

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2020-11-118

APPROVING A FINAL PLAT

WHEREAS, a final plat of Freilinger Addition (Case #JF20-0008) to Linn County, Iowa, containing four (4) lots, numbered Lot 1, Lot 2, and lettered Outlot A and Lot A has been filed for approval, a subdivision of real estate located in the NWSE of Section 26, Township 84 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the South Quarter Corner of Section 26, Township 84 North, Range 7 West of the Fifth Principal Meridian; thence N0°02'37"W along the west line of the Southeast Quarter of said Section 26, a distance of 1619.51 feet to the centerline of East Robins Road; thence S64°37'38"E along said centerline, 174.90 feet to the point of beginning; thence continuing S64°37'38"E along said centerline, 198.66 feet to the southeast corner of a parcel described in a warranty deed found in book 9663, page 26, Office of the Recorder, Linn County, Iowa; thence N16°29'51"E along the easterly boundary of said parcel, 188.56 feet; thence S79°53'23"E along said easterly boundary, 119.85 feet; thence N14°07'04"E along said easterly boundary, 210.61 feet to the southerly line of Mulberry Ridge Third Addition in the City of Marion, Iowa; thence N80°18'26"W along said southerly line, 409.19 feet to the northwest corner of said parcel described in a warranty deed found in book 9663, page 26 in the Office of the Recorder, Linn County, Iowa; thence S0°09'18"E along the west line of said parcel, 347.77 feet to the point of beginning.

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 June 17, 2020 as last amended on July 20, 2020 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. No additional accesses will be allowed onto East Robins Road. Lot 1 and Lot 2 shall be limited to a single shared access.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. Fifty feet of right-of-way on East Robins Road adjacent to development shall be dedicated to the County for road purposes.
3. 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

No conditions to be met.

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. 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 Marion. 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.
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. All conditions of rezoning case JR20-0004 shall be met prior to approval of final plat bound copies.
Rezoning case JR20-0004 will be finalized when final plat bound copies are ready to be approved by the Linn County Board of Supervisors.
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
 - 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. Three (3) copies of the surveyor's drawing
 - iv. A covenant for a secondary road assessment
8. The final plat bound documents must be approved by the Linn County Board of Supervisors on or before **JULY 20, 2021** 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.

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 to be valid.

Passed and approved this 4th day of November, 2020

Linn County Board of Supervisors


Chair


Vice Chair


Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:


Joel Miller, Linn County 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:

___ Aye ___ Nay ___ Abstain ___ Absent

Joel Miller by Rebecca Schoop, Deputy
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Schoop,
Deputy
on this 4 day of Nov., 2020.

Amanda Hoy
Notary Public State of Iowa

