marked, "Not included in this subdivision."
- j. All public lands shall be clearly identified.
- k. All public roads shall be clearly marked as "dedicated public road."
- l. All private roads shall be clearly marked as "private road."
- m. All roads shall be identified by names approved by the City of Wendover.
- n. All easements shall be designated as such and dimensions given.
- o. All lands within the boundaries of the subdivision shall be accounted for, either as lots, open space, walkways, streets, or as excepted parcels.
- p. Bearings and dimensions shall be given for all lot lines and easements, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
- q. Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.
- r. Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.
- s. Surveys shall tie into the state grid or other permanent marker established by the county surveyor and shall give a description, the name and the date on survey monuments found.
- t. The plat shall be labeled "Preliminary Plat."
- u. If the subdivision does not have a public water system connection, the amount of water allocated to each lot in acre feet.
- v. The surveyor shall provide remainder descriptions for all property from the original parcel or lot that is not included in the subdivision. (Ref UCA §10-9a-603)
- w. Title Block with the name, address and license number of the land surveyor, preparation date and revision dates.

8. Infrastructure design and engineering drawings requirements:

- a. Infrastructure design and engineering drawings and documents shall be submitted in the design stage, and shall include:
 - i. plan, profile and typical cross-section drawings of the roads, bridges, culverts, sewers, and drainage structures;

- ii. a grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography;
 - iii. the general location of trees over six inches in diameter measured at four and one-half feet above the ground, and in the case of heavily-wooded areas, an indication of the outline of the wooded area and location of trees which are to remain;
 - iv. the size and location of proposed sewage systems, culinary water, secondary water, storm drainage, roads, power, gas and other utilities and any man made features and the location and size of existing sewage, culinary water, secondary water, storm drainage, roads, power, gas and other utilities to 200 feet beyond the subdivision;
 - v. proposed road layouts in dashed lines for any portion of the property to be developed in a later phase;
 - vi. water courses and proposed storm water drainage systems including culverts, delineated wetlands, water areas, streams, areas subject to occasional flooding, marshy areas or swamps;
 - vii. areas within the 100-year flood plain;
 - viii. soil types and soil interpretations taken from the National Cooperative Soils Survey;
 - ix. the location of all street signs and traffic control devices required by the City in accordance with the Manual of Uniform Traffic Control Devices;
 - x. a signature block for the City engineer on each design and construction drawing;
 - xi. a signature block for the City public works director on each design and construction drawing;
 - xii. geologic maps and investigation reports regarding area suitability; and
 - xiii. a design report stamped by an engineer licensed in the State of Utah as may be required by the City engineer.
- b. All drawings shall be drawn to a scale not less than one inch equals 100 feet, and shall indicate the basis of bearings, true north, the name of the subdivision, Cityship, range, section, and quarter section, and lot numbers of the property.
 - c. Poorly-drawn or illegible design and engineering drawings shall be cause for denial.
 - d. To change any aspect of the design of the off-site improvements, a new set of infrastructure design and engineer drawings shall be submitted for approval. A signed set of drawings shall be on-site at all times during construction. All construction must conform to the approved plans.

9. **Final plat requirements:**

- a. The final plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with U.C.A. Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with U.C.A. Section 17-23-17, has verified all measurements, and monumented any unmarked property corners, and has made

reference to the filing number for the Record of Survey map filed with the Tooele County Surveyor's Office. The surveyor making the plat shall bond or provide to the City adequate security to place monuments as represented on the plat upon completion of the subdivision improvements.

- b. Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for denial.
- c. A traverse shall not have an error of closure greater than one part in 10,000.
- d. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.
- e. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.
- f. All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the City engineer and shall be shown on the plat with the corresponding lot number.
- g. For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.
- h. Excepted parcels shall be marked, "Not included in this subdivision."
- i. All public lands shall be clearly identified.
- j. All public roads shall be clearly marked as "dedicated public road."
- k. All private roads shall be clearly marked as "private road."
- l. All roads shall be identified by names approved by The City of Wendover.
- m. All easements shall be designated as such and dimensions given.
- n. All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, roads, or as excepted parcels.
- o. Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
- p. Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.
- q. Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.
- r. Surveys shall tie into the state grid or other permanent marker established by the county surveyor.
- s. The plat shall be labeled "Final Plat."

