

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, September 19, 2018; 5:30 PM

City Hall, 226 W. 4th Street, Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public Hearing for the Ordinance for case REZ18-12 being the request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]
2. Public Hearing for the Ordinance for Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward 2]
3. Public Hearing for Case ROW18-02 of City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]
4. Public Hearing on the Consolidated Plan Annual Performance Evaluation Report for the year ending June 30, 2018. [All Wards]
5. Public Hearing on the proposed conveyance of five parcels located south of the Salvation Army building at the NW corner of 5th and Harrison (Arsenal Properties, LLC, petitioner). [Ward 3]
6. Public Hearing on the proposed conveyance of vacated public right-of-way, that being a part of Fairhaven Road lying south of 53rd and between Lots 2 and 3 of Hanlin's Addition, WCT Investments, LLC, Petitioner. [Ward 6]

B. Public Works

1. Public Hearing on the plans, specifications, form of contract and estimated cost for the Alley Resurfacing Project between 715 Pine Street and 822 Belmont Street CIP #35017. [Ward 3]

2. Public Hearing on the plans, specifications, form of contract and estimated cost for the Duck Creek Stream Stabilization project CIP #33030. [Wards 2 & 7]

VII. Presentations

VIII. Petitions and Communications from Council Members and the Mayor

IX. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chairman; Rich Clewell, Vice Chairman

I. COMMUNITY DEVELOPMENT

1. Third Consideration: Ordinance amending the boundaries and exemption schedules of the Central City and North Urban Revitalization Areas. [All Wards]
2. First Consideration: Ordinance for case REZ18-12 being the request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from “C-1” Neighborhood Commercial and “R-3” Moderate Density Dwelling District to “PDD” Planned Development District. [Ward 1]
3. First Consideration: Ordinance for Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]
4. Resolution for case F18-10 of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]
5. Resolution approving a development agreement for the 1606 Brady Project with developer, 1606 Brady Associates, L.P. (Newbury Living). [Ward 5]
6. Resolution approving the conveyance of five parcels located south of the Salvation Army building at the NW corner of 5th and Harrison (Arsenal Properties, LLC, petitioner). [Ward 3]
7. Resolution approving the conveyance of vacated public right-of-way, that being a part of Fairhaven Road lying south of 53rd Street and between Lots 2 and 3 of Hanlin's Addition, WCT Investments, LLC, Petitioner [Ward 6].

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Rita Rawson, Chairman; JJ Condon, Vice Chairman

III. PUBLIC SAFETY

1. Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to

hold outdoor event(s).

St. Paul Lutheran Church, 2136 Brady Street, Trunk & Treat, October 21, 2018, 2:00 PM - 7:00 PM; Closure Location: High Street between Brady and Main Streets [Ward 5]

2. Motion approving noise variance request(s) for various events on the listed dates and times.

National Kidney Foundation, Village Sidewalk Stroll, October 7:30 AM - 1:00 PM, Outdoor Music, Over 50 dBa [Ward 5]

3. Motion approving beer and liquor license applications.

A. New License, new owner, temporary permit, temporary outdoor area, location transfer, etc. (as noted):

Ward 3

Artisan Grain Distillery (Bucktown Distilling Co. LLC) - 318 E 2nd St. - License Type: C Native Distilled Spirits

Bootleg Hill Honey Meads (Bootleg Hill LLC) - 321 E 2nd St., Ste. 200 - Outdoor Area - License Type: C Native Wine

Mary's on 2nd (Birdland, Inc.) - 832 W 2nd St. - Extended Outdoor Area October 5-7, 2018 "Fall Pride Fest" - License Type: C Liquor

St. Anthony Church of Davenport (St. Anthony Church of Davenport) - October 6, 2018 "Fall Gala" - License Type: C Liquor ***Subject to departmental signoffs***

Ward 5

Rookie's Sports Bar (Rookies, Inc.) - 2818 Brady St. - Extended Outdoor Area October 6-7, 2018 "SAU Fundraiser" - License Type: C Liquor

Ward 6

Costco Wholesale #1325 (Costco Wholesale Corporation) - 2790 E 53rd St. - License Type: E Liquor / C Beer / B Wine

B. Annual license renewals (with outdoor area renewals as noted):

Ward 2

Rudy's Taco's (Majec Incorporated) – 3502 W Kimberly Rd., Ste. 1 – License Type: C Liquor

Wal-Mart Supercenter #5115 (Wal-Mart Stores, Inc.) – 3101 W Kimberly Rd. – License Type: E Liquor / C Beer / B Wine

Ward 3

Analog Arcade Bar (Analog LLC) – 302 Brady St. – License Type: C Liquor

Armored Gardens (Armored Gardens LLC) – 315 Pershing Ave. – Outdoor Area – License Type: C Liquor

Iowa Mini Mart (Samreet LLC) – 234 W 3rd St. – License Type: E Liquor / C Beer / B Wine

The Renwick Mansion, LLC (The Renwick Mansion, LLC) – 901 Tremont Ave. – Outdoor Area – License Type: C Liquor

Ward 6

Bad Boy'Z Pizza & Pub (3 Bad Girl'Z LTD) – 5266 Utica Ridge Rd. – Outdoor Area – License Type: C Liquor

The Clubhouse (Clubhouse Beverage LLC) – 4800 Elmore Ave, Ste. 100 – Outdoor Area – License Type: C Liquor

Wal-Mart Supercenter #1241 (Wal-Mart Stores, Inc.) – 5811 Elmore Ave. – License Type: E Liquor / C Beer / B Wine

Ward 7

Kwik Star #291 (Kwik Trip, Inc.) – 1225 E Kimberly Rd. – License Type: C Beer

Ward 8

Harolds Jack & Jill (Slagle Foods, Inc.) – 6723 Northwest Blvd., Unit 1 – License Type: E Liquor & C Beer

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Ray Ambrose, Chairman; Rick Dunn, Vice Chairman

V. PUBLIC WORKS

1. First Consideration: Ordinance amending multiple chapters located within Title 8, Health, Safety and Neighborhood Enhancement of the Davenport Municipal Code for the purposes of clarification and consistency with enforcement. [All Wards]
2. Resolution approving the plans, specifications, form of contract and estimated cost for the Alley Resurfacing Project between 715 Pine Street and 822 Belmont Street CIP #35017. [Ward 3]
3. Resolution awarding a contract for the 2018 Bridge Maintenance work to Hawkeye

Paving Corporation, in the amount of \$315,383.50 CIP #21001. [All Wards]

4. Resolution approving a grant agreement with the Iowa Department of Transportation for the City Highway Bridge Program for the Division Street Bridge Deck Replacement over Duck Creek. [Wards 2 & 7]
5. Resolution approving the plans, specifications, form of contract and estimated cost for the Duck Creek Stream Stabilization project CIP #33030. Estimated cost \$425,000.00. [Wards 2 & 7]
6. Resolution approving the contract for the Miracle Field of the Quad Cities Phase I to N J Miller Inc. of Bettendorf, IA in the amount of \$358,219.25. CIP #64030 [Ward 8]
7. Resolution approving change order #1 for the Digester #4 Reconstruction Project at the Water Pollution Control Plant to General Constructors Inc. in the amount of \$84,558 funded from CIP #39007. [All Wards]
8. Resolution assessing the cost of boarding up building at various lots and tracts of real estate. [All Wards]
9. Resolution assessing the cost of brush & debris at various lots and tracts of real estate. [All Wards]
10. Resolution assessing the cost of condemned property demolitions at various lots and tracts of real estate. [All Wards]
11. Resolution assessing the cost of replacing sidewalk at various lots and tracts of real estate. [All Wards]
12. Resolution assessing the cost of weed cutting at various lots and tracts if real estate. [All Wards]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Kerri Tompkins, Chairman; Marion Meginnis, Vice Chairman

VII. FINANCE

1. Motion awarding a blanket contract for the purchase of calcium chloride from Jerico Services, Inc. of Indianola, IA. [All Wards]

VIII. Motion recommending discussion or consent for Finance items

X. PURCHASES OF \$10,000 TO \$50,000 (For Information Only)

1. Trane US, Inc. - Annual HVAC system control contract - Amount: \$20,770
2. Electric Pump, Inc. - Emergency replacement of sewer pump @ RiverCenter - Amount: \$24,600
3. ESRI, Inc. - Annual ARC GIS software license - Amount: \$26,250
4. Tolar Manufacturing Co. - Bus shelter solar units - Amount: \$30,000
5. Affordable Parking Lot Services - Duck Creek Park lot repairs - Amount: \$10,576
6. LabWorks - Annual software subscription for WPCP - Amount: \$12,249
7. South Florida K-9, Inc. - Police K-9 and training - Amount: \$13,500

XI. Other Ordinances, Resolutions and Motions

XII. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the Council cannot take action on any complaint or suggestions tonight, and cannot respond to any allegations at this time.

Please state your Name and Ward for the record. There is a five (5) minute time limit.
Please end your comments promptly.

XIII. Reports of City Officials

XIV. Adjourn

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 563.888.2286

Wards:

Action / Date

9/19/2018

Subject:

Public Hearing for the Ordinance for case REZ18-12 being the request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]

Recommendation:

Hold the public hearing.

Background:

The Plan and Zoning Commission forwards Case REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Land Use Plan
▣ Backup Material	Plan and Zoning Commission Letter to City Council - 9-5-2018
▣ Backup Material	Plan and Zoning Commission Vote Results - 9-4-2018
▣ Backup Material	Staff Report to Plan and Zoning Commission - 9-4-2018 Meeting
▣ Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	9/13/2018 - 10:30 AM
Community Development Committee	Berger, Bruce	Approved	9/13/2018 - 10:31 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:47 PM

ORDINANCE NO.

ORDINANCE for Case No. REZ18-12 being the request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned.

The property has the following legal description:

Part of the east half of the of the southeast quarter of the Southeast Quarter of Section 20, Township 78 North, Range 03 East of the 5th P.M., Davenport, Scott County, Iowa being more particularly described as follows:

Beginning at a point 30 feet north and 231 feet west of the southeast corner of the southeast quarter of the Southeast Quarter of said Section 20; thence north 630 feet; thence west 99 feet; thence south 630 feet; thence east 99 to the point of beginning. Excepting therefrom that portion conveyed to the City of Davenport by deed and construction easement filed May 20, 1987 and recorded as Document #9623-87, in the Office of the Recorder of Scott County, Iowa. Subject to easements, restrictions and covenants of record. Said tract contains 1.4 acres, more or less.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC, Deputy City Clerk

Published in the *Quad City Times* on _____

ZONING EXHIBIT

WRS CONSTRUCTION W. LOCUST ST STORAGE TO THE CITY OF DAVENPORT, IA



GRAPHIC SCALE
30 0 15 30
(IN FEET)
1" = 30' (24x36)

SITE LOCATION MAP



APPROXIMATE SITE LOCATION

GENERAL NOTES

1. LEGAL DESCRIPTION OF PROPERTY:

PART OF THE EAST HALF OF THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 30 FEET NORTH AND 231 FEET WEST OF THE SOUTH EAST CORNER OF THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION 20; THENCE NORTH 63.0 FEET; THENCE WEST 99 FEET; THENCE SOUTH 630 FEET; THENCE EAST 99 FEET TO THE PLACE OF BEGINNING, CONTAINING APPROXIMATELY 1.4 ACRES.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF DAVENPORT BY DEED AND CONSTRUCTION EASEMENT FILED MAY 25, 1987 AND RECORDED AS DOCUMENT #8623-87, IN THE OFFICE OF THE RECORDER OF SCOTT COUNTY, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

- PROPOSED P.D.D. ZONING
- EXISTING R-3 ZONING
- EXISTING C-1 ZONING

EXISTING DRAINAGE AREA

TOTAL AREA OF SITE = 62,370 SQ.FT.

AREA OF PROPOSED USES:

1. STORAGE UNITS (BUILDINGS) = 14,040 SQ.FT.
2. PARKING & ACCESS (IMPERVIOUS) = 18,371 SQ.FT.
3. GREENSPACE (DETENTION & LANDSCAPING) = 29,959 SQ.FT.

PERCENTAGE OF SITE TO BE USED FOR PROPOSED USES:

1. STORAGE UNITS (BUILDINGS) = 22.51%
2. PARKING & ACCESS (IMPERVIOUS) = 29.46%
3. GREENSPACE (DETENTION & LANDSCAPING) = 48.03%

TOTAL PERCENTAGE OF SITE TO BE USED FOR PROPOSED USES = 51.97%



TOWNSEND
ENGINEERING

DATE: 8/13/2018
TE PROJECT NO: 386.4236

DRAWN BY: KRZ
CHECKED BY: CRT
DRAWING LOCATION: 3730 W LOCUST STREET, DAVENPORT, IA 52803

REVISIONS:
NO. DESCRIPTION DATE

PROJECT:
ZONING EXHIBIT
W. LOCUST ST STORAGE
3730 W LOCUST ST
DAVENPORT, IA

DEVELOPER:
WRS CONSTRUCTION
828 WAVERLY RD
DAVENPORT, IA

SHEET NO.
1 OF 1



Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

September 5, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of September 4, 2018, the City Plan and Zoning Commission considered Case REZ18-12 being the request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]

Finding:

The use of the property would achieve consistency with the Residential General Davenport 2035 Future Land Use designation because the proposed design and conditions recommended by City staff would adequately safeguard surrounding residential development.

The Plan and Zoning Commission accepted the listed findings and forwards Case No. REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

The Commission vote was 5 yes, 4 no and 0 abstention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', with a stylized flourish at the end.

Robert Inghram, Chairperson
City Plan and Zoning Commission

Meeting Location: Council Chambers-City Hall

[illegible]



City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

Meeting Date: September 4, 2018
Request: Rezoning from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District.
Address: 3730 West Locust Street.
Case: REZ18-12
Applicant: Chris Townsend on behalf of Jimmy Holt

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed finding and forward Case REZ18-12 to the City Council with a recommendation for approval subject to the three conditions.

Introduction:

The applicant is requesting to rezone to "PDD" Planned Development District to facilitate development of the property for self-storage units.

AREA CHARACTERISTICS:

Zoning Map



Land Use Map



Background:**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Davenport 2035 Future Land Use Designation: Residential General

Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

Technical Review:

Streets. The development is proposed to only have access to West Locust Street.

Storm Water. The elevation of the property falls from south to north. It is unclear as to the location of the stormwater outfall. The development of the property would need to comply with the City stormwater ordinance.

Sanitary Sewer. No sanitary sewer is proposed with this development.

Other Utilities. Other normal utility services are available.

Parks/Open Space. The proposed rezoning does not impact any existing or planned parks or public open spaces.

Public Input:

A neighborhood meeting was held on August 6, 2018 Plan and Zoning Commission. Approximately 15 residents attended. The developer was present to answer questions concerning the proposed development. Members in the audience appeared supportive of the request.

City staff has received a few phone calls inquiring about the proposed development.

Discussion:**Request Summary:**

The applicant is requesting to rezone to "PDD" Planned Development District to facilitate development of the property for self-storage units.

Comprehensive Plan:

Davenport 2035 currently designates the subject property *Residential General*.

Davenport 2035 Residential General reads in part,

Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

The purpose of this language is to adequately safeguard surrounding residential development.

