

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 8/25/21 Weekly Agenda Date: 8/31/21

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: David Gleiser, CED Director

WORDING FOR AGENDA ITEM:

Approval of Final Plat for the Shever Addition, a Minor Subdivision

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☒

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☒

EXECUTIVE SUMMARY:

The Supervisors will receive the Woodbury County Planning and Zoning (P&Z) Commission's recommendation and final staff report on said plat and shall approve, approve with conditions, or disapprove the plat. The Board may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat.

BACKGROUND:

Nathan A. Shever, owner of Parcel 884305200002 has filed an application for a one-lot minor subdivision to split the homestead from the farm ground. The proposed subdivision is located in the Kedron Township, it is zoned Agricultural Preservation (AP) and it is not located within a floodplain. The proposed lot and uses are compliant with the zoning ordinance and subdivision ordinance. The County Engineer reviewed and approved the access and recommended an easement agreement be filed (which will), and verified closure of the final plat. All required legal notifications were made and all relevant agency stakeholders and property owners were notified of this, request and the Commission's 8/23/21 public hearing. As of 8/25/21, the CED office received one formal comment from Siouxland District Health regarding standard well/septic requirements. The subdivision does not require extra-territorial review as the property location exceeds 2 miles from any city. On 8/23/21, the P&Z Commission held a public hearing on the application and received public testimony. Upon closing the hearing, the Commission subsequently voted unanimously to recommend approval of the final plat as proposed.

FINANCIAL IMPACT:

None

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☐

RECOMMENDATION:

Receive the final staff report and P&Z Commission's recommendation from their 8/23/21 meeting.
Approve the plat and authorize the Chairman to sign the resolution.

ACTION REQUIRED / PROPOSED MOTION:

Motion to receive the final staff report and P&Z Commission's recommendation from their 8/23/21 meeting.
Motion to approve the Shever Addition final plat and authorize the Chairman to sign the resolution.

FINAL PLAT OF
SHEVER ADDITION
A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA

BOARD OF SUPERVISORS RESOLUTION

RESOLUTION NUMBER: _____
RESOLUTION ACCEPTING AND APPROVING SHEVER ADDITION A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.
WHEREAS, THE OWNER AND PROPRIETOR DID ON

THE _____ DAY OF _____, 20____, FILE
WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS SHEVER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA: AND
WHEREAS, IT APPEARS THAT SAID PLAT CONFORMS WITH ALL OF THE PROVISIONS OF THE CODE OF THE STATE OF IOWA AND ORDINANCES OF WOODBURY COUNTY, IOWA WITH REFERENCE TO THE FILING OF AND
WHEREAS, THE ZONING COMMISSION OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT; AND
WHEREAS, THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT.
NOW THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, THAT THE PLAT OF SHEVER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRMAN AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS.
WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNER AND PROPRIETOR A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS ____ DAY OF _____, 2021

ROCKY DE WITT, CHAIRPERSON OF BOARD OF SUPERVISORS
WOODBURY COUNTY, IOWA

ATTEST: _____
PATRICK F. GILL
WOODBURY COUNTY AUDITOR AND RECORDER
SECRETARY

COUNTY ENGINEERS CERTIFICATE

I, MARK NAHRA, P.E., THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA DO HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED PLAT AND HAVE MATHEMATICALLY COMPUTED THE ERROR OF CLOSURE OF THE PLAT PERIMETER AND OF THE LOTS CONTAINED THEREIN, AND FIND THAT SAID PLAT CONFORMS WITH THE CLOSURE REQUIREMENTS OF THE WOODBURY COUNTY SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF WOODBURY COUNTY, IOWA.

DATED _____

MARK NAHRA, P.E.
WOODBURY COUNTY ENGINEER

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

I, CHRIS ZELLMER ZANT, DO HEREBY CERTIFY THAT I AM THE CHAIRMAN OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA AND DO FURTHER CERTIFY THAT SAID COMMISSION HAS HERETOFORE TAKEN UNDER ADVISEMENT THE PLAT OF SHEVER ADDITION, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE _____ DAY OF _____, 2021 APPROVE THE SAME AND DOES FURTHER HEREBY RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, IOWA, THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

DATED THIS ____ DAY OF _____, 2021

CHRIS ZELLMER ZANT
CHAIRMAN
WOODBURY COUNTY ZONING COMMISSION OF
WOODBURY COUNTY, IOWA.

TITLE OPINION

COUNTY AUDITOR AND RECORDER WOODBURY COUNTY, IOWA

DEAR SIR:

I have this date examined a complete abstract of title, pursuant to Iowa Code Section 354.11(3), to the property described on the Final Plat of Shever Addition, A Minor Subdivision to Woodbury County, Iowa, last certified by Engleson Abstract Company, Abstracters, dated July 21, 2021 at 5:00 p.m., and from said abstract find good and merchantable title to said premises vested in Nathan Allen Shever, the proprietor, free and clear of all mortgages, liens and other encumbrances, except as follows:

1. A Mortgage from Nathan Shever, an unmarried individual, to United Bank of Iowa, dated and acknowledged December 29, 2020, filed December 22, 2020, as inst. #2020-16629 in the Woodbury County Recorder's office, securing credit in the amount of \$140,000.00, with a future advance clause of up to \$350,000.00. Said Mortgage constitutes a first and valid lien against the property that is the subject of this Title Opinion.

2. All certified real estate taxes and special assessments, except as shown herein, due and payable have been paid through the Taxes for 2019/2020. The real estate and personal tax lists for 2020/2021 have not been certified to the County Treasurer for collection.

Dated: July 26, 2021.

Thaddeus Cosgrove
Attorney at Law

TREASURERS CERTIFICATE OF TAXES AND SPECIAL ASSESMENTS

I, THE UNDERSIGNED, TREASURER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE LAND DESCRIBED IN THE ATTACHED AND FOREGOING SURVEYOR'S CERTIFICATE IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED _____

TINA M. BERTRAND, TREASURER
WOODBURY COUNTY, IOWA

AUDITOR & RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA) SS
WOODBURY COUNTY) DOCKET NO.: _____ FILED FOR RECORD, THIS ____ DAY OF _____, 2021 AT ____ O'CLOCK ____ M. RECEIVED IN PLAT ENVELOPE
INDEXED AND DELIVERED TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA.

DATED _____

PATRICK F. GILL
WOODBURY COUNTY AUDITOR & RECORDER
BY: DIANE SWOBODA PETERSON, DEPUTY

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT NATHAN ALLEN SHEVER, OWNER AND PROPRIETOR OF THE REAL ESTATE DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION, HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED, AND PLATTED INTO ONE LOT AS IS SHOWN HEREON, AND SAID CERTIFICATE OF J. SCOTT SHEVEL, A LICENSED SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS THE PLAT OF SHEVER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND ACCORDANCE WITH HIS DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT _____, IOWA THIS ____ DAY OF _____, 2021.

NATHAN ALLEN SHEVER

STATE OF IOWA)
) SS
WOODBURY COUNTY)

ON THIS ____ DAY OF _____, 20____,
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED NATHAN ALLEN SHEVER, TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OR TITLE OF SAID SUBDIVISION PLAT (AS REQUIRED BY IOWA CODE SECTION 354.6(2)).

DATED _____

PATRICK F. GILL
WOODBURY COUNTY AUDITOR
BY: DIANE SWOBODA PETERSON, DEPUTY

CERTIFICATE OF COUNTY ASSESSOR

I, _____, HEREBY CERTIFY THAT

ON THE ____ DAY OF _____, 2021, A COPY OF THIS PLAT WAS FILED IN THE COUNTY ASSESSOR'S OFFICE.

DATED: _____

Julie Conolly, County Assessor

CONSENT TO PLAT

UNITED BANK OF IOWA - GALVA, MORTGAGEE UNDER THAT CERTAIN REAL ESTATE MORTGAGE BEING RECORDED ON THE 22nd DAY OF DECEMBER, 2020 AS DOCUMENT NUMBER 2020-16629 IN THE RECORDS OF THE COUNTY RECORDER OF WOODBURY COUNTY, IOWA, DOES CONSENT TO THE PLATTING OF THE PROPERTY TO BE PLATTED AS SHEVER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA BY NATHAN ALLEN SHEVER, AND RELEASES FROM SAID MORTGAGE, ALL STREETS, EASEMENTS AND OTHER AREAS TO BE CONVEYED OR DEDICATED TO THE LOCAL GOVERNMENT UNIT WITHIN WHICH SUCH LAND IS LOCATED.

DATED: _____, 2021

UNITED BANK OF IOWA - GALVA:

BY:

TITLE:

STATE OF IOWA)
) SS
WOODBURY COUNTY)

ON THIS ____ DAY OF _____, 20____,
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED NATHAN ALLEN SHEVER, TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR VOLUNTARY ACT AND DEED.

