

F#4

6817 ✓

INST # _____
RECORDING FEE 25.00
AUDITOR FEE _____
RMA FEE 1.00 ECOM 1.00

COMPARED
FILED FOR RECORD
POTTAWATTAMIE CO. IA.

original Record

04 OCT -7 AM 9: 29

JOHN SCIORTINO
RECORDER

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. 04-235

A RESOLUTION granting final plat approval of Eagle Trail Subdivision, Phase I.

WHEREAS, Eagles Nest, LLC has requested final plat approval of a 54-lot residential subdivision to be known as Eagle Trail Subdivision, Phase I, located at the intersection of East Manawa Drive and Navajo Road, as shown on Attachment "A"; and

WHEREAS, the preliminary plan for the proposed subdivision was approved on January 12, 2004, by Resolution No. 04-08; and

WHEREAS, the proposed subdivision is consistent with the approved preliminary plan; 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 Eagle Trail Subdivision, Phase I, 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. Sidewalks shall be installed, at no expense to the City, along Harrier Hollow, Redtail Road, Navajo Road, Merlin Lane, and Goshawk Glen concurrent with the construction of residential structures prior to the issuance of a Certificate of Occupancy for each residence.
3. All public improvements shall be installed 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. Prior to execution of the final plat, the Community Development Department shall be in receipt of the guarantee agreement.
4. Prior to executing the final plat, the applicant shall provide the Community Development Department with a copy of the covenants applicable to the subdivision. A copy shall be recorded concurrent with the final plat.
5. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, effective upon acceptance of all required improvements.
6. All fire hydrants shall be active and accessible prior to an framing activity in the subdivision.
7. A fence, in accordance with the approval of the preliminary plan, shall be installed along East Manawa Drive prior to execution of the final plat,

100-1

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BK 105PG06801

or within six months of final plat approval, subject to review and approval by the Community Development Department. If not installed within six months, the City shall execute the performance guarantee to pay for installation of the fence.

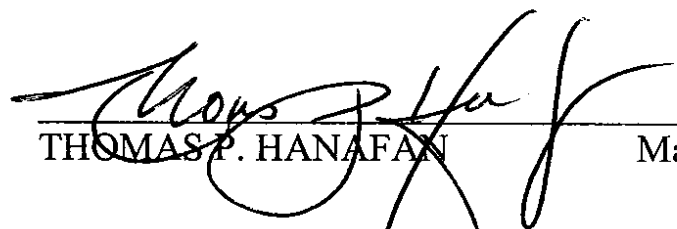
NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat for Eagle Trail Subdivision, Phase I, 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 27, 2004
APPROVED


THOMAS P. HANAFAN Mayor

Attest:


CHERYL PUNTENEY City Clerk

Planning Case No. SUB-04-010

FINAL PLAT OF EAGLE TRAIL SUBDIVISION PHASE 1

OWNERS/DEVELOPERS:
EAGLES NEST, L.L.C.
P.O. BOX 683
AVOCA, IOWA 51523

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

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 EAGLE TRAIL 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.

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 19, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER (W1/4) OF SAID SECTION 19:

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW1/4), SOUTH 89 DEGREES 30 MINUTES 17 SECONDS EAST, 611.57 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 43 SECONDS WEST, 647.87 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, TO WHICH POINT A RADIAL LINE BEARS SOUTH 64 DEGREES 36 MINUTES 55 SECONDS EAST, 414.80 FEET, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17 DEGREES 01 MINUTE 47 SECONDS, 123.28 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST MANAWA DRIVE, SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, TO WHICH POINT A RADIAL LINE BEARS SOUTH 12 DEGREES 42 MINUTES 28 SECONDS EAST, 353.00 FEET;

THENCE NORTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78 DEGREES 28 MINUTES 56 SECONDS, 488.14 FEET;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID EAST MANAWA DRIVE, NORTH 01 DEGREE 11 MINUTES 58 SECONDS WEST, 806.33 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF NAVAJO ROAD;

THENCE ALONG SAID NORTHERLY LINE, NORTH 88 DEGREES 48 MINUTES 02 SECONDS EAST, 100.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF HARRIER HOLLOW;

THENCE NORTH 84 DEGREES 31 MINUTES 44 SECONDS EAST, 50.14 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID HARRIER HOLLOW;

THENCE NORTH 88 DEGREES 48 MINUTES 02 SECONDS EAST, 100.00 FEET;

THENCE SOUTH 01 DEGREE 11 MINUTES 58 SECONDS EAST, 122.00 FEET;

THENCE NORTH 87 DEGREES 56 MINUTES 46 SECONDS EAST, 102.20 FEET;

THENCE SOUTH 12 DEGREES 43 MINUTES 18 SECONDS WEST, 410.16 FEET;

THENCE SOUTH 80 DEGREES 00 MINUTES 14 SECONDS EAST, 102.73 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MERLIN LANE;

THENCE NORTH 63 DEGREES 28 MINUTES 57 SECONDS EAST, 88.02 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MERLIN LANE;

THENCE SOUTH 63 DEGREES 38 MINUTES 24 SECONDS EAST, 98.81 FEET;

THENCE NORTH 30 DEGREES 46 MINUTES 20 SECONDS EAST, 759.53 FEET;

THENCE SOUTH 59 DEGREES 13 MINUTES 40 SECONDS EAST, 100.00 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF REDTAIL ROAD;

THENCE SOUTH 31 DEGREES 37 MINUTES 33 SECONDS EAST, 56.42 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID REDTAIL ROAD;

THENCE SOUTH 59 DEGREES 13 MINUTES 40 SECONDS EAST, 135.00 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF MIDWEST POWER (MIDAMERICAN ENERGY) PROPERTY;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 30 DEGREES 46 MINUTES 20 SECONDS WEST, 397.55 FEET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, SOUTH 01 DEGREE 28 MINUTES 18 SECONDS EAST, 301.85 FEET TO A POINT ON THE OLD MOSQUITO CREEK CHANNEL;

THENCE ALONG SAID CHANNEL THE FOLLOWING 6 COURSES;

1. SOUTH 75 DEGREES 58 MINUTES 58 SECONDS WEST, 131.99 FEET;
2. SOUTH 58 DEGREES 55 MINUTES 53 SECONDS WEST, 105.99 FEET;
3. SOUTH 49 DEGREES 37 MINUTES 07 SECONDS WEST, 123.30 FEET;
4. SOUTH 68 DEGREES 20 MINUTES 15 SECONDS WEST, 233.65 FEET;
5. SOUTH 63 DEGREES 16 MINUTES 30 SECONDS WEST, 395.41 FEET;
6. SOUTH 67 DEGREES 20 MINUTES 22 SECONDS WEST, 381.18 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17.123 ACRES MORE OR LESS INCLUDING THE FOLLOWING RIGHT-OF-WAY, NAVAJO ROAD (0.115 ACRES), HARRIER HOLLOW (0.700 ACRES) REDTAIL ROAD (1.551 ACRES), MERLIN LANE (0.097 ACRES) AND GOSHAWK GLEN (0.11 ACRES).

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT EAGLES NEST, 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 54, INCLUSIVE, AND PUBLIC STREET RIGHT-OF-WAY FOR HARRIER HOLLOW, MERLIN LANE, GOSHAWK GLEN, NAVAJO ROAD AND REDTAIL ROAD. SAID PROPERTY TO BE KNOWN AS EAGLE TRAIL SUBDIVISION PHASE 1. SAID EAGLES NEST, L.L.C. DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, THE RIGHT-OF-WAY FOR HARRIER HOLLOW (0.700 ACRES, MORE OR LESS), MERLIN LANE (0.097 ACRES, MORE OR LESS), REDTAIL ROAD (1.551 ACRES, MORE OR LESS), GOSHAWK GLEN (0.115 ACRES, MORE OR LESS), AND NAVAJO ROAD (0.115 ACRES, MORE OR LESS). EAGLES NEST, L.L.C. DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA ALL RIGHTS OF DIRECT ACCESS TO EAST MANAWA DRIVE. EAGLES NEST, L.L.C. DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA A PERPETUAL STORM SEWER AND DRAINAGE EASEMENT 25 FEET IN WIDTH, BEING 12.50 FEET IN WIDTH ON EACH SIDE OF THE LOT LINE COMMON TO LOTS 21 AND 22, 47 AND 48, 35 AND 36, AND A PERPETUAL STORM SEWER AND DRAINAGE EASEMENT 40 FEET IN WIDTH, BEING 20 FEET IN WIDTH ON EACH SIDE OF THE LOT LINE COMMON TO LOTS 40 AND 41 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 EAGLES NEST, L.L.C., ITS SUCCESSORS OR ASSIGNS.

