

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

Date: 10/24/23

Weekly Agenda Date: 10/31/23

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel J. Priestley

WORDING FOR AGENDA ITEM:

a.Motion to receive the final staff report and the Zoning Commission's recommendation from their 10/23/23 meeting to approve the final plat of Back Acre Estates, Second Filing, a minor subdivision to Woodbury County, Iowa.
b.Motion to accept/approve Back Acre Estates, Second Filing, minor subdivision to Woodbury County, IA with the requirement that a pavement agreement also be recorded.

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:

Chad Swanger, Trustee Terry V. Swanger Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #884702200009 and referenced below. This subdivision is being completed to separate the house location from the abutting ground. This proposal has been properly noticed in the Sioux City Journal legals section on October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 2023 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. This property is located in the Agricultural Preservation (AP) Zoning District and is NOT located in the Special Flood Hazard Area (SFHA). The City of Sioux City has accepted and approved the final plat with the approval of Sioux City Council Resolution No. 2023-0962. Staff recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission voted 4 – 0 to recommend acceptance and approval of the Back Acre Estates, Second Filing subdivision final plat. A pavement agreement has been signed and will be recorded along with the final plat.

Parcel #: 884702200009
Township/Range: T88N R47W (Woodbury)
Section: 2
Quarter: Government Lot 5
Zoning District: Agricultural Preservation
Floodplain District: Zone X (Not in Floodplain)
Address: 1656 162nd St., Lawton, IA 51030

FINANCIAL IMPACT:

0

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?

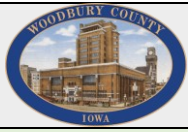
Yes No

RECOMMENDATION:

Receive the final staff report and P&Z Commission's recommendation from their 10/23/23 meeting.
Approve the final plat and authorize the Chairman to sign the resolution.

ACTION REQUIRED / PROPOSED MOTION:

- a. Motion to receive the final staff report and the Zoning Commission's recommendation from their 10/23/23 meeting to approve the final plat of Back Acre Estates, Second Filing, a minor subdivision to Woodbury County, Iowa.
- b. Motion to accept and approve Back Acre Estates, Second Filing, a minor subdivision to Woodbury County, Iowa with the requirement that a pavement agreement also be recorded with the final plat.



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

Daniel J. Priestley, MPA – Zoning Coordinator · dpriestley@woodburycountyiowa.gov

Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

FINAL REPORT – OCTOBER 24, 2023

BACK ACRE ESTATES, SECOND FILING - MINOR SUBDIVISION PROPOSAL

Application Details

Applicant(s)/Owner(s):	Chad Swanger, Trustee Terry V. Swanger Trust
Application Type:	Minor Subdivision
Name of Subdivision:	Back Acre Estates, Second Filing
Application Date:	9/29/23
Number of Lots:	1
Total Acres:	6.47
Extraterritorial Review:	10/16/23 (Completed)
Legal Notice Date:	10/10/23
Neighbor(s) Notice Date:	10/6/23
Stakeholder(s) Notice Date:	10/2/23
Zoning Commission Public Hearing Date:	10/23/23
Board of Supervisors Agenda Date:	10/23/23
Attorney:	Gregory N. Lohr
Surveyor:	Alan L. Fagan

Property Details

Parcel #:	884702200009
Township/Range:	T88N R47W (Woodbury)
Section:	2
Quarter:	Government Lot 5
Zoning District:	Agricultural Preservation
Floodplain District:	Zone X (Not in Floodplain)
Address:	1656 162 nd St., Lawton, IA 51030



Contents

Summary, Location Aerial, Site Plan Excerpt, & Recommendation
Application
Final Plat / Attachments / Review Criteria
Extraterritorial Review
Legal Notification
Public and Stakeholder Comments
Plat Excerpt
Parcel Report
Zoning Map
Floodplain Maps
Elevation Map
Soil Map and Report

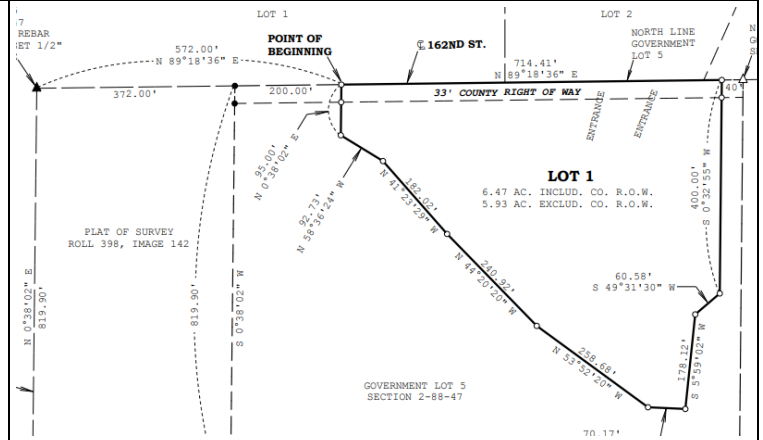
SUMMARY

Chad Swanger, Trustee Terry V. Swanger Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #884702200009 and referenced above. This subdivision is being completed to separate the house location from the abutting ground. This proposal has been properly noticed in the Sioux City Journal legals section on October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 2023 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. This property is located in the Agricultural Preservation (AP) Zoning District and is **NOT** located in the Special Flood Hazard Area (SFHA). The City of Sioux City have accepted and approved the final plat with the approval of Sioux City Council Resolution No. 2023-0962. Staff recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission voted 4 – 0 to recommend acceptance and approval of the *Back Acre Estates, Second Filing* subdivision final plat. A pavement agreement has been signed and will be recorded along with the final plat.

AERIAL VIEW



FINAL PLAT EXCERPT



ZONING COMMISSION RECOMMENDATION

The Woodbury County Zoning Commission voted 4 – 0 to recommend acceptance and approval of the *Back Acre Estates, Second Filing* subdivision final plat. A pavement agreement has been signed and will be recorded along with the final plat.

**RESOLUTION AND CERTIFICATE OF THE WOODBURY COUNTY
ZONING COMMISSION OF WOODBURY COUNTY, IOWA**

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 BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE 23 DAY OF October, 2023 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 October, 2023.

Chris Zellmer Zant
CHRIS ZELLMER ZANT
CHAIRMAN
WOODBURY COUNTY ZONING COMMISSION OF
WOODBURY COUNTY, IOWA

Minutes - Woodbury County Zoning Commission Meeting – October 23, 2023

The Zoning Commission (ZC) meeting convened on Monday, 23rd of September, at 5:00 PM in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Corey Meister, Jeff O'Tool, Barb Parker
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Leo Jochum, Bev Jochum, Dan Bittinger, Ann Johnston, Daniel Segura, Elizabeth Widman, Emily Segura, Bob Fritzmeier, Roger & Gwen Burnett, Elizabeth Cindy Haase, Russell Petersen, Hope Lynam, Chad Swanger

Telephone:

For specific content of this meeting, refer to the recorded video on the Woodbury County Zoning Commission YouTube channel: <https://www.youtube.com/watch?v=qNpK3atf1k0>

Call to Order

Chair Chris Zant formally called the meeting to order at 5:08 PM. Tom Bride was absent.

Public Comment on Matters Not on the Agenda

None

Approval of Previous Meeting Minutes – September 25, 2023 and October 16, 2023

O'Tool motioned. Second: Meister. Motion carried: 4-0.

Public Hearing: Back Acre Estates, Second Filing, Minor Subdivision Proposal on Parcel #884702200009

Priestley read the preliminary report and staff recommendation into the record. Chad Swanger, Trustee Terry V. Swanger Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #884702200009. This subdivision is being completed to separate the house location from the abutting ground. This proposal has been properly noticed in the Sioux City Journal legal section on October 10, 2023. The neighbors within 1000 FT have been duly notified via an October 6, 2023 letter about the October 23, 2023 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. This property is located in the Agricultural Preservation (AP) Zoning District and is NOT located in the Special Flood Hazard Area (SFHA). The City of Sioux City have accepted and approved the file plat with the approval of Sioux City council resolution No. 2023-0962. Staff recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. Based on the information received and requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Owner has signed a pavement agreement which will be recorded with the final plat. O'Tool motioned to close public hearing. Second: Meister. Motion carried: 4-0. Motion to recommend acceptance and approval to Board of Supervisors by Meister. Second: Parker. Carried: 4-0. Item will be presented to the Board of Supervisors on October 31, 2023.

