

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2020-6-70

APPROVING A FINAL PLAT

WHEREAS, a final plat of Axeland Acres Addition (Case #JF20-0004) to Linn County, Iowa, containing four (4) lots, numbered Lot 1, lettered Lot A, and Outlot A and B, has been filed for approval, a subdivision of real estate located in the SESE of Section 24, Township 82 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

Tract One

Beginning at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 24, Township 82 North, Range 7 West, of the fifth Principal Meridian, Linn County, Iowa; Thence S02°19'24"E, along the East Line of said Southeast Quarter of the Southeast Quarter, 1269.05 feet, to its intersection with the North Right-of-Way Line of Mabie Road; Thence S89° 19'32"W, along said North Right-of-Way Line, 470.18 feet, to its intersection with the East Right-of-Way Line of Ely Road; Thence N58°12'15"W, along said East Right-of-Way Line, 70.58 feet; Thence N23°38'44"W, along said East Right-of-Way Line, 208.87 feet; Thence N27°55'47"W, along said East Right-of-Way Line, 500.55 feet; Thence S64°34'30"W, 49.99 feet, to a Point on the Centerline of said Ely Road; Thence S25°35'46"E along said Centerline 771.90 feet, to its intersection with the South Line of said Southeast Quarter of the Southeast Quarter; Thence S89°27'08"W, along said South Line, 36.43 feet; Thence N25°35'46"W, 154.85 feet; Thence Northwesterly, 1113.59 feet, along the Northeasterly Line of Parcel "A" of Plat of Survey No. 1444 and the Southeasterly Projection thereof, in accordance with the Plat thereof recorded in Book 6835 at Pages 174-176 of the records of the Linn County Recorder's Office, and along an arc of a 8544.37 foot radius curve, concave Northeasterly, whose 1112.80 foot chord bears N37°57'27"W, to its intersection with the West Line of said Southeast Quarter of the Southeast Quarter; Thence N02°14'20" W, along said West Line, 294.44 feet, to the Northwest Corner of said Southeast Quarter of the Southeast Quarter; Thence N89°27'19"E, along the North Line of said Southeast Quarter of the Southeast Quarter, 1314.56 feet, to the Point of Beginning.

Tract Two

Commencing at the Southwest Corner of the Southeast Quarter of the Southeast Quarter of Section 24, Township 82 North, Range 7 West, of the fifth Principal Meridian, Linn County, Iowa; Thence N02°14'20"W, along the West Line of the Southeast Quarter of the Southeast Quarter of said Section 24, a distance of 48.66 feet, to its intersection with the North Right-of-Way Line of Wright Brothers Boulevard, and the Point of Beginning; Thence continuing N02°14'20"W, along said West Line, 789.91 feet, to its intersection with the Southwesterly Line of Parcel "A" of Plat of Survey No. 1444, in accordance with the Plat thereof recorded in Book 6835 at Pages 174-176 of the records of the Linn County Recorder's Office; Thence Southeasterly 1003.30 feet, along said Southwesterly Line and an arc of a 8644.37 foot radius curve, concave Northeasterly, whose 1002.73 foot chord bears S38°35'42"E, to the Southerly most corner thereof, and a Point on the North Right-of-Way Line of said Wright Brothers Boulevard; Thence S89°27'39"W, along said North Right-of-Way Line, 594.68 feet, to the Point of Beginning.

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 March 18, 2020 as last amended on April 20, 2020 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. Lot 1 and Outlot A shall each be limited to a single access. Outlot B is allowed one access and a second with justification.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. A minimum of fifty feet of right-of-way on Wright Brothers Boulevard E, Mabie Road and Ely Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions similar to final plat 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

No conditions to be met.

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. Land disturbance greater than 1 acre in size, not associated with agricultural crop production, will require a NPDES permit granted by the Iowa Department of Natural Resources.
3. A site plan showing the footprint of proposed structures and septic systems and wells shall be submitted and accepted by the NRCS office prior to plat approval.
4. Clarify plans to address potential wetland area with NRCS.

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. Various revisions to the site plan and final plat.
2. 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.
3. This plat lies within the 2-mile jurisdiction of the City of Ely, and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review
4. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
5. The remaining land of the parent parcel is less than 35 acres and has been included as part of the final plat as two Outlots (A&B). Each Outlot will be non-buildable until brought into conformance with the Linn County UDC.

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. The final plat bound documents must be approved by the Linn County Board of Supervisors on or before **APRIL 20, 2021** 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 UDC.
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
 - i. 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 UDC.
 - ii. Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
 - iii. Three (3) copies of the surveyor's drawing
 - iv. A covenant for a secondary road assessment

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.

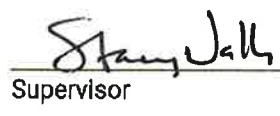
NOW, THEREFORE BE IT FURTHER RESOLVED, by the Board of Supervisors, of Linn County, Iowa, that said plat and plat proceedings shall not be changed or altered in any way, without the approval of the Linn County Board of Supervisors. Said plat and plat proceedings shall be recorded by June 17, 2021 to be valid.

Passed and approved this 17th day of June, 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)

Linn County Board of Supervisors
June 17, 2020
Resolution # 2020-6-70
JF20-0004
Page 5 of 5

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 Nay Abstain 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 17 day of June, 2020.

Amanda Hoy
Notary Public State of Iowa

