

**LINN COUNTY BOARD OF SUPERVISORS**

**RESOLUTION #** 2018-11-176

**APPROVING RESIDENTIAL PARCEL SPLIT**

**WHEREAS**, a Residential Parcel Split of Martin's Deer Valley Timber Addition (Case # JPS17-0023) 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 SESW of Section 10, Township 85 North, Range 7 West of the 5th P.M., Linn County, Iowa, described as follows:

Commencing at the Southwest Corner of Section 10, Township 85 North, Range 7 West of the Fifth Principal Meridian; thence N89°03'53"E along the south line of the Southwest Quarter of said Section 10, a distance of 1897.40 feet; thence N0°00'00"W, 33.00 feet to the point of beginning; thence continuing N0°00'00"W, 951.69 feet; thence S89°03'53"W, 533.62 feet to the centerline of Cupola Road; thence S4°39'07"E along said centerline, 76.14 feet; thence southwesterly 182.22 feet along said centerline and the non-tangent arc of a 343.94 foot radius curve, concave westerly, chord bears S13°24'35"W, 180.09 feet; thence S25°29'13"W along said centerline, 185.29 feet; thence S23°53'36"W along said centerline, 122.40 feet; thence S23°35'06"W along said centerline, 297.69 feet; thence southwesterly 215.50 feet along said centerline and the non-tangent arc of a 365.89 foot radius curve, concave northwesterly, chord bears S42°39'24"W, 211.60 feet to a line 33.00' north of and parallel with the south line of said Southwest Quarter; thence N89°03'53"E along said line, 961.06 feet to the point of beginning. Said parcel contains 14.91 acres, subject to easements and restrictions of record.

**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 October 18, 2017 as last amended on November 20, 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 Cupola Road adjacent to development shall be dedicated to the County for road purposes.
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. Well rehabilitation may be required.

**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. Clarify plans to address potential wetland area with NRCS.

**LINN COUNTY CONSERVATION DEPARTMENT**

1. There is a significant forest resource that should be protected by restricting the clearing of trees in the floodplain.
2. There is a significant stream present. Maintaining natural vegetation in the floodway along with restricting filling or building in the floodway should protect this stream.

**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. 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 in the SE ¼ SW ¼ of 10-85-7 is approximately 24.26 acres. This is less than the minimum required lot size of 35 acres in the AG (Agricultural) zoning district; therefore, a deed restriction will be required to combine the remaining land to an adjacent parcel to total 35 acres or more.
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 **NOVEMBER 20, 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 27, 2019 to be valid.


Passed and approved this 28<sup>th</sup> 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 Shoap, Deputy  
Joel Miller, Linn County Auditor

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 Shoap, Deputy  
Joel Miller

Subscribed and sworn to before me by the aforesaid Joel Miller, by Rebecca Shoap, Deputy  
on this 28 day of November, 2018.

Amanda Hoy  
Notary Public State of Iowa

