

FILED MAR 4 1988

SENATE FILE 2299
BY COMMITTEE ON LOCAL GOVERNMENT

Approved (p. 442)
(formerly SSB 2201)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 1 An Act relating to the survey of land including the practice of
- 2 land surveying and the preparation, recording, and vacation of
- 3 plats, and subjecting violators to civil penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2299

S-5332

1 Amend Senate File 2299 as follows:
 2 1. Page 4, line 5, by inserting after the word
 3 "survey." the following: "However, a plat of survey
 4 shall not be required for land surveys requested by a
 5 landowner or another person for the purpose of staking
 6 the location of easements or property boundaries or
 7 for any other purpose which is not directly related to
 8 correcting boundaries and descriptions of land or to
 9 the division of land."

S-5332

Filed March 11, 1988

BY EDGAR H. HOLDEN

19
 20
 21
 22
 23
 24
 25

1 Section 1. NEW SECTION. 114A.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise
3 requires:

4 1. "Corner" means a point at which two or more lines meet.

5 2. "Division" means dividing a tract or parcel of land
6 into two parcels of land by conveyance or for tax purposes.

7 3. "Government lot" means a tract numbered within a
8 section of land which does not conform to an aliquot part, as
9 shown on the township plat of the United States public land
10 survey system.

11 4. "Land surveying" means surveying of areas of land to
12 establish their correct description and determination and for
13 conveyancing, and for the establishment or reestablishment of
14 land boundaries and the platting of land and subdivisions of
15 land.

16 5. "Land surveyor" or "surveyor" means a person who
17 engages in the practice of land surveying.

18 6. "Lot" means a parcel of land or a subdivision of a city
19 block, represented and identified by a recorded plat.

20 7. "Meander line" means a traverse of the margin of a body
21 of water. A meander line locates the margin of the body of
22 water and does not ordinarily determine or fix boundaries.

23 8. "Monument" means a physical structure which marks the
24 location of a corner or other survey point.

25 9. "Plat of survey" means a graphical representation of a
26 survey of one or more parcels of land prepared by a registered
27 land surveyor including a complete and accurate description of
28 each parcel within the plat.

29 10. "Subdivision" means a dividing of a tract of land into
30 three or more parcels of land.

31 11. "Subdivision plat" means a graphical representation of
32 the subdivision of land prepared by a registered land surveyor
33 having a number or letter designation for each lot within the
34 plat and a succinct name or title that is unique for the
35 county where the land is located.

1 Sec. 2. NEW SECTION. 114A.2 APPLICABILITY.

2 This chapter applies to all agencies of the United States
3 government, this state, or a political subdivision of this
4 state and to all persons engaged in the practice of land
5 surveying.

6 Sec. 3. NEW SECTION. 114A.3 FEDERAL RULES.

7 In the survey, resurvey, and subdivision of land by
8 registered land surveyors, the rules prescribed by the federal
9 law, and the orders or instructions of the United States
10 secretary of the interior shall be followed.

11 Sec. 4. NEW SECTION. 114A.4 BOUNDARY LOCATION.

12 A land survey shall be made in accordance with the legal
13 description. The surveyor shall acquire data necessary to
14 retrace record title boundaries, center lines, and other
15 boundary line locations, including boundaries established
16 under chapter 650. The surveyor shall analyze the data and
17 make a careful determination of the position of the boundaries
18 of the parcel or tract of land being surveyed. The surveyor
19 shall make a field survey, locating and connecting monuments
20 necessary for location of the parcel or tract and coordinate
21 the facts of the survey with the analysis. The surveyor shall
22 place monuments marking the corners of the parcel or tract
23 unless monuments already exist at the corners.

24 Sec. 5. NEW SECTION. 114A.5 MEASUREMENTS.

25 1. Measurements shall be made with instruments and methods
26 capable of attaining the required accuracy for the particular
27 problem involved.

28 2. Measurements as placed on plats shall be in conformance
29 with the capabilities of the instruments used.

30 3. In a closed traverse, the sum of the measured angles
31 shall agree with the theoretical sum by a difference not
32 greater than thirty seconds times the square root of the
33 number of angles.

34 4. Distances shall be shown in decimal feet or meters in
35 accordance with the definition of the international foot or

1 meter. Distance measurements shall refer to the horizontal
2 plane.

3 Sec. 6. NEW SECTION. 114A.6 MONUMENTATION.

4 1. The surveyor shall confirm the prior establishment of
5 control monuments at each controlling corner on the boundaries
6 of the parcel or tract of land being surveyed. If no control
7 monuments exist, the surveyor shall place the monuments.

8 Control monuments shall be constructed of reasonably permanent
9 material solidly embedded in the ground and capable of being
10 detected by commonly used magnetic or electronic equipment.

11 The surveyor shall affix a cap of reasonably inert material
12 bearing an embossed or stencil cut marking of the Iowa
13 registration number of the surveyor to the top of each
14 monument which the surveyor places.

15 2. Control monuments shall be placed at all of the
16 following locations:

17 a. At each corner and angle point of each lot, block or
18 parcel of land surveyed.

19 b. At each point of intersection of the outer boundary of
20 the survey with an existing or created right-of-way line of a
21 street, railroad, or other way.

22 c. At each point of curve, tangency, reversed curve, or
23 compounded curve on each right-of-way line established.

24 3. If the placement of a monument required by this chapter
25 at the prescribed location is impractical, a reference
26 monument shall be established near the prescribed location.
27 If a point requiring monumentation has been previously
28 monumented, the existence of the monument shall be confirmed
29 by the surveyor.

30 4. Only a minimum number of survey control monuments are
31 required to be placed before the recording of a subdivision if
32 the surveyor includes in the surveyor's statement that the
33 additional monuments shall be placed before a date specified
34 in the statement or within one year from the date the
35 subdivision is recorded, whichever date is earlier.

1 Sec. 7. NEW SECTION. 114A.7 PLATS OF SURVEY.

2 A plat of survey shall be made for each land survey
3 performed for the purpose of correcting boundaries and
4 descriptions of surveyed land, or for the division of land,
5 showing information developed by the survey. Each plat of
6 survey shall conform to the following provisions:

7 1. The original plat drawing shall remain the property of
8 the surveyor.

9 2. The size of each plat sheet shall not be less than
10 eight and one-half inches by eleven inches.

11 3. The scale of the plat drawing shall be clearly stated
12 and graphically illustrated by a bar scale on every plat
13 sheet.

14 4. An arrow indicating the northern direction shall be
15 shown on each plat sheet.

16 5. The plat shall show that the survey is tied to a
17 physically monumented land line which is identified by two
18 United States public land survey system corners, or by two
19 physically monumented corners of a recorded subdivision.

20 6. The plat shall show the length and bearing of the
21 boundaries of the parcels surveyed. The bearing shall be
22 referenced to a United States public land survey system land
23 line, or recorded subdivision line. If the boundary lines
24 show bearings, lengths, or locations which vary from those
25 recorded in deeds, abutting plats, or other instruments of
26 record, the following note shall be placed along the lines,
27 "recorded as (show recorded bearing, length, or location)".

28 7. The plat shall show and identify all monuments
29 necessary for the location of the parcel and shall indicate
30 whether the monuments were found or placed.

31 8. If United States public land survey system corners
32 control the land description, the corners shall be clearly
33 identified on the plat including a description of the
34 monumentation and shall indicate whether the monuments were
35 found or placed.

1 9. Control monuments shall be adequately described and
2 clearly identified on the plat and noted as found or placed.
3 If additional monuments are to be placed subsequent to the
4 recording of a subdivision as provided in section 114A.6, the
5 location of the additional monuments shall be shown on the
6 plat.

7 10. Distances shall be shown in decimal feet or meters in
8 accordance with the definition of the international foot or
9 meter. Distance measurements shall refer to the horizontal
10 plane.

11 11. The course of each boundary line shown on the plat
12 shall be indicated by a direct bearing reference or by an
13 angle between the boundary line and an intersecting line
14 having a shown bearing, except when the boundary line has an
15 irregular or constantly changing course, as along a body of
16 water, or when a description of the boundary line is better
17 achieved by measurements shown at points or intervals along a
18 meander line having a shown course. Bearings and angles shown
19 shall be given to at least the nearest minute of arc.

20 12. Curve data shall be stated in terms of radius, central
21 angle, and length of curve, and as otherwise specified by
22 local ordinance. In all cases, the curve data must be shown
23 for the line affected.

24 13. The minimum unadjusted acceptable error of closure
25 shall be one five-thousandth for an individual parcel.

26 14. If any part of the surveyed land is bounded by an
27 indefinite line, that part shall be enclosed by a meander line
28 showing complete data with distances along all lines extending
29 beyond the enclosure to the indefinite boundary, and shown
30 with as much certainty as can be determined or as "more or
31 less", if variable. In all cases, the true boundary shall be
32 clearly indicated on the plat.

33 15. The plat shall be captioned to show the date of the
34 survey, and shall be accompanied by a description of the
35 parcel.

1 16. The plat shall contain a statement by a registered
2 land surveyor that the work was done by the surveyor or under
3 the surveyor's direct personal supervision, and the surveyor's
4 Iowa registration number or legible seal.

5 Sec. 8. NEW SECTION. 114A.8 PLATS FOR SUBDIVISIONS.

6 A plat of a subdivision offered for record shall conform to
7 all of the following provisions where applicable:

8 1. The original plat drawing shall remain the property of
9 the surveyor.

10 2. The size of each plat sheet shall not be less than
11 eight and one-half inches by eleven inches.

12 3. If more than one sheet is used, each sheet shall
13 display both the number of the sheet and the total number of
14 sheets included in the plat, and clearly labeled match lines
15 indicating where the other sheets adjoin. An index sheet
16 shall be provided to show the relationship between the sheets.

17 4. The scale of the plat drawing shall be clearly stated
18 and graphically illustrated by a bar scale on every plat
19 sheet.

20 5. Each subdivision plat shall be designated, by name or
21 as otherwise prescribed, in bold letters inside the margin at
22 the top of each plat sheet.

23 6. An arrow indicating the northern direction shall be
24 shown on each plat sheet.

25 7. The plat shall show that the subdivision is tied to a
26 physically monumented land line which is identified by two
27 United States public land survey systems corners, or by two
28 physically monumented corners of a recorded subdivision.

29 8. The plat shall show the length and bearing of the
30 boundaries of the parcel surveyed. The bearing shall be
31 referenced to a United States public land survey system land
32 line, or recorded subdivision line. If the boundary lines
33 show bearings, lengths, or locations which vary from those
34 recorded in deeds, abutting plats, or other instruments of
35 record, the following note shall be placed along the lines,

1 "recorded as (show recorded bearing, length, or location)".

2 9. The plat shall show and identify all monuments
3 necessary for the location of the tract and shall indicate
4 whether the monuments were found or placed.

5 10. If United States public land survey system corners
6 control the land description, the corners shall be clearly
7 identified on the plat including a description of the
8 monumentation and shall indicate whether the monuments were
9 found or placed.

10 11. Control monuments shall be adequately described and
11 clearly identified on the plat and noted as found or placed.
12 If additional monuments are to be placed subsequent to the
13 recording of a subdivision as provided in section 114A.6, the
14 location of the additional monuments shall be shown on the
15 plat.

16 12. Survey data shall be shown to positively describe the
17 bounds of every lot, block, street, easement, or other areas
18 shown on the plat, and the boundaries of the surveyed lands.

19 13. Distances shall be shown in feet to the nearest one-
20 hundredth of a foot, or meters to the nearest one-thousandth
21 of a meter, and in accordance with the definition of the
22 international foot or meter. Measurements shall refer to the
23 horizontal plane.

24 14. The course of each boundary line shown on the plat
25 shall be indicated by a direct bearing reference or by an
26 angle between the boundary line and an intersecting line
27 having a shown bearing, except when the boundary line has an
28 irregular or constantly changing course, as along a body of
29 water, or when a description of the boundary line is better
30 achieved by measurements shown at points or intervals along a
31 meander line having a shown course. Bearings and angles shown
32 shall be given to at least the nearest minute of arc.

33 15. Curve data shall be stated in terms of radius, central
34 angle, and length of curve, and unless otherwise specified by
35 local ordinance curve data for streets of uniform width may be

1 shown only with reference to the center line, and lots
2 fronting on the curves may show only the chord bearing and
3 distance of the part of the curve as is included in their
4 boundary. In all other cases, the curve data must be shown
5 for the line affected.

6 16. The minimum unadjusted acceptable error of closure for
7 subdivision boundaries shall be one ten-thousandth and for an
8 individual lot shall be one five-thousandth.

9 17. If any part of the surveyed land is bounded by an
10 indefinite line, that part shall be enclosed by a meander line
11 showing complete data with distances along all lines extending
12 beyond the enclosure to the indefinite boundary, and shown
13 with as much certainty as can be determined or as "more or
14 less", if variable. In all cases, the true boundary shall be
15 clearly indicated on the plat.

16 18. Interior excepted parcels, shall be clearly indicated
17 and labeled, "not a part of this survey (or subdivision)".

18 19. Adjoining properties shall be identified, and if the
19 adjoining properties are a part of a recorded subdivision, the
20 name of that subdivision shall be shown. If the survey is a
21 resubdivision of a part or the whole of a previously recorded
22 subdivision, sufficient ties shall be shown to controlling
23 lines appearing on the earlier plat to permit a comparison to
24 be made. Resubdivision shall be labeled as a resubdivision in
25 a subtitle following the name of the subdivision where the
26 name appears on the plat.

27 20. The purpose of any easement shown on the plat shall be
28 clearly stated. Only easements pertaining to public utilities
29 including gas, power, telephone, water, sewer, and drainage
30 easements as deemed necessary for the orderly development of
31 the land encompassed within the plat shall be shown. All
32 easements shall be approved by the governing or jurisdictional
33 body relative to their usage and maintenance prior to the
34 recording of the plat.

35 21. A strip of land shall not be reserved by the

1 subdivider unless the land is of sufficient size and shape to
2 be of practical use or service as determined by the governing
3 body.

4 22. The purpose of areas dedicated to the public shall be
5 clearly indicated on the plat.

6 23. The plat shall contain a statement by a registered
7 land surveyor that the plat was prepared by the surveyor or
8 under the surveyor's direct personal supervision and shall be
9 signed and dated by the surveyor and bear the surveyor's Iowa
10 registration number or legible seal.

11 Sec. 9. NEW SECTION. 114A.9 DESCRIPTIONS.

12 A description defining land boundaries written for
13 conveyance or other purposes shall be complete, providing
14 definite and unequivocal identification of lines or
15 boundaries. The description shall contain dimensions
16 sufficient to enable the description to be platted and
17 retraced and shall describe the land surveyed either by
18 government lot or by quarter-quarter section or by quarter
19 section and shall identify the section, township, range, and
20 county, and by metes and bounds commencing with a corner
21 marked and established in the United States public land survey
22 system. If the land is located in a recorded subdivision or
23 recorded addition to a subdivision, the description shall
24 contain the number or other description of the lot, block, or
25 other part which has been previously tied to a corner marked
26 and established by the United States public land survey
27 system. If the parcel is described by metes and bounds, the
28 parcel may be referenced to known lot or block corners in
29 recorded subdivisions or additions.

30 Sec. 10. NEW SECTION. 114A.10 RECORD.

31 1. If the survey was made for any of the following
32 purposes, the surveyor shall record a plat and description
33 with the county recorder no later than thirty days after
34 signature on the plat by the registered land surveyor;
35 however, the thirty-day requirement does not apply to

1 subdivision plats:

2 a. To correct boundaries and descriptions of land.

3 b. To divide or subdivide.

4 2. The plat and description shall show distinctly the land
5 area being surveyed, the surveyor, and the date of the survey.

6 Sec. 11. NEW SECTION. 114A.11 UNITED STATES PUBLIC LAND
7 SURVEY CORNER CERTIFICATE.

8 1. A United States public land survey corner certificate
9 shall be prepared as part of any land surveying which includes
10 the use of a United States public land survey system corner,
11 having a status of a corner of a quarter-quarter section or
12 larger aliquot part of a section, if one or more of the
13 following conditions exist:

14 a. There is no certificate for the corner on file with the
15 county recorder of the county in which the corner is located.

16 b. The surveyor in responsible charge of the land
17 surveying accepts a corner position which differs from that
18 shown on the public records of the county in which the corner
19 is located.

20 c. The corner monument is replaced or modified in any way.

21 d. The reference ties referred to in an existing public
22 record are not correct.

23 2. The surveyor shall record the required certificate with
24 the county recorder, with a copy to the county engineer, of
25 the county in which the corner is located within thirty days
26 after completion of the surveying. The certificate shall
27 comply with the following requirements:

28 a. The size of the sheet or sheets making up the
29 certificate shall be eight and one-half inches by eleven
30 inches.

31 b. The identity of the corner, with reference to the
32 United States public land survey system, shall be clearly
33 indicated.

34 c. The certificate shall contain narrative explaining the
35 reason for preparing the certificate, the evidence and

1 detailed procedures used in establishing the corner position,
2 and the monumentation found or placed perpetuating the corner
3 position including reference monumentation.

4 d. The certificate shall contain a plan view site drawing
5 depicting the relevant monuments, physical surroundings, and
6 reference ties in sufficient detail to enable recovery of the
7 corner.

8 e. The certificate shall contain at least three reference
9 ties, measured to the nearest hundredth of a foot from the
10 corner to durable physical objects near the corner, which are
11 located so that the intersection of any two of the ties will
12 yield a strong corner position recovery.

13 f. The certificate shall contain a statement by a
14 registered land surveyor that the certificate was prepared by
15 the surveyor or under the surveyor's direct personal
16 supervision and shall be signed and dated by the surveyor and
17 bear the surveyor's Iowa registration number or seal.

18 Sec. 12. NEW SECTION. 114A.12 INDEXING OF SURVEY
19 DOCUMENTS BY RECORDER.

20 The county recorder shall index survey documents by
21 township, range, and section number. If the survey is in a
22 recorded subdivision, the county recorder shall also index the
23 document alphabetically by subdivision name.

24 Sec. 13. NEW SECTION. 114A.13 SURVEYS AUTHORIZED BY THE
25 UNITED STATES GOVERNMENT.

26 1. A person employed in the execution of a survey
27 authorized by the United States government may enter upon
28 lands within this state for the purpose of exploring,
29 triangulating, leveling, surveying, and doing any other work
30 necessary to carry out the objects of laws relative to
31 surveys, and may establish permanent station marks, and erect
32 the necessary signals and temporary observatories, doing no
33 unnecessary injury thereby.

34 2. If the parties interested cannot agree upon the amount
35 to be paid for damages caused pursuant to subsection 1, either

1 of them may petition the district court in the county in which
2 the land is situated and the district court shall appoint a
3 time for a hearing. The district court shall order at least
4 twenty days' notice to be given to all interested parties,
5 and, with or without a view of the premises, hear the parties
6 and their witnesses and assess damages.

7 3. The person entering upon land may tender to the injured
8 party damages caused pursuant to subsection 1, and if, in case
9 of petition or complaint to the district court, the damages
10 finally assessed do not exceed the amount tendered, the person
11 entering shall recover costs. In other cases, the prevailing
12 party shall recover costs.

13 4. The costs to be allowed in cases taken pursuant to this
14 section shall be the same as allowed according to the rules of
15 the court and provisions of law relating to costs.

16 Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS -- DEFACE-
17 MENT.

18 If a person willfully defaces, injures, or removes a
19 signal, monument, building, or other property of the United
20 States national geodetic survey, or the United States
21 geological survey, constructed or used under or by virtue of
22 the federal law, the person is subject to a civil penalty not
23 exceeding fifty dollars for each offense, and is liable for
24 damages sustained by the United States in consequence of the
25 defacing, injury, or removal, to be recovered in a civil
26 action in any court of competent jurisdiction.

27 Sec. 15. NEW SECTION. 409A.1 DEFINITIONS.

28 As used by this chapter, unless the context clearly
29 indicates otherwise:

30 1. "Aliquot part" means a fractional part of a section
31 within the United States public land survey system. Only the
32 fractional parts one-half, one-quarter, one-half of one-
33 quarter, or one-quarter of one-quarter shall be considered an
34 aliquot part of a section. A forty-acre aliquot part means
35 one-quarter of one-quarter of a section.

- 1 2. "Auditor's plat" means a subdivision plat required by
2 either the auditor or the assessor, prepared by a surveyor
3 under the direction of the auditor.
- 4 3. "Conveyance" means an instrument filed with a recorder
5 as evidence of the transfer of title to land, including any
6 form of deed or contract.
- 7 4. "Division" means dividing a tract or parcel of land
8 into two parcels of land by conveyance or for tax purposes.
- 9 5. "Governing body" means a city council or the board of
10 supervisors, within whose jurisdiction the land is located,
11 which has adopted ordinances regulating the division of land.
- 12 6. "Government lot" means a tract numbered within a
13 section of land which do not conform to an aliquot part as
14 shown on the township plat of the United States public land
15 survey system.
- 16 7. "Lot" means a tract represented and identified by
17 number or letter designation on an official plat.
- 18 8. "Metes and bounds description" means a description of
19 land that uses dimensions and angles, uses dimensions and
20 bearings, or describes the boundaries of the parcel by
21 reference to physical features of the land.
- 22 9. "Official plat" means either an auditor's plat or a
23 subdivision plat that meets the requirements of this chapter
24 and has been filed for record in the offices of the recorder,
25 auditor, and assessor.
- 26 10. "Parcel" means a part of a tract of land.
- 27 11. "Parcel identification number" means a unique number
28 or combination of numbers assigned to a parcel of land as a
29 means of identifying individual parcels for the purpose of
30 data entry on a computerized system.
- 31 12. "Plat of survey" means the graphical representation of
32 a survey of one or more parcels of land prepared by a
33 registered land surveyor, including a complete and accurate
34 description of each parcel within the plat.
- 35 13. "Proprietor" means a person who has an ownership

1 interest in land, including a person selling or buying land
2 pursuant to a contract, but excluding a person holding a
3 mortgage, easement, or lien interest.

4 14. "Subdivision" means dividing a tract of land into
5 three or more parcels of land.

6 15. "Subdivision plat" means the graphical representation
7 of the subdivision of land prepared by a registered land
8 surveyor having a number or letter designation for each lot
9 within the plat and a succinct name or title that is unique
10 for the county where the land is located.

11 16. "Surveyor" means a registered land surveyor who
12 engages in the practice of land surveying pursuant to chapter
13 114A.

14 17. "Tract" means an aliquot part of a section, a lot
15 within an official plat, or a government lot.

16 Sec. 16. NEW SECTION. 409A.2 COVENANT OF WARRANTY.

17 The duty to file for record a plat as provided in sections
18 409A.3 and 409A.5 attaches as a covenant of warranty in all
19 conveyances by the original grantor against all assessments,
20 costs, and damages paid, lost, or incurred by a grantee or
21 person claiming under a grantee, in consequence of the
22 omission on the part of the grantor to file the plat. A
23 conveyance of land is deemed to be a warranty that the
24 description contained in the conveyance is sufficiently
25 accurate for the purposes of assessment, taxation, and entry
26 on the transfer books and plat books required to be kept by
27 the auditor.

28 A conveyance in violation of this chapter may be filed and
29 indexed in the recorder's office under section 558.55, but the
30 conveyance shall not be entered on the transfer books of the
31 auditor's office or recorded by the recorder. The auditor
32 shall notify the grantor and the grantee that the conveyance
33 is in violation of this section and demand compliance as
34 provided for in section 409A.12.

35 Sec. 17. NEW SECTION. 409A.3 DIVISIONS REQUIRING A PLAT

1 OF SURVEY.

2 1. The grantor of land that is divided using a metes and
3 bounds description shall have a plat of survey made of the
4 division. The grantor or the surveyor shall contact the
5 county auditor who, for the purpose of assessment and
6 taxation, shall review the division to determine whether the
7 survey shall include only the parcel being conveyed or both
8 the parcel being conveyed and the remaining parcel. The plat
9 of survey shall be prepared in accordance with chapter 114A
10 and shall be recorded. The plat shall be clearly marked as a
11 plat of survey and shall include the following information for
12 each parcel included in the survey:

- 13 a. A parcel letter designation approved by the auditor.
- 14 b. The names of the proprietors.
- 15 c. An accurate description of each parcel.
- 16 d. The total acreage of each parcel.
- 17 e. The acreage of any portion lying within a public right-
18 of-way.

19 2. The auditor may also require a parcel identification
20 number to be shown for each parcel on the plat of survey at
21 the time of recording. The surveyor shall not assign parcel
22 letters or prepare metes and bounds descriptions for any
23 parcel shown on a plat of survey unless the parcel has been
24 surveyed by the surveyor following chapter 114A. Parcels
25 within a plat of survey prepared pursuant to this section are
26 subject to all regulations and ordinances of the governing
27 body.

28 3. If a parcel, described as part of the United States
29 public land survey system and not part of a recorded plat,
30 lies within more than a forty-acre aliquot part of a section,
31 the acreage shall be shown on the plat of survey for each
32 portion of the parcel that lies within each forty-acre aliquot
33 part of the section. The acreage shown on a plat of survey
34 shall be to the nearest one-hundredth of an acre.

35 4. This section applies to all agencies of the federal,

1 state, county, and local governments.

2 Sec. 18. NEW SECTION. 409A.4 CONVEYANCE ACCORDING TO
3 PLAT OF SURVEY.

4 1. A conveyance of a parcel shown on a plat of survey,
5 recorded pursuant to this chapter, may describe the parcel by
6 using the description provided on the plat of survey or by
7 reference to the parcel letter, and the book and page number
8 of the recorded plat of survey, including the lots of the
9 official plat or the section, township, and range in which the
10 parcel lies.

11 2. A description by reference to parcel letter, the book
12 and page number of the recorded plat of survey, including
13 either the lots of an official plat or the section, township,
14 and range, is valid for the purpose of conveyance or of
15 assessment and taxation.

16 Sec. 19. NEW SECTION. 409A.5 SUBDIVISION PLATS.

17 1. A subdivision plat shall be made when required by
18 ordinance of the governing body or when a tract of land is
19 subdivided by repeated divisions or simultaneous division into
20 three or more parcels, any of which are less than ten acres
21 and described by mete and bound descriptions for which no plat
22 of survey is recorded. A subdivision plat is not required
23 when land is divided by conveyance to a governmental agency
24 solely for public right-of-way purposes.

25 2. A subdivision plat shall have a succinct name or title
26 that is unique, as determined by the auditor, for the county
27 in which the plat lies. The plat shall include an accurate
28 description of the land included in the subdivision and shall
29 give reference to two section corners within the United States
30 public land survey system in which the plat lies or, if the
31 plat is a subdivision of an official plat, two established
32 monuments within the official plat. Each lot within the plat
33 shall be assigned a progressive number. All streets, alleys,
34 parks, open areas, school property, other areas of public use,
35 or areas within the plat that are set aside for future

1 development shall be assigned a progressive letter and shall
2 have the proposed use clearly designated. Progressive block
3 numbers or letters may be assigned to groups of lots separated
4 from other lots by streets or other physical features of the
5 land. The surveyor shall not assign lot numbers or letters to
6 a lot shown on a subdivision plat unless the lot has been
7 surveyed by the surveyor pursuant to chapter 114A. The
8 auditor may require a parcel identification number to be shown
9 for each lot within a subdivision at the time of recording.
10 Sufficient information, including dimensions and angles or
11 bearings, shall be shown on the plat to accurately establish
12 the boundaries of each lot, street, and easement.

13 If a subdivision plat, described as part of the United
14 States public land survey system and not part of a recorded
15 plat, lies within more than one forty acre aliquot part of a
16 section, the acreage shall be shown for the part of the
17 subdivision that lies within each forty acre aliquot part of
18 the section. The area of all irregular lots within the plat
19 shall be shown and may be expressed in either acres, to the
20 nearest one-hundredth of an acre, or square feet, to the
21 nearest ten square feet.

22 Sec. 20. NEW SECTION. 409A.6 CONVEYANCES ACCORDING TO
23 OFFICIAL PLAT.

24 A description of land by reference to lot number or letter
25 designation and block, if block designations are shown on the
26 plat, and the title or name of the official plat, is valid for
27 the purpose of conveyance or for the purpose of assessment and
28 taxation.

29 Sec. 21. NEW SECTION. 409A.7 REVIEW AND APPROVAL BY
30 GOVERNING BODIES.

31 A proposed subdivision plat, other than an auditor's plat,
32 shall be submitted to each governing body which has adopted
33 ordinances regulating the division of land and within whose
34 jurisdiction the land is located. The governing body, within
35 a reasonable time, shall review the plat using the standards

1 and conditions established by ordinance for the review and
2 approval of subdivision plats. The governing body shall not
3 require, as a standard or condition for approval, the
4 installation of sewers, water, and gas utilities unless
5 existing operational utilities are available for connection or
6 provisions are made for operational independent utility
7 systems.

8 If the subdivision plat conforms to the standards and
9 conditions established by the governing body by ordinance and
10 to this chapter and chapter 114A, the governing body, by
11 resolution, shall approve the plat and certify the resolution
12 which shall be recorded with the plat. The recorder shall
13 refuse to accept a subdivision plat presented for recording
14 without a resolution from each applicable governing body
15 approving the subdivision plat or waiving its right to review
16 the subdivision plat.

17 Sec. 22. NEW SECTION. 409A.8 REVIEW OF SUBDIVISION PLATS
18 WITHIN TWO MILES OF A CITY.

19 1. A city, having adopted ordinances regulating the
20 division of land, that desires to review subdivisions outside
21 the city's boundaries, shall describe, by ordinance
22 specifically referring to the authority of this section, the
23 area subject to the city's review and approval. The area
24 subject to the city's review may be identified by individual
25 tracts, by describing the boundaries of the area, or by
26 including all land within a certain distance of the city's
27 boundaries. The area subject to the city's review shall not
28 exceed more than two miles distance from the city's
29 boundaries. The ordinance establishing the area of review or
30 changing the area of review by a city, shall be recorded in
31 the office of the recorder and filed with the auditor.

32 2. If a subdivision within the corporate area of a county
33 having adopted ordinances regulating the division of land also
34 lies within the area of review established by one or more
35 cities which have met the requirements of this section, each

1 governing body shall review the subdivision for approval. The
2 standards and conditions for review and approval of the
3 subdivision shall be consistent with the standards and
4 conditions for review and approval of subdivisions within the
5 city limits or the standards and conditions for review and
6 approval established by agreement of the governing bodies
7 pursuant to chapter 28E.

8 3. If a subdivision lies within the jurisdiction of two or
9 more governing bodies, a governing body, by resolution, may
10 waive its right to review the subdivision or waive the
11 requirements of any of its standards or conditions for
12 approval of subdivisions, and certify the resolution which
13 shall be recorded with the plat.

14 Sec. 23. NEW SECTION. 409A.9 APPEAL OF REVIEW OR
15 DISAPPROVAL.

16 If, upon application for approval of a subdivision plat,
17 the applicant or a governing body is aggrieved by requirements
18 of a governing body as a condition of approval, or by denial
19 of the application, the applicant or the aggrieved governing
20 body may appeal to the district court within twenty days after
21 filing written notice of intent to appeal with the opposing
22 governing body. The appeal shall be tried de novo as an
23 equitable proceeding and accorded a preference in assignment
24 so as to assure its prompt disposition.

25 Sec. 24. NEW SECTION. 409A.10 ATTACHMENTS TO SUBDIVISION
26 PLATS.

27 A subdivision plat, other than an auditor's plat, that is
28 presented to the recorder for recording shall conform to
29 section 409A.5 and shall not be accepted by the recorder
30 unless accompanied by the following documents:

31 1. A statement by all proprietors and their spouses, if
32 any, that the plat is prepared with their free consent and in
33 accordance with their desire, signed and acknowledged before
34 an officer authorized to take the acknowledgment of deeds.
35 The statement by the proprietors may also include a dedication

1 to the public of all lands within the plat that are designated
2 for streets, alleys, parks, open areas, school property, or
3 other public use, but only if the dedication is approved by
4 the governing body.

5 2. A statement from all mortgage holders or lienholders,
6 if any, that the plat is prepared with their free consent and
7 in accordance with their desire, signed and acknowledged
8 before an officer authorized to take the acknowledgment of
9 deeds. An affidavit and bond as provided for in section
10 409A.11, may be recorded in lieu of the consent of the
11 mortgage holder or lienholder. When a mortgage holder or
12 lienholder consents to the subdivision, a release of mortgage
13 or lien shall be recorded for any areas conveyed or dedicated
14 to a governing body or to the public.

15 3. An opinion by an attorney-at-law who has reviewed the
16 abstract of title of the land being platted. The opinion
17 shall state the names of all the proprietors of the land and
18 shall state all encumbrances, if any.

19 4. A certified resolution by each governing body as
20 required by sections 409A.7 and 409A.8, either approving the
21 subdivision or waiving the right to review.

22 5. A certified statement from the county treasurer that
23 the land is free from taxes and special assessments or that
24 the land is free from taxes and that any special assessment is
25 secured by bond as provided for in section 409A.11.

26 6. A certified statement from the recorder that the land
27 is free from encumbrances of record in the recorder's office,
28 other than mortgages, or those secured by bond as provided for
29 in section 409A.11.

30 7. A certified statement from the clerk of the district
31 court that the land is free from all judgments, attachments,
32 mechanics' and other liens of record in the clerk's office, or
33 that the land is free from all judgments, attachments,
34 mechanics' and other liens, other than those secured by bond
35 as provided for in section 409A.11.

1 A subdivision plat which includes no land that is set apart
2 for streets, alleys, parks, open areas, school property, or
3 public use other than utility easements, shall be accompanied
4 by the documents listed in subsections 1, 2, 3, and 4 and may
5 exclude the documents listed in subsections 5, 6, and 7, if an
6 affidavit by an attorney-at-law is attached to the plat
7 stating the nature and amount of the liens that exist on the
8 land included in the plat.

9 Sec. 25. NEW SECTION. 409A.11 BONDS TO SECURE LIENS.

10 A bond for double the amount of the lien shall be secured
11 and recorded if a lien exists on the land included in a
12 subdivision plat and the required consent of the lienholder is
13 not attached for one of the following reasons:

14 1. The lienholder cannot be found, in which case an
15 affidavit by the proprietor stating that the lienholder could
16 not be found shall be recorded with the bond.

17 2. The lienholder will not accept payment or cannot,
18 because of the nature of the lien, accept payment in full of
19 the lien, in which case an affidavit by the lienholder stating
20 that payment of the lien was offered but refused shall be
21 reported with the bond.

22 The bond shall run to the county and be for the benefit of
23 purchasers of lots within the plat and shall be conditioned
24 for the payment and cancellation of the debt as soon as
25 practicable.

26 Sec. 26. NEW SECTION. 409A.12 AUDITOR'S PLATS AND PLATS
27 OF SURVEY.

28 If a tract is divided or subdivided in violation of this
29 chapter or the descriptions of one or more parcels within a
30 tract are not sufficiently certain and accurate for the
31 purpose of assessment and taxation, as determined by the
32 auditor or the assessor, the auditor shall notify the
33 proprietors of all parcels within the tract for which no plat
34 has been recorded as required by this chapter, and demand that
35 a plat of survey or a subdivision plat be recorded as required

1 by this chapter. Notice shall be given by mail and a
2 certified copy of the notice shall be recorded. The auditor
3 shall also mail a copy of the notice to the applicable
4 governing bodies. If the proprietors fail, within thirty days
5 of the notice, to comply with the notice or file with the
6 auditor a statement of intent to comply, the auditor shall
7 contract with a surveyor to have a survey made of the property
8 and have a plat of survey or an auditor's plat recorded as
9 necessary to comply with this chapter. Upon receipt of a
10 statement of intent to comply, the auditor may extend the time
11 period for compliance up to one hundred twenty days.

12 Sec. 27. NEW SECTION. 409A.13 APPEAL OF NOTICE.

13 A proprietor aggrieved by a notice to plat by the auditor
14 may appeal to the district court within twenty days after the
15 notice is given. Upon appeal, the auditor shall take no
16 further action pending a decision of the district court. The
17 appeal shall be tried de novo as an equitable proceeding and
18 accorded a preference in assignment so as to assure its prompt
19 disposition.

20 Sec. 28. NEW SECTION. 409A.14 REVIEW OF AUDITOR'S PLATS.

21 A proposed auditor's plat shall be filed with each
22 applicable governing body which shall review the plat within a
23 reasonable time, and if it conforms to chapter 114A, the
24 governing body shall by resolution approve the plat and
25 certify the resolution to be recorded with the plat. The
26 governing body may state in the resolution whether the lots
27 within the auditor's plat meet the standards and conditions
28 established by ordinance for subdivision lots. The lots
29 within a recorded auditor's plat and parcels within a recorded
30 plat of survey prepared under section 409A.12 are individually
31 subject to all local regulations and ordinances. Approval of
32 an auditor's plat does not impose any liability on a governing
33 body to install or maintain public improvements or utilities
34 within the plat. Approval of an auditor's plat by a governing
35 body does not constitute a waiver of any ordinances requiring

1 a subdivision plat.

2 Sec. 29. NEW SECTION. 409A.15 ATTACHMENTS TO AUDITOR'S
3 PLATS AND PLATS OF SURVEY.

4 1. A plat of survey prepared pursuant to section 409A.12
5 shall be accompanied by a certified statement by the auditor
6 that the plat of survey was prepared at the direction of the
7 auditor because proprietors failed to file a plat.

8 2. An auditor's plat shall conform to section 409A.5, but
9 the plat is exempt from section 409A.10. An auditor's plat
10 presented to the recorder for recording shall be accompanied
11 by the following documents:

12 a. A certified statement by the auditor that the auditor's
13 plat was prepared at the direction of the auditor because the
14 proprietors failed to file a plat, that the plat was prepared
15 for assessment and taxation purposes, and that the recording
16 of the plat does not constitute a dedication or impose any
17 liability upon the state or any governmental agency.

18 b. A certified resolution by any affected governing body,
19 approving the plat or waiving the right to review.

20 c. A list for each lot within the plat of the proprietor's
21 names, the area, expressed in acreage or square feet, and the
22 book and page number of the recorded conveyance to the
23 proprietors or the legal description used in the instrument of
24 conveyance to the proprietors.

25 d. A certified statement by the auditor that no search was
26 made at the time of the recording of the plat to determine the
27 existence of any liens, mortgages, delinquent taxes, or
28 special assessments, that no search was made, other than the
29 records of the auditor's office, to establish title to the
30 property within the plat, and that the lots within the plat
31 are subject individually to all regulations and ordinances of
32 the applicable governing body.

33 Sec. 30. NEW SECTION. 409A.16 COSTS AND COLLECTION OF
34 COSTS.

35 The surveyor shall present to the auditor a statement of

1 the total cost of the surveying, platting, and recording of a
2 plat prepared pursuant to section 409A.12. The surveyor shall
3 also present a statement of the part of the total cost to be
4 assessed to each parcel included in the plat based on the time
5 involved in establishing the boundaries of each parcel. A
6 correct statement of the cost of a plat of survey or auditor's
7 plat shall be presented by the auditor to the board of
8 supervisors who shall allow the claim. The auditor shall
9 certify to the treasurer an assessment for the costs against
10 the land within the plat which shall be collected in the same
11 manner as general taxes, except that the board of supervisors,
12 by resolution, may establish not more than ten equal annual
13 installments and provide for interest on all unpaid
14 installments at a rate not to exceed that permitted by chapter
15 74A.

16 Sec. 31. NEW SECTION. 409A.17 RECORDING OF PLATS.

17 A plat of survey prepared pursuant to this chapter and a
18 subdivision plat with the required attachments shall be
19 recorded in the office of the county recorder, and an exact
20 copy of the plat shall be filed in the offices of the county
21 auditor and assessor. A replat of any part of an official
22 plat pursuant to section 409A.24, or a recorded subdivision
23 plat of any part of an official plat shall supersede that part
24 of the original official plat, including all unused public
25 utility easements.

26 The recorder shall examine each plat of survey and
27 subdivision plat to determine whether the plat is clearly
28 legible and whether the approval of the applicable governing
29 body and the other attachments required by this chapter are
30 presented with the plat. The recorder shall also keep a
31 reproducible copy of the plat from which legible copies can be
32 made. The recorder may specify the material and the size of
33 the plat that will be accepted for recording in order to
34 comply with this section. The recorder shall not accept for
35 recording a subdivision plat that violates this chapter.

1 Sec. 32. NEW SECTION. 409A.18 DEDICATION OF LAND.

2 An official plat which conforms to this chapter and has
3 attached to the plat a dedication by the proprietors to the
4 public and approval of the dedication by the governing body is
5 equivalent to a deed in fee simple from the proprietors to the
6 public of any land within the plat that is dedicated for
7 street, alley, walkway, park, open area, school property, or
8 other public use. An approved dedication of land for street
9 purposes by the proprietors establishes an easement for public
10 access whether or not a deed has been recorded or the
11 improvement of the street is complete. The recording of a
12 subdivision plat shall dedicate to the public any public
13 utility, sewer, drainage, access, walkway, or other public
14 easement shown on the plat.

15 The recording of an auditor's plat does not dedicate any
16 streets, alleys, parks, open areas, school property, public
17 improvements, or utilities. The failure to show the existence
18 of an easement or any public interest on the auditor's plat
19 does not remove or otherwise affect the interest.

20 Sec. 33. NEW SECTION. 409A.19 ACTION TO ANNUL PLATS.

21 If a plat is filed and recorded in violation of this
22 chapter, a governing body or a proprietor aggrieved by the
23 violation, after filing written notice with the proprietors
24 who joined in the acknowledgment of the plat or their
25 successors in interest, may institute a suit in equity in the
26 district court. The court may order the plat annulled except
27 as provided in section 409A.20.

28 Sec. 34. NEW SECTION. 409A.20 LIMITATION OF ACTIONS ON
29 OFFICIAL PLATS.

30 An action shall not be maintained, at law or in equity, in
31 any court, against a proprietor, based upon an omission of
32 data shown on an official plat or upon an omission, error, or
33 inconsistency in any of the documents required by this chapter
34 unless the action is commenced within ten years after the date
35 of recording of the official plat. Limitation of actions

1 based on claims other than those provided for in this section
2 shall be consistent with chapter 614.

3 Sec. 35. NEW SECTION. 409A.21 VACATION OF OFFICIAL
4 PLATS.

5 An official plat or part of an official plat may be vacated
6 by the proprietors of the land by recording the following
7 instruments in the office of the recorder where the official
8 plat is filed:

9 1. An instrument signed, executed, and acknowledged by all
10 the proprietors within the area of the official plat to be
11 vacated, declaring the plat to be vacated. The instrument
12 shall state the existing lot description for each proprietor
13 along with an accurate description to be used on conveyances
14 and for assessment and taxation purposes after the lots are
15 vacated.

16 2. A resolution following a public hearing or an ordinance
17 by the applicable governing body approving the vacation and
18 providing for the vacation of the areas within the plat
19 dedicated for public use and providing for the conveyance of
20 the land pursuant to section 409A.22.

21 3. A certified statement by the auditor that the vacated
22 part of the plat can be adequately described for assessment
23 and taxation purposes without reference to the vacated lots.

24 The recording of the instruments annuls the plat or part of
25 the plat so vacated, except that no part of this section
26 authorizes the closing or obstructing of public highways.

27 Sec. 36. NEW SECTION. 409A.22 VACATION OF STREETS OR
28 OTHER PUBLIC LANDS.

29 A city or a county may vacate any part of an official plat
30 that had been conveyed to the city or county or dedicated to
31 the public. The city or county shall vacate by resolution
32 following a public hearing or by ordinance and the vacating
33 instrument shall be recorded. The city or county may convey
34 the vacated property by deed or may convey the property to
35 adjoining proprietors through the vacation instrument. The

1 instrument shall include a list of adjoining proprietors to
2 whom the vacated property is being conveyed along with the
3 corresponding description of each parcel being conveyed. A
4 recorded vacation instrument which conforms to this section is
5 equivalent to a deed of conveyance and the instrument shall be
6 filed and indexed by the recorder and auditor.

7 A vacation instrument recorded pursuant to this section
8 does not operate to annul any part of an official plat except
9 as provided for in section 409A.21.

10 Sec. 37. NEW SECTION. 409A.23 ERROR ON OFFICIAL PLATS OR
11 PLATS OF SURVEY.

12 If an error or omission in the data shown on a recorded
13 plat is detected by subsequent examinations or revealed by
14 retracing the lines shown on the plat, the original surveyor
15 or two surveyors confirming the error through independent
16 surveys shall record an affidavit confirming that the error or
17 omission was made. The affidavit shall describe the nature
18 and extent of the error or omission and also describe the
19 corrections or additions to be made to the plat. The recorder
20 shall write across that part of the plat so corrected the word
21 "corrected", and note the book and page number of the recorded
22 affidavit. A copy of the recorded affidavit shall be filed
23 with the auditor and assessor. The affidavit has no effect on
24 the validity of the plat, or on the remaining original data
25 shown on the plat, but the affidavit is admissible as evidence
26 in a court and shall be given the same weight as testimony
27 offered voluntarily by an expert witness.

28 Sec. 38. NEW SECTION. 409A.24 SURVEY AND REPLAT OF
29 OFFICIAL PLATS.

30 A survey of an official plat shall conform as nearly as
31 possible to the original lot lines shown on the official plat.
32 The surveyor may summon witnesses, administer oaths, and
33 prepare affidavits and boundary line agreements as necessary
34 in order to establish the location of property lines or lot
35 lines. If a substantial error is discovered in an official

1 plat or if it is found to be materially defective, a
2 proprietor may petition the district court asking for a replat
3 of any part of the official plat. The court has jurisdiction
4 of the matter upon proof of publication of notice of the
5 petition once each week for at least two weeks in a newspaper
6 of general circulation within the area of the replat.

7 A replat of an official plat ordered by the district court
8 shall be prepared by a surveyor and have attached to the plat
9 a statement by the surveyor that the replat is prepared at the
10 direction of the district court. The costs of the replat
11 shall be presented to the auditor and assessed against the
12 property included in the replat as provided for in section
13 409A.16.

14 Sec. 39. NEW SECTION. 409A.25 CORRECTIONS OR CHANGES TO
15 PLATS.

16 A vacation, correction, or replatting as provided for in
17 this chapter, shall be recorded and an exact copy shall be
18 filed with the auditor and assessor. If a governing body
19 changes the addresses or street names shown on an official
20 plat, notice of the change shall be filed with the recorder,
21 auditor, and assessor. The recorder shall note the vacation,
22 correction, replatting, and street name or address change on
23 the margin of the official plat or upon an attachment to the
24 official plat for that purpose. The auditor shall make the
25 proper changes on the plats required to be kept by the
26 auditor.

27 Sec. 40. Section 117A.1, subsection 1, Code 1987, is
28 amended to read as follows:

29 1. "Subdivided land" means improved or unimproved land
30 divided or proposed to be divided for the purpose of sale or
31 lease into five or more lots or parcels, or additions thereto,
32 or parts thereof of lots or parcels; however, subdivided land
33 does not ~~apply to~~ include a subdivision subject to section
34 306.21 or chapter ~~409~~ 409A nor ~~to~~ the leasing of apartment
35 offices, stores, or similar space within an apartment

1 building, industrial building, or commercial building unless
2 an undivided interest in the land is granted as a condition
3 precedent to occupying space in the structure. Subdivided
4 land does not include subdivisions of land located within the
5 state of Iowa or time-share intervals as defined in section
6 557A.2.

7 Sec. 41. Section 306.42, subsection 5, Code Supplement
8 1987, is amended to read as follows:

9 5. Notwithstanding requirements of chapter 114 and
10 sections 306.22, 364.7, ~~409.12~~ 409A.12, ~~409.14~~ 409A.14 and
11 471.20, legal descriptions, plats, maps, or engineering
12 drawings used to describe transfers of right of way shall,
13 where available, be descriptions, plats, maps, or engineering
14 drawings of record and shall be incorporated by reference to
15 such the title instrument or proceedings. Where if a part but
16 not all of the land acquired by a single conveyance or
17 condemnation is being transferred, the description of that
18 part to be transferred shall be abstracted from the present
19 legal description, plat, map, or engineering drawing of
20 record.

21 Sec. 42. Section 331.321, subsection 3, Code Supplement
22 1987, is amended to read as follows:

23 3. If the board proposes to appoint a county surveyor, it
24 shall appoint a person qualified in accordance with section
25 ~~355.1~~ chapter 114 and provide the surveyor with a suitable
26 book in which to record field notes and plats.

27 Sec. 43. Section 331.511, subsections 1 through 4, Code
28 1987, are amended to read as follows:

29 1. Record each plat as provided in sections ~~409.12~~ 409A.12
30 to ~~409.16~~ 409A.17.

31 2. Record changes in names of platted streets as provided
32 in section ~~409.17~~ 409A.18.

33 3. Record notations of errors or omissions on recorded
34 plats as provided in section ~~409.32~~ 409A.23.

35 4. Record resurveyed plats as provided in section ~~409.43~~

1 409A.24.

2 Sec. 44. Section 331.602, subsection 19, Code Supplement,
3 1987, is amended to read as follows:

4 19. Carry out duties relating to the platting of land as
5 provided in chapter 409 409A and sections 441.65 to 441.71.

6 Sec. 45. Section 441.65, Code 1987, is amended to read as
7 follows:

8 441.65 PLATTING FOR ASSESSMENT AND TAXATION BY AUDITOR.

9 If a lot or subdivision of land is owned by two or more
10 persons in severalty, and the description of one or more of
11 the different parts or parcels cannot, in the judgment of the
12 county auditor or the assessor, be made sufficiently certain
13 and accurate for the purposes of assessment and taxation
14 without noting the metes and bounds of the property, or if the
15 proprietor of a subdivision of land has sold or conveyed any a
16 part of it, or invested the public with any rights in it, and
17 has failed to file for record a plat as provided in chapter
18 409 409A, the county auditor shall notify all of the owners by
19 mail, and demand compliance. If the owners fail to execute
20 and file the plat within sixty days after the issuance of the
21 notice to execute and file the plat for record, the auditor
22 shall make a plat in accordance with chapter 409 409A. The
23 auditor may contract for the services of a registered land
24 surveyor as necessary to comply with this section.

25 Every conveyance of land in this state is deemed to be a
26 warranty that the description contained in the conveyance is
27 sufficiently definite and accurate to enable the auditor to
28 enter it on the plat book required to be kept. When there is
29 presented for entry on the transfer book a conveyance in which
30 the description is not sufficiently definite and accurate, the
31 auditor shall note ~~see~~ that fact on the deed, with that of
32 the entry for transfer, and shall notify the person presenting
33 it that the land is not sufficiently described, and that it
34 must be platted within sixty days. If the grantor in the
35 conveyance neglects for sixty days to file for record a plat

1 of the property, then the auditor shall proceed as provided in
2 this section, and make the plat in accordance with chapter 409
3 409A and record the plat in the offices of the auditor, the
4 county recorder, and the assessor.

5 Sec. 46. Section 602.8102, subsection 57, Code Supplement
6 1987, is amended to read as follows:

7 57. Carry out duties relating to the platting of land as
8 provided in ~~sections-409-9,-409-11,-and-409-22~~ chapter 409A.

9 Sec. 47. Section 714.16, subsection 2, paragraph d, Code
10 Supplement 1987, is amended to read as follows:

11 d. (1) No person shall offer or advertise within this
12 state for sale or lease, any subdivided lands without first
13 filing with the real estate commission, true and accurate
14 copies of all road plans, plats, field notes, and diagrams of
15 water, sewage, and electric power lines as they exist at the
16 time of ~~such the~~ the filing, ~~provided-such~~ however, this filing
17 ~~shall~~ is not be required for a subdivision subject to section
18 306.21 or chapter ~~409~~ 409A. ~~Each-such~~ A filing shall be
19 accompanied by a fee of fifty dollars for each subdivision
20 included, payable to the real estate commission.

21 (2) False or misleading statements filed pursuant to
22 subparagraph 1 of paragraph "d" of this subsection or section
23 306.21 or chapter ~~409~~ 409A, and advertising, offers to sell,
24 or contracts not in substantial conformity with the filings
25 made pursuant to section 306.21 or chapter ~~409~~ 409A are
26 unlawful.

27 Sec. 48. REPEAL. Chapters 355 and 409, Code 1987, are
28 repealed.

29 EXPLANATION

30 This bill creates two new chapters relating to land
31 surveys. Chapter 114A (tentatively numbered) establishes
32 standards and guidelines for the practice of land surveying in
33 conformity with the United States public land survey system.

34 Chapter 409A (tentatively numbered) provides uniform
35 procedures and standards for the platting of land for

1 purpose of conveying land and for the assessment and taxation
2 of land. The bill also authorizes cities and counties to
3 establish and enforce ordinances regulating the division of
4 land subject to the uniform procedures and standards provided
5 for in chapter 114A.

6 A person who is guilty of defacing, injuring, or removing a
7 monumentation, signal, or other property related to the United
8 States national geodetic survey or the United States
9 geological survey, is subject to a civil penalty not to exceed
10 fifty dollars for each offense and is liable for the damages
11 inflicted.

12 Chapters 355, land surveys, and 409, plats, are repealed.

13 SUCCESSOR TO SSB 2201 (LSB 8287SC)

14 COMPANION TO HSB 738 (LSB 7848HC)

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

VANDE HOEF, CA.

SSB 2201

SSB 2201

LOCAL GOVERNMENT

LOCAL GOVERNMENT: Vande Hoef, Chair, A. Miller and Gosselin

SENATE FILE

2299

BY (PROPOSED COMMITTEE ON LOCAL GOVERNMENT BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the survey of land including the practice of
2 land surveying and the preparation, recording, and vacation of
3 plats, and subjecting violators to civil penalties.

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

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 Section 1. NEW SECTION. 114A.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise
3 requires:

4 1. "Corner" means a point at which two or more lines meet.

5 2. "Division" means dividing a tract or parcel of land
6 into two parcels of land by conveyance or for tax purposes.

7 3. "Government lot" means a tract numbered within a
8 section of land which does not conform to an aliquot part, as
9 shown on the township plat of the United States public land
10 survey system.

11 4. "Land surveying" means surveying of areas of land to
12 establish their correct description and determination and for
13 conveyancing, and for the establishment or reestablishment of
14 land boundaries and the platting of land and subdivisions of
15 land.

16 5. "Land surveyor" or "surveyor" means a person who
17 engages in the practice of land surveying.

18 6. "Lot" means a parcel of land or a subdivision of a city
19 block, represented and identified by a recorded plat.

20 7. "Meander line" means a traverse of the margin of a body
21 of water. A meander line locates the margin of the body of
22 water and does not ordinarily determine or fix boundaries.

23 8. "Monument" means a physical structure which marks the
24 location of a corner or other survey point.

25 9. "Plat of survey" means a graphical representation of a
26 survey of one or more parcels of land prepared by a registered
27 land surveyor including a complete and accurate description of
28 each parcel within the plat.

29 10. "Subdivision" means a dividing of a tract of land into
30 three or more parcels of land.

31 11. "Subdivision plat" means a graphical representation of
32 the subdivision of land prepared by a registered land surveyor
33 having a number or letter designation for each lot within the
34 plat and a succinct name or title that is unique for the
35 county where the land is located.

1 Sec. 2. NEW SECTION. 114A.2 APPLICABILITY.

2 This chapter applies to all agencies of the United States
3 government, this state, or a political subdivision of this
4 state and to all persons engaged in the practice of land
5 surveying.

6 Sec. 3. NEW SECTION. 114A.3 FEDERAL RULES.

7 In the survey, resurvey, and subdivision of land by
8 registered land surveyors, the rules prescribed by the federal
9 law, and the orders or instructions of the United States
10 secretary of the interior shall be followed.

11 Sec. 4. NEW SECTION. 114A.4 BOUNDARY LOCATION.

12 A land survey shall be made in accordance with the legal
13 description. The surveyor shall acquire data necessary to
14 retrace record title boundaries, center lines, and other
15 boundary line locations, including boundaries established
16 under chapter 650. The surveyor shall analyze the data and
17 make a careful determination of the position of the boundaries
18 of the parcel or tract of land being surveyed. The surveyor
19 shall make a field survey, locating and connecting monuments
20 necessary for location of the parcel or tract and coordinate
21 the facts of the survey with the analysis. The surveyor shall
22 place monuments marking the corners of the parcel or tract
23 unless monuments already exist as the corners.

24 Sec. 5. NEW SECTION. 114A.5 MEASUREMENTS.

25 1. Measurements shall be made with instruments and methods
26 capable of attaining the required accuracy for the particular
27 problem involved.

28 2. Measurements as placed on plats shall be in conformance
29 with the capabilities of the instruments used.

30 3. In a closed traverse, the sum of the measured angles
31 shall agree with the theoretical sum by a difference not
32 greater than thirty seconds times the square root of the
33 number of angles.

34 4. Distances shall be shown in decimal feet or meters in
35 accordance with the definition of the international foot or

1 meter. Distance measurements shall refer to the horizontal
2 plane.

3 Sec. 6. NEW SECTION. 114A.6 MONUMENTATION.

4 1. The surveyor shall confirm the prior establishment of
5 control monuments at each controlling corner on the boundaries
6 of the parcel or tract of land being surveyed. If no control
7 monuments exist, the surveyor shall place the monuments.
8 Control monuments shall be constructed of reasonably permanent
9 material solidly embedded in the ground and capable of being
10 detected by commonly used magnetic or electronic equipment.
11 The surveyor shall affix a cap of reasonably inert material
12 bearing an embossed or stencil cut marking of the Iowa
13 registration number of the surveyor to the top of each
14 monument which the surveyor places.

15 2. Control monuments shall be placed at all of the
16 following locations:

17 a. At each corner and angle point of each lot, block or
18 parcel of land surveyed.

19 b. At each point of intersection of the outer boundary of
20 the survey with an existing or created right-of-way line of a
21 street, railroad, or other way.

22 c. At each point of curve, tangency, reversed curve, or
23 compounded curve on each right-of-way line established.

24 3. If the placement of a monument required by this chapter
25 at the prescribed location is impractical, a reference
26 monument shall be established near the prescribed location.
27 If a point requiring monumentation has been previously
28 monumented, the existence of the monument shall be confirmed
29 by the surveyor.

30 4. Only a minimum number of survey control monuments are
31 required to be placed before the recording of a subdivision if
32 the surveyor includes in the surveyor's statement that the
33 additional monuments shall be placed before a date specified
34 in the statement or within one year from the date the
35 subdivision is recorded, whichever date is earlier.

1 Sec. 7. NEW SECTION. 114A.7 PLATS OF SURVEY.

2 A plat of survey shall be made for each land survey
3 performed for the purpose of correcting boundaries and
4 descriptions of surveyed land, or for the division of land,
5 showing information developed by the survey. Each plat of
6 survey shall conform to the following provisions:

7 1. The original plat drawing shall remain the property of
8 the surveyor.

9 2. The size of each plat sheet shall not be less than
10 eight and one-half inches by eleven inches.

11 3. The scale of the plat drawing shall be clearly stated
12 and graphically illustrated by a bar scale on every plat
13 sheet.

14 4. An arrow indicating the northern direction shall be
15 shown on each plat sheet.

16 5. The plat shall show that the survey is tied to a
17 physically monumented land line which is identified by two
18 United States public land survey system corners, or by two
19 physically monumented corners of a recorded subdivision.

20 6. The plat shall show the length and bearing of the
21 boundaries of the parcels surveyed. The bearing shall be
22 referenced to a United States public land survey system land
23 line, or recorded subdivision line. If the boundary lines
24 show bearings, lengths, or locations which vary from those
25 recorded in deeds, abutting plats, or other instruments of
26 record, the following note shall be placed along the lines,
27 "recorded as (show recorded bearing, length, or location)".

28 7. The plat shall show and identify all monuments
29 necessary for the location of the parcel and shall indicate
30 whether the monuments were found or placed.

31 8. If United States public land survey system corners
32 control the land description, the corners shall be clearly
33 identified on the plat including a description of the
34 monumentation and shall indicate whether the monuments were
35 found or placed.

1 9. Control monuments shall be adequately described and
2 clearly identified on the plat and noted as found or placed.
3 If additional monuments are to be placed subsequent to the
4 recording of a subdivision as provided in section 114A.6, the
5 location of the additional monuments shall be shown on the
6 plat.

7 10. Distances shall be shown in decimal feet or meters in
8 accordance with the definition of the international foot or
9 meter. Distance measurements shall refer to the horizontal
10 plane.

11 11. The course of each boundary line shown on the plat
12 shall be indicated by a direct bearing reference or by an
13 angle between the boundary line and an intersecting line
14 having a shown bearing, except when the boundary line has an
15 irregular or constantly changing course, as along a body of
16 water, or when a description of the boundary line is better
17 achieved by measurements shown at points or intervals along a
18 meander line having a shown course. Bearings and angles shown
19 shall be given to at least the nearest minute of arc.

20 12. Curve data shall be stated in terms of radius, central
21 angle, and length of curve, and as otherwise specified by
22 local ordinance. In all cases, the curve data must be shown
23 for the line affected.

24 13. The minimum unadjusted acceptable error of closure
25 shall be one five-thousandth for an individual parcel.

26 14. If any part of the surveyed land is bounded by an
27 indefinite line, that part shall be enclosed by a meander line
28 showing complete data with distances along all lines extending
29 beyond the enclosure to the indefinite boundary, and shown
30 with as much certainty as can be determined or as "more or
31 less", if variable. In all cases, the true boundary shall be
32 clearly indicated on the plat.

33 15. The plat shall be captioned to show the date of the
34 survey, and shall be accompanied by a description of the
35 parcel.

1 16. The plat shall contain a statement by a registered
2 land surveyor that the work was done by the surveyor or under
3 the surveyor's direct personal supervision, and the surveyor's
4 Iowa registration number or legible seal.

5 Sec. 8. NEW SECTION. 114A.8 PLATS FOR SUBDIVISIONS.

6 A plat of a subdivision offered for record shall conform to
7 all of the following provisions where applicable:

8 1. The original plat drawing shall remain the property of
9 the surveyor.

10 2. The size of each plat sheet shall not be less than
11 eight and one-half inches by eleven inches.

12 3. If more than one sheet is used, each sheet shall
13 display both the number of the sheet and the total number of
14 sheets included in the plat, and clearly labeled match lines
15 indicating where the other sheets adjoin. An index sheet
16 shall be provided to show the relationship between the sheets.

17 4. The scale of the plat drawing shall be clearly stated
18 and graphically illustrated by a bar scale on every plat
19 sheet.

20 5. Each subdivision plat shall be designated, by name or
21 as otherwise prescribed, in bold letters inside the margin at
22 the top of each plat sheet.

23 6. An arrow indicating the northern direction shall be
24 shown on each plat sheet.

25 7. The plat shall show that the subdivision is tied to a
26 physically monumented land line which is identified by two
27 United States public land survey systems corners, or by two
28 physically monumented corners of a recorded subdivision.

29 8. The plat shall show the length and bearing of the
30 boundaries of the parcel surveyed. The bearing shall be
31 referenced to a United States public land survey system land
32 line, or recorded subdivision line. If the boundary lines
33 show bearings, lengths, or locations which vary from those
34 recorded in deeds, abutting plats, or other instruments of
35 record, the following note shall be placed along the lines,

1 "recorded as (show recorded bearing, length, or location)".

2 9. The plat shall show and identify all monuments
3 necessary for the location of the tract and shall indicate
4 whether the monuments were found or placed.

5 10. If United States public land survey system corners
6 control the land description, the corners shall be clearly
7 identified on the plat including a description of the
8 monumentation and shall indicate whether the monuments were
9 found or placed.

10 11. Control monuments shall be adequately described and
11 clearly identified on the plat and noted as found or placed.
12 If additional monuments are to be placed subsequent to the
13 recording of a subdivision as provided in section 114A.6, the
14 location of the additional monuments shall be shown on the
15 plat.

16 12. Survey data shall be shown to positively describe the
17 bounds of every lot, block, street, easement, or other areas
18 shown on the plat, and the boundaries of the surveyed lands.

19 13. Distances shall be shown in feet to the nearest one-
20 hundredth of a foot, or meters to the nearest one-thousandths
21 of a meter, and in accordance with the definition of the
22 international foot or meter. Measurements shall refer to the
23 horizontal plane.

24 14. The course of each boundary line shown on the plat
25 shall be indicated by a direct bearing reference or by an
26 angle between the boundary line and an intersecting line
27 having a shown bearing, except when the boundary line has an
28 irregular or constantly changing course, as along a body of
29 water, or when a description of the boundary line is better
30 achieved by measurements shown at points or intervals along a
31 meander line having a shown course. Bearings and angles shown
32 shall be given to at least the nearest minute of arc.

33 15. Curve data shall be stated in terms of radius, central
34 angle, and length of curve, and unless otherwise specified by
35 local ordinance curve data for streets of uniform width may be

1 shown only with reference to the center line, and lots
2 fronting on the curves may show only the chord bearing and
3 distance of the part of the curve as is included in their
4 boundary. In all other cases, the curve data must be shown
5 for the line affected.

6 16. The minimum unadjusted acceptable error of closure for
7 subdivision boundaries shall be one ten-thousandth and for an
8 individual lot shall be one five-thousandth.

9 17. If any part of the surveyed land is bounded by an
10 indefinite line, that part shall be enclosed by a meander line
11 showing complete data with distances along all lines extending
12 beyond the enclosure to the indefinite boundary, and shown
13 with as much certainty as can be determined or as "more or
14 less", if variable. In all cases, the true boundary shall be
15 clearly indicated on the plat.

16 18. Interior excepted parcels, shall be clearly indicated
17 and labeled, "not a part of this survey (or subdivision)".

18 19. Adjoining properties shall be identified, and if the
19 adjoining properties are a part of a recorded subdivision, the
20 name of that subdivision shall be shown. If the survey is a
21 resubdivision of a part or the whole of a previously recorded
22 subdivision, sufficient ties shall be shown to controlling
23 lines appearing on the earlier plat to permit a comparison to
24 be made. Resubdivision shall be labeled as a resubdivision in
25 a subtitle following the name of the subdivision where the
26 name appears on the plat.

27 20. The purpose of any easement shown on the plat shall be
28 clearly stated. Only easements pertaining to public utilities
29 including gas, power, telephone, water, sewer, and drainage
30 easements as deemed necessary for the orderly development of
31 the land encompassed within the plat shall be shown. All
32 easements shall be approved by the governing or jurisdictional
33 body relative to their usage and maintenance prior to the
34 recording of the plat.

35 21. A strip of land shall not be reserved by the

1 subdivider unless the land is of sufficient size and shape to
2 be of practical use or service as determined by the governing
3 body.

4 22. The purpose of areas dedicated to the public shall be
5 clearly indicated on the plat.

6 23. The plat shall contain a statement by a registered
7 land surveyor that the plat was prepared by the surveyor or
8 under the surveyor's direct personal supervision and shall be
9 signed and dated by the surveyor and bear the surveyor's Iowa
10 registration number or legible seal.

11 Sec. 9. NEW SECTION. 114A.9 DESCRIPTIONS.

12 A description defining land boundaries written for
13 conveyance or other purposes shall be complete, providing
14 definite and unequivocal identification of lines or
15 boundaries. The description shall contain dimensions
16 sufficient to enable the description to be platted and
17 retraced and shall describe the land surveyed either by
18 government lot or by quarter-quarter section or by quarter
19 section and shall identify the section, township, range, and
20 county, and by metes and bounds commencing with a corner
21 marked and established in the United States public land survey
22 system. If the land is located in a recorded subdivision or
23 recorded addition to a subdivision, the description shall
24 contain the number or other description of the lot, block, or
25 other part which has been previously tied to a corner marked
26 and established by the United States public land survey
27 system. If the parcel is described by metes and bounds, the
28 parcel may be referenced to known lot or block corners in
29 recorded subdivisions or additions.

30 Sec. 10. NEW SECTION. 114A.10 RECORD.

31 1. If the survey was made for any of the following
32 purposes, the surveyor shall record a plat and description
33 with the county recorder no later than thirty days after
34 signature on the plat by the registered land surveyor;
35 however, the thirty-day requirement does not apply to

1 subdivision plats:

2 a. To correct boundaries and descriptions of land.

3 b. To divide or subdivide.

4 2. The plat and description shall show distinctly the land
5 area being surveyed, the surveyor, and the date of the survey.

6 Sec. 11. NEW SECTION. 114A.11 UNITED STATES PUBLIC LAND
7 SURVEY CORNER CERTIFICATE.

8 1. A United States public land survey corner certificate
9 shall be prepared as part of any land surveying which includes
10 the use of a United States public land survey system corner,
11 having a status of a corner of a quarter-quarter section or
12 larger aliquot part of a section, if one or more of the
13 following conditions exist:

14 a. There is no certificate for the corner on file with the
15 county recorder of the county in which the corner is located.

16 b. The surveyor in responsible charge of the land
17 surveying accepts a corner position which differs from that
18 shown on the public records of the county in which the corner
19 is located.

20 c. The corner monument is replaced or modified in any way.

21 d. The reference ties referred to in an existing public
22 record are not correct.

23 2. The surveyor shall record the required certificate with
24 the county recorder, with a copy to the county engineer, of
25 the county in which the corner is located within thirty days
26 after completion of the surveying. The certificate shall
27 comply with the following requirements:

28 a. The size of the sheet or sheets making up the
29 certificate shall be eight and one-half inches by eleven
30 inches.

31 b. The identity of the corner, with reference to the
32 United States public land survey system, shall be clearly
33 indicated.

34 c. The certificate shall contain narrative explaining the
35 reason for preparing the certificate, the evidence and

1 detailed procedures used in establishing the corner position,
2 and the monumentation found or placed perpetuating the corner
3 position including reference monumentation.

4 d. The certificate shall contain a plan view site drawing
5 depicting the relevant monuments, physical surroundings, and
6 reference ties in sufficient detail to enable recovery of the
7 corner.

8 e. The certificate shall contain at least three reference
9 ties, measured to the nearest hundredth of a foot from the
10 corner to durable physical objects near the corner, which are
11 located so that the intersection of any two of the ties will
12 yield a strong corner position recovery.

13 f. The certificate shall contain a statement by a
14 registered land surveyor that the certificate was prepared by
15 the surveyor or under the surveyor's direct personal
16 supervision and shall be signed and dated by the surveyor and
17 bear the surveyor's Iowa registration number or seal.

18 Sec. 12. NEW SECTION. 114A.12 INDEXING OF SURVEY
19 DOCUMENTS BY RECORDER.

20 The county recorder shall index survey documents by
21 township, range, and section number. If the survey is in a
22 recorded subdivision, the county recorder shall also index the
23 document alphabetically by subdivision name.

24 Sec. 13. NEW SECTION. 114A.13 SURVEYS AUTHORIZED BY THE
25 UNITED STATES GOVERNMENT.

26 1. A person employed in the execution of a survey
27 authorized by the United States government may enter upon
28 lands within this state for the purpose of exploring,
29 triangulating, leveling, surveying, and doing any other work
30 necessary to carry out the objects of laws relative to
31 surveys, and may establish permanent station marks, and erect
32 the necessary signals and temporary observatories, doing no
33 unnecessary injury thereby.

34 2. If the parties interested cannot agree upon the amount
35 to be paid for damages caused pursuant to subsection 1, either

1 of them may petition the district court in the county in which
2 the land is situated and the district court shall appoint a
3 time for a hearing. The district court shall order at least
4 twenty days' notice to be given to all interested parties,
5 and, with or without a view of the premises, hear the parties
6 and their witnesses and assess damages.

7 3. The person entering upon land may tender to the injured
8 party damages caused pursuant to subsection 1, and if, in case
9 of petition or complaint to the district court, the damages
10 finally assessed do not exceed the amount tendered, the person
11 entering shall recover costs. In other cases, the prevailing
12 party shall recover costs.

13 4. The costs to be allowed in cases taken pursuant to this
14 section shall be the same as allowed according to the rules of
15 the court and provisions of law relating to costs.

16 Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS -- DEFACE-
17 MENT.

18 If a person willfully defaces, injures, or removes a
19 signal, monument, building, or other property of the United
20 States national geodetic survey, or the United States
21 geological survey, constructed or used under or by virtue of
22 the federal law, the person is subject to a civil penalty not
23 exceeding fifty dollars for each offense, and is liable for
24 damages sustained by the United States in consequence of the
25 defacing, injury, or removal, to be recovered in a civil
26 action in any court of competent jurisdiction.

27 Sec. 15. NEW SECTION. 409A.1 DEFINITIONS.

28 As used by this chapter, unless the context clearly
29 indicates otherwise:

30 1. "Aliquot part" means a fractional part of a section
31 within the United States public land survey system. Only the
32 fractional parts one-half, one-quarter, one-half of one-
33 quarter, or one-quarter of one-quarter shall be considered an
34 aliquot part of a section. A forty-acre aliquot part means
35 one-quarter of one-quarter of a section.

1 2. "Auditor's plat" means a subdivision plat required by
2 either the auditor or the assessor, prepared by a surveyor
3 under the direction of the auditor.

4 3. "Conveyance" means an instrument filed with a recorder
5 as evidence of the transfer of title to land, including any
6 form of deed or contract.

7 4. "Division" means dividing a tract or parcel of land
8 into two parcels of land by conveyance or for tax purposes.

9 5. "Governing body" means a city council or the board of
10 supervisors, within whose jurisdiction the land is located,
11 which has adopted ordinances regulating the division of land.

12 6. "Government lot" means a tract numbered within a
13 section of land which do not conform to an aliquot part as
14 shown on the township plat of the United States public land
15 survey system.

16 7. "Lot" means a tract represented and identified by
17 number or letter designation on an official plat.

18 8. "Metes and bounds description" means a description of
19 land that uses dimensions and angles, uses dimensions and
20 bearings, or describes the boundaries of the parcel by
21 reference to physical features of the land.

22 9. "Official plat" means either an auditor's plat or a
23 subdivision plat that meets the requirements of this chapter
24 and has been filed for record in the offices of the recorder,
25 auditor, and assessor.

26 10. "Parcel" means a part of a tract of land.

27 11. "Parcel identification number" means a unique number
28 or combination of numbers assigned to a parcel of land as a
29 means of identifying individual parcels for the purpose of
30 data entry on a computerized system.

31 12. "Plat of survey" means the graphical representation of
32 a survey of one or more parcels of land prepared by a
33 registered land surveyor, including a complete and accurate
34 description of each parcel within the plat.

35 13. "Proprietor" means a person who has an ownership

1 interest in land, including a person selling or buying land
2 pursuant to a contract, but excluding a person holding a
3 mortgage, easement, or lien interest.

4 14. "Subdivision" means dividing a tract of land into
5 three or more parcels of land.

6 15. "Subdivision plat" means the graphical representation
7 of the subdivision of land prepared by a registered land
8 surveyor having a number or letter designation for each lot
9 within the plat and a succinct name or title that is unique
10 for the county where the land is located.

11 16. "Surveyor" means a registered land surveyor who
12 engages in the practice of land surveying pursuant to chapter
13 114A.

14 17. "Tract" means an aliquot part of a section, a lot
15 within an official plat, or a government lot.

16 Sec. 16. NEW SECTION. 409A.2 COVENANT OF WARRANTY.

17 The duty to file for record a plat as provided in sections
18 409A.3 and 409A.5 attaches as a covenant of warranty in all
19 conveyances by the original grantor against all assessments,
20 costs, and damages paid, lost, or incurred by a grantee or
21 person claiming under a grantee, in consequence of the
22 omission on the part of the grantor to file the plat. A
23 conveyance of land is deemed to be a warranty that the
24 description contained in the conveyance is sufficiently
25 accurate for the purposes of assessment, taxation, and entry
26 on the transfer books and plat books required to be kept by
27 the auditor.

28 A conveyance in violation of this chapter may be filed and
29 indexed in the recorder's office under section 558.55, but the
30 conveyance shall not be entered on the transfer books of the
31 auditor's office or recorded by the recorder. The auditor
32 shall notify the grantor and the grantee that the conveyance
33 is in violation of this section and demand compliance as
34 provided for in section 409A.12.

35 Sec. 17. NEW SECTION. 409A.3 DIVISIONS REQUIRING A PLAT

1 OF SURVEY.

2 1. The grantor of land that is divided using a metes and
3 bounds description shall have a plat of survey made of the
4 division. The grantor or the surveyor shall contact the
5 county auditor who, for the purpose of assessment and
6 taxation, shall review the division to determine whether the
7 survey shall include only the parcel being conveyed or both
8 the parcel being conveyed and the remaining parcel. The plat
9 of survey shall be prepared in accordance with chapter 114A
10 and shall be recorded. The plat shall be clearly marked as a
11 plat of survey and shall include the following information for
12 each parcel included in the survey:

- 13 a. A parcel letter designation approved by the auditor.
- 14 b. The names of the proprietors.
- 15 c. An accurate description of each parcel.
- 16 d. The total acreage of each parcel.
- 17 e. The acreage of any portion lying within a public right-
18 of-way.

19 2. The auditor may also require a parcel identification
20 number to be shown for each parcel on the plat of survey at
21 the time of recording. The surveyor shall not assign parcel
22 letters or prepare metes and bounds descriptions for any
23 parcel shown on a plat of survey unless the parcel has been
24 surveyed by the surveyor following chapter 114A. Parcels
25 within a plat of survey prepared pursuant to this section are
26 subject to all regulations and ordinances of the governing
27 body.

28 3. If a parcel, described as part of the United States
29 public land survey system and not part of a recorded plat,
30 lies within more than a forty-acre aliquot part of a section,
31 the acreage shall be shown on the plat of survey for each
32 portion of the parcel that lies within each forty-acre aliquot
33 part of the section. The acreage shown on a plat of survey
34 shall be to the nearest one-hundredth of an acre.

35 4. This section applies to all agencies of the federal,

1 state, county, and local governments.

2 Sec. 18. NEW SECTION. 409A.4 CONVEYANCE ACCORDING TO
3 PLAT OF SURVEY.

4 1. A conveyance of a parcel shown on a plat of survey,
5 recorded pursuant to this chapter, may describe the parcel by
6 using the description provided on the plat of survey or by
7 reference to the parcel letter, and the book and page number
8 of the recorded plat of survey, including the lots of the
9 official plat or the section, township, and range in which the
10 parcel lies.

11 2. A description by reference to parcel letter, the book
12 and page number of the recorded plat of survey, including
13 either the lots of an official plat or the section, township,
14 and range, is valid for the purpose of conveyance or of
15 assessment and taxation.

16 Sec. 19. NEW SECTION. 409A.5 SUBDIVISION PLATS.

17 1. A subdivision plat shall be made when required by
18 ordinance of the governing body or when a tract of land is
19 subdivided by repeated divisions or simultaneous division into
20 three or more parcels, any of which are less than ten acres
21 and described by mete and bound descriptions for which no plat
22 of survey is recorded. A subdivision plat is not required
23 when land is divided by conveyance to a governmental agency
24 solely for public right-of-way purposes.

25 2. A subdivision plat shall have a succinct name or title
26 that is unique, as determined by the auditor, for the county
27 in which the plat lies. The plat shall include an accurate
28 description of the land included in the subdivision and shall
29 give reference to two section corners within the United States
30 public land survey system in which the plat lies or, if the
31 plat is a subdivision of an official plat, two established
32 monuments within the official plat. Each lot within the plat
33 shall be assigned a progressive number. All streets, alleys,
34 parks, open areas, school property, other areas of public use,
35 or areas within the plat that are set aside for future

1 development shall be assigned a progressive letter and shall
2 have the proposed use clearly designated. Progressive block
3 numbers or letters may be assigned to groups of lots separated
4 from other lots by streets or other physical features of the
5 land. The surveyor shall not assign lot numbers or letters to
6 a lot shown on a subdivision plat unless the lot has been
7 surveyed by the surveyor pursuant to chapter 114A. The
8 auditor may require a parcel identification number to be shown
9 for each lot within a subdivision at the time of recording.
10 Sufficient information, including dimensions and angles or
11 bearings, shall be shown on the plat to accurately establish
12 the boundaries of each lot, street, and easement.

13 If a subdivision plat, described as part of the United
14 States public land survey system and not part of a recorded
15 plat, lies within more than one forty acre aliquot part of a
16 section, the acreage shall be shown for the part of the
17 subdivision that lies within each forty acre aliquot part of
18 the section. The area of all irregular lots within the plat
19 shall be shown and may be expressed in either acres, to the
20 nearest one-hundredth of an acre, or square feet, to the
21 nearest ten square feet.

22 Sec. 20. NEW SECTION. 409A.6 CONVEYANCES ACCORDING TO
23 OFFICIAL PLAT.

24 A description of land by reference to lot number or letter
25 designation and block, if block designations are shown on the
26 plat, and the title or name of the official plat, is valid for
27 the purpose of conveyance or for the purpose of assessment and
28 taxation.

29 Sec. 21. NEW SECTION. 409A.7 REVIEW AND APPROVAL BY
30 GOVERNING BODIES.

31 A proposed subdivision plat, other than an auditor's plat,
32 shall be submitted to each governing body which has adopted
33 ordinances regulating the division of land and within whose
34 jurisdiction the land is located. The governing body, within
35 a reasonable time, shall review the plat using the standards

1 and conditions established by ordinance for the review and
2 approval of subdivision plats. The governing body shall not
3 require, as a standard or condition for approval, the
4 installation of sewers, water, and gas utilities unless
5 existing operational utilities are available for connection or
6 provisions are made for operational independent utility
7 systems.

8 If the subdivision plat conforms to the standards and
9 conditions established by the governing body by ordinance and
10 to this chapter and chapter 114A, the governing body, by
11 resolution, shall approve the plat and certify the resolution
12 which shall be recorded with the plat. The recorder shall
13 refuse to accept a subdivision plat presented for recording
14 without a resolution from each applicable governing body
15 approving the subdivision plat or waiving its right to review
16 the subdivision plat.

17 Sec. 22. NEW SECTION. 409A.8 REVIEW OF SUBDIVISION PLATS
18 WITHIN TWO MILES OF A CITY.

19 1. A city, having adopted ordinances regulating the
20 division of land, that desires to review subdivisions outside
21 the city's boundaries, shall describe, by ordinance
22 specifically referring to the authority of this section, the
23 area subject to the city's review and approval. The area
24 subject to the city's review may be identified by individual
25 tracts, by describing the boundaries of the area, or by
26 including all land within a certain distance of the city's
27 boundaries. The area subject to the city's review shall not
28 exceed more than two miles distance from the city's
29 boundaries. The ordinance establishing the area of review or
30 changing the area of review by a city, shall be recorded in
31 the office of the recorder and filed with the auditor.

32 2. If a subdivision within the corporate area of a county
33 having adopted ordinances regulating the division of land also
34 lies within the area of review established by one or more
35 cities which have met the requirements of this section, each

1 governing body shall review the subdivision for approval. The
2 standards and conditions for review and approval of the
3 subdivision shall be consistent with the standards and
4 conditions for review and approval of subdivisions within the
5 city limits or the standards and conditions for review and
6 approval established by agreement of the governing bodies
7 pursuant to chapter 28E.

8 3. If a subdivision lies within the jurisdiction of two or
9 more governing bodies, a governing body, by resolution, may
10 waive its right to review the subdivision or waive the
11 requirements of any of its standards or conditions for
12 approval of subdivisions, and certify the resolution which
13 shall be recorded with the plat.

14 Sec. 23. NEW SECTION. 409A.9 APPEAL OF REVIEW OR
15 DISAPPROVAL.

16 If, upon application for approval of a subdivision plat,
17 the applicant or a governing body is aggrieved by requirements
18 of a governing body as a condition of approval, or by denial
19 of the application, the applicant or the aggrieved governing
20 body may appeal to the district court within twenty days after
21 filing written notice of intent to appeal with the opposing
22 governing body. The appeal shall be tried de novo as an
23 equitable proceeding and accorded a preference in assignment
24 so as to assure its prompt disposition.

25 Sec. 24. NEW SECTION. 409A.10 ATTACHMENTS TO SUBDIVISION
26 PLATS.

27 A subdivision plat, other than an auditor's plat, that is
28 presented to the recorder for recording shall conform to
29 section 409A.5 and shall not be accepted by the recorder
30 unless accompanied by the following documents:

- 31 1. A statement by all proprietors and their spouses, if
32 any, that the plat is prepared with their free consent and in
33 accordance with their desire, signed and acknowledged before
34 an officer authorized to take the acknowledgment of deeds.
35 The statement by the proprietors may also include a dedication

1 to the public of all lands within the plat that are designated
2 for streets, alleys, parks, open areas, school property, or
3 other public use, but only if the dedication is approved by
4 the governing body.

5 2. A statement from all mortgage holders or lienholders,
6 if any, that the plat is prepared with their free consent and
7 in accordance with their desire, signed and acknowledged
8 before an officer authorized to take the acknowledgment of
9 deeds. An affidavit and bond as provided for in section
10 409A.11, may be recorded in lieu of the consent of the
11 mortgage or lienholder. When a mortgage or lienholder
12 consents to the subdivision, a release of mortgage or lien
13 shall be recorded for any areas conveyed or dedicated to a
14 governing body or to the public.

15 3. An opinion by an attorney at law who has reviewed the
16 abstract of title of the land being platted. The opinion
17 shall state the names of all the proprietors of the land and
18 shall state all encumbrances, if any.

19 4. A certified resolution by each governing body as
20 required by sections 409A.7 and 409A.8, either approving the
21 subdivision or waiving the right to review.

22 5. A certified statement from the county treasurer that
23 the land is free from taxes and special assessments or that
24 the land is free from taxes and that any special assessment is
25 secured by bond as provided for in section 409A.11.

26 6. A certified statement from the recorder that the land
27 is free from encumbrances of record in the recorder's office,
28 other than mortgages, or those secured by bond as provided for
29 in section 409A.11.

30 7. A certified statement from the clerk of the district
31 court that the land is free from all judgments, attachments,
32 mechanics' and other liens of record in the clerk's office, or
33 that the land is free from all judgments, attachments,
34 mechanics' and other liens, other than those secured by bond
35 as provided for in section 409A.11.

1 A subdivision plat which includes no land that is set apart
2 for streets, alleys, parks, open areas, school property, or
3 public use other than utility easements, shall be accompanied
4 by the documents listed in subsections 1, 2, 3, and 4 and may
5 exclude the documents listed in subsections 5, 6, and 7, if an
6 affidavit by an attorney-at-law is attached to the plat
7 stating the nature and amount of the liens that exist on the
8 land included in the plat.

9 Sec. 25. NEW SECTION. 409A.11 BONDS TO SECURE LIENS.

10 A bond for double the amount of the lien shall be secured
11 and recorded if a lien exists on the land included in a
12 subdivision plat and the required consent of the lienholder is
13 not attached for one of the following reasons:

14 1. The lienholder cannot be found, in which case an
15 affidavit by the proprietor stating that the lienholder could
16 not be found shall be recorded with the bond.

17 2. The lienholder will not accept payment or cannot,
18 because of the nature of the lien, accept payment in full of
19 the lien, in which case an affidavit by the lienholder stating
20 that payment of the lien was offered but refused shall be
21 reported with the bond.

22 The bond shall run to the county and be for the benefit of
23 purchasers of lots within the plat and shall be conditioned
24 for the payment and cancellation of the debt as soon as
25 practicable.

26 Sec. 26. NEW SECTION. 409A.12 AUDITOR'S PLATS AND PLATS
27 OF SURVEY.

28 If a tract is divided or subdivided in violation of this
29 chapter or the descriptions of one or more parcels within a
30 tract are not sufficiently certain and accurate for the
31 purpose of assessment and taxation, as determined by the
32 auditor or the assessor, the auditor shall notify the
33 proprietors of all parcels within the tract for which no plat
34 has been recorded as required by this chapter, and demand that
35 a plat of survey or a subdivision plat be recorded as required

1 by this chapter. Notice shall be given by mail and a
2 certified copy of the notice shall be recorded. The auditor
3 shall also mail a copy of the notice to the applicable
4 governing bodies. If the proprietors fail, within thirty days
5 of the notice, to comply with the notice or file with the
6 auditor a statement of intent to comply, the auditor shall
7 contract with a surveyor to have a survey made of the property
8 and have a plat of survey or an auditor's plat recorded as
9 necessary to comply with this chapter. Upon receipt of a
10 statement of intent to comply, the auditor may extend the time
11 period for compliance up to one hundred twenty days.

12 Sec. 27. NEW SECTION. 409A.13 APPEAL OF NOTICE.

13 A proprietor aggrieved by a notice to plat by the auditor
14 may appeal to the district court within twenty days after the
15 notice is given. Upon appeal, the auditor shall take no
16 further action pending a decision of the district court. The
17 appeal shall be tried de novo as an equitable proceeding and
18 accorded a preference in assignment so as to assure its prompt
19 disposition.

20 Sec. 28. NEW SECTION. 409A.14 REVIEW OF AUDITOR'S PLATS.

21 A proposed auditor's plat shall be filed with each
22 applicable governing body which shall review the plat within a
23 reasonable time, and if it conforms to chapter 114A, the
24 governing body shall by resolution approve the plat and
25 certify the resolution to be recorded with the plat. The
26 governing body may state in the resolution whether the lots
27 within the auditor's plat meet the standards and conditions
28 established by ordinance for subdivision lots. The lots
29 within a recorded auditor's plat and parcels within a recorded
30 plat of survey prepared under section 409A.12 are individually
31 subject to all local regulations and ordinances. Approval of
32 an auditor's plat does not impose any liability on a governing
33 body to install or maintain public improvements or utilities
34 within the plat. Approval of an auditor's plat by a governing
35 body does not constitute a waiver of any ordinances requiring

1 a subdivision plat.

2 Sec. 29. NEW SECTION. 409A.15 ATTACHMENTS TO AUDITOR'S
3 PLATS AND PLATS OF SURVEY.

4 1. A plat of survey prepared pursuant to section 409A.12
5 shall be accompanied by a certified statement by the auditor
6 that the plat of survey was prepared at the direction of the
7 auditor because proprietors failed to file a plat.

8 2. An auditor's plat shall conform to section 409A.5, but
9 the plat is exempt from section 409A.10. An auditor's plat
10 presented to the recorder for recording shall be accompanied
11 by the following documents:

12 a. A certified statement by the auditor that the auditor's
13 plat was prepared at the direction of the auditor because the
14 proprietors failed to file a plat, that the plat was prepared
15 for assessment and taxation purposes, and that the recording
16 of the plat does not constitute a dedication or impose any
17 liability upon the state or any governmental agency.

18 b. A certified resolution by any affected governing body,
19 approving the plat or waiving the right to review.

20 c. A list for each lot within the plat of the proprietor's
21 names, the area, expressed in acreage or square feet, and the
22 book and page number of the recorded conveyance to the
23 proprietors or the legal description used in the instrument of
24 conveyance to the proprietors.

25 d. A certified statement by the auditor that no search was
26 made at the time of the recording of the plat to determine the
27 existence of any liens, mortgages, delinquent taxes, or
28 special assessments, that no search was made, other than the
29 records of the auditor's office, to establish title to the
30 property within the plat, and that the lots within the plat
31 are subject individually to all regulations and ordinances of
32 the applicable governing body.

33 Sec. 30. NEW SECTION. 409A.16 COSTS AND COLLECTION OF
34 COSTS.

35 The surveyor shall present to the auditor a statement of

1 the total cost of the surveying, platting, and recording of a
2 plat prepared pursuant to section 409A.12. The surveyor shall
3 also present a statement of the part of the total cost to be
4 assessed to each parcel included in the plat based on the time
5 involved in establishing the boundaries of each parcel. A
6 correct statement of the cost of a plat of survey or auditor's
7 plat shall be presented by the auditor to the board of
8 supervisors who shall allow the claim. The auditor shall
9 certify to the treasurer an assessment for the costs against
10 the land within the plat which shall be collected in the same
11 manner as general taxes, except that the board of supervisors,
12 by resolution, may establish not more than ten equal annual
13 installments and provide for interest on all unpaid
14 installments at a rate not to exceed that permitted by chapter
15 74A.

16 Sec. 31. NEW SECTION. 409A.17 RECORDING OF PLATS.

17 A plat of survey prepared pursuant to this chapter and a
18 subdivision plat with the required attachments shall be
19 recorded in the office of the county recorder, and an exact
20 copy of the plat shall be filed in the offices of the county
21 auditor and assessor. A replat of any part of an official
22 plat pursuant to section 409A.24, or a recorded subdivision
23 plat of any part of an official plat shall supersede that part
24 of the original official plat, including all unused public
25 utility easements.

26 The recorder shall examine each plat of survey and
27 subdivision plat to determine whether the plat is clearly
28 legible and whether the approval of the applicable governing
29 body and the other attachments required by this chapter are
30 presented with the plat. The recorder shall also keep a
31 reproducible copy of the plat from which legible copies can be
32 made. The recorder may specify the material and the size of
33 the plat that will be accepted for recording in order to
34 comply with this section. The recorder shall not accept for
35 recording a subdivision plat that violates this chapter.

1 Sec. 32. NEW SECTION. 409A.18 DEDICATION OF LAND.

2 An official plat which conforms to this chapter and has
3 attached to the plat a dedication by the proprietors to the
4 public and approval of the dedication by the governing body is
5 equivalent to a deed in fee simple from the proprietors to the
6 public of any land within the plat that is dedicated for
7 street, alley, walkway, park, open area, school property, or
8 other public use. An approved dedication of land for street
9 purposes by the proprietors establishes an easement for public
10 access whether or not a deed has been recorded or the
11 improvement of the street is complete. The recording of a
12 subdivision plat shall dedicate to the public any public
13 utility, sewer, drainage, access, walkway, or other public
14 easement shown on the plat.

15 The recording of an auditor's plat does not dedicate any
16 streets, alleys, parks, open areas, school property, public
17 improvements, or utilities. The failure to show the existence
18 of an easement or any public interest on the auditor's plat
19 does not remove or otherwise affect the interest.

20 Sec. 33. NEW SECTION. 409A.19 ACTION TO ANNUL PLATS.

21 If a plat is filed and recorded in violation of this
22 chapter, a governing body or a proprietor aggrieved by the
23 violation, after filing written notice with the proprietors
24 who joined in the acknowledgment of the plat or their
25 successors in interest, may institute a suit in equity in the
26 district court. The court may order the plat annulled except
27 as provided in section 409A.20.

28 Sec. 34. NEW SECTION. 409A.20 LIMITATION OF ACTIONS ON
29 OFFICIAL PLATS..

30 An action shall not be maintained, at law or in equity, in
31 any court, against a proprietor, based upon an omission of
32 data shown on an official plat or upon an omission, error, or
33 inconsistency in any of the documents required by this chapter
34 unless the action is commenced within ten years after the date
35 of recording of the official plat. Limitation of actions

1 based on claims other than those provided for in this section
2 shall be consistent with chapter 614.

3 Sec. 35. NEW SECTION. 409A.21 VACATION OF OFFICIAL
4 PLATS.

5 An official plat or part of an official plat may be vacated
6 by the proprietors of the land by recording the following
7 instruments in the office of the recorder where the official
8 plat is filed:

9 1. An instrument signed, executed, and acknowledged by all
10 the proprietors within the area of the official plat to be
11 vacated, declaring the plat to be vacated. The instrument
12 shall state the existing lot description for each proprietor
13 along with an accurate description to be used on conveyances
14 and for assessment and taxation purposes after the lots are
15 vacated.

16 2. A resolution following a public hearing or an ordinance
17 by the applicable governing body approving the vacation and
18 providing for the vacation of the areas within the plat
19 dedicated for public use and providing for the conveyance of
20 the land pursuant to section 409A.22.

21 3. A certified statement by the auditor that the vacated
22 part of the plat can be adequately described for assessment
23 and taxation purposes without reference to the vacated lots.

24 The recording of the instruments annuls the plat or part of
25 the plat so vacated, except that no part of this section
26 authorizes the closing or obstructing of public highways.

27 Sec. 36. NEW SECTION. 409A.22 VACATION OF STREETS OR
28 OTHER PUBLIC LANDS.

29 A city or a county may vacate any part of an official plat
30 that had been conveyed to the city or county or dedicated to
31 the public. The city or county shall vacate by resolution
32 following a public hearing or by ordinance and the vacating
33 instrument shall be recorded. The city or county may convey
34 the vacated property by deed or may convey the property to
35 adjoining proprietors through the vacation instrument. The

1 instrument shall include a list of adjoining proprietors to
2 whom the vacated property is being conveyed along with the
3 corresponding description of each parcel being conveyed. A
4 recorded vacation instrument which conforms to this section is
5 equivalent to a deed of conveyance and the instrument shall be
6 filed and indexed by the recorder and auditor.

7 A vacation instrument recorded pursuant to this section
8 does not operate to annul any part of an official plat except
9 as provided for in section 409A.21.

10 Sec. 37. NEW SECTION. 409A.23 ERROR ON OFFICIAL PLATS OR
11 PLATS OF SURVEY.

12 If an error or omission in the data shown on a recorded
13 plat is detected by subsequent examinations or revealed by
14 retracing the lines shown on the plat, the original surveyor
15 or two surveyors confirming the error through independent
16 surveys shall record an affidavit confirming that the error or
17 omission was made. The affidavit shall describe the nature
18 and extent of the error or omission and also describe the
19 corrections or additions to be made to the plat. The recorder
20 shall write across that part of the plat so corrected the word
21 "corrected", and note the book and page number of the recorded
22 affidavit. A copy of the recorded affidavit shall be filed
23 with the auditor and assessor. The affidavit has no effect on
24 the validity of the plat, or on the remaining original data
25 shown on the plat, but the affidavit is admissible as evidence
26 in a court and shall be given the same weight as testimony
27 offered voluntarily by an expert witness.

28 Sec. 38. NEW SECTION. 409A.24 SURVEY AND REPLAT OF
29 OFFICIAL PLATS.

30 A survey of an official plat shall conform as nearly as
31 possible to the original lot lines shown on the official plat.
32 The surveyor may summon witnesses, administer oaths, and
33 prepare affidavits and boundary line agreements as necessary
34 in order to establish the location of property lines or lot
35 lines. If a substantial error is discovered in an official

1 plat or if it is found to be materially defective, a
2 proprietor may petition the district court asking for a replat
3 of any part of the official plat. The court has jurisdiction
4 of the matter upon proof of publication of notice of the
5 petition once each week for at least two weeks in a newspaper
6 of general circulation within the area of the replat.

7 A replat of an official plat ordered by the district court
8 shall be prepared by a surveyor and have attached to the plat
9 a statement by the surveyor that the replat is prepared at the
10 direction of the district court. The costs of the replat
11 shall be presented to the auditor and assessed against the
12 property included in the replat as provided for in section
13 409A.16.

14 Sec. 39. NEW SECTION. 409A.25 CORRECTIONS OR CHANGES TO
15 PLATS.

16 A vacation, correction, or replatting as provided for in
17 this chapter, shall be recorded and an exact copy shall be
18 filed with the auditor and assessor. If a governing body
19 changes the addresses or street names shown on an official
20 plat, notice of the change shall be filed with the recorder,
21 auditor, and assessor. The recorder shall note the vacation,
22 correction, replatting, and street name or address change on
23 the margin of the official plat or upon an attachment to the
24 official plat for that purpose. The auditor shall make the
25 proper changes on the plats required to be kept by the
26 auditor.

27 Sec. 40. Section 117A.1, subsection 1, Code 1987, is
28 amended to read as follows:

29 1. "Subdivided land" means improved or unimproved land
30 divided or proposed to be divided for the purpose of sale or
31 lease into five or more lots or parcels, or additions thereto,
32 or parts thereof of lots or parcels; however, subdivided land
33 does not ~~apply to~~ include a subdivision subject to section
34 306.21 or chapter ~~409~~ 409A nor to the leasing of apartments,
35 offices, stores, or similar space within an apartment

1 building, industrial building, or commercial building unless
2 an undivided interest in the land is granted as a condition
3 precedent to occupying space in the structure. Subdivided
4 land does not include subdivisions of land located within the
5 state of Iowa or time-share intervals as defined in section
6 557A.2.

7 Sec. 41. Section 306.42, subsection 5, Code Supplement
8 1987, is amended to read as follows:

9 5. Notwithstanding requirements of chapter 114 and
10 sections 306.22, 364.7, ~~409-12~~ 409A.12, ~~409-14~~ 409A.14 and
11 471.20, legal descriptions, plats, maps, or engineering
12 drawings used to describe transfers of right of way shall,
13 where available, be descriptions, plats, maps, or engineering
14 drawings of record and shall be incorporated by reference to
15 such the title instrument or proceedings. Where If a part but
16 not all of the land acquired by a single conveyance or
17 condemnation is being transferred, the description of that
18 part to be transferred shall be abstracted from the present
19 legal description, plat, map, or engineering drawing of
20 record.

21 Sec. 42. Section 331.321, subsection 3, Code Supplement
22 1987, is amended to read as follows:

23 3. If the board proposes to appoint a county surveyor, it
24 shall appoint a person qualified in accordance with section
25 ~~355-1~~ chapter 114 and provide the surveyor with a suitable
26 book in which to record field notes and plats.

27 Sec. 43. Section 331.511, subsections 1 through 4, Code
28 1987, are amended to read as follows:

29 1. Record each plat as provided in sections ~~409-12~~ 409A.12
30 to ~~409-16~~ 409A.17.

31 2. Record changes in names of platted streets as provided
32 in section ~~409-17~~ 409A.18.

33 3. Record notations of errors or omissions on recorded
34 plats as provided in section ~~409-32~~ 409A.23.

35 4. Record resurveyed plats as provided in section ~~409-43~~

1 409A.24.

2 Sec. 44. Section 331.602, subsection 19, Code Supplement
3 1987, is amended to read as follows:

4 19. Carry out duties relating to the platting of land as
5 provided in chapter ~~409~~ 409A and sections 441.65 to 441.71.

6 Sec. 45. Section 441.65, Code 1987, is amended to read as
7 follows:

8 441.65 PLATTING FOR ASSESSMENT AND TAXATION BY AUDITOR.

9 If a lot or subdivision of land is owned by two or more
10 persons in severalty, and the description of one or more of
11 the different parts or parcels cannot, in the judgment of the
12 county auditor or the assessor, be made sufficiently certain
13 and accurate for the purposes of assessment and taxation
14 without noting the metes and bounds of the property, or if the
15 proprietor of a subdivision of land has sold or conveyed any a
16 part of it, or invested the public with any rights in it, and
17 has failed to file for record a plat as provided in chapter
18 ~~409~~ 409A, the county auditor shall notify all of the owners by
19 mail, and demand compliance. If the owners fail to execute
20 and file the plat within sixty days after the issuance of the
21 notice to execute and file the plat for record, the auditor
22 shall make a plat in accordance with chapter ~~409~~ 409A. The
23 auditor may contract for the services of a registered land
24 surveyor as necessary to comply with this section.

25 Every conveyance of land in this state is deemed to be a
26 warranty that the description contained in the conveyance is
27 sufficiently definite and accurate to enable the auditor to
28 enter it on the plat book required to be kept. When there is
29 presented for entry on the transfer book a conveyance in which
30 the description is not sufficiently definite and accurate, the
31 auditor shall note ~~such~~ that fact on the deed, with that of
32 the entry for transfer, and shall notify the person presenting
33 it that the land is not sufficiently described, and that it
34 must be platted within sixty days. If the grantor in the
35 conveyance neglects for sixty days to file for record a plat

1 of the property, then the auditor shall proceed as provided in
2 this section, and make the plat in accordance with chapter 409
3 409A and record the plat in the offices of the auditor, the
4 county recorder, and the assessor.

5 Sec. 46. Section 602.8102, subsection 57, Code Supplement
6 1987, is amended to read as follows:

7 57. Carry out duties relating to the platting of land as
8 provided in ~~sections 409.9, 409.11, and 409.22~~ chapter 409A.

9 Sec. 47. Section 714.16, subsection 2, paragraph d, Code
10 Supplement 1987, is amended to read as follows:

11 d. (1) No person shall offer or advertise within this
12 state for sale or lease, any subdivided lands without first
13 filing with the real estate commission, true and accurate
14 copies of all road plans, plats, field notes, and diagrams of
15 water, sewage, and electric power lines as they exist at the
16 time of ~~such~~ the filing, ~~provided-such~~ however, this filing
17 ~~shall~~ is not be required for a subdivision subject to section
18 306.21 or chapter 409 409A. ~~Each-such~~ A filing shall be
19 accompanied by a fee of fifty dollars for each subdivision
20 included, payable to the real estate commission.

21 (2) False or misleading statements filed pursuant to
22 subparagraph 1 of paragraph "d" of this subsection or section
23 306.21 or chapter 409 409A, and advertising, offers to sell,
24 or contracts not in substantial conformity with the filings
25 made pursuant to section 306.21 or chapter 409 409A are
26 unlawful.

27 Sec. 48. REPEAL. Chapters 355 and 409, Code 1987, are
28 repealed.

29 EXPLANATION

30 This bill creates two new chapters relating to land
31 surveys. Chapter 114A (tentatively numbered) establishes
32 standards and guidelines for the practice of land surveying in
33 conformity with the United States public land survey system.

34 Chapter 409A (tentatively numbered) provides uniform
35 procedures and standards for the platting of land for the

1 purpose of conveying land and for the assessment and taxation
2 of land. The bill also authorizes cities and counties to
3 establish and enforce ordinances regulating the division of
4 land subject to the uniform procedures and standards provided
5 for in chapter 114A.

6 A person who is guilty of defacing, injuring, or removing a
7 monumentation, signal, or other property related to the United
8 States national geodetic survey or the United States
9 geological survey, is subject to a civil penalty not to exceed
10 fifty dollars for each offense and is liable for the damages
11 inflicted.

12 Chapters 355, land surveys, and 409, plats, are repealed.

13 COMPANION TO HSB 738 (LSB 7848HC)

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35