

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2018-9-127

**APPROVING A LAND PRESERVATION PARCEL SPLIT**

**WHEREAS**, a Land Preservation Parcel Split of MCCLOY ADDITION (Case # JLPS18-0005) to Linn County, Iowa, containing three (3) lots, numbered Lot 1, Outlot A, and lettered Lot A has been filed for approval, a subdivision of real estate located in the SW SE of Section 25, Township 82, Range 5 of the 5<sup>th</sup> P.M. Linn County, Iowa, described as follows:

Beginning at the South Quarter Corner of Section 25, Township 82 North, Range 5 West of the Fifth Principal Meridian; thence N1° 19'07"W along the west line of the Southeast Quarter of said Section 25, a distance of 1320.79 feet to the Northwest Corner of the Southwest Quarter of said Southeast Quarter; thence continuing N1° 19'07"W, 330.28 feet; thence N88° 00'49"E along the north line of the South Quarter of the Northwest Quarter of said Southeast Quarter, 583.44 feet to the west boundary of Blink's First Addition; thence S0° 19'41"E along said west boundary, 775.28 feet; thence N87° 28'12"E along the south boundary of said Blink's First Addition, 112.01 feet; thence N1° 20'38"W along said south boundary, 84.08 feet; thence S89° 53'30"E along said south boundary, 242.04 feet; thence N47° 51' 02"E along said south boundary, 113.66 feet; thence S86° 49'54"E along said south boundary, 315.26 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence S1° 13'46"E along said east line, 1001.09 feet to the Southeast Corner of said Southwest Quarter of the Southeast Quarter; thence S88° 10'32"W, 1322.69 feet to the point of beginning.

**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 & Development Staff Report of July 18, 2018 as last amended on August 20, 2018 have been addressed:

**LINN COUNTY SECONDARY ROAD DEPARTMENT**

1. Daylight corner shall conform to County Standard Specifications, Fig. 11. 30' daylight corner to be dedicated at the intersection of Day Road and Green Ridge Road.
2. 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). Lot 1 and Outlot A shall each be limited to a single access.
3. Dedication of road rights-of-way, County Standard Specifications, Section 5. 40' of right-of-way on Green Ridge Road and Day Road adjacent to development shall be dedicated to the County for road purposes.
4. 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 water well must be tested for coliform bacteria and nitrates. Results must be submitted to this department.

**NATURAL RESOURCES CONSERVATION SERVICE**

1. No conditions to be met.

**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. 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. 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 Lisbon. 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.
5. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
6. 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.
7. 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.
8. 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
9. Final plat bound copies must be approved by the Linn County Board of Supervisors on or before **AUGUST 20, 2019** 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 **SEPTEMBER 19, 2019** to be valid.

**Passed and approved this 19<sup>TH</sup> day of SEPTEMBER 2018.**

Linn County Board of Supervisors

  
Chair

James M. Obusek  
Vice Chair

[Signature]  
Supervisor

Stacy Welch  
Supervisor

[Signature]  
Supervisor

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

Attest:

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



Linn County Engineer

Steven M. Gannon, P.E.  
Brad Ketels

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 Sloop, Deputy  
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Sloop, Deputy  
on this 19th day of September, 2018.

Amanda Hoy  
Notary Public State of Iowa

