

Oklahoma State Statute Title 11, Platting and Zoning  
Sections 41.101-115 and 42.101-106

§11-41-101. Survey and plat for subdivisions or proposed municipality.

A person intending to lay out a municipality or an addition or subdivision shall cause a survey and plat to be made of the land which is to be laid out. The plat shall particularly describe and set forth all streets, alleys, easements, commons or public grounds, all lots and blocks, and fractional lots within or adjoining the land, and give their names, width, courses, boundaries, and extent.

Laws 1977, c. 256, § 41-101, eff. July 1, 1978.

§11-41-102. Lots to be numbered and described in plat.

All lots shall be numbered in progressive numbers, and their precise length and width shall be stated on the plat or map, together with any streets, alleys, or roads which divide or border the lots. Angles or bearings shall be given on all block lines and lot lines not parallel to block lines.

Laws 1977, c. 256, § 41-102, eff. July 1, 1978.

§11-41-103. Base line - How formed.

At the time of surveying and platting, the owner of the municipality, addition or subdivision of lots and blocks, or his agent, shall form the base line from which future surveys are to be made. The base line shall be formed by placing on the line of a street two good and sufficient monuments of such size and dimension as the surveyor shall direct. The point or points where the base line may be found shall be distinguished on the plat or map.

Laws 1977, c. 256, § 41-103, eff. July 1, 1978.

§11-41-104. Plats must be certified and acknowledged.

When the plat or map is completed, it shall be certified by a registered land surveyor who has prepared it and the landowner. At or before the time of offering the plat or map for record, the plat or map must be acknowledged before some person authorized to take acknowledgment of deeds. A certificate of such acknowledgment shall be endorsed on the plat or map. The certificate of the survey and acknowledgment shall also be recorded and form a part of the record.

Added by Laws 1977, c. 256, § 41-104, eff. July 1, 1978.

Amended by Laws 2011, c. 98, § 2.

§11-41-105. Certificate as to payment of taxes required before plat is recorded.

A. No plat or map may be accepted for record or be recorded by the county clerk unless it bears the certificate of the county treasurer of the county in which the tract or parcel of land is located, certifying that:

1. All taxes for all previous years, which taxes have been levied against the tract or parcel of land involving the plat, including improvements thereon, have been paid; and

2. All taxes for the year during which the plat or map is offered for record, which taxes shall be levied against the land to be platted, excluding improvements thereon, have been paid; provided, if the plat to be certified is a replat, or a plat within a plat, the requirement set forth herein shall only apply to the extent that the boundaries of the tracts or parcels of land which are the subject of the replat or plat vary from the original plat.

B. The county assessor of the county in which the land to be platted is located shall determine the taxes due for the year during which the plat is offered for record based on the assessed value of the land to be platted, excluding all improvements thereon; shall place the tax so determined on the tax rolls for that year; and shall notify the county treasurer of such taxes due. In the event the taxes due have not been determined by the county assessor as required in this section or the county treasurer has not been notified of the taxes due on the land to be platted, excluding all improvements thereon, then the owner of the property to be platted, whether in whole or in part, or his agent submitting the plat for record, shall make a security deposit in cash with the county treasurer or a bond executed by a bonding company authorized to do business in the State of Oklahoma. The security deposit or bond shall be in an amount equal to:

1. The sum charged upon the last tax rolls in the office of the county treasurer against the tract or parcel of land involving the plat, whether in whole or in part, excluding all improvements thereon; and

2. Twenty-five percent (25%) of the sum of such taxes as assurance against increase of tax charges for the taxable year in which the plat is offered.

The security deposit or bond shall be held by the county treasurer until the tax rolls for the county have been made up for the taxable year and the tax charge against the tract, excluding all improvements thereon, has become fixed. Upon the payment of all the tax so charged, or applied thereto out of the cash deposit, the remainder of the deposit shall be refunded or the bond released.

Added by Laws 1977, c. 256, § 41-105, eff. July 1, 1978.  
Amended by Laws 2004, c. 50, § 1, eff. Nov. 1, 2004.

§11-41-106. Approval by municipal governing body before plat is recorded.

