



Utah Council of Land Surveyors

Condominium Plat Model Standard

**Developed by the Standards and Ethics Committee
and**

Approved and Accepted by the Executive Board

On

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This document was prepared to aid the surveyor in performing their duty in developing Condominium Plats. It is not intended as exhaustive but to serve as a guide. It remains the responsibility of the Professional Land Surveyor (PLS) to verify both Utah State and Municipal Codes and regulations pertaining to the condominium development process.

SPECIAL NOTE: In all areas of this document, reference the Utah State Code and the codes or ordinances of approving municipal and county entities.

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1. Intent

[Utah Code 57-8](#): The Condominium Ownership Act was first enacted by the Utah Legislature in 1963, providing a unique project development type. Unlike the typical subdivision of real estate, condominiums incorporate multiple units of individual ownership within a single commonly owned parcel of land. The Governing Documents authorize the formation of an association of the unit owners and create specific Articles of Incorporation, Bylaws, Declarations of Covenants, Conditions and Restrictions (Declarations), and subsequent rules governing the community. This document intends to provide guidelines and a model standard for Professional Land Surveyors and other land use professionals regarding the laws, ordinances, and requirements for the preparation and recording of Condominium Plats that accompany the set of documents that create and define the elements of the condominium project. It is essential to review and coordinate the Declarations early in the process to avoid conflicts, discrepancies, and confusion.

2. Condominium Developments In General

Condominiums define a unique type of real estate development. Typically, the real estate associated with a land sale includes the land and whatever real property is appurtenant or attached to the land. In a Condominium Project, the land and all appurtenant structures are owned in common by the owners of individual units, which comprise a separate part of the property intended for independent use. The boundaries demarking the ownership of a particular unit are defined by the horizontal and vertical limits of the structural walls and ceilings surrounding each unit. Each unit owner will own an individual unit with an undivided ownership interest in the common areas and facilities according to a percentage specified in the declarations. Ownership of a particular unit may also include using a limited common area, such as a balcony or parking area, to exclude other unit owners. The common areas, facilities, and land are owned in common with all other unit owners.

a. Condominium Project:

This means a real estate condominium project, a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are separately offered or proposed to be sold. A condominium project also means the property when the context so requires.

b. Common Areas and Facilities:

Unless otherwise provided in the declaration or lawful amendments to the declaration means:

The land included within the condominium project, whether leasehold or in fee simple.

- i. the foundations, columns, girders, rafters, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building.
- ii. the basements, yards, gardens, parking areas, and storage spaces.
- iii. the premises for lodging janitors or persons in charge of the property.

- iv. installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating.
 - v. the elevators, tanks, pumps, motors, fans, compressors, ducts, and all apparatus and installations that exist for common use.
 - vi. such community and commercial facilities as may be provided for in the declaration; and
 - vii. all other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.
- c. Limited Common Areas and Facilities:
This means those common areas and facilities designated in the declaration as reserved for the use of a particular unit or units to the exclusion of the other units.
- d. Condominium Unit:
This means a unit with the undivided interest in the common areas and facilities appertaining to that unit. Any reference in this chapter to a condominium unit includes a physical unit with its appurtenant undivided interest in the common areas and facilities and a time period unit with its appurtenant undivided interest unless the reference is expressly limited to a time period unit.

3. Phasing of Condominium Projects

The common ownership of real property, i.e., buildings, improvements, recreational facilities, etc., requires unique consideration concerning the phased construction of the condominium project. As each construction phase is completed, the common areas and facilities' ownership interest is adjusted to accommodate undivided ownership of the completed improvements. These ownership adjustments can be completed in two ways. The condominium project boundaries can be defined to include the entire property. Each phase is defined as land that can be converted from a common area to additional units, or the project may be defined as expandable or contractible, allowing the project to include or exclude future phases for development.

a. Convertible Land:

This means a building site that is a portion of the common areas and facilities, described by metes and bounds, within which additional units or limited common areas and facilities may be created by this chapter.

b. Contractible Condominium:

This means a condominium project from which one or more portions of the project's land may be withdrawn per provisions of this chapter's declaration. If the withdrawal can occur only by the expiration or termination of one or more leases, then the condominium project is not a contractible condominium within the meaning of this chapter.

c. Expandable Condominium:

This means a condominium project to which additional land or an interest in it may be added following the declaration and this chapter.

