

CHAPTER 2.04 FINAL PLATS

Sections:

- 2.04.005 Purpose.
- 2.04.010 Final Plat Required.
- 2.04.015 Submission of Application.
- 2.04.020 Form and Contents of Required Documents.
- 2.04.025 Street Dedication.
- 2.04.030 Public Notice.
- 2.04.035 Review and Approval Procedures.
- 2.04.040 Entitlements.
- 2.04.045 Development Agreement of Owner/Developer.
- 2.04.050 Appeals.
- 2.04.055 Validity of Final Plat Approval.
- 2.04.060 Procedures for Recording Final Plat and Development Agreements.
- 2.04.065 Existing Structures as Part of Final Plat.
- 2.04.070 Amendments to Final Plat and Construction Drawings.
- 2.04.075 Amendments to Recorded Plats.
- 2.04.080 Lot Line Adjustments.

2.04.005 PURPOSE. The purpose of the Final Plat is to require formal approval by the Development Review Committee before a subdivision plat is recorded in the office of the Box Elder County Recorder to ensure that the Final Plat, Construction Drawings and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title, and requirements specified during the Preliminary Plat process.

2.04.010 FINAL PLAT REQUIRED. A Final Plat is a required process prior to the Subdivision Plat being recorded in the office of the Box Elder County Recorder.

2.04.015 SUBMISSION OF APPLICATION.

A. Only property owners or their duly authorized agents shall make application for Final Plat on forms approved by the Zoning Administrator.

B. No Final Plat application shall be processed without the submission of the application, all the supporting materials as required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances. The time frame for when an application shall be submitted in order to be heard at a Development Review Committee meeting shall be set by policy of the Zoning Administrator.

C. The application for Final Plat approval shall include the following:

1. An electronic copy in a pdf file format of each sheet of the Final Plat and Construction Drawings.
2. All documents required in Section 2.05.020 below.
3. Payment of the applicable fee as set by Resolution of the City Council.

D. A Final Plat may be submitted for approval concurrently with the Preliminary Plat, provided the Final Plat meets the requirements of this Chapter. If the developer chooses to submit the Preliminary and Final Plats concurrently, the City maintains the right to deny the request for approval of the plats, and the developer shall bear all risks associated with their preparation and submittal.

2.04.020 FORM AND CONTENTS OF REQUIRED DOCUMENTS.

A. The Final Plat shall be drawn on a sheet approved by the Box Elder County Recorder's Office. The Final Plat shall be drawn to scale. The scale shall be indicated on the plat and shall not be less than one (1) inch equals sixty (60) feet.

B. The Final Plat shall contain the following:

1. An arrow indicating north, stated scale and graphic scale, and date of drawing on each sheet.
2. The name of the subdivision.
3. The subdivision boundary lines showing the proper bearings and dimensions, which lines shall be of heavier line weight than any other lines on the drawing, and which shall be referenced to two (2) section corner monuments and is prepared by a licensed Land Surveyor. The section corner monuments and the point of beginning shall indicate computed "State Plane Coordinates." All bearing change locations of the subdivision boundary shall indicate computed "State Plane Coordinates."
4. The names, widths, lengths, bearings and curve data of all streets and other areas intended for public use.
5. The numbers of all lots, blocks, and streets, which numbering shall be in accordance with the City street numbering system, as designated by the Zoning Administrator. Streets shall not be given names other than the appropriate number designation (e.g., 600 North) for the street, except in the case of streets that cannot be readily assigned numerical designations because of a configuration which is not aligned with north-south or east-west coordinates.
6. The bearings, dimensions, and square footage of each lot.
7. The bearings, dimensions, and locations of all easements within the subdivision.
8. A summary tabulation table that includes the following information: total acreage for the proposed subdivision, number of lots, and dwelling units per acre. If the subdivision includes the following users: commercial, institutional, industrial, or multi-family attached the total area to be landscaped shall be included in the tabulation table.
9. A "Certificate of Survey" with a metes and bounds description, the signature of a Land Surveyor licensed in the State of Utah and the land surveyor's seal.
10. A provision containing the notarized signatures of all of the owners, dedicating all streets, public utility easements, municipal utility easements, storm drain easements and other public areas to the City for the perpetual use of the City as follows (unless alternative language is approved by the City Attorney):