It is staff's opinion that West Locust Street is an edge where higher intensity may be considered. However, the development would extend approximately 620 feet north of West Locust Street, which would be further than an "edge".

It is staff's opinion that the use of the property would achieve consistency with the Residential General Future Land Use designation because the proposed design and conditions recommended by City staff would adequately safeguard surrounding residential development.

Proposed Land Use Plan:

"PDD" Planned Development District requires approval of the zoning and associated Land Use Plan and subsequent approval of a Final Development Plan.

The "PDD" Planned Development District requires a Land Use Plan to including the following (Section 17.32.050 of the Davenport City Code):

- A. *A drawing or set of drawings and other materials that include, but may not be limited to, the following:*
- 1. The existing land use and zoning surrounding the proposed development and the distance from the subject property line to the nearest structures on all abutting properties within two hundred feet of the perimeter of the site.*

Staff commentary: The proposed PDD Land Use Plan depicts the existing land use and zoning surrounding the proposed development.

- 2. The location of existing services, including: water, sanitary and storm sewer, electric, gas, streets, the capacity of those services and the service requirements of the development.*

Staff commentary: The proposed PDD Land Use Plan depicts the location of existing services. City staff waived the requirement that the capacity of those services and the service requirements of the development be provided as this will be reviewed during administrative site plan review.

- 3. The site constraints including:*
 - a. Slopes in excess of ten percent;*

Staff commentary: There are no slopes in excess of 10 percent.

- b. Drainage ways that carry water from abutting properties, drainage ways that drain areas on the site in excess of one acre and any area designated as a flood plain or floodway as defined in Chapter 15.44*

Staff commentary: The proposed PDD Land Use Plan depicts the drainage basin of the proposed development. Consistency with the City's stormwater ordinance would be reviewed during administrative site plan review.

- c. Soils that are unsuitable or require special treatment to support urban development as determined by the Soil Conservation Service Soil Survey. If unsuitable conditions are indicated field testing may be required.*

Staff commentary: A soils maps has not been provided. City staff waived the requirement that unsuitable soils been identified as this will be reviewed during administrative site plan review.

- 4. The total area in square feet of uses proposed for the site and the percentage of the site that is to be used for parking and building (impervious surface).*

Staff commentary: The proposed PDD Land Use Plan contains total area in square feet of uses proposed for the site and the percentage of the site that is to be used for parking and building as are as follows:

1. Storage units: 14,040 square feet
2. Parking and impervious surface area: 18,371 square feet
3. Greenspace and pervious surface area: 29,959 square feet

- 5. A two foot interval topographic map of the site on a scale base of one inch equals fifty feet or other scale as approved by the development official.*

Staff commentary: The proposed PDD Land Use Plan contains topographic data.

- 6. A traffic study which analyzes the aggregate trip generation to and from the site and the ability of the existing street system to accommodate the anticipated generation. Specific improvements should be proposed if the development causes the projected level of service to be less than level "C," as defined by the most recent version of the Highway Capacity Manual by the Transportation Research Board of The National Safety Research Council.*

Staff commentary: A traffic study has not been provided. City staff waived the requirement for a traffic study because the proposed use would generate a low amount of traffic.

The city council delegates authority to the city staff's development official to waive, at his or her discretion, any of the required submissions stated in Section 17.32.052A, 1 through Section 17.32.052A, 6 if the scale of the project, topography of the site or other reasons make them unnecessary. The city plan and zoning commission will be notified of any requirements that have been waived.

Staff Recommendation

Finding:

The use of the property would achieve consistency with the Residential General Davenport 2035 Future Land Use designation because the proposed design and conditions recommended by City staff would adequately safeguard surrounding residential development.

Staff recommends the Plan and Zoning Commission accept the listed finding and forward Case REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

Prepared by:

A handwritten signature in blue ink, appearing to read "Ryan Rusnak", with a stylized flourish at the end.

Ryan Rusnak, AICP
Planner III

To: Accounting/Public Notices

Re: Public Notice

Please publish the following Committee of the Whole public hearing notice no later than the September 12th, 2018 edition of the Quad City Times.

The PO number for this notice is PO 1903342

We would appreciate receiving proof of publication for our records. If you have any questions, please contact me at the same email address this was sent with or at my phone number listed in my email.

NOTICE
PUBLIC HEARING
WEDNESDAY, SEPTEMBER 19, 2018, 2018 5:30 PM
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA

There are on file in the City of Davenport Community Planning and Economic Development Department the following petitions:

Case REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from “C-1” Neighborhood Commercial and “R-3” Moderate Density Dwelling District to “PDD” Planned Development District. [Ward 1]

The legal description of the proposed rezoning is as follows: Part of the east half of the of the southeast quarter of the Southeast Quarter of Section 20, Township 78 North, Range 03 East of the 5th P.M., Davenport, Scott County, Iowa being more particularly described as follows: Beginning at a point 30 feet north and 231 feet west of the southeast corner of the southeast quarter of the Southeast Quarter of said Section 20; thence north 630 feet; thence west 99 feet; thence south 630 feet; thence east 99 to the point of beginning. Excepting therefrom that portion conveyed to the City of Davenport by deed and construction easement filed May 20, 1987 and recorded as Document #9623-87, in the Office of the Recorder of Scott County, Iowa. Subject to easements, restrictions and covenants of record. Said tract contains 1.4 acres, more or less.

The Plan and Zoning Commission forwards Case REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

Public hearing(s) on the above matter(s) are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, September 19, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community

Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No. 1903342

Department of Community Planning & Economic Development
E-MAIL: planning@ci.davenport.ia.us PHONE: 563-326-7765

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Matt Flynn, 888-2286
Wards:

Action / Date
9/19/2018

Subject:

Public Hearing for the Ordinance for Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward 2]

Recommendation:

Hold the public hearing

Background:

Findings:

The proposed rezoning is consistent with the Comprehensive Plan.

The proposed use is consistent with adjacent uses/business to the north, east, and south.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval. The Commission vote was 8-yes, 0-no and 0-abstention. Protest Rate 0.0 percent
For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
▣ Executive Summary	CD PH REZ18-13 Hawkeye Paving
▣ Backup Material	Background REZ18-13

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	9/10/2018 - 10:46 AM

City of Davenport

Committee: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 888-2286
Ward: 2nd

Action / Date
CD 09/19/18

Subject:

Public Hearing for the Ordinance for Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

Recommendation:

Hold the public hearing

Relationship to Goals:

Fiscal Vitality

Background:

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The proposed use is consistent with adjacent uses/business to the north, east, and south.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

The Commission vote was 8-yes, 0-no and 0-abstention.

Protest Rate 0.0 percent

For further background information please refer to the background materials.

TO BE PUBLISHED IN THE TUESDAY SEPTEMBER 19, 2018 ADDITION OF THE QUAD CITY TIMES, HAVING THE NOTICE BILLED TO PO NO. 1903342 AND RECEIVING THE PROOF OF PUBLICATION PRIOR TO THE PUBLIC HEARING

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petition:

Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

The legal description of the proposed rezoning is as follows: Part of the Southeast Quarter of Section 32, Township 79 North, Range 03 East of the 5th P.M., Davenport, Scott County, Iowa being more particularly described as follows: Commencing, as a point of reference, at the northeast corner of the Southeast Quarter of said Section 32; thence west (assumed bearing for this survey) 775.24 feet along the north line of the Southeast Quarter of said Section 32 to a point on the east line of Fairmount Street as now established in the City of Davenport, Iowa, said point being the Point of Beginning of the tract of land hereinafter described; thence continuing, west 1877.97 feet along the north line of the Southeast Quarter of said Section 32 to the northwest corner of the Southeast Quarter of said Section 32; thence South 00 degrees 21 minutes 45 seconds East 934.09 feet along the west line of the Southeast Quarter of said Section 32 to the north line of Interstate 80 as now established; thence South 82 degrees 06 minutes 00 seconds East 914.22 feet along the north line of Interstate 80 to a point of curvature; thence southeasterly 377.00 feet along the north line of said Interstate 80 being a curve concave northeasterly having a radius of 11248.50 feet and a chord bearing and distance of South 83 degrees 03 minutes 20 seconds East 376.98 feet; thence North 00 degrees 21 minutes 45 seconds West, 1055.34 feet along a line parallel with the west line of the Southeast Quarter of said Section 32 to a point being 50.00 feet normally distant from the north line of the Southeast Quarter of said Section 32, thence East 598.97 feet from the north line of the Southeast Quarter of said Section 32, thence North 50.00 feet to the point of beginning. Containing 30.7 acres, more or less. Excepting therefrom that portion of the above described property dedicated to the public for street right-of-way purposes.

The Plan and Zoning Commission forwarded Case REZ18-13 to the City Council with a recommendation for approval.

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Tuesday, September 19, 2018, at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances.
PO 1903342

Department of Community Planning & Economic Development
Phone: (563) 326-7765
Email: planning@ci.davenport.ia.us

September 5, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of September 4, 2018, the City Plan and Zoning Commission considered Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

Findings:

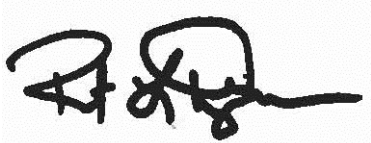
1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The proposed use is consistent with adjacent uses/business to the north, east, and south.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

The Commission vote was 8 yes, 0 no and 0 abstention.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

Meeting Location: Council Chambers-City Hall

[illegible]



City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

Date: September 4, 2018
Request: Rezoning (A-1 to M-1)
Address: 8228 N Fairmount St
Case No.: REZ18-13
Applicant: Hawkeye Paving

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

Description:

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

AREA CHARACTERISTICS:

Aerial



Zoning Map



Background:

Comprehensive Plan:

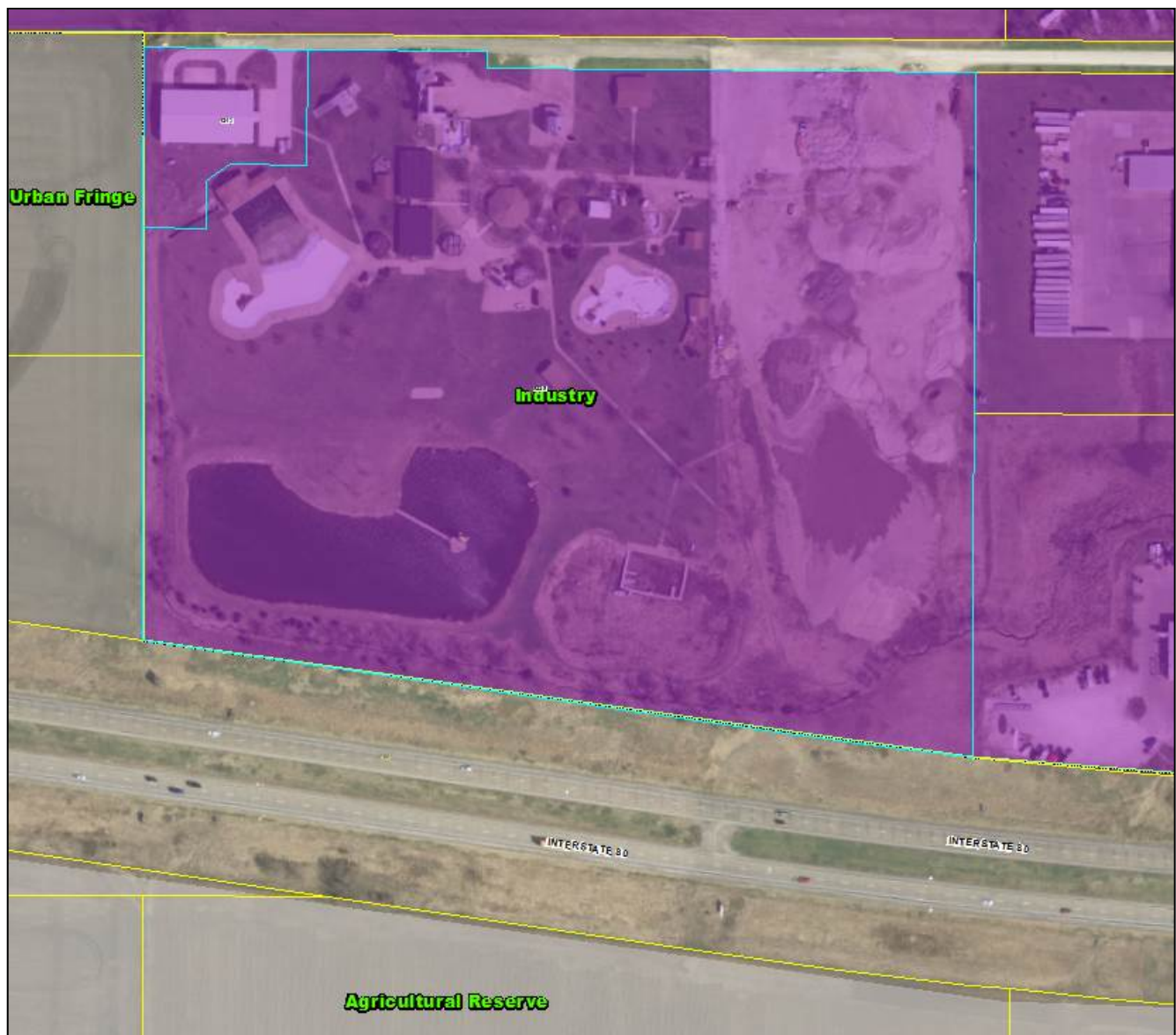
Within Existing Urban Service Area: Yes

Within Urban Service Boundary +2035: Yes

Future Land Use Designation:

Industry (I) - Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

Land Use



Relevant Goals to be considered in this Case:
Fiscal Vitality

Technical Review:

Streets. No new streets are proposed. Access will remain the same.

Storm Water. No impact at this time. The site plan for the proposed building will be reviewed through regular permitting processes.

Sanitary Sewer. Sanitary sewer service is located on the site.

Other Utilities. This is an urban area and normal utility services are available.

Parks/Open Space. No impact.

The City technical review discovery did not ascertain any issues with the proposed rezoning or use.

Public Input:

The neighborhood meeting was held August 7, 2018. No adjacent property owner attended nor did any other general public attend. The Public Hearing for REZ18-13 was held August 14th, and no concerns were brought forward at that time.

Discussion:

The proposed rezoning (M-1) is consistent with the *Davenport+2035 Land Use Plan*, and is adjacent to other industrially zoned property. The proposed uses (contractor headquarters, shop and equipment storage) are allowed by right in the M-1 District.

Staff does not foresee any issues with the proposed rezoning that would necessitate mitigation. The proposed use and zoning are industrial which are proposed for an industrial area as it presently exists and as proposed on the Comprehensive Plan.

Staff Findings and Recommendation:**Findings:**

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The proposed use is consistent with adjacent uses/business to the north, east, and south.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

Prepared by:



Scott Koops, AICP
Planner II

Zoning Map Amendment Application

226 West 4th Street
Davenport, Iowa 52801
(563) 326-7765
Planning@ci.davenport.ia.us

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address*

***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Owner (if different from Applicant)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Engineer (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Architect (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Attorney (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Application Form Type:

Plan and Zoning Commission

- Rezoning (Zoning Map Amendment) ☒
Zoning Ordinance Text Amendment ☐
Right-of-way or Easement Vacation ☐
Final Development Plan ☐
Voluntary Annexation ☐
Subdivision ☐

Zoning Board of Adjustment

- Appeal from an Administrative Decision ☐
Special Use Permit - New Cell Tower ☐
Home Occupation Permit ☐
Special Exception ☐
Special Use Permit ☐
Hardship Variance ☐

Design Review Board

- Certificate of Design Approval ☐
Demolition Request in the Downtown ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Floodplain Development ☐
Cell Tower Co-Location ☐
Identification Signs ☐
Site Plan ☐

****If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

Request:Existing Zoning: Proposed Zoning Map Amendment: Total Land Area: Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No**Submittal Requirements:**

- The following items should be submitted to Planning@ci.davenport.ia.us for review:
- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
 - Zoning Map Amendment is less than 1 acre - \$400.
 - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
 - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
 - \$5.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:**(1) Application:**

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Plan and Zoning Commission public hearing:

- After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
- The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
- Planning staff will send a public hearing notice to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the request:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(4) City Council's consideration of the request:

- Planning staff will send a public hearing notice to surrounding property owners.
- The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: Beau Beaton

Date: 7/24/18

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: Scott Koops

Date: 7/24/18

Planning staff

Date of the Public Hearing: 8/14/18

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I, Beau Perkins
authorize IMEG Corp.
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council for the
property located at WAKKY WATERS SITE.



Signature(s)*

*Please note: original signature(s) required.

Hawkeye Paving Neighborhood Meeting Summary- 8/7/18- 5:30 PM

1. List of attendees
 - a. Beau Perkins- Hawkeye Paving
 - b. Tony Perkins- Hawkeye Paving
 - c. Ryan Fick- Mel Foster Co.
 - d. Scott Koops- City of Davenport
 - e. Bob Ingraham- City of Davenport
2. Summary
 - a. There were six notices sent out and no one from the public attended the meeting.



**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 8/14/2018
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning request before the Plan and Zoning Commission
Case #: REZ18-13

Ward: **2nd**

To: All property owners within 200 feet of the subject property located at **8228 N. Fairmount Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request Description

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2]

What are the Next Steps after the Public Hearing?

This public hearing is the first step in the review/approval process. The Commission's recommendation from this public hearing will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

Neighborhood Meeting and Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	Hawkeye Paving		801 42nd St	Bettendorf, IA 52722
P&Z Chair:	Bob Inghram		bingham@activethermal.net	
Council Clerk:	Tiffany Thorndike		tthorndike@ci.davenport.ia.us	
Neighborhood:	None			
Ward/Ald:	2nd Ward	Alderman <last name>	mdickmann@ci.davenport.ia.us	6 Notices Sent
Ward/Ald:	At-Large	Alderman Condon	jcondon@ci.davenport.ia.us	
Ward/Ald:	At-Large	Alderman Gripp	kgripp@ci.davenport.ia.us	
V3205-02	8730 NORTHWEST BD	CHERYLE L FRYE REVOCABLE TRUST	12398 210TH ST	DAVENPORT IA 52804
V3223-16	N FAIRMOUNT ST	INTERSTATE RV PARK & CAMPGROUND	8448 N FAIRMOUNT	DAVENPORT IA 52806
V3235-12		KUNDEL JOHN L	5104 EMEIS VIEW CT	DAVENPORT IA 52804
V3235-14		JOHN L KUNDEL	5104 EMEIS VIEW CT	DAVENPORT IA 52804
V3239-01	8200 N FAIRMOUNT ST	ROGER L SAVAGE	614 SPANISH PEAKS DR	MISSOULA MT 59803
V3239-03	8100 N FAIRMOUNT ST	GEOBER LLC	I-380 & AIRPORT RD PO BOX 67	CEDAR RAPIDS IA 52406

RE: Notice of a Neighborhood Meeting

Day/Time: Tuesday, August 7, 2018 – 5:30 P.M.
Address: 8228 N. Fairmount St
Location: At the Site, Midwest Center for Safety & Rescue Training
(former Wacky Waters site)

You are invited to a neighborhood meeting regarding the following rezoning request which will be before the Davenport City Plan and Zoning Commission on August 14th for a Public Hearing:

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2]

Please see map on the back for the location of the proposed rezoning.

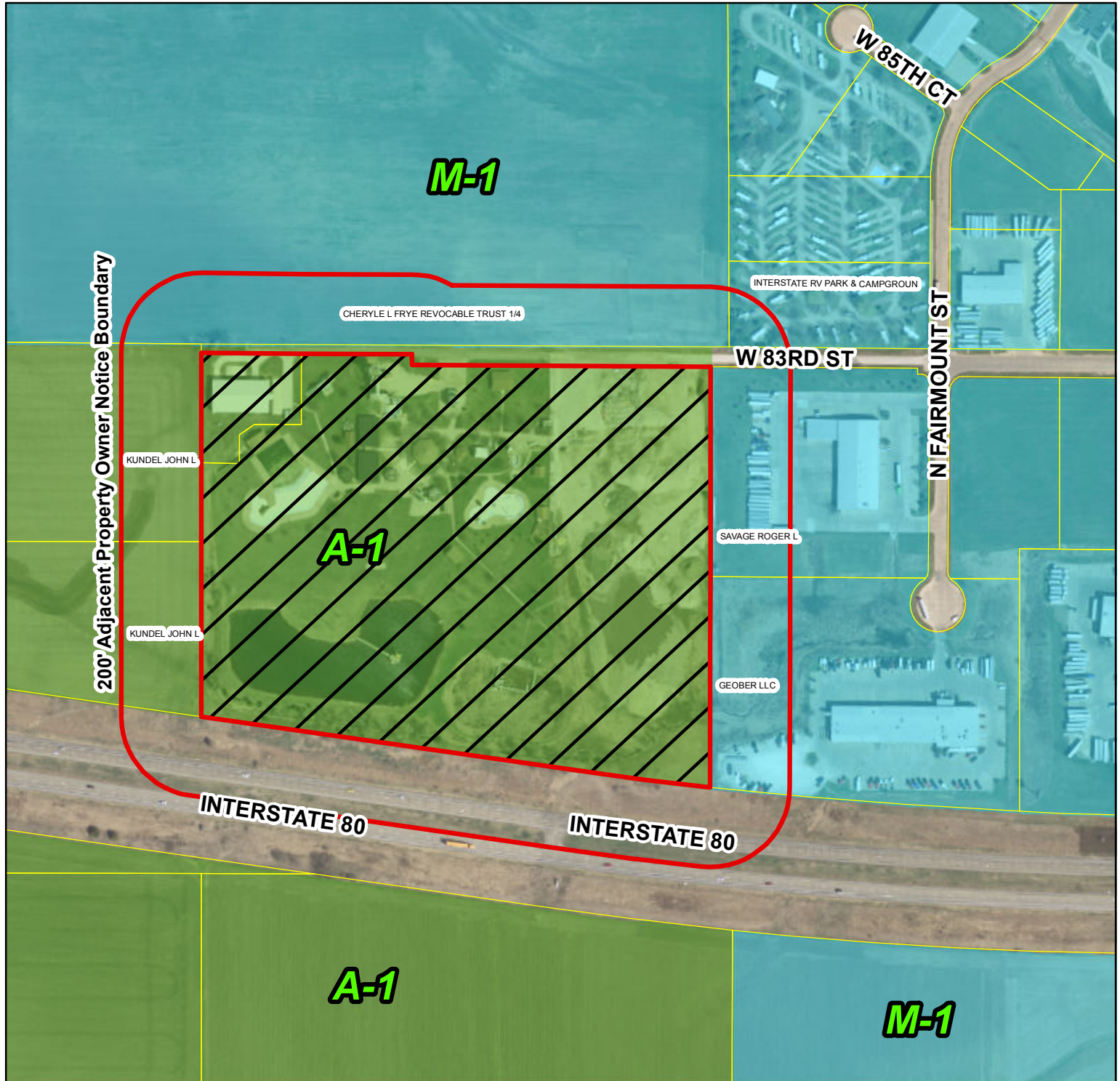
The purpose of this meeting is to provide an informal setting to allow the developer to describe the proposed development, answer any questions you have and hear any concerns about the proposed development.

The City of Davenport will send additional notices informing you of the date, time and location of public hearings for the rezoning request.

City of Davenport
Community Planning and Economic Development Department
Phone 563-326-7765, email planning@ci.davenport.ia.us

Request for a Zoning Map Amendment (Rezoning)

Plan & Zoning Commission: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Legend

 Subject Property

0 100 200 400 Feet

1 inch = 350 feet



Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2] Public Hearing Date: Aug. 14th, 2018



**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 8/14/2018
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning request before the Plan and Zoning Commission
Case #: REZ18-13

Ward: **2nd**

To: All property owners within 200 feet of the subject property located at **8228 N. Fairmount Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request Description

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2]

What are the Next Steps after the Public Hearing?

This public hearing is the first step in the review/approval process. The Commission's recommendation from this public hearing will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

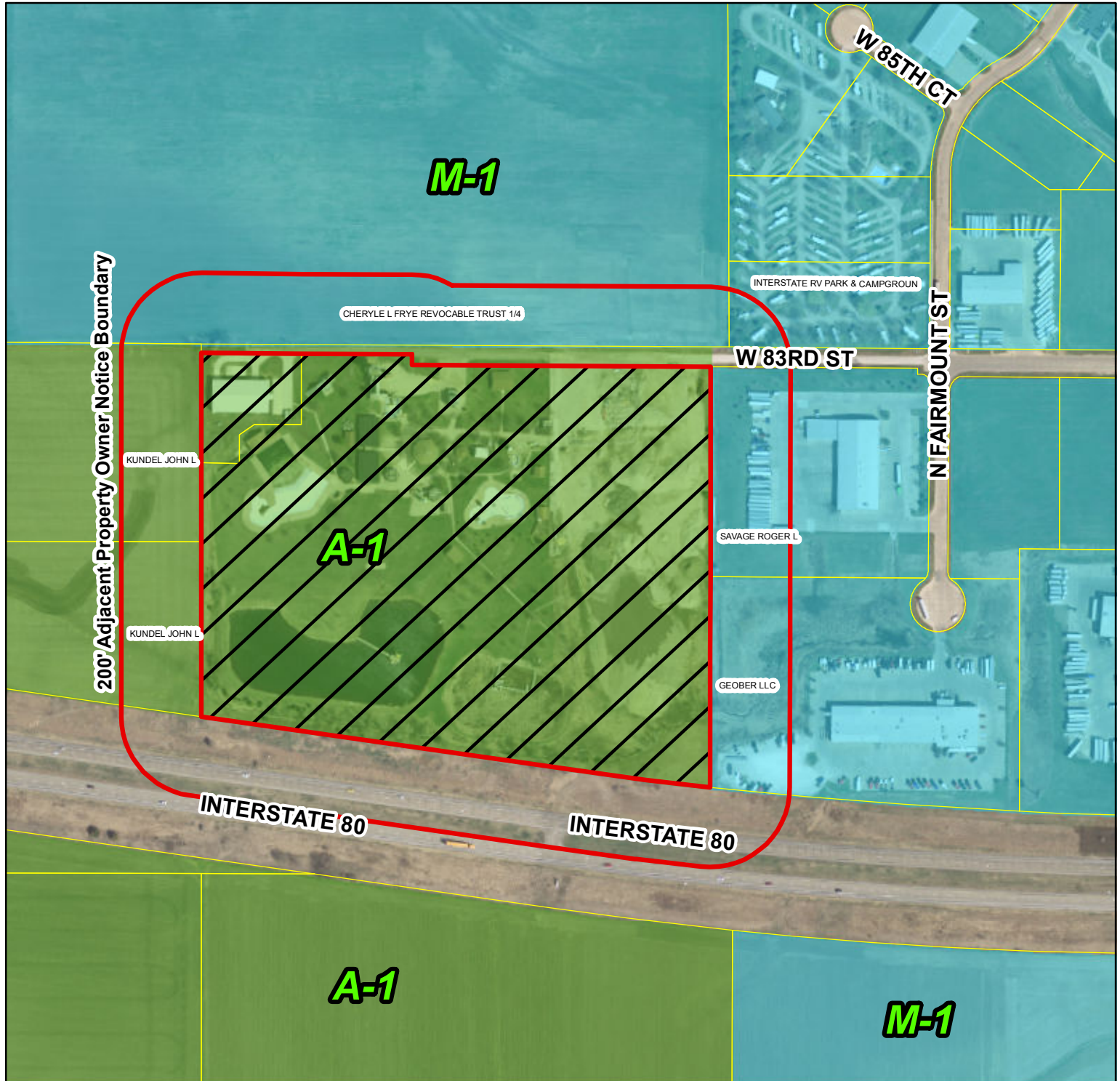
Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

Request for a Zoning Map Amendment (Rezoning)

Plan & Zoning Commission: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Legend

 Subject Property

0 100 200 400 Feet

1 inch = 350 feet



Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2] Public Hearing Date: Aug. 14th, 2018



**PUBLIC HEARING NOTICE
CITY COUNCIL - COMMITTEE OF THE WHOLE
CITY OF DAVENPORT**



Public Hearing Details:

Date: 9/19/2018 Ward: **2nd**
Time: 5:30 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning request before the City Council - Committee of the Whole
Case #: ORD18-02

To: All property owners within 200 feet of the subject property located at **8228 N. Fairmount Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request Description

Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2]

What are the Next Steps after the Public Hearing?

The City Plan and Zoning Commission forwarded this case to the City Council with a recommendation for approval at its last meeting. After this public hearing of the Committee of the whole this case will move on the the next sheduled City Council meeting for the first of three readings. For the specific dates and times of subsequent meetings, please contact the case planner as provided on this notice.

Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info:
Wards:

Action / Date
9/19/2018

Subject:

Public Hearing for Case ROW18-02 of City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

Recommendation:

Staff recommends that the Plan and Zoning Commission accept the listed findings and forward Case No. ROW18-02 to the City Council with a recommendation for approval subject to the following conditions: That a public utility easement be provided in the location existing utilities.

Background:

Please see attached documentation for background information.

At its regular meeting of September 4, 2018, the City Plan and Zoning Commission considered Case No. ROW18-02.

Findings:

The vacation furthers the City plans to relocate this street to the north and abandon with ROW.

ATTACHMENTS:

Type	Description
▣ Exhibit	ORD Only ROW18-02
▣ Backup Material	Background ROW18-02

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	9/10/2018 - 1:42 PM

ORDINANCE NO.

ORDINANCE for Case ROW18-02 of City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described unit of Scott County, Iowa real estate is hereby vacated (abandoned) of public rights-of-way.