4. Mixed Use Condominium Projects

A condominium project can include individual residential or commercial uses or any combination. Each unit type is identified according to the Governing Documents at the project's outset. The unit designations will affect the percentage of ownership interest in the common areas and facilities. It is common to incorporate some flexibility in unit designations according to market fluctuations by allowing unit spaces to be converted from one type of designation to another.

a. Mixed-Use Condominium:

It means a condominium project that has both residential and commercial units in the condominium project.

b. Commercial Condominium:

It means a condominium project that has no residential units within the project.

c. Convertible Space:

This means a portion of the structure within the condominium project may be converted into one or more units or common areas and facilities, including limited common areas and facilities per this chapter.

5. The Purposes of a Condominium Plat

A condominium plat is used to create legal divisions of real property in compliance with state law and local ordinances. While subdivision plats divide the land into linear dimensions, a condominium plat divides an area into Units (of private space) with horizontal and vertical dimensions to define a "volume." Condominiums also define areas with common, limited common ownership and convertible space or land.

The final condominium plat formally delineates all land and building uses.

6. Condominium Plat, [State Code 57-8-13](#)

Per Utah Code, the preparation of a condominium plat must have the following:

a. Condominium Plats:

Must be accompanied by diagrammatic floor plans and elevations of the building or buildings, including any convertible lands.

b. Volume:

Instead of "Lots" with areas, condominium plats are identified as "Units" with horizontal and vertical dimensions to define a "volume."

c. Labels:

Label all Private, Common, Limited Common, and Convertible spaces clearly.

d. Dimensions:

Each unit must be appropriately dimensioned, interior and exterior, to define them and retrace their location based on the recorded map.

e. Common and Limited Common Areas:

Condominium plats will have “Common Area” and possibly “Limited Common Area.” The common area is for the use of all homeowners in the recorded condominium plat. Limited Common areas are owned by the owner’s association but are limited to specific units within the condominium plat.

f. Owners Association:

Condominium plats will always have an Owners Association.

g. Covenants, Conditions, and Restrictions:

Condominium plats will always have Covenants, Conditions, and Restrictions.

7. Covenants, Conditions, and Restrictions (CC&Rs)

a. CC&Rs:

The CC&Rs describe limitations and rules placed on a unit or group of units by the project’s owner or developer.

b. Owners Association:

The CC&Rs will define the function of an Owners Association. The Owners Association enforces the CC&Rs.

c. Part of the Plat:

The CC&Rs become part of the plat and affect every part of the condominium project.

d. Units:

Each unit is subject to the CC&Rs.

8. Local Ordinances

Municipalities and counties may and typically do impose their land use standards. The authority of cities and counties to set their land use standards is identified in Utah Codes [Utah Code 10-9a-104](#) and [Utah Code 17-27a-104](#).

It is essential to become familiar with the specific condominium and platting requirements of the particular municipality or county in which the proposed condominium project is located.

Before final approval from the governing body, the acceptance of various other governmental entities, officers, boards, or commissions may be required. These requirements will vary from city to city and from county to county.

9. Map of Boundary Survey (Record of Survey)

[Utah Code 17-23-17](#): The early determination of the exterior boundaries of the proposed Condominium Plat is essential to the condominiums and plat approval process.

A survey of the property described on the condominium plat must be performed following the Utah Code and the Utah Council of Land Surveyors’ “Standards of Practice” for Boundary Surveys, latest edition.

The Record of Survey (ROS) will identify boundary issues that may require the participation of an adjoining landowner or title/legal issues that need to be resolved before final plat approval. Additionally, the ROS, in conjunction with a final condominium plat, should identify the following:

- a. Record of Survey:
 - i. Existing easements of record.
 - ii. Observable evidence of potential unrecorded easements.
 - iii. Connecting or abutting public or private streets, rights-of-way, and public and private easements.
 - iv. Appurtenant easements that serve the subject property.
 - v. New easements outside the subject property's boundaries may be needed to serve the proposed condominium plat.

b. ALTA/NSPS Survey:

The subject property's ALTA/NSPS Survey may also meet the preceding Record of Survey requirements and recommendations.