- t. The information on the final plat shall include:
- i. the name of the subdivision, true north arrow and basis thereof, and date;
 - ii. the owner's dedication which shall contain the language:

OWNERS DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned are the owners of the hereon described tract of land and hereby cause the same to be divided into lots and streets together with easements as set forth hereafter to be known as

NAME OF SUBDIVISION

The undersigned owners hereby dedicate to the City of Wendover all those parts or portions of said tract of land on said plat designated hereon as streets, the same to be used as public thoroughfares forever. The undersigned owners also hereby convey to any and all public and private utility companies providing service to the hereon described tract a perpetual, non-exclusive easement over the streets and public utility easements shown on this plat, the same to be used for drainage and the installation, maintenance and operation of public utility service lines and facilities.

- iii. names of the owner or owners including beneficial owners of record under the signature lines in the owner's dedication;
- iv. square footage of each lot under one acre or the lot acreage if one acre or larger;
- v. Cityship, range, section and quarter section if a portion;
- vi. graphic scale;
- vii. the State plane coordinates on the subdivision boundary;
- viii. survey monuments which are marked with a description, the name and the date;
- ix. the total water allocation in acre/feet for each lot for its allocation of water;
- x. the 100-foot radius wellhead protection zone on all existing wells;
- xi. any improvement, service and special districts or areas where any part of the platted property is located;
- xii. signature blocks for:
 - A. the City Engineer;
 - B. the City Attorney;
 - C. the County Treasurer indicating at the time of signing that the property taxes due and owing have been paid in full;
 - D. the recordation of the plat by the Tooele County Recorder's office with a line for the recordation number, who it is recorded for, the date, time and fee;

- E. the City Fire Chief;
- F. the Tooele County Surveyor
- G. the City Planning Commission Chair; and
- H. the Mayor with an attest from the City Recorder. (Ref UCA §10-9a-603)

10-8-3: MINOR SUBDIVISIONS AND BOUNDARY LINE ADJUSTMENTS

1. **Purpose:** The purpose and intent of a minor subdivision is to allow a landowner to divide a parcel into four lots, or to make property line adjustments, without having to comply with the regular subdivision requirements of this Code and without filing a subdivision plat.
2. **Criteria for a Minor Subdivision:**
 - a. To qualify as a minor subdivision each lot shall front an existing improved public road or improved private road approved by the Planning Commission and must have utility services readily available.
 - b. A minor subdivision shall not:
 - i. include the construction and dedication of new infrastructure, unless approved by the Planning Commission and City Council;
 - ii. be a part, phase or undeveloped remainder of a larger subdivision;
 - iii. The minor subdivision must have adequate culinary water, sewer and electrical services readily available at such time as it is developed for commercial or residential use;
 - c. Property may be required to be reserved to the City by easement in the new deeds, when they are along existing City streets in order to increase the right-of-way to current City standards.
 - d. Seven and one-half feet Public utility easements shall be included along the exterior boundaries of all lots in minor subdivision deeds;
 - e. The local health department shall review the plans for wastewater permit feasibility and issue an affirmative feasibility report prior to the final approval of the subdivision by the City. The owner or developer shall also obtain local health department approval of the plans and specifications for the initial construction or any change of onsite wastewater systems, which receive domestic wastewater. The local health department's review and approval of feasibility and plans for onsite wastewater systems shall be pursuant to the provisions of Rule 317-4-3 of the Utah Administrative Code and other applicable provisions of state law and state administrative rules;
 - f. The minor subdivision must be located in a zoned area and conform to all applicable land use ordinances;
 - g. The subdivision must not be not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for roads or other public purposes;

- h. All associated improvements such as sidewalk, curb, gutter, or alternate drainage shall also be constructed to City standards, unless waived by the City council. The City may also require a drainage plan and the installation of related flood control improvements and other City or private utilities as may be necessary. No building permit shall be issued in the minor subdivision until such time as all of the required improvements and the installation of utilities have been completed or until a financial assurance has been filed with the City that complies with the requirements of this Code. The City Council may also require that the subdivision improvements be guaranteed for two years after their installation, in a manner consistent with guarantees required for a standard subdivision.

3. **Approval Process:**

- a. A minor subdivision may be created by a metes and bounds conveyance, approved by the City.
- b. The City Council may consider any application for a minor subdivision upon recommendation from the Planning Commission.
- c. An application for a minor subdivision shall be made by submitting:
 - d. An application form;
 - e. All applicable fees;
 - f. An owner/agent affidavit form, certifying the ownership of the original parcel(s) being subdivided or altered;
 - g. A site plan showing the configuration of the lots and the location of all structures on the new and all adjoining lots;
 - h. A survey stamped by a licensed surveyor showing a metes and bounds description of each parcel in the minor subdivision including the new lots and the balance of the original lot together with a description of the location of the fence lines in relation to the deeded property lines. The record of survey, graphically illustrating each minor subdivision lot shall be recorded with the county recorder after the minor subdivision has been approved by Planning Commission and City Council and after the survey has been signed by the Chair of the Planning Commission and the Mayor.
 - i. A copy of a deed for each of the parcels of land that is being subdivided, including the new lots and the balance of the original parcel, which deeds shall include a grant of a seven and one half foot utility easement around the perimeter of each lot.
 - j. After review and recommendation of the Planning Commission, the application shall be reviewed by the City Council, which shall then approve or deny the application. If approved, the new deeds shall be stamped or marked, indicating that the subdivision has been approved by the City with the Mayor's signature affixed. The City's approval shall be attested by the City Recorder.
 - k. The City Council shall review the minor subdivision at a public meeting where it may approve or deny the plat. If approved, the deeds and survey shall be recorded within thirty days if no financial guarantee is required or within ninety days if a financial guarantee is required for subdivision improvements. If a financial guarantee is required, the City Council may authorize the Mayor and City staff to approve the financial guarantee after approval of the minor subdivision. plat. If the deeds and survey is not recorded as

provided herein the minor subdivision shall be void. (Ref UCA §10-9a-103, 10-9a-207, 10-9a-603, 10-9a-604)

4. **Boundary Line Adjustments:**

- a. The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat, may exchange title to portions of those parcels, if the exchange of title is approved by the City Council in accordance with Subsection 9.8.4(b).
- b. The City Council shall approve an exchange of title under Subsection 9.8.4(1)(a) if no new dwelling lot or housing unit will result from the exchange of title; and the exchange of title will not result in a violation of any land use ordinance.
- c. If an exchange of title is approved under Subsection 9.8.4(b):
 - i. a notice of approval shall be recorded in the office of the county recorder which:
 - A. is executed by each owner included in the exchange and by the land use authority;
 - B. contains an acknowledgment for each party executing the notice in accordance with the provisions of U.C.A. Title 57, Chapter 2a, Recognition of Acknowledgments Act;
 - C. recites the descriptions of both the original parcels and the parcels created by the exchange of title and;
 - E. contain a certificate of approval by the City, signed by the Mayor and attested by the City Recorder.
 - ii. a conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.
- d. A notice of approval recorded under this section does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

10-8-4: MAJOR SUBDIVISIONS

1. **Application:** A major subdivision is a division of land into five or more lots. A major subdivision of more than 10 lots shall be phased for development. Infrastructure and public facilities shall be dedicated as a part of the subdivision process.
2. **Approval process:** A major subdivision shall be processed in three stages:
 - a. the concept stage, which will go to a Planning Commission public hearing where the Planning Commission shall take public comment, discuss and review the application and then make a recommendation on the application. The application shall then be forwarded to the City Council, which will consider the concept application after conducting a public hearing;
 - b. the preliminary plat, infrastructure and design drawings, after which the application will be placed on the Planning Commission public meeting agenda for a decision to approve or deny. The Planning Commission shall also conduct a public hearing regarding a preliminary plat for a multiple unit residential, commercial or industrial development prior to approving the same.

