

County Gov. D. Pass 1/21/82 (P. 1056)

Reprinted 2/9/82

FILED MAR 11 1982

SENATE FILE 396

BY COMMITTEE ON COUNTY GOVERNMENT

(FORMERLY SSB 28)

Approved 2/10 (P. 148)

Passed Senate, Date 3-4-82 (P. 289) Passed House, Date 3-29-82 (P. 1056)
 Vote: Ayes 47 Nays 1 Vote: Ayes 88 Nays 0
 Approved April 30, 1982

A BILL FOR

1 An Act relating to the platting and recording of resurveyed
 2 or subdivided land.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 355.4, Code 1981, is amended to read
2 as follows:

3 355.4 RULES TO BE FOLLOWED. In the resurvey and
4 subdivision of land by county surveyors, their deputies or
5 other persons, the rules prescribed by the Acts of Congress,
6 and the instructions of the secretary of the interior, copies
7 of which shall be furnished ~~him~~ by the county, shall be ~~in~~
8 ~~all-respects~~ followed. Likewise, in preparing the plat of
9 the resurvey or subdivision of land, the provisions of section
10 409.31, subsections 2, 6, 9, 10, 11, and 12 shall be followed.
11 When the survey has been completed, the surveyor shall attach
12 a statement that the plat was prepared by the surveyor or
13 under the surveyor's personal supervision. The statement
14 shall be dated and signed by the surveyor. It shall bear
15 the surveyor's Iowa registration number or seal and shall
16 show the date of the survey and the location of the resurveyed
17 or subdivided land within the quarter section as described
18 in the record of the original survey of the same land.

19 Sec. 2. Section 355.7, Code 1981, is amended to read as
20 follows:

21 355.7 RECORD. The plat and record shall show distinctly
22 of what piece of land it is a survey, at whose personal request
23 it was made, the names of the chainmen, and that they were
24 approved and sworn by the surveyor, and the date of the survey,
25 ~~and-the.~~ The courses shall be taken according to the true
26 meridian, and the variation of the magnetic from the true
27 meridian stated. The surveyor shall determine the correct
28 variation by an observation on the polestar, or some other
29 approved method, at least once each year, and enter ~~the-same~~
30 it, with the date, and description of the method used, in
31 ~~his~~ the record.

32 When land is resurveyed or subdivided, the surveyor in
33 charge of the resurvey shall record the plat before transfer
34 of the land or other change of record affecting the land
35 platted. In any event, the surveyor shall record the plat

1 no later than thirty days after completion of the resurvey
2 or subdivision. The cost of recordation shall be paid to
3 the county recorder by the surveyor upon presentation of the
4 plat for recordation. The surveyor may charge the person
5 requesting the resurvey or subdivision the costs of
6 recordation.

7 EXPLANATION

8 This bill requires the surveyor in charge of the resurvey
9 to record all plats of resurveyed or subdivided land within
10 30 days of the resurvey or subdivision, or before transfer
11 of title or other change of record affecting the resurveyed
12 land if these occurred within 30 days of completion of the
13 resurvey. The surveyor would pay recordation fees and could
14 charge these to the person requesting the resurvey. This
15 bill takes effect July 1 following its enactment.

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S-3203

1 Amend Senate File 396 as follows:

2 1. Page 1, line 5, by striking the words "other
3 persons" and inserting in lieu thereof the words
4 "~~other persons~~ registered land surveyors".

5 2. Page 1, by striking lines 19 through 35 and
6 inserting in lieu thereof the following:

7 "Sec. 2. Section 355.7, Code 1981, is amended
8 by striking the section and inserting in lieu thereof
9 the following:

10 355.7 RECORD. The plat and record shall show
11 distinctly of what piece of land it is a survey, at
12 whose personal request it was made, the surveyor,
13 and the date of the survey. When land is resurveyed
14 or subdivided, the surveyor shall record the plat
15 no later than thirty days after completion of the
16 resurvey or subdivision. The cost of recordation
17 shall be paid to the county recorder by the surveyor
18 upon presentation of the plat for recordation. The
19 surveyor may charge the person requesting the resurvey
20 or subdivision the costs of recordation."

21 3. Page 2, by striking lines 1 through 6 and
22 inserting in lieu thereof the following new sections:

23 "Sec. ____ NEW SECTION. INDEXING OF PLATS BY
24 RECORDER. The county recorder shall index a submitted
25 plat by township, range, and section number. If the
26 plat is in a recorded subdivision, the county recorder
27 shall also index the plat alphabetically by subdivision
28 name.

29 Sec. ____ NEW SECTION. APPLICABILITY. This Act
30 applies to all agencies of the federal, state, county
31 and local government and to all persons engaged in
32 the private practice of land surveying.

33 Sec. ____ NEW SECTION. PENALTY UPON VIOLATION.
34 A person, including the responsible official of a
35 government agency, who willfully and knowingly violates
36 a provision of this Act is guilty of a misdemeanor
37 and, upon conviction, shall be fined not less than
38 twenty-five dollars nor more than two hundred and
39 fifty dollars."

40 4. Renumber and correct internal references as
41 required to conform to this amendment.

42 5. Amend title page, line 2, by inserting after
43 the word "land" the words "and providing a penalty".

S-3203 FILED
MARCH 18, 1981

BY NORMAN J. GOODWIN

*Adopted as amended by 5064-5065
2/4/82 (p. 288)*

SENATE FILE 396

S-5061

1 Amend the Senate amendment, S-3203, to Senate File
2 396 as follows:

3 1. Page 1, line 20, by inserting after the word
4 "recordation." the words "However, preparation and
5 recordation of the plat shall not be required unless
6 the survey was made for either of the following
7 purposes:

8 1. To correct boundary descriptions of surveyed
9 land.

10 2. To subdivide the land."

S-5061 FILED & WITHDRAWN
FEBRUARY 4, 1982 (p. 288)

BY EDGAR H. HOLDEN

SENATE FILE 396

S-5064

1 Amend the Goodwin amendment S-3203 to Senate File
2 396 as follows:

3 1. Page 1, by striking lines '33 through 39.

S-5064 FILED & ADOPTED
FEBRUARY 4, 1982 (p. 288)

BY LUCAS J. DeKOSTER

SENATE FILE 396

S-5065

1 Amend the Senate amendment, S-3203, to Senate File
2 396 as follows:

3 1. Page 1, line 20, by inserting after the word
4 "recordation." the words "However, preparation and
5 recordation of the plat shall not be required unless
6 the survey was made for either of the following
7 purposes:

8 1. To correct boundaries and descriptions of
9 surveyed land.

10 2. To subdivide the land."

S-5065 FILED & ADOPTED
FEBRUARY 4, 1982 (p. 288)

BY EDGAR H. HOLDEN

H. R. By Court. 2/10/82 (p. 317)

County G

Amended from 5404 r B. Pass 3/12/82 (p. 819)

SENATE FILE

396

BY COMMITTEE ON COUNTY GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 4, 1982)

Re Passed Senate, Date 4-12-82 (p. 1134) Passed House, Date 3-29-82 (p. 1056)

Vote: Ayes 47 Nays 0 Vote: Ayes 88 Nays 0

Approved April 30, 1982

A BILL FOR

1 An Act relating to the platting and recording of resurveyed
2 or subdivided land and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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————— = New Language
by the Senate

1 Section 1. Section 355.4, Code 1981, is amended to read
2 as follows:

3 355.4 RULES TO BE FOLLOWED. In the resurvey and
4 subdivision of land by county surveyors, their deputies or
5 other-persons registered land surveyors, the rules prescribed
6 by the Acts of Congress, and the instructions of the secretary
7 of the interior, copies of which shall be furnished ~~him~~ by
8 the county, shall be ~~in-all-respects~~ followed. Likewise,
9 in preparing the plat of the resurvey or subdivision of land,
10 the provisions of section 409.31, subsections 2, 6, 9, 10,
11 11, and 12 shall be followed. When the survey has been
12 completed, the surveyor shall attach a statement that the
13 plat was prepared by the surveyor or under the surveyor's
14 personal supervision. The statement shall be dated and signed
15 by the surveyor. It shall bear the surveyor's Iowa
16 registration number or seal and shall show the date of the
17 survey and the location of the resurveyed or subdivided land
18 within the quarter section as described in the record of the
19 original survey of the same land.

20 Sec. 2. Section 355.7, Code 1981, is amended by striking
21 the section and inserting in lieu thereof the following:

22 355.7 RECORD. The plat and record shall show distinctly
23 of what piece of land it is a survey, at whose personal request
24 it was made, the surveyor, and the date of the survey. When
25 land is resurveyed or subdivided, the surveyor shall record
26 the plat no later than thirty days after completion of the
27 resurvey or subdivision. The cost of recordation shall be
28 paid to the county recorder by the surveyor upon presentation
29 of the plat for recordation. The surveyor may charge the
30 person requesting the resurvey or subdivision the costs of
31 recordation. However, preparation and recordation of the
32 plat shall not be required unless the survey was made for
33 either of the following purposes:

34 1. To correct boundaries and descriptions of surveyed
35 land.

1 2. To subdivide the land.

2 Sec. 3. NEW SECTION. INDEXING OF PLATS BY RECORDER.

3 The county recorder shall index a submitted plat by township,
4 range, and section number. If the plat is in a recorded
5 subdivision, the county recorder shall also index the plat
6 alphabetically by subdivision name.

59467 Sec. 4. NEW SECTION. APPLICABILITY. This Act applies

8 to all agencies of the federal, state, county and local
9 government and to all persons engaged in the private practice
10 of land surveying.

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HOUSE AMENDMENT TO SENATE FILE 396

S-5428

1 Amend Senate File 396 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 1 the following:
4 "As used in this section, "subdivide" means dividing
5 of land into two or more parcels."

6 2. Page 2, by striking line 7 and inserting in
7 lieu thereof the following:

8 "Sec. _____. Section 409.1, Code 1981, is amended
9 by adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. A lot resulting from
11 an act of subdivision otherwise subject to the
12 requirements of this section is exempt from those
13 requirements where all of the following conditions
14 exist:

15 1. The parcel being subdivided has been improved
16 by a group of structures capable of use for dwelling,
17 commercial, manufacturing, processing or agricultural
18 purposes, independently of any other group of
19 structures on the parcel capable of one of those uses.

20 2. Both groups of structures were in existence
21 on the land, or construction of them was begun on
22 the land before July 1, 1976.

23 3. The act of subdivision causes the inclusion
24 of any of the groups of structures on the lot.
25 Upon request by a proprietor, the county assessor
26 shall certify that a particular group of structures
27 was in existence on the land, or construction of them
28 was begun on the land before July 1, 1976. As used
29 in this paragraph, "group" and "groups" includes one
30 or more structures.

31 Sec. _____. NEW SECTION. APPLICABILITY. Sections
32 1 through 3 of this Act apply."

33 2. Renumber as necessary.

S-5428 FILED
MARCH 31, 1982

RECEIVED FROM THE HOUSE

Senate concurred 4/12 (p. 1134)

SENATE FILE 396

H-5287

- 1 Amend Senate File 396 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 1 the following:
- 4 "As used in this section, "subdivide" means dividing
- 5 of land into two or more parcels."

H-5287 FILED MARCH 2, 1982

BY SWEARINGEN of Keokuk

Adopted 3/29 (p. 1056)

SENATE FILE 396

H-5404

- 1 Amend Senate File 396 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking line 7 and inserting in
- 4 lieu thereof the following:
- 5 "Sec. ____ Section 409.1, Code 1981, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. A lot resulting from
- 8 an act of subdivision otherwise subject to the
- 9 requirements of this section is exempt from those
- 10 requirements where all of the following conditions
- 11 exist:
- 12 1. The parcel being subdivided has been improved
- 13 by a group of structures capable of use for dwelling,
- 14 commercial, manufacturing, processing or agricultural
- 15 purposes, independently of any other group of
- 16 structures on the parcel capable of one of those uses.
- 17 2. Both groups of structures were in existence
- 18 on the land, or construction of them was begun on
- 19 the land before July 1, 1976.
- 20 3. The act of subdivision causes the inclusion
- 21 of any of the groups of structures on the lot.
- 22 Upon request by a proprietor, the city or county
- 23 assessor shall certify that a particular group of
- 24 structures was in existence on the land, or
- 25 construction of them was begun on the land before
- 26 July 1, 1976. As used in this paragraph, "group"
- 27 and "groups" includes one or more structures.
- 28 Sec. ____ NEW SECTION. APPLICABILITY. Sections
- 29 1 through 3 of this Act apply".
- 30 2. Renumber as necessary.

H-5404 FILED MARCH 12, 1982

BY COMMITTEE ON COUNTY GOVERNMENT

Adopted as amended by 5466
3/29 (p. 1056)

DANKER, Chair

SENATE FILE 396

H-5466

- 1 Amend amendment H-5404 to Senate File 396 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, line 22, by striking the words "city or".

H-5466 FILED MARCH 17, 1982

BY HANSON of Delaware

Adopted 3/29 (p. 1056)



H-5096

1 Amend Senate File 396 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by striking line 7 and inserting in
4 lieu thereof the following:

5 "Sec. ____ . Section 409.1, Code 1981, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. A lot resulting from
8 an act of subdivision otherwise subject to the
9 requirements of this section is exempt from those
10 requirements where all of the following conditions
11 exist:

12 1. The parcel being subdivided has been improved
13 by a group of structures capable of use for dwelling,
14 commercial, manufacturing, processing or agricultural
15 purposes, independently of any other group of
16 structures on the parcel capable of one of those uses.

17 2. Both groups of structures were in existence
18 on the land, or construction of them was begun on
19 the land before July 1, 1976.

20 3. The act of subdivision causes the inclusion
21 of any of the groups of structures on the lot.
22 Upon request by a proprietor, the city or county
23 assessor shall certify that a particular group of
24 structures was in existence on the land, or
25 construction of them was begun on the land before
26 July 1, 1976. As used in this paragraph, "group"
27 and "groups" includes one or more structures.

28 Sec. ____ . NEW SECTION. APPLICABILITY. Sections
29 1 through 3 of this Act apply".

30 2. Renumber as necessary.

H-5096 FILED FEBRUARY 11, 1982 BY HARBOR of Mills

Placed out of order 3/29 (g. 1056)

SENATE FILE 396



H-5104

1 Amend the House amendment, H-5096, to Senate File
2 396, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 27 the
5 following:

6 "This subsection does not apply when a tract or
7 parcel of land is used exclusively for farming
8 purposes. As used in this subsection, "farming" means
9 the cultivation of crops or the raising of livestock."

H-5104 FILED FEBRUARY 11, 1982 BY COREY of Louisa

Placed out of order 3/29 (g. 1056)

SENATE FILE 396

AN ACT

RELATING TO THE PLATTING AND RECORDING OF RESURVEYED OR
SUBDIVIDED LAND AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 355.4, Code 1981, is amended to read as follows:

355.4 RULES TO BE FOLLOWED. In the resurvey and subdivision of land by county surveyors, their deputies or ~~other persons~~ registered land surveyors, the rules prescribed by the Acts of Congress, and the instructions of the secretary of the interior, copies of which shall be furnished him by the county, shall be ~~in all respects~~ followed. Likewise, in preparing the plat of the resurvey or subdivision of land, the provisions of section 409.31, subsections 2, 6, 9, 10, 11, and 12 shall be followed. When the survey has been completed, the surveyor shall attach a statement that the plat was prepared by the surveyor or under the surveyor's personal supervision. The statement shall be dated and signed by the surveyor. It shall bear the surveyor's Iowa registration number or seal and shall show the date of the survey and the location of the resurveyed or subdivided land within the quarter section as described in the record of the original survey of the same land.

Sec. 2. Section 355.7, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

355.7 RECORD. The plat and record shall show distinctly of what piece of land it is a survey, at whose personal request it was made, the surveyor, and the date of the survey. When land is resurveyed or subdivided, the surveyor shall record the plat no later than thirty days after completion of the

resurvey or subdivision. The cost of recordation shall be paid to the county recorder by the surveyor upon presentation of the plat for recordation. The surveyor may charge the person requesting the resurvey or subdivision the costs of recordation. However, preparation and recordation of the plat shall not be required unless the survey was made for either of the following purposes:

1. To correct boundaries and descriptions of surveyed land.
2. To subdivide the land.

As used in this section, "subdivide" means dividing of land into two or more parcels.

Sec. 3. NEW SECTION. INDEXING OF PLATS BY RECORDER. The county recorder shall index a submitted plat by township, range, and section number. If the plat is in a recorded subdivision, the county recorder shall also index the plat alphabetically by subdivision name.

Sec. 4. Section 409.1, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A lot resulting from an act of subdivision otherwise subject to the requirements of this section is exempt from those requirements where all of the following conditions exist:

1. The parcel being subdivided has been improved by a group of structures capable of use for dwelling, commercial, manufacturing, processing or agricultural purposes, independently of any other group of structures on the parcel capable of one of those uses.
2. Both groups of structures were in existence on the land, or construction of them was begun on the land before July 1, 1976.
3. The act of subdivision causes the inclusion of any of the groups of structures on the lot. Upon request by a proprietor, the county assessor shall certify that a particular group of structures was in existence on

the land, or construction of them was begun on the land before July 1, 1976. As used in this paragraph, "group" and "groups" includes one or more structures.

Sec. 5. NEW SECTION. APPLICABILITY. Sections 1 through 3 of this Act apply to all agencies of the federal, state, county and local government and to all persons engaged in the private practice of land surveying.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 396, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 30, 1982

ROBERT D. RAY
Governor