

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2024-9-137

APPROVING A LAND PRESERVATION PARCEL SPLIT

WHEREAS, a Land Preservation Parcel Split of Konkowski First Addition (Case # JLPS21-0001) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered outlot A has been filed for approval, a subdivision of real estate located in Section 34, Township 27 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 33, Township 82 North, Range 6 West; thence N 89°13'30" E along the South line of the Northeast 1/4 of the Northeast 1/4 of said Section 33, a distance of 513.13 feet to the Southeast corner of Parcel A of Plat of Survey No. 2047 as is recorded in Book 9496 on pages 661-662 in the office of the Linn County Recorder, being the Point of Beginning; thence N 01°39'44" W along the East line of said Parcel A, a distance of 1327.92 feet to the Northeast corner of said Parcel A, being a point on the North line of Lot 3 of Banner Valley Second Addition as is recorded in Book 9978 on pages 443-469 in the office of the Linn County Recorder; thence N 89°30'29" E along said North line, a distance of 758.06 feet to the Northeast corner of said Lot 3; thence S 41°17'56" E along the Easterly line of said Lot 3, a distance of 327.84 feet; thence S 43°25'58" E along said Easterly line, a distance of 867.73 feet; thence S 30°37'15" E along said Easterly line, a distance of 447.25 feet; thence S 05°18'01" E along said Easterly line, a distance of 13.94 feet; thence S 00°46'15" E along said Easterly line, a distance of 34.91 feet to a point on the South line of the Northwest 1/4 of the Northwest 1/4 of Section 34, Township 82 North, Range 6 West; thence S 89°13'45" W along said South line, a distance of 962.84 feet to the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of said Section 33; thence S 89°13'30" W along the South line of said Northeast 1/4 of the Northeast 1/4 of Section 33, a distance of 799.35 feet to the Point of Beginning containing 40.07 acres of which 1.58 acres is existing county road right of way and being subject to all 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, 892-6400

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 Outlot A shall be limited to a single access.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. Forty feet of right-of-way on Banner Valley Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions applicable to land preservation parcel splits. County Standard Specifications, Section 1.
4. E-911 address sign to be applied for at the Linn County Secondary Road Department (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. 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. Submit erosion and sediment control plan for review and acceptance.
3. Submit site plan showing potential location of home and septic and water well on Lot 1.

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. All side and rear yard setbacks must be met for all structures involved in this proposal.
2. Construction of the dwelling must be completed prior to recording of the plat.
3. Various revisions to the site plan and final plat.
4. 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.
5. This plat lies within the 2-mile jurisdiction of the City of Ely, and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review.
6. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
7. Outlot A will require a Land Preservation Parcel Split deed restriction. As a part of the final plat, the lot will be non-buildable until brought into conformance with the Linn County UDC and will require the note: "This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed" on the plat.
8. 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.
9. 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
10. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **FEBRUARY 15, 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 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 September 1, 2022 to be valid.

Passed and approved this 1st day of September, 2021

Linn County Board of Supervisors



Chair



Vice Chair



Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

Joel Miller by Ruth Betts
Joel Miller, Linn County Auditor Deputy Auditor

Linn County Engineer

Brad Ketels Digitally signed by Brad Ketels
Date: 2021.08.31 09:09:10
-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 0 Nay 0 Abstain 0 Absent

Joel Miller by Ruth Betts
Joel Miller Deputy Auditor

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

on this 1st day of September, 2021.

Amanda Hoy
Notary Public State of Iowa

