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SUBDIVISION

ORDINANCE

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FINAL PLANNING REPORT

**for
City of Boone, Iowa**

March, 1962

Prepared under contract for and financed in part by the Iowa Development Commission under the provisions of Chapter 280, Laws of the 58th General Assembly of Iowa, as amended.

**By: Anderson Engineering Company
City and County Planning and Zoning,
Civil Engineering, Site Planning and
Land Subdivision Planning.
Des Moines, Iowa**

CITY PLANNING COMMISSION

Harold J. Jans - Chairman

Jan J. Shole - Secretary

Robert D. ...

Joe W. ...

...

...

...

March, 1962

Urban Planning Grant Project No. Iowa P-1
The preparation of this document was financed in part through an urban planning grant from the Housing and Home Finance Agency, under the provisions of Section 701 of the Housing Act of 1954, as amended.

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Des Moines, Iowa**

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CITY OF BOONE, IOWA

CITY COUNCIL

1962

Shelley M. Lee - Mayor
Floyd A. Hutchinson
Lester M. Carlson
Russell W. Sandy

George M. Otto
Henry L. Wallace
Basal C. Gorey
Herbert L. Peterson

1961

Earl R. Senholz - Mayor
Lee J. Caffrey Jr.
Floyd A. Hutchinson
Paul H. Coyner

William G. Heitkamp
Basal C. Gorey
Herbert L. Peterson
Wesley Myers

CITY PLANNING COMMISSION

Jack L. Mickle - Secretary
Joe W. Bohlen
Roger L. Smith

Roland L. Jons - Chairman

Roger B. Clymer
Mary Garvey
Ralph W. Tibbils

March, 1962

Prepared by

Anderson Engineering Company
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PROPOSED SUBDIVISION ORDINANCE

CITY OF BOONE, IOWA

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SUBDIVISION REGULATIONS

An Ordinance providing rules and regulations for the approval of plats, subdivisions, and resubdivisions in the City of Boone; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety, and efficiency of the street and road system; and for the purpose of improving the health, safety, and general welfare of the citizens; and repealing all other ordinances or resolutions in conflict herewith.

BE IT ORDAINED by the City Council of the City of Boone, Iowa:

SECTION 1 - PURPOSE

It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

SECTION 2 - JURISDICTION

In accordance with the provisions of Chapters 373 and 409 of the 1958 Code of Iowa and amendatory acts thereto, this Ordinance is adopted by the City of Boone, Iowa governing the subdivisions of all lands within the corporate limits of the City and Senate File # 162, 59th General Assembly, governing subdivisions of all lands within one (1) mile of the Corporate Limits.

SECTION 3 - DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is mandatory, and the word may is permissive.

Block. An area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets, highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

Building line. Building lines shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the Zoning Ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.

Commission. The Planning and Zoning Commission.

Council. The City Council

Collector streets. Those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Cul-de-sac. A short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

Easement. A grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.

Engineer. An engineer is a registered engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.

Lot. A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

Major thoroughfare. A street used primarily for fast, large volume traffic.

Marginal access street. A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.

Minor street. A street used primarily for access to the abutting properties.

Performance Bond. A surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this Ordinance, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this Ordinance.

Plat. A map, drawing, or chart on which the subdivider's plan of the

subdivision is presented and which he submits for approval and intends in final form to record.

Roadway. That portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

Subdivision. A subdivision is the division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or, any change in existing street lines or public easement. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.

Surveyor. A registered surveyor authorized to practice surveying, as defined by the registration act of the State of Iowa.

SECTION 4 - PROCEDURE

A. Whenever the owner of any tract or parcel of land within the jurisdiction of this Ordinance wishes to subdivide or plat the same, he shall cause to be prepared a preliminary plan of said subdivision, and shall submit three (3) copies of said preliminary plan and other information to the City Clerk. The preliminary plan shall contain such information and data as is outlined in Section 6 hereof.

The City Clerk shall immediately refer copies of the preliminary plat to the Planning Commission and to the City Engineer. The City Engineer shall carefully examine said plat as to its compliance with the ordinances of the City, the existing street system, and good engineering practices, and shall, as soon as possible, submit his findings to the Planning Commission.

After receiving the City Engineer's report, the Planning Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by him. The Commission shall approve or reject such plan within forty-five (45) days after the date of submission thereof to the Commission. If the Commission does not act within forty-five (45) days, the preliminary plan shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the preliminary plan by the Commission shall be null and void unless the final plan is presented

to the Commission within one hundred eighty (180) days after date of approval.

B. Before approving a preliminary plan, the Commission may in its discretion hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven (7) days prior to the public hearing.

SECTION 5 - SUBDIVISION DESIGN STANDARDS

The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

A. STREETS

1. GENERAL CONDITIONS

a. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan.

b. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than fifty (50) feet in width, and in similar alignment, unless variations are recommended by the Commission.

c. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.

d. Street Intersections. Street intersections shall be as nearly at right angles as possible.

e. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed

end with a turnaround having a street property line diameter of at least one hundred (100) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty (50) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than twenty-five (25) feet. A turnaround diameter greater than one hundred (100) feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.

f. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

g. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

h. Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

i. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

j. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall be not less than twenty (20) feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightenings.

k. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

1. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

m. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited accessway, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:

(1) A parallel street supplying frontage for lots backing onto the trafficway.

(2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.

(3) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.

(4) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

n. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

o. Railroads. If a railroad is involved, the subdivision plan should:

(1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.

(2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial, or industrial use.

(3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereonto.

p. Street Widths. Streets shall have a width and cross-section as shown in the Comprehensive City Plan for the type of street involved.

q. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six (6) percent for main and secondary thoroughfares, or ten (10) percent

for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary by the City Engineer; for secondary and minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City Engineer.

B. BLOCKS

1. No block shall be longer than one thousand three hundred and twenty (1,320) feet.

2. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15) feet; where, at any one intersection a curve radius has been previously established, such radius shall be used as standard.

C. LOTS.

1. Except in districts requiring a greater width, corner lots shall have a minimum width of seventy-five (75) feet in order to permit adequate building set-backs on both front and side streets.

2. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway or except in the case of large commercial or industrial lots.

3. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:

a. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.

b. Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of eighty (80) feet and an area of ten thousand (10,000) square feet; except where greater lot sizes are specified by the Zoning Ordinance.

4. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.

D. IMPROVEMENTS. The subdivider shall install and construct all improvements required by this Ordinance. All required improvements shall be installed and constructed in accordance with approved specifications and under the supervision of the City Council and to its satisfaction.

1. Grading. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council after receiving the report and recommendations of the City Engineer.

2. Curb and Gutter. Curb and gutter shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the City Council and at grades established by the City Engineer.

3. Surfacing. All roadways being dedicated for public use shall be surfaced from curb to curb. Surfacing shall be asphaltic material or Portland cement concrete and shall be constructed in accordance with designs and specifications approved by the City Council at grades established by the City Engineer.

4. Sidewalks. Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be a minimum of four (4) feet in width and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the City Council and at grades established by the City Engineer.

5. Water and Sewers. Water mains, sanitary sewer lines, and storm sewers and their appurtenances shall be constructed and installed in accordance with the plans and specifications adopted by the City Council. Water and sewer lines shall be made accessible to each lot. (When public sewer and water facilities are available for extension within a reasonable distance.)

Before the City Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and agreements between the subdivider and the City.

This requirement may be waived if the subdivider will post a performance bond or certified check with the City Council guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

The City Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

SECTION 6 - PRELIMINARY PLAN - REQUIREMENTS

(See example of Preliminary Plan in back of Ordinance)

The Preliminary Plan of a subdivision is not intended to serve as a record plan. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider or his representative may call at the office of the Commission in advance of the preliminary plan in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plan.

