

CONFIDENTIAL

STATE OF IOWA, Pottawattamie County
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John Sciertino
George D. ...
Recorder
Deputy

RESOLUTION NO. 90-211

A RESOLUTION to amend certain conditions contained in Resolution No. 84-413 granting final plat approval of Cottage Row Replat lying within the city limits of the city of Council Bluffs, Pottawattamie County, Iowa.

WHEREAS, this city council granted final plat approval of Cottage Row Replat by the adoption of Resolution No. 84-413, passed and approved on August 13, 1984; and

WHEREAS, Resolution No. 84-413 approved the final plat on the condition that certain lots may be owned separately from each other only if one of such lots contains one dwelling unit of a duplex or fourplex and the other lots contain the other dwelling units of a duplex or fourplex; and

WHEREAS, Resolution No. 84-413 did not expressly forbid ownership of single-family dwellings on two or more lots joined under common ownership; neither did it expressly allow single-family dwellings on two or more lots joined under common ownership; and

WHEREAS, it was not the intention of the subdivider, Planning Commission, or this Council to prohibit single-family dwellings on two or more lots joined under common ownership.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the final plat of Cottage Row Replat in Council Bluffs, Pottawattamie County, Iowa, approved in Resolution No. 84-413 on August 13, 1984, is reapproved; and

BE IT FURTHER RESOLVED

that the approval of the final plat is subject to the condition that Lots 1A and 1B shall be considered together in determining the propriety of issuing a building permit for any structure thereon, and Lot 1B may be owned and built upon separately from Lot 1A only if Lot 1B contains one dwelling unit of a duplex and Lot 1A contains the other dwelling unit of a duplex; and likewise for Lots 2A and 2B, Lots 2C and 2D, Lots 3A and 3B, Lots 3C and 3D, Lots 4A and 4B, Lots 5A and 5B, Lots 6A and 6B, Lots 7A and 7B, Lots 8A and 8B, and Lots 9A and 9B. Nothing in this paragraph shall be construed as prohibiting a single-family home upon Lots 1A and 1B joined together under common ownership (which is expressly permitted); and likewise for Lots 2A and 2B, Lots 2C and 2D, Lots 3A and 3B, Lots 3C and 3D, Lots 4A and 4B, Lots 5A and 5B, Lots 6A and 6B, Lots 7A and 7B, Lots 8A and 8B, and Lots 9A and 9B; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are authorized, empowered, and directed to certify passage of this resolution amending certain conditions of the final plat of Cottage Row Replat.

ADOPTED AND APPROVED November 5, 1990

Thomas P. Hanafan
THOMAS P. HANAFAN Mayor

Attest: Olga Arellano-Anderson
OLGA ARELLANO-ANDERSON City Clerk

6-B

COMPARED

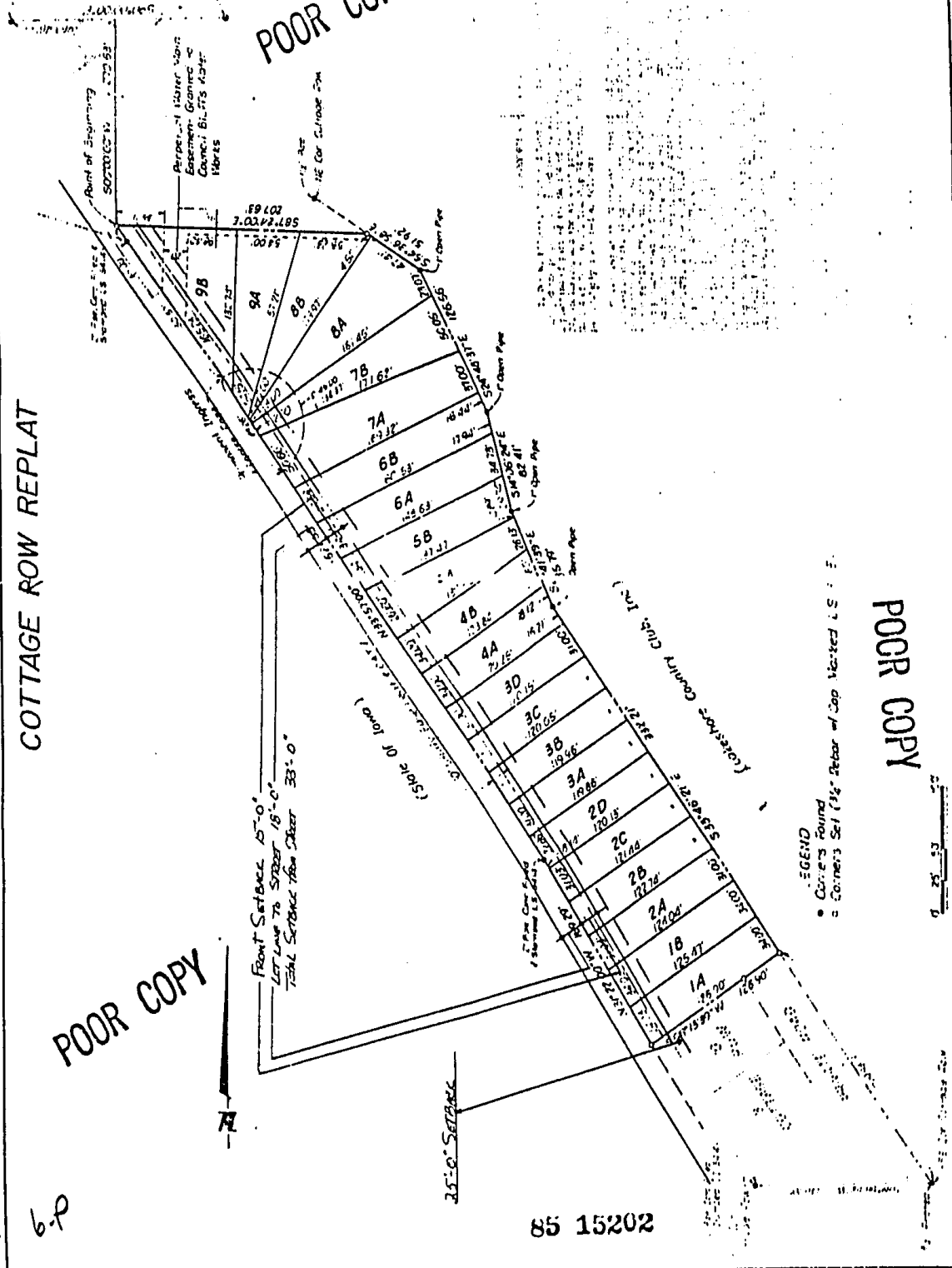
COURT RECORD

POOR COPY

COTTAGE ROW REPLAT

POOR COPY

POOR COPY



LEGEND
 • Corners Found
 ○ Corners Set (1/4" Setback of Cop. Mark. of Cop. Mark.)

85 15202

6-B

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RESOLUTION NO. 84-413

A RESOLUTION granting final plat approval of Cottage Row Replat lying within the city limits of the City of Council Bluffs, Pottawattamie County, Iowa.

WHEREAS, this City Council has heretofore approved the preliminary plan of Cottage Row Replat by the adoption of Resolution No. 84-71, passed and approved on February 13, 1984; and

WHEREAS, a final plat required by the provisions of Title 14 of the Council Bluffs Municipal Code and Chapter 409 of the Code of Iowa has been submitted to the Council Bluffs Planning Commission for their consideration under Case No. SUB-83-006; and

WHEREAS, the said Resolution approving the preliminary plan required that the new proposed street be dedicated in the final plat to the City, but unforeseen delays have occurred so that the developers have not acquired title to the land for the street from the State of Iowa as yet and therefore cannot complete the street nor dedicate the same in the final plat; and