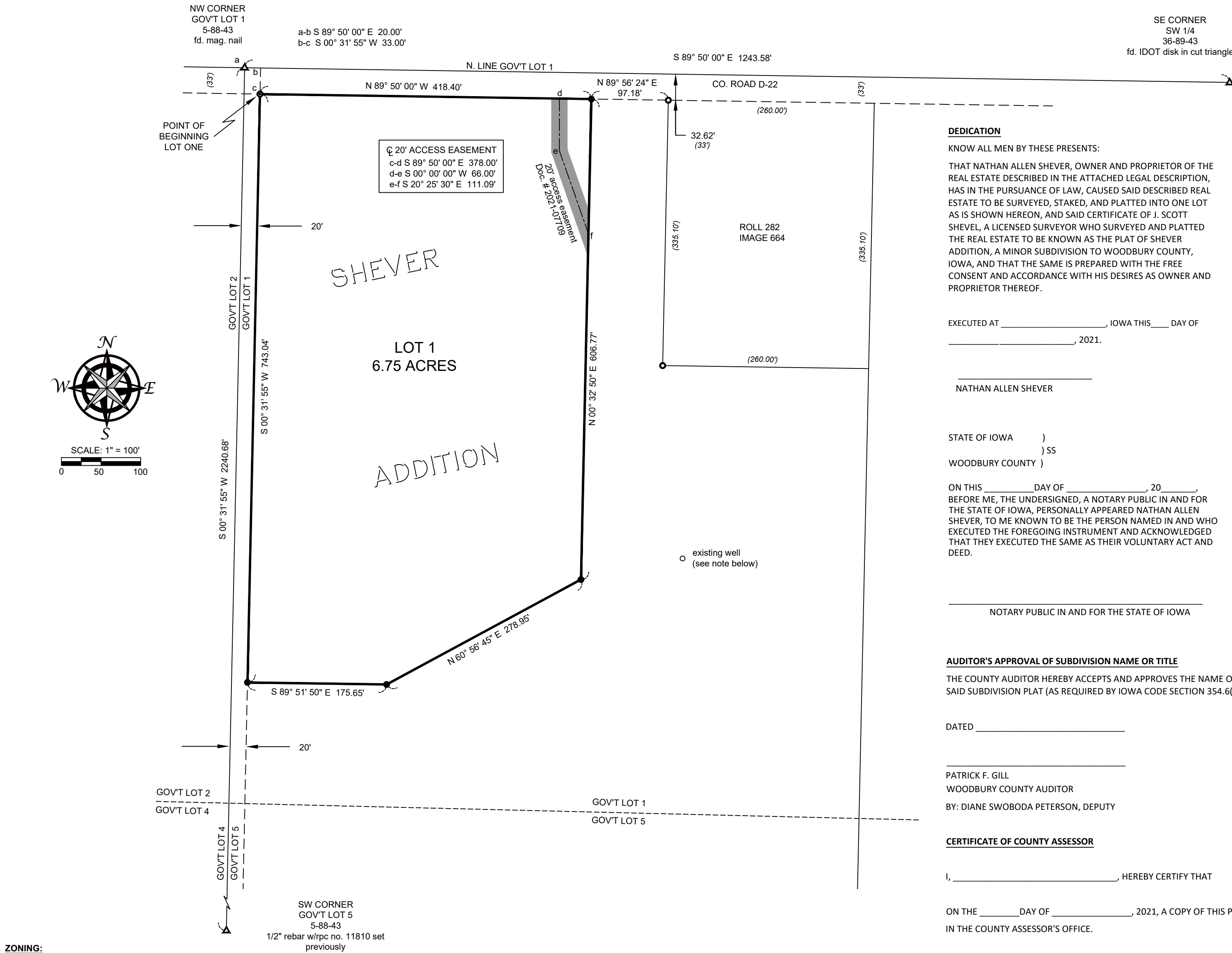
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

LEGEND OF SYMBOLS/ABBREVIATIONS
● CORNERS FOUND (1/2" rebar w/ypc no. 7548)
● CORNERS FOUND (1/2" rebar w/ypc no. 11810)
● CORNERS SET (1/2" rebar w/ypc no. 11810)
▲ SECTION CORNER FOUND (monuments as described)
100.00' MEASURED
(100.00') RECORDED AS
ypc RED PLASTIC CAP
ypc YELLOW PLASTIC CAP

I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
J. Scott Shevel
License Number 11810
My License renewal date is December 31, 2021
Pages covered by this seal 1

8/5/21
Date:
Surveyed by JSS
Surveyed: 8/5/21
Revised 8/5/21
Drawing Name:

ISG
I+S GROUP
PRE 17-20345
Drawn: JSS
Sheet 1 OF 1
Surveyed by JSS
Surveyed: 8/5/21
Revised 8/5/21
Drawing Name:



ZONING:

SUBJECT PARCEL IS LOCATED IN ZONING DISTRICT AP, AGRICULTURAL PRESERVATION.

MIN. LOT WIDTH - 200FT.

SET-BACK REQUIREMENTS:
FRONT YARD - 100FT.
SIDE YARD - 20FT.
SIDE YARD, ACCESSORY STRUCTURES - 10FT.
CORNER SIDE YARD - 50FT.
REAR YARD - 50FT.
REAR YARD ACCESSORY STRUCTURES - 10FT.

HEIGHT: 45 FT.

NOTES:

DESCRIPTION OF PARENT PARCEL RECORDED ON ROLL 284, IMAGE 1191, EXCEPTS THE ROAD RIGHT-OF-WAY ON THE NORTH SIDE WHICH IS WHY IT WAS NOT INCLUDED IN THIS SURVEY.

RETRACEMENT SURVEY OF PARENT PARCEL RECORDED ON ROLL 752, IMAGE 9672.

PLAT OF SURVEY, ADJOINER PARCEL RECORDED ON ROLL 282, IMAGE 664

BUYER OF LOT 1 TO BE GRANTED RIGHTS FOR CONTINUED USE AND MAINTENANCE OF EXISTING WELL AND APPURTENANCES.

DESCRIPTION LOT ONE SHEVER ADDITION

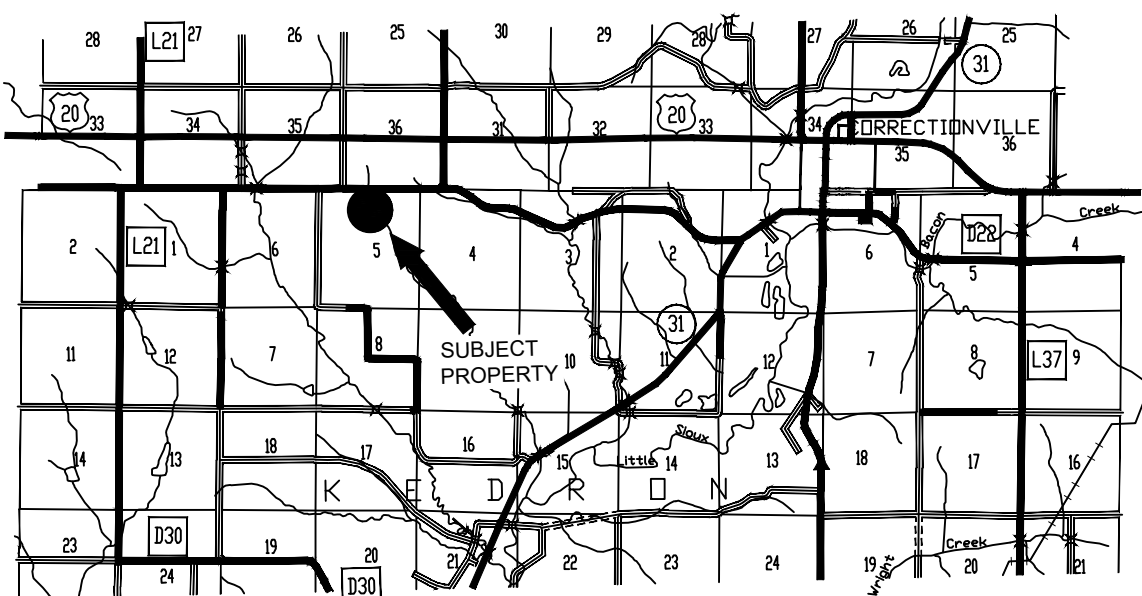
A TRACT OF LAND LOCATED IN PART OF GOVERNMENT LOT ONE (1) IN SECTION 5, TOWNSHIP 88 NORTH, RANGE 43 WEST OF THE 5TH P.M., WOODBURY COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) corner of said Government Lot One(1), Thence South 89° 50' 00" East, along the North line of said Government Lot One (1), 20.00 feet; Thence South 00° 31' 55" West, 33.00 feet to the South line of the a public roadway, being also the Point of Beginning. Thence continuing South 00° 31' 55" West, along the East line of the West 20.00 feet of said Government Lot One (1), 743.04 feet; Thence South 89° 51' 50" East, 175.65 feet; Thence North 60° 56' 45" East, 278.95 feet; Thence North 00° 32' 50" East, 606.77 feet to the South line of the public roadway; Thence North 89° 50' 00" West, along said South line, 418.40 feet to the Point of Beginning.

