F2a

City of Hiawatha
Community Development Department

Purpose: Final Plat Approval **Date: 01/23/2018**

To: Hiawatha City Council

Name of Plan: Peck's Landing 2nd Addition

Address: Peck's Boulevard, Peck's Drive and Edgewood Road **Zone**: C-3

Number of Lots: 2 lots

Reviewed by: Patrick Parsley, Community Development Director

Description: This is two lots included in the Peck's Landing preliminary plat. The lot lines have been adjusted from the preliminary plat. The lot sizes comply with the UDC. There is no request for a zoning change.

Report: This final plat matches closely to the most recent preliminary plat. The plan of improvements has been received with the 1st Addition. A developer's agreement similar to the 1st Addition developer's agreement covers the improvements for this final plat.

Final blue bound documents, developer's agreement and utility sign-offs have been submitted for Council consideration.

Recommendation: Community Development and the Planning and Zoning Commission recommend approval of this final plat which includes the improvements associated with this 2nd Addition. No occupancy will be allowed until the improvements have been accepted by Council.

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:** **January 31, 2018**

From: John Bender PE, City Engineer

Re: **Peck's Landing 2nd Addition**

Description: Approve of Final Plat

Report:

The final plat for Peck's Landing 2nd Addition has been submitted for 2 commercial lots at the NE corner of 18th Avenue Road and Blair's Ferry Road. This new addition will be platted with the Blair's Ferry Road right-of-way and private streets identified as public access and utility easements included in Peck's 1st Addition. Also included are a number of easements and a right-of way reservation for the future widening of Blair's' Ferry Road. The easements outside the plat boundary have been recorded.

Engineering has reviewed the plat and find it in accordance with the approved preliminary plat. Engineering recommends approval of this plat.

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

Hiawatha!™

Final Plat of Improvements for Peck's Landing Second Addition

January 10, 2018

The Water Department has completed inspection and reviewed Peck's Landing Second Addition Final Plat of improvements that were submitted by Hall and Hall Engineering. The Water Department recommends approval of Peck's Landing Second Addition.

Marty Recker

Marty Recker

Water Superintendent

Cc. Kelly Kornegor, City Clerk

WATER DEPARTMENT • P.O. BOX 485 • HIAWATHA, IA 52233-0485 • PHONE (319) 393-5556 • FAX (319) 393-1516

DEVELOPMENT AGREEMENT

In this memorandum of agreement, the City of Hiawatha, Linn County, Iowa will be known as the "CITY"; and Peck's Landing, 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
Peck's Landing Second Addition in 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 Peck's Landing Second Addition in the City of Hiawatha, Linn County, Iowa, and has prepared a proposed final plat of such addition (the "Plat"). Said Addition consists of Lot 2 and Lot 3, both inclusive.

2. The public improvements that lie within or provide service to the area included in the proposed final plat of Peck's Landing Second Addition in 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 Lot 2 and Lot 3, Peck's Landing Second Addition in 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 that the Improvements have been accepted by the City Council and will release the DEVELOPER and the Real Estate from all obligations due under this Agreement and will specifically discharge and release the DEVELOPER and the Real Estate from any lien. If necessary, the City Council shall also cause to be executed and/or filed any additional

instrument(s) reasonably required by the DEVELOPER to further demonstrate that the Improvements have been satisfactorily completed with the following exception:

a. Construction of sidewalk shall be as described in paragraph 2 below.

2. That the DEVELOPER will either construct, or cause to be constructed, within said subdivision all sidewalk required by Chapter 165 and 136 of the Code of Ordinances as follows:

   a. That said sidewalk shall be constructed to meet City Engineer's specifications adjacent to each lot in the subdivision as part of the construction of a principal structure on each lot.

   b. Notwithstanding the above, the DEVELOPER agrees to construct sidewalk adjacent to any lot which has not had sidewalk constructed for which the City Council passes a resolution of necessity within a period of time established within said resolution of necessity.

3. That the City acknowledges that the DEVELOPER has paid the final plat filing fee in the amount of $150.00.

4. That all public improvements shall be constructed to CITY standards and shall be inspected by the City Engineer. The DEVELOPER and any contractor or other agent employed by the DEVELOPER shall provide maintenance surety required by Chapter 165 of the Hiawatha Unified Development Code prior to acceptance of the completed Improvements by the City.

5. DEVELOPER and any contractor or agent employed by the DEVELOPER shall provide insurance as reasonably required by the City Council when working within the public rights-of-way.

6. That all improvements and construction on property dedicated to the CITY shall become property of the CITY upon acceptance by the CITY (except private service connections to sewer and water lines). Such acceptance by the CITY of an improvement shall constitute a release of the obligations hereunder with respect to said improvement, except, as to being a surety under the maintenance bond.

7. If the DEVELOPER fails to complete the Improvements within the time period as provided in the Agreement, the CITY may cause the Improvements to be constructed in all respects as it shall reasonably deem appropriate. DEVELOPER shall remain responsible for all cost incurred by the CITY in completing the Improvements. In order to assure payment of such costs, if the DEVELOPER has not completed the Improvements within the time period above provided, the CITY and DEVELOPER further agree to the following assessment agreement as provided for in Chapter 165.67.12 of the Hiawatha Unified Development Code.

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 Lot 2 and Lot 3, both inclusive, Peck's Landing Second Addition in 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 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 waived 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 provide for, without further notice to DEVELOPER or owner of any of the said lots.

d. Notwithstanding anything on 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 include in said Lot 2 and Lot 3, both inclusive 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.

8. That the DEVELOPER agrees to assume all expenses for any damage to public utilities, public improvements or other property and assumes all risk of loss to the improvements contemplated by this agreement until final acceptance by the CITY.

9. That the DEVELOPER agrees that occupancy of any structure will not be allowed until all required Certificates of Occupancy are issued.

10. That the DEVELOPER acknowledges that the owner shall be responsible for reimbursement to the Hiawatha Water Department for water used. Failure by the owner for proper and timely payment may result in water service being suspended.

11. That the DEVELOPER agrees to hold the CITY harmless and to indemnify the CITY against all claims made by any person as a result of personal injury or property damage occurring during the construction of improvements contemplated by this agreement.

12. That this agreement shall be binding upon the parties hereto and their heirs, successors and assigns, and the sale by the DEVELOPER of all or any part of the premises in said subdivision shall transfer obligations of the DEVELOPER to the successor in interest.

13. That this memorandum of agreement shall be recorded by the DEVELOPER at the same time as recording the plat, and the CITY agrees that the City Engineer may, by written letter, satisfy any portion of this agreement as having been satisfactorily completed by the DEVELOPER other than final acceptance of the improvements

14. Should any ambiguities arise in the construction of this agreement, it is agreed that it shall be construed to favor public over private interests.

Signed this ____ day of _____, 2018

CITY OF HIAWATHA:

_____

Bill Bennett, Mayor

ATTEST:

_____

Kelly Kornegor, City Clerk

PECK'S LANDING, LLC

_____

Joseph G. Ahmann, Manager

EXHIBIT 'A' - LEGAL DESCRIPTION

PART OF LOT 1 AND PART OF LOT 2, PECK'S GREEN THUMB FIRST ADDITION TO HIAWATHA, LINN COUNTY, IOWA AS RECORDED IN BOOK 1901, PAGE 343 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER AND PART OF LOT 3, AUDITOR'S PLAT NO. 194, LINN COUNTY, IOWA AS RECORDED IN VOLUME 506, PAGE 571 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, PECK'S LANDING FIRST ADDITION IN THE CITY OF HIAWATHA, LINN COUNTY, IOWA AS RECORDED IN BOOK 9997, PAGES 262-288 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER; THENCE N1°05'34"E 194.64 FEET ALONG THE EAST LINE OF SAID LOT 1; THENCE NORTHEASTERLY 77.79 FEET ALONG SAID EAST LINE AND THE ARC OF A 300.00 FOOT RADIUS CURVE, CONCAVE EASTERLY (CHORD BEARS N8°31'16"E 77.57 FEET); THENCE N15°56'58"E 91.24 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S74°03'02"E 173.40 FEET; THENCE SOUTHEASTERLY 306.41 FEET ALONG THE ARC OF A 1000.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY (CHORD BEARS S82°49'43"E 305.22 FEET); THENCE N88°23'35"E 78.18 FEET TO THE WEST RIGHT OF WAY OF 18TH AVENUE AND THE EAST LINE OF SECTION 6, TOWNSHIP 83 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN; THENCE S1°29'23"E 285.04 FEET ALONG SAID WEST RIGHT OF WAY AND SAID EAST LINE TO THE NORTH RIGHT OF WAY OF BLAIRS FERRY ROAD N.E. THENCE N89°05'25"W 595.46 FEET ALONG SAID NORTH RIGHT OF WAY TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 178,349 SQ.FT., 4.09 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

