RESOLUTION NO. 21-159

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A TWO-LOT MINOR SUBDIVISION TO BE KNOWN AS THE RICHARD MILLER AND MARIE KNEDLER SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department has received a request from YMCA of Greater Omaha for final plat approval of a two-lot minor subdivision to be known as The Richard Miller and Marie Knedler Subdivision, legally described as being a replat of Lots 6 thru 17 of Baughn's Subdivision of Lot 8 of the Original Plat of Council Bluffs; all of the vacated 12-foot north/south alley lying east of and adjacent to said Lots 12 thru 17; that portion of vacated Baughn Street lying between Harmony Street and East Kanesville Boulevard; that part of Lot 3 and that part of Lot 11 of the Original Plat of Council Bluffs lying north of Washington Avenue; all of Lots 9 and 10 of the Original Plat of Council Bluffs; and that part of Frank Street presently dedicated between Washington Avenue and Harmony Street, said area being geographically bounded by Harmony Street to the north, Frank Street to the east, East Kanesville Boulevard to the south and the north/south alley platted in Baughn's Subdivision of Lot 8 in the Original Plat of Council Bluffs to the west; and

WHEREAS, the YMCA of Greater Omaha, is proposing to expand the existing Charles E. Lakin YMCA campus in Council Bluffs, which began operation in 2017, to accommodate a new park and increase the amount of off-street parking at this site. In 2019, the applicant purchased several properties located west of 235 Harmony Street, including the old St. Patrick's Catholic Church site, with this intent; and

WHEREAS, The following comments have been received:

A. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

B. Proposed Lots 1 and 2 will contain 1.29 acres and 2.91 acres in area, respectively. Both lots in the subdivision exceed the minimum A-P/Administrative-Professional District lot size requirements.

C. Both lots have direct frontage along East Kanesville Boulevard and Harmony Street; additionally, proposed Lot 2 has frontage along Frank Street. As per the site plan submitted along with the conditional use permit application (see Attachment 'C'), two separate driveway approaches will provide access onto Harmony Street: (1) the existing driveway will provide access to proposed Lot 2; and (2) a new driveway, which will align with the vacated portion of Baughn Street right-of-way, will provide access to proposed Lot 1.

D. All development activity within this subdivision shall comply with the standards set forth in Chapter 15.13, *A-P/Administrative-Professional District*, of the Council Bluffs Municipal Code (Zoning Ordinance) and approved conditional use permit #CU-21-001.

E. For the purposes of determining minimum setback requirements, lot lines shall be designated as follows:

1. For proposed Lot 1, the northerly property line abutting Harmony Street shall be designated as the front lot line; the southerly property line abutting East Kanesville Boulevard shall be designated as a street-side lot line; and the easterly property line abutting proposed Lot 2 and the westerly property line abutting the north/south alley platted in Baughn's Subdivision of Lot 8, Original Plat of Council Bluffs shall be designated as interior side lot lines.
2. For proposed Lot 2, the easterly property line abutting Frank Street shall be designated as the front lot line; the northerly property line abutting Harmony Street and the southerly property line abutting East Kanesville Boulevard shall be designated as street-side lot lines; and the westerly property line abutting proposed Lot 1 shall be designated as the rear lot line.

F. Public water, sanitary sewer and storm sewer utilities are available to service proposed Lots 1 and 2. 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.

G. The Public Works Department stated they have no comments on the request.

H. Council Bluffs Water Works stated that the 15-foot easement referenced in the final plat was conveyed to the City for the use and benefit of the Board of Water Works Trustees of the City of Council Bluffs, Iowa.

I. Cox Communications stated they have trench on the vacated portion of Baughn Street, which should be accessible for maintenance and repair due to the easement retained over said right-of-way.

J. The following technical corrections shall be made to the plat prior to being executed:
   1. Revise the name of the proposed subdivision from "The Richard Miller & Marie Knedler Subdivision" to "The Richard Miller and Marie Knedler Subdivision."
   2. Revise the plat description on Sheet 1 to read as follows:
      A REPLAT OF LOTS 6 THRU 17 OF BAUGHN'S SUBDIVISION OF LOT 8 ORIGINAL PLAT OF COUNCIL BLUFFS & ALL OF THE VAC 12FT N/S ALLEY LYING EAST OF AND ADJACENT TO SAID LOTS 12 THRU 17 & THAT PART OF VAC BAUGHN ST LYING BETWEEN HARMONY ST AND EAST KANESVILLE BOULEVARD & PT OF LOT 3 AND PT OF LOT 11 ORIGINAL PLAT OF COUNCIL BLUFFS LYING NORTH OF WASHINGTON AVE & ALL OF LOTS 9 AND 10 ORIGINAL PLAT OF COUNCIL BLUFFS & THAT PT OF FRANK ST PRESENTLY DEDICATED BETWEEN WASHINGTON AVE AND HARMONY ST
   3. Revise the standard easement dedication language to read as follows: "A 5-foot wide easement on all side lot lines and a 10-foot wide easement along all front and rear lot lines is reserved for the installation and maintenance of utilities."

