

★ Roll Call Number

13-0710

Agenda Item Number

16

Date May 6, 2013

CONDITIONALLY APPROVING FINAL SUBDIVISION PLAT OF WAKONDA PLAT 2

WHEREAS, the final subdivision plat entitled Wakonda Plat 2, for land located in the vicinity of 1430 Park Avenue, to be developed by Wakonda Living, LLC (Proprietor), a subsidiary of Hubbell Realty Company represented by Steve Niebuhr (Officer), was submitted to the Community Development Department on April 29, 2013; and,

WHEREAS, the City Plan and Zoning Commission approved the preliminary subdivision plat on November 15, 2012; and,

WHEREAS, the Permit and Development Center has recommended conditional approval of the final subdivision plat, subject to completion of the required sanitary sewer easement and legal documents; 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WHEREAS, the necessary attorney's title opinion for the plan has been submitted, but is based upon an outdated abstract and must be updated; and,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, 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; 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 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 Wakonda Plat 2 is hereby approved, subject to receipt of an updated title opinion and attachments to the plat, and approval of the 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 on 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

(continued)

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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 Community Development Department.

- 5. The Public Sanitary Sewer Easement (the "New Sewer Easement") provided incident to the said subdivision plat is hereby approved and accepted, and the City Clerk is hereby authorized and directed to certify to the City's acceptance on such easement. The City Council further finds that the portion of the existing Sanitary Sewer Easement to be replaced by the New Easement and released and abandoned as provided in paragraph 9 of the New Easement is no longer needed for a public purpose and the abandonment and release of such existing easement as provided in said paragraph 9 is hereby approved.

(Council Communication No. 13- 210)

MOVED by Mahaffey to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (7).

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk