

AFFIDAVIT OF COMPLIANCE WITH THE REQUIREMENTS OF WILLIAMSON COUNTY LAND DIVISION/SUBDIVISION ORDINANCE 06-02-14-01 AND THE STATE OF ILLINOIS PLAT ACT

This a legal document and must be filed with every deed recorded.
(Consult an attorney if you do not understand what you are signing)

For instructions, definitions and explanations--see page 2 on the reverse side of this affidavit

The Grantor(s) or the Grantor(s) authorized representative in a deed transferring interest in the real estate described in the accompanying deed, state the following:

A. Not a division of land (no change of parcel boundary lines) Previous Deed Book and Page _____
(If A is marked above, a compliance stamp from the Williamson County Plat Officer *is not required* and no further questions apply)

In accordance with Illinois law (225-ILCS 330/5 Sec C), beginning January 1, 2004, **all legal descriptions for land divisions must be prepared by a Professional Land Surveyor**. Has the legal description for this division been prepared in accordance with this law and is there a survey accompanying this conveyance? _____ Name and company of surveyor _____

B. A division of land (change of parcel boundary lines)
(If B is marked above, a compliance stamp from the Williamson County Plat Officer *is required*. Most divisions of land in Williamson County, Illinois will require a survey prepared by a Professional Land Surveyor)

OR,

C. Is this a division of land that meets one of the following exceptions to the State of Illinois Plat Act and Williamson County Land Division/Subdivision Ordinance. (These divisions require a compliance stamp from the Williamson County Plat Officer, but do not need a boundary/tract survey, except where noted.)

_____ a. A division of land into tracts of five (5) acres or more not involving new streets or easements of access that can be described as a fractional part

_____ b. A division of lots or blocks of less than one (1) acre in a recorded subdivision not involving new streets or easements of access, provided the division does not require a metes and bounds legal description.

_____ c. A sale or exchange of land between owners of adjoining and contiguous land (If described in metes and bounds the division must be reviewed by the Williamson County Plat Officer and a tract survey prepared by an Illinois Registered Land Surveyor must be recorded with the conveyance.

_____ d. A conveyance of land for use as a right-of-way for public utilities and other pipelines not involving new streets or easements of access; A conveyance of land owned by a public utility not involving new streets or easements of access; A conveyance of land for highway or other public purpose, or relating to a dedication of land, or for vacation of land subject to public use

_____ e. A conveyance made to correct a description in a prior conveyance (NOTE: If a tract survey was not attached to the original conveyance and a metes and bounds description is necessary to correct a description, then a tract survey must accompany and be recorded with the corrective conveyance) Deed Book and Page being corrected _____

_____ f. The sale or exchange of parcels of land following the division into no more that two (2) parts of a parcel existing on July 17, 1959, and not involving any new streets or easements of access

_____ g. The sale of a single lot less than five (5) acres from a larger tract, but not a subsequent lot from the same larger tract, as determined by the dimensions and configuration of the tract as it existed October 1, 1973

_____ h. A tract of land that has previously been conveyed and the deed of the previous conveyance is on record in the Recorder's Office of Williamson County, Illinois. Deed Book and Page of previous conveyance _____

Under penalties of perjury, I swear that the statements contained herein are true and correct.

NAME _____ DATE _____

SIGNATURE _____

PARCEL NUMBER(S) _____

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

(Seal)

Notary Public

EXPLANATION

All legal descriptions for land divisions must be prepared by a Professional Land Surveyor.

The Williamson County Recorder's Office will be implementing the requirement of an AFFIDAVIT FOR PURPOSE OF PLAT ACT REQUIREMENTS form. This Affidavit form will ensure that every conveyance recorded in Williamson County will be in compliance with the State of Illinois Plat Act and the Williamson County Ordinance covering plats, division of land, subdivisions, dedications and vacations. This Affidavit form must accompany every conveyance recorded in the Williamson County Recorder's Office. Below is additional information about the form and the reasons behind our decision to implement the use of this Affidavit.

The purpose of this Affidavit is to determine which exemption from Williamson County Land Division/Subdivision Ordinance and the State of Illinois Plat Act this conveyance is in compliance with.

DEFINITIONS

Most divisions of land in Williamson County will require a compliance stamp from the Williamson County Plat Officer and a tract survey prepared by a Professional Land Surveyor. Below are definitions to be used to determine which division applies to the conveyance.

