F5

City of Hiawatha
Community Development Department

Purpose: Final Plat Approval **Date: 01/24/2017**

To: Hiawatha City Council

Name of Plan: Sherman Square 8th Addition

Address: 1031 Kacena **Zone**: C-4

Number of Lots: 2 lots and Lot A for the Stamy ROW

Reviewed by: Patrick Parsley, Community Development Director

Description: This is part of a Sherman Square preliminary plat. The lot lines have been adjusted but no major changes are proposed differing from the preliminary plat.

Report:

This final plat matches the most recent preliminary plat. There is no required plan of improvements to be considered with this plat however a storm drainage ditch is addressed on the plat since it serves areas outside this plat and the developer has agreed to install a street light required by the City adjacent to this property. Final blue bound documents and utility sign-offs have been received.

Recommendation: Community Development and the Planning and Zoning Commission recommend approval of this final plat.

Hiawatha!™

Final Plat Review for Sherman Square

Eighth Addition

The Water Department has completed its review of the Sherman Square Eighth Addition Final Plat submitted by Brain Engineering. The Water Department recommends approval of this Final Plat on January 11th, 2017.

Marty Recker 1-11-17

Marty Recker

Assistant Water Superintendent

CC: Kelly Kornegor, City Clerk

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into this January 24th, 2017, by and between the undersigned property owner (hereinafter referred to as the (DEVELOPER) and the City of Hiawatha, Linn County, Iowa (hereinafter referred to as the CITY).

RECITALS

1. The DEVELOPER is owner's of the following described property:

   Sherman Square 8th Addition to the City of Hiawatha, Linn County, Iowa, containing 4.82 Acres

2. The DEVELOPER proposes to record a final plat situated on a portion of the Real Estate to be known as Sherman Square Eighth Addition to the City of Hiawatha, Linn County, Iowa, and has prepared a proposed final plat of such addition (the "Plat"). Said Addition shall consist of Lots 1 and Lot A.

3. The public improvements that lie within or provide service to the area included in the proposed final plat of Sherman Square Eighth Addition to the City of Hiawatha, Linn County, Iowa have not yet been completed to date, and in order to receive the CITY's approval of the proposed plat the DEVELOPER by this Agreement is willing to obligate Lots 1 and 2, Sherman Square Eighth Addition to the City of Hiawatha, Linn County, Iowa, for the construction and costs of said improvements.

NOW BE IT RESOLVED, the DEVELOPER and the CITY hereby agree as follows:

1. The DEVELOPER agrees to pay for one street light. Location to be determined during construction of said Lot 1.

a. In consideration of the construction of the Improvements by the CITY, the undersigned DEVELOPER hereby waives Notice of such construction, waives all legal formalities required by the laws of Iowa to be observed by cities in the construction of Improvements where the expense of the Improvements is to be assessed, and waives each and every question of jurisdiction. The intention of the DEVELOPER is to authorize and direct the CITY to construct the Improvements without any of the formalities or legal proceedings required of cities in constructing like improvements. The express intention of the DEVELOPER is that the Improvements shall be constructed as aforesaid as if each and every legal requirement pertaining thereto was fully and faithfully observed and performed.

b. It is further agreed that the CITY by and through its Council may make assessments against the properties described herein as Lots 1 and 2, Sherman Square Eight Addition to the city of Hiawatha, Linn County, Iowa, for the cost of the construction of the Improvements, to the extent of the entire actual cost deemed necessary by the City Council. Such cost shall be allocated to each lot according to the benefit received by that lot.

c. It is also agreed that said assessment so made shall be a lien upon the Real Estate, and the undersigned DEVELOPER hereby agrees to pay the amount which is thus assessed against the Real Estate, and said assessment shall have the same legal force and effect as if all the legal formalities provided by law in such cases had been fully and faithfully performed and observed. The DEVELOPER hereby expressly waives every objection to said assessment. The DEVELOPER hereby authorizes the Council of the City of Hiawatha, Iowa, to pass any Resolution requisite or necessary to order and secure the Improvements, to provide for the construction of the same and to make assessment herein provided for, without further notice to DEVELOPER or owner's of any of the said lots.

d. Notwithstanding anything in this Agreement to the contrary, any assessment made under this Agreement shall not be a lien against any property described herein unless and until the City records with the Linn County Recorder a "Notice

of Assessment Lien" which Notice shall describe the property against which the lien attaches and the amount of the lien.

e. Portions of the land included in said Lots 1 and 2 shall not be released from the requirements of this Agreement prior to the completion of all required improvements associated with the lot or lots as determined by the City Council.

2. The DEVELOPER and any contractor or other agent employed by the DEVELOPER shall provide maintenance surety as required by the Hiawatha Unified Development Code prior to acceptance of the completed Improvements by the City.

3. The DEVELOPER agrees to indemnify and hold harmless the CITY for damages or claims for damages that may arise or accrue as a result of City Council approval of this Agreement.

4. This Agreement shall be binding upon the parties hereto and their heirs, successors, and assigns, and the sale by the owner's of all or any part of said Lots 1 and 2 shall transfer obligations of the DEVELOPER to the successor in interest.

Dated this 24 day of January, 2017.

PROPERTY OWNER(S): Sherman Properties, LLC

BY: _____
Christopher T. Sherman, Managing Member

ALL-PURPOSE ACKNOWLEDGMENT

STATE OF Iowa
COUNTY OF Linn } ss:

On this 24 day of January A.D. 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Christopher T. Sherman

___ To me personally known
Or ✓ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

Laurie Graham (Sign Name)
Laurie Graham (Print Name)
Notary Public in and for the State of IA

(SEAL)

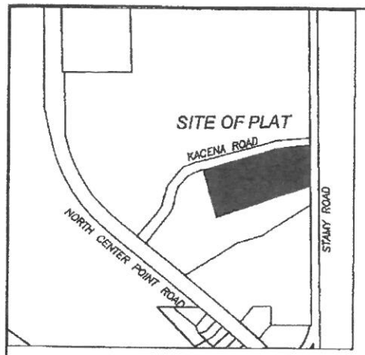
CAPACITY CLAIMED BY SIGNER:

✓ INDIVIDUAL
__ CORPORATE
Titles of Corporate Officer(s):
_____
_____
__ Corporate Seal is affixed
__ No Corporate Seal procured
__ PARTNERSHIP: __ Limited __ Gen'l
__ ATTORNEY-IN-FACT
__ EXECUTOR(s) or TRUSTEE(s)
__ GUARDIAN(s) or
__ CONSERVATOR(s)
__ OTHER: _____

SIGNER IS REPRESENTING:
Names of entity(ies) or person(s)
Christopher T. Sherman
_____
_____

