F8a

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:** **August 30, 2016**

From: John Bender PE, City Engineer

Re: **Dell Ridge 2nd Addition**

Description: Final Plat

Report:

Engineering has reviewed the final plat of Dell Ridge 2nd Addition and find the plat in accordance with the approved preliminary plat. There are a number of items that have been to be addressed in a developer's agreement and included in the bound copies and will be recorded.

Engineering recommends approval of the Dell Ridge 2nd Addition Final Plat.

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

City of Hiawatha
Community Development Department

Purpose: Final Plat Approval **Date: 08/27/2016**

To: Hiawatha City Council

Name of Plan: Dell Ridge 2nd Addition

Address: Dell Ridge Lane and Dell Ridge Court **Zone**: R-1 PUD

Number of Lots: 11 lots and designated ROW on Edgewood

Reviewed by: Patrick Parsley, Community Development Director

Description: This is the second phase in the Dell Ridge Development as proposed on the preliminary plat and PUD.

Report:

This final plat matches the preliminary plat. The submittal documents are complete as required by UDC Section 165.67 along with a development agreement that includes:

1. Terms for the completion and acceptance of the plan of improvements prior to occupancy in any building.
2. Defining the sidewalk installation as for the PUD on one side of each street and cul-de-sac to be completed as each lot is built upon.
3. Describing the location and installation of street lights.
4. Requiring the installation of a complying fire department access before building permits are issued in this development.

Recommendation: Community Development and the Planning and Zoning Commission recommend approval of this final plat contingent upon a Council approved development agreement.

Hiawatha!™

Final Plat Review for Dell Ridge Second Addition

The Water Department has completed its review of the Dell Ridge Second Addition Final Plat submitted by Scott Survey Inc. The water Department recommends approval of this Final Plat on July 27th, 2016.

Marty Recker

Assistant 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 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 Second 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 Dell Ridge Second 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 11, Lot A and Lot B, all-inclusive.

2. The public improvements that lie within or provide service to the area included in the proposed final plat of Dell Ridge Second 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 11 Dell Ridge Second 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

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 lots 1 to 9, as shown on attached Sidewalk Exhibit, 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 $300.00.

4. That street lighting (2-LED UrbanScape Poles and Lamps) shall be installed at the DEVELOPER'S expense in accordance with City Council Resolution 12-138. Or, the DEVELOPER has provided an acceptable verification of payment to the appropriate utility company for said street lighting installation.

5. 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.

6. That the DEVELOPER agrees that Lot A, Dell Ridge First Addition is designated as a storm water detention facility and will be operated and maintained as such according to Section 162 of the Code of Ordinances.

7. 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.

8. 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.

9. 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.

10. 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 Lots 1 through 11 all-inclusive, Dell Ridge Second Addition to 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 Lots 1 through 11 all-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.

11. 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.

12. 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.

13. That the DEVELOPER agrees that occupancy of any structure will not be allowed until all the improvements outlined in paragraph 7 above have been approved and accepted by the City of Hiawatha and the required Certificate of Final Occupancy is issued.

14. That the DEVELOPER will not allow access to Edgewood Road (formerly Loggerhead Road) from lots 4, 5, 6 and 7.

15. That the DEVELOPER acknowledges that the home owners shall be responsible for reimbursement to the Hiawatha Water Department for water used within individual homes.

16. That the DEVELOPER acknowledges that the CITY will install no-parking restrictions on one side of each street that contains the water main and fire hydrants.

17. 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.

18. 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.

19. 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

20. 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 _____, 2016

City Of Hiawatha:

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

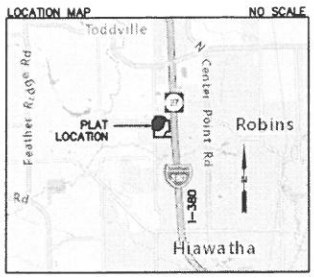
Forrest Ridge, LLC

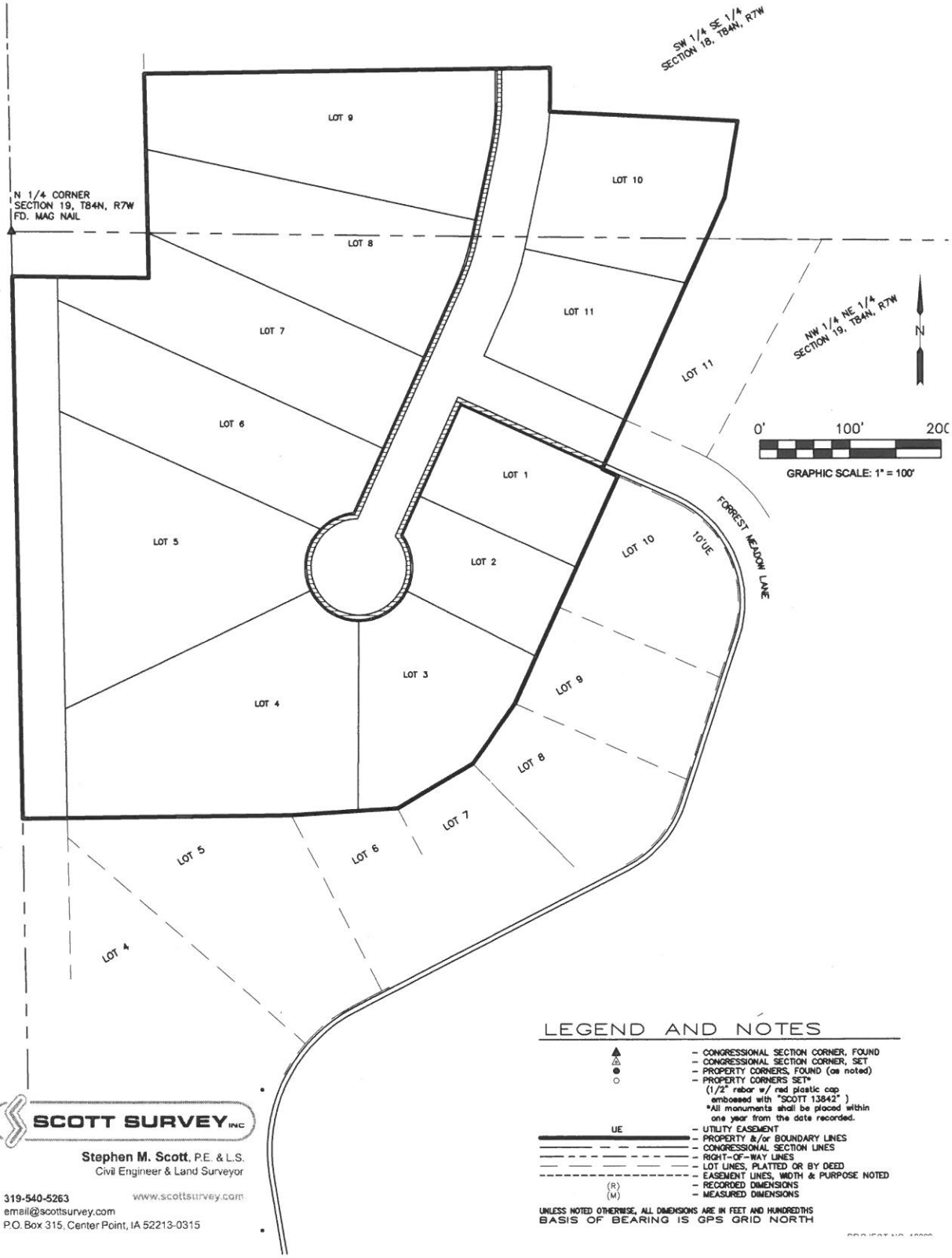
_____
Mark Ralston, Member

HBottel

NOTARIAL SEAL IOWA
HEATHER BOTTELMAN
COMMISSION NUMBER 714999
MY COMMISSION EXPIRES
2-8-17

SIDEWALK EXHIBIT
DELL RIDGE
SECOND ADDITION
TO THE CITY OF HIAWATHA
LINN COUNTY, IOWA





LEGEND AND NOTES

- ▲ – CONGRESSIONAL SECTION CORNER, FOUND
- △ – CONGRESSIONAL SECTION CORNER, SET
- ● – PROPERTY CORNERS, FOUND (as noted)
- ○ – PROPERTY CORNERS SET*
  (1/2" rebar w/ red plastic cap embossed with "SCOTT 13842")
  *All monuments shall be placed within one year from the date recorded.
- UE – UTILITY EASEMENT
- PROPERTY &/or BOUNDARY LINES
- CONGRESSIONAL SECTION LINES
- RIGHT-OF-WAY LINES
- LOT LINES, PLATTED OR BY DEED
- EASEMENT LINES, WIDTH & PURPOSE NOTED
- (R) – RECORDED DIMENSIONS
- (M) – MEASURED DIMENSIONS

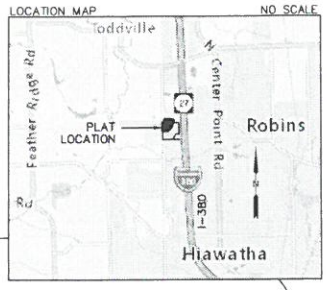
UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS
BASIS OF BEARING IS GPS GRID NORTH

SCOTT SURVEY INC

Stephen M. Scott, P.E. & L.S.
Civil Engineer & Land Surveyor

319-540-5263 www.scottsurvey.com
email@scottsurvey.com
P.O. Box 315, Center Point, IA 52213-0315

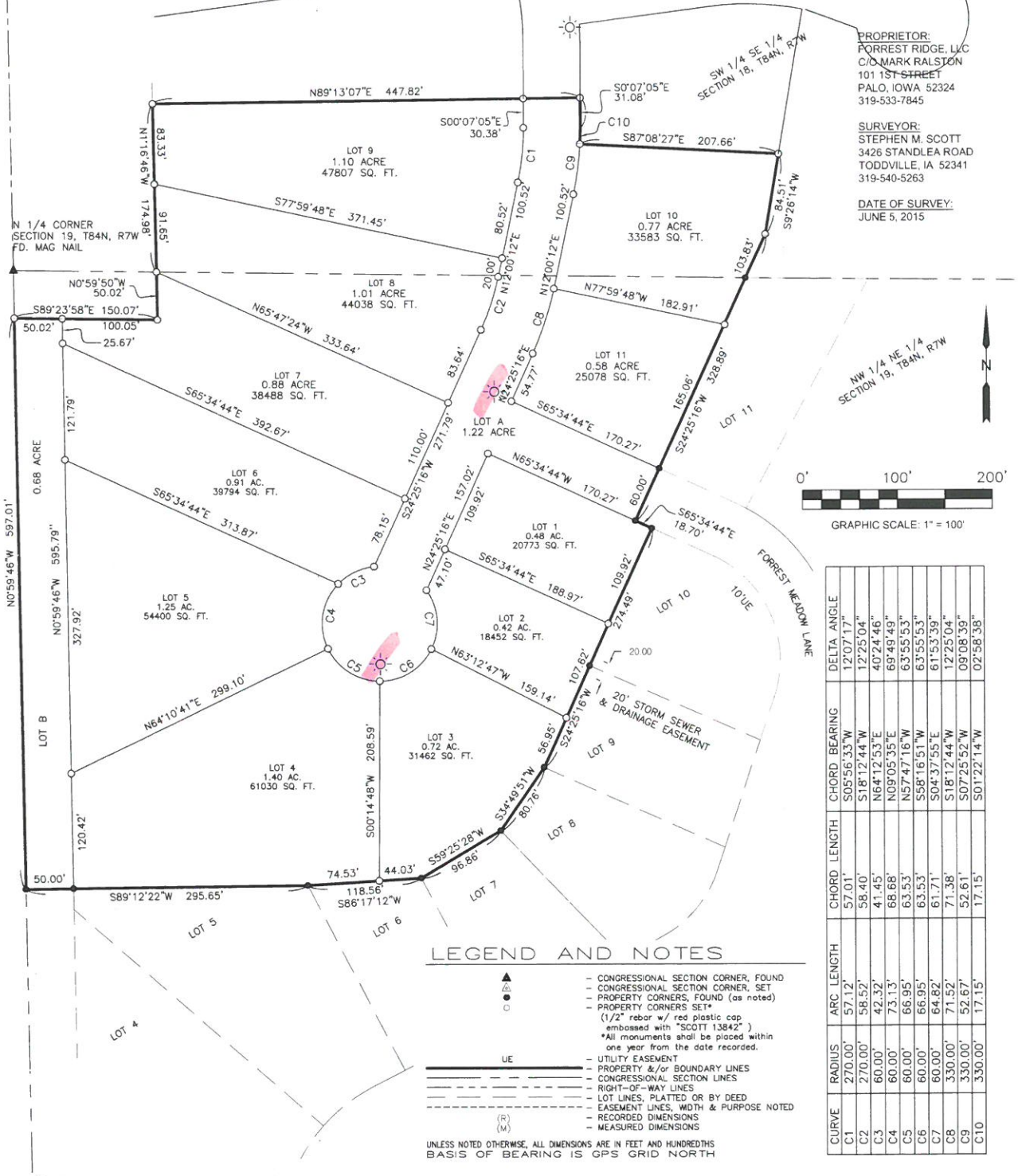
FINAL PLAT
DELL RIDGE
SECOND ADDITION
TO THE CITY OF HIAWATHA
LINN COUNTY, IOWA



PROPRIETOR:
FORREST RIDGE, LLC
C/O MARK RALSTON
101 1ST STREET
PALO, IOWA 52324
319-533-7845

SURVEYOR:
STEPHEN M. SCOTT
3426 STANDLEA ROAD
TODDVILLE, IA 52341
319-540-5263

DATE OF SURVEY:
JUNE 5, 2015



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	270.00'	57.12'	57.01'	S05°56'33"W	12°07'17"
C2	270.00'	58.52'	58.40'	S18°12'44"W	12°25'04"
C3	60.00'	42.32'	41.45'	N64°12'53"E	40°24'46"
C4	60.00'	73.13'	68.68'	N09°05'35"E	69°49'49"
C5	60.00'	66.95'	63.53'	N57°47'16"W	63°55'53"
C6	60.00'	66.95'	63.53'	S58°16'51"W	63°55'53"
C7	60.00'	64.82'	61.71'	S04°37'55"E	61°53'39"
C8	330.00'	71.52'	71.38'	S18°12'44"W	12°25'04"
C9	330.00'	52.67'	52.61'	S07°25'52"W	09°08'39"
C10	330.00'	17.15'	17.15'	S01°22'14"W	02°58'38"

LEGEND AND NOTES

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P.O. Box 315, Center Point, IA 52213-0315

NOTES:
1) LOT A AND LOT B ARE TO BE DEDICATED TO THE CITY OF HIAWATHA FOR ROAD RIGHT OF WAY.
3) EASEMENTS ARE CENTERED ON LOT LINE UNLESS OTHERWISE NOTED.
4) DIRECT ACCESS TO LOGGERHEAD ROAD IS NOT PERMITTED FROM LOTS 4 TO 7, ALL INCLUSIVE.

LAND SURVEYOR – LICENSED – STEPHEN M. SCOTT 13842 – 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 Land Surveyor under the laws of the State of Iowa.

REVIEW

STEPHEN M. SCOTT, L.S. Iowa Lic. No. 13842

My license renewal date is December 31, 2016

Pages or sheets covered by this seal:

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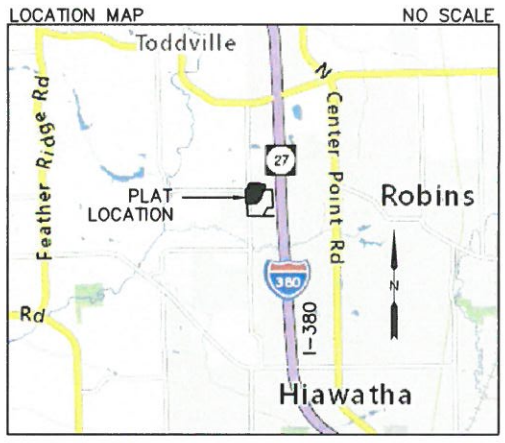
PROJECT NO. 1606618

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

LOCATION MAP — NO SCALE



Legal Description:
Part of the Southwest Quarter of the Southeast Quarter of Section 18, and part of the Northwest Quarter of the Northeast Quarter of Section 19, all located in Township 84 North, Range 7 West of the Fifth Principal Meridian, City of Hiawatha, Linn County, Iowa, described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Northeast Quarter of Section 19, Township 84 North, Range 7 West of the Fifth Principal Meridian; thence N0°59'46"W along the west line of said Northeast Quarter, 679.70 feet to the Northwest Corner of Dell Ridge First Addition to the City of Hiawatha, Linn County, Iowa, and the point of beginning; thence continuing N0°59'46"W along said west line, 597.01 feet; thence S89°23'58"E, 150.07 feet; thence N0°59'46"W, 50.02 feet; thence N1°14'48"W, 174.98 feet; thence N89°13'07"E, 447.71 feet; thence S0°07'05"E, 31.08 feet; thence southerly 17.15 feet along the arc of a 330.00 foot radius curve, concave westerly, chord bears S1°22'14"W, 17.15 feet; thence S87°08'27"E, 207.66 feet; thence S9°26'14"W, 84.51 feet; thence S24°25'16"W, 328.89 feet; thence S65°34'44"E, 18.70 feet; thence S24°25'16"W, 274.49 feet; thence S34°49'51"W, 80.76 feet; thence S59°25'28"W, 96.86 feet; thence S86°17'12"W, 118.56 feet; thence S89°12'22"W, 295.65 feet to the point of beginning.

Said parcel contains 11.43 acres, subject to easements and restrictions of record.

PROPRIETOR:
FORREST RIDGE, LLC
C/O MARK RALSTON
101 1ST STREET
PALO, IOWA 52324
319-533-7845

SURVEYOR:
STEPHEN M. SCOTT
3426 STANDLEA ROAD
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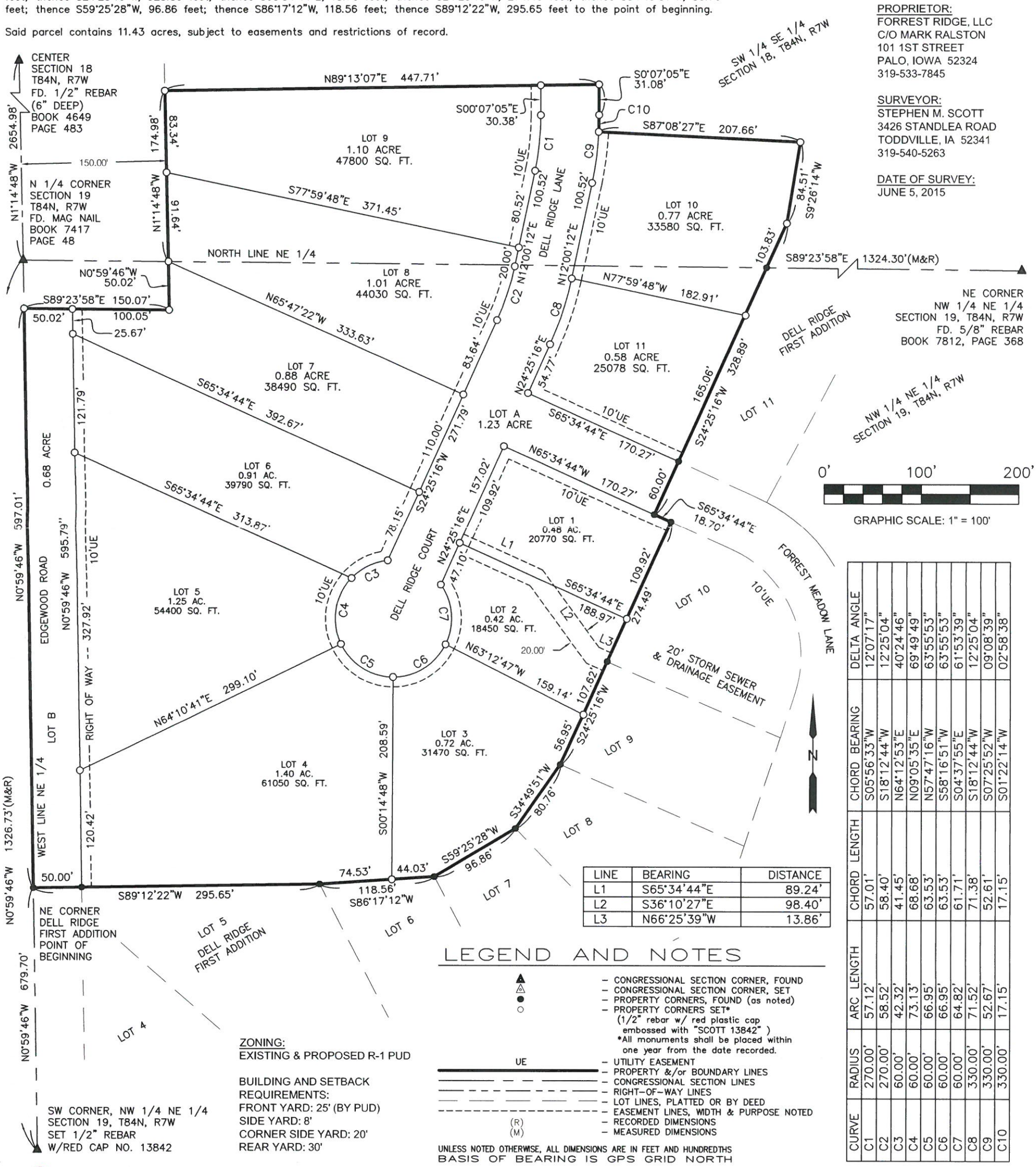

LINE	BEARING	DISTANCE
L1	S65°34'44"E	89.24'
L2	S36°10'27"E	98.40'
L3	N66°25'39"W	13.86'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
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C10	330.00'	17.15'	17.15'	S01°22'14"W	02°58'38"

ZONING:
EXISTING & PROPOSED R-1 PUD

BUILDING AND SETBACK REQUIREMENTS:
FRONT YARD: 25' (BY PUD)
SIDE YARD: 8'
CORNER SIDE YARD: 20'
REAR YARD: 30'

LEGEND AND NOTES

- ▲ – CONGRESSIONAL SECTION CORNER, FOUND
- △ – CONGRESSIONAL SECTION CORNER, SET
- ● – PROPERTY CORNERS, FOUND (as noted)
- ○ – PROPERTY CORNERS SET* (1/2" rebar w/ red plastic cap embossed with "SCOTT 13842") *All monuments shall be placed within one year from the date recorded.
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- PROPERTY &/or BOUNDARY LINES
- CONGRESSIONAL SECTION LINES
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NOTES:
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3) EASEMENTS ARE CENTERED ON LOT LINE UNLESS OTHERWISE NOTED.
4) DIRECT ACCESS TO EDGEWOOD ROAD IS NOT PERMITTED FROM LOTS 4 TO 7, ALL INCLUSIVE.

LICENSED LAND SURVEYOR STEPHEN M. SCOTT 13842 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 Land Surveyor under the laws of the State of Iowa.

REVIEW

STEPHEN M. SCOTT, L.S. Iowa Lic. No. 13842

My license renewal date is December 31, 2016

Pages or sheets covered by this seal:
THIS PAGE ONLY

revised 8/6/16
PROJECT NO. 1606618

RESOLUTION NO. 16-011
Planning & Zoning Commission

RESOLUTION APPROVING THE FINAL PLAT
FOR DELL RIDGE SECOND ADDITION
HIAWATHA, IOWA

WHEREAS, A FINAL PLAT FOR DELL RIDGE SECOND 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 DELL RIDGE SECOND 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 PLAN AND ZONING COMMISION 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 22ND DAY OF AUGUST, 2016.

Mark Powers
Mark Powers, Board Member

ATTEST: Kim Downs
Kim Downs, City Administrator

STATE OF IOWA)
)SS
LINN COUNTY)

We, Mark Powers, Board Member; and Kim Downs, City Administrator , 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 22nd day of AUGUST, 2016.

Mark Powers
Mark Powers, Board Member

Kim Downs
Kim Downs, City Administrator

DRAFT

RESOLUTION NO. 16-
City Council

RESOLUTION APPROVING FINAL PLAT AND DEVELOPMENT AGREEMENT DELL RIDGE SECOND ADDITION, HIAWATHA, IOWA

WHEREAS, a Final Plat of DELL RIDGE SECOND ADDTION TO THE CITY OF HIAWATHA, LINN COUNTY, IOWA, containing eleven (11) lots 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, in relation to Plats and Additions to Cities, 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 agreement and final plat as submitted, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HIAWATHA, IOWA, to approve the final plat of Dell Ridge Second Addition to the City of Hiawatha, Linn County, Iowa, 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 September, 2016.

_____
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 September, 2016.

_____
Kelly Kornegor, City Clerk