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KENNETH ASMUSSEN, MILLS	
CO. RECORDER	
FEE:	\$None

PROPOSED SUBDIVISION ORDINANCE
of
MILLS COUNTY, IOWA

An Ordinance providing rules and regulations for the subdivision of land in Mills County, Iowa; prescribing minimum standards for the design and development thereof; establishing procedures for approval of preliminary and final plats; and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health and general welfare of the public.

WHEREAS, the Board of Supervisors of Mills County, Iowa, deems it necessary in order to secure coordination of subdivisions of land and extensions of streets; to promote health and general welfare; to facilitate the adequate provisions of transportation, water supply, sewage treatment, storm drainage and other public improvements and services in areas of new development throughout the county.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

CHAPTER I

PLATTING PROCEDURES AND PLAT REQUIREMENTS

1.1-Preliminary Platting Procedure

1. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared, a plat of the subdivision containing the information specified herein and shall file three (3) copies and a reproducible mylar tracing of the plat with the County Auditor.
2. The Auditor shall immediately transmit two (2) copies of the preliminary plat to the County Engineer for study and recommendation.
3. The County Engineer shall examine the plat as to its compliance with this ordinance and shall have thirty (30) days to submit a recommendation to the Board of Supervisors, provided that the owner or developer may agree to an extension of time not to exceed sixty (60) days. A copy of the recommendation shall be forwarded to the owner or developer.

See Be 102-Pg 306
 Amend - 5-15-73

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1.1 cont'd

4. The Board, upon receipt of the County Engineer's recommendation, or after thirty (30) days, or any extension thereof, shall have passed, shall by resolution grant approval or reject the preliminary plat. If the preliminary plat is rejected, the Board will advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Board shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

1.2-Final Platting Procedure

1. A final plat shall be submitted within twelve (12) months of approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.
2. Procedures for final plats shall be the same as set out for preliminary plats in Section 1.1 above.
3. Upon approval of the final plat, a certification of approval shall be signed by the Chairman of the Board of Supervisors and attested by the County Auditor, shall be affixed to the original tracings of the final plat and copies of the same filed with the County Auditor and County Recorder, along with other certifications and instruments as may be required by law.

1.3-Plats Outside Corporate Limits

Procedure for approval of preliminary and final plats of land within two (2) miles of the corporation limits of any town having a Planning and Zoning Commission, shall be the same as set out in Section 1.1 and 1.2 above, except that five (5) copies of the plat shall be filed with the Town Clerk and the Town Clerk shall refer one (1) copy to the County Engineer and one (1) copy to the Board of Supervisors and request their recommendations be submitted to the Town Planning and Zoning Commission. The Town Planning and Zoning Commission shall not take action on the plat prior to receiving the recommendations of the County.

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1.4-Professional Assistance

The Town Council or the Planning and Zoning Commission may request such professional assistance as it deems necessary to evaluate the plats as submitted.

1.5-Preliminary Plat Requirements

The preliminary plat shall contain the following information.

1. A location map showing:
 - a. The subdivision name.
 - b. An outline of the area to be subdivided.
 - c. The existing streets and roads and public or community utilities, if any, on adjoining property.
 - d. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of fifty (50) feet to one (1) inch provided that if the resulting drawing would be over thirty-six (36) inches in the shortest dimension, a scale of one hundred (100) feet to the one (1) inch may be used, said preliminary plat to show:
 - a. Legal description, acreage and name of proposed subdivision.
 - b. Name and address of owner.
 - c. Name of person who prepared the plat, and date thereof.
 - d. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision.
 - e. Location and widths, other dimensions and names of the proposed streets, utility easements and other open spaces or reserved areas.
 - f. Tract boundary lines showing dimensions, bearings, angles, and references to known lines or bench marks.
 - g. Names of adjacent property owners.
 - h. Layout of proposed blocks (if used) and lots including the dimensions of each, and the lot and block number in numerical order.
3. A statement concerning the location and approximate size or capacity of utilities proposed to be installed.