A. NUMBER OF COPIES AND SCALE

Three (3) copies of the preliminary plan shall be submitted as prescribed for review. The scale of the map shall be one (1) inch equals fifty (50) feet on small subdivisions, and one (1) inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.

B. CONTENTS OF PRELIMINARY PLAN

1. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
2. Name and address of recorded owner and of developer.
3. Name and address of Engineer and/or Land Surveyor.
4. Existing buildings, railroads, underground utilities, and other right-of-way.
5. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
6. Location and names of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
7. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
8. Areas dedicated for public use, such as schools, parks, and playgrounds.
9. Contour lines at intervals of not more than five (5) feet.

10. Building setback lines.
11. Boundaries of the proposed subdivision shall be indicated by a heavy line.
12. Zoning classification of the area.
13. Proposed utility service.
 - a. Source of water supply.
 - b. Provision for sewage disposal and drainage.
14. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
15. Lot numbers.

C. ACCOMPANYING MATERIAL

1. An attorney's opinion, in duplicate, showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land.
2. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

SECTION 7 - FINAL PLAN - REQUIREMENTS

(See example of Final Plan in back of Ordinance)

A. NUMBER OF COPIES AND SCALE

When and if the preliminary plan is approved, the subdivider shall submit six (6) copies of the final plan for review by the Commission. The scale of the map shall be one (1) inch equals fifty (50) feet on small subdivisions, and one (1) inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.

B. CONTENTS OF FINAL PLAN

1. Name of subdivision.
2. Scale
3. Compass point
4. Curve data including delta angle, length of arc, degree of curve, tangent.
5. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles.
6. Exact name, location, width, lot designation, and center line of all streets within the subdivision.
7. Easements for public utilities showing width and use intended.
8. Building setback lines with dimensions.
9. Official legal description of the property being subdivided.
10. Lot numbers.
11. Certification of Registered Engineer and/or Land Surveyor.
12. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners.

C. ACCOMPANYING MATERIAL

1. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of East and West Streets shall be drawn so that the West end of the profile shall be at the left side of the drawing. Profiles of North and South streets shall be drawn so that the South end of the profile shall be at the left side of the drawing.
2. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
3. A Deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.
4. The following certificates:

a. By the owner and his spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledge by the owner and spouse before some officer authorized to take the acknowledgements of Deeds.

b. From the County Treasurer that the subdivision land is free from taxes.

c. From the Clerk of the District Court that the subdivision land is free from all judgements, attachments, mechanics or other liens of record in his office.

d. Performance bond, if any.

SECTION 8 - FEES

Before a preliminary plat may be considered by the Commission, the subdivider or his agent shall deposit with the City Treasurer a fee of ten (10) dollars, to be credited to the General Fund of the City.

SECTION 9 - VARIATIONS AND EXCEPTIONS

Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the City Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area is protected and the general intent and spirit of these regulations is preserved.

SECTION 10 - ENFORCEMENT

A. No plat or any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.

B. The City Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision and streets have been approved in accordance with the provisions contained herein and accepted by the City Council as a public street.

SECTION 11 - CHANGES AND AMENDMENTS

Any provisions of these regulations may be changed and amended from time to time by the City Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

SECTION 12 - VALIDITY

If any section, subsection, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

SECTION 13 - EFFECTIVE DATE

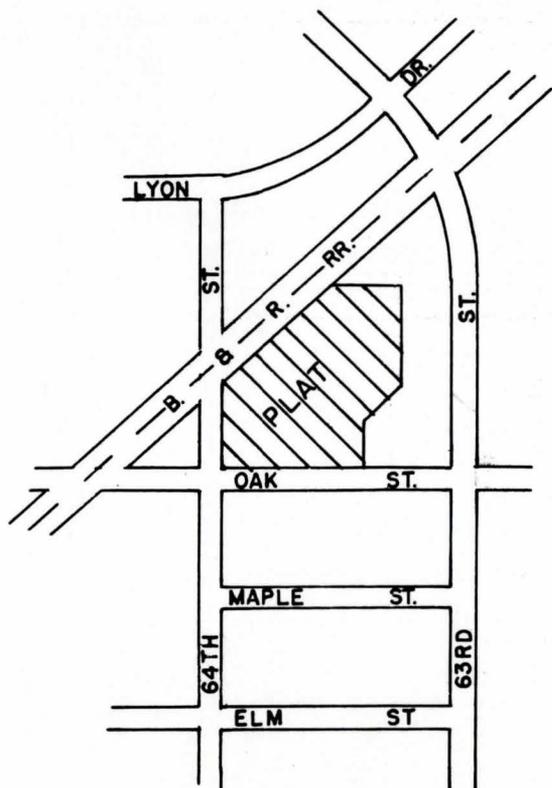
This Ordinance shall be in effect after its final passage, approval, and publication as provided by law.

(PRELIMINARY PLAT)

- PLAT NAME
- LEGAL DESCRIPTION
- OWNER AND/OR DEVELOPER ADDRESS
- ENGINEER OR SURVEYOR ADDRESS



- SCALE
- DATE
- ZONING



- VICINITY SKETCH
- SCALE

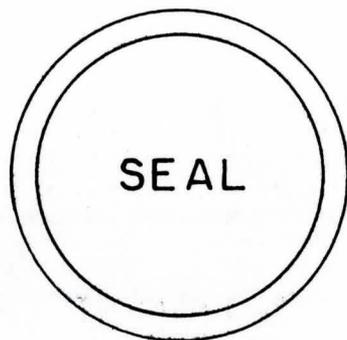
- INDICATE WATER SUPPLY AND/OR METHOD OF SEWAGE DISPOSAL IF OTHER THAN MUNICIPAL

(FINAL PLAT)

- PLAT NAME
- LEGAL DESCRIPTION
- CERTIFICATION
- ENGINEER OR SURVEYOR



- SCALE
- DATE



CHECK LIST FOR PLATS

Name of Plat

PRELIMINARY AND FINAL PLAT CHECK LIST				
INFORMATION ON PLAT	PRELIMINARY		FINAL	
	O. K.	Not O. K.	O. K.	Not O. K.
Name & address of owner and/or developer			X	X
Name & address of engineer or surveyor			X	X
Existing buildings, streets, utilities shown			X	X
Adjoining acreage parcels - names			X	X
Contour lines at proper interval			X	X
Zoning classification shown			X	X
Proposed utility service shown			X	X
Source of water supply shown			X	X
Sewage disposal provision shown			X	X
Vicinity sketch shown			X	X
Plat boundary shown in heavy line				
Adjoining subdivisions - names				
Description of property and acreage				
Names and widths of new streets				
Lot lines with dimensions				
Public dedications designated				
Building setback lines				
Name of plat, date, compass point, scale				
Lot numbers				
Easements for public utilities shown				
Curve data-angle, length of arc, tangent, degree of curve	X	X		
Boundary information - distances, bearings, angles	X	X		
Certification and name of engineer or surveyor	X	X		
All dimensions shown	X	X		
Location & ties of all monuments set	X	X		
Number of copies received				
ACCOMPANYING INFORMATION				
Attorney's opinion in duplicate submitted			X	X
Filing fee paid			X	X
Plan & profile drawings of new streets	X	X		
Protective covenants if applicable	X	X		
Deed to streets	X	X		
The following certificates:	X	X		
By the owner approving plat	X	X		
From County Treasurer on taxes	X	X		
From Clerk of District Court	X	X		
From County Recorder on title	X	X		
Performance bond when required	X	X		
Checked by:		Date:		

STATE LIBRARY OF IOWA



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