OWNER'S DEDICATION

We, the undersigned owners of all the real property depicted on this plat and described in the surveyors certificate on this plat, having clean title and full legal authority to dedicate the same, have caused the land described on this plat to be divided into lots, streets, parks, open spaces, easements and other public uses as designated on the plat, and to be hereinafter known as the "_____ Subdivision." We now do hereby dedicate, grant, and convey, in perpetuity, pursuant to the provisions of 10-9a-607, Utah Code, without condition, restriction or reservation to Tremonton City, Utah, all public streets or other public rights-of-way as public thoroughfares, and also dedicate all designated easements for public utilities, municipal utilities, and storm drains, which shall be used for the installation, maintenance and operation of public service utility lines, municipal utility lines and storm drain lines as intended for public use, municipal use, open spaces shown as public open spaces, public parks and all other places of public use and enjoyment to Tremonton City, Utah, together with all improvements and special conditions required by the

Development Agreement, executed between the undersigned and Tremonton City, for the benefit of Tremonton City and the inhabitants thereof.

OWNER(S):
PRINTED NAME OF OWNER
AUTHORIZED SIGNATURE(S)

**ACKNOWLEDGMENT
OF
OWNER'S AGENT'S SIGNATURE**

STATE OF UTAH)
 §
COUNTY OF BOX ELDER)

On the ____ day of _____, 20____, personally appeared before me the person(s) signing the foregoing Owner's Dedication, who duly acknowledged to me that he/she is the authorized agent of the Owner with authority to execute on the Owner's behalf, the Owner's Dedication.

NOTARY PUBLIC

**ACKNOWLEDGEMENT
OF
OWNER**

STATE OF UTAH)
 §
COUNTY OF BOX ELDER)

On this ____ day of _____, 20____, personally appeared before me, _____ who being by me duly sworn did say, for him/her, that he/she is the Owner and the within and foregoing instrument was signed freely and voluntarily and he/she duly acknowledged to me he/she executed the same.

Notary Public

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH)
 §
COUNTY OF BOX ELDER)

On the ____ day of _____, 20____, personally appeared before me, _____, who being by me duly sworn did he/she say and acknowledge that he/she is an officer of _____, a Utah Corporation, which corporation is the owner of the real property listed herein, and executed the foregoing instrument as the authorized agent of the Corporation, and that said authorization to sign on behalf of the Corporation came pursuant to a Resolution of the Board of Directors, the Articles of Incorporation, and/or the Corporate Bylaws

Notary Public

LIMITED LIABILITY COMPANY ACKNOWLEDGEMENT

STATE OF UTAH)
 §
COUNTY OF BOX ELDER)

On this ____ day of _____, 20____, personally appeared before me, _____ who being by me duly sworn did say, for him/herself, that he/she is the Manager of _____, a Utah Limited Liability Company, and the within and foregoing instrument was signed on behalf of said Limited Liability Company by authority of its Certificate of Organization and/or Operating Agreement. He/She duly acknowledged to me that said Limited Liability Company executed the same.

Notary Public

TRUST ACKNOWLEDGEMENT

STATE OF UTAH)
 §
COUNTY OF BOX ELDER)

On this ____ day of _____ 20____, personally appeared before me, _____ who being by me duly sworn did say and acknowledge that he/she is the Trustee of the _____ Trust dated the ____ day of _____, 20____, which Trust is the owner of the real property listed herein, and executed the foregoing instrument as the Trustee of the Trust, and that said authorization to sign on behalf of the Trust came pursuant to the Declaration of Trust of the Trustors.

