

Prepared by: Kevin D. Olson, 1400 5th Street, Coralville, Iowa 52241 (319) 351-2277
Return to: City of West Branch, 110 Poplar Street, West Branch, Iowa 52358 (319) 643-5888

RESOLUTION NO. 1940

RESOLUTION APPROVING AN AMENDMENT TO THAT CERTAIN SUBDIVIDER'S AGREEMENT FOR THE MEADOWS SUBDIVISION, PART FOUR, WEST BRANCH, IOWA.

WHEREAS, KLM Investments, LLC (the "Subdivider") and the City of West Branch (the "City") entered into to that certain Subdivider's Agreement (the "Agreement") recorded in Book 1452 at Page 262, Records of the Cedar County Recorder's Office; and

WHEREAS, the Subdivider and City entered into the Agreement as part of the approval of the Preliminary Plat of The Meadows Subdivision, Part Four (the "Subdivision"); and

WHEREAS, the Subdivider has decided to final plat the remainder of the Subdivision, said final plat being referred to as "The Meadows Subdivision, Part 4B"; and

WHEREAS, in order to ensure that marketable title can be given for the lots in The Meadows Subdivision, Part 4B, the Agreement will need to be amended to reflect the new lot numbering and configuration; and

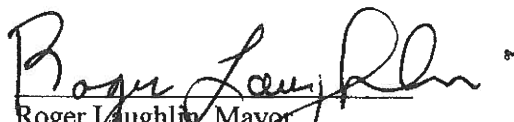
WHEREAS, the City Attorney has drafted a proposed Amendment that requires approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Branch, Iowa, that the aforementioned Amendment be and the same is hereby approved.

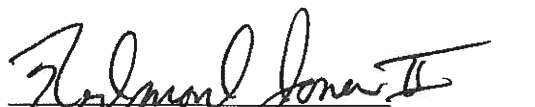
BE IT FURTHER RESOLVED that the Mayor and City Clerk are directed to execute the Amendment on behalf of the City and place this Resolution, along with the Amendment, on file in the Office of the Cedar County Recorder.

* * * * *

Passed and approved this 13th day of October, 2020.


Roger Laughlin, Mayor

ATTEST:


Redmond Jones II, City Administrator/Clerk

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Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5640, Coralville, Iowa 52241 (319)351-2277
Return to: City of West Branch, Iowa, 110 N. Poplar Street, West Branch, Iowa 52358

AMENDMENT TO THAT CERTAIN SUBDIVIDER'S AGREEMENT BY AND BETWEEN
THE CITY OF WEST BRANCH, IOWA AND KLM INVESTMENTS, LLC FOR THE
MEADOWS, PART FOUR, WEST BRANCH, IOWA

REFERENCE is hereby made to that certain Subdivider's Agreement (the "Agreement") recorded in Book 1452 at Page 262, Records of the Cedar County Recorder's Office, by and between the City of West Branch, Iowa (the "City") and Meadows Development, Inc. (the "Subdivider").

WHEREAS, the Subdivider and City entered into the Agreement as part of the approval of the Preliminary Plat of The Meadows Subdivision, Part Four (the "Subdivision"); and

WHEREAS, the Subdivider and City entered into an Amendment to that certain Subdivider's Agreement for The Meadows Subdivision, Part 4A; and

WHEREAS, the Subdivider has decided to final plat the final portion of the Subdivision, said final plat being referred to as "The Meadows Subdivision, Part 4B"; and

WHEREAS, in order to ensure that marketable title can be given for the lots in The Meadows Subdivision, Part 4B, the Agreement will need to be amended to reflect the new lot numbering and configuration; and

WHEREAS, to that end, the parties desire to amend the Agreement.

NOW, THEREFORE, the parties agree as follows:

1. The Subdivider in this Amendment shall now be "Meadows Development, Inc.," in place of "KLM Investments, LLC."
2. Section 1 of the Agreement is hereby amended by removing reference to "a 29-foot PCC Street known as Gilbert Drive and a "31-foot PCC street known as W. Orange Street" and replacing it with "29-foot street known as Prairie View Drive."
3. Section 2 of the Agreement is hereby amended by removing reference to "The Meadows Subdivision, Part Four" and replacing it with "The Meadows Subdivision, Part 4B."

4. Section 11 is hereby amended by deleting it in its entirety and replacing it with the following:

“The parties expressly agree that the zoning for the Subdivision is as follows:

Lots 1 through 32 R-2 Two Family Residential District

5. Section 14 is hereby amended by deleting it in its entirety and replacing it with the following:

“No structure shall be built on the following numbered lots which have a minimum low opening below the elevation listed in the column marked ‘Minimum Low Opening’ below:

<u>Lot No.</u>	<u>Minimum Low Opening</u>
1	776.5
2	776.5
19	753.0
20	754.0
21	756.0
22	760.0
23	763.0
24	763.0
25	763.0
26	764.0
27	768.0
28	772.0
29	772.0”

No building permit or occupancy permit will be granted by the City if there exists a minimum low opening below the elevation listed above.”

6. In all other aspects except as outlined in Sections 1-5 of this Amendment, the Agreement shall remain in full force and effect.

Dated this 20th day of October, 2020.

CITY:

SUBDIVIDER:

Roger Laughlin
Roger Laughlin, Mayor

Chris Kofoed
Chris Kofoed, Vice-President and Treasurer

ATTEST:

Redmond Jones II
Redmond Jones II, City Administrator/Clerk

STATE OF IOWA, COUNTY OF CEDAR, ss:

This instrument was acknowledged before me on this 20th day of October, 2020, by Roger Laughlin and Redmond Jones II, as Mayor and City Clerk respectively of the City of West Branch, Iowa.



Leslie Brick
Notary Public

STATE OF IOWA, COUNTY OF CEDAR, ss:

This instrument was acknowledged before me on this 20th day of October, 2020, by Chris Kofoed, as Vice-President and Treasurer of Meadows Development, Inc.

Leslie Brick
Notary Public

