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City of Hiawatha

Engineering Department

101 Emmons St., Hiawatha Iowa, 52233-1697
PHONE (319) 393-1515 ext. 511 FAX (319) 393-1516

To: **Mayor and City Council** **Date:** **February 9, 2017**

From: John Bender PE, City Engineer

Re: **Pines at Turtle Creek 5th Addition**

Description: Partial Release of Developers Agreement (Lot 78-#2920 Diamondback Road)

Report:

Pines at Turtle Creek 5th Addition including 27 lots has been completed, however not all the requirements of the Developers Agreement approved by Council in October of 2015 have been satisfied. We can prepare a partial release for an individual lot from any future requirements. All required improvements for this lot have been satisfied and the City Council can release the recorded agreement for Lot 78 only, therefore clearing the abstract of title for property sale.

Engineering recommends City Council release the Developer's Agreement for Lot 78, address 2920 Diamondback Road.

If you need any further information, please let me know.

DEVELOPMENT AGREEMENT

In this memorandum of agreement, the City of Hiawatha, Linn County, Iowa will be known as the "CITY"; and Pines at Turtle Creek, LLC, will be known as the "DEVELOPER".

WHEREAS, Chapter 165 of the Hiawatha Unified Development Code of the City of Hiawatha, Linn County, Iowa requires the DEVELOPER of new subdivisions located within the CITY to construct, or give satisfactory assurance to the CITY that it will construct certain improvements; and,

WHEREAS, the DEVELOPER, above described, is now in the process of subdividing the premises legally described as follows to wit:

See Attachment A

which subdivision shall be known as
Pines at Turtle Creek Fifth Addition to the City of Hiawatha, Linn County, Iowa.

1. The DEVELOPER proposes to record a final plat situated on a portion of the Real Estate to be known as Pines at Turtle Creek Fifth Addition to the City of Hiawatha, Linn County, Iowa, and has prepared a proposed final plat of such addition (the "Plat"). Said Addition consists of Lots 70 through 97 and Outlot 'K' through Outlot 'O', all-inclusive.

2. The public improvements that lie within or provide service to the area included in the proposed final plat of Pines at Turtle Creek Fifth 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 70 through 97 Pines at Turtle Creek Fifth Addition to the City of Hiawatha, Linn County, Iowa, for the construction and costs of said improvements.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. That the DEVELOPER has provided assurance that all improvements will be constructed and will perform to CITY Standards as required by Chapter 165 of the Hiawatha Unified Development Code. That the DEVELOPER shall complete, and the CITY shall accept, all the items applicable to said subdivision set forth in the plan of improvements, not later than the earlier of a) one (1) year from the date of passage of the City Council Resolution approving the Development Agreement unless specifically extended by the Council; or b) occupancy of a newly constructed principal structure built upon a lot in the subdivision. Upon completion of the Improvements, the City Council shall cause to be filed a release instrument. Such release instrument will indicate

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Prepared by and return to: City of Hiawatha, Kelly Kornegor, City Clerk 101 Emmons St. Hiawatha, Iowa 52233 (319) 393-1515

RESOLUTION NO. 17-
City Council

RESOLUTION APPROVING THE PARTIAL RELEASE OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF HIAWATHA AND PINES AT TURTLE CREEK, LLC
2920 Diamondback Road, Lot 78 of Pines at Turtle Creek Fifth Addition

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to approve the partial release of a development agreement by and between the City of Hiawatha and Pines at Turtle Creek, LLC, recorded in the Linn County, Iowa, Recorder's Office in Book 9393 page 610 through page 615. Said partial release applies only to 2920 Diamondback Road, Lot 78 of Pines at Turtle Creek Fifth Addition to the City of Hiawatha, Linn County, Iowa. The Mayor and City Clerk are hereby directed to execute said resolution and the City Clerk is directed to have said resolution recorded in the Linn County Recorder's Office.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 15th day of February, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa do hereby certify that the above and foregoing Resolution is a true and the correct copy of the Resolution as passed by the City Council of the City of Hiawatha, Iowa on the 15th day of February, 2017.

_____

Kelly Kornegor, City Clerk