



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

December 14, 1976

ATTORNEY GENERAL OPINION NO. 76- 364

Mr. Thomas Stockwell
City Attorney of Merriam
Suite 302
Santa Fe Trail State Bank Building
Highway 50 at Antioch
Shawnee Mission, Kansas 66202

Re: Cities--Planning--Plats

Synopsis: K.S.A. 12-705b contains no requirement that plats be approved by the city governing body prior to filing with the register of deeds.

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Dear Mr. Stockwell:

You inquire whether under K.S.A. 12-705b, it is necessary that the city governing body approve a plat or replat prior to filing. That provision states in pertinent part thus:

"All such plats shall be submitted to the city planning commission or to the joint committee for subdivision regulation if such has been formed, which shall determine if the same conforms to the provisions of the subdivision regulations. If such determination is not made within sixty (60) days after the plat has been submitted for consideration, such plat shall be deemed to have been approved and a certificate shall be issued by the secretary of the planning

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commission or joint committee upon demand.
. . . . If the plat conforms to the require-
ments of such regulations, there shall be
endorsed thereon the fact that it has been
submitted to and approved by the city plan-
ning commission or joint committee. . . .
The register of deeds shall not file any
plat as provided by law until such plat
shall bear the endorsement hereinbefore
provided."

The only endorsement which is required under this section is that of the planning commission or joint committee for subdivision regulation. I find no requirement that the governing body approve any plat either before or after the planning commission has reviewed it. The determination of compliance with the subdivision regulations appears to rest solely with the planning commission or joint committee for subdivision regulations and not with the governing body.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj