RESOLUTION NO. 23-165

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A ONE-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS HUFF-SALES SUBDIVISION BEING LEGALLY DESCRIBED AS PART OF THE W ½ OF THE NW ¼ OF THE NW ¼ OF SECTION 27-75-44, LOTS 1 AND 2, BLOCK 5, BENSONS FIRST ADDITION, VACATED NORTH 32ND STREET LYING NORTH OF THE NORTH RIGHT-OF-WAY OF AVENUE 'K', AND PORTIONS OF THE EAST/WEST ALLEY LYING WEST OF LOT 12, BLOCK 4, BENSONS FIRST ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, James R. Huff is requesting this final plat approval on 2.05 acres, more or less, on property located at 3204 Avenue K; and

WHEREAS, The Community Development Department provided the following comments:

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 Director.

B. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code.

C. The subject property is zoned R-1/Single-Family Residential District. All construction activity that occurs within the proposed subdivision shall comply with R-1 District site development standards.

D. Proposed Lot 1 has access off Avenue K, an improved public street.

E. Proposed Lot 1 is currently developed and serviced with adequate utilities. Concurrent with the subject final plat request, the applicant is requesting to release a portion of the permanent and perpetual easement on the west half of vacated North 32nd Street (Case #MIS-23-003). Currently, MidAmerican Energy has utility poles within the west half of said easement area. The applicant is working with Mid-American Energy to relocate said utility poles to the east half of the vacated North 32nd Street. All costs to construct, extend, remove, and/or relocate any utilities within or to this subdivision shall be the sole responsibility of the developer, not the City of Council Bluffs.

F. The applicant is currently in the process of vacating the adjacent east/west alley (Case #SAV-16-001). The applicant initially brought forth the vacation request in 2016 but, for unknown reasons, the request did not complete the public hearing process through City Council at that time. The applicant owns property at 3204 Avenue 'K', the east half of the vacated North 32nd Street, and the vacant 1.53 acre parcel north of 3204 Avenue 'K'. The 1.53 acre parcel is separated from the applicant's other two properties by an existing unimproved east/west alley. The applicant's intent is to complete the vacation process started in 2016, of the adjacent east/west alley (Case #SAV-16-001) so that the applicant can combine all three of their properties into one lot of record (Case #SUB-23-006). The applicant intends to construct an addition to their existing residential dwelling on the

property at a later date. The final plat will include all acquired portions of the adjacent alleyway.

G. The following technical corrections shall be made to the final plat:
   a. The date under the "Approval of the City of Council Bluffs" statement on Page C0.2 shall state 2023 instead of 2024.
   b. The Mayor's name under the "Approval of the City of Council Bluffs" statement on Page C0.2 shall state "Matthew J. Walsh" rather than Matt Walsh.
   c. The legal description on the final plat shall read, "part of the W ½ of the NW ¼ of the NW ¼ of Section 27-75-44, Lots 1 and 2, Block 5, Bensons First Addition, vacated North 32nd Street lying north of the north right-of-way of Avenue 'K', *and portions of the east/west alley lying west of Lot 12, Block 4, Bensons First Addition*, City of Council Bluffs, Pottawattamie County, Iowa.
   d. The standard dedication of public easements language shall appear on the final plat as stated below:

A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines:

ERECTION OF STRUCTURES PROHIBITED: Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.

CHANGE OF GRADE PROHIBITED: Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.

RIGHT OF ACCESS: City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.

REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.

SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.

DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.

EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns; and

WHEREAS, The Community Development Department recommends final plat approval of a one-lot residential subdivision to be known as Huff-Sales Subdivision being legally described as part of the W ½ of the NW ¼ of the NW ¼ of Section 27-75-44, Lots 1 and 2, Block 5, Bensons First Addition, vacated North 32nd Street lying north of the north right-of-way of Avenue 'K', and portions of the east/west alley lying west of Lot 12, Block 4, Bensons First Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

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. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
C. All technical corrections discussed in the staff report shall be incorporated in the final plat prior to being executed by the City.

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 one-lot residential subdivision to be known as Huff-Sales Subdivision, 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 June 12, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk