

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2020-6-76

**APPROVING A FINAL PLAT**

**WHEREAS**, a final plat of Peterson's Properties Addition (Case #JF19-0008) to Linn County, Iowa, containing three (3) lots, numbered Lot 1(one), Lot 2 (two), and lettered Lot A, has been filed for approval, a subdivision of real estate located in the NWSW of Section 19, Township 84 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the West Quarter Corner of Section 19, Township 84 North, Range 6 West of the Fifth Principal Meridian; thence S1°06'44"E along the west line of the Southwest Quarter of said Section 19, a distance of 326.61 feet to a point on the west boundary of Shamrock Woods First Addition to Linn County, Iowa and the point of beginning; thence continuing S1°06'44"E along said west line of the Southwest Quarter, 285.05 feet to a point on the west boundary of said Shamrock Woods First Addition; thence S89°50'26"E along said west boundary, 231.06 feet; thence N1°05'45"W along said west boundary, 285.04 feet; thence N89°50'26"W along said west boundary, 231.15 feet to the point of beginning. Said parcel contains 1.12 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 November 20, 2019 as last amended on December 16, 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. A minimum of 60' of right-of-way on North 10<sup>th</sup> Street adjacent to the 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.
4. Entrance permit and E-911 address sign to be applied for at Linn County Secondary Road Department at the time a residential entrance permit is needed for Lot 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. A written shared well agreement must be submitted to LCPH and recorded with both properties using the well.
3. A detailed site plan must be submitted for a potential building site on the newly created lot indicating the location of house, septic and shared well. Site plan must be submitted from a certified septic contractor who has reviewed the site to determine if the required minimum separation distances can be met. Effluent discharge must be considered and must not impact adjacent properties.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. 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.
2. Before grading and building on lots, a plan for erosion control is needed. Plan shall be implemented before, during, and after construction. Utilize "Erosion Control for Small Site Development" brochure during construction of homes and outbuildings. The brochure can be obtained from the NRCS office or Planning and Development.

**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. The circular driveway connection shown on the Site Plan between Lot 1 and Lot 2 shall be physically severed prior to recording of the Final Plat, or a Shared Access Easement shall be submitted with the Bound Documents.
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 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.
5. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
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 **DECEMBER 16, 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 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 24, 2021 to be valid.

**Passed and approved this 24th day of June, 2020.**

Linn County Board of Supervisors

  
Chair

  
Vice Chair

  
Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

Joel Miller by Rebecca Shoop,  
Joel Miller, Linn County Auditor      Deputy  
Linn County Engineer

Brad Ketels  
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:

3 Aye 0 Nay 0 Abstain 0 Absent

Joel Miller by Rebecca Shoop,  
Joel Miller      Deputy

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

on this 24 day of June, 2020.

Amanda Hoy  
Notary Public State of Iowa

