



Land Use Authority

76 North Main Street

Kanab, Utah 84741

Phone (435) 644-4966

planning@kane.utah.gov

Procedures for Amending, Extending or Vacating a Subdivision Plat

The following requirements shall be met in order to amend, extend or vacate a subdivision plat and to be scheduled for the Kane County Land Use Authority Commission agenda.

1. Applicant must be a title owner of property in the said plat or have power of attorney to act on behalf of owner. *It is highly recommended that the applicant or their authorized agent be present at the Land Use meeting that the Amending a Subdivision Plat is an agenda item. Electronic appearance is acceptable if prior arrangements are made.
2. Pay the required \$700 application fee.
3. Adhesive address labels for the notification letter for property owners within 500 ft. of said plat, typed and ready to place on envelopes. The letter will be prepared by Land Use Authority.
4. Submit the amended plat - (1) 24x36 and (2) 11x17
5. Provide legal description using Auto CAD.CWG file or GIS SHAPE file, submitted by surveyor; file to contain all parcel lines and reference monuments; 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 9-21E-4C(1-4)).
6. Provide statement of taxes due.
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. If any easement is being vacated provide a **Termination of Easement Letter** from the appropriate entity (Garkane Power, Kane County Water Conservancy District and South Central Communications).
- 11. Application must be received in office 21 days prior to the scheduled Land Use Authority Meeting.**

In accordance with Utah State Code and Land Use Development Management Act, a public hearing shall be scheduled before Kane County Land Use Authority Commission (Utah Code 17-27A-(101-901)).

***Incomplete applications will be returned.**

***Application must be received in office 21 days prior to the scheduled Land Use Authority Meeting.**

***Fee is non-refundable after engineer's review.**

Vacating/Amending a Subdivision Plat
Drawing Requirements
KCLUO 9-21E-4B

1. Boundary bearings and distances data outside boundary;
2. Lots numbered consecutively;
 - a. All lot zones must be marked clearly on each numbered lot;
3. Curve data: radius, angle, long chord, bearings and distance, length;
4. Excluded parcels marked as such;
5. All streets to be named;
6. Bearings and distances of all streets;
7. Parcels not included marked NAPOTS;
8. Adjacent streets shown and dimensioned;
9. Adjacent fences shown;
10. All easements to be labeled and dimensioned;
11. All land with boundaries to be accounted for;
12. All dimensions to be to 0.01' and 0'000'00;
13. Location of perc test trenches;
14. Name of subdivision;
15. North arrow;
16. Basis of bearing;
17. Name and address of owners of record;
18. Total acreage of subdivision;
19. Total number of lots;
20. Legal description of entire subdivision;
21. Township, range, section and quarter section;
22. Graphic scale;
23. Required monuments;
24. County Engineer's signature block;
25. County surveyor's signature block;
26. County Attorney's signature block;
27. Land Use Authority's signature block;
28. County Commission's signature block;
29. Signature(s) of owner(s) (notarized) block;
30. County Recorder's recording block;
31. Lender's signature block (or "consent to plat" form);
32. Surveyor's certificate;
33. Culinary water authority signature block;
34. Sanitary sewer authority signature block;
35. Kane County GIS Administrator signature block;
36. Kane County Addressing Administrator signature block;
37. An electronic digital version of the subdivision plat (PDF of the final plat).



**Kane County
Land Use Authority**

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planning@kanab.utah.gov

**AMENDING, EXTENDING OR VACATING
A SUBDIVISION PLAT
Application Fee \$700**

***In the event additional engineering costs are accrued by the County related to a specific project, the project applicant will be responsible for all additional engineering fees.
(KCLUO 9-1-14)**

Owner/Applicant: _____ Date: _____

Address _____ Fax: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-Mail: _____

Location and Legal Description of Subdivision Plat: _____

Reason for Amendment: _____

I 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 Property Owner Date Signature of Property Owner Date

Land Use Action:

Approve Deny

Planning Commission Chairman Date
Commission Approval: _____

LIEN HOLDER STATEMENT

Property Owner's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Parcel #: _____

Check one:

The above parcel is owned free and clear.

The above stated parcel is financed or a lien exists. *Please complete the information below AND complete Lender's Consent and Dedication form.

LIEN HOLDER/LENDER: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

I hereby declare that the information given above is true to the best of my knowledge.

Signature of Owner/Trustee

Signature of Owner/Trustee

LENDER'S CONSENT AND DEDICATION

LENDER'S ACKNOWLEDGMENT

_____, hereby consents to the recordation of the subdivision plat of _____, Parcel #: _____.

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

Lender's Signature

NOTARY STATEMENT

On this ____ day of _____, 20____, personally appeared before me, (Name) _____, the signer of the within instrument, who duly acknowledged before me that he/she is the (Title) _____ of (Financial Institution) _____, the corporation that executed the above instrument & was signed in behalf of said corporation by authority of its by-laws, and acknowledged to me that said corporation executed the same.

Notary Public

My Commission Expires: _____

Notary Public residing at City: _____ State: _____ County: _____

17-27a-608. Vacating or amending a subdivision plat.

- (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 county 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:
 - (a) the petition seeks to:
 - (i) join two or more of the petitioning fee owner's contiguous lots;
 - (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 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 [17-27a-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:
 - (i) the entire plat; or
 - (ii) that portion of the plan described in the petition; and

- (b) the signature of each owner 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 of title reflecting the approved change 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 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 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.

Amended by Chapter [136](#), 2014 General Session

**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 [200](#), 2013 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