City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Gerald L. Clausen

FROM: Greg Schreck, Building/Fire Safety Official GS

DATE: March 23, 2016

SUBJECT: Minor Subdivision Application – Plat of Minor Subdivision, Lot 3 of NE1/4 SE1/4 Sec. 36, T84N, R35W, Carroll County, Iowa

The Planning and Zoning Commission, at their regular meeting held March 9, 2016, recommended to the City Council, by unanimous vote, approval of the Plat of Minor Subdivision, Lot 3 of NE1/4 SE1/4 Sec. 36, T84N, R35W, Carroll County, Iowa and approval of the final plat for the same.

Please note the attached documents as they were presented to the Planning and Zoning Commission for information, including minutes from the March 9th meeting.

RECOMMENDATION: Mayor and Council review of the Plat of Minor Subdivision, Lot 3 of NE1/4 SE1/4 Sec. 36, T84N, R35W, Carroll County, Iowa and approval of the attached Resolution.

PLANNING AND ZONING COMMISSION

MINUTES OF MARCH 9, 2016

The Carroll Planning and Zoning Commission met in regular session on March 9, 2016, 5:15 PM, in the Farner Government Building, Mayor's Office. Present: Jan Abbe, John Horbach, Ron Juergens, Lisa Lampe, Thomas Loeck, Katie McQueen, and Pat Venteicher. Absent: Pat Macke and Tom Simons, Jr. Also present: David Bruner, City Attorney and Greg Schreck, Building/Fire Safety Official. Commissioner Thomas Loeck presided.

* * * * * * *

MOTION by Juergens, second by Lampe, to elect Thomas Loeck as chairperson. All present voted aye. Absent: Macke and Simons, Jr. Motion carried.

* * * * * * *

MOTION by Juergens, second by Lampe, to elect Katie McQueen as vice-chairperson. All present voted aye. Absent: Macke and Simons, Jr. Motion carried.

* * * * * * *

MOTION by Juergens, second by Horbach, to approve the minutes of the December 9, 2015 as mailed. All present voted aye. Absent: Macke and Simons, Jr. Motion carried.

* * * * * * *

A Plat of Minor Subdivision, Lot 3 of the NE ¼ SE ¼, Sec. 36 - T84N - R35W, Carroll Co., Iowa was submitted for review by the commission. Russell Pietig was present and did not speak. No comments from the public, written or verbal, were presented and no one present opposed. MOTION by Juergens, second by McQueen, to recommend to the City Council approval of the Plat of Minor Subdivision. All present voted aye. Absent: Macke and Simons, Jr. Motion carried.

* * * * * * *

MOTION by Juergens, second by Lampe, to adjourn at 5:18 PM. All present voted Aye. Absent: Macke and Simons, Jr. Motion carried.

Thomas Loeck, Chairperson

Greg Schreck, Building/Fire Safety Official

DRAFT

City of Carroll 112 E. 5th Street Carroll, Iowa 51401 712/792-1000

RESOLUTION NO. _____

WHEREAS, Russell Pietig, the owner of certain real estate described in a certain plat filed by them with the City Clerk of the City of Carroll, Iowa, known as Plat of Minor Subdivision, Lot 3 of NE1/4 SE1/4, Sec. 36 - T84N - R35W, Carroll County, Iowa; and,

WHEREAS, the said plat has been duly examined by the City Planning and Zoning Commission, which has recommended approval of the same on March 9, 2016, and found same to conform to the general plan of the City; and,

WHEREAS, said plat has been examined by the City Council and found to conform to the City of Carroll Subdivision Ordinance and falls within the general plan of the City of Carroll, Iowa, and is found to comply with Chapter 354 of the 2015 Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carroll, Iowa:

1. That the final plat of Plat of Minor Subdivision, Lot 3 of NE1/4 SE1/4, Sec. 36 - T84N - R35W, Carroll County, Iowa, is found to conform with the law and is hereby approved and accepted.

2. It is further required that all easements and rights-of-way for the construction and maintenance of sewers, water mains, water facilities, power lines, gas lines and other public municipal utilities shall be furnished and granted to the City of Carroll, Iowa, when requested.

3. This Resolution shall be fully binding upon the owners, their assigns, purchasers or successors in interest.

4. The Mayor and City Clerk of the City of Carroll, Iowa, are hereby directed to certify this Resolution and cause the same to be affixed to the said plat as provided by law.

Adopted and passed by the Carroll City Council this 28th day of March, 2016.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

By: _____
Eric P. Jensen, Mayor

ATTEST:

By: _____
Laura A. Schaefer, City Clerk

CERTIFICATE

State of Iowa)
ss.
Carroll, County)

We, Eric P. Jensen, Mayor, and Laura A. Schaefer, City Clerk of the City of Carroll, Iowa hereby certify that at a meeting of the City Council of the City of Carroll, Iowa, held on the 28th day of March, 2016 the attached Resolution was adopted by the City Council of the City of Carroll, Iowa, approved by the Mayor, duly entered into the record of the City Council meeting of that date, and we further certify that the Minor Subdivision Plat is found to conform to the law as approved and accepted and we hereby certify this Resolution and cause the same to be affixed to the Minor Subdivision Plat as provided by law.

_____
Eric P. Jensen, Mayor

ATTEST:

_____
Laura A. Schaefer, City Clerk

State of Iowa)
ss.
Carroll County)

On this 28th of March, 2016, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Eric P. Jensen and Laura A. Schaefer, to me personally known, who, being by me duly sworn did say that they are the Mayor and City Clerk, respectively, of the City of Carroll, Iowa, executing the within and foregoing instrument, and that said instrument was signed and sealed on behalf of the City of Carroll, Iowa, by authority of its City Council and that said Mayor and City Clerk, as such officers acknowledged the execution of said instrument to be the voluntary act and deed of the City of Carroll, Iowa, by it and by them voluntarily executed.

_____
Notary Public in and for the State of Iowa

CITY OF CARROLL
MINOR SUBDIVISION APPLICATION

Application, fees and additional items due at the City Clerk's office at least 20 days prior to the Planning and Zoning Commission meeting in which it will be presented.

APPLICATION AND JURISDICTION

As defined in Section 6-6.0104: Every owner or his agent of any tract or parcel of land lying within the City or within two (2) miles of the corporate limits of the City who has subdivided or shall hereafter subdivide the same into two (2) or more parts for the purpose of laying out an addition, building lot or lots, or acreage lots shall cause plats of such area to be made in the form, and containing the information as hereafter set forth, before selling any lots therein contained or placing the plat on record.

DEFINITION

As defined in Section 6-6.0201, Subsection 18A: Minor Subdivision is a subdivision of land which meets the following criteria:

1. All new lots shall front on and have direct access from an existing public street.
2. No new public or private street shall be created or sought to be dedicated or contemplated to project through the proposed Subdivision.
3. No new lot shall conflict with any provisions or portion of the City Zoning Ordinance or this Ordinance.
4. The quarter quarter section in which the proposed Minor Subdivision is to be located has not been divided previously into three or more tracts or lots, nor have more than two Plats of Survey of individual lots been located within that quarter quarter section.
5. No more than three (3) lots are created by the proposed Minor Subdivision, not including the lot created by the remaining tract, but including any lots or tracts previously platted within the quarter quarter section.
6. No municipal utility facility shall be created.
7. The proposed Minor Subdivision is within the 2-mile area surrounding Carroll's city limits and within the jurisdiction of the City under Iowa Code Sections 354.9 and 414.23.

APPLICANT: Russell Pietig (712) 742-9585

ADDRESS: 22476 Mesquite Avenue, Carroll, IA 51401

PROPOSED NAME OF SUBDIVISION: Minor Subdivision of Lot 3 NE1/4 SE1/4 ~~Section 36-T84N-R35W, Carroll County, IA~~

LEGAL DESCRIPTION OF PROPERTY TO BE SUBDIVIDED: Lot 3 of NE1/4 SE1/4 Section 36-T84N-R35W, Carroll, Carroll County, Iowa.

Included in application:

- Procedure for Approval of Minor Subdivision.....Page 2
- Application for Final Minor Subdivision Approval .....Page 3
- Contents of the Final Minor Subdivision Plat.....Page 4

PROCEDURE FOR APPROVAL OF MINOR SUBDIVISION

As outlined in Section 6-6.0320, the procedure for approval of a Minor Subdivision shall consist of filing with the Clerk:

✓1. Final Plat of Survey of the Minor Subdivision.

✓2. Application for Plat Approval with the proposed Final Plat of the Minor Subdivision.

✓3. A recent aerial photo showing the quarter quarter section where the proposed Minor Subdivision is to be located.

4. Certificate of the City Public Works Director certifying that the proposed Minor Subdivision will not create an undue burden on present or future City infrastructure.

5. Certificate of the Zoning Administrator that the proposed Minor Subdivision would not violate either the City Comprehensive Plan or the current Zoning Code.

✓6. Check from the Applicant in the amount of $100.00.

APPLICATION FOR FINAL MINOR SUBDIVISION PLAT APPROVAL

As outlined in Section 6-6.0321, the application shall contain the following information and documentation:

1. The names, addresses and telephone numbers of the owners of the land and the developer, if other than the owners.

2. The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the Minor Subdivision.

3. The approved name of the Minor Subdivision.

4. A copy of any protective covenants or deed restrictions affecting the Minor Subdivision.

5. A certificate to be signed by the County Treasurer, as required by Section 354.11 (6), Code of Iowa, as amended, that the land is free from certified taxes and assessments or that suitable bond has been posted for assessments.

6. A certificate to be signed by the County Auditor, as required by Section 354.11 (5), Code of Iowa, as amended, approving the name or title of the subdivision plat.

7. Such other and further information as the Commission may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

8. A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application, and a statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds.

9. A statement from the mortgage holders or lien holders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgement of deeds. An affidavit and bond as provided for in Section 354.12 may be recorded in lieu of the consent of the mortgage or lien holder. When a mortgage or lien holder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

10. An opinion by an attorney-at-law who has examined the abstract of title to the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

11. A certified resolution by the City Council as required by Section 354.8, Iowa Code, either approving the Subdivision or waiving the right to review.

CONTENTS OF THE FINAL MINOR SUBDIVISION PLAT

As outlined in Section 6-6.0322, the final plat shall be prepared by a licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The final plat shall show the following:

1. The approved name of the Minor Subdivision, which shall include the words "Minor Subdivision."

2. The date of the document, approximate true north arrow and the scale of the plat. The scale shall be clearly stated and graphically illustrated by a bar scale on each plat sheet.

3. The names and addresses of the owner of the land, the developer, if other than the owner, and the engineering firm or surveying firm that prepared the final plat.

4. The location by section, township, range, county and state and including descriptive boundaries of the Subdivision, based on accurate traverse, giving annular and linear dimensions which must mathematically close.

5. The exact location and layout of lots, public or private streets already existing with accurate dimensions in feet and decimals of feet, interior angles, length and radii, arcs and intermediate tangents of all curves, and with all other information necessary to reproduce the plat on the ground.

City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Planning and Zoning Commission

FROM: Randall M. Krauel, Director of Public Works RMK

DATE: February 22, 2016

SUBJECT: Minor Subdivision of Lot 3 of NE ¼ SE ¼ Sec. 36, T84N, R35W Carroll County, Iowa

The plat of the proposed Minor Subdivision has been reviewed with respect to its impact on present and future City infrastructure pursuant to paragraph 6-6.0320D of the Subdivision Code. The proposed Minor Subdivision is located outside of the current Corporate Limits of the City and will not currently be served by City roadway, storm sewer, wastewater or water public works infrastructure. If the proposed Minor Subdivision were to be incorporated into the City at some time in the future, there may be requirements for the proposed Minor Subdivision to utilize the City public works infrastructure. It is not anticipated that, due to the size of the proposed Minor Subdivision, undue burden would be placed on the City public works infrastructure at that time.

RMK:ds

City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

Certificate of Zoning Administrator

REGARDING: Plat of Minor Subdivision, Lot 3 of NE1/4 SE1/4 Sec. 36, T84N, R35W, Carroll County, Iowa

In my review of "City of Carroll Minor Subdivision Application", the application is in compliance of the City Comprehensive Plan and would currently be zoned A-2.

Perry Johnson
Building/Zoning Official

PREPARED BY: ROBERT W PETERS, PC, 1014 W 19TH STREET, CARROLL, IOWA 51401 (712) 792-9277

RETURN DOCUMENT TO: ROBERT W PETERS, PC, 1014 W 19TH STREET, CARROLL, IOWA 51401 (712) 792-9277

In the matter of THE PETITION TO APPROVE PLAT OF MINOR SUBDIVISION OF Lot 3 of NE1/4 SE1/4 Sec. 36, T84N, R35W, Carroll County, Iowa,	Auditor's Certificate of Approval of Name of Proposed Subdivision

I, Kourtney Irlbeck, Auditor of Carroll County, Iowa, hereby certify and approve the following name for the subdivision requested herein:

Minor Subdivision of Lot 3 of NE1/4 SE1/4 Sec. 36, T84N, R35W, Carroll County, Iowa.

Signed and sealed this 11 day of February 2016.

Kourtney Irlbeck

Kourtney Irlbeck, Carroll County Auditor

PREPARED BY: ROBERT W PETERS, PC, 1014 W 19TH STREET, CARROLL, IOWA 51401 (712) 792-9277

RETURN DOCUMENT TO: ROBERT W PETERS, PC, 1014 W 19TH STREET, CARROLL, IOWA 51401 (712) 792-9277

In the matter of THE PETITION TO APPROVE PLAT OF MINOR SUBDIVISION OF Lot 3 of NE1/4 SE1/4 Sec. 36, T84N, R35W, Carroll County, Iowa,	Treasurer's Certification of Real Estate Taxes

I, Jean Seidl, Treasurer of Carroll County, Iowa, hereby certify that the following described real estate is free from certified taxes and certified special assessments, to-wit:

Minor Subdivision of Lot 3 of NE1/4 SE1/4 Sec. 36, T84N, R35W, Carroll County, Iowa.

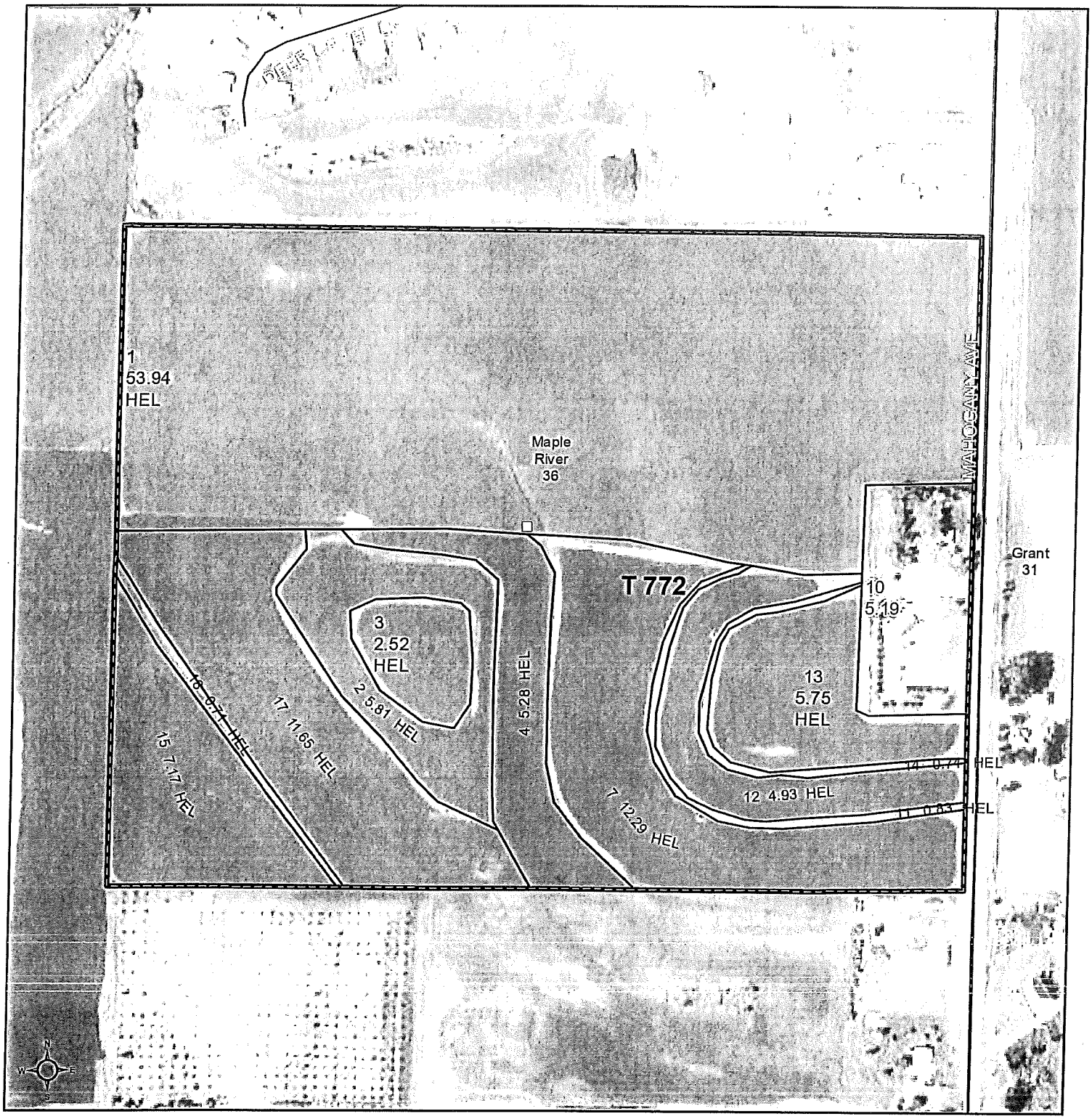
Signed and sealed this 12th day of February 2016.

