

# TOQUERVILLE CITY

## RESOLUTION RES.2014.13

**A RESOLUTION REQUIRING ALL FINAL PLAT MAPS AND NECESSARY DOCUMENTATION TO BE DELIVERED TO, AND RECORDED BY, THE CITY ATTORNEY**

### RECITALS

WHEREAS, the City seeks to ensure the orderly recording of final subdivision plat maps; and

WHEREAS, the City also seeks to ensure that no final subdivision plat map is recorded without full compliance with the procedures described in Section 8.3.4 of the Toquerville City Land Management Code.

### RESOLUTION

NOW THEREFORE, the City, by and through its City Council, resolves as follows:

1. City Attorney Pre-Recording Review of Final Plat Maps. Pursuant subsections 8.3.4(3)(E) and 8.3.4(5) of the Toquerville Land Management Code, any person seeking final approval and recording of a final subdivision plat map (or commercial site plan) shall submit a 24-inch by 36-inch mylar drawing of the final subdivision plat (or commercial site plan) map along with the Final Plat Packet (as defined below) to the City Attorney for a pre-recording final review.

2. Final Plat Packet. All submissions to the City Attorney shall contain, at a minimum, the following which shall collectively be referred to as the "Final Plat Packet":

a. The map printed to scale on a 24-inch by 36-inch mylar sheets and treated with sealant to prevent smudging containing:

- a signature block signed by the Mayor,
- a signature block signed by the City Surveyor,
- a signature block signed by the City Recorder,
- a signature block signed by the Planning Commission Chair,
- a signature block for the City Attorney (unsigned)
- a signature block for the Washington County Treasurer confirming payment of all property taxes due (unsigned)
- an owners dedication signed and notarized by all property owners within the subdivision.
- a mortgagee consent to plat signed by all mortgagees or lien holders holding an interest in all property within the subdivision (if applicable).

Plat map recordation policy (Cont.)

- a surveyor's certificate and legal description signed and stamped by a surveyor licensed in the State of Utah.
  - all other requirements identified in 8.3.4(2)(A)-(X) of the Toquerville Land Management Code.
- b. A subdivision title report from a title company licensed in the State of Utah issued within 30 days prior to submission.
  - c. A declaration of covenants, conditions and restrictions ("CC&Rs") (if desired) fully executed and notarized with a legal description matching that contained in the final subdivision plat (or commercial site plan) map capable of being recorded concurrent with the map.
  - d. Documentation of a validly formed and existing homeowners association with the ability to assess fees and dues if the subdivision includes private common areas or amenities that need to be maintained for the common good.
  - e. A compact disc or portable memory device containing an electronic copy of the final subdivision plat map;
  - f. A fully executed and issued Improvement and Warranty Bond in a form allowed by the Section 8.4.16 of the Toquerville Land Management Code.
  - g. A check payable to the City Attorney's Office in the amount of the applicable Washington County Recorder's filing fees.

3. City Attorney Execution and Recording of Final Plats. Upon review of the Final Plat Packet and finding that it is complete and acceptable, the City Attorney shall execute the City Attorney signature block and directly supervise the recording of said final subdivision (or commercial site plan) map in the Official Records of Washington County, State of Utah. Only the City Attorney or a title company licensed and bonded in the State of Utah, with City Attorney's sole consent, may cause a final plat to be recorded. A final subdivision plat (or commercial site plan) map may not be recorded until the items described in subsections have been completed. In no instance shall a fully executed final subdivision plat map be released to an applicant or property owner for recording on his/her/its own.

4. Repealer. This Resolution supersedes or repeals the provisions of any resolution that are inconsistent with its provisions.

5. Savings Clause. If any provision or clause in this Resolution or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

6. Effective Date. This Resolution shall become effective immediately upon adoption by the Toquerville City Council.

Plat map recordation policy (Cont.)

TOQUERVILLE CITY RESOLUTION \_\_RES.2014.\_\_ WAS PASSED AND ADOPTED BY THE TOQUERVILLE CITY COUNCIL, STATE OF UTAH, ON THIS ## DAY OF OCTOBER, 2014 ON THE FOLLOWING VOTE:

VOTE TALLY

Daren Cottam	Aye	<u>      </u>	Nay	<u>      </u>	Absent
Brad Langston	Aye	<u>✓</u>	Nay	<u>      </u>	
Ty Bringhurst	Aye	<u>✓</u>	Nay	<u>      </u>	
Paul Heideman	Aye	<u>✓</u>	Nay	<u>      </u>	
Mark Fahrenkamp	Aye	<u>✓</u>	Nay	<u>      </u>	

**TOQUERVILLE CITY**  
a Utah municipal corporation

  
\_\_\_\_\_  
M. Darrin LeFevre, Mayor

Dated October 9, 2014

Attest:

  
\_\_\_\_\_  
Renée Garner, City Recorder

