

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2021-12-190

APPROVING A FINAL PLAT

WHEREAS, a final plat of Palmer's Second Addition (Case #JF21-0019) to Linn County, Iowa, containing one (1) lot, numbered Lot 1, has been filed for approval, a subdivision of real estate located in the NWNW of Section 4, Township 83 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE N88°54'03"E ALONG THE NORTH LINE OF THE NW1/4 OF SAID SECTION 4, 678.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N88°54'03"E ALONG SAID NORTH LINE, 925.20 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF COVINGTON ROAD; THENCE S09°42'28"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 414.67 FEET; THENCE S88°54'03"W, 987.28 FEET; THENCE N01° 05'57"W, 410.00 FEET TO THE POINT OF BEGINNING CONTAINING 9.00 ACRES (392,058 SQ.FT.) MORE OR LESS.

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 21, 2021 as last amended on August 16, 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. The parcel shall be limited to one entrance.
2. 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

1. Must meet current septic code requirements if connecting a new building to an existing septic system. Connection cannot be made without permit from LCPH. System may need to be replaced and will need upgrading if it does not meet current code for estimated usage.

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. Existing drains need to be shown on site plan or agreement for new subsurface drainage is needed.
4. Submit erosion and sediment control plan for review and acceptance.
5. Submit site grading plan showing existing and proposed surface grades.
6. Submit storm water pollution prevention plan for review and acceptance prior to approval of plat and / or any site grading activities.
7. Submit storm water management plan for review and acceptance prior to approval of plat and / or any site grading activities.

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 Palo, and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review.
4. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
5. A note shall be included on Lot 1 on the final plat stating, "This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed."
6. The remaining land of each parent parcel will contain less than 35 acres. Either combine the remaining land by deed restriction to total 35 acres or more, or include the remaining land as part of the final plat. If included as a part of the final plat, the lot will be non-buildable until brought into conformance with the Linn County UDC.
7. 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.
8. The final plat bound documents must be approved by the Linn County Board of Supervisors on or before **AUGUST 16, 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.
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
 - 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. Twelve original signed plat drawings
 - 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 December 8th, 2022 to be valid.

Passed and approved this 8th day of December, 2021

Linn County Board of Supervisors


Chair


Vice Chair


Chair

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

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

Linn County Engineer

Brad Ketels Digitally signed by Brad Ketels
Date: 2021.12.05 18:34:56
-06'00'

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 Rebecca Sloop, Deputy
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Sloop, Deputy
on this 8 day of Dec., 2021.

Amanda Hoy
Notary Public State of Iowa

