

## CRITERIA FOR USING PHASES ON CONDOMINIUM PROJECTS

The naming and using of phases or additions in a subdivision is fairly straight forward and is in accordance with state law, i.e.:

*50-1307. DESIGNATION OF TOWNSITE AND ADDITION -- NECESSITY OF DISTINCTIVENESS -- LIMITATIONS ON RULE. Plats of towns, subdivisions or additions must not bear the name of any other town or addition in the same county, nor can the same word or words similar or pronounced the same, be used in making a name for said town or addition, except the words city, place, court, addition or similar words, unless the same is contiguous and laid out and platted by the same party or parties platting the addition bearing the same name, or a party files and records the written consent of the party or parties who platted the addition bearing the same name. All plats of the same name must continue the block numbers of the plat previously filed.*

*50-1302. DUTY TO FILE. Every owner creating a subdivision, as defined above, shall cause the same to be surveyed and a plat made thereof which shall particularly and accurately describe and set forth all the streets, easements, public grounds, blocks, lots, and other essential information, and shall record said plat. This section is not intended to prevent the filing of other survey maps or plats. Description of lots or parcels of land, according to the number and designation on such recorded plat, in conveyances or for the purposes of taxation, shall be deemed good and valid for all intents and purposes.*

The laws and rules for a condominium project are different but similar, in the respect that laws relating to subdivisions apply to condominiums, except where inconsistent, i.e.:

*55-1527. ZONING LAWS APPLIED WHERE NOT INCONSISTENT. Except where inconsistent with the provisions or purposes of this act, state and local laws relating to plats, recording, subdivisions or zoning shall apply to condominiums and to projects as herein defined.*

Therefore, the following will apply to naming and using of phases or additions on a condominium plat:

- 1) The condominium project or projects must be a part of the same original subdivision plat and must use the same name for the condominium projects as was used on the original subdivision.

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- 2) The common area of each project must have access to a public or private road and must be able to stand alone, in case no other phases are recorded.
- 3) Each phase must have a separate project boundary and declaration.
- 4) A master declaration can provide for management of all phases.
- 5) Phases can be separated by a public street or public alley.
- 6) The staging concept will be encouraged where each previous phase is included in the next phase until all phases are included in the last phase. Percentage of common area ownership is calculated for all planned phases and shown on the initial declaration.

The Assessor's staff is currently enforcing the provision that all unit owners must sign each plat.

End