

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 115

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO ENFORCING EXECUTION OF PLATS; AMENDING SECTION 50-1314, IDAHO
2 CODE, TO PROVIDE CORRECT CODE REFERENCES, TO PROVIDE INSTRUCTION TO THE
3 COUNTY RECORDER TO PERFORM CERTAIN TASKS, TO PERMIT BILLING OF PROPERTY
4 OWNERS OF A CERTAIN ASSESSMENT, TO PROVIDE FOR PAYMENT WHEN NOT PAID AS
5 REQUESTED, TO REVISE HOW THE ASSESSMENT WILL BE COLLECTED AND WHERE THE
6 ASSESSMENT WILL GO AND TO MAKE TECHNICAL CORRECTIONS.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 50-1314, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 50-1314. ENFORCING EXECUTION OF PLAT -- ASSESSMENT OF COSTS. Whenever
12 the owners of any tract of land have divided and sold or conveyed five (5) or
13 more parts thereof, or invested the public with any right therein, and have
14 failed and neglected to execute and file a plat for record, as provided in ~~the~~
15 ~~thirteen (13) foregoing sections of this act~~ 50-1301 through 50-1313, Idaho
16 Code, the county ~~recorded~~ recorder, when instructed by the board of county
17 commissioners, shall notify some or all of such owners and proprietors by
18 mail or otherwise, and demand an execution of such plat; if such owners or
19 proprietors, whether notified or not, fail and neglect to execute and file
20 for record said plat within thirty (30) days after the issuance of such no-
21 tice, the recorder shall cause to be made a plat of such tract and any survey-
22 ing necessary therefor. Said plat shall be prepared in accordance with re-
23 quirements in sections 50-1301 through 50-1325, Idaho Code, and in addition,
24 be signed and acknowledged by the recorder, who shall certify that he exe-
25 cuted it by reason of the failure of the owners or proprietors named to do so,
26 and filed for record, and, when so filed for record, shall have the same ef-
27 fect for all purposes as if executed, acknowledged and recorded by the owners
28 or proprietors themselves.

29 A correct statement of the costs and expenses of such plat, surveying
30 and recording, verified by oath, shall be by the recorder laid before the
31 next session of the county board, who shall allow the same and order the same
32 to be paid out of the county treasury, and who shall, at the same time, as-
33 sess the same amount pro rata upon all several lots or parcels of said subdivi-
34 ded tract; said assessment may be billed to the property owner and, if not
35 paid as requested, shall be collected with, and in like manner as the ~~general~~
36 property taxes, and shall go to the ~~general~~ county current expenses fund; or
37 said board may direct suit to be brought in the name of the county before any
38 court having jurisdiction, to recover from the said original owners or pro-
39 prietors, said cost and expense of preparing and recording said plat.