

CHAPTER 505

PLATS

Sec.		Sec.	
505.01	Plats authorized; donations effective	505.10	Major street plan
505.02	Survey required; monuments must be placed and natural boundaries designated; limitation	505.11	Board to make regulations
505.03	Dedication; certification; approval; verification	505.12	Powers additional
505.04	Recording; fees; penalties	505.13	Application; limitation
505.05	Certain village plats declared official	505.14	Notice by publication and service upon mayor, village president, or chairman of town board
505.06	Certain village plats to be recorded	505.15	Certain plats validated
505.07	Villages may change names of plats; resolution, filing, effect	505.16	To what plats applicable
505.08	Plats in counties having 300,000 inhabitants	505.17	Certain plats and certificates prima facie evidence
505.09	County board to control platting of land		

505.01 PLATS AUTHORIZED; DONATIONS EFFECTIVE. Plats of land may be made in accordance with the provisions of this chapter, and, when so made and recorded, every donation to the public or any person or corporation noted thereon shall operate to convey the fee of all land so donated, for the uses and purposes named or intended, with the same effect, upon the donor and his heirs, and in favor of the donee, as though such land were conveyed by warranty deed. Land donated for any public use in any municipality shall be held in the corporate name in trust for the purposes set forth or intended.

[R. L. s. 3365] (8236)

505.02 SURVEY REQUIRED; MONUMENTS MUST BE PLACED AND NATURAL BOUNDARIES DESIGNATED; LIMITATION. The land shall be surveyed and a plat made setting forth and naming all thoroughfares, showing all public grounds, and giving the dimensions of all lots, thoroughfares and public grounds. All in-lots shall be numbered progressively, by the block in which they are situated, all blocks shall be numbered progressively, and all out-lots shall be numbered progressively and shall not exceed ten acres in size. At least three iron or stone monuments shall be placed at some corners in the ground, in such way that the lines between the monuments form two or more base lines from which to make future surveys. The monuments and the angles between the base lines shall be shown on the plat, as well as the north and south line. All rivers, streams, creeks, lakes, ponds, swamps, and all public highways and thoroughfares laid out, opened, or traveled (existing before the platting) shall be correctly located and plainly shown and designated on the plat.

[R. L. s. 3366; 1907 c. 438 s. 1; 1911 c. 347 s. 1] (8237)

505.03 DEDICATION; CERTIFICATION; APPROVAL; VERIFICATION. On the plat shall be written an instrument of dedication, which shall be signed and acknowledged by the owner of the land. The instrument shall contain a full and accurate description of the land platted and set forth what part of the land is dedicated, and also to whom, and for what purpose these parts are dedicated. The surveyor shall certify on the plat that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that the monuments for guidance of future surveys have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat, and that the topography of the land is correctly shown on the plat. If there are no wet lands or public highways to be designated in accordance with section 505.02, he shall so state. The certificate shall be sworn to before any officer authorized to administer an oath. The plat shall, except in cities whose charters provide for official supervision of plats by municipal officers or bodies, together with an abstract and certificate of title, be presented for approval to the council of the city or village in which the land is located; and, if the land is located outside the limits of any city or village, then to the board of county commissioners of the county in which the land is located. If the council or board to whom the plat has been presented have any reason to doubt the accuracy of the same, it may, after having notified the proprietor to that effect, employ a competent surveyor to check and verify the surveys and plat, and the surveyor shall make a full report of his findings. If the survey or plat is found

incorrect, the expense of verifying the same shall be paid by the proprietor, but if the survey and plat are found to be correct, then this expense shall be paid by the city, village, or county to whose council or board the plat has been presented for approval. When the plat has been approved, it shall so be certified to by the city clerk, village recorder, or county auditor, as the case may be.

[*R. L. s. 3367; 1907 c. 438 s. 2*] (8238)

505.04 RECORDING; FEES; PENALTIES. Every plat, when duly certified, signed, and acknowledged, as provided in section 505.03, shall be recorded in the office of the register of deeds and a duplicate thereof filed with the county auditor. The register of deeds shall transcribe such plat, or bind the original into the proper volume and receive as his fee five cents for each lot designated in the plat in case of transcribing, and two cents for each lot when the original is bound. Any person who shall dispose of, lease, or offer to sell any land included in a plat before the same is recorded shall forfeit to the county \$25.00 for each lot, or part of a lot, so disposed of, leased, or offered; and any official or person whose duty it is to comply with any of the provisions of this chapter shall forfeit not less than \$10.00, nor more than \$100.00, for each month during which compliance is delayed. All forfeitures under this chapter shall be recovered in an action brought in the name of the county.

[*R. L. s. 3368; 1907 c. 438; 1911 c. 347 s. 2*] (8240)

505.05 CERTAIN VILLAGE PLATS DECLARED OFFICIAL. In all cases in which numerous plats have been made and recorded between the 15th day of September, A. D. 1887, and the 15th day of January, A. D. 1904, the last plat made and recorded and affecting a particular village is hereby declared to be, and is hereby made, the official plat of the particular village to which it relates.

[*1913 c. 497 s. 1*] (8242)

505.06 CERTAIN VILLAGE PLATS TO BE RECORDED. Any village plat which has been heretofore filed in the office of the register of deeds of the county in which the village is located, but not recorded, but has been and has remained on file in the office of the register of deeds for more than 15 years prior to the passage of this section, shall, upon the request of any property owner whose property is affected by or included in the plat, and upon the payment of his legal fees therefor, be recorded by the register of deeds; and, to entitle any such plat to be so recorded, it shall not be necessary to have the same approved by the council of such village, nor shall it be necessary to have the certificate of the recorder of such village or the auditor of such county to or upon the plat or to have any certificate upon such plat, not on the same at the time such plat was so filed in the office of the register of deeds.

[*1913 c. 325 s. 1*] (8241)

505.07 VILLAGES MAY CHANGE NAMES OF PLATS; RESOLUTION, FILING, EFFECT. The council of any village in this state, the name of which has been changed, is hereby given power and authority to change, in the manner herein specified, the name of any and all plats of real estate located within the corporate limits of such village to conform to the corporate name of such village.

In case the village council determines to change the name of any such plat, it shall adopt a resolution specifying the plat, the name of which is to be changed, and designating the name by which it shall thereafter be known, and a copy of the resolution, duly certified by the clerk or recorder of the village, shall thereupon be filed for record in the office of the register of deeds of each county in which the real estate covered by the plat is located.

After such a resolution has been adopted and a certified copy thereof recorded, the plat referred to therein shall thereafter be known and designated by the name specified in the resolution and all real estate embraced in the plat may thereafter be conveyed by reference to the name of the plat as changed or by reference to the name of the plat before its name was changed as the grantor may prefer.

[*1927 c. 31 ss. 1, 2, 3*] (8242-1) (8242-2) (8242-3)

505.08 PLATS IN COUNTIES HAVING 300,000 INHABITANTS. In counties which now have, or which shall hereafter have, a population of 300,000, or more, every plat when duly certified, signed, and acknowledged, as provided in section 505.03, shall be filed in the office of the register of deeds, together with a correct copy thereof, which plat and copy filed, shall be made on cloth-mounted paper and shall be of two sizes, either 20 by 30 or 30 by 40 inches in size, which plat shall be placed

under the direct supervision of the register of deeds and open to inspection only in the presence of the register of deeds or his representative.

The copy thereof shall be compared and certified to by the register of deeds in the manner in which certified copies of records are issued in his office, and the copy thereof shall be bound in a proper volume for the use of the general public and anyone shall have access to and may inspect such certified copy at their pleasure. When the copy, or any part thereof, shall become unintelligible from use or wear or otherwise, at the request of the register of deeds it shall be the duty of the county surveyor to make a copy of the original plat under the direct supervision of the register of deeds, who shall compare the copy, certify that it is a correct copy thereof, by proper certificate as above set forth, and it shall be bound in the volume, and under the page, and in the place of the discarded copy. The register of deeds shall receive as a fee for filing these plats, as aforesaid described, three cents per lot, but shall receive not less than \$1.00 for any plat filed in his office. Any person who shall dispose of, lease, or offer to sell any land included in a plat before the same is recorded, shall forfeit to the county \$25.00 for each lot, or part of a lot, so disposed of, leased, or offered; and any official or person whose duty it is to comply with any of the provisions of this chapter, shall forfeit not less than \$10.00, nor more than \$100.00, for each month during which compliance is delayed. All forfeitures under this chapter shall be recovered in an action brought in the name of the county.

[1913 c. 101 s. 1] (8243)

505.09 COUNTY BOARD TO CONTROL PLATTING OF LAND. The board of county commissioners of any county containing land adjoining a city of the first class but not included within the corporate limits of any city of the first class shall have power to control and regulate the platting of subdivisions of land and the laying out of streets and other public ways. In counties which do not contain a city of the first class the power herein granted shall not extend to lands more than five miles from the boundary of a city of the first class.

[1929 c. 225 s. 1] (8243-1)

505.10 MAJOR STREET PLAN. In order to exercise the power conferred under sections 505.09 to 505.13, the board of county commissioners shall prepare a comprehensive major street plan of the district involved, which plan shall be designated and adopted as the official major street plan of the areas adjoining the city of Such plan may, from time to time, be amended, extended, or amplified. In the preparation of the major street plan and in the administration of the powers herein conferred, the board of county commissioners may avail itself of the assistance of the city planning commission of the city of the first class adjoining the areas involved.