Notary Public

10. Industrial and Agriculture Protection Areas.

a. Any new subdivision development located in whole or in part within one-thousand (1,000) feet of the boundary of an industrial protection area, the owner of the development shall provide notice on any plat filed with the County Recorder in accordance with Utah Code Annotated 17-41-403 (b); or

b. Any new subdivision development located in whole or in part within three hundred (300) feet of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the County Recorder in accordance with Utah Code Annotated 17-41-403 (a).

11. A notice of all covenants, conditions and other restrictions that may be relevant and applicable to the property contained within the Final Plat.

12. An "Acceptance by Tremonton City" approval block for the signatures of the Land Use Authority Chairperson, Mayor, City Engineer, and attestation by the City Recorder. A signature line for the City Attorney

to sign approved as to form shall be provided. The Land Use Authority approval includes but is not limited to Culinary Water Authority, Sanitary Sewer Authority and Fire Authority.

13. A note indicating the following: "High Ground Water levels may be present in the area. Tremonton City's inspection of construction does not constitute any assumption of liability for high water table issues. The buyer of each individual lot is solely responsible for all risks involved in purchasing and building on these lots."

14. A note indicating the following: "The Tremonton City Culinary Water Authority does not reserve or warrant water capacity for recorded lots or property. Culinary water capacity is reserved and guaranteed once a building permit is issued for a lot or property."

15. A note indicating the following: "The Tremonton City Sanitary Sewer Authority does not reserve or warrant sewer treatment capacity for recorded lots or property. Sewer treatment capacity is reserved and guaranteed once a building permit is issued for a lot or property."

16. If the subdivision includes private streets or parking lots a note that includes the following: "Emergency access and sanitation access is granted herewith over and across all paved areas for the police, fire, ambulance, emergency response vehicles, and garbage trucks. These vehicles shall not be responsible for any damage caused to the paved areas in providing emergency response or sanitation services."

C. The following documents shall be included with the application for Final Plat approval:

1. Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of required subdivision improvements contained in this Title, the location of all public utilities in accordance with Section 3.01.015 of Title III. Improvements shown on the construction drawings shall be in accordance with the approved Preliminary Plat. All Construction drawings shall be designed by a Professional Engineer, licensed in the State of Utah and qualified to perform such work. All construction drawings shall have the design Engineer State license seal stamped and signed on all submitted sheets.

2. Documents evidencing conveyances or consents from owners of property interests within the subdivision when such is required by law.

3. Engineers estimates of all the required subdivision improvements associated with the Final Plat and construction drawings.

4. A title report prepared by a title company licensed to practice in the State of Utah, which shows that the owner/applicant owns or represents the owner(s) of all of the property contained within the Final Plat.

5. A soil report prepared and stamped by a licensed Geotechnical Engineer. (See Section 2.06.040 of this Title for what is to be included in the Geotechnical report).

6. Owner's Association. Site Plans that are being subdivided shall submit an Owners Association document for Tremonton City for review and approval. The Owners Association document shall include but is not limited to addressing the management of parking, parking lot maintenance, snow removal, landscaping, landscaping maintenance, storm water, etc. which is requisite for the management of the development and other issues for which Tremonton City has land use authority for as enumerated in UCA 10-9a-102. The approved Owners Association document shall be recorded in the Box Elder County's Records Office with the subdivision.

7. Documents evidencing consent from other utility providers stating that they will provide service to the subdivision.

8. Any other documents the City may reasonably require ensuring compliance with the terms and purposes of City Ordinances.

2.04.025 STREET DEDICATION. Unless previously dedicated, the developer shall dedicate to the City the full width of all street rights-of-way on the Final Plat; provided, however, that in cases where a proposed street in the subdivision abuts undeveloped property where no street currently exists and the property is not owned by the applicant the Development Review Committee (DRC) may waive the full width dedication requirement and allow the dedication of a lesser width if DRC finds that such is necessary to promote the health, safety, and welfare of the public. In no case, however, shall the lesser width allowed be less than half of the full right-of-way plus ten (10) feet.

2.04.030 PUBLIC NOTICE.

A. Final Plats- Public Meeting. Twenty-four (24) hour notice of public meeting posted in at least three (3) public places or the City website and Utah public notice website. No public hearing is required.

B. Amendment to Recorded Plat- Vacating or Amending a Public Street, Right-of-Way, Public Utility Easement, Municipal Utility Easement or Storm Drain Easement. When Vacating or Amending a Public Street, Right-of-Way, Public Utility Easement, Municipal Utility Easement or Storm Drain Easement, the Legislative Body shall hold a public hearing and give notice of the date, place and time of the public hearing at least ten (10) days before the public hearing and notice mailed to the record owner of each parcel that is accessed by the Public Street, Right-of-Way, Public Utility Easement, Municipal Utility Easement or Storm Drain Easement; notice mailed to each Affected Entity; publish in a newspaper of general circulation; post a notice of meeting on the Street, Right-of-Way, Public Utility Easement, Municipal Utility Easement or Storm Drain Easement proposed to be vacated or amended to give notice to passers-by; and publish on the Utah Public Notice website. Twenty-four (24) hour notice of public meeting posted in at least three (3) public places or the City website and Utah public notice website.

C. Amendment to Recorded Plat. Amendments other than vacating or amending a Public Street, Right-of-Way, Public Utility Easement, Municipal Utility Easement or Storm Drain Easement the Land Use Authority shall hold a public hearing as noted in Section 2.04.030 B, if any owner within the plat objects to the amendment or vacation in writing to the City within ten (10) days of the mailed notice or because all of the owners in the subdivision have not signed the revised plat. Twenty-four (24) hour notice of public meeting posted in at least three (3) public places or the City website and Utah Public Notice website.

D. Notice to Applicant. Pursuant to Utah Code Annotated 10-9a-202 the Zoning Administrator shall: notify the Applicant of the date, time, and place of each public hearing and public meeting to consider their Final Plat application; provide to each Applicant a copy of each staff report, if a report is prepared, regarding their Final Plat application at least three (3) business days before the public hearing or public meeting; and notify the Applicant of any final action on their Final Plat application.

2.04.035 REVIEW AND APPROVAL PROCEDURES.

A. Zoning Administrator Review for Submission of Complete Application. The Zoning Administrator shall review each application submitted to determine the completeness of the application. The Zoning Administrator shall forward complete applications to the Development Review Committee.

B. The DRC is the designated Land Use Authority (LUA) for Final Plat reviews. The DRC shall review all applications for Final Plat approval for the purpose of determining compliance with all applicable City Ordinances and the City General Plan. Neither a member of the Planning Commission, Mayor, or City Councilmember shall be involved in the review or approval of a Preliminary Plat. The Mayor is authorized to sign the Final Plat mylar for purposes of accepting the dedication of a real property and easements to the City. The approval of a Final Plat application shall be an Administrative Decision.

C. The Development Review Committee (DRC) shall review all applications for Final Plat approval for the purpose of determining compliance with approved Preliminary Plat, all applicable City Ordinances, and the City General Plan. The City Engineer shall review Construction Drawings for compliance with all applicable City Ordinances.

D. Final plat review will be completed by the DRC within 20 business days after the Zoning Administrator has determined that the applicant has submitted a complete application.

E. There shall be no more than four review cycles as part of the Final Plat review process.

1. A review cycle is not considered complete until the applicant has adequately addressed all of the redlines identified by the DRC.

2. The DRC may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.

3. Applicants must respond to the required changes, and if they disagree with the required changes, must submit their issues in writing to the City.

F. After determining that the plat meets all requirements of this Title and any financial guarantee has been approved by the City Attorney, the DRC shall approve the Final Plat.

1. The DRC shall approve the Final Plat, and the City Engineer shall approve the Construction Drawings if they meet the requirements of the Preliminary Plat and all applicable City Ordinances and State Statutes. Approval of a Final Plat is an Administrative Decision. The DRC may approve the Final Plat with conditions if allowed discretion by applicable City Ordinances and State Statutes.

2. The DRC may deny approval of the Final Plat, and the City Engineer may deny the Construction Drawings if they do not comply with all applicable City Ordinances, State Statutes and requirements of the Preliminary Plat, based upon finding of facts supported by law.

3. If the request for Final Plat or Construction Drawings approval is denied, the DRC or City Engineer shall state the findings of fact for the denial.

G. The City Engineer shall:

1. Review and approve all required Construction Drawings prior to recording. The City Engineer shall deny approval of the Construction Drawings unless they comply with generally accepted engineering standards, Title III General Public Works Construction Standards and Specifications, Geotech reports, and any other specifications, standards or policies established by the City.

2. Make recommendations to the DRC in accordance with City requirements concerning the Final Plat.

3. Review the Development Agreements and or easements and advise the DRC and the Mayor that the engineering aspects of the agreements or easements are in order and ready for signature.

4. Review and approve Engineering cost estimates for development improvements and provide details for any applicable Escrow Bond.

5. Prior to recording, review the Final Plat and surveyor's certification for acceptability.

6. After final approval by the City Engineer and Development Review Committee, sign the plat, and stamp the Construction Drawings as approved provided they meet all the requirements of this Chapter.

H. The City Attorney shall:

1. Review Title reports and advise the DRC.

2. Prior to recording, review all Developments Agreements and or easements and advise the DRC and the Mayor that the legal aspects of the agreements or easements are in order and ready for signature.
3. Prior to recording, review form of Bond.
4. Prior to recording, review the Final Plat Owner's Dedication and other elements for acceptability.

2.04.040 ENTITLEMENTS. Entitlements of Final Plat approval allows the Developer to enter into a Development Agreement with the City, and have the Final Plat recorded with the Box Elder County Recorder. In accordance with 2.01.025, any Final Plat approved which is in conflict with this Title shall be null and void.

2.04.045 DEVELOPMENT AGREEMENT OF OWNER/DEVELOPER. No final subdivision plat shall be recorded until, the developer of the subdivision has tendered the bond required by Chapter 2.05 of this Title and entered into a Development Agreement with the City in which the developer agrees to: install the improvements as required by this Title and other applicable Titles; and to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of the property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period); and the owner(s) of the subdivision has given written permission to the City or it's representatives to enter upon the property included within the Final Plat to complete any subdivision improvements required by this Title in the event that the owner/developer fails to satisfactorily complete such improvements in the time allowed by this Title; and other requirements associated with the approval of the Final Plat. The Development Agreement shall be recorded with the Final Plat, and the title of the Subdivision Development Agreement shall include the exact name of the subdivision as it appears on the Final Plat.

A. Approval- Minor Modifications of the Template Subdivision Development Agreement. The City Council authorizes minor modifications of the template Subdivision Development Agreement, adopted by Resolution of the City Council so that the language in the Development Agreement is applicable to the subdivision for which it is being used. The City Council authorizes the Mayor to sign the Subdivision Development Agreement at any time so long as the City Engineer and City Attorney have first signed the Agreement. The City Engineer and City Attorney's signature shall signify that the engineering and legal aspects of the Agreement are in order and are ready for execution. Thereafter, the Agreement shall be placed on the City Council agenda for ratification.

