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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:** **January 11, 2018**

From: **John Bender PE, City Engineer**

Re: **Dell Ridge III Addition**

Description: **Partial Release of Development Agreement, Lot 6 and Lot 7, #3063 and #3065 Dell Ridge Lane**

Report:

The City of Hiawatha has approved a developer's agreement and final plat with Dell Ridge LLC for the Dell Ridge III Addition. The final plat was approved October 18, 2017 that included an agreement for completion the improvements according to the Metro Standards before acceptance by the City Council. The improvements are substantially complete and inspected and are ready for acceptance.

Engineering can recommend a partial release of the development agreement for these two lots only in order to satisfy the title opinion to transfer ownership.

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 Forrest Ridge L.L.C., 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

subdivision shall be known as Dell Ridge Third Addition to the City of Hiawatha, Linn County, Iowa.

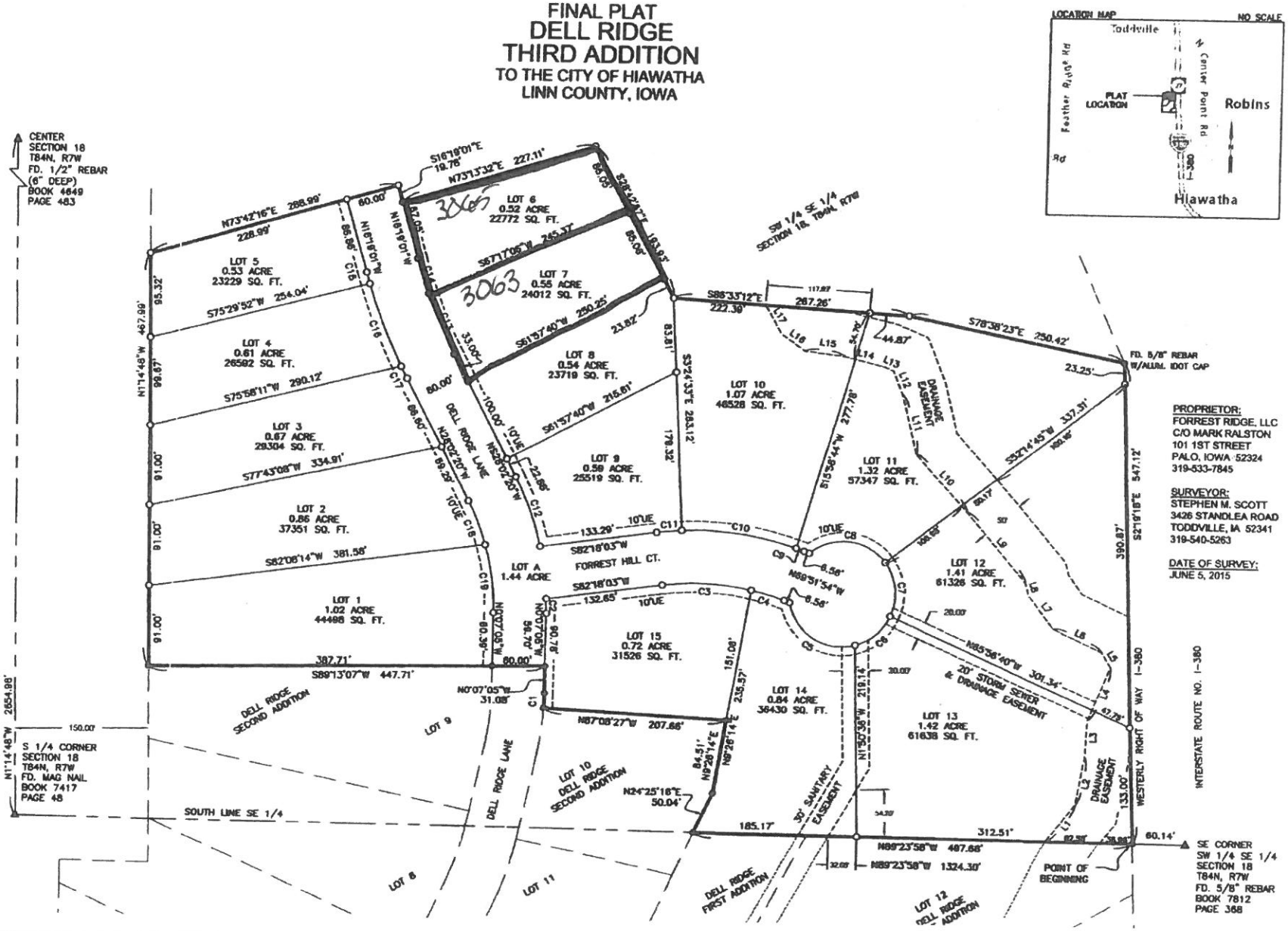
The DEVELOPER proposes to record a final plat situated on a portion of the Real Estate to be known as Dell Ridge Third Addition to the City of Hiawatha, Linn County, Iowa, and has prepared a proposed final plat of such addition (the "Plat"). Said Addition consists of Lots 1 through 15, and Lot A, all-inclusive.

1. The public improvements that lie within or provide service to the area included in the proposed final plat of Dell Ridge Third 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 through 15 Dell Ridge Third 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 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

FINAL PLAT
DELL RIDGE
THIRD ADDITION
TO THE CITY OF HIAWATHA
LINN COUNTY, IOWA



DRAFT

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

RESOLUTION NO. 18-
City Council

RESOLUTION APPROVING THE PARTIAL RELEASE OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF HIAWATHA AND FORREST RIDGE L.L.C.
(3065 Dell Ridge Lane, Lot 6 and 3063 Dell Ridge Lane, Lot 7 of Dell Ridge Third 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 Forrest Ridge L.L.C. recorded in the Linn County, Iowa, Recorder's Office in Book 9966 Page 159 through Page 173. Said partial release applies only to 3065 Dell Ridge Lane, Lot 6 and 3063 Dell Ridge Lane, Lot 7 of Dell Ridge Third 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 17th day of January, 2018.

_____
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 17th day of January, 2018.

_____

Kelly Kornegor, City Clerk