10. Plat Naming Convention

[Utah Code 17-27a-603](#): The name used to identify the final condominium plat is a critical element, yet one that the surveyor and the client often give minimal consideration to. Utah code requires simply "a subdivision [condominium] name that is distinct from any subdivision [condominium] name on a plat recorded in the county recorder's office."

The surveyor should check with the County Recorder to ensure that the proposed condominium plat name has yet to be used.

To avoid confusion, using names that are overly similar to existing condominium plat names should be avoided. Multiple phases with the same condominium plat name should be identified as "Phase 1, Phase 2 or No. 1, No. 2", and so forth.

Include Quarter Section, Section, Township and Range, Salt Lake Base & Meridian (or Uintah Special Meridian, if applicable), and the Lot(s) and Block(s) with the name of the governing plat along with the condominium plat name.

11. Surveyor's Certificate

As with other types of surveys, a Professional Land Surveyor preparing a final condominium plat must certify their work according to Utah Code.

The requirement for a surveyor's certificate is outlined in Utah Code.

A plat may not be submitted to a county recorder for recording unless:

- a. The Certifying Surveyor shall:
 - i. Hold a license following Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.
 - ii. Have completed a survey of the property described on the plat following Utah Code and have verified all measurements; and

- iii. Have placed monuments as represented on the plat.

An example of a Surveyor's Certificate for a final condominium plat is shown below:

SURVEYOR'S CERTIFICATE

I _____ DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND I HOLD CERTIFICATE NO. _____ AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS PLAT IS BASED ON A SURVEY (SUBDIVISION) OF LAND FILED (RECORDED) ON _____, AS NO. _____ WITHIN THE OFFICE OF THE _____ COUNTY SURVEYOR (RECORDER) AS SHOWN ON THIS CONDOMINIUM PLAT OF _____ IN ACCORDANCE WITH THE PROVISIONS OF SECTION [57-8-13](#) OF THE UTAH CONDOMINIUM OWNERSHIP ACT.

The Surveyor's Certificate should make reference to the record of survey or subdivision plat upon which the boundaries of the proposed condominium plat are based, as filed in the County Surveyor or Recorder office.

It is important to note that although there is often additional information required to be shown on the condominium plat by various approving entities, such as locations of fire hydrants and streetlights, the information contained in seismic studies or geotechnical reports or other non-survey related details, the Professional Land Surveyor is not certifying as to the accuracy of these items. These items should be noted on the condominium plat for information only.

12. Owner's Dedication and Consent to Record

The owner's dedication on a recorded condominium plat serves as a dedication of all streets, public and private, and other public places and vests the fee of those parcels of land in the municipality (or county) for the public for the uses named or intended on the plat.

a. Requirements for Recordation

- i. Utah Code [10-9a-603\(6a\)](#) and [17-27a-603\(6a\)](#) refer to recording a condominium plat:
 - Prior to recordation, the municipality or county has approved and signed the plat; and
 - Each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and
 - The signature of each owner described is acknowledged as provided by law.

Owner's dedications used by Professional Land Surveyors in the State of Utah should specifically address all types of dedications, conveyances, or easements affecting and included in the creation the recorded condominium plat. Dedication language should be clear, concise and grammatically correct. The following owner's dedication is recommended by the Utah Council of Land Surveyors:

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE TRACT OF LAND DESCRIBED HEREON AS _____, A UTAH CONDOMINIUM PROJECT LOCATED ON SAID TRACT OF LAND HAVE CAUSED A SURVEY TO BE MADE AND THIS CONDOMINIUM PLAT TO BE PREPARED AND DOES HEREBY GIVE CONSENT TO THE RECORDATION OF THIS CONDOMINIUM PLAT, AND SUBMITS THIS PROPERTY TO THE UTAH CONDOMINIUM OWNERSHIP ACT, AND DOES HEREBY DEDICATE ALL STREETS AS SHOWN ON THIS PLAT TO SAID CONDOMINIUM DEVELOPMENT, UNLESS OTHERWISE INDICATED, AND ALL INGRESS AND EGRESS EASEMENTS FOR COMMON USE OF THE OWNER(S) AND HEREBY DEDICATES A NON-EXCLUSIVE UTILITY EASEMENT OVER THE PUBLIC UTILITIES AS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, OPERATION OF UTILITY LINES, AND FACILITIES USE TO THE AUTHORITIVE JURISDICTION AND/OR UTILITY COMPANIES.