Before any plan, plat or replat of land within the corporate limits of a municipality shall be entitled to record in the office of the county clerk, it must be approved by the municipal governing body. No plan, plat or replat may be received or recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the municipal governing body. The disapproval of any plan, plat or replat by the municipal governing body shall be deemed a refusal of any proposed dedication shown thereon.  
Laws 1977, c. 256, § 41-106, eff. July 1, 1978.

§11-41-107. Fees of surveyor and register - Where recorded.

The surveyor who shall lay out, survey and plat any municipality, addition or subdivision shall be entitled to receive proper compensation for his services. The county clerk of the county in which the property is situated shall receive fees as set forth in Section 32 of Title 28 of the Oklahoma Statutes. The original of the plat and survey shall be retained by the county clerk of the county in which the property is situated, and recorded into a plat book to be provided for that purpose.  
Laws 1977, c. 256, § 41-107, eff. July 1, 1978.

§11-41-108. Plat record specifications.

Any plat submitted for recording shall have the following specifications:

1. The dimensions of the plat shall be twenty-four (24) by thirty-six (36) inches or shall be a size that can be properly and conveniently folded to these dimensions and shall be drawn to a minimum scale of one hundred (100) feet to the inch; except that plats in which all lots contain a net area in excess of forty thousand (40,000) square feet, the plat may be drawn to a scale of two hundred (200) feet to the inch;

2. The drawing surface of the plat shall have a binding margin of two (2) inches at the left side of the plat, a margin of not less than one (1) inch at the right side, and a margin of not less than one and one-half (1 1/2) inches at the top and bottom;

3. The original tracing of each plat and two prints thereof and a reduced copy in the dimensions of eight and one-half (8 1/2) inches by eleven (11) inches shall be presented for recording;

4. The original plat shall be an original drawing made with india ink on a good grade linen tracing cloth, or with a suitable black acetate base ink on a stable polyester base film coated upon completion with a suitable plastic material to prevent flaking and to assure permanent legibility, or a print on a stable polyester base film made by photographic processes from a film scribing tested for residual hypo with an approved hypo testing solution to assure permanency;

5. Marginal lines, standard certificates and approval forms may be printed or legibly stamped on the plat with permanent opaque black ink when permitted by local ordinance; and

6. The county clerk may require one of the prints to be a blueprint cloth and the other print to be a photographic matte film positive.

Added by Laws 1977, c. 256, § 41-108, eff. July 1, 1978.

Amended by Laws 2007, c. 132, § 1, eff. Nov. 1, 2007.

NOTE: Laws 2007, c. 100, § 1 repealed by Laws 2008, c. 3, § 8, emerg. eff. Feb. 28, 2008.

§11-41-109. Donations and grants shown on plat deemed conveyances - Title to streets, alleys, etc.

When the plat or map has been completed and certified, acknowledged, approved and recorded as required by Sections 41-104 through 41-108 of this title, every donation or grant to the public, or to any individual, any religious society, or to any corporation or body politic, marked or noted as such on the plat or map, shall be deemed in law and equity a sufficient conveyance to vest the fee simple of the tract or parcel of land as expressed in the plat or map. Such conveyance shall be considered for all intents and purposes a general warranty against the donor, his heirs or representatives, to the donee or grantee, for his use for the uses and purposes named in the plat or map, expressed and intended, and no other use and purpose whatever. The land intended to be used for the streets, alleys, ways, commons or other public uses in any municipality or addition thereto shall be held in the municipality's corporate name in trust to and for the use and purposes set forth and expressed or intended.

Added by Laws 1977, c. 256, § 41-109, eff. July 1, 1978.

§11-41-110. Lands already laid out under prior law.

When a municipality, addition or subdivision has been laid out and lots sold, and a plat or map of the land has not been acknowledged and recorded in conformity with laws heretofore in force, then the county commissioners or a majority of them in the county where the land is situated, or the owner who has laid out the land, or his legal representatives, shall prepare the

plat or map and have it acknowledged and recorded in the proper county, in the form and manner required by Sections 41-104 through 41-108 of this title. The plat or map shall particularly describe the donation of lands or otherwise to individual societies, bodies politic, or for common or public purposes. The plat or map shall conform with the requirements of current law, except that if the lots have been numbered differently and sales made, and they cannot be easily renumbered to conform with the law, then the lots shall be returned as originally stated.

Laws 1977, c. 256, § 41-110, eff. July 1, 1978.

§11-41-111. Penalty for sale of lots before compliance.

No person, firm or corporation shall dispose of, offer for sale, or lease for any time any lots or blocks in any municipality, addition or subdivision, or part thereof, which are hereafter laid out, before all the requirements of Sections 41-104 through 41-108 of this title have been complied with.

Laws 1977, c. 256, § 41-111, eff. July 1, 1978.

§11-41-112. Correction of errors in plats and conveyances -  
Petition to district court.

The district court in the county in which the property is situated shall have the jurisdiction to correct municipal plats and plats of additions and subdivisions. The owner of any lot within the portion of the plat sought to be corrected may file his petition in the district court to correct the plat, or any portion thereof, when the same has been erroneously made by duplicating lot numbers in any block or incorrectly describing the distances on the plat or when the same is, in any manner, incorrect in description or otherwise. The court may correct the description of property in any conveyance of any lot, where the plat is corrected, which may be necessary for the purpose of making a complete and correct descriptive chain of title to the lot.

Laws 1977, c. 256, § 41-112, eff. July 1, 1978.

§11-41-113. Parties to suit in correcting plat errors.

A. If the object of the petition is to correct one (1) block of the plat, or any portion thereof, the petition shall name as parties defendant the record owners, as of the time of commencing the suit, of all the lots within the block sought to be corrected. The municipality within which the plat is located shall be made a party to the suit if the streets and alleys of the municipality will be affected by the correction.

B. If the object of the petition is to correct a greater portion than one (1) block of the plat, then the petition shall name as parties defendant:

1. The record owners, as of the time of commencing the suit, of the lots within the area sought to be corrected; and

2. The municipality within which the plat is located.  
Laws 1977, c. 256, § 41-113, eff. July 1, 1978.

§11-41-114. Action to correct plat errors - Service of summons and notice.

Service of summons in the action shall be had upon the defendants in the manner provided by law in civil actions. Where the record owners are numerous, however, the action may be maintained in the name of one or more lot owners for the benefit of all the owners of property within the area of that portion of the plat affected by the proposed correction. In addition to service of process to those record owners in whose name the action is maintained, the petitioner shall also give notice by mail to the following, without naming them as parties defendant:

1. All owners of record, as shown by the current year's tax rolls in the office of the county treasurer, of lots within the block or area sought to be corrected; and

2. The municipality within which the plat is located.  
The notice shall set out the error sought to be corrected and the manner which is proposed for correcting the error as prayed for in the petition.

Laws 1977, c. 256, § 41-114, eff. July 1, 1978.

§11-41-115. Correction of errors and defects in recorded plats - Procedure.

A. Municipal plats or plats of additions and subdivisions which have been erroneously described on any record in the chain of title to said plats, or are otherwise defective on their face, may be corrected pursuant to the provisions of this section or pursuant to the provisions of Sections 41-112 through 41-114 of this title.

B. If a municipal plat or plat of an addition or subdivision which is executed and filed in the office of the county clerk of the county in which said plat is located fails to identify or correctly describe the land to be platted, the registered land surveyor who prepared said plat may execute a certificate stating the nature of the error and cure said defect. The surveyor shall refer to said plat by correct page number and book in which said plat is recorded by the county clerk. Said certificate shall be dated and signed by said registered land surveyor.

C. If the registered land surveyor who originally certified said plat pursuant to the provisions of Section 41-104 of this title is not available, or if said plat was not prepared by a registered land surveyor, a certificate as provided for in subsection B of this section may be executed by any registered land surveyor, provided said certificate states the reasons why the registered land surveyor who prepared the plat was not available or that said plat was not originally prepared by a registered land surveyor.

D. Prior to recording the correction certificate in the office of the county clerk of the county in which said plat is located, the certificate shall be approved by the planning commission or other governmental body having jurisdiction, provided that such certificate shall be approved by the municipal governing body if the correction alters or otherwise affects a right-of-way or easement of the municipality.

E. The certificate authorized by the provisions of this section shall be retained by the county clerk of the county in which said plat is located and shall be recorded as a correction in the county plat book.

F. A certificate filed pursuant to the provisions of this section shall be prima facie evidence of the statements contained in said certificate and shall be received into evidence for that purpose. No such certificate shall have the effect of destroying or changing any vested rights which were acquired based upon an existing plat despite the errors or defects contained in said plat. The provisions of this section shall not prohibit any interested party from commencing an action in the district court of the county in which the plat is located pursuant to the provisions of Sections 41-112 through 41-114 of this title.

Added by Laws 1983, c. 35, § 1, eff. Nov. 1, 1983. Amended by Laws 1985, c. 12, § 1, emerg. eff. April 11, 1985.

#### §11-42-101. Definitions.

In Sections 42-101 through 42-115 of this title, the following terms shall have the meanings respectively provided for them in this section, unless the context otherwise requires:

1. "Close" means a legislative act of the governing body of a municipality discontinuing the public use of a public way or easement without affecting title to real property;
2. "Vacate" means the termination, by written instrument, as provided in Section 42-106 of this title, or judicial act of the district court, of private and/or public rights in a public way, easement or plat and vesting title in real estate in private ownership;

3. "Public way" means a street, avenue, boulevard, alley, lane or thoroughfare open for public use; and

4. "Easement" means rights in real property as set forth in Section 49 of Title 60 of the Oklahoma Statutes. Laws 1977, c. 256, § 41-101, eff. July 1, 1978.

§11-42-102. Application by owner for vacation of platted tract, street, alley, easement or public way - Power of district court.

A. If the owner of any tract of land platted for municipal purposes, or the owner of any portion of such platted tract, desires to vacate the whole or some part thereof, or desires to vacate a platted street, alley, easement or portion thereof, the owner shall file a verified application setting forth his current address and briefly stating the reason for vacating, in the district court in the county where the land is located.

B. Notwithstanding provisions in subsection A of this section, if the owner of any tract of land platted for municipal purposes for a public way desires to vacate some part thereof and the portion thus vacated would not obstruct the use of the balance of the tract as a street, avenue, alley, lane or thoroughfare open for public use, and which tract after vacation would remain bounded on all sides by land platted for municipal purposes, the owner may file a verified application in the district court in the county where the property is located. The district court is authorized, upon application by such owner and upon showing that previous use of the tract as a street would remain unobstructed, to alter or vacate the platted tract or any part thereof.

C. In cases where a portion of a tract is vacated but remains bounded on all sides by public ways and public grounds, title to the portion vacated shall pass to the municipality or public entity created by the municipality for the purpose of managing, developing, maintaining or leasing, for any lawful purpose, public or private, the tract so vacated. The title to said tract shall remain with the municipality or other public entity until such time as any adjacent tract comprising the public way or street is subsequently vacated and no longer used for a public purpose.

Laws 1977, c. 256, § 42-102, eff. July 1, 1978; Laws 1979, c. 236, § 1. Amended by Laws 1990, c. 194, § 1, emerg. eff. May 10, 1990.

§11-42-103. Notice of application to court for vacation - Right to resist.

A. In addition to any other requirements for notice provided by this section, notice of hearing shall be given to the public by one publication in some newspaper of general

circulation in the municipality where the land is located. If there is no newspaper published in such municipality where the land is located, the publication may be in some newspaper of general circulation in the county where the land is located. Such notice shall be published at least thirty (30) days prior to the time when the application has been set for hearing by the court.

B. The court shall set a date for hearing on an application for vacation, not less than thirty-five (35) days nor more than sixty (60) days after the filing of the application. Notice of the hearing, with a copy of the application attached thereto, shall be served at least thirty (30) days prior to the date set for said hearing in the same manner as is provided for service of process in civil actions on:

1. The governing body of the municipality if the tract, street, alley, easement or portion thereof is inside the municipal limits;
2. The board of county commissioners; and
3. Any holder of a franchise and others having a special right or privilege granted by ordinance or legislative enactment to use the platted tract or portion thereof or street, alley, easement or portion thereof sought to be vacated.

C. Notice of the hearing shall be mailed by first class mail at least thirty (30) days prior to the date set for said hearing to: 1. All owners of land, as shown by the current year's tax rolls in the office of the county treasurer, within three hundred (300) feet of the tract, street, alley, easement or portion thereof sought to be vacated; and

2. All persons, firms or corporations, not otherwise required to be notified, that are known by the applicant to claim an interest or right in the tract, street, alley, easement or portion thereof sought to be vacated.

Attached to any application shall be the certificate of a bonded abstractor listing the names and mailing addresses, as reflected by the current year's tax rolls in the office of the county treasurer, of all persons required to be notified herein.

D. The municipality, county, and any holder of a franchise or other special right or privilege, or any owner of any land required by this section to be notified, may appear and oppose and resist the application if such party has filed, at least five (5) days prior to the date set for said hearing, a verified answer showing the grounds therefor. A copy of the answer shall be mailed to the applicant or applicants the date the answer is filed.

Laws 1977, c. 256, § 43-103, eff. July 1, 1978.

§11-42-104. Hearing and determination - Extent of relief.

A. If the applicant for vacation produces to the court satisfactory evidence that the service of notice, mailing, and notice of publication required by Section 42-103 of this title has been given, the court shall proceed to hear and determine the application as well as any objections thereto.

B. If the application shall be for the vacation of the entire plat, and no owner of any portion thereof or the holder of a franchise or other special right or privilege shall appear and object to such vacation, the entire plat may be vacated. If it shall appear that portions of the plat are not used or required for county or municipal purposes, or for the holder of a franchise or other special right or privilege, as platted, the court may vacate such portions thereof as will not injuriously affect the rights of owners of other portions of the plat or the public.

C. If the application shall be by the owner of a portion of the platted tract for the vacation of such portion only, or for the vacation of a street, alley, easement or portion thereof abutting such portion, the court may vacate such portion or abutting street, alley, easement or portion thereof as will not injuriously affect the rights of owners of other portions of the plat or the public if it shall appear that:

1. The portion or abutting street, alley, easement or portion thereof desired to be vacated is either not used or not required for county or municipal purposes or for the use of the holder of a franchise or anyone having a special right or privilege granted by ordinance or legislative enactment; and accordingly, said street, alley, easement or portion thereof has been closed to the public by enactment of any ordinance or resolution;

2. The platted street, alley, easement or portion thereof on or across such portion has never been used by the public; or

3. The public has for more than ninety (90) days abandoned such by nonuser, or that the same has been enclosed and occupied adversely to the public for more than ninety (90) days, and that application has been made to the governing body of the county or municipality where the property is located at least ninety (90) days prior to the filing of the application for vacation in the district court for an ordinance or resolution closing the street, alley, easement or portion thereof to public use, but the governing body has failed, refused or neglected to enact such an ordinance or resolution.

Laws 1977, c. 256, § 42-104, eff. July 1, 1978; Laws 1979, c. 236, § 3.

§11-42-105. Rights of municipal utilities and transmission companies.

No vacation of any plat or public way, or part thereof, shall operate to invalidate or impair the right of any municipal utility or regulated transmission company to continue to possess, occupy, and use that part of the public ways, utility easements, or rights-of-way existing within the affected area and occupied and used by any municipal utility or regulated transmission company for the performance of its public service undertaking. Said easements shall be defined in any decree of vacation. The municipal utility or regulated transmission company may maintain, replace, repair, and operate its facilities, have unrestricted ingress and egress to said locations, and remove its facilities without impairment by reason of the vacation or partial vacation of any plat or public way.

Amended by Laws 1984, c. 126, § 72, eff. Nov. 1, 1984.

§11-42-106. Vacation of plat by written agreement of owners.

A. Any plat of a municipality or addition thereto or any subdivision of land may be vacated by the owners thereof at any time before the sale of any lots therein by a written instrument declaring the same to be vacated, duly executed, acknowledged or proved and recorded in the same office with the plat to be vacated. The executing and recording of the written instrument, bearing the approval or consent of the municipality in which the plat is situated, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the public ways, commons, and public grounds laid out as described in the plat.

B. Where any lots in the plat sought to be vacated have been sold, the plat or a portion thereof may be vacated as provided in subsection A of this section, provided that the owners of sixty percent (60%) of the lots in the plat and all of the owners in the area to be vacated join in the execution of the written instrument, the instrument bears the approval of the municipality in which the plat is situated, and such action is not prohibited by any restrictive covenants encumbering the lots in plat.

C. Notwithstanding the foregoing provisions, any plat of record in the office of the county clerk in the county in which the real property is situated, for a period of not less than ten (10) years, which bears the approval of the municipality in which the real property is situated, which replats an existing plat, or a portion thereof, shall be deemed a lawful replatting of any plat, or portion thereof, thereby vacating the plat, or a portion thereof, which is replatted.

D. This section shall not be construed as applying to any of the territory included within the limits of any incorporated

municipality created and organized under and by virtue of a special act of the Legislature.

Added by Laws 1977, c. 256, § 42-106, eff. July 1, 1978.

Amended by Laws 1993, c. 241, § 2, eff. Sept. 1, 1993; Laws 2002, c. 74, § 1, emerg. eff. April 15, 2002.

§11-42-106.1. Amendment of restrictive covenant on property in residential addition - Creation of neighborhood association.

A. Any restrictive covenant on property contained in a residential addition may be amended if:

1. The restrictive covenant has been in existence for at least ten (10) years and the amendment is approved by the owners of at least seventy percent (70%) of the parcels contained in the addition or the amount specified in the restrictive covenant, whichever is less; or

2. The restrictive covenant has been in existence for at least fifteen (15) years and the amendment is approved by the owners of at least sixty percent (60%) of the parcels contained in the addition or the amount specified in the restrictive covenant, whichever is less.

B. Where a preliminary plat has been filed for a residential addition, the requirements of paragraphs 1 and 2 of subsection A of this section shall include all the parcels contained in the preliminary plat.

C. In the absence of a provision providing for the amendment of the restrictive covenants of a residential addition the requirements of paragraphs 1 and 2 of subsection A of this section shall apply. A thirty-day notice of any meeting called to amend the restrictive covenants shall be provided to the owners of every parcel contained in the addition. Each parcel shall be entitled to one vote.

D. The recorded restrictive covenants on property contained in a residential addition may be amended by the addition of a new covenant creating a neighborhood association for the addition that would require the mandatory participation of the successors-in-interest of all record owners of parcels within the addition at the time the amendment is recorded. The amendment must be approved by the record owners of at least sixty percent (60%) of the parcels contained in the addition and shall be subject to the following:

1. The amendment shall provide that participation in the neighborhood association created by the amendment shall not be mandatory for persons who are record owners of parcels within the residential addition at the time the amendment is filed of record, but such participation shall be mandatory for all successors-in-interest of the record owners;

2. The amendment must provide that the concurring vote of not less than sixty percent (60%) of the record owners of parcels contained in the addition shall be necessary for the establishment or change of dues for the neighborhood association; and

3. Following approval, the amendment shall be filed of record in the office of the county clerk of the county wherein the residential addition is located against all parcels within the addition. The term amendment may apply to an existing covenant or to a new subject not addressed in existing covenants.

A thirty-day written notice of any meeting called to approve any such amendment shall be provided to the owners of every parcel contained in the residential addition. The notice of such meeting shall be published in a newspaper in the county at least fourteen (14) days before the meeting. The notice shall also be given by publication in the neighborhood newsletter. Each parcel within the addition shall be entitled to one vote. Any amendment approved and recorded pursuant to this subsection may thereafter be revoked by approval of sixty percent (60%) of the record owners of parcels within the addition.

Added by Laws 1995, c. 154, § 1, eff. Nov. 1, 1995. Amended by Laws 2002, c. 82, § 1, eff. Nov. 1, 2002.