

*Orval Cummings
Lincoln County*

Senate Local Govt. Comm.

Exhibit No. 5

Date MARCH 17, 2005

Bill No. HB 365

ATTENTION: Senate Local Government Committee
Honorable Jeff Mangan, Chairman; Honorable Members John Esp, Kelly Gebhardt, Kim Gillan, Bob Hawks, Rick Laible, Michael Wheat, Lynda Moss, Jerry O'Neil, Jim Shockley and Carolyn Squires:

RE: HB365

Dear Committee Members:

I would like to ask your consideration of HB365, which has been amended to put a time frame on the signature of the examining land surveyor and recording by the Clerk & Recorder's office of RECORD SETS of plats.

First, let me point out that 76-3-604 (2) allows the county 60 working days to review a major subdivision, and 76-3-609 (1) allows 35 days for a minor subdivision. The "examining land surveyor" review comes within the time frames allowed the county as part of the total county review.

This bill imposes a specific time frame under 76-3-611(2) for the examining land surveyor. I feel that the examining land surveyor duties are part of the total time frame the county has for review, and HB365 is a constricting burden to that time frame.

Lincoln County did establish, with input from the County Planner, County Commissioners, Clerk & Recorder and local surveyors, a system of review for our county that functions as thus:

1. Submittal of check sets to the county by the surveyor
2. Review by the County Planner, Clerk & Recorder & Health Dept. every Thursday.
3. The check set is sent immediately to the examining land surveyor for check on errors & omissions.
4. Examining land surveyor does check and returns check set to the county with comments for corrections.
5. County immediately sends this check set back to the surveyor for corrections.

This entire portion normally requires 2 to 3 weeks.

The surveyor makes corrections and submits RECORD SET for recording. We then send that record set to the examining land surveyor for signature, and when returned to the county, if all is in order, it is recorded.

However, here lies the problem. We get the examining land surveyor signature, it is ready for the county commissioner signature and the clerk & recorders. But many times, the taxes have not been paid and the documents cannot be recorded until this is done. We always notify the surveyor of this fact, but wait (sometimes months) with the paperwork ready for recording, but unable to until the taxes get paid. We have no control over when the taxes get paid after we have notified the parties involved.

Also, we have had sets that the surveyor and owner have not signed, and must return the RECORD SETS to the surveyor for signature or else ask them to come in and sign. We cannot record until this is done. But first, we always get the examining land surveyor to sign, but have the paperwork ready for completion by the surveyor/or owner.

Under HB365, I will not be able to get the examining land surveyor's signature on the RECORD SET until all these items are in order. Therefore, we will not be offering this courtesy to our surveyors.

The two surveying firms in Lincoln County have opposed this bill, as well as the Lincoln County Commissioners, County Planning and myself.

Thank you for your consideration on HB365, and I respectfully request a "do not pass".