



**Roll Call Number**

21-1802

**Agenda Item Number**

16 ✓

**Date** December 6, 2021

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF PRELIMINARY PLAT AND CONDITIONALLY APPROVING FINAL PLAT FOR MERLE HAY ANCHORS, LLC SUBDIVISION FOR PROPERTY LOCATED IN THE VICINITY OF 4000 MERLE HAY ROAD**

WHEREAS, on December 2, 2021, the City of Des Moines Plan and Zoning Commission voted 10-0 to APPROVE a request from Merle Hay Anchors, LLC (owner), represented by Jim Sutphen (officer), for approval of the Preliminary Plat “Merle Hay Anchors, LLC Subdivision” on 4.37 acres of property located in the vicinity of 4000 Merle Hay Road, to divide the property into three (3) development lots, subject to compliance with all administrative review comments; and,

WHEREAS, the final subdivision plat entitled Merle Hay Anchors, LLC Subdivision, for property in the vicinity of 4000 Merle Hay Road, to be developed by Merle Hay Anchors, LLC, 30 North LaSalle Street, Suite 2120, Chicago, IL, 60602, Jim Sutphen, Authorized Agent, was submitted to the Development Services Department on November 23, 2021; and,

WHEREAS, the Planning Division has recommended conditional approval of the final subdivision plat, subject to acceptance of final legal documents by the City Legal Department; 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 PlanDSM: Creating Our Tomorrow 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. Upon satisfaction of the conditions set forth above, the Mayor and City Clerk are hereby authorized and directed to execute approval on all copies of said subdivision plat as appropriate.
3. 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 Developer for delivery to the County Recorder for recording by the plat proprietors. The



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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 Development Services Department.

- 4. The Permanent Easements for ingress-egress access and private stormwater management facility maintenance provided incident to 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 such easements.

MOVED by Gatto to adopt.

(Council Communication No. 21- **536** )

**FORM APPROVED:**

Judy K. Parks-Kruse  
Judy K. Parks-Kruse  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
<b>TOTAL</b>	<b>7</b>			

MOTION CARRIED APPROVED  
J. M. Franklin Cownie  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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.

P. Kay Cmelik

City Clerk