

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2020-2-22

APPROVING A LAND PRESERVATION PARCEL SPLIT

WHEREAS, a Land Preservation Parcel Split of Biderman Acres Second Addition (Case # JLPS19-0005) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and Outlot A has been filed for approval, a subdivision of real estate located in the SWSE of Section 11, Township 82 North, Range 6 West of the 5th P.M., Linn County, Iowa have been addressed:

Commencing as a point of reference at the Center of said Section 11; thence N89°45'57"E along the north line of said W 1/2 SE 1/4, 474.96 feet; thence SOI°42'00"E, 234.06 feet to the south right of way line of US Highway No. 30 and the Point of Beginning; thence SE-ly along said south right of way line on an arc of 73.68 for a 3758.00-foot radius curve to the right, have a chord distance of 73.68 feet, bearing S70°54'20"E to the NW corner of Parcel A, Plat of Survey No. 741 as recorded in Book 4048, Page 497, Linn County Recorder's office; thence SOI°42'59"E along the west line of said Parcel A, 783.20 feet; thence S34°48'40"E along said west line, 1081.20 feet; thence SOI°42'03"E along said west line, 707.52 feet to the south line of said W1/2 SE 1/4; thence S89°44'27"W along said south line, 292.90 feet the NE-IY bank of the Cedar River; thence N40°56'35"W along said NE-IY bank, 612.09 feet; thence N56°42'08"W along said NE-IY bank, 352.92 feet to the south line of the North 120 rods of said Lot 1, thence N89°45'57"E along said south line of the North 120 rods, 309.50 feet; thence NOI°42'00"W, 306.82 feet; thence S48°57'40"E, 637.98 feet; thence N36°18'12"E, 332.37 feet; thence N48°57'40"W, 839.34 feet; thence NOI°42'00"W, 1113.84 feet to the Point of Beginning, containing 14.26 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 October 16, 2019 as last amended on November 18, 2019 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. One entrance per parcel is allowed.
2. Road agreement with conditions applicable to land preservation parcel split cases. County Standard Specifications, Section 1.
3. E-911 address signs are required to be located at driveway entrances.
4. Entrance permits and E-911 address signs to be applied for at Linn County Secondary Road Department, 319-892-6400.

IOWA DEPARTMENT OF TRANSPORTATION

1. No conditions to be met.

LINN COUNTY PUBLIC HEALTH DEPARTMENT

1. Existing sewage disposal system must have one of the following completed: If the property ownership is being transferred and does not qualify for one of the DNR exemptions, a Time of

2. Transfer inspection must be performed by a certified septic contractor. The report must be submitted to this department. If the property is not transferring ownership, the septic must be reviewed by Linn County Public Health for compliance with Linn County Code of Ordinances Chapter 10, Article VI Private Sewage Disposal Systems.
3. 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.

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. Clarify plans to address potential wetland area with NRCS.

LINN COUNTY CONSERVATION DEPARTMENT

1. No conditions to be met.

LINN COUNTY EMERGENCY MANAGEMENT

1. No conditions to be met.

LINN COUNTY PLANNING AND DEVELOPMENT – ZONING DIVISION

1. Residential Parcel Split case JPS19-0023 must be recorded prior to related Land Preservation Parcel Split case JLPS19-0005.
2. Cabins which are no longer in use (801, 807, 809, 819, 821, and 823 Upper Palisades Lane) shall be boarded up or demolished and any remaining electrical meters shall be removed prior to recording any related plats.
3. Cabins which remain in use (803, 805, and 811 Upper Palisades Lane) will not be granted a renewal of their leases, and the land will not be leased to any new lessees in the future. If written leases exist, copies shall be provided to Planning & Development prior to recording any related plats. Once these cabins are no longer in use, they shall be boarded up or demolished and any remaining electrical meters shall be removed.
4. All side and rear yard setbacks must be met for all structures involved in this proposal.
5. Various revisions to the site plan and final plat.
6. 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.
7. This plat lies within the 2-mile jurisdiction of the City of Bertram, and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review.
8. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
9. 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.
10. 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.
11. 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
12. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **NOVEMBER 18, 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 **FEBRUARY 19, 2021** to be valid.

Passed and approved this 21ST day of FEBRUARY, 2020.

Linn County Board of Supervisors



Chair



Vice Chair

Supervisor

Aye: 2

Nay: 0

Abstain: 0

Absent: 1

Attest:

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

Linn County Engineer

Brad Ketels,
Brad Ketels, Engineer

State of Iowa)
) SS
County of Linn)

I, Joel Miller, County Auditor of Linn County, Iowa, and Clerk to the Board of Supervisors, 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:

2 Aye 0 Nay 0 Abstain 1 Absent

Joel Miller by Rebecca Sloop,
Joel Miller Deputy

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

_____ on this 19 day of February, 2020.

Amanda Hoy
Notary Public State of Iowa