Any other easements shown on the plat should specify to whom the easement is being conveyed and for what purpose, i.e., "20-foot Storm Drain Easement hereby conveyed to (NAME OF CITY or COUNTY). Alternatively, the owner's dedication needs to specifically address each easement shown on the face of the plat. The words "hereby conveyed" or "hereby dedicated" should be used instead of "to be conveyed" or "to be dedicated" to avoid confusion.

The Owner's Dedication is to be signed by all owners of record. Jurisdictions may also require any or all individuals or entities having an ownership interest, such as lenders, to sign the Owner's Dedication or a separate Consent to Record document. The signature line for each owner shall include the owner's name, title, or representative capacity if any. For example, John Doe may sign as an individual, John Doe as President of XYZ, Incorporated, John Doe as Managing Member of Doe Land Company, LLC, John Doe as Trustee of the John and Jane Doe Trust, and so forth.

13. Acknowledgments

[Utah Code 57-2a-7](#) and [Utah Code 46-1-16](#): The signature of each owner shown on the plat or a separate Consent to Record must be acknowledged by a Notary Public. The acknowledgment may be in the long form with specific language relating to each type of ownership, such as an Individual, Corporation, Trust, Limited Liability Company, or Partnership. Alternatively, a more generic acknowledgment known as a "Statutory Short Form of Acknowledgment" may be used.

Utah Code outlines the requirements of Notary Publics as it pertains to the official signature, official seal, and seal impression. The Notary Public must sign each document submitted for recordation, and typically must be sealed with the Official seal of the Notary Public.

- a. Recommendation.
- i. It is recommended that the Notary's official seal be excluded from annexation, subdivision, or other maps or plats to avoid smearing and smudging the ink from the Notary's seal.
 - ii. A notary acknowledgment on an annexation, subdivision, or other map or plat is considered complete without the imprint of the notary's official seal if:
 - the notary signs the acknowledgment in permanent ink; and
 - the following appear below or immediately adjacent to the notary's signature:
 - the notary's full name and commission number appear exactly as indicated on the notary's commission.
 - the words "A notary public commissioned in Utah"; and
 - the expiration date of the notary's commission.

An example of the "Statutory Short Form of Acknowledgment" is shown below.

State of _____) County of _____)	: ss	<i>NOTE: A Notary Stamp is not required per Utah Code 46-1-16(7) if the notary certificate is part of the subdivision, or other map or plat, and is considered complete without the seal if the information below is provided.</i>
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The foregoing instrument was acknowledged before me this (date) by (person acknowledging, title or representative capacity, if any).

(Signature of Person Taking Acknowledgment)

Notary's Full Name: _____

Commission Number: _____

Expiration Date: _____

A Notary Public Commissioned in Utah

14. Approval Blocks

[Utah Code 10-9a-604](#) and [Utah Code 17-27a-604](#): Before the recordation of a final condominium plat, final approval will be required from the governing body along with the approval of various other officers, entities, boards, commissions, utility companies, culinary water, and sanitary sewer districts, or other special service districts. These will vary and are designated by the local jurisdiction. Approval blocks with signatures for some or all of those officers and entities may be required to be shown on the plat.

- a. The Plat is Approved by:

- i. the land use authority of the municipality [county] where the land described in the plat is located; and
- ii. other officers the municipality [county] designates in its ordinance; and
- iii. all approvals are entered in writing on the plat by the designated officers.

While municipalities within the same county may have similar requirements regarding approval blocks, there are differences, nonetheless. It is important to contact the specific municipality only be able to be recorded after the county for the specific requirements of that entity. Do not assume that the approval blocks required in one municipality or county will be the same in a neighboring municipality or county. The Professional Land Surveyor should ensure that the approval and signature blocks included are the appropriate blocks required by the particular municipality or county in accordance with current ordinances and requirements. It is important to contact the specific city or county for the specific requirements of that entity.

After the plat has been acknowledged, certified, and approved, the landowner shall, within the period designated by ordinance, record the plat in the county recorder's office where the condominium is situated.

b. Plat Submittal.