WHEREAS, the Planning Commission has studied the final plat to assure conformance with the letter and intent of the applicable requirements of Title 14 of the Council Bluffs Municipal Code, and has submitted to the City Council its written recommendation to approve said plat subject to the subdivider dedicating by deed the land for the public street to be known as Cottage Row when the State of Iowa transfers such land to the subdivider and when such land is cleared of all liens as shown by a lien search provided to the City by the subdivider effective through the date of acceptance of the dedication by the City; and further subject to the subdivider arranging with a local bank to have such bank submit a letter of credit certifying the availability to the City of \$125,500 from the subdivider's account guaranteeing construction of all public improvements within one year from the date of adoption of this resolution, all according to the construction plans submitted to and approved by the Department of Public Works pertaining to the said subdivision; and further subject to the condition that Lots 1A and 1B shall be considered together in determining the propriety of issuing a building permit for any structure thereon, and that Lot 1B may be owned separately from Lot 1A only if Lot 1B contains one dwelling unit of a duplex and Lot 1A contains the other dwelling unit of the duplex, and Lot 1B shall never be built upon separately from Lot 1A, and likewise for Lots 4A and 4B, Lots 5A and 5B, Lots 6A and 6B, Lots 7A and 7B, Lots 8A and 8B, and Lots 9A and 9B; and further subject to the condition that Lots 2A, 2B, 2C and 2D shall be considered together in determining the propriety of issuing a building permit for any structure thereon, and that any of such lots may be owned separately from another only if one of such lots contains one dwelling unit of a fourplex and the other lots contain the other dwelling units of the fourplex and no such lot shall ever be built upon separately from any other such lot, and likewise for Lots 3A, 3B, 3C and 3D; and

WHEREAS, after study and consideration this City Council finds that the final plat of Cottage Row Replat conforms to the requirements and procedures of Title 14 of the Council Bluffs Municipal Code and should be approved as recommended by the Planning Commission.

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COMPARED

RESOLUTION NO. 84-413

PAGE TWO

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat of Cottage Row Replat in Council Bluffs, Pottawattamie County, Iowa, be and the same is hereby approved as the final plat of said subdivision; and

BE IT FURTHER RESOLVED

That the subdivider dedicate by deed the land for the public street to be known as Cottage Row when the State of Iowa transfers such land to the subdivider and when such land is cleared of all liens as shown by a lien search provided to the City by the subdivider effective through the date of acceptance of the dedication by the City;

and

BE IT FURTHER RESOLVED

That the approval of the said final plat is subject to the condition that Lots 1A and 1B shall be considered together in determining the propriety of issuing a building permit for any structure thereon, and that Lot 1B may be owned separately from Lot 1A only if Lot 1B contains one dwelling unit of a duplex and Lot 1A contains the other dwelling unit of the duplex, and Lot 1B shall never be built upon separately from Lot 1A, and likewise for Lots 4A and 4B, Lots 5A and 5B, Lots 6A and 6B, Lots 7A and 7B, Lots 8A and 8B, and Lots 9A and 9B; and further subject to the condition that Lots 2A, 2B, 2C and 2D shall be considered together in determining the propriety of issuing a building permit for any structure thereon, and that any of such lots may be owned separately from another only if one of such lots contains one dwelling unit of a fourplex and the other lots contain the other dwelling units of the fourplex, and no such lot shall ever be built upon separately from any other such lot, and likewise for Lots 3A, 3B, 3C and 3D; and

BE IT FURTHER RESOLVED

That this City Council does hereby acknowledge receipt of a letter of credit from First Bank, National Association of Council Bluffs, Iowa, certifying the availability to the City of \$125,500 from the subdivider's account guaranteeing construction of all public improvements within one year from the date of adoption of this resolution, all according to the construction plans submitted to and approved by the Department of Public Works pertaining to the said subdivision, and such letter of credit be and the same is hereby accepted and approved; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk be and are hereby authorized, empowered and directed to certify the passage of this resolution approving said final plat of Cottage Row Replat, subject to the conditions set out herein.

ADOPTED AND August 13, 1984

APPROVED

Charles L. Smith
CHARLES L. SMITH Mayor

Attest: Olga Arellano
OLGA ARELLANO City Clerk

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