

**DEED OF DEDICATION
FOR
MCMAHILL FIRST ADDITION
IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY,
STATE OF IOWA**

KNOW ALL MEN BY THESE PRESENTS:

That the City of Cedar Falls and the Cedar Falls Community School District, (hereinafter referred to as the "Owner,") being desirous of setting out and platting into lots and streets the land described in the attached Legal Description, Exhibit "A," does by these presents designate and set apart the aforesaid premises as a subdivision of the City of Cedar Falls, Black Hawk County, Iowa, the same to be hereafter known as:

**McMahill First Addition
In the City of Cedar Falls, Black Hawk County, Iowa,**

All of which is with the free consent and desire of the said Owner, and the Owner does hereby designate and set apart for public use the recreational trail and public sidewalk along Arbors Drive and public sidewalk along Ashworth Drive as shown on the attached Plat.

EASEMENTS

The Owner hereby grants and conveys to the City of Cedar Falls, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sanitary sewer, storm sewer, drain tile, surface drainage, gas, electricity, communication service or cable television, perpetual easements for the erection, laying, building and maintenance of said services over, across on and/or under the property shown on the attached Plat.

The Owner does hereby further grant and convey to the City of Cedar Falls, Iowa, its successors and assigns, a perpetual, non-exclusive easement for the maintenance and repair of sidewalks and a pedestrian trail for recreational use through the property in the location identified on the attached Plat.

RESTRICTIONS

The Owner does hereby covenant and agree for itself and its successors and assigns that each and all of the lots in said subdivision be and the same are hereby made subject to the following restrictions upon their use and occupancy as fully and effectively as if the same were contained and set forth in each deed of conveyance or mortgage that the undersigned or its successors in interest may hereinafter make

5. Invalidation of these restrictions by judgment, decree or court order shall in no way affect any of the other provisions of this Deed of Dedication and such other provisions shall remain in full force and effect.
6. The covenants and restrictions set forth in this Deed of Dedication shall run with the land and shall inure to the benefit of and be enforceable by the owner of any land located in the plat, which is the subject of this Deed of Dedication, and their legal representatives, heirs, successors and assigns for a term of twenty-one (21) years from and after the date of filing of this plat in the office of the Recorder of Black Hawk County, Iowa. Said covenants and restrictions may be extended for successive twenty-one (21) year periods thereafter, upon the filing of a verified claim by the owner of any one (1) lot or tract of land in the subdivision, in the manner provided in Iowa Code Sections 614.24 through 614.28, Code of Iowa.

- (c) Shall be free of any conditions that could result in structural or other failure of said improvements;
- (d) Shall be constructed and installed in accordance with the design standards and technical standards established for such public improvements by the City and by Cedar Falls Utilities;
- (e) Shall be constructed and installed in strict compliance with the minimum acceptable specifications for the construction of public improvements set forth in the Cedar Falls Code of Ordinances, including without limitation, Chapter 24, Subdivisions, and as such specifications shall be recommended for approval by the City Engineer from time to time, and approved by the city council.

11. The Tracts in said subdivision shall be used as follows:

- (a) Tract "A" and Tract "B" to be deeded to the City of Cedar Falls as public road right of way.
- (b) Tract "C" to be deeded to the City of Cedar Falls as public storm water management area.
- (c) Tract "D" to be used for athletic field.
- (d) Tract "E" and Tract "F" to be used for storm water management areas

The Developer's construction plans are now on file in the Office of the City Engineer.

- 12. That the work and improvements called for herein shall be in accordance with City specifications under the supervision of the City Engineer, and shall be completed within one year of the date of approval of the final Plat. Further, the Owner and its successors and assigns shall comply with site plan review and approval by the Cedar Falls Planning and Zoning Commission and the Cedar Falls City Council.
- 13. That in the event the improvements called for herein shall not be performed in accordance with the City Ordinances and the above Agreement, the City may perform said work, levy the costs thereof as assessments, and the undersigned agree that said assessments so levied shall be a lien on all of the lots in this addition with the same force and effect as though all legal provisions relating to the levy of such special assessments have been observed and further authorize the City Clerk to certify such assessments to the County Auditor as assessments to be paid in installments as provided by law.

IN WITNESS WHEREOF, this instrument has been signed at Cedar Falls, Iowa, this ____ day of _____, 2018.

CEDAR FALLS COMMUNITY SCHOOL DISTRICT

By: _____ Andy Pattee, Superintendent, Cedar Falls Community School District
_____, School Board President, Cedar Falls Community School District
Jeff Hassman

STATE OF IOWA)
) ss
COUNTY OF BLACK HAWK)

This instrument was acknowledged before me on the ____ day of _____, 2018,
by _____ as School Board President, Cedar Falls Community School District.

Notary Public in and for the State of Iowa

SPACE RESERVED FOR RECODING PURPOSES

INDEX LEGEND

Locations: S.E./A.-N.E./A, Sec. 27, T29N, R14W

Requester: City of Cedar Falls, Iowa

Proprietary: City of Cedar Falls, Iowa

CDAR FALLS COMMUNITY SCHOOL DISTRICT

Surveyor: Ryan R. Bantling, P.L.S.