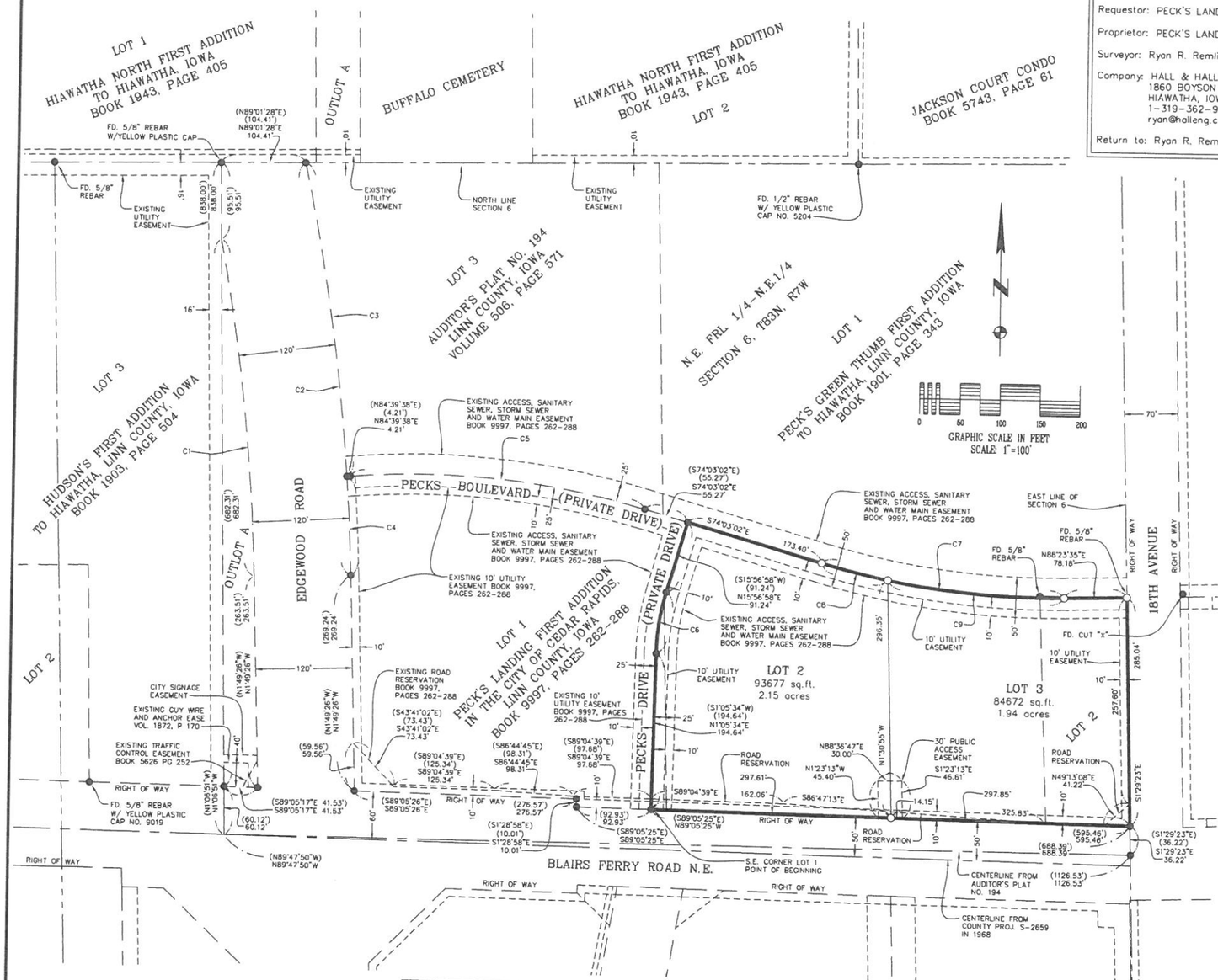
3B-1

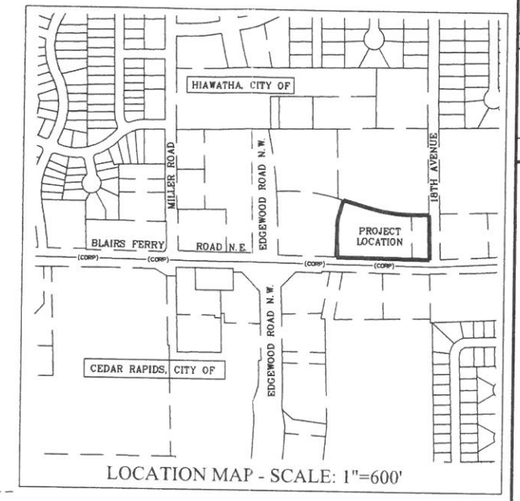
FINAL PLAT

PECK'S LANDING SECOND ADDITION

IN THE CITY OF HIAWATHA, LINN COUNTY, IOWA

INDEX LEGEND	SPACE RESERVED FOR RECORDING PURPOSES
Location: LOT 1 AND LOT 2, PECK'S GREEN THUMB FIRST ADDITION AND LOT 3, AUDITOR'S PLAT NO. 194	
Requestor: PECK'S LANDING, LLC	
Proprietor: PECK'S LANDING, LLC	
Surveyor: Ryan R. Remling, P.L.S.	
Company: HALL & HALL ENGINEERS, INC. 1860 BOYSON ROAD HIAWATHA, IOWA 52233 1-319-362-9548 ryan@halleng.com	
Return to: Ryan R. Remling	





LOCATION MAP - SCALE: 1"=600'

NOTE:

PLACEMENT OF ABOVE-GROUND UTILITY STRUCTURES WHERE UTILITY EASEMENTS CROSS SEWER, WATER, DRAINAGE, OR ACCESS EASEMENTS, OR IN VISUAL CLEARANCE AREAS IS PROHIBITED.

NOTE:

ALL EASEMENTS ARE 10' WIDE UTILITY EASEMENTS UNLESS OTHERWISE NOTED.

SURVEY FIELD WORK PERFORMED: MARCH 2017

TOTAL AREA: 178,349 SQ.FT. 4.09 ACRES

LEGAL DESCRIPTION:

PART OF LOT 1 AND PART OF LOT 2, PECK'S GREEN THUMB FIRST ADDITION TO HIAWATHA, LINN COUNTY, IOWA AS RECORDED IN BOOK 1901, PAGE 343 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER AND PART OF LOT 3, AUDITOR'S PLAT NO. 194, LINN COUNTY, IOWA AS RECORDED IN VOLUME 