



**North Liberty Planning Commission  
Tuesday, March 7, 2023, 6:30 PM  
North Liberty City Council Chambers  
1 Quail Creek Circle, North Liberty, Iowa 52317**

This meeting may be accessed live by the public in person or on the internet at [northlibertyiowa.org/live](http://northlibertyiowa.org/live), on Facebook at [facebook.com/northliberty](https://facebook.com/northliberty) or on YouTube at [youtube.com/northliberty](https://youtube.com/northliberty). Meetings are rebroadcast on cable and available on-demand on [northlibertyiowa.org](http://northlibertyiowa.org).

Call to Order

**1. Roll Call**

**2. Approval of the Agenda**

- 3. North Ridge Parts 2 & 3 Preliminary Subdivision Plat:** Request of Scanlon Family, LLC. And The Trustees of Penn Township to approve a Preliminary Subdivision Plat for a 37 lot subdivision on approximately 36.32 acres. The property is located at the southeast corner of North Liberty Road and Oak Lane NE.
- a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Questions and Comments
  - e. Recommendation to the City Council

**This item was tabled indefinitely at the October 4, 2022 Planning Commission meeting.**

- 4. Solomons Entertainment District Preliminary Subdivision Plat:** Request of Pratt Real Estate Management, Inc. to approve a Preliminary Subdivision Plat for a 3 lot subdivision on approximately 8.82 acres. The property is located at the northwest corner of West Penn Street and North Jones Boulevard.
- a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Questions and Comments
  - e. Recommendation to the City Council

5. **Approval of Previous Minutes**
6. **Old Business**
7. **New Business**
8. **Adjournment**



To **City of North Liberty Planning Commission**  
 From **Ryan Rusnak, AICP**  
 Date **March 3, 2023**  
 Re **Request of Scanlon Family, LLC. And The Trustees of Penn Township to approve a Preliminary Subdivision Plat for a 37 lot subdivision on approximately 36.32 acres. The property is located at the southeast corner of North Liberty Road and Oak Lane NE.**

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North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

- Ryan Heiar, City Administrator
- Tracey Mulcahey, Assistant City Administrator
- Grant Lientz, City Attorney
- Tom Palmer, City Building Official
- Kevin Trom, City Engineer
- Ryan Rusnak, Planning Director

**1. Request Summary:**

This Preliminary Subdivision Plat proposes 37 single-unit residence lots, related infrastructure and would accommodate the existing Alt/Wein Cemetery.

**2. Zoning:**

RS-4 Single-Unit Dwelling District.

RS-4 Single-Unit Residence District. The RS-4 District is intended to provide and maintain low-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-4 District.



### 3. Consistency with Comprehensive Plan:

Land Use Plan designation: Urban Low Intensity (ULI) and Parks and Open Space (P,OS).

#### *ULI Description*

An efficient, walkable pattern of lower-density development. Compared to denser areas, ULI has more space and separation of uses, with farther distances between destinations and fewer shared amenities. Low-intensity areas can include a horizontal mix of primarily residential and limited non-residential uses at compatible lower densities and scales.

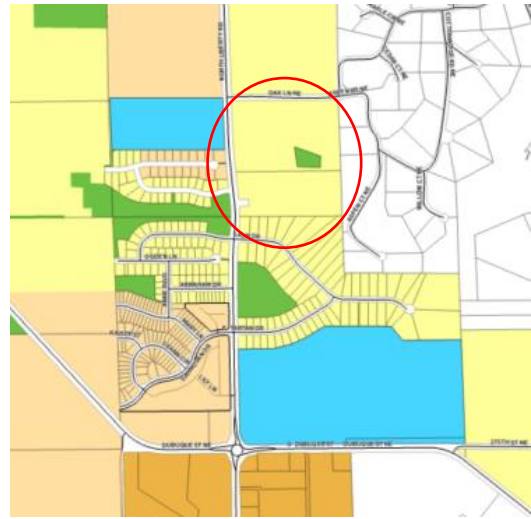
#### *Residential*

Emphasis on single-family detached and attached residential developments.

Attached housing projects may primarily be at transition areas between arterial or collector streets, small scale commercial uses, and higher intensity districts.

#### *Form and Features*

- » General aggregate development density of 3 to 8 units per acre. Lot sizes can vary within developments to provide different housing types.
- » A framework of streets and open space should create neighborhoods and multiple access points for all types of transportation.
- » Open spaces, streets, and trail connections integrate with the larger community.



#### *P,OS Description*

Some areas contain valuable environmental features that should not be developed or that would make good recreational spaces. Areas intended for parks can be developed with recreational features while open space areas are more appropriate for habitat preservation with only passive recreation uses.

#### *Form and Features*

- » Based around natural areas where wetlands, floodplains, and any other sensitive areas should be preserved. Development is limited to park areas.
- » Minimal site disturbance, green infrastructure, and stormwater management.
- » Development on the periphery should not remove trees or other natural landscaping to help retain natural filtering and protection from pollutants.
- » More intense recreation uses within parks, like sports complexes, should be treated like comparable commercial uses for the traffic and compatibility issues that they can generate.



#### 4. Public Input:

A good neighbor meeting was held on June 15, 2022. Approximately eleven people outside of City staff and the applicant attended the virtual meeting. There were some concerns expressed at the meeting. Concerns expressed pertained to the use of Oak Lane NE (which will remain private and in unincorporated Johnson County), stormwater runoff and erosion control and the removal of trees to accommodate the development. To date, staff has received four formal objections.

There has been considerable effort between the property owner and Fjords North Addition Homeowners' Association regarding an agreement pertaining to the use of Oak Lane NE and development matters. This agreement is dated January 23, 2023 and is attached in the background material.

#### 5. Approval Standards:

Section 180.11(3)(A) of the North Liberty Code of Ordinances sets forth the preliminary subdivision plat submittal requirements and review (Ordinance language in *italics* and staff analysis in **bold**).

3. *Preliminary Subdivision Plat Submittal Requirements and Review. The preliminary plat, in general, contains more information than the final plat, so that the subdivider and the City can ensure conformance with codes, master facility plans, and good planning and engineering practices. Though the preliminary plat is not recorded, it is approved by resolution of the City Council, and conditions for approval of the plat shall be addressed on any final plats of the same area.*

A. *Preliminary Plat Contents. The application shall include a preliminary plat of the subdivision drawn to a scale of one inch to one hundred feet minimum, and shall show:*

(1) *A location map to provide spatial reference, showing the outline of the area to be subdivided, existing streets and corporate limits in the vicinity, a north arrow and scale or note stating "not to scale," and other information that might help clarify where the plat is located as well as its surroundings and size relative to other City features;*

**This has been provided on the Preliminary Plat.**

(2) *Name of proposed subdivision and date;*

**This has been provided on the Preliminary Plat.**

(3) *Legal description and acreage;*

**This has been provided on the Preliminary Plat.**

(4) *Name and address of owner;*

**This has been provided on the Preliminary Plat.**

(5) *Names of the persons preparing the plat, owner's attorney, representative or agent, if any;*

**This has been provided on the Preliminary Plat.**

(6) Existing and proposed zoning district classification of all land within the proposed subdivision and within about 200 feet of the subdivision;

**Staff is not requiring this information on the Preliminary Plat.**

(7) North point and graphic scale;

**This has been provided on the Preliminary Plat.**

(8) Contours at two-foot intervals or less, both existing and as generally proposed (subject to more refinement in subsequent construction plans);

**This has been provided on the Preliminary Plat.**

(9) Building setback lines as required by the current or proposed zoning district classifications;

**This has been provided on the Preliminary Plat.**

(10) The approximate boundaries of areas of known flood levels or floodplains, areas covered by water, wooded areas, floodways, and all open channel drainage ways;

**This has been provided on the Preliminary Plat.**

(11) Locations, names, and dimensions of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings within in the proposed subdivision and within about 200 feet of the subdivision;

**This has been provided on the Preliminary Plat.**

(12) Layout of proposed blocks, if used, and lots, including the dimension of each lot, and the lot and block number in numerical order;

**This has been provided on the Preliminary Plat.**

(13) Layout and dimensions of proposed streets, sidewalks, trails, alleys, utility and other easements, parks and other open spaces or reserved areas;

**This has been provided on the Preliminary Plat.**

(14) Grades of proposed streets and alleys;

**This has been provided on the Preliminary Plat.**

(15) A cross-section of the proposed streets showing the roadway locations, the type of curb and gutter, the paving, and sidewalks to be installed;

**This has been provided on the Preliminary Plat.**

(16) The layout of proposed water mains and sanitary sewer systems;

**This has been provided on the Preliminary Plat.**

(17) The drainage of the land, including proposed storm sewers, ditches, culverts, bridges and other structures;

**This has been provided on the Preliminary Plat.**

*(18) Stormwater management facilities when applicable;*  
**This has been provided on the Preliminary Plat.**

*(19) A signed certificate of the Johnson County Auditor for the subdivision name;*  
**This information has been provided.**

*(20) Other special details or features that may be proposed or required.*  
**None required.**

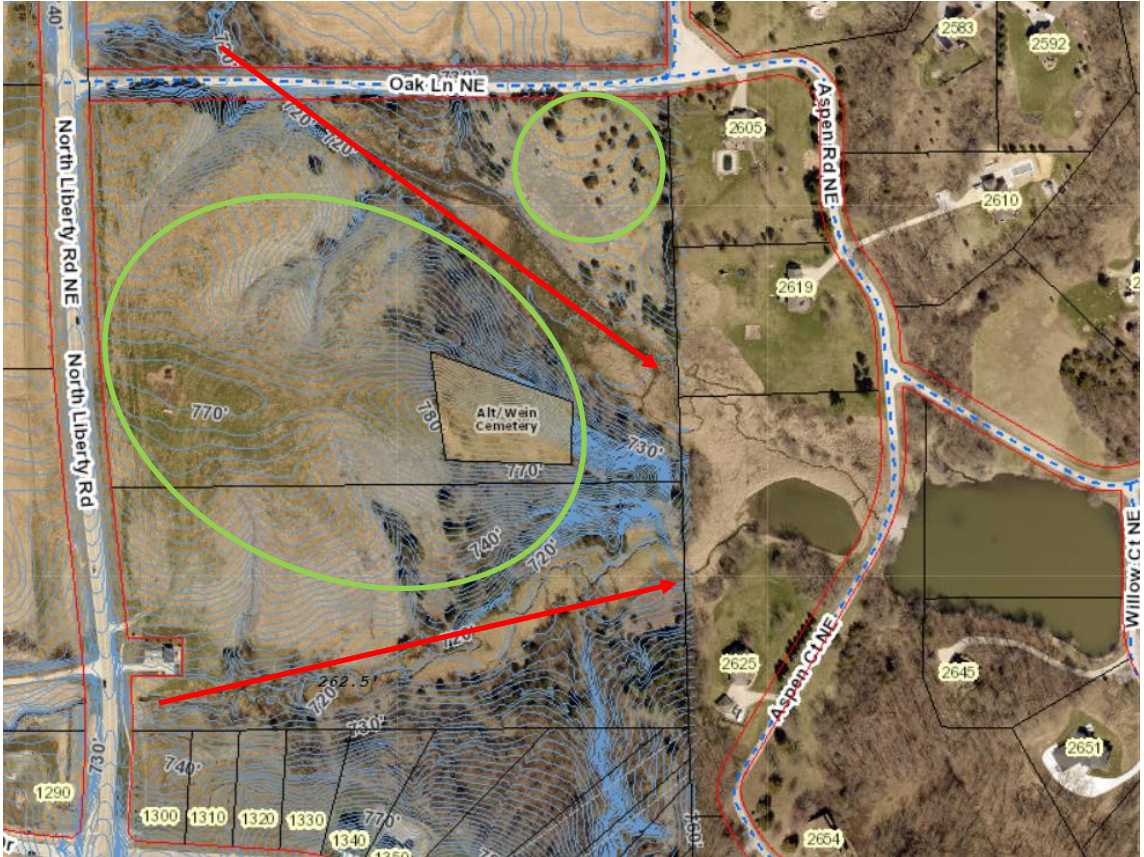
#### **6. Additional Considerations:**

The northern parcel and the Alt/Wein Cemetery property were recently annexed into the corporate limits of North Liberty. The following is from the Find a Grave website:

*The first burial in the Alt/Wein Cemetery was on Nov 15 1842, Louisa, dau of Alonzo and Maria Denison. The people buried in this cemetery are pioneer settlers of Penn Twp. Based on the stones in the cemetery, thirty were buried before the end of the Civil War, fourteen before the end of the century and three at the beginning of the 20th Century. No more burials were allowed after 1920. Two Civil War Veterans are buried there. On Apr 3 1922, the trustees of Penn Twp accepted a quit claim deed from the Alts for the cemetery and agreed to maintain it. The cemetery is east of a gravel road. Currently one must access the cemetery through a cow pasture. Access can only be made with permission of the pasture owner who lives on a farm on the other side of the road.*

The Scanlon Family, LLC has been working with The Trustees of Penn Township about developing in a sensitive manner around the cemetery.

There are two drainage courses through the property. The direction of the drainage flow is show in red on the map below. The area in green are the two high points of the property.



Oak Lane NE is a private access to the Fjords North Subdivision and is planned to remain in unincorporated Johnson County. Scanlon Family, LLC owns the land in the location Oak Lane NE with an easement granted for access to the Fjords Subdivision. Scanlon Family, LLC retains the right to access their property. Three of the lots in the proposed subdivision would have access to Oak Lane NE only. This necessitates a variation of the Subdivision Ordinance.

In early discussions, City staff had indicated that perhaps these properties could remain in unincorporated Johnson County. However, County staff correctly noted that the adopted Fringe Area Agreement between the City and the County showed this property as being part of the City of North Liberty.

#### Section 180.12(3)(A)

A. Streets and Driveways. When a drive provides the frontage for one or more lots as required in the Zoning Ordinance, that drive shall be designated as a street and shall meet all design and construction regulations for streets contained in this ordinance and in the City's construction design standards.

#### Section 180(8)(A)

A. Private streets in single family residential areas are not allowed.

This is a rare circumstance where staff agrees that a variation from the design standards is warranted.

Section 180.08 of the North Liberty Code of Ordinances sets forth the criteria for approving variations (Ordinance language in *italics* and staff analysis in **bold**).

1. *Upon recommendation of the Planning Commission or on its own motion, the City Council may vary, modify or waive requirements of this ordinance; however, no such action shall be taken by the Council unless affirmative findings are made for each of the applicable following criteria:*
  - A. *Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of irregularity, narrowness, shallowness, substandard or marginal size, exceptional topographical features, or other extraordinary conditions peculiar to and inherent in the subject property that relate to or arise out of the property rather than the personal situation of the current owner of the property, and that amount to more than a mere inconvenience to the owner.*

**It is staff's opinion that the property is irregular with an existing private roadway on the north and drainage courses running through the property.**

- B. *Not Exclusively for Financial Gain. The purpose of the variation is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations applicable to it, or that it could be used more profitably if not subject to such regulations, should not in itself justify granting a variation.*

**It is staff's opinion that the variation is not exclusively for financial gain. In theory, a bridge could be constructed, but that would be cost prohibitive. The other option is to completely reconstruct Oak Lane NE to City standards for the benefit of three properties in the City and several properties in unincorporated Johnson County. If a public street, the City would be responsible for maintenance and snow removal.**





C. *Unique Circumstances Not Self-Created.* The unique or special condition referenced above either existed at the time of the enactment of the provisions of this ordinance that affect it, or was the result of government action, other than adoption of this ordinance, for which no compensation was paid, and which has not been created by any persons presently having an interest in the property.

**This is a natural feature of the property was not self-created.**

D. *Substantial Rights Denied.* Carrying out the strict letter of the provisions of this ordinance would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.

**It is staff's opinion that requiring these three lots to have access on a public street would render this portion of the property unbuildable.**

E. *Not Special Privilege.* The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.

**It is staff's opinion that no special privilege would be granted by this variation.**

F. *Not Detrimental.* Granting the variation will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; nor will it materially impair an adequate supply of light and air to adjacent properties; substantially increase congestion in the public streets; increase the danger of flood or fire; endanger the public safety; or substantially diminish or impair property values in the vicinity.

**It is staff's opinion that granting the variation would not be detrimental to the area.**

G. *No Other Remedy.* There are no means other than the requested variation by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

**It is staff's opinion that any alternative is cost prohibitive. Therefore, it is staff's opinion that there is no other remedy.**

2. City Council Action. The City Council shall note approval of any variation as provided in this section in the resolution approving the final subdivision plat.

