

# Boundary Line Agreement Summary

## All boundary line agreements must include:

1. Date of the agreement
2. Parcel description & parcel number of each lot before the change
3. Description of new boundary line
4. Original signatures and acknowledgments from all parties
5. Address of each party for taxation purposes
6. Statement citing file number of a record of a survey map created in conjunction with the Boundary Line Agreement (Best practice is to attached a letter sized copy of the survey)

## If a boundary line agreement is used to create a new lot:

1. New plat/survey is required from licensed surveyor.
2. Plat must be approved by city/county & recorded
3. Preliminary Title Report (PR) is required
4. Title searcher should review preliminary plat
5. Lender approvals required if properties are encumbered
6. City approval required
7. County recording
8. Update title commitment w/new legal descriptions and parcel numbers.

## If boundary line agreement is to adjust a common property line (No new Lot)

1. Licensed surveyor must prepare new descriptions
2. Proposed/preliminary plat approved by searcher
3. Lender approval if property encumbered
4. PR prepared with updated boundary descriptions
5. Record boundary line agreement

## Disclosing boundary line disputes & conflicts

1. Follow the outline on section 16 of form 10 (seller disclosures)
2. Describe location and nature of conflict, dispute, or encroachment
3. Refer to pertinent sections of the title report, plat map, overhead map, or survey

## Resolving boundary line disputes & conflicts

1. Each property owner must agree there is a problem & where the boundary lines should be
2. Must apply for boundary line change with city authority
3. Someone must pay for a new survey/plat, title report, city application & approval fees, county recording fees.
4. If either property is encumbered, underlying lien holders must approve new boundary line changes, and someone must pay the application, appraisal, and approval costs.
5. Each property involved must be completely described by the surveyor
6. Each owner must reapply for residential tax discount/greenbelt with assessor's office
7. Survey must be filed with county surveyor

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### Distinctions between Parcels, Lots & Units

#### 10-9a-103. Definitions.

**Parcels:** "Parcel" means any real property that is not a lot. *(Including Metes & Bounds or City Survey)*

**Lot:** "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder. *Subdivision, Cluster Subdivision, Planned Unit Development (PUD), Planned Residential Unit Development (PRUD)*

**If a subdivision is part of an owner's organization, they are governed by the Community Association Act (57-8a-102)**

#### 57-8-3. Definitions

**Units:** (40) (a) "Unit" means a separate part of the property intended for any type of independent use, which is created by the recording of a declaration and a condominium plat that describes the unit boundaries. *(Condominiums)*

(11) "Condominium unit" means a unit together with the undivided interest in the common areas and facilities appertaining to that unit.

**Condominium units are governed by the Condominium Association Act 57-8-3 (5)**

**"Townhome" is a building style or zoning designation, not a property type**

Townhomes are considered a type of building and like a twin home, rambler or split entry, townhomes are not a property type. When a development has "townhome" in its name, it was likely created as a subdivision, PUD or Condominium.

### Determining the real property type

Discerning a property type can be difficult when the legal description doesn't indicate the property type. Here are a few ways to track down the property type.

1. Read the legal description on the last recorded vesting deed
2. Review & read the dedicated/official plat. Often the title of the development name will reveal the property type. If not, review the narrative section and/or the dedication sections.
3. Often, the property type can be discovered by reading the CCR's and bylaws in the recitals and definitions sections.

### CCIM – Commercial Real Property Seller's Property Condition Disclosures – 8. Boundaries & Covenants

- a. Do you know if there are any improvements on the Property which encroach onto any adjoining properties, or any improvements on adjoining properties which encroaches onto the Property?
- b. Do you know if there are any unrecorded easements affecting the Property?
- c. Do you know if there are any disputes relating to such encroachments or easements?
- d. Do you know if the Property is subject to any restrictions (such as Declarants, restrictive covenants or CC&Rs)?

### SELLER'S PROPERTY CONDITION DISCLOSURE – 17. Boundaries & Easements (UAR form 10)

- A. Do you know if anything on your Property (such as a fence, deck, or any other improvement) encroaches (extends) onto any adjoining property? If "Yes", please describe, to your knowledge, the nature and approximate location of any such encroachment:
- B. Do you know if anything on any adjoining property (such as a fence, deck, or any other improvements) encroaches onto your Property? If "Yes", please describe, to your knowledge, the nature and approximate location of any such encroachment:
- C. Are you aware of any boundary disputes or conflicts involving your Property and any adjoining property or properties? If "Yes" please describe, to your knowledge, the nature and location of any such boundary disputes or conflicts:
- D. Are you aware of any unrecorded easements affecting the Property? If "Yes" please describe, to your knowledge, the nature and approximate location of any such easement:

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## For Subdivided Properties

1. Obtain dedicated plat
2. Determine Property Type- Subdivision, PUD, PRUD, Condominium
3. Review parcel and disclose plat notes (even on prior files)
4. Review ownership plat/tax plat
5. Review overhead map- County GIS or [www.parcels.utah.gov](http://www.parcels.utah.gov)
6. Google Maps & Street View

## For City Survey/Lot-Block

1. Review city survey
2. Review ownership plat/tax plat
3. Review overhead map- County GIS or [www.parcels.utah.gov](http://www.parcels.utah.gov)
4. Google Maps & Street View

## For Long Legal- Section/Township/Range

1. Review Section/Township/Range map
2. Review ownership plat/tax plat
3. Review overhead map- County GIS or [www.parcels.utah.gov](http://www.parcels.utah.gov)
4. Google Maps & Street View

## What else?

1. Filed surveys from County
2. Review title commitment/preliminary title report (PR)
3. Adjacent plats or surveys
4. City Maps/GIS
5. County Maps/GIS
6. State Maps/GIS
7. Federal Maps/GIS
8. Keep maps legible- Avoid print/Scan, Use snipping tool/PDF Printer or Save as PDF with Chrome

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## **Federal and State Maps**

Utah Easy Section Township Range Map:

<http://files.geology.utah.gov/databases/umsh/map/m10000.html>

Utah Parcel Map: <https://parcels.utah.gov/>

Utah Water Rights Interactive:

<https://maps.waterrights.utah.gov/EsriMap/map.asp> (Click on “Parcels” on the right hand side.

FEMA Interactive Flood Map: <https://msc.fema.gov/portal/search>

FEMA Flood Map: <https://msc.fema.gov/portal/search>

Utah Quaternary Fault & Fold Map:

<https://geology.utah.gov/apps/qfaults/index.html>

Utah Liquefaction Potential Maps:

<https://geology.utah.gov/hazards/earthquakes-faults/liquefaction/>

Utah Geology Interactive Maps: <https://geology.utah.gov/apps/intgeomap/>

US Wetlands Data: Federal Wetlands Data:

<https://www.fws.gov/wetlands/Data/Mapper.html>

Utah Wetlands Data:

<https://geology.utah.gov/apps/wetlands/index.html?mview=map&center=-111.68190,39.33122&scale=3000000&basemap=satellite&panels=collapseInfo>

Historic Maps from USGS: <https://ngmdb.usgs.gov/topoview/>

Utah Radon Hazard Maps: <https://geology.utah.gov/hazards/radon/>

UDOT Utah Unified Transportation Plan:

<http://www.utahunifiedplan.org/interactive-map/>

UDOT Current Project Map:

<http://uplan.maps.arcgis.com/apps/Viewer/index.html?appid=8465e972c4ae42e18cc775149f79edcf>

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## County Interactive Maps:

Salt Lake County Interactive: <http://slco.org/assessor/new/query/intropage.cfm>

Davis County Interactive:

<https://webportal.daviscountyutah.gov/App/PropertySearch/esri/map>

Utah County Interactive: <https://maps.utahcounty.gov/ParcelMap/ParcelMap.html>

Weber County Interactive: <https://www3.co.weber.ut.us/gis/maps/gizmo2/index.html>

