

★ Roll Call Number

22-1787

Agenda Item Number

17 ✓

Date November 21, 2022

APPROVAL OF FINAL SUBDIVISION PLAT AND ACCEPTANCE OF SUBDIVISION BOND FOR SOUTHWOODS ESTATES PLAT 3

WHEREAS, the final subdivision plat entitled Southwoods Estates Plat 3 for property located in the vicinity of 5605 Maish Avenue, to be developed by TK Land Development, LLC, 2209 Riverwoods Avenue, Des Moines, Iowa 50320, Dan Kruse, officer, was submitted to the Development Services Department on September 6, 2022; and,

WHEREAS, the City Plan and Zoning Commission approved the amended preliminary subdivision plat on May 6, 2021; and,

WHEREAS, the Planning and Urban Design Division has recommended approval of the final subdivision plat; 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; and,

WHEREAS, the City Engineer has approved the amount of the security for subdivision improvements.

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. The subdivision plat entitled Southwoods Estates Plat 3 is hereby approved, and subdivision bond No. NIA4077 from Merchants National Bonding, Inc. in the amount of \$157,611 is hereby accepted as adequate security for the completion of the required public improvements including grading and SWPPP management and public sidewalk installation within the plat.
3. The City Clerk is hereby directed to hold this bond as security for the required public improvements until otherwise directed.



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4. 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.
5. 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 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.
6. Subject to approval by the City’s Legal Department, the Permanent Easements for sanitary sewer, storm sewer and overland flowage, overland flowage, storm water management facilities maintenance, buffer protection, and noise and avigation that have been 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 each such easements.

(Council Communication No. 22- 521)

MOVED BY Gatto TO ADOPT.

SECOND BY Voss.

FORM APPROVED:

Lisa A. Wieland

Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Frankh Cownie
Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner

City Clerk