

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 744

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "County" insert "; specifying certain requirements for subdivision plats; providing for the transfer of certain interests to the Board of County Commissioners of St. Mary's County by recordation of the subdivision plat; providing that certain conveyances do not constitute an obligation on the part of the County to pay for certain improvements; providing that recordation of a subdivision plat may not be deemed to be acceptance by the County of certain improvements for specified purposes; and generally relating to the subdivision process in St. Mary's County".

AMENDMENT NO. 2

On page 1, after line 29, insert:

"C. EVERY SUBDIVISION PLAT THAT IS INTENDED FOR RECORDING SHALL BE PREPARED BY A CERTIFIED PROFESSIONAL ENGINEER OR LAND SURVEYOR, WHO SHALL ENDORSE UPON THE PLAT A CERTIFICATE SIGNED BY THE ENGINEER OR SURVEYOR SETTING FORTH THE SOURCE OF TITLE OF THE OWNER OF THE LAND SUBDIVIDED AND THE PLACE OF RECORD OF THE LAST INSTRUMENT IN THE CHAIN OF TITLE. WHEN THE PLAT IS OF LAND ACQUIRED FROM MORE THAN ONE SOURCE OF TITLE, THE OUTLINES OF THE SEVERAL TRACTS SHALL BE INDICATED UPON THE PLAT. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS TO PROHIBIT THE PREPARATION OF PRELIMINARY STUDIES, PLANS, OR PLATS OR A PROPOSED SUBDIVISION BY THE OWNER OF THE LAND, COUNTY PLANNERS, LAND PLANNERS, ARCHITECTS, LANDSCAPE ARCHITECTS, OR OTHERS HAVING TRAINING OR EXPERIENCE IN SUBDIVISION PLANNING OR DESIGN.

D. IN ADDITION TO THE PROFESSIONAL ENGINEER'S OR LAND SURVEYOR'S CERTIFICATE REQUIRED UNDER SUBSECTION C OF THIS SECTION, THE SUBDIVISION

(Over)

PLAT, OR DEED OF DEDICATION TO WHICH THE PLAT IS ATTACHED, SHALL CONTAIN A STATEMENT AS FOLLOWS: THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND (HERE INSERT A CORRECT DESCRIPTION OF THE LAND SUBDIVIDED) IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, MORTGAGEES AND TRUSTEES, IF ANY. THE STATEMENT SHALL BE SIGNED BY SUCH PERSONS AND DULY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGMENT OF DEEDS. WHEN THUS EXECUTED AND ACKNOWLEDGED, THE PLAT, SUBJECT TO THE PROVISIONS HEREIN, SHALL BE FILED AND RECORDED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT, AND INDEXED IN THE GENERAL INDEX TO DEEDS UNDER THE NAMES OF THE OWNERS OF LANDS SIGNING SUCH STATEMENT, AND UNDER THE NAME OF THE SUBDIVISION.

E. (1) THE RECORDATION OF THE SUBDIVISION PLAT SHALL OPERATE TO TRANSFER, IN FEE SIMPLE, TO THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SUCH PORTION OF THE PREMISES PLATTED AS IS ON THE PLAT SET APART FOR STREETS, ALLEYS, OR OTHER PUBLIC USE AND TO TRANSFER TO THE COUNTY COMMISSIONERS ANY EASEMENT INDICATED ON THE PLAT TO CREATE A PUBLIC RIGHT OF PASSAGE OVER THE SAME. NOTHING CONTAINED IN THIS ARTICLE SHALL AFFECT ANY RIGHT OF A SUBDIVIDER OF LAND HERETOFORE VALIDLY RESERVED.

(2) IF THE AUTHORIZED OFFICIALS OF THE COUNTY APPROVE IN ACCORDANCE WITH THE SUBDIVISION ORDINANCES OF ST. MARY'S COUNTY A NEW PLAT AFTER THE VACATING OF A PRIOR PLAT OR APPROVE A REPLAT, THEN UPON THE RECORDING OF THE NEW PLAT OR REPLAT IN THE CLERK'S OFFICE, ALL RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTEREST OF THE COUNTY, IN THE LAND INCLUDED IN THE PRIOR PLAT, EXCEPT AS SHOWN ON THE NEW PLAT OR THE REPLAT, SHALL BE TERMINATED AND EXTINGUISHED. THIS PARAGRAPH DOES NOT EFFECT ANY INTEREST ACQUIRED BY THE COUNTY BY CONDEMNATION, BY PURCHASE FOR VALUABLE CONSIDERATION AND EVIDENCED BY A SEPARATE INSTRUMENT OR RECORD, OR STREETS, ALLEYS, OR EASEMENTS FOR PUBLIC PASSAGE.

F. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS CREATING AN OBLIGATION UPON THE COUNTY TO PAY FOR GRADING, PAVING, OR MAINTENANCE, OR FOR SIDEWALKS, SEWERS, CURB AND GUTTER IMPROVEMENTS, OR CONSTRUCTION.

G. RECORDATION OF THE RECORD PLAT OF A SUBDIVISION MAY NOT BE DEEMED TO BE ACCEPTANCE BY THE COUNTY OF ANY STREET OR ROAD OR OTHER PUBLIC PLACE SHOWN ON THE PLAT FOR MAINTENANCE, REPAIR, OR OPERATION THEREOF.”.