RESOLUTION NO. 20-73

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A FOUR-LOT MINOR SUBDIVISION TO BE KNOWN AS OAKLEY SUBDIVISION, BEING LEGALLY DESCRIBED AS A REPLAT OF THE EAST 30 FEET OF LOTS 1-8 AND LOT 21, AND THE ENTIRETY OF LOTS 9-20 AND LOT 22, ALL IN BLOCK 5, HOWARD'S ADDITION, AND BOTH OF THE VACATED NORTH/SOUTH ALLEYWAYS ADJACENT AND THE VACATED 17TH AVENUE RIGHT-OF-WAY LOCATED EASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE EMIL PAVICH TRAIL AND WEST OF THE RIGHT-OF-WAY LINE OF SOUTH 11TH STREET, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department has received an application from Ryan C. Rogers requesting final plat approval for a four-lot minor subdivision to be known as Oakley Subdivision, which will be comprised of 1.932 acres of land, and will feature four lots, with three being for residential purposes and one being for commercial purposes; and

WHEREAS, There is currently one residential dwelling on what will be known as Lot 1, Oakley Subdivision, and one commercial business on what will be known as Lot 4, Oakley Subdivision; and

WHEREAS, The proposed Lots 1-3, Oakley Subdivision is owned by RCW Enterprises, which is represented by the applicant, Ryan Rogers, and the proposed Lot 4, Oakley Subdivision is owned by MMTD, LLC., which is represented by Tom Lustgraaf, who has approved the proposed subdivision; and

WHEREAS, The following comments have been received:

A. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Zoning and Subdivision Ordinances.

B. Lots 1-4, Oakley Subdivision all exceed the size requirements for properties located within their respective zoning districts, and are therefore all developable lots.

C. All new structures constructed on the subject properties shall comply with the site development standards of their respective zoning districts.

D. Per Resolution #16-21, a permanent and perpetual utility easement shall remain over the South 15 feet of the former 17th Avenue right-of-way. This easement shall be to the benefit of the City of Council Bluffs and its licensees and/or franchise grantees.

E. 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.

F. No new right-of-ways are proposed to be dedicated to the City because of this subdivision.

G. The Council Bluffs Fire Marshal stated the Fire Department has no comments on the proposed subdivision

H. The Council Bluffs Permits and Inspections Division stated it is in the best interest of future developers to only construct homes without basements

due to the level of the groundwater in the area, though noted that prohibiting homes without basements cannot be done based on current City ordinances.

I. The Council Bluffs Public Works Division stated sidewalks shall be installed along the frontage of each lot at the time of development.

J. Council Bluff Water Works stated the lots will have frontage to existing water main on South 11th Street.

K. CenturyLink stated there is a conduit line located in the western side of the right-of-way of South 11th Street, but since the right-of-way of South 11th Street is not being altered there are no anticipated conflicts.

L. Cox Communications stated they have no issues with the proposed subdivision.

M. MidAmerican Energy stated they have no concerns with the proposed final plat, but noted the developer should contact MidAmerican Energy directly for any electrical distribution relocation or service extensions for future development.

N. Costs to purchase the former right-of-way of 17th Avenue shall be due prior to the recordation of the final plat. MMTD, LLC (represented by Tom Lustgraaf) will owe a total of $1,215.20, and RCW Enterprises (represented by Ryan Rogers) will owe a total of $1,307.40. These values are established using the Street, Alley, and Public Ground Vacation fee schedule, and are stated in Resolution #16-21 which vacated the right-of-way of the former 17th Avenue; and

WHEREAS, The Community Development Department recommends approval of the four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a being a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

A. 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

B. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and

C. All utilities 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 and not the City.

D. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house.

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

That the final plat approval of final plat approval of a four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street, City of Council Bluffs, Pottawattamie County, Iowa, and as shown on Attachment 'B', is hereby approved subject to all local, state and federal regulations.

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND March 9, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk