

**LINN COUNTY BOARD OF SUPERVISORS**

RESOLUTION # 2019-4-52

**APPROVING LAND PRESERVATION PARCEL SPLIT**

**WHEREAS**, a Land Preservation Parcel Split of JOHNSON 5641 LPS ADDITION (Case # JLPS17-0001) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered outlot A has been filed for approval, a subdivision of real estate located in the NWNW of Section 11, Township 86 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Said JOHNSON 5641 LPS ADDITION TO LINN COUNTY, IOWA is divided into two (2) lots and labeled Lot 1 (one) and Outlot A. The label of the lot is designated on the Final Plat by figures near the center of the lot. The dimensions of the lot, the width of the street and the distances from the lines and corners of the United States public land survey system are shown in feet and decimals thereof on said Plat.

**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 February 15, 2017 as last amended on MARCH 20, 2017 have been addressed:

**LINN COUNTY ENGINEERING DEPARTMENT**

1. The plat shall show an access easement for Lot A through Lot 1.

**IOWA DEPARTMENT OF TRANSPORTATION**

1. If any work is to be done in the State of Iowa right-of-way, contact the IDOT for additional permits.

**LINN COUNTY PUBLIC HEALTH DEPARTMENT**

1. Existing water system must be tested for coliform bacteria and nitrates with the results forwarded 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. The presence of wet soils indicates a need for subsurface drainage. Existing drains need to be shown on site plan or arrangement for new subsurface drainage is needed.
3. Clarify plans to address potential wetland area with NRCS.

**LINN COUNTY CONSERVATION DEPARTMENT**

1. There is a significant stream present. Prohibiting filling or building in the floodway should protect this stream. All building, clearing and construction activity should be restricted in the floodplain. Floodplain is to remain in its natural condition.

**LINN COUNTY EMERGENCY MANAGEMENT**

No conditions to be met.

**LINN COUNTY 911 COORDINATOR**

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. This plat lies within the 2 mile jurisdiction of the City of Coggon. As per Chapter 354 of the Code of Iowa, a certified resolution by any municipality that has authority to review the plat to either approve the plat or waive its right to review must be provided.
5. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
6. 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 Zoning Ordinance 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.
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:
  - (a) 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
  - (b) 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
  - (c) Surveyor's certificate
  - (d) Auditor's certificate
  - (e) Resolution of the Planning and Zoning Commission
  - (f) Resolution of the Board of Supervisors
  - (g) Resolution of approval or waiver of review by applicable municipalities
  - (h) 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 5, Section 1, § 8 of the Unified Development Code.
  - (j) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
  - (k) Three (3) copies of the surveyor's drawing
  - (l) 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 **MARCH 20, 2018** as per Article 4, Section 8A(7), and shall be recorded within 1 year of that approval, as per Article 4, Section 8B, § 6, 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.

Linn County Board of Supervisors

Resolution # 2019-4-52

JLPS17-0001

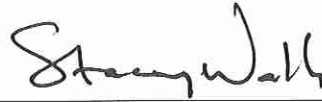
April 3<sup>rd</sup>, 2019

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**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 April 3<sup>rd</sup>, 2020 to be valid.

Passed and approved this 3<sup>rd</sup> day of April, 2019

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, P.E.

State of Iowa    )  
                          ) SS  
County of Linn    )

I, Joel Miller, County Auditor of Linn County, Iowa, 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 Sloop, Deputy  
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Sloop, Deputy  
on this 3 day of April, 2019.

Amanda Hoy  
Notary Public State of Iowa

