

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2019-6-97

APPROVING A LAND PRESERVATION PARCEL SPLIT

WHEREAS, a Land Preservation Parcel Split of Witter First Addition (Case # JLPS19-0001) to Linn County, Iowa, containing four (4) lots, numbered lot 1, lettered lots A and B, and outlot A has been filed for approval, a subdivision of real estate located in the NWSW of Section 25, Township 84 North, Range 6 West of the 5th P.M., Linn County, Iowa have been addressed:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 25;
THENCE N89°34'25"E ALONG THE NORTH LINE OF THE NW 1/4 SW 1/4 OF SAID SECTION 25, 1326.58 FEET TO THE NORTHEAST CORNER OF THE NW 1/4 SW 1/4 OF SAID SECTION 25;
THENCE S01° 02'52"E ALONG THE EAST LINE OF THE NW1/4 SW1/4 OF SAID SECTION 25, 1324.94 FEET TO THE SOUTHEAST CORNER OF THE NW1/4 SW1/4 OF SAID SECTION 25;
THENCE S89°31'58"W ALONG THE SOUTH LINE OF THE NW1/4 SW1/4 OF SAID SECTION 25, 1325.77 FEET TO THE SOUTHWEST CORNER OF THE NW1/4 SW1/4 OF SAID SECTION 25;
THENCE N01°04'57"W ALONG THE WEST LINE OF THE NW1/4 SW1/4 OF SAID SECTION 25, 199.08 FEET TO THE SOUTHWEST CORNER OF LOT 1, ROBISON'S SECOND ADDITION TO LINN COUNTY, IOWA;
THENCE N88°14'58"E ALONG THE SOUTH LINE OF SAID LOT 1 507.93 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE N01°03'00"W ALONG THE EAST LINE OF SAID LOT 1, 157.00 FEET TO A NORTHEAST CORNER OF SAID LOT 1,
THENCE S88°18'15"W ALONG A NORTH LINE OF SAID LOT 1, 186.72 FEET;
THENCE N02°07'13"W ALONG THE EAST LINE OF SAID LOT 237.24 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 ;
THENCE S88°56'44"W ALONG THE NORTH LINE OF SAID LOT 1 , 316.98 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 ,
THENCE N01° 04'57"W ALONG THE WEST LINE OF THE NW1/4 SW1/4 OF SAID SECTION 251 728.53 FEET TO THE POINT OF BEGINNING CONTAINING 36.77 ACRES MORE OR LESS.
SUBJECT TO EXISTING EASEMENTS 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 December 19th, 2018 as last amended on January 22, 2019 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). All approved entrances shall be brought into conformance with County standards. One entrance per parcel is allowed.

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2. Dedication of road rights-of-way, County Standard Specifications, Section 5. 40' of right-of-way on Jordans Grove 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 should be tested for coliform bacteria and nitrates. New wells are provided a complimentary water test after drilling. The owner can collect the water test using required containers from LCPH.

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

No conditions to be met.

LINN COUNTY EMERGENCY MANAGEMENT

No conditions to be met.

LINN COUNTY 911 COORDINATOR

1. E-911 address sign is required to be located at driveway entrance.
2. Street designation signs and E-911 address signs to be applied for at Linn County Secondary Roads Department, 319-892-6400.

LINN COUNTY PLANNING AND DEVELOPMENT – ZONING DIVISION

1. A Certificate of Occupancy for the dwelling on Lot 1 must be issued before case JLPS19-0001 may be completed.
2. All side and rear yard setbacks must be met for all structures involved in this proposal.
3. Various revisions to the site plan and final plat.
4. 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.
5. This plat lies within the 2-mile jurisdiction of the City of Marion. 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.
6. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
7. 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.
8. 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.
9. One original and 3 complete copies of the final plat bound documents that must include the following:

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- (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

10. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **JANUARY 22, 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 June 26th, 2020 be valid.

Passed and approved this 26th day of June, 2019

Linn County Board of Supervisors

Chair



Vice Chair



Supervisor


Aye: 2

Nay: 0

Abstain: 0

Absent: 1

Attest:



Joe 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, 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:

2 Aye Nay Abstain Absent

Joel Miller by Rhessa Shoop,
Joel Miller Deputy

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

by Rhessa Shoop,
Deputy

on this 26 day of June, 2019.

Amenda Hoy
Notary Public State of Iowa