## **7. Staff Recommendation:**

### **Findings:**

1. The preliminary plat, which proposes residential development and park space, would consistency with the Comprehensive Plan Future Land Map designation, which are Urban Low Intensity and Parks, Open Space, respectively;
2. The preliminary plat warrants approval of a variation from the design standards regarding the use of a private street for a portion of the development in accordance with Section 180.08 of the North Liberty Code of Ordinances; and
3. The preliminary plat would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances (with variation granted), which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

### **Recommendation:**

Staff recommends the Planning Commission accept the three listed findings and forward the request of Scanlon Family, LLC. And The Trustees of Penn Township to approve a Preliminary Subdivision Plat for a 37 lot subdivision on approximately 36.32 acres to the City Council with a recommendation for approval.

### **Suggested motion:**

I move that the Planning Commission accept the three listed findings and forward the preliminary plat to the City Council with a recommendation for approval.

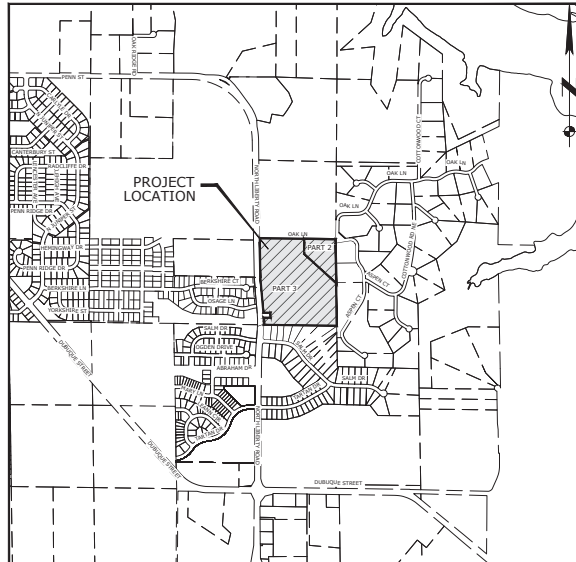
# PRELIMINARY PLAT FOR NORTH RIDGE - PART 2 & 3

## IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

### UTILITY AND EMERGENCY TELEPHONE NUMBERS CITY OF NORTH LIBERTY, IOWA

PLANNING DEPARTMENT	(319)-626-5747
POLICE DEPARTMENT	(319)-356-6800
EMERGENCY	911
FIRE DEPARTMENT	(319)-356-6800
EMERGENCY	911
WATER DEPARTMENT	(319)-626-5719
STREETS DEPARTMENT	(319)-626-5718
PARKS AND RECREATION	(319)-626-5720
IOWA ONE CALL (UTILITIES)	(800)-292-8989
MID-AMERICAN ENERGY	(800)-289-1901
ALLIANT ENERGY (ELECTRIC)	(800)-329-6261
INFORMATION	(800)-255-4268
MEDIACOM (CABLE TV)	(800)-883-0145
SOUTHSLOPE (TELEPHONE / CABLE TV)	(319)-626-2211
LINN COUNTY REC	(800) 332-5420
WINDSTREAM	(800) 289-1901
CEDAR RAPIDS AND IOWA CITY RAILWAY COMPANY	(800)-283-1540
IOWA DEPARTMENT OF TRANSPORTATION	
DISTRICT ENGINEER	(319)-364-0235
MAINTENANCE GARAGES	(319)-364-8189
JOHNSON COUNTY ENGINEER	(319)-356-6046

### LOCATION MAP (1"=1000')

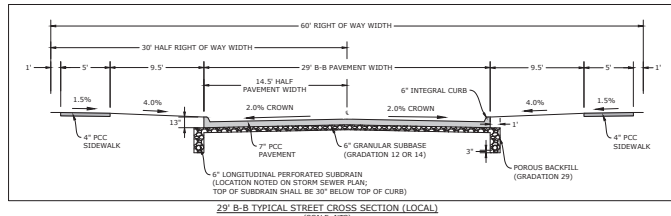


### SHEET INDEX

NO.	DESCRIPTION
01	COVER
02	PRELIMINARY PLAT GRADING PLAN

### LEGAL DESCRIPTION:

GREENBELT TRAIL, LLC  
THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, JOHNSON COUNTY, IOWA.  
EXCEPT  
THAT PART OF AUDITOR'S PARCEL NO. 2021024 LYING WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN AS RECORDED IN BOOK 64, PAGE 353 IN THE OFFICE OF THE JOHNSON COUNTY, IOWA RECORDER.  
AND  
THE SOUTH 500 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, NORTH LIBERTY, JOHNSON COUNTY, IOWA  
THE TRUSTEES OF PEAK TOWNSHIP (ALT WEN CEMETERY)  
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 6 WEST, THENCE SOUTH 27 1/4 DEGREES WEST 48 RODS AND 16 LINKS TO A STONE, THENCE SOUTH 10 DEGREES EAST 14 RODS TO A STONE, THENCE EAST 16 RODS TO A STONE, THENCE NORTH 8 RODS TO A STONE, THENCE NORTHWESTERLY TO THE PLACE OF BEGINNING, COUNTING 176 RODS TOGETHER WITH THE RIGHT-OF-WAY FOR WAGONS AND CARRIAGES FROM THE BANE ROAD TO THE NORTHWEST CORNER OF SAID LOT. THE SAID LAND TO BE USED FOR CEMETERY PURPOSES AND TO BE MAINTAINED AS SUCH.



UTILITY LEGEND		UTILITY LEGEND (CONTINUED)	
EXISTING	PROPOSED	EXISTING	PROPOSED
---(SSB)---	SANITARY SEWER W/SIZE	---(SSB)---	HORSESHOE CATCH BASIN W/O FLUME
---(STIS)---	STORM SEWER W/SIZE	---(STIS)---	HORSESHOE CATCH BASIN W/FLUME
---	SUBDRAIN	---	GAS VALVE
---(FMS)---	FORCE MAIN W/SIZE	---	FLAGGED END SECTION
---(WIS)---	WATER MAIN W/SIZE	---	CLEANOUT, STORM OR SANITARY
---(G)---	GAS	---	BENCHMARK
---(OHE)---	ELECTRIC OVERHEAD	---	STREET SIGN
---(C)---	ELECTRIC UNDERGROUND	---	WELL
---(C)---	CABLE TV UNDERGROUND	---	FIBR HYDRANT
---(OHC)---	CABLE TV OVERHEAD	---	WATER VALVE
---(OHT)---	TELEPHONE OVERHEAD	---	WATER SHUTOFF
---(F)---	FIBER OPTIC UNDERGROUND	---	WATER BLOWOFF
---(OHF)---	FIBER OPTIC OVERHEAD	---	
---(T)---	TELEPHONE UNDERGROUND	---	
---	FENCE LINE	---	
---	CITY CORPORATION LIMITS	---	
---	PROPERTY LINE	---	
---	EASEMENT	---	
---	CITY CORPORATION LIMITS	---	
---	CONTOUR LINE	---	
---	LIGHT POLE W/O MAST	---	
---	LIGHT POLE W/MAST	---	
---	TELEPHONE POLE	---	
---	POWER POLE	---	
---	GUY ANCHOR	---	
---	GUY POLE	---	
---	TELEPHONE PEDESTAL	---	
---	TELEPHONE MANHOLE	---	
---	CABLE TV PEDESTAL	---	
---	UTILITY/CONTROL CABINET	---	
---	SANITARY MANHOLE	---	
---	STORM MANHOLE	---	
---	GATE INTAKE	---	
---	RA-3 INTAKE	---	
---	RA-5 INTAKE	---	
---	RA-6 INTAKE	---	
---	RA-8 INTAKE	---	

**NOTE:**  
THE PROPOSED IMPROVEMENTS INCLUDED IN THESE DRAWINGS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE STATEWIDE URD DESIGN AND SPECIFICATIONS MANUAL (SUDAS) AS NOTED WITH CITY OF NORTH LIBERTY SUPPLEMENTAL SPECIFICATIONS UNLESS OTHERWISE NOTED.

### BENCHMARKS:

CP #1 (SURVEY PT #100): N=7966366.33 E=20524853.93 EL=734.32  
DESCRIPTION = CUT 'X' ON STORM INTAKE, SW CORNER OF SITE, WEST SIDE OF NORTH LIBERTY ROAD  
CP #2 (SURVEY PT #104): N=7967803.73 E=2054774.63 EL=738.68  
DESCRIPTION = CUT 'X' ON STORM INTAKE, NW CORNER OF WEST SIDE OF NORTH LIBERTY ROAD

STREET	CLASS	DESIGN SPEED	ROW WIDTH	PAVEMENT WIDTH	PAVEMENT THICKNESS
OSAGE LANE	LOCAL	30 MPH	60'	29'	7"
RIVER BIRCH LANE	LOCAL	30 MPH	60'	29'	7"

### PLAT APPROVED BY THE CITY OF NORTH LIBERTY

CITY CLERK	DATE
UTILITY EASEMENTS, AS SHOWN HEREON, MAY OR MAY NOT INCLUDE SANITARY SEWER LINES, AND/OR STORM SEWER LINES, AND/OR WATER LINES. SEE CONSTRUCTION PLANS FOR DETAILS.	
CITY FILE NUMBER: HALL & HALL ENGINEERS PROJECT NUMBER: 9749-NR2	



**HALL & HALL ENGINEERS, INC.**  
*Leaders in Land Development Since 1953*

1860 BOYSON ROAD, HIAWATHA, IOWA 52233  
PHONE: (319) 362-9548 FAX: (319) 362-7595

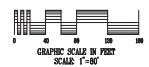
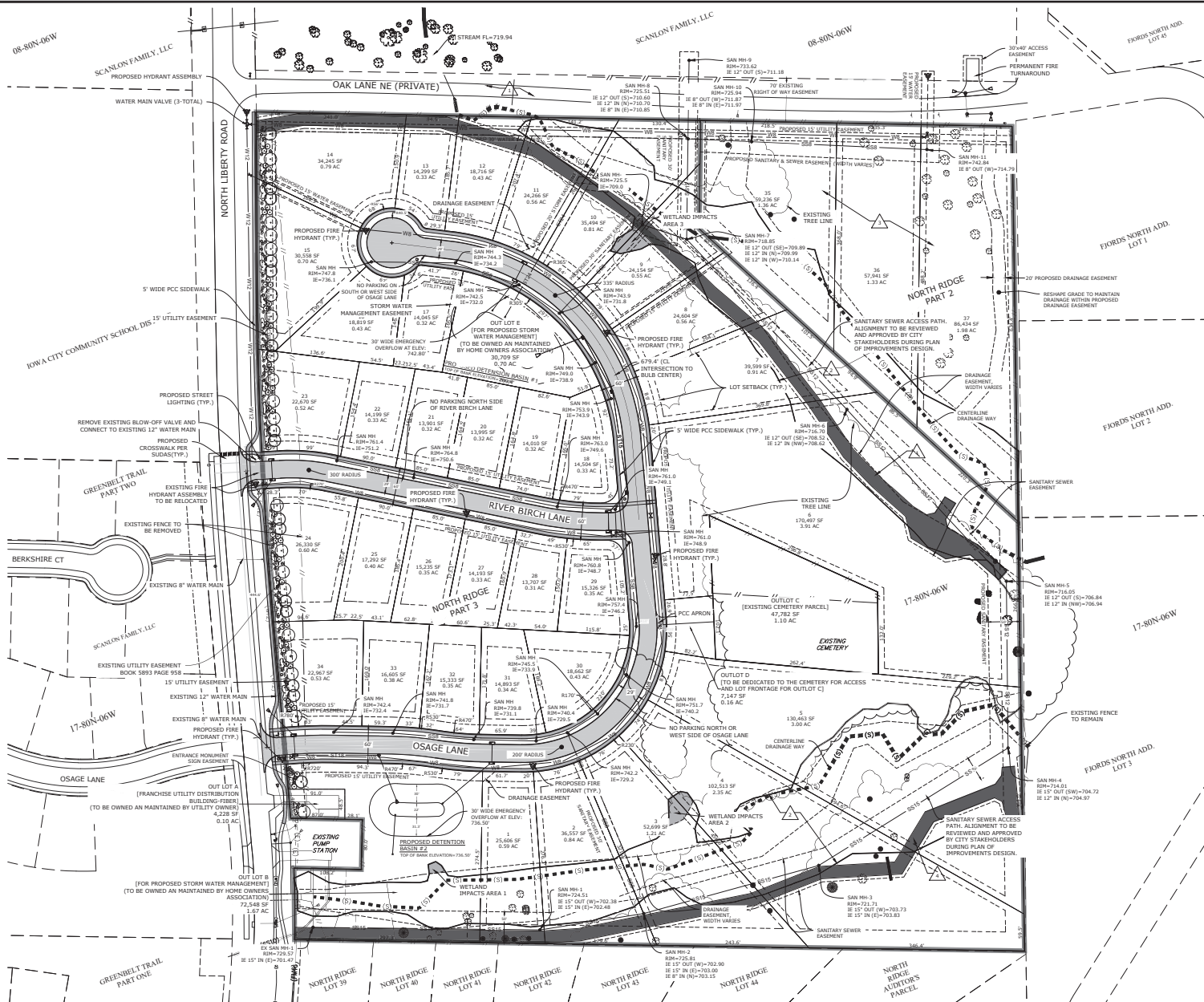
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LAND SURVEYING • LAND DEVELOPMENT PLANNING

[www.halleng.com](http://www.halleng.com)



Contract Person	JASON SANTEE, P.E.
Telephone Number	(319) 362-9548
Fax Number	(319) 362-7595
Mailing Address	1860 BOYSON ROAD HIAWATHA, IA 52233
E-Mail Address	<a href="mailto:jhall@halleng.com">jhall@halleng.com</a>
Date Submitted	05-02-2022
Date Re-submitted	06-24-2022
Date Re-submitted	11-13-2022
Date Re-submitted	12-21-2022
Date Re-submitted	01-09-2023
Date Re-submitted	01-13-2023





- KEY NOTES:**
- ⚠️ OAK LANE NE SIDEWALK AND STREET IMPROVEMENTS ARE NOT REQUIRED BY THE CITY. OAK LANE TO REMAIN AS AN EASEMENT. DEVELOPER SHALL BE RESPONSIBLE FOR NEGOTIATING AND PROVIDING FOR ACCESS TO OAK LANE WITH PRIVATE OWNER(S).
  - ⚠️ WETLAND AREA.
  - ⚠️ STORM WATER MANAGEMENT FOR LOTS 35-37 WILL COMPLY WITH THE POST CONSTRUCTION RUNOFF ORDINANCE. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR DESIGN, PERMITTING, CONSTRUCTION, BMP MAINTENANCE AGREEMENTS AND MAINTENANCE.
  - ⚠️ LIMITS OF WETLAND IMPACT AND TEMPORARY WETLAND IMPACT TO BE DETERMINED WITH PLAN OF IMPROVEMENTS.

DRAWN BY:	KLH
CHECKED BY:	JAS
APPROVED BY:	LMH
DATE:	01/13/2023
FIELD BOOK:	OT 109

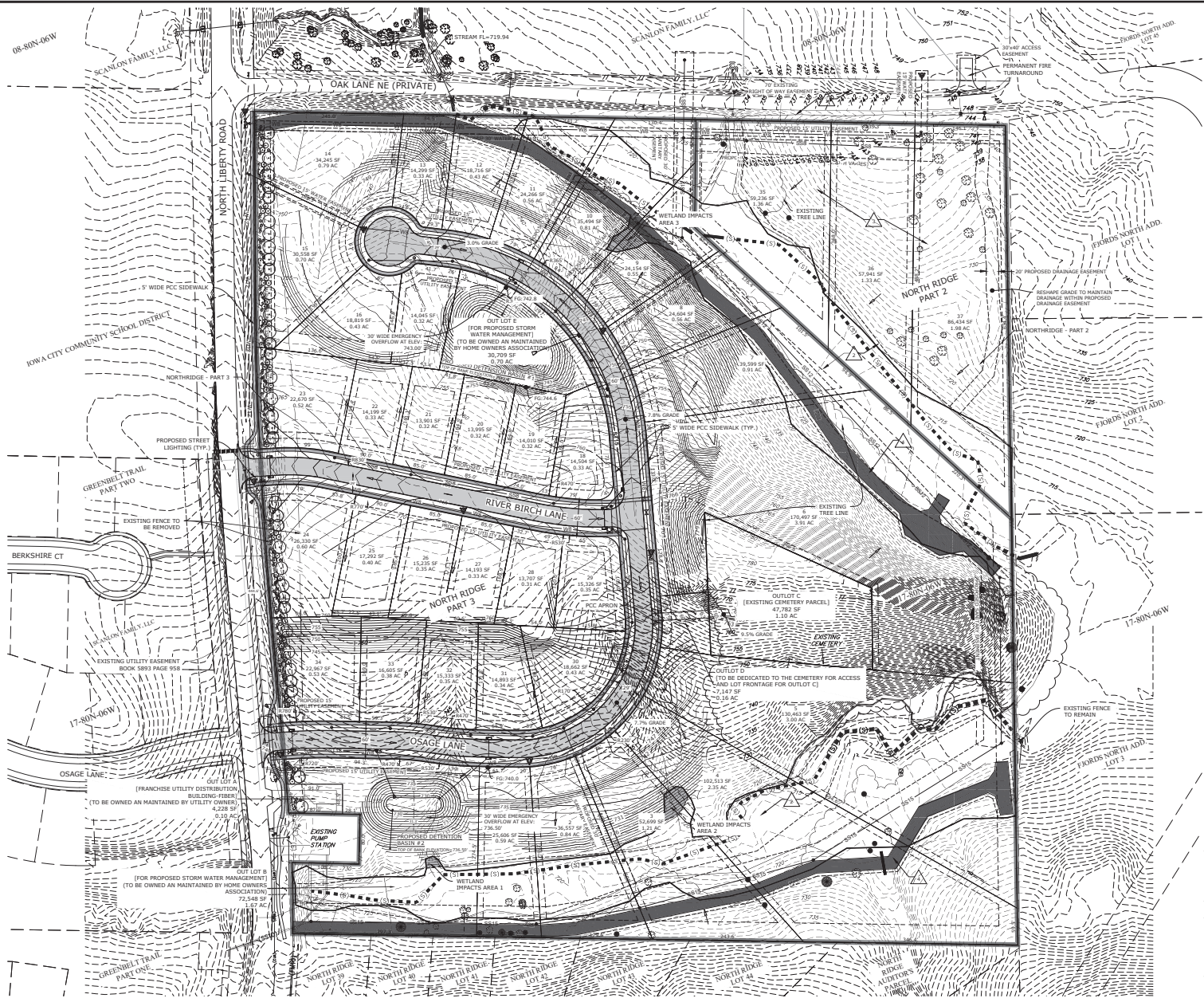
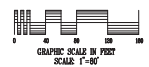


**HALL & HALL ENGINEERS, INC.**  
 a member of Land Development Group  
 2800 OLYSON ROAD, IOWA FALLS, IOWA 50501  
 PHONE: (515) 339-0800 FAX: (515) 339-7000  
 LAND ENGINEERING • LANDSCAPE ARCHITECTURE  
 LAND SURVEYING • AND DEVELOPMENT PLANNING

NORTH RIDGE - PART 2 & 3  
 IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

PRELIMINARY PLAN  
 SHEET 01  
 PROJECT NO.: 9749-NR2  
 SCALE: 1"=80'

CAD FILE: L:\PROJECTS\9749-NR\NorthRidge-Cemeteries\9749-NR2-001 (1).dwg Date: 01/13/2023 10:58:24 AM Plotted By: Jason Sumner



- KEY NOTES:**
- ▲ OAK LANE NE SIDEWALK AND STREET IMPROVEMENTS ARE NOT REQUIRED BY THE CITY. OAK LANE TO REMAIN AS AN EASEMENT. DEVELOPER SHALL BE RESPONSIBLE FOR NEGOTIATING AND PROVIDING FOR ACCESS TO OAK LANE WITH PRIVATE OWNER(S).
  - ▲ WETLAND AREA.
  - ▲ STORM WATER MANAGEMENT FOR LOTS 35-37 WILL COMPLY WITH THE POST CONSTRUCTION RUNOFF ORDINANCE. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR DESIGN, PERMITTING, CONSTRUCTION, BMP MAINTENANCE AGREEMENTS AND MAINTENANCE.
  - ▲ LIMITS OF WETLAND IMPACT AND TEMPORARY WETLAND IMPACT TO BE DETERMINED WITH PLAN OF IMPROVEMENTS.

DRAWN BY: KJH					
CHECKED BY: JAS					
APPROVED BY: LMH					
DATE: 01/13/2023					
FIELD BOOK: OT 109	NO.	REVISION DESCRIPTION	APPROVED	DATE	



**HALL & HALL ENGINEERS, INC.**  
*Member of Land Development Group 2022*  
 1840 BOYSSON ROAD, IOWA FALLS, IOWA 50501  
 PHONE: (515) 339-0800 FAX: (515) 339-0700  
 CML ENGINEERS & LANDSCAPE ARCHITECTURE  
 AND SURVEYING AND DEVELOPMENT PLANNING

NORTH RIDGE - PART 2 & 3

IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

SCALE: 1"=80'

GRADING PLAN

PROJECT NO: 9749-NR2

SHEET  
02

CAD FILE: I:\Projects\9749-NR\NorthRidge\General Design Services\9749-NR2-01 - NorthRidge-2nd\DWG\9749-NR2-01 (1).dwg Date Plotted: Friday, January 13, 2023 9:01:08 AM Plotted By: Jason Suttner



## AGREEMENT

THIS AGREEMENT, made and entered into this 29<sup>th</sup> day of January, 2023, by and among SCANLON FAMILY DEVELOPMENT COMPANY, an Iowa corporation ("Company") and SCANLON FAMILY, L.L.C., an Iowa limited liability company ("Family") (Company and Family being sometimes hereinafter collectively referred to as "Scanlons"), and FJORDS NORTH HOMEOWNERS ASSOCIATION, INC., an Iowa non-profit corporation ("Fjords").

### RECITALS

A. Fjords is an association of the property owners in Fjords North Addition, Johnson County, Iowa, according to the plat thereof recorded in Book 19, Page 67, Plat Records of Johnson County, Iowa, and consisting of 56 single-family residential lots ("Fjords North Addition").

B. Fjords North Addition is accessed over a roadway extending east from North Liberty Road in the City of North Liberty, Iowa (the "City"), for approximately  $\frac{1}{4}$  mile, known as Oak Lane, which is bordered both on the north and the south thereof by property owned by Family.

C. The predecessors in title of Family and Fjords entered into an easement agreement for access to said Fjords North Addition by an Easement Agreement dated October 9, 1979, and recorded on January 14, 1980, in Book 563, Page 306, Records of the Recorder of Johnson County, Iowa, and re-recorded on May 11, 1994, in Book 1746, Page 125, Records of the Recorder of Johnson County, Iowa, a copy of said agreement being attached hereto as Exhibit "A", and by this reference made a part hereof (the "Easement Agreement").

D. Oak Lane was, at one time, a county road which was vacated by Johnson County, Iowa, by Resolution 02-28-02-02 on February 28, 2002, and recorded on March 7, 2002, in Book 3245, Page 251, Records of the Recorder of Johnson County, Iowa, a copy of said Resolution being attached hereto as Exhibit "B", and by this reference made a part hereof.

E. Family is the owner of the property immediately north and immediately south of Oak Lane between North Liberty Road on the west and Fjords North Addition on the east. Family's property located on the south side of Oak Lane has been annexed into the City (the "Annexed Property").

F. Actual development of the Annexed Property will be undertaken by Company. In addition, Family and Company or their successors in interest may, in the future, develop the property immediately north of Oak Lane.

G. Family and Company now desire to develop the Annexed Property. Family and Company have submitted a preliminary plat of the proposed subdivision to the City, with Scanlons and Fjords having worked collaboratively to address certain concerns which Fjords and its members have expressed regarding Scanlons' proposed development. A copy of said Preliminary Plat is attached hereto as Exhibit "C", and by this reference made a part hereof (the "Development").

H. This Agreement is for the purpose of expressing said concerns and a resolution thereof by and among the parties hereto, it being recognized that the ultimate authority for approval of the Development lies with the City Council of the City.

NOW THEREFORE, in consideration of the mutual covenants, agreements, stipulations and conditions herein contained, it is agreed as follows:

1. Oak Lane Matters.

a. Scanlons will, in Protective Covenants and Restrictions covering the Development and in the Developer's Agreement with the City, provide that there will be no residential access driveways from Oak Lane onto any lot in the Development except for one driveway each for Lots 35, 36 and 37, as depicted on attached Exhibit "C." Said Exhibit "C" depicts a permanent service drive or permanent turnaround at or near the midpoint of the northerly boundary of Lot 37, projected northerly, which shall be used only for those purposes required by the City of North Liberty and, specifically, not for any access to property lying north of Oak Lane. No access from Oak Lane to the property north of Oak Lane shall be permitted west of the permanent turnaround depicted on Exhibit "C", except for utility access as hereinafter set forth, and such permanent turnaround shall not be used for access to any residential lots on Scanlon

property located north of Oak Lane. Specifically, and not by way of limitation, this restriction shall apply to all residential lots in Northridge Part Three, which back up to Oak Lane and to any future lots to be developed north of Oak Lane. It is understood that the City and/or utility companies serving the Development may require short accesses to utilities from Oak Lane, but no such utility access shall be used as an additional residential access. This utility access restriction shall also be applicable to properties developed north of Oak Lane.

b. The Protective Covenants and Restrictions to be imposed by Scanlons on the Development, in addition to the other provisions set forth herein, shall provide that the owners of Lots 35, 36 and 37 shall be prohibited from using Fjords property for a turnaround, recreation, and lake access unless accompanied by a member of the Fjords or express written permission in granted by the Fjords board of directors.

c. The Protective Covenants and Restrictions to be imposed by Scanlons on the Development, in addition to the other provisions set forth herein, shall provide that the owners of Lots 35, 36 and 37 shall be prohibited from seeking any variance from the setback requirements of the City under either present or future subdivision, development or other ordinances.

d. Scanlons shall, at their expense, erect "no parking" signs along the north side of Oak Lane from the permanent turnaround near the northeast corner thereof west to North Liberty Road, and shall erect such signs on the south side of Oak Lane from North Liberty Road to the northeast corner of Lot 37, projected northerly. Except as herein permitted, no parking shall be permitted on either the north or the south sides of Oak Lane. Scanlons and/or future owners of Lots 35, 36 and/or 37 may widen the surface of Oak Lane at selected locations between the northwest corner of Lot 35 and the northeast corner of Lot 37, along Oak Lane to a width sufficient for temporary parking and maintaining the current 20' wide open surface on Oak Lane where parking is being utilized. Any such parking area shall be hard surfaced with materials such as concrete, asphalt or other paving materials comparable to the surface of Oak Lane. At such time as the surface of Oak Lane adjacent to Lots 35, 36 and/or 37 shall be widened, as permitted in the above and foregoing subparagraph, said "no parking" signs in front of said widened area only shall be replaced, at the cost of Scanlons or their successors in interest, with signs which provide "no overnight parking." Fjords shall have no responsibility with regard to the repair, maintenance or

snow removal of any widened portions of Oak Lane, or of the permanent turnaround shown on the plat and referenced in subparagraph (a) above.

All of the above and foregoing parking restrictions shall be incorporated in the protective covenants and restrictions for the development. With regard to the parking areas along Oak Lane adjacent to Lots 35, 36 and 37, Fjords shall be deemed to be a "person in control of the property" for purposes of Iowa Code Section 321.89. The parties recognize that the Easement Agreement attached as Exhibit "A" provides that at no time shall the traveled portion of Oak Lane be blocked or obstructed, and such restriction is hereby reaffirmed and will be incorporated in the Protective Covenants and Restrictions for the Development.

e. No construction equipment will be parked on Oak Lane during the grading or construction phases of the development.

f. Scanlons shall, at their expense, repair any damage done to Oak Lane during the grading and construction phases of the development. Thereafter, the owners of Lots 35, 36 and 37 will make a contribution to the upkeep, maintenance, repair and snow removal on Oak Lane in the amount of \$100 per lot for the first three (3) years after the final plat has been accepted by the City. Developer will pay the first three (3) years upfront at that time, which will be \$900. Starting in year four (4), the access road expense fee shall be determined to be in the amount  $1/59^{\text{th}}$  of the cost to Fjords related to the portion of Oak Lane access road only, but not less than \$100. It has been calculated that the access road is 9.2% of the entire roadway system in the subdivision. Fjords shall also be empowered to assess each such lot for repairs, reconstruction and resurfacing in the amount of  $1/59^{\text{th}}$  of the cost to Fjords related to the portion of Oak Lane access road only. This right of assessment shall terminate should Oak Lane become a public street. In the event that any owner of Lots 35, 36 or 37 fails to timely pay such assessment, Fjords is hereby granted the authority to file a lien for such unpaid assessment against the delinquent lot owner and his or her lot, to be enforceable in the same manner as such assessments may be enforced against owners in Fjords North. The owners of Lot 35, 36 and 37 shall have no voting power with respect to the levying of any such assessments.

g. Prior to finalizing and recording covenants for North Ridge - Part Two and Part Three, Scanlons will submit the proposed covenants for North Ridge Part Two to the Fjords North Homeowners Association Board of Directors for approval.

Such approval will only be for purposes of verifying that the covenants conform to the promises made in this Agreement and that they are reasonably similar to the Fjords covenants. In the event that Scanlons shall not be notified in writing of any objection to said proposed covenants within twenty (20) days following the submission of said covenants to said board of directors, said covenants shall, for purposes of this Agreement, be deemed approved.

h. Lots 35, 36 and 37 will not make use of the Fjords mailbox cluster, those lots shall have their own that does not encroach on Fjords property.

i. If it becomes necessary to move the Fjords speed sign in front of Lot 35, Scanlons will reinstall it just west of Lot 35.

2. Storm Water Detention. The parties acknowledge that the City, in its City Code, imposes extensive requirements on developers with respect to storm water management and drainage, including but not limited to submission of a storm water management plan to the City Engineer, obtaining various licenses and permits, providing for various submittals to the City, monitoring of site conditions and reporting changes to the enforcement officer. Scanlons agree to submit a copy of all of such filings to Fjords, and it is understood that Fjords may, at its option, seek a professional review of such filings and report any conclusions reached by such professional to the City and any other public authorities having jurisdiction over the matter in question.

3. Enforcement. It is understood that, in the event of the violation hereof by either party, no claim, speedy or adequate remedy at law may exist, and therefore specific performance and other equitable or injunctive relief shall apply in the enforcement of this Agreement.

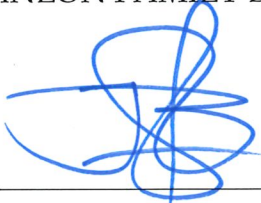
4. Sanitary Trunk Line. Due to rugged slopes and susceptibility to erosion in close proximity to Fjords North Addition, Scanlons agree to directionally bore a segment of sanitary sewer trunk line where such line shall be in close proximity to the Fjords North boundary line. This will allow slopes to maintain existing vegetation as opposed to open cutting the trench and denuding existing vegetation. All other pipes and mains will be buried underground during the course of construction.

5. Homeowners' Association - Insurance. Scanlons shall provide that the homeowners' association for Lots 35, 36 and 37 shall maintain public liability and property damage insurance coverage on Oak Lane and shall cause Fjords to be designated as an additional insured on such coverage. Similarly, Fjords shall maintain public liability and property damage insurance coverage on Oak Lane and shall cause the homeowners' association for Lots 35, 36 and 37 to be designated as an additional insured on such coverage.

6. Objections. Upon the full execution hereof, Fjords will withdraw any and all objections to the Development which it has filed with the City and will file no further objections so long as future Development filings are consistent with the terms hereof, except Fjords retains the right to object to or comment on the storm water management plan and related permit applications prepared as contemplated in Paragraph 2 above.

7. Binding on Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors in interest, personal representatives and assigns.

SCANLON FAMILY DEVELOPMENT COMPANY



By: \_\_\_\_\_  
James Patrick Scanlon, Jr., President

**"COMPANY"**

SCANLON FAMILY, L.L.C.



By: \_\_\_\_\_  
James Patrick Scanlon, Jr., Managing Member

**"FAMILY"**



FJORDS NORTH HOMEOWNERS' ASSOCIATION, INC.

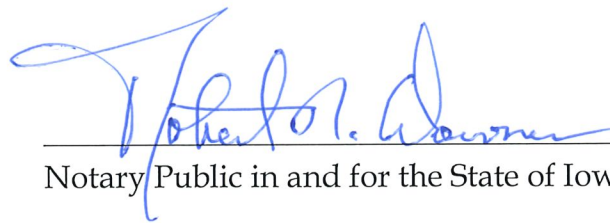
By: Timothy Conklin  
Timothy Conklin, President

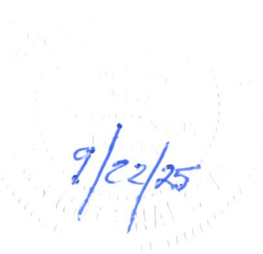
By: Jocuna C Hall  
Jocuna C Hall, Secretary

"FJORDS"

STATE OF IOWA            )  
  )  
  )        SS:  
COUNTY OF JOHNSON    )

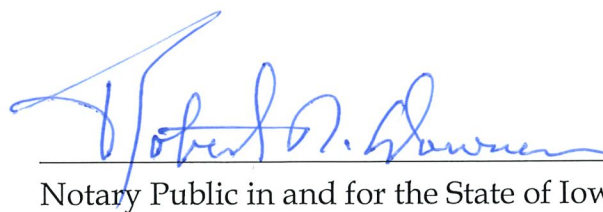
This instrument was acknowledged before me this 20<sup>th</sup> day of January, 2023, by James Patrick Scanlon, Jr., as President of SCANLON FAMILY DEVELOPMENT COMPANY.

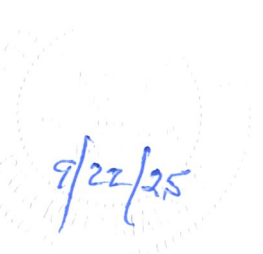
  
\_\_\_\_\_  
Notary Public in and for the State of Iowa



STATE OF IOWA            )  
  )  
  )        SS:  
COUNTY OF JOHNSON    )

This instrument was acknowledged before me on this 20<sup>th</sup> day of January, 2023, by James Patrick Scanlon, Jr., as Managing Member of SCANLON FAMILY, L.L.C.

  
\_\_\_\_\_  
Notary Public in and for the State of Iowa



STATE OF IOWA            )  
  )        SS:  
COUNTY OF JOHNSON    )

This instrument was acknowledged before me on this 29<sup>th</sup> day of January, 2023, by Timothy Conklin and Joanna C Hall as President and Secretary, respectively, of FJORDS NORTH HOMEOWNERS' ASSOCIATION, INC.

*Craig Reischauser*  
Notary Public in and for the State of Iowa



EXHIBIT "A"

*Pat 18.00*  
*4820*  
*at 21.00*

FILED 6416  
BOOK 563 PAGE 306  
1980 JUN 14 PM 3:04  
*John B. Quigg*  
RECORDER  
JOHNSON CO., IOWA *JK*

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made and entered into this 9th day of October, 1979, by and among SCANLON FARMS, INC., an Iowa corporation, BEATRICE M. SCANLON, as Trustee of George H. Scanlon Trust No. 2; and JAMES P. SCANLON and JENNIFER L. SCANLON, husband and wife, hereinafter collectively referred to as "Grantors" and ALAN K. FEDGE and SALLY J. FEDGE, husband and wife, and FJORDS NORTH, INC., an Iowa corporation, hereinafter collectively referred to as "Grantees",

WITNESSETH:

WHEREAS, Grantees are the owners of the following described real estate situated in Johnson County, Iowa, to-wit:

Government Lot four (4), and the south half of the southeast quarter, of section eight (8); Also the north half of the northeast quarter, and the north half of the southwest quarter of the northeast quarter, of section seventeen (17); all being in township eighty (80) north, range six (6) west of the 5th P.M.; excepting therefrom the following described tract, to-wit:

Beginning at the northeast corner of the southwest quarter of the southeast quarter of said Section 8, thence west 80 rods, thence south 6 rods, thence east 80 rods, thence north 6 rods to the place of beginning.

Also excepting the following described tract, all bearings being referred to the Iowa Coordinate System, South Zone, to-wit:

Beginning at the northeast corner of said Section 17, thence south 2 degrees 19 minutes east 1328.7 feet along the east line of said Section 17 to the southeast corner of the Northeast quarter of the northeast quarter of said Section 17, thence south 89 degrees 23 minutes west 1309.5 feet along the south line of said northeast quarter of the northeast quarter to the southwest corner thereof, thence north 2 degrees 12 minutes west 350 feet along the west line thereof to a point, thence north 62 degrees 12 minutes east 486.1 feet to a point, thence north 16 degrees 48 minutes west 523.1 feet to a point, thence north 48 degrees 13 minutes east 436.3 feet to a point, thence north 23 degrees 15 minutes east 343.8 feet to a point, thence south 87 degrees 09 minutes east 525.5 feet to a point on the east line of the southeast quarter of the southeast quarter of said Section 8, thence south 0 degrees 48 minutes east 316 feet along said east line to the point of beginning.

Also excepting the following described tract, all bearings being referred to the Iowa Coordinate System, South Zone, to-wit:

FILED NO. 024839  
BOOK 1746 PAGE 125  
94 MAY 11 AM 9:37

306

vs. 1746 PAGE 125

*John B. Quigg*  
RECORDER  
JOHNSON CO., IOWA

Beginning at a point on the east line of said Government Lot 4 of Section 8, which is north 0 degrees 48 minutes west 2003 feet from the southeast corner of said Section 8, thence south 62 degrees 48 minutes west 730.8 feet to a point, thence north 23 degrees 25 minutes west 673 feet to a point, thence north 1 degree 17 minutes west 747.1 feet to a point, thence north 54 degrees 35 minutes west 440.2 feet to a point on the west line of said Government Lot 4, thence north 2 degrees 03 minutes east 368.4 feet, more or less, along said west line to a point on the ordinary high water line on the right bank of the Iowa River, thence downstream along the meanders of said ordinary high water line to a point on the east line of said Government Lot 4, thence south 0 degrees 48 minutes east along said east line to the point of beginning, and,

WHEREAS, Grantors are the owners of certain real estate abutting the above described premises on the west, and,

WHEREAS, a county road providing access to the above described premises from the north-south county road located in Section 17, Township 80 north, Range 6 west of the 5th P.M., and,

WHEREAS, the records of Johnson County, Iowa, relative to the status of the said county road are unclear and the parties hereto desire to clarify the question of access to the above described premises.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, stipulations and conditions herein contained, it is agreed as follows:

1. Grantors do hereby acknowledge the existence of a county road 66 feet in width, the center line of which is legally described on Exhibit "A", attached hereto and by this reference made a part hereof.

It is understood that the Grantor, Scanlon Farms, Inc., is the owner of the real estate generally located south of the line described on Exhibit "A" with the Grantors, George H. Scanlon Trust No. 2 and James P. Scanlon generally owning the real estate north of said line. Nothing herein contained shall, however, be construed as establishing a

307

vs. 1746 PAGE 126

-3-

property line dividing the respective properties of the Grantors different from the descriptions presently describing said properties.

2. Grantees assume any and all obligations for the maintenance, operation and repair of the roadway located as above described, to the extent that such maintenance, operation and repair is not borne by Johnson County, Iowa. Grantees shall not require Grantors to contribute in any manner to the maintenance, operation, or repair of said roadway unless and until the real estate owned by Grantors, or any of them, shall be subdivided or otherwise developed for other than agricultural purpose, in which event the Grantor or Grantors benefited shall bear a just and proportionate share of such maintenance expense.

3. No party shall obstruct or block said roadway in any manner or modify the same to the extent that it interferes with the natural flow of the drainage of Grantors' property abutting said roadway, and shall not cause or permit to exist thereon any nuisance or other offensive or extrahazardous activity.

4. Grantors reserve the right to utilize said easements, in common with Grantees, their heirs, successors in interest, personal representatives and assigns as well as the traveling public. Grantors further reserve the right of access to said roadway from abutting properties owned by Grantors.

5. Grantor Jennifer L. Scanlon joins herein only as the spouse of James P. Scanlon, and undertakes no obligations hereunder.

308

Vol. 1746 PAGE 127

Book: 1746 Page: 125 Seq: 3

6. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors in interest, personal representatives and assigns.

SCANLON FARMS, INC.

James P. Scanlon By James P. Scanlon  
JAMES P. SCANLON President

Jennifer L. Scanlon By Beatrice M. Scanlon  
JENNIFER L. SCANLON Secretary

Alan K. Fedge Beatrice M. Scanlon  
ALAN K. FEDGE BEATRICE M. SCANLON, Trustee  
George H. Scanlon Trust No. 2

Sally J. Fedge  
SALLY J. FEDGE

CORPORATE SEAL

FJORDS NORTH, INC.

By Sally J. Fedge  
President

By Alan K. Fedge  
Secretary

STATE OF IOWA  
JOHNSON COUNTY

On this 9 day of September, 1979, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared James P. Scanlon and Beatrice M. Scanlon, to me personally known, who being by me duly sworn, did say that they are the President and Secretary respectively, of SCANLON FARMS, INC., said corporation executing the within and foregoing instrument, the seal affixed hereto is the seal of the said corporation, that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and that the said James P. Scanlon and Beatrice M. Scanlon as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

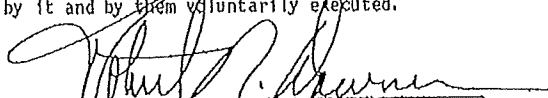


Daniel W. Boyle  
Notary Public for the State of Iowa

309

STATE OF IOWA  
SS.  
JOHNSON COUNTY

On this 9th day of October, 1979, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Sally J. Pedge and Alan K. Pedge, to me personally known, who being by me duly sworn, did say that they are the President and Secretary respectively, of FJORDS NORTH, INC. said corporation executing the within and foregoing instrument, that no seal has been procured by the said corporation, that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and that the said Sally J. Pedge and Alan K. Pedge as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

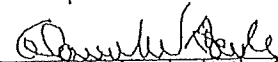
  
Notary Public for the State of Iowa

STATE OF IOWA  
SS.  
JOHNSON COUNTY

NOTARIAL SEAL

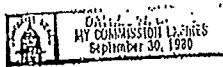
On this 9 day of ~~September~~ <sup>October</sup>, 1979, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Beatrice M. Scanlon, Trustee of George H. Scanlon Trust No. 2, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she as such fiduciary, executed the same as the voluntary act and deed of herself and as such fiduciary.

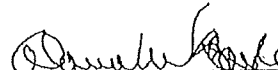


  
Notary Public for the State of Iowa

STATE OF IOWA  
SS.  
JOHNSON COUNTY

On this 9 day of ~~September~~ <sup>October</sup>, 1979, before me, the undersigned, a Notary Public in and for said County and State, personally appeared James P. Scanlon and Jennifer L. Scanlon, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



  
Notary Public for the State of Iowa

STATE OF IOWA  
SS.  
JOHNSON COUNTY

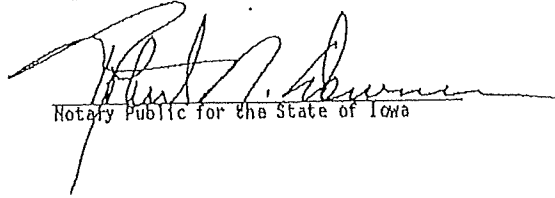
On this 9th day of October, 1979, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Alan

310



-6-

K. Fedge and Sally J. Fedge, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

  
Notary Public for the State of Iowa

NOTARIAL SEAL

311

vs. 1746 PAGE 130

Book: 1746 Page: 125 Seq: 6

EXHIBIT "A"

That portion of the South 66.0 Feet of the Southeast Quarter of the Southwest Quarter of Section 8, Township 80 North, Range 8 West, of the 5th Principal Meridian, lying East of the Centerline of North Liberty Road; said tract lies in Johnson County, Iowa; Tract is subject to an overflow easement recorded in Book 202, Page 41 of the Johnson County, Iowa Records.

vs. 1746 PAGE 131

Book: 1746 Page: 125 Seq: 7

EXHIBIT "B"

No  
FEE

FILED NO. 024916  
BOOK 3245 PAGE 251

RESOLUTION 02-28-02-02  
VACATION OF A ROAD IN JOHNSON COUNTY

02 MAR -7 PM 4:01

JOHNSON COUNTY RECORDER  
IOWA CITY, IOWA

WHEREAS, a public hearing was held on Thursday, November 1, 2001, at 9:30 a.m. in the Board Room of the Johnson County Board of Supervisors on the proposed vacation and closure of a Johnson County road, described as follows:

(Road Vacation 02-2001): Beginning at the Southeast Corner of the Southeast Quarter of the Southwest Quarter of Section 8, Township 80 North, Range 6 West of the 5<sup>th</sup> P.M.; thence North 4 rods; thence West 80 rods; thence South 4 rods; thence East 80 rods to the place of beginning, containing 2 acres.

WHEREAS, no objections were received on Road Vacation 02-2001; and

WHEREAS, said part of present right-of-way is no longer required for use by the public for highway purposes and will not hereafter be required for construction or maintenance purposes for any highway;

THEREFORE, BE IT RESOLVED by Johnson County that all of the above described road and right-of-way, together with any and all rights of Johnson County in and to the same are hereby closed, vacated and abandoned, and Johnson County hereby disclaims any right, title or interest in and to said part of present right-of-way to the use thereof, for any purpose whatsoever.

Motion by Lehman, second by Stutsman, to approve Resolution 02-28-02-02.

Neuzil      Stutsman      Lehman      Thompson      Harney

*aye*      *aye*      *aye*      *aye*      *aye*

SEAL

Carol Thompson  
Carol Thompson, Chair, Board of Supervisors

Tom Slockett  
Attest: Tom Slockett, Auditor

By: M. J. [Signature] Deputy

On the 4th day of March, 2002

[Publishing Schedule]

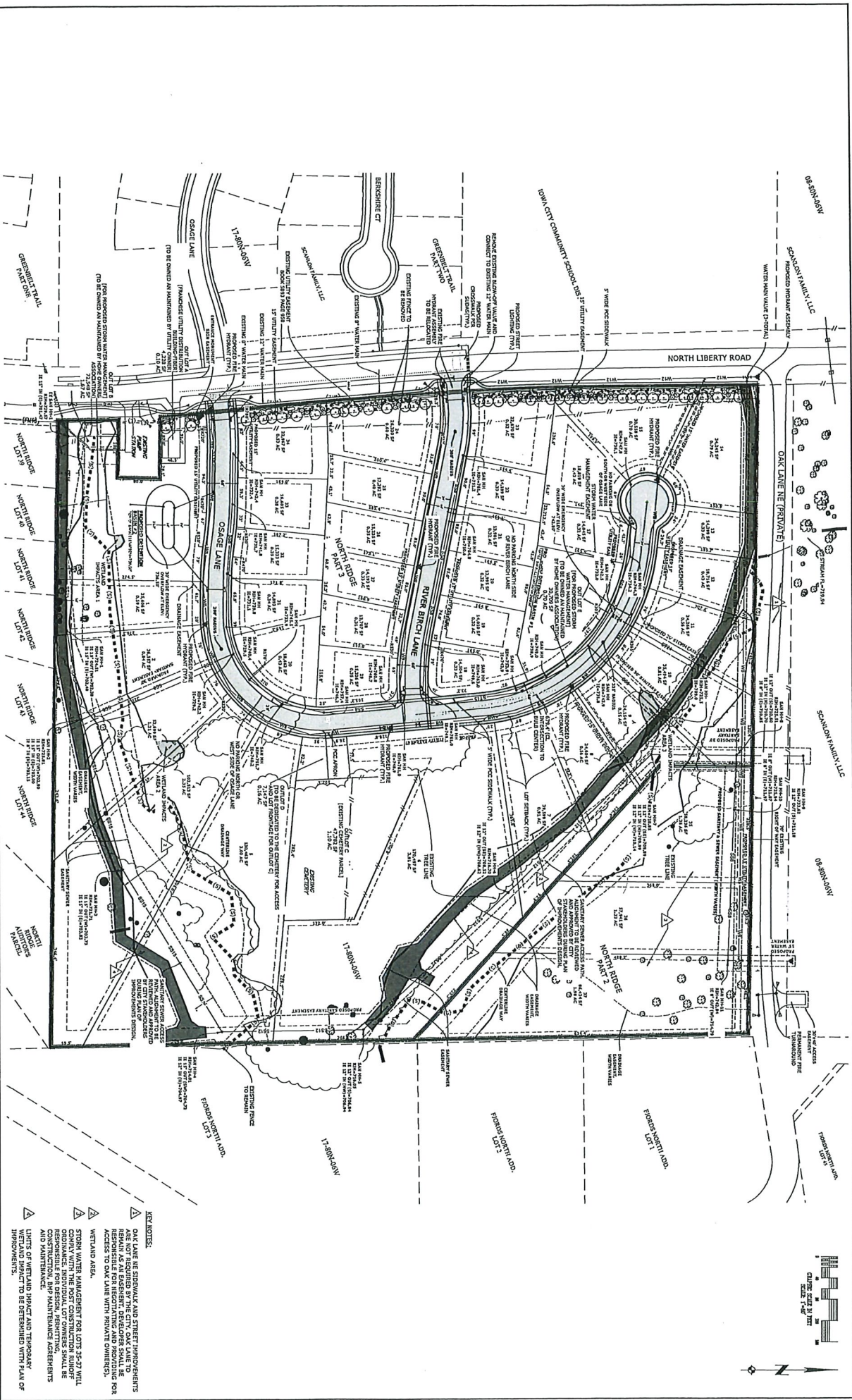
Iowa City Press-Citizen:  
Solon Economist and The Leader:  
Lone Tree Reporter:

000251





DESIGNED BY: K&H	DATE: 01/19/2023	REVISION DESCRIPTION:	APPROVED:	DATE:
APPROVED BY: JMS				
FIELD BOOK: 01789				
				
<b>HALL &amp; HALL ENGINEERS, INC.</b> <small>1000 North Liberty Road, North Liberty, IA 52317        Phone: 319.335.1111        Fax: 319.335.1112        Email: info@hallandhall.com</small>				
<b>IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA</b>				
<b>NORTH RIDGE - PART 2 &amp; 3</b>				
<b>SCALE: 1"=40'</b>				
<b>PRELIMINARY PLAN</b>				
<b>PROJECT NO. 2242423</b>				
<b>SHEET 01</b>				





DRAWN BY: KMK  
 APPROVED BY: LMK  
 DATE: 01/27/2023  
 FIELD BOOK: Q1 119

REVISION DESCRIPTION: APPROVED DATE

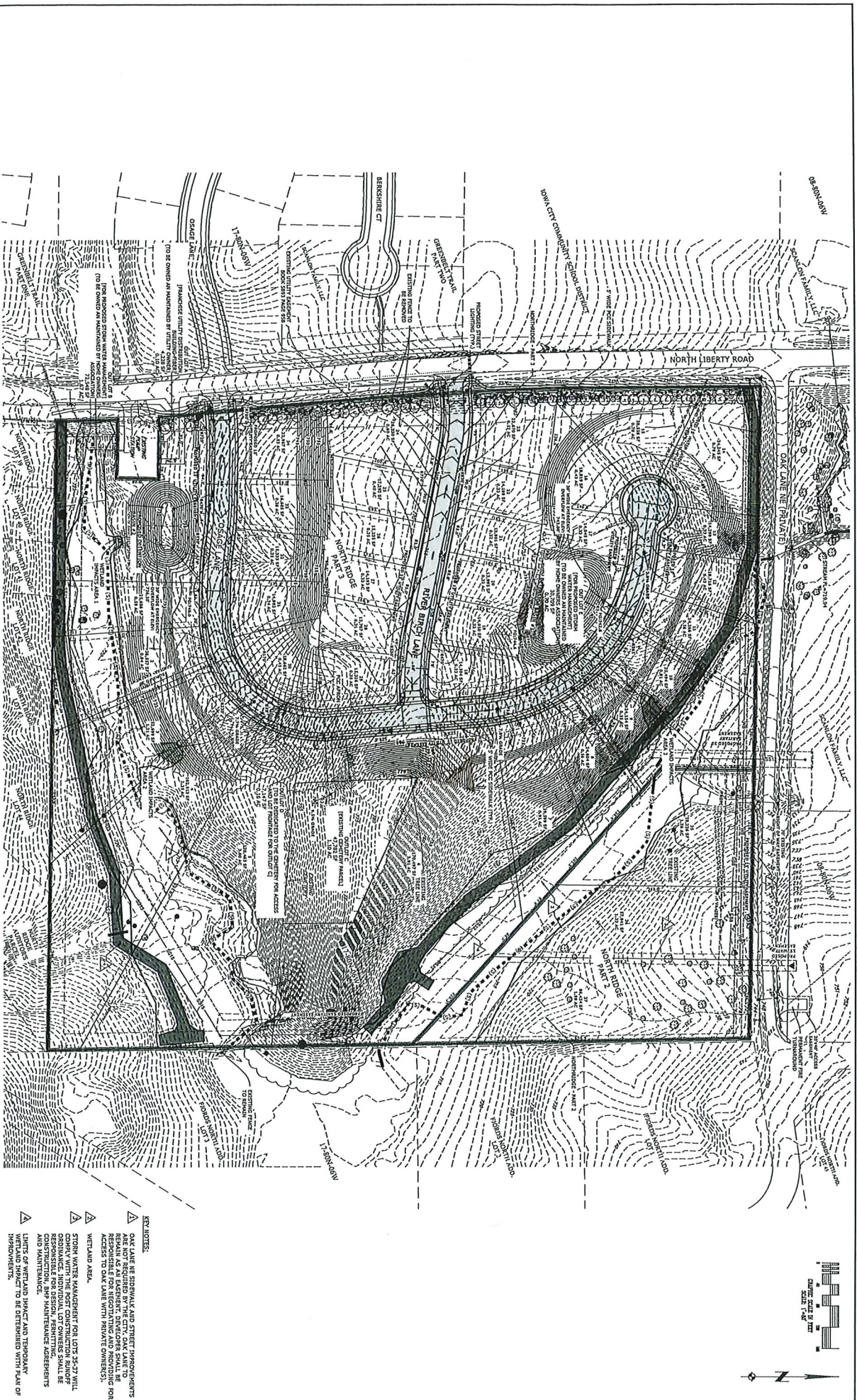


HILL & HALL ENGINEERS, INC.  
 515 WEST 11TH AVENUE, SUITE 100  
 IOWA CITY, IOWA 52241  
 PH: 319.338.1111  
 FAX: 319.338.1112  
 WWW.HILLANDHALL.COM

NORTH RIDGE - PART 2 & 3  
 IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA

SCALE: 1"=80'  
 PROJECT NO. 19-042

GRADING PLAN  
 SHEET 02



- KEYNOTES:**
- ▲ OAK LANE NE SIDEWALK AND STREET IMPROVEMENTS ARE NOT REQUIRED BY THE CITY. OAK LANE NE IS RESPONSIBLE FOR NEGOTIATING AND PROVIDING FOR ACCESS TO OAK LANE WITH PRIVATE OWNERS.
  - ▲ STORM WATER MANAGEMENT FOR LOTS 35-37 WILL CONFORM WITH THE MOST CONSERVATIVE RUNOFF COEFFICIENT AND PAVEMENT PERCENTAGE. PERMITTING AND MAINTENANCE AGREEMENTS SHALL BE OBTAINED FROM THE CITY OF NORTH LIBERTY.
  - ▲ LIMITS OF WETLAND IMPACT AND TEMPORARY WETLAND IMPACT TO BE DETERMINED WITH PLAN OF IMPROVEMENTS.



MEARDON, SUEPPEL & DOWNER P.L.C.  
LAWYERS

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(1939-2019)

OF COUNSEL:  
JAMES D. MCCARRAGHER  
CRAIG N. WILLIS

RETIRED:  
THOMAS D. HOBART  
NANCY B. WILLIS

January 14, 2022

Mr. Ryan Rusnak, AICP  
Planning Director  
City of North Liberty  
3 Quail Creek Circle  
North Liberty, IA 52317

Re: Scanlon Family, L.L.C. - Oak Lane

Dear Mr. Rusnak:

The following is my review of the Easement Agreement dated October 9, 1979 (the "Easement"), wherein the then-owners of various Scanlon family interests granted a right-of-way easement in favor of Alan K. Fedge and Sally J. Fedge and Fjords North, Inc. for access to the Fedges' property which was all subdivided as a part of the Fjords North Subdivision. A copy of that recorded Easement is enclosed. By way of background, the roadway in question was, at that time, a county road, although there appear to have been questions about the status of that road which existed when the Easement was executed. Subsequently, on February 28, 2002, the Johnson County Board of Supervisors adopted Resolution No. 02-28-02-02 relinquishing any interest which the county had in this road. This resolution is recorded in the Johnson County Recorder's office in Book 3245, Page 251. This vacation by the county, however, would have no effect on the Easement.

In your email to Loren Hoffman of January 13, 2022, you raised the question of access by the City of North Liberty for purposes of maintenance. It is my opinion that, under the Easement, Scanlon Family, L.L.C., as successor to the various Scanlon interests who were grantors of the Easement, would have the authority to grant access rights for purposes of maintenance and for other purposes. Nothing in the Easement, in my opinion, limits the rights of the Scanlons to further use the area covered by the Easement

Mr. Ryan Rusnak, AICP  
City of North Liberty  
January 14, 2022  
Page 2

except for the provisions of paragraph 3, which prohibits any party from obstructing or blocking the driveway or from causing or permitting to exist thereon any nuisance or other offensive or extra hazardous activity. The other portion of paragraph 3 would appear to be for the benefit of the Scanlon interests in that interference with the natural flow of the drainage from Scanlons' property abutting the roadway is prohibited.

Paragraph 2 provides that the Scanlon interests would not be required to contribute in any manner to the maintenance, operation or repair of said roadway unless and until the real estate owned by any or all of the Scanlons is subdivided or otherwise developed for other than agricultural purpose. This paragraph contemplates that the real estate would, at some point, be subdivided or otherwise developed and, at that point, each party benefited would bear a just and proportionate share of such maintenance expense.

Because of the reservations in the Easement, and the fact that, with the exception of the provisions in paragraph 3, Scanlons were relinquishing no rights which they had in the property, it is my opinion that Scanlon Family, L.L.C. could execute agreements placing this roadway in the street system of the City of North Liberty upon such terms and conditions as might be mutually agreed, provided, however, that any such transfer or agreement would not negate, or otherwise modify, the provisions of the Easement. Any modifications in the Easement would require the agreement of the parties. *See Halsrud v. Brodale*, 72 N.W.2d 94 (Iowa 1955).

It is my understanding that the question has also been raised as to whether garbage trucks of the City of North Liberty could use this roadway if lots were developed on the Scanlon property south of Oak Lane and adjacent to Fjords North Subdivision. It is my opinion that, because the Easement clearly contemplates that the Scanlons might further develop the property adjacent to Oak Lane, use by garbage trucks would be anticipated as a part of use of the property once it was developed.

I have also done a limited amount of research into the questions raised in this letter as to how the courts might interpret the Easement if called upon to do so. The Iowa Court of Appeals, in *Riverton Farms, Inc. v. Castle*, 441 N.W.2d 405 (Iowa App. 1989) stated that "[I]n construing an express grant or reservation of an easement, as in the construction of written contracts, the cardinal principle is that the intention of the parties must control." Citing *Wiegmann v. Baier*, 203 N.W.2d 204, 208 (Iowa 1972). In *Wiegmann*, at page 208, the Iowa Supreme Court had stated that "[A]nd it is the general rule that where a right-of-way is granted it may be used for any purpose to which the land accommodated thereby may



Mr. Ryan Rusnak, AICP  
City of North Liberty  
January 14, 2022  
Page 3

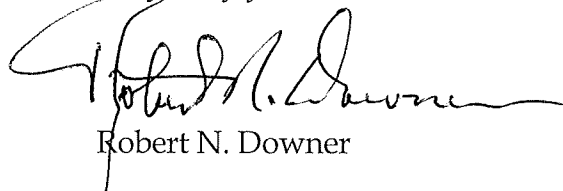
reasonably be devoted, unless the grant contains specific limitations and the grantee can avail himself of modern inventions, if by doing so he can more fully exercise and enjoy or carry out the object for which the easement was granted."

As cited above, the Iowa Supreme Court, in *Halsrud v. Brodale*, 72 N.W.2d 94 (Iowa 1955) the court stated, at page 97, that "[N]or can an easement, whether created by written grant, implication, or prescription, be increased or extended without the consent of the owner of the servient tenement."

My interpretation of the above-cited authorities is that, if an easement agreement provides that an expansion of the use of the easement area beyond what was existing when the easement was granted was contemplated by the parties, such an expansion could occur within the scope of the easement. I believe that that was clearly the case here, as to all parties. The Easement was granted in connection with the platting of Fjords North Subdivision, which might not have been approved by Johnson County in light of the questions regarding the status of the roadway covered by the Easement as a county road. It was also clearly contemplated by the Easement that the Scanlon property on both sides of the roadway would be developed at some point, and that this roadway could be used as a part of any development or subdivision process by the benefitted property owners paying their proportionate share of the cost of maintaining the roadway.

If you have any questions after having reviewed this letter, please feel free to contact me. I am forwarding a copy of this letter to Grant Lientz as City Attorney of the City of North Liberty.

Very truly yours,



Robert N. Downer

RND:snw  
Enclosure  
cc: Grant Lientz  
Pat Scanlon

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July 1, 2022

Mr. William H. Roemerma  
Read & Roemerma PLC  
P.O. Box 1968  
Cedar Rapids, IA 52406-1968  
[wroemerma@readroemerma.com](mailto:wroemerma@readroemerma.com)

Re: Scanlon Family, L.L.C. - Fjords North Homeowners Association

Dear Bill:

I am in receipt of your letter of June 29, 2022, addressed to the North Liberty Planning and Zoning Commission. Without in any sense trying to focus on minutiae, I believe that there are some significant factual errors in your letter, including the following:

1. The annexation of the property in the proposed North Ridge Part Two and Three Subdivision is not "proposed." It has been approved by both the city council and the City Development Board and, accordingly, is now a part of the City of North Liberty.

2. Only three lots are proposed which would use Oak Lane NE as access to those lots. The other lots in the proposed subdivision which back up to Oak Lane will, as a part of restrictive covenants and agreements with the City of North Liberty, not have access to Oak Lane.

3. All proposed utility locations are under Oak Lane, and no above ground utilities are proposed.

4. The land on which Oak Lane is located is owned by Scanlon Family, L.L.C. whose predecessors in title more than 40 years ago granted access by an easement which enabled Fjords North to be platted. To be sure, the easement specifically provides that in the event that the Scanlon property is used for other than agricultural purposes, the owners of that property must pay a "just and proportionate share of such maintenance expense," but the ownership of this roadway has been in members of the Scanlon family or entities owned by them for some 75 years.

5. I would take issue with your statement that the additional lots would "significantly burden" the roadway. According to my understanding, there are 56 lots presently in Fjords North, all of which utilize Oak Lane for access. This would increase the number of potential residences by three, or 5.36%.

6. Since the planning of this subdivision was commenced, it has always been planned that the sewer and water lines would be bored under Oak Lane so as not to disturb the surface or the utilization of Oak Lane by the Fjords North owners. Our engineers have advised us that they have provided for the use of "restrained joints" in the sewer and water lines which would allow any pipe requiring replacement to be pulled out rather than having the surface excavated to replace the pipe.

7. It is my understanding that the same fire department, in North Liberty, provides fire protection for North Liberty and all of Penn and Madison Townships. There would not be additional fire departments utilizing Oak Lane unless a major fire caused the involvement of other departments.

8. The subdivision and the Oak Lane right-of-way have been planned in such a way that a minimal amount of tree cover and other vegetation would be disturbed. Reconstructing Oak Lane to city street standards would involve the removal of much of this vegetation, which also provides screening to Fjords North, and would likely invite additional vehicular traffic into Fjords North.

The owners of Scanlon Family, L.L.C. have never had an intention of burdening the Fjords North Owners Association or its residents with additional costs. The only three lots which would utilize Oak Lane for access are being planned in such a way as the lot sizes would be generally comparable to and compatible with lots in Fjords North. Because of the size of these lots, we would not anticipate that homes would be constructed on these

Mr. William H. Roemer  
Read & Roemer PLC  
[wroemer@readroemer.com](mailto:wroemer@readroemer.com)  
July 1, 2022  
Page 3

lots which would be substantially different from those in Fjords North, and we would be happy to work with Fjords North Owners Association in designing protective covenants for those lots.

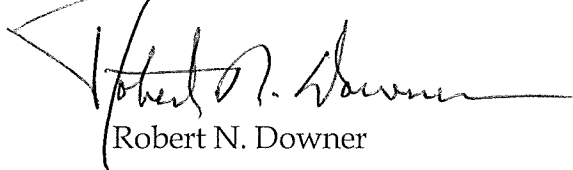
Insofar as meeting the "just and proportionate share" language in the easement agreement, our client would propose the following:

1. Each of the three lots would pay the same amount for snow removal cost for Oak Lane and the entire road system within Fjords North as is paid by the present Fjords North owners. Because the owners of the three lots proposed would for the most part only utilize the roadway between those lots and North Liberty Road, these owners would be paying a portion of the cost of snow removal on roads which they seldom, if ever, use.

2. In exchange for this proposal, Scanlons would request the right to use the turnaround on the west side of Fjords North for that purpose by emergency and public service vehicles and also to place the three mail boxes for three lots with the mail box cluster presently serving the residences in Fjords North.

I would be happy to discuss this with you if you wish to do so, Bill. We will look forward to hearing from you as soon as possible.

Very truly yours,



Robert N. Downer

RND:snw

cc: Pat Scanlon  
Grant Lientz  
Tracey Mulcahey  
Ryan Rusnak  
Tim Conklin

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July 1, 2022

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July 1, 2022  
Page 3

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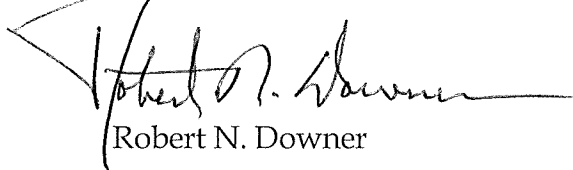
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I would be happy to discuss this with you if you wish to do so, Bill. We will look forward to hearing from you as soon as possible.

Very truly yours,



Robert N. Downer

RND:snw

cc: Pat Scanlon  
Grant Lientz  
Tracey Mulcahey  
Ryan Rusnak  
Tim Conklin



Tim Conklin &lt;timconk@gmail.com&gt;

---

**Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty**

---

Tim Conklin <tim@allstarmgmt.com>  
To: Tim Conklin <timconk@gmail.com>

Fri, Jun 17, 2022 at 10:22 AM

----- Forwarded message -----

From: **Julie Conklin** <julieconklin95@gmail.com>  
Date: Fri, Jun 17, 2022 at 10:11 AM  
Subject: Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty  
To: Tim Conklin <tim@allstarmgmt.com>

Fyi

----- Forwarded message -----

From: **Wuebker, Jonathan D CIV USARMY CEMVR (USA)** <Jonathan.D.Wuebker@usace.army.mil>  
Date: Fri, Jun 17, 2022, 7:52 AM  
Subject: RE: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty  
To: julieconklin95@gmail.com <julieconklin95@gmail.com>

Julie,

Thank you for your inquiry and information on the proposed work site. As of date I am not aware of USACE Coralville Lake Project being contacted of the construction. Any construction project however is regulated by the state of Iowa and County which the project is being worked in. The project is responsible to mitigate and control construction run-off. At quick glance, USACE does have flowage easements throughout your HOA and including one of your ponds so there is most certainly interest in anything that could fill in these areas as it can impact ability to fill with water during flood events.

Any concerns can be addressed with the county first accordingly to ensure silt control measures are planned and in place for any construction projects. All projects must first receive the county approvals prior to start including mitigation planning. Should silt runoff the site and affect USACE lands, our office would most certainly be interested in any information and photographs regarding the projects progression to ensure lands are returned to pre-construction condition and any silt/runoff removed for use accordingly. The burden of proof however can be difficult to quantify material specific to a site if no pre-construction information is available for what it worth.

If you have any other questions or I may be of further assistance please let me know.

Jonathan D. Wuebker

Assistant Operations Manager

CISM Peer Supporter

Coralville Lake Reservoir

[2850 Prairie du Chien Road NE](#)[Iowa City, IA 52240-7820](#)



(319) 338-3543 ext. 6302

Coralville Lake

<http://www.mvr.usace.army.mil/Missions/Recreation/Coralville-Lake/>

CISM KM Portal

<https://usace.dps.mil/sites/KMP/SitePages/CISM.aspx>

Free Confidential Employee Assistance Program help: [800-638-3327](tel:800-638-3327)

<https://myassistanceprogram.com/fei/>

---

**From:** Julie Conklin <[julieconklin95@gmail.com](mailto:julieconklin95@gmail.com)>  
**Sent:** Thursday, June 16, 2022 1:16 PM  
**To:** Coralville.Lake <[Coralville.Lake@usace.army.mil](mailto:Coralville.Lake@usace.army.mil)>  
**Subject:** [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty

Hello,

I have some questions regarding a new subdivision being proposed by Scanlon Family, LLC of roughly 36 acres next to our neighborhood on Oak Lane NE in North Liberty. Our subdivision, Fjords North, has a majority of its homeowners who own land connecting to Army Corps of Engineering land around Coralville Lake.

The proposed subdivision's infrastructure is causing some concerns for our neighborhood. We are currently experiencing silt issues with a HOA owned pond, as well as a neighbor who is experiencing the same issues with his privately owned pond as well as property flooding from current runoff/drainage issues from other neighborhoods. Our Good Neighborhood Meeting was held last night, where these questions were asked of the builder/developer/owner of the land being developed with little to no solutions given. When asked what type of impact we should expect from the development, no one could answer this question. The developer discussed mitigation techniques that they might try but they didn't have a full understanding of their impact on our neighborhood. This is obviously a concern for us because of the 2 ponds affected and potential wash out of 2 roads.

The Corps land will also be impacted by the development and infrastructure needed. Is Scanlon Family, LLC working with the Corps to help mitigate the runoff/drainage issues? Does the Army Corps of Engineering have general guidelines that developers have to follow to mitigate runoff/drainage issues that will affect their land?

I greatly appreciate any information that you can give.

Thank you!

--

Julie Conklin

## Ryan Rusnak

---

**From:** Erin Payne-Christiansen <payneerin@yahoo.com>  
**Sent:** Sunday, June 26, 2022 3:31 PM  
**To:** Ryan Rusnak; Ryan Heiar; Tracey Mulcahey  
**Cc:** Tim Conklin  
**Subject:** [EXTERNAL] letter to P&Z committee re North Ridge Development  
**Attachments:** Water shed map.pdf; Fjords06182015 (1).pdf; Gmail - Fwd\_ [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty.pdf

**WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.**

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Dear Members of the North Liberty Planning and Zoning Committee;  
Ryan Heiar, City Administrator;  
Tracey Mulcahey, Assistant City Administrator & City Clerk; and  
Ryan Rusnak, Planning Director

I am writing on behalf of the board of the Fjords North Homeowners Association. Fjords North is located to the east of North Liberty Road and is accessed from Oak Lane. We would like to express concern over the impact of local development, most recently that of the North Ridge development, parts 2 & 3.

Our concerns are many, but the two major issues are that of (1) the use of Oak Lane to access lots not in our homeowner association and (2) the watershed management of said area, specifically its impact on both the environment and our roads.

### (1) Oak Lane:

Oak Lane has a confusing history of ownership. While our homeowners association does not own it, we have paid to maintain the road since Fjords North was developed. This includes mowing, snow removal, surface maintenance and repair, tree and brush removal, and erosion control. We do not understand why lots in the city would be accessed via a private road that is not in the city. The city has no guarantee that the road will continued to be maintained to a standard that would allow the city to provide city services to those three lots. Here is a list of concerns related to our connector road.

- The sewer is supposed to cross under our connector road and connect to the land to the north of it. If there is ever a sewer problem there and they have to dig it up, it may block our access. Is the area wide enough to support a temporary access path?
- Where will the mailboxes for the three lots be?
- The parking on these lots is likely to be limited due to the wetland area that these lots will be built on. If one of the owners of one of these lots were to have a party, their guests are likely to park along Oak Lane where there is no space to pull over. That leaves only one narrow lane for access in and out of Fjords. In addition to the inconvenience to our residents, this creates a public safety issue, as the remaining lane would not be wide enough to accommodate a fire truck or ambulance. In addition, if we were to call the police for assistance in such a matter, we would not get it because the road is not a city road.

### 2) Watershed Management:

Flooding events have increased with development; this impacts everyone downstream of the developments. In 2015, board members of our association reached out to a number of individuals regarding watershed management in this area, including a water conservation specialist, HBK engineer, the local developer, North Liberty's city engineer, North Liberty's planning director, and North Liberty's roads department. The result was that, because development was done to code, no action was taken. We continue to have concerns and on-going issues.

- In this link (<https://www.youtube.com/watch?>) you can view video footage of flooding examples in the association, specifically showing the water flow coming through the creek that flows into our association from the area to be developed. This area has flooded 1-4 times per year over the past ten years. If you are interested in seeing more videos, photographs, or drone footage, we would happily provide it.
- The private pond to the west of Aspen has decreased in depth from approximately 4 foot to 1 foot or less due to silting, which has then decreased pond capacity and increased flooding since 2010. The larger, association-owned pond to the east of Aspen has also been silting in over time; this has increased with recent developments. You can view these changes in the attached images taken from Google Earth; the first was taken in 2012, while the second was taken in 2022.
- While North Ridge Parts 2 & 3 may meet code, what additional measures can be put in place to insure our ponds do not silt in further and cause additional flooding?
- If the sewer line going under the wetlands were to flood, how would the city prevent sewage from contaminating our pond and flooding into the reservoir? There are approximately 600 acres that drain into these ponds; please see the attached watershed map. Johnson County Soil and Water Conservation District has expressed its concerns in the attached 2015 letter from Kate Giannini, Soil and Water Conservation Specialist. The Army Corps of Engineers is also interested in the impact of this development; please see the attached email exchange between a homeowner and Jonathan Wuebeker.

We ask you to please consider these issues, as the impacts will be long-term.

Sincerely,

Current FNHA Board Members & Concerned Neighbors

Erin Payne-Christiansen  
2592 Cedar Court NE

Tim Conklin  
3767 Oak Lane NE

Joanna Hall  
2665 Aspen Court NE

Rob Maher  
2663 Willow Court NE

Brad Snell  
2583 Cedar Court NE

Rebecca Davis  
3705 Oak Lane NE

1st image: 2012 aerial photo, Google Earth



2nd image: 2022 aerial photo, Google Earth





watershed map

letter from Soil & Water Conservation Specialist

email exchange with Army Corps of Engineers









## Johnson County Soil & Water Conservation District

51 Escort Lane  
Iowa City, IA 52240-8612

Telephone (319) 337-2322  
Fax 855-233-1294  
Website [www.jcswcd.org](http://www.jcswcd.org)  
Email [jcswcd@yahoo.com](mailto:jcswcd@yahoo.com)

6/18/2015

Per the request of a few homeowners of the Fjords Subdivision, Johnson County Soil and Water Conservation District has provided technical assistance in regards to flooding concerns within their subdivision watershed. An in office watershed assessment was completed in the fall of 2014, and that assessment is available upon request. Note, a field assessment has not been completed.

The residents are concerned about future development that may occur within their watershed as they already are experiencing frequent flood damage during rain events. I have been further asked to provide information and technical assistance on how a future development to the south of the Fjords (which is owned by Scanlon Family Farm LC) may impact and further heightened their flooding issues. Below is how I would review the project for Sensitive Areas, Sediment and Erosion Control, Stormwater, although since this project is not zoned within the County not all of the items are enforceable. Please consult your local, State and Federal agencies on their specific guidelines on the below topics. Some agencies may not be able to provide assistance unless the landowner is requesting the consultation.

### Sensitive Areas:

#### 1. Critical Wildlife Habitat

- a. **There is possibility of critical wildlife habitat for threatened and endangered species. Determined after looking at Johnson County PIV (Property Information Viewer)**
- b. Request and review documents provided by Iowa DNR and/or USFWS or a local contractor to determine if any critical habitat exists in the area planned for development.
- c. If critical wildlife habitat is found either preserve the area or develop a mitigation plan in consultation with DNR and/or USFWS prior to any disturbance.

#### 2. Floodplain and Floodway

- a. The proposed development is not within a floodplain or floodway. Determined after looking at Johnson County PIV.

#### 3. Prairies and Prairie Remnants

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MISSION: To clear our water by treating every acre with respect

All USDA programs and services are offered on a non-discriminatory basis, without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status.



## Johnson County Soil & Water Conservation District

51 Escort Lane  
Iowa City, IA 52240-8612

Telephone (319) 337-2322  
Fax 855-233-1294  
Website [www.jcswcd.org](http://www.jcswcd.org)  
Email [jcswcd@yahoo.com](mailto:jcswcd@yahoo.com)

- a. **I have examined historic air photos, and a large portion of the area looks like it has never been cropped. The existence of a prairie or prairie remnant cannot be ruled out. Determined after looking at Johnson County PIV.**
  - b. A consultant (either private or DNR) is requested to evaluate the presence, quality and diversity of native species.
  - c. If area is identified as a sensitive area it should be left undisturbed except for management activities for restoration and maintenance. A buffer zone of at least 50' should be established.
  - d. If site cannot be left undisturbed a mitigation plan shall be developed prior to any disturbance
- 4. Savanna and Savanna Remnant**
- a. **I have examined historic air photos and there is a possibility of possible savanna on site. Determined after looking at Johnson County PIV.**
  - b. Request a consultation by DNR District Forester
- 5. Wetlands**
- a. Consult a Wetland Specialist for consultation
- 6. Woodlands**
- a. **Potential to effect. Determined after looking at Johnson County PIV.**
  - b. Request a consultation by DNR District Forester
- 7. Stream Corridors**
- a. **No blue-line streams identified but assessment of existing drainage ways and their health and potential erodibility should be examined. Determined after looking at Johnson County PIV and USGS maps**
- 8. Unstable Landforms**
- a. **Potential to effect, unstable landforms are found on site. Determined after looking at web soil survey and topographic maps.**
  - b. **Avoid and protect areas that are unstable when possible.**
- 9. Historic Properties/ Cultural Resources**

---

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Website [www.jcswcd.org](http://www.jcswcd.org)  
Email [jcswcd@yahoo.com](mailto:jcswcd@yahoo.com)

- a. **Potential to effect, after quick iSites public search on web**
- b. Consult a contractor (private and/or State Historic Preservation Office) to conduct a archaeology survey prior to disturbance

### **Stormwater:**

Continued development within the watershed will likely cause further flooding and more damaging effects if stormwater runoff is not treated and controlled. It is recommended that stormwater be addressed to meet the Unified Sizing Criteria of the Iowa Stormwater Management Manual. A suite of best management practices (BMPs) and their specifications can also be found in that manual. It is recommended that a treatment train of BMPs are installed to infiltrate the water quality volume and also control larger rainfall events.

### **Sediment and Erosion Control:**

A Sediment and Erosion Control Plan or also known as a Stormwater Pollution Prevention Plan (SWPPP) shall be developed before any land disturbance on 1 acre or more per [DNR regulations](#). Individual lot SWPPP's may or may not be required depending on local regulations.

My contact information is listed below for further questions or follow-up.

Sincerely,

Kate Giannini  
*Soil and Water Conservation Specialist*  
Johnson County Soil and Water Conservation District  
51 Escort Lane  
Iowa City, IA 52240  
[Kate.giannini@ia.nacdnet.net](mailto:Kate.giannini@ia.nacdnet.net)  
319-337-2322 x.305  
[www.jcswcd.org](http://www.jcswcd.org)

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Tim Conklin &lt;timconk@gmail.com&gt;

---

**Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty**

---

Tim Conklin <tim@allstarmgmt.com>  
To: Tim Conklin <timconk@gmail.com>

Fri, Jun 17, 2022 at 10:22 AM

----- Forwarded message -----

From: **Julie Conklin** <julieconklin95@gmail.com>  
Date: Fri, Jun 17, 2022 at 10:11 AM  
Subject: Fwd: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty  
To: Tim Conklin <tim@allstarmgmt.com>

Fyi

----- Forwarded message -----

From: **Wuebker, Jonathan D CIV USARMY CEMVR (USA)** <Jonathan.D.Wuebker@usace.army.mil>  
Date: Fri, Jun 17, 2022, 7:52 AM  
Subject: RE: [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty  
To: julieconklin95@gmail.com <julieconklin95@gmail.com>

Julie,

Thank you for your inquiry and information on the proposed work site. As of date I am not aware of USACE Coralville Lake Project being contacted of the construction. Any construction project however is regulated by the state of Iowa and County which the project is being worked in. The project is responsible to mitigate and control construction run-off. At quick glance, USACE does have flowage easements throughout your HOA and including one of your ponds so there is most certainly interest in anything that could fill in these areas as it can impact ability to fill with water during flood events.

Any concerns can be addressed with the county first accordingly to ensure silt control measures are planned and in place for any construction projects. All projects must first receive the county approvals prior to start including mitigation planning. Should silt runoff the site and affect USACE lands, our office would most certainly be interested in any information and photographs regarding the projects progression to ensure lands are returned to pre-construction condition and any silt/runoff removed for use accordingly. The burden of proof however can be difficult to quantify material specific to a site if no pre-construction information is available for what it worth.

If you have any other questions or I may be of further assistance please let me know.

Jonathan D. Wuebker

Assistant Operations Manager

CISM Peer Supporter

Coralville Lake Reservoir

[2850 Prairie du Chien Road NE](#)[Iowa City, IA 52240-7820](#)

(319) 338-3543 ext. 6302

Coralville Lake

<http://www.mvr.usace.army.mil/Missions/Recreation/Coralville-Lake/>

CISM KM Portal

<https://usace.dps.mil/sites/KMP/SitePages/CISM.aspx>

Free Confidential Employee Assistance Program help: [800-638-3327](tel:800-638-3327)

<https://myassistanceprogram.com/fei/>

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**From:** Julie Conklin <[julieconklin95@gmail.com](mailto:julieconklin95@gmail.com)>  
**Sent:** Thursday, June 16, 2022 1:16 PM  
**To:** Coralville.Lake <[Coralville.Lake@usace.army.mil](mailto:Coralville.Lake@usace.army.mil)>  
**Subject:** [Non-DoD Source] Scanlon Family, LLC proposed Subdivision in North Liberty

Hello,

I have some questions regarding a new subdivision being proposed by Scanlon Family, LLC of roughly 36 acres next to our neighborhood on Oak Lane NE in North Liberty. Our subdivision, Fjords North, has a majority of its homeowners who own land connecting to Army Corps of Engineering land around Coralville Lake.

The proposed subdivision's infrastructure is causing some concerns for our neighborhood. We are currently experiencing silt issues with a HOA owned pond, as well as a neighbor who is experiencing the same issues with his privately owned pond as well as property flooding from current runoff/drainage issues from other neighborhoods. Our Good Neighborhood Meeting was held last night, where these questions were asked of the builder/developer/owner of the land being developed with little to no solutions given. When asked what type of impact we should expect from the development, no one could answer this question. The developer discussed mitigation techniques that they might try but they didn't have a full understanding of their impact on our neighborhood. This is obviously a concern for us because of the 2 ponds affected and potential wash out of 2 roads.

The Corps land will also be impacted by the development and infrastructure needed. Is Scanlon Family, LLC working with the Corps to help mitigate the runoff/drainage issues? Does the Army Corps of Engineering have general guidelines that developers have to follow to mitigate runoff/drainage issues that will affect their land?

I greatly appreciate any information that you can give.

Thank you!

--

Julie Conklin

## Ryan Rusnak

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**From:** Brian Dennis <brianddennis92@gmail.com>  
**Sent:** Wednesday, June 29, 2022 3:08 PM  
**To:** Ryan Rusnak; Ryan Heiar; Tracey Mulcahey  
**Cc:** Erin & Cory Payne-Christiansen  
**Subject:** [EXTERNAL] Planned City Annex and Development - North Ridge development

**WARNING: This email originated from outside of this organization. Do not click links or open attachments unless you know the contents are safe. Never provide your user ID or password to anyone.**

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Dear Members of the North Liberty Planning and Zoning Committee;  
Ryan Heiar, City Administrator;  
Tracey Mulcahey, Assistant City Administrator & City Clerk; and  
Ryan Rusnak, Planning Director

This letter is in support of the letter you received from Erin Payne-Christiansen on behalf of the Fjords FNHA Board Members and concerned neighbors expressing concerns over the impact of the proposed annex and local development, most recently that of the North Ridge development, parts 2 & 3.

Attached are public links to pictures and video footage which supports many of the concerns we have for item (2) which is Watershed Management and silt/sediment containment. These pictures and videos were taken by me personally after a rain event in 2012 and 2016 which commonly happens 1-4 times a year. Some of the pictures show failure of watershed and silt containment measures in the development and the result being large amounts of silt/sediment and other debris flowing down the main waterway by the pumphouse which is adjacent to the current development being proposed and one of the main waterways that travel through the proposed development. This debris ultimately ends up in my private pond, the community pond, and also runs into the Coralville Reservoir. We hope that you will take time to review this information when taking our concerns into consideration on watershed and sediment containment measures with the new development and future development to come.

Video footage of 2014 rain events.

<https://youtu.be/eZEGxv4-d9c>

<https://youtu.be/GYTv8-a-HpA>

Drone Footage of a 2016 flooding and silting from the new development West and South of Fjords.

<https://www.dropbox.com/sh/jj837gwz6ghes4l/AAAtcLty0ouWFXyktskflmrSa?dl=0>

Pics from walking the drainage and waterways from same flooding in 2016

<https://www.dropbox.com/sh/1r3iky5nonbfc7/AABhTfGwTtgixRSIfMevaJfBa?dl=0>

We look forward to discussing further in the future and please do not hesitate to ask any questions about the information provided. If for some reason the links are not viewable on your end, please let me know.

If you could kindly reply confirming receipt of this information, that would be greatly appreciated.

Thank you for your time and consideration.

Best,

Brian Dennis  
2625 Aspen CT NE  
North Liberty, IA 52317



## Ryan Rusnak

---

**From:** Tim Conklin <timconk@gmail.com>  
**Sent:** Friday, July 01, 2022 10:29 AM  
**To:** Ryan Rusnak; Ryan Heiar; Tracey Mulcahey  
**Cc:** Joanna Hall; William Roemerma  
**Subject:** [EXTERNAL] Attn: P&Z for July 5 meeting - Oak Ln NE current width  
**Attachments:** IMG\_7802.jpg; IMG\_7803.jpg; IMG\_7804.jpg; IMG\_7805.jpg; IMG\_7806.jpg

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Please confirm receipt and forward to P&Z as public correspondence for the July 5 meeting related to Northridge parts 2 & 3:

North Liberty P&Z:

Attached please find pictures of two cars on Oak LN, the connector road for the Fjords North subdivision. As you can see this road is extremely narrow with barely enough width for two cars. It is important to also note that there is no space to pull off as the shoulders are sloping steep uneven surfaces with vegetation. The three house lots proposed along Oak Ln (in the city but on our private road) will have limited parking because they are mostly wetlands. In the event one of these properties has a party there will not be enough parking on the lots and if they were to park along Oak LN that would restrict our in/out egress to one lane. Even at that, it is a public safety issue as a fire truck would not fit down the remaining width.

Our neighborhood is also seeking a proposal for a gated entrance into our development at the end of Oak LN. My guess is without the gate and with or without an easement from us, most commercial vehicles will try to turn around in our development by our mailboxes. I actually have a class B commercial driver's license. As I see it, the road is not wide enough for a fire truck, school bus, garbage truck, etc.. to turn around with the proposed turnaround. If we move forward with the gate illegally, using our road to turn around will not be an option. Again this creates another public safety issue as commercial vehicles will mostly likely need to back all the way down Oak and into North Liberty Rd NE.

I request that you please take these points into consideration and force the developer to make reasonable accommodations.

I would be more than happy to meet any of you out here to walk around and show you what I'm talking about.

Sincerely,  
Tim Conklin  
3767 Oak Ln NE  
North Liberty, IA 52317  
319-329-7745

















## Ryan Rusnak

---

**From:** Tim Conklin <timconk@gmail.com>  
**Sent:** Friday, July 01, 2022 12:40 PM  
**To:** Bob Downer  
**Cc:** wroemerman@readroemerman.com; jpatscanlon@gmail.com; Grant Lientz; Tracey Mulcahey; Ryan Rusnak; Ryan Heiar  
**Subject:** [EXTERNAL] Re: Scanlon Family, L.L.C. – Fjords North Homeowners Association  
**Attachments:** image001.jpg

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Mr. Downer,

We take umbrage at the tone of your correspondence and are not comprehending why your client is unable to address the concerns of the Fjords owners. It is absurd for the party standing to profit to declare that the road will not be an issue. It appears your clients intent is to sell the lots and high tail it out, leaving us with the mess.

We reject your offer. It is premature and quite frankly pompous to assume our association would accept an offer that has little to no value to us. (Your offer saves each home owner a laughable \$26 per year). Furthermore, our association is currently seeking proposals for a gate at the end of Oak LN. Granting an easement will undermine our goal of keeping non Fjord owners off our our property, including the eventual homeowners of those three lots.

We need you to actually listen to our concerns (instead of arguing them) and make changes and concessions accordingly.

Tim Conklin  
3767 Oak Ln NE,  
North Liberty, IA 52317  
319-329-7745

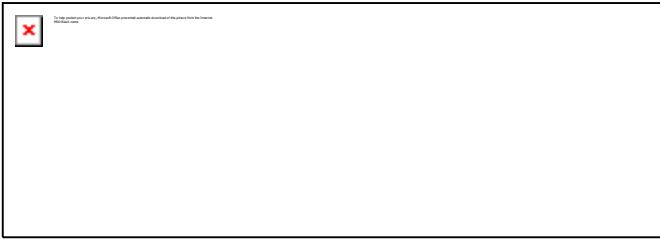
On Fri, Jul 1, 2022 at 9:05 AM Bob Downer <[bobd@meardonlaw.com](mailto:bobd@meardonlaw.com)> wrote:

Attached please find copy of correspondence from Mr. Downer, with hard copy to follow by ordinary U.S. mail. Please contact Mr. Downer with any questions.

Thank you,

Sacha Wyckoff

Legal Assistant to Robert N. Downer



122 SOUTH LINN STREET

IOWA CITY, IA 52240

Telephone: (319) 338-9222

Facsimile: (319) 338-7250

[MeardonLaw.com](#) • [Bio](#)

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Thank you.

## Ryan Rusnak

---

**From:** Craig Reischauer <craig@reischauerlandservices.com>  
**Sent:** Saturday, July 02, 2022 4:49 PM  
**To:** Ryan Rusnak  
**Cc:** Erin Payne-Christiansen; Tim Conklin; Joanna.c.hall@gmail.com; Brad Snell; Rebecca Davis; Rob Maher  
**Subject:** [EXTERNAL] Scanlon Family, LLC. North Ridge Parts 2 & 3

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Ryan,

I am writing to share my opposition to the above proposed development as currently designed. My family and I reside in the Fjords North neighborhood of which the sole access will be impacted by this development. I share the many concerns outlined in previous correspondences by our FNHA Board Members and neighbors but as those are already of record, I will try to limit this email to my most specific concerns.

The City staff makes a recommendation that the City provide a variance to Section 180(8)(A) which provides that "private streets in single family residential areas are not allowed." The City states that it is "the staff's opinion that granting the variation would not be detrimental to the area." I respectfully disagree with that opinion based on the very narrow nature of the road. There is no place to put mailboxes on Oak Lane NE in a manner that the residents of the three lots proposed in "Part 2" can safely pull over and get their mail without blocking a lane of traffic and there is no place for large vehicles to turn around without encroaching onto the private property of Fjords North. If these two concerns are not addressed, I feel there is a negative impact on the residents of our neighborhood. To me, the issue is not that the road is "private", it is that the road is not safe if something is not included in the development to accommodate these concerns.

The preliminary plat for the development shows a "temporary fire turnaround" on the north side of Oak Lane NE that might help with some of the above concerns during construction, but what is the permanent solution? If neither the City nor the developer are willing to improve the road to accommodate the additional lots and driveways, it would seem reasonable that at a minimum the developer should provide a safe area for their mailboxes and an area for large vehicles to turn around without encroaching on our private development.

I propose that this is not merely a concern for the developer and the future residents of the three lots in "Part 2" but also a concern for the City. Assuming that the three new City lots on the south side of Oak Lane NE are served by City garbage and recycling, how will these City vehicles turn around when they get to the end of the easement area? How will other City maintenance vehicles turn around?

Until there is some assurance that there will be a safe area for mailboxes and a safe area to accommodate turning large trucks around, the assumption would be that the road will be periodically blocked and/or there will be encroachment on private property to accommodate this development. I would suggest that the developer has plenty of property on both the north and south side of the road. They should be required to provide a sufficient area for their mailboxes and a sufficient area for their residents and for City maintenance and garbage trucks to turn around on this narrow road. To do so would not be a hardship on the developer, but to not do so creates a hardship for residents of our neighborhood.

In closing, I would like to be clear that I am not in any way opposed to development, I am only concerned that it be done with safety in mind and with respect for private property. I would greatly appreciate it if you would confirm receipt of this email and also share my concerns with the Planning and Zoning Committee prior to or at the July 5th meeting.

Please do not hesitate to reach out to me with any questions or to further discuss.

Thank you for your consideration of my concerns.

Craig Reischuaer  
2518 Cottonwood Court, NE  
North Liberty, Iowa 52317  
319-350-9922



## Ryan Rusnak

---

**From:** Joanna Hall <joanna.c.hall@gmail.com>  
**Sent:** Sunday, July 03, 2022 9:26 AM  
**To:** Ryan Rusnak  
**Cc:** Hall M  
**Subject:** [EXTERNAL] Re oak Lane and North liberty Scanlan development

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Mr Rusnak

My husband may follow up with a more detailed email later, but I would like you to please add Joanna and Mederic Hall of 2665 Aspen Court NE. in North liberty Iowa to the list of individuals formally rejecting the plat as it is currently designed for the Scanlon farms development.

We reject this for many of the reasons already mentioned by multiple Fjords North and surrounding homeowners.

Thank you so much for your time. Hope you have a great Fourth of July

Joanna Hall  
Sent from my iPhone

## Ryan Rusnak

---

**From:** Sarah Jorgensen <skjorgensen@yahoo.com>  
**Sent:** Monday, July 04, 2022 9:24 AM  
**To:** Ryan Rusnak  
**Subject:** [EXTERNAL] Opposition to Scanlon Farms LLC request

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Good morning,

As a homeowner in Fjords North, I am writing in opposition of the request of Scanlon Farms LLC. As it currently stands, the proposal utilizes Oak Lane NE for access of three lots. As you are aware, Oak Lane NE is a private road in which the homeowners of Fjords North currently are responsible for the maintenance. Additionally, it is the only access in and out of the neighborhood. If Oak Lane NE is used for development of homes on the three lots, it will incur significant wear and tear from construction vehicles. There is also the potential for the road to be obstructed, making access for the homeowners of Fjords North, and any emergency vehicles, impaired and/or impossible. Furthermore, the construction process will lead to runoff into the waterways of the neighborhood. These waterways ultimately lead to Coralville Lake. Thus, having long term consequences on the lake.

Please consider these issues when making your final decision.

Sincerely,  
Sarah Jorgensen  
2542 Cottonwood Court NE

## Ryan Rusnak

---

**From:** Sherri Bergstrom <sherrib2490@gmail.com>  
**Sent:** Monday, July 04, 2022 6:53 PM  
**To:** Ryan Rusnak  
**Subject:** [EXTERNAL] North Ridge Development

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Dear Mr. Rusnak and members of the North Liberty Planning and Zoning Commission:

I am a 20 year resident at 2490 Cottonwood Ct. in the Fjords North subdivision. I am writing to express my concern over the impact the North Ridge development has had and will have on our beautiful, established neighborhood. At issue is the assumption of the Scanlon development group that they are able to use our private county road to access three lots they would like to sell across a small waterway from their larger development. The development of these three lots (a drop in the bucket for the Scanlon group), will have a serious impact on life in our neighborhood for the residents.

Granting access on Oak Lane is contrary to our understanding of a long standing agreement since the development of Fjords North over 30 years ago. We as residents have invested our own money and time to maintain and resurface the road over the years. We reject the idea of adding access to new lots that would add another roadway connecting into Oak Lane and the resulting issues of more traffic, mailboxes, emergency vehicle access, erosion into our waterways and aesthetics. We, as residents, have protected and value our country lane and desire it to remain as is. It is very disturbing to all the long time residents to have our entrance be impacted at the whim of a large developer wanting an extra three lots that they do not need.

Our hope is that you will appreciate and value the fact that we have been here a long time and put our efforts and money into preserving Oak Lane as it is. Please consider not granting a developer access from our private road that will change everything.

Thank you for your thoughtful consideration of this important issue.

Sincerely,

Sherri Bergstrom  
2490 Cottonwood Ct. NE  
North Liberty, Iowa. 52317

Sent from my iPhone

## Ryan Rusnak

---

**From:** Noel Carver <noelcarver@hotmail.com>  
**Sent:** Tuesday, July 05, 2022 11:08 AM  
**To:** Ryan Rusnak; Ryan Heiar; Tracey Mulcahey  
**Subject:** [EXTERNAL] about development around fjords, re P&Z meeting

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Hi all,

Could you please ensure this email is shared with the entirety of the P&Z committee?

I'm Noel Carver, a resident of the fjords neighborhood for the last 5 years. My family is concerned about the new development, specifically with safety and water issues as well as potential liability issues for us and the city.

With cars parked on Oak, we fear that an accident may be likely. It is not terribly wide as it is, and families and large Amazon/ FedEx/ UPS trucks make use of that road throughout the day.

We are also worried about drainage and water issues impacting our own neighborhood, our homes and properties, and our neighborhood's water catchment areas.

We also have worries regarding environmental impact and falling afoul of federal stipulations regarding the watershed and environs here as it feeds into federal territory managed by the Army Corps of Engineers (who, as you know, also have certain rights regarding the water runs and catchment areas within our HOA).

Whether legal and financial liability for safety issues, environmental damage, falling afoul of accepted conservation practices and/or federal rules governing the usages of water in the area would fall upon us or the city, either way we are very concerned about negative outcomes here. In weighing the costs and benefits to the community and to the city, we believe this development is not a good idea.

We hope you had a great holiday weekend, and thank you so much for your time!

all best,

Noel Carver



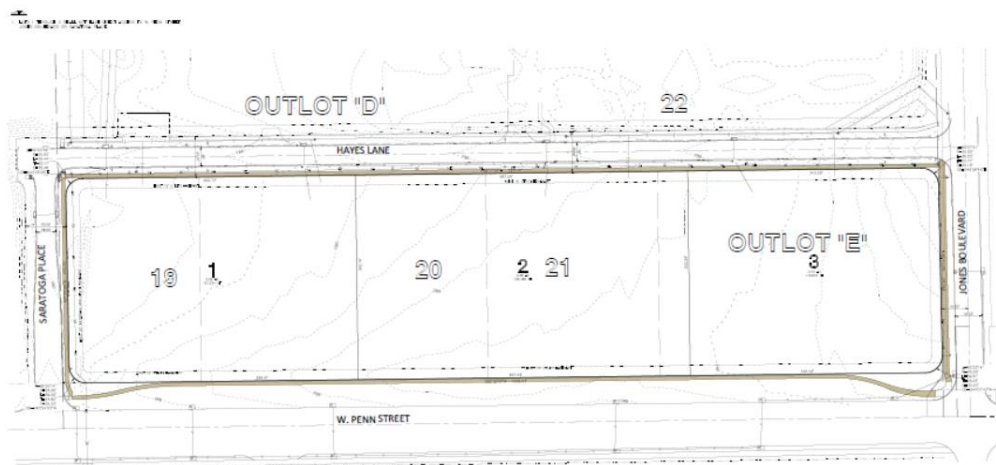
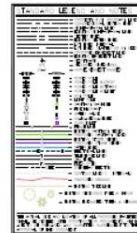
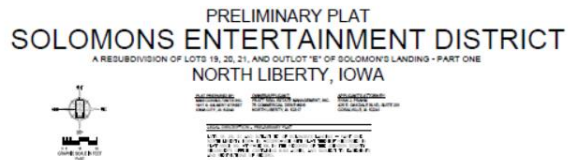
To **City of North Liberty Planning Commission**  
 From **Ryan Rusnak, AICP**  
 Date **March 3, 2023**  
 Re **Request of Pratt Real Estate Management, Inc. to approve a Preliminary Subdivision Plat for a 3 lot subdivision on approximately 8.82 acres. The property is located at the northwest corner of West Penn Street and North Jones Boulevard.**

North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

- Ryan Heiar, City Administrator
- Tracey Mulcahey, Assistant City Administrator
- Grant Lientz, City Attorney
- Tom Palmer, City Building Official
- Kevin Trom, City Engineer
- Ryan Rusnak, Planning Director

**1. Request Summary:**

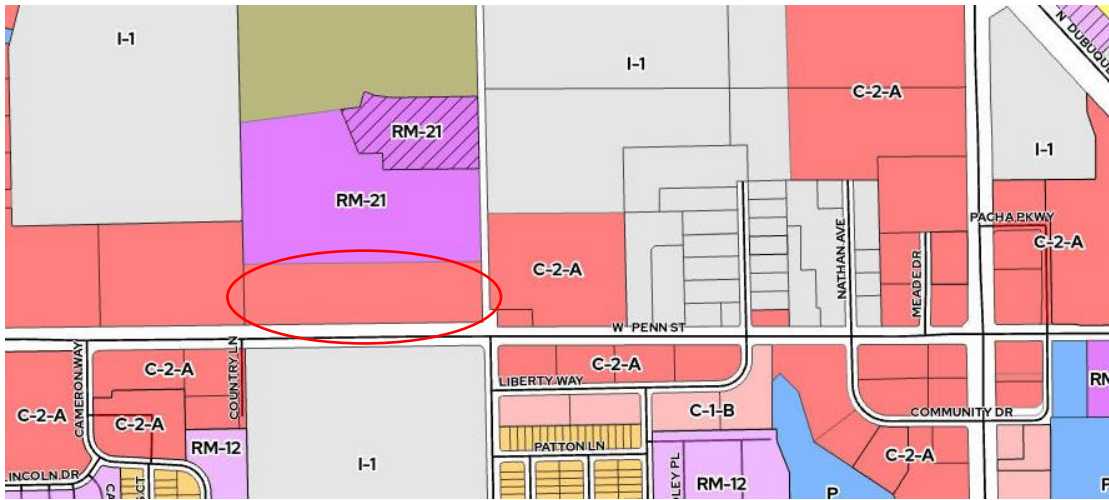
The Preliminary Plat proposes 3 lots and related infrastructure approximately 8.82 acres. This would be a re-subdivision of a portion of Solomon’s Land – Part One subdivision. The purpose is to accommodate different lot sizes.





## 2. Current Zoning:

The property is currently zoned C-2-A Highway Commercial District.



## 3. Comprehensive Plan Future Land Use Map Designation: Urban High Intensity. (UHI)



### *UHI Description*

These areas have increased economic activity and a higher frequency of diverse and complementary uses. High-intensity areas include more urban services with a horizontal and vertical mix of high-density residential uses and community to regional commercial uses of compatible densities and scales. Residential Developments have more focus on non-residential buildings but still offer residential uses ranging from townhomes and apartments. Mixing residential with commercial uses on the same site is encouraged when feasible from a design and market capitalization standpoint.

### *Form and Features*

» Aggregate development density at 14+ units per acre at sites with direct access to major arterial and collector streets. Development should avoid the creation of isolated multi-family development.

» Edges of UHI residential developments transition to lower intensity uses or buffer from industrial/commercial uses through design, landscaping, and buffering.

#### *Non-Residential*

More prevalent and focus in the UHI district that can include larger offices, medical buildings, commercial, and larger institutional uses such as places of worship, community centers, and indoor recreation.

#### Form and Features

- » Buildings up to eight stories, mixed horizontally and vertically.
- » Good street access with multiple routes to highways and arterials, yet still including pedestrian accommodations. Trails and pathways integrated throughout developments to connect to parks, neighborhoods, and community destinations.
- » Heavy commercial uses allowed given they mitigate anticipated adverse impacts on adjacent land uses and are located on arterial streets or rail lines.

The proposed preliminary plat would achieve consistency with the Future Land Use Map.

#### **4. Public Input:**

The January 27, 2022 good neighbor meeting was held in conjunction with the rezoning request.

Approximately 15 people attended the meeting and had general questions about the proposed development. The applicant did not request a rezoning at the northeast corner of the property due to the concerns about compatibility and not having a potential end-user at that location. Also, one user of the City's multi-use trail networks expressed a concern over the number of vehicular access points to North Jones Boulevard.

#### **5. Approval Standards:**

Section 180.11(3)(A) of the North Liberty Code of Ordinances sets forth the preliminary subdivision plat submittal requirements and review (Ordinance language in *italics* and staff analysis in **bold**).

3. *Preliminary Subdivision Plat Submittal Requirements and Review. The preliminary plat, in general, contains more information than the final plat, so that the subdivider and the City can ensure conformance with codes, master facility plans, and good planning and engineering practices. Though the preliminary plat is not recorded, it is approved by resolution of the City Council, and conditions for approval of the plat shall be addressed on any final plats of the same area.*

A. *Preliminary Plat Contents. The application shall include a preliminary plat of the subdivision drawn to a scale of one inch to one hundred feet minimum, and shall show:*

*(1) A location map to provide spatial reference, showing the outline of the area to be subdivided, existing streets and corporate limits in the vicinity, a north arrow and scale or note stating "not to scale," and other information that might help clarify where the plat is located as well as its surroundings and size relative to other City features;*

**This has been provided on the Preliminary Plat.**

*(2) Name of proposed subdivision and date;*

**This has been provided on the Preliminary Plat.**

*(3) Legal description and acreage;*

**This has been provided on the Preliminary Plat.**

*(4) Name and address of owner;*

**This has been provided on the Preliminary Plat.**

*(5) Names of the persons preparing the plat, owner's attorney, representative or agent, if any;*

**This has been provided on the Preliminary Plat.**

*(6) Existing and proposed zoning district classification of all land within the proposed subdivision and within about 200 feet of the subdivision;*

**Staff is not requiring this information on the Preliminary Plat.**

*(7) North point and graphic scale;*

**This has been provided on the Preliminary Plat.**

*(8) Contours at two-foot intervals or less, both existing and as generally proposed (subject to more refinement in subsequent construction plans);*

**This has been provided on the Preliminary Plat.**

*(9) Building setback lines as required by the current or proposed zoning district classifications;*

**This has been provided on the Preliminary Plat.**

*(10) The approximate boundaries of areas of known flood levels or floodplains, areas covered by water, wooded areas, floodways, and all open channel drainage ways;*

**This has been provided on the Preliminary Plat.**

(11) Locations, names, and dimensions of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings within in the proposed subdivision and within about 200 feet of the subdivision;

**This has been provided on the Preliminary Plat.**

(12) Layout of proposed blocks, if used, and lots, including the dimension of each lot, and the lot and block number in numerical order;

**This has been provided on the Preliminary Plat.**

(13) Layout and dimensions of proposed streets, sidewalks, trails, alleys, utility and other easements, parks and other open spaces or reserved areas;

**This has been provided on the Preliminary Plat.**

(14) Grades of proposed streets and alleys;

**This has been provided on the Preliminary Plat.**

(15) A cross-section of the proposed streets showing the roadway locations, the type of curb and gutter, the paving, and sidewalks to be installed;

**This has been provided on the Preliminary Plat.**

(16) The layout of proposed water mains and sanitary sewer systems;

**This has been provided on the Preliminary Plat.**

(17) The drainage of the land, including proposed storm sewers, ditches, culverts, bridges and other structures;

**This has been provided on the Preliminary Plat.**

(18) Stormwater management facilities when applicable;

**This has been provided on the Preliminary Plat.**

(19) A signed certificate of the Johnson County Auditor for the subdivision name;

**This information has been provided.**

(20) Other special details or features that may be proposed or required.

**None required.**

## **6. Additional Considerations:**

### Traffic Study.

The traffic study recommends that the intersection of West Penn Street and Country Lane/Saratoga Place. The recommended location is due to the spacing of the existing signal at West Penn Street and North Jones Boulevard and the lack of turn lane queuing if the proposed signal were to line up with the driveway entrance at LL Pelling Co.

The development of the subject property will be subject to the installation of this roadway and traffic signal at some phase of the development. The timing of Saratoga Place and the signal will be articulated in the conditional recommended by City staff and Developer's Agreement for subdivision improvements.

**7. Staff Recommendation:**

**Findings:**

1. The preliminary plat, which proposes commercial development, would consistency with the Comprehensive Plan Future Land Map designation, which is Urban High Intensity; and
2. The preliminary plat, with conditions recommended by City staff, would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

**Recommendation:**

Staff recommends the Planning Commission accept the two listed findings and forward the request of Pratt Real Estate Management, Inc. to approve a Preliminary Subdivision Plat for a 3 lot subdivision on approximately 8.82 acres. approval subject to the following conditions:

1. That development may proceed on Lots 1 and 2 without the right-of-way for Saratoga Place and corresponding roadway and infrastructure improvements being constructed and dedicated to the City of North Liberty. Said development shall abide by size and unit restrictions as described as follows:

Use	Max Size
Bowling Alley	36 K SQ FT
Recreational Community Center	40 K SQ FT
High Turnover Site-Down Restaurant	9 K SQ FT
Coffee/Donut Shop with Drive-Through	
Window and No Indoor Seating*	N/A

\*One drive-through lane. Located within Recreational Community Center

The City reserves the right to require an additional traffic study if changes to the development are requested by the developer.

2. That the right-of-way for Saratoga Place be dedicated to the City of North Liberty, roadway and infrastructure improvements constructed thereon and the traffic signal at the Saratoga Place/West Penn Street intersection be installed by the Developer, and accepted by the City prior to development of Lot 3.

**Suggested motion:**

I move that the Planning Commission accept the two listed findings and forward the preliminary plat to the City Council with a recommendation for approval subject to the conditions recommended by City staff.





**sPlanning Commission  
February 7, 2023  
Council Chambers, 1 Quail Creek Circle**

**Call to Order**

Chair Josey Bathke called the February 7, 2023 Planning Commission to order at 6:30 p.m. in the Council Chambers at 1 Quail Creek Circle. Commission members present: Josey Bathke, Sheila Geneser, Jason Heisler, Patrick Staber, Dave Willer; absent: Barry A'Hearn and Brian Vincent.

Others present: Ryan Rusnak, Ryan Heiar, Grant Lientz, Tracey Mulcahey, Charlie Cowell and other interested parties.

**Approval of the Agenda**

Staber moved, Heisler seconded to approve the agenda. The vote was all ayes. Agenda approved.

**2022 North Liberty Comprehensive Plan**

*Consultant Presentation*

Charlie Cowell, RDG, was present and offered detailed information on the process and the plan.

*Staff Presentation*

Rusnak presented the request of the City of North Liberty for the adoption of the 2022 North Liberty Comprehensive Plan – Connected to Tomorrow. Staff recommends that the Planning Commission accept the finding, the 2022 North Liberty Comprehensive Plan - Connected to Tomorrow would achieve consistency with the 2010 "Iowa Smart Planning Act," which guides and encourages the development of local comprehensive plans and Section 166.02 of the Zoning Code.

*Public Comments*

No public comments were received.

*Questions and Comments*

The Commission discussed the Plan including the calculation of growth rate, the process, the street classification of Forevergreen Road, the land north of UIHC development, the city's plan to implement, small area plans, the amount of work and appreciation, the footprint for growth, livability, and the details in the plan.

*Recommendation to the City Council*

Heisler moved, Willer seconded that the Planning Commission accept the listed finding and forward the comprehensive plan to the City Council with a recommendation for approval. The vote was: ayes – Bathke, Willer, Heisler, Staber, Geneser; nays – none; absent – A'Hearn, Vincent. Motion carried.

## **Public Hearing on Ordinance**

### *Staff Presentation*

Rusnak presented the request of the City of North Liberty for an Ordinance amending Chapter 165 (Zoning Code - Administrative) of the North Liberty Code of Ordinances by narrowing certain compliance requirements within the existing site plan application and review moratorium. Staff recommends the Planning Commission accept the listed finding, the proposed ordinance would align the site plan moratorium ordinance with the 2022 North Liberty Comprehensive Plan Future Land Use Map only and remove reference to the 2013 Land Use Map and forward the Ordinance amendment to the City Council with a recommendation for approval.

### *Public Comments*

No public comments were offered.

### *Questions and Comments*

The Commission had no discussion on the amendment.

### *Recommendation to the City Council*

Willer moved, Staber seconded that the Planning Commission accept the listed finding and forward the Ordinance amendment to the City Council with a recommendation for approval. The vote was: ayes – Willer, Bathke, Staber, Geneser, Heisler; nays – none; absent – A’Hearn, Vincent. Motion carried.

## **Establish Private Street Names Emory Place and Quarter Moon Court**

### *Staff Presentation*

Rusnak presented the request of the City of North Liberty to establish the Emory Place and Quarter Moon Court private street names. Staff recommends that the Planning Commission accept the listed finding, the street names are unique and would achieve consistency with Section 180.12 of the North Liberty City Code and forward the request to establish private street names to the City Council with a recommendation for approval.

### *Public Comments*

No public comments were offered.

### *Questions and Comments*

The Commission discussed the application including the use of Quart vs Court. Rusnak clarified that it should be Court.

### *Recommendation to the City Council*

Geneser moved, Heisler seconded that the Planning Commission accept the listed finding and forward the request for establishing private street names to the City Council with a recommendation for approval. Bathke moved to amend the motion to include the revision of “Quart” to “Court”. Staber seconded. The vote on the amendment was all ayes. Motion carried.

The vote on the amended motion was: ayes – Geneser, Staber, Bathke, Willer, Heisler; nays – none; absent – A’Hearn, Vincent. Motion carried.

**Approval of Previous Minutes**

Heisler moved, Willer seconded to approve the minutes of the January 3, 2023 meeting. The vote was all ayes. Minutes approved.

**Old Business**

No old business was presented.

**New Business**

No new business was presented.

**Adjournment**

At 7:10 p.m., Staber moved, Heisler seconded to adjourn. The vote was all ayes. Meeting adjourned.

Signed:

Tracey Mulcahey, City Clerk