

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2021-6-106

APPROVING A FINAL PLAT

WHEREAS, a final plat of FBH First Addition (Case #JF21-0007) to Linn County, Iowa, containing three (3) lots, numbered Lot 1, Lot 2 and lettered Lot A, has been filed for approval, a subdivision of real estate located in the SENW of Section 20, Township 83 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section 20; thence South 0° 53' 14" East 114.65 feet along the East line of the Southeast Quarter of the Northwest Quarter of said Section 20 to the point of beginning; thence continuing South 0° 53' 14" East 70.01 along said East line; thence South 89° 50' 26" West 556.07 feet along the North line of Lot 1, Paullus First Addition to Linn County, Iowa, as filed for record in Book 4199, Page 30 in the Office of the Linn County, Iowa, Recorder to the Northwest Corner thereof; thence South 0° 52' 51" East 1140.19 along the West line of said Lot 1 and the West line of Frank Foster's First Addition to Linn County, Iowa, as filed for record in Book 1879, Page 1 in the Office of the Linn County, Iowa, recorder to a point of intersection with the South line of the Southeast Quarter of the Northwest Quarter of said Section 20; thence South 89° 55' 11" West 768.47 feet along said South line to the Southwest Corner thereof; thence South 0° 43' 32" East 661.00 feet along the East line of the North Half of the Northwest Quarter of the Southwest Quarter of said Section 20 to the Southeast Corner thereof; thence North 89° 57' 24" West 505.16 feet along the South line of said North Half of the Northwest Quarter of the Southwest Quarter to a point of intersection with the East line of a tract of land described in Volume 1483, Page 448 in the office of the Linn County, Iowa, Recorder; thence North 16° 39' 39" East 449.14 feet along said East line; thence North 9° 07' 21" West 678.70 feet along said East line; thence North 22° 11' 21" West 247.30 feet along said East line; thence North 4° 42' 39" East 172.19 feet along said East line to a point of intersection with the South line of Parcel B, Plat of Survey No. 2479 as filed for record in Book 10816, Page 421 in the Office of the Linn County, Iowa, Recorder; thence North 89° 46' 20" East 540.57 feet along said South line to the Southeast Corner thereof; thence North 0° 54' 53" West 366.46 feet along the East line of said Parcel B to the Southwest corner of Parcel A, said Plat of Survey No. 2479; thence North 89° 50' 26" East 1326.09 along the South line of said Parcel A and the Easterly extension thereof to the point of beginning, subject to easements, covenants and restrictions of record, containing 37.919 acres.

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 April 21, 2021 as last amended on MAY 17, 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 shall be limited to a single access. Access for Lot 2 shall be provided through the property at 619 and/or 617 Dows Road upon the sale of Lot 2 to the adjacent property owner to the south. Should the sale of Lot 2 not occur to the adjacent property owners, access shall be provided through Lot 1.
2. Dedication of road right-of-way, County Standard Specifications, Section 5. Forty feet of right-of-way on Dows Road 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.
4. Entrance permit and E-911 address sign to be applied for at Linn County Secondary Road Department prior to entrance construction (319-892-6400).

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. 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. A signed deed restriction will be submitted, that combines proposed Lot 2 of FBH Addition with Lot 2 of Abraham 1st Addition. Said deed restriction shall be recorded by Planning & Development staff after the deed transferring ownership of Lot 2 FBH Addition is recorded.
4. 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.
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 **MAY 17, 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.
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 30, 2022 to be valid.

Passed and approved this 30th day of June, 2021

Linn County Board of Supervisors

Stacy Wall
Chair

[Signature]
Vice Chair

[Signature]
Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

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

Linn County Engineer

[Signature]
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

