

An Act

ENROLLED HOUSE
BILL NO. 2211

By: Frix of the House

and

Rader of the Senate

An Act relating to counties and county officers;
amending 19 O.S. 2011, Sections 863.9 and 863.10,
which relate to plats and subdivisions of land; and
authorizing the Metropolitan Area Planning Commission
to adopt regulations permitting staff to approve or
deny plats, lot-splits and other matters.

SUBJECT: Plats and subdivisions of land

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 863.9, is
amended to read as follows:

Section 863.9 From and after the adoption of a plan for major streets or highways as a part of the master plan for the physical development of the area and the adoption of the rules and regulations hereinafter in this section provided for, no plat of a subdivision of land within the area shall be received for record in the office of the county clerk until it shall have been approved by ~~such~~ the Metropolitan Area Planning Commission or the Commission's staff as provided in the regulations, and such approval endorsed in writing on the plat, and the filing or recording of such plat without such approval shall be without force or effect and shall be void as against public policy. No deed or other instrument of transfer referring to such unapproved plat shall be valid, and if recorded, shall not import notice.

The approval of the Commission or the Commission's staff as provided in the regulations required by this section or the refusal to approve shall take place within thirty (30) days from and after the submission of the plat for final approval; otherwise said plat

shall be deemed to have been approved and the certificate of said Commission as to the date of the submission of the plat for approval and as to 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 of any plat submitted, including citation to or reference to the rules or regulations violated by the plat shall be stated upon the record of the Commission.

If the governing body of any city or town in the county 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 by not less than a two-thirds (2/3) favorable vote of the entire membership of the Commission with the reasons therefor spread upon its minutes.

Such Commission shall adopt rules and regulations of uniform application governing plats and subdivisions of land falling within its jurisdiction. Such regulations shall be designed to secure and provide for the proper arrangement of streets or other highways in relation to the existing or planned streets or highways or to the master plan or plans of the area; for adequate and convenient open spaces for traffic, utilities, access of ~~fire-fighting~~ firefighting apparatus, parking lots, parks, playgrounds, light and air; and for the avoidance of congestion of population. The regulations may include provisions authorizing the Commission's staff to approve or deny lot-splits as provided in Section 863.10 of this title, plats and other matters expressly identified in the regulations. Such delegated authority shall be reserved for action in which the Commission or its staff is acting in a ministerial capacity. Said regulations may also include provisions as to the extent to which streets and other highways shall be graded and improved and to which water, sewer, or other utility mains, piping and other facilities shall be installed or assured as a condition precedent to the approval of the plat; the Council and/or the Board are 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 regulations and make them effective and to charge fees for services rendered and benefits involved as hereinafter provided or as may be provided by the respective governing bodies. Such rules and regulations shall provide for the modification thereof by the Commission in specific cases where unusual topographical or other exceptional conditions may require the same. Said regulations shall provide for a 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 on the plat. Such regulations may 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 Commission may accept bond in an amount and with surety and conditions satisfactory to them, providing for and securing to the Council and Board the actual construction of such improvement and facilities within a period specified by the Commission, and the Council and Board are hereby granted the power to enforce such bond by legal and equitable remedies. Such rules and regulations shall be adopted, changed, or amended only after a public hearing has been held thereon by the Commission. Such hearing may be adjourned from time to time. The adoption of the rules and regulations or amendments thereto, as above provided, shall be by resolution carried by not less than a majority of the full membership of the Commission. Upon adoption by the Commission, such rules and regulations or amendments thereto shall be certified to the Council, the Board, and to the ~~County Clerk~~ county clerk of such county for safekeeping and as a public record, and shall be enforced as in this act provided.

For the purpose of this act, a subdivision is defined as any division of land into five or more lots, parcels, tracts, or areas, or any division of land involving the right-of-way or alignment of an existing or proposed street or highway.

SECTION 2. AMENDATORY 19 O.S. 2011, Section 863.10, is amended to read as follows:

Section 863.10 Whoever, being the owner or agent of the owner of any land within the area, transfers, or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision before such plat has been approved by the Metropolitan Area Planning Commission or the Commission's staff as provided in the regulations adopted pursuant to Section 863.9 of this title and filed of record in the office of the county clerk, or whoever, being the owner or agent of the owner of any parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of five (5) acres or less, or which transfer or sale will result in a remainder tract of land of five (5) acres or less, where such tract or remainder tract was not shown of record in the office of the county clerk as separately owned at the effective date of the regulations hereinafter provided for and not located within a subdivision approved according to law and filed of record in the office of the

county clerk, or if so located, not comprising at least one (1) entire lot as recorded, without first obtaining the written approval of the Commission or the Commission's staff as provided in the regulations adopted pursuant to Section 863.9 of this title, by ~~its~~ the endorsement on the instrument of transfer, shall be subject to the penalties by this act provided; and such transaction shall be unlawful and the deed or other instrument of transfer shall not be valid; and if recorded, shall not import notice; and the description of such lot or parcel by metes and bounds, in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction or the parties from such penalties or from the remedies in this act provided.

In ~~its~~ the consideration of such transfers, referred to as "lot-splits", the Commission shall apply the same regulations as are applied to subdivisions in order to accomplish the purposes of planning as herein provided.

Passed the House of Representatives the 20th day of March, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2017.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____