

AFFIDAVIT FOR PURPOSE OF PLAT ACT REQUIREMENTS

Whenever the owner of land subdivides it into 2 or more parts, any of which is less than 5 acres, he must have it surveyed and a subdivision plat thereof made by an Illinois Registered Land Surveyor pursuant to Chapter 765 ILCS 205/1(a). If a plat is made by an Illinois Registered Surveyor of any parcel or tract of land otherwise exempt from the plat provisions of this Act such plat shall be recorded pursuant to 765 ILCS 205/1(c). When a property is divided into parcels so that it cannot be described without describing it by metes and bounds, it is the duty of the owner to have the land surveyed and platted into lots. The platting shall be in accord with the Plat Act. The plat shall be certified and recorded pursuant to 35 ILCS 200/9-55.

WHY IS THIS AFFIDAVIT A REQUIREMENT?

Section 205/5a of the Plat Act states: *“The Recorder or the Registrar of Title of any County shall not record deeds or leases which attempt to convey property contrary to the provisions of this Act. In case of doubt, the Recorder or the Registrar of Title of any County may require the person presenting such deed or lease to give evidence of the legality of a conveyance by an affidavit as to the facts which exempt such conveyance from the provisions of this Act”*

In order for the Recorders Office to follow the duties and guidelines required as outlined in the State Plat Act, it is necessary to require submission of this Affidavit form with every deed submitted for recording.

WHAT IS THE PURPOSE OF THIS AFFIDAVIT?

This Affidavit informs the Recorders Office if the property is being divided or not. It also informs the Community Development Department (for unincorporated Fulton County) and the Assessment Office as to what exemption to the Plat Act is being exercised.

WHEN WILL THIS AFFIDAVIT TAKE EFFECT?

This Affidavit will be required with every deed received in the Recorder of Deeds Office effective December 1, 2013. The County Plat Officer signature will not be required for Deeds that are not a division of land and when the parcel boundaries remain unchanged. However, the Grantor/Grantor's Attorney notarized signature will still be required.

WHY IT IS REQUIRED TO HAVE MUNICIPAL AND/OR THE COUNTY PLAT OFFICER SIGN THIS AFFIDAVIT?

There have been County Departments that have become concerned about property divisions being made and recorded that were in violation of local zoning or subdivision ordinances. Many times property owners would discover that they were in violation of these Ordinances when they attempted to obtain a building permit but were denied. This sign off requirement will assist property owners on keeping informed and aware of local ordinances before significant time and money is spent on prospective changes to their property that cannot be implemented.

WHERE CAN I GET A COPY OF THIS AFFIDAVIT FORM?

Printed copies are available at the Fulton County Recorder's Office and Community Development Department. You may also obtain a copy at www.fultonco.org by clicking on the Recorder of Deeds link or Community Development link.

TO BE FILED WITH THE FULTON COUNTY RECORDER OF DEEDS
AFFIDAVIT FOR PURPOSE OF ILLINOIS PLAT ACT REQUIREMENTS

THIS IS A LEGAL DOCUMENT - PLEASE CONSULT YOUR ATTORNEY
(Zoning & Subdivision Ordinances May Also Apply)

PARCEL NUMBER: _____

Grantor or Grantor's Attorney authorized representative in a deed transferring interest in the real estate described in the accompanying deed and further states this transfer **IS EXEMPT FROM THE ILLINOIS PLAT ACT (765 ILCS 205) BECAUSE OF THE FOLLOWING:**

- NOT A DIVISION OF LAND - PARCEL BOUNDARIES REMAIN UNCHANGED (The Recorder will proceed with recording the deed and no further questions apply. County Plat Officer signature is **NOT** required. Please sign below and have notarized)

- A DIVISION OF LAND THAT MEETS ONE OF THE FOLLOWING EXCEPTIONS - APPROVAL BY COUNTY PLAT OFFICER (OR DESIGNEE) IS REQUIRED ALONG WITH APPLICABLE FEE PRIOR TO RECORDING:
 - The divisions or subdivision of land into parcels or tracts of 5 acres or more in size which **does not involve any new streets or easements of access.**
 - The division of lots or blocks of less than 1 acre in any recorded subdivision which **does not involve any new streets or easements of access.**
 - The sale or exchange of parcels of land between owners of adjoining and contiguous land.
 - The conveyance of parcels of land or interest therein for use as a right of way for railroads or other public utility facilities and other pipe lines which **does not involve any new streets or easements of access.**
 - The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
 - Conveyances made to correct descriptions in prior conveyances.
 - The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and **not involving any new streets or easements of access.**
 - The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.
 - The preparation of a plat for wind energy devised under section 10-620 of the Property Tax Code.
 - Division meets criteria for agricultural exemption

I swear to the best of my knowledge that the statements contained herein are true and correct. Grantor/Grantor's Attorney further states that this affidavit for the purpose of indicating to THE RECORDER OF DEEDS OF FULTON COUNTY, ILLINOIS, that the conveyance by the attached instrument is within, and in compliance with, the provisions of the Illinois Plat Act.

Name: _____ Signature: _____ Date: _____

Name: _____ Signature: _____ Date: _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

Approval for State Plat Act, County Subdivision and Zoning Code Purposes:

SURVEY REQUIRED FOR RECORDING: Yes No

Fulton County Plat Officer/designee: _____ Date: _____

(NOTE: County Plat Officer signature required for properties only in the UNINCORPORATED areas of Fulton County)