

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2018-11-161

APPROVING RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of Horak Road First Addition (Case # JPS17-0011) to Linn County, Iowa, containing two (2) lots, numbered lot 1 and lettered lot A has been filed for approval, a subdivision of real estate located in the SWSE of Section 35, Township 86 North, Range 8 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing as a point of reference at the S $\frac{1}{4}$ corner of said Section 35; thence N89° 50'20"E along the south line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, 661.98 feet to the Point of Beginning; thence N01°48'08"W, 521.98 feet; thence N89°50'20"E, 667.89 feet to the east line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence S01°48'08"E along said east line, 521.98 feet to the SE corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence S89°50'20"W along said south line, 667.89 feet to the Point of Beginning, containing 8.00 acres which includes 0.61 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 May 17, 2017 as last amended on June 19, 2017 have been addressed:

LINN COUNTY ENGINEERING DEPARTMENT

1. Entrance permit required for new entrances and existing unpermitted entrances, Sec.11 and the Unified Development Code, Article 4, Sec. 8B. One entrance per parcel is allowed. An additional access may be allowed with justification and permit.
2. Dedication of road rights-of-way, County Standard Specifications, Sec. 5. 40' of right-of-way on Horak Road adjacent to development shall be dedicated to the public for road purposes.
3. Road agreement with conditions applicable to residential parcel split cases. County Standard Specifications, Sec. 1.

IOWA DEPARTMENT OF TRANSPORTATION

1. Not within the jurisdiction of the Iowa Department of Transportation.

LINN COUNTY PUBLIC HEALTH DEPARTMENT

1. Existing water system must be reviewed by Linn County Public Health for compliance. Well rehabilitation may be required.
2. Existing sewage disposal system must be reviewed by Linn County Public Health for compliance. If there is no septic permit on file, the owner must uncover the system to verify the existence and location. If the system is known to be out of compliance, a septic application for permit must be submitted and a new system installed.
3. Existing house must be reviewed by Linn County Public Health for compliance.

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. A deed restriction for potential wetlands shall be developed and submitted with bound documents.
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

No conditions to be met.

LINN COUNTY EMERGENCY MANAGEMENT

No conditions to be met.

LINN COUNTY 911 COORDINATOR

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. Complete requirements from Minimum Housing inspection provided by the Linn County Health Department, including obtaining appropriate permits, inspections and final approval from the Building Division.
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 Center Point. 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 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

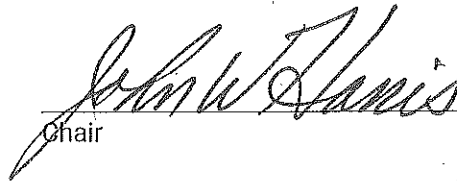
- (i) Agricultural Land Use Notification. The landowner shall ensure that such notification shall be attached to the deed and shall become a separate entry on the abstract of title for all the property that is subject of the permit or development as per Article 5, Section 1, § 8 of the Unified Development 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 **JUNE 19, 2018** 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.

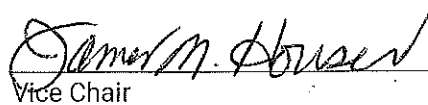
NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, of Linn County, Iowa, that said plat is hereby approved. The Board of Supervisors and County Engineer are hereby authorized to enter approval upon the final plat resolution. The Board of Supervisors' Chairperson is also hereby authorized to 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 November 7th, 2019 to be valid.

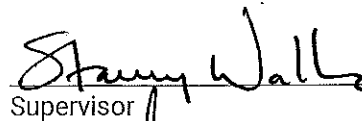
Passed and approved this 7th day of November, 2018.

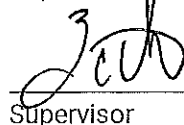
Linn County Board of Supervisors


Chair


Vice Chair


Supervisor


Supervisor


Supervisor

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

Attest:

Joel Miller by Rebecca Shoop,
Joel Miller, Linn County Auditor)
Deputy

Linn County Engineer

Brad Ketels
Brad Ketels, P.E.

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 Rebecca Shoop,
Joel Miller)
Deputy

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Shoop, Deputy
on this 7th day of November, 2018.

Amanda Hoy
Notary Public State of Iowa

