

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2019-5-74

APPROVING A LAND PRESERVATION PARCEL SPLIT

WHEREAS, a Land Preservation Parcel Split of Grubbs Creek Road Second Addition (Case # JLPS19-0002) 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 have been addressed:

Beginning at the NW Corner of said NE 1/4 SW 1/4; thence N89°46'03"E along the north line of said NE 1/4 SW 1/4, 1310.17 feet to the NE corner of said NE 1/4 SW 1/4; thence S01°13'34" along the east line of said NE 1/4 SW 1/4, 1320.55 feet to the SE corner of said NE 1/4 SW 1/4, thence S89°47'09"W along the south line of said NE 1/4 SW 1/4, 1235.88 feet to the SE corner of Grubbs Creek Road First Addition to said County; thence N00°44'31"W along the east line of said First Addition, 299.83 feet to the NE corner of said First Addition, thence S88°57'35"W along the north line of said First Addition, 82.26 feet to the west line of said NE 1/4 SW 1/4; thence N00°55'15"W said west line, 1021.37 feet to the Point of Beginning, containing 39.25 acres which includes 0.98 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 January 16<sup>th</sup>, 2019 as last amended on February 18<sup>th</sup>, 2019 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. Dedication of road rights-of-way, County Standard Specifications, Section 5. 40' of right-of-way on Grubbs Creek Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement for conditions applicable to land preservation 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. A written shared well agreement must be submitted to LCPH and recorded with the property.

**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).

**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. Residential Parcel Split case JPS19-0004 must be recorded prior to related Land Preservation Parcel Split case JLPS19-0002.
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 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. 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 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.

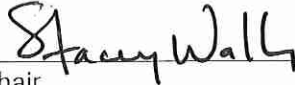
- (x) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
  - (xi) Three (3) copies of the surveyor's drawing
  - (xii) A covenant for a secondary road assessment
10. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **FEBRUARY 18, 2020** 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 15<sup>th</sup>, 2020 to be valid.

Passed and approved this 15<sup>th</sup> day of May, 2019

Linn County Board of Supervisors

  
Chair

  
Vice Chair

  
Supervisor

