Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: (712) 890-5261
Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: (712) 890-5350

RESOLUTION NO. 22-292

A RESOLUTION TO EXTEND THE DEADLINE FOR YODER CONSTRUCTION, INC. TO COMPLETE THE PROPOSED HOME ON PROPERTY FORMERLY OWNED BY THE CITY AND LEGALLY DESCRIBED AS LOT 5 AND THE WEST ½ OF THE VACATED NORTH/SOUTH ALLEY ADJACENT, WELLS PARK ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, on July 22, 2019, City Council passed Resolutions No. 19-139 through No. 19-144 regarding the sale to Yoder Construction, Inc. for city-owned properties legally described as follows: Lot 1 and a 20' by 7' strip of vacated Pomona Street Adjacent, Auditor's Subdivision of Lot 1 Block 4 Glendale Addition and that part of Lot 95, Original Plat of Council Bluffs, Iowa West of Huntington Avenue, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 4 and the West ½ of the vacated north/south alley adjacent, Judd's Park Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 2 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 3 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 4 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 5 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa, to Yoder Construction, Inc.; and

WHEREAS, on February 22, 2021, City Council passed Resolution No. 21-68, which granted an extension of time for the completion of the proposed homes on the properties legally described above and set the following deadlines:

A. The deadline for the completion of the first home shall be October 1, 2021.
B. The deadline for the completion of the second home shall be October 1, 2022.
C. The deadline for the completion of the third home shall be October 1, 2023.
D. The deadline for the completion of the fourth home shall be October 1, 2024.
E. The deadline for the completion of the fifth home shall be October 1, 2025.
F. The deadline for the completion of the sixth home shall be October 1, 2026; and

WHEREAS, the construction of the second home was not completed by October 1, 2022 due to delays in the delivery of construction materials, scheduling conflicts with subcontractors, and additional tree removal; and

WHEREAS, an extension of time has been requested by the applicant allowing the completion of the second home to occur on or before March 31, 2023.

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

That the completion of the proposed home on Lot 5 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa shall occur on or before March 31, 2023.

BE IT FURTHER RESOLVED

That if the applicant is unable to complete the proposed home and/or any of the subsequent homes by the deadlines stated above, an extension of time shall be requested in writing to the Community Development Department prior to the expiration date. A six-month extension of time may be approved administratively by the Community Development Department. Any extension of time requests exceeding a six-month period shall be reviewed and approved by City Council.

ADOPTED
AND
APPROVED: November 14, 2022.

_____
MATTHEW J. WALSH Mayor

ATTEST: _____
JODI QUAKENBUSH City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, 2022, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

_____
Notary Public in and for said State