[1929 c. 225 s. 2] (8243-2)

505.11 BOARD TO MAKE REGULATIONS. In exercising the powers herein conferred the board of county commissioners shall adopt regulations governing the platting of subdivision of lands within the areas designated. Such regulations may provide for the reasonable coordination of location and dimension of streets and boulevards and the location of utilities to be contained therein, the minimum width, depth, and area of lots and the distance of the front building line from the streets in residence neighborhoods, the extent of the grading and drainage of streets to be required as a condition precedent to the approval of plats of subdivisions. No grades shall be established or required by such regulations which would cause a material damage to the land within the area sought to be subdivided.

[1929 c. 225 s. 3] (8243-3)

505.12 POWERS ADDITIONAL. The powers herein conferred upon the board of county commissioners shall be construed as an addition to existing powers and not as an amendment to or a repeal thereof and shall be supplemental to and shall not set aside the jurisdiction over plats of subdivisions now exercised by the governing bodies of villages and municipalities located in areas within the scope of sections 505.09 to 505.13; provided, that upon the failure of the governing body of such village or municipality and the board of county commissioners to concurrently approve and adopt a plat of subdivision within 60 days of the time or presentation to each respective authority the approval of the board of county commissioners shall be final. The board of county commissioners may extend the time for concurrent approval with respect to individual plats of subdivisions.

[1929 c. 225 s. 4] (8243-4)

505.13 APPLICATION; LIMITATION. Nothing in sections 505.09 to 505.13 shall amend, repeal, or affect Special Laws 1889, Chapter 178.

[1929 c. 225 s. 5] (8243-5)

505.14 NOTICE BY PUBLICATION AND SERVICE UPON MAYOR, VILLAGE PRESIDENT, OR CHAIRMAN OF TOWN BOARD. Upon the application of the owner of land included in any plat, and upon proof that all taxes assessed against such land have been paid, and the notice hereinafter provided for given, the district court may vacate or alter all, or any part, of such plat, and adjudge the title to all streets, alleys, and public grounds to be in the persons entitled thereto; but streets or alleys connecting separate plats or lying between blocks or lots, shall not be vacated between such lots, blocks, or plats as are not also vacated, unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out. The petitioner shall cause two weeks' published and posted notice of such application to be given, the last publication to be at least ten days before the term at which it shall be heard; and the petitioner shall also serve personally, or cause to be served personally, notice of such application, at least ten days before the term at which the application shall be heard, upon the mayor of the city, the president of the village, or the chairman of the town board of the town where such land is situated. The court shall hear all persons owning or occupying land that would be affected by the proposed vacation, and if, in the judgment of the court, the same would be damaged, the court may determine the amount of such damage and direct its payment by the applicant before the vacation or alteration shall take effect. A certified copy of the order of the court shall be filed with the county auditor, and recorded by the register of deeds. The district court shall not vacate or alter any street, alley, or public ground dedicated to the public use in or by any such plat in any city, town, or village organized under a charter or special law which provides a method of procedure for the vacation of streets and public grounds by the municipal authorities of such city, town, or village.

[R. L. s. 3369; 1909 c. 503 s. 1; 1917 c. 38 s. 1] (8244)

505.15 CERTAIN PLATS VALIDATED. In all cases where the record owner of real estate in this state has heretofore conveyed the same, or any part thereof, by express reference in the instrument of such conveyance to a plat of such real estate on file in the office of the register of deeds in the county in which such real estate is situated, and a plat so referred to in said conveyance is actually of record in such register's office at the time when such conveyance is made, such record owner and all persons claiming under such record owner, shall be forever estopped from questioning the validity of such plat, notwithstanding that at the time of the execution and record thereof, title to the premises covered thereby, appears of record to have been in the name of a person other than the person who executed such plat as proprietor of the premises covered thereby, and notwithstanding any irregularity or informality in the execution, acceptance, or record of such plat. In all such cases such plat shall be deemed and taken to be valid, confirmed, and legalized in all respects as if actually executed and recorded by the persons who appear of record to have been the owners of the premises covered thereby at the time of the execution and record thereof.

[1905 c. 129 s. 1] (8245)

505.16 TO WHAT PLATS APPLICABLE. Section 505.15 shall apply to all plats heretofore recorded of any townsite and to any addition to any townsite and to any addition to any town, village, or city within the state.

[1905 c. 129 s. 2] (8246)

505.17 CERTAIN PLATS AND CERTIFICATES PRIMA FACIE EVIDENCE. All certificates heretofore made and recorded under the provisions of Laws 1891, Chapter 25, the same being "An act relative to plats of towns and cities in this state and of additions to, and subdivisions thereof and the correction and legalization of the same," or the record of such certificates, together with the plats to which they respectively refer, shall be prima facie evidence in all cases as to the lands covered by these plats.

[1907 c. 53 s. 1] (8246-1)