RESOLUTION NO. 18-161

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF JENNIE EDMUNDSON ADDITION, LEGALLY DESCRIBED AS BEING A REPLAT OF LOTS 1 THRU 4, LOTS 6 THRU 10 AND A PART OF LOT 5, BLOCK 4, HAGG'S FIRST ADDITION, AND ALL OF LOTS 5 THRU 8 AND A PART OF LOTS 1 THRU 4, HUBER & WALTERS TERRACE, AND ALL OF LOTS 1 THRU 3 AND A PART OF LOTS 4 THRU 6, BLOCK 5, AND LOT 1 AND A PART OF LOTS 12 THRU 14, BLOCK 6, EXTENSION OF HAGG'S ADDITION, AND THAT PORTION OF VACATED THOMAS STREET, KIMBALL AVENUE AND ALLEYS THEREIN, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Jennie Edmundson Memorial Hospital has requested final plat approval of a one-lot commercial subdivision to be known as Jennie Edmundson Addition (see Attachments A and B); and

WHEREAS, The proposed subdivision is comprised of 3.66 acres of land and is geographically bounded by East Broadway Street/East Kanesville Boulevard to the west, Ridge Street to the north, East Pierce Street to the east and Nicholas Street to the south; and

WHEREAS, The purpose of this request is to create a parcel of land where the applicant can build a new three-story medical office building with associated off-street parking; and

WHEREAS, The following comments were provided for the proposed subdivision request:

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. The subdivision is comprised of 3.66 acres of land that is zoned A-P/Administrative-Professional District (see Case #ZC-17-007). The proposed subdivision exceeds the minimum lot size requirements for property-zoned A-P District.
3. The proposed subdivision is comprised of land owned by Jennie Edmundson Memorial Hospital and Woman's Christian Association. The letter of intent provided by the applicant states that all land in the proposed subdivision will deeded to Jennie Edmundson Memorial Hospital prior to executing the final plat.
4. The proposed subdivision includes vacated sections of Thomas Street and Kimball Avenue right-of-way along with vacated alleys in Block 4, Hagg's First Addition, Huber & Walters Terrace, Block 5, Extension of Hagg's Addition and Block 6, Extension of Hagg's Addition. The vacated Kimball Avenue right-of-way and alley in Block 4, Hagg's First Addition were vacated as part of Resolution No. 18-18, dated 1/22/2018 and was subject to the reservation of a utility easement (see Attachment C). The vacated Thomas Street right-of-way abutting part of Lot 14, Block 6, Hag's Extension and abutting Part of Lot 4, Block 5, Hagg's Extension was vacated by Ordinance No. 3909, dated 5/18/1970 and was subject to the reservation of a permanent utility easement (see Attachment D). The remaining vacated Thomas Street right-of-way along with the alleys abutting Lots 1-8, Huber and Walter

Terrace, and Lots 1-6, Block 5, Hagg's Extension and that portion of the alley in Block 6, Hagg's Extension, abutting Lot 1 and 14 were vacated by Ordinance No. 5038, dated 7/8/1991 and were subject to the reservation of a permanent utility easement (see Attachment E). The final plat shall revised to show all said utility easements. The applicant can request the said easements be released if all of the utilities within the vacated right-of-way areas have been relocated and are no longer needed by utility providers. The process to release said easements will include notification and input from all local utility providers and approval by City Council.

5. The proposed subdivision abuts five different public right-of-ways: East Broadway Street, Ridge Street, East Kanesville Boulevard, Nicholas Street and East Pierce Street. For zoning setback purposes, the property line abutting Nicholas Street shall be considered the front as it has the least amount of road frontage. All other property lines shall be considered a street-side. The required front yard setback in an A-P District is 20 feet and the street-side yard setback is 15 feet.
6. No new right-of-ways are proposed to be dedicated to the City because of this subdivision. Sidewalks are already constructed along all frontages for this subdivision. Any cost to remove, repair and/or relocate sidewalks for the development of this subdivision shall be at the sole cost of the applicant and not the City.
7. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
8. The Council Bluffs Fire Department stated they have no comments for the proposed subdivision.
9. Mid-American Energy stated they have three phase power line within the vacated alley in Block 4, Hagg's First Addition that must be relocated at the sole expense of the applicant.
10. Council Bluffs Public Works Department provided the following comments:
    a. Relabel North Broadway to Ridge Street
    b. A note shall be added to the plat stating 'A five foot-wide permanent easement on each side and rear property line(s) and a 10 foot-wide easement along all front lot lines is reserved for the installation and maintenance of utilities'.
    c. Provide the following easement language for the above mentioned five and ten-foot utility easements: The following easement language shall be added to the plat:
        i. 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 which shall not be unreasonably withheld, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.

ii. 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 which shall not be unreasonably withheld.

iii. 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.

iv. REMOVAL AND REPLACEMENT: With the exception of existing structures, 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.

v. SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding.

vi. 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 and to Grantor's satisfaction.

vii. 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.

d. All easements for the vacated streets and alleys shall be stated on the plat.

11. The following technical corrections shall be made to the proposed final plat prior to being executed:

a. Replace the street name "North Broadway Street' with 'Ridge Street" on the plat map and legal description;

b. Replace "PACE Subdivision" with "Jennie Edmundson Addition" in the City Clerk certification statement.

c. Label the easements over the vacated Kimball Avenue, Thomas Street and the alleys shown on the final plat. Reference Resolution No. 18-18, dated 1/22/2018 for the easement over vacated Kimball Avenue

and alley in Block 4, Hagg's First Addition. Reference Ordinance No. 3909 dated 5/18/1970 for the easement over vacated Thomas Street abutting part of Lot 4, Block 5, Hagg's Extension and part of Lot 14, Block 6, Hagg's Extension. Reference Ordinance No 5038, dated 7/8/1991 for the easement over the remaining portion of vacated Thomas Street and the alley abutting Lots 1-8, Huber and Walter Terrace, and Lots 1-6, Block 5, Hagg's Extension and that portion of the alley in Block 6, Hagg's Extension, abutting Lot 1 and 14; and

WHEREAS, The Community Development Department recommends approval of the final plat to be known as Jennie Edmundson Addition, subject to the following:

1. All technical corrections shall be incorporated into the final plat document prior to being executed; and
2. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
3. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
4. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
5. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

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

That the final plat approval for or a final plat approval of a one-lot commercial subdivision to be known as Jennie Edmundson Addition, as legally described above and shown on Attachments "A" and "B", is hereby approved subject to 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 May 21, 2018.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk