

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2021-4-56

**APPROVING A LAND PRESERVATION PARCEL SPLIT**

**WHEREAS**, a Land Preservation Parcel Split of Tomash Hilltop Addition (Case # JLPS21-0002) to Linn County, Iowa, containing four (4) lots, numbered Lot 1, lettered Outlot A, Lot A and Lot B, has been filed for approval, a subdivision of real estate located in the NW NW of Section 34, Township 82 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Tomash Hilltop Addition to Linn County is Lot 2 of Banner Valley Second Addition as is recorded in Book 9978 on pages 443-469, which is part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 34, part of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 33, part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 28 and part of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 27, all of Township 82 North, Range 6 West all of the 5th P.M., Linn County, Iowa.

**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 January 20, 2021 as last amended on February 15, 2021 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. Lot 1 and Outlot A shall be limited to a single shared access on Banner Valley Road and a single shared access on Palisades Access Road.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. Forty feet of right-of-way on Banner Valley Road and Palisades Access Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions applicable to land preservation parcel splits. 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. 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.
2. Submit erosion and sediment control plan for review and acceptance.
3. Submit site plan showing potential location of home and septic and water well on Lot 1.

**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**

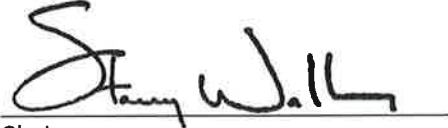
1. All side and rear yard setbacks must be met for all structures involved in this proposal.
2. Various revisions to the site plan and final plat.
3. Prior to approval of the final plat, the owner must sign an "Acceptance of Conditions" form. The "Acceptance of Conditions" form states that the owner understands and agrees to comply with the agreed upon conditions as stated in the staff report.
4. 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.
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 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.
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:
  - (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
9. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **FEBRUARY 15, 2022** 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 April 28, 2022 be valid.

Passed and approved this 28th day of April, 2021

Linn County Board of Supervisors



Chair



Vice Chair



Supervisor


Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

  
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  Nay  Abstain  Absent

Joel Miller by Rebecca Sloop,  
Joel Miller Deputy

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

on this 28th day of April, 2021.

Amanda Hoy  
Notary Public State of Iowa

