RESOLUTION NO. 23-49

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS FOR LOTS 1-8 OF THE BLUFFS VISION SUBDIVISION.

WHEREAS, Southwest Iowa Foundation, Inc. and CMK Development, LLC, an Iowa limited liability company ("CMK") imposed certain restrictions, easements and covenants on Lots 1-8 of the Bluffs Vision Subdivision and the final plat was recorded on February 19, 2002; and

WHEREAS, The original Declaration of Restrictions and Grant of Easements between the parties was recorded on October 31, 2002 and an Amendment to Declaration of Restrictions and Grant of Easements was recorded on August 16, 2005; and

WHEREAS, The parties would like to enter into this Third Amendment to allow for the construction and operation of a hotel to the extent permitted in the Planned Commercial zoning classification under Zoning Code of Council Bluffs, Iowa, on Lots 2 and 3 of Bluffs Vision Subdivision Replat 1; and

WHEREAS, Pursuant to Section 6.2 of the original Declaration, the Declaration may be amended by the mutual agreement of Southwest Iowa Foundation, Inc. and Bluffs Vision Owners that own Bluffs Vision Lots equal to at least seventy-five percent (75%) of the Lot Area of all Bluffs Vision Lots and they all believe it is in the best interest of themselves and the community of Southwest Iowa to further amend the Declarations.

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

That the City Council of the City of Council Bluffs, Iowa authorize and direct the Mayor to execute the Third Amendment for Bluffs Vision Subdivision.

ADOPTED
AND February 13, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk