

COPY

LINN COUNTY BOARD OF SUPERVISORS

RESOLUTION # 2018-9-121

APPROVING RESIDENTIAL PARCEL SPLIT

WHEREAS, a Residential Parcel Split of HITOP FIRST (Case # JPS18-0003) 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 NW NW of Section 31, Township 82 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing as a point of reference at the NW corner of said Section 31 thence SOI  $0^{\circ}46'36''$ E along the west line of said NW  $\frac{1}{4}$ , 358.58 feet to the Point of Beginning; thence S87 $^{\circ}18'13''$ E 239.76 feet; thence SOI  $0^{\circ}46'36''$ E, 434.75 feet; thence S87  $0^{\circ}25'48''$ W, 239.05 feet to said west line; thence NOI  $0^{\circ}46'36''$ W, 456.76 feet to the Point of Beginning, containing 245 acres which includes 0.42 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 21, 2018 as last amended on MARCH 19, 2018 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 34<sup>th</sup> Street adjacent to development shall be dedicated to the County for road purposes. Ok 8/28/2018 BK
3. Road agreement for 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 or the well must be properly abandoned to meet compliance with Linn County Ordinance Chapter 22 Requirements for Plugging Abandoned Wells.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. 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.
2. 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. 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. 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 Cedar Rapids 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.
7. 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
8. 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 **SEPTEMBER 5, 2019** to be valid.

Passed and approved this 5th day of **SEPTEMBER 5, 2018**.

Linn County Board of Supervisors

  
Chair

  
Vice Chair

  
Supervisor

Stacy Wall  
Supervisor  
[Signature]  
Supervisor

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

Attest:

Joel Miller by Rebecca Sheep, Deputy  
Joel Miller, Linn County Auditor

Linn County Engineer

[Signature]  
Bradley Ketels, Interim County 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 Rebecca Sheep, Deputy  
Joel Miller

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

on this 5 day of Sept., 2018.

Amanda Hoy  
Notary Public State of Iowa