The legal description of the proposed right-of-way vacation is as follows: Tract 1: Part of the Northwest Quarter and the Southwest Quarter of Section 4, Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows: Commencing at the southeast corner of the Northwest Quarter of said Section 4; Thence North 01 degrees 51 minutes 20 seconds West along the east line of the northwest quarter of said Section 4, a distance of 0.08 feet to the centerline of Forest Grove Drive; Thence South 87 degrees 03 minutes 46 seconds West along said centerline, a distance of 622.25 feet; Thence westerly 203.72 feet continuing along said centerline and the arc of a curve to the right, having a radius of 5,730.00 feet, a chord bearing of South 87 degrees 54 minutes 09 seconds West, and a chord distance of 203.71 feet; Thence South 88 degrees 54 minutes 02 seconds West along said centerline, a distance of 0.28 feet to the east line of a parcel conveyed to Virginia L. McCall Trust by Warranty Deed recorded as Document No. 2002-14560 in the Scott County Recorder's Office; Thence continuing South 88 degrees 54 minutes 02 seconds West along said centerline, a distance of 88.89 feet to the Point of Beginning; Thence northerly 5.01 feet along the arc of a curve to the left having a radius of 50.00 feet, a chord bearing of North 03 degrees 58 minutes 22 seconds West, and a chord distance of 5.01 feet to the north right of way line of Forest Grove Drive; Thence North 88 degrees 54 minutes 00 seconds East along said north right of way line, a distance of 87.58 feet to the east line of said property so conveyed; Thence easterly 202.61 feet along the north right of way line of Forest Grove Drive and the arc of a curve to the left having a radius of 5,817.00 feet, a chord bearing of North 87 degrees 54 minutes 08 seconds East and a chord distance of 202.60 feet; Thence North 87 degrees 03 minutes 46 seconds East along said right of way line a distance of 417.59 feet to the northerly projection of the west right of way line of Somerset Road; Thence South 01 degrees 44 minutes 07 seconds East along the west right of way line of Somerset Road a distance of 88.34 feet to the northeasterly line of Lot 1 in Crow Valley View 8th Addition; Thence northwesterly 23.88 feet along said northeasterly line and the arc of a curve to the left, not tangent to the last described course, having a radius of 15.00 feet, a chord bearing of North 47 degrees 20 minutes 10 seconds West, and a chord distance of 21.43 feet to the north line of said Lot 1; Thence South 87 degrees 03 minutes 46 seconds West along said north line, a distance of 134.22 feet to the northwest corner of said Lot 1 and the northeast corner of Lot 4 in Crow Valley View 7th Addition; Thence South 87 degrees 03 minutes 46 seconds West along the north line of said Lot 4, a distance of 70.56 feet

to the northwest corner of Lot 4 in Crow Valley View 7th Addition which is also the northeast corner of Lot 3 in Crow Valley 7th Addition;

Thence South 87 degrees 03 minutes 46 seconds West along the north line of Lot 3 in Crow Valley 7th Addition, a distance of 195.86 feet; Thence westerly 34.09 feet along said north line and the arc of a curve to the right, having a radius of 5,770.00 feet, a chord bearing of South 87 degrees 03 minutes 14 seconds West, and a chord distance of 34.09 feet to the northwest corner of Lot 3 in Crow Valley 7th Addition which is also the northeast corner of Lot 2 in Crow Valley 7th Addition; Thence westerly 50.35 feet along the north line of Lot 2 in Crow Valley 7th Addition and the arc of a curve to the right, not tangent to the last described course, having a radius of 5,770.00 feet, a chord bearing of South 87 degrees 28 minutes 23 seconds West, and a chord distance of 50.35 feet to the northwest corner of Lot 2 in Crow Valley 7th Addition and the northeast corner of Lot 12 in Fry's 1st Addition; Thence westerly 120.63 feet along the north line of Lot 12 in Fry's 1st Addition and the arc of a curve to the right having a radius of 5,770.00 feet, a chord bearing of South 88 degrees 19 minutes 19 seconds West, and a chord distance of 120.62 feet; Thence South 88 degrees 54 minutes 00 seconds West along said north line, a distance of 34.53 feet to the northwest corner of said Lot 12 and the northeast corner of Lot 13 in Fry's 1st Addition; Thence South 88 degrees 54 minutes 00 seconds West along the north line of Lot 13 in Fry's 1st Addition, a distance of 54.63 feet; Thence North 01 degrees 06 minutes 00 seconds West, a distance of 40.00 feet to the centerline of Forrest Grove Drive and the Point of Beginning. The above described parcel contains 51,866 square feet or 1.19 acres, more or less.

For the purpose of this description North is based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (1997 Adjustment).

Together with:

Tract 2: Part of the Northwest Quarter and the Southwest Quarter of Section 4, Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows: Beginning at the at the northeast corner of Outlot A in Crow Valley View 9th Addition; Thence South 87 degrees 03 minutes 46 seconds West along the north line of said Outlot A, a distance of 140.66 feet to the northwesterly line of said Outlot A; Thence southwesterly 23.25 feet along said northwesterly line and the arc of a curve to the left having a radius of 15.00 feet, a chord bearing of South 42 degrees 39 minutes 50 seconds West, and a chord distance of 20.99 feet to the east right of way line of Somerset Road; Thence North 01 degrees 44 minutes 07 seconds West along the east right of way line of Somerset Road a distance of 54.34 feet to the north line of the southwest quarter of said Section 4; Thence North 01 degrees 44 minutes 07 seconds West along the east right of way line of Somerset Road a distance of 33.36 feet to the north right of way line of Forest Grove Drive; Thence North 87 degrees 03 minutes 46 seconds East along said north right of way line, a distance of 155.31 feet to the east line of the northwest quarter of said Section 4;

Thence South 01 degrees 51 minutes 20 seconds East along said east line, a distance of 0.08 feet to the north right of way line of Forest Grove Drive; Thence North 87 degrees 01 minutes 37 seconds East along said north right of way line, a distance of 12.52 feet;

Thence South 18 degrees 46 minutes 37 seconds West, a distance of 35.53 feet to the east line of the northwest quarter of said Section 4; Thence South 01 degrees 41 minutes 00 seconds East along the east line of the southwest quarter of said Section 4, a distance of 39.93 feet to the Point of Beginning. The above described parcel contains 11,594 square feet or 0.266 acres, more or less. For the purpose of this description North is based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (1997 Adjustment).

The Plan and Zoning Commission forwards Case ROW18-02 to the City Council with a recommendation for approval subject to approval subject to the recording of a public utility easement for any remaining utilities.

Section 2. That the following findings and conditions are hereby imposed upon said right-of-way vacation:

1. That a public utility easement be provided in the location existing utilities.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC, Deputy City Clerk

Published in the *Quad City Times* on _____



Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

September 5, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of September 4, 2018, the City Plan and Zoning Commission considered Case ROW18-02 of City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

Findings:

The vacation furthers the City plans to relocate this street to the north and abandon with ROW.

Recommendation:

Staff recommends that the Plan and Zoning Commission accept the listed findings and forward Case No. ROW18-02 to the City Council with a recommendation for approval subject to the following conditions:

1. That a public utility easement be provided in the location existing utilities.

The Commission vote was 7 yes, 0 no and 1 abstention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', with a stylized flourish at the end.

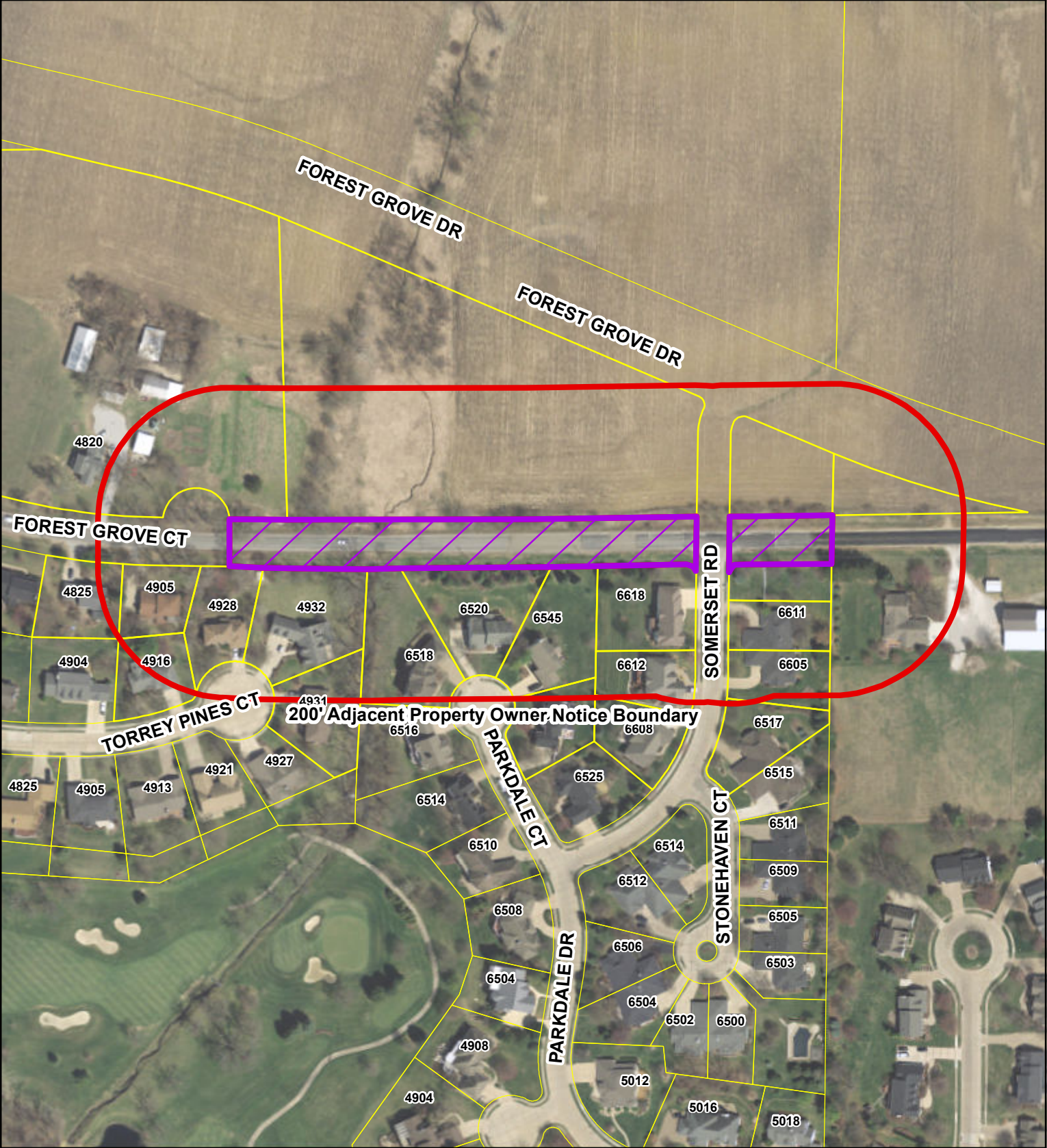
Robert Inghram, Chairperson
City Plan and Zoning Commission

Meeting Location: Council Chambers-City Hall

[illegible]

Request for a Right-Of-Way Vacation (Abandonment)

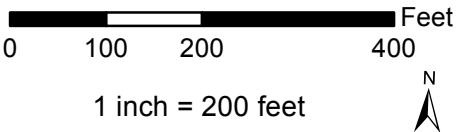
Adjacent Property Owner Notice Area



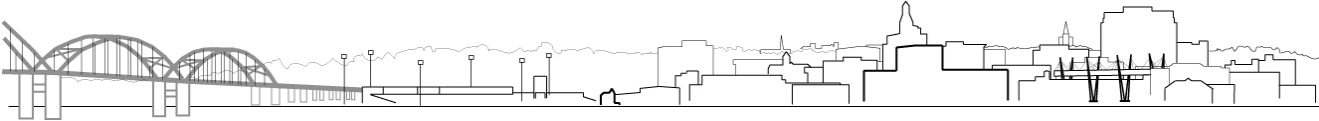
Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Legend

 ROW



**PUBLIC HEARING NOTICE
CITY COUNCIL
CITY OF DAVENPORT**



Public Hearing Details:

Date: 9/19/2018
Time: 5:30 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a right-of-way vacation (abandonment) before the City Council
Case #: ROW18-02

To: All property owners within 200 feet of the subject property located at: The right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a right-of-way vacation (abandonment). The purpose of the right-of-way vacation (abandonment) is to remove portions of public right-of-way from public use.

Request Description

Case ROW18-02 of City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

At its regular meeting on September 4, 2018, the Plan and Zoning Commission recommended approval of the request subject to a public utility easement for the remaining utilities.

The Plan and Zoning Commission vote was 7 yes, 0 no and 1 abstention.

What are the Next Steps after the Public Hearing?

The 9/19/2018 public hearing is the first step in the review/approval process by the City Council. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801. All protests from within the 200 foot notice area must be made in writing to be valid.

If you have already responded to the public hearing notice from the City Plan and Zoning Commission, no additional response is necessary. That response will remain in force unless it is withdrawn or changed in writing. The Council will consider written protests which are filed or withdrawn prior to the start of the Committee-of-the-Whole Meeting immediately prior to the scheduled final consideration of the ordinance. Protests filed or withdrawn after that time will not be accepted.

Do You Have Any Questions?

If you have any questions on this request, or if ADA/special accommodations are needed, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or at 328-6701.

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.

**PUBLIC HEARING NOTICE
CITY COUNCIL
CITY OF DAVENPORT**

Public Hearing Details:

Date: 9/19/2018
Time: 5:30 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a right-of-way vacation (abandonment) before the City Council
Case #: ROW18-02

To: All property owners within 200 feet of the subject property located at: The right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a right-of-way vacation (abandonment). The purpose of the right-of-way vacation (abandonment) is to remove portions of public right-of-way from public use.

Request Description

Case ROW18-02 of City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

At its regular meeting on September 4, 2018, the Plan and Zoning Commission recommended approval of the request subject to a public utility easement for the remaining utilities.

The Plan and Zoning Commission vote was 7 yes, 0 no and 1 abstention.

What are the Next Steps after the Public Hearing?

The 9/19/2018 public hearing is the first step in the review/approval process by the City Council. For the specific dates and times of subsequent meetings, please contact the case planner below.

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Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Bruce Berger, 326-7769

Wards:

Action / Date

9/19/2018

Subject:

Public Hearing on the Consolidated Plan Annual Performance Evaluation Report for the year ending June 30, 2018. [All Wards]

Recommendation:

Hold the public hearing.

Background:

At the conclusion of each program year, the Department of Housing and Urban Development (HUD) requires a public hearing to provide citizens an opportunity to comment on the performance and accomplishments of the activities funded by the Community Development Block Grant Program and the HOME Investment Partnerships Program. The report also provides information on the efforts of other entities to address the needs identified in the City's Consolidated Plan. From September 4 to September 18, a draft of the annual Performance Report is available for review in Council's Office, Community Planning & Economic Development Department, the Main, Fairmount and Eastern Avenue branches of the library and on the City's website.

Attached is the year end summary report listing the activities funded through the CDBG program, the dollars spent, and the number of program beneficiaries.

ATTACHMENTS:

Type	Description
▣ Backup Material	Year 43 CDBG Year End Summary

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	9/13/2018 - 10:38 AM
Community Development Committee	Berger, Bruce	Approved	9/13/2018 - 10:38 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:47 PM

Year 43 CDBG Year End Report (July 1, 2017 – June 30, 2018)

AGENCY	PURPOSE/SERVICES	PROGRAM	CDBG BUDGET	YTD EXPENDED	BENEFICIARY DATA		
					(H) Number of Households (P) Number of Persons		
					No. Proposed	No. Assisted	Low/ Mod
PUBLIC SERVICES:							
BIG BROTHERS/ BIG SISTERS	Provides adult mentoring for children	ADULT MENTORING	\$28,763	\$28,763	280 (P)	232	229
BOYS AND GIRLS CLUB	Provides recreation, education, cultural arts and leadership Programs at one Davenport site	YOUTH PROGRAM	\$28,320	\$28,320	125 (P)	105	85
FAMILY RESOURCES	Provides services to survivors of domestic And sexual abuse, juvenile justice, Behavioral health, education programs And child welfare programs	DOMESTIC VIOLENCE ADVOCACY AND SHELTER	\$25,151	\$25,103	305 (P)	305	274
FRIENDLY HOUSE	Provides programs and services for residents pre-school through adult including day care, educational, recreational and food programs	YEAR ROUND YOUTH SERVICES	\$28,291	\$28,291	80 (P)	83	70
HUMILITY OF MARY HOUSING	Support for housing and services for single parent households in need of transitional housing.	HOMELESS SERVICE	\$22,729	\$22,729	74 (P)	66	66
HUMILITY OF MARY SHELTER	Support for housing and services for homeless individuals, primarily emergency housing with a path to transitional units	HOMELESS SERVICE	\$22,374	\$20,508	606 (P)	273	273
PROJECT RENEWAL	Provides after school program with social, recreational, educational activities	YOUTH PROGRAM	\$30,513	\$30,513	55 (P)	52	52
SALVATION ARMY FAMILY SERVICE CENTER	Provides emergency shelter, meal site, and case management services	EMERGENCY SHELTER	\$20,859	17,168	150 (P)	66	66
VERA FRENCH COMMUNITY MENTAL HEALTH	Provides supportive services to Vera French Housing Corporation tenants	TENANT SUPPORT SERVICES	\$20,000	\$19,618	25 (P)	19	19

Year 43 CDBG Year End Report (July 1, 2017 – June 30, 2018)

AGENCY	PURPOSE/SERVICES	PROGRAM	CDBG BUDGET	YTD EXPENDE D	No. Proposed	No. Assisted	Low/ Mod
CDBG ADMINISTRATION:						Over 7,757 Davenport individuals and households served by subrecipient agencies and city projects.	
COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT	Coordinates, administers, monitors CDBG program with HUD and sub- recipients; prepares reports and plans required by HUD	Number "assisted" represents the total number assisted (persons and households) by non-profits and city programs funded, in part, through the CDBG entitlement program.	\$288,443	\$262,645			7,687
ECONOMIC DEVELOPMENT:							
OFFICE OF ECONOMIC DEVELOPMENT	Create and retain jobs; provide loans, loan guarantees and grants to support economic development projects; alleviate slum and blighted conditions	<i>STAFF (program income)</i> ECONOMIC DEVELOPMENT FUND <i>program income</i>	\$45,795 \$200,000 \$754,425 (prior yr) \$156,610	\$45,795 \$0 \$282,530 \$156,610	5 new loans	9 new loans 13 in progress from prior year	19 jobs to be created or retained 3 Business façades to be completed
HOUSING REHABILITATION:							
OFFICE OF HOUSING REHABILITATION	Revolving loan fund for affordable housing, accessibility improvements for disabled homeowners and neighborhood revitalization activities such as infrastructure in support of affordable housing	<i>STAFF (program income)</i> <i>STAFF (current grant funds)</i> RLF (current grant funds) RLF (prior year funds, inc. PI) RLF (current year program income)	\$172,750 \$273,481 \$283,667 \$500,233 \$142,269	\$151,175 \$252,019 \$0 \$449,913 \$142,269	17 Downpayment 5 Homestead 15 Owner Rehab 1 Infrastructure (1,850 in area benefit) 2 Multifamily	18 Downpayment 5 Homestead 7 Owner Rehab 1 Infrastructure (1,850 in area benefit) 2 Multifamily	18 Downpayment 5 Homestead 7 Owner Rehab 1 Infrastructure (1,850 in area benefit) 2 Multifamily

City of Davenport

Agenda Group:
Department: Community Development Committee
Contact Info: Bruce Berger, 563-326-7769
Wards:

Action / Date
9/19/2018

Subject:
Public Hearing on the proposed conveyance of five parcels located south of the Salvation Army building at the NW corner of 5th and Harrison (Arsenal Properties, LLC, petitioner). [Ward 3]

Recommendation:
Hold the public hearing.

Background:

In 1992, the U.S. Department of Housing and Urban Development (HUD) and the City executed a Settlement Agreement that provided for HUD to convey the Roosevelt Building (located at the SW corner of 6th and Harrison) to the Salvation Army. HUD agreed to transfer the property that contained the building and small piece of adjacent ground. In return, the Salvation Army agreed to use the building to provide shelter and social services to the homeless for a period of not less than 20 years.

At the end of the 20-year period (roughly October 2012), the City was to deed the remainder of the City-owned parcels on the block which was essentially the gravel parking lot area south of the Roosevelt Building. Since October 2012, the City has reached out to Salvation Army to start this conveyance; however, they had asked that the City wait until their long-term plans were solidified.

The Salvation Army has now determined that they wish to move out of the Roosevelt Building and have accepted a purchase agreement from the petitioner. In complying with the spirit of the HUD Settlement Agreement, the Salvation Army is asking that the City convey the parcels south of the building to the petitioner. Staff understanding is that the petitioner plans to renovate the building into apartments.

The Roosevelt Building was originally built around 1906 with 32-36 apartment units on part of the campus which previously hosted a brewery and a bottling company (the Frahm and Sons Brewing Company and the Davenport Malting Company) in the 1800s. The Salvation Army began operating in the building shortly after the 1992 HUD Settlement Agreement was signed. They intend to transfer this property to the petitioner in September/October.

Notice of this public hearing was advertised in accordance with State code. The currently City-owned parcels that are proposed to be conveyed are: G0054-15, G0054-40, G0054-41, G0054-42, and G0054-43.

ATTACHMENTS:

Type	Description
☐ Cover Memo	Notice of Public Hearing
☐ Cover Memo	Map

REVIEWERS:

Department	Reviewer	Action	Date
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Community Development
Committee

Berger, Bruce

Approved

9/13/2018 - 5:21 PM

City Clerk

Admin, Default

Approved

9/13/2018 - 5:38 PM

PUBLISH ON September 15, 2018

NOTICE OF A PUBLIC HEARING ON A RESOLUTION REGARDING THE CONVEYANCE OF LAND OWNED BY THE CITY TO Arsenal Properties, LLC (petitioner):

Five parcels: G0054-15, G0054-40, G0054-41, G0054-42, G0054-43, all in the vicinity of 5th and Harrison Street, Davenport, Iowa.

Notice is hereby given that there is on file in the office of the City Attorney, City Hall, Davenport, Iowa a RESOLUTION proposing to convey land owned by the City to Arsenal Properties, LLC (Petitioner). The properties have the following legal description:

Original Town of Davenport, Block 32, part of Lots 5 and 6, commencing at the SE corner of Lot 5, thence Northerly along the West right-of-way line of Harrison Street 55 feet, thence Westerly 141 feet, thence southerly 55 feet, thence Easterly along the North right-of-way line of the public alley 141 feet to the point of beginning, all in the City of Davenport, Scott County, Iowa;

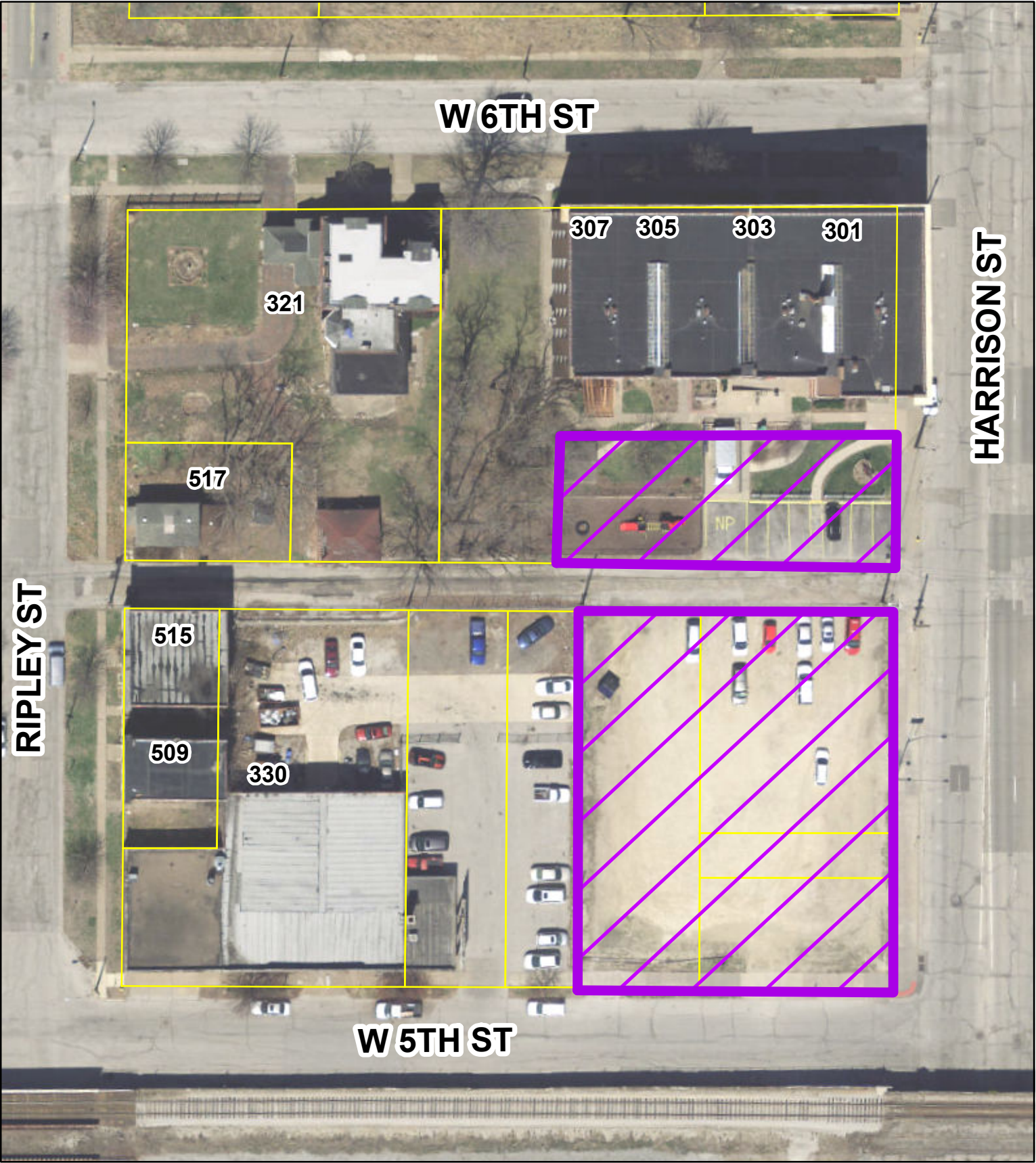
together with:

All of Lot 4 and part of Lot 3, Block 32, commencing at the SE corner of said Lot 4, thence Northerly along the West right-of-way line of Harrison Street 150 feet to the intersection with the South right-of-way line of the public alley, thence Westerly along the South right-of-way line of the public alley 130 feet, thence Southerly 150 feet to the intersection with the North right-of-way line of West 5th Street, thence Easterly along the North right-of-way line of West 5th Street to the point of beginning, all in the Original Town of Davenport, City of Davenport, Scott County, Iowa.

This Resolution will come on for a public hearing before the Davenport City Council, City Hall Davenport Iowa on the 19th day of September, 2018 commencing at 5:30 p.m., Local Time. At said hearing interested persons may appear and be heard for or against said Resolution. The Council Chambers is accessible to the physically challenged. Persons with disabilities who require special accommodations should notify the Community Planning & Economic Development Department at 326-7765 or TTY 326-6145 prior to September 19. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles.

City of Davenport
Community Planning & Economic Development
563-326-7765

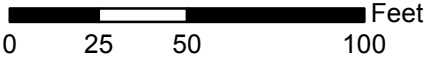
Salvation Army Site: City Owned Parcels



Legend



City Owned Property



City of Davenport

Agenda Group:
Department: Community Development Committee
Contact Info: Bruce Berger, 563-326-7769
Wards:

Action / Date
9/19/2018

Subject:
Public Hearing on the proposed conveyance of vacated public right-of-way, that being a part of Fairhaven Road lying south of 53rd and between Lots 2 and 3 of Hanlin's Addition, WCT Investments, LLC, Petitioner. [Ward 6]

Recommendation:
Hold the public hearing.

Background:
The Davenport City Council recently approved the vacation of this particular right-of-way at the request of WCT Investments, L.L.C. (Portillo's) for inclusion in its proposed commercial development.

Notice of this public hearing was advertised in accordance with State Code.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Notice of public hearing

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Flynn, Matt	Approved	9/13/2018 - 5:16 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 5:38 PM

PUBLISH ON September 15, 2018

NOTICE OF A PUBLIC HEARING ON A RESOLUTION REGARDING THE CONVEYANCE OF LAND OWNED BY THE CITY TO WCT Investments Davenport Series, LLC (petitioner):

Roughly 0.34 acre (14,812 square feet), more or less, of former right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street, Davenport, Iowa.

Notice is hereby given that there is on file in the office of the City Attorney, City Hall, Davenport, Iowa a RESOLUTION proposing to convey land owned by the City to WCT Investments Davenport Series, LLC (Petitioner). The properties have the following legal description:

Part of the Southeast Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Beginning at the Southeast corner of Lot 3 in said Hanlin's Addition, thence North, along the East line of said Lot 3, to the intersection of said East line and the South right-of-way line of East 53rd Street; thence East along said South right-of-way line to the intersection of said South right-of-way line and the West line of Lot 2 in said Hanlin's Addition; thence South along the said West line of Lot 2 to the Southwest corner of said Lot 2; thence West to the point of beginning. Said tract contains 14,898 square feet, more or less, City of Davenport, Scott County, Iowa.

This Resolution will come on for a public hearing before the Davenport City Council, City Hall Davenport Iowa on the 19th day of September, 2018 commencing at 5:30 p.m., Local Time. At said hearing interested persons may appear and be heard for or against said Resolution. The Council Chambers is accessible to the physically challenged. Persons with disabilities who require special accommodations should notify the Community Planning & Economic Development Department at 326-7765 or TTY 326-6145 prior to September 19. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles.

City of Davenport
Community Planning & Economic Development
563-326-7765

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Tom Leabhart; (563) 327-5155
Wards:

Action / Date
9/19/2018

Subject:
Public Hearing on the plans, specifications, form of contract and estimated cost for the Alley Resurfacing Project between 715 Pine Street and 822 Belmont Street CIP #35017. [Ward 3]

Recommendation:
Hold the hearing.

Background:
This project will resurface the alley between 715 Pine Street and 822 Belmont Street. A portion of the cost will be assessed to the abutting property owners as previously established by Council in conjunction with the Alley Resurfacing Program.

Construction is expected to begin this year and weather dependent completed in the spring of 2019. Funding is available thru CIP #35017.

The project is scheduled for letting in mid-August. The estimated project cost is \$45,000.

ATTACHMENTS:

Type	Description
Backup Material	Location Map

REVIEWERS:

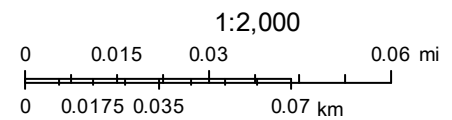
Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	9/12/2018 - 10:21 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 10:19 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:49 PM

N. Pine St. Alley



June 30, 2017

- | | |
|---------------------|---------------------------------|
| Address Points | Piped Creeks |
| City Limit | Street Centerline (Labels only) |
| Creeks | Parcels |
| Named Creeks | Parks |
| Unnamed Tributaries | |



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Scott County Iowa, Bi-State Regional Commission

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Amy Kay (563) 327-5160
Wards:

Action / Date
9/19/2018

Subject:
Public Hearing on the plans, specifications, form of contract and estimated cost for the Duck Creek Stream Stabilization project CIP #33030. [Wards 2 & 7]

Recommendation:
Hold the hearing.

Background:
The proposed project consists of tree clearing, bank sloping, stream bank toe rock stabilization, vegetation establishment and tree planting along the banks of Duck Creek.

The project letting is proposed for October 2018 with construction completion by May 2019. Project management will be completed by the Natural Resources Division staff.

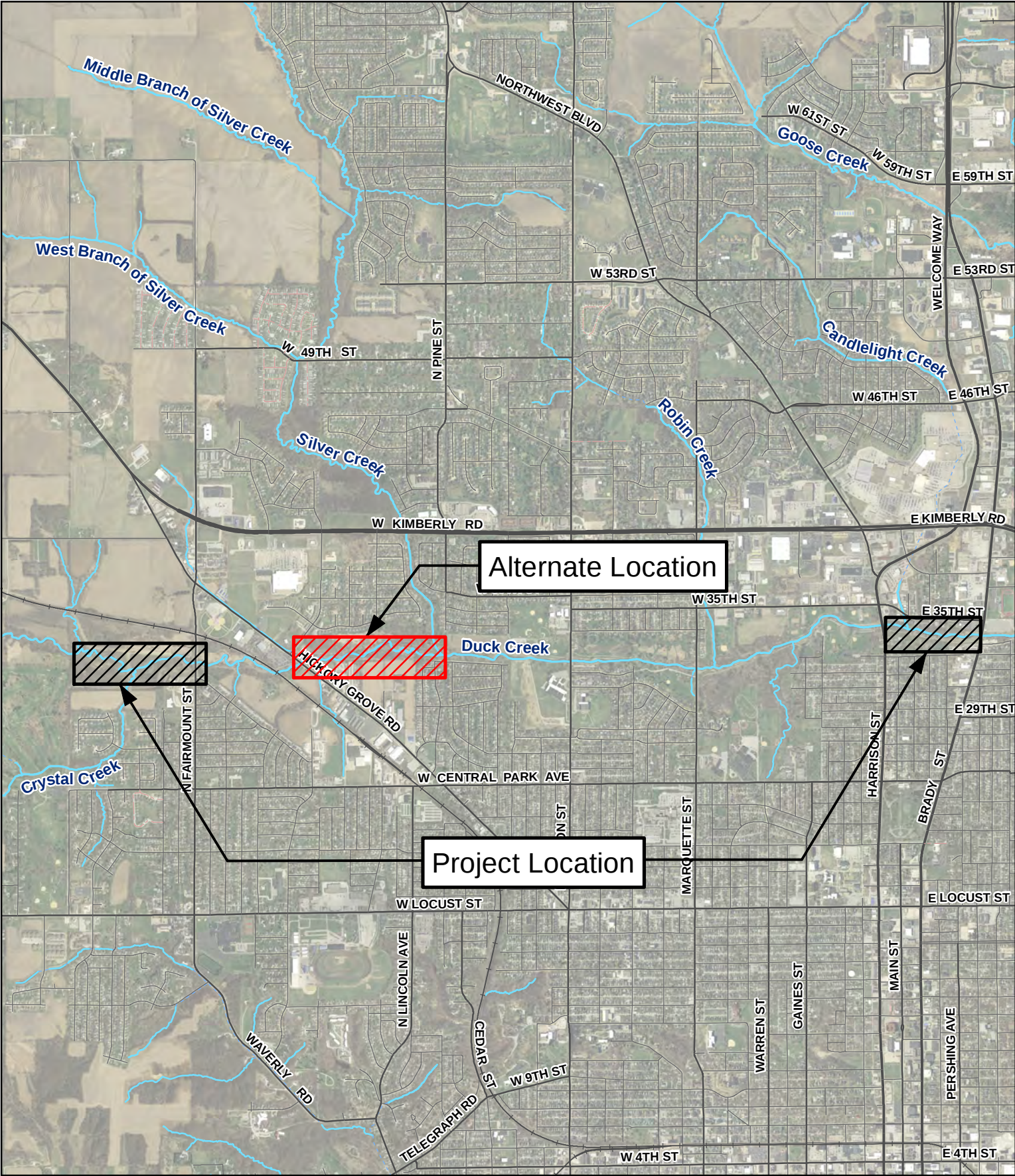
ATTACHMENTS:

Type	Description
Backup Material	DuckCreekStreamStab_Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	9/13/2018 - 2:07 PM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 2:08 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:49 PM

Duck Creek Bank Stabilization



City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Bruce Berger, 326-7769
Wards: All

Action / Date
COW8/15/2018

Subject:

Third Consideration: Ordinance amending the boundaries and exemption schedules of the Central City and North Urban Revitalization Areas. [All Wards]

Recommendation:

Adopt the ordinance.

Relationship to Goals:

Welcoming Neighborhoods

Background:

The Urban Revitalization Tax Exemption (URTE) program is made available through Chapter 404 of the Code of Iowa. This program allows a municipality to designate a geographic area in which new investments that ordinarily would result in increases in the value of real estate for tax purposes to be exempted for a defined period of time. This is intended to provide an incentive for new development or redevelopment by reducing or removing any disincentive which the expected increase in real estate taxes may have in making those investments.

On April 24, 2018 the City Council met at a work session to discuss updates to the URTE program. Per Iowa Code, notices of the upcoming changes and public hearing were sent out to all registered deed holders in the affected area. A public hearing was held at the July 3, 2018 City Council Committee-of-the-Whole meeting.

Changes to the URTE program for the North Area include:

Merging the northern 2013 URTE area into the North area

- Addition of commercial and industrial properties into the North area
- Setting the following tax exemption schedules for residential, multi-residential, commercial and industrial:
 - 3 Year, 100% exemption
 - 10 year sliding scale, 80%, 70%, 60%, 50%, 40%, 40%, 30%, 30%, 20%, 20% exemption

Changes to the URTE program for the Central City include:

- Merging the southern 2013 URTE area into the Central City area
- Setting the following exemption schedules for commercial and industrial
 - 3 Year, 100% exemption
 - 10 year sliding scale, 80%, 70%, 60%, 50%, 40%, 40%, 30%, 30%, 20%, 20% exemption
- Setting the following exemption schedule for residential and multi-residential
 - 10 years: 100% exemption

This ordinance approves the geographic boundaries and new schedules for the North and Central City area.

ATTACHMENTS:

Type	Description
□ Ordinance	URTE Ordinance

- ▣ Exhibit
- ▣ Cover Memo
- ▣ Cover Memo

2018 URTE Plan
 URTE Central City Legal Description
 URTE North Legal Description

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	8/8/2018 - 6:00 PM
Community Development Committee	Berger, Bruce	Approved	8/8/2018 - 6:00 PM
City Clerk	Admin, Default	Approved	8/9/2018 - 8:53 AM

ORDINANCE NO.

ORDINANCE amending the boundaries and exemption schedules of the Central City and North Urban Revitalization Areas.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

WHEREAS, Section 404.1 of the Code of Iowa provides the authority for a local governing body to designate an area as an urban revitalization area when said area is deemed to meet the conditions of an economic development area as defined in Section 403.17, which is therein defined as an area appropriate for commercial and industrial enterprises, public improvements related to housing and residential development; and,

WHEREAS, the area proposed and described in the Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas is such an area; and,

WHEREAS, the Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas (hereinafter "Plan") was drafted and presented for public comment with written notification mailed to all owners of real property within the proposed expanded area and published a notice of a public hearing that was held on July 3, 2018; and,

NOW, THEREFORE, be it enacted by the City Council of the City of Davenport, Iowa:

The boundaries and exemption schedules for the Davenport 2018 Urban Revitalization Areas be approved.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, MMC
Deputy City Clerk

**Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas
May 2018**

Proposed for Public Hearing on July 3, 2018

Introduction

The Urban Revitalization Act, Chapter 404 of the Code of Iowa, is intended to encourage development, redevelopment and revitalization within designated areas of the City by authorizing property tax development incentives to the private sector. Qualified real estate within a designated area may be eligible to receive a total or partial exemption from property taxes on improvements for a specified number of years with the goal of encouraging new construction or rehabilitation which might not otherwise occur.

Section 404.2 of the Code of Iowa requires that a city prepare a plan to govern activities within the proposed revitalization area, and the balance of this document is intended to set out the elements of a plan that are mandated by state law.

This plan affirms a crucial partnership between the private and public sectors. This document establishes the framework and procedures for the public sector to modify its power to tax real property in order to encourage private reinvestment in the portions of Davenport where the need is greatest.

Effective Date

The provisions of the Plan shall be effective as of the date the City council has approved and published the ordinance designating the boundaries of the Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas.

Goals and Purposes

The general goals and purposes to be addressed within the Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas are as follows:

1. To encourage private investment and reinvestment within targeted areas of the city and thus improve the stability, economic vitality, and living environment of these areas.
 1. To encourage the preservation of existing and the expansion of new housing within the URA
 2. To encourage business growth and redevelopment within the URA
2. To encourage the rehabilitation of structures that are deficient with respect to building, housing and fire code standards.
3. To use the incentives set forth in this plan, together with other economic development programs of the City to achieve increased assistance for projects which otherwise would not occur.
4. To implement the exemptions and other benefits of this plan without unduly diminishing the City's tax revenues and its ability to provide necessary municipal services.

Legal Description

The boundaries of the Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas are defined with the legal description of the entire area, which is provided in Attachment A to this plan.

Maps

As noted, a map depicting the new area is shown in Attachment B. Detailed maps showing existing parcels of real estate in the area are available in the Department of Community Planning and Economic Development, City Hall.

Designation Criteria

In accordance with Section 404.1 of the Act, the City Council has made the following determinations with respect to the Revitalization Area:

1. A portion of the property situated in the Revitalization Area is an area which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, deterioration of site or other improvements, and a combination of these and other factors, substantially impairs or arrests the sound growth of the City, constitutes an economic and social liability and is a menace to the public welfare in its present condition and use; and
2. A portion of the property situated in the Revitalization Area is an area in which there is a predominance of building and improvements which, by reason of age, history, architecture and significance, should be preserved and/or restored to productive use; and
3. The Revitalization Area is an area which is appropriate as an economic development area as defined in Section 403.17 of the Code of Iowa; and
4. The rehabilitation, redevelopment, economic development and promotion of housing and residential development in the Revitalization Area is necessary in the interest of the public welfare of the residents of the City and the Revitalization Area substantially meets the criteria set forth in Section 404.1 of the Act.
5. A portion of the property situated in the Revitalization Area is an area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

Assessed Valuation

The assessed valuation of the real estate for both land and buildings in the Davenport 2018 Urban Revitalization Area Plan for Central & North is available in the Department of Community Planning and Economic Development, City Hall.

Proposals for Improving or Expanding City Services in the Area

Pending proposals for the development or improvements to certain public facilities to be funded by the City and which will improve or expand services within the URA are included in the City's Capital Improvement Program. This report is available in the Department of Community Planning and Economic Development, City Hall.

Grant and Loan Programs Available Within the Urban Revitalization Area

Grant and loan programs are available to both housing and business owners in this area. Descriptions of programs supporting improvements to real property are available from the Department of Community Planning and Economic Development, City Hall.

Zoning

Existing zoning classifications and zoning district boundaries are available in the Department of Community Planning and Economic Development, City Hall.

Owners of Record

A list of the owners of record of real estate in the proposed additional area is on file in the Department of Community Planning and Economic Development, City Hall.

Applicability

The benefits of urban revitalization tax exemption as set forth in this plan are applicable to all classes of property in the area. Benefits are available both for rehabilitation of and additions to existing buildings, as well as new construction.

Duration

The area shall remain designated and the Plan in effect for an estimated period of ten (10) years after the adoption of the Plan; with the City Council having the option to extend the time period for a maximum of two (2) five (5)- year periods. Although it is presently the City's intent to have the Plan in effect for the ten (10) year base period and to present the opportunity for extension through the two five-year options, the City Council expressly reserves the right to repeal the Plan at any time.

When, in the opinion of the City Council, the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted by this Plan would cease to be of benefit to the City, the City Council may repeal the ordinance establishing the Urban Revitalization Area. In the event that the Revitalization Plan is repealed by the City Council, all existing tax exemptions shall continue until their expiration.

Provisions for Relocation

Among the objectives in revitalizing a targeted area is to promote a stable housing stock and strong economic base. In rehabilitating the present housing supply, these activities may cause a varying degree of displacement to tenants. It is the intent of this plan to discourage

displacement whenever possible. When displacement is unavoidable, it shall be done with minimum inconvenience and economic hardship to those being displaced.

The following provisions apply to the displacement and relocation of residential and business tenant of real estate for which the new investment is to be presented for consideration for conferring benefits under the provisions of this plan, particularly the Urban Revitalization Tax Exemption program described more fully later in this document.

Agency Responsible for Administering Relocation Activities

The City of Davenport Department of Community Planning and Economic Development will be responsible for the monitoring of the relocation program. The City's role in relocation will be to provide technical assistance, financial compensation in some cases, and social service referrals to those in need of relocation assistance.

Who is Eligible for Relocation?

A "qualified tenant" shall mean the legal occupant of a residential dwelling unit or commercial or industrial structure within the targeted revitalization area and who has occupied the same unit continuously since one year prior to the City's adoption of the Plan.

If the City of Davenport goes through eminent domain proceedings to acquire any property from homeowners or business interests, it shall adhere to all relevant provisions of the applicable state law.

Any interest applying for Industrial Revenue Bonds must submit a suitable relocation plan to cover residential and business relocation compensation unless waived by tenant. The plan shall be approved by the City prior to issuance of the bonds.

Any small business that leases the building in which it operates, who is displaced for rehabilitation can receive assistance from the Community Planning and Economic Development Department in finding a suitable replacement location.

Any low-moderate income person (but not a "qualified tenant") who is displaced by substantial rehabilitation as determined by the City from the dwelling in which they were residing may be eligible for assistance through the Community Planning and Economic Development Department in accordance with the City's Relocation Program. (Examples of substantial rehabilitation include the shutting off of utilities for rehabilitation purposes, extensive interior rehabilitation purposes, extensive interior rehabilitation, etc.) Whenever possible, assistance to locate temporary housing will be made available.

