

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Dee F Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: March 5, 2012

Re: A request by Jeff and Cynthia Reed for reapproval of the Preliminary Plat of Oak Valley Addition a proposed eight (8) lot subdivision, located east of Coon Hunters Road and north of 113th Street in part of the SW¹/₄ of Section 15, Buffalo Township.

The Planning Commission unanimously recommended approval of the Preliminary Plat with the one condition recommended by staff. This request is for reapproval of a Preliminary Plat for which the previous approval granted in 2008 had expired.

The previous staff reports and history of the review of this subdivision is included with this memo.

RECOMMENDATION: The Planning Commission recommends that the Preliminary Plat of Oak Valley Addition be approved with the condition that the private covenants provide for a legal mechanism for the maintenance of the common area shown as Outlot #1.

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Timothy Huey
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: February 17, 2012

Re: Resubmittal of the Preliminary Plat of Oak Valley Subdivision

The Preliminary Plat for this property was originally submitted for review on October 12, 2007. It was reviewed and tabled by the Planning Commission twice at its December 4, 2007 and January 8, 2008 in order for the applicant to amend the plat in order to address staff and Planning Commission concerns. (See Staff Reports dated 12/4/07 & 1/8/08) The Planning Commission recommended approval of the Preliminary Plat with six conditions on February 19th, 2008. (See memo dated 2/1/08)

The Board of Supervisors approved the Preliminary Plat with the recommended conditions on March 6, 2008. Scott County Subdivision Regulations require a Final Plat be submitted within one year of Preliminary Plat approval or the Preliminary Plat approval expires. On April 16, 2009 the Board of Supervisor's approved a request of the applicant to extend the Preliminary Plat approval for two years.

On December 10, 2010 the applicant submitted the Final Plat for Oak Valley First Addition and the Planning Commission recommended approval with the condition that surety be posted for the uncompleted road improvements to the access driveway (113th Street) prior to Final Plat approval by the Board of Supervisors. (See Staff Report dated 1/4/11). Scott County Subdivision Regulations require a Final Plat be submitted to the Board of Supervisors within 60 days of the Planning Commission's recommendation or the Planning Commission's recommendation expires. On March 17, 2011 the Board of Supervisors granted a six month extension to the 60 day time limit for Final Plat approval. The applicant did not submit the required materials within that six month extension and the Board of Supervisors denied the Final Plat without prejudice on September 29, 2011.

The applicant has now resubmitted the Preliminary Plat for reapproval by the Planning Commission. Staff renews its recommendation to approve the Preliminary Plat dated January 30, 2008. All of the conditions of the previous Preliminary Plat approved March 6, 2008 have been met.



PLANNING & ZONING COMMISSION
STAFF REPORT
January 4, 2011



Applicant: Jeff Reed

Request: Final Plat of Oak Valley Addition, a proposed eight (8) lot residential subdivision.

Legal Description: Part of the SW ¼ of Section 15, Buffalo Township.

General Location: East of Coon Hunters Road, North of 113th Street

Zoning: Single Family Residential (R-1)

Surrounding Zoning:

- North:** Single Family Residential (R-1)
- South:** Single Family Residential (R-1)
- East:** Single Family Residential (R-1)
- West:** Single Family Residential (R-1)

GENERAL COMMENTS: The Preliminary Plat for this proposed eight (8) lot residential subdivision was approved by the Board of Supervisors on March 6, 2008 with six conditions in accordance with the Planning Commission's recommendations. The Planning Commission had tabled its review of this Preliminary Plat, with the consent of the applicant, at its December 4th 2007 and January 8th 2008 meetings. The Planning Commission's discussion at those meetings dealt with its concerns on the length of the proposed cul de sac (114th Street), extended from the adjacent Kauth Addition, and the total number of lots to be served on that cul de sac. The Planning Commission also had concerns with the inadequate existing access to the applicant's property off of Coon Hunters Road with a twenty five foot wide flag pole being a shared driveway (113th Street) to the applicant's two houses, three neighboring residences and three existing undeveloped lots the applicants own. Some of the previous versions of the Preliminary Plat increased the numbers of lots to use this shared driveway for access. The Planning Commission recommended the applicant upgrade this access by providing an adequate turnaround and increasing the width of the paved access. Without acquiring additional property from the adjacent land owners the width of the easement cannot be increased, therefore any increase in the paved width of that shared driveway would need to be within the twenty five foot wide flagpole. The Planning Commission also indicated that it would not recommend approval of any plat that resulted in more lots accessing this relatively narrow easement. The Preliminary Plat that was approved did not increase the number of lots served by the narrow access drive (113th Street) from Coon Hunters Road.