Hereafter known as Lot One (1) In Shever Addition, being a part of Government Lot One (1), Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa.

Tract contains 6.75 acres and is subject to a twenty foot (20') easement for ingress and egress as shown hereon, and to all easements of record.

VICINITY MAP



INDEX LEGEND	
PLAT OF SURVEY SHEVER ADDITION	
COUNTY: WOODBURY	
LOT: ONE	
SECTION: 5	
TOWNSHIP: T-88-N	
RANGE: R-43-W 6TH P.M.	
ALIQUOT PART: GOV'T LOT 1	
PROPRIETOR: NATHAN ALLEN SHEVER	
SURVEY PREPARED FOR: MARTY BOYLE - MCGUIRE AUCTION CO.	
SURVEY PREPARED BY: J. SCOTT SHEVEL IOWA PLS NO. 11810	
COMPANY NAME: ISG	
ADDRESS: 1725 N. LAKE AVE. STORM LAKE, IA 50588	
PHONE: 712-732-7745	



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET – SIOUX CITY, IA 51101

David Gleiser - Director - dgleiser@woodburycountyiowa.gov
Dan Priestley - Zoning Coordinator - dpriestley@woodburycountyiowa.gov
Dawn Norton - Sr. Clerk - dnorton@woodburycountyiowa.gov
Telephone (712) 279-6609 Fax (712) 279-6530

SHEVER ADDITION FINAL REPORT – 8/24/21

APPLICATION DETAILS

Applicant(s): Nathan A. Shever
Application Type: Minor Subdivision
Subdivision Name: Shever Addition
Application Date: June 9, 2021
Subdivision Area: 6.75 Acres (1 Lot)
Legal Notice Date: August 13, 2021
Stakeholders (1000') Letter Date: August 9, 2021
Zoning Commission Public Hearing Date: August 23, 2021 at 6:00 PM

PROPERTY DETAILS

Parcel(s): 884305200002
Township: T88N R43W (Kedron)
Section: 5; Government Lot 1
Zoning District: Agricultural Preservation (AP)
Floodplain District: Zone X (Not in the Floodplain)
Address: 3752 160th Street, Correctionville, IA 51016

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- ☐ Supporting Documentation
- ☐ Application
- ☐ Final Plat

SUMMARY

Nathan A. Shever has filed an application for a one-lot minor subdivision on the property (Parcel #884305200002) as referenced above to split the homestead from the farm ground. This proposal has been properly noticed in the Sioux City Journal Legals Section on August 13, 2021. The neighbors within 1000 FT have been duly notified via an August 9, 2021 letter about the August 23, 2021 Zoning Commission public hearing. No written comments have been received as of August 19, 2021. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Significant comments included those from Siouxland District Health referencing possible easement access to the well and location options for a new septic system. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements, found the access to have more than adequate site distance, and recommended an easement agreement for access which has already been prepared and included with this application. Extraterritorial review was not required as this property location exceeds 2 miles from an incorporated area. This property is not located in the floodplain. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. The Zoning Commission voted unanimously (5-0) to recommend approval of the final plat to the Board of Supervisors at their meeting on August 23, 2021. The Commission recommends that the property owners follow the recommendations as noted from Siouxland District Health and the Woodbury County Engineer.

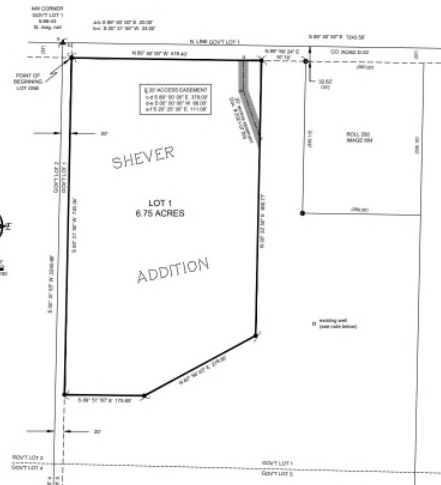
AERIAL MAP



- Legend**
- Roads
 - Corp Boundaries
 - Townships
 - Parcels

Parcel ID 884305200002 Alternate ID 788550 Owner Address SHEVER NATHAN ALLEN
Sec/Twp/Rng 5-88-43 Class AD 3752 160TH ST
Property Address 3752 160TH ST CORRECTIONVILLE, IA 51016
District 0015
Brief Tax Description EX N33° EX W20° W79S. 4' & EX N33S. 10' E260° GOVT LOT 1 S-88-43
(Note: Not to be used on legal documents)

PLAT EXCERPT



ZONING COMMISSION RECOMMENDATION AND STAFF RECOMMENDATION

The Zoning Commission voted unanimously (5-0) to recommend approval of the final plat to the Board of Supervisors at their meeting on August 23, 2021. The Commission recommends that the property owners follow the recommendations as noted from the Woodbury County Engineer and Siouxland District Health: 1) to adopt the County Engineer's comments for an easement access

maintenance agreement; 2) to have an easement for the access to and maintenance of the well and appurtenances located on the farm ground; 3) to follow Siouxland District Heath's permitting requirements for the installation of a new on-site septic system.

Staff recommends approval of the Shever Addition final plat as proposed.

ZONING COMMISSION CERTIFICATE

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

I, CHRIS ZELLMER ZANT, DO HEREBY CERTIFY THAT I AM THE CHAIRMAN OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA AND DO FURTHER CERTIFY THAT SAID COMMISSION HAS HERETOFORE TAKEN UNDER ADVISEMENT THE PLAT OF SHEVER ADDITION, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE 23 DAY OF August, 2021 APPROVE THE SAME AND DOES FURTHER HEREBY RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, IOWA, THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

DATED THIS 23 DAY OF August, 2021


CHRIS ZELLMER ZANT

CHAIRMAN

WOODBURY COUNTY ZONING COMMISSION OF
WOODBURY COUNTY, IOWA.

ZONING COMMISSION DRAFT MINUTES – AUGUST 23, 2021

Minutes - Woodbury County Zoning Commission Meeting – August 23, 2021

The Zoning Commission (ZC) meeting convened on the 23th of August 2021 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present:

Chris Zellmer Zant, Tom Bride, Barb Parker, Corey Meister, Jeffrey O'Tool

County Staff Present:

Dan Priestley, Dawn Norton

Public Present:

Martha Boyle, Scott Gernhart, Paul Rippke, Jeff Priestley, Pooh Espina

Phone Present:

Gene Collins

Call to Order

Chair Zellmer Zant formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

Bride requested for a correction to the 7/26/21 minutes under the "Public Hearing – Davis Subdivision Proposal" section. For clarification, he asked for the minutes to reference the current floodplain map as the old map to remove confusion with the proposed draft map. The revised sentence states "Bride indicated that the current/old floodplain map at that location does not accurately reflect the area." Motion to approve minutes as corrected: Parker. Second: O'Tool. Vote: 5-0.

Public Hearing: Shever Addition Minor Subdivision Proposal – Nathan A. Shever

Priestley read the preliminary report and staff recommendation into the record. Nathan A. Shever has submitted a Minor Subdivision application to establish a one lot, 6.75-acre, minor subdivision on Parcel #884305200002 to separate the house from the farm. This property is in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The parcel is located on Government Lot 1 of Section 5, T88N R 43W (Kedron Township). Martha Boyle, representing the applicant on sale of property, confirmed an easement will be given for the well. Motion to close public hearing: Meister. Second: Parker. Vote 5-0. A motion was made to recommend approval of the Shever Addition based on the three criteria: 1) to adopt the County Engineer's comments for an easement access maintenance agreement; 2) to have an easement for the access to and maintenance of the well and appurtenances located on the farm ground; 3) to follow Siouxland District Heath's permitting requirements for the installation of a new on-site septic system: O'Tool. Second: Bride. Vote: 5-0.

Public Hearing: Cozy Creek Addition Minor Subdivision Proposal – Bret & Jodi Peterson

Priestley read the preliminary report and staff recommendation into the record. Bret and Jodi Peterson have submitted a Minor Subdivision application to establish a two lot (Lot 1: 12.49 acres; Lot 2: 19.07 acres) minor subdivision on Parcel #884514100006 to facilitate the construction of a new home on the proposed Lot 2. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The parcel is located in the NW ¼ of Section 14, T88N R45W (Moville Township). Surveyor Scott Gernhart of True Engineering explained that the owners will sell Lot 1 and build a new house on Lot 2 along with a new well and septic system. Motion to close public hearing: Parker. Second: O'Tool. Vote 5-0. In consideration that the property owners follow the Woodbury County Soil and Water Conservation District's recommendation of erosion control practices and Siouxland District Health's recommendation about easement access if there were a shared well, a motion was made to recommend approval of the Cozy Creek Addition: Parker. Second: Meister. Vote: 5-0.

Public Hearing: Steve And Michelle Bleil Addition – Creasey Farms Limited Partnership

Priestley read the preliminary report and staff recommendation into the record. Creasey Farms Limited Partnership has submitted a Minor Subdivision application to establish a one lot, 3.32-acre, minor subdivision on Parcel #894410200002 to separate the house from the farm. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The parcel is located in the NE ¼ of Section 10, T89N R44W (Arlington Township). The applicants' attorney, Gene Collins stated that the split is result of a long-term agreement to sell the property. Motion to close public hearing: O'Tool. Second: Parker. Vote 5-0. Priestley added that he received a phone call asking if the split was being requested for a hog confinement. Priestley explained that he informed the property owner that permitting for animal confinements is a separate process from the subdivision application. He explained that the master matrix building permit is used for confinements with over 1000 animal units. However, building permits are not required under the AG Exemption rules for operations below the master matrix threshold. However, property owners must comply with state regulations administrated through the Iowa DNR. It was also noted that a confinement may be placed on a subdivided property if the property owner is AG Exempt and meets state guidelines. Meister pointed out that on page 33 of the preliminary report packet, the deed holder on the parcel report should be Creasey Farms Ltd Partnership, Parcel #894410200002. A motion was made to recommend approval of the Steve and Michelle Bleil Addition: Bride. Second: Meister. Vote: 5-0.

Public Comment on Matters Not on the Agenda

None.

Staff Update

Priestley offered updates about the adoption of the proposed draft floodplain maps. Woodbury County officially received notice from the Federal Emergency Management Agency (FEMA) in a letter dated August 12, 2021 that the proposed flood designations have been published in the Federal Register on June 29, 2021 and have/will be published in the Sergeant Bluff Advocate, the Sioux City Journal, and the Record on or about August 19, 2021 and August 26, 2021. A notice will also be published on the FEMA website at https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp. There will be a 90-day appeals process following the second publication date. Property owners who disagree may provide scientific or technical data

to challenge the maps. It is anticipated that public meetings will be held in the near future with representatives from the Iowa Department of Natural Resources present.

Priestley offered updates on the consideration of the floodplain development ordinance. He also offered updates on the 2040 Comprehensive Plan survey. As of August 19, 2021, over 400 surveys have been received and processed by SIMPCO. Preliminary data was shared to the Comprehensive Plan Steering Committee meeting on the same date. Priestley also noted that staff and representatives from SIMPCO worked at a booth at the Woodbury County Fair to encourage fairgoers to complete the survey.

Priestley indicated that the Iowa State Extension will put on training for planning and zoning officials on October 6th at the Fireside in Anthon, IA. An email will be sent to commissioners and board members asking them to register.

Priestley offered updates about future Zoning Commission public meetings following the expiration of Governor Reynolds' COVID proclamation in June of 2021. All public meetings must follow Iowa Code and the meetings must be held in-person with the commissioners present to constitute a quorum.

Commissioner Comment or Inquiry

Bride inquired about Iowa Department of Transportation's (IDOT) annexation of the borrow site just east of the US Highway 20/75 interchange. Priestley indicated that staff received a letter announcing a postponement of the public meeting that was previously scheduled. The delay is due to surveying issues. Priestley will update the commission when more information is available.

O'Tool inquired about the closure of the plat as referenced on the County Engineer's review memo. The County Engineer is required to check to see if final plat conforms to Iowa Code 355.8 to ensure that the boundary lines of the subdivision are properly measured and include no errors in closure.

Adjourn

Motion to adjourn: Bride. Second: Meister. Motion passed: 5-0. Meeting adjourned at 6:47 PM.

CED STAFF - REVIEW CRITERIA (SUBDIVISION ORDINANCE)

The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, CED staff:

	shall review a subdivision application for completeness and for approval of a final plat by ensuring it is submitted in accordance with the standards for a subdivision plat per Iowa Code.
	Staff reviewed the subdivision application, deemed it complete, and verified the final plat's conformance to the County's Zoning Ordinance, Subdivision Ordinance, and the Code of Iowa, all as required by law.
	shall accept payment of applicable fees, and distribute copies of the final plat to the Planning & Zoning Commission, the appropriate county departments and public utilities; and
	Staff received the application fee and the account is paid-in-full. Staff also distributed copies of the application, final plat, and other materials to all relevant stakeholders as required.
	shall coordinate with the County Engineer who shall review the final plat to determine conformance with the engineering design standards of these regulations and to verify accuracy of the legal descriptions and survey data; and
	Staff have received written confirmation that the County Engineer has reviewed and determined that the final plat conforms to the engineering and design standards of these regulations, and he has verified the accuracy of the legal descriptions and survey data.
	shall review the final plat to determine conformance with the design standards of these regulations and with the required form of the plat and related documents; and
	Staff verified that the final plat conforms to the design standards of these regulations, as well as the required form of the final plat.
	shall assure conformance with the goals and objectives of the County's General Plan, the CED staff may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.
	Staff attest to the final plat conforming to the goals and objectives of the county plan, and have no recommendations or requirements as it relates to the content contained on the final plat. Lot 1 will be serviced by a well from the abutting agricultural parcel (under the same ownership). As referenced on the final plat, "buyer of Lot 1 to be granted rights for continued use and maintenance of existing well and appurtenances." Based on this plat statement, if this property (Lot 1) is sold to another party, an

	easement is recommended for the access to and maintenance of the well and appurtenances located on the farm ground. In terms of the septic system, the property owner shall comply with Siouxland District Health's permitting requirements as for the installation of a new on-site septic system. (See comments from Siouxland District Health).
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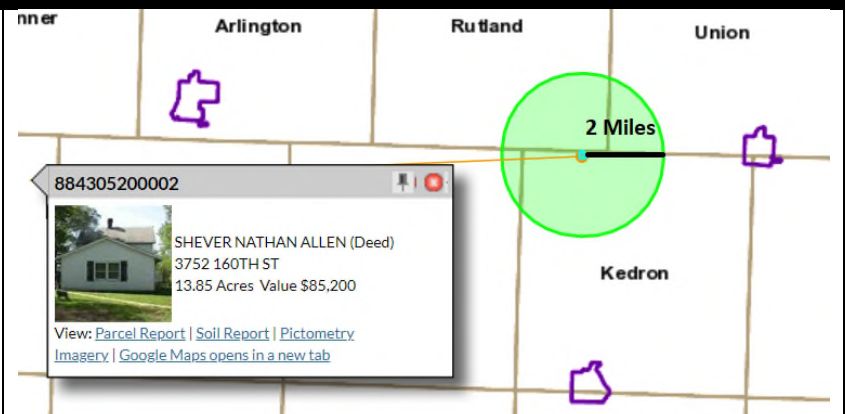
ZONING COMMISSION - REVIEW CRITERIA (SUBDIVISION ORDINANCE)

The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, the Planning and Zoning Commission:

	shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and
	Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 FT have also been met.
	shall review the final plat and the staff reports and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county; and
	Staff have compiled, reviewed, and analyzed all relevant materials to determine whether the plat conforms to the ordinances, general plan, and other policies of the County, or not. Staff provided this information in a "Staff Report" format and made them available to the Commission in advance of the required public hearing.
	may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and
	Staff does not recommend any specific conditions for this final plat. However, specific conditions (if any) may be recommended by the Commission. The Zoning Commission recommended approval, at their August 23, 2021 meeting, of the Shever Addition based on three criteria: 1) to adopt the County Engineer's comments for an easement access maintenance agreement; 2) to have an easement for the access to and maintenance of the well and appurtenances located on the farm ground; 3) to follow Siouxland District Heath's permitting requirements for the installation of a new on-site septic system.
	shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.
	During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.

EXTRATERRITORIAL REVIEW

This property is not within two (2) miles of a corporate boundary and does not require extraterritorial review under Iowa Code, Section 354.9.



LEGAL NOTIFICATION

Published in the Sioux City Journal's Legals Section on Friday, August 13, 2021.

NOTICE OF THREE (3) PUBLIC HEARINGS REGARDING MINOR SUBDIVISION PROPOSALS

WOODBURY COUNTY ZONING COMMISSION
The Woodbury County Zoning Commission will hold public hearings on the following item(s) hereafter described in detail on August 23, 2021 at 6:00 PM or as soon thereafter as the matter may be considered. Said hearings will be held in the Board of Supervisors' Meeting Room, Number 104, County Courthouse, 620

Douglas Streets, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to this matter should appear at the aforesaid hearing in person or call: 516-454-1133 and enter the Conference ID: 516 721 135# during the meeting to listen or comment.

**Item One (1)
PROPOSED MINOR SUBDIVISION:** To be known as Shever Addition - a minor subdivision in a 6.75-acre portion of Government Lot 1 in Section 5, T88N R43W (Kedron Township), on Parcel #884305200002. The parent parcel is located about 4 miles west of Correctionville and about 5 miles north of Anthon. The property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. Applicant: Nathan A. Shever, Property Address, 3752 160th St., Correctionville, IA 51016.

**Item Two (2)
PROPOSED MINOR SUBDIVISION:** To be known as Cozy Creek Addition - a minor subdivision in a 32.46-acre portion of the NW 1/4 of Section 14, T88N R45W (Moville Township), on Parcel #884514100006. The parent parcel is located 2.9 miles south of Moville. The property is zoned Agricultural Preservation (AP) and is not located in the floodplain. Applicants: Bret and Jody Peterson, Property Address, 2827 185th St., Moville, IA 51039.

**Item Three (3)
PROPOSED MINOR SUBDIVISION:** To be known as Steve & Michelle Bell Addition - a minor subdivision in a 3.32-acre portion of the NE 1/4 of Section 10, T89N R44W (Arlington Township), on Parcel #884410200002. The parent parcel is located about 3.7 miles northeast of Moville and about 3 miles southwest of Kingsley. The property is zoned Agricultural Preservation (AP) and is not located in the floodplain. Applicant: Creasey Farms Limited Partnership, Property Address, 1125 Ida Ave., Moville, IA 51039.
Published in the Sioux City Journal August 13, 2021, LGL#34532

PROPERTY OWNER(S) NOTIFICATION – 1000'



The **nine (9)** property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **August 9, 2021** letter of the public hearing before the Woodbury County Zoning Commission on **August 23, 2021 at 6:00 PM**.

As of **August 24, 2021**, the Community and Development office has received:

- 1 Phone Inquiries
- 0 Written Comments

The names of the property owners are listed below.

When more comments are received after the printing of this packet, they will be provided at the meeting.

Property Owner(s)	Mailing Address	Comments
Nathan Allen Shever	3752 160th Street, Correctionville, IA 51016	No comments.
Lewis Cobb & Edith Cobb	3774 160th Street, Correctionville, IA 51016	No comments.
Jennifer Lee Jepsen	PO Box 324, Lawton, IA 51030	No comments.
Trustee of Steven E. Baker Revocable Trust	111 Pond View Drive, Waynesville NC 28786	No comments.
Trustee of Marian Morgan Trust	3690 160th Street, Correctionville, IA 51016	No comments.
Bruce Williams	3785 160th Street, Correctionville, IA 51016	No comments.
Thomas Morgan & Lynn Morgan	2695 170th Street, Moville, IA 51039	No comments.
Carol Welch, Richard Hinkhouse, Jane Prueher, Timothy Hinkhouse, Estate of Gerogia Bray and Estate of Bernice K. Boykin	31176 476 Avenue, Akron, IA 51001	Carol (Welch) Hinkhouse called and informed the office that they sold their property to Thomas Morgan. – 8/16/21.
Gerald Yaremko and Penelope Yaremko	3713 160th Street, Correctionville, IA 51016	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No issues here. – Glenn Sedivy, 8/5/21.
CENTURYLINK:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
LONGLINES:	No comments.
MAGELLAN PIPELINE:	This project will not impact Magellan. – Bryan Ferguson, 8/6/21.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the minor subdivision proposal for MEC electric – There are no conflicts, the owner should be aware that we have facilities in the ROW and the customer is responsible for the costs associated with any requested relocations. Let me know if you have any questions or concerns. – Casey Meinen, 8/5/21.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC "Gas". – Tyler Ahlquist, 8/5/21.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS)	No comments.
NORTHERN NATURAL GAS:	No comments.

NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	NIPCO has no issues with the Shever subdivision. We do not have any infrastructure in that area. – Jeff Zettel, 8/11/21.
NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	<p>Please be aware that if there is a shared well on this subdivision, whomever the owns the well, it needs to be located on their property or obtain an easement. The well can be shared between parcels without an easement but may be in the best interest of homeowners to have an easement drawn up. – Ivy Bremer, 8/10/21.</p> <p>I have followed up with Nathan Shever regarding the septic system for the house and informed him that proposed leach field 3 (from our previous emails) is the only viable option for the septic now with the new property lines. At this time, he needs to determine if the pond on the property is greater or less than an acre in size for us to determine if the septic system will fit in that location with the appropriate setbacks. – Paige Nelson, 8/9/21.</p>
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	I have no comments or concerns. – Rebecca Socknat, 8/9/21.
WOODBURY COUNTY EMERGENCY SERVICES:	I have no comments or questions about the Shever Addition. – Dawn Zahnley, 8/5/21.
WOODBURY COUNTY ENGINEER:	See "Review Memo" below.
WOODBURY COUNTY RECORDER:	No comments.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this sub-division proposal. – Neil Stockfleth, 8/5/21.
WOODBURY COUNTY TREASURER:	The taxes for the 2019 assessment year have been paid in full. For the 2020 assessment year the total amount owed is \$1,192.00 (\$596.00 for each half). – Kimberlee Koepke, 8/5/21.

REVIEW MEMO - WOODBURY COUNTY ENGINEER – MARK NAHRA, PE



Woodbury County Secondary Roads Department

759 E. Frontage Road • Moline, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@woodburycounty.iowa.gov

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@woodburycounty.iowa.gov

SECRETARY
Tish Brice
tbrice@woodburycounty.iowa.gov

To: Dan Priestley, Woodbury County Zoning Coordinator
David Gleiser, Woodbury County Community and Economic Development Director

From: Mark J. Nahra, County Engineer

Date: August 4, 2021

Subject: Shever Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced minor subdivision application forwarded with your memo dated June 10, 2021.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed the parcel for access. The proposed easement for the new lot is requested to avoid a steep slope at the right of way line that impedes direct access to the frontage of the new lot. While this is not the ideal access to the property, it does allow for safe access to the new lot with more than adequate sight distance. I would encourage the developer to provide an agreement for the maintenance of the easement access so that there is no future confusion on the use and repair of the access.
- I have no other concerns or issues with this minor subdivision application.

If there are any more questions or issues that arise later, please contact this office.

Cc: File

PARCEL REPORT

Summary

Parcel ID 884305200002
 Alternate ID 788550
 Property Address 3752 160TH ST
 CORRECTIONVILLE IA 51016
 Sec/Twp/Rng 5-88-43
 Brief Tax Description EX N33' EX W20' W795.4' & EX N335.10' E260' GOVT LOT1 5-88-43
 (Note: Not to be used on legal documents)
 Deed Book/Page 2020-16532 (12/21/2020)
 Gross Acres 13.85
 Net Acres 13.85
 Adjusted CSR Pts 744.24
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0015 KEDRON/RIVER VALLEY
 School District RIVER VALLEY CO
 Neighborhood N/A
 Main Area Square Feet N/A



Owner

Deed Holder
[Shever Nathan Allen](#)
[3752 160th St](#)
 Correctionville IA 51016

Contract Holder

Mailing Address
 Shever Nathan Allen
 3752 160th St
 Correctionville IA 51016

Land

Lot Area 13.85 Acres ; 603,306 SF

Residential Dwellings

Residential Dwelling
 Occupancy Single-Family / Owner Occupied
 Style 1 1/2 Story Frame
 Architectural Style N/A
 Year Built 1900
 Condition Normal
 Roof Asph / Gable
 Flooring
 Foundation Conc
 Exterior Material Slt
 Interior Material Drwl
 Brick or Stone Veneer
 Total Gross Living Area 1,567 SF
 Main Area Square Feet 336
 Attic Type None;
 Number of Rooms 0 above; 0 below
 Number of Bedrooms 0 above; 0 below
 Basement Area Type Full
 Basement Area 336
 Basement Finished Area
 Plumbing 1 Base Plumbing (Full); 1 Water Closet; 1 Extra Tub or Shower;
 Appliances
 Central Air No
 Heat Yes
 Fireplaces
 Porches
 Decks
 Additions 1 Story Frame (528 SF);
 1 Story Frame (468 SF);
 Garages 576 SF - Det Frame (Built 1976);

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Barn - Flat	BARN	32	60	1910	1
0	Shed - Loafing	CATTLE SHED	20	48	1948	1
0	Poultry House	HEN HOUSE	16	32	1945	1
0	Steel Utility Building	MACH SHED	24	30	1984	1
0	Lean-To	LEAN TO	20	30	1986	1

