



Land Use Authority

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Procedure for a Lot Joinder within a Subdivision Plat 17-27a-608(2)

The following requirements shall be met in order to secure a Lot Joinder from the Kane County Land Use Authority:

1. Applicant must be the title owner of said property or have power of attorney to act on behalf of the owner. Applicant or authorized agent must be present for the Public Meeting in which the Lot Joinder is an agenda item. Electronic appearance is acceptable if prior arrangements are made.
2. Fee: \$500 for plat review +\$10 per lot notification for property owners within 500 ft. of proposed Lot Joinder. (Adhesive) address labels for the notification letter must be typed and ready to place on envelopes (the letter will be prepared by Land Use Authority).
3. Submit reason, in writing, for requested Lot Joinder.
4. Provide legal description of lots to be joined.
 - a.) Auto CAD.DWG file or GIS SHPE file, submitted by surveyor;
 - b.) File to contain all parcel lines and reference monuments;
 - c.) Data file to be GEO referenced to Utah State Plane South Grid Coordinate System or ground Coordinate System including ground scale factor. (Kane County Land Use Ordinance page 21-21, 3).
5. Submit a Lot Joinder amended plat. (See attached for plat requirements; include (13) 11x17 copies of the plat).
6. Provide paid tax statement for current year.
7. Please check with your local HOA or CC&R's for any subdivision restrictions.
8. Submit a signed Lien Holder Statement and a signed Lender's Consent and Dedication.
9. Title Report and Deeds need to be provided.
10. A completed application* must be received by the Land Use Administrator no less than 21 days prior to the monthly Land Use meeting.
11. All final revisions need to be submitted to the Kane County Land Use Administrator 7 days prior to the Land Use Authority meeting to remain on the agenda.
12. If any easement is being vacated provide a Letter of Consent from the appropriate entity (i.e. power company, water district, etc.)*

*The item (Lot Joinder) **will not** be placed on the agenda if the application packet is not complete.

Please Note: Once lots are joined they may not be subdivided again.

Revised January 11, 2017

Utah Code:

17-27a-609 Land use authority approval of vacation or amendment of plat-Recording the amended plat.

(1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

- (a) there is good cause for the vacation or amendment; and
- (b) no public street, right-of-way, or easement has been vacated or amended.

(2)(a) The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.

(b) If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

(3)(a) A legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.

(b) The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.

(4) An amended plat may not be submitted to the county recorder for recording unless it is:

- (a) signed by the land use authority; and
- (b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.

(5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.

(6) A plat may be corrected as provided in Section 57-3-106.

Amended by Chapter 136, 2014 General Session

17-27a-609.5 Vacating a street, right-of-way, or easement.

(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 17-27a-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 county'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.

Amended by Chapter 381, 2010 General Session

Fee: _____
Paid: _____
List of Prop. Owners: _____

REQUEST FOR **LOT JOINDER** WITHIN A SUBDIVISION PLAT

Property Owner's Name: _____

Date: _____ Address: _____

Phone: _____ Cell Phone: _____ Fax: _____

City: _____ State: _____ Zip Code: _____

Location and Legal Description of Subdivision Plat:

Reason for Lot Joinder Request:

I (We) certify that the proposed subdivision plat will conform to the Kane County Subdivision Ordinance and that no changes will be made without prior approval.

Signature of Owner / Trustee: _____

Signature of Owner / Trustee: _____

Note: Once lots are joined they may not be subdivided again.

Planning Commission Action: Approve _____ Deny _____

Comments:

Planning Commission Chairman _____ Date: _____

LOT JOINDER – DRAWING REQUIREMENTS

1. Boundary bearing and distances data outside boundary
2. New Lot number.
3. Curve data: radius, angle, tangent, length
4. All streets to be named
5. Bearing and distances of all streets
6. Adjacent streets shown and dimensioned
7. Adjacent fences shown
8. All easements to be labeled and dimensioned. (All easements to be abandoned.)
9. All land with boundaries to be accounted for
10. All dimensions to be to 0.01' and 0'000'00
11. Name of subdivision
12. North arrow
13. Basis of bearing
14. Name and address of owners of record
15. Total acreage of new lot
16. Legal description of new lot
17. Township, range, section and quarter section
18. Graphic scale
19. Required monuments
20. County Surveyor's signature block
21. County Attorney's signature block
22. Land Use Authority's signature block
23. Signature(s) of owner(s) (notarized) block
24. County Recorder's recording block
25. Lender's signature block (or "Consent to Plat" form)
26. Surveyor's Certificate

*Please submit (3) 24" by 36", plat maps and (13) 11" by 17" plat maps along with your application.

Lien Holder Statement

Property Owner's Name: _____

Date: _____ Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell or other Phone: _____

Location and Legal Description of Subdivision Plat:

The above described lots are owned by the above; free and clear.

Signature of Owner / Trustee:

Signature of Owner / Trustee:

Or:

The above described lots are encumbered by a Lien / Mortgage.

Lien Holder information:

Name of Person / Bank: _____

Address: _____

Signature of Owner / Trustee:

Signature of Owner / Trustee

LENDER'S CONSENT AND DEDICATION

_____, hereby consents to the recordation of the subdivision plat of _____.

Parcel ID: _____

The property described on said subdivision plat of _____ & affected by this Consent to record & Dedication is situated in Kane County, Utah, described as follows:

IN WITNESS I/we have hereunto set my/our hand(s) this _____ day of _____ 20____.

LENDER'S ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME.

_____,
THE SIGNER(S) OF THE WITHIN INSTRUMENT, WHO DULY ACKNOWLEDGE TO ME THAT he/she is the (President/V.P. Manager etc..) of _____, the corporation that executed the above instrument & was signed in behalf of said corporation by authority of its by-laws, and said _____ acknowledged to me that said corporation executed the same.

Notary Public

My Commission Expires: _____ Notary Public residing at: _____