RESOLUTION NO. 18-273

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A THREE-LOT MINOR SUBDIVISION TO BE KNOWN AS ARBOR CREEK, LEGALLY DESCRIBED AS BEING A PART OF NE ¼ OF SECTION 29-75-43, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department, on behalf of the City of Council Bluffs, is requesting final plat approval of a three-lot minor subdivision to be known as Arbor Creek, legally described as being part of the NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and being more particularly described on Attachment 'A'; and

WHEREAS, The subdivision is comprised of 29.86 acres of city-owned property and is located immediately north of the intersection of Railroad Avenue and College Road.; and

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

1. The proposed subdivision is zoned A-2/Parks, Estates and Agricultural District. The minimum lot size in an A-2 District is three acres, as per Section 15.05 of the Municipal Code (Zoning Ordinance). Proposed Lot 1, Arbor Creek contains 17.73 acres, Lot 2, Arbor Creek contains 6.19 acres, and Lot 3, Arbor Creek contains 2.30 acres. Lots 1 and 2, Arbor Creek are located west of Railroad Avenue and are relatively uniform in shape, which makes them suitable for development. Both lots comply with A-2 District lot area, depth, and width requirements. Lot 3 is located east of Railroad Avenue and has limited development capabilities due to its irregular dimensions, which were caused by the construction of Railroad Avenue and the City's acquisition of abandoned railroad right-of-way. The City has no other land holdings to combined with Lot 3, Arbor Creek so that it can confirm with A-2 District standards due to its location. A subdivision variance to allow Lot 3, Arbor Creek to not comply with the minimum A-2 District lot size requirements (area, depth, and width) must be granted by City Council. Per Section 14.11.040, *Variance(s)* of the Council Bluffs Municipal Code (Subdivision Ordinance) a variance can be granted 'where it can be shown that due to special conditions, literal enforcement of the ordinance will result in unnecessary hardship', the City shall have the power to vary such regulations so that the substantial justice will be accomplished, provided that such variance would:
   a) Not be contrary to the public interest;
   b) Be in the interest of the City;
   c) Be within the spirit and intent of the ordinance; and
   d) Not be detrimental to future residents in or near the proposed subdivision.

   The Community Development recommends City Council grant a variance to allow Lot 3, Arbor Creek to not comply with the minimum A-2 District lot size requirements (area, depth, and width) based on reasons stated above.

2. On February 13, 2017, the City Council adopted Resolution No. 17-31 which declared the City's intent to execute a Lease Agreement and a Funding and Occupancy Agreement with Midlands Human Society for the lease of City owned property at 1020 Railroad Avenue for a term of 99 years. Included in the agreement was a plat of survey that identified 1020 Railroad Avenue as being separated into Parcels 'C' and 'D'. Parcel 'C' was left undeveloped and Parcel 'D' was leased to the Midlands Humane Society to be developed as an animal shelter. Proposed Lot 1, Arbor Creek is the same land area identified as Parcel 'C' and proposed Lot 2, Arbor Creek is the same land area identified as Parcel 'D'. The dimensions of proposed Lots 1 and 2, Arbor Creek are generally consistent with the dimensions shown for Parcels 'C' and 'D' on the plat of survey included in the lease agreement.

   The Community Development Department met with the Midlands Humane Society on two occasions to discuss the Arbor Creek Subdivision and development proposal for Lot 1. As part of these conversations, Midlands Humane Society expressed concern about their ability to expand their animal shelter operation if Lot 1, Arbor Creek were sold to another entity. The Community Development Department researched MHS's concern and provided them with a conceptual layout plan for how their animal shelter could expand the building and double in size on proposed Lot 2, Arbor Creek. The concept included expansions that would avoid the stormwater detention facility, avoid existing dog runs, and included additional parking. The Community Development Department is of the opinion that the proposed Arbor Creek Subdivision will not interfere with the Midlands Human Society ability to operate and expand upon their animal shelter at 1020 Railroad Avenue.

3. The Community Development Department has received an application from Zimmerman Properties to rezone proposed Lot 2, Arbor Creek from A-2 District to R-3/Low Density Multi-Family Residential District with a Planned Residential Overlay. The rezoning is scheduled for review by the City Planning Commission on October 9, 2018 and will then be forwarded to City Council for final consideration. The purpose of the rezoning is to allow Zimmerman Properties to develop a new 62-unit apartment building on the subject property. Lot 2, Arbor Creek contains 6.19 acres of land and is adequate in size to allow the applicant, Zimmerman Properties, to develop a 62-unit multi-family apartment building in accordance with R-3 District standards.

4. The proposed subdivision is located within Flood Zones 'AE' and '0.2% X" according to FEMA map number 19155C0418F, effective 4/16/2013. With adequate engineering and construction controls, the land is this subdivision is generally suitable for development.

5. A 33' x 783.66' (0.59 acre) strip of land, located south of Lots 2 and 3, Arbor Creek is being dedicated to the City for additional College Road right-of-way on the final plat. Additionally, 0.04 acres of land abutting the west right-of-way line for Railroad Avenue is being dedicated to the City on the final plat. This land dedication is necessary to ensure that existing trail located adjacent to Lots 1 and 2, Arbor Creek is within Railroad Avenue right-of-way.
6. All lots in this subdivision have direct access to Railroad Avenue and/or College Road. No street extensions and/or improvements are required to be completed for this subdivision.
7. All lots in the subdivision have access to public water, sanitary and storm sewers along Railroad Avenue. No utility extension are required to be completed for this subdivision.
8. 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 developer.
9. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for any development on each lot.
10. The Council Bluffs Fire Department stated they have no comments for the proposed subdivision.
11. The standard five and ten-foot wide side, front, and rear utility easements are notated on the final plat. The Public Works commented that the following language must be stated on the final plat relative to easements within this subdivision:
    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 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.
    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 which shall not be unreasonably withheld.
    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: 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.

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

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 and to Grantor's satisfaction.

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.

12. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such shall be stated on the plat prior to being executed; and

WHEREAS, The Community Development Department recommends final plat approval of a three lot minor subdivision to be known as Arbor Creek, legally described as being part of NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and as shown on Attachment 'A', subject to all comments stated above and following conditions:

a. All technical corrections shall be incorporated into the final plat document prior to being executed; and

b. 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

c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements;

d. Granting a variance to allow proposed Lot 3, Arbor Creek to not meet the minimum A-2 District lot size and lot width requirements, based on reasons stated above;

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. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for any development on each lot.

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

That the final plat approval for a three lot minor subdivision to be known as Arbor Creek, legally described as being part of NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and as shown on Attachment 'A', 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 September 24, 2018.
APPROVED

MATTHEW J. WALSH Mayor

Attest:
JODI QUAKENBUSH City Clerk

Council Communication

Department: Community Development
Case/Project No.: SUB-18-015
Submitted by: Christopher Gibbons, Planning Coordinator

Resolution 18-273

Council Action: 9/24/2018

Description

Resolution granting final plat approval of a three-lot minor subdivision to be known as Arbor Creek, legally described as being a part of NE ¼ of Section 29-75-43. Location: Immediately north of the intersection of Railroad Avenue and College Road. SUB-18-015

Background/Discussion

See attachment.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
SUB-18-015 Arbor Creek Subdivision Final Plat PH Notice (9-24-18) CC	Other	9/14/2018
SUB-18-015 Arbor Creek Final Plat Staff Report	Other	9/17/2018
SUB-18-015 Arbor Creek Final Plat Attach A	Other	9/17/2018
SUB-18-015 Arbor Creek Final Plat Attach B	Other	9/17/2018
Resolution 18-273	Resolution	9/18/2018

Council Communication

Department: Community Development CASE #SUB-18-015 Applicant/Owner City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503 Surveyor: Johnathan M. Leisinger, L.S. HGM Associates Inc. 640 5th Avenue Council Bluffs, Iowa 51501	Resolution No. _____	City Council: 9/24/18

Subject/Title

Request: Final plat approval of a three-lot minor subdivision to be known as Arbor Creek, legally described as being a part of NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Immediately north of the intersection of Railroad Avenue and College Road.

Background/Discussion

The Community Development Department, on behalf of the City of Council Bluffs, is requesting final plat approval of a three-lot minor subdivision to be known as Arbor Creek, legally described as being part of the NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and being more particularly described on Attachment 'A'. The subdivision is comprised of 29.86 acres of city-owned property and is located immediately north of the intersection of Railroad Avenue and College Road. Included in the subdivision are 0.04 acres of additional Railroad Avenue right-of-way and 0.59 acres of additional College Road right-of-way that will dedicated to the City of Council Bluffs. The purpose of this subdivision is to create three new lots of record from City owned property and to delineate a section of Railroad Avenue right-of-way, which bisects the subdivision. Furthermore, this subdivision will establish post-construction stormwater easements over exiting detention basins on proposed Lot 1, Arbor Creek.

Land Use/Zoning

All land in the proposed subdivision is zoned A-2/Parks, Estates and Agricultural District. Midlands Human Society operates an animal shelter on proposed Lot 1, Arbor Creek. Proposed Lots 2 and 3, Arbor Creek are undeveloped. Surrounding zoning includes R-4/High Density Multi-Family Residential District w/Planned Residential Overlay to the north; A-2 District to the east and south; and R-1/Single-Family Residential District to the west. Existing land uses in the general vicinity of this request can be categorized as undeveloped land, BNSF railroad, Mosquito Creek, single-family residential dwellings on acreage lots, Iowa Western Community College, and Sherwood Apartments.

Comments

1. The proposed subdivision is zoned A-2/Parks, Estates and Agricultural District. The minimum lot size in an A-2 District is three acres, as per Section 15.05 of the Municipal Code (Zoning Ordinance). Proposed Lot 1, Arbor Creek contains 17.73 acres, Lot 2, Arbor Creek contains 6.19 acres, and Lot 3, Arbor Creek contains 2.30 acres. Lots 1 and 2, Arbor Creek are located west of Railroad Avenue and

are relatively uniform in shape, which makes them suitable for development. Both lots comply with A-2 District lot area, depth, and width requirements. Lot 3 is located east of Railroad Avenue and has limited development capabilities due to its irregular dimensions, which were caused by the construction of Railroad Avenue and the City's acquisition of abandoned railroad right-of-way. The City has no other land holdings to combined with Lot 3, Arbor Creek so that it can confirm with A-2 District standards due to its location. A subdivision variance to allow Lot 3, Arbor Creek to not comply with the minimum A-2 District lot size requirements (area, depth, and width) must be granted by City Council. Per Section 14.11.040, *Variance(s)* of the Council Bluffs Municipal Code (Subdivision Ordinance) a variance can be granted 'where it can be shown that due to special conditions, literal enforcement of the ordinance will result in unnecessary hardship', the City shall have the power to vary such regulations so that the substantial justice will be accomplished, provided that such variance would:

a) Not be contrary to the public interest;
b) Be in the interest of the City;
c) Be within the spirit and intent of the ordinance; and
d) Not be detrimental to future residents in or near the proposed subdivision.

The Community Development recommends City Council grant a variance to allow Lot 3, Arbor Creek to not comply with the minimum A-2 District lot size requirements (area, depth, and width) based on reasons stated above.

2. On February 13, 2017, the City Council adopted Resolution No. 17-31 which declared the City's intent to execute a Lease Agreement and a Funding and Occupancy Agreement with Midlands Human Society for the lease of City owned property at 1020 Railroad Avenue for a term of 99 years. Included in the agreement was a plat of survey that identified 1020 Railroad Avenue as being separated into Parcels 'C' and 'D'. Parcel 'C' was left undeveloped and Parcel 'D' was leased to the Midlands Humane Society to be developed as an animal shelter. Proposed Lot 1, Arbor Creek is the same land area identified as Parcel 'C' and proposed Lot 2, Arbor Creek is the same land area identified as Parcel 'D'. The dimensions of proposed Lots 1 and 2, Arbor Creek are generally consistent with the dimensions shown for Parcels 'C' and 'D' on the plat of survey included in the lease agreement.

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4. The proposed subdivision is located within Flood Zones 'AE' and '0.2% X" according to FEMA map number 19155C0418F, effective 4/16/2013. With adequate engineering and construction controls, the land is this subdivision is generally suitable for development.