- c. the final plat, which will be placed on the Planning Commission public meeting agenda where it shall make a recommendation to the City Council. Should the Planning Commission's decision be to recommend approval of the plat, the chair then shall sign the plat.
- d. The City Council shall review the plat at a public meeting where it can approve or deny the plat. If approved, the plat shall be recorded within ninety days or it shall be void. (Ref UCA §10-9a-103,10-9a-207, 10-9a-603, 10-9a-604)

3. **Phase development:**

- a. The preliminary and final platting of subdivisions containing more than 10 lots shall be done in phases, except as provided in Subsection (3). Development shall be performed so that the phases will be contiguous and the required improvements will be continuous.
- b. When off-site improvements are complete and approved by the City Engineer, and the lots are 70 percent sold, the subdivider may submit the next phase for final plat approval.
- c. A preliminary and final plat including more than 10 lots will be accepted only upon the submission of evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in the final plat will be completed within two years.
- d. Where it is prudent to engineer road or utility lines that extend into the next phase, such work may be done if shown in the prior phase.

4. **Concept plan application:**

- a. The application for concept plan approval of a major subdivision shall be submitted to the City. When staff determines that the application is complete, the application shall be placed on the Planning Commission agenda for a public hearing and for consideration. A concept plan application shall include:
 - i. the application form;
 - ii. seven 24" X 36" prints of the concept plan, for distribution to each of the following:
 - A. City
 - B. the public works director or Tooele County Health Department if not connecting to the City's water and sewer systems;
 - C. Tooele County School District;
 - D. the soil conservation district within which the subdivision is located;
 - E. the City Engineer; and
 - F. the City Fire Department.
 - iii. fifteen 11" X 17" copies of the concept plan for distribution to each Planning Commission member; and

- iv. an additional 11" X 17" copy of the concept plan in each of the following circumstances:
 - A. when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a the City of Wendover, where notice will be given to Tooele County;
 - B. for each servicing utility; and
 - C. for the Utah State Department of Transportation if the property being subdivided abuts a state highway.
 - v. proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;
 - vi. utility approval forms;
 - vii. the proposed source and amounts of water for all lots;
 - viii. names and addresses of the owners of all properties that border the proposed subdivision;
 - ix. approval of the subdivision name from the recorder's office;
 - x. a plat map from the recorder's office showing the property and all adjoining properties around it;
 - xi. if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;
 - xii. a letter from the local fire department acknowledging it can and will provide fire protection to the subdivision;
 - xiii. site analysis map; and
 - xiv. the application fee along with any unpaid fees owed to the City of Wendover for development of land, code enforcement or building permits.
- b. A development phasing schedule, if applicable, including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.
 - c. A tax clearance from the Tooele County Assessor indicating that all taxes, interest and penalties owing for the property have been paid;
 - d. A statement identifying the proposed method of bonding for required subdivision improvements, including streets, roads, and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities and such other necessary facilities as may be required by the City;
 - e. The concept plan approval shall be valid for a period of not more than six months. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the Planning Commission. The Planning Commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.

5. **Preliminary plat and infrastructure design application:**

- a. Within six months of concept stage approval or within an approved six month extension, a complete application for the design stage of a major subdivision shall be submitted to the City.
- b. Within 14 days after the applicant or authorized representative submits an application, a pre-design conference shall be set up with the applicant, the City, City public works director, all affected entities, county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.
- c. After the pre-design conference, the applicant shall submit to the City all corrected construction drawings, design reports and the preliminary plat. When it is determined that all of the corrections to the preliminary plat, infrastructure design and engineering drawings and if needed a new cost estimate of off-site infrastructure improvements from the predesign meeting are made, and these items are determined to be complete and correct, the submittal will be placed on the Planning Commission public meeting agenda for review unless the proposed development includes a multiple unit residential structure, commercial or industrial development in which case the Planning Commission shall hold a public hearing. After the Planning Commission has reviewed the material and being satisfied with the submittal, it shall place the submittal on a public meeting agenda.
- d. The design stage must be completed within one year unless an extension of no more than six months is granted by the Planning Commission.
- e. The preliminary plat and infrastructure design application shall include:
 - i. the application form;
 - ii. Eight 24" X 36" prints of the preliminary plat and infrastructure design and engineering drawings, for distribution to each of the following:
 - A. City
 - B. the public works director or Tooele County Health Department if not connecting to the City's water and sewer systems;
 - C. Tooele County School District;
 - D. the soil conservation district within which the subdivision is located;
 - E. the Tooele County Recorder;
 - F. the City Engineer; and
 - G. the City Fire Department.
 - iii. Fifteen 11" X 17" copies of the preliminary plat for distribution to each Planning Commission member;
 - iv. an additional 11" X 17" copy of the preliminary plat for each servicing utility;

- v. a list of off-site improvements and an estimate of the cost to complete such improvements signed and stamped by a licensed engineer;
 - vi. proof of ownership demonstrated by a two copies of a title report and vesting documents of conveyance completed within the previous six months;
 - vii. geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;
 - viii. if the development is not being connected to the City culinary water or sewer system, a letter showing a completed Tooele County Health Department Subdivision Feasibility Study deeming the project feasible;
 - ix. a traffic impact study as required by the Planning Commission or City engineer;
 - x. engineering for the proposed water system and a calculation of all water rights to be provided; and
 - xi. the application fee along with any unpaid fees owed to the City of Wendover for development of land, code enforcement or building permits.
 - xii. A copy of the State Highway Access permit or railroad crossing permit when a new street will connect to a State highway or will cross a railroad, along with any design requirements as established by the Utah Department of Transportation.
 - xiii. Copies of proposed protective covenants, trust agreement and homeowner's association articles and bylaws.
- f. Approval of the design stage shall be valid for not more than one year. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the Planning Commission. The Planning Commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative.
6. **Utility and agency response:** Failure of any utility or agency to respond to a requested approval within sixty (60) days shall be deemed an approval by such agency.
7. **Final plat stage application:**
- a. The applicant or authorized representative shall submit a final plat and copies of all required material to the City to start the final plat stage. When City determines that the application is complete and all signatures are on the plat, the application shall be placed on the Planning Commission agenda. The final plat shall conform in all major respects to the approved design stage plat. A final plat submittal shall not be accepted more than one year from the date of the design stage approval.
 - b. An application shall include:
 - i. an application form;
 - ii. an original 24" X 36" Mylar of the final plat;
 - iii. cost estimate for construction of infrastructure signed and stamped by a licensed engineer and approved by the City engineer;
 - iv. draft agreement for subdivision improvements including a listing of all subdivision improvements and the estimated cost of each improvement;

- v. An instrument of permanent protection, such as a conservation easement for the open space;
 - vi. fifteen 11" X 17" copies of the plat for distribution to each Planning Commission member;
 - vii. the application fee along with any unpaid fees owed to The City of Wendover for development of land, code enforcement or building permits.
- c. All signature blocks except for the Planning Commission's block shall be signed by the appropriate approving authority before the plat is taken to the business meeting.
 - d. The preliminary plat and construction drawings submitted on two computer disks in a format compatible with AutoCAD version 11 or later. The boundary and ownership lines depicted on the preliminary plat to be submitted with the following layers and names:

An abbreviation of the subdivision name to be included in the blank space in the layer name below:

Exterior Boundary Lines	Sub-__-Bndy
Right-of-way Lines	Sub-__-Row
Lot Lines	Sub-__-LL
Centerline Roads	Sub-__-CL
Easement Lines	Sub-__-Ease
Section Lines	Sub-__-Section
Ties to Section Corners	Sub-__-Section-Tie
Street Monuments	Sub-__-St-Mon
Lot Numbers	Sub-__-Lots
Street Names	Sub-__-Streets;

