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COMPARED

FILED FOR RECORD  
POTTAWATTAMIE CO. IOWA

2005 OCT 13 AM 11:32

JOHN SCIORTINO  
RECORDER

INST # \_\_\_\_\_  
RECORDING FEE 20.00  
AUDITOR FEE \_\_\_\_\_  
RMA FEE 1.00 ECOM 1.00

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. 05-259

A RESOLUTION granting final plat approval for a 25-lot residential subdivision to be known as Chicory Ridge Subdivision.

WHEREAS, LC Development, LLC, has applied for final plat approval for a 25-lot residential subdivision to be known as Chicory Ridge Subdivision; and

WHEREAS, the proposed development is located north of McPherson Avenue, east of McPherson Hills Subdivision; and

WHEREAS, the subject property is zoned R-1 and does not require a change in zoning classification to accommodate the proposed development; and

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

WHEREAS, the Community Development Department recommends approval of the final plat for a residential subdivision to be known as Chicory Ridge Subdivision, as shown on Attachment "A", subject to the following conditions:

1. All technical corrections required by the Community Development Department and/or Public Works Department, shall be made on the final plat document prior to execution of the document.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
3. Receipt of a performance guarantee agreement in an amount to be determined by the Public Works Department, prior to execution of the final plat.
4. Sidewalk shall be installed prior to issuance of a Certificate of Occupancy for each house, at no cost to the City.

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

That the final plat for a residential subdivision to be known as Chicory Ridge Subdivision, as shown on Attachment "A", 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.

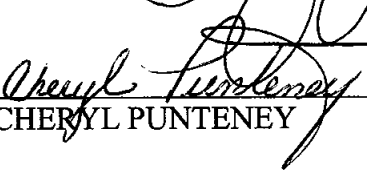
ADOPTED  
AND September 26, 2005  
APPROVED

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BK 106 PG 07660

151-1

  
\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:   
\_\_\_\_\_  
CHERYL PUNTENEY City Clerk

Planning Case No. SUB-05-018

# FINAL PLAT OF CHICORY RIDGE SUBDIVISION

OWNERS/DEVELOPERS:

LC DEVELOPMENT LLC.  
ED LEAZENBY, MIKE COLLINS  
17298 LAPWORTH LANE  
CRESCENT, IOWA 51526

Prepared by: Melvin G. Samples, HGM Associates, Inc., 640 Fifth Avenue, Council Bluffs, Iowa 51502 (712) 323-0530

**LEGAL DESCRIPTION**

LOT 3 EXCEPT THE NORTH 10 ACRES THEREOF, OF AUDITOR'S SUBDIVISION OF THE SW¼ OF SECTION 29 AND THAT PART OF LOT 3, AUDITOR'S SUBDIVISION OF THE NW¼ LYING NORTH OF HIGHWAY OF SECTION 32, ALL IN TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA. SAID PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 86 OF McPHERSON HILLS SUBDIVISION, IN THE CITY OF COUNCIL BLUFFS;  
THENCE ALONG THE EAST LINE OF LOTS 86, 85, 84, 83 AND PART OF 82 IN SAID McPHERSON HILLS SUBDIVISION, NORTH 02 DEGREES 23 MINUTES 53 SECONDS WEST, 348.73 FEET;  
THENCE ALONG EAST LINE OF LOTS 82, 81 AND 80 IN SAID McPHERSON SUBDIVISION, AND ALONG THE EAST LINE OF LOTS 79, 78 AND 77 IN McPHERSON HILLS SUBDIVISION, DIVISION II, NORTH 03 DEGREES 48 MINUTES 10 SECONDS WEST, 437.05 FEET TO THE SOUTHWEST CORNER OF LOT 76 IN SAID McPHERSON HILLS SUBDIVISION, DIVISION II;  
THENCE THENCE ALONG THE SOUTH LOT LINE OF LOTS 76 AND 75 OF SAID McPHERSON HILLS SUBDIVISION, DIVISION II AND LOTS 72 AND 71 OF McPHERSON HILLS SUBDIVISION, DIVISION II, NORTH 87 DEGREES 01 MINUTE 55 SECONDS EAST, 493.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 71;  
THENCE SOUTH 03 DEGREES 47 MINUTES 27 SECONDS EAST, 77.57 FEET;  
THENCE NORTH 87 DEGREES 01 MINUTE 36 SECONDS EAST, 330.57 FEET;  
THENCE SOUTH 03 DEGREES 27 MINUTES 47 SECONDS EAST, 5.40 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD;  
THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:  
1. SOUTH 32 DEGREES 12 MINUTES 03 SECONDS WEST, 491.33 FEET;  
2. SOUTH 30 DEGREES 45 MINUTES 22 SECONDS WEST, 296.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF McPHERSON AVENUE;  
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 79 DEGREES 03 MINUTES 52 SECONDS WEST, 378.71 FEET TO THE POINT OF BEGINNING.  
SAID PARCEL CONTAINS 10.08 ACRES MORE OR LESS INCLUDING RIGHT-OF-WAY FOR SHEV DRIVE(0.84 ACRES) AND JOURNEY CIRCLE(0.59 ACRES), FOR A NET AREA OF 8.63 ACRES MORE OR LESS.

