

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2018-11-163

**APPROVING A FINAL PLAT**

**WHEREAS**, a final plat of Darland First Addition (Case #JF18-0012) 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 SWSE of Section 32, Township 85 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

Beginning at the NW corner of the SW SE 1/4; thence S89°53'39"E along the north line of Parcel A, Plat of Survey #1039, 1978.71 feet to the northeast corner of said Parcel A; thence S00°26'33"E along the east line of said Parcel A 1331.98 feet to the southeast corner of said Parcel A; thence N65°06'49"W along the south line of said Parcel A, 298.66 feet; thence N30°39'10"W along the south line of said Parcel A, 295.54 feet; thence N83°27'41"W along the south line of said Parcel A, 449.34 feet; thence N39°06'37"W along the south line of said Parcel A, 203.00 feet; thence S83°25'43"W along the south line of said Parcel A, 172.64 feet; thence S67°40'04"W along the south line of said Parcel A, 157.57 feet to the southeast corner of Melchar First Addition; thence N22°42'48"W along the east line of said addition, 403.54 feet to the northeast corner of said addition and the centerline of East Otter Road; thence S59°56'13"W along the north line of said addition and said centerline, 448.03 feet; thence SW-ly along said north line and said centerline on an arc of 195.60 feet of a 243.81 foot radius curve to the left, having a chord length of 190.40 feet bearing S36°58'40"W, to the south line of said addition; thence S75°43'19"W along the south line of said Parcel A, 13.40 feet to the west line of the SE 1/4 and the west line of said Parcel A; thence N00°18'52"W along said west line, 834.23 feet; to the Point of Beginning; containing 38.58 acres which includes 3.26 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 July 18, 2018 as last amended on August 2, 2018 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). One entrance per parcel is allowed. An additional access may be allowed with justification and permit. An access easement through Outlot A shall be shown on final plat for legal access for adjacent parcel.
2. Dedication of road rights-of-way, County Standard Specifications, Section 5. 40' of right-of-way on East Otter Road adjacent to development shall be dedicated to the County for road purposes.
3. Road agreement for conditions applicable to final plat 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**

No conditions to be met.

**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. 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.
3. A site plan showing the footprint of proposed structures and septic systems and wells shall be submitted and accepted by the NRCS office prior to plat approval.

**LINN COUNTY CONSERVATION DEPARTMENT**

1. There is a significant riparian forested drainage to East Otter Creek that should be protected by restricting the clearing of trees, soil disturbance, filling or construction in the floodplain and within the tree canopy dripline of the wooded riparian area along the east border of Lot 1.

**LINN COUNTY EMERGENCY MANAGEMENT**

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. Various revisions to the site plan and final plat.
2. 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.
3. This plat lies within the 2-mile jurisdiction of the City of Robins. 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.
4. Approval of utility and drainage easements by the appropriate companies with all easements marked on the final plat bound copies.
5. The remaining land of the parent parcel will result in less than 35 acres. Either combine the remaining land 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 UDC.
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. The final plat bound documents 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 UDC.

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
  - 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 V, Section 107-91, § (h) of the UDC.
  - ii. Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
  - iii. Three (3) copies of the surveyor's drawing
  - iv. A covenant for a secondary road assessment

**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 7<sup>th</sup>, 2019 to be valid.

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

Linn County Board of Supervisors  
Resolution # 2018-11-163  
November 7, 2018  
JF18-0012  
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I, Joel Miller, County Auditor of 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

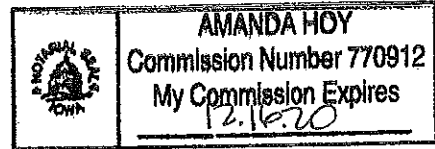
Joel Miller by Rebecca Shoop, Deputy  
Joel Miller

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

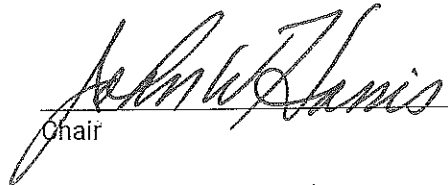
by Rebecca Shoop, Deputy

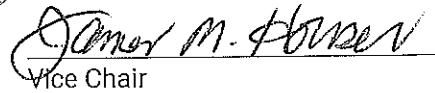
on this 7th day of November, 2018

Amanda Hoy  
Notary Public State of Iowa

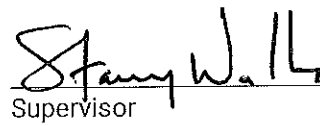


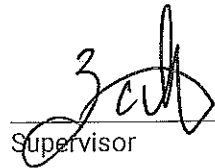
Linn County Board of Supervisors

  
Chair

  
Vice Chair

  
Supervisor

  
Supervisor

  
Supervisor

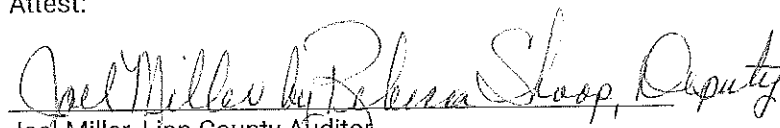
Aye: 5

Nay: 0

Abstain: 0

Absent: 0

Attest:

  
\_\_\_\_\_  
Rebecca Shaop, Deputy  
Joe Miller, Linn County Auditor

Linn County Engineer

  
\_\_\_\_\_  
Brad Ketels, P.E.

State of Iowa )  
                  ) SS  
County of Linn )