

★ Roll Call Number

11-0513

Agenda Item Number

16 C

Date March 28, 2011

RESOLUTION CONDITIONALLY APPROVING FINAL SUBDIVISION PLAT
OF AIRPORT BUSINESS PARK PLAT 3

WHEREAS, on February 28, 2011, by Roll Call No. 11-0347, the City Council approved the vacation and sale to Opus Development Corporation of the rights-of-way necessary for the relocation of Gannett Avenue to accommodate the planned expansion of the existing Hewlett-Packard facility at 3600 Army Post Road in Airport Business Park; and,

WHEREAS, on February 28, 2011, by Roll Call No. 11-0346, the City Council approved an amendment to the PUD Concept Plan for Airport Business Park to permit the development of a 69.1 acre commercial subdivision to include a 300,000 sq. ft. warehouse and office facility for the planned expansion of the Hewlett-Packard facility; and,

WHEREAS, on March 18, 2011, the final subdivision plat entitled **Airport Business Park Plat 3**, was submitted to the City for land located in the vicinity of 7425 SW 34th Street now owned by ABC Partners, LP and Army Post Development, LC, both represented by Richard B. Margulies, officer, and in part by the City of Des Moines; and,

WHEREAS, Airport Business Park Plat 3 is proposed to be developed by Opus Development Corporation, represented by Jeff Smith, officer, for use in the expansion of the existing Hewlett-Packard facility at 3600 Army Post Road; and,

WHEREAS, the Des Moines Plan and Zoning Commission approved the preliminary subdivision plat amendment on January 20, 2011; and,

WHEREAS, the Permit and Development Administrator has recommended approval of the final subdivision plat, subject to completion of the required public street, sanitary sewer and storm sewer improvements within one year and completion of required public sidewalks within three years, and,

WHEREAS, the necessary attorney's title opinion for the plat has been submitted and approved by the Legal Department, but not all of the required consents to plat and other legal documents for the plat have yet been submitted and approved by the Legal Department; and,

WHEREAS, the surety for the project has not yet been received; and,

WHEREAS, subject to the conditions identified below, the said subdivision plat conforms to Iowa Code Sections 354.6, 354.8, 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; NOW THEREFORE,

(continued)

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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 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 City Council hereby consents to the inclusion of the City-owned land within the subdivision plat of Airport Business Park Plat 3, and hereby declares that such plat is made with its consent and approval.
3. The final subdivision plat identified above is hereby approved, **subject to:**
 - a) Receipt of the Treasurers Certificate, the required consents to plat from the other property owners, and the other attachments to the plat as required by Iowa Code §354.1;
 - b) Receipt of a subdivision bond for the required public improvements for the plat in the amount of \$ 81,548 ;
 - c) Receipt and execution of the Private Construction Contracts for the streets and other public improvements within Airport Business Park Plat 3 not secured by the subdivision bond; and,
 - d) Approval of all such documents by the City Legal Department.
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 easements provided incident to the said subdivision plat are hereby approved and accepted, and the City Clerk is hereby authorized and directed to certify the City's acceptance on each such easement.
6. 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, Qwest 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

(continued)

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Department – Research and Development Section, City Traffic and Transportation Division, Information Technology Department, and Community Development Department.

(Council Communication No. 11- 179)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

C:\Rog\Eco Dev\HP\RC Final Plat approval.docx

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Council 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.

Diane Rauh

City Clerk