Council Communication

Department: Community Development CASE #SUB-18-013 Owner/Applicant: 92 Investments, LLC 22735 James Drive Council Bluffs, IA 51503 Engineer: HGM Associates Attn: John Jorgenson 640 5th Avenue Council Bluffs, IA 51501	Resolution No. _____	City Council: 8/27/2018

Subject/Title

Request: Final plat approval of a five-lot (and one outlot) residential subdivision to be known as New Horizon Subdivision, Replat 2, legally described as being a replat of all of Lot 2, New Horizon Subdivision, Replat 1.

Location: South of College Road, Northwest of Interstate 80, East of Valley View Drive

Background/Discussion

The Community Development Department has received a request from 92 Investments, LLC for final plat approval of a five lot (and one outlot) residential subdivision to be known as New Horizon Subdivision, Replat 2. The proposed subdivision consists of 21.82 acres, more or less, of land, and is located South of College Road, and East of Valley View Drive.

The original subdivision plat for New Horizon Subdivision was approved by the Council Bluffs City Council with Resolution 06-151 on June 12, 2006. New Horizon Subdivision, Replat 1 was approved by the Council Bluffs City Council with Resolution 14-004 on January 13, 2014. The preliminary plan for New Horizon Subdivision, Replat 2 was approved by the City Council on September 25, 2017, and featured five residential lots. Proposed Lots 1 through 4, New Horizon Subdivision, Replat 2, will be sold to Immanuel Pathways and developed with a new senior care living facility. Access to these lots will occur through a shared easement that connects with College Road. Proposed Lot 5 will be developed by 92 Investments, LLC, as an attached single-family residential neighborhood. Further platting of Lot 5 will be required for the development. Outlot A will be designed and used for stormwater management for the subdivbision. Access to Lot 5 will come from College Road.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. Lots 1-4, New Horizon Subdivision, Replat 2, was rezoned to the R-3/Low Density Multifamily Residential District, and Lot 5 and Outlot A rezoned to the R-2/Two-Family Residential District by Ordinance #6308 on October 9, 2017.
3. Lots 1 through 4 in New Horizon Subdivision, Replat 2 comply with minimum R-3/Low Density Multi-Family Residential District lot size requirements. Lot 5 complies with minimum R-2/Two-Family Residential District lot size requirements.

4. Lot 3 is landlocked and will be accessed by an easement through Lots 1, 2, and 4. The location and size of said access easement is shown on the final plat.
5. 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.
6. The Council Bluffs Public Works Department provided the following comments:
   1. A performance guarantee will be required for the sanitary sewer improvements.
   2. The engineer has submitted an acceptable OPC for the sanitary sewer work.
7. The Council Bluffs Fire Department stated they have no comments for the proposed final plat.
8. Council Bluffs Water Works stated a main extension agreement has been signed that will cover water main frontage for Lots 1-4. Lot 5 already has water main frontage on College Road.
9. MidAmerican Energy Company stated they have no objections to this replat, and will work with the developer on the extension agreements for each lot.
10. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a building on each lot, at no cost to the City.
11. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision. The plat shall be revised to state whether any private restrictions and/or covenants will be established for the subdivision and a copy of said private restrictions and/or covenants shall be provided to the City of Council Bluffs.

Recommendation

The Community Development Department recommends final plat approval of a five lot residential, and one outlot subdivision, to be known as New Horizon Subdivision, Replat 2, as legally described above and as shown on Attachment 'A', subject to all comments stated above and following conditions:

a. All technical corrections discussed above shall be made on the final plat prior to execution of the document.
b. The required performance guarantee or satisfactory installation of all utilities must be obtained prior to recordation of the final plat; and
c. 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
d. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
e. 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
f. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City; and
g. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling unit on each lot, at no cost to the City; and
h. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.

Attachment

Attachment A: New Horizons Subdivision, Replat 2 final plat

Engineer: John Jorgenson, HGM Associates, 640 5th Avenue, Council Bluffs, IA 51501

Prepared by: Chris Meeks, Planner

FINAL PLAT OF
NEW HORIZON SUBDIVISION, REPLAT 2

BEING ALL OF LOT 2, NEW HORIZON SUBDIVISION, REPLAT 1, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

RECORDER'S INDEX
LOT: 2
BLOCK:
SUBDIVISION: NEW HORIZON SUBDIVISION REPLAT 1
AUDUOT PART:
SECTION:
SECTION: / TOWNSHIP: / RANGE:
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: 92 INVESTMENTS LLC
REQUESTED BY: WESTERN IOWA LAND DEVELOPMENT LLC
DATE OF FIELD SURVEY: JULY 18, 2018

PREPARED BY: JONATHAN M. LESINGER, P.L.S., HGM ASSOCIATES INC., P.O. BOX 919, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

