

Date November 17, 2014

RESOLUTION RELEASING SUBDIVISION BOND FOR HILLSBORO PLAT 2 AND PROVIDING PERMANENT WAIVER OF OBLIGATION FOR DEVELOPER TO INSTALL RECREATIONAL TRAIL SEGMENT ALONG E. PINE AVENUE

WHEREAS, on January 27, 2003, by Roll Call No. 03-140, the City Council approved the subdivision plat entitled HILLSBORO PLAT 2 for land located in the vicinity of 2200 Block of E. Pine Avenue, to be developed by Jerry's Homes, Inc., represented by Ron Grubb (Officer); and,

WHEREAS, by said Roll Call, the City Council further authorized the approval and acceptance of Subdivision Bond No. IAC 33296 from Merchants Bonding Company in the amount of \$27,145 as security for the estimated cost of sidewalk improvements, recreational trail construction site erosion control and as-built survey costs; and,

WHEREAS, the required 526 lineal ft. of 10 ft. wide recreational trail along the adjacent segment of E. Pine Avenue has not been installed, and Jerry's Homes, Inc., has requested a permanent waiver of the requirement to install said trail, and;

WHEREAS, the City Engineer has certified that the required grading, site restoration, public sidewalk improvements and as-built surveys have been completed and recommends that the security be released.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby finds that Jerry's Homes, Inc., should be released from the obligation to construct the segment of recreational trail adjoining Hillsboro Plat 2 because: i) the absence of the trail will not adversely affect the public health, safety or general welfare; ii) the existence of incompatible grades along the intended route unduly interferes with its construction; and, iii) the lack of connection facilities for such trail limits its potential utility.
2. The City Council hereby releases Jerry's Homes, Inc., from its obligation to construct the recreational trail along the segment of E. Pine Avenue adjoining Hillsboro Plat 2.
3. Subdivision Improvement Bond No. IAC 33296 in the amount of \$27,145 from Jerry's Homes, Inc. and Merchant's Bonding Company, is hereby released as security for the satisfactory completion of the subdivision improvements.

Date November 17, 2014

4. The City Clerk is hereby directed to notify the Principal and Surety of the release of such security at the following respective addresses:

Ron Grubb
 Jerry's Homes, Inc.
 10430 New York Avenue
 Urbandale, IA 50322

Merchants Bonding Company
 Attn: Stephanie Rivers-Finney
 2100 Fleur Drive
 Des Moines, IA 50265

(Council Communication No. 14- 544)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

G:\USERS\RKBrown\Rog Docs\Plats\Pending\RC Release bond for Hillsboro Plat 2.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

 Mayor

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.

 City Clerk



November 12, 2014

Ryan Moffatt
Senior City Planner
City of Des Moines Development Department
602 Robert D. Ray Drive
Des Moines, Iowa 50309

Re: Bond IAC 33296

Ryan,

Jerry's Homes formally requests that Bond IAC 33296 be released by the City of Des Moines.

The bond was originally required for a 4 foot sidewalk and a section of 10 foot recreational trail that would be installed along E. Pine Ave and is an obligation of our Hillsboro Plat 2.

The 4 foot sidewalk has been completed by Jerry's Homes but The Des Moines Parks and Recreation Department has not constructed nor asked Jerry's Homes to construct the portion of trail included in this bond.

In speaking with the Parks and Recreation department their recommendation would be that this bond be released due to the fact that the trail system has changed over the years and this section of trail has no immediate or near future plans of construction along the undeveloped stretch of E. Pine.

Thank you for your consideration in this matter.

Sincerely,

Chip Classon
Director of Land Development



Department of Engineering
City of Des Moines

CERTIFICATE OF SATISFACTORY COMPLETION
FOR
BONDED SUBDIVISION IMPROVEMENTS

No. 014-002

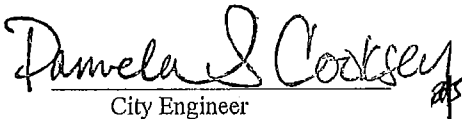
BOND RELEASE FORM

- 1. Subdivision Name: Hillsboro Plat 2
- 2. Developer: Jerry's Homes Jerry Grubb, Principal
- 3. Bond: # IAC 33296 Company: Merchants Bonding Company
- 4. Amount \$ 27,145.00 Improvements Sidewalks, Rec. Trail
- 5. Council Approval of Bond Date: 01-27-03 Roll Call: 03-140
- 6. Improvements Satisfactorily Complete:

Improvement	Constructed by Public Improvement Contract		Constructed Without Public Improvement Contract		
	Contract No. W.O. No.	Council Approval	Improvement	Inspected By	Date
			Sidewalks	R Silvers	11-10-14
			Rec Trail	Waived	

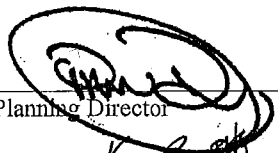
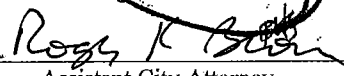
CERTIFICATE

I hereby certify that to the best of my knowledge the above improvements covered by Bond # IAC 33296 have been satisfactorily completed in accordance with Chapter 106 of the 2000 Municipal Code and I hereby recommend that the check for these improvements be released.


City Engineer

11-10-14
Date

I hereby certify that I have reviewed the recommendations of the City Engineer and hereby concur.


Planning Director

Assistant City Attorney

11-10-14
Date

11-10-2014
Date

Council approval of Bond of Credit Release

_____ Roll Call _____ Date

FORM FLOWCHART

