

Memo:

Dated: 06/07/2018

Reference: Robert and Nina Chin in Soaring Hawk petition to combine lots 77 and 78  
11592 North White Tail Court

## Town of Hideout Code

### 10.03.403: AMENDING RECORDED PLAT:

(2) The procedure for amending or altering a subdivision plat shall follow the same review process as for approval of a new subdivision 10.03.401. **If the Town Engineer determines that the revisions will affect the existing infrastructure in the case of a completed development** or the approved infrastructure in the case of an incomplete development then the applicant will be required to submit for review and approval engineering drawings depicting all required changes for approval as part of the review process.

DWE: There are no issues caused or created by this proposal to combine lots 77 and 78

### 10.03.404: OTHER PROVISIONS

All other provisions not covered under this Title and provisions of this Title that are not allowed by Utah State Code shall be governed by Utah State Code -Subdivision.

DWE: The mechanics of amending plat are governed by the Utah State Code

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## Utah State Code

**Effective 5/13/2014**

**10-9a-608. Vacating, altering, or amending a subdivision plat. This part of the State Code governs the requested lot line adjustments.**

- (1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.
- (b) If a petition is filed under Subsection [\(1\)\(a\)](#), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the vacation or amendment of the plat.
- (c) If a petition is filed under Subsection [\(1\)\(a\)](#), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:

- (i) any owner within the plat notifies the municipality of the owner's objection in writing within 10 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.
- (2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection [\(1\)\(c\)](#) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if: **DWE: The petitions meet this exception, so the public hearing portion of the public meeting on the actual lot line adjustments should not be required. The vacation of the side yard easements do require public hearing as indicated below.**
  - (a) the petition seeks to:
    - (i) join two or more of the petitioner fee owner's contiguous lots; **DWE: The Wasatch County Tax information shows that both of these lots are owned by Robert Chin**
    - (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
    - (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;
    - (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
    - (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
      - (A) owned by the petitioner; or
      - (B) designated as a common area; and
  - (b) notice has been given to adjacent property owners in accordance with any applicable local ordinance.
- (3) Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way, or **easement** is also subject to Section [10-9a-609.5](#).
- (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:
  - (a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
  - (b) the signature of each owner described in Subsection [\(4\)\(a\)](#) who consents to the petition.
- (5)
  - (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection [\(5\)\(b\)](#).
  - (b) The land use authority shall approve an exchange of title under Subsection [\(5\)\(a\)](#) if 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 [\(5\)\(b\)](#):

- (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 [Title 57, Chapter 2a, Recognition of Acknowledgments Act](#); and
    - (C) recites the descriptions of both the original parcels and the parcels created by the exchange of title; and
  - (ii) a document of conveyance shall be recorded in the office of the county recorder.
  - (d) A notice of approval recorded under this Subsection [\(5\)](#) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.
- (6) (a) 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 [\(6\)\(c\)](#).
- (b) The surveyor preparing the amended plat shall certify that the surveyor:
- (i) holds a license in accordance with [Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act](#);
  - (ii) has completed a survey of the property described on the plat in accordance with Section [17-23-17](#) and has verified all measurements; and
  - (iii) has placed monuments as represented on the plat.
- (c) 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.
- (d) Except as provided in Subsection [\(6\)\(a\)](#), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

#### **10-9a-609.5. Vacating a street, right-of-way, or easement.**

DWE: There are no utilities installed in the side yard easements of lot 77 and 78. Deleting the side yard easement along the current common lot line will not have any effect on future utilities. Many engineers have come to the conclusion that the common practice of adding side lot and rear lot easements to lots in mountainous areas should be stopped since no utility is willing to install on the sides and backs of these lots.

- (1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:
  - (a) the name and address of each owner of record of land that is:

- (i) adjacent to the public street, right-of-way, or easement; or
    - (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and
  - (b) the signature of each owner under Subsection [\(1\)\(a\)](#) who consents to the vacation.
- (2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section [10-9a-208](#) and determine whether:
- (a) good cause exists for the vacation; and
  - (b) the public interest or any person will be materially injured by the proposed vacation.
- (3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
- (a) good cause exists for the vacation; and
  - (b) neither the public interest nor any person will be materially injured by the vacation.
- (4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
- (a) a plat reflecting the vacation; or
  - (b) an ordinance described in Subsection [\(3\)](#).
- (5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:
- (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated street, right-of-way, or easement; and
  - (b) may not be construed to impair:
    - (i) any right-of-way or easement of any lot owner; or
    - (ii) the franchise rights of any public utility.