- e. Should the Planning Commission's decision be to recommend approval of the plat, the chair shall sign the plat.
 - f. The City council shall review the plat and may review the financial guarantee for the subdivision improvements at a public meeting where it can approve or deny the plat. If approved, the plat shall be recorded within ninety days or it shall be void. The City council may authorize the Mayor and City staff to review and approve the financial guarantee after approval of the final plat, but prior to the final plat being recorded. (Ref UCA §10-9a-103, 10-9a-207, 10-9a-603, 10-9a-604)
8. **Appeals:** The applicant or developer that has submitted a subdivision or development to the City under this Chapter, may appeal any decision made by the City or Planning Commission regarding the proposed subdivision to the City council, whose decision shall then be final. Any such decision appealed from shall be presented to the City recorder in writing within 30 days after the entry of the decision appealed from. The City council shall consider the appeal within 60 days of receipt of the written appeal.

10-8-5: DESIGN STANDARDS

Contact the Wendover City Engineer for current design standards.

10-8-6: FINANCIAL ASSURANCE

1. **Improvement installation guarantee:**
 - a. In lieu of actual installation of off-site and common open space improvements required by this chapter, and before final plat approval by the City council, the subdivider shall guarantee the installation of such improvements by one or a combination of the following financial guarantee methods: a corporate surety bond, a deposit in escrow with an escrow holder or a letter of credit with a financial institution.
 - b. The guarantee shall be in an amount equal to 120% of the projected costs of required improvements as estimated by a licensed engineer retained by the subdivider and approved by the City engineer. The guarantee shall assure the actual construction of such improvements within two years immediately following the approval of the final plat by the City council and shall include a maintenance guarantee as required herein.
 - c. The guarantee shall be filed with the City recorder.
 - d. The guarantee shall be approved as to method, institution and form by the City attorney.
2. **Default:** In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within two years from date of approval of the final plat, the City council may declare the bond, escrow, deed of trust, or letter of credit forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The subdivider shall be responsible for all costs incurred by the City to complete the required improvements in excess of the proceeds of the guarantee amount.
3. **Maintenance guarantee:** The subdivider shall guarantee all off-site improvements will remain in good condition for a period of two year after the date of final acceptance by the City. The subdivider shall make all repairs to and maintain the improvements in good condition during that two-year period at no cost to the City. Upon completion of the improvements, the City shall retain at least 20% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined by the City public works director. Identifying necessary repairs and maintenance rests with the City public works director, whose decision upon the matter shall be final and binding upon the subdivider. The guarantee shall extend to and include, but shall not be limited to the entire street, subgrade, base, and surface and all pipes, joints, valves, backfill and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by construction operations. Whenever, in the judgment of the City public works director, the improvements shall need repairs, maintenance, or re-building, the City public works director shall cause a written notice to be mailed or given to the subdivider. Upon receipt, the subdivider shall undertake and complete such repairs, maintenance or re-building within the times required by the public works director. If repairs are not completed within the specified time, the City shall have such repairs made and the cost of such repairs shall be paid by the subdivider or by the City using the guarantee. The subdivider has the right to appeal the time limit that it was given to complete the repairs, to the City Council, provided a written appeal is received by the City Council prior to the expiration of the repair period.
4. **Acceptance and release of surety:**
 - a. The subdivider shall submit to the City a copy of the as-built construction drawings. Acceptance of all improvements shall be in writing from the City engineer.

- b. Final inspection by the City public works director shall be made two year after all work has been completed and before release of the guarantee. All defects shall be corrected before acceptance by the City.
 - c. Upon completion of off-site improvements and approval by the City public works director, the financial assurances may be released, at which time the subdivision will be deemed accepted.
5. **Engineering review and inspection fee:** In addition to the improvement and maintenance guarantee, the subdivider shall deposit with the City recorder a sum equal to five percent of the cost of the improvements to cover engineering review and public works inspection.

