

**381.9141 Plats and plans. (Effective January 1, 2011)**

- (1) Plats and plans are a part of the declaration. Separate plats and plans are not required by KRS 381.9101 to 381.9207 if all the information required by this section is contained in either a plat or plan. Each plat and plan shall be clear and legible and contain a certification that the plat or plan contains all information required by this section.
- (2) Each plat shall contain:
  - (a) The name and a survey or general schematic map of the entire condominium;
  - (b) 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;
  - (c) A legally sufficient description of any real estate subject to development rights, labeled to identify the rights applicable to each parcel;
  - (d) The extent of any encroachments by or upon any portion of the condominium;
  - (e) The location, with reference to an established datum, of any horizontal unit boundaries not shown or projected on plans recorded pursuant to subsection (4) of this section and that unit's identifying number;
  - (f) A legally sufficient description of any real estate in which the unit owners will own only an estate for years, labeled as "leasehold real estate";
  - (g) The distance between noncontiguous parcels of real estate comprising the condominium;
  - (h) 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 KRS 381.9127(2), (4), and (6); and
  - (i) In the case of real estate not subject to development rights, all other matters customarily shown on land surveys prepared in accordance with standards established pursuant to KRS 322.290.
- (3) 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 shall be labeled either "MUST BE BUILT" or "NEED NOT BE BUILT."
- (4) To the extent not shown or projected on the plats, plans of the units shall show or project:
  - (a) Any horizontal unit boundaries exclusive of elevations, with reference to an established datum, and that unit's identifying number; and
  - (b) Any units in which the declarant has reserved the right to create additional units or common elements, identified appropriately.
- (5) 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.

- (6) Upon exercising any development right, the declarant shall record either new plats and plans necessary to conform to the requirements of subsections (1), (2), and (4) of this section, or new certifications of plats and plans previously recorded if those plats and plans otherwise conform to the requirements of subsections (1), (2), and (4) of this section.
- (7) Any certification of a plat or plan required by KRS 381.9125 or this section shall be made by a professional land surveyor, licensed architect, or professional engineer.

**Effective:** January 1, 2011

**History:** Created 2010 Ky. Acts ch. 97, sec. 21, effective January 1, 2011.