"Low- and moderate-income persons" shall mean those persons within a household whose income is at or below the United States Housing and Urban Development standard as to the maximum allowable gross income level, as published by HUD from time to time.

Program Information

Information shall be provided by the owner, developer, or redeveloper to inform occupants within the targeted property of the benefits and assistance and grievance process. The program may include meetings, printed material, and media coverage. The information will be made available when the project is proposed. There will also be a conscientious attempt to inform tenant affected by displacement as a result of the tax exemption incentive prior to relocation.

Relocation Assistance to Families and Individuals ("Qualified Tenants")

1. Assistance. Qualified Tenants shall receive technical information and referrals to available housing from the City of Davenport Relocation Specialist.
2. Notification. Qualified Tenants shall receive thirty (30) days notice of the need to relocate by the property owner causing the displacement.
3. Payment. Qualified Tenants of residential units shall be eligible to receive compensation under the provisions of the City's Relocation Program to the extent they meet the requirements of that program and as provided by the financial parameters of that program at the time of relocation.
4. Responsibility of Payment. Relocation payments are the responsibility of property owners causing displacement as a condition or receiving tax exemption, except as provided in 3 above. Payment shall be made within ten business days of the notification of the tenant. Failure to do so will result in the forfeiture of the tax exemption.

Anyone displaced who is aggrieved by the determination as to eligibility or for the amount of relocation payment shall submit in writing the nature of the complaint to the Department of Community Planning and Economic Development, City Hall. The Director of Community Planning and Economic Development shall make a decision concerning the grievance within 30 days.

Tax Exemption

Definitions:

"Qualified Real Estate", as used in this plan, means real property, other than land, which is located in a designated revitalization area and to which improvements have been made during the time the area was so designated, which has increased the actual value by at least the amount specified in the following section of the plan. "Qualified Real Estate" with regard to the Davenport 2013 URA may also be new construction.

"Improvements" includes rehabilitation and additions to existing structures as well as new construction. However, new construction on land assessed as agricultural property shall not qualify as "improvements" unless the City Council has resented justification at a public hearing held pursuant to section 404.2 of the Code of Iowa for the revitalization of land assessed as

agricultural property by means of new construction. Such justification shall demonstrate in addition to the other requirements of this chapter that the improvement on the land assessed as agricultural land will utilize the minimum amount of agricultural land necessary to accomplish the revitalization of the other classes of property within the urban revitalization area.

“Actual Value Added by the Improvements” means the actual value added as of the first year for which the exemption was received.

Increase in Actual Value Requirements

1. Residential property: For property assessed as residential, there shall be no minimum increase in assessed value required for property tax exemption eligibility. Any dollar increase in actual value of such real estate shall qualify for the tax exemptions listed in this plan.
2. For property assessed other than residential, the improvements made to qualified real estate must increase the actual value of such real estate by at least ten (10) percent, in order to qualify for the tax exemptions provided in this plan.

Basis of Tax Exemption Central URTE Area:

1. All qualified industrial or commercial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:
 1. For the first year, eighty percent.
 2. For the second year, seventy percent.
 3. For the third year, sixty percent.
 4. For the fourth year, fifty percent.
 5. For the fifth year, forty percent.
 6. For the sixth year, forty percent.
 7. For the seventh year, thirty percent.
 8. For the eighth year, thirty percent.
 9. For the ninth year, twenty percent.
 10. For the tenth year, twenty percent.
2. All qualified industrial or commercial real estate is eligible to receive a one hundred percent exemption from taxation on the value added by the improvements. The exemption is for a period of three years.
3. All qualified residential and multi-residential real estate is eligible to receive a one hundred percent exemption from taxation on the value added by the improvements. The exemption is for a period of ten years.

Basis of Tax Exemption North URTE Area:

1. All qualified residential, multi-residential commercial or industrial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:
 1. For the first year, eighty percent.
 2. For the second year, seventy percent.
 3. For the third year, sixty percent.
 4. For the fourth year, fifty percent.
 5. For the fifth year, forty percent.
 6. For the sixth year, forty percent.
 7. For the seventh year, thirty percent.
 8. For eight year, thirty percent.
 9. For the ninth year, twenty percent.
 10. For the tenth year, twenty percent.
2. All qualified residential, multi-residential commercial or industrial real estate is eligible to receive a one hundred percent exemption from taxation on the value added by the improvements. The exemption is for a period of three years.

Procedures

1. Applicants for tax exemption must fill out a form prepared by city staff and available at the Department of Community Planning and Economic Development, City Hall, or at the City's website, www.cityofdavenportiowa.com. The application shall contain, but not be limited to, the following information: the nature of the improvements, the cost, the estimated or actual date of completion, the tenants currently occupying the structure, and which exemption schedule is selected.
2. All applications for tax exemption shall be due February 1 of the year in which the improvements resulting from the project are assessed for taxation.
3. An application shall be filed for each new exemption claimed.

The Davenport City Council, upon review and recommendation by city staff, shall approve the application, subject to review by the City Assessor, if the project is in conformance with the plan for revitalization developed by the City, is located within a designated revitalization area and if the improvements were made during the time the area was so designated. The City shall forward for review all approved applications to the City Assessor by March 1 of each year indicating which exemption schedule apply. Applications for exemption for succeeding years for approved applications shall not be required.

If the real estate is assessed other than residential, the City Assessor shall review each first year application to determine if the improvements made increased the actual value of the

qualified real estate by the requisite percentage. If the Assessor determines that the actual value of the real estate has increased by the requisite percent, the Assessor shall proceed to determine the revised actual value of the property and certify the revised valuation to the County Auditor at the time of transmitting the assessment rolls.

If the application for exemption is denied as a result of failure to sufficiently increase the value of the real estate as provided in this plan, the owner may file a first annual application in the subsequent year when the additional improvements are made to satisfy the requirements of this plan. After the tax exemption is granted, the City Assessor shall continue to grant the tax exemption, after annual physical review by the Assessor, for the appropriate time period. The tax exemptions for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years.

Projects determined by the City Council not to be in conformance with the revitalization plan or with the Comprehensive Plan of the City of Davenport will be denied the benefits of this plan.

Attachment A Legal Description

The legal description will be available at City Hall or by emailing URTE@ci.davenport.ia.us as of June 1, 2018.

Attachment B: Map of Area

Central URTE - as amended, May 2018

Beginning at the intersection of the westerly line of Floral lane and the southerly line of daisy Avenue, also being the northeast corner of Parcel r0429-01a deeded to Kathleen foster filed for record as document 1987-11799 with the office of the recorder of Scott County, Iowa; Thence southwesterly along the easterly line of said Parcel to the southeasterly corner of said Parcel; Thence westerly along the southerly line of said Parcel to the southwest corner of said Parcel; Thence continuing along the last described line as extended westerly a distance of 7 feet, more or less, to a southeasterly corner of Parcel r0429-02a deeded to the City of Davenport filed for record as document 2010-17290 with the office of the recorder of Scott County, Iowa; Thence northerly along a southeasterly line of said Parcel a distance of 15 feet more or less to the southerly line of lot block 15 of the garden addition to the City of Davenport and the south line of lots 3, 4 and 5 of said block; Thence westerly along the south line of said block 15 to the southwest corner of said lot 5 deeded to the City of Davenport filed for record in deed book 15, page 700 with the office of the recorder of Scott County, Iowa; said point also being on the northerly line of west River Drive;

Thence southwesterly along the said northerly line to the intersection of said line with the easterly line of south concord Street; thence southwesterly to the intersection of the westerly line of south concord Street and the southerly line of West River Drive; Thence southerly along the westerly line of south concord Street 225 feet, more or less, to its intersection with the south line of property deeded to TLC Properties Inc. Filed for record as document 98-11123 with the office of the recorder of Scott County, Iowa;

Thence westerly 1,122 feet, more or less, along the south line of property deeded to tlc properties Inc.;

Thence westerly 760 feet, more or less, to a point on the west section line of section 4-township, 77 north, range 3 east of the 5th principal meridian; Thence south along the west line of said section 4 a distance of 30 feet, more or less, to its intersection with the north line of property deeded to republic services of Iowa LLC filed for record as document 2015-01902 with the office of the recorder of Scott County, Iowa; Thence west along said north line a distance of 882 feet, more or less, to the west line of lot 1 of Davenport industrial park 5th addition; Thence southerly along the west line of lot 1 of said Davenport industrial park 5th addition to the south line of said addition and the north line of Kimmel Drive; Thence westerly along aforesaid line to the intersection of said line and the westerly line of south Stark Street; Thence southeasterly to

the northeast corner of a Parcel deeded to Three-N-Corporation filed for record as document 91-28006 with the office of the recorder of Scott County, Iowa; Thence south along the east line of said Parcel 430 feet, more or less, to its southeasterly corner Thence west along the south line of said Parcel 1,368 feet, more or less, to the west line of said Parcel; Thence north along the west line of said Parcel, and its northerly extension, to its intersection with the north line of Kimmel Drive; Thence west along said north line to its intersection with the easterly line of Rockingham Road; Thence northeasterly along the easterly line of said Rockingham Road a distance of 1546 feet, more or less; Thence westerly a distance of 240 feet, more or less, to the southeasterly corner of Parcel 20517-01a deeded to Carver Blackwell Holdings LLC filed for record as document 2013-40641 with the office of the recorder of Scott County, Iowa; Thence northwesterly along the southerly line of said Parcel to the west line of said Parcel;

Thence northerly along said west line to the northwest corner of said Parcel and the southerly line of west River Drive and us highway route 61; Thence along said southerly line a distance of 1921 feet, more or less to the west line of Rockingham Road; Thence southerly a distance of 362 feet, more or less, to an intersection of said southerly line of west River Drive and the easterly line of Rockingham Road;

Thence northeasterly a distance of 847 feet, more or less, to the intersection of the east line of Rockingham Road and the north line of west River Drive; Thence northeasterly along the east line of Rockingham Road to its intersection with the north line of John Fell Drive; Thence continuing along the easterly and southerly line of Rockingham Road to its intersection with the easterly line of south Fairmount Street, as extended southerly; Thence northerly along the easterly line of south Fairmount Street and its southerly extension to the south line of May Lane; Thence along the south line of May Lane to its intersection with the easterly line of Indian Road; Thence along the easterly line of Indian Road to its intersection with the westerly line of south Clark Street; Thence northeasterly to the intersection of the westerly line of south Clark Street and the northerly line of Indian Road; Thence northerly along the easterly line of said south Clark Street to the southerly line of Telegraph Road; Thence northeasterly along the southerly line of said Telegraph Road to the northeasterly corner of Parcel J0064-41 deeded to Donald Simms Jr. filed for record as document 2006-13589 with the office of the recorder of Scott County, Iowa; Thence northerly to the north line of Telegraph Road and the southwest corner Parcel J0011-39a deeded Vera French community mental health center filed for record as document 2016-12466 with the office of the recorder of Scott County, Iowa; Thence northerly along the westerly line of said Parcel to its northwesterly corner; Thence east along the north line of said Parcel to its northeasterly corner; Thence southeasterly along the easterly line of said Parcel to the northerly

line of Telegraph Road; Thence southeasterly to the southerly line of telegraph Road and the northwesterly corner of Parcel j0010-20b deeded to St. Mark evangelical Lutheran church and being 110 feet (more or less) southwesterly of the westerly line of north Elmwood Avenue; Thence northeasterly along the southerly line of Telegraph Road to its intersection of the west line of north Division Street; Thence northeasterly to the intersection of the north line of west 9th Street and the east line of north Division Street;

Thence north along the east line of said north Division Street to the south line of west 12th Street; Thence east along said south line a distance of 11 feet, more or less; Thence north to the north line of said west 12th Street; Thence west along said north line to the east line of north Division Street; Thence north along said east line of north Division Street to the north line of west 17th Street; Thence west along the north line of said west 17th Street to the east line of Davie Street; Thence north along the east line of said Davie Street and its northerly extension to the north line of west Locust Street; Thence west along the north line of said west locust Street to the east line of Wilkes Avenue; Thence along the east line of said Wilkes Avenue to its intersection with the north line of west pleasant Street; Thence northwesterly to the intersection of the westerly line of Wilkes Avenue and the easterly line of a public alley within block 2 of golden gate park addition to the City of Davenport; Thence northwesterly along the easterly line of said public alley, and its northwesterly extension, to the westerly line of north Howell Street; thence northerly along the westerly line of north Howell Street to the westerly line of Hickory Grove Road; Thence southeasterly along the westerly line of said Hickory Grove Road to its intersection with the westerly extension of the south line of west High Street; Thence east along the south line of west high Street and its westerly extension to the east line of north Division Street; Thence north along the east line of said north Division Street to its intersection with the south line of west Lombard Street; Thence along the south line of west Lombard Street to its intersection with the east line of Brady Street; Thence along the east line of Brady Street to its intersection with the south line of east Rusholme Street; Thence east along the south line of said east Rusholme Street to its intersection with the east line of Grand Avenue; Thence along the east line of Grand Avenue to its intersection with the south line of east Rusholme Street; Thence along the south line of east Rusholme Street to its intersection with the southerly extension of the east line of Parcel c0044-13 deeded to St. Paul the apostle church filed for record as document 2009-36976 with the office of the recorder of Scott County, Iowa; Thence north along the east line of said Parcel and its southerly extension to the northeast corner of said Parcel and the south line of a public alley; Thence east along the south line of said public alley to the northwest corner of Parcel c0044-16 deeded to St. Paul the apostle church filed for record in deed book 8, page 1026 with the office of

the recorder of Scott County, Iowa; Thence south along the west line of said Parcel, and its southerly extension, to the south line of east Rusholme Street; Thence east along the south line of said east Rusholme Street to its intersection with the west line of Eastern Avenue; Thence south along the west line of said Eastern Avenue to its intersection with the south line of Elm Street; Thence east along the south line of said elm Street to its intersection with the westerly line of the Iowa, Chicago & Eastern Railroad; Thence southerly along the west line of said Iowa, Chicago & Eastern Railroad; to its intersection with the north line of east Locust Street; Thence southeasterly a distance of 111 feet, more or less, to the intersection of the west line of said railroad and the south line of east Locust Street; Thence southerly along the west line of said railroad, a distance of 38 feet, more or less;

Thence northeasterly a distance of 250 feet, more or less, to the intersection of the easterly line of said railroad and the south line of east locust Street; Thence east along the south line of east locust Street to its intersection with the west line of jersey ridge Road; Thence southerly along the west line of said jersey ridge Road to its intersection with the north line of Kirkwood Boulevard; Thence southwesterly a distance of 154 feet, more or less, to the northeasterly corner of Parcel e0029-07a deeded Kwik Shop Inc filed for record as document 2018-08330 with the office of the recorder of Scott County, Iowa; Thence southerly and westerly, in a counter-clockwise motion to a point on the Parcel's south line which is 68 feet east of its southwest corner, more or less; Thence southeasterly a distance of 112 feet, more or less, to the intersection of the west line of jersey ridge Road with the south line east 12th Street; Thence southwesterly along the west line of said jersey ridge Road, and its southwesterly extension, to the south line of east 11th Street;