- i. A person may not submit a subdivision plat to the county recorder's office for recording unless:
 - The person has complied with the requirements of state, municipal, or county codes and ordinances.

c. Plat Approval.

- i. The plat has been approved by:
 - The land use authority of the municipality in which the land described in the plat is located; and
 - other officers that the municipality designates in its ordinance; and
 - All approvals are entered in writing on the plat by the designated officers.

A subdivision plat recorded without the signatures required under this section is void.

A transfer of land pursuant to a voided plat is voidable.

15. Easements

Existing easements of record within the boundaries or appurtenant to the condominium are to be shown on the plat along with the recording information.

a. Public Utility Easements (PUE)

- i. Are conveyed by plat.
- ii. Public Utility Easements are best conveyed by a condominium plat and may be shown graphically with or without their specific legal description. The plat should include language in the owner's dedication that dedicates a non-exclusive utility easement over the public utilities as shown on the plat, the same to be used for the installation, maintenance, operation of utility lines,

and facilities use to the approving jurisdiction(s) and/or utility companies (see example under “Owner’s Dedication and Consent to Record” of this document).

Other easements may be created by the plat, in which case the owner's dedication must be amended either: (a) to include general language such as, “The undersigned owner(s) also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.” This language allows other easements to be conveyed by the plat while at the same time eliminating an excessively long owner’s dedication (see example under “Owner’s Dedication and Consent to Record” on page 4 of this document) or (b) to specifically address each easement being created by the owner(s) when they sign the plat as part of the owner’s dedication. The dedication must address the grantee(s) of each easement being conveyed and for what purposes the easement can be used.

Any other easements shown on the plat should specify to whom the easement is being conveyed and for what purpose, i.e., “20-foot wide Storm Drain Easement hereby conveyed to (NAME OF CITY or COUNTY).

Separate documents may convey easements. Many easements, such as those for access, drainage, and other rights or easements such as access, parking, and drainage, may be better conveyed by a document that is fully executed and recorded before or concurrent with the recordation of the subdivision plat. These easements should be referenced by recording information on the final plat. These separately recorded easements can be released or modified without plat amendment. Maintenance, access, and other pertinent clauses can be more appropriately included on the easement document rather than on a condominium plat.

Easements may be conveyed after the recordation of the condominium plat. In some instances, the conveyance of certain easements may only be able to be recorded after the recordation of the condominium plat. In these situations, the plat should note those easements intended to be conveyed by separate documents after the recordation of the final condominium plat. However, this practice is discouraged and should be avoided whenever possible.

16. Condominium Conversions

Apartment conversions are acceptable but must follow set municipal rules. In a conversion, a multi-family dwelling unit (ex. apartment complex) converts from single ownership into a hybrid mixture of separate ownerships of dwelling units. This combines with collective ownership of common areas through association, etc. When separate structures within the same project are converted into a condominium project. Arrangements involving separate ownership of individual units combine joint or collective ownership of common areas which constitutes a change in classification of occupancy. It shall comply with the basic requirements of Utah Condominium Conversion Codes and the specific requirements listed below.

All work on such structures in additions, alterations, or repairs shall conform to applicable standards as required by Utah and Municipal building codes.

Where said provisions require conformity to requirements governing new buildings, the applicable requirements for new construction shall apply.

- a. Compliance with Platting.
 - i. Each apartment conversion into a condominium must comply with all platting requirements described in this document.
- b. Conversion of Convertible Land - Amendment to Declaration - Limitations.
 - i. The declarant may convert all or any portion of any convertible land into one or more units or limited common areas and facilities subject to any restrictions and limitations the declaration may specify. Any such conversion shall be deemed to have occurred at the time of the recordation of the appropriate instruments under Subsection (2) of this section.
 - ii. Simultaneously with recording the condominium plat, the declarant shall prepare, execute, and record an amendment to the declaration describing the conversion. The amendment shall assign an identifying number to each unit formed out of a convertible land and shall reallocate undivided interests in the common areas and facilities. The amendment shall describe or delineate the limited common areas and facilities formed out of the convertible land, showing or designating the unit or units each is assigned.
 - iii. All convertible lands shall be deemed part of the common areas and facilities except for such portions of them as are converted in accordance with this section. No such conversions shall occur after five years from the recordation of the declaration or such shorter period as the declaration may specify unless three-fourths of unit owners vote in favor of converting the land after the period has expired.
- c. Condominiums Containing Convertible Land - Expandable Condominiums - Allocation of Interests in Common Areas and Facilities.