STAFF REVIEW: Staff has reviewed this Final Plat request for compliance with the requirements of the Subdivision Regulations, the Zoning Ordinance and the six conditions of Preliminary Plat approval. Those six conditions were:



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1. That a variance to the Subdivision Regulations be approved to allow the proposed cul de sac to exceed the maximum length based on the minimal nature of the request, that there is no feasible alternative, and that the maximum numbers of thirty (30) lots served by a single access is not being exceeded;
2. All grading and construction comply with the erosion and sediment control plan as approved by the County Engineer and the Natural Resources Conservation Service;
3. The proposed wastewater treatment facilities meet Health Department and Iowa Department of Natural Resources requirements;
4. The existing shared access drive and proposed cul de sac bulb be constructed and hard surfaced to a minimum width of 18 feet and 40 foot radius;
5. The County Engineer review and approve all street construction plans prior to construction; and
6. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

The County Engineer states that the road construction of the new road (114th Street) that extends through Kauth 2nd Addition to serve the seven lots on the north half of the property appears to have been adequately constructed. However the County Engineer does state that he has concerns that he never received, reviewed or approved any final construction plans for that road. He further states that this could definitely influence his recommendation on whether the County Board should accept these roads onto the County's system. It is also noted that no improvements have been completed to the shared access driveway (113th Street) off of Coon Hunters Road to both widen the driveway surface to 18 feet in width and pave a cul de sac bulb with a 40 foot radius. Currently the driveway is less than ten feet in width, the same it was at the time the Preliminary Plat was reviewed three years ago and there is no turnaround bulb.

As far as the other conditions of Preliminary Plat approval the Board of Supervisors approved the variance to the Subdivision Regulations regarding the length of the cul de sac being extended through Kauth Addition, the grading and road construction have complied with the erosion and sediment control plan, and finally all the proposed wastewater treatment facilities will meet Health Department requirements at the time houses and septic systems are constructed on each lot.

RECOMMENDATION: Staff recommends that the Final Plat for Oak Valley 1st Addition be approved with the condition that surety be posted for the uncompleted road improvements to the access driveway (113th Street) prior to Final Plat approval by the Board of Supervisors.

Submitted by:
Timothy Huey, Director
December 30, 2010

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Timothy Huey
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: February 1, 2008

Re: Revised Oak Valley Addition Preliminary Plat

The Planning Commission has tabled its review of this Preliminary Plat at its December 4th and January 8th meetings. The Planning Commission's discussion at the previous meeting was that it may recommend approval of variance to allow the proposed cul de sac to total greater than ¼ mile in length but that it would not recommend approval of a variance to exceed a maximum of thirty (30) lots served by a single entrance. The Preliminary Plat for Kauth Addition, on the adjacent property to the east, was approved with 23 lots on the cul de sac. That street is being extended to access the northern portion of the applicant's property. This would allow seven additional lots on the applicant's property before the 30 lot threshold was reached.

The current revised Preliminary Plat has seven lots on the cul de sac being extended from Kauth Addition accessing the lots on the north portion of the applicant's property. The existing adjacent four tracts the applicant owns (which are not included in this proposed plat), in addition to the southern 11 acres of the 20 acre tract being subdivided, would continue to obtain access from the existing shared driveway that extends from Coonhunters Road. The revised plat does show a turnaround bulb with a 40 foot radius at the end of the 25 foot wide flagpole coming off of Coonhunters Road. This current revised plat does not change the number of development lots obtaining access from that existing shared driveway. There are currently two existing houses and three lots with development rights that obtain access from that existing access, this revised Preliminary Plat would not change that number.

RECOMMENDATION: Staff recommends that the Revised Plat Preliminary Plat of Oak Valley dated 1/30/08 be approved with the following conditions:

1. That a variance to the Subdivision Regulations be approved to allow the proposed cul de sac to exceed the maximum length based on the minimal nature of the request, that there is no feasible alternative, and that the maximum numbers of thirty (30) lots served by a single access is not being exceeded;
2. All grading and construction comply with the erosion and sediment control plan as approved by the County Engineer and the Natural Resources Conservation Service;
3. The proposed wastewater treatment facilities meet Health Department and Iowa Department of Natural Resources requirements;
4. The existing shared access drive and proposed cul de sac bulb be constructed and hard surfaced to a minimum width of 18 feet and 40 foot radius;
5. The County Engineer review and approve all street construction plans prior to construction; and
6. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.



PLANNING & ZONING COMMISSION
STAFF REPORT
January 8, 2008



- Applicant:** Jeff and Cynthia Reed
- Request:** Preliminary Plat of Oak Valley Addition, a proposed eleven (11) lot subdivision.
- Legal Description:** Part of the SW ¼ of Section 15, Buffalo Township.
- General Location:** East of Coon Hunters Road, North of 113th Street
- Zoning:** Single Family Residential (R-1)
- Surrounding Zoning:**
- North:** Single Family Residential (R-1)
 - South:** Single Family Residential (R-1)
 - East:** Single Family Residential (R-1)
 - West:** Single Family Residential (R-1)

GENERAL COMMENTS: This request was tabled at the December 4, 2007 Planning Commission meeting to give the applicant time to address some of the concerns raised with the initial layout of lots that were submitted. This Preliminary Plat is submitted to subdivide a twenty acre tract into eleven residential lots. The applicants' own a total of thirty acres, all of which is zoned Single Family Residential (R-1). The four adjacent tracts which the applicants also own total ten acres in size. Two of those lots have existing residences, the other two tracts would each have a development right for one house. The only access to the entire property is by a twenty five foot wide "flagpole" at the southwest corner of the property that extends out to Coon Hunters Road. This strip of land, with an unimproved common driveway, serves as the only access for the applicants' twenty acre tract included in this Preliminary Plat and the four other parcels owned by the applicants which are not included with this proposed plat; two of which have existing homes. This common driveway within the twenty five (25') foot wide strip of land is also the only access to three neighboring residences adjacent to the west side of the applicants' property.

The amended Preliminary Plat proposes to create three lots on the south ten acre portion of the twenty acre tract but only two of which would be accessed by the existing shared driveway. This would result in no net increase in the number of lots served by this existing driveway. The north ten acres would be subdivided into eight one acre lots that would be accessed by extending 114th Street; when it is constructed on the adjacent property to the east and would terminate with a cul de sac on the applicants' property. A ninth lot would be accessed by a flag pole off the extended cul de sac that would also serve as the shared access to the common area in the adjacent subdivision. (A Preliminary Plat recently approved for Kauth Addition shows a road extended through the property to the east border of the applicants' property with a one acre nature area also adjacent to the applicant's property.) Additionally, a thirty (30') foot wide strip of land



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would be extended from the end of that cul de sac to the applicants' undeveloped six acre tract on the west side of the property.

The entire property is generally heavily wooded, with steep slopes and rolling topography. Dodges Creek runs west to east through the middle portion of the property. Hickory Hills Subdivision borders the property on the north and a twenty acre parcel to the south which is also zoned R-1 but is currently developed with a single residence.

STAFF REVIEW: Staff has reviewed this amended request for compliance with the requirements of the Subdivision Regulations and the Zoning Ordinance. All of the proposed lots exceed the minimum lot size required by Health Department Regulations and the R-1 zoning district requirements.

Access, Street design and road layout

As stated above, the proposed lots on the north half of the property will be accessed by extending the new street to be constructed on the adjacent property and end it in a cul de sac. This would result in a cul de sac 1,875 feet in length that would serve 33 total lots. This is 555 feet longer than the maximum 1,320 feet permitted by the subdivision regulations and two lots more than the maximum of thirty allowed to be served by a single access. Staff does not regard the length of the proposed cul de sac excessive nor the proposed density of lots. Particularly since due to how the adjacent properties are developed this would appear to be the only feasible alternative for accessing this portion of the applicant's property. Also the applicant has narrowed the proposed access to the undeveloped six acre tract on the west side of this property to thirty (30') feet in width which would prohibit any future subdivision of that six acre tract. However, both the length of the cul de sac and number of lots served would require approval of a variance to the subdivision regulations prior to approval of the Final Plat. The road design and construction will meet all County Standards which is also required for the adjacent subdivision from which this road would be extended.

The applicant has amended the layout so only two of the three proposed lots on the south side of the property are to be accessed by the shared drive that comes off of Coon Hunters Road. The third would be accessed from a flagpole off the cul de sac extended from the adjacent property on the north part of the property. As stated above, that drive way also provides the only access for five existing residences and two undeveloped lots in addition to the two proposed lots included on this Preliminary Plat. Even though the subdivision regulations only allow a maximum of four lots to be served by a shared driveway, staff would regard the existing access as a grandfathered existing condition and the current layout would not result in any net increase in the number of lots served by this existing access. The applicant is proposing to terminate the existing shared driveway with a hammerhead turnaround which staff considers an improvement over the exiting conditions.



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January 8, 2008



Following approval of the Preliminary Plat and prior to approval of the Final Plat the street construction plans will have to be submitted to the County Engineer. The County Engineer must approve those plans prior to initiation of construction.

Stormwater management

The Subdivision regulations require all internal streets to be adequately drained and that detention facilities adequate to capture the runoff from a twenty five (25) year rain event, calculated at post-developed flows, to be place in the subdivision. The release rate from that detention area shall not exceed the volume produced by a five (5) year event, calculated at pre-developed flows. The stormwater drainage plan has been submitted and reviewed by the County Engineer.

Easements along Streams

As stated above, Dodges Creek runs through the middle of this property but it is shown as a designated 100-year floodplain on the Flood Insurance Rate Maps (FIRM). The Preliminary Plat does show a 100 foot wide drainage easement being retained along the centerline of the creek.

Erosion and sediment control plan

The subdivision regulations require the submission of an erosion and sediment control plan prior to Preliminary Plat approval. A plan is included on the Preliminary Plat document. Those plans include information regarding the soil types and the specifications for temporary and permanent erosion and sedimentation control.

Protection of natural vegetation cover

The subdivision regulations allow no more than fifteen percent (15%) of the naturally occurring tree cover to be removed as a result of roadway construction and building site preparation. If the removal of more than 15% is deemed necessary then the removal shall be mitigated by replacing one native tree of similar specie for every three trees removed. The Preliminary Plat notes that approximately 5.9 acres is currently covered with existing trees and that only .39 of an acre will be disturbed for road construction. This represents under 7% of the total area cited and well below the 15% allowed.

Open space requirements

All residential subdivisions with fifteen lots or greater must provide a minimum area of 10,000 square feet of open space plus 2,000 square feet for every lot over fifteen. This plat contains 10 lots and therefore there is no common open space required. However the plat does show an access easement to the open space lot on the plat of the adjacent property as common open space for this lot. This will allow the open space to be shared by the residents of both subdivisions.

Wastewater disposal systems

The Health Department has noted that two acceptable soil percolation tests per lot will have to be submitted prior to Final Plat approval. If soil perc tests are not acceptable then an alternative system, such as a sand filter will be required.



PLANNING & ZONING COMMISSION
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January 8, 2008



Water

The developer of the adjacent land, Mr. Kauth, has submitted a written notice that these two subdivisions will share a community water system that will meet State requirements.

The adjacent property owners within five hundred feet (500') of this property were notified of the previous Preliminary Plat request. No further notice is required.

RECOMMENDATION: Staff recommends that the Preliminary Plat be approved with the following conditions:

1. That a variance to the Subdivision Regulations be approved to allow the proposed cul de sac be allowed to exceed the maximum length and number of lots served based on the minimal nature of the request and that there is no feasible alternative;
2. All grading and construction comply with the erosion and sediment control plan as approved by the County Engineer and the Natural Resources Conservation Service;
3. The proposed hammerhead turnaround be constructed and hard surfaced at the end of 113th Street;
4. The County Engineer review and approve all street construction plans prior to construction; and
5. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

Submitted by:
Timothy Huey, Director
January 3, 2008



PLANNING & ZONING COMMISSION
STAFF REPORT
December 4, 2007



Applicant: Jeff and Cynthia Reed

Request: Preliminary Plat of Oak Valley Addition, a proposed eleven (11) lot subdivision.

Legal Description: Part of the SW ¼ of Section 15, Buffalo Township.

General Location: East of Coon Hunters Road, North of 113th Street

Zoning: Single Family Residential (R-1)

Surrounding Zoning:

North: Single Family Residential (R-1)
South: Single Family Residential (R-1)
East: Single Family Residential (R-1)
West: Single Family Residential (R-1)

GENERAL COMMENTS: This request is submitted to approve the Preliminary Plat of a twenty acre tract. The applicants' own a total of thirty acres, all of which is zoned Single Family Residential (R-1). The four adjacent tracts which the applicants also own total ten acres in size. Two of those lots have existing residences, the other two tracts would each have a development right for one house. The only access to the entire property is by a twenty five foot wide "flagpole" at the southwest corner of the property that extends out to Coon Hunters Road. This strip of land, with an unimproved common driveway, serves as the only access for the applicants' twenty acre tract included in this Preliminary Plat and the four other parcels owned by the applicants which are not included with this proposed plat; two of which have existing homes. This common driveway within the twenty five wide strip of land is also the only access to three neighboring residences adjacent to the west side of the applicants' property.

The Preliminary Plat proposes to create three lots on the south ten acre portion of the twenty acre tract that would be accessed by extending the existing shared driveway. The north ten acres would be subdivided into eight one acre lots that would be accessed by extending 114th Street; when it is constructed on the adjacent property to the east and would terminate with a cul de sac on the applicants' property. (A Preliminary Plat recently approved for Kauth Addition shows a road extended through the property to the east border of the applicants' property.) Additionally, a forty (40') foot wide a strip of land would be extended from the end of that cul de sac to the applicants' undeveloped six acre tract on the west side of the property.

The entire property is generally heavily wooded, with steep slopes and rolling topography. Dodges Creek runs west to east through the middle portion of the property. Hickory Hills Subdivision borders the property on the north and a twenty acre parcel to the south which is also zoned R-1 but is currently developed with a single residence.



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STAFF REPORT
December 4, 2007



STAFF REVIEW: Staff has reviewed this request for compliance with the requirements of the Subdivision Regulations and the Zoning Ordinance. All of the proposed lots exceed the minimum lot size required by Health Department Regulations and the R-1 zoning district requirements.

Access, Street design and road layout

As stated above, the proposed lots on the north half of the property will be accessed by extending the new street to be constructed on the adjacent property and end it in a cul de sac. This would result in a cul de sac 1,875 feet in length that would serve 32 total lots. This is 555 feet longer than the maximum 1,320 feet permitted by the subdivision regulations and two lots more than the maximum of thirty allowed to be served by a single access. Both of these would require approval of a variance to the subdivision regulations prior to approval of the Final Plat. The road design and construction will meet all County Standards which is also required for the adjacent subdivision from which this road would be extended.

The three proposed lots on the south side of the property are proposed to be accessed by an extension of the shared drive that comes off of Coon Hunter Road. As stated above, that drive way also provides the only access for five existing residences and two undeveloped lots in addition to these three proposed lots include on this Preliminary Plat. The subdivision regulations only allow a maximum for four lots to be served by a shared driveway. The existing lots were created prior to the subdivision regulations being in place but the creation of these new lots would require compliance with the subdivision regulations. Those would require a minimum of fifty feet of road easement width and a road built to County standards. This would necessitate the applicants acquiring an additional twenty five feet of easement width at the entrance off of Coon Hunters and improving a road to County standards within that easement. That road would then be required to terminate with a eight foot diameter cul de sac turnaround.

Following approval of the Preliminary Plat and prior to approval of the Final Plat the street construction plans will have to be submitted to the County Engineer. The County Engineer must approve those plans prior to initiation of construction.

Stormwater management

The Subdivision regulations require all internal street to be adequately drained and that detention facilities adequate to capture the runoff from a twenty five (25) year rain event, calculated at post-developed flows, to be place in the subdivision. The release rate from that detention area shall not exceed the volume produced by a five (5) year event, calculated at pre-developed flows. The stormwater drainage plan and the design of detention facilities are required prior to Preliminary Plat approval. Staff would recommend that a stormwater drainage plan be submitted prior to the Planning Commission making a recommendation on the Preliminary Plat.



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STAFF REPORT
December 4, 2007



Easements along Streams

As stated above, Dodges Creek runs through the middle of this property but it is shown as a designated 100-year floodplain on the Flood Insurance Rate Maps (FIRM). The Preliminary Plat does show a 100 foot wide a drainage easement being retained along the centerline of the creek.

Erosion and sediment control plan

The subdivision regulations require the submission of an erosion and sediment control plan prior to Preliminary Plat approval. A plan is included on the Preliminary Plat document. Those plans include information regarding the soil types and the specifications for temporary and permanent erosion and sedimentation control.

Protection of natural vegetation cover

The subdivision regulations allow no more than fifteen percent (15%) of the naturally occurring tree cover to be removed as a result of roadway construction and building site preparation. If the removal of more than 15% is deemed necessary then the removal shall be mitigated by replacing one native tree of similar specie for every three trees removed. The Preliminary Plat notes that approximately 5.9 acres is currently covered with existing trees and that only .39 of an acre will be disturbed for road construction. This represents under 7% of the total area cited and well below the 15% allowed.

Open space requirements

All residential subdivisions with fifteen lots or greater must provide a minimum area of 10,000 square feet of open space plus 2,000 square feet for every lot over fifteen. This plat contains 10 lots and therefore there is no common open space required. However the plat does show a strip of land .34 acres in size adjacent to the open space lot on the plat of the adjacent property as common open space for this lot. This will allow the open space to be shared by the residents of both subdivisions.

Wastewater disposal systems

The Health Department has noted that two acceptable soil percolation tests per lot will have to be submitted prior Final Plat approval. If soil perc tests are not acceptable than an alternative system, such as a sand filter will be required.

