

3 educational examiners with reference to the qualifications of teachers
 4 in regard to having taken certain high school or collegiate courses or
 5 teacher's training courses, shall be retroactive so as to apply to any
 6 teacher who has had at least three years successful experience in
 7 teaching; and no teacher once approved for teaching in any kind of
 8 school shall be prevented by such regulations or orders from continuing
 9 to teach in the same kind of school for which he has previously been
 10 approved; provided, however, that this section shall not be construed
 11 as limiting the duties or powers of any school board in the selection
 12 of teachers, or in the dismissal of teachers for inefficiency or for any
 13 legal cause.

1 **SEC. 2. State aid.** No school shall be deprived of its right to be
 2 approved for state aid or approved for tuition by reason of the employ-
 3 ment of any teacher as authorized under the preceding section.

1 **SEC. 3. Publication.** This resolution being deemed of immediate
 2 importance shall be in effect from and after its passage and publication
 3 in the Des Moines Register and Des Moines Capital, newspapers pub-
 4 lished in Des Moines, Iowa.

Approved April 28, A. D. 1924

I hereby certify that the foregoing act was published in the Des Moines Register May 2,
 1924, and the Des Moines Capital, May 1, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 78

MUNICIPAL CORPORATIONS

H. F. 180

AN ACT to amend, revise, and codify sections four thousand seventy-one (4071), four thousand seventy-two (4072), four thousand seventy-three (4073), four thousand seventy-nine (4079), four thousand eighty-two (4082), and four thousand eighty-five (4085) of the compiled code of Iowa, relating to municipal corporations.

Be it enacted by the General Assembly of the State of Iowa:

That sections four thousand seventy-one (4071), four thousand seventy-two (4072) and four thousand seventy-three (4073) of the compiled code of Iowa are amended, revised, and codified to read as follows:

1 **SECTION 1. Plats of additions or subdivisions.** The plat of any addi-
 2 tion to any city or town or subdivision of any part or parcel of lands
 3 lying within or adjacent to any city or town, shall be divided by streets
 4 into blocks and such blocks and streets shall conform as nearly as
 5 practicable to the size of blocks and the widths of streets therein, and
 6 shall be extensions of the existing system of streets. The council
 7 may require the owner of the land to bring all streets to a grade
 8 acceptable to the council before the plat is approved. It may require
 9 alleys to be platted separating abutting lots and if so platted, the
 10 alleys shall conform as nearly as practicable to the widths of alleys
 11 in the city or town and shall be extensions of the existing system
 12 of alleys.

1 **SEC. 2. Filing plat with clerk—approval by council.** All such plats,
2 except subdivisions of less than one (1) block, shall be filed with the
3 clerk of the city or town and when so filed, the council within a rea-
4 sonable time, shall consider the same, and shall, if it is found to con-
5 form to the provisions of the preceding section, by resolution approve
6 the plat and direct the mayor and clerk to certify the resolution which
7 shall be affixed to the plat.

1 **SEC. 3. Acknowledgment.** Each plat shall be accompanied by a
2 correct description of the land or parcel of land subdivided and by a
3 statement to the effect that the subdivision as it appears on the plat
4 is with the free consent and in accordance with the desire of the
5 proprietor, signed and acknowledged by such proprietor and his spouse,
6 if any, before some officer authorized to take the acknowledgment of
7 deeds.

1 **SEC. 4. Abstract of title—opinion—certificates.** Every plat shall
2 have attached thereto, a complete abstract of title accompanied by an
3 opinion from an attorney-at-law showing that the fee title is in the
4 proprietor and that the land platted is free from encumbrance, or is
5 free from encumbrance other than that secured by the bond provided
6 for in the second following section, and a certified statement from the
7 treasurer of the county in which the land lies that it is free from
8 taxes, and from the clerk of the district court that it is free from all
9 judgments, attachments, mechanics' or other liens as appears by the
10 record in his office, and from the recorder of the county that the title
11 in fee is in such proprietor and that it is free from encumbrance or
12 free from encumbrance other than that secured by the bond provided
13 for in the second succeeding section, as shown by the records of his
14 office.

1 **SEC. 5. Encumbrances—payment—creditor's refusal.** If the land
2 so platted is encumbered with a debt certain in amount and which the
3 creditor will not accept with accrued interest to the date of proffered
4 payment if it draws interest, or with a rebate of six per cent (6%)
5 per annum if it draws no interest, or if the creditor cannot be found,
6 then such proprietor, and if a corporation, its proper officer or agent,
7 may make an affidavit stating either that the proprietor offered to pay
8 the creditor the full amount of his debt, or the debt with the rebate,
9 as the case may be, and that he would not accept the same, or that
10 he cannot be found.

1 **SEC. 6. Encumbrance—bond.** The proprietor shall then execute and
2 file with the recorder a bond in double the amount of the encumbrance,
3 which bond shall be approved by the recorder and clerk of the district
4 court. The bond shall run to the county and be for the benefit of pur-
5 chasers of land subdivided by the plat and shall be conditioned for the
6 payment of the encumbrance, and the cancellation thereof, of record
7 as soon as practicable after the same becomes due and to hold all
8 purchasers and those claiming under them forever harmless from such
9 encumbrance.

1 **SEC. 7. Record—dedication.** The signed and acknowledged plat,
2 the abstract, and the attorney's opinion, together with the certificates
3 of the clerk, recorder and treasurer, and the affidavit and bond, if
4 any, together with the certificate of approval of the council shall be

5 entered of record in the plat book in the auditor's office. When so
6 entered, the signed and acknowledged plat shall be entered of record
7 in the office of the county recorder, and shall be of no validity until
8 so filed. Such acknowledgment and recording shall be equivalent to a
9 deed in fee simple of such portion of the premises platted as is set
10 apart for streets or other public use, or as is dedicated to charitable,
11 religious, or educational purposes.

That section forty hundred seventy-nine (4079) of the compiled code of Iowa is amended, revised, and codified to read as follows:

1 **SEC. 8. Plat by auditor.** Whenever the original proprietor of any
2 subdivision of land has sold or conveyed any part thereof, or invested
3 the public with any rights therein, and has failed and neglected to
4 execute and file for record a plat as provided in this chapter, the
5 county auditor shall by mail or otherwise notify some or all of such
6 owners, and demand its execution. If such owners, whether so notified
7 or not, fail and neglect for thirty days after the issuance of such
8 notice to execute and file said plat for record, the auditor shall cause
9 one to be made, making any survey necessary therefor.

1 **SEC. 9. Execution and filing—effect.** Said plat shall be signed and
2 acknowledged by the auditor, who shall certify that he executed it by
3 reason of the failure of the owners named to do so, and file it for
4 record in his office and in the office of the county recorder, and when
5 so filed it shall have the same effect as if executed, acknowledged, and
6 recorded by the owners.

1 **SEC. 10. Costs and expenses.** A correct statement of the costs and
2 expenses of such plat, survey, and record, verified by oath, shall be
3 by the auditor laid before the board of supervisors, which shall allow
4 the same.

1 **SEC. 11. Assessment of costs.** The auditor shall at the same time
2 assess the amount pro rata upon the several subdivisions of said
3 tract, lot or parcel so subdivided, and it shall be collected in the same
4 manner as general taxes, and shall go to the general county fund;
5 or said board may direct suit to be brought in the name of the county
6 to recover from the original proprietor such cost and expense.

That section forty hundred eighty-two (4082) of the compiled code of Iowa is amended, revised, and codified to read as follows:

1 **SEC. 12. Resurvey of town plats.** In all cases where the original
2 plat of any city, town, or village, or any addition thereto, has been or
3 may be lost or destroyed after the sale and conveyance of any sub-
4 division, block or lot thereof by the original proprietor and before the
5 same shall have been recorded, or the property so platted has been
6 indefinitely located or the plat is materially defective, any three per-
7 sons owning real property within the limits of such plat may have
8 the same resurveyed and replatted, and such plat recorded as here-
9 inafter directed. In no case shall such plat or replat be made and
10 recorded as hereinafter directed, without the consent in writing, en-
11 dorsed thereon, of the original proprietor, if he be alive, and known,
12 nor before an order has been entered by the district court upon appli-
13 cation of the parties desiring a replat to be made, that such replat
14 is necessary. The court shall have jurisdiction of the matter upon

15 proof of publication of notice of the application for at least two weeks
16 in some newspaper of general circulation in the city or town.

1 **SEC. 13. Contesting.** Any person may at any time within six
2 months from the date of its filing for record, commence an action in
3 equity against the persons employing the surveyor, setting up his
4 cause of complaint and asking that such record be cancelled. If it
5 appears on the trial that the city, town or village or addition was
6 originally laid out and platted; that the original proprietor had sold
7 any or all of the lots thereof, or that he intended to dedicate to the
8 public the streets, alleys, or public squares therein; that the plat
9 thereof has never been recorded, but is lost, or that the plat was in-
10 definitely located or materially defective; that the proprietor is dead
11 or his place of residence unknown; and that the resurvey and plat
12 for record is a substantially accurate survey and plat of the original
13 plat of such city, town, village or addition, then the action shall be
14 dismissed at the cost of the complainants, otherwise the court shall
15 set aside said plat and cancel the same of record at the cost of the
16 defendant.

1 **SEC. 14. Publication.** This act being deemed of immediate impor-
2 tance shall take effect and be in force from and after its publication
3 in the Des Moines News and the Plain Talk, newspapers published
4 in the city of Des Moines, Iowa, without expense to the state. If not
5 so published then this act shall take effect as provided by the con-
6 stitution.

Approved February 15, A. D. 1924.

CHAPTER 79

STATE TO SELL PROPERTY

H. F. 315

AN ACT to authorize the executive council to sell certain property of the state.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Executive council to act.** That the executive council
2 is hereby authorized to sell lot three (3) of the official plat of block
3 one (1) of H. Lyon's addition and lots seventeen (17) and eighteen
4 (18) block L of Griffith's addition number two (No. 2) East Des
5 Moines, Iowa, the same being a part of the lots acquired by the state
6 in connection with capitol extension.

1 **SEC. 2.** Upon the sale of said real estate described in section one (1),
2 the proper officers of the state are hereby authorized and directed to
3 execute proper conveyances therefor, and that the proceeds of said
4 sale be paid into the general funds of the state.

1 **SEC. 3. Appraisers.** Before the executive council shall sell said
2 lots it shall make application to the chief justice of the supreme court
3 of the state of Iowa for the appointment of appraisers thereof. The
4 chief justice shall appoint three disinterested persons as such ap-