

WAYS & MEANS CALENDAR

Ret'd " " 1/12/76, Pass per 5310 2/23

House File 909
Ways and Means 375
Bittle, Chair
Middleton
Jochum

HOUSE FILE 909

By COMMITTEE ON WAYS AND MEANS

House File 909
Ways and Means 4/22, Pass 5/18
Rodgers, Chairperson
Van Gilst
Curtis

Passed House, Date 4-15-76 (1982) Passed Senate, Date 5-21-76 (S. 2143)

Vote: Ayes 88 Nays 1 Vote: Ayes 27 Nays 19

Approved June 23, 1994

A BILL FOR

1 An Act relating to the platting of land.

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

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1 Section 1. Section four hundred nine point one (409.1),
2 Code 1975, is amended to read as follows:

3 409.1 SUBDIVISIONS OR ADDITIONS. Every original proprietor
4 of any tract or parcel of land, of forty acres or less or
5 of more than forty acres if divided into parcels any of which
6 are less than forty acres and every original proprietor of
7 any tract or parcel of land of any size located within a city
8 or within two miles of cities subject to the provisions of
9 section four hundred nine point fourteen (409.14) of the Code,
10 who has subdivided, or shall hereafter subdivide the same
11 into ~~three~~ two or more parts, ~~for the purpose of laying out~~
12 ~~a city, or addition thereto, or part thereof, or suburban~~
13 ~~lots,~~ shall cause a registered land surveyor's plat of such
14 subdivisions, with references to known or permanent monuments,
15 to be made by a registered land surveyor holding a certificate
16 issued under the provisions of chapter 114, giving the bearing
17 and distance from some corner of a lot or block in said city
18 to some corner of the congressional division of which said
19 city, or addition is a part, which shall accurately describe
20 all the subdivisions thereof, numbering the same by progressive
21 numbers, giving their dimensions by length and breadth, and
22 the breadth and courses of all the streets and alleys
23 established therein.

24 The registered surveyor shall certify on the plat of the
25 subdivision that the plat is a true and correct representation
26 of the lands surveyed. The certification shall be signed
27 by the surveyor and shall display the surveyor's registration
28 number and official seal.

29 Prior to, or at the time of conveyance of the tract or
30 a parcel thereof, the proprietor shall cause a certified copy
31 of the plat to be recorded by the county recorder for assess-
32 ment and taxation purposes, and the county recorder shall
33 forward certified copies of the plat to the county auditor
34 and assessor. The recording of a plat pursuant to this
35 paragraph is in addition to any other requirement of this

1 chapter, and the recording for assessment and taxation purposes
2 shall not constitute a dedication or impose any liability
3 upon the state or any of its subdivisions.

4 Sec. 2. Section four hundred nine point twelve (409.12),
5 Code 1975, is amended to read as follows:

6 409.12 RECORD--FILING. The signed and acknowledged plat
7 and the attorney's opinion, together with the certificates
8 of the clerk, recorder, and treasurer, and the affidavit and
9 bond, if any, together with the certificate of approval of
10 the council, shall be entered of record in the proper record
11 books in the office of the county recorder. When so entered,
12 the plat only shall be entered of record in the ~~office~~ offices
13 of the county auditor and assessor and shall be of no validity
14 until so filed, in ~~both~~ those offices.

15 A plat certified by the council shall supersede any plat
16 recorded for assessment and taxation purposes pursuant to
17 section four hundred nine point one (409.1) of the Code and
18 any plat so superseded shall be voided.

19 Sec. 3. Section four hundred nine point fourteen (409.14),
20 unnumbered paragraphs one (1) and seven (7), Code 1975, are
21 amended to read as follows:

22 No county ~~auditor or~~ recorder shall hereafter file or
23 record, nor permit to be filed or recorded, any plat purporting
24 to lay out or subdivide any tract of land into lots and blocks
25 within any city having a population by the latest federal
26 census of twenty-five thousand or over, or within a city of
27 any size which by ordinance adopts the restrictions of this
28 section or, except as hereinafter provided, within two miles
29 of the limits of such city, unless such plat has been first
30 filed with and approved by the council of such city as provided
31 in section 409.7, and after review and recommendation by the
32 city plan commission in cities where such commission exists.

33 If any such plat of land is tendered for recording in the
34 office of the county recorder ~~or county auditor~~ of any county
35 in which any city of the above class may be situated, it shall

1 be the duty of such county recorder ~~and-auditor~~ to examine
2 such plat, to ascertain whether the endorsement of approval
3 by the city council, as herein provided for, shall appear
4 thereon. If it shall, and the plat otherwise conforms to
5 the provisions of law, said ~~officers~~ officer shall accept
6 same for recording. If such endorsement does not appear
7 thereon said ~~officers~~ officer shall refuse and decline to
8 accept such plat, and any filing thereof shall be void. Any
9 failure to observe the provisions of this section on the part
10 of any county recorder ~~or-county-auditor~~ shall constitute
11 a misdemeanor in office.

12 Sec. 4. Section four hundred nine point fifteen (409.15),
13 Code 1975, is amended to read as follows:

14 409.15 DISAPPROVAL--APPEAL. In case, on application for
15 such approval of any plat, the city council shall fail to
16 either approve or reject the same within sixty days from date
17 of application, the person proposing said plat shall have
18 the right to file the same with the county recorder, assessor
19 and auditor. If said plat is disapproved by the council such
20 disapproval shall point out wherein said proposed plat is
21 objectionable. From the action of the council refusing to
22 approve any such plat, the applicant shall have the right
23 to appeal to the district court within twenty days after such
24 rejection by filing written notice of appeal with the city
25 clerk. Such appeal shall be triable de novo as an equitable
26 proceeding and accorded such preference in assignment as to
27 assure its prompt disposition.

28 Sec. 5. Section four hundred nine point seventeen (409.17),
29 Code 1975, is amended to read as follows:

30 409.17 CHANGE OF NAME OF STREET. Cities shall have
31 authority to change by ordinance the name of a platted street.
32 The mayor and city clerk shall certify and file the ordinance,
33 after its passage, with the county recorder, assessor and
34 ~~county~~ auditor. The county auditor shall make the proper
35 changes on the plats found in the office of the auditor.

1 The county recorder shall enter the instrument of record and
2 make a reference on the margin of the original plat or upon
3 a reference sheet or page attached to the original plat for
4 that purpose.

5 Sec. 6. Section four hundred nine point twenty-six
6 (409.26), Code 1975, is amended to read as follows:

7 409.26 REPLATTING. The owner of any lots in a plat vacated
8 may cause the same and a proportionate part of the adjacent
9 streets and public grounds to be replatted and numbered by
10 the county surveyor in the same manner as is required for
11 platting in the first instance, and when such plat is acknowl-
12 edged by such owner, and is recorded ~~in-the-recorder's-office~~
13 ~~of-the-county~~ as provided in this chapter, such lots may be
14 conveyed and assessed by the numbers given them on such plat.

15 Sec. 7. Section four hundred nine point thirty-eight
16 (409.38), Code 1975, is amended to read as follows:

17 409.38 RESURVEY OF CITY PLATS. In all cases where the
18 original plat of any city or village, or any addition thereto
19 or subdivision thereof, has been or may be lost or destroyed
20 after the sale and conveyance of any subdivision, block or
21 lot thereof by the original proprietor and before the same
22 shall have been recorded, or the property so platted has been
23 indefinitely located or the plat is materially defective,
24 any three persons owning real property within the limits of
25 such plat may have the same resurveyed and replatted, and
26 such plat recorded as hereinafter directed.

27 Sec. 8. Section four hundred nine point forty-three
28 (409.43), Code 1975, is amended to read as follows:

29 409.43 PLAT CERTIFIED AND FILED--EFFECT. When the surveyor
30 has completed the plat pursuant to the resurvey, he shall
31 attach his certificate thereto, to the effect that it is a
32 just, true, and accurate plat of said city, village, or
33 addition so surveyed by him; which shall be filed for record
34 ~~in-the-office-of-the-recorder-of-the-proper-county~~ in the
35 offices of the county recorder, county auditor and assessor,

1 and from the date of such filing it shall be treated in all
2 courts of this state as though the same had been made by the
3 original proprietor thereof.

4 Any resurvey plat so recorded shall supersede a previously
5 recorded plat for assessment and taxation purposes unless
6 the county auditor objects thereto in writing. A person
7 aggrieved by an objection of the auditor may appeal within
8 thirty days after the mailing of the written objection to
9 the board of supervisors as provided in chapter four hundred
10 forty-one (441) of the Code.

11 Sec. 9. Chapter four hundred nine (409), Code 1975, is
12 amended by adding sections nine (9) through eleven (11) of
13 this Act.

14 Sec. 10. NEW SECTION. MONUMENTATION.

15 1. Prior to the offering of the plat of any subdivision
16 for record, the registered land surveyor shall confirm the
17 prior establishment of permanent control monuments at each
18 controlling corner on the boundaries of the parcel or tract
19 of land being subdivided. If no permanent control monuments
20 exist, the registered land surveyor shall establish at least
21 two permanent control monuments for each block created, or
22 if the area subdivided into lots is less than a block in size,
23 at least two permanent control monuments shall be established
24 for the subdivision. Permanent control monuments shall be
25 constructed of reasonably permanent material solidly embedded
26 in the ground and capable of being detected by commonly used
27 magnetic or electronic equipment. The registered land surveyor
28 shall affix a cap of reasonably inert material bearing an
29 embossed or stencil cut marking of the Iowa registration
30 number of the registered land surveyor to the top of the
31 monument.

32 2. Other monuments established prior to the recording
33 of the plat of the subdivision and described on the plat shall
34 be considered monuments of record and shall be given the same
35 weight as original permanent control monuments if the monuments

1 remain undisturbed in their original positions. The additional
2 monuments shall be constructed and embedded according to the
3 provisions for permanent control monuments prescribed in
4 subsection one (1) of this section.

5 3. Monuments other than the permanent control monuments
6 required in subsection one (1) of this section shall not be
7 required to be established before the recording of the plat
8 or the conveyancing of lands by reference to the plat if the
9 registered land surveyor includes in the certification of
10 the plat that the additional monuments required by this chapter
11 or by any local ordinance shall be established before a
12 specified future date.

13 4. Additional monuments shall be constructed and embedded
14 according to the provisions for permanent control monuments
15 prescribed in subsection one (1) of this section, and shall
16 be set at all of the following locations whether set prior
17 to the recording of the plat, or subsequent to such recording:

18 a. At every corner and angle point of every lot, block
19 or parcel of land created.

20 b. At every point of intersection of the outer boundary
21 of the subdivision with an existing or created right-of-way
22 line of any street, railroad, or other way.

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

25 When the placement of a monument required by this chapter
26 at the prescribed location is impractical, it is permissible
27 to establish a reference monument in close proximity to the
28 prescribed location. If the reference monument is established
29 prior to the recording of the plat and its location properly
30 shown on the plat, the reference monument shall have the same
31 status as other monuments of record. Where any point requiring
32 monumentation has been previously monumented, the existence
33 of the monument shall be confirmed by the registered land
34 surveyor. The existing monument shall be considered a monument
35 of record when properly shown and described on the recorded

1 plat.

2 Sec. 11. NEW SECTION. PLATS MADE FOR RECORD. Every plat
3 of a subdivision offered for record shall conform to all of
4 the following provisions where applicable:

5 1. The plat shall be a permanent copy or a photographic
6 print made on a stable plastic film. Exact copies of the
7 plat to be recorded shall be provided to and filed by the
8 county recorder, assessor and auditor. The original plat
9 drawing shall remain the property of the registered land
10 surveyor.

11 2. The size of each sheet showing any portion of the
12 subdivided lands shall not be greater than eighteen inches
13 by twenty-four inches nor less than eight and one-half inches
14 by eleven inches.

15 3. Whenever more than one sheet is used to accurately
16 portray the lands subdivided, each sheet shall display both
17 the number of the sheet and the total number of sheets included
18 in the plat, as well as clearly labeled match lines indicating
19 where the other sheets adjoin. An index sheet shall be
20 provided to show the relationship between the sheets.

21 4. A maximum scale of one hundred feet to one inch shall
22 be used unless permission to use a different scale is obtained
23 in writing from the local governing body or its approving
24 agent. The scale used shall be clearly stated and graphically
25 illustrated by a bar scale drawn on every sheet showing any
26 portion of the lands subdivided.

27 5. Subdivisions shall be designated, by name or as
28 otherwise prescribed, in bold letters inside the margin at
29 the top of each sheet included in the plat.

30 6. An arrow indicating the northern direction shall be
31 drawn in a prominent place on each sheet included in the plat.

32 7. All monuments to be of record shall be adequately
33 described and clearly identified on the plat. When additional
34 monuments are to be established subsequent to the recording
35 of the plat as provided in subsection three (3) of section

1 ten (10) of this Act, the location of the additional monuments
2 shall be shown on the plat.

3 8. Sufficient survey data shall be shown to positively
4 describe the bounds of every lot, block, street, easement,
5 or other areas shown on the plat, as well as the outer
6 boundaries of the subdivided lands.

7 9. All distances shall be shown in feet to the nearest
8 one-hundredth of a foot, and in accordance with the definition
9 of a foot adopted by the United States bureau of standards.
10 All measurements shall refer to the horizontal plane.

11 10. The course of every 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
15 an irregular or constantly changing course, as along a body
16 of water, or when a description of the boundary line is better
17 achieved by measurements shown at points or intervals along
18 a meander line having a shown course. All bearings and angles
19 shown shall be given to at least the nearest minute of arc.

20 11. Curve data shall be stated in terms of radius, central
21 angle, and tangent, or length of curve, and unless otherwise
22 specified by local ordinance curve data for streets of uniform
23 width may be shown only with reference to the center line,
24 and lots fronting on such curves may show only the chord
25 bearing and distance of such portion of the curve as is
26 included in their boundary. In all other cases, the curve
27 data must be shown for the line affected.

28 12. The minimum unadjusted acceptable error of closure
29 for all subdivision boundaries shall be 1:10,000 and shall
30 be 1:5,000 for any individual lot.

31 13. When any lot or portion of the subdivision is bounded
32 by an irregular line, the major portion of that lot or
33 subdivision shall be enclosed by a meander line showing
34 complete data with distances along all lines extending beyond
35 the enclosure to the irregular boundary shown with as much

1 certainty as can be determined or as "more or less", if
2 variable. In all cases, the true boundary shall be clearly
3 indicated on the plat.

4 14. All interior excepted parcels shall be clearly
5 indicated and labeled, "not a part of this plat".

6 15. All adjoining properties shall be identified, and
7 where such adjoining properties are a part of a recorded
8 subdivision, the name of that subdivision shall be shown.
9 If the subdivision platted is a re-subdivision of a part or
10 the whole of a previously recorded subdivision, sufficient
11 ties shall be shown to controlling lines appearing on the
12 earlier plat to permit an overlay to be made. Re-subdivisions
13 shall be labeled as such in a subtitle following the name
14 of the subdivision wherever the name appears on the plat.

15 16. The purpose of any easement shown on the plat shall
16 be clearly stated and shall be confined to only those easements
17 pertaining to public utilities including gas, power, telephone,
18 water, sewer, and such drainage easements as are deemed
19 necessary for the orderly development of the land encompassed
20 within the plat. All such easements relative to their usage
21 and maintenance shall be approved by the governing or
22 jurisdictional body prior to the recording of the plat.

23 17. A strip of land shall not be reserved by the subdivider
24 unless the land is of sufficient size and shape to be of some
25 practical use or service as determined by the governing body.

26 18. The purpose of all areas dedicated to the public must
27 be clearly indicated on the plat.

28 Sec. 12. NEW SECTION. AFFIDAVIT CONFIRMING ERROR ON PLAT.

29 If an appreciable error or omission in the data shown on any
30 plat duly recorded under the provisions of this chapter is
31 detected by subsequent examinations or revealed by a re-
32 tracement of the lines run during the original survey of the
33 lands as shown on the plat, the registered land surveyor
34 responsible for the original survey and the preparation of
35 the plat may file an affidavit confirming that the error or

1 omission was made, describing the nature and extent of the
2 error or omission and the appropriate correction that should
3 be substituted for the erroneous data shown on the plat.
4 If the registered land surveyor is deceased, or is no longer
5 available, or unwilling to confirm the error or omission,
6 a similar affidavit may be filed by two registered land
7 surveyors confirming the error through an independent survey.
8 In either case where such affidavit has been filed for record,
9 it shall be the duty of the county recorder, assessor, and
10 auditor to place a notation on copies of the plat stating
11 that the affidavit has been filed, the date filed, and the
12 book and page where it is recorded. The affidavit shall have
13 no effect upon the validity of the plat, or on the infor-
14 mation shown thereon, but shall be admissible as evidence
15 in a court and given the same weight as testimony offered
16 voluntarily by an expert witness.

17 Sec. 13. Section four hundred twenty-eight point seven
18 (428.7), Code 1975, is amended to read as follows:

19 428.7 DESCRIPTION OF TRACTS--MANNER. ~~No-one~~ A descrip-
20 tion shall not comprise more than one city lot, ~~or more than~~
21 ~~the-sixteenth-part-of-a-section~~ or other smallest subdivision
22 of the land according to the government surveys, except in
23 cases where the boundaries are so irregular that it cannot
24 be described in the usual manner in accordance therewith.
25 However, descriptions may be combined for assessment purposes
26 to allow the assessor to value the property as a unit. This
27 section shall apply to known owners and unknown owners, alike.

28 Sec. 14. Chapter four hundred forty-one (441), Code 1975,
29 is amended by adding the following new sections:

30 NEW SECTION. PLATTING FOR ASSESSMENT AND TAXATION BY
31 AUDITOR. Whenever a lot or subdivision of land is owned by
32 two or more persons in severalty, and the description of one
33 or more of the different parts or parcels thereof cannot,
34 in the judgment of the county auditor or the assessor, be
35 made sufficiently certain and accurate for the purposes of

1 assessment and taxation without noting the metes and bounds
2 of the same, or whenever the original proprietor of any sub-
3 division of land has sold or conveyed any part thereof, or
4 invested the public with any rights therein, and has failed
5 to file for record a plat as provided in chapter four hundred
6 nine (409) of the Code, the county auditor by certified mail
7 shall notify all of the owners, and demand compliance. If
8 the owners fail to execute and file the plat within sixty
9 days after the issuance of such notice to execute and file
10 said plat for record, the auditor shall cause a plat to be
11 made as the auditor deems appropriate in accordance with the
12 provisions of chapter four hundred nine (409) of the Code.
13 The auditor may contract for the services of a registered
14 land surveyor as necessary to comply with this section. Every
15 conveyance of land in this state shall be deemed to be a
16 warranty that the description therein contained is sufficiently
17 definite and accurate to enable the auditor to enter the same
18 on the plat book required to be kept; and when there is
19 presented for entry on the transfer book any conveyance in
20 which the description is not sufficiently definite and
21 accurate, the auditor shall note such fact on the deed, with
22 that of the entry for transfer, and shall notify the person
23 presenting it that the land therein is not sufficiently
24 described, and that it must be platted within sixty days
25 thereafter. If the grantor in the conveyance shall neglect
26 for sixty days thereafter to file for record a plat thereof,
27 then the auditor shall proceed as is provided in this section,
28 and cause the plat to be made in accordance with the provisions
29 of chapter four hundred nine (409) of the Code and recorded
30 in the office of the auditor, and the office of the county
31 recorder, and in the office of the assessor.

32 NEW SECTION. EXECUTION AND FILING--EFFECT. The plat shall
33 be signed and acknowledged by the auditor, who shall certify
34 that it was executed by the auditor by reason of the failure
35 of the owners named to do so, and the auditor shall file it

1 for record in the office of the auditor and in the
2 office of the assessor and in the office of the county
3 recorder, and when so filed it shall have the same effect
4 as if executed, acknowledged, and recorded by the owners.

5 NEW SECTION. COSTS AND EXPENSES. A correct statement
6 of the costs and expenses of the plat, survey, and record,
7 verified by oath, shall be presented by the auditor to the
8 board of supervisors, which shall allow the same.

9 NEW SECTION. COLLECTION OR ASSESSMENT OF COSTS. The
10 auditor shall at the same time assess the amount pro rata
11 by area upon the several subdivisions of the tract, lot, or
12 parcel so subdivided, and it shall be collected in the same
13 manner as general taxes, and shall go to the general county
14 fund.

15 NEW SECTION. APPEAL. Any person aggrieved by a notice
16 to execute and file a plat given by the auditor, or by the
17 use of an erroneous plat for assessment and taxation purposes,
18 may within thirty days from the date of the notice appeal
19 therefrom to the board of supervisors by giving notice thereof
20 in writing to the board of supervisors and thereupon no
21 further proceeding shall be taken by the auditor.