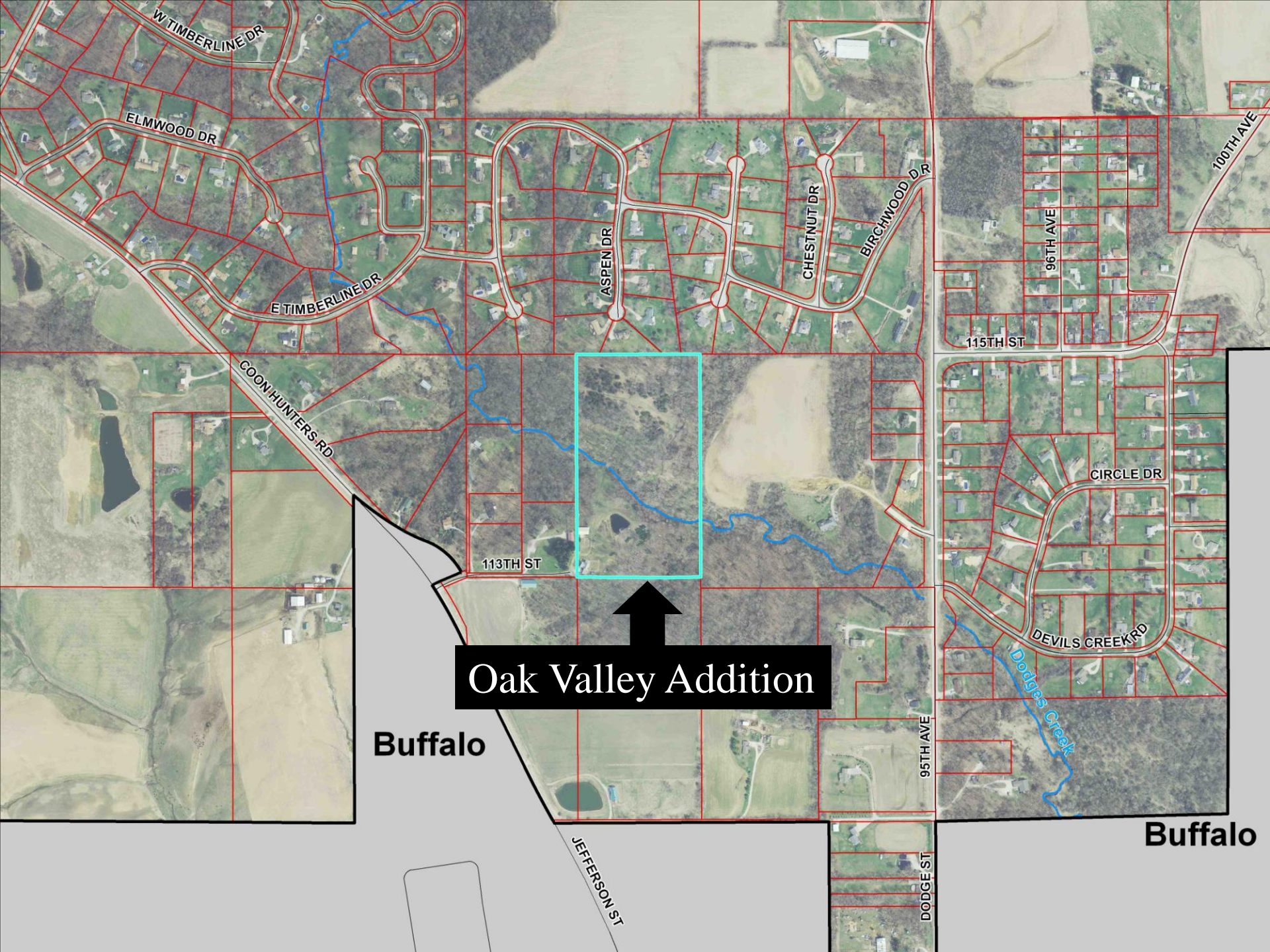
Water

The applicant has not indicated how these properties will be served with potable water.

Staff has notified the adjacent property owners within five hundred feet (500') of this property of this Preliminary Plat request. Staff has received some calls from neighbors with concerns on this request.

RECOMMENDATION: Staff recommends that the Preliminary Plat be tabled until January 8, 2008 to allow the applicant time to submit the requested information on access, road design, stormwater management, erosion control, and water system.

Submitted by: Timothy Huey, Director November 30, 2007



Oak Valley Addition

Buffalo

Buffalo

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____
DATE

SCOTT COUNTY AUDITOR

RESOLUTION
SCOTT COUNTY BOARD OF SUPERVISORS
March 15, 2012
APPROVING THE PRELIMINARY PLAT OF OAK VALLEY ADDITION

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

Section 1. The Preliminary Plat of Oak Valley Addition be approved in accordance with the Planning and Zoning Commission's recommendation with the condition that prior to Final Plat approval private covenants be submitted that provide for a legal mechanism for the maintenance of the common area shown as Outlot #1.

Section 2. This resolution shall take effect immediately.