RESOLUTION NO. 19-203

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A TWO-LOT MINOR SUBDIVISION TO BE KNOWN AS RIVER ROAD SUBDIVISION, LEGALLY DESCRIBED AS PARCEL 'A' BEING A PORTION OF GOVERNMENT LOTS 2, 3, AND 4 AND ACCRETIONS THERETO IN SECTION 4-74-44, 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 two lot minor industrial subdivision to be known as River Road Subdivision, as legally described on Attachment 'A'; and

WHEREAS, The subdivision is comprised of 48.479 acres more/less and is bounded by Nebraska Avenue to the north, Interstate 29 right-of-way and SIECK Levee to the east, Warren Distribution to the south, and River Road to the west; and

WHEREAS, The purpose of this subdivision is to create parcels of land that can be used for new industrial development in the City; and

WHEREAS, The proposed plans have been provided for comment to all utility companies and City Departments and the following comments have been received:

1. The minimum lot size in an I-2 District is 15,000 square feet, lot width is 75 feet, and lot depth is 150 feet, as per Section 15.21.050, Site development Regulations of the Municipal Code (Zoning Ordinance). Proposed Lot 1, River Road Subdivision contains 39.479 acres, and proposed Lot 2, River Road Subdivision contains 9.0 acres. Both lots exceed the minimum I-2 District lot size requirements.
2. All construction within this subdivision shall comply with standards stated in Chapter 15.21, I-2/ General Industrial District.
3. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
4. The subdivision is located within a Flood Zone 'X', according to FEMA Map Number 19155C0560E, dated February 4, 2005, and is protected from Missouri River flooding by an industrial levee that is maintained by a collection of property owners in the general vicinity of this request, see Attachment 'C'. In 2016, D.E.B. Partnership conveyed ownership of this land to the City of Council Bluffs, which then made the City responsible for 16.1878% of the ongoing industrial levee maintenance costs. The City intends to transfer their share of the ongoing levee maintenance costs to the future owners of Lots 1 and 2, River Road Subdivision in manner that is equitable to the size of property being purchased. Based on the configuration of this subdivision, the future owner of Lot 1, River Road Subdivision (39.479 acres) will be responsible for 13.1819% of the levee maintenance cost; and the future owner of Lot 2, River Road Subdivision (9.0 acres) will responsible for 3.006% of the maintenance costs.

5. The City of Council Bluffs, with assistance from Advance Southwest Iowa, has held discussions with a private company who is interested in purchasing Lot 1, River Road Subdivision to develop new industrial warehouses on it. The company has proposed to purchase and develop the warehouses in several phases. A purchase agreement between the City and this company is being drafted and will appear before City Council for consideration in the near future.
6. Warren Distribution has submitted an offer to buy application to the Community Development Department to purchase proposed Lot 2, River Road Subdivision for a $261,000.00 (see Case #OTB-19-024). The purpose of their request is obtain ownership of the land they are currently leasing from the City for truck parking, and to have additional land area available for a future warehouse expansion, should the need arise. The resolution of intent for Warren's offer to buy request will appear before City Council on August 26, 2019, and the public hearing to dispose of the property will be held on September 9, 2019 by City Council.
7. All lots in this subdivision have direct access to River Road, which is a public roadway. No street extensions are required to be completed for the proposed two-lot subdivision.
8. All proposed lots have access to utilities either along River Road or via existing service lines along the easterly/southerly boundary of the subdivision. The plat shows a new 30 foot wide utility easement along the westerly boundary of proposed Lots 1 and 2, River Road Subdivision to facilitate the expansion of sewer services along River Road should the need arise. No utility extensions are required to be completed for proposed two-lot subdivision. This easement is also intended to be used for other municipal purposes such as the installation and maintenance of sidewalks, and/or bike trail along River Road. A notation must be provided on the plat that describes this easement as being used for utilities and other municipal purposes prior to being executed.
9. Section 14.14.040, Sidewalks/pedestrian ways of the Municipal Code (Subdivision Ordinance) requires that sidewalks be installed in all new subdivisions. The City has discussed the possibility of extending River Road to the south to connect into Richard Downing Avenue. This connection will provide better vehicular circulation, as well as, improve upon the existing bike network along River Road. Since there are many unknowns associated with this proposed street extension (e.g., timing, design, rights-of-way needs, etc.) it is premature to require sidewalks be provided along this segment of River Road at this time. The Community Development Department with concurrence from Public Works and the Parks and Recreations Department recommends that each entity who purchases a lot in the River Road Subdivision be required to submit a payment to the City equal to the total cost of the required sidewalk along

their frontage in lieu of constructing a sidewalk. The money generated from this arrangement will be used to fund future sidewalks and/or bike trail improvements in this vicinity once River Road is extended. The City will collect this payment at the time of closing on each parcel.

10. All electric, gas, water, cable and communication facilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the entity developing the subject property.
11. 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.
12. All City Departments and local utilities were provided a copy of the proposed River Road Subdivision to review. The following comments were received:
    a. The Council Bluffs Fire Department stated they have no comments for the proposed subdivision.
    b. Council Bluffs Police Department stated they have no comments for the request.
    c. Council Bluffs Water Works confirmed that public water mains are available within River Road to service the proposed subdivision.
    d. Council Bluffs Public Works Department stated the following:
        - Plat symbols used should match the legend;
        - All easements should be verified against the plat of survey for the property;
        - The proposed lot line between lots 1 & 2 requires a bearing and distance; and
        - Subdivision legal description should be verified.

        The Community Development Department will continue to work with HGM Associates to address all of the above technical corrections prior to the plat being executed.

    e. Black Hills Energy stated they have no concerns about the subdivision request.
    f. Iowa Department of Transportation (IDOT) stated the subdivision is located within their Council Bluffs Interstate System Corridor Preservation Zone and that they have a temporary access easement on the southeasterly portion of the property for grading and shaping of the interstate roadway embankment that is valid through December 2020.

The Community Development Department informed IDOT that since this easement is temporary it will not be stated on the plat; however, the City will make all future landowners of Lots 1 and 2, River Road Subdivision aware of the easement prior to any real estate closing transactions; and

WHEREAS, The Community Development Department recommends final plat approval of a two lot minor subdivision to be known as River Road Subdivision, legally described as Parcel 'A' being a portion of Government Lots 2, 3, and 4 and Accretions thereto in Section 4-74-44, 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. 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;
e. The City will accept payment in lieu of installation of sidewalks by the future owners of Lots 1 and 2, River Road Subdivision at the time of closing for each parcel of land; and
f. All future buyers of Lots 1 and 2, River Road Subdivision shall be responsible for their portion of the industrial levee maintenance costs.

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

That the final plat approval of a two-lot minor subdivision to be known as River Road Subdivision, legally described as Parcel 'A' being a portion of Government Lots 2, 3, and 4 and Accretions thereto in Section 4-74-44, 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.

Planning Case No. #SUB-19-007

ADOPTED
AND August 26, 2019.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk