

.....
Date May 8, 2023

**CONDITIONAL APPROVAL OF FINAL SUBDIVISION PLAT AND ACCEPTANCE
OF CASH SURETY FOR BRICKTOP 36**

WHEREAS, the final subdivision plat entitled Bricktop 36 for property located in the vicinity of 1328 Thomas Beck Road, to be developed by Caliber Iowa, 3611 NE Otter View Circle, Suite 42, Ankeny, Iowa 50021, Nick Jensen, authorized agent, was submitted to the Development Services Department on August 29, 2022; and,

WHEREAS, the City Plan and Zoning Commission approved the preliminary subdivision plat on July 21, 2022; and,

WHEREAS, the Planning and Urban Design Division has recommended conditional approval of the final subdivision plat, subject to acceptance of final legal documents by the City Legal Department; and,

WHEREAS, subject to the conditions identified below, the said subdivision plat conforms to Iowa Code Sections 355.8, 354.6, and 354.11, and said subdivision plat conforms to the standards and conditions set forth in Chapter 106 of the Municipal Code of the City of Des Moines, Iowa; and,

WHEREAS, the City Engineer has approved the amount of the security for subdivision improvements.

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

1. It is hereby determined that the subdivision plat identified above conforms to the PlanDSM: Creating Our Tomorrow 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 Bricktop 36 is hereby approved, and a check (in lieu of subdivision bond) in the amount of \$90,950.00 is hereby accepted as adequate security for the completion of the required public improvements including public sidewalk installation within the plat.
3. The City Clerk is hereby directed to hold this check as security for the required public improvements until otherwise directed.

Date May 8, 2023

4. Upon satisfaction of the conditions set forth above, the Mayor and City Clerk are hereby authorized and directed to execute approval on all copies of said subdivision plat as appropriate.
5. 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 Developer for delivery to the County Recorder 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, 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 Development Services Department.
6. The Permanent Easements for public utilities, sanitary sewer, stormwater management, and ingress/egress that have been provided incident to said subdivision plat are hereby approved and accepted subject to the final approval of the City Legal Department, and the City Clerk is hereby authorized and directed to certify to the City's acceptance on such agreement upon approval by the City Legal Department.

Date May 8, 2023

MOVED by _____ to adopt.

Second by _____.

(Council Communication No. 23-238)

FORM APPROVED:

Lisa A. Wieland
 Lisa A. Wieland
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, LAURA BAUMGARTNER, 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