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HOUSE FILE 724

Place On Calendar

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 317)

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Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 1
Approved May 2, 1990

A BILL FOR

3787-1 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:

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HF 724

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 The conveyance of an easement, other than a public highway
8 easement, shall not be considered a division for the purpose
9 of this chapter.

10 3. "Government lot" means a tract, within a section, which
11 is normally described by a lot number as represented and
12 identified on the township plat of the United States public
13 land survey system.

14 4. "Land surveying" means surveying of land pursuant to
15 chapter 114.

16 5. "Lot" means a tract of land, generally a subdivision of
17 a city or town block, represented and identified as a lot on a
18 recorded plat.

19 6. "Meander line" means a traverse approximately along the
20 margin of a body of water. A meander line provides data for
21 computing areas and approximately locates the margin of the
22 body of water. A meander line does not ordinarily determine
23 or fix boundaries.

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

26 8. "Offset line" means a supplementary traverse close to
27 and approximately parallel with an irregular boundary line.
28 An offset line provides data for computing areas and locates
29 salient points on the irregular boundary line by measured
30 distances referenced to the offset line.

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

35 10. "Subdivision" means a tract of land divided into three

1 or more lots.

2 11. "Subdivision plat" means a graphical representation of
3 the subdivision of land, prepared by a registered land
4 surveyor, having a number or letter designation for each lot
5 within the plat and a succinct name or title that is unique
6 for the county where the land is located.

7 12. "Surveyor" means a registered land surveyor who
8 engages in the practice of land surveying pursuant to chapter
9 114.

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

11 This chapter applies to all agencies of the United States
12 government, this state, or a political subdivision of this
13 state and to all persons engaged in the practice of land
14 surveying.

15 Sec. 3. NEW SECTION. 114A.3 RULES.

16 Pursuant to chapter 114, the engineering and land surveying
17 examining board may adopt rules consistent with the rules
18 prescribed by the Acts of Congress and the Instructions of the
19 United States Secretary of the Interior.

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

21 The surveyor shall acquire data necessary to retrace record
22 title boundaries, center lines, and other boundary line
23 locations in accordance with the legal descriptions including
24 applicable provisions of chapter 650. The surveyor shall
25 analyze the data and make a careful determination of the
26 position of the boundaries of the parcel or tract of land
27 being surveyed. The surveyor shall make a field survey,
28 locating and connecting monuments necessary for location of
29 the parcel or tract and coordinate the facts of the survey
30 with the analysis and legal description. The surveyor shall
31 place monuments marking the corners of the parcel or tract
32 unless monuments already exist at the corners.

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

34 1. Measurements shall be made with instruments and methods
35 capable of attaining the required accuracy for the particular

1 problem involved.

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

4 3. In a closed traverse the sum of the measured angles
5 shall agree with the theoretical sum by a difference not
6 greater than thirty seconds times the square root of the
7 number of angles.

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

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

12 1. The surveyor shall confirm the prior establishment of
13 control monuments at each controlling corner on the boundaries
14 of the parcel or tract of land being surveyed. If no control
15 monuments exist, the surveyor shall place the monuments.

16 Control monuments shall be constructed of reasonably permanent
17 material solidly embedded in the ground and capable of being
18 detected by commonly used magnetic or electronic equipment.
19 The surveyor shall affix a cap of reasonably inert material
20 bearing an embossed or stencil cut marking of the Iowa
21 registration number of the surveyor to the top of each
22 monument which the surveyor places.

23 2. Control monuments shall be placed at the following
24 locations:

25 a. Each corner and angle point of each lot, block, or
26 parcel of land surveyed.

27 b. Each point of intersection of the outer boundary of the
28 survey with an existing or created right-of-way line of a
29 street, railroad, or other way.

30 c. Each point of curve, tangency, reversed curve, or
31 compounded curve on each right-of-way line established.

32 3. If the placement of a monument required by this chapter
33 at the prescribed location is impractical, a reference
34 monument shall be established near the prescribed location.

35 If a point requiring monumentation has been previously

1 monumented, the existence of the monument shall be confirmed
2 by the surveyor.

3 4. Only a minimum number of survey control monuments are
4 required to be placed before the recording of a subdivision
5 provided the surveyor includes in the surveyor's statement a
6 declaration that additional monuments shall be placed before a
7 date specified in the statement or within one year from the
8 date the subdivision is recorded, whichever is earlier.

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

10 A plat of survey shall be made, showing information
11 developed by the survey, for each land survey performed for
12 the purpose of correcting boundaries, correcting descriptions
13 of surveyed land, or for the division of land. Each plat of
14 survey shall conform to the following provisions:

15 1. The original plat drawing shall remain the property of
16 the surveyor.

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

19 3. The scale of the plat drawing shall be clearly stated
20 and graphically illustrated by a bar scale on every plat
21 sheet.

22 4. An arrow indicating the northern direction shall be
23 shown on each plat sheet.

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

28 6. The plat shall show the lengths and bearings of the
29 boundaries of the parcels surveyed. The course of each
30 boundary line shown on the plat may be indicated by a direct
31 bearing reference or by an angle between the boundary line and
32 an intersecting line having a shown bearing, except when the
33 boundary line has an irregular or constantly changing course,
34 as along a body of water, or when a description of the
35 boundary line is better achieved by measurements shown at

1 points or intervals along a meander line or an offset line
2 having a shown course. The bearings shall be referenced to a
3 United States public land survey system land line, or recorded
4 subdivision line. If the boundary lines show bearings,
5 lengths, or locations which vary from those recorded in deeds,
6 abutting plats, or other instruments of record, the following
7 note shall be placed along the lines, "recorded as (show
8 recorded bearing, length, or location)". Bearings and angles
9 shown shall be given to at least the nearest minute of arc.

10 7. The plat shall show and identify all monuments
11 necessary for the location of the parcel and shall indicate
12 whether the monuments were found or placed.

13 8. If United States public land survey system corners
14 control the land description, the corners shall be clearly
15 identified on the plat including a description of the
16 monumentation and shall indicate whether the monuments were
17 found or placed.

18 9. Control monuments shall be adequately described and
19 clearly identified on the plat and noted as found or placed.
20 If additional monuments are to be placed subsequent to the
21 recording of a subdivision as provided in section 114A.6, the
22 location of the additional monuments shall be shown on the
23 plat.

24 10. Distance shall be shown in decimal feet in accordance
25 with the definition of the international foot. Distance
26 measurements shall refer to the horizontal plane.

27 11. Curve data shall be stated in terms of radius, central
28 angle, and length of curve, and as otherwise specified by
29 local ordinance. In all cases, the curve data must be shown
30 for the line affected.

31 12. The unadjusted error of closure shall not be greater
32 than one in five thousand for an individual parcel.

33 13. If any part of the surveyed land is bounded by an
34 irregular line, that part shall be enclosed by a meander line
35 or an offset line showing complete data with distances along

1 all lines extending beyond the enclosure to the irregular
2 boundary, and shown with as much certainty as can be
3 determined or as "more or less", if variable. In all cases,
4 the true boundary shall be clearly indicated on the plat.

5 14. The plat shall be captioned to show the date of the
6 survey, and shall be accompanied by a description of the
7 parcel.

8 15. The plat shall contain a statement by a surveyor that
9 the work was done and the plat was prepared by the surveyor or
10 under the surveyor's direct personal supervision, shall be
11 signed and dated by the surveyor, and shall bear the
12 surveyor's Iowa registration number and legible seal.

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

14 Subdivision plats shall conform to the following provisions
15 where applicable:

16 1. The original plat drawing shall remain the property of
17 the surveyor.

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

20 3. If more than one sheet is used, each sheet shall
21 display both the number of the sheet and the total number of
22 sheets included in the plat, and clearly labeled match lines
23 indicating where the other sheets adjoin. An index shall be
24 provided to show the relationship between the sheets.

25 4. The scale of the plat drawing shall be clearly stated
26 and graphically illustrated by a bar scale on every plat
27 sheet.

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

31 6. An arrow indicating the northern direction shall be
32 shown on each plat sheet.

33 7. The plat shall show that the subdivision is tied to a
34 physically monumented land line which is identified by two
35 United States public land survey system corners, or by two

1 physically monumented corners of a recorded subdivision.
2 8. The plat shall show the lengths and bearings of the
3 boundaries of the tracts surveyed. The course of each
4 boundary line shown on the plat may be indicated by a direct
5 bearing reference or by an angle between the boundary line and
6 an intersecting line having a shown bearing, except when the
7 boundary line has an irregular or constantly changing course,
8 as along a body of water, or when a description of the
9 boundary line is better achieved by measurements shown at
10 points or intervals along a meander line or an offset line
11 having a shown course. The bearing shall be referenced to a
12 United States public land survey system land line, or recorded
13 subdivision line. If the boundary lines show bearings,
14 lengths, or locations which vary from those recorded in deeds,
15 abutting plats, or other instruments of record, the following
16 note shall be placed along the lines, "recorded as (show
17 recorded bearing, length, or location)". Bearings and angles
18 shown shall be given to at least the nearest minute of arc.
19 9. The plat shall show and identify all monuments
20 necessary for the location of the tracts and shall indicate
21 whether the monuments were found or placed.
22 10. If United States public land survey system corners
23 control the land description, the corners shall be clearly
24 identified on the plat including a description of the
25 monumentation and shall indicate whether the monuments were
26 found or placed.
27 11. Control monuments shall be adequately described and
28 clearly identified on the plat and noted as found or placed.
29 If additional monuments are to be placed subsequent to the
30 recording of a subdivision as provided in section 114A.6, the
31 location of the additional monuments shall be shown on the
32 plat.
33 12. Survey data shall be shown to positively describe the
34 bounds of every lot, block, street, easement, or other areas
35 shown on the plat, and the boundaries of the surveyed lands.

371-1 13. Distances shall be shown in feet to the nearest one-
2 hundredth of a foot in accordance with the definition of the
3 international foot. Distance measurements shall refer to the
4 horizontal plane.

5 14. Curve data shall be stated in terms of radius, central
6 angle, and length of curve. Unless otherwise specified by
7 local ordinance, curve data for streets of uniform width need
8 only be shown with reference to the center line and lots
9 fronting on such curves need only show the chord bearing and
10 distance of the part of the curve included in the lot
11 boundary. Otherwise, the curve data shall be shown for the
12 line affected.

13 15. The unadjusted error of closure shall not be greater
14 than one in ten thousand for subdivision boundaries and shall
15 not be greater than one in five thousand for an individual
16 lot.

17 16. If part of the surveyed land is bounded by an
18 irregular line, that part shall be enclosed by a meander line
19 or an offset line showing complete data with distances along
20 all lines extending beyond the enclosure to the irregular
21 boundary, and shown with as much certainty as can be
22 determined or as "more or less", if variable. In all cases,
23 the true boundary shall be clearly indicated on the plat.

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

26 18. Adjoining properties shall be identified, and if the
27 adjoining properties are a part of a recorded subdivision, the
28 name of that subdivision shall be shown. If the survey is a
29 subdivision of a portion of a previously recorded subdivision
30 plat, sufficient ties shall be shown to controlling lines
31 appearing on such plat to permit a comparison to be made.

32 19. The purpose of any easement shown on the plat shall be
33 clearly stated.

34 20. The purpose of areas dedicated to the public shall be
35 clearly indicated on the plat.

1 21. The plat shall be accompanied by a description of the
2 land included in the subdivision and shall contain a statement
3 by the surveyor that the work was done and the plat was
4 prepared by the surveyor or under the surveyor's direct
5 personal supervision and shall be signed and dated by the
6 surveyor and bear the surveyor's Iowa registration number and
7 legible seal.

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

3791, 3787-9 A description defining land boundaries written for
10 conveyance or other purposes shall be complete, providing
11 definite and unequivocal identification of lines or
12 boundaries. The description shall contain dimensions
13 sufficient to enable the description to be platted and
14 retraced. The description shall commence at or relate to a
15 physically monumented corner and boundary line of record.

3791, 3787-18 a. If the land is located in a recorded subdivision, the
17 description shall contain the number or other description of
18 the lot, block, or other part of the subdivision, and shall
19 describe the land by reference to a known corner of the lot,
20 block, or other part.

21 b. If the land is not located in a recorded subdivision,
22 the description shall identify the section, township, range,
23 and county, and shall describe the land by reference to
24 government lot, by quarter-quarter section, by quarter
25 section, or by metes and bounds commencing with a corner
26 marked and established in the United States public land survey
27 system.

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

29 1. The surveyor shall record a plat and description with
30 the county recorder no later than thirty days after signature
31 on the plat by the surveyor if the survey was made for one of
32 the following purposes:

33 a. To correct boundaries and descriptions of land.

34 b. For the division of land.

35 2. The plat and description shall show distinctly what

1 piece of land was surveyed, the surveyor, and the date of the
2 survey.

3 3. The thirty-day requirement shall not apply to
4 subdivision plats.

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

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

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

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

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

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

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

27 a. The size of the sheet or sheets making up the
28 certificate shall not be less than eight and one-half inches
29 by eleven inches.

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

33 c. The certificate shall contain a narrative explaining
34 the reason for preparing the certificate, the evidence and
35 detailed procedures used in establishing the corner position,

1 and the monumentation found or placed perpetuating the corner
2 position including reference monumentation.

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

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

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

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

20 The recorder shall index survey documents and United States
21 public land corner certificates by township, range, and
22 section number. If the survey is in a recorded subdivision,
23 the recorder shall also index the document alphabetically by
24 subdivision name.

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

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

35 2. If the parties interested cannot agree upon the amount

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

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

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

18 Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS --
19 DEFACEMENT.

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

3187 - 29 Sec. 15. NEW SECTION. 409A.1 STATEMENT OF PURPOSE.

30 It is the purpose of this chapter to provide for a balance
31 between the review and regulation authority of governmental
32 agencies concerning the division and subdivision of land and
33 the rights of land owners. It is therefore determined to be
34 in the public interest:

35 1. To provide for accurate, clear, and concise legal

1 descriptions of real estate in order to prevent, wherever
2 possible, land boundary disputes or real estate title
3 problems.

4 2. To provide for a balance between the land use rights of
5 individual landowners and the economic, social, and
6 environmental concerns of the public when a city or county is
7 developing or enforcing land use regulations.

8 3. To provide for statewide, uniform procedures and
9 standards for the platting of land while allowing the widest
10 possible latitude for cities and counties to establish and
11 enforce ordinances regulating the division and use of land,
12 within the scope of chapters 331, 358A, 364, and 414.

13 4. To encourage orderly community development and provide
14 for the regulation and control of the extension of public
15 improvements, public services, and utilities, the improvement
16 of land, and the design of subdivisions, consistent with an
17 approved comprehensive plan or other specific community plans,
18 if any.

19 Sec. 16. NEW SECTION. 409A.2 DEFINITIONS.

20 As used by this chapter, unless the context clearly
21 indicates otherwise:

22 1. "Acquisition plat" means the graphical representation
23 of the division of land or rights in land, created as the
24 result of a conveyance or condemnation for right-of-way
25 purposes by an agency of the government or other persons
26 having the power of eminent domain.

27 2. "Aliquot part" means a fractional part of a section
28 within the United States public land survey system. Only the
29 fractional parts one-half, one-quarter, one-half of one-
30 quarter, or one-quarter of one-quarter shall be considered an
31 aliquot part of a section.

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

35 4. "Conveyance" means an instrument filed with a recorder

1 as evidence of the transfer of title to land, including any
2 form of deed or contract.

3 5. "Division" means dividing a tract or parcel of land
4 into two parcels of land by conveyance or for tax purposes.
5 The conveyance of an easement, other than a public highway
6 easement, shall not be considered a division for the purpose
7 of this chapter.

8 6. "Forty-acre aliquot part" means one-quarter of one-
9 quarter of a section.

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

13 8. "Government lot" means a tract, within a section, which
14 is normally described by a lot number as represented and
15 identified on the township plat of the United States public
16 land survey system.

17 9. "Lot" means a tract of land represented and identified
18 by number or letter designation on an official plat.

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

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

27 12. "Parcel" means a part of a tract of land.

28 13. "Permanent real estate index number" means a unique
29 number or combination of numbers assigned to a parcel of land
30 pursuant to section 441.29.

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

35 15. "Proprietor" means a person who has a recorded

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

4 16. "Subdivision" means a tract of land divided into three
5 or more lots.

6 17. "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 18. "Surveyor" means a registered land surveyor who
12 engages in the practice of land surveying pursuant to chapter
13 114.

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

16 Sec. 17. NEW SECTION. 409A.3 COVENANT OF WARRANTY.

17 The duty to file for record a plat as provided in sections
18 409A.4 and 409A.6 attaches as a covenant of warranty in all
19 conveyances by a grantor who divides land against all
20 assessments, costs, and damages paid, lost, or incurred by a
21 grantee or person claiming under a grantee, in consequence of
22 the 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 certain and accurate for the purposes of assessment, taxation,
26 and entry on the transfer books and plat books required to be
27 kept by the auditor. The description contained in a
28 conveyance shall be sufficiently certain and accurate for
29 assessment and taxation purposes if it provides sufficient
30 information to allow all the boundaries to be accurately
31 determined and does not overlap with or create a gap between
32 adjoining land descriptions.

33 A recorded conveyance in violation of this chapter may be
34 entered on the transfer books of the auditor's office. The
35 auditor shall notify the grantor and the grantee that the

1 conveyance is in violation of this chapter and demand
3645-2 compliance as provided for in section 409A.12.

3 Sec. 18. NEW SECTION. 409A.4 DIVISIONS REQUIRING A PLAT
4 OF SURVEY OR ACQUISITION PLAT.

3791-5 1. The grantor of land which has been divided using a
6 metes and bounds description shall have a plat of survey made
7 of the division, except as provided for in subsection 3. The
8 grantor or the surveyor shall contact the county auditor who,
9 for the purpose of assessment and taxation, shall review the
10 division to determine whether the survey shall include only
11 the parcel being conveyed or both the parcel being conveyed
12 and the remaining parcel. The plat of survey shall be
13 prepared in compliance with chapter 114A and shall be
14 recorded. The plat shall be clearly marked by the surveyor as
15 a plat of survey and shall include the following information
16 for each parcel included in the survey:

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

3791-23 2. The auditor may note a permanent real estate index
24 number upon each parcel shown on a recorded plat of survey.
25 The surveyor shall not assign parcel letters or prepare a
26 metes and bounds description for any parcel shown on a plat of
27 survey unless the parcel was surveyed by the surveyor in
28 compliance with chapter 114A. Parcels within a plat of survey
29 prepared pursuant to this section are subject to the
30 regulations and ordinances of the governing body.

31 3. When land or rights in land are divided for right-of-
32 way purposes by an agency of the government or other persons
33 having the power of eminent domain and the description of the
34 land or rights acquired is a metes and bounds description then
35 an acquisition plat shall be made and attached to the

1 description when the acquisition instrument is recorded.

2 Acquisition plats shall be clearly marked as an acquisition
3 plat and shall conform to the following:

4 a. Acquisition plats shall not be required to conform to
5 the provisions of chapter 114A.

6 b. The information shown on the plat shall be developed
7 from instruments of record together with information developed
8 by field measurements. The unadjusted error of field
9 measurements shall not be greater than one in five thousand.

10 c. The plat shall be signed and dated by a surveyor, bear
11 the surveyor's Iowa registration number and legible seal, and
12 shall show a north arrow and bar scale.

13 d. The original drawing shall remain the property of the
14 surveyor or the surveyor's agency and shall not be less than
15 eight and one-half by eleven inches in size.

16 e. If the right-of-way on an acquisition plat is a portion
17 of lots within an official plat, reference shall be made to
18 both the lots and plat name. If the right-of-way acquisition
19 plat is not within an official plat, reference shall be made
20 to the government lot or quarter-quarter section and to the
21 section, township, range, and county.

22 f. The plat shall indicate whether the monuments shown are
23 existing monuments or monuments to be established. Monuments
24 shall be established as necessary to construct or maintain the
25 right-of-way project.

26 g. The acquisition plat shall identify the project for
27 which the right-of-way was acquired and a parcel designation
28 shall be assigned to each right-of-way parcel.

29 4. The acreage shown for each parcel included in a plat of
30 survey or acquisition plat shall be to the nearest one-
31 hundredth acre. If a parcel described as part of the United
32 States public land survey system and not entirely within an
33 official plat, lies within more than one forty-acre aliquot
3791-34 part of a section, the acreage shall also be shown for
35 assessment and taxation purposes for each portion of the

1 parcel that lies within each forty-acre aliquot part. The
2 surveyor shall not be required to establish the location of
3 the forty-acre aliquot line by survey but is required to use
4 reasonable assumptions in determining its approximate location
5 for assessment and taxation purposes.

6 5. Governmental agencies shall not be required to survey a
7 remaining parcel when land is divided for right-of-way
8 purposes and shall not be required to contact the auditor for
9 approval of parcel designations shown on an acquisition plat.

10 Sec. 19. NEW SECTION. 409A.5 DESCRIPTIONS AND CONVEYANCE
11 ACCORDING TO PLAT OF SURVEY OR ACQUISITION PLAT.

12 1. A conveyance of a parcel shown on a recorded plat of
13 survey shall describe the parcel by using the description
14 provided on the plat of survey or by reference to the plat of
15 survey, which reference shall include all of the following:

16 a. The parcel letter designation.

17 b. The book and page number of the recorded plat of
18 survey.

19 c. The lot number or letter and name of the official plat,
20 if the parcel lies within an official plat.

21 d. The section, township, and range number and reference
22 to the aliquot part of the section, if the parcel lies outside
23 of an official plat.

24 2. A conveyance of a parcel shown on a recorded
25 acquisition plat shall describe the parcel by using the
26 description provided on the acquisition instrument or by
27 reference to the acquisition plat, which reference shall
28 include all of the following:

29 a. The parcel designation and reference to the project for
30 which the right-of-way was acquired.

31 b. The book and page number of the recorded acquisition
32 plat.

33 c. The lot number or letter and name of the official plat,
34 if the parcel lies within an official plat.

35 d. The section, township, and range number and reference

1 to the aliquot part of the section, if the parcel lies outside
2 of an official plat.

3 3. A description by reference to the recorded plat of
4 survey, in compliance with subsection 1, is valid.

5 4. A description by reference to the recorded acquisition
6 plat, in compliance with subsection 2, is valid.

7 5. A description by reference to a permanent real estate
8 index number is valid for the purpose of assessment and
9 taxation when a county has established a permanent real estate
10 index number system pursuant to section 441.29.

11 Sec. 20. NEW SECTION. 409A.6 SUBDIVISION PLATS.

3791-

12 1. A subdivision plat shall be made when required by
13 ordinance of the governing body or when a tract of land is
14 subdivided by repeated divisions or simultaneous division into
15 three or more parcels, any of which are described by metes and
16 bounds description for which no plat of survey is recorded. A
17 subdivision plat is not required when land is divided by
18 conveyance to a governmental agency for public improvements.

19 2. A subdivision plat shall have a succinct name or title
20 that is unique, as approved by the auditor, for the county in
21 which the plat lies. The plat shall include an accurate
22 description of the land included in the subdivision and shall
23 give reference to two section corners within the United States
24 public land survey system in which the plat lies or, if the
25 plat is a subdivision of any portion of an official plat, two
26 established monuments within the official plat. Each lot
27 within the plat shall be assigned a progressive number.

28 Streets, alleys, parks, open areas, school property, other
29 areas of public use, or areas within the plat that are set
30 aside for future development shall be assigned a progressive
31 letter and shall have the proposed use clearly designated. A
32 strip of land shall not be reserved by the subdivider unless
33 the land is of sufficient size and shape to be of practical
34 use or service as determined by the governing body.

35 Progressive block numbers or letters may be assigned to groups

1 of lots separated from other lots by streets or other physical
2 features of the land. The surveyor shall not assign lot
3 numbers or letters to a lot shown within a subdivision plat
4 unless the lot has been surveyed by the surveyor in compliance
5 with chapter 114A. The auditor may note a permanent real
6 estate index number upon each lot within a recorded
7 subdivision plat. Sufficient information, including
8 dimensions and angles or bearings, shall be shown on the plat
9 to accurately establish the boundaries of each lot, street,
10 and easement. Easements necessary for the orderly development
11 of the land within the plat shall be shown and the purpose of
12 the easement shall be clearly stated.

13 3. If a subdivision plat, described as part of the United
14 States public land survey system and not entirely within an
15 official plat, lies within more than one forty-acre aliquot
379/16 part of a section, the acreage shall be shown for assessment
17 and taxation purposes for the portion of the subdivision that
18 lies within each forty-acre aliquot part of the section. The
19 area of the irregular lots within the plat shall be shown and
20 may be expressed in either acres, to the nearest one-hundredth
21 acre, or square feet, to the nearest ten square feet. The
22 surveyor shall not be required to establish the location of a
23 forty-acre aliquot line by survey but is required to use
24 reasonable assumptions in determining its approximate location
25 for assessment and taxation purposes.

26 Sec. 21. NEW SECTION. 409A.7 CONVEYANCES BY REFERENCE TO
27 OFFICIAL PLAT.

28 A description of land by reference to lot number or letter
29 designation and block, if block designations are shown on the
30 plat, and the title or name of the official plat, is valid.

31 Sec. 22. NEW SECTION. 409A.8 REVIEW AND APPROVAL BY
32 GOVERNING BODIES.

379/33 A proposed subdivision plat lying within the jurisdiction
34 of a governing body, which has adopted ordinances regulating
35 the division of land, shall be submitted to that governing

1 body for review and approval prior to recording. A city may
2 establish jurisdiction to review subdivisions outside its
3 boundaries pursuant to the provisions of section 409A.9.
4 Governing bodies shall review the plat within the time and
5 using the standards and conditions established by ordinance
6 for the review and approval of subdivision plats. Governing
7 bodies shall apply reasonable standards and conditions for the
8 review and approval of subdivisions. The governing body shall
9 determine whether the subdivision conforms to its
10 comprehensive plan and shall give consideration to the
11 possible burden on public improvements and to a balance of
12 interests between the proprietor, future purchasers, and the
13 public interest in the subdivision when reviewing the proposed
14 subdivision and when requiring the installation of public
15 improvements in conjunction with approval of a subdivision.

3791-16 If the subdivision plat conforms to the standards and
17 conditions established by the governing body by ordinance and
18 to this chapter and chapter 114A, the governing body, by
19 resolution, shall approve the plat and certify the resolution
20 which shall be recorded with the plat. The recorder shall
21 refuse to accept a subdivision plat presented for recording
22 without a resolution from each applicable governing body
23 approving the subdivision plat or waiving the right to review.

24 Sec. 23. NEW SECTION. 409A.9 REVIEW OF SUBDIVISION PLATS
25 WITHIN TWO MILES OF A CITY.

26 1. If a city, which has adopted ordinances regulating the
27 division of land, desires to review subdivisions outside the
28 city's boundaries, then the city shall establish by ordinance
29 specifically referring to the authority of this section, the
30 area subject to the city's review and approval. The area of
31 review may be identified by individual tracts, by describing
32 the boundaries of the area, or by including all land within a
33 certain distance of the city's boundaries, which shall not
34 extend more than two miles distance from the city's
35 boundaries. The ordinance establishing the area of review or

1 modifying the area of review by a city, shall be recorded in
2 the office of the recorder and filed with the county auditor.

3 2. If a subdivision lies in a county, which has adopted
3645-4 ordinances regulating the division of land, also lies within
5 the area of review established by a city pursuant to this
6 section, then the subdivision shall be submitted to both the
7 city and county for approval. The standards and conditions
8 applied by a city for review and approval of the subdivision
9 shall be the same standards and conditions used for review and
10 approval of subdivisions within the city limits or shall be
11 the standards and conditions for review and approval
12 established by agreement of the city and county pursuant to
13 chapter 28E. Either the city or county may, by resolution,
14 waive its right to review the subdivision or waive the
15 requirements of any of its standards or conditions for
16 approval of subdivisions, and certify the resolution which
17 shall be recorded with the plat.

18 3. If cities establish overlapping areas of review outside
19 their boundaries, then the cities shall establish by agreement
20 pursuant to chapter 28E reasonable standards and conditions
21 for review of subdivisions within the overlapping area. If no
22 agreement is recorded pursuant to chapter 28E then the city
23 which is closest to the boundary of the subdivision shall have
24 authority to review of the subdivision.

25 Sec. 24. NEW SECTION. 409A.10 APPEAL OF REVIEW OR
26 DISAPPROVAL.

27 When application is made to a governing body for approval
28 of a subdivision plat, the applicant or a second governing
29 body, which also has jurisdiction for review, may be aggrieved
30 by any of the following:

- 31 1. The requirements imposed by a governing body as a
- 32 condition of approval.
- 33 2. The governing body exceeding the time for review
- 34 established by ordinance.
- 35 3. The denial of the application.

1 The applicant or the aggrieved governing body shall file
2 written notice of intent to appeal with the opposing governing
3 body not later than thirty days after the date of the denial
4 of the application or the date of the receipt by the applicant
5 of the aggrieved requirements for approval of the subdivision.
6 The applicant or the aggrieved governing body may appeal to
7 the district court twenty days after the date of the notice of
8 intent to appeal. The appeal shall be tried de novo as an
9 equitable proceeding and accorded a preference in assignment
10 so as to assure its prompt disposition.

11 Sec. 25. NEW SECTION. 409A.11 ATTACHMENTS TO SUBDIVISION
12 PLATS.

13 A subdivision plat, other than an auditor's plat, that is
14 presented to the recorder for recording shall conform to
15 section 409A.6 and shall not be accepted for recording unless
16 accompanied by the following documents:

17 1. A statement by the proprietors and their spouses, if
18 any, that the plat is prepared with their free consent and in
19 accordance with their desire, signed and acknowledged before
20 an officer authorized to take the acknowledgment of deeds.
21 The statement by the proprietors may also include a dedication
22 to the public of all lands within the plat that are designated
23 for streets, alleys, parks, open areas, school property, or
24 other public use, if the dedication is approved by the
25 governing body.

26 2. A statement from the mortgage holders or lienholders,
27 if any, that the plat is prepared with their free consent and
28 in accordance with their desire, signed and acknowledged
29 before an officer authorized to take the acknowledgment of
30 deeds. An affidavit and bond as provided for in section
31 409A.12, may be recorded in lieu of the consent of the
32 mortgage or lienholder. When a mortgage or lienholder
33 consents to the subdivision, a release of mortgage or lien
34 shall be recorded for any areas conveyed to the governing body
35 or dedicated to the public.

1 3. An opinion by an attorney-at-law who has examined the
2 abstract of title of the land being platted. The opinion
3 shall state the names of the proprietors and holders of
4 mortgages, liens, or other encumbrances on the land being
5 platted and shall note the encumbrances, along with any bonds
6 securing the encumbrances. Utility easements shall not be
7 construed to be encumbrances for the purpose of this section.

8 4. A certified resolution by each governing body as
9 required by section 409A.8 either approving the subdivision or
10 waiving the right to review.

11 5. A certificate of the treasurer that the land is free
12 from taxes and special assessments or that the land is free
13 from taxes and that the special assessments are secured by
14 bond in compliance with section 409A.12.

15 A subdivision plat which includes no land set apart for
16 streets, alleys, parks, open areas, school property, or public
17 use other than utility easements, shall be accompanied by the
18 documents listed in subsections 1, 2, 3, and 4 and a
19 certificate of the treasurer that the land is free from taxes
20 other than special assessments.

21 Sec. 26. NEW SECTION. 409A.12 BONDS TO SECURE LIENS.

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

26 1. The lienholder cannot be found, in which case an
27 affidavit by the proprietor stating that the lien holder could
28 not be found shall be recorded with the bond.

29 2. The lienholder will not accept payment or cannot,
30 because of the nature of the lien, accept payment in full of
31 the lien, in which case an affidavit by the lienholder stating
32 that payment of the lien was offered but refused shall be
33 recorded with the bond.

34 The bond shall run to the county and be for the benefit of
35 purchasers of lots within the plat and shall be conditioned

1 for the payment and cancellation of the debt as soon as
2 practicable and to hold harmless purchasers or their assigns
3 and the governing body from the lien.

4 Sec. 27. NEW SECTION. 409A.13 AUDITOR'S PLATS AND PLATS
5 OF SURVEY.

6 If a tract is divided or subdivided in violation of section
7 409A.4 or 409A.6 or the descriptions of one or more parcels
8 within a tract are not sufficiently certain and accurate for
9 the purpose of assessment and taxation under the guidelines of
10 section 409A.3, the auditor shall notify the proprietors of
11 the parcels within the tract for which no plat has been
12 recorded as required by this chapter, and demand that a plat
13 of survey or a subdivision plat be recorded as required by
14 this chapter. Notice shall be served by mail and a certified
15 copy of the notice shall be recorded. The auditor shall mail
16 a copy of the notice to the applicable governing bodies. If
17 the proprietors fail, within thirty days of the notice, to
18 comply with the notice or file with the auditor a statement of
19 intent to comply, the auditor shall contract with a surveyor
20 to have a survey made of the property and have a plat of
21 survey or an auditor's plat recorded as necessary to comply
22 with this chapter. Upon receipt of a statement of intent to
23 comply, the auditor may extend the time period for compliance.

24 Sec. 28. NEW SECTION. 409A.14 APPEAL OF NOTICE.

3791-25 A proprietor aggrieved by a notice to plat by the auditor
26 may appeal to the district court within twenty days after
27 service of notice. Upon appeal, the auditor shall take no
28 further action pending a decision of the district court. The
29 appeal shall be tried de novo as an equitable proceeding and
30 accorded a preference in assignment so as to assure its prompt
31 disposition.

32 Sec. 29. NEW SECTION. 409A.15 REVIEW OF AUDITOR'S PLATS.

33 A proposed auditor's plat shall be filed with the
34 applicable governing body which shall review the plat within
35 the time specified by ordinance, and if it conforms to chapter

1 114A, the governing body shall by resolution approve the plat
2 and certify the resolution to be recorded with the plat. The
3 governing body may state in the resolution whether the lots
4 within the auditor's plat meet the standards and conditions
5 established by ordinance for subdivision lots. The lots
6 within a recorded auditor's plat and parcels within a recorded
7 plat of survey prepared under section 409A.13 are individually
8 subject to local regulations and ordinances. Approval of an
9 auditor's plat shall not impose any liability on a governing
10 body to install or maintain public improvements or utilities
11 within the plat. Approval of an auditor's plat by a governing
12 body shall not constitute a waiver of ordinances requiring a
13 subdivision plat.

14 Sec. 30. NEW SECTION. 409A.16 ATTACHMENTS TO AUDITOR'S
15 PLATS AND PLATS OF SURVEY.

16 1. A plat of survey prepared pursuant to section 409A.13
17 shall be accompanied by a certificate of the auditor that the
18 plat of survey was prepared at the direction of the auditor
19 because the proprietors failed to file a plat.

20 2. An auditor's plat shall conform to section 409A.6, but
21 is exempt from section 409A.11. An auditor's plat presented
22 to the recorder for recording shall be accompanied by the
23 following documents:

24 a. A certificate of the auditor that the auditor's plat
25 was prepared at the direction of the auditor because the
26 proprietors failed to file a plat, that the plat was prepared
27 for assessment and taxation purposes, and that the recording
28 of the plat does not constitute a dedication or impose any
29 liability upon the state or governmental agency.

30 b. A certified resolution by the governing body, approving
31 the plat or waiving the right to review.

32 c. A list for each lot within the plat of the proprietor's
33 names, the area, expressed in acreage or square feet, the book
34 and page number of the recorded conveyance to the proprietors
35 and the permanent real estate index number, where established.

1 d. A certificate of the auditor that no search was made at
2 that time of the recording of the plat to determine the
3 existence of any liens, mortgages, delinquent taxes, or
4 special assessments, that no search was made, other than the
5 records of the auditor's office, to establish title to the
6 property within the plat, and that the lots within the plat
7 are subject individually to the regulations and ordinances of
8 the applicable governing body.

9 Sec. 31. NEW SECTION. 409A.17 COSTS AND COLLECTION OF
10 COSTS.

11 The surveyor shall present to the auditor a statement of
12 the total cost of the surveying, platting, and recording of a
13 plat prepared pursuant to section 409A.13. The surveyor shall
14 also present a statement of the part of the total cost to be
15 assessed to each parcel included in the plat based on the time
16 involved in establishing the boundaries of each parcel. The
17 auditor shall certify to the treasurer an assessment for the
18 platting costs against the lots within the plat which shall be
19 collected in the same manner as general taxes, except that the
20 board of supervisors, by resolution, may establish not more
21 than ten equal annual installments and provide for interest on
22 unpaid installments at a rate not to exceed that permitted by
23 chapter 74A.

24 Sec. 32. NEW SECTION. 409A.18 RECORDING OF PLATS.

25 A plat of survey prepared pursuant to this chapter and a
26 subdivision plat, with attachments, shall be recorded in the
27 office of the county recorder, and an exact copy of the plat
28 shall be filed in the offices of the county auditor and
29 assessor. A replat of any part of an official plat pursuant
30 to section 409A.25, or a recorded subdivision plat of any part
31 of an existing official plat shall supersede that part of the
32 original official plat, including unused public utility
33 easements.

34 The recorder shall examine each plat of survey and
35 subdivision plat to determine whether the plat is clearly

1 legible and whether the approval by the applicable governing
2 body and the other attachments required by this chapter are
3 presented with the plat. The recorder shall also keep a
4 reproducible copy of the plat from which legible copies can be
5 made. The recorder may specify the material and the size of
6 the plat, not less than eight and one-half inches by eleven
7 inches, that will be accepted for recording in order to comply
8 with this section. The recorder shall not record a
9 subdivision plat that violates this chapter.

10 Sec. 33. NEW SECTION. 409A.19 DEDICATION OF LAND.

11 An official plat which conforms to this chapter and has
12 attached to the plat a dedication by the proprietors to the
13 public and approval of the dedication by the governing body is
14 equivalent to a deed in fee simple from the proprietors to the
15 public of any land within the plat that is dedicated for
16 street, alley, walkway, park, open area, school property, or
17 other public use. An approved dedication of land for street
18 purposes by the proprietors establishes an easement for public
19 access, whether or not a deed has been recorded or the
20 improvement of the street is complete, except when the
21 resolution approving the plat specifically sets aside portions
22 of the dedicated land as not being open for public access at
23 the time of recording for public safety reasons. The
24 recording of a subdivision plat shall dedicate to the public
25 any utility, sewer, drainage, access, walkway, or other public
26 easement shown on the plat.

27 The recording of an auditor's plat shall not serve to
28 dedicate streets, alleys, parks, open areas, school property,
29 public improvements, or utilities. The failure to show the
30 existence of an easement or any public interest on the
31 auditor's plat shall not remove or otherwise affect the
32 interest.

33 Sec. 34. NEW SECTION. 409A.20 ACTION TO ANNUL PLATS.

34 If a plat is filed and recorded in violation of this
35 chapter, a governing body or a proprietor aggrieved by the

1 violation, after filing written notice with the proprietors
2 who joined in the acknowledgement of the plat or their
3 successors in interest, may institute a suit in equity in the
4 district court. The court may order the plat annulled except
5 as provided in section 409A.21.

6 Sec. 35. NEW SECTION. 409A.21 LIMITATION OF ACTIONS ON
7 OFFICIAL PLATS.

8 An action shall not be maintained, at law or in equity, in
9 any court, against a proprietor, based upon an omission of
10 data shown on an official plat or upon an omission, error, or
11 inconsistency in any of the documents required by this chapter
12 unless the action is commenced within ten years after the date
13 of recording of the official plat. Limitation of actions
14 based on claims other than those provided for in this section
15 shall be consistent with chapter 614.

16 Sec. 36. NEW SECTION. 409A.22 VACATION OF OFFICIAL
17 PLATS.

18 The proprietors of lots within an official plat who wish to
19 vacate any portion of the official plat shall file a petition
20 for vacation with the governing body which shall fix the time
21 and place for public hearing on the petition. Written notice
22 of the proposed vacation shall be served in the manner of
23 original notices as provided in Iowa rules of civil procedure
24 and be served upon proprietors and mortgagees within the
25 official plat that are within three hundred feet of the area
26 to be vacated. If a portion of the official plat adjoins a
3645-27 river or State-owned lake, the Iowa department of natural
28 resources shall be served written notice of the proposed
29 vacation. Notice of the proposed vacation shall be published
30 twice, with ten days between publications stating the date,
31 time, and place of the hearing.

32 The official plat or portion of the official plat shall be
33 vacated upon recording of all of the following documents:

34 1. An instrument signed, executed, and acknowledged by all
35 the proprietors and mortgagees within the area of the official

1 plat to be vacated, declaring the plat to be vacated. The
2 instrument shall state the existing lot description for each
3 proprietor along with an accurate description to be used to
4 describe the land after the lots are vacated.

5 2. A resolution by the governing body approving the
6 vacation and providing for the conveyance of those areas
7 included in the vacation which were previously set aside or
8 dedicated for public use.

9 3. A certificate of the auditor that the vacated part of
10 the plat can be adequately described for assessment and
11 taxation purposes without reference to the vacated lots.

12 No part of this section authorizes the closing or
13 obstructing of public highways.

14 The vacation of a portion of an official plat shall not
15 remove or otherwise affect a recorded restrictive covenant,
16 protective covenant, building restriction, or use restriction.
17 Recorded restrictions on the use of property within an
18 official plat shall be modified or revoked by recording a
19 consent to the modification or removal, signed and
20 acknowledged by the proprietors and mortgagees within the
21 official plat.

22 Sec. 37. NEW SECTION. 409A.23 VACATION OF STREETS OR
23 OTHER PUBLIC LANDS.

24 A city or a county may vacate part of an official plat that
25 had been conveyed to the city or county or dedicated to the
26 public which is deemed by the governing body to be of no
27 benefit to the public.

28 The city or county shall vacate by resolution following a
29 public hearing or by ordinance and the vacating instrument
30 shall be recorded. The city or county may convey the vacated
31 property by deed or may convey the property to adjoining
32 proprietors through the vacation instrument. If the vacating
33 instrument is used to convey property then the instrument
34 shall include a list of adjoining proprietors to whom the
35 vacated property is being conveyed along with the

1 corresponding description of each parcel being conveyed. A
2 recorded vacation instrument which conforms to this section is
3 equivalent to a deed of conveyance and the instrument shall be
4 filed and indexed as a conveyance by the recorder and auditor.

5 A vacation instrument recorded pursuant to this section
6 shall not operate to annul any part of an official plat except
7 as provided for in section 409A.22.

8 Sec. 38. NEW SECTION. 409A.24 ERRORS ON RECORDED PLATS.

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

26 Sec. 39. NEW SECTION. 409A.25 SURVEY AND REPLAT OF
27 OFFICIAL PLATS.

28 A survey of an official plat shall conform as nearly as
29 possible to the original lot lines shown on the official plat.
30 The surveyor may summon witnesses, administer oaths, and
31 prepare affidavits and boundary line agreements as necessary
32 in order to establish the location of property lines or lot
33 lines. If a substantial error is discovered in an official
34 plat or if it is found to be materially defective, a
35 proprietor may petition the district court asking for a replat

1 of any part of the official plat. Notice of the proposed
2 replat shall be served, in the manner of original notice as
3 provided in Iowa rules of civil procedure, to the proprietors
4 of record within the area to be replatted. The court has
5 jurisdiction of the matter upon proof of publication of notice
6 of the petition once each week for two weeks in a newspaper of
7 general circulation within the area of the replat.

8 A replat of an official plat ordered by the district court:

9 1. Shall be prepared by a surveyor pursuant to chapter
10 114A; and

11 2. Shall be exempt from the provisions of section 409A.10;
12 and

13 3. Shall have attached to the plat a statement by the
14 surveyor that the replat is prepared at the direction of the
15 district court. The costs of the replat shall be presented to
16 the auditor and assessed against the property included in the
17 replat as provided for in section 409A.17.

18 Sec. 40. NEW SECTION. 409A.26 CORRECTIONS OR CHANGES TO
19 PLATS.

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

31 Sec. 41. Section 117A.1, subsection 1, Code 1989, is
32 amended to read as follows:

33 1. "Subdivided land" means improved or unimproved land
34 divided or proposed to be divided for the purpose of sale or
35 lease into five or more lots or parcels, or additions thereto;

1 or parts thereof of lots or parcels; however, subdivided land
2 does not ~~apply to~~ include a subdivision subject to section
3 306.21 or chapter ~~409~~ 409A nor to the leasing of apartments,
4 offices, stores, or similar space within an apartment
5 building, industrial building, or commercial building unless
6 an undivided interest in the land is granted as a condition
7 precedent to occupying space in the structure. Subdivided
8 land does not include subdivisions of land located within the
9 state of Iowa or time-share intervals as defined in section
10 557A.2.

11 Sec. 42. Section 306.21, Code 1989, is amended to read as
12 follows:

13 306.21 PLANS, PLATS AND FIELD NOTES FILED.

14 All road plans, plats and field notes and true and accurate
15 diagrams of water, sewage and electric power lines for rural
16 subdivisions shall be filed with and ~~recorded-by-the-county~~
17 ~~auditor-and~~ approved by the board of supervisors and the
18 county engineer before the subdivision is laid out and
19 ~~platted, and if any proposed rural subdivision is within one~~
20 ~~mile of the corporate limits of any city such road plans shall~~
21 ~~also be approved by the city engineer or council of the~~
22 ~~adjoining municipality or recorded.~~ Such plans shall be
23 clearly designated as "completed", "partially completed" or
24 "proposed" with a statement of the portion completed and the
25 expected date of full completion. ~~In the event~~ If such road
26 plans are not approved as herein provided in this section such
27 roads shall not become the part of any road system as defined
28 in this chapter.

29 Sec. 43. Section 306.42, subsection 5, Code 1989, is
30 amended to read as follows:

31 5. Notwithstanding ~~requirements of~~ chapter 114 and
32 sections 306.22, 364.7, ~~409-12~~ 409A.13, ~~409-14~~ 409A.15 and
33 471.20, legal descriptions, plats, maps, or engineering
34 drawings used to describe transfers of right of way shall,
35 where available, be descriptions, plats, maps, or engineering

1 drawings of record and shall be incorporated by reference to
2 ~~such~~ the title instrument or proceedings. Where If a part but
3 not all of the land acquired by a single conveyance or
4 condemnation is being transferred, the description of that
5 part to be transferred shall be abstracted from the present
6 legal description, plat, map, or engineering drawing of
7 record.

8 Sec. 44. Section 331.321, subsection 2, Code 1989, is
9 amended to read as follows:

10 2. If the board proposes to appoint a county surveyor, it
11 shall appoint a person qualified in accordance with ~~section~~
12 ~~355-1~~ chapter 114 and provide the surveyor with a suitable
13 book in which to record field notes and plats.

3782 14 Sec. 45. Section 331.401, subsection 1, paragraph j, Code
15 1989, is amended to read as follows:

16 j. Serve on the conference board as provided in section
17 ~~441.2 and carry out duties relating to platting for assessment~~
18 ~~and taxation as provided in sections 441.67 and 441.70.~~

19 Sec. 46. Section 331.427, subsection 1, unnumbered
20 paragraph 1, Code 1989, is amended to read as follows:

21 Except as otherwise provided by state law, county revenues
22 from taxes and other sources for general county services shall
23 be credited to the general fund of the county, including
24 revenues received under sections 84.21, 98.35, 98A.6, 101A.3,
25 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105,
26 321.152, 321.192, 321G.7, 331.554, subsection 6, 341A.20,
27 364.3, 368.21, 422.65, 422.100, 422A.2, 428A.8, 430A.3,
28 433.15, 434.19, ~~441-687~~ 445.52, 445.57, 533.24, 556B.1,
29 567.10, 583.6, 906.17, and 911.3, and the following:

30 Sec. 47. Section 331.511, subsections 1 through 4, Code
31 1989, are amended to read as follows:

32 1. Record each plat as provided in sections ~~409-12 to~~
33 ~~409-16~~ 409A.13 through 409A.18.

34 2. Record changes in names of platted streets as provided
35 in section ~~409-17~~ 409A.26.

1 3. Record notations of errors or omissions on recorded
2 plats as provided in section 409-32 409A.24.

3 4. Record resurveyed plats as provided in section 409-43
4 409A.25.

5 Sec. 48. Section 331.511, subsection 5, Code 1989, is
6 amended by striking the subsection.

7 Sec. 49. Section 331.602, subsection 19, Code 1989, is
8 amended to read as follows:

9 19. Carry out duties relating to the platting of land as
10 provided in chapter 409 409A and ~~sections 441-65 to 441-71.~~

11 Sec. 50. NEW SECTION. 441.72 ASSESSMENT OF PLATTED LOTS.

12 When a subdivision plat is recorded pursuant to chapter
13 409A, the individual lots within the subdivision plat shall
14 not be assessed in excess of the total assessment of the land
15 as acreage or unimproved property for three years after the
16 recording of the plat or until the lot is actually improved
17 with permanent construction, whichever occurs first. When an
18 individual lot has been improved with permanent construction,
19 the lot shall be assessed for taxation purposes as provided in
20 chapter 428 and this chapter. This section does not apply to
21 special assessment levies.

22 Sec. 51. NEW SECTION. 558.19A STATEMENT OF DIVISION AND
23 NOTING PERMANENT REAL ESTATE INDEX NUMBER.

24 Deeds, contracts, or other conveyances presented for
25 recording as evidence of transfer of title to land, shall
26 contain on the face of the conveyance a statement signed by at
27 least one grantor or the grantor's agent stating that the
28 conveyance is not a division of an existing tract or parcel of
29 land, or that the conveyance is a division of an existing
30 tract or parcel of land. If the conveyance is a division the
31 grantor or agent shall also state that the requirements of
32 chapter 409A have been met, noting the book and page number of
33 the official plat or plat of survey recorded in compliance
34 with chapter 409A. The recorder shall not record a conveyance
35 which does not contain a statement of division on the face of

1 the document. Making a false statement of division may be
 2 prosecuted as a county infraction under the provisions of
 3 section 331.307.

371-4 When a permanent real estate index number system has been
 5 established by a county pursuant to section 441.29, the
 6 auditor may note the permanent real estate index number on
 7 every conveyance.

8 Sec. 52. Section 592.7, Code 1989, is amended to read as
 9 follows:

10 592.7 CHANGING NAMES OF STREETS.

11 Whereas, certain cities ~~or-towns~~ throughout the state of
 12 Iowa have passed ordinances changing the name or names of
 13 certain streets in ~~said~~ the cities;

14 Now, therefore, it is provided that the acts of ~~said~~ the
 15 city ~~and-town~~ councils of ~~such~~ the cities ~~and-towns~~ in
 16 enacting ~~said~~ the ordinances changing the names of ~~said~~
 17 certain streets are hereby declared valid. The proper method
 18 for recording a change of street name is found in section

3787-19 ~~409-17~~ 409A.26.

3787-20 Sec. 53. Section 602.8102, subsection 57, Code 1989, is
 21 amended to read as follows:

22 57. Carry out duties relating to the platting of land as
 23 provided in ~~sections-409-97-409-117--and-409-22~~ chapter 409A.

24 Sec. 54. Section 714.16, subsection 2, paragraph d, Code
 25 1989, is amended to read as follows:

26 d. (1) No person shall offer or advertise within this
 27 state for sale or lease, any subdivided lands without first
 28 filing with the real estate commission, true and accurate
 29 copies of all road plans, plats, field notes, and diagrams of
 30 water, sewage, and electric power lines as they exist at the
 31 time of ~~such~~ the filing, ~~provided-such~~ however, this filing
 32 ~~shall~~ is not be required for a subdivision subject to section
 33 306.21 or chapter ~~409~~ 409A. ~~Each-such~~ A filing shall be
 34 accompanied by a fee of fifty dollars for each subdivision
 35 included, payable to the real estate commission.

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

7 Sec. 55. REPEAL. Chapters 355 and 409, Code 1989, are
8 repealed. Sections 441.65 through 441.71, Code 1989, are
9 repealed.

10 EXPLANATION

11 This bill creates two new chapters relating to land
12 surveying and platting. Chapter 114A establishes uniform
13 standards and guidelines for the practice of land surveying in
14 Iowa. The bill also establishes standards and procedures for
15 preparing, recording and indexing United States public land
16 survey corner certificates, and providing access to public
17 land corner location information.

18 Chapter 409A establishes requirements and procedures for
19 plats of survey, acquisition plats, subdivision plats, and
20 auditor's plats. It requires that a governing body apply
21 reasonable standards for the review and approval of
22 subdivision plats and give consideration to the comprehensive
23 plan, to the possible burden on public improvements, and to a
24 balance of interests between the developer, future purchasers,
25 and the public interest.

26 New section 558.19A establishes a requirement that a
27 grantor or agent must state on a conveyance whether the
28 conveyance is dividing property. The section also establishes
29 an enforcement mechanism for platting requirements by
30 providing that the recorder shall not record a conveyance
31 which does not have a statement of division.

32 Chapters 355, land surveys, and 409, plats, are repealed.
33 Sections 441.65 through 441.71, relating to platting for
34 assessment and taxation purposes, are also repealed.

35

HOUSE FILE 724

H-3645

3796

- 1 Amend House File 724 as follows:
2 1. Page 16, line 2, by striking the figure
3 "409A.12" and inserting the following: "409A.13".
4 2. Page 22, line 4, by inserting after the word
5 "land," the following: "and".
6 3. Page 29, line 27, by striking the word "State-
7 owned" and inserting the following: "state-owned".

By MUHLBAUER of Crawford

H-3645 FILED MARCH 28, 1989

adopted 4-4-89 (p.1220)

HOUSE FILE 724

H-3728

- 1 Amend the amendment, H-3645, to House File 724 as
2 follows:
3 1. Page 1, by striking lines 2 through 7 and
4 inserting the following:
5 "____. Page 9, by striking lines 11 through 15 and
6 inserting the following: "definite and unequivocal
7 identification of the property lines or boundaries.
8 The description shall commence at or relate to a
9 physically monumented corner or boundary line of
10 record."
11 _____. Page 9, line 18, by striking the word "and"
12 and inserting the following: "or".
13 _____. By striking page 12, line 29 through page
14 34, line 7.
15 _____. By striking page 34, line 14, through page
16 36, line 7.
17 _____. Page 36, line 19, by striking the figures
18 "~~409.17~~ 409A.26" and inserting the following:
19 "409.17".
20 _____. By striking page 36, line 20, through page
21 37, line 9, and inserting the following:
22 "Sec. _____. REPEAL. Chapter 355, Code 1989, is
23 repealed."
24 2. Title page, by striking lines 2 and 3 and
25 inserting the following: "land surveying and the
26 preparation and recording of plats."
27 3. By renumbering as necessary.

By JAY of Appanoose

H-3728 FILED MARCH 30, 1989

withdrawn 4-4-89 (p.1220)

HOUSE FILE 724

H-3787

1 Amend House File 724 as follows:

- 2 1. Page 9, by striking lines 11 through 15 and
- 3 inserting the following: "definite and unequivocal
- 4 identification of the property lines or boundaries.
- 5 The description shall commence at or relate to a
- 6 physically monumented corner or boundary line of
- 7 record."
- 8 2. Page 9, line 18, by striking the word "and"
- 9 and inserting the following: "or".
- 10 3. By striking page 12, line 29 through page 34,
- 11 line 7.
- 12 4. By striking page 34, line 14, through page 36,
- 13 line 7.
- 14 5. Page 36, line 19, by striking the figures
- 15 "~~409.17~~ 409A.26" and inserting the following:
- 16 "409.17".
- 17 6. By striking page 36, line 20, through page 37,
- 18 line 9, and inserting the following:
- 19 "Sec. ____ . REPEAL. Chapter 355, Code 1989, is
- 20 repealed."
- 21 7. Title page, by striking lines 2 and 3 and
- 22 inserting the following: "land surveying and the
- 23 preparation and recording of plats."
- 24 8. By renumbering as necessary.

By JAY of Appanoose

H-3787 FILED APRIL 3, 1989

Withdrawn 4-4-89 (P-1219)

HOUSE FILE 724

H-3791

- 1 Amend House File 724, as follows:
2 1. Page 8, line 1, by inserting after the word
3 "to" the following: "at least".
4 2. Page 8, lines 1 and 2, by striking the word
5 "one-hundredth" and inserting the following: "one-
6 tenth".
7 3. Page 9, by striking lines 11 through 15 and
8 inserting the following: "definite and unequivocal
9 identification of the property lines or boundaries.
10 The description shall be sufficient to enable the
11 description to be platted and retraced. The
12 description shall commence at or relate to a
13 physically monumented corner or boundary line of
14 record."
15 4. Page 9, line 18, by striking the word "and"
16 and inserting the following: "or".
17 5. Page 16, line 7, by inserting after the figure
18 "3" the following: "or where either of the two parts
19 after being divided is ten acres or less and the
20 county auditor determines that the metes and bounds
21 description is adequate and a survey and plat of
22 survey are not necessary".
23 6. Page 16, by striking line 20.
24 7. Page 16, line 21, by striking the letter "e."
25 and inserting the following: "d."
26 8. Page 16, line 24, by inserting after the word
27 "survey" the following: "according to section 441.29
28 for real estate tax administration purposes".
29 9. Page 16, by striking lines 25 through 30 and
30 inserting the following: "The surveyor shall not
31 assign parcel letters unless the parcel was surveyed
32 by the surveyor in compliance with chapter 114A."
33 10. Page 17, line 34, by striking the words "also
34 be shown" and inserting the following: "be shown
35 only".
36 11. Page 19, lines 12 and 13, by striking the
37 words "when required by ordinance of the governing
38 body or".
39 12. Page 20, line 16, by inserting after the word
40 "shown" the following: "only".
41 13. Page 20, lines 34 and 35, by striking the
42 words ", which has adopted ordinances regulating the
43 division of land,".
44 14. Page 21, by striking lines 4 through 6 and
45 inserting the following: "Governing".
46 15. Page 21, line 7, by inserting after the word
47 "conditions" the following: "in accordance with
48 applicable statutes".
49 16. Page 21, line 8, by inserting after the word
50 "body" the following: ", within sixty days of

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- 1 submission of the proposed subdivision plat,".
- 2 17. Page 21, by striking line 17 and inserting
- 3 the following: "conditions established by the
- 4 governing body, and conforms".
- 5 18. Page 25, by striking lines 29 through 31 and
- 6 inserting the following: "appeal shall be tried de
- 7 novo as an equitable proceeding."
- 8 19. Page 36, by striking lines 4 through 7.
- 9 20. By renumbering as necessary.

By MUHLBAUER of Crawford

H-3791 FILED APRIL 3, 1989

adopted 4-4-89 (p.1219)

HOUSE FILE 724

H-3796

- 1 Amend the amendment, H-3645, to House File 724, as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "_____. Page 13, by striking line 12 and inserting
- 6 the following: "within the scope of, but not limited
- 7 to, chapters 331, 358A, 364, 409A, and 414.""
- 8 2. By renumbering as necessary.

By MUHLBAUER of Crawford

H-3796 FILED APRIL 4, 1989

ADOPTED

4-4-89 (p.1220)

HOUSE FILE 724

S-5321

1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

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

6 As used in this chapter unless the context
7 otherwise requires:

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

10 2. "Division" means dividing a tract or parcel of
11 land into two parcels of land by conveyance or for tax
12 purposes. The conveyance of an easement, other than a
13 public highway easement, shall not be considered a
14 division for the purpose of this chapter.

15 3. "Government lot" means a tract, within a
16 section, which is normally described by a lot number
17 as represented and identified on the township plat of
18 the United States public land survey system.

19 4. "Land surveying" means surveying of land
20 pursuant to chapter 114.

21 5. "Lot" means a tract of land, generally a
22 subdivision of a city or town block, represented and
23 identified as a lot on a recorded plat.

24 6. "Meander line" means a traverse approximately
25 along the margin of a body of water. A meander line
26 provides data for computing areas and approximately
27 locates the margin of the body of water. A meander
28 line does not ordinarily determine or fix boundaries.

29 7. "Monument" means a physical structure which
30 marks the location of a corner or other survey point.

31 8. "Offset line" means a supplementary traverse
32 close to and approximately parallel with an irregular
33 boundary line. An offset line provides data for
34 computing areas and locates salient points on the
35 irregular boundary line by measured distances
36 referenced to the offset line.

37 9. "Plat of survey" means a graphical
38 representation of a survey of one or more parcels of
39 land, including a complete and accurate description of
40 each parcel within the plat, prepared by a registered
41 land surveyor.

42 10. "Subdivision" means a tract of land divided
43 into three or more lots.

44 11. "Subdivision plat" means a graphical
45 representation of the subdivision of land, prepared by
46 a registered land surveyor, having a number or letter
47 designation for each lot within the plat and a
48 succinct name or title that is unique for the county
49 where the land is located.

50 12. "Surveyor" means a registered land surveyor

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1 who engages in the practice of land surveying pursuant
2 to chapter 114.

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

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

8 Sec. 3. NEW SECTION. 114A.3 RULES.

9 Pursuant to chapter 114, the engineering and land
10 surveying examining board may adopt rules consistent
11 with the rules prescribed by the Acts of Congress and
12 the Instructions of the United States Secretary of the
13 Interior.

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

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

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

30 1. Measurements shall be made with instruments and
31 methods capable of attaining the required accuracy for
32 the particular problem involved.

33 2. Measurements as placed on plats shall be in
34 conformance with the capabilities of the instruments
35 used.

36 3. In a closed traverse the sum of the measured
37 angles shall agree with the theoretical sum by a
38 difference not greater than thirty seconds times the
39 square root of the number of angles.

40 4. Distances shall be shown in decimal feet in
41 accordance with the definition of the international
42 foot. Distance measurements shall refer to the
43 horizontal plane.

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

45 1. The surveyor shall confirm the prior
46 establishment of control monuments at each controlling
47 corner on the boundaries of the parcel or tract of
48 land being surveyed. If no control monuments exist,
49 the surveyor shall place the monuments. Control
50 monuments shall be constructed of reasonably permanent

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1 material solidly embedded in the ground and capable of
2 being detected by commonly used magnetic or electronic
3 equipment. The surveyor shall affix a cap of
4 reasonably inert material bearing an embossed or
5 stencil cut marking of the Iowa registration number of
6 the surveyor to the top of each monument which the
7 surveyor places.

8 2. Control monuments shall be placed at the
9 following locations:

10 a. Each corner and angle point of each lot, block,
11 or parcel of land surveyed.

12 b. Each point of intersection of the outer
13 boundary of the survey with an existing or created
14 right-of-way line of a street, railroad, or other way.

15 c. Each point of curve, tangency, reversed curve,
16 or compounded curve on each right-of-way line
17 established.

18 3. If the placement of a monument required by this
19 chapter at the prescribed location is impractical, a
20 reference monument shall be established near the
21 prescribed location. If a point requiring
22 monumentation has been previously monumented, the
23 existence of the monument shall be confirmed by the
24 surveyor.

x 25 4. Only a minimum number of survey control
26 monuments are required to be placed before the
27 recording of a subdivision provided the surveyor
28 includes in the surveyor's statement a declaration
29 that additional monuments shall be placed before a
30 date specified in the statement or within one year
31 from the date the subdivision is recorded, whichever
32 is earlier.

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

34 A plat of survey shall be made, showing information
35 developed by the survey, for each land survey
36 performed for the purpose of correcting boundaries,
37 correcting descriptions of surveyed land, or for the
38 division of land. Each plat of survey shall conform
39 to the following provisions:

40 1. The original plat drawing shall remain the
41 property of the surveyor.

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

44 3. The scale of the plat drawing shall be clearly
45 stated and graphically illustrated by a bar scale on
46 every plat sheet.

47 4. An arrow indicating the northern direction
48 shall be shown on each plat sheet.

49 5. The plat shall show that the survey is tied to
50 a physically monumented land line which is identified

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- 1 by two United States public land survey system
2 corners, or by two physically monumented corners of a
3 recorded subdivision.
- 4 6. The plat shall show the lengths and bearings of
5 the boundaries of the parcels surveyed. The course of
6 each boundary line shown on the plat may be indicated
7 by a direct bearing reference or by an angle between
8 the boundary line and an intersecting line having a
9 shown bearing, except when the boundary line has an
10 irregular or constantly changing course, as along a
11 body of water, or when a description of the boundary
12 line is better achieved by measurements shown at
13 points or intervals along a meander line or an offset
14 line having a shown course. The bearings shall be
15 referenced to a United States public land survey
16 system land line, or recorded subdivision line. If
17 the boundary lines show bearings, lengths, or
18 locations which vary from those recorded in deeds,
19 abutting plats, or other instruments of record, the
20 following note shall be placed along the lines,
21 "recorded as (show recorded bearing, length, or
22 location)". Bearings and angles shown shall be given
23 to at least the nearest minute of arc.
- 24 7. The plat shall show and identify all monuments
25 necessary for the location of the parcel and shall
26 indicate whether the monuments were found or placed.
- 27 8. If United States public land survey system
28 corners control the land description, the corners
29 shall be clearly identified on the plat including a
30 description of the monumentation and shall indicate
31 whether the monuments were found or placed.
- 32 9. Control monuments shall be adequately described
33 and clearly identified on the plat and noted as found
34 or placed. If additional monuments are to be placed
35 subsequent to the recording of a subdivision as
36 provided in section 114A.6, the location of the
37 additional monuments shall be shown on the plat.
- 38 10. Distance shall be shown in decimal feet in
39 accordance with the definition of the international
40 foot. Distance measurements shall refer to the
41 horizontal plane.
- 42 11. Curve data shall be stated in terms of radius,
43 central angle, and length of curve, and as otherwise
44 specified by local ordinance. In all cases, the curve
45 data must be shown for the line affected.
- 46 12. The unadjusted error of closure shall not be
47 greater than one in five thousand for an individual
48 parcel.
- 49 13. If any part of the surveyed land is bounded by
50 an irregular line, that part shall be enclosed by a

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1 meander line or an offset line showing complete data
2 with distances along all lines extending beyond the
3 enclosure to the irregular boundary, and shown with as
4 much certainty as can be determined or as "more or
5 less", if variable. In all cases, the true boundary
6 shall be clearly indicated on the plat.

7 14. The plat shall be captioned to show the date
8 of the survey, and shall be accompanied by a
9 description of the parcel.

10 15. The plat shall contain a statement by a
11 surveyor that the work was done and the plat was
12 prepared by the surveyor or under the surveyor's
13 direct personal supervision, shall be signed and dated
14 by the surveyor, and shall bear the surveyor's Iowa
15 registration number and legible seal.

16 Sec. 8. NEW SECTION. 114A.8 PLATS FOR
17 SUBDIVISIONS.

18 Subdivision plats shall conform to the following
19 provisions where applicable:

20 1. The original plat drawing shall remain the
21 property of the surveyor.

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

24 3. If more than one sheet is used, each sheet
25 shall display both the number of the sheet and the
26 total number of sheets included in the plat, and
27 clearly labeled match lines indicating where the other
28 sheets adjoin. An index shall be provided to show the
29 relationship between the sheets.

30 4. The scale of the plat drawing shall be clearly
31 stated and graphically illustrated by a bar scale on
32 every plat sheet.

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

36 6. An arrow indicating the northern direction
37 shall be shown on each plat sheet.

38 7. The plat shall show that the subdivision is
39 tied to a physically monumented land line which is
40 identified by two United States public land survey
41 system corners, or by two physically monumented
42 corners of a recorded subdivision.

43 8. The plat shall show the lengths and bearings of
44 the boundaries of the tracts surveyed. The course of
45 each boundary line shown on the plat may be indicated
46 by a direct bearing reference or by an angle between
47 the boundary line and an intersecting line having a
48 shown bearing, except when the boundary line has an
49 irregular or constantly changing course, as along a
50 body of water, or when a description of the boundary

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1 line is better achieved by measurements shown at
2 points or intervals along a meander line or an offset
3 line having a shown course. The bearing shall be
4 referenced to a United States public land survey
5 system land line, or recorded subdivision line. If
6 the boundary lines show bearings, lengths, or
7 locations which vary from those recorded in deeds,
8 abutting plats, or other instruments of record, the
9 following note shall be placed along the lines,
10 "recorded as (show recorded bearing, length, or
11 location)". Bearings and angles shown shall be given
12 to at least the nearest minute of arc.

13 9. The plat shall show and identify all monuments
14 necessary for the location of the tracts and shall
15 indicate whether the monuments were found or placed.

16 10. If United States public land survey system
17 corners control the land description, the corners
18 shall be clearly identified on the plat including a
19 description of the monumentation and shall indicate
20 whether the monuments were found or placed.

21 11. Control monuments shall be adequately
22 described and clearly identified on the plat and noted
23 as found or placed. If additional monuments are to be
24 placed subsequent to the recording of a subdivision as
25 provided in section 114A.6, the location of the
26 additional monuments shall be shown on the plat.

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

31 13. Distances shall be shown in feet to at least
32 the nearest one-tenth of a foot in accordance with the
33 definition of the international foot. Distance
34 measurements shall refer to the horizontal plane.

35 14. Curve data shall be stated in terms of radius,
36 central angle, and length of curve. Unless otherwise
37 specified by local ordinance, curve data for streets
38 of uniform width need only be shown with reference to
39 the center line and lots fronting on such curves need
40 only show the chord bearing and distance of the part
41 of the curve included in the lot boundary. Otherwise,
42 the curve data shall be shown for the line affected.

43 15. The unadjusted error of closure shall not be
44 greater than one in ten thousand for subdivision
45 boundaries and shall not be greater than one in five
46 thousand for an individual lot.

47 16. If part of the surveyed land is bounded by an
48 irregular line, that part shall be enclosed by a
49 meander line or an offset line showing complete data
50 with distances along all lines extending beyond the

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1 enclosure to the irregular boundary, and shown with as
2 much certainty as can be determined or as "more or
3 less", if variable. In all cases, the true boundary
4 shall be clearly indicated on the plat.

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

8 18. Adjoining properties shall be identified, and
9 if the adjoining properties are a part of a recorded
10 subdivision, the name of that subdivision shall be
11 shown. If the survey is a subdivision of a portion of
12 a previously recorded subdivision plat, sufficient
13 ties shall be shown to controlling lines appearing on
14 such plat to permit a comparison to be made.

15 19. The purpose of any easement shown on the plat
16 shall be clearly stated.

17 20. The purpose of areas dedicated to the public
18 shall be clearly indicated on the plat.

19 21. The plat shall be accompanied by a description
20 of the land included in the subdivision and shall
21 contain a statement by the surveyor that the work was
22 done and the plat was prepared by the surveyor or
23 under the surveyor's direct personal supervision and
24 shall be signed and dated by the surveyor and bear the
25 surveyor's Iowa registration number and legible seal.

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

27 A description defining land boundaries written for
28 conveyance or other purposes shall be complete,
29 providing definite and unequivocal identification of
30 the property lines or boundaries. The description
31 shall be sufficient to enable the description to be
32 platted and retraced. The description shall commence
33 at or relate to a physically monumented corner or
34 boundary line of record.

35 a. If the land is located in a recorded
36 subdivision, the description shall contain the number
37 or other description of the lot, block, or other part
38 of the subdivision, or shall describe the land by
39 reference to a known corner of the lot, block, or
40 other part.

41 b. If the land is not located in a recorded
42 subdivision, the description shall identify the
43 section, township, range, and county, and shall
44 describe the land by reference to government lot, by
45 quarter-quarter section, by quarter section, or by
46 metes and bounds commencing with a corner marked and
47 established in the United States public land survey
48 system.

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

50 1. The surveyor shall record a plat and

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1 description with the county recorder no later than
2 thirty days after signature on the plat by the
3 surveyor if the survey was made for one of the
4 following purposes:
5 a. To correct boundaries and descriptions of land.
6 b. For the division of land.
7 2. The plat and description shall show distinctly
8 what piece of land was surveyed, the surveyor, and the
9 date of the survey.
10 3. The thirty-day requirement shall not apply to
11 subdivision plats.

12 Sec. 11. NEW SECTION. 114A.11 UNITED STATES
13 PUBLIC LAND SURVEY CORNER CERTIFICATE.

14 1. A United States public land survey corner
15 certificate shall be prepared as part of any land
16 surveying which includes the use of a United States
17 public land survey system corner, having the status of
18 a corner of a quarter-quarter section or larger
19 aliquot part of a section, if one or more of the
20 following conditions exist:

21 a. There is no certificate for the corner on file
22 with the recorder of the county in which the corner is
23 located.

24 b. The surveyor in responsible charge of the land
25 surveying accepts a corner position which differs from
26 that shown in the public records of the county in
27 which the corner is located.

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

30 d. The reference ties referred to in an existing
31 public record are not correct.

32 2. The surveyor shall record the required
33 certificate with the recorder and forward a copy to
34 the county engineer of the county in which the corner
35 is located within thirty days after completion of the
36 surveying. The certificate shall comply with the
37 following requirements:

38 a. The size of the sheet or sheets making up the
39 certificate shall not be less than eight and one-half
40 inches by eleven inches.

41 b. The identity of the corner, with reference to
42 the United States public land survey system, shall be
43 clearly indicated.

44 c. The certificate shall contain a narrative
45 explaining the reason for preparing the certificate,
46 the evidence and detailed procedures used in
47 establishing the corner position, and the
48 monumentation found or placed perpetuating the corner
49 position including reference monumentation.

50 d. The certificate shall contain a plan-view site

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1 drawing depicting the relevant monuments, physical
2 surroundings, and reference ties in sufficient detail
3 to enable recovery of the corner.

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

10 f. The certificate shall contain a statement by
11 the surveyor that the work was done and the
12 certificate was prepared by the surveyor or under the
13 surveyor's direct personal supervision and shall be
14 signed and dated by the surveyor and bear the
15 surveyor's Iowa registration number and seal.

16 Sec. 12. NEW SECTION. 114A.12 INDEXING OF SURVEY
17 DOCUMENTS BY RECORDER.

18 The recorder shall index survey documents and
19 United States public land corner certificates by
20 township, range, and section number. If the survey is
21 in a recorded subdivision, the recorder shall also
22 index the document alphabetically by subdivision name.

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

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

34 2. If the parties interested cannot agree upon the
35 amount to be paid for damages caused by entry upon
36 lands pursuant to subsection 1, either of them may
37 petition the district court in the county in which the
38 land is situated and the district court shall appoint
39 a time for a hearing. The district court shall order
40 at least twenty days' notice to be given to all
41 interested parties, and, with or without a view of the
42 premises as the court may determine, hear the parties
43 and their witnesses and assess damages.

44 3. The person entering upon land, pursuant to
45 subsection 1, may tender to the injured party damages
46 caused thereby, and if, in case of petition or
47 complaint to the district court, the damages finally
48 assessed do not exceed the amount tendered, the person
49 entering shall recover costs. Otherwise, the
50 prevailing party shall recover costs.

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

5 Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS --
6 DEFACEMENT.

7 If a person willfully defaces, injures, or removes
8 a signal, monument, building, or other property of the
9 United States national geodetic survey, or the United
10 States geological survey, constructed or used under
11 the federal law, the person is subject to a civil
12 penalty not exceeding fifty dollars for each offense,
13 and is liable for damages sustained by the United
14 States in consequence of the defacing, injury, or
15 removal, to be recovered in a civil action in any
16 court of competent jurisdiction.

17 Sec. 15. NEW SECTION. 409A.1 STATEMENT OF
18 PURPOSE.

19 It is the purpose of this chapter to provide for a
20 balance between the review and regulation authority of
21 governmental agencies concerning the division and
22 subdivision of land and the rights of land owners. It
23 is therefore determined to be in the public interest:

24 1. To provide for accurate, clear, and concise
25 legal descriptions of real estate in order to prevent,
26 wherever possible, land boundary disputes or real
27 estate title problems.

28 2. To provide for a balance between the land use
29 rights of individual landowners and the economic,
30 social, and environmental concerns of the public when
31 a city or county is developing or enforcing land use
32 regulations.

33 3. To provide for statewide, uniform procedures
34 and standards for the platting of land while allowing
35 the widest possible latitude for cities and counties
36 to establish and enforce ordinances regulating the
37 division and use of land, within the scope of, but not
38 limited to, chapters 331, 358A, 364, 409A, and 414.

39 4. To encourage orderly community development and
40 provide for the regulation and control of the
41 extension of public improvements, public services, and
42 utilities, the improvement of land, and the design of
43 subdivisions, consistent with an approved
44 comprehensive plan or other specific community plans,
45 if any.

46 Sec. 16. NEW SECTION. 409A.2 DEFINITIONS.

47 As used by this chapter, unless the context clearly
48 indicates otherwise:

49 1. "Acquisition plat" means the graphical
50 representation of the division of land or rights in

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1 land, created as the result of a conveyance or
2 condemnation for right-of-way purposes by an agency of
3 the government or other persons having the power of
4 eminent domain.

5 2. "Aliquot part" means a fractional part of a
6 section within the United States public land survey
7 system. Only the fractional parts one-half, one-
8 quarter, one-half of one-quarter, or one-quarter of
9 one-quarter shall be considered an aliquot part of a
10 section.

11 3. "Auditor's plat" means a subdivision plat
12 required by either the auditor or the assessor,
13 prepared by a surveyor under the direction of the
14 auditor.

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

18 5. "Division" means dividing a tract or parcel of
19 land into two parcels of land by conveyance or for tax
20 purposes. The conveyance of an easement, other than a
21 public highway easement, shall not be considered a
22 division for the purpose of this chapter.

23 6. "Forty-acre aliquot part" means one-quarter of
24 one-quarter of a section.

25 7. "Governing body" means a city council or the
26 board of supervisors, within whose jurisdiction the
27 land is located, which has adopted ordinances
28 regulating the division of land.

29 8. "Government lot" means a tract, within a
30 section, which is normally described by a lot number
31 as represented and identified on the township plat of
32 the United States public land survey system.

33 9. "Lot" means a tract of land represented and
34 identified by number or letter designation on an
35 official plat.

36 10. "Metes and bounds description" means a
37 description of land that uses distances and angles,
38 uses distances and bearings, or describes the
39 boundaries of the parcel by reference to physical
40 features of the land.

41 11. "Official plat" means either an auditor's plat
42 or a subdivision plat that meets the requirements of
43 this chapter and has been filed for record in the
44 offices of the recorder, auditor, and assessor.

45 12. "Parcel" means a part of a tract of land.

46 13. "Permanent real estate index number" means a
47 unique number or combination of numbers assigned to a
48 parcel of land pursuant to section 441.29.

49 14. "Plat of survey" means the graphical
50 representation of a survey of one or more parcels of

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1 land, including a complete and accurate description of
2 each parcel within the plat, prepared by a registered
3 land surveyor.

4 15. "Proprietor" means a person who has a recorded
5 interest in land, including a person selling or buying
6 land pursuant to a contract, but excluding persons
7 holding a mortgage, easement, or lien interest.

8 16. "Subdivision" means a tract of land divided
9 into three or more lots.

10 17. "Subdivision plat" means the graphical
11 representation of the subdivision of land, prepared by
12 a registered land surveyor, having a number or letter
13 designation for each lot within the plat and a
14 succinct name or title that is unique for the county
15 where the land is located.

16 18. "Surveyor" means a registered land surveyor
17 who engages in the practice of land surveying pursuant
18 to chapter 114.

19 19. "Tract" means an aliquot part of a section, a
20 lot within an official plat, or a government lot.

21 Sec. 17. NEW SECTION. 409A.3 COVENANT OF
22 WARRANTY.

23 The duty to file for record a plat as provided in
24 sections 409A.4 and 409A.6 attaches as a covenant of
25 warranty in all conveyances by a grantor who divides
26 land against all assessments, costs, and damages paid,
27 lost, or incurred by a grantee or person claiming
28 under a grantee, in consequence of the omission on the
29 part of the grantor to file the plat. A conveyance of
30 land is deemed to be a warranty that the description
31 contained in the conveyance is sufficiently certain
32 and accurate for the purposes of assessment, taxation,
33 and entry on the transfer books and plat books
34 required to be kept by the auditor. The description
35 contained in a conveyance shall be sufficiently
36 certain and accurate for assessment and taxation
37 purposes if it provides sufficient information to
38 allow all the boundaries to be accurately determined
39 and does not overlap with or create a gap between
40 adjoining land descriptions.