10-8-7: VACATION, ALTERATION, AND AMENDMENT OF SUBDIVISION PLATS

1. **Vacating or changing a subdivision plat:**

- a. Subject to Section 9.8.3, and provided that notice has been given pursuant to Section 1.17, the City Council may, with or without a petition, consider and resolve any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any lot contained in a subdivision plat.
- b. If a petition is filed, the City Council shall hold a public hearing within 45 days after the petition is filed or, if applicable, within 45 days after receipt of the Planning Commission's recommendation under Subsection (3), if:
 - i. any owner within the plat notifies the City of their objection in writing within ten days of mailed notification; or
 - ii. a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- c. The Planning Commission shall consider and provide a recommendation for a proposed vacation, alteration, or amendment under Subsection (1) before the City Council takes final action. The Planning Commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it, or as that time period is extended by agreement with the applicant.
- d. The public hearing requirement of Subsection (1) does not apply and the City Council may consider at a public meeting an owner's petition to alter a subdivision plat if the petition seeks to join two or more of the owner's contiguous, residential lots and notice has been given pursuant to local ordinance.
- e. Each request to vacate or alter a street or alley, contained in a petition to vacate, alter, or amend a subdivision plat, is also subject to Section 9.8.3.
- f. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section and Section 9.8.3.
- g. Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
 - i. the name and address of all owners of record of the land contained in the entire plat;

- ii. the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
 - iii. the signature of each of these owners who consents to the petition.
- h.
 - i. The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the City Council in accordance with Subsection (8)(b).
 - ii. The City Council shall approve an exchange of title under Subsection (8)(a) if no new dwelling lot or housing unit will result from the exchange of title; and the exchange of title will not result in a violation of any land use ordinance.
 - iii. If an exchange of title is approved under Subsection (8)(b):
 - A. a notice of approval shall be recorded in the office of the county recorder which:
 - 1. is executed by each owner included in the exchange and by the land use authority;
 - 2. contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
 - 3. recites the descriptions of both the original parcels and the parcels created by the exchange of title and
 - B. a conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.
 - 1. A notice of approval recorded under this Subsection (8) does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.
- i.
 - i. The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (9)(c).
 - ii. The surveyor preparing the amended plat shall certify that the surveyor:
 - A. holds a license in accordance with U.C.A. Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - B. has completed a survey of the property described on the plat in accordance with U.C.A. Section 17-23-17 and has verified all measurements; and
 - C. has placed monuments as represented on the plat.
 - iii. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.

- iv. Except as provided in Subsection (9)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is voidable. (Reference U.C.A.§10-9a-608)

2. **City Council consideration of petition to vacate or change a plat Criteria for vacating or changing a plat -- Recording the vacation or change:**

- a. If the City Council is satisfied that the public interest will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the land use authority may vacate, alter, or amend the plat or any portion of the plat, subject to Section 9.8.3.
- b. The City Council may approve the vacation, alteration, or amendment by signing an amended plat showing the vacation, alteration, or amendment.
- c. The City Council shall ensure that the amended plat showing the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located.
- d. If an entire subdivision is vacated, the City Council shall ensure that a resolution containing a legal description of the entire vacated subdivision is recorded in the county recorder's office. (Reference U.C.A.§10-9a-609)

3. **Vacating or altering a street or alley:**

- a. If a petition is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision:
 - i. the City Council shall, after providing notice to each property owner that directly adjoins the street or alley that is proposed for vacation and after providing notice pursuant to U.C.A. Section 10-9a-208, make a recommendation to the Mayor concerning the request to vacate or alter; and
 - ii. the Mayor shall conduct a public hearing in accordance with U.C.A. Section 10-9a-208 and determine whether good cause exists for the vacation or alteration.
- b. If the Mayor vacates or alters any portion of a street or alley, the Mayor shall ensure that the plat is recorded in the office of the recorder of the county in which the land is located.
- c. The action of the Mayor vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the acceptance thereof, and the relinquishment of the City's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby. (Reference U.C.A.§10-9a-609.5)

Adopted this 1st day of October, 2015.