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April 3, 2017

ENGROSSED 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.

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

1 without such approval shall be without force or effect and shall be
2 void as against public policy. No deed or other instrument of
3 transfer referring to such unapproved plat shall be valid, and if
4 recorded, shall not import notice.

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

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

23 Such Commission shall adopt rules and regulations of uniform
24 application governing plats and subdivisions of land falling within

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

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

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

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

7 Section 863.10 Whoever, being the owner or agent of the owner
8 of any land within the area, transfers, or sells or agrees to sell,
9 or negotiates to sell any land by reference to or exhibition
10 thereof, or by other use of a plat of a subdivision before such plat
11 has been approved by the Metropolitan Area Planning Commission or
12 the Commission's staff as provided in the regulations adopted
13 pursuant to Section 863.9 of this title and filed of record in the
14 office of the county clerk, or whoever, being the owner or agent of
15 the owner of any parcel of ground, transfers, or sells or agrees to
16 sell, or negotiates to sell any tract of land of five (5) acres or
17 less, or which transfer or sale will result in a remainder tract of
18 land of five (5) acres or less, where such tract or remainder tract
19 was not shown of record in the office of the county clerk as
20 separately owned at the effective date of the regulations
21 hereinafter provided for and not located within a subdivision
22 approved according to law and filed of record in the office of the
23 county clerk, or if so located, not comprising at least one (1)
24 entire lot as recorded, without first obtaining the written approval

1 of the Commission or the Commission's staff as provided in the
2 regulations adopted pursuant to Section 863.9 of this title, by ~~its~~
3 the endorsement on the instrument of transfer, shall be subject to
4 the penalties by this act provided; and such transaction shall be
5 unlawful and the deed or other instrument of transfer shall not be
6 valid; and if recorded, shall not import notice; and the description
7 of such lot or parcel by metes and bounds, in the instrument of
8 transfer or other document used in the process of selling or
9 transferring, shall not exempt the transaction or the parties from
10 such penalties or from the remedies in this act provided.

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

15 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
16 April 3, 2017 - DO PASS
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