

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2021-6-105

APPROVING RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of LeClere Addition (Case # JPS20-0011) to Linn County, Iowa, containing two (2) lots, numbered Lot 1 and lettered Lot A has been filed for approval, a subdivision of real estate located in the NWSW of Section 5, Township 86 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the Southwest Corner of Section 5, Township 86 North, Range 5 West of the Fifth Principal Meridian; thence N0°30'05"E along the west line of the Southwest Quarter of said Section 5, a distance of 1390.51 feet to the point of beginning; thence continuing N0°30'05"E along said west line, 295.47 feet; thence S89°29'55"E, 324.07 feet; thence N0°30'05"E, 104.70 feet; thence S89°29'55"E, 65.00 feet; thence S0°30'05"W, 104.70 feet; thence S89°29'55"E, 102.43 feet; thence S0°30'05"W, 295.47 feet; thence N89°29'55"W, 491.50 feet to the point of beginning.

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 July 15, 2021 as last amended on August 17, 2020 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. 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. Forty feet of right-of-way on LeClere Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions applicable 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. If a well is to be shared, a written shared well agreement must be submitted to LCPH and recorded with both properties using the well.

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. A site plan showing the footprint of proposed structures and septic systems and wells shall be submitted and approved by the NRCS office prior to plat approval.

LINN COUNTY CONSERVATION DEPARTMENT

No conditions or comments.

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 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. 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
7. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **AUGUST 17, 2021** 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 June 30, 2022 to be valid.

Passed and approved this 30th day of June, 2021

Linn County Board of Supervisors

Stacey Walsh
Chair

[Signature]
Vice Chair

[Signature]
Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

Joel Miller by Rebecca Stonawski, Deputy
Joel Miller, Linn County Auditor

Linn County Engineer

Brad Ketels

Digitally signed by Brad Ketels
DN: cn=Brad Ketels, o=Linn County,
ou=Secondary Road Department,
email=brad.ketels@linncounty.org, c=US
Date: 2021.06.28 10:34:18 -05'00'

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 D Miller by Rebecca Stonawski, Deputy
Joel Miller

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

on this 30th day of June, 2021.

Amanda Hoy
Notary Public State of Iowa