OWNER:
92 INVESTMENTS LLC
22735 JAMES DRIVE
COUNCIL BLUFFS, IOWA 51503

DEVELOPER:
WESTERN IOWA LAND DEVELOPMENT, LLC
P.O. BOX 683
AVOCA, IOWA 51521

RECORD LEGAL DESCRIPTION

LOT 2, NEW HORIZON SUBDIVISION, REPLAT 1, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

NOTE:

A 5.00 FOOT WIDE PERMANENT EASEMENT ON EACH SIDE OF ALL SIDE LOT LINES, A 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL FRONT LOT LINES, AND A 5.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL REAR LOT LINES, ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE

ATTESTED TO BY:

CITY CLERK: JODI QUAKENBUSH DATE

COMMUNITY DEVELOPMENT DIRECTOR: BRANDON GARRETT DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN MIDLANDS SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA A. VOSS DATE

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT.

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
B. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

PROFESSIONAL LAND SURVEYOR
JONATHAN M. LESINGER
14415
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

JULY 27, 2018
JONATHAN M. LESINGER DATE

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 SHEET 2 OF 2

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT 92 INVESTMENTS LLC, BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOTS 1 THROUGH 5, INCLUSIVE, OUTLOT A. SAID PROPERTY TO BE KNOWN AS NEW HORIZON SUBDIVISION, REPLAT 2.

AS PART OF THIS PLATTING, 92 INVESTMENTS LLC DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA A PERPETUAL STORM SEWER AND DRAINAGE EASEMENT 20 FEET IN WIDTH, BEING 10.00 FEET IN WIDTH ON EACH SIDE OF THE LINE SHOWN IN THE DRAWING ACROSS LOT 5.

AS PART OF THIS PLATTING, 92 INVESTMENTS LLC DOES HEREBY DEDICATE A 30.00 FEET WIDE INGRESS/EGRESS EASMENT FOR THE BENEFIT OF LOTS 1, 2, 3 AND 4 AS SHOWN AND DESCRIBED ON THE DRAWING.

AS PART OF THIS PLATTING, 92 INVESTMENTS LLC DOES HEREBY DEDICATE OUTLOT A TO THE OWNERS OF LOTS 1 THROUGH 5 THEIR ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS SHALL PERPETUALLY OPERATE AND MAINTAIN OUTLOT A AND THE STORMWATER FACILITITY OR BEST MANAGEMENT PRACTICES (BMPs) LOCATED WITHIN OUTLOT A IN STRICT ACCORDANCE WITH STANDARD PRACTICES AND REQUIREMENTS FOR SAID BMPs AS ACCEPTED BY THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE.

THE DEDICATION OF THESE EASMENT SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.

1. EASEMENT RUNS WITH THE LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON 92 INVESTMENT LLC, ITS SUCCESSORS OR ASSIGNS.
2. ERECTION OF STRUCTURES PROHIBITED: 92 INVESTMENTS LLC, OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER NOR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.
3. CHANGES OF GRADE: 92 INVESTMENT LLC, OT ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION, NOR THE CONTOURS OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.
4. RIGHT OF ACCESS: THE CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA HEREIN DESCRIBED.
5. REMOVAL AND REPLACEMENT: THE COST AND 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 SAID 92 INVESTMENTS LLC, OR ITS SUCCESSORS OR ASSIGNS.
6. SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED TO GRADING AND SEEDING.
7. DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD, OR OTHER IMPROVEMENT 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 SAID 92 INVESTMENT LLC, OR ITS SUCCESSORS OR ASSIGNS.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE 92 INVESTMENTS LLC PROPERTY AS CONTAINED HEREIN ON THIS

_____ DAY OF _____, 2018.

BY: _____
JOHN H. JERKOVICH

STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

ON THIS _____ DAY OF _____, 2018, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED JOHN H. JERKOVICH, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS ONE OF THE MEMBERS OF WESTERN IOWA LAND DEVELOPMENT, L.L.C., THAT NO SEAL HAS BEEN PROCURED BY THE SAID LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERS AND THAT SAID JOHN H. JERKOVICH ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

_____
NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES _____

Any drawing, design, plan, specification or copy thereof furnished by hgm associates inc. pursuant to this agreement is and shall remain the property of hgm associates inc. and may be used only with the written permission of hgm associates inc. and shall be returned upon demand.