If a condominium project contains any convertible land or is an expandable condominium, then the declaration may not allocate undivided interests in the common areas and facilities based on par value unless the declaration:

- i. prohibits the creation of any units not substantially identical to the units depicted on the condominium plat recorded pursuant to Subsection 57-8-13(1); or
- ii. prohibits the creation of any units not described under Subsection 57-8-10(3)(a)(vii) in the case of convertible land, Subsection 57-8-10(4)(a)(xii) in the case of additional land and contains from the outset a statement of the par value that shall be assigned to every unit that may be created.
- iii. (2)(a) Interests in the common areas and facilities may not be allocated to any units to be created within any convertible land or any additional land until a condominium plat depicting the same is recorded pursuant to Subsection 57-8-13(2).
- iv. (b) Simultaneously with the recording of the supplemental condominium plat required under Subsection (2)(a), the declarant shall execute and record an amendment to the declaration which reallocates undivided interests in the common areas and facilities so that the units depicted on the supplemental condominium plat shall be allocated undivided interests in the common areas and facilities on the same basis as the units depicted on the condominium

plat that was recorded simultaneously with the declaration pursuant to Subsection 57-8-13(1).

- v. (3) If all of a convertible space is converted into common areas and facilities, including limited common areas and facilities, then the undivided interest in the common areas and facilities appertaining to the convertible space shall afterward appertain to the remaining units and shall be allocated among them in proportion to their undivided interests in the common areas and facilities. The principal officer of the unit owners association, the management committee, or any other officer specified in the declaration shall immediately prepare, execute, and record an amendment to the declaration reflecting the reallocation of undivided interest produced by the conversion.
- d. Expiration/Termination.
 - i. If the expiration or termination of any lease of a leasehold condominium causes a contraction of the condominium project, which reduces the number of units, or if the withdrawal of the land of a contractible condominium causes a contraction of the condominium project, that reduces the number of units, the undivided interest in the common areas and facilities appertaining to any units so withdrawn shall afterward appertain to the remaining units, being allocated among them in proportion to their undivided interests in the common areas and facilities.
- e. Management.
 - i. The principal officer of the unit owners association, the management committee, or any other officer specified in the declaration shall immediately prepare, execute, and record an amendment to the declaration, reflecting the reallocation of undivided interests produced by the reduction of units.

17. Vacations, Alterations, and Amendments to Plats

[Utah Code 10-9a-608](#) and [Utah Code 17-27a-608](#): The requirements for vacating, altering, or amending a subdivision plat are outlined in Utah Code.

In a condominium project that has been laid out and platted, a fee owner of the land may file a written petition with the land use authority to have some or all of the plat vacated or amended.

- a. Vacation and Amendment to a Recorded Subdivision Plat,
 - i. may be requested to join two or more of the petitioner fee owners contiguous lots;
 - ii. subdivide one or more of the petitioner fee owner's lots if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - iii. adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels, join in the petition, regardless of whether the lots or parcels are located in the same subdivision;
 - iv. on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or alter the plat in a manner that

does not change existing boundaries or other attributes of lots within the subdivision that the petitioner does not own;

- v. or designated as a common area; and notice has been given to adjacent property owners in accordance with any applicable local ordinance.

b. Public Streets:

Vacations and amendments to recorded plats may include public streets, easements, and other public dedications and conveyances.

An amended plat contains the same elements as a regular condominium plat, such as a surveyor's certificate and owner's dedication. When preparing an amended plat, the language of the surveyor's certificate and owner's dedication will be revised to reflect the intent of the plat amendment.

c. Amended Plat Naming Convention:

- i. Amended plats should avoid the use of overly inclusive naming conventions. For example, when amending units 105 and 106 in Salt City Condominium Phase 1 (a 20-unit condominium project), the name "Salt City Condominiums Phase 1 Amended" would be overly inclusive, whereas "Salt City Condominiums Phase 1, Units 105 and 106 Amended" would specifically define the amendment.
- ii. This convention also allows further amendments within the same plat while avoiding names such as "Salt City Condominiums Phase 1 Amended, 2nd Amended, 3rd Amended, etc." Alternatively, an amended plat may be given an entirely different name which includes reference to the portions of the plat to be amended, for example, "Utah Mountain Condominiums (Amending Units 116 -120 of Salt City Condominiums)."