LAURIE J GRAHAM
Commission No. 797124
My Commission Expires
7-12-19

FINAL PLAT
SHERMAN SQUARE EIGHTH ADDITION TO THE CITY OF HIAWATHA, LINN COUNTY, IOWA



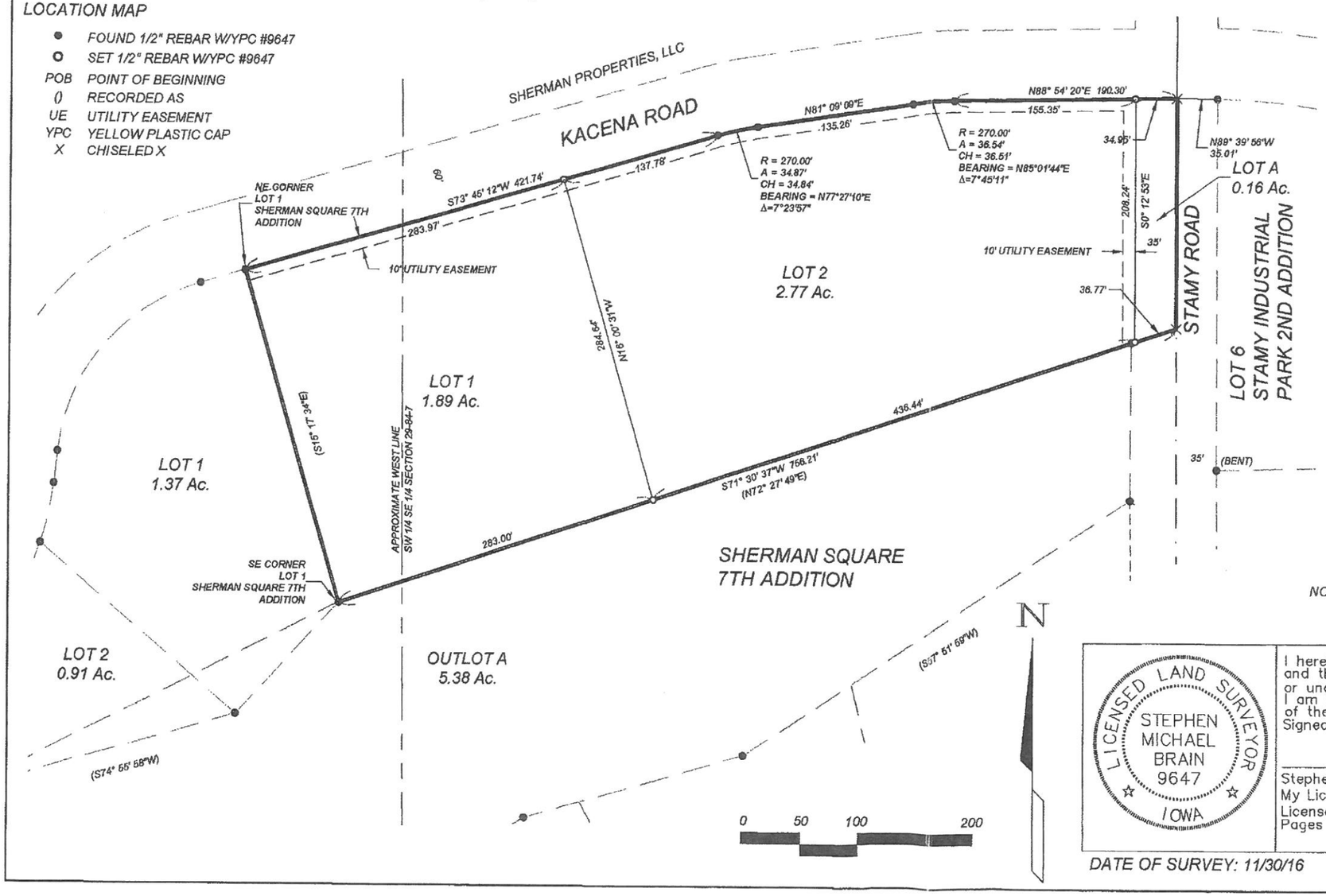
LOCATION MAP

LEGAL DESCRIPTION

A part of the SE ¼ SW ¼ and the SW ¼ SE ¼,all in Section 29 Township 84 North, Range 7 West of the 5th Principal Meridian, City of Hiawatha, Linn County, Iowa described as follows:

Beginning at NE corner Lot 1 Sherman Square 7th Addition to said City;
thence N 73°45'12" E,421.74 feet;
thence E-ly on an arc of 34.87 feet of a 270.00-foot radius curve to the right, having a chord length of 34.84 feet bearing N 77°27'10" E";
thence N 81°09'09" E, 135.26 feet;
thence NE-ly along said on an arc of 36.54 feet of a 270.00-foot radius curve to the right, having a chord length of 36.51 feet bearing N 85°01'44" E;
thence N 88°54'20" E, 190.30 feet to the west line of Stamy Industrial Park Second Addition to said City;
thence S 00°12'49" E along said west line, 196.73 feet;
thence S 71°29'01" W, 756.29 feet;
thence N 16°15'58" W, 295.57 feet to the Point of Beginning, containing 4.82 acres which includes 0.16 acres of road right of way.

- ● FOUND 1/2" REBAR W/YPC #9647
- O SET 1/2" REBAR W/YPC #9647
- POB POINT OF BEGINNING
- () RECORDED AS
- UE UTILITY EASEMENT
- YPC YELLOW PLASTIC CAP
- X CHISELED X



OWNER:
SHERMAN PROPERTIES, LLC
2753 NORTH CENTER POINT ROAD
HIAWATHA, IOWA 52233

SURVEYOR:
BRAIN ENGINEERING, INC.
1540 MIDLAND COURT NE
CEDAR RAPIDS, IOWA 52402 319-294-9424

NOTE: ALL MEASUREMENTS IN FEET AND DECIMALS THEREOF.
AREA IN SW 1/4 SE 1/4 SECTION 29 = 4.15 Ac.
AREA IN SE 1/4 SW 1/4 SECTION 29 = 0.67 Ac.

