

PROJECT NO.  
EGAZ01169

NO.	DESCRIPTION	DATE	BY

**EHRHART & GRIFFIN ASSOCIATES**  
142 West Broadway  
Suite 130  
Council Bluffs, IA 51503  
715 / 256-5948

• ENGINEERING  
• PLANNING  
• LAND SURVEYING

N.W. CORNER OF FRANKLIN/BENNETT  
**HILLSIDE ESTATES FINAL PLAT**

DATE: 1/14/21  
DESIGNED BY: JJA  
DRAWN BY: WAW  
CHECKED BY: BJA  
CREW:

SHEET NO.  
1 OF 2

**FINAL PLAT**  
**HILLSIDE ESTATES**  
LOTS 1 THROUGH 27 INCLUSIVE, AND OUT LOTS A, B, C, D AND E, BEING A REPLAT OF LOT 1, FRANKLIN HEIGHTS SUBDIVISION, IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M., POITAWATTAMIE COUNTY, IOWA.

REVISIONS

NO.	DESCRIPTION	DATE	BY

142 West Broadway  
Suite 130  
Council Bluffs, IA 51503  
715 / 256-5948

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RECORDING INFORMATION  
POTTAWATTAMIE COUNTY, IA  
FILE TIME: 03/29/2022 05:09:27 PM  
RMA FEE: 65.00  
RMA FEE: 1.00  
ECL FEE: 1.00

2022-04466  
RECORDED HABILITATING

R FEES: 65.00 RMA \$ 1.00  
A FEES: 100 ECOM \$ 100  
T TAX: \_\_\_\_\_

**CURVE TABULATION**

CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	3°17'39"	265.00	15.24	15.23	S56°20'22"E
C2	5°24'48"	265.00	25.04	25.03	S69°41'39"E
C3	6°51'23"	100.00	11.81	10.77	N55°37'04"E
C4	14°40'43"	460.00	117.85	117.52	S84°26'19"E
C5	6°51'23"	125.00	142.26	134.71	N55°37'04"E
C6	14°40'43"	485.00	124.25	123.91	S84°26'19"E
C7	28°52'25"	54.00	268.60	67.32	N17°54'02"E
C8	14°40'43"	435.00	111.44	111.14	S84°26'19"E
C9	6°51'23"	75.00	85.36	80.83	N55°37'04"E
C10	29°02'40"	265.00	134.33	132.80	S86°55'19"E
C11	28°56'24"	260.00	131.33	129.93	N86°56'27"W
C12	45°25'37"	339.99	269.56	262.56	N78°45'31"W
C13	49°50'48"	75.00	65.25	63.21	N47°55'13"E
C14	15°21'43"	75.00	20.11	20.05	N80°32'28"E
C15	2°15'28"	435.00	17.14	17.14	N89°21'04"E
C16	7°43'08"	435.00	35.70	35.69	S79°27'01"E
C17	4°42'08"	435.00	20.65	19.96	S51°22'51"E
C18	51°26'13"	23.00	20.65	19.96	S51°22'51"E
C19	31°16'42"	54.00	29.48	29.11	S41°16'06"E
C20	23°21'11"	54.00	22.01	21.86	S68°37'02"E
C21	27°05'35"	54.00	25.53	25.30	N86°09'35"E
C22	36°26'34"	54.00	34.35	33.77	N59°25'31"E
C23	36°26'34"	54.00	34.35	33.77	N17°56'57"E

**CURVE TABULATION**

CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C24	36°26'34"	54.00	34.35	33.77	N18°29'38"W
C25	36°26'34"	54.00	34.35	33.77	N5°45'56"W
C26	30°14'01"	54.00	28.49	28.17	N86°16'30"W
C27	25°08'40"	54.00	23.70	23.51	S64°10'21"W
C28	51°26'13"	23.00	20.65	19.96	S77°10'56"W
C29	4°00'52"	485.00	33.98	33.98	N79°06'24"W
C30	5°38'11"	485.00	47.71	47.69	N83°55'55"W
C31	5°01'40"	485.00	42.56	42.54	N89°15'51"W
C32	9°06'29"	125.00	19.87	19.85	S83°40'05"W
C33	12°48'02"	125.00	27.83	27.87	S72°42'50"W
C34	12°47'09"	125.00	27.89	27.84	S59°55'15"W
C35	11°59'03"	125.00	28.15	28.10	S47°32'09"W
C36	16°06'08"	125.00	35.13	35.01	S33°29'33"W
C37	2°25'41"	125.00	5.30	5.30	S24°13'39"W
C38	2°07'41"	339.99	12.83	12.63	N57°06'34"W
C39	9°35'46"	339.99	56.94	56.88	N62°58'18"W
C40	11°57'16"	339.99	70.94	70.81	N73°44'50"W
C41	7°40'39"	339.99	45.56	45.52	N83°33'48"W
C42	6°00'01"	339.99	47.47	47.44	S88°35'51"W
C43	6°04'10"	339.99	36.02	36.00	S81°33'45"W
C44	4°40'03"	260.00	21.18	21.17	S60°53'22"W
C45	7°42'24"	260.00	34.97	34.95	S87°04'35"W
C46	16°33'57"	260.00	75.17	74.91	N80°47'14"W

LOT 7, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 6, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 5, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 4, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 3, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 2, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 1, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 15, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 16, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 17, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 18, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 19, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 20, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 21, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 22, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 23, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 24, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 25, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 26, AUDITOR'S SUB  
OF THE SW NW 32-75-43

LOT 27, AUDITOR'S SUB  
OF THE SW NW 32-75-43



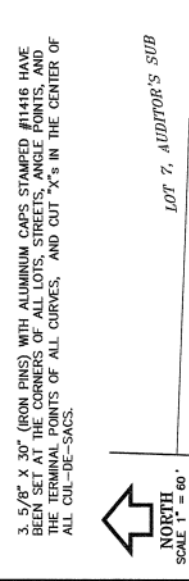
**VEHICULAR ACCESS STATEMENT**

LOT 1, AND LOTS 15 THROUGH 27 INCLUSIVE, DO NOT HAVE DIRECT VEHICULAR ACCESS TO FRANKLIN AVENUE OR BENNETT AVENUE. ALL NUMBERED LOTS TO FRANKLIN AVENUE IS ONLY AVAILABLE BY PAVE LANE PUBLIC RIGHT-OF-WAY.

AS PART OF THIS PLATING, ALL RIGHTS OF DIRECT VEHICULAR ACCESS FROM OUT LOT A TO FRANKLIN/BENNETT AVENUES IS HEREBY DEDICATED TO THE CITY OF COUNCIL BLUFFS.

**SURVEYOR'S NOTES:**

- ALL LOT LINES ARE RADIAL TO CURVED STREET LINES UNLESS NOTED NON-RADIAL (NR).
- DISTANCES SHOWN ALONG A CURVE ARE ARC DISTANCES UNLESS NOTED OTHERWISE.
- 5/8" X 30" (IRON PINS) WITH ALUMINUM CAPS STAMPED #11416 HAVE BEEN SET AT THE CORNERS OF ALL LOTS, STREETS, ANGLE POINTS, AND THE TERMINAL POINTS OF ALL CURVES, AND CUT "X" IN THE CENTER OF ALL CUL-DE-SACS.



INDEX LEGEND  
COUNTY: POTTAWATTAMIE  
SURVEYOR: MARK E. EHRHART  
ALLOTMENT: 75  
TOWNSHIP: 75 N  
RANGE: 43 W  
PARCEL IDENTIFICATION: REPLAT OF LOT 1 PLS  
TAX ADDRESS: VACANT - NOT ASSIGNED  
REQUESTED BY: CITY OF COUNCIL BLUFFS

LAND SURVEYOR'S CERTIFICATE  
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.  
DATE: 5/17/22  
MARK E. EHRHART  
LICENSE NO. 11416  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2023.  
PAPER OR SHEETS COVERED BY THIS SEAL.  
SHEET 1 AND 2 OF 2

LAND SURVEYOR'S CERTIFICATE  
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.  
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SHEET 1 AND 2 OF 2

PROJECT NO.  
EGA201169

NO.	DESCRIPTION	DATE	BY

**EHRHART  
&  
GRIFFIN &  
ASSOCIATES**

142 West Peachtree  
Suite 1305  
Council Bluffs, IA 51503  
712 / 256-5248

- ENGINEERING
- PLANNING
- LAND SURVEYING

N.W. CORNER OF FRANKLIN/BENNETT  
COUNCIL BLUFFS, IOWA

**HILLSIDE ESTATES  
FINAL PLAT**

DATE: 1/14/21  
DESIGNED BY:  
DRAWN BY:  
CHECKED BY:  
CREW:

SHEET NO.  
2 OF 2

S. Vetter-Renzi, A.S.  
Subdivider/Contractor

**FINAL PLAT  
HILLSIDE ESTATES**  
LOTS 1 THROUGH 27 INCLUSIVE AND OUT LOTS A, B, C, D AND E  
BEING A REPLAT OF LOT 1, FRANKLIN HEIGHTS SUBDIVISION  
IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER  
OF SECTION 32, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M.,  
POTTAWATTAMIE COUNTY, IOWA.

**ACKNOWLEDGEMENT TO DEDICATION**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ }  
ON THIS 14 DAY OF March 2022  
THE HONORABLE MATTHEW J. WALSH AS MAYOR OF THE CITY OF COUNCIL BLUFFS, AN IOWA MUNICIPAL CORPORATION,  
PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE DEDICATION AS MAYOR, AND  
HE ACKNOWLEDGES THE EXECUTION HEREOF TO BE HIS VOLUNTARY ACT AND DEED AS SUCH MEMBER AND VOLUNTARY  
ACT AND DEED OF THE CITY OF COUNCIL BLUFFS.

WITNESS MY HAND AND NOTARIAL SEAL  
 MATTHEW J. WALSH  
MAYOR  
NOTARY PUBLIC  
DATE: 3-21-22

STATE OF IOWA  
NOTARIAL PUBLIC  
COMMISSION NUMBER 034392  
EXPIRES 3-21-24

**CERTIFICATIONS AND APPROVALS**

- WE HEREBY CERTIFY THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER  
CONTEMPORANEOUS WITH THE FINAL PLAT:
- A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT  
DEVELOPMENT.
  - B. TITLE OPINION LETTER OF ATTORNEY.
  - C. CERTIFIED RESOLUTION OF EACH GOVERNING BODY AS REQUIRED BY IOWA CODE SEC. 354.8
- WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MEETING OBJECTIVES CONSISTENT WITH  
FEDERAL, STATE AND LOCAL GUIDELINES.

DATE: 3-21-2022  
COMMUNITY DEVELOPMENT  
APPROVED BY DIRECTOR, COMMUNITY DEVELOPMENT, COURTNEY HARTNER  
 DATE: 3/21/22  
CITY COUNCIL APPROVED BY MAYOR, THE HONORABLE MATTHEW J. WALSH (DATE)  
 DATE: 3-21-22  
ATTESTED TO BY: CITY CLERK, JODI QUAKENBUSH

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA  
I, LEA A. VOSS, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY  
INCLUDED IN THE HILLSIDE ESTATES SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL  
ASSESSMENTS.  
 DATE: 3-29-2022  
TREASURER OF POTTAWATTAMIE COUNTY, IOWA, LEA A. VOSS

**LEGAL DESCRIPTION:**

HILLSIDE ESTATES, CONTAINING LOTS 1 THROUGH 27 INCLUSIVE, AND OUT LOTS A, B, C, D AND E,  
BEING A REPLAT OF LOT 1, FRANKLIN HEIGHTS SUBDIVISION, AS SURVEYED, PLATTED AND  
RECORDED IN PUBLIC RECORDS IN THE NORTHWEST  
QUARTER OF SECTION 32, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M.,  
POTTAWATTAMIE COUNTY, IOWA.

**DEDICATION**

KNOW ALL PEOPLE OF THESE PRESENTS: THAT  
THE CITY OF COUNCIL BLUFFS  
BEING THE SOLE OWNER AND PROPRIETOR OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED WITH OUR FREE  
CONSENT AND IN ACCORD WITH OUR DESIRE, THE SAME TO BE SUBDIVIDED INTO LOTS 1 THROUGH 27 AND OUT LOTS A, B, C, D AND E, INCLUSIVE, AS SHOWN AND  
TO BE KNOWN AS:  
HILLSIDE ESTATES, CONTAINING LOTS 1 THROUGH 27 INCLUSIVE, AND OUT LOTS A, B, C, D AND E,  
AS PART OF THIS PLATTING, THE CITY OF COUNCIL BLUFFS DOES HEREBY DEDICATE OUT LOTS A, B, C AND D TO THE HOMEOWNERS ASSOCIATION AND/OR THEIR  
ASSIGNEES. SAID HOMEOWNERS ASSOCIATES AND/OR THEIR ASSIGNEES ARE RESPONSIBLE FOR ALL MAINTENANCE.  
AS PART OF THIS PLATTING, THE CITY OF COUNCIL BLUFFS DOES HEREBY RETAIN OUT LOT E FOR ACCESS TO A PORTION OF LOT 6 CONTAINING A CEMETERY.  
AS PART OF THIS PLATTING, THE CITY OF COUNCIL BLUFFS DOES HEREBY GRANT INGRESS/EGRESS ACCESS TO THE HOMEOWNERS ASSOCIATION OVER OUT LOT E FOR  
MAINTENANCE ACTIVITIES ON LOT 10.

AND SAID CITY OF COUNCIL BLUFFS DOES HEREBY RAIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND THAT PAUCE LANE  
ROAD (34-067 SF) IS DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA, FOR PUBLIC USE.  
IN WITNESS WHEREOF WE DO HEREBY SET OUR HANDS, FOR: THE CITY OF COUNCIL BLUFFS, AN IOWA MUNICIPAL CORPORATION

AS MAYOR OF THE CITY OF COUNCIL BLUFFS  
DATE: 3-21-22

**NOTE: STANDARD UTILITY EASEMENTS**

A. PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND THE INSTALLATION AND MAINTENANCE OF UTILITIES 5 FEET WIDE, ALONG EACH SIDE OF INTERIOR  
ALLEYS, DRIVEWAYS, SIDEWALKS AND PAVEMENT AREAS. THESE EASEMENTS SHALL BE 10 FEET WIDE, ALONG ALL FRONT AND REAR LOT LINES, AND 10 FEET  
MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THE SAME.  
ERUCTION OF STRUCTURES PROHIBITED: THE CITY OF COUNCIL BLUFFS, OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN  
EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.  
CHANGE OF GRADE PROHIBITED: THE CITY OF COUNCIL BLUFFS, OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE ELEVATION, OR CONTOUR OF ANY  
PART OF THESE EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.  
REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREAS,  
REQUIRED BY THE EXERCISE OF THE RIGHTS UNDER THIS DEDICATION, SHALL BE BORNE BY THE SAID CITY OF COUNCIL BLUFFS OR ITS SUCCESSORS OR  
ASSIGNS.  
SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREAS SHALL BE LIMITED ONLY TO GRADING AND SEEDING.  
DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREAS 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 THE CITY  
OF COUNCIL BLUFFS OR ITS SUCCESSORS OR ASSIGNS.  
EASEMENTS RUN WITH THE LAND: THESE EASEMENTS SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON THE CITY OF COUNCIL BLUFFS, OR ITS  
SUCCESSORS OR ASSIGNS.



Kristopher K. Madsen\*  
*Partner*

Rick D. Crowl\*  
*Partner*

Robert M. Livingston†  
*Partner*

Michael G. Reilly\*  
*Partner*

Zachary M. Winter\*  
*Associate*

William R. Hughes, Jr.\*  
*Of Counsel*

A. W. "Tony" Tauke  
*Of Counsel*

\* Admitted in Iowa & Nebraska  
† Admitted in Iowa, Nebraska & South Dakota

Robert M. Stuart  
1914-1986

Jack W. Peters  
1931-1993

Emmet Tinley  
1916-2002

James E. Thorn  
1935-2009

Gary R. Faust  
1944-2014

August 3, 2021

City of Council Bluffs  
Attn: Christopher Gibbons  
209 Pearl Street  
Council Bluffs, IA 51501

Dear Mr. Gibbons:

I have examined the abstract of title to:

Lot 1, Franklin Heights Subdivision, City of Council Bluffs,  
Pottawattamie County, Iowa

This abstract does not cover matters included in Chapter 614.29 through 614.38 of the Code of Iowa as amended, the Marketable Title Act and Chapter 11 of the Iowa Land Title Examination Standards and the Abstracting Standards of the Iowa Land Title Association, which are excluded thereunder except plat and surveys, easements, party wall and other boundary line agreements, unexpired recorded leases, and patents, and is certified to July 13, 2021 at 8:00 AM by Clear Title & Abstract, LLC and is in one part, containing entries 1 – 34. From my examination I find marketable title to be in - - -

Marketable Title in, the City of Council Bluffs by virtue of a Warranty Deed found at Entry #14, dated January 9, 2002, and filed on February 11, 2002, in Book 102 at Page 62131 of the Pottawattamie County Recorder's office.

1. Entries #24, #25, #26, #27, and #28 set forth a Zoning Ordinances of the City of Council Bluffs which affect the above-described property. You are referred to the city ordinances for further particulars to determine its effect on the development and use of the above-described property.
2. Entry #29 sets forth a Lien Search and no liens are shown.
3. Entry #20 shows the General Taxes for 2018 and prior years are paid and General Taxes for 2019 are paid.

The abstract and this opinion do not cover rights of parties in possession, the actual location of the premises and the buildings thereon with reference to legal description, legal access, public and private easements by prescription, and unpaid bills for labor and material which have been performed or furnished in connection with improvements on the premises within the past ninety days. We also are in no position to determine the condition of the real estate, including any matter which might give rise to environmental concerns.

The abstract of title in one part is being returned to the City of Council Bluffs with this opinion.

Yours very truly,

STUART TINLEY LAW FIRM LLP

By



A. W. Tauke

AWT/pk

Direct e-mail: [awtauke@stuarttinley.com](mailto:awtauke@stuarttinley.com)

CERTIFICATE AND RECEIPT

=====

STATE OF IOWA

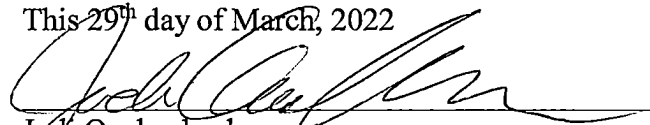
} SS.

POTTAWATTAMIE COUNTY,

The undersigned, City Clerk of the City of Council Bluffs, Iowa, hereby certifies:  
Resolution 22-60 and proof of publication are the same that appears as record in this  
office.

Witness my hand and seal of Council Bluffs, Iowa,

This 29<sup>th</sup> day of March, 2022



Jodi Quakenbush  
City Clerk of the City of Council Bluffs

=====

**CORRECTED RESOLUTION NO. 22-60**

**A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A 27-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS HILLSIDE ESTATES, LEGALLY DESCRIBED AS LOTS 1 THROUGH 27 INCLUSIVE, AND OUTLOTS A THROUGH E, BEING A REPLAT OF LOT 1, FRANKLIN HEIGHTS SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** The Community Development Department is requesting this final plat approval for this subdivision to be developed by Turn the Paige Investments, LLC; and

**WHEREAS,** Turn the Paige Investments, LLC went through the City's offer-to-buy process to acquire the subject property and through this process, the City has agreed to commit Community Development Block Grant (CDBG) funding for road construction, grading work, stormwater management installation, and landscaping; and

**WHEREAS,** In exchange for the Grant finding, the builder has agreed to dedicate a minimum of 51 percent of the housing units as low-to-moderate income housing units, which are priced at or below 80 percent of the area's median income with fourteen (14) of the proposed 27 units (51.9%) being dedicated to low-to-moderate income housing units; and

**WHEREAS,** All City departments and local utility companies were provided a copy of the proposed final plat for review and the following comments were received:

- A. The proposed subdivision is zoned R-2/Two-Family Residential. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as High-Density Residential. A portion of the northwest corner of the property is designated as Loess Hills Preservation Area. The developer proposes to construct one 'single-family dwelling, detached' or one 'single-family dwelling, attached' on each proposed lot. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.
- B. The Hillside Estates preliminary subdivision plan was approved (Case #SUB-21-006) by City Council (Resolution No. 21-147) on May 10, 2021, which included variances for minimum lot size/lot width and maximum lot depth-to-width ratios due to the unique topographic nature of the site, preservation of the Loess Hills, and incorporation of stormwater management areas. Since the approval of the preliminary subdivision plan, the commencement of construction activity and additional conversation between the developer and City has resulted in the need for additional subdivision variances to ensure that homeowners are not responsible for the maintenance of the hillside (Outlot 'D').

The Community Development Department recommends maintaining all variances approved with the preliminary subdivision (Resolution No. 21-147), along with granting additional variances as follows:

1. Variances from minimum R-2 District Lot Depth:  
Minimum required lot depth: 100 feet

Proposed Lots 3 through 10 do not meet the minimum 100-foot lot depth requirement for the R-2 District.

2. Variances from minimum R-2 District Lot Sizes:

Minimum required R-2 District lot sizes: 5,000 square feet (interior lot), 2,500 square feet per unit (single-family attached), and 5,500 square feet (corner lot). The following proposed lots do not meet the R-2 District minimum lot size:

<u>Lot</u>	<u>Proposed Lot Size (Square Feet)</u>	<u>Proposed Dwelling Type</u>
Lot 7	4,308	Single-Family Detached
Lot 8	4,316	Single-Family Detached
Lot 9	4,285	Single-Family Detached
Lot 10	4,360	Single-Family Detached

The Community Development Department has reviewed the applicant's variance requests and recommends approval for the following reasons:

1. The subject property is a challenging setting for residential development for a multitude of reasons. The north half of the subdivision includes steep, Loess Hills terrain that is designated as a preservation area. Additionally the area is further bounded by existing residential developments to the west and north and by Franklin and Bennett Avenues to the south and east. The subdivision is further influenced by the incorporation of stormwater management areas and dedicated outlots for access to the adjacent City-owned Clark cemetery. The proposed subdivision variances allow the applicant to develop the property in a sustainable manner that accounts for all the prior mentioned development constraints.
2. The City's Comprehensive Plan encourages a variety of housing types in order to meet the needs of the community. The applicant's proposal includes fourteen (14) single-family attached dwellings and thirteen (13) single-family detached dwellings, which will be marketed to households of varying income levels. The proposed mixture of housing typologies and market-rate and workforce housing in the community is in the overall best interest of the City.

3. The applicant has engineered and designed the subdivision to be compatible with existing development in the surrounding area. The requested subdivision variances are not anticipated to be detrimental to the future residents in and/or adjacent to the subdivision.
- C. The proposed Hillside Estates Subdivision is subject to the adopted planned residential development plan approved by City Council on May 10, 2021 (Resolution No. 21-146). The planned residential development plan generally includes regulations on the following items:
1. Site Development standards – All lots developed to R-2 District standards with the exception of a 20-foot front yard setback and a 40 percent maximum lot coverage for all lots.
  2. Off-Street Parking – All single-family attached units are proposed to be constructed with a one-stall garage. One of the two required parking spaces for all proposed single-family attached dwellings shall be allowed in the front yard setback.
  3. Architecture – Each dwelling shall have a minimum of 40 square feet of stone, brick, and/or decorative architectural metal on the front façade.
  4. Landscaping – The submitted landscaping plan included shrub plantings and street trees. Street trees shall be planted along the frontage of each proposed lot prior to issuance of a Certificate of Occupancy for each lot. Street trees shall be planted along the south side of the sidewalk along Franklin Avenue to provide a barrier between pedestrians and traffic. The sidewalk shall be set back approximately six (6) to eight (8) feet from the curb to accommodate the planting of said street trees. All costs associated with the installation and maintenance of street trees along Paige Lane shall be the responsibility of the developer and/or HOA and not the City. All proposed trees within the City’s right-of-way shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation.
  5. Signage – All signage shall comply with Section 15.33.160(C), P-R/Planned Residential District Sign Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
- D. The proposed subdivision includes five (5) outlots, A-E. Outlot ‘A’ extends along Franklin and Bennett Avenues and serves as a landscape buffer between the residential properties and public right-of-ways. Outlots ‘B’ and ‘C’ will serve as stormwater detention areas. Outlot ‘E’ will be combined with City-owned Clark Cemetery located immediately north of the subject property through a lot line adjustment at a later date. The City is retaining Outlot ‘E’ for access to City-owned Clark Cemetery. As a part of the final plat, the City dedicates Outlots A-D to the Homeowners Association and/or their assignees and grants ingress/egress access to the Homeowners Association over Outlot E for maintenance activities on Outlot D.



- E. All proposed lots will have access to Paige Lane, a new public street that will be built and dedicated by the City, and will align with Wendy Heights Road to the south. The construction of Paige Lane has been completed.
- F. All proposed lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that shall be installed underground. The City has paid for the sanitary/storm sewers and water infrastructure. Installation of the water line will be completed in the spring when the ground is completely thawed. The developer shall be responsible for the costs of providing electricity, and gas, if desired, to the development.
- G. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each lot. A sidewalk is planned to be constructed along Outlot 'C' once the waterline has been fully extended along Paige Lane. All sidewalks shall be built to City standards.
- H. All future streetlights shall meet Public Works Department standards. The developer has paid for the streetlights;
- I. The subject property is not located within a flood zone.
- J. The following technical corrections shall be made to the final plat prior to being executed by the City of Council Bluffs:
  - 1. The dedication language on Sheet 2 of 2 shall be revised to include language on the responsibility of the Homeowners Association and/or their assignees for the perpetual maintenance of Outlots A, B, C and D.
  - 2. The Certificate of Treasurer of Pottawattamie County statement on Sheet 2 of 2 shall be revised to state "I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the property included in the Hillside Estates Subdivision, is free from certified taxes and certified special assessments."
- K. A five-foot wide sidewalk is proposed to be constructed along the north side of Franklin Avenue once the waterline has been installed. The Council Bluffs Parks and Recreation Department stated that the proposed five (5) foot sidewalk along the north side of Franklin Avenue sufficiently addresses their department's connectivity goals for the area.
- L. The Council Bluffs Public Works Department provided the following comments:
  - 1. Maintenance of the outlots shall be dedicated to the HOA.
  - 2. Stormwater management features shall have an operation and maintenance plan and shall be dedicated to the HOA.
  - 3. Water has not yet been provided to the site and associated sidewalk work has not been completed. An engineer's opinion of costs shall be developed for these items.
  - 4. A performance bond or other type of performance guarantee shall be provided for all work that has not yet been completed.
- M. MidAmerican Energy stated that they have no conflict with the proposed

final plat and noted that the final plat includes the required perpetual utility easement. MidAmerican Energy noted that they have worked with the developers and their agents on the project and provided a cost estimate and proposal for extending electric facilities.

- N. Council Bluffs WaterWorks stated that they have an agreement with the Community Development Department to have the water main extension constructed with an anticipated construction date of Spring of 2022; and

**WHEREAS,** The Community Development Department recommends approval of the proposed 27-lot residential subdivision to be known as Hillside Estates Subdivision, legally described as being a replat of Lot 1, Franklin Heights Subdivision, City of Council Bluffs, Pottawattamie County, Iowa subject to the comments above and the conditions below:

- A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
- B. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
- C. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
- D. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
- E. Maintaining all variances approved with the preliminary subdivision (Resolution No. 21-147), along with granting additional variances to allow lot depths in the subdivision to be less than the 100 feet required in the R-2/Two-Family Residential District and for lot sizes to be less than the minimum required in the R-2/Two-Family Residential District, as shown on the Hillside Estates Final Plat (see Attachment 'B').
- F. All land development and construction activity within the subdivision shall comply with the adopted Hillside Estates Subdivision planned residential development plan, as per Resolution No. 21-146, dated May 10, 2021.
- G. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each lot. A sidewalk shall be constructed along Outlot 'C' once the waterline has been fully extended along Paige Lane. All sidewalks shall be built to City standards.
- H. Street trees shall be planted along the frontage of each proposed lot to issuance of a Certificate of Occupancy for each lot. Street trees shall be planted along the south side of the sidewalk along Franklin Avenue to provide a barrier between pedestrians and traffic. The sidewalk shall be set back approximately six (6) to eight (8) feet from the curb to accommodate the planting of said street trees. All costs associated with the installation and

maintenance of street trees along Paige Lane shall be the responsibility of the developer and/or HOA and not the City. All proposed trees within the City's right-of-way shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation.

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


That the final plat approval for a 27-lot residential subdivision to be known as Hillside Estates Subdivision, as legally described above, is hereby approved subject to all local, state and federal regulations; and

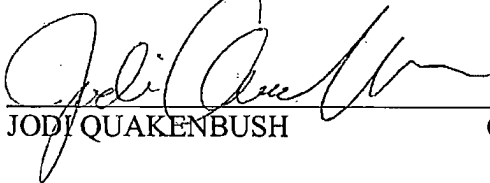
**BE IT FURTHER RESOLVED**

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

ADOPTED  
AND  
APPROVED

February 28, 2022.

  
\_\_\_\_\_  
MATTHEW J. WALSH Mayor

Attest:   
\_\_\_\_\_  
JODY QUAKENBUSH City Clerk

# Proof Of Publication

State of Iowa

Pottawattamie County

## 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 of the City of Council Bluffs Community Development Department for final plat approval of a 27-lot residential subdivision to be known as Hillside Estates, legally described as being a replat of Lot 1, Franklin Heights, Subdivision and Lot 6 and a portion of Lot 5, Auditor's Subdivision of the SW1/4 of the NW1/4 of Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa. The subdivision request includes variances to allow lot depths to be less than the 100 feet required in the R-2/Two-Family Residential District and for lot sizes to be less than the minimum required in the R-2/Two-Family Residential District.

You are further notified that the 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 7:00 p.m., on the 28th day of February, 2022 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.

Jodi Quakenbush, City Clerk

2022 (2) 20-1 Sunday

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

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

The First publication thereof began on the 20th day of February, 2022.

*Brenda Bauer*

Billing Representative

Sworn to and subscribed before me this 20th day of February, A.D. 2022.

*Linh Thuy Le*

Notary Public

Linh Thuy Le  
Notary Public

State of Virginia  
County of Hanover  
My Commission expires

Commonwealth of Virginia  
Reg. No. 2953581  
My Comm. Expires Nov. 30, 2025

CITY OF COUNCIL BLUFFS  
209 PEARL ST.  
COUNCIL BLUFFS, IA 51503

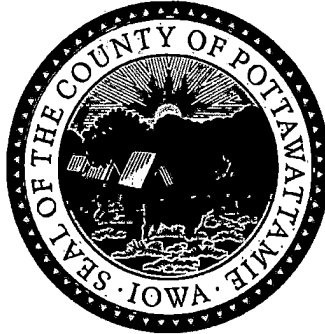
Publication Cost: \$20.46  
Customer Number: 1003258  
Order Number: 0000290481

E-mail

jquakenbush@councilbluffs-ia.gov

# Pottawattamie County Auditor's Certification Of Subdivision Name Approval

MELVYN J. HOUSER  
POTTAWATTAMIE COUNTY AUDITOR  
AND ELECTION COMMISSIONER  
P. O. BOX 649  
COUNCIL BLUFFS, IOWA 51502-0649



Real Estate Division  
Phone (712) 328-5700  
FAX (712) 328-4740

I, Melvyn J. Houser, Auditor of Pottawattamie County, Iowa, or designee, do hereby certify that the subdivision name of the attached platting is unique within Pottawattamie County and is hereby approved.

Name of new subdivision:

## **HILLSIDE ESTATES**

BEING A REPLAT OF LOT 1, FRANKLIN HEIGHTS SUBDIVISION, IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA

*Melvyn J. Houser*

March 14, 2022

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Signed

Date