Box Elder County: <http://www.boxeldercounty.org/webmaps.htm>

Wasatch County: <https://www.wasatch.utah.gov/Maps>

Summit County: <http://www.co.summit.ut.us/234/Summit-County-GIS>

Tooele County (create free account): [http://206.197.88.246/flexviewers/TC\\_Interactive/](http://206.197.88.246/flexviewers/TC_Interactive/)

Washington County: <http://geo.washco.utah.gov/Html5Viewer/?viewer=WashingtonCounty>

Cache County: <https://www.cachecounty.org/gis/map-viewers.html>

Iron County: <https://www.ironcounty.net/department/information-technology-service/gis/>

Rich County: <https://www.richcountyut.org/ownership-plats/> (Not interactive, but searchable)

Duchesne County:

<http://duchesnecounty.maps.arcgis.com/apps/webappviewer/index.html?id=90c3cc34ed1a47c79d2b4b508ee9e507>

Uintah County: [http://co.uintah.ut.us/departments/a -](http://co.uintah.ut.us/departments/a_-_e_departments/community_development/interactive_map/index.php)

[\\_e\\_departments/community\\_development/interactive\\_map/index.php](http://co.uintah.ut.us/departments/a_-_e_departments/community_development/interactive_map/index.php)

Carbon County: GIS: <http://maps.carbon.utah.gov/ccmobile/>:

Carbon County Subdivision Plats:

<https://www.carbon.utah.gov/Administration/Taxes/Documents>

Emery County:

[http://emerycounty.com:90/geomoose2/geomoose.html?mapbook=./mapbooks/book\\_page\\_mapbook.xml](http://emerycounty.com:90/geomoose2/geomoose.html?mapbook=./mapbooks/book_page_mapbook.xml)

Emery County Subdivision Plats: <http://www.emerycounty.com/recorder/subdivisions>

Emery County Ownership Plats: [http://www.emerycounty.com/recorder/needa\\_plat.htm](http://www.emerycounty.com/recorder/needa_plat.htm)

Grand County:

<http://grandcountyutah.maps.arcgis.com/apps/View/index.html?appid=87ff621436ab482ead11ae7380f5a6a9&extent=-109.6637,38.4941,-109.3753,38.6159>

Piute County:

<https://www.arcgis.com/home/webmap/viewer.html?webmap=36737fe09afa4926ae77115fd ef742d1&extent=-112.3644,38.1201,-112.1108,38.234>

Kane County: <https://kane.utah.gov/residents/county-maps/>

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## **Survey Maps Online:**

Salt Lake County Surveyor GIS (FREE):

<https://slco.org/surveyor/apps/surveymonument/>

Utah County Surveyor GIS (FREE):

<https://maps.utahcounty.gov/PrivateSurveys/PrivateSurveys.html>

Weber County Surveyor GIS (FREE)

<http://www.webercountyutah.gov/Surveyor/Interactive/>

Davis County Survey Search (THROUGH REDIWEB) :

[https://webportal.daviscountyutah.gov/App/portal#!/sign\\_in](https://webportal.daviscountyutah.gov/App/portal#!/sign_in)

Washington County

<https://geoprodm.washco.utah.gov/html5Viewer/?viewer=PublicWorks>

Box Elder (FREE- Turn on Survey Layers) :

<https://gis.boxeldercounty.org/webmap/>

Cache County Surveyor (FREE):

<http://66.232.67.238/websites/surveyviewer/>

Summit County Surveyor (FREE, but not easy) :

<https://property.summitcounty.org/surveyor/eagleweb/docSearch.jsp>

Wasatch County Surveyor (FREE) :

<https://wasatch.maps.arcgis.com/apps/webappviewer/index.html?id=103db0251a5342f7bbd1462eb7a47440>

Uintah County Surveyor (Free, but not easy. Download PDF for Links on Left Side of Page) : [http://co.uintah.ut.us/departments/q\\_z\\_departments/surveyor/index.php](http://co.uintah.ut.us/departments/q_z_departments/surveyor/index.php)

San Juan County: <https://sanjuancounty.org/?s=survey>

Tooele County: [http://206.197.88.246/flexviewers/TC\\_Interactive/](http://206.197.88.246/flexviewers/TC_Interactive/)

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