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Date November 4, 2013

**RESOLUTION APPROVING LANDSCAPE BOND
FOR HOUSING PROJECT BY HILLTOP I LIMITED PARTNERSHIP
IN THE VICINITY OF 3720 E. DOUGLAS AVENUE**

WHEREAS, Hilltop I Limited Partnership, represented by James Conlin, Manager, has proposed to delay the installation of a portion of the required landscaping for a multiple-family housing project in the vicinity of 3720 E. Douglas Avenue until a separate multiple family housing project on adjoining land owned by Hilltop II Limited Partnership, a related development entity, is substantially completed; and,

WHEREAS, if the landscaping were installed at this time, it would likely be damaged or destroyed by the grading required for the construction of a planned future multiple-family housing project on the adjoining land; and,

WHEREAS, the Zoning Administrator has agreed to a delay in the installation of the affected portion of the required landscaping until the earlier of:

- i) The development of any portion of the eastern one-half of the adjoining property owned by Hilltop II Limited Partnership; or,
- ii) August 18, 2018,

if the obligation to install the required landscaping is secured by an irrevocable letter of credit in the amount of \$7,700, which is equal to the estimated cost of installing the balance of the required landscaping; and,

WHEREAS, Hilltop I Limited Partnership has provided an Irrevocable Letter of Credit No. 1289 from West Bank as security for the timely installation of the balance of the required landscaping; and,

WHEREAS, the Legal Department has approved the form of the irrevocable letter of credit.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The Irrevocable Letter of Credit No. 1289 from West Bank, provided by Hilltop I Limited Partnership, as security for the balance of the required landscaping on its property in the vicinity of 3720 E. Douglas Avenue, is hereby approved and accepted.
2. The City Clerk is hereby directed to hold the irrevocable letter of credit until otherwise directed.

★ **Roll Call Number**

Agenda Item Number

14

Date November 4, 2013

-2-

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

G:\USERS\RKBrown\Rog Docs\Zoning\Administration\Bonds\RC Accept Landscape Bond - Conlin's Hilltop.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

PLAT OF SURVEY

PARCELS "H" & "I"
SE 1/4 SEC. 20-79-23
DES MOINES, POLK COUNTY, IOWA

PLAT OF SURVEY

Approved: Information
City of Des Moines
Permit & Development Center
Date: 07-24-2013

14889-605

SPACE RESERVED FOR RECORDER'S USE

PREPARED FOR/OWNER

HILLTOP SENIOR LIMITED PARTNERSHIP
318 7th STREET
DES MOINES, IA 50309
PHONE: (515) 248-8016

DESCRIPTION - PARCEL "H"

A parcel of land within the East 15 acres of the West 30 acres of the Southeast Quarter of the Southeast Quarter of Section 20, and that part of the West 82.5 feet of the South 264 feet of the East 10 acres of the Southeast Quarter of the Southeast Quarter of Section 20, lying North of Hubbell Avenue; all in Township 79 North, Range 23 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Beginning at the intersection of the West line of the East 15 acres of the West 30 acres of the Southeast Quarter of said Section 20 and the North right-of-way line of E. Douglas Avenue; thence

North 00°(degrees) 15'(minutes) 37"(seconds) East, 357.84 feet along the West line of the East 15 acres of the West 30 acres of the Southeast Quarter of said Section 20, thence

South 89°48'07" East, 202.07 feet; thence

South 04°27'43" East, 80.89 feet; thence

North 87°16'09" East, 158.21 feet; thence

North 77°58'52" East, 35.91 feet; thence

North 08°47'14" West, 17.19 feet; thence

North 81°52'10" East, 68.61 feet to the East line of the East 15 acres of the West 30 acres of the Southeast Quarter of said Section 20, thence

South 00°15'51" West, 77.23 feet along the East line of the East 15 acres of the West 30 acres of the Southeast Quarter of said Section 20, thence

North 89°27'36" East, 82.34 feet; thence

South 01°53'54" West, 51.00 feet to the northwesterly right-of-way line of Hubbell Avenue; thence

South 55°16'01" West, 338.70 feet along the northwesterly right-of-way line of Hubbell Avenue to its intersection with the northerly right-of-way line of E. Douglas Avenue; thence

South 89°38'58" West, 300.17 feet along the northerly right-of-way line of E. Douglas Avenue to the point of beginning.

Containing 3.46 acres, more or less.

DESCRIPTION - PARCEL "I"

A parcel of land within the East 15 acres of the West 30 acres of the Southeast Quarter of the Southeast Quarter of Section 20; and that part of the West 82.5 feet of the South 264 feet of the East 10 acres of the Southeast Quarter of the Southeast Quarter of Section 20, lying North of Hubbell Avenue; all in Township 79 North, Range 23 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Commencing as a point of reference at the intersection of the West line of the East 15 acres of the West 30 acres of the Southeast Quarter of said Section 20 and the North right-of-way line of E. Douglas Avenue; thence

North 00°(degrees) 15'(minutes) 37"(seconds) East, 357.84 feet along the West line of the East 15 acres of the West 30 acres of the Southeast Quarter of said Section 20 to the Point of Beginning; thence

Continuing North 00°15'37" East, 242.54 feet; thence

South 89°48'42" East, 341.26 feet; thence

South 00°09'04" West, 136.88 feet; thence

South 03°04'21" East, 8.91 feet; thence

South 07°53'25" East, 114.86 feet; thence

South 08°07'50" East, 58.36 feet; thence

South 87°16'09" West, 158.21 feet; thence

North 04°27'43" West, 80.89 feet; thence

North 89°48'07" West, 202.07 feet to the point of beginning.

Containing 2.19 acres, more or less.

LIMITATION ON DEVELOPMENT

AT THE TIME OF APPROVAL OF THIS PLAT OF SURVEY BY THE CITY OF DES MOINES, PARCEL "I" AND THE REMAINDER PARCEL CREATED BY THIS PLAT OF SURVEY DO NOT HAVE AN APPROVED STORMWATER MANAGEMENT PLAN, AND DO NOT HAVE ACCESS TO THE UTILITIES NECESSARY FOR DEVELOPMENT. NO DEVELOPMENT CAN OCCUR ON PARCEL "I", PARCEL "H" OR THE REMAINDER PARCEL UNTIL A SITE PLAN FOR SUCH DEVELOPMENT IS APPROVED BY THE CITY OF DES MOINES. CITY APPROVAL OF A SITE PLAN FOR THE DEVELOPMENT OF ANY OF THESE PARCELS MAY BE CONDITIONED UPON THE ESTABLISHMENT OF EASEMENTS, BOTH PUBLIC AND PRIVATE, TO PROVIDE FOR THE EXTENSION OF UTILITY SERVICES TO EACH OF THE PARCELS, AND TO PROVIDE FOR THE IMPLEMENTATION OF A STORMWATER MANAGEMENT PLAN, ALL AS NECESSARY TO MEET CITY STANDARDS FOR THE PLANNED DEVELOPMENT AND THE FUTURE POTENTIAL DEVELOPMENT OF ALL THREE PARCELS.

SURVEYOR'S NOTES

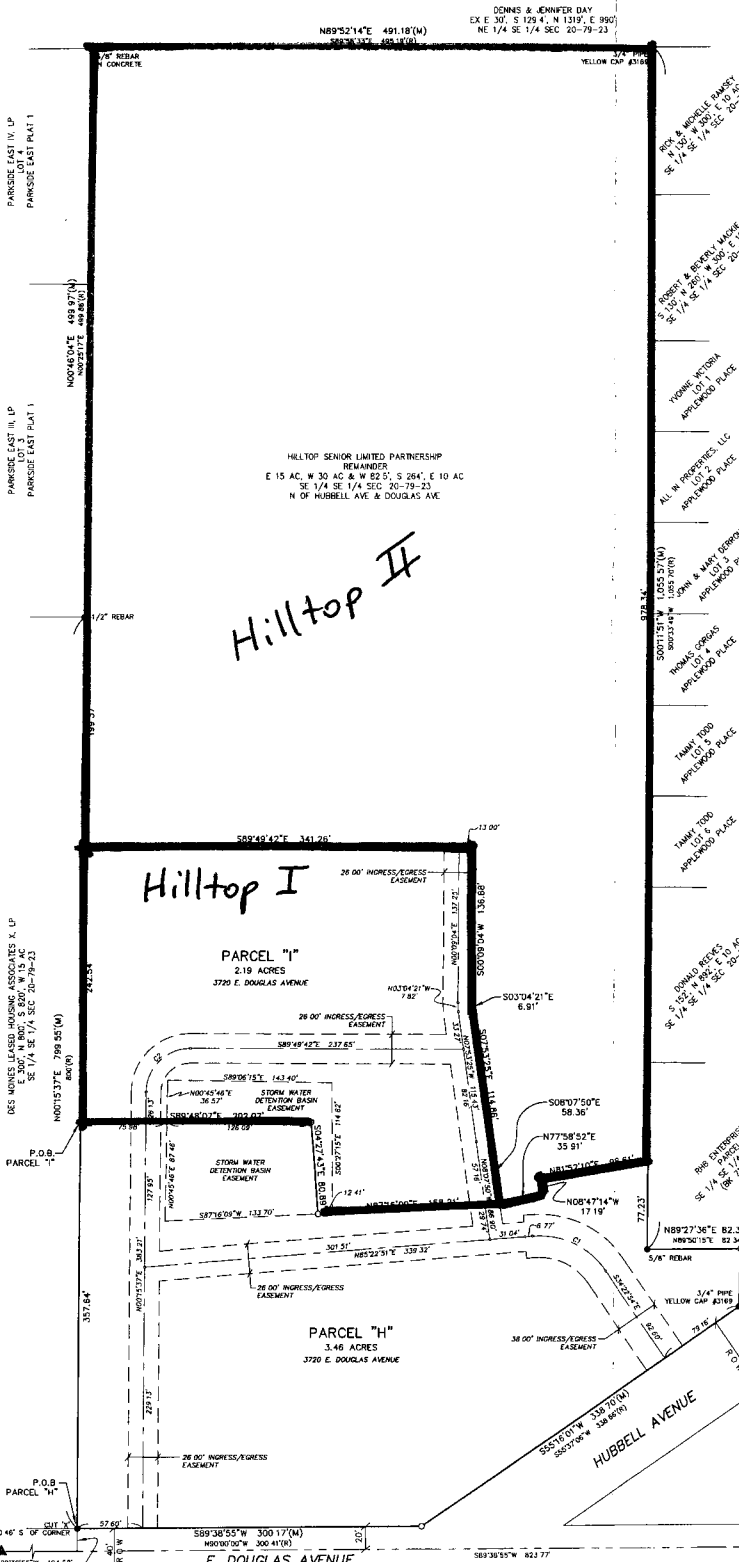
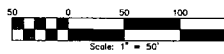
1. THIS SURVEY WAS PREPARED TO DIVIDE TWO (2) PARCELS FROM AN EXISTING TRACT OF LAND FOR CONVEYANCE AND DEVELOPMENT PURPOSES.
2. RECORD DIMENSIONS ARE TAKEN FROM: (1) THE FINAL PLAT OF PARKSIDE EAST PLAT 1 FILED OCTOBER 22, 2003 IN BOOK 10227 AT PAGE 844; (2) A BOUNDARY RE-TRACED SURVEY FILED DECEMBER 27, 2004 IN BOOK 3077 AT PAGE 239.
3. BOTH PARCEL "H" AND "I" ARE ADRESSED 3720 E. DOUGLAS AVENUE. THE CITY OF DES MOINES HAS INDICATED THAT SEPARATE ADDRESSES ARE NOT REQUIRED FOR THIS DIVISION.

CURVE DATA

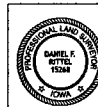
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	74.65	71.00	60°14'15"	S84°30'01"E	71.25
C2	80.42	38.50	89°54'41"	N45°12'58"E	54.41

LEGEND

- MONUMENT FOUND
- MONUMENT SET
- 5/8" REBAR, YELLOW CAP #13288
- (M) AS MEASURED (DIMENSION)
- (R) AS RECORDED (DIMENSION)
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT-OF-WAY



DATE OF FIELDWORK
APRIL 2013



DESIGNER: DANIEL J. HITTEL
DATE: 7/24/2013
DRAWN BY: DFR
SCALE: 1" = 50'

RETURN TO: **ERG**
Engineering Resource Group, Inc.
Engineers and Surveyors
2413 GRAND AVENUE
DES MOINES, IOWA 50312
(515) 288-4823

PLAT OF SURVEY

NO.	REVISION	DATE	BY	FOR	LOCATION:	SCALE:	DESIGNED BY:	DRAWN BY:
						1" = 50'	Daniel J. Hittel	DFR

SCALE:	CHECKED BY:	DATE:
1" = 50'	DFR	7/24/2013

FIELD BOOK:	SHEET 1	OF 1	FILE NO
DWG. 13-033POS-LIMIT.DWG	1	1	13-033.00