



SLSI to Propose Changes to Code

Thanks to the efforts of SLSI Board member Frank Bellow, over the past two years, the Society of Land Surveyors of Iowa (SLSI) has been working with the Iowa County Recorders Association (ICRA) and Iowa Land Records (ILR). Representatives from each organization have focused on the following objectives for Professional Land Surveyor's paper products:

- 1) Improve Recorders' filing standards to enhance reliability of searches for users and public.
- 2) Take advantage of existing technology and provide for future technological advances.
- 3) Simplify indexing for County Recorders and their staff.
- 4) Improve quality of document reproductions from County Recorders and ILR.
- 5) Housekeeping to promote uniform understanding by local jurisdictions of the Iowa Code.

The following is a brief explanation of what we are trying to achieve with each proposed amendment:

355.1 DEFINITIONS

Subsection 10 was added to define "Retracement Plat of Survey." Since no such category of survey plat had been defined in the Code, surveyors used various titles on their plats. This type of survey is for existing taxable parcels without a division of land being proposed.

Currently some jurisdictions believe these types of surveys need to be reviewed. Standardization of plat title and clarification of purpose should simplify (eliminate) any review process.

The proposed new definition to be included in 355.1 definitions would read as follows:

Retracement plat of survey means a graphical representation of a survey of one or more parcels of land, or portion thereof, prepared by a licensed professional land surveyor, described by an existing recorded property description that has already been used for the transfer of land.

355.6A MONUMENT PRESERVATION CERTIFICATE – CONTROL MONUMENT POSITIONS PRESERVED

This is a new section necessitated by the following:

- 1) It provides a complete set of standards to be followed by the surveyor where few currently exist.
- 2) Public works project contracts are increasingly requiring this type of work from the surveyor. Such a requirement appears to have been an effort to comply with 314.8 Government Markers Preserved.
- 3) It is my understanding that land corner monuments for private property are considered an improvement. Hence, to destroy these monuments without preserving location could be considered damage to real property resulting in a liability for compensation.
- 4) Aids the surveyor and local jurisdictions in establishing the extent of work in their contractual relationship.

Also note that the drawing title would be standardized and an Index Legend and space for the Recorder's marks are required to aid the County Recorder in filing.

Following is the draft changes to 355.6A:

355.6A MONUMENT PRESERVATION CERTIFICATE — CONTROL MONUMENT POSITIONS PRESERVED.

1. If during a public improvement construction project, land survey control monuments are going to be obliterated, the proprietor of the project shall be responsible for hiring a licensed professional land surveyor to locate monuments likely to be disturbed or removed during construction. The surveyor shall review recorded documents, city engineers' or public works' offices, and the county engineers' office and, if applicable, the Iowa Department of Transportation's office, for possible monument locations. A diligent field reconnaissance of the construction corridor shall be performed. The surveyor shall locate such monuments and preserve their location. For the purpose of this chapter only, an existing found monument is defined as an existing physical structure which may reasonably be thought to possibly mark the location of a corner, survey point, or other significant point and is found in place by the surveyor. However, the surveyor shall not be required to state the significance of such found monument.
2. Following the completion of the finishing operations of the construction project, the surveyor shall remonument those preserved positions in accordance with IC355.6(1) and IAC193C-11.7(542B).
3. Any United States Public Land Survey Corner monuments that are within the construction corridor shall have their positions preserved and then remonumented in accordance with IC355.11 and IAC193C-11.7.

4. A Monument Preservation Certificate shall be prepared for the record by a licensed professional land surveyor to identify and perpetuate the position of an existing monument and showing the monumentation placed to identify the perpetuated location. Multiple monuments may be identified on a single certificate. At a minimum, the Monument Preservation Certificate shall include:
 - a. The identification of the public improvement project and the jurisdiction or organization under which the certificate was prepared.
 - b. A caption identifying the township, range, section number and quarter-section and/or official plat name in which the monument is located along with the county name, an accurate description of the found monument including but not limited to size, shape, material type, color, etc.
 - c. Remarks on procedure used to perpetuate the position of the monument (i.e. tied into project control or ties to nearby physical objects).
 - d. An accurate description of the replacement monument including but not limited to size, shape, material type, cap material and color, etc.
 - e. A plan-view drawing depicting the location of the found and replaced monument with reference to natural or artificial objects that would facilitate the recovery of the monument such as: project control, other nearby monuments, street or highway centerlines, project corridor right- of-way lines, nearby trees, fences or structures.
 - f. Signature of the licensed professional land surveyor, a statement certifying that the work was performed by the surveyor or under the surveyor's direct personal supervision, the date of signature, and the surveyor's Iowa license number and legible seal in accordance with IAC193C.6(542B).
 - g. Sheet size: Not less than eight and one-half inches by eleven inches including the recorder's required margin. Generally, a size that is appropriate to note and depict the required information yet still be acceptable to the county recorder such as any plat of survey may be.
5. Recording and Indexing:
 - a. The monument preservation certificate shall be filed with the county recorder no later than thirty days after the completion of the public improvement project for which the certificate was prepared.
 - b. The county recorder shall index the monument preservation certificate by the township, range, section number and quarter-section in which the monument is located. If the monument is located within an official plat, the recorder shall index the certificate alphabetically by the official plat name.

- c. A rectangular space 3.75 inches wide by 2.5 inches high shall be reserved and delineated for the county recorder's marks on the Monument Preservation Certificate. If feasible, this space shall be located at the top of the first page or similarly on a cover sheet.
- d. The Monument Preservation Certificate shall include a rectangular area on the first page or coversheet labeled "INDEX LEGEND" in which the following information shall be provided:
 - i The land surveyor's name
 - i The company, governmental agency or other organization under which the land surveyor provides the professional service.
 - i Aliquot part or parts of the United States Public Land Survey System or portion of official plat the Monument Preservation Certificate is located within.
 - iv Name of the jurisdiction or organization requesting the Monument Preservation Certificate.
 - v Provide information necessary for the county recorder to return the document.
- 6. A Monument Preservation Certificate is not intended to be prepared in place of a plat of survey or acquisition plat where a true land boundary survey is required or made for the identification or establishment of property or right-of-way corners.
- 7. A Monument Preservation Certificate is not meant to be an opinion that monuments found are necessarily property or right-of-way corners.
- 8. The surveyor preparing the certificate shall be liable only for the accuracy of the remonumentation and the diligence of the search and not the accuracy of the original monumentation placement.

PROPOSED ADMINISTRATIVE CODE

355.7A RETRACEMENT PLATS OF SURVEY

This entirely new section provides the necessary minimum standards for the proposed new category of survey plats.

355.10 RECORD

Subsection 'C' was added to make it clear that "Retracement Plats of Survey" are to be filed for record

Proposed Administrative Code Amendments:

193C-11.5 (542B) PLATS

Here we have added standards to aid the County Recorder in filing and Iowa Land Records in e-filing the surveyor's paper product.

11.5(4) The plat shall include ~~be captioned to identify the person for whom the survey was made and~~ the date of the survey and shall describe the parcel as provided in rule 11.4(542B) above.

11.5(9) A rectangular space 3.75 inches wide by 2.5 inches high shall be reserved and delineated for the county recorder's marks. If feasible, this space shall be located at the top of the first page or similarly on a cover sheet.

11.5(10) The plat shall include a rectangular area on the first page or cover sheet labeled "INDEX LEGEND" in which the following information shall be provided:

- a. The land surveyor's name
- b. The company, governmental agency or other organization under which the land surveyor provides the professional service.
- c. Proprietor or owner's name of the property surveyed.
- d. Aliquot part or parts of the United States Public Land Survey System or portion of official plat the survey is located within.
- e. Name of the person or organization requesting the survey work.
- f. Provide information necessary for the county recorder to return the document.

We continue to work with ICRA and ILR to improve current systems. More particularly, e-filing plats through ILR and amendments to 331.606 Code Iowa are our current focus. Some additional revisions to the Administrative Code may be needed.

Members of SLSI are encouraged to review and submit comments to SLSI. You may do so at info@slsi.org.