5. A 33' x 783.66' (0.59 acre) strip of land, located south of Lots 2 and 3, Arbor Creek is being dedicated to the City for additional College Road right-of-way on the final plat. Additionally, 0.04 acres of land abutting the west right-of-way line for Railroad Avenue is being dedicated to the City on the final plat. This land dedication is necessary to ensure that existing trail located adjacent to Lots 1 and 2, Arbor Creek is within Railroad Avenue right-of-way.

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7. All lots in the subdivision have access to public water, sanitary and storm sewers along Railroad Avenue. No utility extension are required to be completed for this subdivision.

8. 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 developer.

9. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for any development on each lot.

10. The Council Bluffs Fire Department stated they have no comments for the proposed subdivision.

11. The standard five and ten-foot wide side, front, and rear utility easements are notated on the final plat. The Public Works commented that the following language must be stated on the final plat relative to easements within this subdivision:

    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.

12. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such shall be stated on the plat prior to being executed.

Recommendation

The Community Development Department recommends final plat approval of a three lot minor subdivision to be known as Arbor Creek, legally described as being part of NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and as shown on Attachment 'A', subject to all comments stated above and following conditions:

a. All technical corrections shall be incorporated into the final plat document prior to being executed; and
b. 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
c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements;
d. Granting a variance to allow proposed Lot 3, Arbor Creek to not meet the minimum A-2 District lot size and lot width requirements, based on reasons stated above;
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. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for any development on each lot.

Attachments

Attachment A: Arbor Creek final plat
Attachment B: Copy of Resolution No. 17-31, dated February 13, 2017

Surveyor: Johnathan M. Leisinger, L.S., HGM Associates Inc., 640 5th Avenue, Council Bluffs, Iowa 51501

Prepared by: Christopher N. Gibbons, AICP, Planning Coordinator

RECORDER'S INDEX
LOT:
BLOCK:
SUBDIVISION:
SECTION: 29 / TOWNSHIP: 75 / RANGE: 43
AUDITOR'S PARCEL NO. 1/4
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
GRANTOR: CITY OF COUNCIL BLUFFS
GRANTEE: CITY OF COUNCIL BLUFFS
DATE OF FIELD SURVEY: AUGUST 30, 2018

ARBOR CREEK

PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

PREPARED BY: JONATHAN M. LEISINGER, P.L.S., HGM ASSOCIATES INC., P.O. BOX 918, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

OWNER/DEVELOPER:
CITY OF COUNCIL BLUFFS
209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503

LEGAL DESCRIPTION – (DEED RECORDED IN BOOK 1306, PAGE 101)

A PARCEL OF LAND BEING A PORTION OF LOT 1 OF THE AUDITOR'S SUBDIVISION OF THE SOUTHWEST QUARTER NORTHEAST QUARTER (SW1/4NE1/4) OF SECTION 29, THE SOUTH 2 ACRES OF LOT 2 AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER NORTHEAST QUARTER (NE1/4NE1/4) OF SECTION 29, AND THAT PART OF THE NORTHWEST QUARTER NORTHEAST QUARTER (NW1/4NE1/4) OF SECTION 29, EXCEPT THE NORTH 601 FEET THEREOF, ALL IN TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 29;

THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4), SOUTH 00 DEGREES 27 MINUTES 28 SECONDS WEST 601.06 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 43 MINUTES 26 SECONDS EAST, 1445.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD;

THENCE ALONG SAID WESTERLY THE FOLLOWING TWO (2) COURSES:
1) SOUTH 16 DEGREES 00 MINUTES 24 SECONDS WEST, 277.78 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 2198.52 FEET;
2) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23 DEGREES 57 MINUTES 21 SECONDS, 919.22 FEET;

THENCE SOUTH 81 DEGREES 54 MINUTES 49 SECONDS WEST, 75.35 FEET;

THENCE SOUTH 35 DEGREES 31 MINUTES 13 SECONDS WEST, 297.12 FEET;

THENCE SOUTH 29 DEGREES 00 MINUTES 12 SECONDS WEST, 217.21 FEET TO A POINT ON THE CENTERLINE OF COLLEGE ROAD;

THENCE ALONG SAID CENTERLINE, NORTH 61 DEGREES 07 MINUTES 23 SECONDS WEST, 781.69 FEET;

THENCE NORTH 25 DEGREES 35 MINUTES 31 SECONDS EAST, 595.29 FEET;

THENCE NORTH 00 DEGREES 31 MINUTES 23 SECONDS EAST, 579.62 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 05 SECONDS WEST, 531.39 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER (NW1/4);

THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 27 MINUTES 28 SECONDS EAST, 132.82 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA IS 29.86 ACRES, MORE OR LESS INCLUDING 3.63 ACRES MORE OR LESS OF COLLEGE ROAD AND RAILROAD AVENUE RIGHT-OF-WAYS.

THE DESCRIBED PARCEL ABOVE CONTAINS THE THE SAME PROPERTY THAT IS DESCRIBED IN BOOK 1306, PAGE 101 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

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

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT CITY OF COUNCIL BLUFFS, 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 3, INCLUSIVE, AND PUBLIC STREET RIGHT-OF-WAY FOR RAILROAD AVENUE AND COLLEGE ROAD. SAID PROPERTY TO BE KNOWN AS ARBOR CREEK.

AS PART OF THE PLATTING, THE CITY OF COUNCIL BLUFFS DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, THE ADDITIONAL RIGHT-OF-WAY FOR RAILROAD AVENUE (0.04 ACRE, MORE OR LESS).

AS PART OF THE PLATTING, THE CITY OF COUNCIL BLUFFS DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, THE RIGHT-OF-WAY FOR COLLEGE ROAD (0.59 ACRE, MORE OR LESS).

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.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE CITY OF COUNCIL BLUFFS PROPERTY AS CONTAINED HEREIN ON THIS

_____ DAY OF _____, 2018.

BY: _____
THE HONORABLE MATTHEW J. WALSH, MAYOR

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 MATTHEW J. WALSH, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS THE MAYOR OF THE CITY OF COUNCIL BLUFFS, THAT NO SEAL HAS BEEN PROCURED BY THE SAID CITY OF COUNCIL BLUFFS, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID CITY OF COUNCIL BLUFFS BY AUTHORITY OF THE CITY COUNCIL AND SAID MATTHEW J. WALSH ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID CITY OF COUNCIL BLUFFS BY IT VOLUNTARILY EXECUTED.

_____
NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES _____

PROFESSIONAL LAND SURVEYOR
JONATHAN M. LEISINGER
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.

AUGUST 30, 2018
JONATHAN M. LEISINGER DATE
LICENSE NUMBER 14415
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 4 SHEET 2 OF 4 SHEET 3 OF 4 SHEET 4 OF 4

hgm ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

NSE DEPT. MAY 18 2018

project ARBOR CREEK
NORTHEAST QUARTER SECTION 29-75-43
client COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPT.
209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
sheet FINAL PLAT

project no. 150018
sheet 1 OF 4

ATTACHMENT A

ARBOR CREEK

PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

POST CONSTRUCTION STORMWATER MANAGEMENT PLAN MAINTENANCE AGREEMENT AND EASEMENT

WHEREAS, THE PROPERTY OWNER RECOGNIZES THAT STORMWATER MANAGEMENT FACILITIES (HEREINAFTER REFERRED TO AS "THE FACILITY" OR "FACILITIES") MUST BE MAINTAINED FOR THE DEVELOPMENT CALLED MIDLANDS HUMANE SOCIETY; LOCATED IN THE JURISDICTION OF THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA: AND,

WHEREAS, THE PROPERTY OWNER (WHETHER ONE OR MORE) IS THE OWNER OF REAL PROPERTY DEPICTED ON SHEET 3 OF 4 (HEREINAFTER REFERRED TO AS "THE PROPERTY"). AND,

WHEREAS, THE CITY OF COUNCIL BLUFFS (HEREINAFTER REFERRED TO AS "THE CITY") REQUIRES AND THE PROPERTY OWNER, AND ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS, AGREE THAT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY REQUIRE THAT THE FACILITIES BE CONSTRUCTED AND MAINTAINED ON THE PROPERTY, AND,

WHEREAS, THE POST CONSTRUCTION STORMWATER MANAGEMENT PLAN, PCSMP 1301763, (HEREINAFTER REFERRED TO AS "PCSMP"), SHOULD BE CONSTRUCTED AND MAINTAINED BY THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING PREMISES, THE COVENANTS CONTAINED HEREIN, AND THE FOLLOWING TERMS AND CONDITIONS, THE PROPERTY OWNER AGREES AS FOLLOWS:

1. THE FACILITY OR FACILITIES SHALL BE CONSTRUCTED BY THE PROPERTY OWNER IN ACCORDANCE WITH THE PCSMP, WHICH HAS BEEN REVIEWED AND ACCEPTED BY THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE.

2. THE PROPERTY OWNER MUST DEVELOP AND PROVIDE THE "BMP MAINTENANCE REQUIREMENTS", ATTACHED HERE TO AS EXHIBIT "B", WHICH HAVE BEEN REVIEWED AND ACCEPTED BY THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE. THE BMP MAINTENANCE REQUIREMENTS SHALL DESCRIBE THE SPECIFIC MAINTENANCE PRACTICES TO BE PERFORMED FOR THE FACILITIES AND INCLUDE A SCHEDULE FOR IMPLEMENTATION OF THESE PRACTICES. THE PLAN SHALL INDICATED THAT THE FACILITY OR FACILITIES SHALL BE INSPECTED BY A PROFESSIONAL QUALIFIED IN STORMWATER BMP FUNCTION AND MAINTENANCE AT LEAST ANNUALLY TO ENSURE THAT IT IS OPERATING PROPERLY. A WRITTEN RECORD OF INSPECTION RESULTS AND ANY MAINTENANCE WORK SHALL BE MAINTAINED AND AVAILABLE FOR REVIEW BY THE CITY.

3. THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS, SHALL CONSTRUCT AND PERPETUALLY OPERATE AND MAINTAIN, AT ITS SOLE EXPENSE, THE FACILITIES IN STRICT ACCORDANCE WITH THE ATTACHED BMP MAINTENANCE REQUIREMENTS ACCEPTED BY THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE.

4. THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS HEREBY GRANTS PERMISSION TO THE CITY, ITS AUTHORIZED AGENTS AND EMPLOYEES, TO ENTER UPON THE PROPERTY AND TO INSPECT THE FACILITIES AT A REASONABLE TIME IF THE CITY HAS CAUSE TO BELIEVE THAT THERE EXISTS, OR POTENTIALLY EXISTS, IN OR UPON THE PROPERTY, ANY CONDITION WHICH CONSTITUTES A VIOLATION OF THE BMP MAINTENANCE REQUIREMENTS. THE CITY SHALL PROVIDE THE OWNER COPIES OF THE INSPECTION FINDINGS AND A DIRECTIVE TO COMMENCE WITH THE REPAIRS IF NECESSARY. THE CITY WILL REQUIRE THE PROPERTY OWNER TO PROVIDE, WITHIN 7 CALENDAR DAYS, A WRITTEN RESPONSE ADDRESSING WHAT ACTIONS WILL BE TAKEN TO CORRECT ANY DEFICIENCIES AND PROVIDE A SCHEDULE OF REPAIRS WITHIN A REASONABLE TIME FRAME. UNLESS THE CITY HAS REASON TO BELIEVE THAT THERE IS AN IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY, THE CITY SHALL PROVIDE PROPERTY OWNER 24-HOUR NOTICE PRIOR TO ENTRY AND 5 WORKING DAYS NOTICE TO ARRANGE FOR ACCESS FOR AREAS BEHIND THE SECURITY FENCE. THE CITY SHALL INDEMNIFY AND HOLD THE PROPERTY OWNER HARMLESS FROM ANY DAMAGE BY REASON OF THE CITY'S NEGLIGENT OR INTENTION ACTS DURING SUCH ENTRY UPON THE PROPERTY.