B. Approval- Substantial Modification of Template Subdivision Development Agreement. The City Council authorizes major modifications of the template Subdivision Development Agreement, adopted by Resolution of the City Council to address specific circumstances and so that the language in the Development Agreement is applicable to the subdivision, for which it is being used. When the Development Review Committee believes that any modification of the template Subdivision Development Agreement has substantially been altered from the template Subdivision Development Agreement adopted by Resolution of the City Council the Development Review Committee shall present the Subdivision Development Agreement first to the City Council for approval. After the City Council approves the Subdivision Development Agreement, the Mayor is authorized to the sign the Agreement so long as the City Engineer and City Attorney have first signed the Agreement. The City Engineer and City Attorney's signature shall signify that the engineering and legal aspects of the agreement are in order and are ready for the execution of the Agreement by the Mayor.

2.04.050 APPEALS.

A. Final Plats. Any person aggrieved by the decision of any part of the Final Plat or amending a Final Plat may appeal in accordance with Chapter 1.04 of Title I.

B. The Appeal Authority and deadline for filing an appeal of a Final Plat or amending a Final Plat is as follows:

1. First Appeal. A person has ten (10) days to appeal the decision of the Development Review Committee to the Planning Commission.

2. Second Appeal. A person has thirty (30) days to appeal decision of the Planning Commission to the District Court. (See Utah Code 10-9a-801)

C. Construction Drawings. Any person aggrieved by the decision of any part of the Construction Drawings may appeal in accordance with Chapter 1.04 of Title I.

D. The Appeal Authority and the deadline for filing an appeal of the Construction Drawings shall be as follows:

1. First Appeal. A person has ten (10) days to appeal the decision of the City Engineer to the Development Review Committee.

2. Second Appeal. A person has thirty (30) days to appeal the decision of the Development Review Committee to District Court. (See Utah Code 10-9a-801)

E. Geologic Hazards. Any person aggrieved by the decision of any part of the Final Plat associated with a Geologic Hazard may appeal in accordance with Chapter 1.04 of Title I.

F. The Appeal Authority and deadline for filing an appeal of a Final Plat associated with a Geologic Hazard shall be as follows:

1. Appeal. A person has ten (10) days to appeal the decision of the Land Use Authority associated with a Geologic Hazard to a panel of qualified experts pursuant to UCA 10-9a-703 (2).

G. The Appeal Authority and deadline for filing an appeal of a Final Plat associated with pavement widths in excess of thirty-two (32) feet on residential road, public improvement or engineering standards shall be as follows:

1. Appeal. A person has ten (10) days to appeal the decision of the DRC associated with pavement widths in excess of thirty-two (32) feet on residential road, public improvement or engineering standards to a panel of qualified experts pursuant to Engineering Appeal Panel as described in UCA 10-9a-508 (5).

2.04.055 VALIDITY OF FINAL PLAT APPROVAL. The Final Plat approval shall expire and be void one (1) year after approval by the DRC unless the plat has been recorded. The Development Review Committee (DRC) may grant a one (1) year extension of the Final Plat, provided the plat still complies with all applicable Ordinances or the DRC may approve the extension subject to compliance with new standards in the Ordinances. The Applicant requesting a one (1) year extension shall submit a written request along with the payment of the applicable fee.

2.04.060 PROCEDURES FOR RECORDING FINAL PLAT AND DEVELOPMENT AGREEMENTS.

A. The following fees shall be paid to the City prior to recording the Final Plat:

1. A fee for street identification signs and for each traffic control sign.

2. A fee for the installation of street lighting.

3. A fee for a duplicate copy of the Final Plat.

4. The estimated fee for recording the Final Plat and Subdivision Development Agreement.

5. Additional fees, if the processing of the Preliminary and Final Plats required more resources than anticipated in the fee originally charged in the fee schedule. The charging and collection of this type of fee shall be in accordance with a Resolution adopted by the City Council.

6. Pay appropriate Roll Back taxes as determined by Box Elder County for a property that is being subdivided and was previously taxed as Green Belt property.

7. Any other fees or bonds required by the City, including a proportionate fee for off-site improvements or improvements that cannot be constructed or completed with the subdivision improvements.

B. The City shall record the Final Plat and Development Agreements in the Office of the Box Elder County Recorder after the fees required in subsection (A) above are received by the City and after the developer has completed all other City requirements for recording.

