

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2018-8-110

APPROVING A FINAL PLAT

WHEREAS, a final plat of MARTHWIN THIRD (Case #JF18-0004) to Linn County, Iowa, containing two (2) lots, numbered Lot 1 and Lot 2 has been filed for approval, a subdivision of real estate located in the of Section , Township North, Range West of the 5th P.M., Linn County, Iowa, described as follows:

Said Marthwin Third Addition to Linn County, Iowa, is divided into two (2) lots numbered Lot 1, and Lot 2. The number of the lots is designated on the plat by figures near the center of the lots. The dimensions of the lots, width of the roads, easements and the distances from the government lines and corners are as shown in feet and decimals thereof on said plat.

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 18, 2018 as last amended on MAY 3, 2018 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). One entrance per parcel is allowed. An additional access may be allowed with justification and permit. Ok 6/21/2018 BK
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. 40' (from road centerline) of right-of-way on Spanish Road adjacent to development shall be dedicated to the public for road purposes. Beyond the right-of-way, a 20' construction easement shall be shown on the final plat.
3. Road agreement for conditions applicable 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. 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.

**LINN COUNTY CONSERVATION DEPARTMENT**

1. There is a significant stream present. Prohibiting filling or building in the drainageway will help protect this stream. All building, clearing and construction activity should be restricted in the drainageway.
2. There is a significant wildlife habitat that should be preserved by protecting the emergent wetland on Lot 2.

**LINN COUNTY EMERGENCY MANAGEMENT**

1. No conditions to be met.

**LINN COUNTY 911 COORDINATOR**  
**SHARENE OTTAWAY, 892-5109**

1. E-911 address sign is required to be located at driveway entrance.
2. Street designation signs and E-911 address signs to be applied for at Linn County Secondary Roads Department, 319-892-6400.

**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 Cedar Rapids and City of Ely and as per the 28E Agreement between each City and the County, will require approval or a waiver of the right to review from both Cities.
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 21, 2019** 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
  - 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 5, Section 1, § 8 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


For information about the status of your case, please call the Linn County Planning and Development Department at (319) 892-5130, or contact via e-mail at [plan\\_dev@linncounty.org](mailto:plan_dev@linncounty.org). The staff contact for this case is STEPHANIE LIENTZ.

**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 15, 2019 to be valid.

Passed and approved this 15<sup>TH</sup> day of AUGUST, 2018.

Linn County Board of Supervisors

  
Chair

  
Vice Chair

  
Supervisor

  
Supervisor

  
Supervisor

Aye: 5  
Nay: 0  
Abstain: 0  
Absent: 0

Attest:

  
Joel Miller, Linn County Auditor

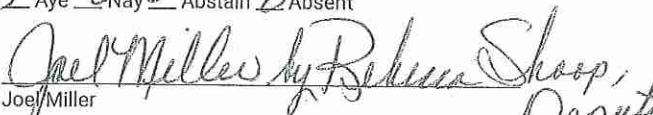
Linn County Engineer

  
Brad Ketels, Interim 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:

5 Aye 0 Nay 0 Abstain 0 Absent

  
Joel Miller  
Deputy

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Shoop,  
on this 15 day of Aug., 2018. Deputy

Amanda Hoy  
Notary Public State of Iowa

