

Date May 6, 2013

CONDITIONALLY APPROVING FINAL PLAT OF BROWNS WOODS PLAT 3

WHEREAS, the final subdivision plat entitled **Browns Woods Plat 3**, for land located at 4111 and 4113 Tonawanda Drive, to be developed by ST Investments, L.L.C., represented by Steve Howard, Manager, was submitted on April 29, 2013; and,

WHEREAS, the City Plan and Zoning Commission approved the preliminary subdivision plat on January 3, 2013; and,

WHEREAS, the Permit and Development Center has recommended conditional approval of the final subdivision plat subject to receipt of an updated title opinion and attachments to the plat as required by Iowa Code Sec. 354.11; and,

WHEREAS, the necessary attorney's title opinion for the plan has been submitted, but is based upon an outdated abstract and must be updated; and,

WHEREAS, all necessary attachments are subject to review and approved by the City of Des Moines Legal Department for conformance with Iowa Code Sections 354.8, 354.6, and 354.11; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. It is hereby determined that the subdivision plat entitled Browns Woods Plat 3 conforms to the Des Moines 2020 Community Character Land Use Plan and the subdivision, with the required installation of public improvements, will not unduly burden public improvements in the area and will provide an appropriate balance of interests between current proprietors, future purchasers and the public interest.
2. The subdivision plat entitled Browns Woods Plat 3 is hereby conditionally approved, subject to receipt of an updated title opinion and attachments to the plat as required by Iowa Code Sec. 354.11, and approval of same by the City Legal Department.
3. Upon satisfaction of the conditions set forth in paragraph 2, above, the Mayor and City Clerk are hereby authorized and directed to execute approval of all copies of said subdivision plat as appropriate.
4. The City Clerk is hereby directed to provide the approved subdivision plat, a certified copy of this resolution, the attorney's title opinion and the attachments to the plat to the Community Development Department for delivery to the County Auditor for recording by the plat proprietors. The City Clerk is hereby further directed to send a copy of the subdivision plat to the Board of Education, Century Link Communications, Mid-American Energy, Mediacom, Des Moines Water Works, U.S. Post Office – Post Master,

(continued)

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U.S. Post Office – Technical Sales and Services, City Engineer, City Land Records, Public Works – Street Department, Public Works – Forestry Division, Fire Department, Police Department – Research and Development Section, City Traffic and Transportation Division, Information Technology Department, and Community Development Department.

(Council Communication No. 13-207)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

Mayor

City Clerk