2.04.065 EXISTING STRUCTURES AS PART OF FINAL PLAT. Lots having existing residential or commercial structures shall be included in a Final Plat.

2.04.070 AMENDMENTS TO FINAL PLAT AND CONSTRUCTION DRAWINGS.

A. The City Engineer may approve minor engineering amendments to approved Final Plats before the plat is recorded if he/she finds that the proposed amendment(s) does not jeopardize the interests of the City or adjoining property owners. The types of minor amendments contemplated by this section include, but not limited to legal description mistakes, minor boundary changes, and items that should have been included on the original Final Plats. Major amendments such as lot additions, streets, boundary changes, etc. to unrecorded approved Final Plats shall go back through the Preliminary and Final approval process.

B. The City Engineer may approve amendments to Construction Drawings upon payment of applicable fee as set by Resolution of the City Council.

2.04.075 AMENDMENTS TO RECORDED PLATS.

A. Amending or Vacating a Recorded Subdivision Plat. The Development Review Committee shall consider and approve or disapprove after a public hearing if required, with a petition, any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or lot, contained in a subdivision plat. If the Development Review Committee is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that no street, alley, right-of-way, public utility easement, municipal utility easement, or storm drain easement requires vacating or amending and that there is good cause for the vacation, alteration, or amendment, the Development Review Committee may vacate, alter, or amend the plat, any portion of the plat, or any lot. The Development Review Committee is authorized to bring any proposed amendment, vacation or alteration of a recorded subdivision plat before the City Council, if in their opinion; the general public interest will be better served by a review and approval of the City Council.

B. Amending or Vacating Public Streets, Right-of-Ways or Easements. The City Council shall hold a public hearing and approve when vacating some or all of a street, right-of-way, or public utility easement, municipal utility easement, or storm drain easement. If an entire subdivision is vacated, the City Council shall do so by an Ordinance containing a legal description of the entire vacated subdivision and record the Ordinance with the County Recorders Office. The City Council may vacate a public utility easement or municipal utility easement upon finding that all applicable public and/or municipal utility agencies, including those responsible for natural gas, electric power, cable television, telephone, fiber optic, storm system, sewer, culinary water and other services deemed to be of a public-utility nature by the City, have provided written assurance to the City that the public utility easement or municipal utility easement proposed to be vacated is not currently being used for such utility and will not be needed for the future use of such utilities.

C. Submission of Application. Only property owners or their duly authorized agents shall make application for Amendments to Recorded Plats on forms approved by the Zoning Administrator. No Amendments to Recorded Plats application shall be processed without the submission of the application, all the supporting materials as required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances. The time frame for when an application shall be reviewed set by policy of the Zoning Administrator.

1. The application for Amendments to Recorded Plats approval shall include the following:

- a. All documents required in Section 2.04.075 D below.
- b. Payment of the applicable fee as set by Resolution of the City Council.

D. Form and Contents of Required Documents. The Amendments to Recorded Plats application shall be submitted with the materials listed in this Section. The Zoning Administrator may determine and require that additional items not listed herein be submitted in order to evaluate the proposed Amendments to Recorded Plats application. The number of hard copies shall be determined by the Zoning Administrator.

1. Petition. A signed petition shall be submitted that consists of the following: (1) an explanation of the purpose of the proposed amended plat. (2) The name and address of all owners of record of the land contained in the entire plat. (3) The name and address of all owners of record that are adjacent to any street that is proposed to be vacated, altered, or amended, and (4) the signatures of each of these owners who consent to the petition.

2. Title Report. A title report shall be submitted for the area proposed to be amended.

3. Proposed Amended Plat. The amended plat shall be submitted. This plat must define what portion of the plat is being amended.

4. Recorded Plat. The recorded plat should be submitted to show the existing boundaries and/or lot lines.

E. Amended Plats or amended and vacated plats approved by the Development Review Committee or the City Council shall be recorded in the Office of the Box Elder County Recorder.