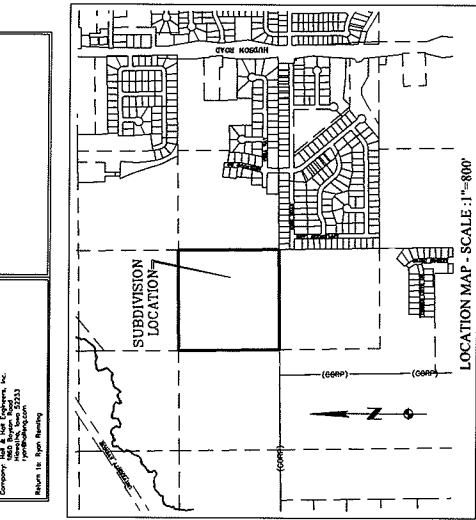
Company: H&M Engineers, Inc.

1660 Boyer Road

Hawesville, Iowa 52233

ryb@bantling.com

Return to: Ryan Bantling

[illegible]

SURVEY LEGEND

O	SET 1/2" REBAR W/ YELLOW PLASTIC CAP NO. 19199
▲	FOUND SURVEY MONUMENT AS SECTION CORNER FOUND AS IN RECORD
●	RECORDED AS EASEMENT LINE
()	PLAT OF SURVEY BOUNDARY PLAT LOT LINE
----	SECTION LINE
----	1/4 SECTION LINE
----	1/4-1/4 SECTION LINE
----	ENDING LOT LINE

NOTES:

TRACT A AND TRACT B TO BE DEeded TO THE CITY OF CEDAR FALLS, IOWA AS PUBLIC STORM WATER MANAGEMENT AREAS.

TRACT C TO BE DEeded TO THE CITY OF CEDAR FALLS, IOWA AS PUBLIC STORM WATER MANAGEMENT AREA.

TRACT D TO BE USED FOR ARBOLIC FIELD

TRACT E AND TRACT F TO BE USED FOR STORM WATER MANAGEMENT AREAS

LOT 2 TO BE DEedicated AS PUBLIC PARK AREA

UNDEVELOPED ORDER OF ACQUIREMENT TO BE DEedicated TO THE CITY OF CEDAR FALLS, IOWA AS PUBLIC STORM WATER MANAGEMENT AREA. LOTTERY BIDDING 1 IN 2,000

BASES OF REVENUE: IOWA PERSONAL INCOME TAX SYSTEM (FORM 6, WATER 00)

OWNER/SUB-DIVISOR:
CITY OF CEDAR FALLS
220 CLAY STREET
CEDAR FALLS, IOWA 50613
(319)-268-9151
STEPHAN@CITYOFCEDARFALLS.COM

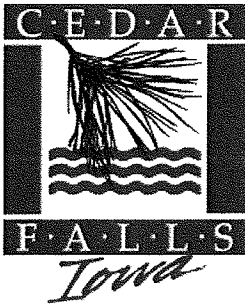
DESIGNER:
CEDAR FALLS COMMUNITY SCHOOL DISTRICT
1000 WEST 5TH STREET
CEDAR FALLS, IOWA 50613
(319)-253-3000
DOUGLAS.METZGER@USD-SCHOOLS.ORG

SUBMITTOR:
RYAN R. REMLING, P.L.S.
HALL & HALL ENGINEERS, INC.

[illegible]

**SURVEY WORK
PERFORMED:
7/15/18**

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DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613
Phone: 319-273-8600
Fax: 319-273-8610
www.cedarfalls.com

INTEROFFICE MEMORANDUM

Administration Division

TO: Mayor Brown & City Council
FROM: Matthew Tolan, EI, Civil Engineer II
DATE: August 15, 2018
SUBJECT: Aldrich Elementary School – Final Occupancy Request

The Preliminary Plat for Aldrich Elementary School was approved by City Council on January 16, 2017. The Cedar Falls Community School District will be starting school on August 23rd which will create a unique coordination issue, access to the new elementary school itself. The schools contractor, Larson Construction of Independence, Iowa is currently finishing the public improvements and correcting their SWPPP at the elementary school.

These special circumstances have impacted the timeline for the elementary school opening; therefore, staff is requesting City Council's consideration of final occupancy prior to formal acceptance of all public improvements at Aldrich Elementary School. This is permitted by the Subdivision Code, Section 24-54(e) and has been done in the past. The most recent example was with Arbors Third Addition.

Staff has been working closely with the school and its contractor on monitoring the progress of the improvements under construction. A final inspection of the public infrastructure will be completed during the summer of 2019. The final inspection is delayed until 2019 due to some broken concrete panels in the street that must be replaced before final acceptance. These particular repairs will be much easier to make when school is not in session. The City is working with the school's contractor to address items identified in previous inspections prior to school opening. Final acceptance is anticipated following those corrections.

Xc: Jon Resler, PE, City Engineer
Stephanie Houk Sheetz, AICP, Director of Community Development