

February 18, 1963.

Passed on File.

*Cities and Towns 2/19*

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Approved.....

**Senate File 199**

By WILEY and O'MALLEY.

Passed House, Date.....

Vote: Ayes..... Nays.....

## A BILL FOR

An Act to provide for the reservation of right-of-way for future streets and providing for relief in cases of undue hardships caused by right-of-way reservation.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. This Act shall be known as the "Mapped Streets  
2 Act."

1 Sec. 2. When used in this Act:

2 1. "Board" means the board of adjustment as established  
3 under section four hundred fourteen point seven (414.7), of the  
4 Code, or other board of appeals as may be designated by the  
5 legislative body.

6 2. "Municipality" includes cities, towns, and counties.

7 3. "Comprehensive plan" means a plan as adopted under  
8 chapter three hundred seventy-three (373) of the Code. This  
9 term shall include a master or general plan.

10 4. "Legislative body" means the governing body of a city,  
11 town, or county.

12 5. "Major street plan" means a plan showing the character  
13 and location of major streets, highways, and thoroughfares for  
14 present and future development and being a part of the compre-  
15 hensive plan.

16 6. "Mapped street" means a street or highway shown on an  
17 official map, whether an existing facility or one not yet open  
18 or occupied for street purposes or in public ownership but which

19 is laid out and delineated on a map.

20 7. "Official map" means a map or series of maps showing the  
21 location and width of existing or proposed streets and highways.  
22 Such official map may consist of one or more separate documents  
23 and may cover all or any part of the area of jurisdiction.

24 8. "Planning commission" means the planning agency of a city,  
25 town, or county.

1 Sec. 3. The purpose of this Act is to provide an orderly  
2 procedure by which cities, towns, and counties can reserve  
3 future rights-of-way for street purposes as a means of implement-  
4 ing a major streets plan, and to promote the health, safety, and  
5 general welfare of the community and to bring about an efficient  
6 and economical development of the street system, and to lessen  
7 or avoid congestion in the public streets and facilitate traffic  
8 movement.

1 Sec. 4. Any municipality which has a planning commission and  
2 street plan is hereby empowered to provide for the reservation of  
3 land for the extension and improvement of streets within the area  
4 over which the municipality exercises subdivision jurisdiction.

1 Sec. 5. From time to time, the legislative body or planning  
2 commission may cause to be prepared a map of the jurisdictional  
3 area or a portion thereof, indicating the proposed future ex-  
4 tension or widening of streets. The map shall conform with the  
5 major street plan. After the map has been prepared, it shall  
6 be filed with the planning commission and the commission shall,  
7 within thirty (30) days of such filing, report to the legislative  
8 body their recommendations thereon. The map shall be drawn to  
9 scale and to such standards of accuracy as to enable the bound-  
10 aries of the mapped streets to be located on the ground.

1     Sec. 6. After having received the recommendations of the  
2 planning commission, or after expiration of the time allotted for  
3 reporting, the legislative body may, after a public hearing,  
4 approve and adopt the map as an official map, or may reject the  
5 map or may modify it with the approval of the commission. If  
6 the commission disapproves the modified map, the legislative  
7 body may, by a favorable vote of not less than two-thirds ( $\frac{2}{3}$ )  
8 of its entire membership adopt the modified map. In the event  
9 of adoption, the legislative body shall fix the period of time  
10 for which the street locations shown shall be deemed reserved for  
11 future taking or acquisition for public use. The public hearing  
12 shall be held not less than ten (10) days nor more than twenty  
13 (20) days after public notice thereof is given by one (1)  
14 publication in any newspaper of general circulation in the af-  
15 fected area.

1     Sec. 7. After an official map has been adopted by the  
2 legislative body, the map shall be entered and recorded in the  
3 office of the county recorder and in the office of the county  
4 auditor and it shall have no validity until so filed in both  
5 offices.

1     Sec. 8. No owner shall hereafter erect or cause to be erected  
2 any building or structure within any mapped street as shown on  
3 an official map except as provided by this Act.

1     Sec. 9. Before issuing any building permit, the official  
2 whose function it is to issue such permit shall examine the  
3 official map or maps and if he finds that the building or struc-  
4 ture or any part thereof will lie within the boundaries of a  
5 mapped street, he shall refuse such permit unless the cost of the  
6 proposed building or structure is five hundred (500) dollars

7 or less.

1 Sec. 10. Any person aggrieved by the refusal of a building  
2 permit under this Act may request a hearing on the matter by  
3 the board, and such hearing shall be held within thirty (30)  
4 calendar days of the filing of the request.

5 Before taking any action on appeals, the board shall hold at  
6 least one (1) public hearing thereon. Notice of the time and  
7 place shall be given by one (1) publication in a newspaper of  
8 general circulation in the municipality not less than ten (10)  
9 nor more than twenty (20) days before the date of the hearing.

1 Sec. 11. The board shall have the power, upon an appeal  
2 filed with it by the owner of any land, to order the issuance of  
3 a permit for a building within the bed of a mapped street in  
4 any case in which the board finds upon the evidence and arguments  
5 presented to it that all of the following are true:

6 1. That the property of which the mapped street location is  
7 a part is of such nature that the owner of the land will be  
8 substantially damaged by the refusal to grant the permit.

9 2. That the entire property of the appellant, of which such  
10 mapped street location forms a part, cannot yield a reasonable  
11 return to the owner unless such permit is granted.

12 3. That balancing the interest of the municipality in pre-  
13 serving the integrity of the official map and the comprehensive  
14 plan or the major street element thereof and the interest of the  
15 land owner in using this property as proposed to be used, the  
16 grant of such permit is required by considerations of reasonable  
17 justice and equity.

1 Sec. 12. If the board orders the issuance of a building  
2 permit in any such appeal it shall specify the exact location,

3 ground area, height and type of construction and may specify  
4 other details as to the duration or extent and characteristics  
5 of the building for which the permit is granted. Said permit  
6 shall not be effective until thirty (30) days after the ruling  
7 of the board so as to give the municipality an opportunity to  
8 initiate action to acquire the right-of-way before improvements  
9 are commenced.

1 Sec. 13. Adoption of an official map shall not, however, be  
2 deemed the opening or establishment of any street, nor the taking  
3 of any land for street purposes, nor for public use, nor as a  
4 public improvement, but solely as a reservation of a street  
5 location shown therein, for the period specified, for future  
6 taking or acquisition for street right-of-way.

1 Sec. 14. The legislative body may from time to time revise  
2 or amend the official map or make additions thereto to deletions  
3 therefrom in accordance with the above procedure.

1 Sec. 15. If any provision of this article or the application  
2 thereof to any person or circumstance is held invalid, the re-  
3 mainder of this article and the application of such provision  
4 to other persons or circumstances shall not be affected thereby.