5. THE PROPERTY OWNER ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS. HEIRS, OR ASSIGNS, AGREES THAT SHOULD IT FAIL TO CORRECT ANY DEFECTS IN THE FACILITY OR FACILITIES WITHIN REASONABLE TIME FRAME AGREED TO IN THE RESPONSE BY THE PROPERTY OWNER FOR CORRECTIVE ACTIONS, OR SHALL FAIL TO MAINTAIN THE STRUCTURE IN ACCORDANCE WITH THE ATTACHED BMP MAINTENANCE REQUIREMENTS AND WITH THE LAW AND APPLICABLE EXECUTIVE REGULATORS, THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE IS AUTHORIZED TO ENTER THE PROPERTY AFTER PROVIDING 24-HOUR NOTICE TO PROPERTY OWNER, TO MAKE ALL REPAIRS, AND TO PERFORM ALL MAINTENANCE, CONSTRUCTION AND RECONSTRUCTION AS THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE DEEMS NECESSARY. THE CITY SHALL INDEMNIFY AND HOLD THE PROPERTY OWNER HARMLESS FROM ANY DAMAGE BY REASON OF THE CITY'S NEGLIGENT OR INTENTIONAL ACTS DURING SUCH ENTRY UPON THE PROPERTY.

THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE SHALL HAVE THE RIGHT TO RECOVER FROM THE PROPERTY OWNER ANY AND ALL REASONABLE COSTS THE CITY OF COUNCIL BLUFFS EXPENDS TO MAINTAIN OR REPAIR THE FACILITY OR FACILITIES OR TO CORRECT ANY OPERATIONAL DEFICIENCIES SUBJECT TO THE PROVISIONS OF THE IMMEDIATELY PRECEDING SENTENCE RELATION TO NEGLIGENCE OR INTENTIONAL ACTS OF THE CITY. FAILURE TO PAY THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE ALL OF ITS EXPENDED COSTS, AFTER FORTY-FIVE DAYS WRITTEN NOTICE, SHALL CONSTITUTE A BREACH OF THE AGREEMENT. THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE SHALL THEREAFTER BE ENTITLED TO BRING AN ACTION AGAINST THE PROPERTY OWNER TO PAY, OR FORECLOSE UPON THE LIEN HEREBY AUTHORIZED BY THIS AGREEMENT AGAINST THE PROPERTY, OR BOTH. INTEREST, COLLECTION COSTS, AND REASONABLE ATTORNEY FEES SHALL BE ADDED TO THE RECOVERY TO THE SUCCESSFUL PARTY.

6. THE PROPERTY OWNER SHALL NOT OBLIGATE THE CITY OF COUNCIL BLUFFS TO MAINTAIN OR REPAIR THE FACILITY OR FACILITIES, AND, EXCEPT AS PROVIDED HEREIN, THE CITY OF COUNCIL BLUFFS SHALL NOT BE LIABLE TO ANY PERSON FOR THE CONDITION OR OPERATION OF THE FACILITY OR FACILITIES.

7. THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS, HEREBY INDEMNIFIES AND HOLDS HARMLESS THE CITY AND ITS AUTHORIZED AGENTS AND EMPLOYEES FOR ANY AND ALL DAMAGE, ACCIDENTS, CASUALTIES, OCCURRENCES OR CLAIMS ("CLAIMS") THAT MAY ARISE OR TO BE ASSERTED BY ANY THIRD PARTY AGAINST THE CITY FROM THE CONSTRUCTION, PRESENCE, EXISTENCE OR MAINTENANCE OF THE FACILITY OR FACILITIES BY THE PROPERTY OWNER. IN THE EVENT A CLAIM IS ASSERTED AGAINST THE CITY, ITS AUTHORIZED AGENTS OR EMPLOYEES, THE CITY SHALL PROMPTLY NOTIFY THE PROPERTY OWNER, PROPERTY OWNER SHALL DEFEND AT ITS OWN EXPENSE ANY SUIT BASED ON SUCH CLAIM TO THE EXTENT SUCH CLAIM DID NOT ARISE FROM THE INTENTIONAL ACTS OR NEGLIGENCE OF THE CITY IN WHICH EVEN THE CITY SHALL BE REQUIRED TO DEFEND ANY SUCH SUIT AT ITS OWN EXPENSE. NOTWITHSTANDING THE FOREGOING, IF ANY CLAIMS ARE MADE AGAINST BOTH THE CITY OF COUNCIL BLUFFS AND THE PROPERTY OWNER, EACH WILL BE REQUIRED TO DEFEND ANY SUCH SUIT OR CLAIM AGAINST IT AT ITS OWN EXPENSE. EACH SHALL BE RESPONSIBLE FOR PAYMENT OF ANY RECOVERY TO THE EXTENT DETERMINED IN SUCH SUIT. IF ANY JUDGMENT OR CLAIM AGAINST THE CITY, ITS AUTHORIZED AGENTS OR EMPLOYEES SHALL BE ALLOWED, THE PROPERTY OWNER SHALL BE FOR ALL COSTS AND EXPENSES IN CONNECTION HEREWITH EXCEPT TO THE EXTENT OF THE NEGLIGENCE OR INTENTIONAL ACT OF THE CITY.

8. THE PROPERTY OWNER SHALL NOT IN ANY WAY DIMINISH, LIMIT OR RESTRICT THE RIGHT OF THE CITY OF COUNCIL BLUFFS TO ENFORCE ANY OF ITS ORDINANCES AS AUTHORIZED BY LAW.

9. THIS AGREEMENT SHALL CONSTITUTE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS, INCLUDING ANY HOMEOWNERS OR BUSINESS ASSOCIATION AND ANY OTHER SUCCESSORS IN INTEREST.

EXHIBIT B

BMP MAINTENANCE REQUIREMENTS

ALL FACILITIES SHALL BE INSPECTED BY A PROFESSIONAL QUALIFIED IN STORMWATER BMP FUNCTION AND MAINTENANCE AT LEAST ANNUALLY TO ENSURE THAT IT IS OPERATING PROPERLY. A WRITTEN RECORD OF INSPECTION RESULTS AND ANY MAINTENANCE WORK SHALL BE MAINTAINED.

BIORETENTION BASIN:

GENERAL MAINTENANCE SHALL BE CONDUCTED AS NEEDED. THIS WOULD INCLUDE PRUNING AND WEEDING TO MAINTAIN APPEARANCE, MULCH REPLACEMENT WHEN EROSION IS EVIDENT AND REMOVAL OF TRASH AND DEBRIS.