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1.5 (2) Cont'd

- j. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten per cent (10%) and at vertical intervals of not more than five (5) feet if the general slope is ten per cent (10%) or greater.
- k. Grades of proposed streets.
- l. Proposed building lines.
- m. A cross-section of the proposed streets showing the roadway location, the type and width of surfacing, type of drainage and other improvements to be installed.
- n. The location of proposed wells and/or water mains and sewage disposal system if a public or community system is used.
- o. The drainage of land including proposed storm sewers, ditches, culverts, bridges and other structures.
- p. North point and graphic scale.
- q. Layout of lots showing approximate dimensions and number.

1.6-Final Plat Requirements

The final plat shall meet the following specifications.

1. It may include all or only part of the preliminary plat.
 2. The plat shall be drawn to the scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in shortest dimensions, a scale of one hundred (100) feet to one (1) inch may be used.
 3. The final plat shall contain the following:
 - a. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in three thousand (3,000) feet.
 - b. Accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part.
 - c. Accurate locations of all existing and recorded streets and roads intersecting the boundaries of the tract.
 - d. Accurate metes and bounds description of the boundary.
 - e. Street names.
- 4

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1.6 (3) Cont'd

- f. Complete curve notes for all curves included in the plat.
 - g. Street right of way lines with accurate dimensions in feet and hundredths of feet with angles to right of way lines and lot lines.
 - h. Lot numbers and dimensions.
 - i. Block numbers (if used).
 - j. Accurate dimensions of any property to be dedicated or reserved for public, semi-public or community use.
 - k. Building lines and dimensions.
 - l. Location, type, material and size of all monuments and markers.
 - m. Name of subdivision.
 - n. Name and address of subdivider and owner.
 - o. North point, scale and date.
 - p. Certification by registered land surveyor of the State of Iowa.
 - q. Certification of dedication of roads, streets and other public property.
 - r. Resolution and certificate for approval by the Board of Supervisors and signatures of the Chairman of the Board of Supervisors, County Engineer and County Auditor.
4. The final plat shall be accompanied by the following instruments:
- a. A certified statement by the owner and his spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and his spouse.
 - b. (1) A certificate bearing the approval of the Board of Supervisors stating that all the improvements and installations in the subdivision required by this policy have been made or installed in accordance with the County Specifications, or
(2) A Surety Bond with the County which will insure the County that the improvements will be completed by the subdivider or property owner within two (2) years after

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1.6 (4) (b (2)) Cont'd

the official acceptance of the plat. The form and type of the Bond shall be approved by the County Attorney and the amount of the Bond shall not be less than the amount of the estimated cost of the improvements plus ten per cent (10%), and the amount of the estimate must be approved by the Board of Supervisors.

If the improvements are not completed within the specified time, the Board of Supervisors may use the Bond or any necessary portion thereof to complete the same.

If option (2) above is chosen, the final plat will state that the developer, its grantees, assignees, and successors in interest agree, that public services including but not limited to, street or road maintenance, snow and ice removal, rubbish, refuse, and garbage collection, will be extended to this subdivision until pavement is completed and accepted by Mills County.

For resolution see
Book 102, page 306
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- c. Copy of Restrictive Covenants to be attached to the lots of the subdivision.
5. The final plat shall also be accompanied by the following at the time it is presented for filing.
- a. A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by bond as provided in Section 409.11 of the Code of Iowa.
 - b. If the land platted is encumbered in the manner set out in Section 409.11 of the Code of Iowa, there shall also be filed a certificate showing that an encumbrance bond in an amount double the amount of encumbrance and approved by the Recorder and Clerk of the District Court and which runs to the county for the benefit of the purchasers of the land subdivided, has been filed with the Recorder.

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1.6 (5-c) Cont'd.

- c. A certified statement from the Treasurer of the County that it is free from taxes.
- d. A certified statement from the Clerk of the District Court that the land platted is free from all judgements, attachments, mechanic's or other liens as appears by the record in his office.
- e. A certified statement of the County Recorder that the title in fee is in such proprietor and is free from encumbrance other than that secured by the bond provided for in Section 409.11 of the Code of Iowa, as shown by the records in his office.