**DEDICATION:**

KNOW ALL PERSONS BY THESE PRESENTS THAT LC DEVELOPMENT, L.L.C. BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOTS 1 THROUGH 26 AND PUBLIC STREET RIGHT-OF-WAY FOR SHEV DRIVE AND JOURNEY CIRCLE. SAID PROPERTY TO BE KNOWN AS CHICORY RIDGE SUBDIVISION. SAID LC DEVELOPMENT, L.L.C. DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, THE RIGHT-OF-WAY FOR SHEV DRIVE (0.84 ACRES, MORE OR LESS), AND JOURNEY CIRCLE (0.59 ACRES, MORE OR LESS) LC DEVELOPMENT, L.L.C. DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA ALL RIGHTS OF DIRECT ACCESS TO McPHERSON AVENUE. LC DEVELOPMENT, L.L.C. DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA A PERPETUAL STORM SEWER AND DRAINAGE EASEMENT ALONG THE BACK LOT LINE OF LOTS 1 THROUGH 9 AS SHOWN ON THE DRAWING. THE DEDICATION OF THESE EASEMENTS SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.

**EASEMENT RUNS WITH THE LAND:** THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON LC DEVELOPMENT, L.L.C., ITS SUCCESSORS OR ASSIGNS.

**ERECTOR OF STRUCTURES PROHIBITED:** LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER NOR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

**CHANGE OF GRADE:** LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION, NOR THE CONTOURS OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

**RIGHT OF ACCESS:** THE CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA HEREIN DESCRIBED.

**REMOVAL AND REPLACEMENT:** THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY SAID LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS.

**SURFACE RESTORATION:** CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED TO GRADING AND SEEDING.

**DUTY TO REPAIR:** CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD, OR OTHER IMPROVEMENT OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO SAID LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS.

IN WITNESS WHEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF LC DEVELOPMENT, L.L.C.'S PROPERTY AS CONTAINED HEREIN ON THIS

DAY OF \_\_\_\_\_, 2005.

BY: \_\_\_\_\_  
ED LEAZENBY

BY: \_\_\_\_\_  
MIKE COLLINS

STATE OF IOWA }  
COUNTY OF POTTAWATTAMIE } SS.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED ED LEAZENBY AND MIKE COLLINS, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THEY ARE THE OWNERS OF LC DEVELOPMENT, L.L.C.; THAT NO SEAL HAS BEEN PROCURED BY THE SAID LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERS AND THE SAID ED LEAZENBY AND MIKE COLLINS ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES \_\_\_\_\_

**NOTE:**


A 5.00 FOOT WIDE PERMANENT EASEMENT ON EACH SIDE OF ALL SIDE LOT LINES, A 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL FRONT LOT LINES, AND A 5.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL REAR LOT LINES, ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.

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.

*Melvin G. Samples* 8-18-05  
MELVIN G. SAMPLES, P.L.C. DATE

License Number 10569  
My license renewal date is December 31, 2008

Pages or sheets covered by this cost: \_\_\_\_\_  
SHEET 1 OF 2 AND SHEET 2 OF 2



CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE THOMAS P. HANAFAN DATE

ATTESTED TO BY:

CITY CLERK: CHERYL PUNTENEY DATE

COMMUNITY DEVELOPMENT DIRECTOR: DONALD GROSS DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN CHICORY RIDGE SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: JUDY ANN MILLER DATE

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT,

- A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
- B. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

## ATTACHMENT A

1 OF 2

Project **CHICORY RIDGE SUBDIVISION**  
Client **LC DEVELOPMENT LLC, ED LEAZENBY, MIKE COLLINS**  
17298 LAPWORTH LANE, CRESCENT, IOWA 51526  
Sheet **FINAL PLAT**

DEF \_\_\_\_\_  
SCH \_\_\_\_\_  
MGS \_\_\_\_\_  
approved \_\_\_\_\_  
AUG '05 \_\_\_\_\_  
date revision date

**hgm**  
ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs omaha

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