



Roll Call Number

14-0945

Agenda Item Number

17

Date June 23, 2014

CONDITIONALLY APPROVING FINAL SUBDIVISION PLAT OF STANTON ACRES NORTH PLAT 1

WHEREAS, the final subdivision plat entitled Stanton Acres North Plat 1, for land located in the 3200 block of Stanton Avenue, to be developed by Kruse Development, LLC, represented by Dan Kruse, President, was submitted to the Community Development Department on April 16, 2014; and,

WHEREAS, the City Plan and Zoning Commission approved the preliminary subdivision plat on October 7, 2013; and,

WHEREAS, the Permit and Development Center has recommended conditional approval of the final subdivision plat, subject to completion of the required legal documents, and public improvements and completion of the required sidewalks within 3 years; and,

WHEREAS, the necessary attorney's title opinion for the plan has been submitted; and,

WHEREAS, subject to the conditions identified below, the said subdivision plat conforms to Iowa Code Sections 355.8, 354.6, and 354.11, and said subdivision plat conforms to the standards and conditions set forth in Chapter 106 of the Municipal Code of the City of Des Moines, Iowa.

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

- 1. It is hereby determined that the subdivision plat identified above conforms to the Des Moines 2020 Community Character Land Use Plan and the subdivision, with the required installation of public improvements, will not unduly burden public improvements in the area and will provide an appropriate balance of interests between current proprietors, future purchasers and the public interest.
2. The subdivision plat entitled Stanton Acres North Plat 1 is hereby approved, subject to receipt of an updated title opinion and attachments to the plat as required by Iowa Code §354.11, to amendment of the Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement to prohibit the assignment of the duties and obligations of the lot owners, and to approval of the same by the City Legal Department.
3. Subject to satisfaction of the conditions set for in paragraph 2 above, the Mayor and City Clerk are hereby authorized and directed to execute approval on all copies of said subdivision plat as appropriate. The Mayor and City Clerk are hereby further authorized and directed to execute the amended Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement on behalf of the City.

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4. The City Clerk is hereby directed to provide the approved subdivision plat, a certified copy of this resolution, the attorney's title opinion and the attachments to the plat to the Community Development Department for delivery to the County Auditor for recording by the plat proprietors. The City Clerk is hereby further directed to send a copy of the subdivision plat to the Board of Education, Century Link Communications, Mid-American Energy, Mediacom, Des Moines Water Works, U.S. Post Office – Post Master, U.S. Post Office – Technical Sales and Services, City Engineer, City Land Records, Public Works – Street Department, Public Works – Forestry Division, Fire Department, Police Department – Research and Development Section, City Traffic and Transportation Division, Information Technology Department, and Community Development Department.

5. The Warranty Deed for the streets, and the Permanent Easement for Storm Sewer and Surface Water Flowage and the Permanent Easement for Storm Sewer Right-of-way provided incident to the said subdivision plat are hereby approved and accepted, and the City Clerk is hereby authorized and directed to certify to the City's acceptance on each such document.

6. The two Irrevocable Letters of Credit from Liberty Bank on behalf of Kruse Construction, LLC, in the amounts of \$54,200 and \$27,816 are hereby accepted and approved. The City Clerk shall hold such documents pending further instructions by the City Council.

(Council Communication No. 14- 311)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K Brown
 Roger K. Brown, Assistant City Attorney
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO				✓
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	5			2

MOTION CARRIED APPROVED
T. M. Franklin Cownie Mayor

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.

Diane Rauh City Clerk