

Sec. 8. This Act is effective January 1, 1978.
Approved June 24, 1977

CHAPTER 117
PLATTING OF LAND

S. F. 379

AN ACT relating to the platting of land.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section four hundred nine point one (409.1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

409.1 SUBDIVISIONS OR ADDITIONS. Every ~~original~~ proprietor of any tract or parcel of land of forty acres or less or of more than forty acres if divided into parcels any of which are less than forty acres and every ~~original~~ proprietor of any tract or parcel of land of any size located within a city or within two miles of a city subject to the provisions of section 409.14, who shall subdivide the same into three or more parts, shall cause a registered land surveyor's plat of such subdivision, with references to known or permanent monuments, to be made by a registered land surveyor holding a certificate issued under the provisions of chapter 114, giving the bearing and distance from some corner of the subdivision to some corner of the congressional division of which it is a part, which shall accurately describe all the subdivisions thereof, numbering the same by progressive numbers, giving their dimensions by length and breadth, and the breadth and courses of all the streets and alleys established therein.

Sec. 2. Section four hundred nine point one (409.1), unnumbered paragraphs two (2) and three (3), Code 1977, are amended by striking the paragraphs.

Sec. 3. Section four hundred nine point nine (409.9), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Every plat shall be accompanied by a complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by the bond provided for in section 409.11,

and a certified statement from the treasurer of the county in which the land lies that it is free from taxes, and from the clerk of the district court that it is free from all judgments, attachments, mechanics' or other liens as appears by the record in his office, and from the recorder of the county that the title in fee is in such proprietor and that it is free from encumbrance or free from encumbrance other than that secured by the bond provided for in section 409.11, as shown by the records of his office; however, the opinion of the attorney or the certificate of the recorder may show a mortgage or encumbrance if the plat is accompanied by a consent to such platting by the holder of the mortgage or encumbrance and a release from the mortgage or encumbrance of all streets, easements and other areas to be conveyed or dedicated to the local governmental unit within which such land is located. Sections four hundred nine point ten (409.10) and four hundred nine point eleven (409.11) of the Code shall not apply if a mortgage or encumbrance is shown on the opinion of the attorney or the certificate of the recorder and a release from the mortgage or encumbrance is obtained in accordance with the foregoing sentence.

Sec. 4. Section four hundred nine point twelve (409.12), Code 1977, is amended to read as follows:

409.12 RECORD--FILING. The signed and acknowledged plat and the attorney's opinion, together with the certificates of the clerk, recorder, and treasurer, and the affidavit and bond, if any, together with the certificate of approval of the ~~council~~ local governing body, shall be entered of record in the proper record books in the office of the county recorder. When so entered, the plat only shall be entered of record in the offices of the county auditor and assessor and shall be of no validity until so filed, in those offices. A certified plat ~~certified~~ approved by the ~~council~~ local governing body shall supersede any plat recorded for assessment and taxation purposes ~~pursuant to section 409.4~~ and any plat so superseded shall be voided.

Sec. 5. Section four hundred nine point thirty (409.30), subsection three (3), Code 1977, is amended to read as follows:

3. Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the registered land surveyor includes in the ~~certification of~~

surveyor's statement on the plat that the additional monuments required by this chapter or by any local ordinance shall be established before a ~~specified-future-date~~ date specified in the statement or within one year from the date the plat is signed by the registered land surveyor, whichever is earlier.

Sec. 6. Section four hundred nine point thirty-one (409.31), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The plat shall contain a statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa registration number or seal.

Sec. 7. Section four hundred nine point forty-three (409.43), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

409.43 PLAT CERTIFIED AND FILED--EFFECT. When the surveyor has completed the plat pursuant to the resurvey, he the surveyor shall attach ~~his certificate thereto, to the effect that it is a just, true, and accurate plat of said city, or addition so surveyed by him, which~~ a statement that the resurvey plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed by such surveyor, dated, and bear the surveyor's Iowa registration number or seal; and the resurvey plat shall be filed for record in the offices of the county recorder, county auditor and assessor, and from the date of such filing it shall be treated in all courts of this state as though the same had been made by the ~~original~~ proprietor thereof.

Sec. 8. Section four hundred forty-one point sixty-five (441.65), Code 1977, is amended to read as follows:

441.65 PLATTING FOR ASSESSMENT AND TAXATION BY AUDITOR. Whenever a lot or subdivision of land is owned by two or more persons in severalty, and the description of one or more of the different parts or parcels thereof cannot, in the judgment of the county auditor or the assessor, be made sufficiently certain and accurate for the purposes of assessment and taxation without noting the metes and bounds of the same, or whenever the ~~original~~ proprietor of any subdivision of land has sold or conveyed any part thereof, or invested the public with any rights therein, and has failed to file for record a plat as provided in chapter 409, the county auditor

by certified mail shall notify all of the owners, and demand compliance. If the owners fail to execute and file the plat within sixty days after the issuance of such notice to execute and file said plat for record, the auditor shall cause a plat to be made as the auditor deems appropriate in accordance with the provisions of chapter 409. The auditor may contract for the services of a registered land surveyor as necessary to comply with this section. Every conveyance of land in this state shall be deemed to be a warranty that the description therein contained is sufficiently definite and accurate to enable the auditor to enter the same on the plat book required to be kept; and when there is presented for entry on the transfer book any conveyance in which the description is not sufficiently definite and accurate, the auditor shall note such fact on the deed, with that of the entry for transfer, and shall notify the person presenting it that the land therein is not sufficiently described, and that it must be platted within sixty days thereafter. If the grantor in the conveyance shall neglect for sixty days thereafter to file for record a plat thereof, then the auditor shall proceed as is provided in this section, and cause the plat to be made in accordance with the provisions of chapter 409 and recorded in the office of the auditor, and the office of the county recorder, and in the office of the assessor.

Sec. 9. This Act is effective January 1, 1978.

Approved July 13, 1977

CHAPTER 118
RETIREMENT SYSTEMS FUNDS

H. F. 406

AN ACT relating to the investment of police and fire retirement system funds.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section four hundred ten point three (410.3), Code 1977, is amended to read as follows:

410.3 INVESTMENT OF SURPLUS. The boards shall have power to invest any surplus left in such funds, respectively, at the end of the fiscal year, but no part of the funds realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be ~~limited to~~