hgm ASSOCIATES INC
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

DEF drawn
DEF designed
JML approved
JULY'18 date
revision date

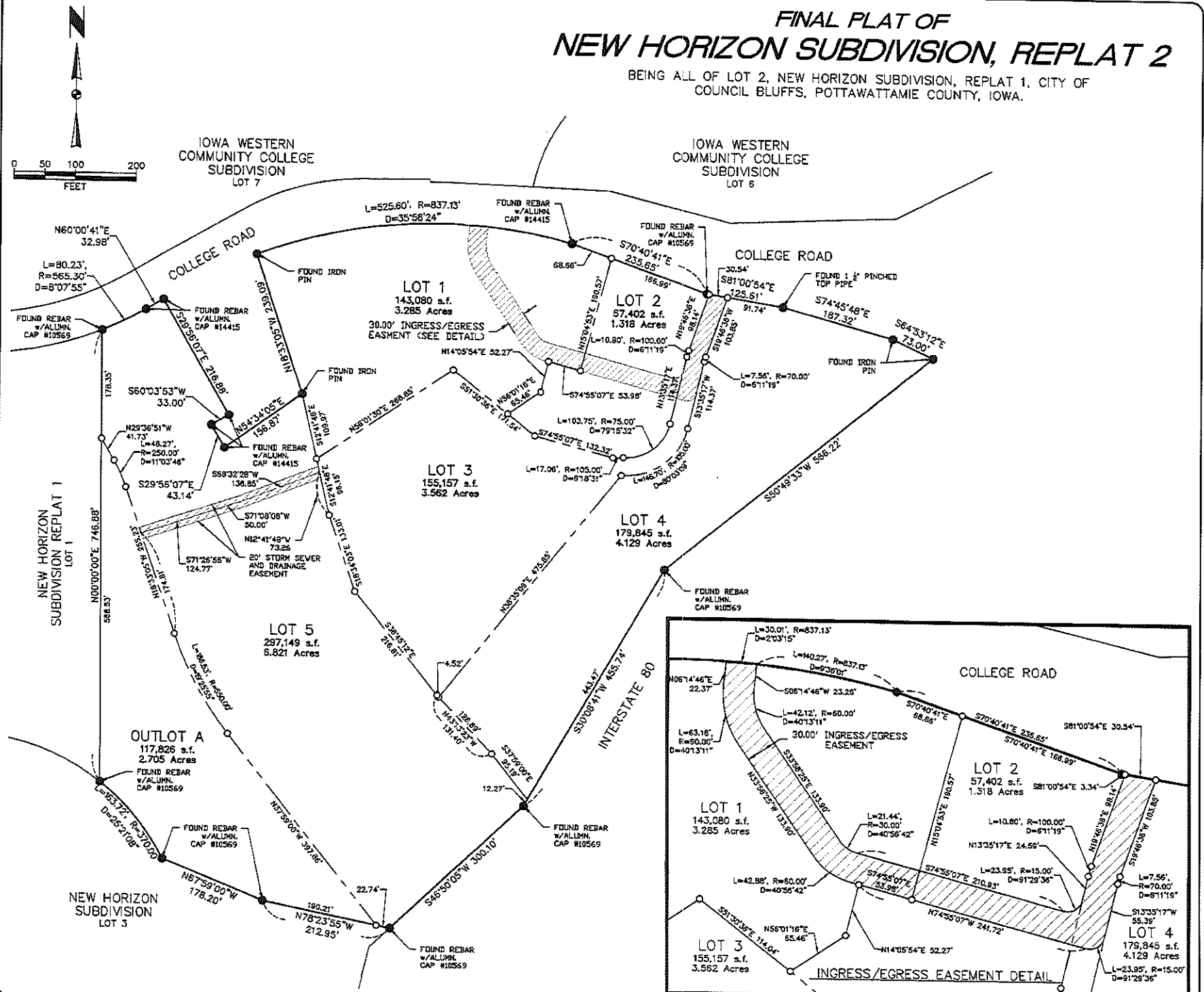
project NEW HORIZON SUBDIVISION, REPLAT 2
REPLAT-LOT 2, NEW HORIZON SUBDIVISION, REPLAT 1
client WESTERN IOWA LAND DEVELOPMENT, LLC
P.O. BOX 683, AVOCA, IOWA 51521
sheet FINAL PLAT

project no. 105017
sheet 1 OF 2

Date: 7/30/2018 By: S:\Survey\Projects\105017_COUNCIL BLUFFS\NEW HORIZON SUBDIVISION REPLAT 2\Drawings\105017 Final Plat.dwg

FINAL PLAT OF
NEW HORIZON SUBDIVISION, REPLAT 2

BEING ALL OF LOT 2, NEW HORIZON SUBDIVISION, REPLAT 1, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



hgm ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

DEE drawn
DEE designed
JML approved
JULY 16 date
revision

project NEW HORIZON SUBDIVISION, REPLAT 2
REPLAT--LOT 2, NEW HORIZON SUBDIVISION, REPLAT 1
client WESTERN IOWA LAND DEVELOPMENT, LLC
P.O. BOX 683, AVOCA, IOWA 51521
sheet FINAL PLAT

project no. 105017
sheet 2 OF 2