TWICE A YEAR THE INFLOW AND OUTLET POINTS SHALL BE INSPECTED FOR CLOGGING AND ANY SEDIMENT SHALL BE REMOVED. INSPECT GRASS AREA FOR EROSION AND GULLYING. RE-SEED OR SOD AS NECESSARY. VEGETATION SHOULD BE INSPECTED TO EVALUATE THEIR HEALTH AND REMOVE ANY DEAD OR SEVERELY DISEASED VEGETATION. THE SEMI-ANNUAL INSPECTIONS SHALL OCCUR ONCE BEFORE NEW GROWTH EMERGES IN THE SPRING AND ONCE AT DISPERSAL IN THE FALL. REMOVE ALL VISIBLE ACCUMULATIONS OF SEDIMENT ON TOP OF THE MULCH LAYER BY HAND.

THE FACILITIES SHALL BE INSPECTED AFTER SEVERE STORM EVENTS AND ALL ERODED AREAS SHOULD BE STABILIZED WITH GEOTEXTILE FABRIC AND REPLANTED AS REQUIRED.

ANNUALLY THE PLANTING SOILS SHALL BE TESTED FOR PH TO ESTABLISH ACIDIC LEVELS. IF THE PH IS BELOW 5.2, LIME SHALL BE APPLIED. IF THE SOIL PH IS ABOVE 7.5, THEN GYPSUM CAN BE APPLIED TO REDUCE THE PH.

EVERY TWO TO THREE YEARS THE MULCH SHALL BE REPLACED OVER THE ENTIRE AREA OF THE BIORETENTION FACILITY.

DETENTION BASIN:

GENERAL MAINTENANCE SHALL BE CONDUCTED AS NEEDED. THIS WOULD INCLUDE PRUNING AND WEEDING TO MAINTAIN APPEARANCE.

TWICE A YEAR THE INFLOW AND OUTLET POINTS SHALL BE INSPECTED FOR CLOGGING AND ANY SEDIMENT SHALL BE REMOVED. INSPECT GRASS AREA FOR EROSION AND GULLYING. RE-SEED OR SOD AS NECESSARY. VEGETATION SHOULD BE INSPECTED TO EVALUATE THEIR HEALTH AND REMOVE ANY
DEAD OR SEVERELY DISEASED VEGETATION. THE SEMI-ANNUAL INSPECTIONS SHALL OCCUR ONCE BEFORE NEW GROWTH EMERGES IN THE SPRING AND ONCE AT DISPERSAL IN THE FALL.

THE FACILITIES SHALL BE INSPECTED AFTER SEVERE STORM EVENTS AND ALL ERODED AREAS SHOULD BE STABILIZED WITH GEOTEXTILE FABRIC AND REPLANTED AS REQUIRED.

CURB CUTS AND SCOUR STOP MAT:

GENERAL MAINTENANCE SHALL BE CONDUCTED AS NEEDED. THIS WOULD INCLUDE REMOVING TRASH AND DEBRIS FROM CURB CUTS AND SCOUR STOP MAT.

TWICE A YEAR THE INFLOW AND OUTLET POINTS SHALL BE INSPECTED FOR CLOGGING AND ANY SEDIMENT SHALL BE REMOVED. INSPECT GRASS AREA FOR EROSION AND GULLYING. RE-SEED OR SOD AS NECESSARY IN AREAS AROUND THE SCOUR STOP MAT. THE SEMI-ANNUAL INSPECTIONS SHALL OCCUR ONCE BEFORE NEW GROWTH EMERGES IN THE SPRING AND ONCE AT DISPERSAL IN THE FALL.

TEMPORARY SEEDING:

AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER ADEQUATE TO PREVENT RILL EROSION WILL BE RE- SEEDED AS SOON AS SUCH AREAS ARE IDENTIFIED. CONTROL WEEDS BY MOWING.

PERMANENT SEEDING:

THE MAINTENANCE MEASURES ARE AS FOLLOWS: (1) IN GENERAL, A STAND OF VEGETATION CANNOT BE DETERMINED TO BE FULLY ESTABLISHED UNTIL IT HAS BEEN MAINTAINED FOR ONE FULL YEAR AFTER PLANNING; (2) NEW SEEDLINGS SHALL BE SUPPLIED WITH ADEQUATE MOISTURE, SUPPLY WATER AS NEEDED, ESPECIALLY LATE IN THE SEASON, IN ABNORMALLY HOT OR DRY CONDITIONS, OR ON ADVERSE SITES, WATER APPLICATIONS SHALL BE CONTROLLED TO PREVENT EXCESSIVE RUNOFF; (3) INSPECT ALL SEEDED AREAS FOR FAILURES AND MAKE NECESSARY REPAIRS, REPLACEMENTS, AND RESEEDINGS WITHIN THE PLANTING SEASON, IF POSSIBLE; [3A] IF STAND IS INADEQUATE FOR EROSION CONTROL, OVER SEED AND FERTILIZE USING HALF OF THE RATES ORIGINALLY SPECIFIED; [3B] IF STAND IS 60% DAMAGED, RE-ESTABLISH FOLLOWING SEEDBED AND SEEDING RECOMMENDATIONS; [3C] IF STAND HAS LESS THAN 40% COVER, RE-EVALUATE CHOICE OF PLANT MATERIALS AND QUANTITIES OF LIME AND FERTILIZER, THE SOIL MUST BE TESTED TO DETERMINE IF ACIDITY OR NUTRIENT IMBALANCES ARE RESPONSIBLE, RE-ESTABLISH THE STAND FOLLOWING SEEDBED AND SEEDING RECOMMENDATIONS.

MULCHING:

ALL MULCHES AND SOIL COVERINGS SHOULD BE INSPECTEDPERIODICALLY (PARTICULARLY AFTER RAINSTORMS) TO CHECK FOR EROSION. WHERE EROSION IS OBSERVED IN MULCHED AREAS, ADDITIONAL MULCH SHOULD BE APPLIED. NETS AND MATS SHOULD BE INSPECTED AFTER RAINSTORMS FOR DISLOCATION OR FAILURE. IF WASHOUTS OR BREAKAGE OCCUR, REINSTALL NETTING OR MATTING AS NECESSARY AFTER REPAIRING DAMAGE TO THE SLOPE OR DITCH. INSPECTIONS SHOULD TAKE PLACE UNTIL GRASSES ARE FIRMLY ESTABLISHED. WHERE MULCH IS USED IN CONJUNCTION WITH ORNAMENTAL PLANTINGS, INSPECT PERIODICALLY THROUGHOUT THE YEAR TO DETERMINE IF MULCH IS MAINTAINING COVERAGE OF THE SOIL SURFACE; REPAIR AS NEEDED.

TEMPORARY DIVERSION DIKE:

THE MEASURE SHALL BE INSPECTED AFTER EVERY STORM AND REPAIRS MADE TO THE DIKE, FLOW CHANNEL, OUTLET OR SEDIMENT TRAPPING FACILITY, AS NECESSARY. ONCE EVERY TWO WEEKS, WHETHER A STORM EVENT HAS OCCURRED OR NOT, THE MEASURE SHALL BE INSPECTEDAND REPAIRS MADE IF NEEDED. DAMAGES CAUSED BY CONSTRUCTION TRAFFIC OR OTHER ACTIVITY MUST BE REPAIRED BEFORE THE END OF EACH WORKING DAY.

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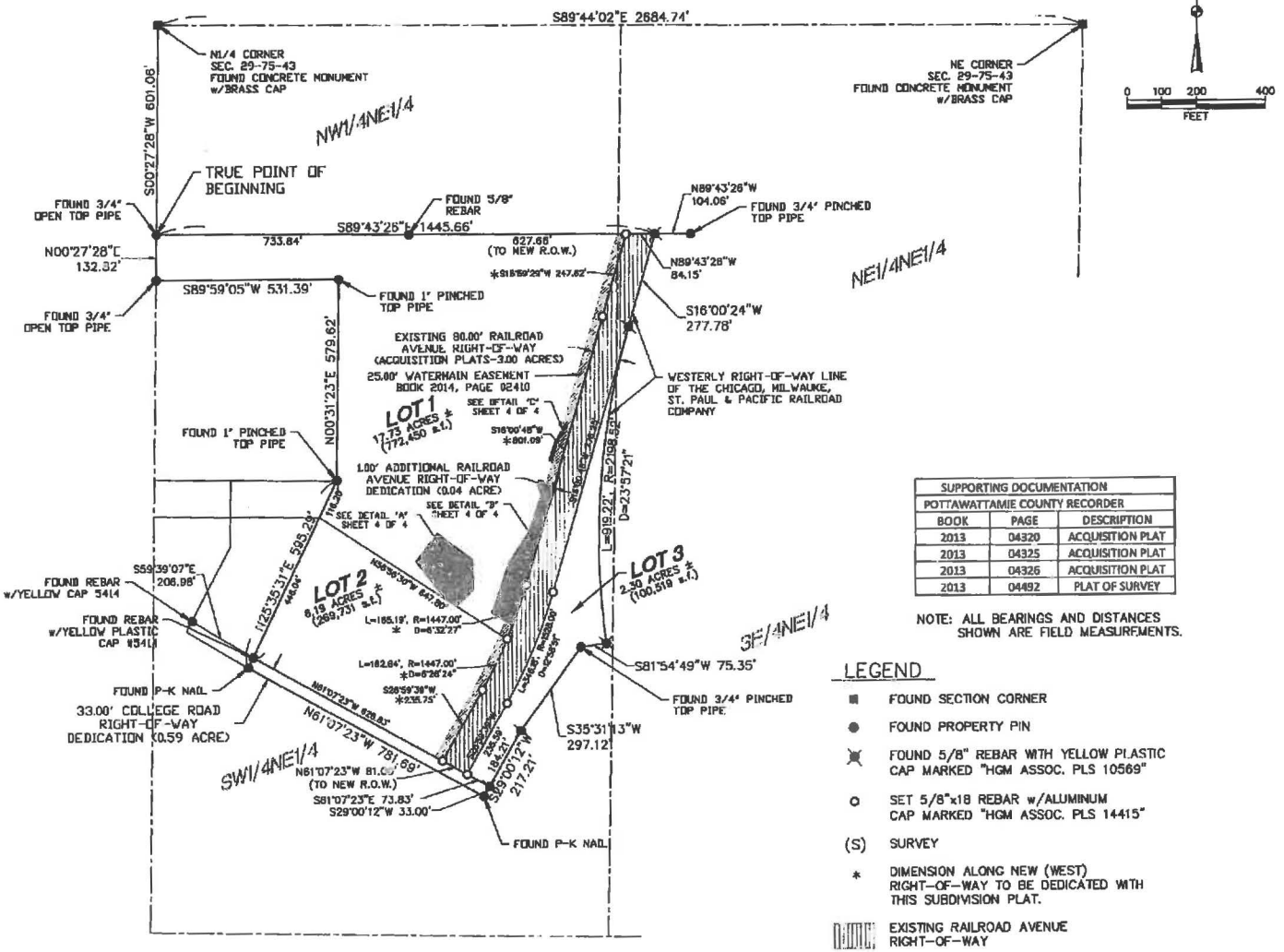
NSE DRE JML MAY'18 2018 revision

project ARBOR CREEK
NORTHEAST QUARTER SECTION 29-75-43
client COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPT.
209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
work FINAL PLAT

project no. 150018
sheet 2 OF 4

ARBOR CREEK

PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



SUPPORTING DOCUMENTATION		
POTTAWATTAMIE COUNTY RECORDER		
BOOK	PAGE	DESCRIPTION
2013	04320	ACQUISITION PLAT
2013	04325	ACQUISITION PLAT
2013	04326	ACQUISITION PLAT
2013	04492	PLAT OF SURVEY

NOTE: ALL BEARINGS AND DISTANCES SHOWN ARE FIELD MEASUREMENTS.

LEGEND

- ■ FOUND SECTION CORNER
- ● FOUND PROPERTY PIN
- ✖ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HGM ASSOC. PLS 10569"
- ○ SET 5/8"x18 REBAR w/ALUMINUM CAP MARKED "HGM ASSOC. PLS 14415"
- (S) SURVEY
- * DIMENSION ALONG NEW (WEST) RIGHT-OF-WAY TO BE DEDICATED WITH THIS SUBDIVISION PLAT.
- EXISTING RAILROAD AVENUE RIGHT-OF-WAY
- EXISTING WATER MAIN EASEMENT
- POST CONSTRUCTION STORMWATER MANAGEMENT EASEMENT

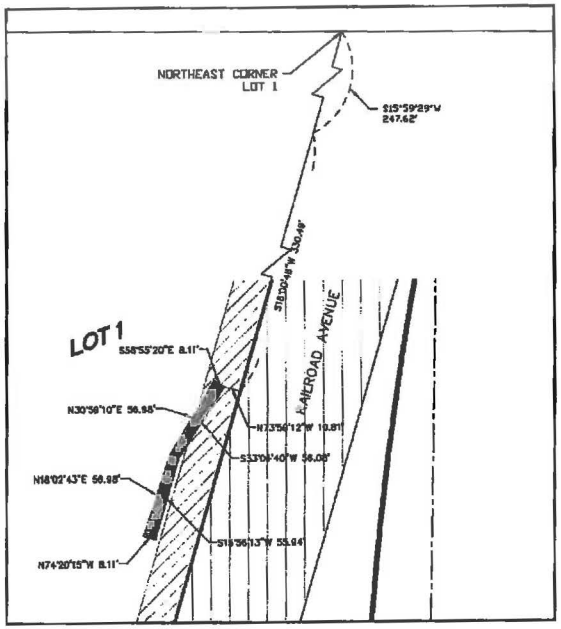
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project: ARBOR CREEK
NORTHEAST QUARTER SECTION 29-75-43
sheet: 209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
140 WEST BROADWAY, COUNCIL BLUFFS, IOWA 51502

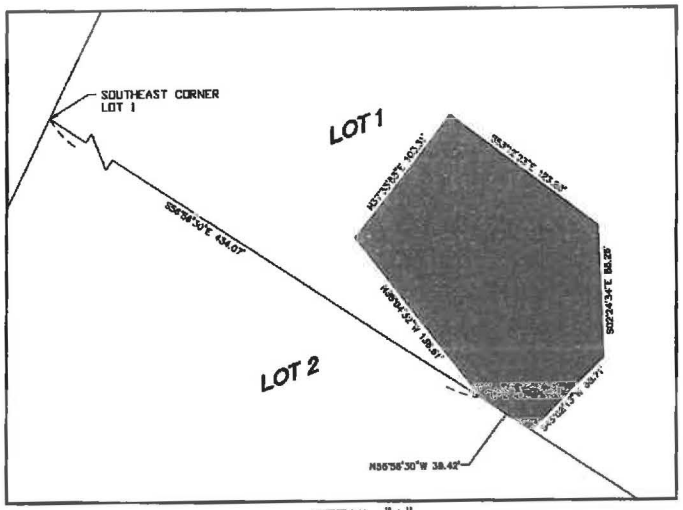
project no. 150018
sheet 3 OF 4

ARBOR CREEK

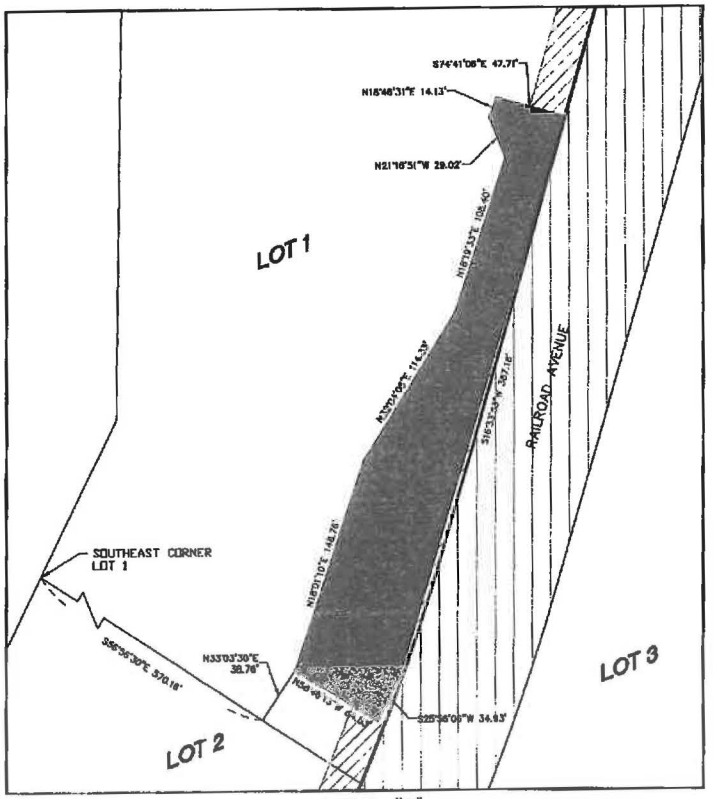
PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



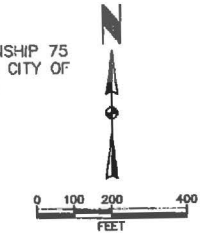
DETAIL "C"



DETAIL "A"



DETAIL "B"



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project ARBOR CREEK
NORTHEAST QUARTER SECTION 29-75-43
209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
149 WEST BROADWAY, COUNCIL BLUFFS, IOWA 51502

project no. 150018
sheet 4 OF 4

Proof Of Publication

State of Iowa

Pottattwattamie County

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department for final plat approval of a three lot minor subdivision to be known as Arbor Creek, legally described as being part of the NE1/4 of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 24th day of September, 2018 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.
2018(9)16-1 Sunday

I, Amy McKay, on my oath do solemnly that I am Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 16th day of September, 2018.

Signed in my presence by the said Amy McKay and by her sworn to before me this 16th day of September, A.D. 2018.

Amy McKay
Daily Nonpareil Controller

Jeannette Johnson
Notary Public

Filed this 16th day of September, A.D. 2018.

Pulication Cost: $11.78

NOTARIAL SEAL IOWA

JEANNETTE JOHNSON
Commission Number 144856
MY COMMISSION EXPIRES
OCTOBER 1, 2020

Customer Number: 1003258
Order Number: 0000019014