ERECTION OF STRUCTURES PROHIBITED: EAGLES NEST, 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: EAGLES NEST, 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 EAGLES NEST, 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 EAGLES NEST, L.L.C., OR ITS SUCCESSORS OR ASSIGNS.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF EAGLES NEST, L.L.C.'S PROPERTY AS CONTAINED HEREIN ON THIS

DAY OF _____, 2004.

BY: JOHN H. JERKOVICH

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) SS.

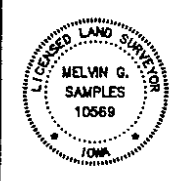
ON THIS _____ DAY OF _____, 2004, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED JOHN H. JERKOVICH, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS ONE OF THE MEMBERS OF EAGLES NEST, L.L.C., THAT NO SEAL HAS BEEN PROCURED BY THE SAID LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERS AND THE SAID JOHN H. JERKOVICH 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, P.L.S. DATE 8-14-04 License Number 10569 My license renewed date is December 31, 2004. Pages or sheets covered by this act: SHEET 1 AND 2 OF 2

1 OF 2

project **EAGLE TRAIL SUBDIVISION PHASE 1**

client **EAGLES NEST, L.L.C.**
922 NORTH WALNUT AVOCA, IOWA 51521

sheet **FINAL PLAT**

DDI/DEF

SCH

MGS

SEP '04

date

revision

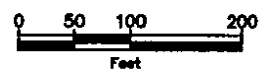
hgm
ASSOCIATES INC.

This drawing is being made available by legal description. It is not intended to be used for construction. It is not intended to be used for construction. It is not intended to be used for construction.

ATTACHMENT 'A'

