

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION # 2021-5-5A**

**APPROVING A FINAL PLAT**

**WHEREAS**, a final plat of Brecke's First Addition (Case #JF21-0001) to Linn County, Iowa, containing two (2) lots, numbered Lot 1 and 2, has been filed for approval, a subdivision of real estate located in the NWNE of Section 15, Township 83 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN GLEN OAKS FIRST ADDITION TO LINN COUNTY, IOWA, RECORDED IN BOOK 14, PAGE 184, ON FILE IN THE LINN COUNTY RECORDER'S OFFICE, CEDAR RAPIDS, IOWA; THENCE SOUTH 15°40'57" EAST (ASSUMED BEARING), 325.59 FEET ALONG THE WEST LINE OF SAID LOT 1 TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTH RIGHT-OF-WAY LINE OF NORTH GLEN DRIVE; THENCE SOUTHWESTERLY 103.32 FEET ALONG A 474.66 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, (SAID CURVE HAVING A LONG CHORD OF SOUTH 65°53'46" WEST, 103.12 FEET) ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 59°47'19" WEST, 13.40 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTHWESTERLY 176.17 FEET ALONG A 786.02 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, (SAID CURVE HAVING A LONG CHORD OF SOUTH 65°47'02" WEST, 175.80 FEET) ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 72°33'00" WEST, 8.70 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE EASTERLY RIGHT-OF-WAY LINE OF COVINGTON ROAD; THENCE NORTH 14°07'56" WEST, 193.69 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE; THENCE NORTHWESTERLY 230.29 FEET ALONG A 1970.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, (SAID CURVE HAVING A LONG CHORD OF NORTH 17°28'52" WEST, 230.16 FEET) ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE NORTH SECTION LINE OF SAID SECTION 15 AND THE SOUTH LINE OF WARRANTY DEED AS RECORDED IN BOOK 8939, PAGE 528-529, ON FILE IN THE LINN COUNTY RECORDER'S OFFICE, CEDAR RAPIDS, IOWA; THENCE SOUTH 89°56'26" EAST, 141.19 FEET ALONG SAID SOUTH LINE AND SAID NORTH SECTION LINE TO THE SOUTHEAST CORNER OF SAID WARRANTY DEED; THENCE NORTH 08°26'26" WEST, 30.33 FEET ALONG WEST LINE OF SAID WARRANTY DEED TO THE SOUTH LINE OF COURT OFFICER DEED AS RECORDED IN BOOK 8376, PAGE 175-177, ON FILE IN THE LINN COUNTY RECORDER'S OFFICE, CEDAR RAPIDS, IOWA; THENCE SOUTH 89°56'26" EAST, 166.02 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING; CONTAINING 2.547 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 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 Lot 2 shall each be limited to one entrance.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. Forty feet of right-of-way on North Glen Drive adjacent to 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.

**IOWA DEPARTMENT OF TRANSPORTATION**

1. Not within the jurisdiction of the Iowa Department of Transportation.

**LINN COUNTY PUBLIC HEALTH DEPARTMENT**

1. Submit a copy of recorded shared well agreement/easement for the community-shared well that serves adjacent properties but is located on this property.

**NATURAL RESOURCES CONSERVATION SERVICE**

See conditions on related Conditional Use Case, JC21-0001.

**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. 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.
3. This plat lies within the 2-mile jurisdiction of the City of Cedar Rapids, and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review.
4. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
5. 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.
6. All conditions of rezoning case JR21-0001 shall be met prior to approval of final plat bound copies.
7. Rezoning case JR21-0001 will be finalized when final plat bound copies are ready to be approved by the Linn County Board of Supervisors.
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 UDC..
  - 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. The final plat bound documents must be approved by the Linn County Board of Supervisors on or before **FEBRUARY 15, 2022** as 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.

**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 March 10<sup>th</sup>, 2022 to be valid.

**Passed and approved this 5<sup>th</sup> day of May, 2021**

Linn County Board of Supervisors

Stacy Wall  
Chair

[Signature]  
Vice Chair

David J. Zambach  
Supervisor

Aye: 3  
Nay: 0  
Abstain: 0  
Absent: 0

Attest:

Joel Miller by Paul Betsworth  
Joel Miller, Linn County Auditor      Deputy Auditor

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 Paul Betsworth  
Joel Miller                      Deputy Auditor

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

on this 5th day of May, 2021.

Amanda Hoy  
Notary Public State of Iowa