41 A recorded conveyance in violation of this chapter
42 may be entered on the transfer books of the auditor's
43 office. The auditor shall notify the grantor and the
44 grantee that the conveyance is in violation of this
45 chapter and demand compliance as provided for in
46 section 409A.13.

47 Sec. 18. NEW SECTION. 409A.4 DIVISIONS REQUIRING
48 A PLAT OF SURVEY OR ACQUISITION PLAT.

49 1. The grantor of land which has been divided
50 using a metes and bounds description shall have a plat

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1 of survey made of the division, except as provided for
x 2 in subsection 3. The grantor or the surveyor shall
3 contact the county auditor who, for the purpose of
4 assessment and taxation, shall review the division to
5 determine whether the survey shall include only the
6 parcel being conveyed or both the parcel being
7 conveyed and the remaining parcel. The plat of survey
8 shall be prepared in compliance with chapter 114A and
9 shall be recorded. The plat shall be clearly marked
10 by the surveyor as a plat of survey and shall include
11 the following information for each parcel included in
12 the survey:

13 a. A parcel letter designation approved by the
14 auditor.

15 b. The names of the proprietors.

16 c. An accurate description of each parcel.

17 d. The total acreage of each parcel.

18 e. The acreage of any portion lying within a
19 public right-of-way.

20 2. The auditor may note a permanent real estate
21 index number upon each parcel shown on a plat of
22 survey according to section 441.29 for real estate tax
23 administration purposes. The surveyor shall not
24 assign parcel letters or prepare a metes and bounds
x 25 description for any parcel shown on a plat or survey
26 unless the parcel was surveyed by the surveyor in
27 compliance with chapter 114A. Parcels within a plat
28 of survey prepared pursuant to this section are
29 subject to the regulations and ordinances of the
30 governing body.

31 3. When land or rights in land are divided for
32 right-of-way purposes by an agency of the government
33 or other persons having the power of eminent domain
34 and the description of the land or rights acquired is
35 a metes and bounds description then an acquisition
36 plat shall be made and attached to the description
37 when the acquisition instrument is recorded.

38 Acquisition plats shall be clearly marked as an
39 acquisition plat and shall conform to the following:

40 a. Acquisition plats shall not be required to
41 conform to the provisions of chapter 114A.

42 b. The information shown on the plat shall be
43 developed from instruments of record together with
44 information developed by field measurements. The
45 unadjusted error of field measurements shall not be
46 greater than one in five thousand.

47 c. The plat shall be signed and dated by a
48 surveyor, bear the surveyor's Iowa registration number
49 and legible seal, and shall show a north arrow and bar
50 scale.

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1 d. The original drawing shall remain the property
2 of the surveyor or the surveyor's agency and shall not
3 be less than eight and one-half by eleven inches in
4 size.

5 e. If the right-of-way on an acquisition plat is a
6 portion of lots within an official plat, reference
7 shall be made to both the lots and plat name. If the
8 right-of-way acquisition plat is not within an
9 official plat, reference shall be made to the
10 government lot or quarter-quarter section and to the
11 section, township, range, and county.

12 f. The plat shall indicate whether the monuments
13 shown are existing monuments or monuments to be
14 established. Monuments shall be established as
15 necessary to construct or maintain the right-of-way
16 project.

17 g. The acquisition plat shall identify the project
18 for which the right-of-way was acquired and a parcel
19 designation shall be assigned to each right-of-way
20 parcel.

21 4. The acreage shown for each parcel included in a
22 plat of survey or acquisition plat shall be to the
23 nearest one-hundredth acre. If a parcel described as
24 part of the United States public land survey system
25 and not entirely within an official plat, lies within
26 more than one forty-acre aliquot part of a section,
27 the acreage shall be shown only for assessment and
28 taxation purposes for each portion of the parcel that
29 lies within each forty-acre aliquot part. The
30 surveyor shall not be required to establish the
31 location of the forty-acre aliquot line by survey but
32 is required to use reasonable assumptions in
33 determining its approximate location for assessment
34 and taxation purposes.

35 5. Governmental agencies shall not be required to
36 survey a remaining parcel when land is divided for
37 right-of-way purposes and shall not be required to
38 contact the auditor for approval of parcel
39 designations shown on an acquisition plat.

40 Sec. 19. NEW SECTION. 409A.5 DESCRIPTIONS AND
41 CONVEYANCE ACCORDING TO PLAT OF SURVEY OR ACQUISITION
42 PLAT.

43 1. A conveyance of a parcel shown on a recorded
44 plat of survey shall describe the parcel by using the
45 description provided on the plat of survey or by
46 reference to the plat of survey, which reference shall
47 include all of the following:

48 a. The parcel letter or designation.

49 b. The book and page number of the recorded plat
50 of survey.

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1 c. The lot number or letter and name of the
2 official plat, if the parcel lies within an official
3 plat.

4 d. The section, township, and range number and
5 reference to the aliquot part of the section, if the
6 parcel lies outside of an official plat.

7 2. A conveyance of a parcel shown on a recorded
8 acquisition plat shall describe the parcel by using
9 the description provided on the acquisition instrument
10 or by reference to the acquisition plat, which
11 reference shall include all of the following:

12 a. The parcel designation and reference to the
13 project for which the right-of-way was acquired.

14 b. The book and page number of the recorded
15 acquisition plat.

16 c. The lot number or letter and name of the
17 official plat, if the parcel lies within an official
18 plat.

19 d. The section, township, and range number and
20 reference to the aliquot part of the section, if the
21 parcel lies outside of an official plat.

22 3. A description by reference to the recorded plat
23 of survey, in compliance with subsection 1, is valid.

24 4. A description by reference to the recorded
25 acquisition plat, in compliance with subsection 2, is
26 valid.

27 5. A description by reference to a permanent real
28 estate index number is valid for the purpose of
29 assessment and taxation when a county has established
30 a permanent real estate index number system pursuant
31 to section 441.29.

32 Sec. 20. NEW SECTION. 409A.6 SUBDIVISION PLATS.

x 33 1. A subdivision plat shall be made when required
34 by ordinance of the governing body or when a tract of
35 land is subdivided by repeated divisions or
36 simultaneous division into three or more parcels, any
37 of which are described by metes and bounds description
38 for which no plat of survey is recorded. A
39 subdivision plat is not required when land is divided
40 by conveyance to a governmental agency for public
41 improvements.

42 2. A subdivision plat shall have a succinct name
43 or title that is unique, as approved by the auditor,
44 for the county in which the plat lies. The plat shall
45 include an accurate description of the land included
46 in the subdivision and shall give reference to two
47 section corners within the United States public land
48 survey system in which the plat lies or, if the plat
49 is a subdivision of any portion of an official plat,
50 two established monuments within the official plat.

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1 Each lot within the plat shall be assigned a
2 progressive number. Streets, alleys, parks, open
3 areas, school property, other areas of public use, or
4 areas within the plat that are set aside for future
5 development shall be assigned a progressive letter and
6 shall have the proposed use clearly designated. A
7 strip of land shall not be reserved by the subdivider
8 unless the land is of sufficient size and shape to be
9 of practical use or service as determined by the
10 governing body. Progressive block numbers or letters
11 may be assigned to groups of lots separated from other
12 lots by streets or other physical features of the
13 land. The surveyor shall not assign lot numbers or
14 letters to a lot shown within a subdivision plat
15 unless the lot has been surveyed by the surveyor in
16 compliance with chapter 114A. The auditor may note a
17 permanent real estate index number upon each lot
18 within a subdivision plat. Sufficient information,
19 including dimensions and angles or bearings, shall be
20 shown on the plat to accurately establish the
21 boundaries of each lot, street, and easement.
22 Easements necessary for the orderly development of the
23 land within the plat shall be shown and the purpose of
24 the easement shall be clearly stated.

25 3. If a subdivision plat, described as part of the
26 United States public land survey system and not
27 entirely within an official plat, lies within more
28 than one forty-acre aliquot part of a section, the
29 acreage shall be shown only for assessment and
30 taxation purposes for the portion of the subdivision
31 that lies within each forty-acre aliquot part of the
32 section. The area of the irregular lots within the
33 plat shall be shown and may be expressed in either
34 acres, to the nearest one-hundredth acre, or square
35 feet, to the nearest ten square feet. The surveyor
36 shall not be required to establish the location of a
37 forty-acre aliquot line by survey but is required to
38 use reasonable assumptions in determining its
39 approximate location for assessment and taxation
40 purposes.

41 Sec. 21. NEW SECTION. 409A.7 CONVEYANCES BY
42 REFERENCE TO OFFICIAL PLAT.

43 A description of land by reference to lot number or
44 letter designation and block, if block designations
45 are shown on the plat, and the title or name of the
46 official plat, is valid.

47 Sec. 22. NEW SECTION. 409A.8 REVIEW AND APPROVAL
48 BY GOVERNING BODIES.

x 49 A proposed subdivision plat lying within the
50 jurisdiction of a governing body shall be submitted to

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1 that governing body for review and approval prior to
2 recording. A city may establish jurisdiction to
3 review subdivisions outside its boundaries pursuant to
4 the provisions of section 409A.9. Governing bodies
5 shall review the plat within the time and using the
6 standards and conditions established by ordinance for
7 the review and approval of subdivisions. Governing
8 bodies shall apply reasonable standards and conditions
9 for the review and approval of subdivisions. The
10 governing body shall determine whether the subdivision
11 conforms to its comprehensive plan and shall give
12 consideration to the possible burden on public
13 improvements and to a balance of interests between the
14 proprietor, future purchasers, and the public interest
15 in the subdivision when reviewing the proposed
16 subdivision and when requiring the installation of
17 public improvements in conjunction with approval of a
18 subdivision.

19 If the subdivision plat conforms to the standards
20 and conditions established by the governing body, and
21 conforms to this chapter and chapter 114A, the
22 governing body, by resolution, shall approve the plat
23 and certify the resolution which shall be recorded
24 with the plat. The recorder shall refuse to accept a
25 subdivision plat presented for recording without a
26 resolution from each applicable governing body
27 approving the subdivision plat or waiving the right to
28 review.

29 Sec. 23. NEW SECTION. 409A.9 REVIEW OF
30 SUBDIVISION PLATS WITHIN TWO MILES OF A CITY.

×31 1. If a city, which has adopted ordinances
32 regulating the division of land, desires to review
33 subdivisions outside the city's boundaries, then the
34 city shall establish by ordinance specifically
35 referring to the authority of this section, the area
36 subject to the city's review and approval. The area
37 of review may be identified by individual tracts, by
38 describing the boundaries of the area, or by including
39 all land within a certain distance of the city's
40 boundaries, which shall not extend more than two miles
41 distance from the city's boundaries. The ordinance
42 establishing the area of review or modifying the area
43 of review by a city, shall be recorded in the office
44 of the recorder and filed with the county auditor.

45 2. If a subdivision lies in a county, which has
46 adopted ordinances regulating the division of land,
47 and also lies within the area of review established by
48 a city pursuant to this section, then the subdivision
49 shall be submitted to both the city and county for
50 approval. The standards and conditions applied by a

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1 city for review and approval of the subdivision shall
2 be the same standards and conditions used for review
3 and approval of subdivisions within the city limits or
4 shall be the standards and conditions for review and
5 approval established by agreement of the city and
6 county pursuant to chapter 28E. Either the city or
7 county may, by resolution, waive its right to review
8 the subdivision or waive the requirements of any of
9 its standards or conditions for approval of
10 subdivisions, and certify the resolution which shall
11 be recorded with the plat.

12 3. If cities establish overlapping areas of review
13 outside their boundaries, then the cities shall
14 establish by agreement pursuant to chapter 28E
15 reasonable standards and conditions for review of
16 subdivisions within the overlapping area. If no
17 agreement is recorded pursuant to chapter 28E then the
18 city which is closest to the boundary of the
19 subdivision shall have authority to review of the
20 subdivision.

21 Sec. 24. NEW SECTION. 409A.10 APPEAL OF REVIEW
22 OR DISAPPROVAL.

23 When application is made to a governing body for
24 approval of a subdivision plat, the applicant or a
25 second governing body, which also has jurisdiction for
26 review, may be aggrieved by any of the following:

27 1. The requirements imposed by a governing body as
28 a condition of approval.

29 2. The governing body exceeding the time for
30 review established by ordinance.

31 3. The denial of the application.

x 32 The applicant or the aggrieved governing body shall
33 file written notice of intent to appeal with the
34 opposing governing body not later than thirty days
35 after the date of the denial of the application or the
36 date of the receipt by the applicant of the aggrieved
37 requirements for approval of the subdivision. The
38 applicant or the aggrieved governing body may appeal
39 to the district court twenty days after the date of
40 the notice of intent to appeal. The appeal shall be
41 tried de novo as an equitable proceeding and accorded
42 a preference in assignment so as to assure its prompt
43 disposition.

44 Sec. 25. NEW SECTION. 409A.11 ATTACHMENTS TO
45 SUBDIVISION PLATS.

46 A subdivision plat, other than an auditor's plat,
47 that is presented to the recorder for recording shall
48 conform to section 409A.6 and shall not be accepted
49 for recording unless accompanied by the following
50 documents:

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1 1. A statement by the proprietors and their
2 spouses, if any, that the plat is prepared with their
3 free consent and in accordance with their desire,
4 signed and acknowledged before an officer authorized
5 to take the acknowledgment of deeds. The statement by
6 the proprietors may also include a dedication to the
7 public of all lands within the plat that are
8 designated for streets, alleys, parks, open areas,
9 school property, or other public use, if the
10 dedication is approved by the governing body.

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

22 3. An opinion by an attorney-at-law who has
23 examined the abstract of title of the land being
24 platted. The opinion shall state the names of the
25 proprietors and holders of mortgages, liens, or other
26 encumbrances on the land being platted and shall note
27 the encumbrances, along with any bonds securing the
28 encumbrances. Utility easements shall not be
29 construed to be encumbrances for the purpose of this
30 section.

31 4. A certified resolution by each governing body
32 as required by section 409A.8 either approving the
33 subdivision or waiving the right to review.

34 5. A certificate of the treasurer that the land is
35 free from certified taxes and certified special
36 assessments or that the land is free from certified
37 taxes and that the certified special assessments are
38 secured by bond in compliance with section 409A.12.

39 A subdivision plat which includes no land set apart
40 for streets, alleys, parks, open areas, school
41 property, or public use other than utility easements,
42 shall be accompanied by the documents listed in
43 subsections 1, 2, 3, and 4 and a certificate of the
44 treasurer that the land is free from certified taxes
45 other than certified special assessments.

46 Sec. 26. NEW SECTION. 409A.12 BONDS TO SECURE
47 LIENS.

48 A bond in double the amount of the lien shall be
49 secured and recorded if a lien exists on the land
50 included in a subdivision plat and the required

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1 consent of the lienholder is not attached for one of
2 the following reasons:

3 1. The lienholder cannot be found, in which case
4 an affidavit by the proprietor stating that the lien
5 holder could not be found shall be recorded with the
6 bond.

7 2. The lienholder will not accept payment or
8 cannot, because of the nature of the lien, accept
9 payment in full of the lien, in which case an
10 affidavit by the lienholder stating that payment of
11 the lien was offered but refused shall be recorded
12 with the bond.

13 The bond shall run to the county and be for the
14 benefit of purchasers of lots within the plat and
15 shall be conditioned for the payment and cancellation
16 of the debt as soon as practicable and to hold
17 harmless purchasers or their assigns and the governing
18 body from the lien.

19 Sec. 27. NEW SECTION. 409A.13 AUDITOR'S PLATS
20 AND PLATS OF SURVEY.

21 If a tract is divided or subdivided in violation of
22 section 409A.4 or 409A.6 or the descriptions of one or
23 more parcels within a tract are not sufficiently
24 certain and accurate for the purpose of assessment and
25 taxation under the guidelines of section 409A.3, the
26 auditor shall notify the proprietors of the parcels
27 within the tract for which no plat has been recorded
28 as required by this chapter, and demand that a plat of
29 survey or a subdivision plat be recorded as required
30 by this chapter. Notice shall be served by mail and a
31 certified copy of the notice shall be recorded. The
32 auditor shall mail a copy of the notice to the
33 applicable governing bodies. If the proprietors fail,
34 within thirty days of the notice, to comply with the
35 notice or file with the auditor a statement of intent
36 to comply, the auditor shall contract with a surveyor
37 to have a survey made of the property and have a plat
38 of survey or an auditor's plat recorded as necessary
39 to comply with this chapter. Upon receipt of a
40 statement of intent to comply, the auditor may extend
41 the time period for compliance.

42 Sec. 28. NEW SECTION. 409A.14 APPEAL OF NOTICE.

43 A proprietor aggrieved by a notice to plat by the
44 auditor may appeal to the district court within twenty
45 days after service of notice. Upon appeal, the
46 auditor shall take no further action pending a
47 decision of the district court. The appeal shall be
48 tried de novo as an equitable proceeding.

49 Sec. 29. NEW SECTION. 409A.15 REVIEW OF
50 AUDITOR'S PLATS.

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1 A proposed auditor's plat shall be filed with the
2 applicable governing body which shall review the plat
3 within the time specified by ordinance, and if it
4 conforms to chapter 114A, the governing body shall by
5 resolution approve the plat and certify the resolution
6 to be recorded with the plat. The governing body may
7 state in the resolution whether the lots within the
8 auditor's plat meet the standards and conditions
9 established by ordinance for subdivision lots. The
10 lots within a recorded auditor's plat and parcels
11 within a recorded plat of survey prepared under
12 section 409A.13 are individually subject to local
13 regulations and ordinances. Approval of an auditor's
14 plat shall not impose any liability on a governing
15 body to install or maintain public improvements or
16 utilities within the plat. Approval of an auditor's
17 plat by a governing body shall not constitute a waiver
18 of ordinances requiring a subdivision plat.

19 Sec. 30. NEW SECTION. 409A.16 ATTACHMENTS TO
20 AUDITOR'S PLATS AND PLATS OF SURVEY.

21 1. A plat of survey prepared pursuant to section
22 409A.13 shall be accompanied by a certificate of the
23 auditor that the plat of survey was prepared at the
24 direction of the auditor because the proprietors
25 failed to file a plat.

26 2. An auditor's plat shall conform to section
27 409A.6, but is exempt from section 409A.11. An
28 auditor's plat presented to the recorder for recording
29 shall be accompanied by the following documents:

30 a. A certificate of the auditor that the auditor's
31 plat was prepared at the direction of the auditor
32 because the proprietors failed to file a plat, that
33 the plat was prepared for assessment and taxation
34 purposes, and that the recording of the plat does not
35 constitute a dedication or impose any liability upon
36 the state or governmental agency.

37 b. A certified resolution by the governing body,
38 approving the plat or waiving the right to review.

39 c. A list for each lot within the plat of the
40 proprietor's names, the area, expressed in acreage or
41 square feet, the book and page number of the recorded
42 conveyance to the proprietors and the permanent real
43 estate index number, where established.

44 d. A certificate of the auditor that no search was
45 made at the time of the recording of the plat to
46 determine the existence of any liens, mortgages,
47 delinquent taxes, or special assessments, that no
48 search was made, other than the records of the
49 auditor's office, to establish title to the property
50 within the plat, and that the lots within the plat are

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1 subject individually to the regulations and ordinances
2 of the applicable governing body.

3 Sec. 31. NEW SECTION. 409A.17 COSTS AND
4 COLLECTION OF COSTS.

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

20 Sec. 32. NEW SECTION. 409A.18 RECORDING OF
21 PLATS.

22 A plat of survey prepared pursuant to this chapter
23 and a subdivision plat, with attachments, shall be
24 recorded in the office of the county recorder, and an
25 exact copy of the plat shall be filed in the offices
26 of the county auditor and assessor. A replat of any
27 part of an official plat pursuant to section 409A.25,
28 or a recorded subdivision plat of any part of an
29 existing official plat shall supersede that part of
30 the original official plat, including unused public
31 utility easements.

32 The recorder shall examine each plat of survey and
33 subdivision plat to determine whether the plat is
34 clearly legible and whether the approval by the
35 applicable governing body and the other attachments
36 required by this chapter are presented with the plat.
37 The recorder shall also keep a reproducible copy of
38 the plat from which legible copies can be made. The
39 recorder may specify the material and the size of the
40 plat, not less than eight and one-half inches by
41 eleven inches, that will be accepted for recording in
42 order to comply with this section. The recorder shall
43 not record a subdivision plat that violates this
44 chapter.

45 Sec. 33. NEW SECTION. 409A.19 DEDICATION OF
46 LAND.

47 An official plat which conforms to this chapter and
48 has attached to the plat a dedication by the
49 proprietors to the public and approval of the
50 dedication by the governing body is equivalent to a

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1 deed in fee simple from the proprietors to the public
2 of any land within the plat that is dedicated for
3 street, alley, walkway, park, open area, school
4 property, or other public use. An approved dedication
5 of land for street purposes by the proprietors
6 establishes an easement for public access, whether or
7 not a deed has been recorded or the improvement of the
8 street is complete, except when the resolution
9 approving the plat specifically sets aside portions of
10 the dedicated land as not being open for public access
11 at the time of recording for public safety reasons.
12 The recording of a subdivision plat shall dedicate to
13 the public any utility, sewer, drainage, access,
14 walkway, or other public easement shown on the plat.
15 The recording of an auditor's plat shall not serve
16 to dedicate streets, alleys, parks, open areas, school
17 property, public improvements, or utilities. The
18 failure to show the existence of an easement or any
19 public interest on the auditor's plat shall not remove
20 or otherwise affect the interest.

21 Sec. 34. NEW SECTION. 409A.20 ACTION TO ANNUL
22 PLATS.

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

31 Sec. 35. NEW SECTION. 409A.21 LIMITATION OF
32 ACTIONS ON OFFICIAL PLATS.

33 An action shall not be maintained, at law or in
34 equity, in any court, against a proprietor, based upon
35 an omission of data shown on an official plat or upon
36 an omission, error, or inconsistency in any of the
37 documents required by this chapter unless the action
38 is commenced within ten years after the date of
39 recording of the official plat. Limitation of actions
40 based on claims other than those provided for in this
41 section shall be consistent with chapter 614.

42 Sec. 36. NEW SECTION. 409A.22 VACATION OF
43 OFFICIAL PLATS.

44 The proprietors of lots within an official plat who
45 wish to vacate any portion of the official plat shall
46 file a petition for vacation with the governing body
47 which would have jurisdiction to approve the plat at
48 the time the petition is filed. After the petition
49 has been filed, the governing body shall fix the time
50 and place for public hearing on the petition. Written

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1 notice of the proposed vacation shall be served in the
2 manner of original notices as provided in Iowa rules
3 of civil procedure and be served upon proprietors and
4 mortgagees within the official plat that are within
5 three hundred feet of the area to be vacated. If a
6 portion of the official plat adjoins a river or state-
7 owned lake, the Iowa department of natural resources
8 shall be served written notice of the proposed
9 vacation. Notice of the proposed vacation shall be
10 published twice, with ten days between publications
11 stating the date, time, and place of the hearing.

12 The official plat or portion of the official plat
13 shall be vacated upon recording of all of the
14 following documents:

15 1. An instrument signed, executed, and
16 acknowledged by all the proprietors and mortgagees
17 within the area of the official plat to be vacated,
18 declaring the plat to be vacated. The instrument
19 shall state the existing lot description for each
20 proprietor along with an accurate description to be
21 used to describe the land after the lots are vacated.

22 2. A resolution by the governing body approving
23 the vacation and providing for the conveyance of those
24 areas included in the vacation which were previously
25 set aside or dedicated for public use.

26 3. A certificate of the auditor that the vacated
27 part of the plat can be adequately described for
28 assessment and taxation purposes without reference to
29 the vacated lots.

30 No part of this section authorizes the closing or
31 obstructing of public highways.

32 The vacation of a portion of an official plat shall
33 not remove or otherwise affect a recorded restrictive
34 covenant, protective covenant, building restriction,
35 or use restriction. Recorded restrictions on the use
36 of property within an official plat shall be modified
37 or revoked by recording a consent to the modification
38 or removal, signed and acknowledged by the proprietors
39 and mortgagees within the official plat.

40 Sec. 37. NEW SECTION. 409A.23 VACATION OF
41 STREETS OR OTHER PUBLIC LANDS.

42 A city or a county may vacate part of an official
43 plat that had been conveyed to the city or county or
44 dedicated to the public which is deemed by the
45 governing body to be of no benefit to the public.

46 The city or county shall vacate by resolution
47 following a public hearing or by ordinance and the
48 vacating instrument shall be recorded. The city or
49 county may convey the vacated property by deed or may
50 convey the property to adjoining proprietors through

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

10 A vacation instrument recorded pursuant to this
11 section shall not operate to annul any part of an
12 official plat except as provided for in section
13 409A.22.

14 Sec. 38. NEW SECTION. 409A.24 ERRORS ON RECORDED
15 PLATS.

16 If an error or omission in the data shown on a
17 recorded plat is detected by subsequent examinations
18 or revealed by retracing the lines shown on the plat,
19 the original surveyor or two surveyors confirming the
20 error through independent surveys shall record an
21 affidavit confirming that the error or omission was
22 made. The affidavit shall describe the nature and
23 extent of the error or omission and also describe the
24 corrections or additions to be made to the plat and
25 note the book and page number of the recorded plat.
26 The recorder shall write across that part of the plat
27 so corrected the word "corrected", and note the book
28 and page number of the recorded affidavit. A copy of
29 the recorded affidavit shall be filed with the auditor
30 and assessor. The affidavit shall raise a presumption
31 from the date of recording that the purported facts
32 stated in the affidavit are true, and after the lapse
33 of three years from the date of recording the
34 presumption shall be conclusive.

35 Sec. 39. NEW SECTION. 409A.25 SURVEY AND REPLAT
36 OF OFFICIAL PLATS.

37 A survey of an official plat shall conform as
38 nearly as possible to the original lot lines shown on
39 the official plat. The surveyor may summon witnesses,
40 administer oaths, and prepare affidavits and boundary
41 line agreements as necessary in order to establish the
42 location of property lines or lot lines. If a
43 substantial error is discovered in an official plat or
44 if it is found to be materially defective, a
45 proprietor may petition the governing body which would
46 have jurisdiction to approve the plat at the time the
47 petition is filed for a replat of any part of the
48 official plat. Notice of the proposed replat shall be
49 served, in the manner of original notice as provided
50 in Iowa rules of civil procedure, to the proprietors

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1 of record and holders of easements specifically
2 recorded within the area to be replatted. The court
3 has jurisdiction of the matter upon proof of
4 publication of notice of the petition once each week
5 for two weeks in a newspaper of general circulation
6 within the area of the replat.

7 A replat of an official plat ordered by the
8 district court:

9 1. Shall be prepared by a surveyor pursuant to
10 chapter 114A and recorded; and

11 2. Shall be exempt from the provisions of section
12 409A.11; and

13 3. Shall have attached to the plat a statement by
14 the surveyor that the replat is prepared at the
15 direction of the district court. The costs of the
16 replat shall be presented to the auditor and assessed
17 against the property included in the replat as
18 provided for in section 409A.17.

19 Sec. 40. NEW SECTION. 409A.26 CORRECTIONS OR
20 CHANGES TO PLATS.

21 A vacation, correction, or replatting as provided
22 for in this chapter, shall be recorded and an exact
23 copy shall be filed with the auditor and assessor. If
24 a governing body changes the addresses or street names
25 shown on an official plat, notice of the change shall
26 note the name or other designation of each official
27 plat affected and shall be filed with the recorder,
28 auditor, and assessor. The recorder shall note the
29 vacation, correction, or replatting on the margin of
30 the official plat or upon an attachment to the
31 official plat for that purpose. The auditor shall
32 make the proper changes on the plats required to be
33 kept by the auditor.

34 Sec. 41. Section 117A.1, subsection 1, Code 1989,
35 is amended to read as follows:

36 1. "Subdivided land" means improved or unimproved
37 land divided or proposed to be divided for the purpose
38 of sale or lease into five or more lots or parcels, or
39 additions ~~thereto~~, or parts ~~thereof~~ of lots or
40 parcels; however, subdivided land does not ~~apply to~~
41 include a subdivision subject to section 306.21 or
42 ~~chapter 409~~ 409A nor ~~to~~ the leasing of apartments,
43 offices, stores, or similar space within an apartment
44 building, industrial building, or commercial building
45 unless an undivided interest in the land is granted as
46 a condition precedent to occupying space in the
47 structure. Subdivided land does not include
48 subdivisions of land located within the state of Iowa
49 or time-share intervals as defined in section 557A.2.

50 Sec. 42. Section 306.21, Code 1989, is amended to

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1 read as follows:

2 306.21 PLANS, PLATS AND FIELD NOTES FILED.

3 All road plans, plats and field notes and true and
4 accurate diagrams of water, sewage and electric power
5 lines for rural subdivisions shall be filed with and
6 ~~recorded-by-the-county-auditor-and~~ approved by the
7 board of supervisors and the county engineer before
8 the subdivision is laid out ~~and-platted,-and-if-any~~
9 ~~proposed-rural-subdivision-is-within-one-mile-of-the~~
10 ~~corporate-limits-of-any-city-such-road-plans-shall~~
11 ~~also-be-approved-by-the-city-engineer-or-council-of~~
12 ~~the-adjoining-municipality~~ or recorded. Such plans
13 shall be clearly designated as "completed", "partially
14 completed" or "proposed" with a statement of the
15 portion completed and the expected date of full
16 completion. ~~In-the-event~~ If such road plans are not
17 approved as herein provided in this section such roads
18 shall not become the part of any road system as
19 defined in this chapter.

20 Sec. 43. Section 306.42, subsection 5, Code 1989,
21 is amended to read as follows:

22 5. Notwithstanding ~~requirements-of~~ chapter 114 and
23 sections 306.22, 364.7, ~~409-12~~ 409A.13, ~~409-14~~ 409A.15
24 and 471.20, legal descriptions, plats, maps, or
25 engineering drawings used to describe transfers of
26 right of way shall, where available, be descriptions,
27 plats, maps, or engineering drawings of record and
28 shall be incorporated by reference to such the title
29 instrument or proceedings. ~~Where~~ If a part but not
30 all of the land acquired by a single conveyance or
31 condemnation is being transferred, the description of
32 that part to be transferred shall be abstracted from
33 the present legal description, plat, map, or
34 engineering drawing of record.

35 Sec. 44. Section 331.321, subsection 2, Code 1989,
36 is amended to read as follows:

37 2. If the board proposes to appoint a county
38 surveyor, it shall appoint a person qualified in
39 accordance with ~~section-355-1~~ chapter 114 and provide
40 the surveyor with a suitable book in which to record
41 field notes and plats.

42 Sec. 45. Section 331.401, subsection 1, paragraph
43 j, Code 1989, is amended to read as follows:

44 j. Serve on the conference board as provided in
45 section 441.2 ~~and-carry-out-duties-relating-to~~
46 ~~platting-for-assessment-and-taxation-as-provided-in~~
47 ~~sections-441-67-and-441-70.~~

48 Sec. 46. Section 331.427, subsection 1, unnumbered
49 paragraph 1, Code 1989, is amended to read as follows:

50 Except as otherwise provided by state law, county

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1 revenues from taxes and other sources for general
2 county services shall be credited to the general fund
3 of the county, including revenues received under
4 sections 84.21, 98.35, 98A.6, 101A.3, 101A.7, 110.12,
5 123.36, 123.143, 176A.8, 246.908, 321.105, 321.152,
6 321.192, 321G.7, 331.554, subsection 6, 341A.20,
7 364.3, 368.21, 422.65, 422.100, 422A.2, 428A.8,
8 430A.3, 433.15, 434.19, ~~441-68~~ 445.52, 445.57,
9 533.24, 556B.1, 567.10, 583.6, 906.17, and 911.3, and
10 the following:

11 Sec. 47. Section 331.511, subsections 1 through 5,
12 Code 1989, are amended to read as follows:

13 1. Record each plat as provided in ~~sections-409-12~~
14 ~~to-409-16~~ section 409A.18.

15 2. Record changes in names of platted streets as
16 provided in section ~~409-17~~ 409A.26.

17 3. Record notations of errors or omissions on
18 recorded plats as provided in section ~~409-32~~ 409A.24.

19 4. Record resurveyed plats as provided in section
20 ~~409-43~~ 409A.25.

21 5. Provide for the platting of real estate which
22 cannot otherwise be accurately assessed for taxation
23 as provided in ~~sections-441-65-to-441-71~~ section
24 409A.13.

25 Sec. 48. Section 331.602, subsection 19, Code
26 1989, is amended to read as follows:

27 19. Carry out duties relating to the platting of
28 land as provided in chapter 409 409A ~~and-sections~~
29 ~~441-65-to-441-71~~.

30 Sec. 49. NEW SECTION. 441.72 ASSESSMENT OF
31 PLATTED LOTS.

32 When a subdivision plat is recorded pursuant to
33 chapter 409A, the individual lots within the
34 subdivision plat shall not be assessed in excess of
35 the total assessment of the land as acreage or
36 unimproved property for three years after the
37 recording of the plat or until the lot is actually
38 improved with permanent construction, whichever occurs
39 first. When an individual lot has been improved with
40 permanent construction, the lot shall be assessed for
41 taxation purposes as provided in chapter 428 and this
42 chapter. This section does not apply to special
43 assessment levies.

x 44 Sec. 50. NEW SECTION. 558.19A STATEMENT OF
45 DIVISION AND NOTING PERMANENT REAL ESTATE INDEX
46 NUMBER.

47 Deeds, contracts, or other conveyances presented
48 for recording as evidence of transfer of title to
49 land, shall contain on the face of the conveyance a
50 statement signed by at least one grantor or the

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1 grantor's agent stating that the conveyance is not a
2 division of an existing tract or parcel of land, or
3 that the conveyance is a division of an existing tract
4 or parcel of land. If the conveyance is a division
5 the grantor or agent shall also state that the
6 requirements of chapter 409A have been met, noting the
7 book and page number of the official plat or plat of
8 survey recorded in compliance with chapter 409A. The
9 recorder shall not record a conveyance which does not
10 contain a statement of division on the face of the
11 document. Making a false statement of division may be
12 prosecuted as a county infraction under the provisions
13 of section 331.307.

14 When a permanent real estate index number system
15 has been established by a county pursuant to section
16 441.29, the auditor may note the permanent real estate
17 index number on every conveyance.

18 Sec. 51. Section 592.7, Code 1989, is amended to
19 read as follows:

20 592.7 CHANGING NAMES OF STREETS.

21 Whereas, certain cities ~~or towns~~ throughout the
22 state of Iowa have passed ordinances changing the name
23 or names of certain streets in ~~said the~~ cities;

24 Now, therefore, it is provided that the acts of
25 ~~said the~~ city ~~and town~~ councils of ~~such the~~ cities ~~and~~
26 ~~towns~~ in enacting ~~said the~~ ordinances changing the
27 names of ~~said~~ certain streets are hereby declared
28 valid. The proper method for recording a change of
29 street name is found in section ~~409-17~~ 409A.26.

30 Sec. 52. Section 602.8102, subsection 57, Code
31 1989, is amended to read as follows:

32 57. Carry out duties relating to the platting of
33 land as provided in ~~sections-409-97-409-117-and-409-22~~
34 ~~chapter~~ 409A.

35 Sec. 53. Section 714.16, subsection 2, paragraph
36 d, Code 1989, is amended to read as follows:

37 d. (1) No person shall offer or advertise within
38 this state for sale or lease, any subdivided lands
39 without first filing with the real estate commission
40 true and accurate copies of all road plans, plats,
41 field notes, and diagrams of water, sewage, and
42 electric power lines as they exist at the time of ~~such~~
43 ~~the~~ filing, ~~provided-such~~ ~~however,~~ ~~this~~ filing shall
44 ~~is not be~~ required for a subdivision subject to
45 section 306.21 or chapter ~~409~~ 409A. ~~Each-such~~ A
46 filing shall be accompanied by a fee of fifty dollars
47 for each subdivision included, payable to the real
48 estate commission.

49 (2) False or misleading statements filed pursuant
50 to subparagraph ~~(1)~~ ~~of-paragraph~~ "d" ~~of-this~~

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1 subsection or section 306.21 or chapter ~~409~~ 409A, and
2 advertising, offers to sell, or contracts not in
3 substantial conformity with the filings made pursuant
4 to section 306.21 or chapter ~~409~~ 409A are unlawful.
5 Sec. 54. REPEAL. Chapters 355 and 409, Code 1989,
6 are repealed. Sections 441.65 through 441.71, Code
7 1989, are repealed."

By COMMITTEE ON JUDICIARY
RICHARD VARN, Chairperson

S-5321 FILED MARCH 1, 1990

Adopted as amended by 5365, 5850 4/3 (p. 1471)

HOUSE FILE 724

S-5365

1 Amend the amendment, S-5321, to House File 724, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 13, line 25, by striking the word "or"
5 and inserting the following: "of".

By C. JOSEPH COLEMAN

S-5365 FILED MARCH 6, 1990

Adopted 4/3 (p. 1471)

HOUSE FILE 724

S-5850

1 Amend the committee amendment, S-5321, to House
2 File 724, as amended, passed, and reprinted by the
3 House, as follows:

4 1. Page 3, by striking line 25 and inserting the
5 following:

6 "4. At least a minimum number of two survey
7 control".

8 2. Page 15, lines 33 and 34, by striking the
9 words "when required by ordinance of the governing
10 body or".

11 3. Page 17, by striking lines 5 through 10 and
12 inserting the following: "shall apply reasonable
13 standards and conditions in accordance with applicable
14 statutes and ordinances for the review and approval of
15 subdivisions. The governing body, within sixty days
16 of application for final approval of the subdivision
17 plat, shall determine whether the subdivision".

18 4. Page 17, by striking lines 18 and 19, and
19 inserting the following: "subdivision. The governing
20 body shall not issue final approval of a subdivision
21 plat unless the subdivision plat conforms to sections
22 114A.8, 409A.6, and 409A.11.

23 If the subdivision plat and all matters related to
24 final approval of the subdivision plat conform to the
25 standards".

26 5. Page 18, by striking lines 32 through 40, and
27 inserting the following:

28 "4. Failure of the governing body to approve or
29 reject a subdivision plat within sixty days from the
30 date of application for final approval.

31 If the plat is disapproved by the governing body,
32 such disapproval shall state how the proposed plat is
33 objectionable. The applicant has the right to appeal,
34 within twenty days, the failure of the governing body
35 to issue final approval of the plat as provided in
36 this section.

37 The applicant or the aggrieved governing body has
38 the right to appeal to the district court within
39 twenty days after the date of the denial of the
40 application or the date of the receipt by the
41 applicant of the requirements for approval of the
42 subdivision. Notice of appeal shall be served on the
43 governing body in the manner provided for the service
44 of original notice pursuant to the rules of civil
45 procedure. The appeal shall be".

46 5. Page 26, line 2, by striking the word "court"
47 and inserting the following: "governing body".

48 6. Page 26, line 8, by striking the words
49 "district court" and inserting the following:
50 "governing body".

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1 7. Page 26, line 15, by striking the words
2 "district court" and inserting the following:
3 "governing body".

4 8. Page 26, by inserting after line 33, the
5 following:

6 "Sec. ____ . NEW SECTION. 409A.27 NOTING THE
7 PERMANENT REAL ESTATE INDEX NUMBER.

8 When a permanent real estate index number system
9 has been established by a county pursuant to section
10 441.29, the auditor may note the permanent real estate
11 index number on every conveyance."

12 9. By striking page 28, line 44, through page 29,
13 line 17.

14 10. By renumbering as necessary.

By C. JOSEPH COLEMAN

S-5850 FILED APRIL 3, 1990

ADOPTED (p. 14 77)

S-5586

1 Amend the committee amendment, S-5321, to House
2 File 724, as amended, passed, and reprinted by the
3 House, as follows:

4 1. Page 3, by striking lines 25 through 32.

5 2. Page 13, line 2, by inserting after the figure
6 "3" the following: "or where either of the parts
7 after being divided is ten acres or less and the
8 county auditor determines that the metes and bounds
9 description is adequate or a survey and plat of survey
10 are not necessary".

11 3. Page 15, lines 33 and 34, by striking the
12 words "when required by ordinance of the governing
13 body or".

14 4. Page 17, by striking lines 5 through 10 and
15 inserting the following: "shall apply reasonable
16 standards and conditions in accordance with applicable
17 statutes for the review and approval of subdivisions.
18 The governing body, within sixty days of submission of
19 the proposed subdivision plat, shall determine whether
20 the subdivision".

21 5. Page 18, by striking lines 32 through 43 and
22 inserting the following:

23 "4. Failure of the governing body to either
24 approve or reject a subdivision plat within sixty days
25 from the date of application. In such case, the
26 person proposing the plat has the right to file the
27 plat with the county recorder, assessor, and auditor.
28 If the plat is disapproved by the governing body, such
29 disapproval shall state how the proposed plat is
30 objectionable. The applicant has the right to appeal
31 the action of the council refusing to approve the plat
32 as provided in this section.

33 The applicant or the aggrieved governing body has
34 the right to appeal to the district court within
35 twenty days after the date of the denial of the
36 application or the date of the receipt by the
37 applicant of the requirements or the date of approval
38 of the subdivision. Notice of appeal shall be served
39 on the governing body in the manner provided for the
40 service of original notices pursuant to the rules of
41 civil procedure. The appeal shall be triable de novo
42 as an equitable proceeding and accorded such
43 preference and assignment as to assure its prompt
44 disposition."

45 6. Page 26, line 2, by striking the word "court"
46 and inserting the following: "governing body".

47 7. Page 26, line 8, by striking the words
48 "district court" and inserting the following:
49 "governing body".

50 8. Page 26, line 15, by striking the words

-1-

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Page 2

1 "district court" and inserting the following:

2 "governing body".

3 9. By striking page 28, line 44, through page 29,
4 line 17.

5 10. Renumber as necessary.

By C. JOSEPH COLEMAN

w/d 4/3 (p. 1477)

S-5586 FILED MARCH 20, 1990

Sen. Judiciary Amend per 5321 & D. Pass 3/1 (p. 836)

HOUSE FILE 724

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 317)

(As Amended and Passed by the House April 4, 1989)

per H-60
Re Passed House, Date 4/4/90 (p. 1915) Passed Senate, Date 4/3/90 (p. 1478)

Vote: Ayes 93 Nays 0 Vote: Ayes 49 Nays 1

Approved May 2, 1990

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

House Amendments _____

7

Deleted Language *

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5-5321 amends all

- 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 The conveyance of an easement, other than a public highway
8 easement, shall not be considered a division for the purpose
9 of this chapter.
10 3. "Government lot" means a tract, within a section, which
11 is normally described by a lot number as represented and
12 identified on the township plat of the United States public
13 land survey system.
14 4. "Land surveying" means surveying of land pursuant to
15 chapter 114.
16 5. "Lot" means a tract of land, generally a subdivision of
17 a city or town block, represented and identified as a lot on a
18 recorded plat.
19 6. "Meander line" means a traverse approximately along the
20 margin of a body of water. A meander line provides data for
21 computing areas and approximately locates the margin of the
22 body of water. A meander line does not ordinarily determine
23 or fix boundaries.
24 7. "Monument" means a physical structure which marks the
25 location of a corner or other survey point.
26 8. "Offset line" means a supplementary traverse close to
27 and approximately parallel with an irregular boundary line.
28 An offset line provides data for computing areas and locates
29 salient points on the irregular boundary line by measured
30 distances referenced to the offset line.
31 9. "Plat of survey" means a graphical representation of a
32 survey of one or more parcels of land, including a complete
33 and accurate description of each parcel within the plat,
34 prepared by a registered land surveyor.
35 10. "Subdivision" means a tract of land divided into three

1 or more lots.

2 11. "Subdivision plat" means a graphical representation of
3 the subdivision of land, prepared by a registered land
4 surveyor, having a number or letter designation for each lot
5 within the plat and a succinct name or title that is unique
6 for the county where the land is located.

7 12. "Surveyor" means a registered land surveyor who
8 engages in the practice of land surveying pursuant to chapter
9 114.

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

11 This chapter applies to all agencies of the United States
12 government, this state, or a political subdivision of this
13 state and to all persons engaged in the practice of land
14 surveying.

15 Sec. 3. NEW SECTION. 114A.3 RULES.

16 Pursuant to chapter 114, the engineering and land surveying
17 examining board may adopt rules consistent with the rules
18 prescribed by the Acts of Congress and the Instructions of the
19 United States Secretary of the Interior.

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

21 The surveyor shall acquire data necessary to retrace record
22 title boundaries, center lines, and other boundary line
23 locations in accordance with the legal descriptions including
24 applicable provisions of chapter 650. The surveyor shall
25 analyze the data and make a careful determination of the
26 position of the boundaries of the parcel or tract of land
27 being surveyed. The surveyor shall make a field survey,
28 locating and connecting monuments necessary for location of
29 the parcel or tract and coordinate the facts of the survey
30 with the analysis and legal description. The surveyor shall
31 place monuments marking the corners of the parcel or tract
32 unless monuments already exist at the corners.

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

34 1. Measurements shall be made with instruments and methods
35 capable of attaining the required accuracy for the particular

1 problem involved.

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

4 3. In a closed traverse the sum of the measured angles
5 shall agree with the theoretical sum by a difference not
6 greater than thirty seconds times the square root of the
7 number of angles.

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

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

12 1. The surveyor shall confirm the prior establishment of
13 control monuments at each controlling corner on the boundaries
14 of the parcel or tract of land being surveyed. If no control
15 monuments exist, the surveyor shall place the monuments.

16 Control monuments shall be constructed of reasonably permanent
17 material solidly embedded in the ground and capable of being
18 detected by commonly used magnetic or electronic equipment.
19 The surveyor shall affix a cap of reasonably inert material
20 bearing an embossed or stencil cut marking of the Iowa
21 registration number of the surveyor to the top of each
22 monument which the surveyor places.

23 2. Control monuments shall be placed at the following
24 locations:

25 a. Each corner and angle point of each lot, block, or
26 parcel of land surveyed.

27 b. Each point of intersection of the outer boundary of the
28 survey with an existing or created right-of-way line of a
29 street, railroad, or other way.

30 c. Each point of curve, tangency, reversed curve, or
31 compounded curve on each right-of-way line established.

32 3. If the placement of a monument required by this chapter
33 at the prescribed location is impractical, a reference
34 monument shall be established near the prescribed location.

35 If a point requiring monumentation has been previously

1 monumented, the existence of the monument shall be confirmed
2 by the surveyor.

3 4. Only a minimum number of survey control monuments are
4 required to be placed before the recording of a subdivision
5 provided the surveyor includes in the surveyor's statement a
6 declaration that additional monuments shall be placed before a
7 date specified in the statement or within one year from the
8 date the subdivision is recorded, whichever is earlier.

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

10 A plat of survey shall be made, showing information
11 developed by the survey, for each land survey performed for
12 the purpose of correcting boundaries, correcting descriptions
13 of surveyed land, or for the division of land. Each plat of
14 survey shall conform to the following provisions:

15 1. The original plat drawing shall remain the property of
16 the surveyor.

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

19 3. The scale of the plat drawing shall be clearly stated
20 and graphically illustrated by a bar scale on every plat
21 sheet.

22 4. An arrow indicating the northern direction shall be
23 shown on each plat sheet.

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

28 6. The plat shall show the lengths and bearings of the
29 boundaries of the parcels surveyed. The course of each
30 boundary line shown on the plat may be indicated by a direct
31 bearing reference or by an angle between the boundary line and
32 an intersecting line having a shown bearing, except when the
33 boundary line has an irregular or constantly changing course,
34 as along a body of water, or when a description of the
35 boundary line is better achieved by measurements shown at

1 points or intervals along a meander line or an offset line
2 having a shown course. The bearings shall be referenced to a
3 United States public land survey system land line, or recorded
4 subdivision line. If the boundary lines show bearings,
5 lengths, or locations which vary from those recorded in deeds,
6 abutting plats, or other instruments of record, the following
7 note shall be placed along the lines, "recorded as (show
8 recorded bearing, length, or location)". Bearings and angles
9 shown shall be given to at least the nearest minute of arc.

10 7. The plat shall show and identify all monuments
11 necessary for the location of the parcel and shall indicate
12 whether the monuments were found or placed.

13 8. If United States public land survey system corners
14 control the land description, the corners shall be clearly
15 identified on the plat including a description of the
16 monumentation and shall indicate whether the monuments were
17 found or placed.

18 9. Control monuments shall be adequately described and
19 clearly identified on the plat and noted as found or placed.
20 If additional monuments are to be placed subsequent to the
21 recording of a subdivision as provided in section 114A.6, the
22 location of the additional monuments shall be shown on the
23 plat.

24 10. Distance shall be shown in decimal feet in accordance
25 with the definition of the international foot. Distance
26 measurements shall refer to the horizontal plane.

27 11. Curve data shall be stated in terms of radius, central
28 angle, and length of curve, and as otherwise specified by
29 local ordinance. In all cases, the curve data must be shown
30 for the line affected.

31 12. The unadjusted error of closure shall not be greater
32 than one in five thousand for an individual parcel.

33 13. If any part of the surveyed land is bounded by an
34 irregular line, that part shall be enclosed by a meander line
35 or an offset line showing complete data with distances along

1 all lines extending beyond the enclosure to the irregular
2 boundary, and shown with as much certainty as can be
3 determined or as "more or less", if variable. In all cases,
4 the true boundary shall be clearly indicated on the plat.

5 14. The plat shall be captioned to show the date of the
6 survey, and shall be accompanied by a description of the
7 parcel.

8 15. The plat shall contain a statement by a surveyor that
9 the work was done and the plat was prepared by the surveyor or
10 under the surveyor's direct personal supervision, shall be
11 signed and dated by the surveyor, and shall bear the
12 surveyor's Iowa registration number and legible seal.

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

14 Subdivision plats shall conform to the following provisions
15 where applicable:

16 1. The original plat drawing shall remain the property of
17 the surveyor.

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

20 3. If more than one sheet is used, each sheet shall
21 display both the number of the sheet and the total number of
22 sheets included in the plat, and clearly labeled match lines
23 indicating where the other sheets adjoin. An index shall be
24 provided to show the relationship between the sheets.

25 4. The scale of the plat drawing shall be clearly stated
26 and graphically illustrated by a bar scale on every plat
27 sheet.

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

31 6. An arrow indicating the northern direction shall be
32 shown on each plat sheet.

33 7. The plat shall show that the subdivision is tied to a
34 physically monumented land line which is identified by two
35 United States public land survey system corners, or by two

1 physically monumented corners of a recorded subdivision.

2 8. The plat shall show the lengths and bearings of the
3 boundaries of the tracts surveyed. The course of each
4 boundary line shown on the plat may be indicated by a direct
5 bearing reference or by an angle between the boundary line and
6 an intersecting line having a shown bearing, except when the
7 boundary line has an irregular or constantly changing course,
8 as along a body of water, or when a description of the
9 boundary line is better achieved by measurements shown at
10 points or intervals along a meander line or an offset line
11 having a shown course. The bearing shall be referenced to a
12 United States public land survey system land line, or recorded
13 subdivision line. If the boundary lines show bearings,
14 lengths, or locations which vary from those recorded in deeds,
15 abutting plats, or other instruments of record, the following
16 note shall be placed along the lines, "recorded as (show
17 recorded bearing, length, or location)". Bearings and angles
18 shown shall be given to at least the nearest minute of arc.

19 9. The plat shall show and identify all monuments
20 necessary for the location of the tracts and shall indicate
21 whether the monuments were found or placed.

22 10. If United States public land survey system corners
23 control the land description, the corners shall be clearly
24 identified on the plat including a description of the
25 monumentation and shall indicate whether the monuments were
26 found or placed.

27 11. Control monuments shall be adequately described and
28 clearly identified on the plat and noted as found or placed.
29 If additional monuments are to be placed subsequent to the
30 recording of a subdivision as provided in section 114A.6, the
31 location of the additional monuments shall be shown on the
32 plat.

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

1 13. Distances shall be shown in feet to at least the
2 nearest one-tenth of a foot in accordance with the definition
3 of the international foot. Distance measurements shall refer
4 to the horizontal plane.

5 14. Curve data shall be stated in terms of radius, central
6 angle, and length of curve. Unless otherwise specified by
7 local ordinance, curve data for streets of uniform width need
8 only be shown with reference to the center line and lots
9 fronting on such curves need only show the chord bearing and
10 distance of the part of the curve included in the lot
11 boundary. Otherwise, the curve data shall be shown for the
12 line affected.

13 15. The unadjusted error of closure shall not be greater
14 than one in ten thousand for subdivision boundaries and shall
15 not be greater than one in five thousand for an individual
16 lot.

17 16. If part of the surveyed land is bounded by an
18 irregular line, that part shall be enclosed by a meander line
19 or an offset line showing complete data with distances along
20 all lines extending beyond the enclosure to the irregular
21 boundary, and shown with as much certainty as can be
22 determined or as "more or less", if variable. In all cases,
23 the true boundary shall be clearly indicated on the plat.

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

26 18. Adjoining properties shall be identified, and if the
27 adjoining properties are a part of a recorded subdivision, the
28 name of that subdivision shall be shown. If the survey is a
29 subdivision of a portion of a previously recorded subdivision
30 plat, sufficient ties shall be shown to controlling lines
31 appearing on such plat to permit a comparison to be made.

32 19. The purpose of any easement shown on the plat shall be
33 clearly stated.

34 20. The purpose of areas dedicated to the public shall be
35 clearly indicated on the plat.

1 21. The plat shall be accompanied by a description of the
2 land included in the subdivision and shall contain a statement
3 by the surveyor that the work was done and the plat was
4 prepared by the surveyor or under the surveyor's direct
5 personal supervision and shall be signed and dated by the
6 surveyor and bear the surveyor's Iowa registration number and
7 legible seal.

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

9 A description defining land boundaries written for
10 conveyance or other purposes shall be complete, providing
11 definite and unequivocal identification of the property lines
12 or boundaries. The description shall be sufficient to enable
13 the description to be platted and retraced. The description
14 shall commence at or relate to a physically monumented corner
15 or boundary line of record.

16 a. If the land is located in a recorded subdivision, the
17 description shall contain the number or other description of
18 the lot, block, or other part of the subdivision, or shall
19 describe the land by reference to a known corner of the lot,
20 block, or other part.

21 b. If the land is not located in a recorded subdivision,
22 the description shall identify the section, township, range,
23 and county, and shall describe the land by reference to
24 government lot, by quarter-quarter section, by quarter
25 section, or by metes and bounds commencing with a corner
26 marked and established in the United States public land survey
27 system.

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

29 1. The surveyor shall record a plat and description with
30 the county recorder no later than thirty days after signature
31 on the plat by the surveyor if the survey was made for one of
32 the following purposes:

33 a. To correct boundaries and descriptions of land.

34 b. For the division of land.

35 2. The plat and description shall show distinctly what

1 piece of land was surveyed, the surveyor, and the date of the
2 survey.

3 3. The thirty-day requirement shall not apply to
4 subdivision plats.

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

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

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

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

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

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

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

27 a. The size of the sheet or sheets making up the
28 certificate shall not be less than eight and one-half inches
29 by eleven inches.

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

33 c. The certificate shall contain a narrative explaining
34 the reason for preparing the certificate, the evidence and
35 detailed procedures used in establishing the corner position,

1 and the monumentation found or placed perpetuating the corner
2 position including reference monumentation.

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

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

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

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

20 The recorder shall index survey documents and United States
21 public land corner certificates by township, range, and
22 section number. If the survey is in a recorded subdivision,
23 the recorder shall also index the document alphabetically by
24 subdivision name.

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

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

35 2. If the parties interested cannot agree upon the amount

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

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

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

18 Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS --
19 DEFACEMENT.

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

29 Sec. 15. NEW SECTION. 409A.1 STATEMENT OF PURPOSE.

30 It is the purpose of this chapter to provide for a balance
31 between the review and regulation authority of governmental
32 agencies concerning the division and subdivision of land and
33 the rights of land owners. It is therefore determined to be
34 in the public interest:

35 1. To provide for accurate, clear, and concise legal

1 descriptions of real estate in order to prevent, wherever
2 possible, land boundary disputes or real estate title
3 problems.

4 2. To provide for a balance between the land use rights of
5 individual landowners and the economic, social, and
6 environmental concerns of the public when a city or county is
7 developing or enforcing land use regulations.

8 3. To provide for statewide, uniform procedures and
9 standards for the platting of land while allowing the widest
10 possible latitude for cities and counties to establish and
11 enforce ordinances regulating the division and use of land,
12 within the scope of, but not limited to, chapters 331, 358A,
13 364, 409A, and 414.

14 4. To encourage orderly community development and provide
15 for the regulation and control of the extension of public
16 improvements, public services, and utilities, the improvement
17 of land, and the design of subdivisions, consistent with an
18 approved comprehensive plan or other specific community plans,
19 if any.

20 Sec. 16. NEW SECTION. 409A.2 DEFINITIONS.

21 As used by this chapter, unless the context clearly
22 indicates otherwise:

23 1. "Acquisition plat" means the graphical representation
24 of the division of land or rights in land, created as the
25 result of a conveyance or condemnation for right-of-way
26 purposes by an agency of the government or other persons
27 having the power of eminent domain.

28 2. "Aliquot part" means a fractional part of a section
29 within the United States public land survey system. Only the
30 fractional parts one-half, one-quarter, one-half of one-
31 quarter, or one-quarter of one-quarter shall be considered an
32 aliquot part of a section.

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

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

4 5. "Division" means dividing a tract or parcel of land
5 into two parcels of land by conveyance or for tax purposes.
6 The conveyance of an easement, other than a public highway
7 easement, shall not be considered a division for the purpose
8 of this chapter.

9 6. "Forty-acre aliquot part" means one-quarter of one-
10 quarter of a section.

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

14 8. "Government lot" means a tract, within a section, which
15 is normally described by a lot number as represented and
16 identified on the township plat of the United States public
17 land survey system.

18 9. "Lot" means a tract of land represented and identified
19 by number or letter designation on an official plat.

20 10. "Metes and bounds description" means a description of
21 land that uses distances and angles, uses distances and
22 bearings, or describes the boundaries of the parcel by
23 reference to physical features of the land.

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

28 12. "Parcel" means a part of a tract of land.

29 13. "Permanent real estate index number" means a unique
30 number or combination of numbers assigned to a parcel of land
31 pursuant to section 441.29.

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

1 15. "Proprietor" means a person who has a recorded
2 interest in land, including a person selling or buying land
3 pursuant to a contract, but excluding persons holding a
4 mortgage, easement, or lien interest.

5 16. "Subdivision" means a tract of land divided into three
6 or more lots.

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

12 18. "Surveyor" means a registered land surveyor who
13 engages in the practice of land surveying pursuant to chapter
14 114.

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

17 Sec. 17. NEW SECTION. 409A.3 COVENANT OF WARRANTY.

18 The duty to file for record a plat as provided in sections
19 409A.4 and 409A.6 attaches as a covenant of warranty in all
20 conveyances by a grantor who divides land against all
21 assessments, costs, and damages paid, lost, or incurred by a
22 grantee or person claiming under a grantee, in consequence of
23 the omission on the part of the grantor to file the plat. A
24 conveyance of land is deemed to be a warranty that the
25 description contained in the conveyance is sufficiently
26 certain and accurate for the purposes of assessment, taxation,
27 and entry on the transfer books and plat books required to be
28 kept by the auditor. The description contained in a
29 conveyance shall be sufficiently certain and accurate for
30 assessment and taxation purposes if it provides sufficient
31 information to allow all the boundaries to be accurately
32 determined and does not overlap with or create a gap between
33 adjoining land descriptions.

34 A recorded conveyance in violation of this chapter may be
35 entered on the transfer books of the auditor's office. The

1 auditor shall notify the grantor and the grantee that the
2 conveyance is in violation of this chapter and demand
3 compliance as provided for in section 409A.13.

4 Sec. 18. NEW SECTION. 409A.4 DIVISIONS REQUIRING A PLAT
5 OF SURVEY OR ACQUISITION PLAT.

6 1. The grantor of land which has been divided using a
7 metes and bounds description shall have a plat of survey made
8 of the division, except as provided for in subsection 3 or
9 where either of the two parts after being divided is ten acres
10 or less and the county auditor determines that the metes and
11 bounds description is adequate and a survey and plat of survey
12 are not necessary. The grantor or the surveyor shall contact
13 the county auditor who, for the purpose of assessment and
14 taxation, shall review the division to determine whether the
15 survey shall include only the parcel being conveyed or both
16 the parcel being conveyed and the remaining parcel. The plat
17 of survey shall be prepared in compliance with chapter 114A
18 and shall be recorded. The plat shall be clearly marked by
19 the surveyor as a plat of survey and shall include the
20 following information for each parcel included in the survey:

21 a. A parcel letter designation approved by the auditor.

22 b. The names of the proprietors.

23 c. An accurate description of each parcel.

* 24 d. The acreage of any portion lying within a public right-
25 of-way.

26 2. The auditor may note a permanent real estate index
27 number upon each parcel shown on a recorded plat of survey
28 according to section 441.29 for real estate tax administration
29 purposes. The surveyor shall not assign parcel letters unless
30 the parcel was surveyed by the surveyor in compliance with
31 chapter 114A.

32 3. When land or rights in land are divided for right-of-
33 way purposes by an agency of the government or other persons
34 having the power of eminent domain and the description of the
35 land or rights acquired is a metes and bounds description then

1 an acquisition plat shall be made and attached to the
2 description when the acquisition instrument is recorded.

3 Acquisition plats shall be clearly marked as an acquisition
4 plat and shall conform to the following:

5 a. Acquisition plats shall not be required to conform to
6 the provisions of chapter 114A.

7 b. The information shown on the plat shall be developed
8 from instruments of record together with information developed
9 by field measurements. The unadjusted error of field
10 measurements shall not be greater than one in five thousand.

11 c. The plat shall be signed and dated by a surveyor, bear
12 the surveyor's Iowa registration number and legible seal, and
13 shall show a north arrow and bar scale.

14 d. The original drawing shall remain the property of the
15 surveyor or the surveyor's agency and shall not be less than
16 eight and one-half by eleven inches in size.

17 e. If the right-of-way on an acquisition plat is a portion
18 of lots within an official plat, reference shall be made to
19 both the lots and plat name. If the right-of-way acquisition
20 plat is not within an official plat, reference shall be made
21 to the government lot or quarter-quarter section and to the
22 section, township, range, and county.

23 f. The plat shall indicate whether the monuments shown are
24 existing monuments or monuments to be established. Monuments
25 shall be established as necessary to construct or maintain the
26 right-of-way project.

27 g. The acquisition plat shall identify the project for
28 which the right-of-way was acquired and a parcel designation
29 shall be assigned to each right-of-way parcel.

30 4. The acreage shown for each parcel included in a plat of
31 survey or acquisition plat shall be to the nearest one-
32 hundredth acre. If a parcel described as part of the United
33 States public land survey system and not entirely within an
34 official plat, lies within more than one forty-acre aliquot
35 part of a section, the acreage shall be shown only for

1 assessment and taxation purposes for each portion of the
2 parcel that lies within each forty-acre aliquot part. The
3 surveyor shall not be required to establish the location of
4 the forty-acre aliquot line by survey but is required to use
5 reasonable assumptions in determining its approximate location
6 for assessment and taxation purposes.

7 5. Governmental agencies shall not be required to survey a
8 remaining parcel when land is divided for right-of-way
9 purposes and shall not be required to contact the auditor for
10 approval of parcel designations shown on an acquisition plat.

11 Sec. 19. NEW SECTION. 409A.5 DESCRIPTIONS AND CONVEYANCE
12 ACCORDING TO PLAT OF SURVEY OR ACQUISITION PLAT.

13 1. A conveyance of a parcel shown on a recorded plat of
14 survey shall describe the parcel by using the description
15 provided on the plat of survey or by reference to the plat of
16 survey, which reference shall include all of the following:

17 a. The parcel letter designation.

18 b. The book and page number of the recorded plat of
19 survey.

20 c. The lot number or letter and name of the official plat,
21 if the parcel lies within an official plat.

22 d. The section, township, and range number and reference
23 to the aliquot part of the section, if the parcel lies outside
24 of an official plat.

25 2. A conveyance of a parcel shown on a recorded
26 acquisition plat shall describe the parcel by using the
27 description provided on the acquisition instrument or by
28 reference to the acquisition plat, which reference shall
29 include all of the following:

30 a. The parcel designation and reference to the project for
31 which the right-of-way was acquired.

32 b. The book and page number of the recorded acquisition
33 plat.

34 c. The lot number or letter and name of the official plat,
35 if the parcel lies within an official plat.

1 d. The section, township, and range number and reference
2 to the aliquot part of the section, if the parcel lies outside
3 of an official plat.

4 3. A description by reference to the recorded plat of
5 survey, in compliance with subsection 1, is valid.

6 4. A description by reference to the recorded acquisition
7 plat, in compliance with subsection 2, is valid.

8 5. A description by reference to a permanent real estate
9 index number is valid for the purpose of assessment and
10 taxation when a county has established a permanent real estate
11 index number system pursuant to section 441.29.

12 Sec. 20. NEW SECTION. 409A.6 SUBDIVISION PLATS.

*13 1. A subdivision plat shall be made when a tract of land
14 is subdivided by repeated divisions or simultaneous division
15 into three or more parcels, any of which are described by
16 metes and bounds description for which no plat of survey is
17 recorded. A subdivision plat is not required when land is
18 divided by conveyance to a governmental agency for public
19 improvements.

20 2. A subdivision plat shall have a succinct name or title
21 that is unique, as approved by the auditor, for the county in
22 which the plat lies. The plat shall include an accurate
23 description of the land included in the subdivision and shall
24 give reference to two section corners within the United States
25 public land survey system in which the plat lies or, if the
26 plat is a subdivision of any portion of an official plat, two
27 established monuments within the official plat. Each lot
28 within the plat shall be assigned a progressive number.

29 Streets, alleys, parks, open areas, school property, other
30 areas of public use, or areas within the plat that are set
31 aside for future development shall be assigned a progressive
32 letter and shall have the proposed use clearly designated. A
33 strip of land shall not be reserved by the subdivider unless
34 the land is of sufficient size and shape to be of practical
35 use or service as determined by the governing body.

1 Progressive block numbers or letters may be assigned to groups
2 of lots separated from other lots by streets or other physical
3 features of the land. The surveyor shall not assign lot
4 numbers or letters to a lot shown within a subdivision plat
5 unless the lot has been surveyed by the surveyor in compliance
6 with chapter 114A. The auditor may note a permanent real
7 estate index number upon each lot within a recorded
8 subdivision plat. Sufficient information, including
9 dimensions and angles or bearings, shall be shown on the plat
10 to accurately establish the boundaries of each lot, street,
11 and easement. Easements necessary for the orderly development
12 of the land within the plat shall be shown and the purpose of
13 the easement shall be clearly stated.

14 3. If a subdivision plat, described as part of the United
15 States public land survey system and not entirely within an
16 official plat, lies within more than one forty-acre aliquot
17 part of a section, the acreage shall be shown only for
18 assessment and taxation purposes for the portion of the
19 subdivision that lies within each forty-acre aliquot part of
20 the section. The area of the irregular lots within the plat
21 shall be shown and may be expressed in either acres, to the
22 nearest one-hundredth acre, or square feet, to the nearest ten
23 square feet. The surveyor shall not be required to establish
24 the location of a forty-acre aliquot line by survey but is
25 required to use reasonable assumptions in determining its
26 approximate location for assessment and taxation purposes.

27 Sec. 21. NEW SECTION. 409A.7 CONVEYANCES BY REFERENCE TO
28 OFFICIAL PLAT.

29 A description of land by reference to lot number or letter
30 designation and block, if block designations are shown on the
31 plat, and the title or name of the official plat, is valid.

32 Sec. 22. NEW SECTION. 409A.8 REVIEW AND APPROVAL BY
33 GOVERNING BODIES.

34 A proposed subdivision plat lying within the jurisdiction
* 35 of a governing body shall be submitted to that governing body

1 for review and approval prior to recording. A city may
2 establish jurisdiction to review subdivisions outside its
3 boundaries pursuant to the provisions of section 409A.9.
4 Governing bodies shall apply reasonable standards and
5 conditions in accordance with applicable statutes for the
6 review and approval of subdivisions. The governing body,
7 within sixty days of submission of the proposed subdivision
8 plat, shall determine whether the subdivision conforms to its
9 comprehensive plan and shall give consideration to the
10 possible burden on public improvements and to a balance of
11 interests between the proprietor, future purchasers, and the
12 public interest in the subdivision when reviewing the proposed
13 subdivision and when requiring the installation of public
14 improvements in conjunction with approval of a subdivision.

15 If the subdivision plat conforms to the standards and
16 conditions established by the governing body, and conforms to
17 this chapter and chapter 114A, the governing body, by
18 resolution, shall approve the plat and certify the resolution
19 which shall be recorded with the plat. The recorder shall
20 refuse to accept a subdivision plat presented for recording
21 without a resolution from each applicable governing body
22 approving the subdivision plat or waiving the right to review.

23 Sec. 23. NEW SECTION. 409A.9 REVIEW OF SUBDIVISION PLATS
24 WITHIN TWO MILES OF A CITY.

25 1. If a city, which has adopted ordinances regulating the
26 division of land, desires to review subdivisions outside the
27 city's boundaries, then the city shall establish by ordinance
28 specifically referring to the authority of this section, the
29 area subject to the city's review and approval. The area of
30 review may be identified by individual tracts, by describing
31 the boundaries of the area, or by including all land within a
32 certain distance of the city's boundaries, which shall not
33 extend more than two miles distance from the city's
34 boundaries. The ordinance establishing the area of review or
35 modifying the area of review by a city, shall be recorded in

1 the office of the recorder and filed with the county auditor.

2 2. If a subdivision lies in a county, which has adopted
3 ordinances regulating the division of land, and also lies
4 within the area of review established by a city pursuant to
5 this section, then the subdivision shall be submitted to both
6 the city and county for approval. The standards and
7 conditions applied by a city for review and approval of the
8 subdivision shall be the same standards and conditions used
9 for review and approval of subdivisions within the city limits
10 or shall be the standards and conditions for review and
11 approval established by agreement of the city and county
12 pursuant to chapter 28E. Either the city or county may, by
13 resolution, waive its right to review the subdivision or waive
14 the requirements of any of its standards or conditions for
15 approval of subdivisions, and certify the resolution which
16 shall be recorded with the plat.

17 3. If cities establish overlapping areas of review outside
18 their boundaries, then the cities shall establish by agreement
19 pursuant to chapter 28E reasonable standards and conditions
20 for review of subdivisions within the overlapping area. If no
21 agreement is recorded pursuant to chapter 28E then the city
22 which is closest to the boundary of the subdivision shall have
23 authority to review of the subdivision.

24 Sec. 24. NEW SECTION. 409A.10 APPEAL OF REVIEW OR
25 DISAPPROVAL.

26 When application is made to a governing body for approval
27 of a subdivision plat, the applicant or a second governing
28 body, which also has jurisdiction for review, may be aggrieved
29 by any of the following:

30 1. The requirements imposed by a governing body as a
31 condition of approval.

32 2. The governing body exceeding the time for review
33 established by ordinance.

34 3. The denial of the application.

35 The applicant or the aggrieved governing body shall file

1 written notice of intent to appeal with the opposing governing
2 body not later than thirty days after the date of the denial
3 of the application or the date of the receipt by the applicant
4 of the aggrieved requirements for approval of the subdivision.
5 The applicant or the aggrieved governing body may appeal to
6 the district court twenty days after the date of the notice of
7 intent to appeal. The appeal shall be tried de novo as an
8 equitable proceeding and accorded a preference in assignment
9 so as to assure its prompt disposition.

10 Sec. 25. NEW SECTION. 409A.11 ATTACHMENTS TO SUBDIVISION
11 PLATS.

12 A subdivision plat, other than an auditor's plat, that is
13 presented to the recorder for recording shall conform to
14 section 409A.6 and shall not be accepted for recording unless
15 accompanied by the following documents:

16 1. A statement by the proprietors and their spouses, if
17 any, that the plat is prepared with their free consent and in
18 accordance with their desire, signed and acknowledged before
19 an officer authorized to take the acknowledgment of deeds.
20 The statement by the proprietors may also include a dedication
21 to the public of all lands within the plat that are designated
22 for streets, alleys, parks, open areas, school property, or
23 other public use, if the dedication is approved by the
24 governing body.

25 2. A statement from the mortgage holders or lienholders,
26 if any, that the plat is prepared with their free consent and
27 in accordance with their desire, signed and acknowledged
28 before an officer authorized to take the acknowledgment of
29 deeds. An affidavit and bond as provided for in section
30 409A.12, may be recorded in lieu of the consent of the
31 mortgage or lienholder. When a mortgage or lienholder
32 consents to the subdivision, a release of mortgage or lien
33 shall be recorded for any areas conveyed to the governing body
34 or dedicated to the public.

35 3. An opinion by an attorney-at-law who has examined the

1 abstract of title of the land being platted. The opinion
2 shall state the names of the proprietors and holders of
3 mortgages, liens, or other encumbrances on the land being
4 platted and shall note the encumbrances, along with any bonds
5 securing the encumbrances. Utility easements shall not be
6 construed to be encumbrances for the purpose of this section.

7 4. A certified resolution by each governing body as
8 required by section 409A.8 either approving the subdivision or
9 waiving the right to review.

10 5. A certificate of the treasurer that the land is free
11 from taxes and special assessments or that the land is free
12 from taxes and that the special assessments are secured by
13 bond in compliance with section 409A.12.

14 A subdivision plat which includes no land set apart for
15 streets, alleys, parks, open areas, school property, or public
16 use other than utility easements, shall be accompanied by the
17 documents listed in subsections 1, 2, 3, and 4 and a
18 certificate of the treasurer that the land is free from taxes
19 other than special assessments.

20 Sec. 26. NEW SECTION. 409A.12 BONDS TO SECURE LIENS.

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

25 1. The lienholder cannot be found, in which case an
26 affidavit by the proprietor stating that the lien holder could
27 not be found shall be recorded with the bond.

28 2. The lienholder will not accept payment or cannot,
29 because of the nature of the lien, accept payment in full of
30 the lien, in which case an affidavit by the lienholder stating
31 that payment of the lien was offered but refused shall be
32 recorded with the bond.

33 The bond shall run to the county and be for the benefit of
34 purchasers of lots within the plat and shall be conditioned
35 for the payment and cancellation of the debt as soon as

1 practicable and to hold harmless purchasers or their assigns
2 and the governing body from the lien.

3 Sec. 27. NEW SECTION. 409A.13 AUDITOR'S PLATS AND PLATS
4 OF SURVEY.

5 If a tract is divided or subdivided in violation of section
6 409A.4 or 409A.6 or the descriptions of one or more parcels
7 within a tract are not sufficiently certain and accurate for
8 the purpose of assessment and taxation under the guidelines of
9 section 409A.3, the auditor shall notify the proprietors of
10 the parcels within the tract for which no plat has been
11 recorded as required by this chapter, and demand that a plat
12 of survey or a subdivision plat be recorded as required by
13 this chapter. Notice shall be served by mail and a certified
14 copy of the notice shall be recorded. The auditor shall mail
15 a copy of the notice to the applicable governing bodies. If
16 the proprietors fail, within thirty days of the notice, to
17 comply with the notice or file with the auditor a statement of
18 intent to comply, the auditor shall contract with a surveyor
19 to have a survey made of the property and have a plat of
20 survey or an auditor's plat recorded as necessary to comply
21 with this chapter. Upon receipt of a statement of intent to
22 comply, the auditor may extend the time period for compliance.

23 Sec. 28. NEW SECTION. 409A.14 APPEAL OF NOTICE.

24 A proprietor aggrieved by a notice to plat by the auditor
25 may appeal to the district court within twenty days after
26 service of notice. Upon appeal, the auditor shall take no
27 further action pending a decision of the district court. The
28 appeal shall be tried de novo as an equitable proceeding.

29 Sec. 29. NEW SECTION. 409A.15 REVIEW OF AUDITOR'S PLATS.

30 A proposed auditor's plat shall be filed with the
31 applicable governing body which shall review the plat within
32 the time specified by ordinance, and if it conforms to chapter
33 114A, the governing body shall by resolution approve the plat
34 and certify the resolution to be recorded with the plat. The
35 governing body may state in the resolution whether the lots

1 within the auditor's plat meet the standards and conditions
2 established by ordinance for subdivision lots. The lots
3 within a recorded auditor's plat and parcels within a recorded
4 plat of survey prepared under section 409A.13 are individually
5 subject to local regulations and ordinances. Approval of an
6 auditor's plat shall not impose any liability on a governing
7 body to install or maintain public improvements or utilities
8 within the plat. Approval of an auditor's plat by a governing
9 body shall not constitute a waiver of ordinances requiring a
10 subdivision plat.

11 Sec. 30. NEW SECTION. 409A.16 ATTACHMENTS TO AUDITOR'S
12 PLATS AND PLATS OF SURVEY.

13 1. A plat of survey prepared pursuant to section 409A.13
14 shall be accompanied by a certificate of the auditor that the
15 plat of survey was prepared at the direction of the auditor
16 because the proprietors failed to file a plat.

17 2. An auditor's plat shall conform to section 409A.6, but
18 is exempt from section 409A.11. An auditor's plat presented
19 to the recorder for recording shall be accompanied by the
20 following documents:

21 a. A certificate of the auditor that the auditor's plat
22 was prepared at the direction of the auditor because the
23 proprietors failed to file a plat, that the plat was prepared
24 for assessment and taxation purposes, and that the recording
25 of the plat does not constitute a dedication or impose any
26 liability upon the state or governmental agency.

27 b. A certified resolution by the governing body, approving
28 the plat or waiving the right to review.

29 c. A list for each lot within the plat of the proprietor's
30 names, the area, expressed in acreage or square feet, the book
31 and page number of the recorded conveyance to the proprietors
32 and the permanent real estate index number, where established.

33 d. A certificate of the auditor that no search was made at
34 that time of the recording of the plat to determine the
35 existence of any liens, mortgages, delinquent taxes, or

1 special assessments, that no search was made, other than the
2 records of the auditor's office, to establish title to the
3 property within the plat, and that the lots within the plat
4 are subject individually to the regulations and ordinances of
5 the applicable governing body.

6 Sec. 31. NEW SECTION. 409A.17 COSTS AND COLLECTION OF
7 COSTS.

8 The surveyor shall present to the auditor a statement of
9 the total cost of the surveying, platting, and recording of a
10 plat prepared pursuant to section 409A.13. The surveyor shall
11 also present a statement of the part of the total cost to be
12 assessed to each parcel included in the plat based on the time
13 involved in establishing the boundaries of each parcel. The
14 auditor shall certify to the treasurer an assessment for the
15 platting costs against the lots within the plat which shall be
16 collected in the same manner as general taxes, except that the
17 board of supervisors, by resolution, may establish not more
18 than ten equal annual installments and provide for interest on
19 unpaid installments at a rate not to exceed that permitted by
20 chapter 74A.

21 Sec. 32. NEW SECTION. 409A.18 RECORDING OF PLATS.

22 A plat of survey prepared pursuant to this chapter and a
23 subdivision plat, with attachments, shall be recorded in the
24 office of the county recorder, and an exact copy of the plat
25 shall be filed in the offices of the county auditor and
26 assessor. A replat of any part of an official plat pursuant
27 to section 409A.25, or a recorded subdivision plat of any part
28 of an existing official plat shall supersede that part of the
29 original official plat, including unused public utility
30 easements.

31 The recorder shall examine each plat of survey and
32 subdivision plat to determine whether the plat is clearly
33 legible and whether the approval by the applicable governing
34 body and the other attachments required by this chapter are
35 presented with the plat. The recorder shall also keep a

1 reproducible copy of the plat from which legible copies can be
2 made. The recorder may specify the material and the size of
3 the plat, not less than eight and one-half inches by eleven
4 inches, that will be accepted for recording in order to comply
5 with this section. The recorder shall not record a
6 subdivision plat that violates this chapter.

7 Sec. 33. NEW SECTION. 409A.19 DEDICATION OF LAND.

8 An official plat which conforms to this chapter and has
9 attached to the plat a dedication by the proprietors to the
10 public and approval of the dedication by the governing body is
11 equivalent to a deed in fee simple from the proprietors to the
12 public of any land within the plat that is dedicated for
13 street, alley, walkway, park, open area, school property, or
14 other public use. An approved dedication of land for street
15 purposes by the proprietors establishes an easement for public
16 access, whether or not a deed has been recorded or the
17 improvement of the street is complete, except when the
18 resolution approving the plat specifically sets aside portions
19 of the dedicated land as not being open for public access at
20 the time of recording for public safety reasons. The
21 recording of a subdivision plat shall dedicate to the public
22 any utility, sewer, drainage, access, walkway, or other public
23 easement shown on the plat.

24 The recording of an auditor's plat shall not serve to
25 dedicate streets, alleys, parks, open areas, school property,
26 public improvements, or utilities. The failure to show the
27 existence of an easement or any public interest on the
28 auditor's plat shall not remove or otherwise affect the
29 interest.

30 Sec. 34. NEW SECTION. 409A.20 ACTION TO ANNUL PLATS.

31 If a plat is filed and recorded in violation of this
32 chapter, a governing body or a proprietor aggrieved by the
33 violation, after filing written notice with the proprietors
34 who joined in the acknowledgement of the plat or their
35 successors in interest, may institute a suit in equity in the

1 district court. The court may order the plat annulled except
2 as provided in section 409A.21.

3 Sec. 35. NEW SECTION. 409A.21 LIMITATION OF ACTIONS ON
4 OFFICIAL PLATS.

5 An action shall not be maintained, at law or in equity, in
6 any court, against a proprietor, based upon an omission of
7 data shown on an official plat or upon an omission, error, or
8 inconsistency in any of the documents required by this chapter
9 unless the action is commenced within ten years after the date
10 of recording of the official plat. Limitation of actions
11 based on claims other than those provided for in this section
12 shall be consistent with chapter 614.

13 Sec. 36. NEW SECTION. 409A.22 VACATION OF OFFICIAL
14 PLATS.

15 The proprietors of lots within an official plat who wish to
16 vacate any portion of the official plat shall file a petition
17 for vacation with the governing body which shall fix the time
18 and place for public hearing on the petition. Written notice
19 of the proposed vacation shall be served in the manner of
20 original notices as provided in Iowa rules of civil procedure
21 and be served upon proprietors and mortgagees within the
22 official plat that are within three hundred feet of the area
23 to be vacated. If a portion of the official plat adjoins a
24 river or state-owned lake, the Iowa department of natural
25 resources shall be served written notice of the proposed
26 vacation. Notice of the proposed vacation shall be published
27 twice, with ten days between publications stating the date,
28 time, and place of the hearing.

29 The official plat or portion of the official plat shall be
30 vacated upon recording of all of the following documents:

31 1. An instrument signed, executed, and acknowledged by all
32 the proprietors and mortgagees within the area of the official
33 plat to be vacated, declaring the plat to be vacated. The
34 instrument shall state the existing lot description for each
35 proprietor along with an accurate description to be used to

1 describe the land after the lots are vacated.

2 2. A resolution by the governing body approving the
3 vacation and providing for the conveyance of those areas
4 included in the vacation which were previously set aside or
5 dedicated for public use.

6 3. A certificate of the auditor that the vacated part of
7 the plat can be adequately described for assessment and
8 taxation purposes without reference to the vacated lots.

9 No part of this section authorizes the closing or
10 obstructing of public highways.

11 The vacation of a portion of an official plat shall not
12 remove or otherwise affect a recorded restrictive covenant,
13 protective covenant, building restriction, or use restriction.
14 Recorded restrictions on the use of property within an
15 official plat shall be modified or revoked by recording a
16 consent to the modification or removal, signed and
17 acknowledged by the proprietors and mortgagees within the
18 official plat.

19 Sec. 37. NEW SECTION. 409A.23 VACATION OF STREETS OR
20 OTHER PUBLIC LANDS.

21 A city or a county may vacate part of an official plat that
22 had been conveyed to the city or county or dedicated to the
23 public which is deemed by the governing body to be of no
24 benefit to the public.

25 The city or county shall vacate by resolution following a
26 public hearing or by ordinance and the vacating instrument
27 shall be recorded. The city or county may convey the vacated
28 property by deed or may convey the property to adjoining
29 proprietors through the vacation instrument. If the vacating
30 instrument is used to convey property then the instrument
31 shall include a list of adjoining proprietors to whom the
32 vacated property is being conveyed along with the
33 corresponding description of each parcel being conveyed. A
34 recorded vacation instrument which conforms to this section is
35 equivalent to a deed of conveyance and the instrument shall be

1 filed and indexed as a conveyance by the recorder and auditor.
2 A vacation instrument recorded pursuant to this section
3 shall not operate to annul any part of an official plat except
4 as provided for in section 409A.22.

5 Sec. 38. NEW SECTION. 409A.24 ERRORS ON RECORDED PLATS.

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

23 Sec. 39. NEW SECTION. 409A.25 SURVEY AND REPLAT OF
24 OFFICIAL PLATS.

25 A survey of an official plat shall conform as nearly as
26 possible to the original lot lines shown on the official plat.
27 The surveyor may summon witnesses, administer oaths, and
28 prepare affidavits and boundary line agreements as necessary
29 in order to establish the location of property lines or lot
30 lines. If a substantial error is discovered in an official
31 plat or if it is found to be materially defective, a
32 proprietor may petition the district court asking for a replat
33 of any part of the official plat. Notice of the proposed
34 replat shall be served, in the manner of original notice as
35 provided in Iowa rules of civil procedure, to the proprietors

1 of record within the area to be replatted. The court has
2 jurisdiction of the matter upon proof of publication of notice
3 of the petition once each week for two weeks in a newspaper of
4 general circulation within the area of the replat.

5 A replat of an official plat ordered by the district court:

6 1. Shall be prepared by a surveyor pursuant to chapter
7 114A; and

8 2. Shall be exempt from the provisions of section 409A.10;
9 and

10 3. Shall have attached to the plat a statement by the
11 surveyor that the replat is prepared at the direction of the
12 district court. The costs of the replat shall be presented to
13 the auditor and assessed against the property included in the
14 replat as provided for in section 409A.17.

15 Sec. 40. NEW SECTION. 409A.26 CORRECTIONS OR CHANGES TO
16 PLATS.

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

28 Sec. 41. Section 117A.1, subsection 1, Code 1989, is
29 amended to read as follows:

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

1 offices, stores, or similar space within an apartment
2 building, industrial building, or commercial building unless
3 an undivided interest in the land is granted as a condition
4 precedent to occupying space in the structure. Subdivided
5 land does not include subdivisions of land located within the
6 state of Iowa or time-share intervals as defined in section
7 557A.2.

8 Sec. 42. Section 306.21, Code 1989, is amended to read as
9 follows:

10 306.21 PLANS, PLATS AND FIELD NOTES FILED.

11 All road plans, plats and field notes and true and accurate
12 diagrams of water, sewage and electric power lines for rural
13 subdivisions shall be filed with and ~~recorded-by-the-county~~
14 ~~auditor-and~~ approved by the board of supervisors and the
15 county engineer before the subdivision is laid out and
16 ~~platted,-and-if-any-proposed-rural-subdivision-is-within-one~~
17 ~~mile-of-the-corporate-limits-of-any-city-such-road-plans-shall~~
18 ~~also-be-approved-by-the-city-engineer-or-council-of-the~~
19 ~~adjoining-municipality~~ or recorded. Such plans shall be
20 clearly designated as "completed", "partially completed" or
21 "proposed" with a statement of the portion completed and the
22 expected date of full completion. ~~In-the-event~~ If such road
23 plans are not approved as herein provided in this section such
24 roads shall not become the part of any road system as defined
25 in this chapter.

26 Sec. 43. Section 306.42, subsection 5, Code 1989, is
27 amended to read as follows:

28 5. Notwithstanding ~~requirements-of~~ chapter 114 and
29 sections 306.22, 364.7, ~~409-12~~ 409A.13, ~~409-14~~ 409A.15 and
30 471.20, legal descriptions, plats, maps, or engineering
31 drawings used to describe transfers of right of way shall,
32 where available, be descriptions, plats, maps, or engineering
33 drawings of record and shall be incorporated by reference to
34 such the title instrument or proceedings. ~~Where~~ If a part but
35 not all of the land acquired by a single conveyance or

1 condemnation is being transferred, the description of that
2 part to be transferred shall be abstracted from the present
3 legal description, plat, map, or engineering drawing of
4 record.

5 Sec. 44. Section 331.321, subsection 2, Code 1989, is
6 amended to read as follows:

7 2. If the board proposes to appoint a county surveyor, it
8 shall appoint a person qualified in accordance with ~~section~~
9 ~~355-1~~ chapter 114 and provide the surveyor with a suitable
10 book in which to record field notes and plats.

11 Sec. 45. Section 331.401, subsection 1, paragraph j, Code
12 1989, is amended to read as follows:

13 j. Serve on the conference board as provided in section
14 ~~441.2 and carry out duties relating to platting for assessment~~
15 ~~and taxation as provided in sections 441-67 and 441-70.~~

16 Sec. 46. Section 331.427, subsection 1, unnumbered
17 paragraph 1, Code 1989, is amended to read as follows:

18 Except as otherwise provided by state law, county revenues
19 from taxes and other sources for general county services shall
20 be credited to the general fund of the county, including
21 revenues received under sections 84.21, 98.35, 98A.6, 101A.3,
22 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105,
23 321.152, 321.192, 321G.7, 331.554, subsection 6, 341A.20,
24 364.3, 368.21, 422.65, 422.100, 422A.2, 428A.8, 430A.3,
25 433.15, 434.19, ~~441-68~~, 445.52, 445.57, 533.24, 556B.1,
26 567.10, 583.6, 906.17, and 911.3, and the following:

27 Sec. 47. Section 331.511, subsections 1 through 4, Code
28 1989, are amended to read as follows:

29 1. Record each plat as provided in sections ~~409-12 to~~
30 ~~409-16~~ 409A.13 through 409A.18.

31 2. Record changes in names of platted streets as provided
32 in section ~~409-17~~ 409A.26.

33 3. Record notations of errors or omissions on recorded
34 plats as provided in section ~~409-32~~ 409A.24.

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

1 409A.25.

2 Sec. 48. Section 331.511, subsection 5, Code 1989, is
3 amended by striking the subsection.

4 Sec. 49. Section 331.602, subsection 19, Code 1989, is
5 amended to read as follows:

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

8 Sec. 50. NEW SECTION. 441.72 ASSESSMENT OF PLATTED LOTS.

9 When a subdivision plat is recorded pursuant to chapter
10 409A, the individual lots within the subdivision plat shall
11 not be assessed in excess of the total assessment of the land
12 as acreage or unimproved property for three years after the
13 recording of the plat or until the lot is actually improved
14 with permanent construction, whichever occurs first. When an
15 individual lot has been improved with permanent construction,
16 the lot shall be assessed for taxation purposes as provided in
17 chapter 428 and this chapter. This section does not apply to
18 special assessment levies.

19 Sec. 51. NEW SECTION. 558.19A STATEMENT OF DIVISION AND
20 NOTING PERMANENT REAL ESTATE INDEX NUMBER.

21 Deeds, contracts, or other conveyances presented for
22 recording as evidence of transfer of title to land, shall
23 contain on the face of the conveyance a statement signed by at
24 least one grantor or the grantor's agent stating that the
25 conveyance is not a division of an existing tract or parcel of
26 land, or that the conveyance is a division of an existing
27 tract or parcel of land. If the conveyance is a division the
28 grantor or agent shall also state that the requirements of
29 chapter 409A have been met, noting the book and page number of
30 the official plat or plat of survey recorded in compliance
31 with chapter 409A. The recorder shall not record a conveyance
32 which does not contain a statement of division on the face of
33 the document. Making a false statement of division may be
34 prosecuted as a county infraction under the provisions of
35 section 331.307.

* 1 Sec. 52. Section 592.7, Code 1989, is amended to read as
2 follows:

3 592.7 CHANGING NAMES OF STREETS.

4 Whereas, certain cities ~~or-towns~~ throughout the state of
5 Iowa have passed ordinances changing the name or names of
6 certain streets in ~~said~~ the cities;

7 Now, therefore, it is provided that the acts of ~~said~~ the
8 city ~~and-town~~ councils of ~~such~~ the cities ~~and-towns~~ in
9 enacting ~~said~~ the ordinances changing the names of ~~said~~
10 certain streets are hereby declared valid. The proper method
11 for recording a change of street name is found in section
12 ~~409.17~~ 409A.26.

13 Sec. 53. Section 602.8102, subsection 57, Code 1989, is
14 amended to read as follows:

15 57. Carry out duties relating to the platting of land as
16 provided in ~~sections-409.97-409.117-and-409.22~~ chapter 409A.

17 Sec. 54. Section 714.16, subsection 2, paragraph d, Code
18 1989, is amended to read as follows:

19 d. (1) No person shall offer or advertise within this
20 state for sale or lease, any subdivided lands without first
21 filing with the real estate commission, true and accurate
22 copies of all road plans, plats, field notes, and diagrams of
23 water, sewage, and electric power lines as they exist at the
24 time of ~~such~~ the filing, ~~provided-such~~ however, this filing
25 ~~shall~~ is not be required for a subdivision subject to section
26 306.21 or chapter ~~409~~ 409A. ~~Each-such~~ A filing shall be
27 accompanied by a fee of fifty dollars for each subdivision
28 included, payable to the real estate commission.

29 (2) False or misleading statements filed pursuant to
30 subparagraph (1) ~~of-paragraph-"d"-of-this-subsection~~ or
31 section 306.21 or chapter ~~409~~ 409A, and advertising, offers to
32 sell, or contracts not in substantial conformity with the
33 filings made pursuant to section 306.21 or chapter ~~409~~ 409A
34 are unlawful.

35 Sec. 55. REPEAL. Chapters 355 and 409, Code 1989, are

1 repealed. Sections 441.65 through 441.71, Code 1989, are

2 repealed.

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SENATE AMENDMENT TO HOUSE FILE 724

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1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

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

6 As used in this chapter unless the context
7 otherwise requires:

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

10 2. "Division" means dividing a tract or parcel of
11 land into two parcels of land by conveyance or for tax
12 purposes. The conveyance of an easement, other than a
13 public highway easement, shall not be considered a
14 division for the purpose of this chapter.

15 3. "Government lot" means a tract, within a
16 section, which is normally described by a lot number
17 as represented and identified on the township plat of
18 the United States public land survey system.

19 4. "Land surveying" means surveying of land
20 pursuant to chapter 114.

21 5. "Lot" means a tract of land, generally a
22 subdivision of a city or town block, represented and
23 identified as a lot on a recorded plat.

24 6. "Meander line" means a traverse approximately
25 along the margin of a body of water. A meander line
26 provides data for computing areas and approximately
27 locates the margin of the body of water. A meander
28 line does not ordinarily determine or fix boundaries.

29 7. "Monument" means a physical structure which
30 marks the location of a corner or other survey point.

31 8. "Offset line" means a supplementary traverse
32 close to and approximately parallel with an irregular
33 boundary line. An offset line provides data for
34 computing areas and locates salient points on the
35 irregular boundary line by measured distances
36 referenced to the offset line.

37 9. "Plat of survey" means a graphical
38 representation of a survey of one or more parcels of
39 land, including a complete and accurate description of
40 each parcel within the plat, prepared by a registered
41 land surveyor.

42 10. "Subdivision" means a tract of land divided
43 into three or more lots.

44 11. "Subdivision plat" means a graphical
45 representation of the subdivision of land, prepared by
46 a registered land surveyor, having a number or letter
47 designation for each lot within the plat and a
48 succinct name or title that is unique for the county
49 where the land is located.

50 12. "Surveyor" means a registered land surveyor

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1 who engages in the practice of land surveying pursuant
2 to chapter 114.

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

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

8 Sec. 3. NEW SECTION. 114A.3 RULES.

9 Pursuant to chapter 114, the engineering and land
10 surveying examining board may adopt rules consistent
11 with the rules prescribed by the Acts of Congress and
12 the Instructions of the United States Secretary of the
13 Interior.

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

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

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

30 1. Measurements shall be made with instruments and
31 methods capable of attaining the required accuracy for
32 the particular problem involved.

33 2. Measurements as placed on plats shall be in
34 conformance with the capabilities of the instruments
35 used.

36 3. In a closed traverse the sum of the measured
37 angles shall agree with the theoretical sum by a
38 difference not greater than thirty seconds times the
39 square root of the number of angles.

40 4. Distances shall be shown in decimal feet in
41 accordance with the definition of the international
42 foot. Distance measurements shall refer to the
43 horizontal plane.

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

45 1. The surveyor shall confirm the prior
46 establishment of control monuments at each controlling
47 corner on the boundaries of the parcel or tract of
48 land being surveyed. If no control monuments exist,
49 the surveyor shall place the monuments. Control
50 monuments shall be constructed of reasonably permanent

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1 material solidly embedded in the ground and capable of
2 being detected by commonly used magnetic or electronic
3 equipment. The surveyor shall affix a cap of
4 reasonably inert material bearing an embossed or
5 stencil cut marking of the Iowa registration number of
6 the surveyor to the top of each monument which the
7 surveyor places.

8 2. Control monuments shall be placed at the
9 following locations:

10 a. Each corner and angle point of each lot, block,
11 or parcel of land surveyed.

12 b. Each point of intersection of the outer
13 boundary of the survey with an existing or created
14 right-of-way line of a street, railroad, or other way.

15 c. Each point of curve, tangency, reversed curve,
16 or compounded curve on each right-of-way line
17 established.

18 3. If the placement of a monument required by this
19 chapter at the prescribed location is impractical, a
20 reference monument shall be established near the
21 prescribed location. If a point requiring
22 monumentation has been previously monumented, the
23 existence of the monument shall be confirmed by the
24 surveyor.

25 4. At least a minimum number of two survey control
26 monuments are required to be placed before the
27 recording of a subdivision provided the surveyor
28 includes in the surveyor's statement a declaration
29 that additional monuments shall be placed before a
30 date specified in the statement or within one year
31 from the date the subdivision is recorded, whichever
32 is earlier.

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

34 A plat of survey shall be made, showing information
35 developed by the survey, for each land survey
36 performed for the purpose of correcting boundaries,
37 correcting descriptions of surveyed land, or for the
38 division of land. Each plat of survey shall conform
39 to the following provisions:

40 1. The original plat drawing shall remain the
41 property of the surveyor.

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

44 3. The scale of the plat drawing shall be clearly
45 stated and graphically illustrated by a bar scale on
46 every plat sheet.

47 4. An arrow indicating the northern direction
48 shall be shown on each plat sheet.

49 5. The plat shall show that the survey is tied to
50 a physically monumented land line which is identified

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- 1 by two United States public land survey system
2 corners, or by two physically monumented corners of a
3 recorded subdivision.
- 4 6. The plat shall show the lengths and bearings of
5 the boundaries of the parcels surveyed. The course of
6 each boundary line shown on the plat may be indicated
7 by a direct bearing reference or by an angle between
8 the boundary line and an intersecting line having a
9 shown bearing, except when the boundary line has an
10 irregular or constantly changing course, as along a
11 body of water, or when a description of the boundary
12 line is better achieved by measurements shown at
13 points or intervals along a meander line or an offset
14 line having a shown course. The bearings shall be
15 referenced to a United States public land survey
16 system land line, or recorded subdivision line. If
17 the boundary lines show bearings, lengths, or
18 locations which vary from those recorded in deeds,
19 abutting plats, or other instruments of record, the
20 following note shall be placed along the lines,
21 "recorded as (show recorded bearing, length, or
22 location)". Bearings and angles shown shall be given
23 to at least the nearest minute of arc.
- 24 7. The plat shall show and identify all monuments
25 necessary for the location of the parcel and shall
26 indicate whether the monuments were found or placed.
- 27 8. If United States public land survey system
28 corners control the land description, the corners
29 shall be clearly identified on the plat including a
30 description of the monumentation and shall indicate
31 whether the monuments were found or placed.
- 32 9. Control monuments shall be adequately described
33 and clearly identified on the plat and noted as found
34 or placed. If additional monuments are to be placed
35 subsequent to the recording of a subdivision as
36 provided in section 114A.6, the location of the
37 additional monuments shall be shown on the plat.
- 38 10. Distance shall be shown in decimal feet in
39 accordance with the definition of the international
40 foot. Distance measurements shall refer to the
41 horizontal plane.
- 42 11. Curve data shall be stated in terms of radius,
43 central angle, and length of curve, and as otherwise
44 specified by local ordinance. In all cases, the curve
45 data must be shown for the line affected.
- 46 12. The unadjusted error of closure shall not be
47 greater than one in five thousand for an individual
48 parcel.
- 49 13. If any part of the surveyed land is bounded by
50 an irregular line, that part shall be enclosed by a

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1 meander line or an offset line showing complete data
2 with distances along all lines extending beyond the
3 enclosure to the irregular boundary, and shown with as
4 much certainty as can be determined or as "more or
5 less", if variable. In all cases, the true boundary
6 shall be clearly indicated on the plat.

7 14. The plat shall be captioned to show the date
8 of the survey, and shall be accompanied by a
9 description of the parcel.

10 15. The plat shall contain a statement by a
11 surveyor that the work was done and the plat was
12 prepared by the surveyor or under the surveyor's
13 direct personal supervision, shall be signed and dated
14 by the surveyor, and shall bear the surveyor's Iowa
15 registration number and legible seal.

16 Sec. 8. NEW SECTION. 114A.8 PLATS FOR
17 SUBDIVISIONS.

18 Subdivision plats shall conform to the following
19 provisions where applicable:

20 1. The original plat drawing shall remain the
21 property of the surveyor.

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

24 3. If more than one sheet is used, each sheet
25 shall display both the number of the sheet and the
26 total number of sheets included in the plat, and
27 clearly labeled match lines indicating where the other
28 sheets adjoin. An index shall be provided to show the
29 relationship between the sheets.

30 4. The scale of the plat drawing shall be clearly
31 stated and graphically illustrated by a bar scale on
32 every plat sheet.

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

36 6. An arrow indicating the northern direction
37 shall be shown on each plat sheet.

38 7. The plat shall show that the subdivision is
39 tied to a physically monumented land line which is
40 identified by two United States public land survey
41 system corners, or by two physically monumented
42 corners of a recorded subdivision.

43 8. The plat shall show the lengths and bearings of
44 the boundaries of the tracts surveyed. The course of
45 each boundary line shown on the plat may be indicated
46 by a direct bearing reference or by an angle between
47 the boundary line and an intersecting line having a
48 shown bearing, except when the boundary line has an
49 irregular or constantly changing course, as along a
50 body of water, or when a description of the boundary

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1 line is better achieved by measurements shown at
2 points or intervals along a meander line or an offset
3 line having a shown course. The bearing shall be
4 referenced to a United States public land survey
5 system land line, or recorded subdivision line. If
6 the boundary lines show bearings, lengths, or
7 locations which vary from those recorded in deeds,
8 abutting plats, or other instruments of record, the
9 following note shall be placed along the lines,
10 "recorded as (show recorded bearing, length, or
11 location)". Bearings and angles shown shall be given
12 to at least the nearest minute of arc.

13 9. The plat shall show and identify all monuments
14 necessary for the location of the tracts and shall
15 indicate whether the monuments were found or placed.

16 10. If United States public land survey system
17 corners control the land description, the corners
18 shall be clearly identified on the plat including a
19 description of the monumentation and shall indicate
20 whether the monuments were found or placed.

21 11. Control monuments shall be adequately
22 described and clearly identified on the plat and noted
23 as found or placed. If additional monuments are to be
24 placed subsequent to the recording of a subdivision as
25 provided in section 114A.6, the location of the
26 additional monuments shall be shown on the plat.

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

31 13. Distances shall be shown in feet to at least
32 the nearest one-tenth of a foot in accordance with the
33 definition of the international foot. Distance
34 measurements shall refer to the horizontal plane.

35 14. Curve data shall be stated in terms of radius,
36 central angle, and length of curve. Unless otherwise
37 specified by local ordinance, curve data for streets
38 of uniform width need only be shown with reference to
39 the center line and lots fronting on such curves need
40 only show the chord bearing and distance of the part
41 of the curve included in the lot boundary. Otherwise,
42 the curve data shall be shown for the line affected.

43 15. The unadjusted error of closure shall not be
44 greater than one in ten thousand for subdivision
45 boundaries and shall not be greater than one in five
46 thousand for an individual lot.

47 16. If part of the surveyed land is bounded by an
48 irregular line, that part shall be enclosed by a
49 meander line or an offset line showing complete data
50 with distances along all lines extending beyond the

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1 enclosure to the irregular boundary, and shown with as
2 much certainty as can be determined or as "more or
3 less", if variable. In all cases, the true boundary
4 shall be clearly indicated on the plat.

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

8 18. Adjoining properties shall be identified, and
9 if the adjoining properties are a part of a recorded
10 subdivision, the name of that subdivision shall be
11 shown. If the survey is a subdivision of a portion of
12 a previously recorded subdivision plat, sufficient
13 ties shall be shown to controlling lines appearing on
14 such plat to permit a comparison to be made.

15 19. The purpose of any easement shown on the plat
16 shall be clearly stated.

17 20. The purpose of areas dedicated to the public
18 shall be clearly indicated on the plat.

19 21. The plat shall be accompanied by a description
20 of the land included in the subdivision and shall
21 contain a statement by the surveyor that the work was
22 done and the plat was prepared by the surveyor or
23 under the surveyor's direct personal supervision and
24 shall be signed and dated by the surveyor and bear the
25 surveyor's Iowa registration number and legible seal.

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

27 A description defining land boundaries written for
28 conveyance or other purposes shall be complete,
29 providing definite and unequivocal identification of
30 the property lines or boundaries. The description
31 shall be sufficient to enable the description to be
32 platted and retraced. The description shall commence
33 at or relate to a physically monumented corner or
34 boundary line of record.

35 a. If the land is located in a recorded
36 subdivision, the description shall contain the number
37 or other description of the lot, block, or other part
38 of the subdivision, or shall describe the land by
39 reference to a known corner of the lot, block, or
40 other part.

41 b. If the land is not located in a recorded
42 subdivision, the description shall identify the
43 section, township, range, and county, and shall
44 describe the land by reference to government lot, by
45 quarter-quarter section, by quarter section, or by
46 metes and bounds commencing with a corner marked and
47 established in the United States public land survey
48 system.

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

50 1. The surveyor shall record a plat and

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1 description with the county recorder no later than
2 thirty days after signature on the plat by the
3 surveyor if the survey was made for one of the
4 following purposes:
5 a. To correct boundaries and descriptions of land.
6 b. For the division of land.
7 2. The plat and description shall show distinctly
8 what piece of land was surveyed, the surveyor, and the
9 date of the survey.
10 3. The thirty-day requirement shall not apply to
11 subdivision plats.

12 Sec. 11. NEW SECTION. 114A.11 UNITED STATES
13 PUBLIC LAND SURVEY CORNER CERTIFICATE.

14 1. A United States public land survey corner
15 certificate shall be prepared as part of any land
16 surveying which includes the use of a United States
17 public land survey system corner, having the status of
18 a corner of a quarter-quarter section or larger
19 aliquot part of a section, if one or more of the
20 following conditions exist:

21 a. There is no certificate for the corner on file
22 with the recorder of the county in which the corner is
23 located.

24 b. The surveyor in responsible charge of the land
25 surveying accepts a corner position which differs from
26 that shown in the public records of the county in
27 which the corner is located.

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

30 d. The reference ties referred to in an existing
31 public record are not correct.

32 2. The surveyor shall record the required
33 certificate with the recorder and forward a copy to
34 the county engineer of the county in which the corner
35 is located within thirty days after completion of the
36 surveying. The certificate shall comply with the
37 following requirements:

38 a. The size of the sheet or sheets making up the
39 certificate shall not be less than eight and one-half
40 inches by eleven inches.

41 b. The identity of the corner, with reference to
42 the United States public land survey system, shall be
43 clearly indicated.

44 c. The certificate shall contain a narrative
45 explaining the reason for preparing the certificate,
46 the evidence and detailed procedures used in
47 establishing the corner position, and the
48 monumentation found or placed perpetuating the corner
49 position including reference monumentation.

50 d. The certificate shall contain a plan-view site

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1 drawing depicting the relevant monuments, physical
2 surroundings, and reference ties in sufficient detail
3 to enable recovery of the corner.

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

10 f. The certificate shall contain a statement by
11 the surveyor that the work was done and the
12 certificate was prepared by the surveyor or under the
13 surveyor's direct personal supervision and shall be
14 signed and dated by the surveyor and bear the
15 surveyor's Iowa registration number and seal.

16 Sec. 12. NEW SECTION. 114A.12 INDEXING OF SURVEY
17 DOCUMENTS BY RECORDER.

18 The recorder shall index survey documents and
19 United States public land corner certificates by
20 township, range, and section number. If the survey is
21 in a recorded subdivision, the recorder shall also
22 index the document alphabetically by subdivision name.

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

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

34 2. If the parties interested cannot agree upon the
35 amount to be paid for damages caused by entry upon
36 lands pursuant to subsection 1, either of them may
37 petition the district court in the county in which the
38 land is situated and the district court shall appoint
39 a time for a hearing. The district court shall order
40 at least twenty days' notice to be given to all
41 interested parties, and, with or without a view of the
42 premises as the court may determine, hear the parties
43 and their witnesses and assess damages.

44 3. The person entering upon land, pursuant to
45 subsection 1, may tender to the injured party damages
46 caused thereby, and if, in case of petition or
47 complaint to the district court, the damages finally
48 assessed do not exceed the amount tendered, the person
49 entering shall recover costs. Otherwise, the
50 prevailing party shall recover costs.

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

5 Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS --
6 DEFACEMENT.

7 If a person willfully defaces, injures, or removes
8 a signal, monument, building, or other property of the
9 United States national geodetic survey, or the United
10 States geological survey, constructed or used under
11 the federal law, the person is subject to a civil
12 penalty not exceeding fifty dollars for each offense,
13 and is liable for damages sustained by the United
14 States in consequence of the defacing, injury, or
15 removal, to be recovered in a civil action in any
16 court of competent jurisdiction.

17 Sec. 15. NEW SECTION. 409A.1 STATEMENT OF
18 PURPOSE.

19 It is the purpose of this chapter to provide for a
20 balance between the review and regulation authority of
21 governmental agencies concerning the division and
22 subdivision of land and the rights of land owners. It
23 is therefore determined to be in the public interest:

24 1. To provide for accurate, clear, and concise
25 legal descriptions of real estate in order to prevent,
26 wherever possible, land boundary disputes or real
27 estate title problems.

28 2. To provide for a balance between the land use
29 rights of individual landowners and the economic,
30 social, and environmental concerns of the public when
31 a city or county is developing or enforcing land use
32 regulations.

33 3. To provide for statewide, uniform procedures
34 and standards for the platting of land while allowing
35 the widest possible latitude for cities and counties
36 to establish and enforce ordinances regulating the
37 division and use of land, within the scope of, but not
38 limited to, chapters 331, 358A, 364, 409A, and 414.

39 4. To encourage orderly community development and
40 provide for the regulation and control of the
41 extension of public improvements, public services, and
42 utilities, the improvement of land, and the design of
43 subdivisions, consistent with an approved
44 comprehensive plan or other specific community plans,
45 if any.

46 Sec. 16. NEW SECTION. 409A.2 DEFINITIONS.

47 As used by this chapter, unless the context clearly
48 indicates otherwise:

49 1. "Acquisition plat" means the graphical
50 representation of the division of land or rights in

1 land, created as the result of a conveyance or
2 condemnation for right-of-way purposes by an agency of
3 the government or other persons having the power of
4 eminent domain.

5 2. "Aliquot part" means a fractional part of a
6 section within the United States public land survey
7 system. Only the fractional parts one-half, one-
8 quarter, one-half of one-quarter, or one-quarter of
9 one-quarter shall be considered an aliquot part of a
10 section.

11 3. "Auditor's plat" means a subdivision plat
12 required by either the auditor or the assessor,
13 prepared by a surveyor under the direction of the
14 auditor.

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

18 5. "Division" means dividing a tract or parcel of
19 land into two parcels of land by conveyance or for tax
20 purposes. The conveyance of an easement, other than a
21 public highway easement, shall not be considered a
22 division for the purpose of this chapter.

23 6. "Forty-acre aliquot part" means one-quarter of
24 one-quarter of a section.

25 7. "Governing body" means a city council or the
26 board of supervisors, within whose jurisdiction the
27 land is located, which has adopted ordinances
28 regulating the division of land.

29 8. "Government lot" means a tract, within a
30 section, which is normally described by a lot number
31 as represented and identified on the township plat of
32 the United States public land survey system.

33 9. "Lot" means a tract of land represented and
34 identified by number or letter designation on an
35 official plat.

36 10. "Metes and bounds description" means a
37 description of land that uses distances and angles,
38 uses distances and bearings, or describes the
39 boundaries of the parcel by reference to physical
40 features of the land.

41 11. "Official plat" means either an auditor's plat
42 or a subdivision plat that meets the requirements of
43 this chapter and has been filed for record in the
44 offices of the recorder, auditor, and assessor.

45 12. "Parcel" means a part of a tract of land.

46 13. "Permanent real estate index number" means a
47 unique number or combination of numbers assigned to a
48 parcel of land pursuant to section 441.29.

49 14. "Plat of survey" means the graphical
50 representation of a survey of one or more parcels of

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1 land, including a complete and accurate description of
2 each parcel within the plat, prepared by a registered
3 land surveyor.

4 15. "Proprietor" means a person who has a recorded
5 interest in land, including a person selling or buying
6 land pursuant to a contract, but excluding persons
7 holding a mortgage, easement, or lien interest.

8 16. "Subdivision" means a tract of land divided
9 into three or more lots.

10 17. "Subdivision plat" means the graphical
11 representation of the subdivision of land, prepared by
12 a registered land surveyor, having a number or letter
13 designation for each lot within the plat and a
14 succinct name or title that is unique for the county
15 where the land is located.

16 18. "Surveyor" means a registered land surveyor
17 who engages in the practice of land surveying pursuant
18 to chapter 114.

19 19. "Tract" means an aliquot part of a section, a
20 lot within an official plat, or a government lot.

21 Sec. 17. NEW SECTION. 409A.3 COVENANT OF
22 WARRANTY.

23 The duty to file for record a plat as provided in
24 sections 409A.4 and 409A.6 attaches as a covenant of
25 warranty in all conveyances by a grantor who divides
26 land against all assessments, costs, and damages paid,
27 lost, or incurred by a grantee or person claiming
28 under a grantee, in consequence of the omission on the
29 part of the grantor to file the plat. A conveyance of
30 land is deemed to be a warranty that the description
31 contained in the conveyance is sufficiently certain
32 and accurate for the purposes of assessment, taxation,
33 and entry on the transfer books and plat books
34 required to be kept by the auditor. The description
35 contained in a conveyance shall be sufficiently
36 certain and accurate for assessment and taxation
37 purposes if it provides sufficient information to
38 allow all the boundaries to be accurately determined
39 and does not overlap with or create a gap between
40 adjoining land descriptions.

41 A recorded conveyance in violation of this chapter
42 may be entered on the transfer books of the auditor's
43 office. The auditor shall notify the grantor and the
44 grantee that the conveyance is in violation of this
45 chapter and demand compliance as provided for in
46 section 409A.13.

47 Sec. 18. NEW SECTION. 409A.4 DIVISIONS REQUIRING
48 A PLAT OF SURVEY OR ACQUISITION PLAT.

49 1. The grantor of land which has been divided
50 using a metes and bounds description shall have a plat

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

- 13 a. A parcel letter designation approved by the
14 auditor.
 - 15 b. The names of the proprietors.
 - 16 c. An accurate description of each parcel.
 - 17 d. The total acreage of each parcel.
 - 18 e. The acreage of any portion lying within a
19 public right-of-way.
- 20 2. The auditor may note a permanent real estate
21 index number upon each parcel shown on a plat of
22 survey according to section 441.29 for real estate tax
23 administration purposes. The surveyor shall not
24 assign parcel letters or prepare a metes and bounds
25 description for any parcel shown on a plat of survey
26 unless the parcel was surveyed by the surveyor in
27 compliance with chapter 114A. Parcels within a plat
28 of survey prepared pursuant to this section are
29 subject to the regulations and ordinances of the
30 governing body.
- 31 3. When land or rights in land are divided for
32 right-of-way purposes by an agency of the government
33 or other persons having the power of eminent domain
34 and the description of the land or rights acquired is
35 a metes and bounds description then an acquisition
36 plat shall be made and attached to the description
37 when the acquisition instrument is recorded.
38 Acquisition plats shall be clearly marked as an
39 acquisition plat and shall conform to the following:
- 40 a. Acquisition plats shall not be required to
41 conform to the provisions of chapter 114A.
 - 42 b. The information shown on the plat shall be
43 developed from instruments of record together with
44 information developed by field measurements. The
45 unadjusted error of field measurements shall not be
46 greater than one in five thousand.
 - 47 c. The plat shall be signed and dated by a
48 surveyor, bear the surveyor's Iowa registration number
49 and legible seal, and shall show a north arrow and bar
50 scale.

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1 d. The original drawing shall remain the property
2 of the surveyor or the surveyor's agency and shall not
3 be less than eight and one-half by eleven inches in
4 size.

5 e. If the right-of-way on an acquisition plat is a
6 portion of lots within an official plat, reference
7 shall be made to both the lots and plat name. If the
8 right-of-way acquisition plat is not within an
9 official plat, reference shall be made to the
10 government lot or quarter-quarter section and to the
11 section, township, range, and county.

12 f. The plat shall indicate whether the monuments
13 shown are existing monuments or monuments to be
14 established. Monuments shall be established as
15 necessary to construct or maintain the right-of-way
16 project.

17 g. The acquisition plat shall identify the project
18 for which the right-of-way was acquired and a parcel
19 designation shall be assigned to each right-of-way
20 parcel.

21 4. The acreage shown for each parcel included in a
22 plat of survey or acquisition plat shall be to the
23 nearest one-hundredth acre. If a parcel described as
24 part of the United States public land survey system
25 and not entirely within an official plat, lies within
26 more than one forty-acre aliquot part of a section,
27 the acreage shall be shown only for assessment and
28 taxation purposes for each portion of the parcel that
29 lies within each forty-acre aliquot part. The
30 surveyor shall not be required to establish the
31 location of the forty-acre aliquot line by survey but
32 is required to use reasonable assumptions in
33 determining its approximate location for assessment
34 and taxation purposes.

35 5. Governmental agencies shall not be required to
36 survey a remaining parcel when land is divided for
37 right-of-way purposes and shall not be required to
38 contact the auditor for approval of parcel
39 designations shown on an acquisition plat.

40 Sec. 19. NEW SECTION. 409A.5 DESCRIPTIONS AND
41 CONVEYANCE ACCORDING TO PLAT OF SURVEY OR ACQUISITION
42 PLAT.

43 1. A conveyance of a parcel shown on a recorded
44 plat of survey shall describe the parcel by using the
45 description provided on the plat of survey or by
46 reference to the plat of survey, which reference shall
47 include all of the following:

48 a. The parcel letter or designation.

49 b. The book and page number of the recorded plat
50 of survey.

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1 c. The lot number or letter and name of the
2 official plat, if the parcel lies within an official
3 plat.

4 d. The section, township, and range number and
5 reference to the aliquot part of the section, if the
6 parcel lies outside of an official plat.

7 2. A conveyance of a parcel shown on a recorded
8 acquisition plat shall describe the parcel by using
9 the description provided on the acquisition instrument
10 or by reference to the acquisition plat, which
11 reference shall include all of the following:

12 a. The parcel designation and reference to the
13 project for which the right-of-way was acquired.

14 b. The book and page number of the recorded
15 acquisition plat.

16 c. The lot number or letter and name of the
17 official plat, if the parcel lies within an official
18 plat.

19 d. The section, township, and range number and
20 reference to the aliquot part of the section, if the
21 parcel lies outside of an official plat.

22 3. A description by reference to the recorded plat
23 of survey, in compliance with subsection 1, is valid.

24 4. A description by reference to the recorded
25 acquisition plat, in compliance with subsection 2, is
26 valid.

27 5. A description by reference to a permanent real
28 estate index number is valid for the purpose of
29 assessment and taxation when a county has established
30 a permanent real estate index number system pursuant
31 to section 441.29.

32 Sec. 20. NEW SECTION. 409A.6 SUBDIVISION PLATS.

33 1. A subdivision plat shall be made when a tract
34 of land is subdivided by repeated divisions or
35 simultaneous division into three or more parcels, any
36 of which are described by metes and bounds description
37 for which no plat of survey is recorded. A
38 subdivision plat is not required when land is divided
39 by conveyance to a governmental agency for public
40 improvements.

41 2. A subdivision plat shall have a succinct name
42 or title that is unique, as approved by the auditor,
43 for the county in which the plat lies. The plat shall
44 include an accurate description of the land included
45 in the subdivision and shall give reference to two
46 section corners within the United States public land
47 survey system in which the plat lies or, if the plat
48 is a subdivision of any portion of an official plat,
49 two established monuments within the official plat.
50 Each lot within the plat shall be assigned a

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1 progressive number. Streets, alleys, parks, open
2 areas, school property, other areas of public use, or
3 areas within the plat that are set aside for future
4 development shall be assigned a progressive letter and
5 shall have the proposed use clearly designated. A
6 strip of land shall not be reserved by the subdivider
7 unless the land is of sufficient size and shape to be
8 of practical use or service as determined by the
9 governing body. Progressive block numbers or letters
10 may be assigned to groups of lots separated from other
11 lots by streets or other physical features of the
12 land. The surveyor shall not assign lot numbers or
13 letters to a lot shown within a subdivision plat
14 unless the lot has been surveyed by the surveyor in
15 compliance with chapter 114A. The auditor may note a
16 permanent real estate index number upon each lot
17 within a subdivision plat. Sufficient information,
18 including dimensions and angles or bearings, shall be
19 shown on the plat to accurately establish the
20 boundaries of each lot, street, and easement.
21 Easements necessary for the orderly development of the
22 land within the plat shall be shown and the purpose of
23 the easement shall be clearly stated.

24 3. If a subdivision plat, described as part of the
25 United States public land survey system and not
26 entirely within an official plat, lies within more
27 than one forty-acre aliquot part of a section, the
28 acreage shall be shown only for assessment and
29 taxation purposes for the portion of the subdivision
30 that lies within each forty-acre aliquot part of the
31 section. The area of the irregular lots within the
32 plat shall be shown and may be expressed in either
33 acres, to the nearest one-hundredth acre, or square
34 feet, to the nearest ten square feet. The surveyor
35 shall not be required to establish the location of a
36 forty-acre aliquot line by survey but is required to
37 use reasonable assumptions in determining its
38 approximate location for assessment and taxation
39 purposes.

40 Sec. 21. NEW SECTION. 409A.7 CONVEYANCES BY
41 REFERENCE TO OFFICIAL PLAT.

42 A description of land by reference to lot number or
43 letter designation and block, if block designations
44 are shown on the plat, and the title or name of the
45 official plat, is valid.

46 Sec. 22. NEW SECTION. 409A.8 REVIEW AND APPROVAL
47 BY GOVERNING BODIES.

48 A proposed subdivision plat lying within the
49 jurisdiction of a governing body shall be submitted to
50 that governing body for review and approval prior to

1 recording. A city may establish jurisdiction to
2 review subdivisions outside its boundaries pursuant to
3 the provisions of section 409A.9. Governing bodies
4 shall apply reasonable standards and conditions in
5 accordance with applicable statutes and ordinances for
6 the review and approval of subdivisions. The
7 governing body, within sixty days of application for
8 final approval of the subdivision plat, shall
9 determine whether the subdivision conforms to its
10 comprehensive plan and shall give consideration to the
11 possible burden on public improvements and to a
12 balance of interests between the proprietor, future
13 purchasers, and the public interest in the subdivision
14 when reviewing the proposed subdivision and when
15 requiring the installation of public improvements in
16 conjunction with approval of a subdivision. The
17 governing body shall not issue final approval of a
18 subdivision plat unless the subdivision plat conforms
19 to sections 114A.8, 409A.6, and 409A.11.

20 If the subdivision plat and all matters related to
21 final approval of the subdivision plat conform to the
22 standards and conditions established by the governing
23 body, and conforms to this chapter and chapter 114A,
24 the governing body, by resolution, shall approve the
25 plat and certify the resolution which shall be
26 recorded with the plat. The recorder shall refuse to
27 accept a subdivision plat presented for recording
28 without a resolution from each applicable governing
29 body approving the subdivision plat or waiving the
30 right to review.

31 Sec. 23. NEW SECTION. 409A.9 REVIEW OF
32 SUBDIVISION PLATS WITHIN TWO MILES OF A CITY.

33 1. If a city, which has adopted ordinances
34 regulating the division of land, desires to review
35 subdivisions outside the city's boundaries, then the
36 city shall establish by ordinance specifically
37 referring to the authority of this section, the area
38 subject to the city's review and approval. The area
39 of review may be identified by individual tracts, by
40 describing the boundaries of the area, or by including
41 all land within a certain distance of the city's
42 boundaries, which shall not extend more than two miles
43 distance from the city's boundaries. The ordinance
44 establishing the area of review or modifying the area
45 of review by a city, shall be recorded in the office
46 of the recorder and filed with the county auditor.

47 2. If a subdivision lies in a county, which has
48 adopted ordinances regulating the division of land,
49 and also lies within the area of review established by
50 a city pursuant to this section, then the subdivision

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1 shall be submitted to both the city and county for
2 approval. The standards and conditions applied by a
3 city for review and approval of the subdivision shall
4 be the same standards and conditions used for review
5 and approval of subdivisions within the city limits or
6 shall be the standards and conditions for review and
7 approval established by agreement of the city and
8 county pursuant to chapter 28E. Either the city or
9 county may, by resolution, waive its right to review
10 the subdivision or waive the requirements of any of
11 its standards or conditions for approval of
12 subdivisions, and certify the resolution which shall
13 be recorded with the plat.

14 3. If cities establish overlapping areas of review
15 outside their boundaries, then the cities shall
16 establish by agreement pursuant to chapter 28E
17 reasonable standards and conditions for review of
18 subdivisions within the overlapping area. If no
19 agreement is recorded pursuant to chapter 28E then the
20 city which is closest to the boundary of the
21 subdivision shall have authority to review of the
22 subdivision.

23 Sec. 24. NEW SECTION. 409A.10 APPEAL OF REVIEW
24 OR DISAPPROVAL.

25 When application is made to a governing body for
26 approval of a subdivision plat, the applicant or a
27 second governing body, which also has jurisdiction for
28 review, may be aggrieved by any of the following:

29 1. The requirements imposed by a governing body as
30 a condition of approval.

31 2. The governing body exceeding the time for
32 review established by ordinance.

33 3. The denial of the application.

34 4. Failure of the governing body to approve or
35 reject a subdivision plat within sixty days from the
36 date of application for final approval.

37 If the plat is disapproved by the governing body,
38 such disapproval shall state how the proposed plat is
39 objectionable. The applicant has the right to appeal,
40 within twenty days, the failure of the governing body
41 to issue final approval of the plat as provided in
42 this section.

43 The applicant or the aggrieved governing body has
44 the right to appeal to the district court within
45 twenty days after the date of the denial of the
46 application or the date of the receipt by the
47 applicant of the requirements for approval of the
48 subdivision. Notice of appeal shall be served on the
49 governing body in the manner provided for the service
50 of original notice pursuant to the rules of civil

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1 procedure. The appeal shall be tried de novo as an
2 equitable proceeding and accorded a preference in
3 assignment so as to assure its prompt disposition.

4 Sec. 25. NEW SECTION. 409A.11 ATTACHMENTS TO
5 SUBDIVISION PLATS.

6 A subdivision plat, other than an auditor's plat,
7 that is presented to the recorder for recording shall
8 conform to section 409A.6 and shall not be accepted
9 for recording unless accompanied by the following
10 documents:

11 1. A statement by the proprietors and their
12 spouses, if any, that the plat is prepared with their
13 free consent and in accordance with their desire,
14 signed and acknowledged before an officer authorized
15 to take the acknowledgment of deeds. The statement by
16 the proprietors may also include a dedication to the
17 public of all lands within the plat that are
18 designated for streets, alleys, parks, open areas,
19 school property, or other public use, if the
20 dedication is approved by the governing body.

21 2. A statement from the mortgage holders or
22 lienholders, if any, that the plat is prepared with
23 their free consent and in accordance with their
24 desire, signed and acknowledged before an officer
25 authorized to take the acknowledgment of deeds. An
26 affidavit and bond as provided for in section 409A.12,
27 may be recorded in lieu of the consent of the mortgage
28 or lienholder. When a mortgage or lienholder consents
29 to the subdivision, a release of mortgage or lien
30 shall be recorded for any areas conveyed to the
31 governing body or dedicated to the public.

32 3. An opinion by an attorney-at-law who has
33 examined the abstract of title of the land being
34 platted. The opinion shall state the names of the
35 proprietors and holders of mortgages, liens, or other
36 encumbrances on the land being platted and shall note
37 the encumbrances, along with any bonds securing the
38 encumbrances. Utility easements shall not be
39 construed to be encumbrances for the purpose of this
40 section.

41 4. A certified resolution by each governing body
42 as required by section 409A.8 either approving the
43 subdivision or waiving the right to review.

44 5. A certificate of the treasurer that the land is
45 free from certified taxes and certified special
46 assessments or that the land is free from certified
47 taxes and that the certified special assessments are
48 secured by bond in compliance with section 409A.12.

49 A subdivision plat which includes no land set apart
50 for streets, alleys, parks, open areas, school

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1 property, or public use other than utility easements,
2 shall be accompanied by the documents listed in
3 subsections 1, 2, 3, and 4 and a certificate of the
4 treasurer that the land is free from certified taxes
5 other than certified special assessments.

6 Sec. 26. NEW SECTION. 409A.12 BONDS TO SECURE
7 LIENS.

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

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

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

23 The bond shall run to the county and be for the
24 benefit of purchasers of lots within the plat and
25 shall be conditioned for the payment and cancellation
26 of the debt as soon as practicable and to hold
27 harmless purchasers or their assigns and the governing
28 body from the lien.

29 Sec. 27. NEW SECTION. 409A.13 AUDITOR'S PLATS
30 AND PLATS OF SURVEY.

31 If a tract is divided or subdivided in violation of
32 section 409A.4 or 409A.6 or the descriptions of one or
33 more parcels within a tract are not sufficiently
34 certain and accurate for the purpose of assessment and
35 taxation under the guidelines of section 409A.3, the
36 auditor shall notify the proprietors of the parcels
37 within the tract for which no plat has been recorded
38 as required by this chapter, and demand that a plat of
39 survey or a subdivision plat be recorded as required
40 by this chapter. Notice shall be served by mail and a
41 certified copy of the notice shall be recorded. The
42 auditor shall mail a copy of the notice to the
43 applicable governing bodies. If the proprietors fail,
44 within thirty days of the notice, to comply with the
45 notice or file with the auditor a statement of intent
46 to comply, the auditor shall contract with a surveyor
47 to have a survey made of the property and have a plat
48 of survey or an auditor's plat recorded as necessary
49 to comply with this chapter. Upon receipt of a
50 statement of intent to comply, the auditor may extend

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1 the time period for compliance.

2 Sec. 28. NEW SECTION. 409A.14 APPEAL OF NOTICE.

3 A proprietor aggrieved by a notice to plat by the
4 auditor may appeal to the district court within twenty
5 days after service of notice. Upon appeal, the
6 auditor shall take no further action pending a
7 decision of the district court. The appeal shall be
8 tried de novo as an equitable proceeding.

9 Sec. 29. NEW SECTION. 409A.15 REVIEW OF
10 AUDITOR'S PLATS.

11 A proposed auditor's plat shall be filed with the
12 applicable governing body which shall review the plat
13 within the time specified by ordinance, and if it
14 conforms to chapter 114A, the governing body shall by
15 resolution approve the plat and certify the resolution
16 to be recorded with the plat. The governing body may
17 state in the resolution whether the lots within the
18 auditor's plat meet the standards and conditions
19 established by ordinance for subdivision lots. The
20 lots within a recorded auditor's plat and parcels
21 within a recorded plat of survey prepared under
22 section 409A.13 are individually subject to local
23 regulations and ordinances. Approval of an auditor's
24 plat shall not impose any liability on a governing
25 body to install or maintain public improvements or
26 utilities within the plat. Approval of an auditor's
27 plat by a governing body shall not constitute a waiver
28 of ordinances requiring a subdivision plat.

29 Sec. 30. NEW SECTION. 409A.16 ATTACHMENTS TO
30 AUDITOR'S PLATS AND PLATS OF SURVEY.

31 1. A plat of survey prepared pursuant to section
32 409A.13 shall be accompanied by a certificate of the
33 auditor that the plat of survey was prepared at the
34 direction of the auditor because the proprietors
35 failed to file a plat.

36 2. An auditor's plat shall conform to section
37 409A.6, but is exempt from section 409A.11. An
38 auditor's plat presented to the recorder for recording
39 shall be accompanied by the following documents:

40 a. A certificate of the auditor that the auditor's
41 plat was prepared at the direction of the auditor
42 because the proprietors failed to file a plat, that
43 the plat was prepared for assessment and taxation
44 purposes, and that the recording of the plat does not
45 constitute a dedication or impose any liability upon
46 the state or governmental agency.

47 b. A certified resolution by the governing body,
48 approving the plat or waiving the right to review.

49 c. A list for each lot within the plat of the
50 proprietor's names, the area, expressed in acreage or

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1 square feet, the book and page number of the recorded
2 conveyance to the proprietors and the permanent real
3 estate index number, where established.

4 d. A certificate of the auditor that no search was
5 made at the time of the recording of the plat to
6 determine the existence of any liens, mortgages,
7 delinquent taxes, or special assessments, that no
8 search was made, other than the records of the
9 auditor's office, to establish title to the property
10 within the plat, and that the lots within the plat are
11 subject individually to the regulations and ordinances
12 of the applicable governing body.

13 Sec. 31. NEW SECTION. 409A.17 COSTS AND
14 COLLECTION OF COSTS.

15 The surveyor shall present to the auditor a
16 statement of the total cost of the surveying,
17 platting, and recording of a plat prepared pursuant to
18 section 409A.13. The surveyor shall also present a
19 statement of the part of the total cost to be assessed
20 to each parcel included in the plat based on the time
21 involved in establishing the boundaries of each
22 parcel. The auditor shall certify to the treasurer an
23 assessment for the platting costs against the lots
24 within the plat which shall be collected in the same
25 manner as general taxes, except that the board of
26 supervisors, by resolution, may establish not more
27 than ten equal annual installments and provide for
28 interest on unpaid installments at a rate not to
29 exceed that permitted by chapter 74A.

30 Sec. 32. NEW SECTION. 409A.18 RECORDING OF
31 PLATS.

32 A plat of survey prepared pursuant to this chapter
33 and a subdivision plat, with attachments, shall be
34 recorded in the office of the county recorder, and an
35 exact copy of the plat shall be filed in the offices
36 of the county auditor and assessor. A replat of any
37 part of an official plat pursuant to section 409A.25,
38 or a recorded subdivision plat of any part of an
39 existing official plat shall supersede that part of
40 the original official plat, including unused public
41 utility easements.

42 The recorder shall examine each plat of survey and
43 subdivision plat to determine whether the plat is
44 clearly legible and whether the approval by the
45 applicable governing body and the other attachments
46 required by this chapter are presented with the plat.
47 The recorder shall also keep a reproducible copy of
48 the plat from which legible copies can be made. The
49 recorder may specify the material and the size of the
50 plat, not less than eight and one-half inches by

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1 eleven inches, that will be accepted for recording in
2 order to comply with this section. The recorder shall
3 not record a subdivision plat that violates this
4 chapter.

5 Sec. 33. NEW SECTION. 409A.19 DEDICATION OF
6 LAND.

7 An official plat which conforms to this chapter and
8 has attached to the plat a dedication by the
9 proprietors to the public and approval of the
10 dedication by the governing body is equivalent to a
11 deed in fee simple from the proprietors to the public
12 of any land within the plat that is dedicated for
13 street, alley, walkway, park, open area, school
14 property, or other public use. An approved dedication
15 of land for street purposes by the proprietors
16 establishes an easement for public access, whether or
17 not a deed has been recorded or the improvement of the
18 street is complete, except when the resolution
19 approving the plat specifically sets aside portions of
20 the dedicated land as not being open for public access
21 at the time of recording for public safety reasons.

22 The recording of a subdivision plat shall dedicate to
23 the public any utility, sewer, drainage, access,
24 walkway, or other public easement shown on the plat.

25 The recording of an auditor's plat shall not serve
26 to dedicate streets, alleys, parks, open areas, school
27 property, public improvements, or utilities. The
28 failure to show the existence of an easement or any
29 public interest on the auditor's plat shall not remove
30 or otherwise affect the interest.

31 Sec. 34. NEW SECTION. 409A.20 ACTION TO ANNUL
32 PLATS.

33 If a plat is filed and recorded in violation of
34 this chapter, a governing body or a proprietor
35 aggrieved by the violation, after filing written
36 notice with the proprietors who joined in the
37 acknowledgement of the plat or their successors in
38 interest, may institute a suit in equity in the
39 district court. The court may order the plat annulled
40 except as provided in section 409A.21.

41 Sec. 35. NEW SECTION. 409A.21 LIMITATION OF
42 ACTIONS ON OFFICIAL PLATS.

43 An action shall not be maintained, at law or in
44 equity, in any court, against a proprietor, based upon
45 an omission of data shown on an official plat or upon
46 an omission, error, or inconsistency in any of the
47 documents required by this chapter unless the action
48 is commenced within ten years after the date of
49 recording of the official plat. Limitation of actions
50 based on claims other than those provided for in this

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1 section shall be consistent with chapter 614.

2 Sec. 36. NEW SECTION. 409A.22 VACATION OF

3 OFFICIAL PLATS.

4 The proprietors of lots within an official plat who
5 wish to vacate any portion of the official plat shall
6 file a petition for vacation with the governing body
7 which would have jurisdiction to approve the plat at
8 the time the petition is filed. After the petition
9 has been filed, the governing body shall fix the time
10 and place for public hearing on the petition. Written
11 notice of the proposed vacation shall be served in the
12 manner of original notices as provided in Iowa rules
13 of civil procedure and be served upon proprietors and
14 mortgagees within the official plat that are within
15 three hundred feet of the area to be vacated. If a
16 portion of the official plat adjoins a river or state-
17 owned lake, the Iowa department of natural resources
18 shall be served written notice of the proposed
19 vacation. Notice of the proposed vacation shall be
20 published twice, with ten days between publications
21 stating the date, time, and place of the hearing.

22 The official plat or portion of the official plat
23 shall be vacated upon recording of all of the
24 following documents:

25 1. An instrument signed, executed, and
26 acknowledged by all the proprietors and mortgagees
27 within the area of the official plat to be vacated,
28 declaring the plat to be vacated. The instrument
29 shall state the existing lot description for each
30 proprietor along with an accurate description to be
31 used to describe the land after the lots are vacated.

32 2. A resolution by the governing body approving
33 the vacation and providing for the conveyance of those
34 areas included in the vacation which were previously
35 set aside or dedicated for public use.

36 3. A certificate of the auditor that the vacated
37 part of the plat can be adequately described for
38 assessment and taxation purposes without reference to
39 the vacated lots.

40 No part of this section authorizes the closing or
41 obstructing of public highways.

42 The vacation of a portion of an official plat shall
43 not remove or otherwise affect a recorded restrictive
44 covenant, protective covenant, building restriction,
45 or use restriction. Recorded restrictions on the use
46 of property within an official plat shall be modified
47 or revoked by recording a consent to the modification
48 or removal, signed and acknowledged by the proprietors
49 and mortgagees within the official plat.

50 Sec. 37. NEW SECTION. 409A.23 VACATION OF

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1 STREETS OR OTHER PUBLIC LANDS.

2 A city or a county may vacate part of an official
3 plat that had been conveyed to the city or county or
4 dedicated to the public which is deemed by the
5 governing body to be of no benefit to the public.

6 The city or county shall vacate by resolution
7 following a public hearing or by ordinance and the
8 vacating instrument shall be recorded. The city or
9 county may convey the vacated property by deed or may
10 convey the property to adjoining proprietors through
11 the vacation instrument. If the vacating instrument
12 is used to convey property then the instrument shall
13 include a list of adjoining proprietors to whom the
14 vacated property is being conveyed along with the
15 corresponding description of each parcel being
16 conveyed. A recorded vacation instrument which
17 conforms to this section is equivalent to a deed of
18 conveyance and the instrument shall be filed and
19 indexed as a conveyance by the recorder and auditor.

20 A vacation instrument recorded pursuant to this
21 section shall not operate to annul any part of an
22 official plat except as provided for in section
23 409A.22.

24 Sec. 38. NEW SECTION. 409A.24 ERRORS ON RECORDED
25 PLATS.

26 If an error or omission in the data shown on a
27 recorded plat is detected by subsequent examinations
28 or revealed by retracing the lines shown on the plat,
29 the original surveyor or two surveyors confirming the
30 error through independent surveys shall record an
31 affidavit confirming that the error or omission was
32 made. The affidavit shall describe the nature and
33 extent of the error or omission and also describe the
34 corrections or additions to be made to the plat and
35 note the book and page number of the recorded plat.
36 The recorder shall write across that part of the plat
37 so corrected the word "corrected", and note the book
38 and page number of the recorded affidavit. A copy of
39 the recorded affidavit shall be filed with the auditor
40 and assessor. The affidavit shall raise a presumption
41 from the date of recording that the purported facts
42 stated in the affidavit are true, and after the lapse
43 of three years from the date of recording the
44 presumption shall be conclusive.

45 Sec. 39. NEW SECTION. 409A.25 SURVEY AND REPLAT
46 OF OFFICIAL PLATS.

47 A survey of an official plat shall conform as
48 nearly as possible to the original lot lines shown on
49 the official plat. The surveyor may summon witnesses,
50 administer oaths, and prepare affidavits and boundary

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1 line agreements as necessary in order to establish the
2 location of property lines or lot lines. If a
3 substantial error is discovered in an official plat or
4 if it is found to be materially defective, a
5 proprietor may petition the governing body which would
6 have jurisdiction to approve the plat at the time the
7 petition is filed for a replat of any part of the
8 official plat. Notice of the proposed replat shall be
9 served, in the manner of original notice as provided
10 in Iowa rules of civil procedure, to the proprietors
11 of record and holders of easements specifically
12 recorded within the area to be replatted. The
13 governing body has jurisdiction of the matter upon
14 proof of publication of notice of the petition once
15 each week for two weeks in a newspaper of general
16 circulation within the area of the replat.

17 A replat of an official plat ordered by the
18 governing body:

19 1. Shall be prepared by a surveyor pursuant to
20 chapter 114A and recorded; and

21 2. Shall be exempt from the provisions of section
22 409A.11; and

23 3. Shall have attached to the plat a statement by
24 the surveyor that the replat is prepared at the
25 direction of the governing body. The costs of the
26 replat shall be presented to the auditor and assessed
27 against the property included in the replat as
28 provided for in section 409A.17.

29 Sec. 40. NEW SECTION. 409A.26 CORRECTIONS OR
30 CHANGES TO PLATS.

31 A vacation, correction, or replatting as provided
32 for in this chapter, shall be recorded and an exact
33 copy shall be filed with the auditor and assessor. If
34 a governing body changes the addresses or street names
35 shown on an official plat, notice of the change shall
36 note the name or other designation of each official
37 plat affected and shall be filed with the recorder,
38 auditor, and assessor. The recorder shall note the
39 vacation, correction, or replatting on the margin of
40 the official plat or upon an attachment to the
41 official plat for that purpose. The auditor shall
42 make the proper changes on the plats required to be
43 kept by the auditor.

44 Sec. 41. NEW SECTION. 409A.27 NOTING THE
45 PERMANENT REAL ESTATE INDEX NUMBER.

46 When a permanent real estate index number system
47 has been established by a county pursuant to section
48 441.29, the auditor may note the permanent real estate
49 index number on every conveyance.

50 Sec. 42. Section 117A.1, subsection 1, Code 1989,

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1 is amended to read as follows:

2 -1. "Subdivided land" means improved or unimproved
3 land divided or proposed to be divided for the purpose
4 of sale or lease into five or more lots or parcels, or
5 additions ~~thereto~~, or parts ~~thereof~~ of lots or
6 parcels; however, subdivided land does not ~~apply to~~
7 include a subdivision subject to section 306.21 or
8 chapter ~~409~~ 409A nor ~~to~~ the leasing of apartments,
9 offices, stores, or similar space within an apartment
10 building, industrial building, or commercial building
11 unless an undivided interest in the land is granted as
12 a condition precedent to occupying space in the
13 structure. Subdivided land does not include
14 subdivisions of land located within the state of Iowa
15 or time-share intervals as defined in section 557A.2.
16 Sec. 43. Section 306.21, Code 1989, is amended to
17 read as follows:

18 306.21 PLANS, PLATS AND FIELD NOTES FILED.

19 All road plans, plats and field notes and true and
20 accurate diagrams of water, sewage and electric power
21 lines for rural subdivisions shall be filed with and
22 ~~recorded-by-the-county-auditor-and~~ approved by the
23 board of supervisors and the county engineer before
24 the subdivision is laid out ~~and-platted-and-if-any~~
25 ~~proposed-rural-subdivision-is-within-one-mile-of-the~~
26 ~~corporate-limits-of-any-city-such-road-plans-shall~~
27 ~~also-be-approved-by-the-city-engineer-or-council-of~~
28 the-adjointing-municipality or recorded. Such plans
29 shall be clearly designated as "completed", "partially
30 completed" or "proposed" with a statement of the
31 portion completed and the expected date of full
32 completion. ~~In-the-event~~ If such road plans are not
33 approved as ~~herein provided in this section~~ such roads
34 shall not become the part of any road system as
35 defined in this chapter.

36 Sec. 44. Section 306.42, subsection 5, Code 1989,
37 is amended to read as follows:

38 5. Notwithstanding ~~requirements-of~~ chapter 114 and
39 sections 306.22, 364.7, ~~409-12~~ 409A.13, ~~409-14~~ 409A.15
40 and 471.20, legal descriptions, plats, maps, or
41 engineering drawings used to describe transfers of
42 right of way shall, where available, be descriptions,
43 plats, maps, or engineering drawings of record and
44 shall be incorporated by reference to ~~such the~~ title
45 instrument or proceedings. ~~Where~~ If a part but not
46 all of the land acquired by a single conveyance or
47 condemnation is being transferred, the description of
48 that part to be transferred shall be abstracted from
49 the present legal description, plat, map, or
50 engineering drawing of record.

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1 Sec. 45. Section 331.321, subsection 2, Code 1989,
2 is amended to read as follows:

3 2. If the board proposes to appoint a county
4 surveyor, it shall appoint a person qualified in
5 accordance with ~~section-355-1~~ chapter 114 and provide
6 the surveyor with a suitable book in which to record
7 field notes and plats.

8 Sec. 46. Section 331.401, subsection 1, paragraph
9 j, Code 1989, is amended to read as follows:

10 j. Serve on the conference board as provided in
11 section 441.2 ~~and-carry-out-duties-relating-to~~
12 ~~platting-for-assessment-and-taxation-as-provided-in~~
13 ~~sections-441-67-and-441-70.~~

14 Sec. 47. Section 331.427, subsection 1, unnumbered
15 paragraph 1, Code 1989, is amended to read as follows:

16 Except as otherwise provided by state law, county
17 revenues from taxes and other sources for general
18 county services shall be credited to the general fund
19 of the county, including revenues received under
20 sections 84.21, 98.35, 98A.6, 101A.3, 101A.7, 110.12,
21 123.36, 123.143, 176A.8, 246.908, 321.105, 321.152,
22 321.192, 321G.7, 331.554, subsection 6, 341A.20,
23 364.3, 368.21, 422.65, 422.100, 422A.2, 428A.8,
24 430A.3, 433.15, 434.19, ~~441-68~~ 445.52, 445.57,
25 533.24, 556B.1, 567.10, 583.6, 906.17, and 911.3, and
26 the following:

27 Sec. 48. Section 331.511, subsections 1 through 5,
28 Code 1989, are amended to read as follows:

29 1. Record each plat as provided in ~~sections-409-12~~
30 ~~to-409-16~~ section 409A.18.

31 2. Record changes in names of platted streets as
32 provided in section ~~409-17~~ 409A.26.

33 3. Record notations of errors or omissions on
34 recorded plats as provided in section ~~409-32~~ 409A.24.

35 4. Record resurveyed plats as provided in section
36 ~~409-43~~ 409A.25.

37 5. Provide for the platting of real estate which
38 cannot otherwise be accurately assessed for taxation
39 as provided in ~~sections-441-65-to-441-71~~ section
40 409A.13.

41 Sec. 49. Section 331.602, subsection 19, Code
42 1989, is amended to read as follows:

43 19. Carry out duties relating to the platting of
44 land as provided in chapter 409 409A ~~and-sections~~
45 ~~441-65-to-441-71.~~

46 Sec. 50. NEW SECTION. 441.72 ASSESSMENT OF
47 PLATTED LOTS.

48 When a subdivision plat is recorded pursuant to
49 chapter 409A, the individual lots within the
50 subdivision plat shall not be assessed in excess of

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1 the total assessment of the land as acreage or
2 unimproved property for three years after the
3 recording of the plat or until the lot is actually
4 improved with permanent construction, whichever occurs
5 first. When an individual lot has been improved with
6 permanent construction, the lot shall be assessed for
7 taxation purposes as provided in chapter 428 and this
8 chapter. This section does not apply to special
9 assessment levies.

10 Sec. 51. Section 592.7, Code 1989, is amended to
11 read as follows:

12 592.7 CHANGING NAMES OF STREETS.

13 Whereas, certain cities or towns throughout the
14 state of Iowa have passed ordinances changing the name
15 or names of certain streets in said the cities;

16 Now, therefore, it is provided that the acts of
17 said the city and town councils of such the cities and
18 towns in enacting said the ordinances changing the
19 names of said certain streets are hereby declared
20 valid. The proper method for recording a change of
21 street name is found in section ~~409.17~~ 409A.26.

22 Sec. 52. Section 602.8102, subsection 57, Code
23 1989, is amended to read as follows:

24 57. Carry out duties relating to the platting of
25 land as provided in sections ~~409.97-409.117~~ and ~~409.22~~
26 chapter 409A.

27 Sec. 53. Section 714.16, subsection 2, paragraph
28 d, Code 1989, is amended to read as follows:

29 d. (1) No person shall offer or advertise within
30 this state for sale or lease, any subdivided lands
31 without first filing with the real estate commission
32 true and accurate copies of all road plans, plats,
33 field notes, and diagrams of water, sewage, and
34 electric power lines as they exist at the time of such
35 the filing, ~~provided such however, this filing shall~~
36 ~~is not be required for a subdivision subject to~~
37 section 306.21 or chapter ~~409~~ 409A. Each such A
38 filing shall be accompanied by a fee of fifty dollars
39 for each subdivision included, payable to the real
40 estate commission.

41 (2) False or misleading statements filed pursuant
42 to subparagraph (1) of paragraph "a" of this
43 subsection or section 306.21 or chapter ~~409~~ 409A, and
44 advertising, offers to sell, or contracts not in
45 substantial conformity with the filings made pursuant
46 to section 306.21 or chapter ~~409~~ 409A are unlawful.

47 Sec. 54. REPEAL. Chapters 355 and 409, Code 1989,
48 are repealed. Sections 441.65 through 441.71, Code
49 1989, are repealed."

RECEIVED FROM THE SENATE

H-6056 FILED APRIL 3, 1990

Iowa concurred 4/4 (p. 1915)

LOCAL GOVERNMENT

now

HOUSE FILE 724
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL)

Passed House, Date _____ Passed Senate, 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:

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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 The conveyance of an easement, other than a public highway
8 easement, shall not be considered a division for the purpose
9 of this chapter.

10 3. "Government lot" means a tract, within a section, which
11 is normally described by a lot number as represented and
12 identified on the township plat of the United States public
13 land survey system.

14 4. "Land surveying" means surveying of land pursuant to
15 chapter 114.

16 5. "Lot" means a tract of land, generally a subdivision of
17 a city or town block, represented and identified as a lot on a
18 recorded plat.

19 6. "Meander line" means a traverse approximately along the
20 margin of a body of water. A meander line provides data for
21 computing areas and approximately locates the margin of the
22 body of water. A meander line does not ordinarily determine
23 or fix boundaries.

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

26 8. "Offset line" means a supplementary traverse close to
27 and approximately parallel with an irregular boundary line.
28 An offset line provides data for computing areas and locates
29 salient points on the irregular boundary line by measured
30 distances referenced to the offset line.

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

35 10. "Subdivision" means a tract of land divided into three

1 or more lots.

2 11. "Subdivision plat" means a graphical representation of
3 the subdivision of land, prepared by a registered land
4 surveyor, having a number or letter designation for each lot
5 within the plat and a succinct name or title that is unique
6 for the county where the land is located.

7 12. "Surveyor" means a registered land surveyor who
8 engages in the practice of land surveying pursuant to chapter
9 114.

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

11 This chapter applies to all agencies of the United States
12 government, this state, or a political subdivision of this
13 state and to all persons engaged in the practice of land
14 surveying.

15 Sec. 3. NEW SECTION. 114A.3 RULES.

16 Pursuant to chapter 114, the engineering and land surveying
17 examining board may adopt rules consistent with the rules
18 prescribed by the Acts of Congress and the Instructions of the
19 United States Secretary of the Interior.

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

21 The surveyor shall acquire data necessary to retrace record
22 title boundaries, center lines, and other boundary line
23 locations in accordance with the legal descriptions including
24 applicable provisions of chapter 650. The surveyor shall
25 analyze the data and make a careful determination of the
26 position of the boundaries of the parcel or tract of land
27 being surveyed. The surveyor shall make a field survey,
28 locating and connecting monuments necessary for location of
29 the parcel or tract and coordinate the facts of the survey
30 with the analysis and legal description. The surveyor shall
31 place monuments marking the corners of the parcel or tract
32 unless monuments already exist at the corners.

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

34 1. Measurements shall be made with instruments and methods
35 capable of attaining the required accuracy for the particular

1 problem involved.

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

4 3. In a closed traverse the sum of the measured angles
5 shall agree with the theoretical sum by a difference not
6 greater than thirty seconds times the square root of the
7 number of angles.

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

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

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

23 2. Control monuments shall be placed at the following
24 locations:

25 a. Each corner and angle point of each lot, block, or
26 parcel of land surveyed.

27 b. Each point of intersection of the outer boundary of the
28 survey with an existing or created right-of-way line of a
29 street, railroad, or other way.

30 c. Each point of curve, tangency, reversed curve, or
31 compounded curve on each right-of-way line established.

32 3. If the placement of a monument required by this chapter
33 at the prescribed location is impractical, a reference
34 monument shall be established near the prescribed location.
35 If a point requiring monumentation has been previously

1 monumented, the existence of the monument shall be confirmed
2 by the surveyor.

3 4. Only a minimum number of survey control monuments are
4 required to be placed before the recording of a subdivision
5 provided the surveyor includes in the surveyor's statement a
6 declaration that additional monuments shall be placed before a
7 date specified in the statement or within one year from the
8 date the subdivision is recorded, whichever is earlier.

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

10 A plat of survey shall be made, showing information
11 developed by the survey, for each land survey performed for
12 the purpose of correcting boundaries, correcting descriptions
13 of surveyed land, or for the division of land. Each plat of
14 survey shall conform to the following provisions:

15 1. The original plat drawing shall remain the property of
16 the surveyor.

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

19 3. The scale of the plat drawing shall be clearly stated
20 and graphically illustrated by a bar scale on every plat
21 sheet.

22 4. An arrow indicating the northern direction shall be
23 shown on each plat sheet.

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

28 6. The plat shall show the lengths and bearings of the
29 boundaries of the parcels surveyed. The course of each
30 boundary line shown on the plat may be indicated by a direct
31 bearing reference or by an angle between the boundary line and
32 an intersecting line having a shown bearing, except when the
33 boundary line has an irregular or constantly changing course,
34 as along a body of water, or when a description of the
35 boundary line is better achieved by measurements shown at

1 points or intervals along a meander line or an offset line
2 having a shown course. The bearings shall be referenced to a
3 United States public land survey system land line, or recorded
4 subdivision line. If the boundary lines show bearings,
5 lengths, or locations which vary from those recorded in deeds,
6 abutting plats, or other instruments of record, the following
7 note shall be placed along the lines, "recorded as (show
8 recorded bearing, length, or location)". Bearings and angles
9 shown shall be given to at least the nearest minute of arc.

10 7. The plat shall show and identify all monuments
11 necessary for the location of the parcel and shall indicate
12 whether the monuments were found or placed.

13 8. If United States public land survey system corners
14 control the land description, the corners shall be clearly
15 identified on the plat including a description of the
16 monumentation and shall indicate whether the monuments were
17 found or placed.

18 9. Control monuments shall be adequately described and
19 clearly identified on the plat and noted as found or placed.
20 If additional monuments are to be placed subsequent to the
21 recording of a subdivision as provided in section 114A.6, the
22 location of the additional monuments shall be shown on the
23 plat.

24 10. Distance shall be shown in decimal feet in accordance
25 with the definition of the international foot. Distance
26 measurements shall refer to the horizontal plane.

27 11. Curve data shall be stated in terms of radius, central
28 angle, and length of curve, and as otherwise specified by
29 local ordinance. In all cases, the curve data must be shown
30 for the line affected.

31 12. The unadjusted error of closure shall not be greater
32 than one in five thousand for an individual parcel.

33 13. If any part of the surveyed land is bounded by an
34 irregular line, that part shall be enclosed by a meander line
35 or an offset line showing complete data with distances along

1 all lines extending beyond the enclosure to the irregular
2 boundary, and shown with as much certainty as can be
3 determined or as "more or less", if variable. In all cases,
4 the true boundary shall be clearly indicated on the plat.

5 14. The plat shall be captioned to show the date of the
6 survey, and shall be accompanied by a description of the
7 parcel.

8 15. The plat shall contain a statement by a surveyor that
9 the work was done and the plat was prepared by the surveyor or
10 under the surveyor's direct personal supervision, shall be
11 signed and dated by the surveyor, and shall bear the
12 surveyor's Iowa registration number and legible seal.

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

14 Subdivision plats shall conform to the following provisions
15 where applicable:

16 1. The original plat drawing shall remain the property of
17 the surveyor.

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

20 3. If more than one sheet is used, each sheet shall
21 display both the number of the sheet and the total number of
22 sheets included in the plat, and clearly labeled match lines
23 indicating where the other sheets adjoin. An index shall be
24 provided to show the relationship between the sheets.

25 4. The scale of the plat drawing shall be clearly stated
26 and graphically illustrated by a bar scale on every plat
27 sheet.

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

31 6. An arrow indicating the northern direction shall be
32 shown on each plat sheet.

33 7. The plat shall show that the subdivision is tied to a
34 physically monumented land line which is identified by two
35 United States public land survey system corners, or by two

1 physically monumented corners of a recorded subdivision.

2 8. The plat shall show the lengths and bearings of the
3 boundaries of the tracts surveyed. The course of each
4 boundary line shown on the plat may be indicated by a direct
5 bearing reference or by an angle between the boundary line and
6 an intersecting line having a shown bearing, except when the
7 boundary line has an irregular or constantly changing course,
8 as along a body of water, or when a description of the
9 boundary line is better achieved by measurements shown at
10 points or intervals along a meander line or an offset line
11 having a shown course. The bearing shall be referenced to a
12 United States public land survey system land line, or recorded
13 subdivision line. If the boundary lines show bearings,
14 lengths, or locations which vary from those recorded in deeds,
15 abutting plats, or other instruments of record, the following
16 note shall be placed along the lines, "recorded as (show
17 recorded bearing, length, or location)". Bearings and angles
18 shown shall be given to at least the nearest minute of arc.

19 9. The plat shall show and identify all monuments
20 necessary for the location of the tracts and shall indicate
21 whether the monuments were found or placed.

22 10. If United States public land survey system corners
23 control the land description, the corners shall be clearly
24 identified on the plat including a description of the
25 monumentation and shall indicate whether the monuments were
26 found or placed.

27 11. Control monuments shall be adequately described and
28 clearly identified on the plat and noted as found or placed.
29 If additional monuments are to be placed subsequent to the
30 recording of a subdivision as provided in section 114A.6, the
31 location of the additional monuments shall be shown on the
32 plat.

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

1 13. Distances shall be shown in feet to the nearest one-
2 hundredth of a foot in accordance with the definition of the
3 international foot. Distance measurements shall refer to the
4 horizontal plane.

5 14. Curve data shall be stated in terms of radius, central
6 angle, and length of curve. Unless otherwise specified by
7 local ordinance, curve data for streets of uniform width need
8 only be shown with reference to the center line and lots
9 fronting on such curves need only show the chord bearing and
10 distance of the part of the curve included in the lot
11 boundary. Otherwise, the curve data shall be shown for the
12 line affected.

13 15. The unadjusted error of closure shall not be greater
14 than one in ten thousand for subdivision boundaries and shall
15 not be greater than one in five thousand for an individual
16 lot.

17 16. If part of the surveyed land is bounded by an
18 irregular line, that part shall be enclosed by a meander line
19 or an offset line showing complete data with distances along
20 all lines extending beyond the enclosure to the irregular
21 boundary, and shown with as much certainty as can be
22 determined or as "more or less", if variable. In all cases,
23 the true boundary shall be clearly indicated on the plat.

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

26 18. Adjoining properties shall be identified, and if the
27 adjoining properties are a part of a recorded subdivision, the
28 name of that subdivision shall be shown. If the survey is a
29 subdivision of a portion of a previously recorded subdivision
30 plat, sufficient ties shall be shown to controlling lines
31 appearing on such plat to permit a comparison to be made.

32 19. The purpose of any easement shown on the plat shall be
33 clearly stated.

34 20. The purpose of areas dedicated to the public shall be
35 clearly indicated on the plat.

1 21. The plat shall be accompanied by a description of the
2 land included in the subdivision and shall contain a statement
3 by the surveyor that the work was done and the plat was
4 prepared by the surveyor or under the surveyor's direct
5 personal supervision and shall be signed and dated by the
6 surveyor and bear the surveyor's Iowa registration number and
7 legible seal.

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

9 A description defining land boundaries written for
10 conveyance or other purposes shall be complete, providing
11 definite and unequivocal identification of lines or
12 boundaries. The description shall contain dimensions
13 sufficient to enable the description to be platted and
14 retraced. The description shall commence at or relate to a
15 physically monumented corner and boundary line of record.

16 a. If the land is located in a recorded subdivision, the
17 description shall contain the number or other description of
18 the lot, block, or other part of the subdivision, and shall
19 describe the land by reference to a known corner of the lot,
20 block, or other part.

21 b. If the land is not located in a recorded subdivision,
22 the description shall identify the section, township, range,
23 and county, and shall describe the land by reference to
24 government lot, by quarter-quarter section, by quarter
25 section, or by metes and bounds commencing with a corner
26 marked and established in the United States public land survey
27 system.

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

29 1. The surveyor shall record a plat and description with
30 the county recorder no later than thirty days after signature
31 on the plat by the surveyor if the survey was made for one of
32 the following purposes:

33 a. To correct boundaries and descriptions of land.

34 b. For the division of land.

35 2. The plat and description shall show distinctly what

1 piece of land was surveyed, the surveyor, and the date of the
2 survey.

3 3. The thirty-day requirement shall not apply to
4 subdivision plats.

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

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

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

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

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

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

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

27 a. The size of the sheet or sheets making up the
28 certificate shall not be less than eight and one-half inches
29 by eleven inches.

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

33 c. The certificate shall contain a narrative explaining
34 the reason for preparing the certificate, the evidence and
35 detailed procedures used in establishing the corner position,

1 and the monumentation found or placed perpetuating the corner
2 position including reference monumentation.

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

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

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

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

20 The recorder shall index survey documents and United States
21 public land corner certificates by township, range, and
22 section number. If the survey is in a recorded subdivision,
23 the recorder shall also index the document alphabetically by
24 subdivision name.

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

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

35 2. If the parties interested cannot agree upon the amount

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

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

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

18 Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS --
19 DEFACEMENT.

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

29 Sec. 15. NEW SECTION. 409A.1 STATEMENT OF PURPOSE.

30 It is the purpose of this chapter to provide for a balance
31 between the review and regulation authority of governmental
32 agencies concerning the division and subdivision of land and
33 the rights of land owners. It is therefore determined to be
34 in the public interest:

35 1. To provide for accurate, clear, and concise legal

1 descriptions of real estate in order to prevent, wherever
2 possible, land boundary disputes or real estate title
3 problems.

4 2. To provide for a balance between the land use rights of
5 individual landowners and the economic, social, and
6 environmental concerns of the public when a city or county is
7 developing or enforcing land use regulations.

8 3. To provide for statewide, uniform procedures and
9 standards for the platting of land while allowing the widest
10 possible latitude for cities and counties to establish and
11 enforce ordinances regulating the division and use of land,
12 within the scope of chapters 331, 358A, 364, and 414.

13 4. To encourage orderly community development and provide
14 for the regulation and control of the extension of public
15 improvements, public services, and utilities, the improvement
16 of land, and the design of subdivisions, consistent with an
17 approved comprehensive plan or other specific community plans,
18 if any.

19 Sec. 16. NEW SECTION. 409A.2 DEFINITIONS.

20 As used by this chapter, unless the context clearly
21 indicates otherwise:

22 1. "Acquisition plat" means the graphical representation
23 of the division of land or rights in land, created as the
24 result of a conveyance or condemnation for right-of-way
25 purposes by an agency of the government or other persons
26 having the power of eminent domain.

27 2. "Aliquot part" means a fractional part of a section
28 within the United States public land survey system. Only the
29 fractional parts one-half, one-quarter, one-half of one-
30 quarter, or one-quarter of one-quarter shall be considered an
31 aliquot part of a section.

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

35 4. "Conveyance" means an instrument filed with a recorder

1 as evidence of the transfer of title to land, including any
2 form of deed or contract.

3 5. "Division" means dividing a tract or parcel of land
4 into two parcels of land by conveyance or for tax purposes.
5 The conveyance of an easement, other than a public highway
6 easement, shall not be considered a division for the purpose
7 of this chapter.

8 6. "Forty-acre aliquot part" means one-quarter of one-
9 quarter of a section.

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

13 8. "Government lot" means a tract, within a section, which
14 is normally described by a lot number as represented and
15 identified on the township plat of the United States public
16 land survey system.

17 9. "Lot" means a tract of land represented and identified
18 by number or letter designation on an official plat.

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

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

27 12. "Parcel" means a part of a tract of land.

28 13. "Permanent real estate index number" means a unique
29 number or combination of numbers assigned to a parcel of land
30 pursuant to section 441.29.

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

35 15. "Proprietor" means a person who has a recorded

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

4 16. "Subdivision" means a tract of land divided into three
5 or more lots.

6 17. "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 18. "Surveyor" means a registered land surveyor who
12 engages in the practice of land surveying pursuant to chapter
13 114.

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

16 Sec. 17. NEW SECTION. 409A.3 COVENANT OF WARRANTY.

17 The duty to file for record a plat as provided in sections
18 409A.4 and 409A.6 attaches as a covenant of warranty in all
19 conveyances by a grantor who divides land against all
20 assessments, costs, and damages paid, lost, or incurred by a
21 grantee or person claiming under a grantee, in consequence of
22 the 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 certain and accurate for the purposes of assessment, taxation,
26 and entry on the transfer books and plat books required to be
27 kept by the auditor. The description contained in a
28 conveyance shall be sufficiently certain and accurate for
29 assessment and taxation purposes if it provides sufficient
30 information to allow all the boundaries to be accurately
31 determined and does not overlap with or create a gap between
32 adjoining land descriptions.

33 A recorded conveyance in violation of this chapter may be
34 entered on the transfer books of the auditor's office. The
35 auditor shall notify the grantor and the grantee that the

1 conveyance is in violation of this chapter and demand
2 compliance as provided for in section 409A.12.

3 Sec. 18. NEW SECTION. 409A.4 DIVISIONS REQUIRING A PLAT
4 OF SURVEY OR ACQUISITION PLAT.

5 1. The grantor of land which has been divided using a
6 metes and bounds description shall have a plat of survey made
7 of the division, except as provided for in subsection 3. The
8 grantor or the surveyor shall contact the county auditor who,
9 for the purpose of assessment and taxation, shall review the
10 division to determine whether the survey shall include only
11 the parcel being conveyed or both the parcel being conveyed
12 and the remaining parcel. The plat of survey shall be
13 prepared in compliance with chapter 114A and shall be
14 recorded. The plat shall be clearly marked by the surveyor as
15 a plat of survey and shall include the following information
16 for each parcel included in the survey:

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

23 2. The auditor may note a permanent real estate index
24 number upon each parcel shown on a recorded plat of survey.
25 The surveyor shall not assign parcel letters or prepare a
26 metes and bounds description for any parcel shown on a plat of
27 survey unless the parcel was surveyed by the surveyor in
28 compliance with chapter 114A. Parcels within a plat of survey
29 prepared pursuant to this section are subject to the
30 regulations and ordinances of the governing body.

31 3. When land or rights in land are divided for right-of-
32 way purposes by an agency of the government or other persons
33 having the power of eminent domain and the description of the
34 land or rights acquired is a metes and bounds description then
35 an acquisition plat shall be made and attached to the

1 description when the acquisition instrument is recorded.

2 Acquisition plats shall be clearly marked as an acquisition
3 plat and shall conform to the following:

4 a. Acquisition plats shall not be required to conform to
5 the provisions of chapter 114A.

6 b. The information shown on the plat shall be developed
7 from instruments of record together with information developed
8 by field measurements. The unadjusted error of field
9 measurements shall not be greater than one in five thousand.

10 c. The plat shall be signed and dated by a surveyor, bear
11 the surveyor's Iowa registration number and legible seal, and
12 shall show a north arrow and bar scale.

13 d. The original drawing shall remain the property of the
14 surveyor or the surveyor's agency and shall not be less than
15 eight and one-half by eleven inches in size.

16 e. If the right-of-way on an acquisition plat is a portion
17 of lots within an official plat, reference shall be made to
18 both the lots and plat name. If the right-of-way acquisition
19 plat is not within an official plat, reference shall be made
20 to the government lot or quarter-quarter section and to the
21 section, township, range, and county.

22 f. The plat shall indicate whether the monuments shown are
23 existing monuments or monuments to be established. Monuments
24 shall be established as necessary to construct or maintain the
25 right-of-way project.

26 g. The acquisition plat shall identify the project for
27 which the right-of-way was acquired and a parcel designation
28 shall be assigned to each right-of-way parcel.

29 4. The acreage shown for each parcel included in a plat of
30 survey or acquisition plat shall be to the nearest one-
31 hundredth acre. If a parcel described as part of the United
32 States public land survey system and not entirely within an
33 official plat, lies within more than one forty-acre aliquot
34 part of a section, the acreage shall also be shown for
35 assessment and taxation purposes for each portion of the

1 parcel that lies within each forty-acre aliquot part. The
2 surveyor shall not be required to establish the location of
3 the forty-acre aliquot line by survey but is required to use
4 reasonable assumptions in determining its approximate location
5 for assessment and taxation purposes.

6 5. Governmental agencies shall not be required to survey a
7 remaining parcel when land is divided for right-of-way
8 purposes and shall not be required to contact the auditor for
9 approval of parcel designations shown on an acquisition plat.

10 Sec. 19. NEW SECTION. 409A.5 DESCRIPTIONS AND CONVEYANCE
11 ACCORDING TO PLAT OF SURVEY OR ACQUISITION PLAT.

12 1. A conveyance of a parcel shown on a recorded plat of
13 survey shall describe the parcel by using the description
14 provided on the plat of survey or by reference to the plat of
15 survey, which reference shall include all of the following:

16 a. The parcel letter designation.

17 b. The book and page number of the recorded plat of
18 survey.

19 c. The lot number or letter and name of the official plat,
20 if the parcel lies within an official plat.

21 d. The section, township, and range number and reference
22 to the aliquot part of the section, if the parcel lies outside
23 of an official plat.

24 2. A conveyance of a parcel shown on a recorded
25 acquisition plat shall describe the parcel by using the
26 description provided on the acquisition instrument or by
27 reference to the acquisition plat, which reference shall
28 include all of the following:

29 a. The parcel designation and reference to the project for
30 which the right-of-way was acquired.

31 b. The book and page number of the recorded acquisition
32 plat.

33 c. The lot number or letter and name of the official plat,
34 if the parcel lies within an official plat.

35 d. The section, township, and range number and reference

1 to the aliquot part of the section, if the parcel lies outside
2 of an official plat.

3 3. A description by reference to the recorded plat of
4 survey, in compliance with subsection 1, is valid.

5 4. A description by reference to the recorded acquisition
6 plat, in compliance with subsection 2, is valid.

7 5. A description by reference to a permanent real estate
8 index number is valid for the purpose of assessment and
9 taxation when a county has established a permanent real estate
10 index number system pursuant to section 441.29.

11 Sec. 20. NEW SECTION. 409A.6 SUBDIVISION PLATS.

12 1. A subdivision plat shall be made when required by
13 ordinance of the governing body or when a tract of land is
14 subdivided by repeated divisions or simultaneous division into
15 three or more parcels, any of which are described by metes and
16 bounds description for which no plat of survey is recorded. A
17 subdivision plat is not required when land is divided by
18 conveyance to a governmental agency for public improvements.

19 2. A subdivision plat shall have a succinct name or title
20 that is unique, as approved by the auditor, for the county in
21 which the plat lies. The plat shall include an accurate
22 description of the land included in the subdivision and shall
23 give reference to two section corners within the United States
24 public land survey system in which the plat lies or, if the
25 plat is a subdivision of any portion of an official plat, two
26 established monuments within the official plat. Each lot
27 within the plat shall be assigned a progressive number.

28 Streets, alleys, parks, open areas, school property, other
29 areas of public use, or areas within the plat that are set
30 aside for future development shall be assigned a progressive
31 letter and shall have the proposed use clearly designated. A
32 strip of land shall not be reserved by the subdivider unless
33 the land is of sufficient size and shape to be of practical
34 use or service as determined by the governing body.

35 Progressive block numbers or letters may be assigned to groups

1 of lots separated from other lots by streets or other physical
2 features of the land. The surveyor shall not assign lot
3 numbers or letters to a lot shown within a subdivision plat
4 unless the lot has been surveyed by the surveyor in compliance
5 with chapter 114A. The auditor may note a permanent real
6 estate index number upon each lot within a recorded
7 subdivision plat. Sufficient information, including
8 dimensions and angles or bearings, shall be shown on the plat
9 to accurately establish the boundaries of each lot, street,
10 and easement. Easements necessary for the orderly development
11 of the land within the plat shall be shown and the purpose of
12 the easement shall be clearly stated.

13 3. If a subdivision plat, described as part of the United
14 States public land survey system and not entirely within an
15 official plat, lies within more than one forty-acre aliquot
16 part of a section, the acreage shall be shown for assessment
17 and taxation purposes for the portion of the subdivision that
18 lies within each forty-acre aliquot part of the section. The
19 area of the irregular lots within the plat shall be shown and
20 may be expressed in either acres, to the nearest one-hundredth
21 acre, or square feet, to the nearest ten square feet. The
22 surveyor shall not be required to establish the location of a
23 forty-acre aliquot line by survey but is required to use
24 reasonable assumptions in determining its approximate location
25 for assessment and taxation purposes.

26 Sec. 21. NEW SECTION. 409A.7 CONVEYANCES BY REFERENCE TO
27 OFFICIAL PLAT.

28 A description of land by reference to lot number or letter
29 designation and block, if block designations are shown on the
30 plat, and the title or name of the official plat, is valid.

31 Sec. 22. NEW SECTION. 409A.8 REVIEW AND APPROVAL BY
32 GOVERNING BODIES.

33 A proposed subdivision plat lying within the jurisdiction
34 of a governing body, which has adopted ordinances regulating
35 the division of land, shall be submitted to that governing

1 body for review and approval prior to recording. A city may
2 establish jurisdiction to review subdivisions outside its
3 boundaries pursuant to the provisions of section 409A.9.
4 Governing bodies shall review the plat within the time and
5 using the standards and conditions established by ordinance
6 for the review and approval of subdivision plats. Governing
7 bodies shall apply reasonable standards and conditions for the
8 review and approval of subdivisions. The governing body shall
9 determine whether the subdivision conforms to its
10 comprehensive plan and shall give consideration to the
11 possible burden on public improvements and to a balance of
12 interests between the proprietor, future purchasers, and the
13 public interest in the subdivision when reviewing the proposed
14 subdivision and when requiring the installation of public
15 improvements in conjunction with approval of a subdivision.

16 If the subdivision plat conforms to the standards and
17 conditions established by the governing body by ordinance and
18 to this chapter and chapter 114A, the governing body, by
19 resolution, shall approve the plat and certify the resolution
20 which shall be recorded with the plat. The recorder shall
21 refuse to accept a subdivision plat presented for recording
22 without a resolution from each applicable governing body
23 approving the subdivision plat or waiving the right to review.

24 Sec. 23. NEW SECTION. 409A.9 REVIEW OF SUBDIVISION PLATS
25 WITHIN TWO MILES OF A CITY.

26 1. If a city, which has adopted ordinances regulating the
27 division of land, desires to review subdivisions outside the
28 city's boundaries, then the city shall establish by ordinance
29 specifically referring to the authority of this section, the
30 area subject to the city's review and approval. The area of
31 review may be identified by individual tracts, by describing
32 the boundaries of the area, or by including all land within a
33 certain distance of the city's boundaries, which shall not
34 extend more than two miles distance from the city's
35 boundaries. The ordinance establishing the area of review or

1 modifying the area of review by a city, shall be recorded in
2 the office of the recorder and filed with the county auditor.

3 2. If a subdivision lies in a county, which has adopted
4 ordinances regulating the division of land, also lies within
5 the area of review established by a city pursuant to this
6 section, then the subdivision shall be submitted to both the
7 city and county for approval. The standards and conditions
8 applied by a city for review and approval of the subdivision
9 shall be the same standards and conditions used for review and
10 approval of subdivisions within the city limits or shall be
11 the standards and conditions for review and approval
12 established by agreement of the city and county pursuant to
13 chapter 28E. Either the city or county may, by resolution,
14 waive its right to review the subdivision or waive the
15 requirements of any of its standards or conditions for
16 approval of subdivisions, and certify the resolution which
17 shall be recorded with the plat.

18 3. If cities establish overlapping areas of review outside
19 their boundaries, then the cities shall establish by agreement
20 pursuant to chapter 28E reasonable standards and conditions
21 for review of subdivisions within the overlapping area. If no
22 agreement is recorded pursuant to chapter 28E then the city
23 which is closest to the boundary of the subdivision shall have
24 authority to review of the subdivision.

25 Sec. 24. NEW SECTION. 409A.10 APPEAL OF REVIEW OR
26 DISAPPROVAL.

27 When application is made to a governing body for approval
28 of a subdivision plat, the applicant or a second governing
29 body, which also has jurisdiction for review, may be aggrieved
30 by any of the following:

31 1. The requirements imposed by a governing body as a
32 condition of approval.

33 2. The governing body exceeding the time for review
34 established by ordinance.

35 3. The denial of the application.

1 The applicant or the aggrieved governing body shall file
2 written notice of intent to appeal with the opposing governing
3 body not later than thirty days after the date of the denial
4 of the application or the date of the receipt by the applicant
5 of the aggrieved requirements for approval of the subdivision.
6 The applicant or the aggrieved governing body may appeal to
7 the district court twenty days after the date of the notice of
8 intent to appeal. The appeal shall be tried de novo as an
9 equitable proceeding and accorded a preference in assignment
10 so as to assure its prompt disposition.

11 Sec. 25. NEW SECTION. 409A.11 ATTACHMENTS TO SUBDIVISION
12 PLATS.

13 A subdivision plat, other than an auditor's plat, that is
14 presented to the recorder for recording shall conform to
15 section 409A.6 and shall not be accepted for recording unless
16 accompanied by the following documents:

17 1. A statement by the proprietors and their spouses, if
18 any, that the plat is prepared with their free consent and in
19 accordance with their desire, signed and acknowledged before
20 an officer authorized to take the acknowledgment of deeds.
21 The statement by the proprietors may also include a dedication
22 to the public of all lands within the plat that are designated
23 for streets, alleys, parks, open areas, school property, or
24 other public use, if the dedication is approved by the
25 governing body.

26 2. A statement from the mortgage holders or lienholders,
27 if any, that the plat is prepared with their free consent and
28 in accordance with their desire, signed and acknowledged
29 before an officer authorized to take the acknowledgment of
30 deeds. An affidavit and bond as provided for in section
31 409A.12, may be recorded in lieu of the consent of the
32 mortgage or lienholder. When a mortgage or lienholder
33 consents to the subdivision, a release of mortgage or lien
34 shall be recorded for any areas conveyed to the governing body
35 or dedicated to the public.

1 3. An opinion by an attorney-at-law who has examined the
2 abstract of title of the land being platted. The opinion
3 shall state the names of the proprietors and holders of
4 mortgages, liens, or other encumbrances on the land being
5 platted and shall note the encumbrances, along with any bonds
6 securing the encumbrances. Utility easements shall not be
7 construed to be encumbrances for the purpose of this section.

8 4. A certified resolution by each governing body as
9 required by section 409A.8 either approving the subdivision or
10 waiving the right to review.

11 5. A certificate of the treasurer that the land is free
12 from taxes and special assessments or that the land is free
13 from taxes and that the special assessments are secured by
14 bond in compliance with section 409A.12.

15 A subdivision plat which includes no land set apart for
16 streets, alleys, parks, open areas, school property, or public
17 use other than utility easements, shall be accompanied by the
18 documents listed in subsections 1, 2, 3, and 4 and a
19 certificate of the treasurer that the land is free from taxes
20 other than special assessments.

21 Sec. 26. NEW SECTION. 409A.12 BONDS TO SECURE LIENS.

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

26 1. The lienholder cannot be found, in which case an
27 affidavit by the proprietor stating that the lien holder could
28 not be found shall be recorded with the bond.

29 2. The lienholder will not accept payment or cannot,
30 because of the nature of the lien, accept payment in full of
31 the lien, in which case an affidavit by the lienholder stating
32 that payment of the lien was offered but refused shall be
33 recorded with the bond.

34 The bond shall run to the county and be for the benefit of
35 purchasers of lots within the plat and shall be conditioned

1 for the payment and cancellation of the debt as soon as
2 practicable and to hold harmless purchasers or their assigns
3 and the governing body from the lien.

4 Sec. 27. NEW SECTION. 409A.13 AUDITOR'S PLATS AND PLATS
5 OF SURVEY.

6 If a tract is divided or subdivided in violation of section
7 409A.4 or 409A.6 or the descriptions of one or more parcels
8 within a tract are not sufficiently certain and accurate for
9 the purpose of assessment and taxation under the guidelines of
10 section 409A.3, the auditor shall notify the proprietors of
11 the parcels within the tract for which no plat has been
12 recorded as required by this chapter, and demand that a plat
13 of survey or a subdivision plat be recorded as required by
14 this chapter. Notice shall be served by mail and a certified
15 copy of the notice shall be recorded. The auditor shall mail
16 a copy of the notice to the applicable governing bodies. If
17 the proprietors fail, within thirty days of the notice, to
18 comply with the notice or file with the auditor a statement of
19 intent to comply, the auditor shall contract with a surveyor
20 to have a survey made of the property and have a plat of
21 survey or an auditor's plat recorded as necessary to comply
22 with this chapter. Upon receipt of a statement of intent to
23 comply, the auditor may extend the time period for compliance.

24 Sec. 28. NEW SECTION. 409A.14 APPEAL OF NOTICE.

25 A proprietor aggrieved by a notice to plat by the auditor
26 may appeal to the district court within twenty days after
27 service of notice. Upon appeal, the auditor shall take no
28 further action pending a decision of the district court. The
29 appeal shall be tried de novo as an equitable proceeding and
30 accorded a preference in assignment so as to assure its prompt
31 disposition.

32 Sec. 29. NEW SECTION. 409A.15 REVIEW OF AUDITOR'S PLATS.

33 A proposed auditor's plat shall be filed with the
34 applicable governing body which shall review the plat within
35 the time specified by ordinance, and if it conforms to chapter

1 114A, the governing body shall by resolution approve the plat
2 and certify the resolution to be recorded with the plat. The
3 governing body may state in the resolution whether the lots
4 within the auditor's plat meet the standards and conditions
5 established by ordinance for subdivision lots. The lots
6 within a recorded auditor's plat and parcels within a recorded
7 plat of survey prepared under section 409A.13 are individually
8 subject to local regulations and ordinances. Approval of an
9 auditor's plat shall not impose any liability on a governing
10 body to install or maintain public improvements or utilities
11 within the plat. Approval of an auditor's plat by a governing
12 body shall not constitute a waiver of ordinances requiring a
13 subdivision plat.

14 Sec. 30. NEW SECTION. 409A.16 ATTACHMENTS TO AUDITOR'S
15 PLATS AND PLATS OF SURVEY.

16 1. A plat of survey prepared pursuant to section 409A.13
17 shall be accompanied by a certificate of the auditor that the
18 plat of survey was prepared at the direction of the auditor
19 because the proprietors failed to file a plat.

20 2. An auditor's plat shall conform to section 409A.6, but
21 is exempt from section 409A.11. An auditor's plat presented
22 to the recorder for recording shall be accompanied by the
23 following documents:

24 a. A certificate of the auditor that the auditor's plat
25 was prepared at the direction of the auditor because the
26 proprietors failed to file a plat, that the plat was prepared
27 for assessment and taxation purposes, and that the recording
28 of the plat does not constitute a dedication or impose any
29 liability upon the state or governmental agency.

30 b. A certified resolution by the governing body, approving
31 the plat or waiving the right to review.

32 c. A list for each lot within the plat of the proprietor's
33 names, the area, expressed in acreage or square feet, the book
34 and page number of the recorded conveyance to the proprietors
35 and the permanent real estate index number, where established.

1 d. A certificate of the auditor that no search was made at
2 that time of the recording of the plat to determine the
3 existence of any liens, mortgages, delinquent taxes, or
4 special assessments, that no search was made, other than the
5 records of the auditor's office, to establish title to the
6 property within the plat, and that the lots within the plat
7 are subject individually to the regulations and ordinances of
8 the applicable governing body.

9 Sec. 31. NEW SECTION. 409A.17 COSTS AND COLLECTION OF
10 COSTS.

11 The surveyor shall present to the auditor a statement of
12 the total cost of the surveying, platting, and recording of a
13 plat prepared pursuant to section 409A.13. The surveyor shall
14 also present a statement of the part of the total cost to be
15 assessed to each parcel included in the plat based on the time
16 involved in establishing the boundaries of each parcel. The
17 auditor shall certify to the treasurer an assessment for the
18 platting costs against the lots within the plat which shall be
19 collected in the same manner as general taxes, except that the
20 board of supervisors, by resolution, may establish not more
21 than ten equal annual installments and provide for interest on
22 unpaid installments at a rate not to exceed that permitted by
23 chapter 74A.

24 Sec. 32. NEW SECTION. 409A.18 RECORDING OF PLATS.

25 A plat of survey prepared pursuant to this chapter and a
26 subdivision plat, with attachments, shall be recorded in the
27 office of the county recorder, and an exact copy of the plat
28 shall be filed in the offices of the county auditor and
29 assessor. A replat of any part of an official plat pursuant
30 to section 409A.25, or a recorded subdivision plat of any part
31 of an existing official plat shall supersede that part of the
32 original official plat, including unused public utility
33 easements.

34 The recorder shall examine each plat of survey and
35 subdivision plat to determine whether the plat is clearly

1 legible and whether the approval by the applicable governing
2 body and the other attachments required by this chapter are
3 presented with the plat. The recorder shall also keep a
4 reproducible copy of the plat from which legible copies can be
5 made. The recorder may specify the material and the size of
6 the plat, not less than eight and one-half inches by eleven
7 inches, that will be accepted for recording in order to comply
8 with this section. The recorder shall not record a
9 subdivision plat that violates this chapter.

10 Sec. 33. NEW SECTION. 409A.19 DEDICATION OF LAND.

11 An official plat which conforms to this chapter and has
12 attached to the plat a dedication by the proprietors to the
13 public and approval of the dedication by the governing body is
14 equivalent to a deed in fee simple from the proprietors to the
15 public of any land within the plat that is dedicated for
16 street, alley, walkway, park, open area, school property, or
17 other public use. An approved dedication of land for street
18 purposes by the proprietors establishes an easement for public
19 access, whether or not a deed has been recorded or the
20 improvement of the street is complete, except when the
21 resolution approving the plat specifically sets aside portions
22 of the dedicated land as not being open for public access at
23 the time of recording for public safety reasons. The
24 recording of a subdivision plat shall dedicate to the public
25 any utility, sewer, drainage, access, walkway, or other public
26 easement shown on the plat.

27 The recording of an auditor's plat shall not serve to
28 dedicate streets, alleys, parks, open areas, school property,
29 public improvements, or utilities. The failure to show the
30 existence of an easement or any public interest on the
31 auditor's plat shall not remove or otherwise affect the
32 interest.

33 Sec. 34. NEW SECTION. 409A.20 ACTION TO ANNUL PLATS.

34 If a plat is filed and recorded in violation of this
35 chapter, a governing body or a proprietor aggrieved by the

1 violation, after filing written notice with the proprietors
2 who joined in the acknowledgement of the plat or their
3 successors in interest, may institute a suit in equity in the
4 district court. The court may order the plat annulled except
5 as provided in section 409A.21.

6 Sec. 35. NEW SECTION. 409A.21 LIMITATION OF ACTIONS ON
7 OFFICIAL PLATS.

8 An action shall not be maintained, at law or in equity, in
9 any court, against a proprietor, based upon an omission of
10 data shown on an official plat or upon an omission, error, or
11 inconsistency in any of the documents required by this chapter
12 unless the action is commenced within ten years after the date
13 of recording of the official plat. Limitation of actions
14 based on claims other than those provided for in this section
15 shall be consistent with chapter 614.

16 Sec. 36. NEW SECTION. 409A.22 VACATION OF OFFICIAL
17 PLATS.

18 The proprietors of lots within an official plat who wish to
19 vacate any portion of the official plat shall file a petition
20 for vacation with the governing body which shall fix the time
21 and place for public hearing on the petition. Written notice
22 of the proposed vacation shall be served in the manner of
23 original notices as provided in Iowa rules of civil procedure
24 and be served upon proprietors and mortgagees within the
25 official plat that are within three hundred feet of the area
26 to be vacated. If a portion of the official plat adjoins a
27 river or State-owned lake, the Iowa department of natural
28 resources shall be served written notice of the proposed
29 vacation. Notice of the proposed vacation shall be published
30 twice, with ten days between publications stating the date,
31 time, and place of the hearing.

32 The official plat or portion of the official plat shall be
33 vacated upon recording of all of the following documents:

34 1. An instrument signed, executed, and acknowledged by all
35 the proprietors and mortgagees within the area of the official

1 plat to be vacated, declaring the plat to be vacated. The
2 instrument shall state the existing lot description for each
3 proprietor along with an accurate description to be used to
4 describe the land after the lots are vacated.

5 2. A resolution by the governing body approving the
6 vacation and providing for the conveyance of those areas
7 included in the vacation which were previously set aside or
8 dedicated for public use.

9 3. A certificate of the auditor that the vacated part of
10 the plat can be adequately described for assessment and
11 taxation purposes without reference to the vacated lots.

12 No part of this section authorizes the closing or
13 obstructing of public highways.

14 The vacation of a portion of an official plat shall not
15 remove or otherwise affect a recorded restrictive covenant,
16 protective covenant, building restriction, or use restriction.
17 Recorded restrictions on the use of property within an
18 official plat shall be modified or revoked by recording a
19 consent to the modification or removal, signed and
20 acknowledged by the proprietors and mortgagees within the
21 official plat.

22 Sec. 37. NEW SECTION. 409A.23 VACATION OF STREETS OR
23 OTHER PUBLIC LANDS.

24 A city or a county may vacate part of an official plat that
25 had been conveyed to the city or county or dedicated to the
26 public which is deemed by the governing body to be of no
27 benefit to the public.

28 The city or county shall vacate by resolution following a
29 public hearing or by ordinance and the vacating instrument
30 shall be recorded. The city or county may convey the vacated
31 property by deed or may convey the property to adjoining
32 proprietors through the vacation instrument. If the vacating
33 instrument is used to convey property then the instrument
34 shall include a list of adjoining proprietors to whom the
35 vacated property is being conveyed along with the

1 corresponding description of each parcel being conveyed. A
2 recorded vacation instrument which conforms to this section is
3 equivalent to a deed of conveyance and the instrument shall be
4 filed and indexed as a conveyance by the recorder and auditor.

5 A vacation instrument recorded pursuant to this section
6 shall not operate to annul any part of an official plat except
7 as provided for in section 409A.22.

8 Sec. 38. NEW SECTION. 409A.24 ERRORS ON RECORDED PLATS.

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

26 Sec. 39. NEW SECTION. 409A.25 SURVEY AND REPLAT OF
27 OFFICIAL PLATS.

28 A survey of an official plat shall conform as nearly as
29 possible to the original lot lines shown on the official plat.
30 The surveyor may summon witnesses, administer oaths, and
31 prepare affidavits and boundary line agreements as necessary
32 in order to establish the location of property lines or lot
33 lines. If a substantial error is discovered in an official
34 plat or if it is found to be materially defective, a
35 proprietor may petition the district court asking for a replat

1 of any part of the official plat. Notice of the proposed
2 replat shall be served, in the manner of original notice as
3 provided in Iowa rules of civil procedure, to the proprietors
4 of record within the area to be replatted. The court has
5 jurisdiction of the matter upon proof of publication of notice
6 of the petition once each week for two weeks in a newspaper of
7 general circulation within the area of the replat.

8 A replat of an official plat ordered by the district court:

9 1. Shall be prepared by a surveyor pursuant to chapter
10 114A; and

11 2. Shall be exempt from the provisions of section 409A.10;
12 and

13 3. Shall have attached to the plat a statement by the
14 surveyor that the replat is prepared at the direction of the
15 district court. The costs of the replat shall be presented to
16 the auditor and assessed against the property included in the
17 replat as provided for in section 409A.17.

18 Sec. 40. NEW SECTION. 409A.26 CORRECTIONS OR CHANGES TO
19 PLATS.

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

31 Sec. 41. Section 117A.1, subsection 1, Code 1989, is
32 amended to read as follows:

33 1. "Subdivided land" means improved or unimproved land
34 divided or proposed to be divided for the purpose of sale or
35 lease into five or more lots or parcels, or additions thereto;

1 or parts thereof of lots or parcels; however, subdivided land
2 does not ~~apply to~~ include a subdivision subject to section
3 306.21 or chapter ~~409~~ 409A nor to the leasing of apartments,
4 offices, stores, or similar space within an apartment
5 building, industrial building, or commercial building unless
6 an undivided interest in the land is granted as a condition
7 precedent to occupying space in the structure. Subdivided
8 land does not include subdivisions of land located within the
9 state of Iowa or time-share intervals as defined in section
10 557A.2.

11 Sec. 42. Section 306.21, Code 1989, is amended to read as
12 follows:

13 306.21 PLANS, PLATS AND FIELD NOTES FILED.

14 All road plans, plats and field notes and true and accurate
15 diagrams of water, sewage and electric power lines for rural
16 subdivisions shall be filed with and ~~recorded-by-the-county~~
17 ~~auditor-and~~ approved by the board of supervisors and the
18 county engineer before the subdivision is laid out and
19 ~~platted, and if any proposed rural subdivision is within one~~
20 ~~mile of the corporate limits of any city such road plans shall~~
21 ~~also be approved by the city engineer or council of the~~
22 adjoining municipality or recorded. Such plans shall be
23 clearly designated as "completed", "partially completed" or
24 "proposed" with a statement of the portion completed and the
25 expected date of full completion. ~~In the event~~ If such road
26 plans are not approved as herein provided in this section such
27 roads shall not become the part of any road system as defined
28 in this chapter.

29 Sec. 43. Section 306.42, subsection 5, Code 1989, is
30 amended to read as follows:

31 5. Notwithstanding ~~requirements of~~ chapter 114 and
32 sections 306.22, 364.7, ~~409-12~~ 409A.13, ~~409-14~~ 409A.15 and
33 471.20, legal descriptions, plats, maps, or engineering
34 drawings used to describe transfers of right of way shall,
35 where available, be descriptions, plats, maps, or engineering

1 drawings of record and shall be incorporated by reference to
 2 such the title instrument or proceedings. Where If a part but
 3 not all of the land acquired by a single conveyance or
 4 condemnation is being transferred, the description of that
 5 part to be transferred shall be abstracted from the present
 6 legal description, plat, map, or engineering drawing of
 7 record.

8 Sec. 44. Section 331.321, subsection 2, Code 1989, is
 9 amended to read as follows:

10 2. If the board proposes to appoint a county surveyor, it
 11 shall appoint a person qualified in accordance with section
 12 355-1 chapter 114 and provide the surveyor with a suitable
 13 book in which to record field notes and plats.

14 Sec. 45. Section 331.401, subsection 1, paragraph j, Code
 15 1989, is amended to read as follows:

16 j. Serve on the conference board as provided in section
 17 441.2 and-carry-out-duties-relating-to-platting-for-assessment
 18 and-taxation-as-provided-in-sections-441-67-and-441-70.

19 Sec. 46. Section 331.427, subsection 1, unnumbered
 20 paragraph 1, Code 1989, is amended to read as follows:

21 Except as otherwise provided by state law, county revenues
 22 from taxes and other sources for general county services shall
 23 be credited to the general fund of the county, including
 24 revenues received under sections 84.21, 98.35, 98A.6, 101A.3,
 25 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105,
 26 321.152, 321.192, 321G.7, 331.554, subsection 6, 341A.20,
 27 364.3, 368.21, 422.65, 422.100, 422A.2, 428A.8, 430A.3,
 28 433.15, 434.19, 441-68, 445.52, 445.57, 533.24, 556B.1,
 29 567.10, 583.6, 906.17, and 911.3, and the following:

30 Sec. 47. Section 331.511, subsections 1 through 4, Code
 31 1989, are amended to read as follows:

32 1. Record each plat as provided in sections 409-12-to
 33 409-16 409A.13 through 409A.18.

34 2. Record changes in names of platted streets as provided
 35 in section 409-17 409A.26.

1 3. Record notations of errors or omissions on recorded
2 plats as provided in section ~~409-32~~ 409A.24.

3 4. Record resurveyed plats as provided in section ~~409-43~~
4 409A.25.

5 Sec. 48. Section 331.511, subsection 5, Code 1989, is
6 amended by striking the subsection.

7 Sec. 49. Section 331.602, subsection 19, Code 1989, is
8 amended to read as follows:

9 19. Carry out duties relating to the platting of land as
10 provided in chapter ~~409~~ 409A and ~~sections-441-65-to-441-71~~.

11 Sec. 50. NEW SECTION. 441.72 ASSESSMENT OF PLATTED LOTS.

12 When a subdivision plat is recorded pursuant to chapter
13 409A, the individual lots within the subdivision plat shall
14 not be assessed in excess of the total assessment of the land
15 as acreage or unimproved property for three years after the
16 recording of the plat or until the lot is actually improved
17 with permanent construction, whichever occurs first. When an
18 individual lot has been improved with permanent construction,
19 the lot shall be assessed for taxation purposes as provided in
20 chapter 428 and this chapter. This section does not apply to
21 special assessment levies.