Public Hearing: Grays First Addition, Minor Subdivision Proposal on Parcel #884209200009

Priestley read the preliminary report and staff recommendation into the record. Marlis A. Gray, has filed for a one (1) lot minor subdivision on the property identified as Parcel #884209200009. This subdivision is being completed to separate the house location from the abutting ground. This proposal has been properly noticed in the Sioux City Journal legal section on October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 2023 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. However, there is a rounding error on the plat that must be corrected prior to recording. Priestley confirmed that the rounding error has been corrected and shared with the County Engineer who concurred. This property is located in the Agricultural Preservation (AP) Zoning District and is NOT located in the special Flood Hazard Area (SFHA). Exterritorial review is not required by a city as the property is further than two (2) miles from the closest incorporated jurisdiction. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Motion to close public hearing: Meister. Second: O'Tool. Carried: 4-0. Parker inquired about a pavement agreement. Priestley indicated that pavement agreements are required when referenced/requested by the County Engineer. Zant asked about the well and septic location and Priestley indicated that the well and septic were on the lot. Motion to recommend acceptance and approval to the Board of Supervisors by Meister. Second: Parker. Carried: 4-0.

Public Hearing: Solar Energy – Utility-Scale Solar Systems – Consideration of Solar Ordinances for Recommendations(s) to the Board of Supervisors

Priestley summarized the purpose of the public hearing. The Woodbury County Zoning Commission has been directed by the Board of Supervisors on August 8, 2023 to establish/examine a new ordinance as it relates to utility-scale solar systems. The purpose of the public hearing is to receive comments and put together a proposal as a possible ordinance or amendments for

solar energy systems not limited to utility-scale systems, agrisolar or agrivoltaics, and community solar systems, together with the Commission addressing the permitting process for such systems in industrial and/or agricultural areas. The Zoning Commission held their first public hearing at the Merville Area Community Center on September 11, 2023. The second was held in the basement of the Woodbury County Courthouse on September 25, 2023. Both public hearings included constituents who offered comments both in support and opposition to the expansion of utility-scale solar in the Agricultural Preservation (AP) Zoning District. Audio of meetings may be accessed for review by visiting the Woodbury County Zoning Commission "Committee" page on the Woodbury County website at: www.woodburycountyiowa.gov. The Zoning Commission conducted a work session on October 16, 2023 to discuss the considerations for an ordinance. The audio for this meeting may be obtained by using the following link: <https://www.youtube.com/watch?v=1JAj6Xh3cSU> or <https://tinyurl.com/Zoning101623>

Emily Segura (Sioux City) addressed the ZC about the impact of utility-scale solar on area farmland. She discussed the importance of taking care of the land and questioned the disposal and the economics of sending the panels to the dump. Segura recommended for the ZC to read the article "The Dark Side of Solar Power" by Atalay Atas, Serasu Duran, and Luk N. Van Wassenhove from the Harvard Business Review which discusses a number of topics including the high cost of solar trash and disposal. She offered concerns about the emittance of toxic waste from the decommissioned panels.

Ann Johnston (Salix) addressed the ZC with concerns about slave labor groups in foreign countries such as the Uyghurs in China who are part of the supply chains that make up 95% of the solar panels worldwide. She referenced that much emphasis has been placed on Scott and Linn Counties but not enough on the western counties in Iowa. Johnston indicated that Sioux County is under a moratorium from solar renewables.

Elizabeth Widman (Sergeant Bluff) addressed the ZC indicating that two of the Board of Supervisors voted against putting solar on ag protected land. She asserted this is not a mandate from the board to ensure solar encroaches on ag land. Putting solar on ag land fundamentally changes the ag protected areas and should only be put in industrial zones. MidAmerica's largest Iowa project is 800 acres but they stated they do not have immediate plans to locate solar in Woodbury County. Widman indicated that the farming between solar panels is experimental and not done in America. MidAmerica stated that cattle grazing underneath solar panels would not work because they would rub against the panels and knock them down. Grass planted underneath would not help wildlife because fences need to be around these areas to protect the public. Widman questioned Daniel Priestley's comment at the previous work session that if applicants were to apply to the county to establish utility-solar they would have to be forthright in the application. However, at the public meetings it has not been mentioned that the pro-solar speakers have already signed contracts with an outside company, and we should be told who the company is. If you add up the acres in the plat book owned by these individuals in my area, it comes out to 2,600 acres or 4 square miles in comparison to the City of Sergeant Bluff which is only 2.11 square miles. All the remaining cities in Woodbury are less than one square mile. Four square miles is about the size of 1,936 football fields. Widman indicated that contracts are for 30 years. If these are the same, she will be 97 years old before the possibility of decommissioning them back to solar and her family will grow up to not see agriculture land. Widman asserted that utility-solar is not agriculture. Widman referenced a 3,000 acre solar project near Rock Branch that will be near her ground. She stated that agricultural preservation is meant to preserve agriculture. Widman asserted these utility-scale solar facilities belong on industrial land.

Elizabeth Cindy Haase (Salix) addressed the ZC offering concerns about the radiation caused by solar panels. She indicated that the electronic magnetic sensitivity causing, headaches, dizziness, nausea, cancer risk has been reported by people who reside close to solar systems.

Motion to close public hearing: Parker. Second: O'Tool. Carried: 4-0.

Zant commented there have been great comments from both sides, wants verification on some facts, Commission will work on collecting and reviewing more information. O'Tool appreciates feedback, good to hear all sides.

No Public Comment on Matters Not on the Agenda

Commissioner Comment of Inquiry

Due to harvest, O'Tool suggested waiting until regular November 27th meeting instead of scheduling a work session, all present commissioners agreed.

Staff Update

Priestley noted subdivisions recommended tonight will be presented to the Board of Supervisors on Oct 31, 2023. Woodbury County Community and Economic Development will be hosting the COZO conference in May of 2024.

Adjourn

Motion to adjourn: Meister. Second: O'Tool. Carried: 4-0.

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION

Applicant: CHAD SWANGER, TRUSTEE TERRY V. SWANGER TRUST
Name of Owner

Mailing Address: 4274 DELACROIX CT. SAN JOSE, CA 95135-1722
Street City or Town State and Zip + 4

Property Address: 1656 162ND ST. LAWTON, IA 51030
Street City or Town State and Zip + 4

Ph/Cell #: 408 876-8347 E-mail Address: chadswanger@yahoo.com

To subdivide land located in the GOV'T Quarter of Section 2 (2-88-47)
LOTS

Civil Township WOODBURY GIS Parcel # 884702200009

Name of Subdivision: BACK ACRE ESTATES, SECOND FILING

Subdivision Area in Acres 6.47 Number of Lots 1

Attachments:

- N/A 1. Eight (8) copies of grading plans; if required.
- 2. Eight (8) 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: ALAN L. FAGAN Ph/Cell: 712 539-1471

Attorney: GREGORY N. LOHR Ph/Cell: 712 277-1015

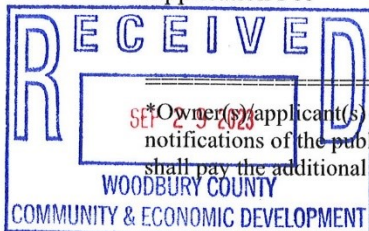
I hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.

Owner's Signature: [Signature]
Zoning Director: ALAN FAGAN FOR OWNER
[Signature]

For Office Use Only:

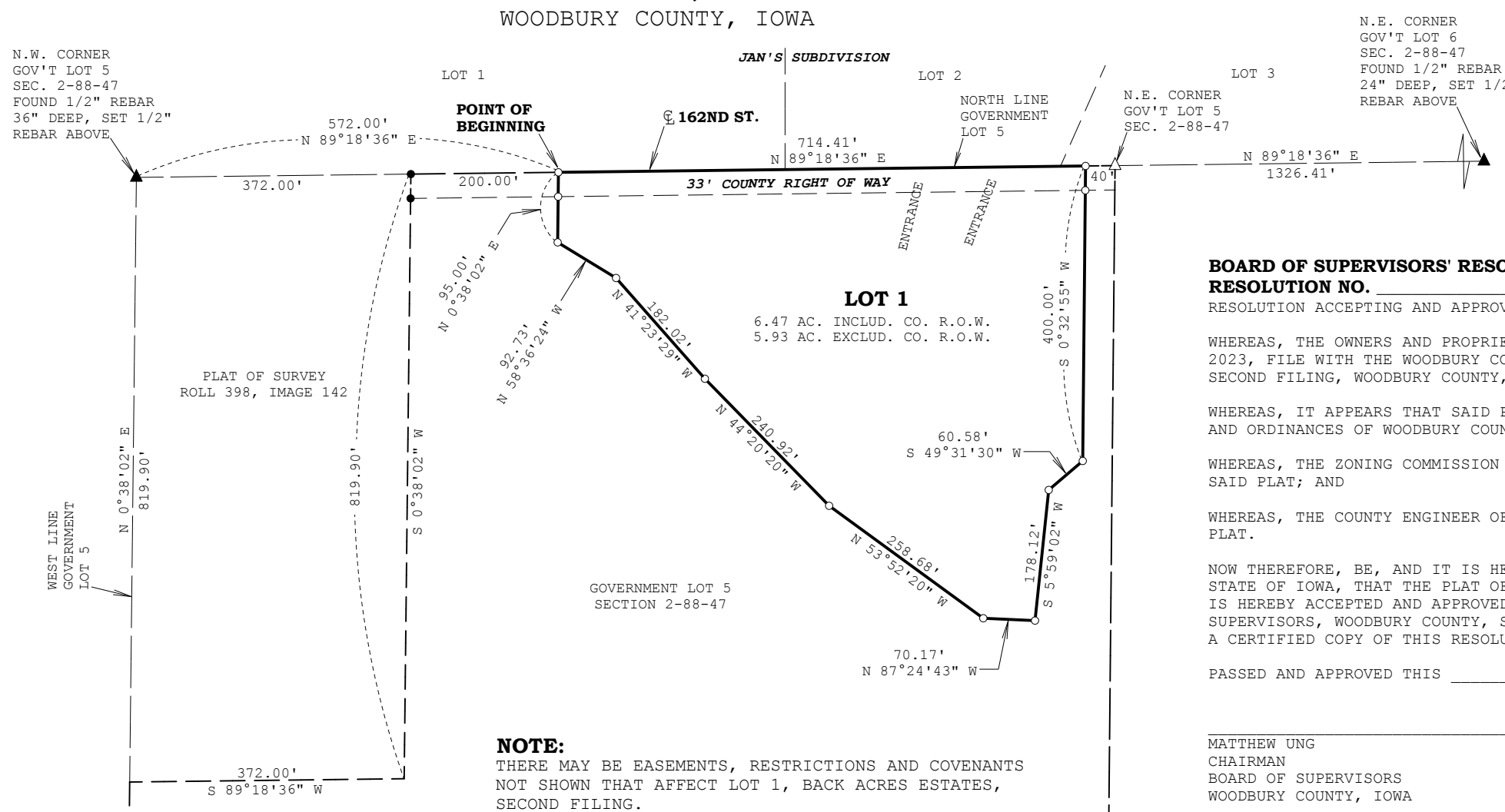
Zoning District AP Flood District X Date 9-29-23 No. 6936

Application Fee 4 Lots or less (\$300*+ Additional Fees) \$300 CK#13198
5 Lots or more (\$300* plus \$5 per lot + Additional Fees) _____

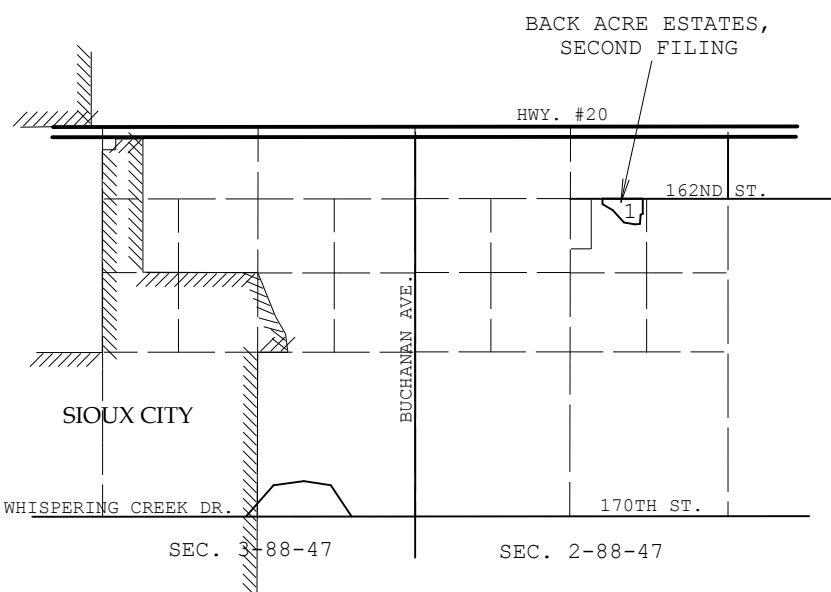


*Owner(s)/applicant(s) shall pay the additional costs associated with the processing, printing, and the mailing of notifications of the public hearings when the number of mailings required exceeds 30. The owner(s)/applicant(s) shall pay the additional costs of the legal publication notice(s) in newspaper(s) when the fees exceed \$100.00.

FINAL PLAT
A MINOR SUBDIVISION PLAT
OF
BACK ACRE ESTATES, SECOND FILING
WOODBURY COUNTY, IOWA



NOTE:
THERE MAY BE EASEMENTS, RESTRICTIONS AND COVENANTS NOT SHOWN THAT AFFECT LOT 1, BACK ACRES ESTATES, SECOND FILING.

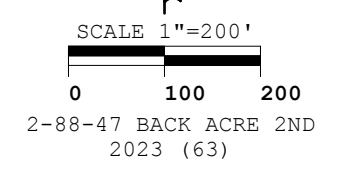


- MONUMENTS**
- = 1/2" YELLOW CAPPED REBAR #5542 FOUND
 - = 1/2" YELLOW CAPPED REBAR #15082 SET

OWNER/SUBDIVIDER
TERRY V. SWANGER TRUST

SURVEYOR
ALAN L. FAGAN

SETBACKS
FRONT YARD - 100'
SIDE YARD - 20'
ACCESSORY STRUCTURE - 10'
REAR YARD - 50'
ACCESSORY STRUCTURE - 10'



SURVEYOR'S DESCRIPTION:

PART OF GOVERNMENT LOT 5, IN SECTION 2, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE N.W. CORNER OF SAID GOVERNMENT LOT 5; THENCE N.89°18'36"E. ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 5 FOR 572.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N.89°18'36"E. ALONG SAID NORTH LINE FOR 714.41 FEET; THENCE S.0°32'55"W. FOR 400.00 FEET; THENCE S.49°31'30"W. FOR 60.58 FEET; THENCE S.5°59'02"W. FOR 178.12 FEET; THENCE N.87°24'43"W. FOR 70.17 FEET; THENCE N.53°52'20"W. FOR 258.68 FEET; THENCE N.44°20'20"W. FOR 240.92 FEET; THENCE N.41°23'29"W. FOR 182.02 FEET; THENCE N.58°36'24"W. FOR 92.73 FEET; THENCE N.0°38'02"E. FOR 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6.47 ACRES INCLUDING COUNTY RIGHT OF WAY AND 5.93 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID GOVERNMENT LOT 5 IS ASSUMED TO BEAR N.89°18'36"E.

SURVEYOR'S CERTIFICATE

I, ALAN L. FAGAN, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 15082, DO HEREBY CERTIFY THAT THE SUBDIVISION PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOTS AND STREETS DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE OF THE DIMENSIONS, NUMBERS, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT IRON STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT AND TRACT EXCEPT AS NOTED ON SAID PLAT.

DATED AT SIOUX CITY, IOWA _____, 2023.

ALAN L. FAGAN
IOWA NO. 15082
LICENSE RENEWAL DATE: DECEMBER 31, 2023



INDEX LEGEND	
SURVEYOR:	ALAN L. FAGAN 712 539-1471
MAIL TO:	AL FAGAN LAND SURVEYING, P.C. P.O. BOX 858 - MERRILL, IA 51038
COUNTY:	WOODBURY
SECTION(S):	2 T. 88 N., R. 47 W.
ALIQUOT PART:	PART OF GOVERNMENT LOT 5
CITY:	
SUBDIVISION:	
BLOCK(S):	
LOT(S):	
PROPRIETOR(S):	TERRY V. SWANGER TRUST
REQUESTED BY:	CHAD SWANGER

COUNTY ENGINEER'S CERTIFICATE

I, MARK NAHRA, P.E. COUNTY ENGINEER FOR WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE BOUNDARY LINES OF THE PLAT AND LOTS THEREIN WERE MATHEMATICALLY CHECKED AND CONFORM WITH THE REQUIREMENTS AS PROVIDED FOR IN THE SUBDIVISION ORDINANCE, THAT ALL DIMENSIONS BOTH LINEAL AND ANGULAR NECESSARY FOR THE LOCATION OF LOTS, TRACTS, STREETS, ALLEYS AND EASEMENTS ARE SHOWN.

MARK NAHRA, P.E.
COUNTY ENGINEER
WOODBURY COUNTY, IOWA

CERTIFICATE OF COUNTY ASSESSOR

I, JULIE CONOLLY, HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 2023, A COPY OF THIS PLAT WAS FILED IN THE WOODBURY COUNTY ASSESSOR'S OFFICE.

DATED _____

JULIE CONOLLY
WOODBURY COUNTY ASSESSOR

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED AS INSTRUMENT # _____ IN THE WOODBURY COUNTY RECORDER'S OFFICE.

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE
THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, FOR USE IN WOODBURY COUNTY, IOWA AS REQUIRED BY IOWA CODE SECTION 354.6(2).

DATED _____, 2023.

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

BOARD OF SUPERVISORS' RESOLUTION
RESOLUTION NO. _____

RESOLUTION ACCEPTING AND APPROVING BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA.

WHEREAS, THE OWNERS AND PROPRIETORS DID ON THE _____ DAY OF _____, 2023, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS BACK ACRE ESTATES, SECOND FILING, 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 SAME; 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 BACK ACRE ESTATES, SECOND FILING, 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 OWNERS AND PROPRIETORS A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

MATTHEW UNG
CHAIRMAN
BOARD OF SUPERVISORS
WOODBURY COUNTY, IOWA

ATTEST:
PATRICK F. GILL
SECRETARY

AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA : SS
COUNTY OF WOODBURY:

DOCKET NO: _____

FILED FOR RECORD, THIS _____ DAY OF _____, 2023 AT _____ O'CLOCK _____M. RECORDED IN PLAT ENVELOPE _____, INDEXED AND DELIVERED TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA.

DATED _____

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

RESOLUTION AND CERTIFICATE OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA

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 ADVICE THE PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE _____ DAY OF _____, 2023 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 _____, 2023.

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

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THE TERRY V. SWANGER TRUST, THE OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE, HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AND STREETS, AS IS PARTICULARLY SHOWN AND SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF ALAN L. FAGAN, A LICENSED SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND ACCORDANCE WITH THE DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT _____, IOWA, THE _____ DAY OF _____, 2023.

CHAD SWANGER
TRUSTEE OF THE
TERRY V. SWANGER
TRUST

STATE OF IOWA : SS
WOODBURY COUNTY:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ OF _____, 2023, BY CHAD SWANGER, AS TRUSTEE OF THE TERRY V. SWANGER TRUST.

NOTARY PUBLIC IN AND FOR SAID STATE
MY COMMISSION EXPIRES: _____

CITY COUNCIL RESOLUTION NO. _____
RESOLUTION ACCEPTING AND APPROVING THE PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT. NOW, THEREFORE BE, AND IT IS, RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED.

PASSED _____

ROBERT E. SCOTT
MAYOR

APPROVED _____

ATTEST: LISA MCCARDLE
CITY CLERK

STATE OF IOWA : SS
COUNTY OF WOODBURY:

I, LISA MCCARDLE, CLERK OF THE CITY OF SIOUX CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING THE PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY COUNCIL OF SAID CITY ON THE _____ DAY OF _____, 2023 AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK.

DATED _____

ROBERT E. SCOTT
MAYOR

LISA MCCARDLE
CITY CLERK

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR, RESPECTIVELY, OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADVICE THE ATTACHED PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING COMMISSION DID ON THE _____ DAY OF _____, 2023 RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED _____

ANDREW GLISAR
CHAIRPERSON

DATED _____

MARTIN DOUGHERTY
ECONOMIC AND COMMUNITY
DEVELOPMENT DIRECTOR

TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, TINA BERTRAND, 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 BERTRAND
TREASURER,
WOODBURY COUNTY, IOWA

_____, 2023

TITLE OPINION

To: Woodbury County Auditor and Recorder

RE: Back Acre Estates, Second Filing

I have at this date at your request examined a complete abstract of title, pursuant to Iowa Code §354.11(3), to the property described in the Surveyor's Certificate on the Plat of Back Acre Estates, Second Filing, described more particularly as:

Part of Government Lot Five (5), in Section Two (2), Township Eighty-Eight (88) North, Range Forty-Seven (47) West of the Fifth (5th) Principal Meridian, Woodbury County, Iowa, described as follows:

Commencing at the Northwest corner of said Government Lot Five (5); thence North Eighty-Nine Degrees Eighteen Minutes Thirty-Six Seconds (N 89°18'36") East along the North line of said Government Lot Five (5) for Five Hundred Seventy-Two Feet (572.00') to the point of beginning; thence continuing North Eighty-Nine Degrees Eighteen Minutes Thirty-Six Seconds (N 89°18'36") East along said North line for Seven Hundred Fourteen and Forty-One Hundredths Feet (714.41'); thence South Zero Degrees Thirty-Two Minutes Fifty-Five Seconds (S 0°32'55") West for Four Hundred Feet (400.00'); thence South Forty-Nine Degrees Thirty-One Minutes Thirty Seconds (S 49°31'30") West for Sixty and Fifty-Eight Hundredths Feet (60.58'); thence South Five Degrees Fifty-Nine Minutes Two Seconds (S 05°59'02") West for One Hundred Seventy-Eight and Twelve Hundredths Feet (178.12'); thence North Eighty-Seven Degrees Twenty-Four Minutes Forty-Three Seconds (N 87°24'43") West for Seventy and Seventeen Hundredths Feet (70.17'); thence North Fifty-Three Degrees Fifty-Two Minutes Twenty Seconds (N 53°52'20") West for Two Hundred Fifty-Eight and Sixty-Eight Hundredths Feet (258.68'); thence North Forty-Four Degrees Twenty Minutes and Twenty Seconds (N 44°20'20") West for Two Hundred Forty and Ninety-Two Hundredths Feet (240.92'); thence North Forty-One Degrees Twenty-Three Minutes Twenty-Nine Seconds (N 41°23'29") West for One Hundred Eighty-Two and Two Hundredths Feet (182.02'); thence North Fifty-Eight Degrees Thirty-Six Minutes Twenty-Four Seconds (N 58°36'24") West for Ninety-Two and Seventy-Three Hundredths Feet (92.73'); thence North Zero Degrees Thirty-Eight Minutes Two Seconds (N 00°38'02") East for Ninety-Five Feet (95.00') to the point of beginning. Containing 6.47 acres including county right of way and 5.93 acres excluding said right of way.

Such abstract is in one part, commences with the root of title, contains Entries numbered 1 through 31, and was last certified _____, 2023, at _____m., by Engleson Abstract Co., Inc. As of such date of last certification, I find merchantable title in:

TERRY V. SWANGER, TRUSTEE OF THE TERRY V. SWANGER TRUST DATED DECEMBER 30, 2018

by reason of being Grantee in the Quit Claim Deed shown at Entry 22 of the abstract, filed December 31, 2018, at Roll 762, Image 6857. Title is subject to the following objections and limitations:

- MORTGAGE LIEN: At Entry 13 of the abstract appears a Mortgage executed by previous titleholders, Terry V. Swanger and Joan G. Swanger, husband and wife, to Mortgage Electronic Registration Systems, Inc., acting solely as nominee for The Security National Bank of Sioux City, Iowa, dated April 11, 2012, and filed April 16, 2012, at Roll 722, Image 2043. This mortgage encumbers a 5.00 acre parcel and which appears to be contained within the boundaries of the captioned parcel.
- REAL ESTATE TAXES: The status of real estate taxes appears at Entry 31 of the abstract. The 2021/22 taxes and special assessments, becoming delinquent in 2022/23, are paid in full. Real estate taxes and special assessments not certified are a lien in an undetermined amount. (Parcel No. 884702200009)
- OTHER: No showing is made as to whether any solid waste, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, land fill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required clean up, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.

Gregory N. Lohr
Attorney

AL FAGAN
LAND SURVEYING, P.C.
P.O. BOX 858
MERRILL, IA 51038
712 539-1471

DATE OF SURVEY: JULY 2023

TITLE OPINION EXCERPT

TITLE OPINION

To: Woodbury County Auditor and Recorder

RE:Back Acre Estates, Second Filing

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3. OTHER: No showing is made as to whether any solid waste, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, land fill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required clean up, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.

Gregory N. Lohr
Attorney

AL FAGAN

The CONSENT OF MORTGAGE HOLDER will be recorded separately as an attachment to the final plat. This version may be subject to changes by the mortgage holder prior to recording.

CONSENT OF MORTGAGE HOLDER

THE UNDERSIGNED, as _____ of Rocket Mortgage, current holder and owner of a Mortgage given to Mortgage Electronic Registration Systems, Inc., acting solely as nominee for The Security National Bank of Sioux City, Iowa, dated April 11, 2012, and filed April 16, 2012, at Roll 722, Image 2043, hereby states that the Plat of "Back Acre Estates, Second Filing" is prepared with the free consent and in accordance with the desire of Rocket Mortgage.

Dated: _____, 2023

Rocket Mortgage

BY: _____
_____ ()

STATE OF _____, _____ COUNTY, ss.

On this ____ day of _____, 2023, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, to me personally known, who, being by me duly sworn, did say that he/she is _____ of Rocket Mortgage, executing the foregoing instrument to which this is attached; that said instrument was signed on behalf of said Rocket Mortgage by authority of its Board of Directors; and that the said _____, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of Rocket Mortgage, by it and by him/her voluntarily executed.

Notary Public

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. Staff recommends approval of the final plat.

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 well in advance of the required public hearing. The Commission also held a public hearing to review, analyze, and discuss the final plat and other relevant information.
	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 recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. See next page.
	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.

**AGREEMENT TO IMPOSE COVENANT
BASED UPON LINEAL LOT FRONTAGE**

LOT FRONTAGE means that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.

The undersigned, *Chad Swanger, Trustee of the Terry V. Swanger Trust*, the owner(s) of the real estate known as *Back Acre Estates, Second Filing*, an Addition to Woodbury County, Iowa, and legally described as follows:

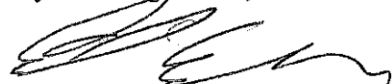
Lot One (1) of *Back Acre Estates, Second Filing* of Part of Section Two (2), Township Eighty-Eight (88) North, Range Forty-Seven (47) West of the Fifth Principal Meridian, in the County of Woodbury and the State of Iowa, a/k/a see legal described in Exhibit "A" attached hereto and by this reference made a part hereof.

In consideration of the approval of the Final Plat of *Back Acre Estates, Second Filing* we agree as follows:

1. To impose a recorded covenant on *162nd Street* agreeing to an assessment on said Lots in the event *162nd Street* is graded for hard surfacing and paved (the Improvement).
2. At the time of the Improvement, the then owners, their successors, and assigns shall be assessed collectively a maximum of eighty percent (80%) of the total actual cost of the Improvement to the centerline of *162nd Street*. The centerline to be fifty percent (50%) of the total Improvement of said roadways, therefore, the effective collective assessment against the Lots in *Back Acre Estates, Second Filing* subdivision will be a maximum of forty percent (40%) of the total actual cost of the improvements abutting said lots.
3. The collective assessment shall be individually prorated to each of the Lots on the basis of the number of lineal feet on which each Lot abuts said roadway(s) and the respective Lot owners shall have the responsibility for the assessment only on the lot(s) within the Subdivision he/she or it may own.
4. In the event that statutes or ordinances existing at the time of the Improvements results in an overall lower assessment against the Lots in *Back Acre Estates, Second Filing*, then the lower amount shall be assessed against said lots.
5. This Agreement to Impose Covenant shall be binding upon the respective successors, heirs, administrators, executors and assigns of the parties.

Dated this 19 day of October, 2023.

Terry V. Swanger Trust,


Chad Swanger, Trustee of the Terry V. Swanger Trust

On this 19 day of October A.D. 2023, before me, the undersigned Notary Public, personally appeared to me known **Chad Swanger, Trustee of the Terry V. Swanger Trust** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Chad Swanger, Trustee of the Terry V. Swanger Trust** executed the same as a voluntary act and deed.

See Below
Public in and for said County

Notary

Seal or stamp above

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Santa Clara
On 10/19/2023 before me, Mahanoor Khan, Notary Public
(Date) (Here Insert Name and Title of the Officer)

personally appeared Chad Eric Swanger
(Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Mahanoor Khan
Signature (Signature of Notary Public) (Seal)

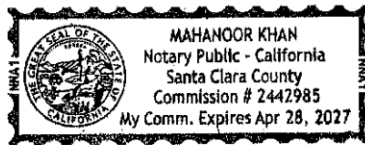


EXHIBIT A

PART OF GOVERNMENT LOT 5, IN SECTION 2, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE N.W. CORNER OF SAID GOVERNMENT LOT 5; THENCE N.89°18'36"E. ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 5 FOR 572.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N.89°18'36"E. ALONG SAID NORTH LINE FOR 714.41 FEET; THENCE S.0°32'55"W. FOR 400.00 FEET; THENCE S.49°31'30"W. FOR 60.58 FEET; THENCE S.5°59'02"W. FOR 178.12 FEET; THENCE N.87°24'43"W. FOR 70.17 FEET; THENCE N.53°52'20"W. FOR 258.68 FEET; THENCE N.44°20'20"W. FOR 240.92 FEET; THENCE N.41°23'29"W. FOR 182.02 FEET; THENCE N.58°36'24"W. FOR 92.73 FEET; THENCE N.0°38'02"E. FOR 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6.47 ACRES INCLUDING COUNTY RIGHT OF WAY AND 5.93 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID GOVERNMENT LOT 5 IS ASSUMED TO BEAR N.89°18'36"E.

Blurred

Passport and License
Blurred.



EXTRATERRITORIAL REVIEW

The City of Sioux City has accepted and approved the final plat as referenced in Sioux City Council Resolution 2023-0962.

CITY COUNCIL RESOLUTION NO. 2023-0962
RESOLUTION ACCEPTING AND APPROVING THE PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT. NOW, THEREFORE BE, AND IT IS, RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED.

PASSED October 16 2023
RE Scott
ROBERT E. SCOTT
MAYOR

APPROVED October 16 2023
Lisa McCardle
ATTEST: LISA MCCARDLE
CITY CLERK

STATE OF IOWA :
: SS
COUNTY OF WOODBURY:

I, LISA MCCARDLE, CLERK OF THE CITY OF SIOUX CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING THE PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY COUNCIL OF SAID CITY ON THE 16th DAY OF October, 2023 AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK.

DATED October 16 2023
RE Scott
ROBERT E. SCOTT
MAYOR
Lisa McCardle
LISA MCCARDLE
CITY CLERK

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR, RESPECTIVELY, OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADVISEMENT THE ATTACHED PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING COMMISSION DID ON THE 26th DAY OF September, 2023 RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED October 16 2023
Andrew Glisar
ANDREW GLISAR
CHAIRPERSON

DATED October 16 2023
Martin Dougherty
MARTIN DOUGHERTY
ECONOMIC AND COMMUNITY
DEVELOPMENT DIRECTOR

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED AS INSTRUMENT # 2023-9939 IN THE WOODBURY COUNTY RECORDER'S OFFICE.

*** Proof of Publication ***

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY
SIOUX CITY IA 51101

ORDER NUMBER 66191

Subscribed and sworn before me in Sioux City, in said County,

this 10 day of OCTOBER, 2023



Danine Glascock Notary Public

In and for Woodbury County.

Section: Legal
Category: 015 Attorneys & Legals
PUBLISHED ON: 10/10/2023

TOTAL AD COST: 72.96
FILED ON: 10/10/2023

NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION

The Woodbury County Zoning Commission will hold public hearings on the following items hereafter described in detail on October 23, 2023 at 5:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, 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 these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 638 086 537# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)

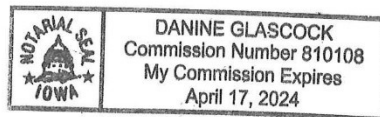
PROPOSED MINOR SUBDIVISION: To be known as Back Acre Estates, Second Filing, a one-lot minor subdivision in a 6.47-acre portion of Section 2, T88N R47W (Woodbury Township) on Government Lot 5 on Parcel #884702200009. The parent parcel is about 1 mile east of Sioux City and about 4.3 miles west of Lawton. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Chad Swanger, Trustee Terry V. Swanger Trust, 1656 162nd St., Lawton, IA 51030.

Item Two (2)

PROPOSED MINOR SUBDIVISION: To be known as Gray First Addition, a one-lot minor subdivision in a 10.02-acre portion of Section 9, T88N R42W (Rock Township) in the S 1/2 of the SE 1/4 of the NE 1/4 and the N 1/2 of the NE 1/4 of the SE 1/4 of the NE 1/4 on Parcel #884702200009. The parent parcel is around 2.2 miles southeast of Correctionville and 2.1 miles southwest of Cushing. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Marlis A. Gray, 1729 Story Ave., Correctionville, IA 51016.

Item Three (3)

PROPOSED UTILITY-SCALE SOLAR ENERGY SYSTEMS ZONING ORDINANCE AMENDMENT: A proposal to amend the Woodbury County Zoning Ordinance to include provisions for the permitting of utility-scale solar energy systems in the unincorporated areas of Woodbury County in the General Industrial (GI), Limited Industrial (LI), and Agricultural Preservation (AP) Zoning Districts. In addition, the concept of a utility-scale energy systems overall district will be considered. The proposed regulations provide uniform and comprehensive standards for the installation and use of Utility-Scale Solar Energy Systems (US-SES) including and not limited to agrisolars and community solar systems. US-SES may include, solar panels, solar support structure, inverter/transformers, energy storage technologies, wiring, and other equipment necessary for the generation, storage and delivery of electricity. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of utility-scale solar energy resources for utility, commercial, and industrial purposes.



PROPERTY OWNER(S) NOTIFICATION		MAP
Total Property Owners within 1000 FT via Certified Abstractor's Listing:	7	
Notification Letter Date:	10/6/23	
Public Hearing Board:	Zoning Commission	
Public Hearing Date:	10/23/23	
Phone Inquiries:	1 (Doyle Turner)	
Written Inquiries:	0	
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	City	State	Zip	Comments
Trustee of the Terry V. Swanger Trust	4274 Dela Croix Court	San Jose	CA	95135-1722	No comments.
Marnice Schellinger	2137 Buchanan Ave.	Sergeant Bluff	IA	51054	No comments.
Hennings Joint Trust	1970 Garner Ave.	Moville	IA	51039	No comments.
Susan Magenheimer	PO Box 246	Lawton	IA	51030	No comments.
RK Schmitt Properties, LLC	2026 Keystone Dr.	Omaha	NE	68134	No comments.
Triple H International, LLC	1658 Hwy 20	Lawton	IA	51030	No comments.
Northern Natural Gas Co.	PO Box 3330	Omaha	NE	68103-0330	No comments.

STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the following proposed minor subdivision for MEC electric, and we have no conflicts. – Casey Meinen, 10/2/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC “Gas” on this either. – Tyler Ahlquist, 10/2/23.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	No comments.
NUSTAR PIPELINE:	No comments.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	SEE REVIEW MEMO BELOW
WOODBURY COUNTY RECORDER:	No comments. – Diane Swoboda Peterson, 10/2/23.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this proposal. – Neil Stockfleth, 10/2/23.



Woodbury County Secondary Roads Department

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

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@sioux-city.org

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator

From: Mark J. Nahra, County Engineer

Date: October 19, 2023

Subject: Back Acre Estates, 2nd Filing – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision application forwarded with your memo dated October 2, 2023.

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 existing driveway meets sight distance requirements may continue to be used. Access to the remaining parcels is already in place.
- A paving agreement should be applied to this subdivision. Other subdivisions bordering 162nd Street have implemented paving agreements at the time they were established. Owners of this lot should be required to pay their proportionate share of the project cost as well.
- 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

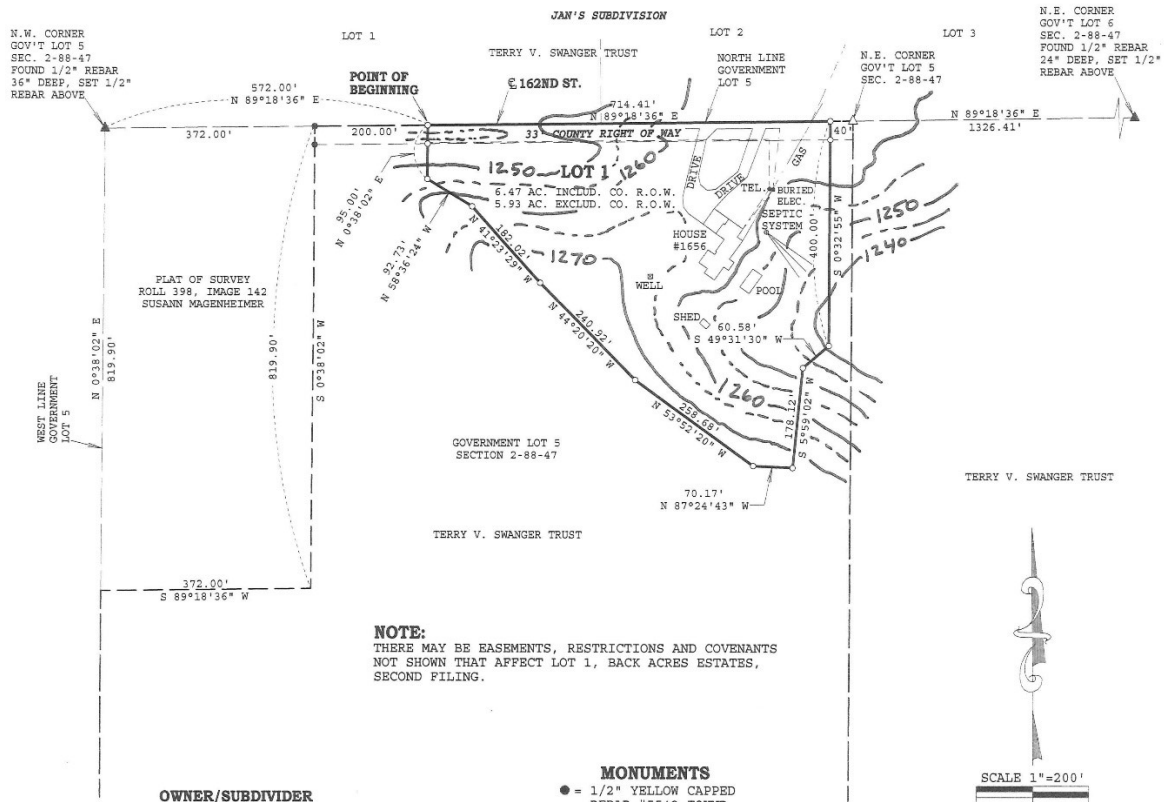
PRELIMINARY DRAWING
 A MINOR SUBDIVISION PLAT
 OF
BACK ACRE ESTATES, SECOND FILING
 WOODBURY COUNTY, IOWA

FOR REVIEW ONLY
 NOT FOR RECORD

SURVEYOR'S DESCRIPTION:

PART OF GOVERNMENT LOT 5, IN SECTION 2, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE N.W. CORNER OF SAID GOVERNMENT LOT 5; THENCE N.89°18'36"E. ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 5 FOR 572.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N.89°18'36"E. ALONG SAID NORTH LINE FOR 714.41 FEET; THENCE S.0°32'55"W. FOR 400.00 FEET; THENCE S.49°31'30"W. FOR 60.58 FEET; THENCE S.5°59'02"W. FOR 178.12 FEET; THENCE N.87°24'43"W. FOR 70.17 FEET; THENCE N.53°52'20"W. FOR 258.68 FEET; THENCE N.44°20'20"W. FOR 240.92 FEET; THENCE N.41°23'29"W. FOR 182.02 FEET; THENCE N.58°36'24"W. FOR 92.73 FEET; THENCE N.0°38'02"E. FOR 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6.47 ACRES INCLUDING COUNTY RIGHT OF WAY AND 5.93 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID GOVERNMENT LOT 5 IS ASSUMED TO BEAR N.89°18'36"E.



NOTE:
 THERE MAY BE EASEMENTS, RESTRICTIONS AND COVENANTS NOT SHOWN THAT AFFECT LOT 1, BACK ACRES ESTATES, SECOND FILING.

OWNER/SUBDIVIDER
 TERRY V. SWANGER TRUST

SURVEYOR
 ALAN L. FAGAN

ZONING
 AG AG PRESERVATION

WATER/SEWER
 PRIVATE WELL AND SEPTIC SYSTEM

POWER/GAS
 MID AMERICAN

TELEPHONE
 CENTURYLINK

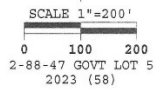
SETBACKS
 FRONT YARD - 100'

SIDE YARD - 20'
 ACCESSORY STRUCTURE - 10'

REAR YARD - 50'
 ACCESSORY STRUCTURE - 10'

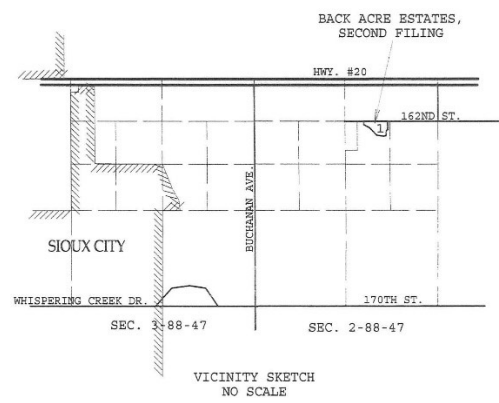
MONUMENTS

- = 1/2" YELLOW CAPPED REBAR #5542 FOUND
- = 1/2" YELLOW CAPPED REBAR #15082 SET



AL FAGAN
 LAND SURVEYING, P.C.
 P.O. BOX 858
 MERRILL, IA 51038
 712 539-1471

DATE OF SURVEY: JULY 2023



PARCEL REPORT

Summary

Parcel ID 884702200009
Alternate ID 832237
Property Address 1656 162ND ST
LAWTON IA 51030
Sec/Twp/Rng 2-88-47
Brief Tax Description GOVTL LOTS (EXA TCT 819 RD ON WX 372 ON N IN NW COR)
(Note: Not to be used on legal documents)
255-21849 (11/21/2017)
Deed Book/Page 30-28
Gross Acres 30.28
Net Acres 30.28
Adjusted CSR Pts 1137.37
Zoning AP - AGRICULTURAL PRESERVATION
District 0030 WOODBURY/LAWTON-BRONSON
School District LAWTON BRONSON
Neighborhood N/A



Owner

Deed Holder
SWANGER TERRY V TRUST
4274 DELACROIX CT
SAN JOSE CA 95135-1722
Contract Holder
Mailing Address
SWANGER TERRY V TRUST
4274 DELACROIX CT
SAN JOSE CA 95135-1722

Land

Lot Area 30.28 Acres 1,318,997 SF

Residential Dwellings

Residential Dwelling
Occupancy Single-Family / Owner Occupied
Style 1 Story Frame
Architectural Style N/A
Year Built 1991
Condition Normal
Roof Asph / Hip
Flooring
Foundation C Blk
Exterior Material Vinyl
Interior Material Drwf
Brick or Stone Veneer
Total Gross Living Area 2,545 SF
Main Area Square Feet 2,545
Attic Type None
Number of Rooms 0 above; 0 below
Number of Bedrooms 0 above; 0 below
Basement Area Type Full
Basement Area 2,545
Basement Finished Area 1,843 SF - Living Qtrs. (Multi)
Plumbing 1 Standard Bath - 3/4; 3 Shower- Stall Bath - 3;
Appliances 1 Range Unit; 1 Oven - Single; 1 Dishwasher;
Central Air Yes
Heat Yes
Fireplaces 1 Masonry;
Porches 15 Frame Enclosed (192 SF); 15 Frame Open (56 SF);
Decks Wood Deck (666 SF);
Additions
Garages 1,120 SF - Att Frame (Built 1991);

Yard Extras

#1 - (1) Swimming Pool (Residential) 800 SFWSA, Vinyl, Cover-No, Heat-None, Diving Brd-Average, Built 1991

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
12/30/2018	SWANGER TERRY V LIFE ESTATE ETAL	SWANGER TERRY V TRUST	762-6857	Quit Claim Deed	Deed		\$0.00
4/14/1998	SWANGER TERRY V & JOAN G.	LAW, THOMAS F & TARAL	398-2115	SALE OF PORTION OF PROPERTY (SPLIT)	Deed		\$14,000.00

Show There are other parcels involved in one or more of the above sales.

Valuation

	2023	2022	2021	2020	2019
Classifcation	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$37,050	\$28,780	\$28,780	\$27,220	\$27,220
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$581,440	\$442,380	\$442,380	\$376,550	\$376,550
= Gross Assessed Value	\$618,490	\$471,160	\$471,160	\$403,770	\$403,770
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$618,490	\$471,160	\$471,160	\$403,770	\$403,770

Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

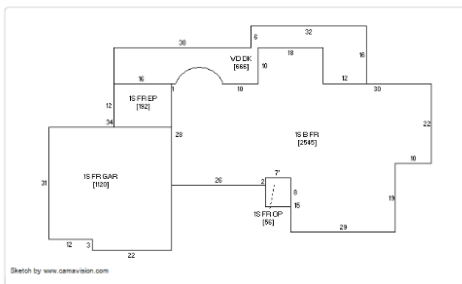
Woodbury County Tax Credit Applications

[Apply for Homestead, Military or Business Property Tax Credits.](#)

Photos



Sketches



No data available for the following modules: Commercial Buildings, Agricultural Buildings, Permits, Sioux City Tax Credit Applications, Sioux City Board of Review Petition.

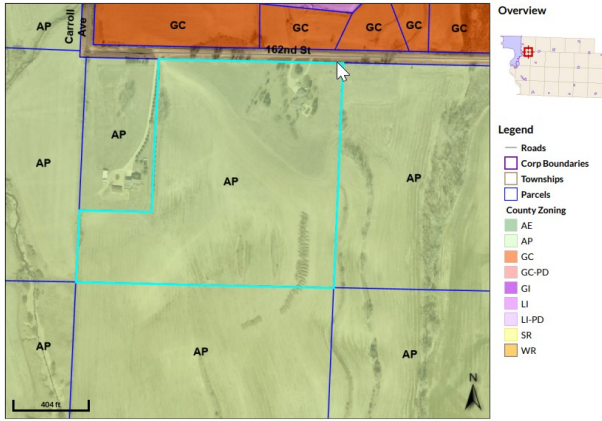
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Contact Us



User Privacy Policy | GDPR Privacy Notice
Last Data Update: 9/29/2023, 7:10:32 PM

ZONING MAP



Parcel ID: 884702200009
 Sec/Twp/Rng: 2-88-47
 Property Address: 1656 162ND ST
 District: LAWTON 0030
 Brief Tax Description: GOVT LOTS (EXA TCT 819-90' ON W X 372' ON N IN NW COR)
 Alternate ID: 821237
 Class: A
 Acreege: 30.28
 Owner Address: SWANGER TERRY V TRUST
 4274 DELACROIX CT
 SAN JOSE, CA 95135-1722

(Note: Not to be used on legal documents)

EFFECTIVE FLOODPLAIN MAP

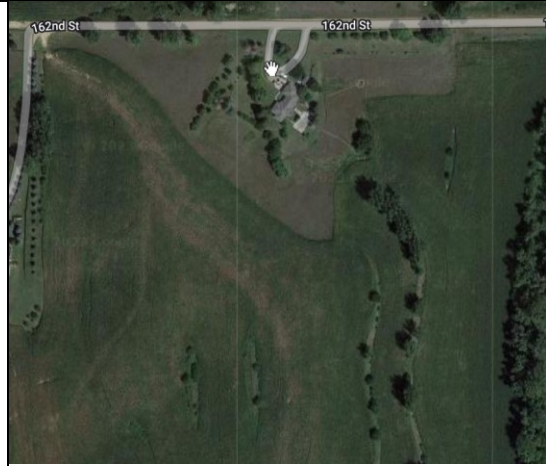


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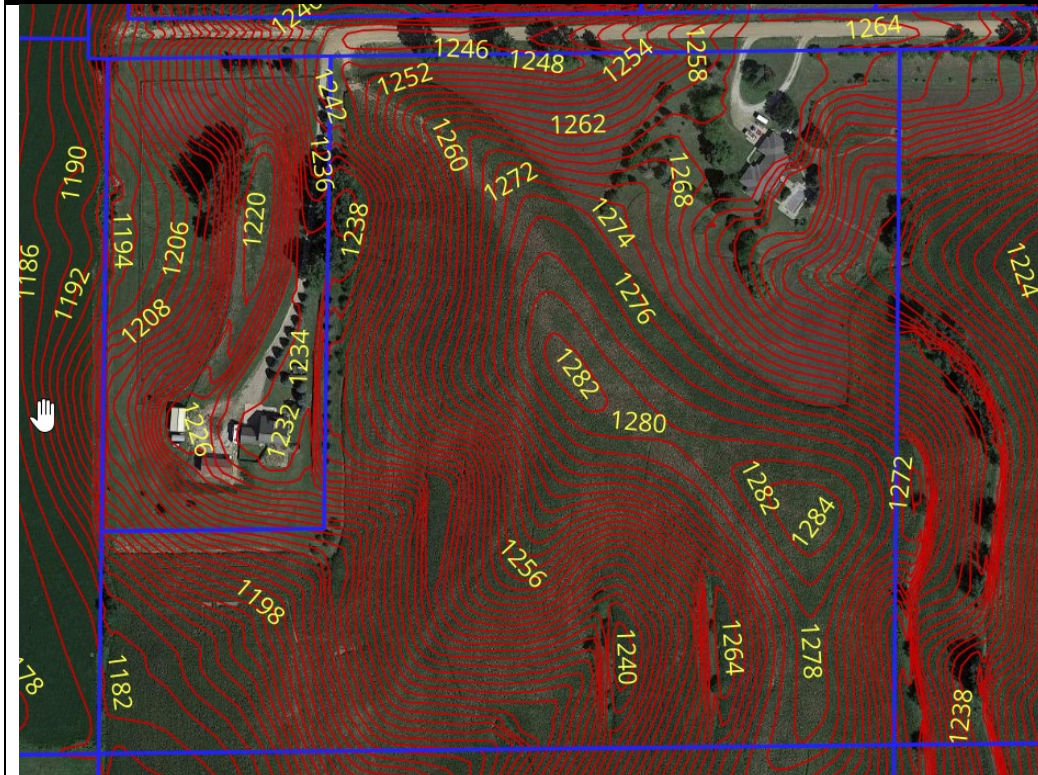
Not in floodplain.

DRAFT FLOODPLAIN MAP

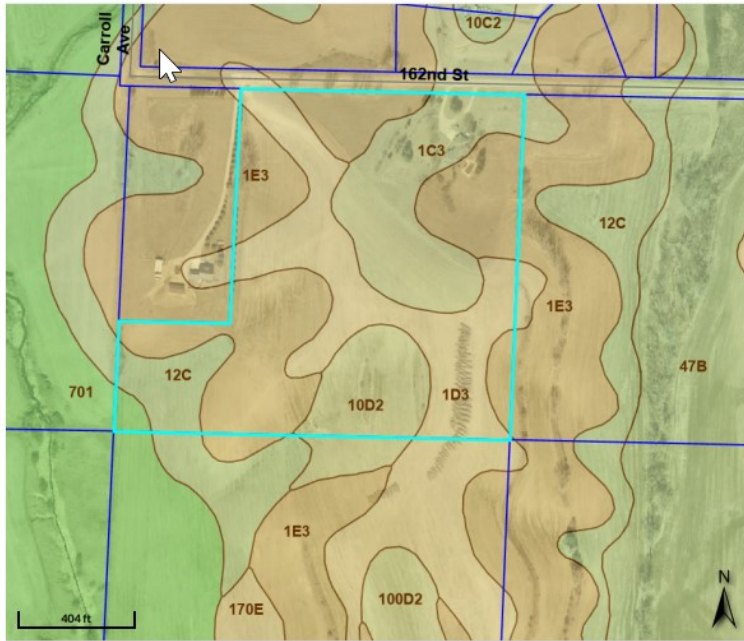


Not in floodplain.

ELEVATION MAP



SOIL MAP



Overview



Legend

- Roads
- Soils**
- 0.000000 - 5.000000
- 5.000001 - 20.000000
- 20.000001 - 30.000000
- 30.000001 - 40.000000
- 40.000001 - 50.000000
- 50.000001 - 60.000000
- 60.000001 - 70.000000
- 70.000001 - 80.000000
- 80.000001 - 90.000000
- 90.000001 - 100.000000
- Corp Boundaries
- Townships
- Parcels

Parcel ID 884702200009 Alternate ID 821237 Owner Address SWANGER TERRY V TRUST
 Sec/Twp/Rng 2-88-47 Class A 4274 DELACROIX CT
 Property Address 1656 162ND ST Acreege 30.28 SAN JOSE, CA 95135-1722
 LAWTON
 District 0030
 Brief Tax Description GOVT LOT5 (EX A TCT 819.90' ON W X 372' ON N IN NW COR)
 (Note: Not to be used on legal documents)

SOIL REPORT

Summary

Parcel ID 884702200009
 Gross Acres 30.28
 ROW Acres 0.00
 Gross Taxable Acres 30.28
 Exempt Acres 0.00
 Net Taxable Acres 30.28 (Gross Taxable Acres - Exempt Land)
 Average Unadjusted CSR2 38.64 (1170.14 CSR2 Points / 30.28 Gross Taxable Acres)

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	28.00	37.98	1,063.50	1,063.50
Non-Crop	2.28	46.77	106.64	73.87
Total	30.28		1,170.14	1,137.37

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	1.83	162.87	162.87
100% Value	701	WILSEY SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	79.00	0.33	26.07	26.07
100% Value	10D2	MONONA SILT LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY ERODED	60.00	3.02	181.20	181.20
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	4.37	253.46	253.46
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	7.70	246.40	246.40
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	10.75	193.50	193.50
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	1.64	95.12	62.35
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	0.64	11.52	11.52
Total				30.28	1,170.14	1,137.37