

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2211

By: Frix

7
8 COMMITTEE SUBSTITUTE

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

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

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

18 Section 863.9 From and after the adoption of a plan for major
19 streets or highways as a part of the master plan for the physical
20 development of the area and the adoption of the rules and
21 regulations hereinafter in this section provided for, no plat of a
22 subdivision of land within the area shall be received for record in
23 the office of the county clerk until it shall have been approved by
24 ~~such~~ the Metropolitan Area Planning Commission or the Commission's

1 staff as provided in the regulations, and such approval endorsed in
2 writing on the plat, and the filing or recording of such plat
3 without such approval shall be without force or effect and shall be
4 void as against public policy. No deed or other instrument of
5 transfer referring to such unapproved plat shall be valid, and if
6 recorded, shall not import notice.

7 The approval of the Commission or the Commission's staff as
8 provided in the regulations required by this section or the refusal
9 to approve shall take place within thirty (30) days from and after
10 the submission of the plat for final approval; otherwise said plat
11 shall be deemed to have been approved and the certificate of said
12 Commission as to the date of the submission of the plat for approval
13 and as to the failure to take action thereon within such time shall
14 be sufficient in lieu of the written endorsement or evidence of
15 approval herein required. The ground of refusal of any plat
16 submitted, including citation to or reference to the rules or
17 regulations violated by the plat shall be stated upon the record of
18 the Commission.

19 If the governing body of any city or town in the county protests
20 against a subdivision plat of any land lying within three (3) miles
21 of the limits of the incorporated area of such city or town, the
22 plat shall be approved by not less than a two-thirds (2/3) favorable
23 vote of the entire membership of the Commission with the reasons
24 therefor spread upon its minutes.

1 Such Commission shall adopt rules and regulations of uniform
2 application governing plats and subdivisions of land falling within
3 its jurisdiction. Such regulations shall be designed to secure and
4 provide for the proper arrangement of streets or other highways in
5 relation to the existing or planned streets or highways or to the
6 master plan or plans of the area; for adequate and convenient open
7 spaces for traffic, utilities, access of fire-fighting apparatus,
8 parking lots, parks, playgrounds, light and air; and for the
9 avoidance of congestion of population. The regulations may include
10 provisions authorizing the Commission's staff to approve or deny
11 lot-splits as provided in Section 863.10 of this title, plats and
12 other matters expressly identified in the regulations. Such
13 delegated authority shall be reserved for action in which the
14 Commission or its staff is acting in a ministerial capacity. Said
15 regulations may also include provisions as to the extent to which
16 streets and other highways shall be graded and improved and to which
17 water, sewer, or other utility mains, piping and other facilities
18 shall be installed or assured as a condition precedent to the
19 approval of the plat; the Council and/or the Board are hereby
20 authorized to prepare such specifications and to make such orders,
21 inspections, examinations, and certificates as may be necessary to
22 protect and carry out such regulations and make them effective and
23 to charge fees for services rendered and benefits involved as
24 hereinafter provided or as may be provided by the respective

1 governing bodies. Such rules and regulations shall provide for the
2 modification thereof by the Commission in specific cases where
3 unusual topographical or other exceptional conditions may require
4 the same. Said regulations shall provide for a tentative approval
5 of the plat previous to the installation or assurance of such
6 improvements and facilities, provided that any such tentative
7 approval shall be revocable and shall not be entered on the plat.
8 Such regulations may provide that in lieu of the completion of the
9 construction of the required improvements and facilities prior to
10 the final approval of the plat, the Commission may accept bond in an
11 amount and with surety and conditions satisfactory to them,
12 providing for and securing to the Council and Board the actual
13 construction of such improvement and facilities within a period
14 specified by the Commission, and the Council and Board are hereby
15 granted the power to enforce such bond by legal and equitable
16 remedies. Such rules and regulations shall be adopted, changed, or
17 amended only after a public hearing has been held thereon by the
18 Commission. Such hearing may be adjourned from time to time. The
19 adoption of the rules and regulations or amendments thereto, as
20 above provided, shall be by resolution carried by not less than a
21 majority of the full membership of the Commission. Upon adoption by
22 the Commission, such rules and regulations or amendments thereto
23 shall be certified to the Council, the Board, and to the County
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1 ~~Clerk~~ county clerk of such county for safekeeping and as a public
2 record, and shall be enforced as in this act provided.

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

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

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

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
19 dated 03/02/2017 - DO PASS, As Amended and Coauthored.
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