Jean Seidl

Jean Seidl, Carroll County Treasurer

USDA United States Department of Agriculture

Carroll County, Iowa



Common Land Unit
- Cropland
- Non-Cropland
- Tract Boundary
- PLSS

Wetland Determination Identifiers
- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

0 170 340 680 Feet

2015 Ortho Imagery

2016 Program Year

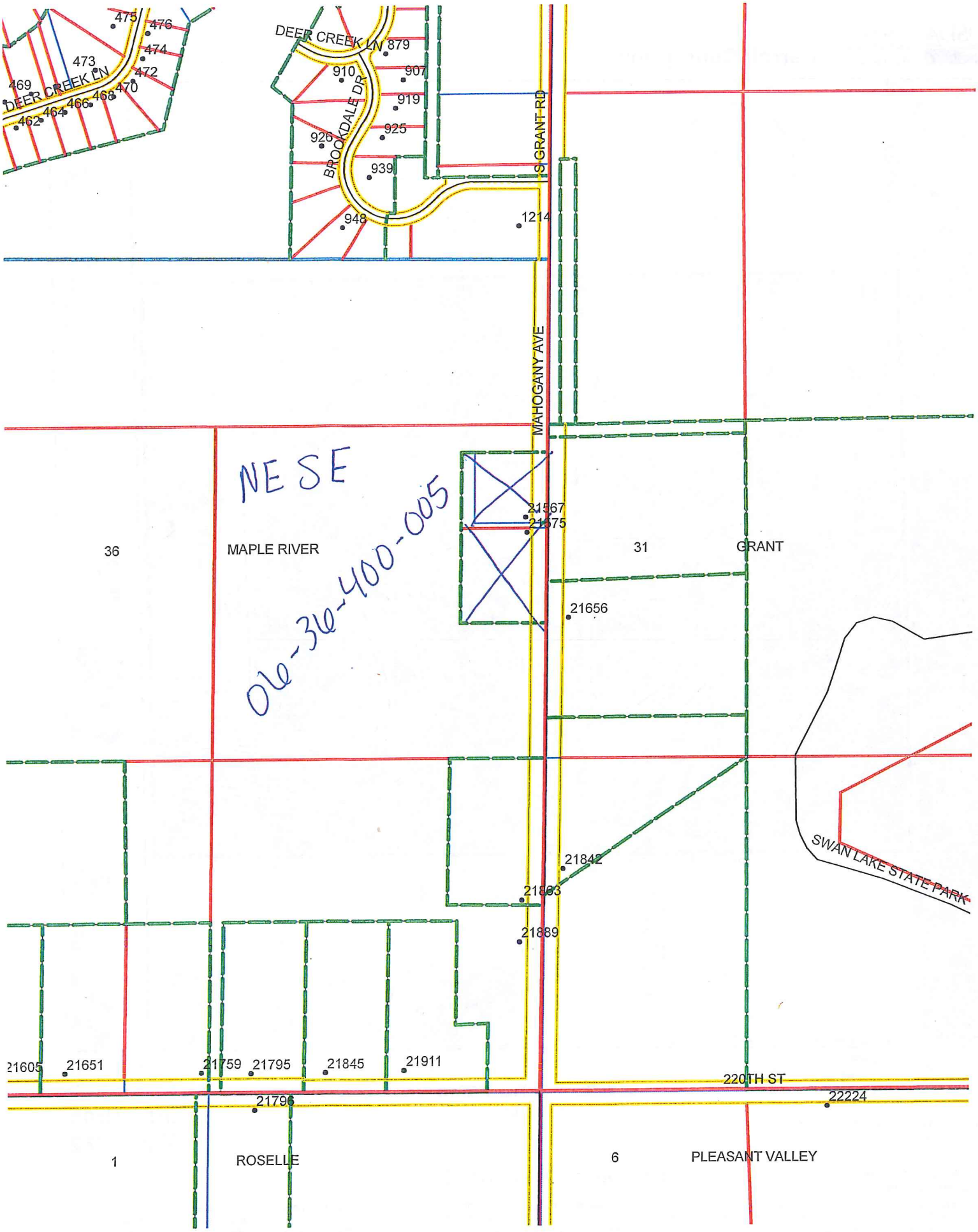
Map Created January 13, 2016

Farm **7945**

Tract **772**

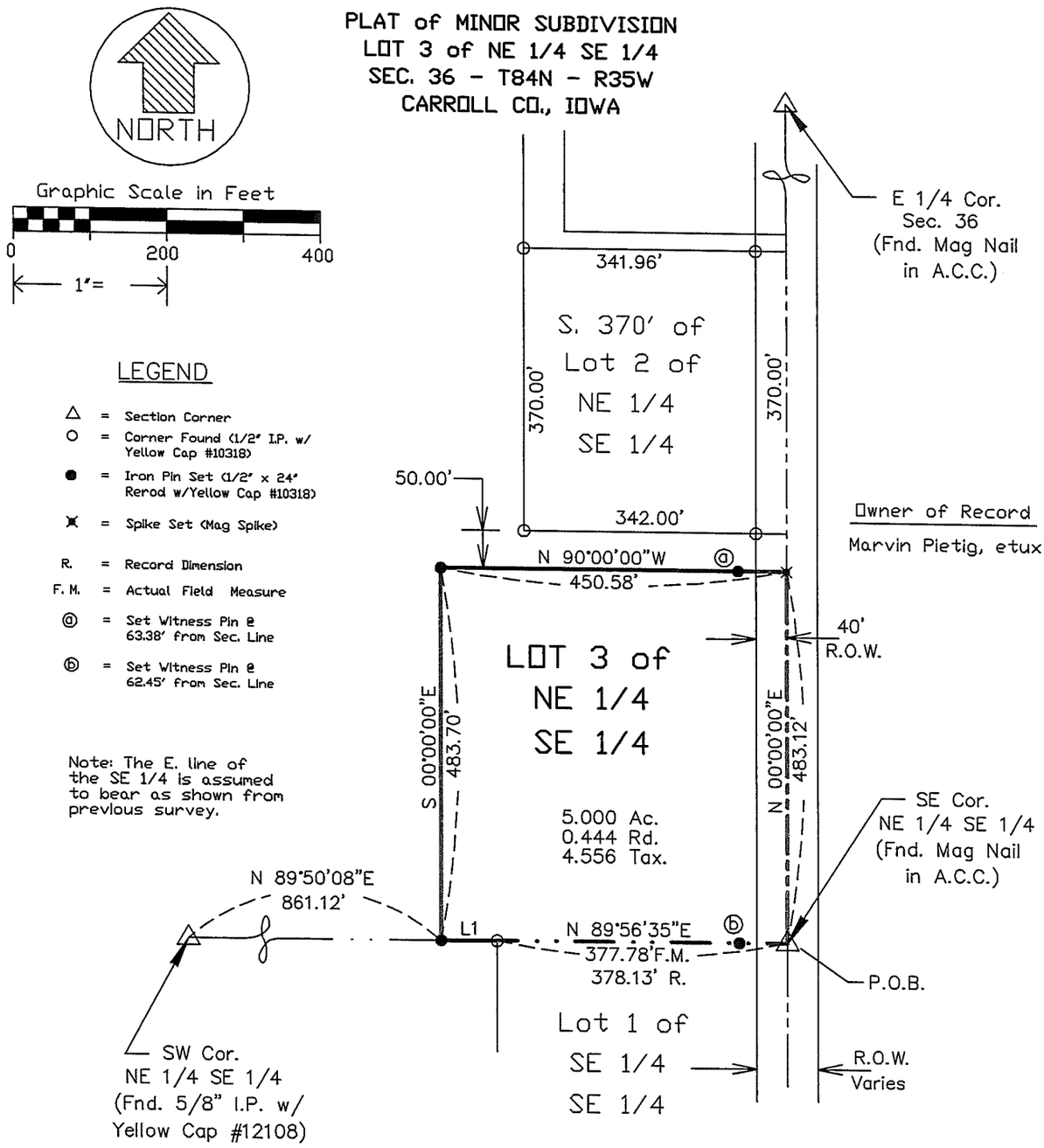
Tract Cropland Total: 111.62 acres

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).


475
476
474
473
472
469
DEER CREEK LN
470
468
466
464
462
DEER CREEK LN
879
910
907
919
925
926
BROOKDALE DR
939
948
S GRANT RD
1214
MAHOGANY AVE
NE SE
06-36-400-005
21567
21575
36
MAPLE RIVER
31
GRANT
21656
SWAN LAKE STATE PARK
21842
21863
21889
21605
21651
21759
21795
21845
21911
220TH ST
21796
22224
1
ROSELLE
6
PLEASANT VALLEY

This document prepared by: Semke & Associates – 712–792–2276
Micheal G. Semke, L.S.#10318 – 716 N. Crawford – Carroll, Iowa

PLAT of MINOR SUBDIVISION
LOT 3 of NE 1/4 SE 1/4
SEC. 36 – T84N – R35W
CARROLL CO., IOWA



LEGEND

- △ = Section Corner
