

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2021-5-60

APPROVING A RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of Mattke's First Addition (Case # JPS21-0005) to Linn County, Iowa, containing three (3) lots, numbered Lot 1, lettered Lot A and Outlot A has been filed for approval, a subdivision of real estate located in the NESE of Section 23, Township 84 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the Southwest corner of Outlot E, Prairie Trail Second Addition to Marion, Iowa; thence North 89° 39' 01" East 1325.35 feet along the South line of Prairie Trail First and Second Additions to the East line of said Northeast Quarter of the Southeast Quarter; thence South 01 ° 22' 03" East 429.43 feet along said East line to a point of intersection with the Easterly Extension of the North line of that certain tract of land as recorded in Book 9694, Page 509 in the office of the Recorder of Linn County, Iowa; thence South 89° 40' 39" West 351.14 feet along said North line and the Easterly Extension thereof; thence South 01 ° 28' 35" East 232.39 feet along the West line of said tract of land to the South line of said Northeast Quarter of the Southeast Quarter and the North line of Lyon's First Addition to Linn County, Iowa; thence South 89° 40' 39" West 975.24 feet along said North line of Lyon's First Addition and the South line of said Northeast Quarter of the Southeast Quarter to the Northwest corner of Lot 8, of said Lyon's First Addition; thence North 01 ° 19' 03" West 661.16 feet along the West line of said Northeast Quarter of the Southeast Quarter to the point of beginning, containing 18.25 acres, subject to easements, covenants 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 January 20, 2021 as last amended on February 15, 2021 have been addressed:

LINN COUNTY SECONDARY ROAD DEPARTMENT

1. Entrance permit required for new entrances and existing unpermitted entrances, County Standard Specifications, Section 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. Lot 1 and Outlot A shall each be limited to a single access.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. Fifty feet of right-of-way on Alburnett 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 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.

2. Existing septic system must have a Time of Transfer inspection completed since property ownership is being transferred. Submit report to this department for approval.

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. Submit storm water management plan for review and acceptance prior to approval of plat and / or any site grading activities if additional hard surface is proposed.
3. Clarify plans to address potential wetland area with NRCS.

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. A deed transferring title from Mark A & Inez D Mattke Revocable Trust to Integrity Custom Homes must be recorded prior to Linn County Board of Supervisors approval.
2. All side and rear yard setbacks must be met for all structures involved in this proposal.
3. Various revisions to the site plan and final plat.
4. 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.
5. 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.
6. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
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

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- (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
10. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **FEBRUARY 15, 2022** 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 May 5, 2022 to be valid.

Passed and approved this 5th day of May, 2021

Linn County Board of Supervisors

Stacey Walk
Chair

[Signature]
Vice Chair

[Signature]
Supervisor

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Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

Joel Miller by Paul Betzenrath
Joel Miller, Linn County Auditor Deputy 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 Paul Betzenrath
Joel Miller Deputy Auditor

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

on this 5th day of May, 2021.

Amanda Hoy
Notary Public State of Iowa