d. Public Vacations:

- i. Public vacations are the governing agency's formal vote to abandon a public's interest or ownership in real property. Public dedications typically have a reversionary interest. When land dedicated to parks, open spaces, or other public spaces is vacated, the interest or fee title reverts to the original owner or their successors. Dedicated public streets will typically revert to the owner of the abutting property to which it was attached when the dedication was executed.

e. Highways:

[Utah Code 72-5-105](#): Once established, highways, streets, or roads continue until abandoned -- Temporary closure.

- i. All public highways, streets, or roads once established shall continue to be highways, streets, or roads until formally abandoned or vacated by written order, resolution, or ordinance resolution of a highway authority having jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has been duly recorded in the office of the recorder of the county or counties where the highway, street, or road is located.
- ii. For purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or

abandoned highway, street, or road shall vest to the adjoining record owners, with one-half of the width of the highway, street, or road assessed to each of the adjoining owners.

- iii. Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road, that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in this Subsection (2).
- iv. The requirements for vacating streets, rights-of-way, or easements are outlined in Utah Code. Streets, rights-of-way, or easements may be vacated by the passage of an ordinance when it is determined that the vacation is for a good cause and that the public interest will not be materially injured. A copy of the vacating ordinance or a plat reflecting the vacation is recorded in the title record. The vacating action of the legislative body operates as a revocation of the acceptance and the relinquishment of the municipality's fee in the vacated portion of the street, right-of-way, or easement. The vacation does not impair any right-of-way or easement of any lot owner or public utility franchise rights.
- v. Authorized signature(s) by the public agency vacating the public dedication is required, and the owner's dedication should be revised accordingly.

f. Plat Corrections:

[Utah Code 10-9a-609](#), [Utah Code 17-27a-609](#) and [Utah Code 57-3-106](#): When an existing recorded plat is discovered to contain errors that fail to conform with the owner's intended purpose due to surveying or scrivener's errors, the plat may be corrected. Minor typographical or clerical errors may be corrected by recording an affidavit or other appropriate instrument, typically in the form of a Surveyor's Affidavit or an Owner's Affidavit. The affidavit should explain the nature of the error and its correction in a manner that indicates the extent of the correction. Graphical exhibits depicting the correction are encouraged.

More extensive corrections may require the preparation of a Corrected Plat, which should be re-executed and re-recorded by all parties who executed the original document. Corrections are limited to assure conformance with the parties' original intent and may not be used to alter, amend or change the recorded plat from the original intent. The purpose of the correction is to relate the original document's intentions, reform the document's language, and bring the document into conformance with the parties' original intent. All documents which refer to the original document are construed as incorporating the corrected document.

18. Checklists

[Utah Code 57-8-3](#), [Utah Code 57-8-7](#), [Utah Code 57-8-10](#), [Utah Code 57-8-12](#), [Utah Code 57-8-13](#), and [Utah Code 57-8-35](#): A plat, with original signatures, must have declarations with it to be recorded simultaneously within the office of the County Recorder, or at the County's discretion, the plat first and the declarations second.

a. Plat Must Contain:

- i. Signature of Utah Licensed Land Surveyor.
 - ii. Signatures & acknowledgments of owners of record.
 - iii. Surveyors certificate:
 - iv. Needs to have condominium language and refer to the provisions of the Utah Condominium Ownership Act.
 - v. Approval of Legislative Body.
 - vi. Description of the perimeter of the project.
 - vii. Location and dimensions of units.
 - viii. Elevations.
 - ix. Units must each have a distinguishing number or symbol.
 - x. Easements (if feasible).
 - xi. Addresses for all units should be on the plat.
- b. Declaration Must Contain:
- i. Description of the perimeter of the project.
 - ii. Undivided interest each unit has in the common area.
 - iii. Executed and acknowledged by all record holders.

19. Examples

Examples of various condominium plats can be found under the Resource tab of the Utah Council of Land Surveyors website. See [UCLS.org](https://www.ucls.org)