



**BUSINESS OF THE CITY COUNCIL
BONDURANT, IOWA
AGENDA STATEMENT**

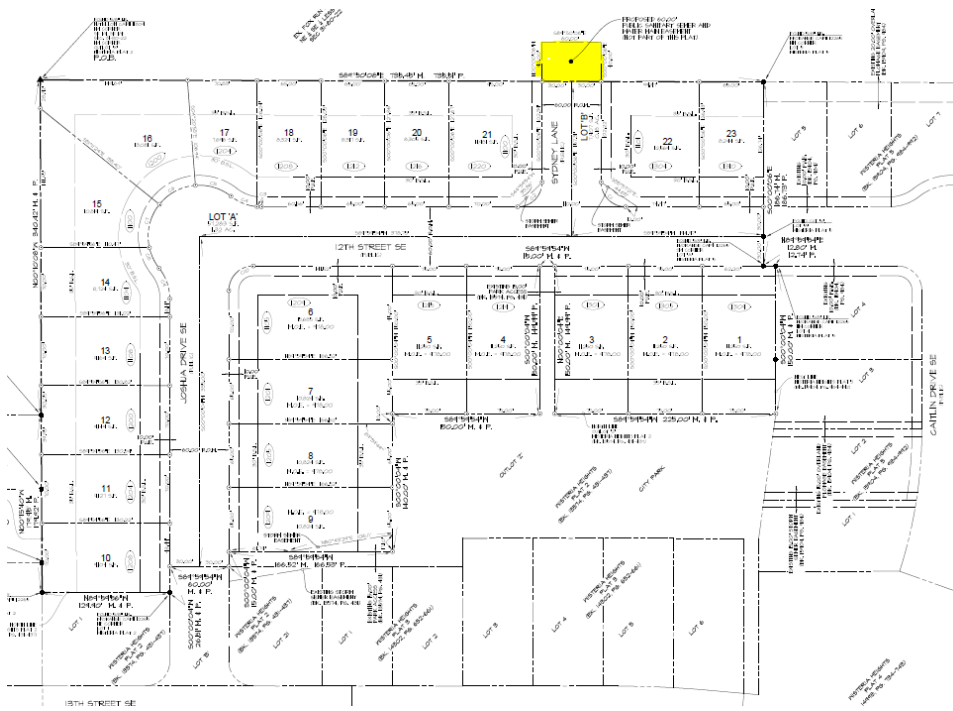
Item No. 5p
For Meeting of 4/6/2020

TITLE: Resolution accepting public water and sanitary main easement on land owned by Moore Investments Inc north of the proposed Wisteria Heights Plat 6 subdivision.

ACTION: Resolution for vote


CONTACT PERSON: Maggie Murray, Planning & Community Development Director

BRIEF HISTORY: For review by Council tonight is a resolution considering acceptance of a proposed 60'x40' public water and sanitary main easement on land owned by Moore Investments Inc just north of the proposed Wisteria Heights Plat 6 subdivision area. The Wisteria Heights Plat 6 Final Plat will be reviewed by City Council at a later date after the public improvements associated with this Plat 6 area have been installed. This Wisteria Heights Plat 6 Final Plat proposes establishment of 23 single-family detached lots on land zoned as being Medium Density Residential (R-2). The Wisteria Heights Preliminary Plat was approved by City Council in 2006 and included this Plat 6 area. The image below is an excerpt from the draft Wisteria Heights Plat 6 Final Plat – the highlighted area shows the proposed public utility easement area north of this Plat 6 area.



ANALYSIS: As part of the construction drawing review and approval process, it was requested by City staff that the developer establish this easement area to the north to accommodate for an extension of water and sanitary main to the north of the plat boundary so that the street itself is not impacted when future extension is required.

ALTERNATIVES: The option exists to not approve the enclosed resolution accepting establishment of the proposed public sanitary and water main easement; however, this is not recommended, as this public easement was required by the City as part of the Wisteria Heights Plat 6 construction drawing review and approval process.

<input checked="" type="checkbox"/> Resolution _____ Ordinance ___ Contract ___ Other (Specify) _____
Funding Source _____ N/A _____
APPROVED FOR SUBMITTAL _____  City Administrator

STAFF RECOMMENDATION: Staff recommends approval of the enclosed resolution.

CITY OF BONDURANT
RESOLUTION NO. 200406-101

RESOLUTION ACCEPTING PUBLIC WATER AND SANITARY EASEMENT ON LAND OWNED BY MOORE INVESTMENTS INC
NORTH OF THE PROPOSED WISTERIA HEIGHTS PLAT 6 SUBDIVISION

WHEREAS, a Public Water and Sanitary Main Easement has been submitted by Civil Engineering Consultants, Inc., on behalf Integrity Land Development, LLC, developer of Wisteria Heights Plat 6, to establish a 60'x40' easement area on land owned by Moore Investments LLC north of the proposed Wisteria Heights Plat 6 subdivision area; AND

WHEREAS, this easement was required by the City as part of the review and approval process for the Wisteria Heights Plat 6 subdivision review; AND

WHEREAS, the legal description of this easement is as follows:

A 40 FEET BY 60.00 FEET PUBLIC SANITARY SEWER AND WATER MAIN EASEMENT IN THE NE ¼, OF THE SE ¼, OF SECTION 31-80-22, CITY OF BONDURANT, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF LOT 21, WISTERIA HEIGHTS PLAT 6, AN OFFICAL PLAT, CITY OF BONDURANT; THENCE N00°00'06"W; 40.00 FEET TO A POINT; THENCE S89°50'08"E, 60.00 FEET TO A POINT; THENCE S00°00'06"E, 40.00' TO A POINT ON THE NORTH LINE OF SAID WISTERIA HEIGHTS PLAT 6; THENCE N89°50'08"W, 60.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Bondurant, Iowa, that the Public Water and Sanitary Main Easement is considered acceptable and shall be recorded once such document has been signed by all applicable parties.

Passed this 6th day of April, 2020,

By: _____
Curt Sullivan, Mayor

ATTEST: I, Shelby Hagan, City Clerk of Bondurant, hereby certify that at a meeting of the City Council held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year above written.

Shelby Hagan, City Clerk

Name	Yay	Nay	Abstain	Absent
Enos				
Cox				
McKenzie				
Elrod				
Peffer				

WATER MAIN AND SANITARY SEWER EASEMENT

Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Christopher S. Talcott
215 10th Street, Suite 1300
Des Moines, IA 50309
Phone: (515) 288-2500

Return Document To: (name and complete address)

City of Bondurant
200 2nd Street, Northeast
Bondurant, Iowa 50035

Grantor: Moore Investments, Inc.

Grantee: City of Bondurant, Iowa

Legal Description: See Exhibit A page 5

WATER MAIN AND SANITARY SEWER EASEMENT

MOORE INVESTMENTS, INC., an Iowa corporation (hereinafter called "Grantor) in consideration of a sum of One Dollar (\$1.00) and other good and valuable consideration to be paid by the City, the receipt of which is hereby acknowledged by the Grantor, does hereby sell, grant and convey unto the CITY OF BONDURANT, IOWA, a municipal corporation (the "City"), a perpetual Water Main and Sanitary Sewer Easement upon, over, through and across the following described real estate:

See Exhibit "A" attached hereto, by reference incorporated herein,

(hereinafter called "Easement Area") for the purpose of permitting the City to install, repair, maintain, replace and/or improve a Water Main and Sanitary Sewer, together with necessary appurtenances thereto, under, over, through and across said Easement Area.

This Easement shall be subject to the following terms and conditions:

1. **ERECTION OF STRUCTURES PROHIBITED.** Grantor and its successors and assigns shall not erect any structure, building or fence over or within the Easement Area without obtaining the prior written approval of the City.
2. **CHANGE OF GRADE PROHIBITED.** Grantor and its successors and assigns shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City.
3. **RIGHT OF ACCESS.** City shall have the right of access to the Easement Area from property adjacent to the Easement Area and have all rights of ingress and egress reasonably necessary for the inspection of the Easement Area and the enforcement of this Easement.
4. **EASEMENT RUNS WITH LAND.** This Easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.
5. **APPROVAL BY CITY COUNCIL.** This Easement shall not be binding until it has received the final approval and acceptance by the Bondurant City Council by resolution, which approval and acceptance shall be noted on this Easement by the City Clerk.

Grantor does HEREBY COVENANT with the City that Grantor holds said real estate described in this Easement by title in fee simple; that Grantor has good and lawful authority to convey the same; and that Grantor covenants to WARRANT AND DEFEND the said premises against the lawful claims of all persons whosoever.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Signed this _____ day of _____, 2020.

MOORE INVESTMENTS, INC.

By _____
Richard E. Moore
President

STATE OF IOWA, COUNTY OF POLK, ss:

This record was acknowledged before me on the _____ day of _____, 2020,
by Richard E. Moore as President of Moore Investments, Inc.

Notary Public in and for the State of Iowa
My commission expires: _____

ACCEPTANCE BY CITY

STATE OF IOWA, COUNTY OF POLK, ss:

I, _____, City Clerk of the City of Bondurant, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of Bondurant by Resolution No. _____ passed on the _____ day of _____, 2020, and this certificate is made pursuant to authority contained in said Resolution.

Signed this _____ day of _____, 2020.

City Clerk of Bondurant, Iowa

EXHIBIT 'A'
LEGAL DESCRIPTION
SANITARY SEWER AND WATER MAIN EASEMENT

A 40 FEET BY 60.00 FEET PUBLIC SANITARY SEWER AND WATER MAIN EASEMENT IN THE NE1/4 SE1/4 OF SECTION 31, TOWNSHIP 80 NORTH, RANGE 22 WEST OF THE 5TH P.M., CITY OF BONDURANT, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF SAID NE1/4 SE1/4, SAID SW CORNER ALSO BEING THE NW CORNER OF WISTERIA HEIGHTS PLAT 6, AN OFFICIAL PLAT IN THE CITY OF BONDURANT; THENCE 89°50'08"E, 510.47 FEET ALONG THE SOUTH LINE OF SAID NE1/4 SE1/4, SAID SOUTH LINE ALSO BEING THE NORTH LINE OF SAID WISTERIA HEIGHTS PLAT 6 TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE NW CORNER OF LOT 'B' OF SAID WISTERIA HEIGHTS PLAT 6; THENCE N00°00'06"W; 40.00 FEET TO A POINT; THENCE S89°50'08"E, 60.00 FEET TO A POINT; THENCE S00°00'06"E, 40.00 FEET TO A POINT ON THE SOUTH LINE OF SAID NE1/4 SE1/4, SAID POINT ALSO BEING THE NE CORNER OF SAID LOT 'B'; THENCE N89°50'08"W, 60.00 FEET ALONG SAID SOUTH LINE AND THE NORTH LINE OF SAID LOT 'B' TO THE POINT OF BEGINNING.