LICENSED LAND SURVEYOR
STEPHEN MICHAEL BRAIN
9647
IOWA

I hereby certify that this land surveying document and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
Signed Date

Stephen Michael Brain, L.S.
My License Renewal Date Is December 31, 2016
License Number 9647
Pages or sheets covered by this seal: THIS PAGE

DATE OF SURVEY: 11/30/16

Book: 29
Drawn: SMB 11/29/16
Checked: SMB 12/27/16
Scale: 1"=100'

BRAIN ENGINEERING, INC.
CIVIL · LAND DEVELOPMENT · SURVEYING · TRANSPORTATION

Title: FINAL PLAT
SHERMAN SQUARE EIGHTH ADDITION

Project No: 440616-10

K:\Shared Company\Proj\400616-10\400616-10 Sherman Square 8th Addition.dwg, 12/27/2016 8:36:13 AM

RESOLUTION NO. 17-001
Planning & Zoning Commission

RESOLUTION APPROVING THE FINAL PLAT FOR SHERMAN SQUARE 8TH ADDITION HIAWATHA, IOWA

WHEREAS, A FINAL PLAT FOR SHERMAN SQUARE 8TH ADDITION TO HIAWATHA, IOWA, HAS BEEN FILED WITH THE CITY CLERK AND AFTER CONSIDERATION OF THE SAME IS FOUND TO BE CORRECT AND IN ACCORDANCE WITH THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, AND THE ORDINANCES OF THE CITY OF HIAWATHA, IOWA, IN RELATION TO PLATS AND ADDITIONS TO CITIES, NOW THEREFORE,

BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HIAWATHA, IOWA, THAT SAID FINAL PLAT AND DEDICATIONS OF SAID SHERMAM SQUARE 8TH ADDITION TO HIAWATHA, LINN COUNTY, IOWA, IS HEREBY ACKNOWLEDGED AND APPROVED ON THE PART OF THE PLANNING AND ZONING COMMISSION OF HIAWATHA, IOWA, AND THAT THE CHAIRMAN AND SECRETARY OF THE HIAWATHA PLANNING AND ZONING COMMISSION ARE HEREBY DIRECTED TO CERTIFY THIS RESOLUTION OF APPROVAL AND AFFIX THE SAME TO SAID PLAT AS BY LAW PROVIDED, AND RECOMMEND THAT THE HIAWATHA CITY COUNCIL APPROVE SAME WITH THE FOLLOWING CONDITION:

- THE DRAINAGE WOULD BE REVIEWED BY THE CITY ENGINEER BEFORE GOING TO COUNCIL.

PASSED THIS 23rd DAY OF January, 2017.

_____
Mark Powers, Chair

ATTEST:_____
Jennifer Goerg, Community Development Clerk

STATE OF IOWA)
)SS
LINN COUNTY)

We, Mark Powers, Chair; and Jennifer Goerg, Community Development Clerk, do hereby certify that the above and foregoing resolution is a true and correct copy of the resolution passed by the Planning and Zoning Commission of the City of Hiawatha, Iowa, on this 23rd day of January,2017.

_____
Mark Powers, Chair

_____
Jennifer Goerg, Community Development Clerk

DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION APPROVING FINAL PLAT AND DEVELOPMENT AGREEMENT SHERMAN SQUARE EIGHTH ADDITION, HIAWATHA, IOWA

WHEREAS, a Final Plat of SHERMAN SQUARE EIGHTH ADDITION TO THE CITY OF HIAWATHA, LINN COUNTY, IOWA, containing two (2) lots and Lot A has been filed with the City Clerk and after consideration of the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa, and the Ordinances of the City of Hiawatha, in relation to Plats and Additions to Cities, and

WHEREAS, the property owner has submitted the following executed agreement, and it is included as part of the final plat documents:

1. Development Agreement

WHEREAS, City Staff and the Planning and Zoning Commission recommends City Council approval of the agreement and final plat as submitted, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HIAWATHA, IOWA, to approve the final plat of Sherman Square Eighth Addition to the City of Hiawatha, Linn County, Iowa, and further approve the Development Agreement and direct the Mayor and City Clerk to execute the agreement.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 1st day of February, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

STATE OF IOWA, COUNTY OF LINN

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa do certify that the above and foregoing Resolution is a true and correct copy of the Resolution as passed by the City Council of the City of Hiawatha, Iowa on the 1st day of February, 2017.

_____
Kelly Kornegor, City Clerk

DRAFT

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 1st day of February, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk