

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2021-1-8

**APPROVING RESIDENTIAL PARCEL SPLIT**

**WHEREAS**, a Residential Parcel Split of WHITTERS' TURF FARMS ADDITION (Case # JPS20-0020) to Linn County, Iowa, containing one (1) lot, numbered lot 1 has been filed for approval, a subdivision of real estate located in the SESW 34-82-07 of Section , Township North, Range West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the Southwest Corner of Section 34, Township 82 North, Range 7 West of the Fifth

Principal Meridian; thence N89°41'28"E along the south line of the Southwest Quarter of said Section 32, a distance of 1974.00 feet to the Southeast Corner of a parcel described in the warranty deed found at book 1791 , page 99, Office of the Recorder, Linn County, Iowa; thence N1°38'55"W, 653.35 feet to a point described in said deed; thence N1°32'44"W along the east line of said parcel, 278.83 feet to the point of beginning; thence continuing N1°32'44"W along said east line, 374.06 feet to the centerline of Western College Road; thence S88°17'05"W along said centerline, 653.50 feet to the west line of the Southeast Quarter of said Southwest Quarter; thence S1°56'43"E along said west line, 374.06 feet; thence N88°17'05"E, 650.89 feet to the point of beginning.

Said parcel contains 5.60 acres, subject to easements and restrictions of record.

**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 21, 2020 as last amended on NOVEMBER 16, 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. One entrance per parcel is allowed. An additional access may be allowed with justification and permit.
2. Dedication of road right-of-way, County Standard Specifications, Section 5. Forty feet of right-of-way on Western College Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement for 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. No conditions to be met.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. Wet soils may adversely impact possible home and septic site(s). Clarify plans for subsurface drainage with USDA Natural Resources Conservation Service (NRCS).
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 Cedar Rapids 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. Access to the remainder parcel shall be either via deed restriction to an adjoining property or via recorded access easement through Lot 1, Whitters' Turf Farms Addition to Western College Road.
7. The remaining land of the parent parcel will result in a parcel 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

10. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **NOVEMBER 16, 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 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 **January 13, 2022** to be valid.

**Passed and approved this 13<sup>th</sup> day of January 2021**

Linn County Board of Supervisors

Stacey Walker  
Chair

[Signature]  
Vice Chair

[Signature]  
Supervisor

Aye: 3  
Nay: 0  
Abstain: 0  
Absent: 0

Linn County Board of Supervisors  
Resolution # 2021-1-8  
JPS20-0020  
January 13, 2021  
Page 4 of 4

Attest:

Joel Miller by Rebecca Shoop, Deputy  
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:

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 13 day of January, 2021.

Amanda Hoy  
Notary Public State of Iowa