CHAPTER II

DESIGN STANDARDS

2.1-Streets and Roads

1. General considerations:
 - a. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
 - b. Street jogs of less than 150 feet shall be avoided.
 - c. Cul-de-sacs shall not exceed 500 feet in length.
 - d. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradients.
 - e. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.
 - f. No dead end streets or alleys will be permitted except at subdivision boundaries.
 - g. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof.
 - h. Alleys shall not be permitted in residential areas but shall be provided in commercial and industrial areas.
 - i. Intersections of road center lines shall be between 80 degrees and 100 degrees.
 - j. Intersection of more than two streets at a point shall not be permitted.

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2.1 (1-k) Cont'd.

- k. Where parkways or special types of streets are proposed, the Board of Supervisors may approve special standards for the design of such parkways or streets.
 - l. Proposed streets that are extensions of or in alignment with existing streets and roads shall bear the name of the existing street.
2. Minimum rights of way shall be provided as follows:
 - a. Thoroughfares -- 100 feet.
 - b. Collector streets -- 70 feet.
 - c. Residential streets -- 60 feet.
 - d. Cul-de-sacs -- 110 feet in diameter.
 - e. Alleys -- 20 feet.
 3. Minimum width of surfacing to be provided shall be as follows:
 - a. Thoroughfare streets -- 53 feet.
 - b. Collector streets -- 41 feet.
 - c. Residential streets -- 25 feet.
 - d. Cul-de-sacs -- 85 feet in diameter.
 - e. Alleys -- 20 feet.
 - f. Sidewalks -- 4 feet.
 4. Grades. No street grade shall be less than one-half of one per cent (1%) and shall not exceed the following limits:
 - a. Thoroughfare streets -- 6 per cent.
 - b. Collector streets -- 8 per cent.
 - c. Residential streets -- 10 per cent.

2.2 - Blocks

1. The length of blocks shall not be less than 500 feet and not more than 1,250 feet in length.
2. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than 220 feet, except where a single tier of double frontage lots parallel a Limited Access Highway, a thoroughfare, drainage course, railroad or other barrier, the width shall not be less than 100 feet.
3. Crosswalks may be required in blocks over 700 feet long or in areas where curved streets require excessive out-of-distance travel. If required, they shall be constructed by the developer.

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2.3

2.3-Lots

1. All lots shall abut on a street or place. Corner lots which abut on a thoroughfare or collector street shall have minimum radius of 15 feet at the intersection.
2. Side lines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide better lot layout.
3. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event, a planting screen shall be provided along the rear of the lot.
4. Corner lots shall not be less than 80 feet in width, and interior lots shall not be less than 70 feet in width at the building line.

CHAPTER III

IMPROVEMENTS REQUIRED

3.1-Sanitary Sewers

The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the following:

1. Public Collection System. Where reasonably available the subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with an existing sanitary sewer system. In such case the sewer system shall be approved by the owners of such existing sewer system and constructed in accordance with the specifications of existing system owners, such as a municipality.
2. Local or Community Treatment System. Where it is not practical to connect the subdivision sanitary sewer system to a municipal sewer, the subdivider shall install a local or community treatment system in accordance with the requirements of the State Board of Health and the Mills County Board of Health.

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 3.1 (3) Cont'd.

3. Private Disposal System. If it is demonstrated that the above are not practical, the Board of Supervisors may, upon request, permit the subdivider to install on each lot, a septic tank and absorption field or other system approved by the Mills County Board of Health, provided such lots meet the area requirements established for such systems as shown herein. In no case, however, shall private disposal systems be permitted where rock, impervious clay or ground water is closer than 30 inches to the surface of the ground.

a. Where a subdivision is not served by a Public, or Community Water Supply and/or Sewer System and the subdivider proceeds under Section 3.2 (3) the minimum lot area and width shall be as follows:

Area	- - - - -	20,000 square feet.
Width	- - - - -	125 feet.

3.2-Water

The subdivider shall provide the subdivision with an approved water supply and distribution system in accordance with one of the following:

1. Public Water System. Where reasonably available, the subdivider shall provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall extend into and through the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and shall be connected to a public or municipal water system.
2. Local or Community Water System. Where a public water system is not available, the subdivider shall install a local or community water supply and distribution system, including all necessary mains, valves, hydrants and other appurtenances, in accordance with the standards and requirements of the State Board of Health and the Mills County Board of Health.
3. Individual Water System. If it is demonstrated that the above are not practical, the Board of Supervisors may, upon request, permit the subdivider to install individual wells on each lot, or other water system approved by the Mills

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3.2 (3) Cont'd.

County Board of Health, provided such lots meet the area requirements established under Section 3.1.(3) of this ordinance.

3.3-Storm Drains

The subdivider shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

3.4-Sidewalks

The subdivider shall provide for a four (4) foot wide P.C. concrete sidewalk along each lot frontage upon completion of the structure thereon.

3.5-Street Signs

The subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.

3.6-Markers

An iron rod not less than one-half ($\frac{1}{2}$) inch diameter and twenty-four (24) inches in length shall be placed as follows:

1. At the intersection of all lines forming angles in the subdivision.
2. At block and lot corners and changes in direction of block and lot boundaries.

3.7-Grading

All streets and alleys within the platted area which are being dedicated for public use shall be brought to the grade approved by the Board of Supervisors.

3.8-Curb and Gutter

Curb and gutter shall be installed on all streets in the plat being dedicated for public use and shall be constructed of portland cement concrete in accordance with the designs and specifications, and at grades approved by the Board of Supervisors.

3.9-Surfacing

All streets being dedicated for public use shall be surfaced to the width required by Section 2.1-3. Surfacing shall be a

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3.9 Cont'd.

permanent type pavement, as approved by the Board and shall be constructed in accordance with the design and specifications, and at grades approved by the Board of Supervisors.

3.10-Specifications

The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the County for like works. Plans and specifications shall be submitted to the Board of Supervisors for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

3.11-Inspection

The Board of Supervisors shall cause the installation of all improvements to be inspected to insure a compliance with the requirements of this Ordinance. The cost of said inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the County.

CHAPTER IV

GENERAL PROVISIONS

4.1-Jurisdiction

All plats, replats or subdivision of land into three or more parts for the purpose of Mills County or suburban lots within two miles of the corporate limits of a town, for other than agricultural purposes, shall be submitted to the Board of Supervisors in accordance with the provisions of this Ordinance, and shall be subject to the requirements established herein.

4.2-Definitions

For the purpose of this Ordinance, certain words and terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. Alley. A permanent public service-way or right of way designed to provide a secondary means of access to abutting property.
2. Auditor. The County Auditor of Mills County.

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4.2 Cont'd.

3. Building Line. A line established on a plat as a restrictive covenant, beyond which no building may be placed. The building lines need not correspond to the front, side, or rear yard requirement established in a zoning ordinance, and where they do not, the most restrictive requirement will control.
4. Board of Supervisors. Board of Supervisors of Mills County.
5. County Engineer. County Engineer of Mills County.
6. Cul-de-Sac. A short minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-around.
7. Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
8. Final Plat. The map or drawing on which the subdivision plan is presented in the form which, if approved by the Board of Supervisors, will be filed with the County Auditor and filed and recorded with the County Recorder.
9. Preliminary Plat. A study or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Board of Supervisors for consideration.
10. Separate Tract. A parcel of land or group of contiguous parcels of land under one ownership on the effective date of the Ordinance.
11. Street or Road. A right of way other than an alley dedicated or otherwise legally established to be accepted for public use, usually affording the principal means of access to abutting property. A street may be designated as a street, highway, thoroughfare, parkway, avenue, road, lane, drive, place or other appropriate designation.
12. Thoroughfare. A street intended for cross-county or through traffic.
13. Collector Street. A street intended to carry vehicular traffic from residential streets to thoroughfares or traffic generators.
14. Residential Street or Road. A street used primarily for access to abutting property.

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4.2 Cont'd.

15. Right of Way. The area measured between property lines dedicated to and accepted for public use and providing access to abutting properties.
16. Recorder. The County Recorder for Mills County.
17. Subdivider. Any person, firm, corporation, partnership, or association who shall layout, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or others.
18. Subdivision. The division of a separate tract of land into three or more lots or parcels for the purpose of transfer of ownership or building development, or if a new road is involved, any division of a parcel of land.

4.3-Fees

Each preliminary plat submitted for approval shall be accompanied by a fee of \$10.00 which shall be credited to the general fund of Mills County, Iowa.

4.4-Variances

Where the strict application of standards or requirements established by the Ordinance would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations, not created by the owner or developer, the Board of Supervisors may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this Ordinance.

4.5-Enforcement

In addition to other remedies and penalties prescribed by law, the provisions of this Ordinance shall not be violated subject to the following:

1. No plat or subdivision in Mills County shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivisions have any validity until it complies with the provisions of this Ordinance and has been approved by the Board of Supervisors as prescribed herein.

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4.5 (2) Cont'd.

2. No public improvements over which the Board of Supervisors has control shall be made with County funds, nor shall any County funds be expended for road maintenance, road improvements, or any other services in any area that has been subdivided after the adoption of this Ordinance unless such subdivision and streets have been approved in accordance with the provisions of this Ordinance and the street accepted by the Board of Supervisors as a public street.
3. Any person who shall hereafter dispose of or offer for sale or lease any lots in Mills County, outside of the corporate limits of any town, unless the plat thereof has been approved in accordance with this Ordinance and recorded, shall forfeit and pay fifty dollars (\$50.00) for each lot or part of lot sold or disposed of, leased or offered for sale.

4.6-Amendments

This Ordinance may be amended from time to time by the Board of Supervisors. The Board of Supervisors shall give notice of and hold a public hearing on any proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

4.7-Validity

Should any section or provisions of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

4.8 EFFECTIVE DATE. THIS ORDINANCE SHALL BE IN EFFECT FROM AND AFTER ITS ADOPTION AND PUBLICATION AS REQUIRED BY LAW. 15

MILLS COUNTY

SUBDIVISION POLICY

Sec. 1.3-Plats within two miles of City or Town

For preliminary and final plats of land within two miles of a city or town having a planning commission, the plats shall be filed with the municipality in accordance with its established procedures, and one copy transmitted to each the County Engineer and the Board of Supervisors of the affected County for their review and comment. The County Engineer and Board of Supervisors shall transmit their recommendations to the Municipal Planning Commission within 30 days, and the County shall accept the approval of the Municipality without further action, provided that the design standards and improvements required are not less than those established herein.

Sec. 1.6(4)(b)(2)-If within two (2) miles of a city or town having jurisdiction, the bond shall be with the city or town. The final plat shall state that the developer, its grantees, assignees, and successors in interest agree that public services including but not limited to road maintenance, snow and ice removal, and any other services normally provided by the County, will not be extended to this subdivision until the pavement is completed and accepted by the County.

Sec. 2.3-Pavements

a. Pavements shall be provided within the two mile control area of a town or city in accordance with the street standards established by the municipality but in no case shall the pavement be less than established herein for subdivisions beyond the two mile control area.

b. Beyond the two mile control area pavement on all classes of roads, shall provide not less than two (2) twelve (12) foot driving lanes, plus eight (8) feet for each parallel parking lane desired.

c. Cul-de-Sacs - - - 85 feet in diameter.

d. Alleys - - - - - 20 feet.

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Sec. 3.12

3.12-Improvements Within Two Miles of City or Town

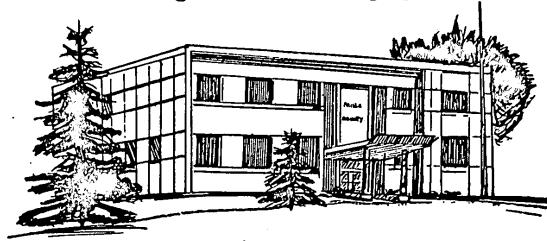
Improvements in subdivisions within two miles of a City or Town shall be in accordance with the requirements of the Municipality, provided that they shall not be less than those required above, and provided further that all road and drainage construction plans shall be approved by the Board of Supervisors and the County Engineer.

4.1- Jurisdiction

All plats, replats, or subdivisions of land into three or more parts in the unincorporated areas of Mills County, for other than agricultural purposes, including the laying out of suburban lots or additions within two miles of any town or city, or if a new road is created, any division of a parcel of land, shall be submitted to the Mills County Board of Supervisors in accordance with the procedures established by this Ordinance, and shall be subject to the requirements established herein, and in Chapter 306 of the Code of Iowa.