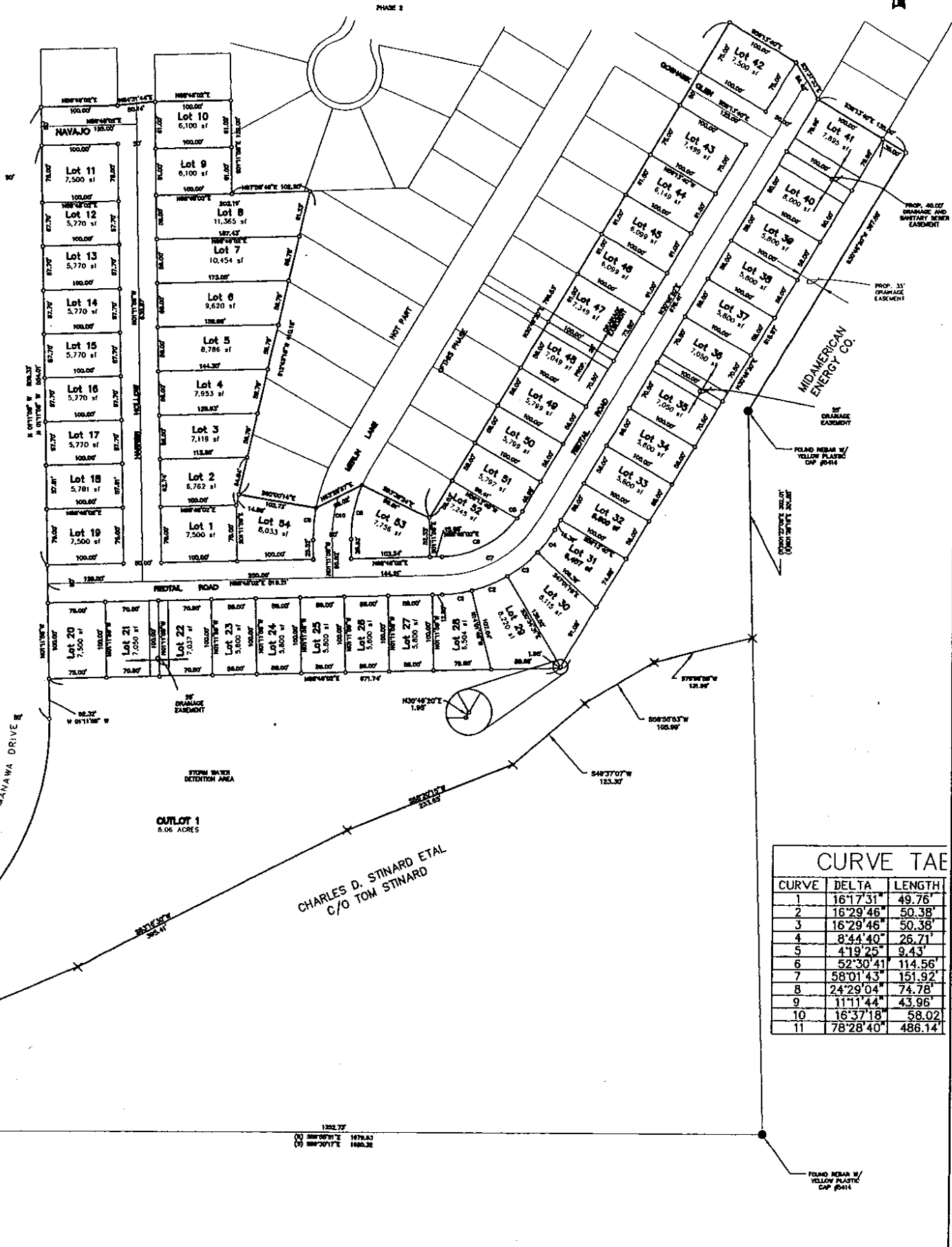
4D

FINAL PLAT OF EAGLE TRAIL SUBDIVISION PHASE 1



LEGEND:

- FOUND PINS AS DESCRIBED ON DRAWING
- SET 5/8" x 30" REBAR WITH ALUMINUM CAP MARKED "HGM ASSOC. PLS #10569"
- ✕ FOUND 5/8" REBAR w/YELLOW PLASTIC CAP MARKED HGM ASSOC. PLS #10569



CURVE T&E		
CURVE	DELTA	LENGTH
1	16°17'31"	49.76'
2	16°29'46"	50.38'
3	16°29'46"	50.38'
4	8°44'40"	26.71'
5	4°19'25"	9.43'
6	52°30'41"	114.56'
7	58°01'43"	151.92'
8	24°29'04"	74.78'
9	11°11'44"	43.96'
10	16°37'18"	58.02'
11	78°28'40"	486.14'

2 OF 2
10483

project **EAGLE TRAIL SUBDIVISION PHASE 1**
 client **EAGLES NEST, L.C.C.**
 922 NORTH WALNUT AVOCA, IOWA 51521
 sheet **FINAL PLAT**

DDL/DEF
 SCH
 MGS
 SEP '04
 date revision date

hgm
 ASSOCIATES INC.
 ENGINEERING ARCHITECTURE SURVEYING
 council bluffs omaha

We warrant to fully and accurately describe the land shown on this plat for use in this project in accordance with the applicable laws, regulations and professional standards. We warrant that the information shown on this plat is true and correct to the best of our knowledge and belief. We warrant that the information shown on this plat is true and correct to the best of our knowledge and belief. We warrant that the information shown on this plat is true and correct to the best of our knowledge and belief.

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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.

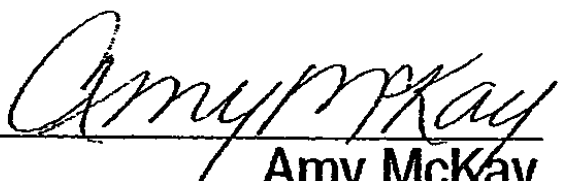
The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

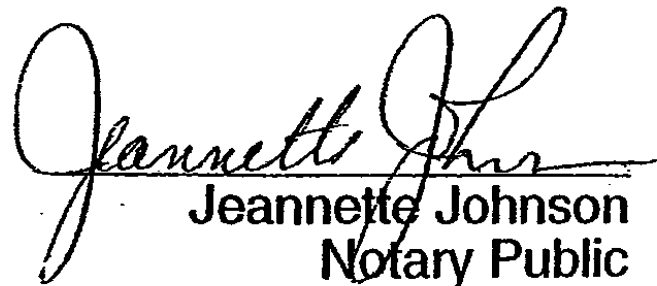
The first publication thereof

began on the 20 day of Sept, 2004
the 2nd on the _____ day of _____, 2004
the 3rd on the _____ day of _____, 2004
the 4th on the _____ day of _____, 2004
the 5th on the _____ day of _____, 2004

Signed in my presence by the said Amy McKay and by her sworn to before me this 23 day of Sept, A.D. 2004.

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 of a subdivision to be known as Eagle Trail Subdivision, Phase I, located east of Manawa Drive at Navajo 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 7pm on the 27th day of September, 2004 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 Puntney
City Clerk
2004(9)20 - 1 Monday


Amy McKay
Daily Nonpareil Controller


Jeannette Johnson
Notary Public

Filed this _____ day of _____, A.D. 2004
Publication Cost: \$ 8.66
Proof of Publication Fee: \$ _____

