

★ Roll Call Number

14-1764

Agenda Item Number

13

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.

(continued)

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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 Gatto 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	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Cownie 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