22 Sec. 51. NEW SECTION. 558.19A STATEMENT OF DIVISION AND
23 NOTING PERMANENT REAL ESTATE INDEX NUMBER.

24 Deeds, contracts, or other conveyances presented for
25 recording as evidence of transfer of title to land, shall
26 contain on the face of the conveyance a statement signed by at
27 least one grantor or the grantor's agent stating that the
28 conveyance is not a division of an existing tract or parcel of
29 land, or that the conveyance is a division of an existing
30 tract or parcel of land. If the conveyance is a division the
31 grantor or agent shall also state that the requirements of
32 chapter 409A have been met, noting the book and page number of
33 the official plat or plat of survey recorded in compliance
34 with chapter 409A. The recorder shall not record a conveyance
35 which does not contain a statement of division on the face of

1 the document. Making a false statement of division may be
2 prosecuted as a county infraction under the provisions of
3 section 331.307.

4 When a permanent real estate index number system has been
5 established by a county pursuant to section 441.29, the
6 auditor may note the permanent real estate index number on
7 every conveyance.

8 Sec. 52. Section 592.7, Code 1989, is amended to read as
9 follows:

10 592.7 CHANGING NAMES OF STREETS.

11 Whereas, certain cities or towns throughout the state of
12 Iowa have passed ordinances changing the name or names of
13 certain streets in ~~said~~ the cities;

14 Now, therefore, it is provided that the acts of ~~said~~ the
15 city and town councils of ~~such~~ the cities and towns in
16 enacting ~~said~~ the ordinances changing the names of ~~said~~
17 certain streets are hereby declared valid. The proper method
18 for recording a change of street name is found in section
19 ~~409-17~~ 409A.26.

20 Sec. 53. Section 602.8102, subsection 57, Code 1989, is
21 amended to read as follows:

22 57. Carry out duties relating to the platting of land as
23 provided in ~~sections-409:97-409:117-and-409:22~~ chapter 409A.

24 Sec. 54. Section 714.16, subsection 2, paragraph d, Code
25 1989, is amended to read as follows:

26 d. (1) No person shall offer or advertise within this
27 state for sale or lease, any subdivided lands without first
28 filing with the real estate commission, true and accurate
29 copies of all road plans, plats, field notes, and diagrams of
30 water, sewage, and electric power lines as they exist at the
31 time of ~~such~~ the filing, ~~provided-such~~ however, this filing
32 ~~shall~~ is not be required for a subdivision subject to section
33 306.21 or chapter ~~409~~ 409A. ~~Each-such~~ A filing shall be
34 accompanied by a fee of fifty dollars for each subdivision
35 included, payable to the real estate commission.

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

7 Sec. 55. REPEAL. Chapters 355 and 409, Code 1989, are
8 repealed. Sections 441.65 through 441.71, Code 1989, are
9 repealed.

10

EXPLANATION

11 This bill creates two new chapters relating to land
12 surveying and platting. Chapter 114A establishes uniform
13 standards and guidelines for the practice of land surveying in
14 Iowa. The bill also establishes standards and procedures for
15 preparing, recording and indexing United States public land
16 survey corner certificates, and providing access to public
17 land corner location information.

18 Chapter 409A establishes requirements and procedures for
19 plats of survey, acquisition plats, subdivision plats, and
20 auditor's plats. It requires that a governing body apply
21 reasonable standards for the review and approval of
22 subdivision plats and give consideration to the comprehensive
23 plan, to the possible burden on public improvements, and to a
24 balance of interests between the developer, future purchasers,
25 and the public interest.

26 New section 558.19A establishes a requirement that a
27 grantor or agent must state on a conveyance whether the
28 conveyance is dividing property. The section also establishes
29 an enforcement mechanism for platting requirements by
30 providing that the recorder shall not record a conveyance
31 which does not have a statement of division.

32 Chapters 355, land surveys, and 409, plats, are repealed.
33 Sections 441.65 through 441.71, relating to platting for
34 assessment and taxation purposes, are also repealed.

35

HOUSE FILE 724

AN ACT

RELATING TO THE SURVEY OF LAND INCLUDING THE PRACTICE OF LAND SURVEYING AND THE PREPARATION, RECORDING, AND VACATION OF PLATS, AND SUBJECTING VIOLATORS TO CIVIL PENALTIES.

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

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

As used in this chapter unless the context otherwise requires:

1. "Corner" means a point at which two or more lines meet.
2. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.

3. "Government lot" means a tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

4. "Land surveying" means surveying of land pursuant to chapter 114.

5. "Lot" means a tract of land, generally a subdivision of a city or town block, represented and identified as a lot on a recorded plat.

6. "Meander line" means a traverse approximately along the margin of a body of water. A meander line provides data for computing areas and approximately locates the margin of the body of water. A meander line does not ordinarily determine or fix boundaries.

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

8. "Offset line" means a supplementary traverse close to and approximately parallel with an irregular boundary line. An offset line provides data for computing areas and locates salient points on the irregular boundary line by measured distances referenced to the offset line.

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

10. "Subdivision" means a tract of land divided into three or more lots.

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

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

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

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

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

Pursuant to chapter 114, the engineering and land surveying examining board may adopt rules consistent with the rules prescribed by the Acts of Congress and the Instructions of the United States Secretary of the Interior.

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

The surveyor shall acquire data necessary to retrace record title boundaries, center lines, and other boundary line locations in accordance with the legal descriptions including applicable provisions of chapter 650. The surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel or tract of land being surveyed. The surveyor shall make a field survey, locating and connecting monuments necessary for location of the parcel or tract and coordinate the facts of the survey with the analysis and legal description. The surveyor shall place monuments marking the corners of the parcel or tract unless monuments already exist at the corners.

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

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

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

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

4. Distances shall be shown in decimal feet in accordance with the definition of the international foot. Distance measurements shall refer to the horizontal plane.

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

1. The surveyor shall confirm the prior establishment of control monuments at each controlling corner on the boundaries of the parcel or tract of land being surveyed. If no control monuments exist, the surveyor shall place the monuments. 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 surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of each monument which the surveyor places.

2. Control monuments shall be placed at the following locations:

a. Each corner and angle point of each lot, block, or parcel of land surveyed.

b. Each point of intersection of the outer boundary of the survey with an existing or created right-of-way line of a street, railroad, or other way.

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

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

4. At least a minimum number of two survey control monuments are required to be placed before the recording of a subdivision provided the surveyor includes in the surveyor's statement a declaration that additional monuments shall be placed before a date specified in the statement or within one year from the date the subdivision is recorded, whichever is earlier.

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

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

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

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

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

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

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

6. The plat shall show the lengths and bearings of the boundaries of the parcels surveyed. The course of each boundary line shown on the plat may 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 or an offset line having a shown course. The bearings shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines, "recorded as (show recorded bearing, length, or location)". Bearings and angles shown shall be given to at least the nearest minute of arc.

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

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

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

10. Distance shall be shown in decimal feet in accordance with the definition of the international foot. Distance measurements shall refer to the horizontal plane.

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

12. The unadjusted error of closure shall not be greater than one in five thousand for an individual parcel.

13. If any part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary, and 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. The plat shall be captioned to show the date of the survey, and shall be accompanied by a description of the parcel.

15. The plat shall contain a statement by a surveyor that the work was done and the plat was prepared by the surveyor or

under the surveyor's direct personal supervision, shall be signed and dated by the surveyor, and shall bear the surveyor's Iowa registration number and legible seal.

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

Subdivision plats shall conform to the following provisions where applicable:

1. The original plat drawing shall remain the property of the surveyor.
2. The size of each plat sheet shall not be less than eight and one-half inches by eleven inches.
3. If more than one sheet is used, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, and clearly labeled match lines indicating where the other sheets adjoin. An index shall be provided to show the relationship between the sheets.
4. The scale of the plat drawing shall be clearly stated and graphically illustrated by a bar scale on every plat sheet.
5. Each subdivision plat shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each plat sheet.
6. An arrow indicating the northern direction shall be shown on each plat sheet.
7. The plat shall show that the subdivision is tied to a physically monumented land line which is identified by two United States public land survey system corners, or by two physically monumented corners of a recorded subdivision.
8. The plat shall show the lengths and bearings of the boundaries of the tracts surveyed. The course of each boundary line shown on the plat may 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 or an offset line having a shown course. The bearing shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines, "recorded as (show recorded bearing, length, or location)". Bearings and angles shown shall be given to at least the nearest minute of arc.

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

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

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

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

13. Distances shall be shown in feet to at least the nearest one-tenth of a foot in accordance with the definition of the international foot. Distance measurements shall refer to the horizontal plane.

14. Curve data shall be stated in terms of radius, central angle, and length of curve. Unless otherwise specified by local ordinance, curve data for streets of uniform width need only be shown with reference to the center line and lots fronting on such curves need only show the chord bearing and

distance of the part of the curve included in the lot boundary. Otherwise, the curve data shall be shown for the line affected.

15. The unadjusted error of closure shall not be greater than one in ten thousand for subdivision boundaries and shall not be greater than one in five thousand for an individual lot.

16. If part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary, and 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.

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

18. Adjoining properties shall be identified, and if the adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the survey is a subdivision of a portion of a previously recorded subdivision plat, sufficient ties shall be shown to controlling lines appearing on such plat to permit a comparison to be made.

19. The purpose of any easement shown on the plat shall be clearly stated.

20. The purpose of areas dedicated to the public shall be clearly indicated on the plat.

21. The plat shall be accompanied by a description of the land included in the subdivision and shall contain a statement by the surveyor that the work was done and the plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa registration number and legible seal.

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

A description defining land boundaries written for conveyance or other purposes shall be complete, providing definite and unequivocal identification of the property lines or boundaries. The description shall be sufficient to enable the description to be platted and retraced. The description shall commence at or relate to a physically monumented corner or boundary line of record.

a. If the land is located in a recorded subdivision, the description shall contain the number or other description of the lot, block, or other part of the subdivision, or shall describe the land by reference to a known corner of the lot, block, or other part.

b. If the land is not located in a recorded subdivision, the description shall identify the section, township, range, and county, and shall describe the land by reference to government lot, by quarter-quarter section, by quarter section, or by metes and bounds commencing with a corner marked and established in the United States public land survey system.

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

1. The surveyor shall record a plat and description with the county recorder no later than thirty days after signature on the plat by the surveyor if the survey was made for one of the following purposes:

- a. To correct boundaries and descriptions of land.
- b. For the division of land.

2. The plat and description shall show distinctly what piece of land was surveyed, the surveyor, and the date of the survey.

3. The thirty-day requirement shall not apply to subdivision plats.

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

1. A United States public land survey corner certificate shall be prepared as part of any land surveying which includes

the use of a United States public land survey system corner, having the status of a corner of a quarter-quarter section or larger aliquot part of a section, if one or more of the following conditions exist:

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

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

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

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

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

a. The size of the sheet or sheets making up the certificate shall not be less than eight and one-half inches by eleven inches.

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

c. The certificate shall contain a narrative explaining the reason for preparing the certificate, the evidence and detailed procedures used in establishing the corner position, and the monumentation found or placed perpetuating the corner position including reference monumentation.

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

e. The certificate shall contain at least three reference ties, measured to the nearest one-hundredth of a foot from the

corner to durable physical objects near the corner, which are located so that the intersection of any two of the ties will yield a strong corner position recovery.

f. The certificate shall contain a statement by the surveyor that the work was done and the certificate was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa registration number and seal.

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

The recorder shall index survey documents and United States public land corner certificates by township, range, and section number. If the survey is in a recorded subdivision, the recorder shall also index the document alphabetically by subdivision name.

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

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

2. If the parties interested cannot agree upon the amount to be paid for damages caused by entry upon lands pursuant to subsection 1, either of them may petition the district court in the county in which the land is situated and the district court shall appoint a time for a hearing. The district court shall order at least twenty days' notice to be given to all interested parties, and, with or without a view of the premises as the court may determine, hear the parties and their witnesses and assess damages.

3. The person entering upon land, pursuant to subsection 1, may tender to the injured party damages caused thereby, and if, in case of petition or complaint to the district court, the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs. Otherwise, the prevailing party shall recover costs.

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

Sec. 14. NEW SECTION. 114A.14 FEDERAL SURVEYS --
DEFAACEMENT.

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

Sec. 15. NEW SECTION. 409A.1 STATEMENT OF PURPOSE.

It is the purpose of this chapter to provide for a balance between the review and regulation authority of governmental agencies concerning the division and subdivision of land and the rights of landowners. It is therefore determined to be in the public interest:

1. To provide for accurate, clear, and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems.

2. To provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city or county is developing or enforcing land use regulations.

3. To provide for statewide, uniform procedures and standards for the platting of land while allowing the widest possible latitude for cities and counties to establish and enforce ordinances regulating the division and use of land, within the scope of, but not limited to, chapters 331, 358A, 364, 409A, and 414.

4. To encourage orderly community development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, consistent with an approved comprehensive plan or other specific community plans, if any.

Sec. 16. NEW SECTION. 409A.2 DEFINITIONS.

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

1. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

2. "Aliquot part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

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

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

5. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.

6. "Forty-acre aliquot part" means one-quarter of one-quarter of a section.

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

8. "Government lot" means a tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

9. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.

10. "Metes and bounds description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

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

12. "Parcel" means a part of a tract of land.

13. "Permanent real estate index number" means a unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29.

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

15. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest.

16. "Subdivision" means a tract of land divided into three or more lots.

17. "Subdivision plat" means the graphical representation of the subdivision of land, prepared by a registered land

surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

18. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to chapter 114.

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

Sec. 17. NEW SECTION. 409A.3 COVENANT OF WARRANTY.

The duty to file for record a plat as provided in sections 409A.4 and 409A.6 attaches as a covenant of warranty in all conveyances by a grantor who divides land against all assessments, costs, and damages paid, lost, or incurred by a grantee or person claiming under a grantee, in consequence of the omission on the part of the grantor to file the plat. A conveyance of land is deemed to be a warranty that the description contained in the conveyance is sufficiently certain and accurate for the purposes of assessment, taxation, and entry on the transfer books and plat books required to be kept by the auditor. The description contained in a conveyance shall be sufficiently certain and accurate for assessment and taxation purposes if it provides sufficient information to allow all the boundaries to be accurately determined and does not overlap with or create a gap between adjoining land descriptions.

A recorded conveyance in violation of this chapter may be entered on the transfer books of the auditor's office. The auditor shall notify the grantor and the grantee that the conveyance is in violation of this chapter and demand compliance as provided for in section 409A.13.

Sec. 18. NEW SECTION. 409A.4 DIVISIONS REQUIRING A PLAT OF SURVEY OR ACQUISITION PLAT.

1. The grantor of land which has been divided using a metes and bounds description shall have a plat of survey made of the division, except as provided for in subsection 3. The

grantor or the surveyor shall contact the county auditor who, for the purpose of assessment and taxation, shall review the division to determine whether the survey shall include only the parcel being conveyed or both the parcel being conveyed and the remaining parcel. The plat of survey shall be prepared in compliance with chapter 114A and shall be recorded. The plat shall be clearly marked by the surveyor as a plat of survey and shall include the following information for each parcel included in the survey:

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

2. The auditor may note a permanent real estate index number upon each parcel shown on a plat of survey according to section 441.29 for real estate tax administration purposes. The surveyor shall not assign parcel letters or prepare a metes and bounds description for any parcel shown on a plat of survey unless the parcel was surveyed by the surveyor in compliance with chapter 114A. Parcels within a plat of survey prepared pursuant to this section are subject to the regulations and ordinances of the governing body.

3. When land or rights in land are divided for right-of-way purposes by an agency of the government or other persons having the power of eminent domain and the description of the land or rights acquired is a metes and bounds description then an acquisition plat shall be made and attached to the description when the acquisition instrument is recorded. Acquisition plats shall be clearly marked as an acquisition plat and shall conform to the following:

- a. Acquisition plats shall not be required to conform to the provisions of chapter 114A.

b. The information shown on the plat shall be developed from instruments of record together with information developed by field measurements. The unadjusted error of field measurements shall not be greater than one in five thousand.

c. The plat shall be signed and dated by a surveyor, bear the surveyor's Iowa registration number and legible seal, and shall show a north arrow and bar scale.

d. The original drawing shall remain the property of the surveyor or the surveyor's agency and shall not be less than eight and one-half by eleven inches in size.

e. If the right-of-way on an acquisition plat is a portion of lots within an official plat, reference shall be made to both the lots and plat name. If the right-of-way acquisition plat is not within an official plat, reference shall be made to the government lot or quarter-quarter section and to the section, township, range, and county.

f. The plat shall indicate whether the monuments shown are existing monuments or monuments to be established. Monuments shall be established as necessary to construct or maintain the right-of-way project.

g. The acquisition plat shall identify the project for which the right-of-way was acquired and a parcel designation shall be assigned to each right-of-way parcel.

4. The acreage shown for each parcel included in a plat of survey or acquisition plat shall be to the nearest one-hundredth acre. If a parcel described as part of the United States public land survey system and not entirely within an official plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for each portion of the parcel that lies within each forty-acre aliquot part. The surveyor shall not be required to establish the location of the forty-acre aliquot line by survey but is required to use reasonable assumptions in determining its approximate location for assessment and taxation purposes.

5. Governmental agencies shall not be required to survey a remaining parcel when land is divided for right-of-way purposes and shall not be required to contact the auditor for approval of parcel designations shown on an acquisition plat.

Sec. 19. NEW SECTION. 409A.5 DESCRIPTIONS AND CONVEYANCE ACCORDING TO PLAT OF SURVEY OR ACQUISITION PLAT.

1. A conveyance of a parcel shown on a recorded plat of survey shall describe the parcel by using the description provided on the plat of survey or by reference to the plat of survey, which reference shall include all of the following:

- a. The parcel letter or designation.
- b. The book and page number of the recorded plat of survey.
- c. The lot number or letter and name of the official plat, if the parcel lies within an official plat.
- d. The section, township, and range number and reference to the aliquot part of the section, if the parcel lies outside of an official plat.

2. A conveyance of a parcel shown on a recorded acquisition plat shall describe the parcel by using the description provided on the acquisition instrument or by reference to the acquisition plat, which reference shall include all of the following:

- a. The parcel designation and reference to the project for which the right-of-way was acquired.
- b. The book and page number of the recorded acquisition plat.
- c. The lot number or letter and name of the official plat, if the parcel lies within an official plat.
- d. The section, township, and range number and reference to the aliquot part of the section, if the parcel lies outside of an official plat.

3. A description by reference to the recorded plat of survey, in compliance with subsection 1, is valid.

4. A description by reference to the recorded acquisition plat, in compliance with subsection 2, is valid.

5. A description by reference to a permanent real estate index number is valid for the purpose of assessment and taxation when a county has established a permanent real estate index number system pursuant to section 441.29.

Sec. 20. NEW SECTION. 409A.6 SUBDIVISION PLATS.

1. A subdivision plat shall be made when a tract of land is subdivided by repeated divisions or simultaneous division into three or more parcels, any of which are described by metes and bounds description for which no plat of survey is recorded. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements.

2. A subdivision plat shall have a succinct name or title that is unique, as approved by the auditor, for the county in which the plat lies. The plat shall include an accurate description of the land included in the subdivision and shall give reference to two section corners within the United States public land survey system in which the plat lies or, if the plat is a subdivision of any portion of an official plat, two established monuments within the official plat. Each lot within the plat shall be assigned a progressive number. Streets, alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and shall have the proposed use clearly designated. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of practical use or service as determined by the governing body. Progressive block numbers or letters may be assigned to groups of lots separated from other lots by streets or other physical features of the land. The surveyor shall not assign lot numbers or letters to a lot shown within a subdivision plat unless the lot has been surveyed by the surveyor in compliance

with chapter 114A. The auditor may note a permanent real estate index number upon each lot within a subdivision plat. Sufficient information, including dimensions and angles or bearings, shall be shown on the plat to accurately establish the boundaries of each lot, street, and easement. Easements necessary for the orderly development of the land within the plat shall be shown and the purpose of the easement shall be clearly stated.

3. If a subdivision plat, described as part of the United States public land survey system and not entirely within an official plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for the portion of the subdivision that lies within each forty-acre aliquot part of the section. The area of the irregular lots within the plat shall be shown and may be expressed in either acres, to the nearest one-hundredth acre, or square feet, to the nearest ten square feet. The surveyor shall not be required to establish the location of a forty-acre aliquot line by survey but is required to use reasonable assumptions in determining its approximate location for assessment and taxation purposes.

Sec. 21. NEW SECTION. 409A.7 CONVEYANCES BY REFERENCE TO OFFICIAL PLAT.

A description of land by reference to lot number or letter designation and block, if block designations are shown on the plat, and the title or name of the official plat, is valid.

Sec. 22. NEW SECTION. 409A.8 REVIEW AND APPROVAL BY GOVERNING BODIES.

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. A city may establish jurisdiction to review subdivisions outside its boundaries pursuant to the provisions of section 409A.9. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and

ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 114A.8, 409A.6, and 409A.11.

If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions established by the governing body, and conforms to this chapter and chapter 114A, the governing body, by resolution, shall approve the plat and certify the resolution which shall be recorded with the plat. The recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review.

Sec. 23. NEW SECTION. 409A.9 REVIEW OF SUBDIVISION PLATS WITHIN TWO MILES OF A CITY.

1. If a city, which has adopted ordinances regulating the division of land, desires to review subdivisions outside the city's boundaries, then the city shall establish by ordinance specifically referring to the authority of this section, the area subject to the city's review and approval. The area of review may be identified by individual tracts, by describing the boundaries of the area, or by including all land within a certain distance of the city's boundaries, which shall not extend more than two miles distance from the city's boundaries. The ordinance establishing the area of review or modifying the area of review by a city, shall be recorded in the office of the recorder and filed with the county auditor.

2. If a subdivision lies in a county, which has adopted ordinances regulating the division of land, and also lies within the area of review established by a city pursuant to this section, then the subdivision shall be submitted to both the city and county for approval. The standards and conditions applied by a city for review and approval of the subdivision shall be the same standards and conditions used for review and approval of subdivisions within the city limits or shall be the standards and conditions for review and approval established by agreement of the city and county pursuant to chapter 28E. Either the city or county may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of subdivisions, and certify the resolution which shall be recorded with the plat.

3. If cities establish overlapping areas of review outside their boundaries, then the cities shall establish by agreement pursuant to chapter 28E reasonable standards and conditions for review of subdivisions within the overlapping area. If no agreement is recorded pursuant to chapter 28E then the city which is closest to the boundary of the subdivision shall have authority to review of the subdivision.

Sec. 24. NEW SECTION. 409A.10 APPEAL OF REVIEW OR DISAPPROVAL.

When application is made to a governing body for approval of a subdivision plat, the applicant or a second governing body, which also has jurisdiction for review, may be aggrieved by any of the following:

1. The requirements imposed by a governing body as a condition of approval.
2. The governing body exceeding the time for review established by ordinance.
3. The denial of the application.
4. Failure of the governing body to approve or reject a subdivision plat within sixty days from the date of application for final approval.

If the plat is disapproved by the governing body, such disapproval shall state how the proposed plat is objectionable. The applicant has the right to appeal, within twenty days, the failure of the governing body to issue final approval of the plat as provided in this section.

The applicant or the aggrieved governing body has the right to appeal to the district court within twenty days after the date of the denial of the application or the date of the receipt by the applicant of the requirements for approval of the subdivision. Notice of appeal shall be served on the governing body in the manner provided for the service of original notice pursuant to the rules of civil procedure. The appeal shall be tried de novo as an equitable proceeding and accorded a preference in assignment so as to assure its prompt disposition.

Sec. 25. NEW SECTION. 409A.11 ATTACHMENTS TO SUBDIVISION PLATS.

A subdivision plat, other than an auditor's plat, that is presented to the recorder for recording shall conform to section 409A.6 and shall not be accepted for recording unless accompanied by the following documents:

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the governing body.
2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in section

409A.12, may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

3. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

4. A certified resolution by each governing body as required by section 409A.8 either approving the subdivision or waiving the right to review.

5. A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with section 409A.12.

A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property, or public use other than utility easements, shall be accompanied by the documents listed in subsections 1, 2, 3, and 4 and a certificate of the treasurer that the land is free from certified taxes other than certified special assessments.

Sec. 26. NEW SECTION. 409A.12 BONDS TO SECURE LIENS.

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

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

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

The bond shall run to the county and be for the benefit of purchasers of lots within the plat and shall be conditioned for the payment and cancellation of the debt as soon as practicable and to hold harmless purchasers or their assigns and the governing body from the lien.

Sec. 27. NEW SECTION. 409A.13 AUDITOR'S PLATS AND PLATS OF SURVEY.

If a tract is divided or subdivided in violation of section 409A.4 or 409A.6 or the descriptions of one or more parcels within a tract are not sufficiently certain and accurate for the purpose of assessment and taxation under the guidelines of section 409A.3, the auditor shall notify the proprietors of the parcels within the tract for which no plat has been recorded as required by this chapter, and demand that a plat of survey or a subdivision plat be recorded as required by this chapter. Notice shall be served by mail and a certified copy of the notice shall be recorded. The auditor shall mail a copy of the notice to the applicable governing bodies. If the proprietors fail, within thirty days of the notice, to comply with the notice or file with the auditor a statement of intent to comply, the auditor shall contract with a surveyor to have a survey made of the property and have a plat of survey or an auditor's plat recorded as necessary to comply with this chapter. Upon receipt of a statement of intent to comply, the auditor may extend the time period for compliance.

Sec. 28. NEW SECTION. 409A.14 APPEAL OF NOTICE.

A proprietor aggrieved by a notice to plat by the auditor may appeal to the district court within twenty days after service of notice. Upon appeal, the auditor shall take no further action pending a decision of the district court. The appeal shall be tried de novo as an equitable proceeding.

Sec. 29. NEW SECTION. 409A.15 REVIEW OF AUDITOR'S PLATS.

A proposed auditor's plat shall be filed with the applicable governing body which shall review the plat within the time specified by ordinance, and if it conforms to chapter 114A, the governing body shall by resolution approve the plat and certify the resolution to be recorded with the plat. The governing body may state in the resolution whether the lots within the auditor's plat meet the standards and conditions established by ordinance for subdivision lots. The lots within a recorded auditor's plat and parcels within a recorded plat of survey prepared under section 409A.13 are individually subject to local regulations and ordinances. Approval of an auditor's plat shall not impose any liability on a governing body to install or maintain public improvements or utilities within the plat. Approval of an auditor's plat by a governing body shall not constitute a waiver of ordinances requiring a subdivision plat.

Sec. 30. NEW SECTION. 409A.16 ATTACHMENTS TO AUDITOR'S PLATS AND PLATS OF SURVEY.

1. A plat of survey prepared pursuant to section 409A.13 shall be accompanied by a certificate of the auditor that the plat of survey was prepared at the direction of the auditor because the proprietors failed to file a plat.

2. An auditor's plat shall conform to section 409A.6, but is exempt from section 409A.11. An auditor's plat presented to the recorder for recording shall be accompanied by the following documents:

a. A certificate of the auditor that the auditor's plat was prepared at the direction of the auditor because the proprietors failed to file a plat, that the plat was prepared for assessment and taxation purposes, and that the recording of the plat does not constitute a dedication or impose any liability upon the state or governmental agency.

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

c. A list for each lot within the plat of the proprietor's names, the area, expressed in acreage or square feet, the book and page number of the recorded conveyance to the proprietors and the permanent real estate index number, where established.

d. A certificate of the auditor that no search was made at the time of the recording of the plat to determine the existence of any liens, mortgages, delinquent taxes, or special assessments, that no search was made, other than the records of the auditor's office, to establish title to the property within the plat, and that the lots within the plat are subject individually to the regulations and ordinances of the applicable governing body.

Sec. 31. NEW SECTION. 409A.17 COSTS AND COLLECTION OF COSTS.

The surveyor shall present to the auditor a statement of the total cost of the surveying, platting, and recording of a plat prepared pursuant to section 409A.13. The surveyor shall also present a statement of the part of the total cost to be assessed to each parcel included in the plat based on the time involved in establishing the boundaries of each parcel. The auditor shall certify to the treasurer an assessment for the platting costs against the lots within the plat which shall be collected in the same manner as general taxes, except that the board of supervisors, by resolution, may establish not more than ten equal annual installments and provide for interest on unpaid installments at a rate not to exceed that permitted by chapter 74A.

Sec. 32. NEW SECTION. 409A.18 RECORDING OF PLATS.

A plat of survey prepared pursuant to this chapter and a subdivision plat, with attachments, shall be recorded in the office of the county recorder, and an exact copy of the plat shall be filed in the offices of the county auditor and assessor. A replat of any part of an official plat pursuant to section 409A.25, or a recorded subdivision plat of any part of an existing official plat shall supersede that part of the

original official plat, including unused public utility easements.

The recorder shall examine each plat of survey and subdivision plat to determine whether the plat is clearly legible and whether the approval by the applicable governing body and the other attachments required by this chapter are presented with the plat. The recorder shall also keep a reproducible copy of the plat from which legible copies can be made. The recorder may specify the material and the size of the plat, not less than eight and one-half inches by eleven inches, that will be accepted for recording in order to comply with this section. The recorder shall not record a subdivision plat that violates this chapter.

Sec. 33. NEW SECTION. 409A.19 DEDICATION OF LAND.

An official plat which conforms to this chapter and has attached to the plat a dedication by the proprietors to the public and approval of the dedication by the governing body is equivalent to a deed in fee simple from the proprietors to the public of any land within the plat that is dedicated for street, alley, walkway, park, open area, school property, or other public use. An approved dedication of land for street purposes by the proprietors establishes an easement for public access, whether or not a deed has been recorded or the improvement of the street is complete, except when the resolution approving the plat specifically sets aside portions of the dedicated land as not being open for public access at the time of recording for public safety reasons. The recording of a subdivision plat shall dedicate to the public any utility, sewer, drainage, access, walkway, or other public easement shown on the plat.

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

Sec. 34. NEW SECTION. 409A.20 ACTION TO ANNUL PLATS.

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

Sec. 35. NEW SECTION. 409A.21 LIMITATION OF ACTIONS ON OFFICIAL PLATS.

An action shall not be maintained, at law or in equity, in any court, against a proprietor, based upon an omission of data shown on an official plat or upon an omission, error, or inconsistency in any of the documents required by this chapter unless the action is commenced within ten years after the date of recording of the official plat. Limitation of actions based on claims other than those provided for in this section shall be consistent with chapter 614.

Sec. 36. NEW SECTION. 409A.22 VACATION OF OFFICIAL PLATS.

The proprietors of lots within an official plat who wish to vacate any portion of the official plat shall file a petition for vacation with the governing body which would have jurisdiction to approve the plat at the time the petition is filed. After the petition has been filed, the governing body shall fix the time and place for public hearing on the petition. Written notice of the proposed vacation shall be served in the manner of original notices as provided in Iowa rules of civil procedure and be served upon proprietors and mortgagees within the official plat that are within three hundred feet of the area to be vacated. If a portion of the official plat adjoins a river or state-owned lake, the Iowa department of natural resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with ten days between publications stating the date, time, and place of the hearing.

The official plat or portion of the official plat shall be vacated upon recording of all of the following documents:

1. An instrument signed, executed, and acknowledged by all the proprietors and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each proprietor along with an accurate description to be used to describe the land after the lots are vacated.

2. A resolution by the governing body approving the vacation and providing for the conveyance of those areas included in the vacation which were previously set aside or dedicated for public use.

3. A certificate of the auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

No part of this section authorizes the closing or obstructing of public highways.

The vacation of a portion of an official plat shall not remove or otherwise affect a recorded restrictive covenant, protective covenant, building restriction, or use restriction. Recorded restrictions on the use of property within an official plat shall be modified or revoked by recording a consent to the modification or removal, signed and acknowledged by the proprietors and mortgagees within the official plat.

Sec. 37. NEW SECTION. 409A.23 VACATION OF STREETS OR OTHER PUBLIC LANDS.

A city or a county may vacate part of an official plat that had been conveyed to the city or county or dedicated to the public which is deemed by the governing body to be of no benefit to the public.

The city or county shall vacate by resolution following a public hearing or by ordinance and the vacating instrument shall be recorded. The city or county may convey the vacated property by deed or may convey the property to adjoining

proprietors through the vacation instrument. If the vacating instrument is used to convey property then the instrument shall include a list of adjoining proprietors to whom the vacated property is being conveyed along with the corresponding description of each parcel being conveyed. A recorded vacation instrument which conforms to this section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the recorder and auditor.

A vacation instrument recorded pursuant to this section shall not operate to annul any part of an official plat except as provided for in section 409A.22.

Sec. 38. NEW SECTION. 409A.24 ERRORS ON RECORDED PLATS.

If an error or omission in the data shown on a recorded plat is detected by subsequent examinations or revealed by retracing the lines shown on the plat, the original surveyor or two surveyors confirming the error through independent surveys shall record an affidavit confirming that the error or omission was made. The affidavit shall describe the nature and extent of the error or omission and also describe the corrections or additions to be made to the plat and note the book and page number of the recorded plat. The recorder shall write across that part of the plat so corrected the word "corrected", and note the book and page number of the recorded affidavit. A copy of the recorded affidavit shall be filed with the auditor and assessor. The affidavit shall raise a presumption from the date of recording that the purported facts stated in the affidavit are true, and after the lapse of three years from the date of recording the presumption shall be conclusive.

Sec. 39. NEW SECTION. 409A.25 SURVEY AND REPLAT OF OFFICIAL PLATS.

A survey of an official plat shall conform as nearly as possible to the original lot lines shown on the official plat. The surveyor may summon witnesses, administer oaths, and prepare affidavits and boundary line agreements as necessary

in order to establish the location of property lines or lot lines. If a substantial error is discovered in an official plat or if it is found to be materially defective, a proprietor may petition the governing body which would have jurisdiction to approve the plat at the time the petition is filed for a replat of any part of the official plat. Notice of the proposed replat shall be served, in the manner of original notice as provided in Iowa rules of civil procedure, to the proprietors of record and holders of easements specifically recorded within the area to be replatted. The governing body has jurisdiction of the matter upon proof of publication of notice of the petition once each week for two weeks in a newspaper of general circulation within the area of the replat.

A replat of an official plat ordered by the governing body:

1. Shall be prepared by a surveyor pursuant to chapter 114A and recorded; and
2. Shall be exempt from the provisions of section 409A.11; and
3. Shall have attached to the plat a statement by the surveyor that the replat is prepared at the direction of the governing body. The costs of the replat shall be presented to the auditor and assessed against the property included in the replat as provided for in section 409A.17.

Sec. 40. NEW SECTION. 409A.26 CORRECTIONS OR CHANGES TO PLATS.

A vacation, correction, or replatting as provided for in this chapter, shall be recorded and an exact copy shall be filed with the auditor and assessor. If a governing body changes the addresses or street names shown on an official plat, notice of the change shall note the name or other designation of each official plat affected and shall be filed with the recorder, auditor, and assessor. The recorder shall note the vacation, correction, or replatting on the margin of the official plat or upon an attachment to the official plat

for that purpose. The auditor shall make the proper changes on the plats required to be kept by the auditor.

Sec. 41. NEW SECTION. 409A.27 NOTING THE PERMANENT REAL ESTATE INDEX NUMBER.

When a permanent real estate index number system has been established by a county pursuant to section 441.29, the auditor may note the permanent real estate index number on every conveyance.

Sec. 42. Section 117A.1, subsection 1, Code 1989, is amended to read as follows:

1. "Subdivided land" means improved or unimproved land divided or proposed to be divided for the purpose of sale or lease into five or more lots or parcels, or additions thereto, or parts thereof of lots or parcels; however, subdivided land does not apply to include a subdivision subject to section 306.21 or chapter ~~409~~ 409A nor to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, or commercial building unless an undivided interest in the land is granted as a condition precedent to occupying space in the structure. Subdivided land does not include subdivisions of land located within the state of Iowa or time-share intervals as defined in section 557A.2.

Sec. 43. Section 306.21, Code 1989, is amended to read as follows:

306.21 PLANS, PLATS AND FIELD NOTES FILED.

All road plans, plats and field notes and true and accurate diagrams of water, sewage and electric power lines for rural subdivisions shall be filed with and ~~recorded by the county auditor and approved by the board of supervisors and the county engineer before the subdivision is laid out and platted, and if any proposed rural subdivision is within one mile of the corporate limits of any city such road plans shall also be approved by the city engineer or council of the adjoining municipality~~ or recorded. Such plans shall be

clearly designated as "completed", "partially completed" or "proposed" with a statement of the portion completed and the expected date of full completion. ~~In the event~~ If such road plans are not approved as ~~herein provided in this section~~ such roads shall not become the part of any road system as defined in this chapter.

Sec. 44. Section 306.42, subsection 5, Code 1989, is amended to read as follows:

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

Sec. 45. Section 331.321, subsection 2, Code 1989, is amended to read as follows:

2. If the board proposes to appoint a county surveyor, it shall appoint a person qualified in accordance with section 355:1 chapter 114 and provide the surveyor with a suitable book in which to record field notes and plats.

Sec. 46. Section 331.401, subsection 1, paragraph j, Code 1989, is amended to read as follows:

j. Serve on the conference board as provided in section 441.2 ~~and carry out duties relating to platting for assessment and taxation as provided in sections 441:67 and 441:70.~~

Sec. 47. Section 331.427, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall

be credited to the general fund of the county, including revenues received under sections 84.21, 98.35, 98A.6, 101A.3, 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105, 321.152, 321.192, 321G.7, 331.554, subsection 6, 341A.20, 364.3, 368.21, 422.65, 422.100, 422A.2, ~~428A.8~~, 430A.3, 433.15, 434.19, ~~441:60~~, 445.52, 445.57, 533.24, 556B.1, 567.10, 583.6, 906.17, and 911.3, and the following:

Sec. 48. Section 331.511, subsections 1 through 5, Code 1989, are amended to read as follows:

1. Record each plat as provided in ~~sections 409:12 to 409:16~~ section 409A.18.

2. Record changes in names of platted streets as provided in section ~~409:17~~ 409A.26.

3. Record notations of errors or omissions on recorded plats as provided in section ~~409:32~~ 409A.24.

4. Record resurveyed plats as provided in section ~~409:43~~ 409A.25.

5. Provide for the platting of real estate which cannot otherwise be accurately assessed for taxation as provided in ~~sections 441:65 to 441:71~~ section 409A.13.

Sec. 49. Section 331.602, subsection 19, Code 1989, is amended to read as follows:

19. Carry out duties relating to the platting of land as provided in chapter 409 409A ~~and sections 441:65 to 441:71~~.

Sec. 50. NEW SECTION. 441.72 ASSESSMENT OF PLATTED LOTS.

When a subdivision plat is recorded pursuant to chapter 409A, the individual lots within the subdivision plat shall not be assessed in excess of the total assessment of the land as acreage or unimproved property for three years after the recording of the plat or until the lot is actually improved with permanent construction, whichever occurs first. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter. This section does not apply to special assessment levies.

Sec. 51. Section 592.7, Code 1989, is amended to read as follows:

592.7 CHANGING NAMES OF STREETS.

Whereas, certain cities or towns throughout the state of Iowa have passed ordinances changing the name or names of certain streets in said the cities;

Now, therefore, it is provided that the acts of said the city and town councils of such the cities and towns in enacting said the ordinances changing the names of said certain streets are hereby declared valid. The proper method for recording a change of street name is found in section ~~409-17~~ 409A.26.

Sec. 52. Section 602.8102, subsection 57, Code 1989, is amended to read as follows:

57. Carry out duties relating to the platting of land as provided in ~~sections 409-97-409-117-and-409-22~~ chapter 409A.

Sec. 53. Section 714.16, subsection 2, paragraph d, Code 1989, is amended to read as follows:

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

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

Sec. 54. REPEAL. Chapters 355 and 409, Code 1989, are repealed. Sections 441.65 through 441.71, Code 1989, are repealed.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 724, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1990

TERRY E. BRANSTAD
Governor