

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2020-1-11

APPROVING A LAND PRESERVATION PARCEL SPLIT

WHEREAS, a Land Preservation Parcel Split of Wittenburg's First Addition (Case # JLPS19-0004) to Linn County, Iowa, containing three (3) lots, numbered lot 1, lettered outlot A and outlot B, has been filed for approval, a subdivision of real estate located in the NWNW of Section 12, Township 84 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the Northwest corner of said Section 12; thence North 89°13' 12" East 306.19 feet along the North line of the Northwest Quarter of the Northwest Quarter of said Section 12 to the Northwest corner of Plat of Survey #1316, as filed for record in Book 6212, Page 467 in the office of the Recorder of Linn County, Iowa; thence South 0° 47' 00" East 204.40 feet along the West line of said Plat of Survey #1316 to the Southwest corner thereof; the following three courses and distances run the Southerly boundary of said Plat of Survey #1316:

thence North 89° 13' 06" East 241.52 feet; thence North 0° 46' 54" West 3.40 feet; thence North 89° 13' 06" East 23.92 feet to the Southeast corner of said Plat of Survey #1316; thence North 00 44' 21" West 200.99 feet along the East line of said Plat of Survey #1316 to the Northeast corner thereof; thence North 89° 13' 12" East 759.05 feet along the North line of said Northwest Quarter of the Northwest Quarter to the Northeast corner thereof; thence South 1° 32' 47" East 1326.93 feet along the East line of said Northwest Quarter of the Northwest Quarter to the Southeast corner thereof; thence South 89° 21' 21" West 1329.40 feet along the South line of said Northwest Quarter of the Northwest Quarter to the Southwest corner thereof; thence North 1° 36' 37" West 1323.80 feet along the West line of said Northwest Quarter of the Northwest Quarter to the point of beginning, containing 39.22 acres, subject to easements, covenants and restrictions of record.

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 October 16th, 2019 as last amended on November 18th, 2019 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT, 892-6400

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). All approved entrances shall be brought into conformance with County standards. One entrance per parcel is allowed.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. 40' of right-of-way on Jordans Grove Road and Prairie Chapel Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement for conditions applicable to land preservation parcel splits. County Standard Specifications, Section 1.
4. Daylight corner shall conform to County Standard Specifications, Fig. 15.
5. E-911 address sign for Outlot A shall be applied for at the Linn County Secondary Road Department (319-892-6400) due to the structures and electricity on the site.

IOWA DEPARTMENT OF TRANSPORTATION

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

LINN COUNTY PUBLIC HEALTH DEPARTMENT

1. A Shared Well Agreement shall be submitted for review.

NATURAL RESOURCES CONSERVATION SERVICE

1. Clarify plans for subsurface drainage with USDA Natural Resources Conservation Service (NRCS). Submit Shared Tile Agreement for review.

LINN COUNTY CONSERVATION DEPARTMENT

No conditions to be met.

LINN COUNTY EMERGENCY MANAGEMENT

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 and Outlot B will require a Land Preservation Parcel Split deed restriction. As a part of the final plat, the lots 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. 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.
7. 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
8. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **NOVEMBER 18, 2020** 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 January 29th, 2021 to be valid.

Passed and approved this 29th day of January, 2020

Linn County Board of Supervisors



Chair



Vice Chair



Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:


Joel Miller, Linn County Auditor

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:

3 Aye 0 Nay 0 Abstain 0 Absent

Joel Miller by Rebecca Sheop, Deputy
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller,

by Rebecca Sheop,
Deputy

on this 29 day of January, 2020.

Amanda Hoy
Notary Public State of Iowa

