

CONDOMINIUM PLAT WORKSHOP OUTLINE

1) DEFINE CONDO PLAT:

55-1303 CONDOMINIUM PROPERTY ACT DEFINITIONS

Condominium – is estate in property as defined in 55-101B.

Project – entirety of the property

Property – land described in declaration.

Unit – separate interest in a condominium

Common Area – everything excepting the units

Limited Common Area – use defined in declarations to exclusion of others

55-101A - LAND DEFINED

Two concepts of estates (real & personal)

Real property

Includes airspace (with limitations)

55-101B – CONDOMINIUM DEFINED

Interest in common in real property, together with a separate interest in real property.

2) DIFFERENCES BETWEEN CONDO PLAT AND SUBDIVISION PLAT

Condo plat depicts air space. Subdivision depicts land.

Terms are different:

1) Condominium is declaration and plat (use units, common area and project)

2) Subdivision is plat only (use lots, blocks and subdivision boundary)

Certificates are different, intent statements different, and condo creates a project.

In a condo, the declaration controls.

Condo plat is part and declaration is part. Does not stand alone.

3) WHY STANDARD PLAT REQUIREMENTS STILL APPLY:

55-1527 – ZONING LAWS APPLIED

Subdivision laws apply to condominiums, except where inconsistent.

4) ELEMENTS OF A CONDO PLAT

FLOOR PLANS

Complexity required for definition of unit.

Uses interior vs. exterior dimensions.

Can use perpendicular or parallel lines vs. bearings or angles on lines.

Tie lines to buildings shown and defined.

Wall thickness shown and building code requirements.

Shows multiple floors.

ELEVATIONS

“Elevation” is a scaled drawing of a side, front or rear of a given structure.

Not orthometric heights, but sectional views of architectural plans.

Purpose is to show airspace of unit to buyer.

Show if multiple floors, one floor elevations not required. Make statement of one floor.

View direction of cross-section through building, not an external view.

4) CREATION OF CONDOMINIUM:

55-1504 – REQUIREMENTS TO QUALIFY

Declarations, map, intent statement, plat, floor plans.

Signature to include recorded “security” interests.

Owner of record is the declarant.

Owner can be leasee or sub-leasee.

UNIT IDENTIFICATION

Identifier by number, symbol, name or other identification or designation shown in the plat of record.

Numeric identifier for buildings or units preferred.

Needs to be clear and make sense.

Separate principal buildings on the project.

Do not confuse a building type with a building number.

Project boundary can be coincident with unit.

COMMON AREA

Everything that is not a unit.

Limited Common Area is a type.

Common Area used to the exclusion of others.

Access (55-1509(c) or as defined in declarations.

Ingress-Egress easement not required as note on plat.

Easements included in common area.

Creation by separate document suggested.

DECLARATIONS

We look for 3 basic requirements as outlined in 55-1505 (Typically Exhibits A, B, & C)

1) Description of project (surface of the ground) - Typically described as Exhibit A.

2) Identification of units (copy of the plat being recorded) - Typically described as Exhibit B.

3) Percentage table of common area ownership (Value is the basis) - Typically described as Exhibit C.

The certificate page is not required.

Declaration and plat must agree. (surveyor and attorney to work together).

Must use the same condominium name on the plat and in the declaration.

Continuity – sections actually exist in document, and are consistent between the sections.

Look for un-used references or sections.

LEGAL DESCRIPTION OF SURFACE OF THE GROUND

Survey of the project. Metes and bounds description.

Boundary based on “the survey of the ground”.

Appears in certificate of owners and in the declaration. Must agree.

LEGAL DESCRIPTION OF EACH UNIT

Consists of floor plans and cross sections

Cross section is a scaled drawing of a side, front or rear of a given structure.

Why show dimensioned floor plans when it is based on value?

Dimension floor to define boundary of unit.

Necessary to be able to calculate square feet in unit for Assessor tax purposes.

Why don't we use cubic feet?

PERCENTAGE OF COMMON AREA OWNERSHIP

Units only and percentage totals to 100%.

First question an appraiser asks is how many square feet in the unit.

Idaho Code based on value instead of area.

County Assessor uses area in lieu of value.

Must be consistent with declarations.

If value is used, do not show square feet.

CERTIFICATES THAT ARE DIFFERENT FROM SUBDIVISION PLAT

Certificate of Owners has: 1) Intent to create a project 2) Consent to record document

Following certificates must state compliance with plats, surveys, and condominiums:

Certificate of Surveyor, Certificate of County Surveyor, Certificate of County Treasurer.

Change terms “subdivisions” to “condominiums”, and “lots” and “blocks” to “units”.

50-1334 – WATER SERVICE

50-1334 – how does it apply?

Say you will serve the project.

Domestic water vs. irrigation water

Irrigation water – I.C. 31-3805 Not required.

Only valid for 50-1326 through 50-1339

STREETS AND PRIVATE ROADS

Located in common area – not applicable.

Do under separate document.

CONDO AMENDMENT

I.C. vs. local standards & requirements.

Reference to I.C. requirements spelled out in declaration.

FEES

Review fee - number of units in project. Treat like subdivision plat.

Re-Verification fee - where necessary and is fixed fee. (Based on original fees.)