

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2021-8-126

APPROVING A FINAL PLAT

WHEREAS, a final plat of Foley Group Farms Addition (Case #JF21-0009) to Linn County, Iowa, containing six (6) lots, numbered Lot 1, lettered Lot A and Lot B, Outlot A, Outlot B, and Outlot C, has been filed for approval, a subdivision of real estate located in the SESE of Section 33, Township 86 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the East Quarter Corner of Section 33, Township 86 North, Range 5 West of the Fifth Principal Meridian; thence S1 °20'02"E along the east line of the Southeast Quarter of said Section 33, a distance of 1096.05 feet; thence S88°39'58"W along the north boundary of Baker's First Addition to Linn County, Iowa, 63.24 feet; thence N58°02'06"W along said north boundary, 580.84 feet to the Northwest Corner of said Baker's First Addition; thence S1 °22'08"E, 393.77 feet to the Southwest Corner of said Baker's First Addition; thence S57°34'41 "E along the southerly boundary of said Baker's First Addition, 587 .52 feet; thence N88°39'58"E along said southerly boundary, 60.00 feet to said east line of the Southeast Quarter; thence S1 °20'02"E along said east line, 488.25 feet; thence S88°29'01 'W along the north line of the South Quarter of said Southeast Quarter, 2641.07 feet; thence N 1 °06'56"W along the west line of said Southeast Quarter, 1983.57 feet to the Center of Section; thence N88°26'15"E, 2633.52 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 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 one shared access between Lot 1 and Outlot B and one access between Outlot A and Outlot C. Outlot A shall be limited to one access at the north end of the outlot. Outlot B shall be limited to one shared access between Lot 1 and Outlot B. Outlot C shall be accessed from the property directly to the south. A shared access easement to Outlot C from Lot 1 shall be provided if the sale of Outlot C is not completed as planned to the adjacent property owner.
2. Dedication of road right-of-way, County Standard Specifications, Section 5. Sixty feet of right-of-way on Prairieburg 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.

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. 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. This plat lies within the 2-mile jurisdiction of the City of Prairieburg. As per Chapter 354 of the Code of Iowa, a certified resolution by any municipality that has authority to review the plat to either approve the plat or waive its right to review must be provided.
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. 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.
7. 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

Linn County Board of Supervisors

August 4, 2021

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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 August 4, 2022 to be valid.

Passed and approved this 4th day of August, 2021

Linn County Board of Supervisors

Stacey Walsh
Chair

[Signature]
Vice Chair

Louis J Zumbach
Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

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

Linn County Engineer

Brad Ketels Digitally signed by Brad Ketels
Date: 2021.07.29 06:41:21
-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:

___ Aye ___ Nay ___ Abstain ___ Absent

Joel Miller by Rebecca Sloop, Deputy
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Sloop, Deputy
on this 4th day of August, 2021.

Amanda Hoy
Notary Public State of Iowa