- ○ = Corner Found (1/2" I.P. w/ Yellow Cap #10318)
- ● = Iron Pin Set (1/2" x 24" Rerod w/Yellow Cap #10318)
- ✖ = Spike Set (Mag Spike)
- R. = Record Dimension
- F. M. = Actual Field Measure
- ⓐ = Set Witness Pin @ 63.38' from Sec. Line
- ⓑ = Set Witness Pin @ 62.45' from Sec. Line

Note: The E. line of the SE 1/4 is assumed to bear as shown from previous survey.

Owner of Record

Marvin Pietig, etux

LINE	BEARING	DISTANCE
L 1	N 89°50'08"E	72.80'

PROFESSIONAL LAND SURVEYOR
MICHEAL G. SEMKE
10318
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a Professional Land Surveyor under the laws of the State of Iowa.

Micheal G. Semke 12/1/15

Signature — Date of Survey

Micheal G. Semke, L.S. No. 10318

Printed or Typed Name

Pages or sheets covered by this seal: THIS PAGE

My license renewal date is December 31, 2017.

This document prepared by: Semke & Associates – 712–792–2276
Micheal G. Semke, L.S.#10318 – 716 N. Crawford – Carroll, Iowa

PLAT of MINOR SUBDIVISION
LOT 3 of NE 1/4 SE 1/4
SEC. 36 – T84N – R35W
CARROLL CO., IOWA
Page 2 of 2

DESCRIPTION:

Beginning at the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 36, Township 84 North, Range 35 West of the 5th P.M., Carroll County, Iowa; thence North 00° 00' 00" East along the East line of said Southeast Quarter, 483.12 feet; thence North 90° 00' 00" West, 450.58 feet; thence South 00° 00' 00" East, 483.70 feet to the South line of said Northeast Quarter of the Southeast Quarter; thence North 89° 50' 08" East along said line, 72.80 feet to the Northwest Corner of Lot 1 of the Southeast Quarter of said Southeast Quarter; thence North 89° 56' 35" East, 377.78 feet to the POINT OF BEGINNING containing 5.000 acres inclusive of the County Road Right–of–way on the East side thereof and subject to easements apparent or of record.

The above described parcel shall hereafter be known as Lot 3 of the Northeast Quarter of the Southeast Quarter of said Section 36, Township 84 North, Range 35 West of the 5th P.M., Carroll County, Iowa.

PROFESSIONAL LAND SURVEYOR
MICHEAL G. SEMKE
10318
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a Professional Land Surveyor under the laws of the State of Iowa.

Signature — Date of Survey: 12/1/15

Micheal G. Semke, L.S. No. 10318
Printed or Typed Name

Pages or sheets covered by this seal: THIS PAGE

My license renewal date is December 31, 2017.