

**LINN COUNTY BOARD OF SUPERVISORS**

RESOLUTION # 2019-7-113

**APPROVING RESIDENTIAL PARCEL SPLIT**

**WHEREAS**, a Residential Parcel Split of J V Ederly Addition (Case # JPS19-0015) to Linn County, Iowa, containing three (3) lots, numbered lot 1 (one), lettered lot A and lettered outlot A, has been filed for approval, a subdivision of real estate located in the NESE of Section 26, Township 86 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the Center of Section 26, Township 86 North, Range 7 West of the Fifth Principal Meridian; thence N89°36'29"E along the north line of the Southeast Quarter of said Section 26, a distance of 2616.98 feet to the west right of way of N. Alburnett Road; thence S3°29'19"W along said right of way, 87.59 feet; thence S5°05'38"E along said right of way, 200.56 feet; thence S0°48'22"E along said right of way, 363.27 feet; thence N49°37'06"W, 370.98 feet; thence N82°59'11"W, 1499.82 feet; thence southwesterly 590.08 feet along the arc of a 370.00 foot radius curve, concave southeasterly, chord bears S51°19'32"W, 529.50 feet; thence S5°38'16"W, 785.29 feet to the south line of the North Half of said Southeast Quarter; thence S89°34'18"W along said south line, 342.80 feet to the west line of said Southeast Quarter; thence N1°17'52"W along said west line, 1324.32 feet to the point of beginning. Said parcel contains 29.14 acres, subject to 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 June 19<sup>th</sup>, 2019 as last amended on July 15<sup>th</sup>, 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. An additional access may be allowed with justification and permit.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. 60' of right-of-way on North Alburnett Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions similar to residential 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 house must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 105, Article VI Property Maintenance Regulations. If applicable, correction of certain deficiencies may require permits, inspections and final approval from the Building Division of Linn County Planning & Development.
2. Portions of the septic system are located on adjacent property. A written shared septic agreement must be submitted to LCPH and recorded with both properties.

**NATURAL RESOURCES CONSERVATION SERVICE**

No conditions to be met.

**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. The remaining land of the parent parcels will result in a parcel of less than 35 acres. Either combine the remaining land to an adjacent parcel by deed restriction to total 35 acres or more, or include the remaining land as part of the final plat. If included 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 **JULY 15, 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 July 31<sup>st</sup>, 2020 to be valid.

Passed and approved this 31<sup>st</sup> day of July, 2019.

Linn County Board of Supervisors

  
Chair

  
Vice Chair

\_\_\_\_\_  
Supervisor

Aye: 2

Nay: 0

Abstain: 0

Absent: 1

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:

2 Aye 0 Nay 0 Abstain 1 Absent

  
\_\_\_\_\_  
Joel Miller

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

on this 31<sup>st</sup> day of July, 2019.

  
\_\_\_\_\_  
Notary Public State of Iowa

