

COMPARED

Record

INST # 14267 ✓
 RECORDING FEE 20.00
 AUDITOR FEE —
 RMA FEE 1.00 ECOM 1.00

FILED FOR RECORD
 POTTAWATTAMIE CO. IA.

05 FEB -1 PM 2:43

JOHN SCIORTINO
 RECORDER

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 #4

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4620
 Return to: City Clerk, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4616

RESOLUTION NO. 05-16

A RESOLUTION granting final plat approval for a Subdivision to be known as The Hills of Cedar Creek Phase 1.

WHEREAS, Duggan Homes, Inc., has requested final plat approval for Phase 1 of a subdivision to be known as The Hills of Cedar Creek; and

WHEREAS, Phase 1 is located on 104 acres extending east and north from State Orchard Road, one-quarter mile north of Greenview Road; and

WHEREAS, the final plat has been reviewed by the appropriate city departments and utilities; and

WHEREAS, the final plat is consistent with the preliminary plan approved on March 24, 2003, by Resolution No. 03-65, and as reconfirmed on May 24, 2004, by Resolution No. 04-115; and

WHEREAS, the Community Development Department recommends approval of the final plat for a subdivision to be known as The Hills of Cedar Creek Phase 1, as shown on Attachment "A", subject to the following conditions:

1. Prior to executing the final plat, all required public improvements shall be installed at developer's expense and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to finish all required public improvements not yet completed and/or certified and accepted by the Public Works Department.
2. Sidewalk, trails and the open space along Cedar Hills Parkway (Eastern Hills Drive) shall be completed when the roadway is built. The developer shall install sidewalk, at no expense to the City, along the street frontage of each lot, including the cul-de-sacs, prior to issuance of a Certificate of Occupancy for each residence. Sidewalk and trails shall be built consistent with City standards and placement requirements. Although the trails will be privately owned and maintained, it is in the public's interest to assure quality design and construction.
3. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated in the final plat document. These include, but are not limited to the following:
 - a. The roadway shown as 'Cedar Hills Parkway' shall be renamed and dedicated as 'Eastern Hills Drive'.
 - b. Laurens' Circle is too similar to 'Lawrence' in the County and shall also be renamed and noted as such on the final plat. An administrative approval shall be made through the Community Development Department, with concurrence by Public Works, the Fire Department and the County.
 - c. Several outlots need letter designations added.
 - d. The square footage of each lot shall be noted on the plat.

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4. The development of Lots 154 through 307 is restricted as follows:
 - a. Only one dwelling unit shall be constructed on each lot.
 - b. Only one "single family attached dwelling" or one "townhouse dwelling" as defined in the declaration of restrictions filed with the plat of the subdivision shall be permitted on each lot.
 - c. Single family detached homes shall not be constructed on Lots 154 through 307.
 - d. Multi-family dwellings shall not be constructed on Lots 154 through 307.
5. All fire hydrants shall be active and accessible prior to any framing activity in the subdivision.
6. The developer shall provide the City with two sets of as-built construction drawings, testing results and a two-year maintenance bond, upon acceptance of all required improvements.
7. Sidewalk shall be installed, at no expense to the City, along the street frontage of each lot prior to issuance of a certificate of occupancy for each house. The applicant is not required to construct sidewalk along the State Orchard Road frontage.
8. In addition to filing covenants, the applicant shall record documentation for establishment of the Homeowners Association, if separate from the covenants. Responsibility for maintenance of all detention/retention basins shall be identified. A copy shall be filed with the City Clerk and the Community Development Department.
9. Grant variances for the following deficiencies in the land area zoned R-3 within The Hills of Cedar Creek, Phase 1:
 - a. Exceeding the lot depth to width ratio on the interior sublots for the four-unit townhome structures, on the sublots, as renumbered.
 - b. Less than the minimum lot area of 2,500 square feet for those sublots cited on the plat, as renumbered.
 - c. Variances, if granted shall be noted on the final plat and identified by the appropriate revised lot number.

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

That the final plat for a subdivision to be known as The Hills of Cedar Creek Phase 1, as shown on the attachment, is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND January 24, 2005
APPROVED


THOMAS P. HANAFAN Mayor

Attest: 
CHERYL PUNTNEY City Clerk

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof began on the 17th day of January, 2005

Signed in my presence by the said Amy McKay and by her sworn to before me this 20th day of January, A.D. 2005.



Amy McKay
Daily Nonpareil Controller

NOTICE OF PUBLIC HEARING
TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request for final plat approval for The Hills of Cedar Creek, Phase 1, located on 104 acres northeast of State Orchard Road.
You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00pm, on the 24th day of January, 2005 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

/s/ Cheryl Puntaney, City Clerk
2005(1)17 - 1 Monday



Jeannette Johnson
Notary Public

Filed this 20th day of January, A.D. 2005.
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