F. Appeal Amended Recorded Subdivision Plat. Any person aggrieved by the decision of any part of the Amended Recorded Subdivision Plat may appeal in accordance with Chapter 1.04 of Title I.

G. The Appeal Authority and deadline for filing an appeal of an Amended Recorded Subdivision Plat shall be as follows:

1. First Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code 10-9a-801)

H. Appeal Amendment or Vacating Public Streets, Right-of-Ways or Easements. Any person aggrieved by the decision of any part of the Appeal Amendment or Vacating Public Streets, Right-of-Ways or Public Utility and/or Municipal Utility Easements may appeal in accordance with Chapter 1.04 of Title I.

I. The Appeal Authority and deadline for filing an appeal of Amendment or Vacating Public Streets, Right-of-Way or Public Utility and/or Municipal Utility Easement shall be as follows:

1. First Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code 10-9a-801)

2.04.080 LOT LINE ADJUSTMENTS. Lot Line Adjustments. No public notice is required for a Lot Line Adjustment to an existing recorded plat.

A. The Zoning Administrator or his/her designee may approve adjustments lot lines of a recorded plat between adjacent properties if the application meets the requirements enumerated below. There is no requirement that the lot line adjustment be formalized by recording a plat:

1. No new dwelling lot or house unit results from the Lot Line Adjustment;
2. The adjoining property owners' consent in writing to the Lot Line Adjustment;
3. The Lot Line Adjustment does not result in remnant land that did not previously exist; and
4. The adjustment does not result in violation of applicable zoning requirements.

B. Submission of Application. Only property owners or their duly authorized agents shall make application for a Lot Line Adjustment on forms approved by the Zoning Administrator. No Lot Line Adjustment application shall be processed without the submission of the application, all the supporting materials as required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances. The time frame for when an application shall be reviewed set by policy of the Zoning Administrator.

1. The application for Lot Line Adjustment approval shall include the following:
 - a. All documents required in Section 2.04.080 C below.
 - b. Payment of the applicable fee as set by Resolution of the City Council.

C. Form and Contents of Required Documents. The Lot Line Adjustment application shall be submitted with the materials listed in this Section. The Zoning Administrator may determine and require that additional items not listed herein be submitted in order to evaluate the proposed Lot Line Adjustment application. The number of hard copies shall be determined by the Zoning Administrator.

1. Title Report. A title report shall be submitted for the properties that are the subject of the Lot Line Adjustment.
2. Recorded Plat. The existing recorded plat shall be submitted.
3. Legal Description. A legal description shall be submitted.
4. Diagrams of Improvements. Diagrams showing the current & proposed lot lines & building setbacks. These drawings must also show the locations of any structures & their respective distances from the proposed lot lines.
5. Locations of Utilities & Easements. A plan that identifies the existing & proposed public utilities with the accompanying easement, municipal utilities with the accompanying easement, and storm drain line with the accompanying easements shall be submitted.
6. Deed. A signed special warranty deed defining the transfer of property shall be submitted.
7. Letter of Consent. Any lending institution that owns property that will be altered by the proposed application must submit a letter consenting to the application.

D. Appeal a Lot Line Adjustment. Any person aggrieved by the decision of a Lot Line Adjustment may appeal in accordance with Chapter 1.04 of Title I.

E. The Appeal Authority and deadline for filing an appeal of a Lot Line Adjustment shall be as follows:

1. First Appeal. Person has ten (10) days to appeal the decision of the Zoning Administrator to the Development Review Committee.

2. Second Appeal. Person has thirty (30) days to appeal the decision of the Development Review Committee to District Court. (See Utah Code Section 10-9a-801)

REV 17.09

REV 17.15

ORD 18-15

ORD 19-02

ORD 19-11

ORD 20-05

ORD 21-06

ORD 24-01

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