

Senate Study Bill 3150 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON TAYLOR)

A BILL FOR

1 An Act relating to the standards for land surveying, including
2 requirements for recorded document formatting, monument
3 preservation certificates, and retracement plats of survey.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.606B, Code 2016, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. *a.* Each document or certificate
4 prepared by a licensed professional land surveyor and presented
5 for recording, including a plat or survey or a drawing related
6 to a plat or survey, shall contain an index legend. However,
7 this requirement shall not apply to a United States public land
8 survey corner certificate described in section 355.11.

9 *b.* Each document or certificate prepared by a licensed
10 professional land surveyor and presented for recording,
11 including a plat or survey or a drawing related to a plat
12 or survey, shall include a blank rectangular space three and
13 three-fourth inches in width and two and one-half inches in
14 height reserved and delineated for the county recorder's use,
15 unless the document is attached to a cover sheet approved by
16 the governing board of the county land record information
17 system.

18 Sec. 2. Section 355.1, Code 2016, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 9A. "*Public improvement project*" means
21 a project relating to the construction of the principal
22 structures, works, component parts, and accessories of any of
23 the following:

24 *a.* Underground gas, water, heating, sewer,
25 telecommunications, and electrical connections located
26 in streets for private property.

27 *b.* Sanitary, storm, and combined sewers.

28 *c.* Waterworks, water mains, and extensions.

29 *d.* Emergency warning systems.

30 *e.* Pedestrian underpasses or overpasses.

31 *f.* Drainage conduits, dikes, and levees for flood
32 protection.

33 *g.* Public waterways, docks, and wharfs.

34 *h.* Public parks, playgrounds, and recreational facilities.

35 *i.* Clearing, stripping, grubbing, earthwork, erosion

1 control, lot grading, street grading, paving, graveling,
2 macadamizing, curbing, guttering, and surfacing with oil and
3 gravel or chloride.

4 *j.* Street lighting fixtures, connections, and facilities.

5 *k.* Sewage pumping stations.

6 *l.* Traffic control devices, fixtures, connections, and
7 facilities.

8 *m.* Public roads, streets, and alleys.

9 NEW SUBSECTION. 9B. "*Retracement plat of survey*" means a
10 graphical representation of a survey of one or more parcels
11 or tracts of land, or portion thereof, prepared by a licensed
12 professional land surveyor and described by an existing
13 recorded property description used for the transfer of land.

14 Sec. 3. NEW SECTION. 355.6A **Monument preservation**
15 **certificate.**

16 1. If during the construction of a public improvement
17 project the governmental entity or other organization
18 responsible for the public improvement project determines that
19 a monument is likely to be disturbed or removed, the entity
20 or organization shall hire or cause to be hired a surveyor to
21 locate and preserve, in the manner provided in this section,
22 the monuments likely to be disturbed or removed. However,
23 any United States public land survey corner monuments that
24 are within the construction corridor of a public improvement
25 project shall be preserved and replaced pursuant to section
26 355.11.

27 2. *a.* The surveyor shall review all relevant documents of
28 record, including those retained by federal, state, county,
29 and city offices, necessary for locating the monuments likely
30 to be disturbed or removed. The surveyor shall also conduct
31 a field survey of the construction corridor to locate such
32 monuments and preserve their positions and, if applicable,
33 their elevations.

34 *b.* Following the completion of the public improvement
35 project, the surveyor shall replace any monument disturbed or

1 removed at its preserved position pursuant to section 355.6,
2 subsection 1. Elevation shall be preserved, if applicable,
3 by using appropriate survey methods to determine a relative
4 elevation on a nearby permanent physical structure.

5 *c.* If the replacement of a monument at the preserved
6 location is unsafe or impractical, the surveyor may, in lieu
7 of establishing a reference monument, use a federal, state,
8 county, or city geographic coordinate system to preserve the
9 position.

10 3. The surveyor shall prepare a monument preservation
11 certificate to record and identify a monument preserved under
12 this section. Multiple monuments preserved for the same public
13 improvement project may be identified on a single certificate.
14 The size of each sheet making up the certificate shall not be
15 less than eight and one-half inches by eleven inches. The
16 monument preservation certificate shall include, at a minimum,
17 the following information:

18 *a.* A description of the public improvement project and the
19 jurisdiction or organization under which the certificate was
20 prepared.

21 *b.* A description of the land on which the monument is
22 located within, including the section number, township, range,
23 county, quarter section description, and official plat name,
24 if applicable.

25 *c.* A description of the monument prior to being disturbed
26 or removed, including but not limited to its size, shape,
27 material, and color. However, the surveyor shall not be
28 required to state the significance of any such monument.

29 *d.* A description of the procedure used to preserve the
30 position of the monument. When a federal, state, county, or
31 city geographic coordinate system is used to preserve the
32 position of the monument, such description shall include
33 a coordinate listing and elevation, if applicable, of all
34 coordinate system access monuments used and the official name
35 of the system, along with the geographic datum to which the

1 coordinate system is referenced.

2 *e.* A description of the replacement monument after being
3 preserved, including but not limited to its size, shape,
4 material, and color. However, the surveyor shall not be
5 required to state the significance of any such replacement
6 monument.

7 *f.* Where the elevation of a monument is preserved, a
8 description of the monument prior to and after replacement,
9 including the relative elevation and a minimum of three
10 reference ties.

11 *g.* A plain-view site drawing depicting the monument with
12 reference to the physical surroundings and natural or man-made
13 objects in sufficient detail to facilitate the preservation
14 of the monument, including project control, nearby monuments,
15 street or highway centerlines, project corridor right-of-way
16 lines, trees, fences, or structures.

17 *h.* A statement by the surveyor certifying that the work
18 was performed by the surveyor or under the surveyor's direct
19 personal supervision, which shall be signed and dated by the
20 surveyor and bear the surveyor's Iowa license number and
21 legible seal.

22 4. *a.* The monument preservation certificate shall be
23 filed with the county recorder pursuant to section 331.606B,
24 subsection 4, no later than thirty days after the certificate
25 is signed by the supervisor.

26 *b.* The county recorder shall index the monument preservation
27 certificate according to the township, range, section number,
28 and quarter section on which the monument is located within.
29 If the monument is located within an official plat, the county
30 recorder shall index the certificate alphabetically by the
31 official plat name.

32 *c.* The index legend affixed to such certificate shall
33 include the following information:

34 (1) The surveyor's name, mailing address, and other contact
35 information.

1 (2) The name of the governmental entity or other
2 organization under which the surveyor provided the professional
3 service.

4 (3) The aliquot part or parts of the United States public
5 land survey system or portion of official plat that the
6 monument is located within.

7 (4) The name of the governmental entity or other
8 organization requesting the monument preservation certificate
9 pursuant to this section.

10 (5) Information necessary for the county recorder to return
11 the certificate.

12 5. *a.* A monument preservation certificate shall not be
13 prepared in lieu of a plat of survey or acquisition plat where
14 a true land boundary survey is required.

15 *b.* A monument preservation certificate shall not be prepared
16 for the identification or establishment of survey corners or
17 right-of-way corners.

18 *c.* The surveyor preparing a monument preservation
19 certificate shall be liable only for the accuracy or placement
20 of the replacement monument and not for the accuracy or
21 placement of the original monument.

22 Sec. 4. NEW SECTION. **355.7A Retracement plats of survey.**

23 A retracement plat of survey shall be made, showing
24 information developed by the survey, for each land survey
25 performed for the purpose of surveying an existing recorded
26 description of one or more parcels or tracts of land or portion
27 thereof. Each retracement plat of survey shall conform to the
28 following provisions:

29 1. The original plat drawing shall remain the property of
30 the surveyor.

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

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

35 4. An arrow indicating the northern direction shall be shown

1 on each plat sheet.

2 5. The plat shall show that the survey is a correct
3 representation of the recorded description of the parcel or
4 tract or portion thereof. The plat shall show, clearly and
5 unequivocally, the method used by the land surveyor to locate
6 the recorded description of land.

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

22 Recorded as (show recorded bearing, length, or location).

23 *b.* Bearings and angles shown shall be given to at least the
24 nearest minute of arc.

25 7. The plat shall show and identify all monuments necessary
26 for the location of the parcel and shall indicate whether the
27 monuments were found or placed.

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

33 9. Control monuments shall be adequately described and
34 clearly identified on the plat and noted as found or placed.
35 If additional monuments are to be placed subsequent to the

1 recording of a subdivision as provided in section 355.6, the
2 location of the additional monuments shall be shown on the
3 plat.

4 10. Distance shall be shown in decimal feet in accordance
5 with the definition of the U.S. survey foot. Distance
6 measurements shall refer to the horizontal plane.

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

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

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

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

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

1 parcel.

2 16. The plat shall contain a statement by a surveyor that
3 the work was done and the plat was prepared by the surveyor
4 or under the surveyor's direct personal supervision, shall be
5 signed and dated by the surveyor, and shall bear the surveyor's
6 Iowa license number and legible seal.

7 Sec. 5. Section 355.10, subsection 1, Code 2016, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. c. To retrace an existing recorded
10 description of a parcel or tract of land or portion thereof.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to the standards for land surveying.

15 The bill establishes formatting requirements for a document
16 prepared by a land surveyor and presented for recording
17 with the county recorder in Code section 331.606B. The
18 bill requires any such document to contain an index legend,
19 except if the document is a United States public land corner
20 certificate. The bill also requires that a document prepared
21 by a land surveyor for recording that is not attached to
22 an approved cover sheet include a blank rectangular space
23 3.75 inches wide and 2.5 inches tall reserved for the county
24 recorder's use, unless attached to a cover sheet approved by
25 the governing board of the county land record information
26 system.

