

SENATE BILL NO. 71

Introduced: 01/06/83

Referred to Committee on Local Government: 01/06/83  
Died in Committee. }

1 *Senate* BILL NO. *77*  
 2 INTRODUCED BY *Senators: Rath, Philbin, Frazier, O'Connell, Amodeo, Gurnea, Carls, Mendenhall*  
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT  
 5 DIVISIONS OF LAND COMPLETED PRIOR TO JULY 1, 1973, ARE NOT  
 6 SUBDIVISIONS WITHIN THE MEANING OF THE MONTANA SUBDIVISION  
 7 AND PLATTING ACT, BUT THAT SUCH DIVISIONS ARE SUBJECT TO THE  
 8 SURVEYING REQUIREMENTS OF THAT ACT; AMENDING SECTION  
 9 76-3-207, MCA."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 76-3-207, MCA, is amended to read:

13 "76-3-207. Subdivisions exempted from review but  
 14 subject to survey requirements — exceptions. (1) Except as  
 15 provided in subsection (2), unless the method of disposition  
 16 is adopted for the purpose of evading this chapter, the  
 17 following divisions of land are not subdivisions under this  
 18 chapter but are subject to the surveying requirements of  
 19 76-3-401 for divisions of land not amounting to  
 20 subdivisions:

21 (a) divisions made outside of platted subdivisions for  
 22 the purpose of relocating common boundary lines between  
 23 adjoining properties;

24 (b) divisions made outside of platted subdivisions for  
 25 the purpose of a gift or sale to any member of the

1 landowner's immediate family;

2 (c) divisions made outside of platted subdivisions by  
 3 sale or agreement to buy and sell where the parties to the  
 4 transaction enter a covenant running with the land and  
 5 revocable only by mutual consent of the governing body and  
 6 the property owner that the divided land will be used  
 7 exclusively for agricultural purposes;

8 (d) a single division of a parcel outside of platted  
 9 subdivisions when the transaction is an occasional sale;

10 (e) for five or fewer lots within a platted  
 11 subdivision, relocation of common boundaries and the  
 12 aggregation of lots;

13 (f) any division of land, including a division by  
 14 transfer of a leasehold interest, completed prior to July 1,  
 15 1973.

16 (2) Notwithstanding the provisions of subsection (1):

17 (a) within a platted subdivision filed with the county  
 18 clerk and recorder, any division of lots which results in an  
 19 increase in the number of lots or which redesigns or  
 20 rearranges six or more lots must be reviewed and approved by  
 21 the governing body, and an amended plat must be filed with  
 22 the county clerk and recorder;

23 (b) any change in use of the land exempted under  
 24 subsection (1)(c) for anything other than agricultural  
 25 purposes subjects the division to the provisions of this

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1 chapter."

-End-