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City of Hiawatha
Community Development Department

Purpose: Final Plat Approval **Date: 10/24/2017**

To: City Council

Name of Plan: Tower Commerce Center 16th Addition

Address: 865 Tower Terrace and 860 Metzger (proposed) **Zone**: C-4

Number of Lots: 2 lots

Reviewed by: Patrick Parsley, Community Development Director

Description: This is part of the Tower Commerce Center preliminary plat. The lot lines have been adjusted but no major changes are proposed. The lot size complies with the UDC. There is no request for a zoning change.

Report: This final plat matches the most recent preliminary plat. There is no required plan of improvements to be considered with this plat except for the installation of a street light at the intersection of Tower Terrace and the proposed private driveway:

- Sewer will be made available through a private easement and private sewer from the adjacent lot to the east and from Metzger. Water is available on Tower Terrace and Metzger.
- Access to the Tower Terrace lot will be from a private access driveway along the west side of the Tower Terrace lot of this plat. Originally this was to continue to the east but this has been changed to a narrower private easement for the sanitary sewer only. This will remain a private driveway and will not require an additional access to Tower Terrace.
- Access for the lot on Metzger will be from Metzger as detailed in the preliminary plat.

Final blue bound documents with a development agreement for the street lights and sidewalks and utility sign-offs have been submitted for Council consideration. The revision to the easement has been included.

Recommendation: Community Development and the Planning and Zoning Commission supported the approval of this final plat as originally submitted. The change in the width of the private easement is a minor change and stays within the parameters of the approval.

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:** **October 25, 2017**

From: John Bender PE, City Engineer

Re: **Tower Commerce Center 16th Addition**

Description: Approval of Final Plat

Report:

Engineering has reviewed the final plat of Tower Commerce 16th Addition to the City of Hiawatha. All street and utility improvements are currently in place and accepted, so no other action is needed for that item. We also find the final plat is substantial compliance with the approved preliminary plat.

The sign-offs from the utility companies as to the location of all proposed utility easements has been submitted along with and a developers agreement covering storm water, sidewalk, and street lights.

Engineering recommends approval of this final plat.

If you have any questions please let me know.

Hiawatha!™

Final Plat Review for Tower Terrace Center

Sixteenth Addition

The Water Department has completed its review of the Tower Terrace Center Sixteenth Addition Final Plat submitted by Schnoor Bonifazi Eng. The Water Department recommends approval of this Final Plat on October 9, 2017.

Marty Recker

Hiawatha Water Superintendent

CC: Kelly Kornegor, City Clerk

Pat Parsley, Community Development Director

DEVELOPMENT AGREEMENT

In this memorandum of agreement, the City of Hiawatha, Linn County, Iowa will be known as the "CITY"; and Tower Commerce Center, Inc., 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 Attached Exhibit "A"

1. The DEVELOPER proposes to record a final plat situated on a portion of the Real Estate to be known as Tower Commerce Center 16th Addition to Hiawatha, Iowa, and has prepared a proposed final plat of such addition (the "Plat"). Said Addition consists of two (2) numbered lots, Lot 1 and Lot 2.

2. The public improvements that lie within or provide service to the area included in the proposed final plat of Tower Commerce Center 16th Addition to Hiawatha, Iowa have been completed to date.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. That the DEVELOPER will either construct, or cause to be constructed, within said subdivision all sidewalk or multi-use trail 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 Lot 1 in the subdivision as part of the construction of a principal structure on the lot, or the re-design and reconstruction of Tower Terrace Road to accommodate the sidewalk and trail system for Hiawatha, whichever comes later.

    b. That said sidewalk shall be constructed to meet City Engineer's specifications adjacent to Lot 2 in the subdivision as part of the construction of a principal structure on the lot.

    c. 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.

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

3. That street lighting (1-LED 80 watt Roadview series lamp on 25 foot Skyliner I 100 series pole) shall be installed at the DEVELOPER'S expense on Tower Terrace Road at the public access easement location in accordance with City Council Resolution 12-138 during the development of Lot 1.

4. That the DEVELOPER has secured a NPDES General Permit No. 2 from the Department of Natural Resources and developed a pollution prevention plan and agrees to maintain and control the premises so as to prevent erosion. The DEVELOPER further assumes responsibility for any costs associated with erosion and/or siltation of this development as outlined in Section 167 of the Code of Ordinances as a result of development of this subdivision.

5. That the DEVELOPER agrees that all areas designated as a storm water detention facilities and will be operated and maintained as such according to Section 162 of the Code of Ordnances.

6. 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.

7. 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.

8. That any 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.

9. 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.

10. That the DEVELOPER agrees that building permits for any structure will not be allowed without an emergency access plan submitted and approved by the Hiawatha Fire Department.

11. That the DEVELOPER will not allow access to Tower Terrace Road from lot 1, other than the private access and utility easement.

12. 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.

13. 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.

14. 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

15. 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 _____, 20__

City Of Hiawatha:

_____
Mayor

ATTEST:

_____
City Clerk

(Developer)

_____
Owner

EXHIBIT "A"

TOWER COMMERCE CENTER SIXTEENTH ADDITION TO HIAWATHA, IOWA is that part of the North Half of the Southeast Quarter of Section 29, Township 84 North, Range 7 West, of the 5th P.M., Hiawatha, Linn County, Iowa, described as follows:

Beginning at the Southeast corner of Lot 1, Tower Commerce Center Thirteenth Addition to Hiawatha;

thence North 0° 52' 45" West 301.71 feet along the East line of said Lot 1 to the Northeast Corner thereof, said point also being on the South line of Lot 1, Tower Commerce Center Fifteenth Addition to Hiawatha, Iowa;

thence North 89° 07' 15" East 57.03 feet along the North line of said Lot 1 to the Southeast Corner thereof;

thence North 0° 52' 45" West 301.70 feet along said East line of said Lot 1 to the Northeast Corner thereof, said point also being on the South right-of-way line of Tower Terrace Road;

thence North 89° 07' 15" East 242.74 feet along said South right-of-way line to the Northwest Corner of Tower Commerce Center Fourteenth Addition to Hiawatha, Iowa;

thence South 0° 52' 45" East 641.69 feet along the West line of Tower Commerce Center Twelfth Fourteenth Additions to a point of intersection with the North right-of-way line of Metzger Drive;

thence North 75° 52' 45" West 78.15 feet along said North right-of-way line to the beginning of a 530.00 foot radius curve concave Southerly;

thence Northwesterly along said North right-of-way line through a central angle of 15° 00' 00" an arc distance of 138.75 feet (chord bearing North 83° 22' 45" West 138.36 feet);

thence South 89° 07' 15" West 87.11 feet along said North right-of-way line to the Point of Beginning, containing 3.825 acres, subject to covenants, easements and restrictions of record.

RESOLUTION NO. 17-026
Planning & Zoning Commission

RESOLUTION APPROVING THE FINAL PLAT FOR TOWER COMMERCE 16TH ADDITION HIAWATHA, IOWA

WHEREAS, A FINAL PLAT FOR TOWER COMMERCE 16TH 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 TOWER COMMERCE 16TH 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 COMISSION 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.

PASSED THIS 23rd DAY OF October, 2017.

_____
Mark Powers, Chair

ATTEST:_____
Jennifer Goerg, Community Development Clerk

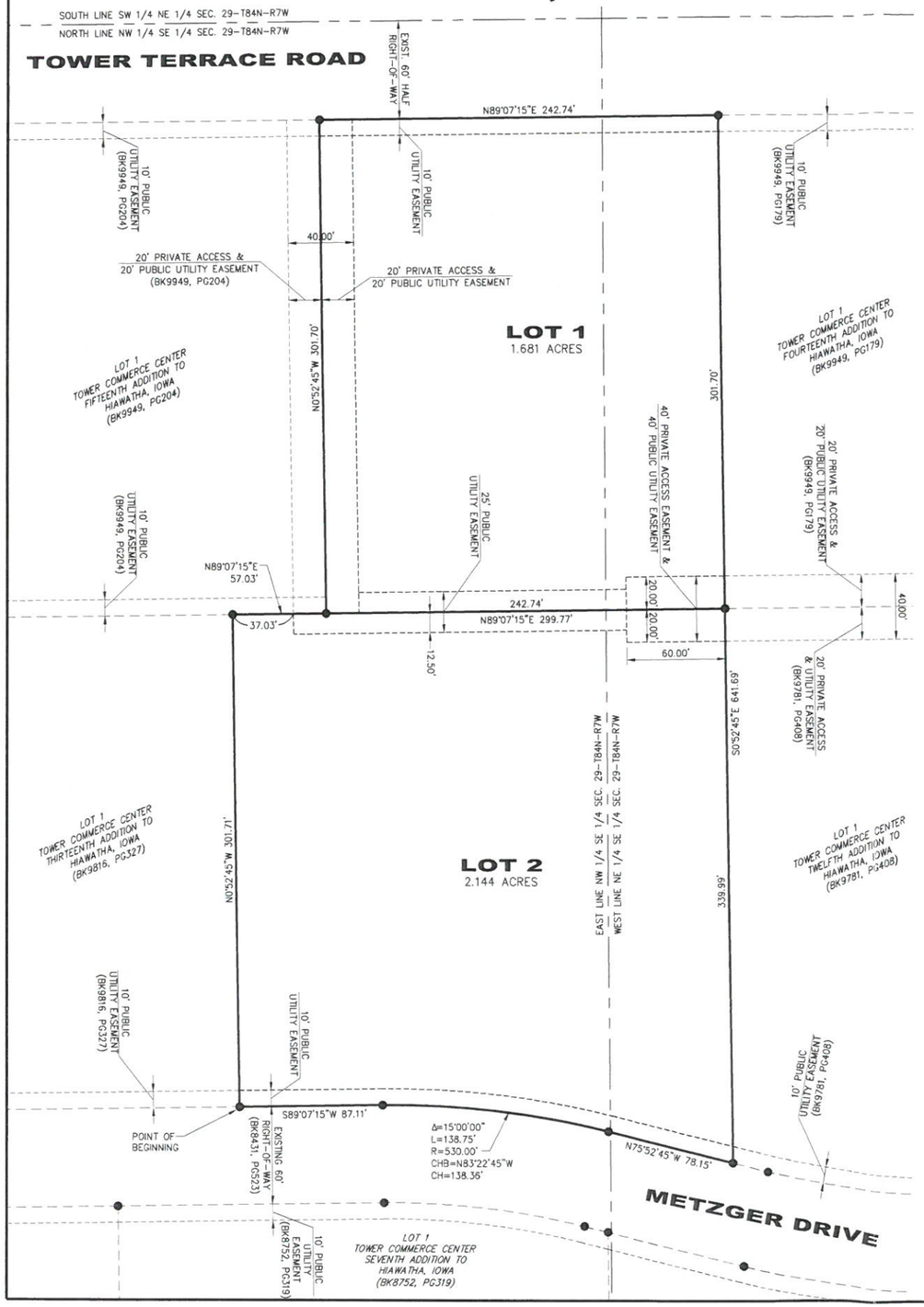
STATE OF IOWA)
)SS
LINN COUNTY)

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 October, 2017.

_____
Mark Powers, Chair

_____
Jennifer Goerg, Community Development Clerk

FINAL PLAT
TOWER COMMERCE CENTER SIXTEENTH ADDITION TO HIAWATHA, IOWA



INDEX LEGEND

Location: N 1/2 SE 1/4
Section 29, Township 84 North, Range 7 West

Requestor: Tower Commerce Center, Inc.

Proprietor: Tower Commerce Center, Inc.

Surveyor: Leo P. Bonifazi

Company: Schnoor-Bonifazi Engineering & Surveying, LC,
431 Fifth Avenue SW, Cedar Rapids, IA. 52404
PH. 319-298-8888

Return To: LBonifazi@S-B-Engineering.com

SPACE RESERVED FOR RECORDING PURPOSES

N

0 25 50 100
SCALE IN FEET
1"=50'

OWNER

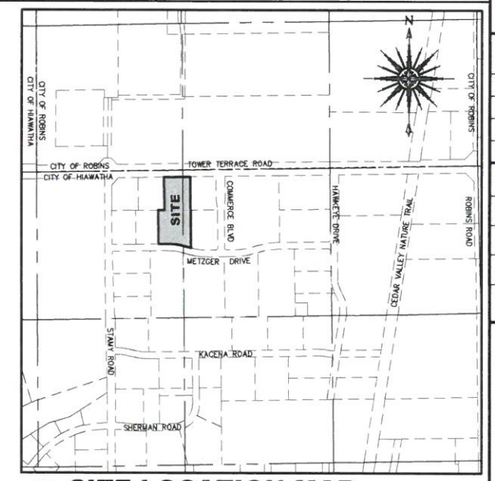
TOWER COMMERCE CENTER, INC.
222 3RD AVENUE SE, SUITE 299
CEDAR RAPIDS, IA 52401
CONTACT PERSON: MR. JON DUSEK
PHONE: (319) 364-6533
FAX: (319) 369-0919

DATE OF SURVEY

SEPTEMBER 7, 2015 & JANUARY 27, 2017

LEGEND

- SECTION LINE
- PROPERTY LINE
- ADJOINING LOT LINE
- ADJOINING EASEMENT LINE
- EASEMENT LINE
- ● FOUND 5/8" IRON REBAR W/ORANGE CAP NO. 13480 UNLESS OTHERWISE NOTED
- ○ SET 5/8" IRON REBAR W/ORANGE CAP NO. 13480



1 SITE LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION

TOWER COMMERCE CENTER SIXTEENTH ADDITION TO HIAWATHA, IOWA is that part of the North Half of the Southeast Quarter of Section 29, Township 84 North, Range 7 West, of the 5th P.M., Hiawatha, Linn County, Iowa, described as follows:

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thence North 0° 52' 45" West 301.71 feet along the East line of said Lot 1 to the Northeast Corner thereof, said point also being on the South line of Lot 1, Tower Commerce Center Fifteenth Addition to Hiawatha, Iowa;

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thence South 0° 52' 45" East 641.69 feet along the West line of Tower Commerce Center Twelfth and Fourteenth Additions to a point of intersection with the North right-of-way line of Metzger Drive;

thence North 75° 52' 45" West 78.15 feet along said North right-of-way line to the beginning of a 530.00 foot radius curve concave Southerly;

thence Northwesterly along said North right-of-way line through a central angle of 15° 00' 00" an arc distance of 138.75 feet (chord bearing North 83° 22' 45" West 138.36 feet);

thence South 89° 07' 15" West 87.11 feet along said North right-of-way line to the Point of Beginning, containing 3.825 acres, subject to covenants, easements and restrictions of record.

NOTES

1. IT IS PROHIBITED TO PLACE ANY ABOVE GROUND UTILITY STRUCTURES WHERE UTILITY EASEMENTS CROSS STORM SEWER, DRAINAGE OR ACCESS EASEMENTS.
2. ALL PUBLIC UTILITY EASEMENTS ARE NOW BEING DEDICATED TO THE PUBLIC AS SHOWN ON THE FINAL PLAT.
3. TOWER COMMERCE CENTER SEVENTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 8752, PAGES 319-330 IN THE OFFICE OF THE LINN COUNTY RECORDER.
4. TOWER COMMERCE CENTER TWELFTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 9781, PAGES 408-419 IN THE OFFICE OF THE LINN COUNTY RECORDER.
5. TOWER COMMERCE CENTER THIRTEENTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 9816, PAGES 327-338 IN THE OFFICE OF THE LINN COUNTY RECORDER.
6. TOWER COMMERCE CENTER FOURTEENTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 9949, PAGES 179-190 IN THE OFFICE OF THE LINN COUNTY RECORDER.
7. TOWER COMMERCE CENTER FIFTEENTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 9949, PAGES 204-215 IN THE OFFICE OF THE LINN COUNTY RECORDER
8. METZGER DRIVE RIGHT-OF-WAY WAS DEDICATED WITH RESOLUTION 12-214 RECORDED IN BOOK 8431, PAGES 523-530 IN THE OFFICE OF THE LINN COUNTY RECORDER.

LICENSED PROFESSIONAL LAND SURVEYOR
LEO P. BONIFAZI
13480
IOWA

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: DATE: 10/24/2017
LEO P. BONIFAZI
LICENSE NO. 13480
SHEETS COVERED BY THIS SEAL: 1 OF 1
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017

Schnoor Bonifazi
Engineering & Surveying

SCHNOOR-BONIFAZI
ENGINEERING & SURVEYING, LC
431 FIFTH AVENUE SW
CEDAR RAPIDS, IA 52404
(319) 298-8888 (PHONE)

REVISIONS

DRAWN: ETHAN SMALL
APPROVED: LEO BONIFAZI
ISSUED FOR: APPROVAL
DATE: 10/24/2017
PROJECT NO.: 10045

FINAL PLAT
TOWER COMMERCE CENTER SIXTEENTH ADDITION TO HIAWATHA, IOWA

FINAL PLAT

1 OF 1

DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION APPROVING FINAL PLAT AND DEVELOPMENT AGREEMENT TOWER COMMERCE CENTER SIXTEENTH ADDITION, HIAWATHA, IOWA

WHEREAS, a Final Plat of Tower Commerce Center Sixteenth Addition to the City of Hiawatha, Linn County, Iowa, containing two (2) lots, numbered Lot 1 and Lot 2 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 Tower Commerce Center Sixteenth 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 1st day of November, 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 November, 2017.

_____
Kelly Kornegor, City Clerk