

Introduced by: Arness
Date: May 20, 1980
Hearing: June 17, 1980
Vote: 46 Yes, 19 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 80-37

AMENDING SECTION 20.16.150 OF THE BOROUGH CODE RELATING TO REQUIRED SIGNATURES ON PLATS, AND REPEALING ORDINANCE 80-15.

WHEREAS, the Borough Planning Commission exercises all platting authority within the boundaries of the Kenai Peninsula Borough; and

WHEREAS, the assembly has established by ordinance procedures for the execution and recordation of final plats; and

WHEREAS, these procedures now provide that all persons who assert a recorded interest in land, whether a title interest or a security interest, must execute a certificate consenting to the subdivision of that plat; and

WHEREAS, the assembly finds that security holders should not be required to sign plats as owners,

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

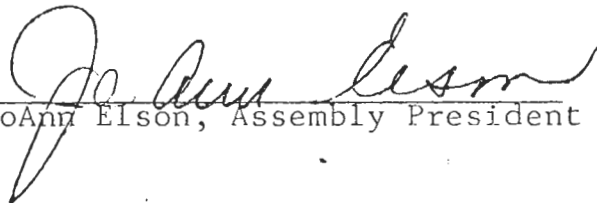
Subscribed and sworn before me this ____ day of _____

Notary Public for Alaska
My Comm. 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. Ordinance 80-15 enacted on April 15, 1980, is repealed.

Section 3. That this ordinance takes effect immediately upon its enactment.


JoAnn Elson, Assembly President

ATTEST:


Borough Clerk

