RESOLUTION NO. 22-248

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A TWO-LOT MINOR SUBDIVISION TO BE KNOWN AS EYMAN SUBDIVISION, LEGALLY DESCRIBED AS BEING A PORTION OF THE NE1/4 OF SECTION 15-74-74, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Eyman Investments, LLC has requested final plat approval for 83.14 +/- acres of undeveloped land that is bounded by Veterans Memorial Highway to the north, Gifford Road to the east, undeveloped land and Fox Run Golf Course to the south, and Chapel Ridge Apartments to the west; and

WHEREAS, All City departments and local utility companies were provided a copy of the proposed final plat for review and the following comments were received:

A. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.

B. Proposed Lots 1 and 2, Eyman Subdivision exceed the underlying lot size requirements for the I-2/General Industrial, A-2/Parks, Estates, and Agricultural, and R-3/Low Density Multi-Family Residential Districts. All development activity within the subdivision shall comply with the standards of the underlying zoning district(s).

C. All lots have direct frontage onto Veterans Memorial Highway, Gifford Road, and 45th Avenue. Veterans Memorial Highway is access controlled by IDOT, and the City of Council Bluffs controls access onto 45th Avenue and Gifford Road. All future access points to proposed Lots 1 and 2, Eyman Subdivision must be coordinated with the Council Bluffs Public Works Department.

D. The proposed Eyman Subdivision includes dedication of a portion of 45th Avenue right-of-way that lies immediately north of Lot 1, Eyman Subdivision and east of Lot 2, Eyman Subdivision. This segment of 45th Avenue will provide connection to/from Gifford Road and Veterans Memorial Highway for all abutting properties. The width of the proposed 45th Avenue right-of-way dedication varies from 33' on the east-end to 50 feet on the north-end. Additional land must be acquired and/or dedicated from abutting landowners in order for this segment of 45th Avenue to have a consistent 60-66 foot-wide right-of-way. The timing for acquiring the additional right-of-way will be evaluated by the City once development activity within proposed Eyman Subdivision and other abutting properties are known.

The plat also includes dedication of a Gifford Road right-of-way that abuts the easterly boundary of proposed Lot 1, Eyman Subdivision. The City has maintained and utilized this segment of Gifford Road right-of-way via an underlying easement, which was established when the land was

unincorporated. This dedication is a formality that allows said Gifford Road right-of-way to officially become part of the City's street inventory.

E. The subdivision includes re-platting a southerly portion of 45th Avenue right-of-way that was vacated by City Council on October 11, 2021 via Resolution No. 21-293. When said southerly portion of 45th Avenue was vacated, a perpetual easement was reserved so that franchise utility providers have access to their infrastructure. Only one utility provider (CenturyLink/Lumen) was identified to have infrastructure within said easement, and they have since agreed to abandon their infrastructure in place without need for the easement. The applicant is in the process of seeking City approval to release the easement reserved over this section of 45th Avenue (Case #MIS-22-005), and a City Council public hearing for the release will take place concurrently with the public hearing for the Eyman Subdivision final plat on October 10, 2022.

F. Public water, sanitary sewer and storm sewer utilities are available to service all lots in the subdivision. Any cost to construct, extend, remove and/or relocate any utilities within or to this subdivision shall be the sole responsibility of the developer, and not the City of Council Bluffs.

G. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the developer, and not the City.

H. The following technical corrections/edits shall be made to the final plat prior to being executed by the City of Council Bluffs:

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1. Notate "Courtney Harter" as the Community Development Department Director
2. Specify on the plat if any private restrictions and/or covenants will be recorded with the subdivision. If none, state that no private restrictions and/or covenants will be recorded with the subdivision on the plat.

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1. Remove the northerly line for the 45th Avenue right-of-way dedication, adjacent to Veterans Memorial Highway, so that section does not appear to be landlocked; and

WHEREAS, The Community Development Department recommends approval of the proposed two-lot minor subdivision to be known as Eyman Subdivision, as shown on Attachment B, and subject to the comments above and the conditions below:

A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.

B. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.

C. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.

D. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.

E. The 45th Avenue easement release shall be occur prior to the execution of the final plat; otherwise, the final plat shall be updated to show said recorded easement.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the request for final plat approval for a two-lot minor subdivision to be known as Eyman Subdivision, as shown on Attachment B, is hereby approved subject to all comments and conditions listed above and all local, state and federal regulations; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND October 10, 2022.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
ALLISON HEAD Deputy City Clerk