



STATE OF KANSAS

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May 24, 1982

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ATTORNEY GENERAL OPINION NO. 82- 105

Glenn O. Crum
Mayor, City of Haysville
P. O. Box 404
Haysville, Kansas 67060

Re: Cities and Municipalities--Planning and Zoning--
Plats, Submission for Approval or Disapproval

Synopsis: The procedure for approval and filing of plats is set forth in K.S.A. 12-705b, and changes or corrections in a plat filed with the register of deeds may only be accomplished through preparation of a corrected plat and submission thereof to the city planning commission for approval. Cited herein: K.S.A. 12-705b.

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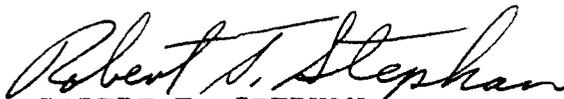
Dear Mayor Crum:

You request our interpretation of K.S.A. 12-705b. Specifically, you ask whether a plat, which has been approved and endorsed by a city planning commission, and filed with the register of deeds, may be subsequently "altered and refiled over the signatures" of city officials. You advise that this question arose when the register of deeds allowed a real estate developer to "alter" a plat which had been approved by the planning commission, which plat contained "errors" in lot dimensions as originally filed. The developer apparently made changes in the dimensions of the approved plat, and the plat was then "refiled" with a notation that changes had been made.

Where a city has adopted regulations governing the subdivision of land, the procedure for approval and filing of plats is set forth in K.S.A. 12-705b. Said statute prescribes that all plats shall be submitted to the city planning commission to determine conformity with subdivision regulations, and also prescribes that there shall be endorsed on any approved plat "the fact that it has been submitted to and approved by the city planning commission." Additionally, the statute provides that the register of deeds "shall not file any plat as provided by law until such plat shall bear the endorsement" of the city planning commission.

Where a plat has been approved by the planning commission and filed with the register of deeds, there is no statutory authority to alter the plat in any respect. K.S.A. 12-705b requires that all plats be approved by the city planning commission, and the unilateral correction of an "error" in an approved plat without any review by the planning commission circumvents such requirement. In our judgment, changes or corrections in a plat filed with the register of deeds may only be accomplished through preparation of a corrected plat and submission thereof to the city planning commission, pursuant to the procedures prescribed by K.S.A. 12-705b.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
Assistant Attorney General

RTS:BJS:TRH:jm