Fractional Part: A fractional part division is one which creates a tract with a legal description of a fraction of a quarter section, with acreage divisible by 5 with no easements required for access. A fractional part division requires a compliance stamp from the Williamson County Plat Officer. An example would be:

! The E ½ of the NW ¼ of the SE ¼ of the NE ¼ of Section 12, Township 9 South, Range 3 East of the Third Principal Meridian (5 acres)

Platted Lot: A lot in a recorded subdivision that was approved through the current subdivision process may be divided under the following procedures:

! Minor lot line adjustment: If a portion of a lot is being conveyed to an adjacent landowner and can be described simply, such as the west 10 feet of Lot 20, a compliance stamp from the Williamson County Plat Officer is required. A tract survey is not required.

! Other conveyance to an adjacent owner: If the portion of a lot being conveyed to an adjacent landowner requires a metes and bounds legal description, a compliance stamp from the Williamson County Plat Officer is required and a tract survey prepared by a Professional Land Surveyor **is required** and must be **recorded** along with the conveyance.

Subdivision: The division of a parcel of land into two (2) or more parts, any of which part is less than five (5) acres exclusive of all right-of-way, for the purpose of transfer of ownership or possession, or building development, or if an easement of access or new road is involved, any division of land. The area of division is usually given a specific name, lot numbers and may or may not include dedicated roads. The term includes any division of land that attempts to avoid the requirements of Williamson County Ordinance 06-02-14-01, an ordinance adopting rules and procedures covering plats, divisions of land, subdivisions, dedications and vacations in Williamson County, Illinois and the State of Illinois Plat Act. Where appropriate to the content, the term shall relate to the process of subdivision, or to the land subdivided and shall include re-subdivision, regardless of contiguous/adjoining ownership. Subdivisions **require**, a compliance stamp from the Williamson County Plat Officer, County Engineer, Bi-County Health Department, where applicable, and the Williamson County Board of Commissioners. A subdivision survey prepared by a Professional Land Surveyor **is required** and must be **recorded** along with the conveyance.

A tract survey is not required, and the provisions in Williamson County Land Division/Subdivision Ordinance, and the State of Illinois Plat Act shall not apply, in any of the following instances:

- ! A division of lots or blocks of less than one (1) acre in a **recorded subdivision** not involving new streets or easements of access, provided the division does not require a metes and bounds legal description.
- ! A division of land into tracts of five (5) acres or more not involving new streets or easements of access and that can be described without a metes and bounds survey
- ! A tract of land that has previously been conveyed and the deed of the previous conveyance is on record in the Recorder's Office of Williamson County, Illinois. (Note: The new deed shall state on its face the Deed Record Book and Page Number of the deed that it is the successor to)
- ! A division of a land which may be ordered or approved by a court or affected by testamentary or intestate provision.
- ! The sale of a single lot less than five (5) acres from a larger tract, but not a subsequent lot from the same larger tract, as determined by the dimensions and configuration of the tract as it existed October 1, 1973
- ! A conveyance of land for use as a right-of-way for public utilities and other pipelines not involving new streets or easements of access; a conveyance of land owned by a public utility not involving new streets or easements of access; a conveyance of land for highway or other public purpose, or relating to a dedication of land, or for vacation of land subject to public use

Boundary/Tract Survey: A boundary/tract survey for the purposes of this affidavit is a division or re-division of a tract of land from a parent parcel into a lot, plat site or parcel, all of which front upon an existing street with a minimum street frontage of 50 feet, any of which is less than 5 acres, regardless of contiguous and adjoining ownership, that is described in a metes and bounds description. A boundary/tract survey must be prepared by a Professional Land Surveyor. All metes and bounds divisions must receive approval either as a boundary/tract survey or through the subdivision process. (Generally, a contiguous owner division can be approved as a tract survey). A tract survey of the metes and bounds description **must** accompany and be **recorded** with the conveyance. These divisions require a compliance stamp from the Williamson County Plat Officer.

INSTRUCTIONS ON COMPLETING THE PLAT ACT AFFIDAVIT

(on the reverse of this page)

1. Check A if the conveyance does not change the current parcel lines. (Skip to number 3 below)
2. Check B if the conveyance does change the current parcel lines. If B is checked, mark the applicable letter that applies to the correct Plat Act exception. If you do not know the correct Plat Act exception, seek legal advice from your private attorney to obtain this information.
3. Print your name, sign your name and fill in the date in the presence of a Notary Public.
4. The Notary Public fills in the date you presented yourself for signature, signs and stamps the affidavit with their seal. (The affidavit is complete and ready to record if A was checked on the affidavit and the deed did not change the current parcel lines.)
5. If B is checked the conveyance must be accompanied by a tract survey to be recorded as an integral part of the conveyance or recorded immediately prior or immediately subsequent to the recording of the conveyance.