

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1387

By: Seikel

AS INTRODUCED

An Act relating to counties and county officers;  
amending 19 O.S. 1991, Section 868.8, which relates  
to approval of plat of subdivided lands; requiring  
written approval of county planning commission for  
certain transfers of land; providing that certain  
approval not required for certain transfers of  
land; prohibiting certain documents from being  
recorded; providing exception to certain approval;  
providing limitation; and providing an effective  
date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 19 O.S. 1991, Section 868.8, is  
amended to read as follows:

Section 868.8 A. From and after the date of the adoption of a  
plan for major streets or highways as a part of the master plan for  
the physical development of the unincorporated areas of the county  
and the adoption of the rules and regulations hereinafter in this  
section provided for, no plat of a subdivision of land within the  
unincorporated areas of ~~said~~ the county shall be recorded in the  
office of the county clerk until it shall have been approved by ~~such~~  
the county planning commission and ~~such~~ the approval be endorsed in

writing on the plat. The approval of the planning commission required by this section or the refusal to approve shall take place within forty-five (45) days from and after the submission of the plat for final approval unless stipulation for additional time is agreed to by the applicant; otherwise, ~~said~~ the plat shall be deemed to have been approved, and the certificate of the ~~said~~ county planning commission as to the date of the submission of the plat for approval and the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required. The ground of refusal or approval of any plat submitted, including citation of or reference to the rule or regulation violated by the plat, shall be stated upon the record of the commission.

~~Such~~ B. The county planning commission shall adopt rules ~~and~~ ~~regulations~~ of uniform application governing plats and subdivisions of land falling within its jurisdiction. ~~Such regulations~~ The rules shall provide for: the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the master plan of the county; building lines; open spaces for traffic, utilities, access of fire fighting apparatus, recreation and light and air; and the avoidance of congestion of population, including the minimum width and area of lots. ~~Such~~ The rules ~~and~~ ~~regulations~~ shall not require the dedication to the general public of open grounds or space other than streets and ways and utility easements, nor any requirement as to the minimum percentage of lot occupancy, nor as to height, bulk, location or use of buildings; and minor streets shall not be required to be wider than sixty (60) feet. ~~Said regulations~~ The rules may include provisions as to the extent to which streets and other highways shall be graded and improved and to which water, sewer and other utility mains, piping or other facilities shall be installed or assured as a condition precedent to the approval of the plat; and the board of county

commissioners is hereby authorized to prepare such specifications and to make such orders, inspections, examinations and certificates as may be necessary to protect and carry out such provisions and make them effective. ~~Such~~ The general rules shall provide for the modification thereof by the county planning commission in specific cases where unusual topographical or other exceptional conditions may require the same. ~~Said regulations~~ The rules shall provide for tentative approval of the plat previous to the installation or assurance of such improvements and facilities; provided that any such tentative approval shall be revocable and shall not be entered upon the plat. ~~Such regulations~~ The rules shall provide that, in lieu of the completion of the construction of the required improvements and facilities prior to the final approval of the plat, the county planning commission may accept bond of not less than ten percent (10%) and not to exceed one hundred percent (100%) of the cost of construction of the proposed improvements and facilities for the board of county commissioners in the amount and with surety and conditions satisfactory to it, providing for and securing to the board of county commissioners the actual construction of such improvements and facilities within a period specified by the county planning commission, and the board of county commissioners is hereby granted the power to enforce such bond by all legal and equitable remedies. ~~Such regulations~~ The rules shall be adopted, changed or amended only after a public hearing has been held thereon. Upon adoption, ~~said~~ the general rules shall be certified to the board of county commissioners and to the county clerk.

C. If the governing body of a city or town protests against a subdivision plat of any land lying within three (3) miles of the limits of the incorporated area of such city or town, the plat shall be approved only by a favorable vote of two-thirds (2/3) of the whole membership of the county planning commission with the reasons therefor spread upon its minutes.

D. 1. Except as otherwise provided in this subsection, written approval of the county planning commission by its endorsement on the instrument of transfer, contract of sale, or other agreement of transfer shall be required if the owner of a tract of land sells or otherwise transfers:

- a. an unplatted tract of land of less than two (2) acres which immediately prior to the sale or transfer was part of an unplatted tract of two (2) acres or more, or
- b. a platted tract of land which immediately prior to the sale or transfer was part of a larger tract, lot, or block.

2. No written approval of the county planning commission shall be required if the owner of a tract of land sells or otherwise transfers an unplatted tract of land of two (2) acres or more which immediately prior to the sale or transfer was part of an unplatted tract of two (2) acres or more.

3. No land may be transferred without complying with the provisions of this subsection and any instrument attempting to affect such transfer shall not be subject to being recorded by the county clerk.

4. This subsection shall not require the approval of the county planning commission of easements for road or utility purposes, except in the case of streets or any easements in approved subdivision plans.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5833

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