27 The bill provides that if during the construction of a
28 public improvement project, as defined in the bill, the
29 governmental entity or other organization responsible for the
30 project determines that a monument is likely to be disturbed,
31 the entity or other organization must hire a land surveyor to
32 locate and preserve any monuments likely to be disturbed, other
33 than a United States public land survey corner monument.

34 The bill requires the surveyor to review all relevant
35 documents to locate any monuments likely to be disturbed and

1 to conduct a field survey of the construction corridor to
2 preserve the position and, if applicable, the elevation of any
3 such monuments. The bill requires the surveyor to replace
4 any monuments disturbed after the project is completed in
5 the manner provided by current law. If the replacement of a
6 monument at the preserved location is unsafe or impractical,
7 the surveyor may use a federal, state, county, or city
8 geographic coordinate system to preserve the position instead
9 of establishing a reference monument.

10 The bill requires the surveyor to prepare a monument
11 preservation certificate to record and identify a monument
12 preserved pursuant to the bill. Multiple monuments preserved
13 in the same public improvement project may be identified on the
14 same certificate, which must be composed of a sheet or sheets
15 not less than 8.5 by 11 inches in size.

16 The certificate must include the following information at
17 a minimum: a description of the public improvement project
18 and organization under which the certificate was prepared,
19 a description of the land on which the monument is located
20 within, a description of the monument prior to being disturbed,
21 a description of the procedure used to preserve the position
22 of the monument, a description of the replacement monument
23 after being disturbed, a description of the monument where the
24 elevation was preserved, a plain-view site drawing depicting
25 the monument with reference to the nearby physical surroundings
26 and objects, and a signed and dated statement by the surveyor
27 certifying that the surveyor performed or directed the work.

28 The bill requires the certificate to be filed with the
29 county recorder no later than 30 days after it is signed by
30 the surveyor. The county recorder shall index the certificate
31 according to the monument's location, or alphabetically if
32 located within an official plat.

33 The index legend affixed to the certificate must include
34 the surveyor's name and contact information, the name of the
35 organization under which the surveyor provided the service,

1 the aliquot part or parts of the United States public land
2 survey system or portion of official plat that the monument
3 is located within, and the name of the governmental entity or
4 other organization requesting the certificate.

5 The bill prohibits a certificate to be prepared in lieu
6 of a plat of survey or acquisition plat where a true land
7 boundary survey is required or to be prepared to identify or
8 establish survey corners or right-of-way corners. The surveyor
9 preparing a certificate shall only be liable for the accuracy
10 or placement of the replacement monument.

11 The bill requires a land surveyor to prepare a retracement
12 plat of survey for each land survey performed for the
13 purpose of surveying an existing recorded description of
14 land. The bill defines "retracement plat of survey" to mean
15 a geographical representation of a survey of one or more
16 parcels or tracts of land, or portion thereof, prepared by a
17 land surveyor and described in an existing recorded property
18 description used for the transfer of land.

19 The bill specifies the form of a retracement plat, including
20 requirements for the sheet size, scale, and geographic
21 direction markers. The retracement plat must show that the
22 survey is a correct representation of the recorded description
23 and indicate the method used to locate the description.

24 The bill requires the retracement plat to indicate the
25 lengths and bearings of the boundaries of the surveyed land,
26 including references to United States public land survey system
27 land lines and recorded subdivision lines. If the boundary
28 lines are different than those in other recorded instruments,
29 the surveyor must make note of such as specified in the bill.

30 The bill requires the retracement plat to identify and
31 describe all monuments and control monuments on the surveyed
32 land, including United States public land survey system
33 corners.

34 The bill requires distance to be shown in decimal feet and
35 curve data to be stated in terms of radius, central angle, and

1 length of curve. The unadjusted error of closure shall not be
2 greater than one in 5,000 for an individual parcel.

3 The bill provides that if any part of the surveyed land
4 is bounded by an irregular line, that part shall be enclosed
5 by a meander line or offset line with as much certainty as
6 can be determined, provided that the true boundary is clearly
7 indicated on the plat.

8 The bill requires acreage to be shown for each parcel of
9 land surveyed on the retracement plat to the nearest 0.01 of
10 an acre. If a parcel that is part of the United States public
11 land survey system and not entirely within an official plat
12 lies within more than one 40-acre aliquot part of a section,
13 the acreage shall be shown for each portion that lies within
14 each 40-acre aliquot part as located by reasonable assumptions.
15 Areas of parcels of less than one acre may be expressed in
16 square feet.

17 The bill requires the retracement plat to be captioned,
18 dated, and accompanied by a description of the parcel. The
19 retracement plat must also include a signed and dated statement
20 by the surveyor certifying that the surveyor performed or
21 directed the work.

22 The bill adds a retracement plat to the list of documents
23 that a surveyor must record with the county recorder no later
24 than 30 days after signature. The bill provides that the
25 surveyor shall retain the original plat drawing.