

**19-10-104 Requirements for creation of institutional control.**

An environmental institutional control shall:

- (1) be in writing and shall be recorded by the owner of the real property in the county recorder's office in the county where the real property is located;
- (2) contain a legal description of the area of the real property that is subject to the institutional control;
- (3) include a statement documenting any requirements for maintenance of the institutional control, including a description of the institutional control and the reason it must remain in place to protect the public health, safety, or welfare, or the environment;
- (4) include a statement that the institutional control runs with the land and is binding on all successors in interest unless or until the institutional control is removed as provided in Section 19-10-105;
- (5) include a statement acknowledging the department's right of access to the property at all reasonable times to verify that the institutional controls are being maintained;
- (6) include a statement explaining how the institutional control can be modified or terminated and stating that if any person desires to cancel or modify the institutional control in the future, the person shall obtain prior written approval from the executive director pursuant to this chapter;
- (7) include a notarized signature of the executive director indicating approval of the environmental institutional control; and
- (8) include the notarized signature of the property owner indicating approval of the environmental institutional control.

Amended by Chapter 297, 2011 General Session