City of Winterset, Iowa
By City Clerk
To
The Public

#2143 VET

Fee $5.50

Filed for record the 26 day of June A. D. 1963 at 3:30 o'clock P. M.

Mary E. Welty, Recorder

CERTIFICATE AS TO ORDINANCE NO. 158 of the City of Winterset, Iowa

STATE OF IOWA, Madison County, City of Winterset,)ss:

I, O. D. Simmons, City Clerk of the City of Winterset, Iowa, hereby certify that I am now the duly appointed, qualified and acting City Clerk of the City of Winterset, Iowa, and have been such City Clerk at all times referred to herein, and that on the 9th day of April, 1963, at a duly organized meeting of the City Council of the City of Winterset, Iowa, an ordinance of the City of Winterset, Iowa, being Ordinance No. 158 of the City of Winterset, Iowa, was passed and adopted by the City Council of the City of Winterset, Iowa, and on the 9th day of April, 1963, was approved by Wayne Newton, Mayor of the City of Winterset, Iowa, and that said ordinance was duly published in The Winterset Madisonian, a weekly newspaper published in and having general circulation in the City of Winterset, Iowa, in its issue of April 10, 1963, as shown by the affidavit of publication on file in the office of the City Clerk of the City of Winterset, Iowa, and has been duly recorded in the official ordinance book of the City of Winterset, Iowa, and has been authenticated by the signatures of the Mayor and City Clerk of the City of Winterset, Iowa; which ordinance is entitled: "An ordinance amending Ordinance No. 139 of the City of Winterset, Iowa, known as the Land Subdivision Ordinance of Winterset, Iowa, by repealing Section VIII of said Ordinance No. 139, and enacting provisions concerning the construction, installation and making of improvements in subdivisions, permitting the option of making improvements in portions, or sections, of a subdivision after the approval of the final plat but before the construction of any building or the issuance of a permit for a building in any such portion, and provisions concerning street paving, and adding provisions concerning preliminary plans for subdivisions, concerning sanitary sewers and water mains and drainage, and provisions for a marker for each lot, and providing for penalties for violation thereof and for civil remedies in regard to any violation."
and that attached hereto, as part of this certification is a true, correct and complete copy of said Ordinance No. 158 of the City of Winterset, Iowa, which was passed and adopted and approved and published and authenticated as hereinbefore stated; all of which is hereby certified to the County Recorder of Madison County, Iowa.

WITNESS my hand and the official seal of the City of Winterset, Iowa, this 25th day of June, 1963.

(CITY OF WINTERSET, IOWA SEAL)

O. D. Simmons City Clerk
of the City of Winterset, Iowa.

ORDINANCE NO. 158

An ordinance amending Ordinance No. 139 of the City of Winterset, Iowa, known as the "Land Subdivision Ordinance of Winterset, Iowa," by repealing Section VIII of said Ordinance No. 139, and enacting provisions concerning the construction, installation and making of improvements in subdivisions, permitting the option of making improvements in portions, or sections, of a subdivision after the approval of the final plat but before the construction of any building or the issuance of a permit for a building in any such portion, and provisions concerning street paving, and adding provisions concerning preliminary plans for subdivisions, concerning sanitary sewers and water mains and drainage, and provisions for a marker for each lot, and providing for penalties for violation thereof and for civil remedies in regard to any violation.

Be it ordained by the City Council of the City of Winterset, Iowa:

Section One. That Section VIII of Ordinance No. 139 of the City of Winterset, Iowa, be and is hereby repealed, and provisions hereinafter set out are enacted in lieu thereof.

Section Two. That after the tentative approval of the preliminary plat for any subdivision in the City of Winterset, Iowa, the subdivider shall construct and install the following

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improvements in accordance with standards adopted by the City Council:

1. Construct and install water mains and sewage and storm drains and their appurtenances according to the plans and specifications adopted by the City Council.

2. Grade every right-of-way to full width and at grades established by the City.

3. Construct and install curbs and gutters of types and materials approved by the City Council and at grades established by the City.

4. Construct and install paving of either Portland cement concrete or asphaltic concrete with stabilized base, in accordance with specifications approved by the City Council, and at grades established by the City.

5. Construct and install such sidewalks as may be specified by the City Council and at grades established by the City.

Option is given to the subdivider to construct and install such improvements before the submission of the final plat and as a condition precedent to the approval of the final plat, or to divide the platted area into portions, or sections, for the purpose of developing the same, and to complete said improvements required in portions of the platted area after approval of the final plat and prior to construction of any building in any such portion and before the issuance of a building permit under city ordinance for any building in any such portion, with the provision that sanitary sewer mains and water mains, and their appurtenances, for any such portion must be constructed, and be available for use for a distance of at least 330 linear feet along the street abutting the property on which any such building is to be constructed, and capable of serving such building, and street paving, with curb and gutter, must be constructed on all the streets in such portion of the platted area, at established grade, each street being a continuation of a principal existing street in an adjoining addition, or of a proper projection where the adjoing applicable property is not subdivided, before the construction of any such building or the issuance of a permit therefor, subject, however, to the provision that in lieu of the construction of such street paving before the issuance of a building permit, a valid and enforceable surety bond may be furnished to insure the satisfactory construction of such paving within one year from and after the issuance of the first building permit in the portion affected, and in any subdivision which is not divided into portions for development, a valid and enforceable surety bond, may be furnished, or a deposit of sufficient funds may be made, to insure the satisfactory construction of street paving in such subdivision within one year after the recording of the plat of the subdivision.

Section Three. That additional requirements for the preliminary plan for a subdivision are made, by adding to the requirements for the preliminary plan the following: the subdivider shall furnish a plan and proposed specifications for the installation of sanitary sewers and water mains, and shall furnish a plat for drainage, surface or otherwise, for the whole area to be platted, and proposed plans and specifications for storm sewers, where surface drainage is not adequate or satisfactory, all of which shall be subject to approval or rejection by the City Planning and Zoning Commission or the City Council, and such things shall be provided for in accordance with requirements of the City Council, and where there is any substantial change in the drainage, surface or otherwise, passing on to adjoining property, consent of the adjoining property owners shall be obtained as a condition to final approval of the plat, and if the platted area is developed in portions, arrangements shall be made by the subdivider to prevent drainage nuisances or damages as the development of the portions proceeds.

Section Four. That before the approval of the final plat, at least one corner of each lot in a subdivision shall be marked, in accordance with a proper survey, by a permanent marker, to be designated on the final plat.

Section Five. The City Planning and Zoning Commission and the City Council may waive the

requirements for some or all of said improvements in case of re-subdivisions, where only the size, shape and arrangement of the lots are being improved and no new streets are required, and in case of dedication of land or right-of-way to public use where such dedication is desired by a public agency in lieu of purchase or a condemnation proceeding.

Section Six. Any violation of this ordinance is punishable by fine not to exceed one hundred dollars, and costs, and, also,the City shall have any civil remedy which may be available, by injunction or otherwise, in regard to any such violation.

Section Seven. This ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

Passed and approved this 9th day of April, 1963.

(CITY OF WINTERSET, IOWA SEAL)

Wayne Newton Mayor of the City of Winterset, Iowa

Attest: O. D. Simmons, City Clerk of the City of Winterset, Iowa

COMPARED