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City of Hiawatha

Community Development Department

Building, Zoning, Code Enforcement & Development

101 Emmons St., Hiawatha Iowa, 52233-1697
PHONE (319) 294-2929 FAX (319) 393-1516

Purpose: Sidewalk Deferral Request to Rescind **Date: 04/26/2016**

To: Hiawatha City Council

Name of Plan: Hawkeye Readymix

Address: 1450 Hawkeye Drive **Zone**: I-1

Number of Lots: 1

Reviewed by: Patrick Parsley, Community Development Director

Description: This site is being completed with the necessary amenities to allow storage as the main use for this property without a principle structure as detailed in the UDC 165.20.

Report: City staff has reviewed the site plan for compliance to the UDC. There is no building to review. The property is being properly screened and the proper surfaces are to be installed including a dust free surface in the storage area and concrete driveways.

The plans indicate deferral of the sidewalk installation and we have received a letter requesting the deferral. There is sidewalk on the adjacent lot to the north for continuity. CD continues to recommend denial of this request because this lot is being developed for a use and there is sidewalk on the adjacent lot to the north for continuity. The sidewalk and landscaping will discourage parking in front of the fence which is currently occurring across the street.

Council members stated they were unclear regarding the resolution because it seemed a vote to approve the resolution was a vote to require the sidewalk at this time. The resolution for approval was actually written to approve the request which is a sidewalk deferral.

Recommendation: CD recommends approval of a motion to rescind the previous motion which approved the sidewalk deferral. Approval of the motion to rescind will require the sidewalk to be installed.

To clarify: A yes vote on this resolution will require the sidewalk to be installed.

http://www.dummies.com/how-to/content/roberts-rules-for-rescinding-or-amending-something.html

HALL & HALL ENGINEERS, INC.

Leaders in Land Development Since 1953

December 14, 2015

Honorable Mayor and City Council
City of Hiawatha
81 Emmons Street
Hiawatha IA 52233

RE: Sidewalk Deferment Request – 1450 Hawkeye Drive

Dear Honorable Mayor and City Council:

On behalf of the titleholder of the above referenced property, R & S Properties, LLC, we respectfully request a sidewalk deferment for the sidewalk installation along 1450 Hawkeye Drive until such time as the City Council deems sidewalk installation necessary.

Please contact me at (319) 362-9548 with any questions or comments.

Respectfully Submitted,

Susan Forinash
Project Manager

Copy: Pat Parsley, City of Hiawatha

RESOLUTION NO. 16-089
City Council

RESOLUTION APPROVING SIDEWALK DEFERMENT
1450 HAWKEYE DRIVE, R & S PROPERTIES, LLC

WHEREAS, a letter requesting deferment of sidewalk installation for 1450 Hawkeye Drive, Hiawatha, Linn County, Iowa, has been received from Hall and Hall Engineers, Inc. on behalf of R & S Properties, LLC, and

WHEREAS, at this time, it has been determined that sidewalks are not feasible for the property located at 1450 Hawkeye Drive, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to approve a deferment of the sidewalk installation for the property located at 1450 Hawkeye Drive, Hiawatha, Linn County, Iowa, received from Hall and Hall Engineers, Inc. on behalf of R & S Properties, LLC. Said deferment shall run with the land and shall be binding upon all present and future owners of the subject property with the clear understanding that any person or future owner of said property shall be responsible for all installation costs of sidewalk for the property located at 1450 Hawkeye Drive, Hiawatha, Linn County, Iowa, at such time that the City of Hiawatha, Iowa, determines installation of sidewalk is needed.

AYES: Aime Wichtendahl, Bob Rampulla, Dick Olson, Dennis Norton, Marty Bruns
NAYS: None

PASSED AND APPROVED this 20th day of April, 2016.

Bill Bennett, Mayor

ATTEST:

Kelly Kornegor, City Clerk

DRAFT

RESOLUTION NO. 16-
City Council

RESOLUTION RESCINDING RESOLUTION #16-089 APPROVING SIDEWALK DEFERMENT FOR 1450 HAWKEYE DRIVE AND APPROVING CITY STAFF RECOMMENDATION TO DENY SIDEWALK DEFERMENT

WHEREAS, the Hiawatha City Council passed Resolution #16-089 on April 20, 2016, approving a deferment of sidewalk installation for the property located at 1450 Hawkeye Drive, Hiawatha, Linn County, Iowa, received from Hall and Hall Engineers, Inc. on behalf of R & S Properties, LLC, and

WHEREAS, after review and consideration, the Community Development Director determined that the request for a deferment of sidewalk installation for the property located at 1450 Hawkeye Drive is not warranted because the lot is being developed for a use and there is currently sidewalk on the adjacent lot to the north for continuity, and

WHEREAS, City Council concurs with Community Development Department recommendation to deny the deferment of sidewalk installation for the property located at 1450 Hawkeye Drive received from Hall and Hall Engineers, Inc. on behalf of R & S Properties, LLC, and it is necessary to approve a new resolution requiring the installation of sidewalk, and

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to rescind Resolution #16-089, hereby cancelling the original approval of a deferment of the sidewalk installation for the property located at 1450 Hawkeye Drive, Hiawatha, Linn County, Iowa, received from Hall and Hall Engineers, Inc. on behalf of R & S Properties, LLC, and concurring with Community Development Department recommendation to deny the request for sidewalk deferment. **Passage of this resolution requires the property owner to install the sidewalk for the property located at 1450 Hawkeye Drive.**

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 4th day of May, 2016.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk