Council Communication

Department: Community Development CASE #SUB-18-016 Owner/Applicant: Western Iowa Land Development, LLC P.O. Box 683 Avoca, IA 51521 Engineer: HGM Associates Attn: John Jorgenson 640 5th Avenue Council Bluffs, IA 51501	Resolution No. _____	City Council: 10/8/2018

Subject/Title

Request: Final plat approval of a 31-lot residential subdivision to be known as East Fox Run Subdivision, legally described as being a replat of all of Parcel "B" in Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa.

Location: East of Council Point Road, and being an extension of Carriage Road.

Background/Discussion

The Community Development Department has received a request from Western Iowa Land Development, LLC for final plat approval of a 31-lot residential subdivision to be known as East Fox Run Subdivision. The proposed subdivision consists of 7.81 acres, more or less, of land, and is located East of Council Point Road, and will be an extension of Carriage Road.

The original subdivision plat for Fox Run Landing was approved by the Council Bluffs City Council with Resolution 00-206 on August 28, 2000. The preliminary plan for the East Fox Run Subdivision was approved by the City Council with Resolution 18-75 on February 26, 2018. "Parcel B" was created via a lot-line adjustment with the Community Development Department, and was assigned Case #LL-18-002, and was recorded as Document 2018-01464. The subdivision will feature 30 attached single-family dwellings, and one outlot. Access to these lots will occur from an extension of Carriage Road, which intersects at Council Point Road. Access to Outlot A will come from Carriage Road from a 20 foot wide easement that is centered on the common lot line of Lots 28 and 29.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. The entirety of the East Fox Run Subdivision is to be rezoned upon execution of the final plat from A-2/Parks, Estates, and Agricultural District to R-2/Two Family Residential with a PR/Planned Residential Overlay District applied. The rezoning was approved by Ordinance 6317, and the Development Plan was approved by Resolution 18-74.
3. Lots 1 through 30 in East Fox Run Subdivision will be developed with attached single-family dwellings and will comply with minimum R-2/Two Family Residential District lot size requirements. Outlot A will not be a developable lot, as it will be used for stormwater management.
4. 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.

5. The Council Bluffs Public Works Department provided the following comments:
   1. The Public Works Department has not completed a walkthrough of the subdivision to accept the new infrastructure into the City's inventory.
   2. The engineer will need to submit the grading certification, PCSMP feature installation certification, and recorded maintenance and easement agreement.
   3. The plat document needs a dedication of Outlot A to the homeowners or like entity for maintenance and repair purposes.
6. The Council Bluffs Fire Department stated they have no comments for the proposed final plat.
7. Council Bluffs Water Works stated all water mains have been installed in the East Fox Run Subdivision.
8. MidAmerican Energy Company stated they have no objections to the final plat, and noted they have entered an agreement with the developer to extend electric facilities in the area.
9. 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.
10. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision, though notes if there are any they will be recorded with the Pottawattamie County Recorder's Office. A copy of said private restrictions and/or covenants shall be provided to the City of Council Bluffs, if applicable.

Recommendation

The Community Development Department recommends final plat approval of a 31-lot residential subdivision to be known as East Fox Run Subdivision, 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 Public Works Department shall accept all infrastructure into the City's inventory prior to the final plat being signed and recorded; 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: East Fox Run Subdivision final plat

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

Prepared by: Chris Meeks, Planner

FINAL PLAT OF
EAST FOX RUN SUBDIVISION

BEING ALL OF PARCEL "B" IN LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

RECORDER'S INDEX
LOT: 2
BLOCK:
SUBDIVISION: FOX RUN LANDING
ALIQUOT PART:
SECTION:
SECTION: TOWNSHIP: RANGE:
LOT: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: WESTERN IOWA LAND DEVELOPMENT L.L.C
SURVEYOR: HGM ASSOCIATES INC.
DATE OF FIELD SURVEY: AUG. 1, 2018

PREPARED BY: JONATHAN M. LEISINGER, P.L.S., HGM ASSOCIATES INC., P.O. BOX 910, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

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 EAST FOX RUN 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.

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT WESTERN IOWA LAND DEVELOPMENT L.L.C., 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 30, INCLUSIVE, OUTLOT A AND PUBLIC STREET RIGHT-OF-WAY FOR AN EXTENSION OF CARRIAGE ROAD. SAID PROPERTY TO BE KNOWN AS EAST FOX RUN SUBDIVISION.

AS PART OF THIS PLATTING, WESTERN IOWA LAND DEVELOPMENT L.L.C DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA THE RIGHT-OF-WAY FOR AN EXTENSION OF CARRIAGE ROAD (1.255 ACRES, MORE OR LESS).

AS PART OF THIS PLATTING, WESTERN IOWA LAND DEVELOPMENT L.L.C DOES HEREBY DEDICATE OUTLOT 1 TO THE HOME OWNERS' ASSOCIATION.

AS PART OF THIS PLATTING, WESTERN IOWA LAND DEVELOPMENT L.L.C DOES HEREBY GRANT TO CITY OF COUNCIL BLUFFS, A MUNICIPAL CORPORATION OF THE STATE OF IOWA, AND ITS AGENTS, CONTRACTORS AND ASSIGNS, A PERMANENT NONEXCLUSIVE EASEMENT FOR THE PURPOSE OF CONVEYING OVERLAND STORM DRAINAGE AND CONSTRUCTING, RECONSTRUCTING, REPAIRING, ENLARGING AND MAINTAINING STORM SEWERS TOGETHER WITH NECESSARY APPURTENANCES THERETO IN, ON, OVER, AND ACROSS THE REAL ESTATE AS SHOWN ON THE THE DRAWING WHICH IS PART OF THIS DOCUMENT. THIS EASEMENT SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. GRANTOR RESERVATION: GRANTOR RESERVES THE RIGHT TO USE THE EASEMENT AREA FOR OTHER PURPOSES PROVIDED HOWEVER THESE PURPOSES SHALL NOT INTERFERE WITH GRANTEES USE OF THE EASEMENT AREA UNDER THE RIGHTS OF THIS AGREEMENT.

LEGAL DESCRIPTION (BOOK 2018, PAGE 07516)

PARCEL "B" BEING A PORTION OF LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 113 IN SAID FOX RUN LANDING;

THENCE ALONG THE SOUTH LINE OF SAID LOT 113, THE SOUTH LINE OF A LOT LINE ADJUSTMENT RECORDED IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE IN BOOK 106, PAGE 11156 AND ALONG THE SOUTH LINE OF PARCEL "A" AS SHOWN ON A PLAT OF SURVEY RECORDED IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE IN BOOK 2012, PAGE 347, NORTH 62 DEGREES 41 MINUTES 03 SECONDS EAST, 193.52 FEET;

THENCE CONTINUING ALONG THE SOUTH LINE OF PARCEL "A", SOUTH 87 DEGREES 38 MINUTES 34 SECONDS EAST, 55.92 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "A" AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE EAST LINE OF SAID PARCEL "A", NORTH 43 DEGREES 00 MINUTES 10 SECONDS WEST, 156.16 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A";

THENCE ALONG THE NORTH LINE OF SAID PARCEL "A" AND SAID LOT LINE ADJUSTMENT, SOUTH 61 DEGREES 55 MINUTES 39 SECONDS WEST, 85.90 FEET TO THE EAST RIGHT-OF-WAY LINE OF CARRIAGE ROAD;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 28 DEGREES 04 MINUTES 21 SECONDS WEST, 50.00 FEET TO THE SOUTH LINE OF LOT 112 IN SAID FOX RUN LANDING;

THENCE ALONG THE SAID SOUTH LINE, NORTH 61 DEGREES 55 MINUTES 39 SECONDS EAST, 48.70 FEET TO THE SOUTHEAST CORNER OF SAID LOT 112;

THENCE ALONG THE EAST LINE OF SAID LOT 112, NORTH 28 DEGREES 04 MINUTES 21 SECONDS WEST, 105.00 FEET;

THENCE NORTH 61 DEGREES 55 MINUTES 39 SECONDS EAST, 40.29 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 360.00 FEET;

THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 115 DEGREES 36 MINUTES 22 SECONDS, 726.38 FEET;

THENCE SOUTH 02 DEGREES 27 MINUTES 58 SECONDS EAST, 274.39 FEET;

THENCE SOUTH 30 DEGREES 13 MINUTES 07 SECONDS EAST, 94.30 FEET;

THENCE SOUTH 09 DEGREES 01 MINUTE 56 SECONDS WEST, 121.05 FEET;

THENCE SOUTH 48 DEGREES 16 MINUTES 59 SECONDS WEST, 122.11 FEET;

THENCE SOUTH 87 DEGREES 32 MINUTES 02 SECONDS WEST, 287.72 FEET;

THENCE NORTH 02 DEGREES 27 MINUTES 58 SECONDS WEST, 596.38 FEET;

THENCE NORTH 27 DEGREES 08 MINUTES 41 SECONDS EAST, 25.52 FEET TO THE TRUE POINT OF BEGINNING;

SAID PARCEL "B" CONTAINS AN AREA OF 7.81 ACRES, MORE OR LESS.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE WESTERN IOWA LAND DEVELOPMENT, L.L.C. 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 _____

PROFESSIONAL LAND SURVEYOR
JONATHAN M. LEISINGER
IOWA
14415

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.

SEPTEMBER 10, 2018
JONATHAN M. LEISINGER DATE

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

PAGES OR SHEETS COVERED BY THIS SEAL:
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ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

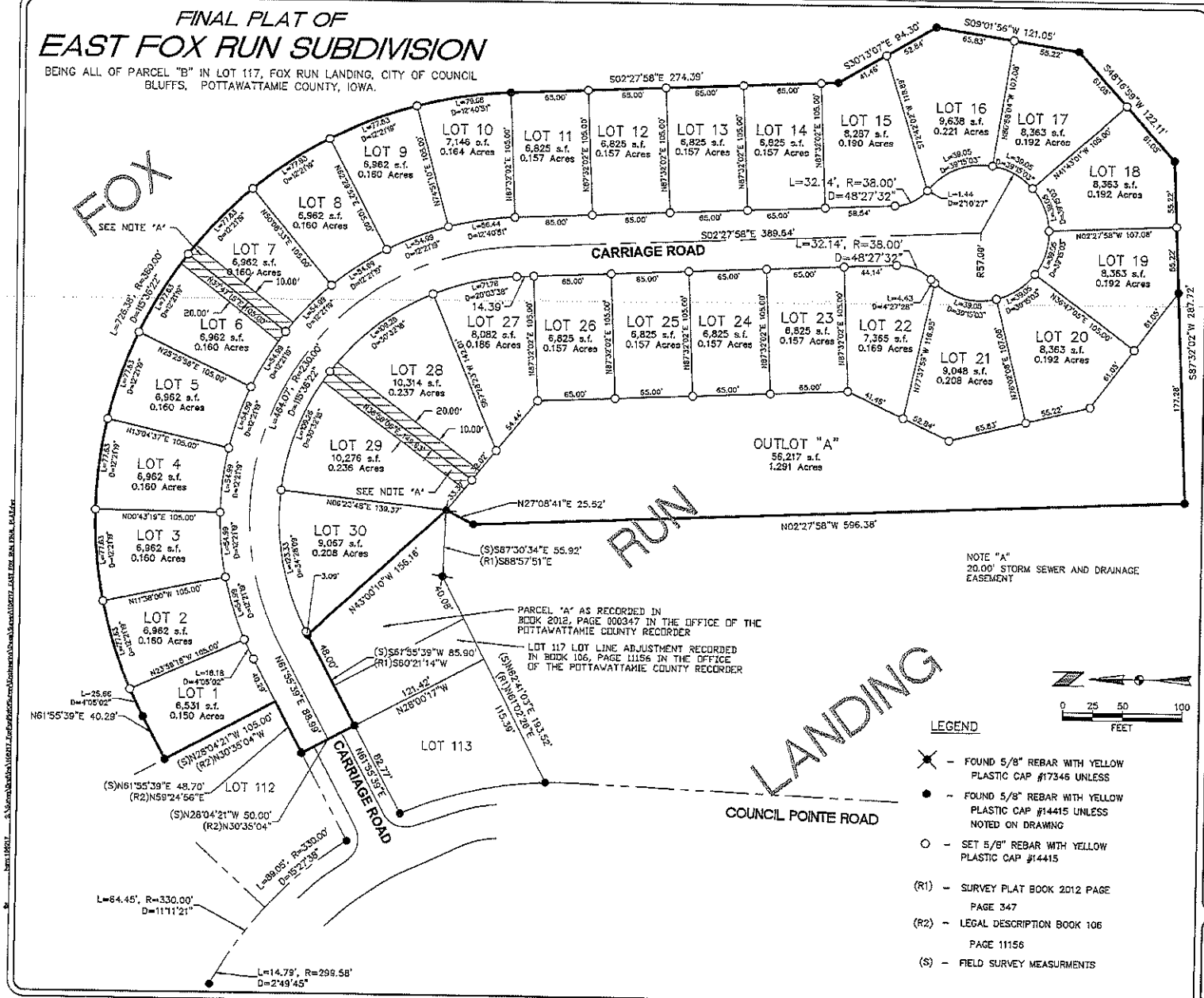
USE: draw
DET: detailing
JM: approving
AUG 18 date
revision date

project EAST FOX RUN SUBDIVISION
PARCEL "B" IN LOT 117, FOX RUN LANDING
client WESTERN IOWA LAND DEVELOPMENT, L.L.C.
P.O. BOX 883, AVOCA, IOWA 51521
sheet FINAL PLAT

project no. 108217
sheet 1 OF 2

FINAL PLAT OF
EAST FOX RUN SUBDIVISION

BEING ALL OF PARCEL "B" IN LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



LEGEND

- ✕ – FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP #17345 UNLESS
- ● – FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP #14415 UNLESS NOTED ON DRAWING
- ○ – SET 5/8" REBAR WITH YELLOW PLASTIC CAP #14415
- (R1) – SURVEY PLAT BOOK 2012 PAGE PAGE 347
- (R2) – LEGAL DESCRIPTION BOOK 106 PAGE 11156
- (S) – FIELD SURVEY MEASURMENTS

hgm ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

project EAST FOX RUN SUBDIVISION
PARCEL "B" IN LOT 117, FOX RUN LANDING
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sheet 2 OF 2