

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2018-10-151

**APPROVING A LAND PRESERVATION PARCEL SPLIT**

**WHEREAS**, a Land Preservation Parcel Split of Schwiebert First Addition (Case # JLPS18-0002) 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 SE NE of Section 8, Township 83, Range 5, west of the 5<sup>th</sup> P.M., Linn County, Iowa, described as follows:

Beginning at the SW corner of said SE <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>; thence N00°43'125"W along the west line of said SE <sup>1</sup>/<sub>4</sub> NE Yd, 1323.78 feet to the NW corner of said SE <sup>1</sup>/<sub>4</sub> thence N87°054'48"E along the north line of said SE <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>, 1340.29 feet to the NE corner of said SE <sup>1</sup>/<sub>4</sub> NE 74, thence S00°34'138"E along the east line of said SE <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>, 1326.65 feet to the E Yd corner of said Section 8; thence S88°01'58"W along the south line of said SE <sup>1</sup>/<sub>4</sub> NE <sup>6</sup>/<sub>4</sub>, 1336.83 feet to the Point of Beginning, containing 40.71 acres which includes 295 acres of road right of way.

**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 February 14, 2018 as last amended on March 19, 2018 have been addressed:

**LINN COUNTY ENGINEERING DEPARTMENT**

1. Daylight corner shall conform to County Standard Specifications, Fig. 11.
2. Entrance permit required for new entrances and existing unpermitted entrances, Sec.11 and the Unified Development Code, Article 4, Sec. 8B § 9(e). One entrance per parcel is allowed. An additional access may be allowed with justification and permit.
3. Dedication of road rights-of-way, County Standard Specifications, Sec. 5. The following amounts right-of-way shall be dedicated to the County for road purposes adjacent to the development: 45'-50' of right-of-way + 80' construction easement on Secrist Road; 60' of right-of-way + 80' construction easement on Springville Road.
4. Road agreement for conditions applicable to Land Preservation Parcel Split cases. County Standard Specifications, Sec. 1.

**IOWA DEPARTMENT OF TRANSPORTATION**

1. No conditions to be met.

**LINN COUNTY PUBLIC HEALTH DEPARTMENT**

1. Existing water system must be tested for coliform bacteria and nitrates. A new well permit receives a complimentary water test through Linn County Public Health. The new well should be tested if not done so.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. 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.
2. Submit erosion and sediment control plan for review and acceptance.
3. Applicant shall develop and implement a conservation plan to be filed with the Linn Soil and Water Conservation District on remaining agricultural land associated with this case.

**LINN COUNTY CONSERVATION DEPARTMENT**

1. No conditions to be met.

**LINN COUNTY EMERGENCY MANAGEMENT**

1. No conditions to be met.

**LINN COUNTY 911 COORDINATOR**

1. E-911 address sign is required to be located at driveway entrance. Street designation signs and E-911 address signs to be applied for at Linn County Secondary Roads Department, 319-892-6400.

**LINN COUNTY PLANNING AND DEVELOPMENT – ZONING DIVISION**

1. A Certificate of Occupancy for the dwelling on Lot 1 must be issued before case JLPS18-0002 may be completed.
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 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.
6. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
7. Outlot A will require a Land Preservation Parcel Split deed restriction. As a part of the final plat, the lot will be non-buildable until brought into conformance with the Linn County Zoning Ordinance 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:
  - (a) 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
  - (b) 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
  - (c) Surveyor's certificate
  - (d) Auditor's certificate
  - (e) Resolution of the Planning and Zoning Commission
  - (f) Resolution of the Board of Supervisors
  - (g) Resolution of approval or waiver of review by applicable municipalities
  - (h) 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 5, Section 1, § 8 of the Unified Development Code.
  - (j) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
  - (k) Three (3) copies of the surveyor's drawing

- (l) 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 **March 19, 2019** as per Article 4, Section 8A(7), and shall be recorded within 1 year of that approval, as per Article 4, Section 8B, § 6, 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 October 24, 2019 to be valid.

Passed and approved this 24<sup>th</sup> day of October, 2018.


Linn County Board of Supervisors

  
Chair

  
Vice Chair

  
Supervisor

  
Supervisor

  
Supervisor

Aye: 5  
Nay: 0  
Abstain: 0  
Absent: 0

Attest:

Joel Miller by Rehana Shoop, Deputy  
Joe Miller, Linn County Auditor

Linn County Engineer

Brad Ketels

Brad Ketels, Interim Engineer

State of Iowa )  
                          ) SS  
County of Linn )

I, Joel Miller, County Auditor of Linn County, Iowa, and Clerk to the Board of Supervisors, 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:

5 Aye 0 Nay 0 Abstain 0 Absent

Joel Miller by Rehana Shoop, Deputy  
Joe Miller

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

Rehana Shoop  
Deputy

on this 24 day of Oct., 2018.

Amanda Hoy  
Notary Public State of Iowa

