GROUNDWATER HAZARD REPORTING SYSTEM RESOLUTION

Resolution # 720-07

WHEREAS, Mitchell County (County) and the Iowa County Recorders Association (Association) have created a county land record information systems in order to provide public access to real estate documents; and

WHEREAS, all Iowa counties are required to process Groundwater Hazard Statements as provided in Iowa Code section 558.69; and

WHEREAS, Iowa Code section 558.69 requires the submission of the Groundwater Hazard Statements to the Iowa Department of Natural Resources (Department); and

WHEREAS, the Department has adopted Iowa Administrative Code chapter 561 IAC 9, which allows the electronic submission of the Groundwater Hazard Statements; and

WHEREAS, the County and the Department desire to utilize the county land record information system as a means to provide for more efficient and timely filing of the Groundwater Hazard Statements;

THEREFORE, BE IT RESOLVED that the County acknowledges that the County is responsible for the processing and filing of Groundwater Hazard Statements as provided in Section 558.69 of the Iowa Code and the chapter 561 IAC 9 of the Iowa Administrative Code. The County requests that in lieu of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department of Natural Resources, a facsimile or image of the printed version of the Groundwater Hazard Statement shall be stored the local county land record indexing and imaging system.

BE IT FURTHER RESOLVED that the County agrees to the following terms and conditions.

a. A facsimile or image of a printed version of all forms required to be submitted to the Department pursuant to 561 IAC 9 shall be stored within the local county land record indexing and imaging system.
b. The facsimile or image of the form shall be permanently stored in the local county land record indexing and imaging system.
c. The image shall be legible and shall comply with the document formatting and imaging standards adopted by the Association.
d. The county and county recorder shall be members of the Electronic Services System.
e. The county and county recorder shall maintain compliance with the operating policies, procedures, and standards adopted by Electronic Services System

including but not limited to policies concerning the timely uploading of information to the statewide county land record information system, a.k.a. Iowa Land Records.

f. The county recorder shall index the associated document information and the parties (grantors and grantees) for each Groundwater Hazard Statement. The county recorder is not required to index property or legal description information for Groundwater Hazard Statements.

g. The county and county recorder shall provide 180 days notice prior to reverting to the practice of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department.

An affirmative response on a Groundwater Hazard Statement means that the Groundwater Hazard Statement indicates a well, underground storage tank, disposal site, or hazardous waste site exists on the property. Pursuant to Iowa administrative rule 561 IAC 9.2(3), Groundwater Hazard Statements on which a private burial site is the sole mater disclosed and which do not reveal the existence of a well, disposal site, underground storage tank, or hazardous waste on the property shall not be submitted to the Department.

Stan Walk, Chair Date: Aug. 28, 2007

Chairperson, Mitchell County Board of Supervisors

Lowell Nesen Date: Aug. 28, 2007

Mitchell County Auditor

Pat Dack Date: Aug 28, 2007

Mitchell County Recorder