

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2019-6-96

**APPROVING A LAND PRESERVATION PARCEL SPLIT**

**WHEREAS**, a Land Preservation Parcel Split of IPSAN FIRST ADDITION (Case # JLPS18-0009) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A has been filed for approval, a subdivision of real estate located in the NENW, SENW of Section 19, Township 83 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the Center of said Section 19; thence S87°51'48"W along the south line of said SE 1/4 NW fri 1/4, 1320.08 feet to the SW corner of said SE 1/4 NW fri thence N00°57'46"W along the west line of said SE 1/4 NW fri 1/4 and along the west line of said NE 1/4 NW fri 1/4, 2381.11 feet to the SE corner of Lot 1, Engbretson First Addition; thence N00°25'44"W along the east line of said Lot 1, 258.86 feet to the south right-of-way line of Linn Ridge Road; thence E-ly along said south right-of-way line on an arc of 346.16 feet of a 2693.66-foot radius curve to the right, having a chord length of 345.92 feet, bearing S80°21'46"E; thence S76°40'51"E along said south right-of-way line, 176.43 feet; thence E-ly along said south right-of-way line on an arc of 223.77 feet of a 703.94-foot radius curve to the right, having a chord length of 222.83 feet, bearing S67°34'26"E; thence S58°28'01"E along said right-of-way, 31.50 feet; thence S04°01'08"W, 283.83 feet; thence S85°58'52"E, 123.70 feet; thence S02°24'08"W, 80.80 feet; thence S87°35'26"E, 107.30 feet; thence S02°23'57"W, 188.76 feet; thence N86°59'21"E, 385.19 feet to the east line of said NE 1/4 NW fri 1/4; thence S00°58'39"E along said east line and along the east line of said SE 1/4 NW fri 1/4, 1845.23 feet to the Point of Beginning containing 68.91 acres which includes 1.69 acres of road right of way.

**WHEREAS**, said plat is accompanied by a certificate acknowledging that said subdivision is by, and with the free consent of the proprietors, and is accompanied by a certificate dedicating certain property to the public, as shown on the plat; and

**WHEREAS**, said plat and its attachments thereto have been found to conform to the requirements of the comprehensive plan and the subdivision ordinance; and the requirements of other ordinances and state laws governing such plats; and

**WHEREAS**, the following conditions as listed on the Planning and Development Staff Report of September 19, 2018 as last amended on October 15, 2018 have been addressed:

**LINN COUNTY SECONDARY ROAD DEPARTMENT**

1. Entrance permit required for new entrances and existing unpermitted entrances, Sec.11 and the Unified Development Code, Article IV, Sec. 107-72 § 2 (h)(5). One entrance per parcel is allowed. An additional access may be allowed with justification and permit.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. 40' of right-of-way on Ballard Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement for conditions applicable to land preservation parcel split cases. County Standard Specifications, Section 1.

**IOWA DEPARTMENT OF TRANSPORTATION**

1. Not within the jurisdiction of the Iowa Department of Transportation.

**LINN COUNTY PUBLIC HEALTH DEPARTMENT**

1. Existing water system must be tested for coliform bacteria and nitrates and results submitted to this department.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. Show approximate location of natural drainage ways and a note restricting building within the natural drainage way should be shown on the final plat. Contact the NRCS office for widths and building restriction requirements.
2. Clarify plans to address potential wetland area with NRCS.

**LINN COUNTY CONSERVATION DEPARTMENT**

1. No conditions to be met.

**LINN COUNTY EMERGENCY MANAGEMENT**

1. No conditions to be met.

**LINN COUNTY 911 COORDINATOR**

1. No conditions to be met.

**LINN COUNTY PLANNING AND DEVELOPMENT – ZONING DIVISION**

1. All side and rear yard setbacks must be met for all structures involved in this proposal.
2. Various revisions to the site plan and final plat.
3. Prior to approval of the final plat, the owner must sign an "Acceptance of Conditions" form. The "Acceptance of Conditions" form states that the owner understands and agrees to comply with the agreed upon conditions as stated in the staff report.
4. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
5. Outlot A will require a Land Preservation Parcel Split deed restriction. As a part of the final plat, the lot will be non-buildable until brought into conformance with the Linn County UDC and will require the note: "This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed" on the plat.
6. Prior to recording of the final plat, a deed restriction must be recorded combining the parent parcels.
7. The proposed subdivision name and proposed names of all roads, streets and lanes shall be submitted for review and approval by the Linn County Auditor's office prior to approval of the final plat.
8. One original and 3 complete copies of the final plat bound documents that must include the following:
  - (i) Owner's certificate and dedication certificate executed in the form provided by the laws of Iowa, dedicating to Linn County title to all property intended for public use, including public roads
  - (ii) Title opinion and a consent to plat signed by the mortgage holder if there is a mortgage or encumbrance on the property as well as a release of all streets, easements, or other areas to be conveyed or dedicated to local government units within which the land is located
  - (iii) Surveyor's certificate
  - (iv) Auditor's certificate
  - (v) Resolution of the Planning and Zoning Commission
  - (vi) Resolution of the Board of Supervisors
  - (vii) Resolution of approval or waiver of review by applicable municipalities
  - (viii) Treasurer's certificate
  - (ix) Agricultural Land Use Notification. The landowner shall ensure that such notification shall be attached to the deed and shall become a separate entry on the abstract of title for all the property that is subject of the permit or development as per Article V, Section 107-91, § (h) of the Unified Development Code.

- (x) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
  - (xi) Three (3) copies of the surveyor's drawing
  - (xii) A covenant for a secondary road assessment
9. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **OCTOBER 15, 2019** as per Article IV, Section 107-72, § (1)(g), and shall be recorded within 1 year of that approval, as per Article IV, Section 107-72, § (2)(f), of the Unified Development Code.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors, of Linn County, Iowa, that said plat is hereby approved. The Board of Supervisors and County Engineer are hereby authorized to enter approval upon the final plat resolution. The Board of Supervisors' Chairperson is also hereby authorized to sign said plat which executes an acceptance of dedication of property to the public, as shown on said plat.


**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the Board of Supervisors, of Linn County, Iowa, that said plat and plat proceedings shall not be changed or altered in any way, without the approval of the Linn County Board of Supervisors. Said plat and plat proceedings shall be recorded by **June 26, 2020** to be valid.

**Passed and approved this 26<sup>th</sup> day of June, 2019.**

Linn County Board of Supervisors

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Vice Chair

  
\_\_\_\_\_  
Supervisor

Aye: 2

Nay: 0

Abstain: 0

Absent: 1

Attest:

Joel Miller by Rebecca Shoop,  
Joel Miller, Linn County Auditor Deputy

Linn County Engineer

\_\_\_\_\_  
Brad Ketels, Engineer

State of Iowa )  
                          ) SS  
County of Linn )

I, Joel Miller, County Auditor of Linn County, Iowa, hereby certify that at a regular meeting of the said Board of Supervisors, the foregoing resolution was duly adopted by a vote of:

2 Aye 0 Nay 0 Abstain 1 Absent

Joel Miller by Rebecca Shoop,  
Joel Miller Deputy

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Shoop,  
\_\_\_\_\_  
Deputy

on this 26 day of June, 2019.

Amanda Hoy  
\_\_\_\_\_  
Notary Public State of Iowa