22 NEW SECTION. DETERMINATION BY BOARD. At its next session
23 the board of supervisors shall determine the matter and direct
24 that a plat be executed and filed or that the auditor accept
25 a plat for filing, and shall specify the time within which
26 the action shall be taken. The aggrieved person shall be given
27 an opportunity to be heard in person or by counsel.

28 NEW SECTION. PLAT REQUIREMENTS. Every plat required by
29 this chapter shall describe the tract and any other subdi-
30 visions of the smallest congressional subdivision of which
31 the same is part, numbering them by progressive numbers,
32 setting forth the courses and distances, the number of acres,
33 and other memoranda as is necessary; and descriptions of the
34 lots or subdivisions according to the number and designa-
35 tion thereof on the plat shall be deemed sufficient for all

1 purposes. A plat recorded pursuant to this chapter is for
2 assessment and taxation purposes only and shall not consti-
3 tute a dedication or impose any liability upon the state or
4 any of its subdivisions.

5 Sec. 15. Sections four hundred nine point twenty-seven
6 (409.27), four hundred nine point twenty-eight (409.28), four
7 hundred nine point twenty-nine (409.29), four hundred nine
8 point thirty (409.30), four hundred nine point thirty-one
9 (409.31), four hundred nine point thirty-two (409.32), four
10 hundred nine point thirty-three (409.33), four hundred nine
11 point thirty-four (409.34), four hundred nine point thirty-
12 five (409.35), and four hundred nine point thirty-six (409.36),
13 Code 1975, are repealed.

14 EXPLANATION

15 This bill amends the procedures contained in chapter 409
16 which relate to the filing of plats for the purposes of assess-
17 ment and taxation. The procedures are transferred from chap-
18 ter 409 to chapter 441, and are modified to authorize the
19 auditor, on his own determination or that of the assessor,
20 to order that a platting or replatting be made by property
21 owners, and to authorize that the auditor cause the plat to
22 be made if the owners fail to act or fail to appeal within
23 sixty days. The amendments provide that any plat subsequently
24 approved supersedes the earlier assessment and tax plat.

25 The bill provides that plats located within a city may
26 be any size, but restricts plats located outside a city to
27 forty acres or less. This requirement is subject to
28 modification by the provisions of section 409.14 which subject
29 platting of land located within two miles of some cities to
30 the approval of the city council. Coordinating amendments
31 to chapter 409 are also made, and section 409.1 is changed
32 to require a plat for any subdivision of land into two or
33 more parts rather than the existing three or more.

34 The bill also provides that the acceptance and recording
35 of an assessment and taxation plat does not effect a

1 dedication. Standards for land surveys are incorporated into
2 chapter 409 including requirements for property corner
3 monumentation. In addition, the bill provides a procedure
4 for making corrections to recorded plats.

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H-5310

1 Amend House File 909 as follows:

- 2 1. Page 1, line 4, by striking the word "land,"
3 and inserting in lieu thereof the word "land~~7~~".
- 4 2. Page 1, line 8, by striking the word "cities"
5 and inserting in lieu thereof the words "a city".
- 6 3. Page 1, line 10, by striking the words "has
7 subdivided, or shall hereafter" and inserting in lieu
8 thereof the words "~~has-subdivided, or shall here-~~
9 ~~after~~".
- 10 4. Page 1, line 11, by striking the words "~~three~~
11 ~~two~~" and inserting in lieu thereof the word "three".
- 12 5. Page 1, line 14, by striking the word
13 "subdivisions" and inserting in lieu thereof the words
14 "~~subdivisions~~ subdivision".
- 15 6. Page 1, line 17, by striking the words "a lot
16 or block in said city" and inserting in lieu thereof
17 the words "~~a lot or block in said city~~ the
18 subdivision".
- 19 7. Page 1, lines 18 and 19, by striking the words
20 "said city, or addition" and inserting in lieu thereof
21 the words "~~said city, or addition~~ it".
- 22 8. Page 2, line 3, by inserting after the word
23 "its" the word "political".
- 24 9. Page 4, line 10, by striking the words "county
25 surveyor" and inserting in lieu thereof the words
26 "~~county-surveyor~~ registered land surveyor".
- 27 10. Page 4, line 18, by striking the words "or
28 village" and inserting in lieu thereof the words "~~or~~
29 village".
- 30 11. Page 4, line 32, by striking the word
31 "village," and inserting in lieu thereof the word
32 "~~village~~7".
- 33 12. Page 5, line 12, by striking the words and
34 figures "nine (9) through eleven (11)" and insert-
35 ing in lieu thereof the words and figures "ten (10)
36 through twelve (12)".
- 37 13. Page 7, lines 23 and 24, by striking the words
38 "or its approving agent".
- 39 14. Page 10, by inserting after line 16 the
40 following new section:
41 "Sec. ____. NEW SECTION. APPLICABILITY. The
42 provisions of this chapter shall not be applicable
43 to parcels of land divided solely by the conveyance
44 of land for right-of-way purposes to the state or
45 any of its political subdivisions or other person
46 having the power of eminent domain."
- 47 15. Page 13, line 4, by inserting after the word
48 "its" the word "political".
- 49 16. Renumber sections and correct internal refer-
50 ences as may be necessary in accordance with this
51 amendment.

H-6008

1 Amend House File 909 as follows:

2 1. Page 5, by inserting after line 10 the
3 following:

4 "Sec. _____. Section four hundred nine point forty-
5 five (409.45), Code 1975, is amended to read as
6 follows:

7 409.45 SALE OR LEASE WITHOUT PLAT. Any person
8 who shall dispose of or offer for sale or lease any
9 lots in any city or addition to any city, until the
10 plat thereof has been acknowledged and recorded as
11 provided in this chapter, shall forfeit and pay fifty
12 five hundred dollars for each lot and part of lot
13 sold or disposed of, leased, or offered for sale."

14 2. By renumbering remaining sections and correcting
15 internal references in accordance with this amendment.

H-6008 FILED - *Lost 4/15* BY BRANDT of Black Hawk
MARCH 26, 1976 (*1981*)

HOUSE FILE 909

S-5866

1 Amend House File 909, page 1, line 13, by
2 inserting after the word "plat" the words "and
3 legal description".

S-5866 FILED - *Lost 5/21 (2142)*
MAY 20, 1976

BY CHARLES P. MILLER

AN ACT

RELATING TO THE PLATTING OF LAND.

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

Section 1. Section four hundred nine point one (409.1), Code 1975, is amended to read as follows:

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

The registered surveyor shall certify on the plat of the subdivision that the plat is a true and correct representation of the lands surveyed. The certification shall be signed by the surveyor and shall display the surveyor's registration

number and official seal.

Prior to, or at the time of conveyance of the tract or a parcel thereof, the proprietor shall cause a certified copy of the plat to be recorded by the county recorder for assessment and taxation purposes, and the county recorder shall forward certified copies of the plat to the county auditor and assessor. The recording of a plat pursuant to this paragraph is in addition to any other requirement of this chapter, and the recording for assessment and taxation purposes shall not constitute a dedication or impose any liability upon the state or any of its political subdivisions.

Sec. 2. Section four hundred nine point twelve (409.12), Code 1975, is amended to read as follows:

409.12 RECORD--FILING. The signed and acknowledged plat and the attorney's opinion, together with the certificates of the clerk, recorder, and treasurer, and the affidavit and bond, if any, together with the certificate of approval of the council, shall be entered of record in the proper record books in the office of the county recorder. When so entered, the plat only shall be entered of record in ~~the effiee offices~~ of the county auditor and assessor and shall be of no validity until so filed, in ~~both those~~ those offices.

A plat certified by the council shall supersede any plat recorded for assessment and taxation purposes pursuant to section four hundred nine point one (409.1) of the Code and any plat so superseded shall be voided.

Sec. 3. Section four hundred nine point fourteen (409.14), unnumbered paragraphs one (1) and seven (7), Code 1975, are amended to read as follows:

No county ~~auditer or~~ recorder shall hereafter file or record, nor permit to be filed or recorded, any plat purporting to lay out or subdivide any tract of land into lots and blocks within any city having a population by the latest federal census of twenty-five thousand or over, or within a city of any size which by ordinance adopts the restrictions of this

section or, except as hereinafter provided, within two miles of the limits of such city, unless such plat has been first filed with and approved by the council of such city as provided in section 409.7, and after review and recommendation by the city plan commission in cities where such commission exists.

If any such plat of land is tendered for recording in the office of the county recorder ~~or county-auditor~~ of any county in which any city of the above class may be situated, it shall be the duty of such county recorder ~~and-auditor~~ to examine such plat, to ascertain whether the endorsement of approval by the city council, as herein provided for, shall appear thereon. If it shall, and the plat otherwise conforms to the provisions of law, said ~~officers~~ officer shall accept same for recording. If such endorsement does not appear thereon said ~~officers~~ officer shall refuse and decline to accept such plat, and any filing thereof shall be void. Any failure to observe the provisions of this section on the part of any county recorder ~~or county-auditor~~ shall constitute a misdemeanor in office.

Sec. 4. Section four hundred nine point fifteen (409.15), Code 1975, is amended to read as follows:

409.15 DISAPPROVAL--APPEAL. In case, on application for such approval of any plat, the city council shall fail to either approve or reject the same within sixty days from date of application, the person proposing said plat shall have the right to file the same with the county recorder, assessor and auditor. If said plat is disapproved by the council such disapproval shall point out wherein said proposed plat is objectionable. From the action of the council refusing to approve any such plat, the applicant shall have the right to appeal to the district court within twenty days after such rejection by filing written notice of appeal with the city clerk. Such appeal shall be triable de novo as an equitable proceeding and accorded such preference in assignment as to assure its prompt disposition.

Sec. 5. Section four hundred nine point seventeen (409.17), Code 1975, is amended to read as follows:

409.17 CHANGE OF NAME OF STREET. Cities shall have authority to change by ordinance the name of a platted street. The mayor and city clerk shall certify and file the ordinance, after its passage, with the county recorder, assessor and county auditor. The county auditor shall make the proper changes on the plats found in the office of the auditor. The county recorder shall enter the instrument of record and make a reference on the margin of the original plat or upon a reference sheet or page attached to the original plat for that purpose.

Sec. 6. Section four hundred nine point twenty-six (409.26), Code 1975, is amended to read as follows:

409.26 REPLATTING. The owner of any lots in a plat vacated may cause the same and a proportionate part of the adjacent streets and public grounds to be replatted and numbered by the ~~county-surveyor~~ registered land surveyor in the same manner as is required for platting in the first instance, and when such plat is acknowledged by such owner, and is recorded ~~in-the-recorder's-office-of-the-county~~ as provided in this chapter, such lots may be conveyed and assessed by the numbers given them on such plat.

Sec. 7. Section four hundred nine point thirty-eight (409.38), Code 1975, is amended to read as follows:

409.38 RESURVEY OF CITY PLATS. In all cases where the original plat of any city ~~or-village~~, or any addition thereto or subdivision thereof, has been or may be lost or destroyed after the sale and conveyance of any subdivision, block or lot thereof by the original proprietor and before the same shall have been recorded, or the property so platted has been indefinitely located or the plat is materially defective, any three persons owning real property within the limits of such plat may have the same resurveyed and replatted, and such plat recorded as hereinafter directed.

Sec. 8. Section four hundred nine point forty-three (409.43), Code 1975, is amended to read as follows:

409.43 PLAT CERTIFIED AND FILED--EFFECT. When the surveyor has completed the plat pursuant to the resurvey, he shall attach his certificate thereto, to the effect that it is a just, true, and accurate plat of said city, ~~village~~, or addition so surveyed by him; which shall be filed for record ~~in the office of the recorder of the proper county in the offices of the county recorder, county auditor and assessor,~~ and from the date of such filing it shall be treated in all courts of this state as though the same had been made by the original proprietor thereof.

Any resurvey plat so recorded shall supersede a previously recorded plat for assessment and taxation purposes unless the county auditor objects thereto in writing. A person aggrieved by an objection of the auditor may appeal within thirty days after the mailing of the written objection to the board of supervisors as provided in chapter four hundred forty-one (441) of the Code.

Sec. 9. Chapter four hundred nine (409), Code 1975, is amended by adding sections ten (10) through thirteen (13) of this Act.

Sec. 10. NEW SECTION. MONUMENTATION.

1. Prior to the offering of the plat of any subdivision for record, the registered land surveyor shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the registered land surveyor shall establish at least two permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used

magnetic or electronic equipment. The registered land surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the registered land surveyor to the top of the monument.

2. Other monuments established prior to the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection one (1) of this section.

3. Monuments other than the permanent control monuments required in subsection one (1) of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the registered land surveyor includes in the certification of the plat that the additional monuments required by this chapter or by any local ordinance shall be established before a specified future date.

4. Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection one (1) of this section, and shall be set at all of the following locations whether set prior to the recording of the plat, or subsequent to such recording:

a. At every corner and angle point of every lot, block or parcel of land created.

b. At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad, or other way.

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

When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible

to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the registered land surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

Sec. 11. NEW SECTION. PLATS MADE FOR RECORD. Every plat of a subdivision offered for record shall conform to all of the following provisions where applicable:

1. The plat shall be a permanent copy or a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed by the county recorder, assessor and auditor. The original plat drawing shall remain the property of the registered land surveyor.
2. The size of each sheet showing any portion of the subdivided lands shall not be greater than eighteen inches by twenty-four inches nor less than eight and one-half inches by eleven inches.
3. Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index sheet shall be provided to show the relationship between the sheets.
4. A maximum scale of one hundred feet to one inch shall be used unless permission to use a different scale is obtained in writing from the local governing body. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.

5. Subdivisions shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
6. An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat.
7. All monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of the plat as provided in subsection three (3) of section ten (10) of this Act, the location of the additional monuments shall be shown on the plat.
8. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
9. All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States bureau of standards. All measurements shall refer to the horizontal plane.
10. The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.
11. Curve data shall be stated in terms of radius, central angle, and tangent, or length of curve, and unless otherwise specified by local ordinance curve data for streets of uniform width may be shown only with reference to the center line, and lots fronting on such curves may show only the chord bearing and distance of such portion of the curve as is included in their boundary. In all other cases, the curve

data must be shown for the line affected.

12. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

13. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less", if variable. In all cases, the true boundary shall be clearly indicated on the plat.

14. All interior excepted parcels shall be clearly indicated and labeled, "not a part of this plat".

15. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a re-subdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Re-subdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

16. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat. All such easements relative to their usage and maintenance shall be approved by the governing or jurisdictional body prior to the recording of the plat.

17. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the governing body.

18. The purpose of all areas dedicated to the public must

be clearly indicated on the plat.

Sec. 12. NEW SECTION. AFFIDAVIT CONFIRMING ERROR ON PLAT. If an appreciable error or omission in the data shown on any plat duly recorded under the provisions of this chapter is detected by subsequent examinations or revealed by a re-tracement of the lines run during the original survey of the lands as shown on the plat, the registered land surveyor responsible for the original survey and the preparation of the plat may file an affidavit confirming that the error or omission was made, describing the nature and extent of the error or omission and the appropriate correction that should be substituted for the erroneous data shown on the plat. If the registered land surveyor is deceased, or is no longer available, or unwilling to confirm the error or omission, a similar affidavit may be filed by two registered land surveyors confirming the error through an independent survey. In either case where such affidavit has been filed for record, it shall be the duty of the county recorder, assessor, and auditor to place a notation on copies of the plat stating that the affidavit has been filed, the date filed, and the book and page where it is recorded. The affidavit shall have no effect upon the validity of the plat, or on the information shown thereon, but shall be admissible as evidence in a court and given the same weight as testimony offered voluntarily by an expert witness.

Sec. 13. NEW SECTION. APPLICABILITY. The provisions of this chapter shall not be applicable to parcels of land divided solely by the conveyance of land for right-of-way purposes to the state or any of its political subdivisions or other person having the power of eminent domain.

Sec. 14. Section four hundred twenty-eight point seven (428.7), Code 1975, is amended to read as follows:

428.7 DESCRIPTION OF TRACTS--MANNER. ~~Ne-one~~ A description shall not comprise more than one city lot, ~~or more than the sixteenth part of a section~~ or other smallest subdivision

of the land according to the government surveys, except in cases where the boundaries are so irregular that it cannot be described in the usual manner in accordance therewith. However, descriptions may be combined for assessment purposes to allow the assessor to value the property as a unit. This section shall apply to known owners and unknown owners, alike.

Sec. 15. Chapter four hundred forty-one (441), Code 1975, is amended by adding the following new sections:

NEW SECTION. PLATTING FOR ASSESSMENT AND TAXATION BY AUDITOR. Whenever a lot or subdivision of land is owned by two or more persons in severalty, and the description of one or more of the different parts or parcels thereof cannot, in the judgment of the county auditor or the assessor, be made sufficiently certain and accurate for the purposes of assessment and taxation without noting the metes and bounds of the same, or whenever the original proprietor of any subdivision of land has sold or conveyed any part thereof, or invested the public with any rights therein, and has failed to file for record a plat as provided in chapter four hundred nine (409) of the Code, the county auditor by certified mail shall notify all of the owners, and demand compliance. If the owners fail to execute and file the plat within sixty days after the issuance of such notice to execute and file said plat for record, the auditor shall cause a plat to be made as the auditor deems appropriate in accordance with the provisions of chapter four hundred nine (409) of the Code. The auditor may contract for the services of a registered land surveyor as necessary to comply with this section. Every conveyance of land in this state shall be deemed to be a warranty that the description therein contained is sufficiently definite and accurate to enable the auditor to enter the same on the plat book required to be kept; and when there is presented for entry on the transfer book any conveyance in which the description is not sufficiently definite and accurate, the auditor shall note such fact on the deed, with

that of the entry for transfer, and shall notify the person presenting it that the land therein is not sufficiently described, and that it must be platted within sixty days thereafter. If the grantor in the conveyance shall neglect for sixty days thereafter to file for record a plat thereof, then the auditor shall proceed as is provided in this section, and cause the plat to be made in accordance with the provisions of chapter four hundred nine (409) of the Code and recorded in the office of the auditor, and the office of the county recorder, and in the office of the assessor.

NEW SECTION. EXECUTION AND FILING--EFFECT. The plat shall be signed and acknowledged by the auditor, who shall certify that it was executed by the auditor by reason of the failure of the owners named to do so, and the auditor shall file it for record in the office of the auditor and in the office of the assessor and in the office of the county recorder, and when so filed it shall have the same effect as if executed, acknowledged, and recorded by the owners.

NEW SECTION. COSTS AND EXPENSES. A correct statement of the costs and expenses of the plat, survey, and record, verified by oath, shall be presented by the auditor to the board of supervisors, which shall allow the same.

NEW SECTION. COLLECTION OR ASSESSMENT OF COSTS. The auditor shall at the same time assess the amount pro rata by area upon the several subdivisions of the tract, lot, or parcel so subdivided, and it shall be collected in the same manner as general taxes, and shall go to the general county fund.

NEW SECTION. APPEAL. Any person aggrieved by a notice to execute and file a plat given by the auditor, or by the use of an erroneous plat for assessment and taxation purposes, may within thirty days from the date of the notice appeal therefrom to the board of supervisors by giving notice thereof in writing to the board of supervisors and thereupon no further proceeding shall be taken by the auditor.

NEW SECTION. DETERMINATION BY BOARD. At its next session the board of supervisors shall determine the matter and direct that a plat be executed and filed or that the auditor accept a plat for filing, and shall specify the time within which the action shall be taken. The aggrieved person shall be given an opportunity to be heard in person or by counsel.

NEW SECTION. PLAT REQUIREMENTS. Every plat required by this chapter shall describe the tract and any other subdivisions of the smallest congressional subdivision of which the same is part, numbering them by progressive numbers, setting forth the courses and distances, the number of acres, and other memoranda as is necessary; and descriptions of the lots or subdivisions according to the number and designation thereof on the plat shall be deemed sufficient for all purposes. A plat recorded pursuant to this chapter is for assessment and taxation purposes only and shall not constitute a dedication or impose any liability upon the state or any of its political subdivisions.

Sec. 16. Sections four hundred nine point twenty-seven (409.27), four hundred nine point twenty-eight (409.28), four hundred nine point twenty-nine (409.29), four hundred nine point thirty (409.30), four hundred nine point thirty-one (409.31), four hundred nine point thirty-two (409.32), four hundred nine point thirty-three (409.33), four hundred nine point thirty-four (409.34), four hundred nine point thirty-five (409.35), and four hundred nine point thirty-six (409.36), Code 1975, are repealed.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 909, Sixty-sixth General Assembly.

Approved June 23rd, 1976

DAVID L. WRAY
Chief Clerk of the House

ROBERT D. RAY
Governor