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91-09-018

ORDINANCE NO. 019-09

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE "DISTRICT MAP" ON THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

**Section 1.** That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property (Case No. 91-09-018) described as follows;

PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 21, TOWNSHIP 82 NORTH, RANGE 7 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF CEDAR RIDGE PLACE SECOND ADDITION IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA AS RECORDED IN BOOK 6483, PAGES 336-372 IN THE OFFICE OF THE LINN COUNTY RECORDER ALSO BEING THE SOUTH RIGHT OF WAY OF WOODSTONE LANE S.W.; THENCE SOUTHWESTERLY A DISTANCE OF 95.23 FEET ALONG SAID SOUTH RIGHT OF WAY, ALSO BEING THE SOUTH LINE OF SAID CEDAR RIDGE PLACE SECOND ADDITION AND THE ARC OF A 270.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY (CHORD BEARS S75°27'35"W A DISTANCE OF 94.73 FEET); THENCE S65°21'21"W ALONG SAID SOUTH RIGHT OF WAY, ALSO BEING THE SOUTH LINE OF SAID CEDAR RIDGE PLACE SECOND ADDITION A DISTANCE OF 8.02 FEET TO THE POINT OF BEGINNING; THENCE S24°38'39"E A DISTANCE OF 130.00 FEET; THENCE S65°21'21"W A DISTANCE OF 165.00 FEET; THENCE S26°22'20"W A DISTANCE OF 53.63 FEET; THENCE S2°25'53"W A DISTANCE OF 55.00 FEET; THENCE N87°34'08"W A DISTANCE OF 130.00 FEET; THENCE N2°25'53"E A DISTANCE OF 10.15 FEET; THENCE NORTHWESTERLY A DISTANCE OF 150.24 FEET ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE, CONCAVE WESTERLY (CHORD BEARS N10°36'41"W A DISTANCE OF 148.94 FEET TO THE SOUTH RIGHT OF WAY OF WOODSTONE LANE S.W. ALSO BEING THE SOUTH LINE OF SAID CEDAR RIDGE PLACE SECOND ADDITION; THENCE N65°21'21"E ALONG SAID SOUTH RIGHT OF WAY, ALSO BEING THE SOUTH LINE OF SAID CEDAR RIDGE PLACE SECOND ADDITION A DISTANCE OF 306.74 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1.13 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

and located west of Kirkwood Boulevard SW at the southeast corner of the intersection of Woodstone Lane SW and Brighton Way SW, now zoned RMF-1, Multiple Family Residence Zone District, and as shown on the "District Map," be rezoned and changed to R-3, Single Family Residence Zone District, and that the property be used for such purposes as outlined in the R-3, Single Family Residence Zone District, as defined in Chapter 32 of the Municipal Code, City of Cedar Rapids, Iowa.

**Section 2.** That this Ordinance and the zoning granted by the terms hereof are subject to the conditions which have been agreed to and accepted prior to the passage of this Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

1. That, **AS PART OF FINAL PLAT CONSIDERATION BY CITY COUNCIL**, the following shall be accomplished:
  - A. The property owner shall submit signed Traffic Signal Petition & Assessment Agreements for future improvements for the intersection of Wright Brothers Boulevard SW and Kirkwood Boulevard SW and for the intersection of Kirkwood Boulevard SW and Woodstone Lane SW. Said agreement forms shall be provided by the City Public Works Department upon request by the property owner.
  - B. The property owner shall submit a signed Concrete Pavement Petition and Assessment Agreement for future improvements in Kirkwood Boulevard SW east of this site and Wright Brothers Boulevard SW south of this site. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
  - C. The property owner shall submit a signed Agreement for Private Storm Water Detention for the private storm water management facilities (on-site and off-site) to be constructed in conjunction with development on this site. The City Public Works Department shall furnish the agreement form upon request by the property owner.
2. That, **PRIOR TO THE ISSUANCE OF FOUNDATION PERMITS OR BUILDING PERMITS FOR THIS DEVELOPMENT**, the property owner shall enter into an agreement with the City that at such time as the City Council deems it to be in the public's best interest, the street connections to Wright Brothers Boulevard SW shall be converted to a right-in/right-out/left-in at the intersection with Brighton Way SW, with installation of raised medians on Wright Brothers Boulevard SW. The design of the right-in/right-out/left-in at Brighton Way SW and Wright Brothers Boulevard SW shall allow for the same type of street connection for the property on the south side of Wright Brothers Boulevard SW with design and construction costs to be shared by all benefiting property owners as determined by the City. Said agreement form shall be provided by the City Public Works Department upon request by the property owner.
3. That, **PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY**, the property owner shall be responsible to complete the following:
  - A. The property owner shall construct 4' wide concrete sidewalks along Woodstone Lane SW and Brighton Way SW adjoining this site. The sidewalk improvements shall be constructed in accordance with City Standards, ADA requirements, and improvement plans accepted by the City Public Works Director/City Engineer.

- B. For the lot(s) through which overland conveyance of the 100-year storm event will occur, the property owner shall provide certification by a civil engineer licensed in the State of Iowa verifying the runoff from the 100-year storm event can be conveyed through the site without damage to building structures,  
OR,  
The property owner shall provide a certification by a Civil Engineer or Land Surveyor licensed in the State of Iowa that the drainage way has been constructed in accordance with drainage plans approved by the City.
4. That the developer shall be responsible to extend sanitary sewer and storm sewer facilities to service this site **AT THE TIME OF PLATTING, OR AT SUCH TIME AS SERVICE IS REQUIRED, WHICHEVER OCCURS FIRST.** The developer shall be responsible for all costs associated with design, construction, and acceptance by the City of sanitary sewer and storm sewer facilities providing service to this site, including acquisition and dedication of easements.
  5. That, if storm water management (including water quality provisions) cannot be met according to City Design Standards and the Cedar Rapids NPDES (National Pollutant Discharge Elimination System) Permit on the approved Preliminary Plat, the property owner shall be responsible to submit to the City a revised Preliminary Plat meeting storm water management requirements.
  6. That the improvements proposed as part of this development shall be designed in accordance with the Cedar Rapids Metropolitan Area Engineering Design Standards.
  7. That with respect to storm water permitting for this site, the following shall apply:
    - A. The property owner shall submit to the City Public Works Director/City Engineer a copy of the Iowa DNR Storm Water permit for this site. This shall be completed **PRIOR TO GRADING ACTIVITIES COMMENCING OR PRIOR TO ISSUANCE OF A BUILDING PERMIT, WHICHEVER OCCURS FIRST.**
    - B. The property owner shall comply with all provisions of the Iowa DNR storm water permit and Municipal Code Chapter 71 "Erosion and Sediment Control for Construction Sites". This includes maintaining current inspection records weekly and after every one-half inch of rain fall, and installing and maintaining erosion and sediment control according to the approved Storm Water Pollution Prevention Plan (SWPPP).
  8. That the site plan show the locations of proposed service lines and private mains (4" or larger) that are required to serve buildings that do not face the main private drive.
  9. That subject property be platted per State and City platting regulations

**Section 3.** That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 24th day of June, 2009.

Passed this 24th day of June, 2009.

Kay Halloran, Mayor

Attest:

Ann Ollinger, City Clerk