

SUBDIVISION REGULATIONS

41.01 Short Title	41.17 Presentation to Commission or Board of Supervisors
41.02 Purpose	41.18 Subdivision Classified
41.03 Application	41.19 Plats Required
41.04 Recording of Plat	41.20 Requirements of the Preliminary Plat
41.05 Fees Established	41.21 Procedures For Review of Preliminary Plats
41.06 Penalties	41.22 Duration of Approval of Preliminary Plat
41.07 Building Permit To Be Denied	41.23 Authorization To Install Improvements
41.08 Definitions	41.24 Completion and Acceptance of Improvements
41.09 Improvements Required	41.25 Performance Bond Permitted
41.10 Inspection	41.26 Requirements of the Final Plat
41.11 Minimum Improvements	41.27 Attachments to the Final Plat
41.12 Easements Required	41.28 Procedures For the Review of Final Plats
41.13 Maintenance of Improvements	41.29 Variances
41.14 Minimum Standards for the Design of Subdivisions	41.30 Changes and Amendments
41.15 Pre-Application Conference	41.31 Ordinances Not To Limit Other Ordinances
41.16 Sketch Plan Required	41.32 Required Form

41.01 SHORT TITLE. This chapter shall be known as the “Subdivision Ordinance of Wapello County, Iowa.”

41.02 PURPOSE. The purpose of this chapter is to provide minimum standards for the design, development, and improvement of all new subdivisions and re-subdivisions of land, so that existing land uses will be protected, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of Wapello County, Iowa.

41.03 APPLICATION. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract into three (3) or more parts, any part of which is less than forty (40) acres, for the purpose of laying out an addition, subdivision building lots, or lots, acreage of suburban lots within the County, shall cause plats of such area to be made in the form containing the information as hereinafter set forth, before selling or offering for sale any lots therein contained or placing the plat on record.

41.04 RECORDING OF PLAT. No subdivision plat, re-subdivision plat or street dedication within the County shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, re-subdivision, or street dedication has been reviewed and approved in accordance with the provisions of this chapter. Upon the approval of the final plat by the Board of Supervisors, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the Board of Supervisors within such thirty (30) days.

41.05 FEES ESTABLISHED. The Board of Supervisors shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or re-subdivision shall be considered filed with Board of Supervisors, unless and until said plat is accompanied by the fee, as established by resolution of the Board of Supervisors, and as required by this chapter.

41.06 PENALTIES. Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this chapter, until the plat thereof has been approved by the Board of Supervisors, and recorded as required by law shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the County’s right to any other remedies available to the County for the enforcement of this chapter.

41.07 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel, or tract where a subdivision is required by this chapter unless and until a final plat of such subdivision has been approved and recorded in accordance with this chapter, and until the improvements required by this chapter have been installed.

41.08 DEFINITIONS. For the purposes of this chapter, the following words are defined and interpreted.

1. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
2. "Aliquot part" means a fractional part of section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.
3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
4. "Auditor's plat" means a subdivision plat required by either the Auditor or Assessor, prepared by a surveyor under the direction of the Auditor.
5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
6. "County Engineer" means the professional engineer registered in the State of Iowa designated as County Engineer by the Board of Supervisors or other hiring authority.
7. "Conveyance" means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
8. "Cul-de-sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turn-around.
9. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.
10. "Easement" means an authorization by a property owner for another to use a designated part of his property for a specified purpose.
11. "Flood hazard area" means any area subject to flooding by one percent (1%) probability flood, otherwise referred to as 100-year flood; as designated by the Iowa Natural Resources Council or the Federal Insurance Administration.
12. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of 100-year flood without cumulatively raising the waterway surface elevation more than one foot.
13. "Forty-acre aliquot part" means one-quarter of one-quarter of a section.
14. "Government lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
15. "Improvements" means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainage ways, and other public works and appurtenances.
16. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.

17. “Lot, corner” means a lot situated at the intersection of two streets.
18. “Lot, double frontage” means any lot that is not a corner lot that abuts two streets.
19. “Metes and bounds description” means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
20. “Official plat” means either an auditor’s plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor and Assessor.
21. “Owner” means the legal entity holding title to the property being divided, or such representative or agent as is fully empowered to act on the owner’s behalf.
22. “Parcel” means a part of a tract of land.
23. “Permanent real estate index number” means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.
24. “Planning and Zoning Commission” or “Commission” means the appointed commission designated by the Wapello County Board of Supervisors for the purpose of this chapter.
25. “Plat” means a map drawing, or chart on which a subdivider’s plan for the subdivision of land is presented, that he or she submits for approval and intends, in final form, to record.
26. “Plats Officer” means the individual assigned the duty to administer this chapter by the Board of Supervisors or other appointing authority.
27. “Proprietor” means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.
28. “Re-subdivision” means any subdivision of land that has previously been excluded in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.
29. “Street” means public property, not an alley, intended for vehicular circulation. In appropriate context the term “street” may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
30. “Street, arterial” means a street primarily intended to carry traffic from one part of the County to another, and not intended to provide access to abutting property.
31. “Street, collector” means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.
32. “Subdivider” means the owner of the property being subdivided, or such other person or entity empowered to act on the owner’s behalf.
33. “Subdivision” means a tract of land divided into three or more lots.
34. “Subdivision plat” means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.
35. “Surveyor” means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.
36. “Tract” means an aliquot part of a section, a lot within an official plat, or a government lot.

37. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

41.09 IMPROVEMENTS REQUIRED. The subdivider shall, at his or her expense, install and construct all improvements required in this chapter. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the County, and as shown on the approved preliminary plat.

41.10 INSPECTION. All improvements shall be inspected to insure compliance with the requirements of this chapter. The cost of such inspection shall be borne by the subdivider, and shall be the actual cost of the inspection to the County.

41.11 MINIMUM IMPROVEMENTS. The improvements set forth herein shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

1. **Streets.** The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the County.

2. **Sanitary Sewer System.** The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. Where connection to a central sewer system, or the construction of a central sewage collection and treatment system cannot reasonably be accomplished, septic systems may be allowed. No subdivision to be served by septic systems shall be approved until and unless percolation test have been performed and the results of such tests have been provided to and reported on by the County Engineer and County Health Officer. Such septic systems, if approved, or by a subsequent owner at the time development takes place.

3. **Storm Sewer System.** The subdivider of land being platted shall install and construct a storm water drainage and/or storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas, so as to prevent undue runoff onto adjacent land.

4. **Water System.** The subdivider of land being platted shall make appropriate provision for a suitable water supply for each platted lot or parcel. Such water supply shall be appropriate for the character of development proposed. No subdivision shall be approved until and unless the proposed system for providing water has been approved by the County Engineer and the County Health Officer. Individual wells, if approved, may be installed by the subdivider, or by a subsequent owner at the time development of a lot takes place.

5. **Other Improvements.** The subdivider of the land being platted shall be responsible for the installation of sidewalks and walkways necessary to secure pedestrian safety, grading and seeding or sodding of all lots, the planting of any required trees, and the installation of street signs and street lighting as required.

41.12 EASEMENTS REQUIRED.

1. **Utility Easements.** Where required for the placement of present or future utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear and where necessary, along side, lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across lot lines when necessary for the placement and maintenance of utilities. No buildings or structures except as necessary for utilities shall be permitted on such easements.

2. Easements Along Streams and Watercourses. Wherever any stream of surface watercourse is located in an area that is being subdivided, the subdivider shall, at his or her own expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the County an easement along said streams and watercourses as necessary for the proper maintenance of the watercourse, and as approved by the County.

41.13 MAINTENANCE OF IMPROVEMENTS. Unless otherwise approved by the Board of Supervisors, improvements required to be installed shall remain the property and the responsibility of the subdivider, or successors in interest to the lands being subdivided. No subdivision shall be approved until and unless legal covenants, running with the land, sufficient to ensure that the County will not need to assume maintenance responsibility for any such improvement, have been approved by the County Attorney and the Board of Supervisors.

41.14 MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS.

1. Standards Prescribed. The standards set forth in this chapter shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

2. Land Suitability. No land shall be divided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the County. If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Board of Supervisors shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Board of Supervisors may reaffirm, modify, or withdraw its determination regarding such unsuitability.

3. Lands Subject to Flooding: No subdivision containing land located in a floodway or flood hazard area shall be approved by the County without the approval of the Iowa Natural Resources Council. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood area, suitable for development as allowed by the Zoning Ordinance for the zone in which the lot is located. Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the County:

A. Included within individual lots in the subdivision subject to the limitations of this section.

B. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the County, providing for its care and maintenance by such owners.

C. If acceptable to the County, dedicated to the County as public open space for recreation or flood control purposes.

4. Plat to Conform to Comprehensive Plan. The arrangement, character, extent, width, grade and location of all streets, and the general nature and extent of the lots and uses proposed, shall conform to the Comprehensive Plan of the County, provided such plan has been adopted by the County, and shall conform to such other plans, including but not limited to a County Road or Street Plan, a Sanitary Sewer System Plan, a Water System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the County.

5. Construction Standards for Improvements. In addition to the standards set forth in this chapter, the County Engineer shall from time to time prepare, and the Board of Supervisors shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications

for the construction of improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets and roads, or other improvements, and the extent and character of the area served by the improvements. Upon adoption by the Board of Supervisors by resolution, such technical standards for public improvements shall have such force and effect as is they were fully set forth herein.

6. Street Standards. The following standards shall apply to all streets to be located within the subdivision. For streets to become part of the Secondary Road System there must be separate and individual action by the Board of Supervisors. This must be done by resolution after approval and acceptance by the County Engineer upon complete construction of roads or streets. No road or street will be accepted into the Secondary Road system unless it is a through road or street. Loop streets are considered through streets.

A. Streets shall provide for the continuation of streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for a street proposed in the Comprehensive Plan or County Road or Street Plan, the plat shall provide for such street.

B. Street grades shall align to existing streets, and all grades for streets shall be as approved by the County using current Iowa Department of Transportation (IDOT) design standards for rural and urban streets and highways.

C. New streets shall be designed so that all created lots will have direct access.

D. Street right-of-way and pavement widths shall be as specified in the Comprehensive Plan, County Road or Street Plan, or current IDOT design standards for rural and urban streets and highways.

E. Half-streets are prohibited, except where an existing platted half-street abuts the subdivision, a platted half-street to complete the street shall be required.

F. Minor streets should be designed to discourage through traffic while safely connecting to major streets or roads.

G. Street jogs with centerline offsets of less than 125 feet shall be prohibited, except where topography, or other physical conditions make such jogs unavoidable.

H. Streets shall intersect at right angles.

I. Dead-end streets are prohibited, except where a street is planned to continue past the subdividers property, a temporary dead end may be allowed.

J. Streets that connect with other streets, or loop streets, are preferable, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed 600 feet in length unless a greater length is unavoidable.

K. In general, alleys shall be in residential areas and required in commercial areas with normal street frontage. Dead-end alleys are prohibited.

L. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be arranged as to permit the logical location and opening of future streets and appropriate re-subdivision with provision for adequate utility connections for such re-subdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Board of Supervisors, be made a requirement of the plat.

M. Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the Board of Supervisors and shall be consistent with the County's E911 Address system.

7. Block and Lot Standards. The following standards shall apply to the layout of blocks and lots in all subdivisions and, to the extent possible, in all re-subdivisions.
 - A. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the Zoning Ordinance.
 - B. Block and lot arrangements and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding and uses.
 - C. The size and shape about a public street, upon an approved private street, with a minimum frontage of at least forty (40) feet measured as a straight line between the two front lot corners.
 - D. Unless unavoidable, lots shall not front or have direct access to streets or County roads. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
 - E. All lot lines shall be at right angles to straight lines or radial to curved street lines, except where, in the judgment of the Board of Supervisors, a variation to this provision will provide a better street and lot layout.
 - F. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the Zoning Ordinance, oriented to either street.
 - G. Reversed Frontage Lots Prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.
8. Parks and Open Space. All residential subdivisions should be so designated as to meet the neighborhood park and open space needs of their residents. Such needs may be met by dedication and acceptance or public park land, and/or be reservation by covenant of private space, provided, there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such open space.
9. Parks and School Sites Reserved. When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan or other official plan of the County, the subdivider shall indicate such areas on the plat.
 - A. Proposed park sites shall be reserved for three (3) years, giving the County or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the public agency. Should the park sites not be purchased within three years, the subdivider may then revise the final plat.
 - B. Proposed school sites shall be reserved for three years, giving the appropriate school district the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half of the cost for grading and paving, including curbs, of the portion of any streets that are continuous to the site and any taxes and interest incurred by the subdivider between date of reservation and date of purchase by the school district. Should the school sites not be purchased within three years, the subdivider may then revise the final plat.

41.15 PRE-APPLICATION CONFERENCE. Whenever a subdivision located in the County is proposed, the owner and subdivider shall schedule a pre-application conference with the Plats Officer. The conference should be attended by the Plats Officer and such other County or Utility representatives as is deemed desirable; and by the owner and his or her engineer, and or planner, as deemed desirable. If any portion of the land to be subdivided lies within two (2) miles of any Municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa (as amended), the Plats Officer shall notify the City in writing, and shall invite the appropriate City representatives to attend the Pre-Application Conference. The purpose of such conference shall be to acquaint the County with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and special problems relating to the proposed subdivision.

41.16 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

41.17 PRESENTATION TO COMMISSION OR BOARD OF SUPERVISORS. The subdivider may present the sketch plan to the Planning and Zoning Commission and Board of Supervisors for review, prior to incurring significant costs preparing the preliminary or final plat.

41.18 SUBDIVISION CLASSIFIED. Any proposed subdivision or re-subdivision shall be classified as a minor subdivision or major subdivision.

1. Minor Subdivision: Any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require the construction of any public improvements, and that does not adversely affect the remainder of the parcel, shall be classified as a minor plat.
2. Major Subdivision: Any subdivision that, in the opinion of the Board of Supervisors, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

41.19 PLATS REQUIRED. In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the County plats and other information as required by this chapter. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision may elect to omit the submission of a preliminary plat.

41.20 REQUIREMENTS OF THE PRELIMINARY PLAT. The subdivider shall prepare and file with the Plats Officer ten (10) copies of the preliminary plat, drawn at a scale. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin. The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

1. Title, scale, north point and date on each sheet.
2. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the County.
3. The name and address of the owner and the name, address and profession of the person preparing the plat.
4. A key map showing the general location of the proposed subdivision in relation to surrounding lands.

5. The names and locations of adjacent subdivisions and the names of record owners and location adjoining parcels of unplatted land. A list of all owners of record of property located within 200 feet of the subdivision boundary shall be attached.
6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.
7. Existing and proposed zoning of the proposed subdivision and adjoining property.
8. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is 10% or greater.
9. The legal description of the area being platted.
10. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
11. The layout, number and approximate dimensions of proposed lots.
12. The location, width and dimensions of all streets.
13. The proposed names for all streets in the area being platted.
14. Present and proposed utility systems, including sanitary sewer and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities.
15. Proposed easements showing locations, widths, purposes and limitations.
16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or public, semi-public or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.
17. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat shall be attached.
18. Any other pertinent information, as necessary.
19. The fee, as required by this chapter.

41.21 PROCEDURES FOR REVIEW OF PRELIMINARY PLATS.

1. The Plats Officer shall provide copies of the plat to the County Engineer, and such other persons as necessary to review the plat: and shall schedule the plat for consideration by the Planning and Zoning Commission. The Plats Officer shall maintain a copy of the plat for public inspection.
2. The County Engineer shall examine the plat as to its compliance with the requirements of the ordinances and standards of the County and good engineering practice and shall report his or her findings regarding the plat to the Planning and Zoning Commission.
3. The Planning and Zoning Commission shall examine the plat and the report of the County Engineer, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the County and conforms to the Comprehensive Plan and other duly adopted plans of the County. The Planning and Zoning Commission shall, within forty-five (45) days of the filing of the plat with the Plats Officer, forward a report and recommendation regarding the plat to the Board of Supervisors. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set forth in writing in the report and a copy of the report and recommendation shall be provided to the applicant.

41.22 DURATION OF APPROVAL OF PRELIMINARY PLAT. The approval of a preliminary plat by the Board of Supervisors shall be valid for a period of one year from the date of such approval; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity, by the Board of Supervisors.

41.23 AUTHORIZATION TO INSTALL IMPROVEMENTS. The approval of a preliminary plat shall constitute authorization by the Board of Supervisors for the installation of improvements as required by this chapter, and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until and unless the plan, profiles, cross sections, and specifications for the construction of such improvements have been submitted to, and approved in writing by, the County Engineer.

41.24 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS. Before the Board of Supervisors will approve the final plat, any improvements to become the property of the County shall be constructed and accepted by formal resolution of the Board of Supervisors. Before passage of said resolution of acceptance, the County Engineer shall report that said improvements meet all County requirements, and the agreements between the subdivider and the County.

41.25 PERFORMANCE BOND PERMITTED. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the County, guaranteeing that improvements not completed shall be completed within a period of one year from the date of approval of such final plat.

41.26 REQUIREMENTS OF THE FINAL PLAT. The subdivider shall, within one year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the Plats Officer ten (10) copies of the final plat and required attachments, as set forth in this chapter. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the Board of Supervisors until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above. The final plat shall meet all requirements as set forth by Chapters 354 & 355 of the Code of Iowa. The final plat shall be clearly marked "Final Plat" and shall show the following:

1. Name and address of the owner and subdivider.
2. All distance, curve data to include Point of Intersection (PI), Point of Curve (PC), Point of Tangency (PT), Degree of Curve (D), Tangent Length (Tan), Length of Curve (LC), External (Ext), and Radius (R) and other survey data as set forth in Chapters 354 and 355, Code of Iowa.
3. Street names and clear designation of public alleys.
4. Block and lot numbers.
5. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
6. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer. Easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
7. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat."
8. A strip of land shall not be reserved by the subdivider, unless the land is of sufficient size and shape to be of some practical use as determined by the Board of Supervisors.

9. All subdivisions shall be tied to the Global Positioning Survey points as established by the County.

41.27 ATTACHMENTS TO THE FINAL PLAT. The following shall be attached to and accompany any final plat:

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Board of Supervisors.

2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

3. An opinion by an attorney-at-law who has examined the abstract of title for the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall be construed to be encumbrances for the purpose of this section.

4. A certified resolution by each governing body as required by Section 354.8 either approving the subdivision or waiving the right to review.

5. A certificate of the Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354. 12.

6. The encumbrance bond, if any.

7. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

8. A certificate by the County Engineer that all required improvements have been satisfactorily completed in accordance with construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements to become property of the County, shall have been provided to the County Engineer. In lieu thereof, the County Auditor may certify that a bond guaranteeing completion has been approved by the County Attorney and filed with the Auditor.

9. Where any improvements are to become the property of the County, a resolution accepting and approving such improvements.

10. A resolution and certificate for approval by the County Board of Supervisors, and the signature of the Chairperson.

11. The applicable fee.

41.28 PROCEDURES FOR THE REVIEW OF FINAL PLATS.

1. The Plats Officer shall provide copies of the plat to the County Engineer, and such other persons as are necessary to review the plat; and shall schedule the plat for review by the Board of Supervisors. The plats officer shall maintain one copy for public inspection.

2. The Plats Officer and the County Engineer shall examine the plat as to its compliance with the ordinances and standards of the County, and its conformance with the preliminary plat, and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.

3. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Board of Supervisors for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning and Zoning Commission for review prior to review by the Board of Supervisors. The Planning and Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Board of Supervisors within forty-five (45) days of the filing of the plat with the Plats Officer. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons, therefor shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

4. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat.

5. The County Board of Supervisors shall examine the plat, the report of the County Engineer, the report of the Planning and Zoning Commission, and such other information as it deems necessary or desirable. Upon such examination, the Board of Supervisors shall ascertain whether the plat conforms to the ordinances and standards of the County, conforms to the Comprehensive Plan and other duly adopted plans of the County, in order to protect the public health and welfare. Following such examination, the Board of Supervisors may approve, approve subject to conditions, or disapprove the plat. If the decision of the Board of Supervisors is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official records of the Board of Supervisors, and such decisions shall be provided to the applicant. Action on final plat by the Board of Supervisors shall be taken within sixty (60) days of the filing of the plat with the Plats Officer. However, if any portion of the land to be subdivided lies within an area designated by a municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Board of Supervisors shall defer final action on the subdivision until action has been taken by the municipality.

41.29 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the County may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall variance, modification be more than minimal easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the County may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

41.30 CHANGES AND AMENDMENTS. This chapter or any provision of this chapter may be changed or amended from time to time by the Board of Supervisors, provided however, that such changes or amendments shall not become effective until after a public hearing has been held following due public notice.

41.31 ORDINANCES NOT TO LIMIT OTHER ORDINANCES. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except expressly set forth herein. If any provision of this chapter conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.

41.32 REQUIRED FORM. Before any division of land can be processed, an application for proposed division of land shall be completed by the owner/applicant prior to the division of land.