

**Local
Affairs
Series**

***Recording Plats
in Iowa***



STATE OF IOWA

DIVISION OF MUNICIPAL AFFAIRS

**Office for Planning
and Programming**

RECORDING PLATS IN IOWA

Whenever an owner or developer of land divides a tract of land into three or more parcels*, there is a legal requirement in Chapter 409 "Plats," Code of Iowa, to follow certain procedures to record the plat properly at the County Recorder's Office. Much of the responsibility for properly recording the plat rests on the shoulders of the County Recorder. The purpose of this handout is to briefly explain the procedure for recording a subdivision plat and the legal responsibilities of the County Recorder.

The Recording Process

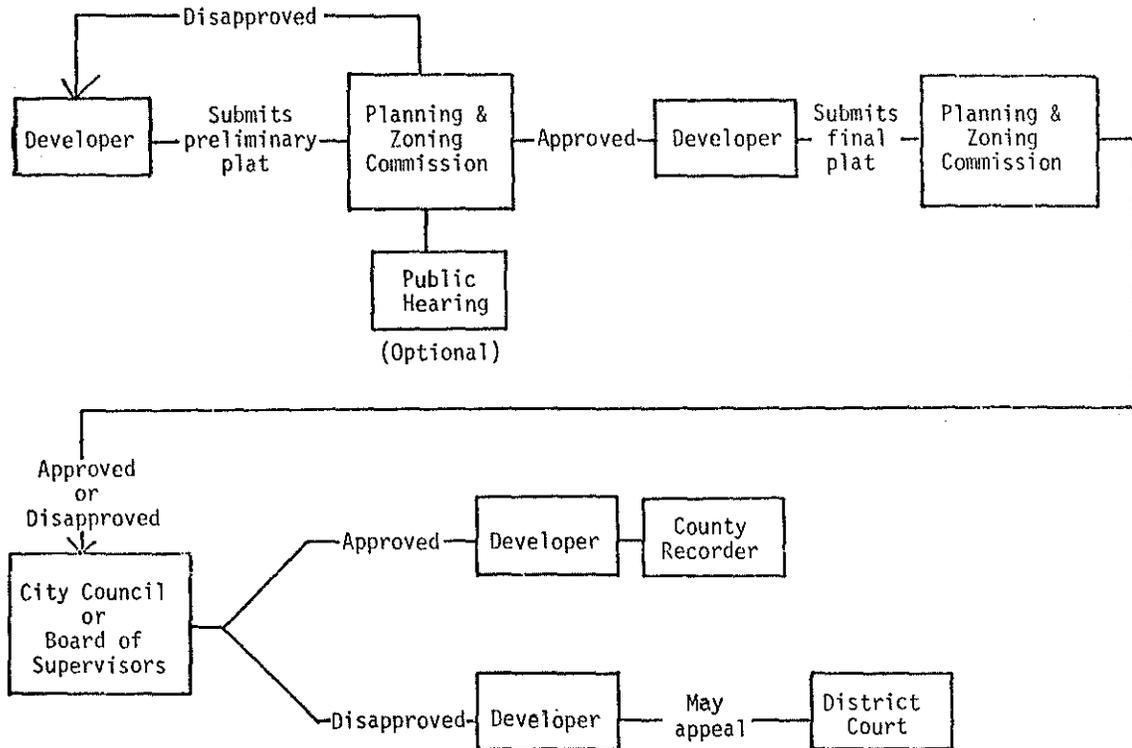
By the time the plat is brought to the County Recorder for recording, a great deal of activity has already taken place. First, the owner or developer, after deciding to subdivide the land, has developed a site plan illustrating how the land should be divided. The subdivider then has had a registered land surveyor come out, survey the land, and cause a plat to be made of the subdivision (Section 409.1).

Depending on the location of the land, the developer then takes one of two steps. If the land is located in a jurisdiction with subdivision regulations, the developer goes through a lengthy review and approval process with the local planning and zoning commission and the city council or board of supervisors (Section 409.14). However, if the land is located in a city or county without any subdivision regulations, the developer only has to submit the final plat to the city council or

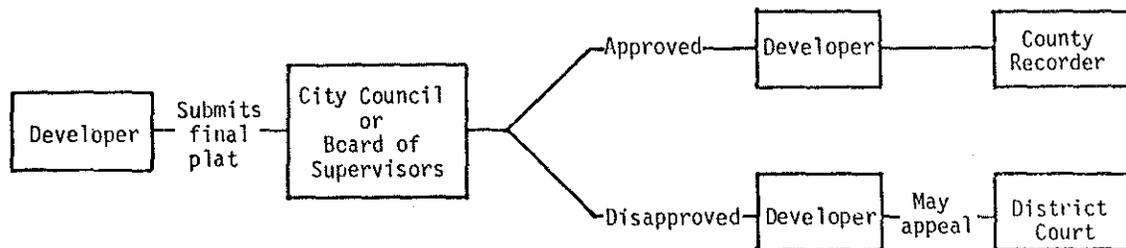
*Note: Divisions of land greater than forty acres are not required to comply with Chapter 409.

board of supervisors for approval. The two flow charts illustrate the two possible procedures that the developer would follow in greater detail.

SUBDIVISION PLAT APPROVAL PROCESS
(In Jurisdictions with Subdivision Regulations)



(In Jurisdictions with NO Subdivision Regulations)



By: Office for Planning and Programming

Once the final plat has been approved, the plat may be brought to the Recorder's Office for recording. The following steps should be taken:

1. Determine the exact location of the property.
 - a. If the property is located in a city over 25,000 population, or within any smaller city with a subdivision regulation, or within two miles of any city which has adopted an extra-territorial subdivision control*, or in a county with an officially adopted subdivision regulation, the plat must have an endorsement of approval by that city council or board of supervisors. The plat will already have gone through an extensive review process by the planning and zoning commission.
 - b. If the plat is not located in one of the areas in "a" above, the plat still requires approval of the city council or board of supervisor (although the plat will not be extensively reviewed before coming to the recorder). (Section 409.7)
 - c. If the plat is located within 2 miles of a city which has adopted an extra-territorial subdivision control*, the plat must have the approval of both the city council and the board of supervisors. (Section 409.14)
2. Determine if the proper attachments are included.**
 - a. Is there a copy of the city council or board of supervisor's resolution approving the plat, certified by the mayor and clerk or chairman (Section 409.7)?
 - b. Does the plat include a correct legal description of the tract (Section 409.8)?
 - c. Is there a statement of the proprietor saying that the plat is being filed with his/her free consent which is signed and acknowledged by the proprietor and spouse before a certifying official (Section 409.8)?

*Note: Some public officials feel that any city with a subdivision ordinance is empowered to review plats located within 2 miles of the city.

**Note: The eight attachments are required for all final plats located in jurisdictions with subdivision regulations. However, while it is recommended that the same attachments be required in jurisdictions without regulations, many local officials believe there is no legal requirement to do so.

- d. Is there a complete abstract of title and opinion by an attorney that the fee title belongs to the proprietor and that the platted land is free of encumbrances other than a bonding encumbrance (Section 409.11) and an encumbrance by the person or business holding the mortgage if a consent form is given (Section 409.9)?
 - e. Is there a certified statement of the county treasurer that the land is free of taxes (Section 409.9)?
 - f. Is there a certified statement from the clerk of the district court that the tract is free from all judgments, attachments, liens, etc. (Section 409.9)?
 - g. Is there a certified statement from the county recorder that the title in fee is in such proprietor and that it is free from encumbrances other than those exceptions noted in Section 409.9?
 - h. If the city has required a performance bond, is proof of that bond attached to the plat (Section 409.5)?
3. Review the plat to insure that it complies with the procedures and specifications of Section 409.31.
- a. Is the plat a permanent copy or a photographic print on a stable plastic film? Are these exact copies provided to the County Recorder, Assessor, and Auditor?
 - b. Is the plat sheet size no smaller than 8½ x 11 inches nor larger than 18 x 24 inches?
 - c. If more than one sheet is submitted for a plat, does each sheet display both the page number and the total number of sheets included in the plat (i.e. 2 of 4 sheets)?
 - d. Except by permission, is the plat at a scale no greater than 100 feet per inch and is the scale clearly illustrated by a bar scale drawn on every sheet?
 - e. Is the subdivisions name or designation boldly printed at the top of each sheet?
 - f. Is there a north arrow?
 - g. Are all monuments of record adequately described and clearly identified on the plat?
 - h. Are the outer boundaries, streets, easements, etc. shown on the plat?
 - i. Are all distances shown in feet to the nearest one-hundredth of a foot (i.e., 126.36 or 264.00)?
 - j. Are the bearings for all boundary lines shown and are the angles ascribed to the intersection of boundary lines?

- k. Are the complete curve data given for streets and boundary lines?
 - l. Is the error of closure for the subdivision boundary no greater than 1:10,000 and 1:5,000 for any individual lot?
 - m. Are boundaries with irregular lines properly enclosed by a meander line showing complete data with distances?
 - n. Are all interior excepted parcels clearly labeled "not a part of this plat"?
 - o. Are all adjoining properties identified? If this is a resubdivision, are sufficient ties given to overlay the new plat over the earlier plat?
 - p. Are easements labeled and have they been approved by the local governing body?
 - q. If a strip of land remains in the subdivider's ownership, is the land large enough to be used for some practical use or service?
 - r. Are areas to be dedicated to the public clearly indicated on the plat?
4. Enter the plat and attachments into the proper recorder books.
 5. File the plat only in the offices of the county auditor and assessor, who must enter the plat in their records.
 6. Recording of the plat is now complete.

A Final Word

The requirements to file a plat are fairly extensive, but are well worth the effort. Remember that the overall purpose is to assure the county, the city, and especially the future homebuyer that the proposed subdivision meets or exceeds all the requirements of a good development.

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