

Introduced by: Nash  
Date: July 17, 1990  
Hearing: July 17, 1990  
Action: Enacted as Amended  
Vote: Unanimous

KENAI PENINSULA BOROUGH  
ORDINANCE 90-38 (SUBSTITUTE)

AMENDING SECTION 20.16.150 OF THE BOROUGH CODE OF ORDINANCES SO THAT ALL PARTIES HOLDING AN INTEREST TO THE TITLE OF LAND PROPOSED FOR SUBDIVISION SHALL SIGN THE PLAT

WHEREAS, under the existing provisions of KPB 20.16.150 only the signatures of owners shown on the borough assessor's tax roll are required to sign a subdivision plat; and

WHEREAS, in many instances there are significant interests in the lands such as beneficiaries of deeds of trust and other prior lienholders; and

WHEREAS, recent foreclosure actions on subdivisions which did not bear the signatures of all interested parties have raised questions on the legal status of right-of-way dedications shown on those plats;

WHEREAS, these issues can largely be avoided by requiring signatures of all persons having an interest in the property;

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

Section 1. That KPB Section 20.16.150 is repealed and reenacted as follows:

20.16.155 Certificates, Statements and Signatures Required

A final plat submitted for review and approval shall bear the following certificates with signatures of appropriate parties signed with permanent black ink:

- A. Certificate of Ownership, Dedication and Acknowledgment:
1. All parties having an interest of record in land being subdivided shall sign a certificate of ownership and dedication printed on the plat, affixed thereto, or by separate affidavit. If such title interest is vested in a corporation the certificate shall be signed and acknowledged by an individual(s) under authority granted by its board of directors. Documentation of such authority shall be submitted with the final plat.

2. A Certificate to Plat, current to not more than three business days prior to submittal of the final plat issued by a title company authorized to issue title policies in the State of Alaska shall be submitted with the final plat and shall be considered as prima-facie evidence of all parties having an interest in the land being subdivided. A Certificate to Plat shall be valid for thirty days.
3. The Certificate of Ownership for a replat of multiple parcels owned by separate parties shall show to which original parcel the signatory attests.
4. Multiple or otherwise notarized affidavits or certificates of ownership and dedication may be substituted on separate 8 1/2 by 11 inch sheets, each containing the title of the plat, surveyors name and seal and the date. The separate certificates shall be recorded simultaneously with the plat, each bearing appropriate references. A minimum of one certificate must be on the face of the plat.
5. The certificate of ownership and dedication shall be substantially as follows:

Certificate of Ownership and Dedication

(I) (We) hereby certify that (I am) (we are) the owner(s) of the real property shown and described hereon and that (I) (we) hereby adopt this plan of subdivision and by (my) (our) free consent dedicate (all rights-of-way) (and public areas) (to public use) (and grant all easements to the use shown).  
(delete inapplicable phrases)

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Owners name and address

Certificates or affidavits of those parties having legal and equitable interest in the property shall contain appropriate modifications to the owner's certificate.

6. All parties affixing their signature to a certificate of ownership and dedication shall sign before an officer duly authorized to take acknowledgment of deeds who shall notarize the signature in essentially the following form:

Notary's Acknowledgment

For: \_\_\_\_\_.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(Notary seal affixed)

\_\_\_\_\_  
Notary Public for Alaska  
My Commission Expires \_\_\_\_\_

- B. Surveyor's Certificate. By affixing his/her signature and seal on the plat the surveyor certifies that he/she is properly registered and licensed to practice land surveying in the State of Alaska, that the plat represents a survey made by him/her or under his/her direct supervision, and that the monuments shown thereon actually exist as described, and that all dimensions and other details are correct to the best of his/her knowledge and belief. A written certificate is optional.
- C. Statement of Plat Approval. The signature of an authorized official of the borough signifies that all applicable provisions of KPB Title 20 have been met and that the Planning Commission has granted approval of the plat. The following form shall be shown on the final plat to be executed by an authorized official after all conditions have been met:

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_.

Kenai Peninsula Borough

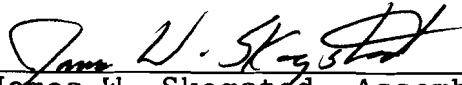
By: \_\_\_\_\_  
Authorized Official

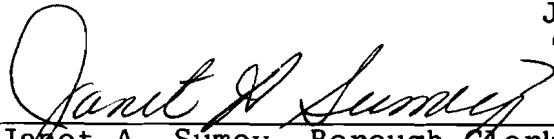
Section 2. That those subdivisions which have been granted conditional preliminary approval by the planning commission prior to the date of enactment of this ordinance are subject to the provisions of this ordinance six months after the date of enactment.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 17th DAY OF JULY, 1990.

ATTEST:

  
James W. Skogstad, Assembly President

  
Janet A. Sumey, Borough Clerk