

§1602-109. Plats and plans

(a) Plats and plans are a part of the declaration. Separate plats and plans are not required by this Act if all the information required by this section is contained in either a plat or plan. Each plat and plan must be clear and legible, bear the seal and signature of the land surveyor, engineer or architect under whose direction the plat or plan was prepared. [PL 1981, c. 699 (NEW).]

(b) Each plat must show:

(1) The name and a survey or general schematic map of the entire condominium; [PL 1981, c. 699 (NEW).]

(2) The location and dimensions of all real estate not subject to development rights, or subject only to the development right to withdraw, and the location and dimensions of all existing improvements within that real estate; [PL 1981, c. 699 (NEW).]

(3) The location and dimensions of any real estate subject to development rights, labeled to identify the rights applicable to each parcel; [PL 1981, c. 699 (NEW).]

(4) The extent of any encroachments by or upon any portion of the condominium; [PL 1981, c. 699 (NEW).]

(5) The location and dimensions of all easements serving or burdening any portion of the condominium; [PL 1981, c. 699 (NEW).]

(6) The location and dimensions of any vertical unit boundaries not shown or projected on plans recorded pursuant to subsection (d) and that unit's identifying number; [PL 1981, c. 699 (NEW).]

(7) The location with reference to any established datum of any horizontal unit boundaries not shown or projected on plans recorded pursuant to subsection (d) and that unit's identifying number; [PL 1981, c. 699 (NEW).]

(8) The location and dimensions of any real estate in which the unit owners will own only an estate for years, labeled as "leasehold real estate;" [PL 1981, c. 699 (NEW).]

(9) The distances and courses between noncontiguous parcels of real estate comprising the condominium; [PL 1981, c. 699 (NEW).]

(10) The location and dimensions of limited common elements, including porches, balconies and patios, other than parking spaces and the other limited common elements described in section 1602-102, paragraphs (2) and (4); and [PL 1981, c. 699 (NEW).]

(11) In the case of real estate not subject to development rights, other matters customarily shown on land surveys. [PL 1981, c. 699 (NEW).]

(c) A plat may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the condominium. Any contemplated improvement shown must be labeled "MUST BE BUILT" or "NEED NOT BE BUILT." [PL 1981, c. 699 (NEW).]

(d) To the extent not shown or projected on the plats, plans must show:

(1) The location and dimensions of the vertical boundaries of each unit, and that unit's identifying number; [PL 1981, c. 699 (NEW).]

(2) Any horizontal unit boundaries, with reference to established datum and the unit's identifying number; and [PL 1981, c. 699 (NEW).]

(3) Any units in which the declarant has reserved the right to create additional units or common elements, section 1602-110, subsection (c), identified appropriately. [PL 1981, c. 699 (NEW).]

(e) Unless the declaration provides otherwise, the horizontal boundaries of part of a unit located outside of a building have the same elevation as the horizontal boundaries of the inside part, and need not be depicted on the plats and plans. [PL 1981, c. 699 (NEW).]

(f) Upon exercising any development right, the declarant shall record either new plats and plans necessary to conform to the requirements of subsections (a), (b) and (c), or the declarant may record an affidavit that plats and plans previously recorded conform to the requirements of those subsections. [PL 1981, c. 699 (NEW).]

SECTION HISTORY

PL 1981, c. 699 (NEW).

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