

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2021-3-31

APPROVING A FINAL PLAT

WHEREAS, a final plat of Wilkey Second Addition (Case #JF20-0012) to Linn County, Iowa, containing two (2) lots, numbered Lot 1 and Lot 2, has been filed for approval, a subdivision of real estate located in the SW NE of Section 10, Township 82 North, Range 6 West of the 5th P.M., Linn County, Iowa, described as follows:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3 AND THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE N89°21'49"E 667.98 FEET ALONG THE NORTH LINE OF SAID LOT 3 AND THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER TO THE NORTHWEST CORNER OF LOT 1 OF SAID REVISED WILKEY FIRST ADDITION; THENCE S0°36'48"E 318.02 FEET ALONG THE WEST LINE OF SAID LOT 1 AND THE WEST LINE OF THE EAST 616.66 FEET OF SAID LOT 3 AND THE WEST LINE OF PARCEL A, PLAT OF SURVEY NO. 2163 AS RECORDED IN BOOK 9823, PAGE 649 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER TO THE SOUTHWEST CORNER OF SAID PARCEL A; THENCE N89°22'09"E 617.59 FEET ALONG THE SOUTH LINE OF SAID PARCEL A TO THE SOUTHEAST CORNER OF SAID PARCEL A AND THE WEST RIGHT OF WAY OF KNAPP ROAD; THENCE SOUTHERLY 15.68 FEET ALONG THE EAST LINE OF SAID LOT 3 AND SAID WEST RIGHT OF WAY AND THE ARC OF A 58,947.60 FOOT RADIUS CURVE, CONCAVE WESTERLY (CHORD BEARS S0°55'40"E 15.68 FEET); THENCE S0°48'29"E 176.27 FEET ALONG EAST LINE AND SAID WEST RIGHT OF WAY; THENCE S5°21'27"W 105.58 FEET ALONG SAID EAST LINE AND SAID WEST RIGHT OF WAY TO THE NORTHEAST CORNER OF PARCEL A, PLAT OF SURVEY NO. 2473 AS RECORDED IN BOOK 10780, PAGE 73 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER; THENCE S89°22'03"W 176.90 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL A; THENCE S60°22'59"W 50.94 FEET ALONG SAID NORTHERLY LINE; THENCE S65°18'50"W 98.88 FEET ALONG SAID NORTHERLY LINE; THENCE WESTERLY 75.71 FEET ALONG SAID NORTHERLY LINE AND THE ARC OF A 105.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY (CHORD BEARS S85°58'10"W 74.08 FEET); THENCE N73°22'30"W 42.93 FEET ALONG SAID NORTHERLY LINE; THENCE N80°10'23"W 30.47 FEET ALONG SAID NORTHERLY LINE; THENCE S72°52'01"W 18.47 FEET ALONG SAID NORTHERLY LINE TO THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S10°14'14"E 265.73 FEET ALONG THE WEST LINE OF SAID PARCEL A AND THE WEST LINE OF PARCEL A, PLAT OF SURVEY NO. 2162 AS RECORDED IN BOOK 9823, PAGE 648 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER AND THE WEST LINE OF LOT 2 OF SAID WILKEY FIRST ADDITION TO THE SOUTHWEST CORNER OF SAID LOT 2 AND THE NORTHERLY RIGHT OF WAY OF HIGHWAY 30; THENCE N77°55'55"W 60.01 FEET ALONG SAID NORTHERLY RIGHT OF WAY AND THE SOUTHERLY LINE OF SAID LOT 3; THENCE S82°20'07"W 328.97 FEET ALONG SAID NORTHERLY RIGHT OF WAY AND SAID SOUTHERLY LINE; THENCE N88°45'21"W 275.03 FEET ALONG SAID NORTHERLY RIGHT OF WAY AND SAID SOUTHERLY LINE; THENCE N65°44'24"W 190.26 FEET ALONG SAID NORTHERLY RIGHT OF WAY AND SAID SOUTHERLY LINE TO THE SOUTHWEST CORNER OF SAID LOT 3 AND THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE WEST LINE OF SAID LOT 3; THENCE N1°27'24"W 871.38 FEET ALONG SAID WEST LINES 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 September 16, 2020 as last amended on October 19, 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.
2. Road agreement with conditions similar to final plat cases. County Standard Specifications, Section 1.
3. E-911 address sign is required to be located at driveway entrances.

IOWA DEPARTMENT OF TRANSPORTATION

No conditions to be met.

LINN COUNTY PUBLIC HEALTH DEPARTMENT

No conditions to be met.

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. Land disturbance greater than 1 acre in size, not associated with agricultural crop production, will require a NPDES permit granted by the Iowa Department of Natural Resources.
3. A site plan showing the footprint of proposed structures and septic systems and wells shall be submitted and accepted by the NRCS office prior to plat approval.

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. Minor Boundary Change case JMBC20-0020, shall be completed and recorded prior to approval of development cases JF20-0012 and JR20-0008 by the Linn County Board of Supervisors. Completion shall include transfer of title and the recording of a deed restriction tying P.O.S. #2473, Parcel A to the adjoining property. The existing deed restriction on the adjoining property shall be updated to include P.O.S #2473.
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 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.
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.

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7. The final plat bound documents must be approved by the Linn County Board of Supervisors on or before **OCTOBER 19, 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.
8. 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

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 3, 2022 to be valid.

Passed and approved this 3rd day of March, 2021

Linn County Board of Supervisors

Stacey Walk

Chair

[Signature]

Vice Chair

[Signature]

Supervisor

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

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

Linn County Engineer

Brad Ketels

Brad Ketels, Engineer

State of Iowa)
) SS
County of Linn)

Linn County Board of Supervisors

March 3, 2021

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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 Sloop, Deputy
Joel Miller

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

on this 3 day of March, 2021.

Amanda Hoy
Notary Public State of Iowa

