

TITLE III _ COMMUNITY DEVELOPMENT AND SERVICES

ARTICLE I PLATTING OF SUBDIVISIONS

3_1.1 Every proprietor of any tract or parcel of land of any size located within the city limits of Salem, Iowa, or within two miles adjacent to the limits of the City of Salem, Iowa, who shall subdivide the same into three or more parts shall file with and obtain approval by the Council of the City of Salem, Iowa, a plat of subdivision in the form and containing information as hereinafter set forth, before placing a plat of subdivision of record and before conveying any part or parcels thereof.

3-1.2 Every proprietor wishing to subdivide real estate as herein provided shall cause a registered land surveyor's plat of the proposed subdivision to be prepared in compliance with Section 409.1 of the Code of Iowa and shall file said plat with the Clerk of the City of Salem, Iowa.

3-1.3 Every proprietor shall file with the plat the following, required by Section 409.9 of the Code of Iowa.

- a. A correct description of the subdivision land.
- b. A certificate 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 owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
- c. A certificate of dedication of street and other public property.
- d. A complete abstract of title and an attorney's opinion showing that the land is free from encumbrances other than those secured by an encumbrance bond.
- e. A certificate from the county treasurer that the subdivision is free from taxes.
- f. A certificate 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.

g. A certificate from the county recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.

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

i. Resolutions and certificate for approval by the council and for signature of the mayor and clerk.

j. The encumbrance bond, if any.

3-1.4 Each plat submitted shall conform to the statutes of the State of Iowa relating to plats within the City. Streets, alleys, drives, avenues, boulevards, parks and public places shall conform to the ordinances of the City of Salem, Iowa, and to the general plat of the City and conduce to the orderly development thereof, and not conflict or interfere with rights of way of extensions of streets or alleys already established.

3-1.5 The Council of the City of Salem, Iowa, may require, as a condition of approval of such plats the following:

a. That the proprietor shall either agree to construct or shall have constructed all streets, drives, avenues, boulevards, and alleys to conform to the width and materials of and to be extensions of the existing system of roadways and alleys, and brought to grade with provisions for drainage of surface water as may be required by the Council for the City of Salem, Iowa.

b. That the proprietor shall either agree to or shall have constructed utilities, including sewer, water, gas and electric utilities, in conformance with standards and regulations enacted by Henry County and the City of Salem, Iowa.

c. That if construction of roadways and alleys and utilities has not been completed, the proprietor shall agree to grant to the City of Salem, Iowa, the right, power and authority, in the event that construction fails to conform with the above standards and city specifications, to enter upon said land for purpose of bringing roadways and alleys and utilities into conformance with the above standards; or

d. That if construction of roadways and alleys and utilities has not been completed, the proprietor shall furnish a good and sufficient bond for the installation of the said improvements according to the above standards and city specifications and for the repairs necessitated by defects in material or workmanship not to exceed two years from and after completion.

e. That whenever utilities shall become a part of the municipal utility system the proprietor shall grant whatever easements the Council of the City of Salem shall consider necessary for purposes of construction, maintenance, repair, and connection with the municipal utility system and shall meet standards and specifications required of and by the municipal utility system.

f. That the above required agreements by the proprietor shall be binding upon the heirs, successors and assigns of the proprietor.

3-1.6 In any subdivision roadways and alleys shall not be accepted nor opened for public use until approved by action of the Council of the City of Salem, Iowa, and that the City of Salem, Iowa, shall bear no responsibility for the maintenance, safety, or repair of said roadways and alleys until such acceptance; and that responsibility for said roadways and alleys shall be accepted upon their construction meeting the standards and specifications required pursuant to paragraph 5 herein.

3-1.7 Action by the City Council. Upon receipt of the proposed plat and all required information attached thereto, the City Council shall, within a reasonable time, either approve or disapprove the final plat.

a. In the event that said plat is disapproved by the City Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

b. In the event that said plat is found to be acceptable and in accordance with this ordinance, the City Council shall accept the same.

c. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Henry County, Iowa, and shall file satisfactory evidence of such recording in the office of the City Clerk before the city shall recognize the plat as being in full force and effect.