4. Revise existing easement #2 to read as follows: "Vacated Baughn Street right-of-way subject to an easement approved by Resolution No. 20-290 (Book 2021 Page 03153)."
5. Revise existing easement #3 to read as follows: "15-foot easement conveyed to the City of Council Bluffs, Iowa for the use and benefit of Council Bluffs Water Works (Book 2007 Page 06675)."
6. The index legend on Sheet 1 and the legal description on Sheet 2 identify Bergan Mercy Health Systems as the proprietor of proposed Lot 1; however, the notary signature block identifies the Sisters of Mercy as the property owner. The final plat shall be revised to ensure the proprietor of proposed Lot 1 is correctly identified.
7. Change the road name "Kanesville Boulevard" to "East Kanesville Boulevard" in the plat map exhibit.
8. The following course bearings have two separate measurements on the plat map exhibit:

    a. N 56°59'23" E 132.10 feet/N 56°59'23" E 132 feet;
    b. S 57°59'23" E 268.62 feet/S 31°20'58" E 268.14 feet;
    c. S 27°51'24" E 26.37 feet/S 1°56'44" E 26.50 feet;
    d. S 24°07'45" W 8.40 feet/S 52°59'40" W 8.43 feet;
    e. S 58°15'53" W 107.30 feet/S 84°52" W 107.30 feet;
    f. S 58°13'05" W 71.04 feet/N 84°52 ½' E 71 feet;
    g. S 58°14'23" W 198.40 feet/S 84°50 ½' W 198.40 feet; and
    h. S 54°27'23" W 151.60 feet/S 81°03 ½' W 151.60 feet.

    The engineer/surveyor shall verify which course bearing distance provided is accurate. The plat map exhibit and the legal descriptions on Sheet 2 shall be revised accordingly.
9. Paragraph 4, Line 3 of the legal description of the property vested in Bergan Mercy Health Systems identifies a course bearing running southeasterly along the westerly line of Frank Street for 203.1 feet; however, Paragraph 4, Line 7 describes such course bearing as running S 54°50' E for 203 feet. The engineer/surveyor shall verify which course bearing distance provided is accurate. The plat map exhibit and the legal descriptions on Sheet 2 shall be revised accordingly.
10. Paragraph 8, Line 7 of the legal description of the property vested in Bergan Mercy Health Systems identifies a course bearing running N 27°46'40" W along the westerly line of Frank Street for 294.09 feet; however, the plat map exhibit describes such course bearing as running for 294.1 feet. The engineer/surveyor shall verify which course bearing distance provided is accurate. The plat map exhibit and the legal descriptions on Sheet 2 shall be revised accordingly.

11. Remove "The Easterly 36 feet of the Westerly 186 feet of Lot 11 in the Original Plat of the City of Council Bluffs, lying North of Washington Avenue in said City" for redundancy purposes.
12. The engineer/surveyor shall continue to work with the Community Development Department to refine the course bearings in the legal description of the property vested in the YMCA of Greater Omaha for clarity and conciseness purposes; and

WHEREAS, The Community Development Department recommends approved of the proposed two-lot minor subdivision to be known as The Richard Miller and Marie Knedler Subdivision, subject to the comments above and the conditions below:

A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
B. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
C. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
D. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
E. The final plat shall not be executed by the City until such time that the applicant purchases the portion of Baughn Street right-of-way lying between East Kanesville Boulevard and Harmony Street vacated and disposed of via Resolution No. 20-290.

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 The Richard Miller and Marie Knedler Subdivision, as legally described above, 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 upon the applicant's purchase of the portion of Baughn Street right-of-way lying between East Kanesville Boulevard and Harmony Street vacated and disposed of via Resolution No. 20-290.

ADOPTED
AND May 24, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
Allison Head Acting City Clerk