

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION # 2020-2-15**

**APPROVING A LAND PRESERVATION PARCEL SPLIT**

**WHEREAS**, a Land Preservation Parcel Split of HORAK SECOND ADDITION (Case # JLPS19-0003) to Linn County, Iowa, containing three (3) lots, numbered lot 1, and lettered lots A and Outlot A has been filed for approval, a subdivision of real estate located in the SE SW of Section 13, Township 84 North, Range 5 West of the 5<sup>th</sup> P.M., Linn County, Iowa have been addressed:

Commencing at the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 13; thence South 1° 16' 44" East 998.08 feet along the West line of said Northeast Quarter of the Southwest Quarter to the Southwest corner of the North Three Quarters thereof and the point of beginning; thence North 89° 01' 21" East 134126 feet along the South line of said North Three Quarters to the Southeast corner thereof; thence South 1° 31' 07" East 1220.54 feet along the East line of the East Half of the Southwest Quarter of said Section 13 to the Northeast Corner of the South One Third of the Southeast Quarter of the Southwest Quarter of said Section 13; thence South 89° 02' 57" West 1346.37 feet along the North line of said South One Third to the Northwest corner thereof; thence North 1° 16' 44" West 1219.88 feet along the West line of said East Half of the Southwest Quarter to the point of beginning, containing 37.64 acres, subject to easements, covenants and restrictions of record. For the purpose of this description, the West line of the East Half of the Southwest Quarter of said Section 13 is assumed to bear North 1° 16' 44" West.

**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 18<sup>th</sup>, 2019 as last amended on November 18, 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 Quaker Lane 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.

**IOWA DEPARTMENT OF TRANSPORTATION**

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

**LINN COUNTY PUBLIC HEALTH DEPARTMENT**

1. No conditions to be met.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. 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 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. 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

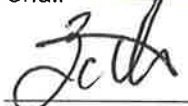
also hereby authorized to sign said plat which executes an acceptance of dedication of property to the public, as shown on said plat.

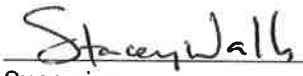
**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the Board of Supervisors, of Linn County, Iowa, that said plat and plat proceedings shall not be changed or altered in any way, without the approval of the Linn County Board of Supervisors. Said plat and plat proceedings shall be recorded by **February 5, 2021** to be valid.

**Passed and approved this 5<sup>TH</sup> day of FEBRUARY, 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, and Clerk to the Board of Supervisors, 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 Shoop, Deputy  
Joel Miller

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

on this 5 day of Feb., 2020.

Amanda Hoy  
Notary Public State of Iowa

