

SENATE FILE 2275

By COMMITTEE ON JUDICIARY

(FORMERLY SENATE STUDY BILL 2013)

approved 2-28 (p. 635)

Passed Senate, Date 3/5/80 (p. 701) Passed House, Date 4/10/80 (p. 1487)

Vote: Ayes 43 Nays 1 Vote: Ayes 90 Nays 0

Approved April 30, 1980

A BILL FOR

1 An Act to legalize certain plats of city or town lots
2 recorded before January 1, 1970.

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

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1 Section 1. Section five hundred ninety-two point three
 2 (592.3), Code 1979, is amended to read as follows:
 3 592.3 CITY AND TOWN PLATS. In all cases where, prior
 4 to January 1, ~~1950~~ 1970, any person, ~~persons, or corporations~~
 5 ~~have~~ has laid out any parcel of land into town or city lots
 6 and the plat ~~or plats thereof have~~ of the lots has been
 7 recorded and the same plat appears to be insufficient because
 8 of failure to show certificates of the county judge clerk
 9 of the district court, county treasurer, or county recorder,
 10 or the affidavit and bond, if any, and the certificate of
 11 approval of the local governing body or because ~~said~~ the
 12 certificates are defective, or because of a failure to fully
 13 comply with all of the provisions of chapter 409 of the Code,
 14 ~~1950~~ of 1966 as amended to December, 31, 1969, or corresponding
 15 statutes of earlier Codes, or because ~~said~~ the plat failed
 16 to show signatures or acknowledgment of proprietors as provided
 17 by law, or because ~~said~~ the acknowledgment was defective,
 18 and, subsequent to ~~such~~ the platting, lots or subdivisions
 19 ~~thereof~~ of the lots have been sold and conveyed, all such
 20 ~~said~~ plats which have not been vacated ~~and have been of record~~
 21 ~~for a period of twenty years or more~~, are hereby legalized
 22 ~~and made of full force and effect~~ as of the date of the making
 23 ~~thereof~~ the recording of the plat, the same as though all
 24 certificates have been attached and all the other necessary
 25 steps taken as provided by law, and the record ~~thereof~~ of
 26 the plat shall be conclusive evidence that the person, ~~persons,~~
 27 ~~firm, or corporation were the proprietors~~ was the proprietor
 28 of ~~such~~ the tract of land and the ~~owners thereof~~ owner of
 29 the tract at the time of ~~said~~ the platting, and that ~~said~~
 30 the tract of land was free and clear of all encumbrances
 31 unless an affidavit to the contrary was filed at the time
 32 of recording ~~such~~ the plat. ~~After January 1, 1954, no action~~
 33 ~~shall be brought to establish, enforce, or recover any right,~~
 34 ~~title, interest, lien, or condition existing at the time of~~
 35 ~~the platting, adverse to or against a clear, absolute, and~~

1 ~~unqualified title in fee simple in the owner or owners.~~ After
 2 ~~January 1, 1968~~ July 1, 1981, no action shall be brought on
 3 any cause arising ~~between January 1, 1950, and December 31,~~
 4 ~~1949, inclusive~~ after December 31, 1949, and before January
 5 1, 1970, to establish, enforce, or recover any right, title,
 6 interest, lien, or condition existing at the time of the
 7 platting ~~between the dates aforesaid~~ after December 31, 1949,
 8 and before January 1, 1970, and adverse to ~~or against~~ a clear,
 9 ~~absolute,~~ and unqualified title in fee simple in the owner
 10 ~~or owners~~ unless on or before July 1, 1981, there is filed
 11 in the office of county recorder of the county where the real
 12 estate involved is located a written statement, acknowledged
 13 by the claimant, definitely describing the real estate
 14 involved, stating the nature and extent of the right or
 15 interest claimed, and stating the facts upon which the claim
 16 is based.

17 Sec. 2. This Act becomes effective January first following
 18 its enactment.

19 EXPLANATION

20 This bill legalizes plats of city or town lots recorded
 21 from January 1, 1950 through December 31, 1969, sold and not
 22 vacated, which may be insufficient because of:

23 1. Failure to show certificates of the county clerk of
 24 the district court, county treasurer, or county recorder,
 25 or the affidavit and bond, if any, and the certificate of
 26 approval of the local governing body.

27 2. Defective certificates.

28 3. Failure to comply with the provisions of chapter 409
 29 of the 1966 Code as amended to December 31, 1969 or of
 30 corresponding sections of prior Codes.

31 4. Failure to attach signatures and acknowledgments of
 32 proprietors.

33 5. Defective acknowledgments.

34 The bill also provides that after July 1, 1981, an action
 35 cannot be brought to establish, enforce, or recover a right,

1 title, interest, lien or condition existing at the time of
2 a platting which occurred after December 31, 1949 and before
3 January 1, 1970 unless on or before July 1, 1981, a claim
4 is filed with the county recorder of the county where the
5 real estate involved is located.

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SENATE FILE 2275

AN ACT

TO LEGALIZE CERTAIN PLATS OF CITY OR TOWN LOTS RECORDED
BEFORE JANUARY 1, 1970.

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

Section 1. Section five hundred ninety-two point three (592.3), Code 1979, is amended to read as follows:
592.3 CITY AND TOWN PLATS. In all cases where, prior to January 1, 1950 1970, any person, persons, or corporations have has laid out any parcel of land into town or city lots and the plat ~~or plats thereof have~~ of the lots has been recorded and the ~~same plat~~ appears to be insufficient because of failure to show certificates of the county judge clerk of the district court, county treasurer, or county recorder, or the affidavit and bond, if any, and the certificate of approval of the local governing body or because said the certificates are defective, or because of a failure to fully comply with all of the provisions of chapter 409 of the Code, 1950 of 1966 as amended to December, 31, 1969, or corresponding statutes of earlier Codes, or because said the plat failed to show signatures or acknowledgment of proprietors as provided

by law, or because said the acknowledgment was defective, and, subsequent to such the platting, lots or subdivisions thereof of the lots have been sold and conveyed, all such ~~said~~ plats which have not been vacated ~~and have been of record for a period of twenty years or more~~, are hereby legalized ~~and made of full force and effect~~ as of the date of ~~the making thereof~~ the recording of the plat, the same as though all certificates have been attached and all the other necessary steps taken as provided by law, and the record ~~thereof of~~ the plat shall be conclusive evidence that the person, ~~persons, firm, or corporation were the proprietors~~ was the proprietor of such the tract of land and the ~~owners thereof~~ owner of the tract at the time of ~~said the~~ platting, and that ~~said the~~ tract of land was free and clear of all encumbrances unless an affidavit to the contrary was filed at the time of recording such the plat. ~~After January 17, 1964, no action shall be brought to establish, enforce, or recover any right, title, interest, lien, or condition existing at the time of the platting adverse to or against a clear, absolute, and unqualified title in fee simple in the owner or owners.~~ After January 17, 1968 July 1, 1981, no action shall be brought on any cause arising between January 17, 1930, and December 31, 1949, inclusive after December 31, 1949, and before January 1, 1970, to establish, enforce, or recover any right, title, interest, lien, or condition existing at the time of the platting ~~between the dates aforesaid~~ after December 31, 1949, and before January 1, 1970, and adverse to ~~or against~~ a clear ~~absolute~~ and unqualified title in fee simple in the owner ~~or owners~~ unless on or before July 1, 1981, there is filed in the office of county recorder of the county where the real estate involved is located a written statement, acknowledged by the claimant, definitely describing the real estate involved, stating the nature and extent of the right or interest claimed, and stating the facts upon which the claim is based.

Sec. 2. This Act becomes effective January first following its enactment.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2275, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved 4/30, 1980

ROBERT D. RAY
Governor