

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2019-7-107

APPROVING RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of S & S West Farms First Addition (Case # JPS19-0009) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A has been filed for approval, a subdivision of real estate located in the NESE of Section 20, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the E 1/4 Corner of said Section 20; thence S88°54'37"W along the north line of said N 1/2 SE 1/4, 236.18 feet to Point of Beginning No. 1; thence S25°06'45"W, 409.12 feet; thence S64°41'34"W, 303.94 feet; thence N75°16'05"W, 280.05 feet to a point on the SE-ly right of way line of State Highway No. 1; thence N45°18'35"E along said right of way line, 837.21 feet; thence S44°55'55"E, 191.58 feet; thence S25°06'45"W, 26.51 feet to Point of Beginning No. 1 AND Commencing at the E ¼ Corner of said Section 20; thence S88°54'37"W along the north line of said N ½ SE 1/4, 701.29 feet to the west right of way line of State Highway No 1 and Point of Beginning No. 2; thence S45° 18'35"W along said west right of way line, 912.64 feet; thence N40°36'03"W, 815.49 feet said north line, thence N88°53'57"E along said north line, 1179.74 feet to Point of Beginning No. 2, all containing 13.34 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 17th, 2019 as last amended on May 20th, 2019 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT, 892-6400

No conditions to be met.

IOWA DEPARTMENT OF TRANSPORTATION

1. If any work is to be done in the State of Iowa right-of-way, contact the IDOT for additional permits.

LINN COUNTY PUBLIC HEALTH DEPARTMENT

1. Existing house must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 105, Article VI Property Maintenance Regulations. If applicable, correction of certain deficiencies may require permits, inspections and final approval from the Building Division of Linn County Planning & Development.
2. New septic is needed. A DNR Binding Agreement was signed for future installation. (*Condition waived per Public Health email from SEH 5/20/19 MT*)

NATURAL RESOURCES CONSERVATION SERVICE

No conditions to be met.

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

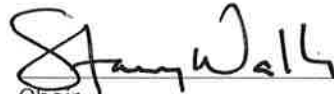
1. All side and rear yard setbacks must be met for all structures involved in this proposal.
2. Various revisions to the site plan and final plat.
3. A Land Use Map Amendment to GPN 17-204-26-001-00000 changing its designation from RRD2 (Rural Residential 2-Acre Area) to AA (Agricultural Area) to align with the remainder of the legal lot of record must be recorded as a condition of approval prior to recording of Residential Parcel Split case JPS19-0009.
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 Mount Vernon. 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.
6. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
7. The remaining land of the parent parcels will result in parcels of less than 35 acres. Either combine the remaining land to an adjacent parcel 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 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 **MAY 20, 2020** 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 July 10th, 2020 to be valid.

Passed and approved this 10th day of July, 2019.

Linn County Board of Supervisors


Chair


Vice Chair


Supervisor

Aye:

Nay:

Abstain:

Absent:

Attest:

Joel Miller by Rhonda Bettsmith
Joel Miller, Linn County Auditor Deputy Auditor

Linn County Engineer
Brad Ketels
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 Rhonda Bettsmith
Joel Miller Deputy Auditor

Subscribed and sworn to before me by the aforesaid Joel Miller, _____,
on this 10th day of July, 2019.

Amanda Hoy
Notary Public State of Iowa

