

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2020-3-39

**APPROVING RESIDENTIAL PARCEL SPLIT**

**WHEREAS**, a Residential Parcel Split of BENISH ACRES FIRST ADDITION (Case # JPS19-0025) 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 SW NE of Section 30, Township 84 North, Range 5 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the W <sup>1</sup>/<sub>4</sub> of said Section 30; thence N88°34'49"E along the south line of the NW <sup>1</sup>/<sub>4</sub> of said Section 30, 2468.67 feet to the point of Beginning; thence N01°36'30"W along the west line of said SW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>, 504.82 feet; thence S89°55'51"E, 520.52 feet; thence S61°13'05"E, 31.96 feet; thence S05°27'58"E, 290.37 feet; thence N78°52'14"E, 17.00 feet; thence S18°10'00"E, 19678 feet to a point on the south line of said SW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>; thence S88°34'49"W along said south line, 640.25 feet to the Point of Beginning, containing 6.60 acres which includes 0.58 acres of road right of way. For a more definite location and description, reference is made to a plat hereto attached and made a part hereof. Said Benish Acres First Addition to Linn County, Iowa, is divided into two (2) lots numbered Lot 1 and Lot A. 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. Lot A, Burr Oaks Road is for street-right-of-way purposes and all public easements with their purpose noted are now being dedicated. The public easements included on the final plat are being dedicated by the owner for the purposes shown. A 1/2" rebar is driven at each point marked with a small circle, except as noted 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 NOVEMBER 20, 2019 as last amended on DECEMBER 16, 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. An additional access may be allowed with justification and permit.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. 40' of right-of-way on Burr Oaks Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement with conditions applicable to residential parcel split 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. 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 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.
2. 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. 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. 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.
4. This plat lies within the 2-mile jurisdiction of the City of Springville, and as per the 28E Agreement between the City and the County, will require City approval or a waiver of the right to review.
5. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
6. 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.
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 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
8. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **DECEMBER 16, 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 **MARCH 25, 2021** to be valid.

Passed and approved this 25<sup>TH</sup> day of MARCH, 2020.

Linn County Board of Supervisors



Chair



Vice Chair



Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

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

Linn County Engineer

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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 Shoop, Deputy  
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Shoop, Deputy  
on this 25<sup>th</sup> day of March, 2020.

Amanda Hoy  
Notary Public State of Iowa