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
12/15/2020	MAMMEN TEDDY L & KAREN J	SHEVER NATHAN ALLEN	2020-16532	Normal	Deed	Y	\$300,000.00
7/26/2017	MEYER LARRY L & ARGENE B	MAMMEN TEDDY L & KAREN J	753-10444	Exchange, trade, gift, transfer from Estate (Including 1031 Exchanges)	Deed		\$168,210.00

[Show](#) There are other parcels involved in one or more of the above sales:

Valuation

	2021	2020	2019	2018	2017
Classification	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$18,850	\$17,810	\$17,810	\$25,920	\$25,920
+ Assessed Building Value	\$5,280	\$4,820	\$4,820	\$6,650	\$6,650
+ Assessed Dwelling Value	\$61,070	\$55,650	\$55,650	\$49,110	\$49,110
= Gross Assessed Value	\$85,200	\$78,280	\$78,280	\$81,680	\$81,680
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$85,200	\$78,280	\$78,280	\$81,680	\$81,680

SOIL REPORT

Summary

Parcel ID	884305200002
Gross Acres	13.85
ROW Acres	0.00
Gross Taxable Acres	13.85
Exempt Acres	0.00
Net Taxable Acres	13.85
Average Unadjusted CSR2	66.49
	(Gross Taxable Acres - Exempt Land)
	(920.82 CSR2 Points / 13.85 Gross Taxable Acres)

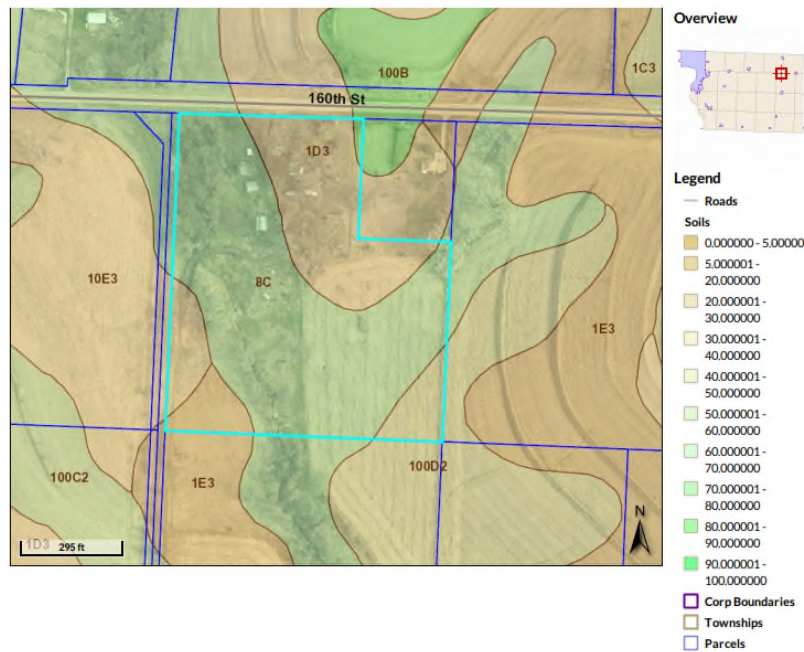
Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	7.43	65.03	483.18	483.18
Non-Crop	6.42	68.17	437.64	261.06
Total	13.85		920.82	744.24

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	100B	MONONA SILTY CLAY LOAM, 2 TO 5 PERCENT SLOPES	95.00	0.06	5.70	5.70
100% Value	8C	JUDSON SILTY CLAY LOAM, 5 TO 9 PERCENT SLOPES	86.00	4.22	362.92	362.92
100% Value	100D2	MONONA SILTY CLAY LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY E	60.00	0.64	38.40	38.40
100% Value	10E3	MONONA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	38.00	0.73	27.74	27.74
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	1.17	37.44	37.44
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	0.61	10.98	10.98
Non-Crop	8C	JUDSON SILTY CLAY LOAM, 5 TO 9 PERCENT SLOPES	86.00	4.30	369.80	194.79
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	2.12	67.84	66.27
Total				13.85	920.82	744.24



ELEVATION



SETBACK EXHIBIT

N. LINE GOV'T LOT 1

N. LINE LOT 1 SHEVER ADD.



PROPOSED SEPTIC LOCATIONS (SIOUXLAND DISTRICT HEALTH)



Overview



Legend

- Roads
- Corp Boundaries
- Townships
- Parcels
- FEMA Flood Map
 - A
 - AE
 - AE FLOODWAY
 - AH1
 - AO1
 - X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - X, AREA WITH REDUCED FLOOD RISK DUE TO LEVEE

Parcel ID	884305200002	Alternate ID	788550	Owner Address	SHEVERNATHAN ALLEN
Sec/Twp/Rng	5-88-43	Class	AD		3752 160TH ST
Property Address	3752 160TH ST	Acreage	13.85		CORRECTIONVILLE, IA 51016
	CORRECTIONVILLE				
District	0015				
Brief Tax Description	EXN33' EXW20' W795.4' & EXN335.10' E260' GOVT LOT 15-88-43				
	(Note: Not to be used on legal documents)				

Date created: 4/20/2021
 Last Data Uploaded: 4/19/2021 7:02:34 PM

Developed by Schneider
 GEOSPATIAL

Prepared By & Return to: Thaddeus Cosgrove, Cosgrove Law Firm, 102 N. Main, PO Box 50, Holstein, IA 51025-0050; (712) 368-2616

KNOW ALL MEN BY THESE PRESENTS THAT:

Nathan Allen Shever is the owner of certain real estate described as follows:

A tract of land located in part of Government Lot 1 in Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa, and being more particularly described as follows:

Commencing at the Northwest (NW) corner of said Government Lot 1, Thence South 89° 50' 00" East, along the North line of said Government Lot 1, 20.00 feet, Thence South 00° 31' 55" West, 33.00 feet to the South line of the public roadway, being also the Point of Beginning. Thence continuing South 00° 31' 55" West, along the East line of the West 20.00 feet of said Government Lot 1, 743.04 feet, Thence South 89° 51' 50" East, 175.65 feet, Thence North 60° 56' 45" East, 278.95 feet, Thence North 00° 32' 50" East, 606.77 feet to the South line of the public roadway. Thence North 89° 50' 00" West, along said South line, 418.40 feet to the Point of Beginning.

Hereafter known as Lot 1 in Shever Addition, being a part of Government Lot 1, Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa.

Tract contains 6.75 acres and is subject to a 20-foot easement for ingress and egress as shown hereon, and to all easements of record (hereinafter referred to as Parcel "A"); and

WHEREAS, Nathan Allen Shever also owns real estate adjacent to Parcel "A", more particularly, Government Lot 1 in Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa, excepting therefrom a 2-acre parcel described as:

A parcel of land located in part of Government (Gov't) Lot 1 of Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa, further described as follows:

Commencing at the Northwest (NW) corner of Gov't Lot 1 of said Section 5; thence S 90° 00' 00" E for 795.40 feet along the north line of said Gov't Lot 1; thence S 0° 22' 30" W for 33.00 feet to the Point of Beginning; thence continuing

1

8. Any sale, gift, conveyance, transfer or other disposition of the above-described easement tract and/or the above-described Parcels "A" and "B" shall be subject to this easement for ingress and egress.

9. Any change or modification of this easement may be obtained only by the written consent of the parties hereto, or their heirs, successors and assigns.

10. In any action or proceeding relating to this easement, the successful party shall be entitled to receive reasonable attorney fees and costs as provided by law.

11. The owner(s) of Parcels "A" and "B" referred to above, and their successors in interest, agree to indemnify each other and hold each other harmless from and against all claims, causes of action, damages, loss, costs, expenses, penalties, fines, lawsuits, liabilities, engineering fees, engineering and consulting fees, arising out of or in any manner connected with any act or omission or loss caused by either party hereto arising out of this easement. The indemnity shall survive the cessation, termination, abandonment, or expiration of this easement.

Executed this _____ day of _____, 2021.

NATHAN ALLEN SHEVER

STATE OF IOWA)

SS

COUNTY OF _____)

On this _____ day of _____, 2021, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Nathan Allen Shever, to me known to be the identical person named in and who executed the foregoing Easement for Access and acknowledged that he executed the same as his voluntary act and deed.

Notary Public
In and For Said County and State

S 0° 22' 30" W for 335.10 feet; thence N 90° 00' 00" E for 260.00 feet to the Point of Beginning. Said parcel contains 2.00 acres (hereinafter referred to as Parcel "B"); and

WHEREAS, Nathan Allen Shever is in the process of selling Parcel "A" described above; and

WHEREAS, Nathan Allen Shever and his successors in interest of Parcel "B" shall retain an easement for access over and across Parcel "A" for ingress and egress to Parcel "B". Said Easement for Access is legally described and shown on Exhibit "1", attached hereto and incorporated herein; and

NOW, THEREFORE, it is hereby stated as follows:

1. Nathan Allen Shever hereby imposes an easement for ingress and egress along the following described property shown on Exhibit "1", attached hereto and incorporated herein.

2. The easement is a non-exclusive easement, solely for ingress and egress along the property described on the easement tract set forth on Exhibit "1", attached hereto and incorporated herein. The purpose of the easement is for ingress and egress to Parcel "B" across Parcel "A", as shown by the easement tract.

3. The aforementioned easement shall run with the property described on Parcels "A" and "B". The easement is non-exclusive, and the current owner of the property specifically hereby reserves the right to enter, travel across and otherwise use and occupy the above-described easement tract for the purpose of ingress and egress, business activities, and for any and all other lawful purposes.

4. Notwithstanding any provision to the contrary, said easement tract is not a public easement.

5. No person or entity shall construct, build, or erect a building, wall, fence or other structure or obstacle which blocks or otherwise impedes or interferes with the free and unobstructed use of the easement tract as herein provided.

6. Each person or entity to whom this easement is applicable shall be responsible for the repair and maintenance of the easement tract, which is attributable to their use thereof.

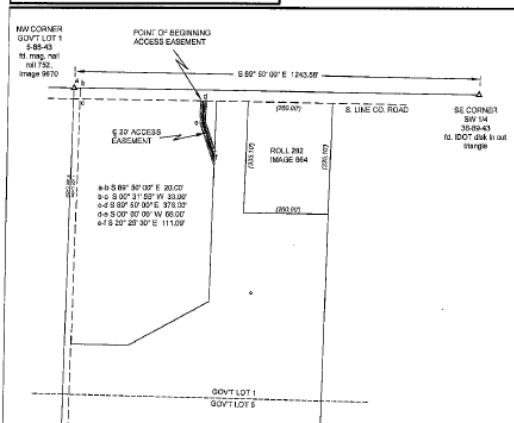
7. The terms, provisions and covenants of the easement shall attach to and run with the land, both the dominant estate and the servient estate, and it shall be binding upon the heirs, successors and assigns of the owner(s) of Parcels "A" and "B" referred to above.

2

INDEX LEGEND
EASEMENT EXHIBIT

COUNTY: WOODBURY

SECTION: 8
TOWNSHIP: T.48 N.
RANGE: R.43 W. 5TH P. 3 E.
ACROSS PART: SQUAT LOT 1
PROPRIETOR: MAYNARD ALAN SHEREN
PREPARED FOR: MAYNARD BOB - IMPROVING AUCTION COO
PREPARED BY: J. SCOTT SHEREN, JONAS P. & NO. 11810
COMB/52% NAME: S&G
ADDRESS: 1725 N. LAKE AVE., STORM LAKE, IA 50988
PHONE: 712-732-7746

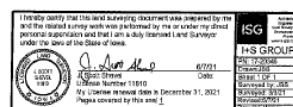


DESCRIPTION INGRESS EGRESS EASEMENT

A TWENTY FOOT (20') EASEMENT FOR INGRESS AND EGREE OVER AND ACROSS PART OF GOVERNMENT LOT ONE (1) IN SECTION 5, TOWNSHIP 88 NORTH, RANGE 43 WEST OF THE 5TH P.M., WOODBURY COUNTY, IOWA LYING TEN FEET (10') EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

Commencing at the Northwest (NW) corner of said Government Lot One (1), Thence South 89° 50' 30" East, along the North line of said Government Lot One (1), 20.00 feet; Thence South 00° 31' 55" West, 33.00 feet to the South line of the a public roadway; Thence South 89° 50' 30" East, along said South line, 378.00 feet to the Point of Beginning; Thence South 00° 00' 00" West, 66.00 feet; Thence South 20° 25' 30" East, 111.00 feet and there terminating.

EXHIBIT



AFFADAVIT

Prepared by and Return to: Thaddeus Cosgrove, Cosgrove Law Firm, 102 N. Main,
PO Box 50, Holstein, IA 51025-0050; (712) 368-2616

AFFIDAVIT

STATE OF IOWA)
SS
COUNTY OF BUENA VISTA)

The undersigned, being first duly sworn on oath, depose and states:

1. I am a licensed professional engineer and land surveyor.
2. I am familiar with the real estate legally described as follows:

The West 795.4 feet of Government Lot 1, except the West 20 feet thereof, and except the North 33 feet thereof for road purposes; and the West 795.4 feet of Government Lot 5 except the West 20 feet thereof, in Section 5, Township 88 North, Range 43, West of the 5th P.M., in the County of Woodbury and State of Iowa, except that part described as follows:

A parcel of land located in part of Government Lot 1 of Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa, further described as follows: Commencing at the Northwest corner of Government Lot 1 of said Section 5; thence South 90° 00' 00" East for 795.40 feet along the North line of said Government Lot 1; thence South 0° 22' 30" West for 335.10 feet; thence North 90° 00' 00" West for 260.0 feet; thence North 0° 22' 30" East for 335.10 feet; thence South 90° 00' 00" East for 260.00 feet to the point of beginning.

1

3. I am also familiar with the real estate legally described as follows:

A tract of land located in part of Government Lot 1 in Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa, and being more particularly described as follows:

Commencing at the Northwest (NW) corner of said Government Lot 1, Thence South 89° 50' 00" East, along the North line of said Government Lot 1, 20.00 feet, Thence South 00° 31' 55" West, 33.00 feet to the South line of the public roadway, being also the Point of Beginning. Thence continuing South 00° 31' 55" West, along the East line of the West 20.00 feet of said Government Lot 1, 743.04 feet, Thence South 89° 51' 50" East, 175.65 feet, Thence North 60° 56' 45" East, 278.95 feet, Thence North 00° 32' 50" East, 696.77 feet to the South line of the public roadway. Thence North 89° 50' 00" West, along said South line, 418.40 feet to the Point of Beginning.

Hereafter known as Lot 1 in Shever Addition, being a part of Government Lot 1, Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa.

Tract contains 6.75 acres and is subject to a 20 foot easement for ingress and egress as shown hereon, and to all easements of record.

4. The property set forth in paragraph 3 is contained within the property set forth in paragraph 2.

5. The above is true and correct as I verily believe.

6. Dated this ____ day of _____, 2021.

SCOTT SHEVEL

Subscribed and sworn to before me by Scott Shevel on this ____ day of _____, 2021.

Notary Public in and for the State of Iowa.

2

TITLE OPINION

COSGROVE LAW FIRM

Thaddeus Cosgrove, Attorney at Law
Meghann Cosgrove Whitmer, Attorney at Law
Website: thadcosgrovelaw.com

102 N. Main • P.O. Box 50
Holstein, IA 51025-0050
Phone: (712) 368-2616
Fax: (712) 368-2389
cosgrove1@frontiernet.net

607 W. Second Street
Ida Grove, IA 51445-1011
Phone: (712) 364-4138
Fax: (712) 364-4445
tcosgroveig@netllc.net

Please Respond to the Holstein Office
July 26, 2021

Nathan A. Shever
1689 Pocahontas Avenue
Correctionville, IA 51016

TITLE OPINION

Dear Mr. Shever:

I have this date examined the accompanying Abstract of Title to the following:

The West 795.4 feet of Government Lot 1, except the West 20 feet thereof, and except the North 33 feet thereof for road purposes; and the West 795.4 feet of Government Lot 5 except the West 20 feet thereof, in Section 5, Township 88 North, Range 43, West of the 5th P.M., in the County of Woodbury and State of Iowa, except that part described as follows:

A parcel of land located in part of Government Lot 1 of Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa, further described as follows: Commencing at the Northwest corner of Government Lot 1 of said Section 5; thence South 90° 00' 00" East for 795.40 feet along the North line of said Government Lot 1; thence South 0° 22' 30" West for 335.10 feet; thence North 90° 00' 00" West for 260.0 feet; thence North 0° 22' 30" East for 335.10 feet; thence South 90° 00' 00" East for 260.00 feet to the point of beginning;

said abstract consisting of consecutive entries numbered 1 through 86, all inclusive, all showing chain of title to said premises, having last been certified on the 19th day of July, 2021 at 5:00 p.m. by the Engleson Abstract Company of Sioux City, Iowa. I find good and merchantable title to said premises vested in:

1

NATHAN ALLEN SHEVER

subject to the following exceptions:

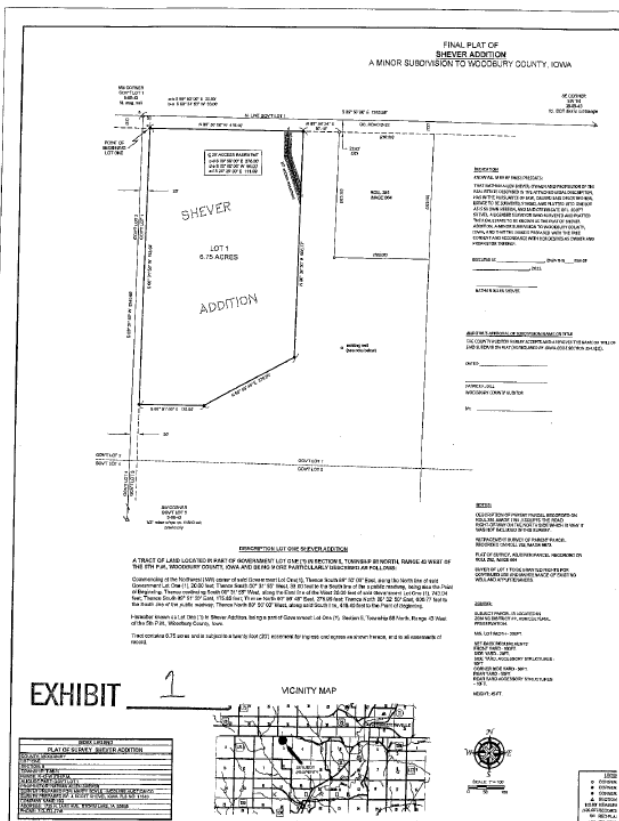
1. At Entry No. 84 of the Abstract of Title there appears a Mortgage from Nathan Shever, an unmarried individual, to United Bank of Iowa, dated and acknowledged December 29, 2020, filed December 22, 2020, as Inst. #2020-16629 in the Woodbury County Recorder's office, securing credit in the amount of \$140,000.00, with a future advance clause of up to \$350,000.00. Said Mortgage constitutes a first and valid lien against the property that is the subject of this Title Opinion.
2. The property described on Exhibit "1", attached hereto and incorporated herein, is to be recorded as the Final Plat of **SHEVER ADDITION**, A Minor Subdivision to Woodbury County, Iowa. The undersigned would require a licensed surveyor to sign an Affidavit that the property described on Exhibit "1", attached hereto and incorporated herein, is contained within the captioned legal description. It would also be prudent after the recording of the Plat that a new Abstract be created dedicated specifically only to the property described in Exhibit "1", attached hereto and incorporated herein.
3. It would also be prudent to have an Affidavit of Possession of Exhibit "1" filed and recorded of record.
4. Real estate taxes on the abstracted portion of the property for 2019/20, paid in full. The real estate and personal tax lists for 2020/21 have not been certified to the County Treasurer for collection.
5. I call your attention to the attached caution paragraphs.

Yours very truly,


THADDEUS COSGROVE
Title Guaranty Member No. 3104

TC:jh
Attachments - 1
CC Martha Boyle, McGuire Auction Company (via email)

2



CAUTION PARAGRAPHS

- There are no mechanic's liens shown in the Abstract of Title; you are cautioned that anyone performing any labor or furnishing any materials or repairs to the property has ninety (90) days in which to perfect a mechanic's lien, and that a lien so perfected takes priority over other secured interests filed during said period. It is recommended that you make inquiry of the seller or owner regarding any repairs or improvements to said property within the physical location of the boundaries to the property or the existence of unrecorded easements by adjoining landowners. It is recommended that you make inquiry to the seller or owner and adjoining landowners regarding the actual physical location of the boundary lines to the property and the possible existence of unrecorded easements by adjoining landowners.
- Said Abstract of Title does not indicate whether there are any matters pending in the United States District Court against the above-named record titleholder(s) or whether said record titleholder(s) have filed bankruptcy petition(s) in said court. In order to verify these matters, it is necessary to contact the Clerk of the United States District Court for the Northern District of Iowa.
- The Abstract of Title does not indicate whether the property is subject to any state or federal environmental liens for cleaning up hazardous materials on the property. It is important for a purchaser and/or lender to investigate possible liens since either or both can be held financially responsible for cleanup of hazardous materials.
- The Abstract of Title does not indicate the rights or claims of parties in possession of the property. You should inquire regarding same.
- The Abstract of Title does not indicate whether financing statements affecting the rights of third parties have been filed with the Secretary of State.
- You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, land sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown on the Abstract, but they may result in exist on the property. These conditions are not ordinarily shown on the Abstract, but they may result in exist on the property. These conditions are not ordinarily shown on the Abstract, but they may result in exist on the property. These conditions are not ordinarily shown on the Abstract, but they may result in exist on the property.
- This Abstract does not contain any environmental protection liens recorded in the land records created under the State statute for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge or filed in the federal district court for the district in which the property is located, if there is a federal district court in the county where the property is located. Other than Iowa Code §455B.396, there is no Iowa statute in effect on the date of the Abstract that could provide an environment lien that could gain priority over the lien on the property that is the subject of this Abstract of Title.

AFFIDAVIT OF POSSESSION



AFFIDAVIT OF POSSESSION

TO WHOM IT MAY CONCERN:

STATE OF IOWA, _____ COUNTY, ss:

The Undersigned first being duly sworn (affirmed) upon oath deposes and states:

That Nathan Allen Shever is now the record titleholder of the following described real estate situated in Woodbury County, to-wit:

A tract of land located in part of Government Lot 1 in Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa, and being more particularly described as follows: Commencing at the Northwest (NW) corner of said Government Lot 1, Thence South 89° 50' 00" East, along the North line of said Government Lot 1, 20.00 feet; Thence South 00° 31' 55" West, 33.00 feet to the South line of the public roadway, being also the Point of Beginning; Thence continuing South 00° 31' 55" West, along the East line of the West 20.00 feet of said Government Lot 1, 743.04 feet; Thence South 89° 51' 50" East, 175.65 feet; Thence North 60° 56' 45" East, 278.95 feet; Thence North 00° 32' 50" East, 606.77 feet to the South line of the public roadway. Thence North 89° 50' 00" West, along said South line, 418.40 feet to the Point of Beginning. Hereafter known as Lot 1 in Shever Addition, being a part of Government Lot 1, Section 5, Township 88 North, Range 43 West of the 5th P.M., Woodbury County, Iowa. Tract contains 6.75 acres and is subject to a 20 foot easement for ingress and egress as shown hereon, and to all easements of record.

That said Nathan Allen Shever is now in complete actual and sole possession of all of said real estate except as may be herein stated. That this affidavit is made from the personal knowledge of the undersigned who is familiar with said real estate, its titleholders, and its parties in possession; and is for the purpose of confirming title to the above described real estate under the provisions of Sections 614.17 and 614.17A, Code of Iowa, and other statutes relative thereto.

Dated on _____

Nathan Allen Shever, Affiant

Signed and sworn to (or affirmed) before me on _____, by Nathan Allen Shever.

Signature of Notary Public

AFFIDAVIT OF POSSESSION Recorder's Cover Sheet

Preparer Information: Thaddeus E. Cosgrove, 102 N. Main Street, PO Box 50, Holstein, IA 51025, Phone: 7123682616

Return Document To: Thaddeus E. Cosgrove, 102 N. Main Street, PO Box 50, Holstein, IA 51025

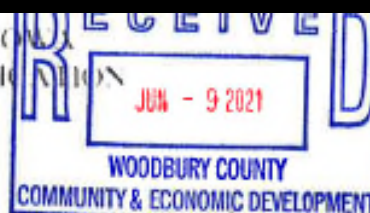
Grantors: Nathan Allen Shever

Grantees: Nathan Allen Shever

Legal Description: See Page 2

Document or instrument number of previously recorded documents: _____

APPLICATION

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION

Applicant: Nathan A. Shever
Name of Owner

Mailing Address: 1689 Pocahontas Avenue, Correctionville, IA 51016
Street City or Town State and Zip - 4

Property Address: 3752 160th Correctionville, IA 51016
Street City or Town State and Zip - 4

Ph Cell #: 712.251.2312 E-mail Address: ¹²⁰⁶ wendy@gmail.com

To subdivide land located in the NE 1/4 Quarter of Section 5
NWNE

Civil Township 88N 43W GIS Parcel # 88430520002 0 Kedron

Name of Subdivision: Shever Subdivision

Subdivision Area in Acres _____ Number of Lots 1

Attachments:

1. Ten (10) copies of grading plans; if required. N/A
2. Twenty six (26) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
3. An attorney's opinion of the abstract.
4. A Certified abstractor's certificate to include:
 - a. Legal description of proposed subdivision.
 - b. Plat showing clearly the boundaries of the subdivision.
 - c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.

Surveyor: Scott Shevel 712.299.3691
Ph Cell: 712.732.7745

Attorney: Barry Thompson 712.378-3611
Ph Cell: 712.378-3611

I hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.

Owner's Signature: Nathan Shever
Zoning Director: Garrett Thompson

For Office Use Only:

Zoning District AP Flood District X Date 6-9-21 No. 6675

Application Fee \$200 Oct 4948 4 Lots or less (\$200)
5 Lots or more (\$250 plus \$5 per lot)