506, PAGE 571 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, PECK'S LANDING FIRST ADDITION IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA AS RECORDED IN BOOK 9997, PAGES 262-288 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER; THENCE N1°05'34"E 194.64 FEET ALONG THE EAST LINE OF SAID LOT 1; THENCE NORTHEASTERLY 77.79 FEET ALONG SAID EAST LINE AND THE ARC OF A 300.00 FOOT RADIUS CURVE, CONCAVE EASTERLY (CHORD BEARS N8°31'16"E 77.57 FEET); THENCE N15°56'58"E 91.24 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S74°03'02"E 173.40 FEET; THENCE SOUTHEASTERLY 306.41 FEET ALONG THE ARC OF A 1000.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY (CHORD BEARS S82°49'43"E 305.22 FEET); THENCE N88°23'35"E 78.18 FEET TO THE WEST RIGHT OF WAY OF 18TH AVENUE AND THE EAST LINE OF SECTION 6, TOWNSHIP 83 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN; THENCE S1°29'23"E 285.04 FEET ALONG SAID WEST RIGHT OF WAY AND SAID EAST LINE TO THE NORTH RIGHT OF WAY OF BLAIRS FERRY ROAD N.E. THENCE N89°05'25"W 595.46 FEET ALONG SAID NORTH RIGHT OF WAY TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 178,349 SQ.FT., 4.09 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SURVEY LEGEND

- ○ SET 1/2" REBAR W/ YELLOW PLASTIC CAP NO. 18769 UNLESS OTHERWISE NOTED
- ● FD. 1/2" REBAR W/ YELLOW PLASTIC CAP NO. 18769 UNLESS OTHERWISE NOTED
- ( ) RECORDED AS
- EASEMENT LINE
- PLAT BOUNDARY
- PLAT LOT LINE
- EXISTING LOT LINE
- SECTION QUARTER LINE

Curve Table Measured

Curve	Delta	Tangent	Length	Radius	Chord	Chord Brg
C1	8° 58' 41"	211.66'	422.46'	2696.00'	422.03'	N6° 18' 47"W
C2	10° 31' 57"	259.56'	517.65'	2816.00'	516.92'	N7° 05' 25"W
C3	8° 01' 32"	197.54'	394.44'	2816.00'	394.11'	S8° 20' 37"E
C4	2° 30' 25"	61.62'	123.22'	2816.00'	123.21'	S3° 04' 39"E
C5	21° 17' 19"	187.95'	371.56'	1000.00'	369.42'	S84° 41' 42"E
C6	14° 51' 23"	39.11'	77.79'	300.00'	77.57'	N8° 31' 16"E
C7	17° 33' 22"	154.42'	306.41'	1000.00'	305.22'	S82° 49' 43"E
C8	4° 52' 35"	42.58'	85.11'	1000.00'	85.08'	S76° 29' 20"E
C9	12° 40' 47"	111.11'	221.30'	1000.00'	220.85'	S85° 16' 01"E

Curve Table Recorded

Curve	Delta	Tangent	Length	Radius	Chord	Chord Brg
C1	8° 58' 41"	211.66'	422.46'	2696.00'	422.03'	N6° 18' 47"W
C2	10° 31' 57"	259.56'	517.65'	2816.00'	516.92'	N7° 05' 25"W
C3	8° 01' 32"	197.54'	394.44'	2816.00'	394.11'	S8° 20' 37"E
C4	2° 30' 25"	61.62'	123.22'	2816.00'	123.21'	S3° 04' 39"E
C5	21° 17' 19"	187.95'	371.56'	1000.00'	369.42'	S84° 41' 42"E
C6	14° 51' 23"	39.11'	77.79'	300.00'	77.57'	S8° 31' 16"W

I hereby certify that this land surveying document was prepared 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:

RYAN R. REMLING, L.S. 18769
My license renewal date is December 31, _____

Pages or sheets covered by this seal:

LICENSED LAND SURVEYOR RYAN R. REMLING 18769 IOWA

Revision Description

Revision Number & Date

HALL & HALL ENGINEERS, INC.
1860 BOYSON ROAD, HIAWATHA, IOWA 52233
PHONE: (319) 362-9548 FAX: (319) 362-7595
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE
LAND SURVEYING • LAND DEVELOPMENT PLANNING
www.halleng.com

Sheet Title: FINAL PLAT PECK'S LANDING SECOND ADDITION IN THE CITY OF HIAWATHA, LINN COUNTY, IOWA

Designed by:	DLK
Drawn by:	DLK
Checked by:	
Date:	12/14/17
Field Book No:	236
Scale:	1"=100'
Sheet:	1 of 1
Project Number:	10293-17-14

CAD File: I:\projects\10200\10293-17-Ahmann\10293-16-9 FOI SECOND PHASE 3D2017.dwg Date Plotted : Dec 18, 2017 - 9:51am Plotted By : DLK

DRAFT

RESOLUTION NO. 18-
City Council

RESOLUTION APPROVING FINAL PLAT AND DEVELOPMENT AGREEMENT PECK'S LANDING SECOND ADDITION, HIAWATHA, IOWA

WHEREAS, a Final Plat of Peck's Landing Second Addition to the City of Hiawatha, Linn County, Iowa, containing two (2) lots, numbered Lot 2 and Lot 3, has been received and reviewed by the City Engineer, Hiawatha Water Superintendent and Planning and Zoning Commission and found to be in conformance with regulations of the City of Hiawatha, 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, the City Engineer recommends City Council approval of the Development Agreement as submitted, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HIAWATHA, IOWA, to approve the final plat of Peck's Landing Second Addition to the City of Hiawatha, Linn County, Iowa, containing two (2) lots and further approve the Development Agreement and direct the Mayor and City Clerk to execute the agreement.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 7th day of February, 2018.

_____
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 7th day of February, 2018.

_____
Kelly Kornegor, City Clerk