All plats, replats, or subdivision of land as defined above, that are within two miles of any incorporated community having a planning commission shall be submitted to the Council and Planning Commission in such communities, and shall be subject to the procedures and requirements of such a Community, and Chapter 409 of the Code of Iowa as well as the requirements established herein.

Office of Mills County Auditor

PHONE
527-4618Glenwood, Iowa 51534
April 24, 1973RESOLUTION

The Mills County Board of Supervisors met on this 24th day of April, 1973 at the Courthouse, Glenwood, Iowa, for the following purpose: Subdivision Ordinance.

A public hearing was held on the 23rd day of April, 1973 at the Courthouse at 10:30 A.M. of the proposed Subdivision Ordinance of Mills County, Iowa. Also, the legal public notice was published in the Glenwood Opinion-Tribune on April 4, 1973 and the Malvern Leader on April 5, 1973.

After a full discussion of rules and regulations for the subdivision of land in Mills County, motion was made by Supervisor Marshall to adopt said ordinance as published.

Motion seconded by Supervisor Washburn. Motion carried.
Ayes: 3; Nays: 0.

Austin L. Bass
Austin L. Bass, Chairman
Mills Co. Board of Supervisors

Attest: *Glenn L. Johnson*
Glenn L. Johnson
County Auditor



FILE NO. 650
 FILED FOR RECORD 27
 day of April, 1973 at
 9:16 A. M.
 KENNETH ASMUSSEN, MILLS
 CO. RECORDER
 FEE: \$None

Indexed
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 Compared
 Copy

April 24, 1973

RESOLUTION

A resolution providing rules and regulations for access to Mills County Secondary Roads; providing for design and construction thereof; and establishing procedures for the approval of access entrance ways; all for the purpose of promoting the safety and general welfare of the public.

WHEREAS, the Board of Supervisors of Mills County, Iowa, deem it necessary in order to facilitate adequate provisions of transportation, safety of the general public and proper drainage throughout the county.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

1. All persons, companies, and/or corporations desiring an access entrance way from their property to any Mills County Secondary road shall apply for such access to the Mills County Engineer.
2. The Mills County Engineer is hereby authorized to approve the location, size of drainage structure required, and design of all access entrance ways.
3. All approved access entrance ways shall be constructed by Mills County, Iowa, or its authorized representative.
4. The person, company or corporation requesting construction of an access entrance way will be required to pay Mills County for construction of such entrance. Costs will be charged as follows:

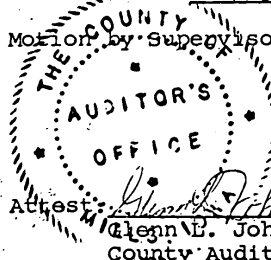
Drainage structure (culvert pipe)--Actual cost to Mills County.
 Construction of entrance way--One dollar (\$1.00) per lineal foot.

5. When access is granted and entrance way is constructed, Mills County will then assume responsibility for maintenance of such entrance without further direct cost to property owner.
6. Wherever three (3) or more lots, whose side lines are contiguous, abut upon a county road, direct access from such lots to a county road shall not be allowed. Such lots shall enter into a frontage road, constructed by the owners of such lots without cost to Mills County. Access from such frontage road to a county road will be allowed when such access is approved by the County Engineer and paid for by the property owners in accordance with the regulations set forth in this resolution. Said "Frontage Road" shall not become a part of the Mills County Secondary Road system without being a part of an approved subdivision, meeting all requirements of the Mills County Subdivision Regulation Ordinance.
7. Exception: Section six (6) shall not apply to lots containing five (5) or more acres with a frontage width of not less than five-hundred (500) feet. Lots meeting the size requirements of this section shall be allowed direct access to a county road in accordance with the provisions set forth elsewhere in this resolution.

EFFECTIVE DATE: THIS RESOLUTION SHALL BE IN EFFECT FROM AND AFTER ITS ADOPTION.

APPROVED THIS 24th DAY OF April, 1973 A.D.

Motion by Supervisor Washburn, seconded by Supervisor Marshall.



Signed Austin L. Bass
 Austin L. Bass, Chairman
 Mills County Board of Supervisors

Attest: Glen E. Johnson
 County Auditor