

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2021-6-82

**APPROVING A FINAL PLAT**

**WHEREAS**, a final plat of McMahan Acres First Addition (Case #JF21-0004) to Linn County, Iowa, containing four (4) lots, numbered Lot 1, Lot 2, Lot 3 and lettered Lot A, has been filed for approval, a subdivision of real estate located in the NENE of Section 23, Township 86 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the NE Corner of said Section 23; thence S01° 33' 27"E along the east line of said NE ¼ NE ¼, 1332.94 feet to the SE Corner of said NE ¼ NE ¼; thence S89° 09' 58"W along the south line of said NE ¼ NE ¼, 1347.66 feet to the SW Corner of said NE ¼ NE ¼; thence N01° 07' 08"W along the west line of Lot 5, Lewis Millard's 2nd Addition to Linn County, 745.18 feet; thence N00° 17' 18"W along said west line of said NE ¼ NE ¼, 598.36 feet to the NW Corner of said NE ¼ NE ¼; thence N89° 37' 34"E along the north line of said NE ¼ NE ¼, 1328.88 feet to the Point of Beginning, containing 41.18 acres which includes 1.22 acres of road right of way.

**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 March 17, 2021 as last amended on April 19, 2021 have been addressed:

**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. 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. 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.
3. Submit erosion and sediment control plan for review and acceptance.
4. 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.
5. 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 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. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
4. 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.
5. The final plat bound documents must be approved by the Linn County Board of Supervisors on or before **APRIL 19, 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 UDC.
6. 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 9, 2022 to be valid.

Passed and approved this 9<sup>th</sup> day of June, 2021

Linn County Board of Supervisors

Stacey Walls  
Chair

[Signature]  
Vice Chair

David J. Fendel  
Supervisor

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

Attest:  
Joel Miller by Rebecca Shoop, Deputy  
Joel Miller, Linn County Auditor

Linn County Board of Supervisors  
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Linn County Engineer

**Brad Ketels**

Digitally signed by Brad Ketels  
DN: cn=Brad Ketels, o=Linn County, ou=Linn  
County Secondary Road Department,  
email=brad.ketels@linncounty.org, c=US  
Date: 2021.06.09 08:17:27 -0500

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, Deputy  
Joel Miller

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

on this 9th day of June, 2021.

Amanda Hoj  
Notary Public State of Iowa

