

Introduced by: Cooper  
Date: Feb. 19, 1980  
Hearing: March 18, 1980  
Referred to Plan. Comsn.  
Action: Enacted April 15, 1980  
Vote: 52 "Yes"; 22 "No"

KENAI PENINSULA BOROUGH

ORDINANCE 80-15

AMENDING SECTION 20.16.150 OF THE BOROUGH CODIFIED ORDINANCES TO PROVIDE THAT CONSENT TO SUBDIVIDE A PARCEL OF LAND MUST BE GRANTED BY ALL PERSONS HOLDING INTEREST IN THE LAND, INCLUDING HOLDERS OF DEEDS OF TRUST AND MORTGAGES, AS A PART OF THE SUBDIVISION ORDINANCE.

WHEREAS, current Section 20.16.150 (A) of the Borough Code requires that permission to subdivide a parcel of land need be granted only by those persons shown on the Borough Assessor's tax roll as owning the parcel; and

WHEREAS, those rights not recorded by the Borough Assessor, nor required to be shown currently on the final plat, include deeds of trust, mortgages and like security interests, which confer significant rights upon their holders; and

WHEREAS, the assembly finds that the subsequent purchasers of all or a portion of the subdivided land will be better protected if all holders of security interests consent to the subdivision of land; and

WHEREAS, the assembly finds that a primary purpose of the subdivision process is to introduce certainty into land ownership records, and that this purpose will be furthered by requiring the subdivider to present a current certificate of plat at the time when the final plat is approved;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Section 20.16.150 (A) of the Borough code of ordinances is amended to read:

20.16.150. Statement and Signatures Required--Form.  
When presented for the Planning Director or Mayor's signature, the following statements and signatures shall appear on the final plat. [UNLESS SPECIFIED OTHERWISE.]

A. The signature of all owners [SHOWN ON THE BOROUGH ASSESSOR'S TAX ROLL] and other parties possessing a security interest, including deeds of trust, mortgages or the like, consenting to the preparation and recordation of the plat and to all dedications shown on the plat. [IF THE SUBDIVIDER FINDS THAT THE TAX ROLL IS IN ERROR OR IS NOT CURRENT, THE SUBDIVIDER SHALL PRESENT TO THE PLANNING DIRECTOR SUITABLE EVIDENCE OF OTHER OWNERSHIP, IN THE FORM OF COPIES OF RECORDED DOCUMENTS, OR A TITLE REPORT ISSUED BY A TITLE COMPANY AFTER THE DATE OF THE COMPILATION OF THE ASSESSOR'S TAX ROLL. THE OWNER OR OWNERS OF RECORD AS SHOWN ON THIS TITLE REPORT.] All persons having a title or security interest in the land shall sign the plat. The subdivider shall provide the Planning Director with a certificate of plat prepared by a title insurance company, showing the names of all persons having a recorded title or security interest in the land as of the date of the Planning Director's or Mayor's signature on the plat. The ownership and dedication statement required is substantially as follows:

I hereby certify that (I am) (we are) the owner(s) of the property shown and described hereon and that (I)-(we) hereby adopt this plan of subdivision, and (dedicate)(all right-of-ways) and (public areas) (to public use) and (grant all easements to the use shown).

\_\_\_\_\_  
Owner's name and address

(delete inapplicable phrases)

All owner's name and address blanks shall be provided as needed for multiple ownership. The signatures shall be notarized and a notary's acknowledgment statement (or statement(s) as needed) shall be provided as follows:

NOTARY'S ACKNOWLEDGMENT

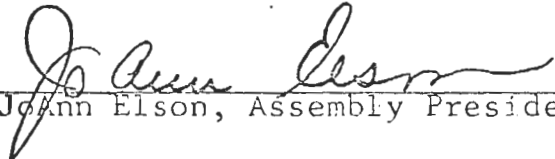
Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Alaska,  
My Commission expires: \_\_\_\_\_


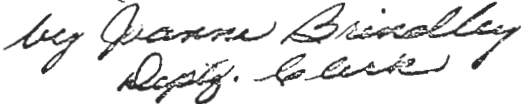
The multiple ownership and dedication statement with notary's acknowledgment(s) may be substituted on a separate 8-1/2 by 11 or by 14 inch sheet containing the name and description of the plat, surveyor's name, and date. These sheets shall be recorded simultaneously with the plat and reference to same shall be made on the plat. At least one owner must still sign the plat.

Section 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
ON THIS 15th DAY OF April, 1980.

  
JoAnn Elson, Assembly President

ATTEST:

  
Borough Clerk  
  
Depty. Clerk

