

### **100.277 Commission approval required for subdivisions.**

- (1) All subdivision of land shall receive commission approval.
- (2) No person or his agent shall subdivide any land before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the commission.
- (3) No person owning land composing a subdivision, or his agent, shall transfer or sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the planning commission and has been recorded. Any such instrument of transfer or sale shall be void and shall not be subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have. Provided, however, any person, or his agent, may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision of land contemplated therein is lawful and the subdivision plat subsequently receives final approval of the planning commission.
- (4) Any street or other public ground which has been dedicated shall be accepted for maintenance by the legislative body after it has received final plat approval by the planning commission. Any street that has been built in accordance with specific standards set forth in subdivision regulations or by ordinance shall be, by operation of law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval.
- (5) Any instrument of transfer, sale or contract that would otherwise have been void under this section and under any of its subsections previously, is deemed not to have been void, but merely not subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission. This subsection shall not apply to instruments of transactions affecting property in counties containing cities of the first class, in consolidated local governments created pursuant to KRS Chapter 67C, or in urban-counties created pursuant to KRS Chapter 67A.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 346, sec. 150, effective July 15, 2002. -- Amended 1990 Ky. Acts ch. 362, sec. 14, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 144, sec. 5, effective July 15, 1988; and ch. 343, sec. 4, effective July

15, 1988. -- Amended 1986 Ky. Acts ch. 141, sec. 32, effective July 15, 1986; and ch. 461, sec. 21, effective July 15, 1986. -- Created 1966 Ky. Acts ch. 172, sec. 63.