Thence east along the south line of said east 11th Street to its intersection with the southwesterly line of east River Street; Thence southeasterly along the southwesterly line of said east River Street to the most eastern corner of tract a & b of Parcel e0046-01 as leased by the Lindsey Park Boat Club Inc from the City of Davenport;

Thence westerly a distance of 464 feet, more or less, to the easterly end of Lindsay park, title of said park held by the board of park commissioners, and identified on the auditors mapping as Parcel e0035-06;

Thence westerly along the southerly line of said park and additional property and right of as owned and occupied by the City of Davenport, a distance of 2110 feet, more or less, to a southeasterly corner of Parcel e0048-01u held in fee title by Iowa American water company; Thence along the southerly line of said Parcel e0048-01u to its southwesterly corner and the southeasterly corner of Parcel f0041-12, aforesaid Parcel held in fee title by Davenport water company; Thence southwesterly along the southerly line of said Parcel to its southwesterly corner

and the southeasterly corner additional property held in fee title by the City of Davenport; Thence southwesterly along the southerly line of said city property, a distance of 1914 feet, more or less, to the southeasterly corner of Parcel f0054-05b deeded to Riverview Lofts LLC filed for record as document 2013-12201 with the office of the recorder of Scott County, Iowa; Thence along the southerly line of said Parcel, a distance of 140 feet, more or less, to its southwesterly corner; Thence southwesterly along the southerly line of additional property held in fee title by the City of Davenport, a distance of 592 feet, more or less, to the most easterly corner of two Parcels (f0060-16g and f0060-15b) deeded to Brinell LLC filed for record as document 2016-00276 with the office of the recorder of Scott County, Iowa; Thence along the southwesterly along the southerly line of additional property held in fee title by the City of Davenport, consisting of 3 Parcels: l0004a01b, l0003a01a and l0014a01a, a distance of 1589 feet, more or less, to the southwesterly corner of said Parcel l0014a01a; Thence northwesterly along the westerly line of said Parcel l0014a01a to the southerly line of east River Drive; Thence westerly a distance of 282 feet, more or less, to the northerly line of said east River Drive; Thence southwesterly along the northerly line of said east River to its intersection with the west line of Iowa Street; Thence continuing southwesterly along the northerly line of east River Drive to a point which is 31 feet, more or less, northeast of the east line of Pershing Street; Thence southwesterly a distance of 152 feet, more or less, to a point 9 feet, more or less, south of the northeast corner of Parcel l0017a01d held in fee title by the levee commission; Thence south along the east line of said Parcel to its southeast corner; Thence along the southerly line of said Parcel a distance of 117 feet, more or less; Thence southwesterly a distance of 93 feet, more or less, to the northeast corner of additional property held in fee title by the City of Davenport and identified as Parcel l0017a01f on the auditor's map; Thence southerly along the east line of said Parcel to its southeasterly corner; Thence westerly along the south line of additional properties held in fee title by the City of Davenport, the Davenport levee commission and the board of park commissioners a distance of 8153 feet, more or less to a westerly corner of Parcel k0037-03 held in fee title by the City of Davenport;

Thence southwesterly a distance of 917 feet, more or less, to the east line of Parcel k0051-09 deeded to rodney blackwell filed for record as document 2011-01433 with the office of the recorder of Scott County, Iowa; Thence southerly along the easterly line of said Parcel and Parcels k0051-10 and k0051-11, each deeded to rodney blackwell filed for record as document 2011-01433 with the office of the recorder of Scott County, Iowa, to the most southern corner of said Parcel k0051-11; Thence northerly along the westerly line of aforesaid Parcel a distance of 144 feet, more or less; Thence westerly a distance of 305 feet, more or less, to the northerly line

of west River Drive; Thence southwesterly along the northerly line of said west River Drive to its intersection with the easterly line of Schmidt Road; Thence westerly a distance of 148 feet, more or less, to the intersection of the westerly line of Schmidt Road with the north line of the northerly service Road of west River Drive; Thence southwesterly along said northerly line to its intersection with the easterly line of credit island lane; Thence southwesterly a distance of 64 feet, more or less, to the intersection of the westerly line of credit island lane and the north line of west River Drive;

Thence southwesterly along the northerly line of said west River Drive a distance of 3140 feet, more or less, to the westerly side of Blackhawk Creek; Thence northwesterly along the westerly side of Blackhawk creek a distance of 452 feet, more or less, to the southerly line of Parcel r0421-01 held in fee title by the City of Davenport; Thence southwesterly along the southerly line of said Parcel and its southwesterly extension to the point of beginning.

Section 1. That section 1 of Ordinance No. 83-696, passed and approved by the City Council of Davenport, Iowa on December 1983 is hereby amended to read as follows

Section 1. That the following area of the City of Davenport is hereby designated as the North revitalization area:

North URTE - as amended, May 2018

A) Section south of I-80 at NW Blvd. to I-80 and Brady St

Beginning at the Northwest corner of Interstate Park 1st Addition to the City of Davenport, said point being on the Southerly line of federal aid Interstate Route 80; Thence Easterly and Southeasterly along the Southerly line of said Route 80 and the Westerly line of Northwest Boulevard, a distance of 2875 feet, more or less, to its intersection with the Northerly line of West 76th Street; Thence Northeasterly a distance of 156 feet, more or less, to the Easterly line of Northwest Boulevard; Thence Northwesterly along the Easterly line of said Northwest Boulevard a distance of 689 feet, more or less, to the Southerly line of federal aid Interstate Route 80; Thence Easterly along said Southerly line of Route 80 to its intersection with the Southerly extension of the West line of Iowa Research Commercial & Technical Park, an Addition to the City of Davenport; Thence Northerly along the West line of said Addition to the Northwest corner of said Addition; Thence East along the North line of Research Commercial & Technical Park and Research Commercial & Technical Park 3rd Addition to the East line of Brady Street; Thence North along the East line of said Brady Street to the Northwest corner of Parcel x3601-02 and the intersection with the Westerly extension of the North line of North Welcome Way Addition to the City of Davenport; Thence East along the North line of aforesaid Addition to its Northeast corner; Thence Northeasterly a distance of 191 feet, more or less to the Westerly line of Parcel x3601-03 deeded to MMDH LLC filed for record as Document 2014-04893 with the Office of the Recorder of Scott County, Iowa; Thence Northly along the West line of aforesaid Parcel to the south line of East 90th Street; Thence Easterly and Southerly along said south line of East 90th Street to the Westerly line of us Highway 61; Thence Southerly and Westerly along the Westerly line of us Highway 61 to a point which is 67 feet, more or less, Easterly of the Southwest corner of lot 11 of Iowa Research Commercial & Technical Park; Thence Southwesterly a distance of 437 feet, more or less, to the Southerly line of federal aid Interstate Route 80; Thence Easterly and Southerly along the Southerly line of said Route 80 and the Westerly line of us Highway 61 to its intersection with the Northerly line of West 76th Street; Thence Westerly along the Northerly line of said West 76th Street a distance of 43 feet, more or less; Thence Southerly a distance of 176 feet, more or less, to the Westerly line of the West frontage Road of us Highway 61; Thence Southerly along the Westerly line of said West frontage Road to the south line of Steeplegate plaza condominiums; Thence West along the south line of said Steeplegate plaza condominiums and the south line of Scott County Regional Industrial Park and its re-subdivisions of same to the Southwest

corner of Scott County Regional Industrial Park; Thence North along the West line of said Scott County Regional Industrial Park and its Northerly extension to the North line of West 76th Street; Thence along the North line of said West 76th Street to the East line of North Division Street; Thence Westerly a distance of 609 feet, more or less, to the Northeast corner of the replat of Ridgeview Park Addition to the City of Davenport; Thence West along the North line of said replat of Ridgeview Park Addition to its Northwest corner; Thence south along the West line of said replat of Ridgeview Addition to the Southeast corner of I-80 Iowa 130 Industrial Park Addition to the City of Davenport; Thence West along the south line of aforesaid Addition and the south line of Farris First Addition to the Easterly line of Northwest Boulevard; Thence Southwesterly to the Southeast corner of Green Tree Park 1st Addition to the City of Davenport, also being a point on the North line of West 72nd Street; Thence Westerly along the Northerly and Easterly line of West 72nd Street to its intersection with the East line of Jebens Avenue with the North line of West 72nd Street; Thence West along the North line of West 72nd Street to its intersection with the East line of Hillandale Road; Thence Southwesterly to the Southeast corner of lot 11 of willow knolls 3rd Addition to the City of Davenport; Thence along the south line of said lot 11 to its Southwest corner; Thence south along the West line of said willow knolls 3rd Addition to the Southeast corner of Parcel W0403-03b deeded to Sheffield Square LLC filed for record as filed in Deed Book 6, page 173 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of aforesaid Parcel to its Southwest corner; Thence North along the West line of aforesaid Parcel to its Northwest corner, said point being on the south line of Parcel w3349-07a deeded to CDC Limited filed for record as Document 2011-12105 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of the aforesaid Parcel to its Southwest corner; Thence North along the West line of the aforesaid Parcel to its Northwest corner and the Southerly line of federal aid Interstate Route 80; Thence Easterly along the Southerly line of said Route 80 to the point of beginning.

B) Section North of I-80 at NW Blvd

Beginning at the intersection of the West line of North Division Street and Northerly line of federal aid Interstate Route 80; hence West along the Northerly line of said Route 80 to its intersection with the Easterly line of Northwest Boulevard (aka Iowa Highway 130); Thence Southwesterly to the intersection of the Westerly line of Northwest Boulevard and the Northerly line of federal aid Interstate Route 80; Thence West along the Northerly line of said Route 80 to its intersection with the Westerly line of wacky waters 1st Addition to the City of Davenport; Thence North along the West line of aforesaid Addition to the Northwest corner of said Addition; hence West along the south line of Parcel v3205-02 deeded to Cheryle Frye Revocable Trust filed for record as Document 2016-06046 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of aforesaid Parcel to its Northwest corner and the south line of 210th Street; Thence East along the North line of aforesaid Parcel to the Westerly line of Northwest Boulevard; Thence Southeasterly along the Westerly line of aforesaid Boulevard a distance of

45 feet, more or less; Thence North along the Westerly line, as extended Southerly, of Parcel v2953-01a deeded to Agrigenetics filed for record as Document 1998-05393 with the Office of the Recorder of Scott County, Iowa; Thence North on the Westerly line of the aforesaid Parcel and its Southerly extension to its Northwest corner;

Thence East along the North line of the aforesaid Parcel and the North line of Sheridan Industrial Park 1st Addition and Hoefer's Addition to the Northeast corner of Hoefer's Addition; Thence south along the East line of said Hoefer's Addition to the North line of Parcel v3207-01 held in fee title by the State of Iowa; Thence East along the North line of aforesaid Parcel to its Northeast corner; Thence East along the North line of Parcel w3301-04a deeded to Walter A. Dengler filed for record as Document 1998-07681 with the Office of the Recorder of Scott County, Iowa to the Northwest corner of Iowa 89 Airport Industrial Park Addition; Thence along the North line of aforesaid Addition to the West line of Hillandale Road; Thence Southerly along the West line of said Hillandale Road a distance of 20 feet, more or less; Thence Northeasterly a distance of 67 feet, more or less, to the East line of Hillandale Road; Thence North along the East line of said Hillandale Road to the Northwest corner of Parcel w2853-01 deeded to MidAmerican Energy Co filed for record as Document 2018-05604 with the Office of the Recorder of Scott County, Iowa; Thence along the North line of aforesaid Parcel as extended Easterly to the East line of Granite Way; Thence North along the East line of granite Way to the Northwest corner of lot 1 of Kraft First Addition to the City of Davenport; hence Southeasterly along the North line of said lot 1 to its Northeast corner and a point on the West line of an intermodal railway held in fee title by the City of Davenport; Thence Easterly to the Northwest corner of Parcel w2733-02 held in fee title by Sterilite Corporation; Thence East along the North line of said aforesaid Parcel to the West line of North Division Street; Thence south along the West line of said North Division Street to the point of beginning.

C) Section south of I-80 and Brady Street

Beginning at the intersection of the Northerly line of Veterans Memorial Parkway and the Easterly line of the Easterly frontage Road of us Highway Route 61 (aka Brady Street); Thence Northerly along the Easterly line of said frontage Road and continuing Easterly along the Southerly line of federal aid Interstate Route 80 to the intersection of said Southerly line of Route 80 with the Westerly line of a railroad line held in fee title by Canadian Pacific Railroad; Thence Southerly along said Westerly line of said railroad to the North line of Parcel x0135-03b deeded to Von Maur Inc filed for record as Document 2012-27813 with the Office of the Recorder of Scott County, Iowa;

Thence Easterly a distance of 138 feet, more or less, to the Easterly line of aforesaid railroad; Thence Northwesterly along said Easterly line of said railroad a distance of 32 feet, more or less, to the North line of Parcel x0135-03b deeded to Von Maur Inc filed for record as Document 2012-27813 with the Office of the Recorder of Scott County, Iowa; Thence along the North line of aforesaid Parcel to its Northeast corner; Thence south along the East line of aforesaid Parcel to its intersection with the Westerly line of a

railroad line held in fee title by Canadian Pacific Railroad; Thence Southerly along the Westerly line of aforesaid railroad to its intersection with the North line of East 53rd Street; Thence West along the North line of said East 53rd Street a distance of 19 feet, more or less;

Thence Southwest a distance of 104 feet, more or less, to the Northeast corner of Park 53 1st Addition, and its re-subdivisions; Thence south along the East line of aforesaid Additions to the Southeast corner of said Additions;

Thence West along the south line of aforesaid Additions to the East line of Tremont Avenue; Thence Northwesterly to the West line of said Tremont Avenue and the Northeast corner of Parcel P1215-11 deeded to granite & more LLC filed for record as Document 2017-01138 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of said Tremont Avenue to its intersection with the North line of East 46th Street; Thence West along the North line of said East 46th Street to a point 10 feet, more or less, East of the Southwest corner of Parcel P1215-02a deeded to Christine L. Smith filed for record as Document 2006-10481 with the Office of the Recorder of Scott County, Iowa; Thence Southerly to the south line of said East 46th Street and the Northwest corner of Parcel P1215-01e deeded to Steel Rock Investments LLC filed for record as Document 2016-14090 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of aforesaid Parcel to its Southwest corner and the North line of Brady-Crest Addition to the City of Davenport; Thence East along the North line of aforesaid Addition to its Northeast corner; Thence south along the West line of St. Marguerite's cemetery (also being Parcels p1307-01 and p1307-02 on the auditor's map) to the Southwest corner of said cemetery; Thence Southeasterly a distance of 191 feet, more or less, to the south line of East 39th Street and the Northwest corner of Parcel p1310a04 deeded to Eric C Syverud filed for record as Document 2008-30675 with the Office of the Recorder of Scott County, Iowa; Thence East along the south line of said East 39th Street to its intersection with the West line of bridge Avenue; Thence Southerly along the West line of said bridge Avenue to its intersection with the south line of East 37th Street; Thence East along the south line of said East 37th Street to the Northwest corner of Parcel p1312d01a deeded to Dahl Motors Davenport Inc filed for record as Document 2006-02373 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of aforesaid Parcel to its Southwest corner; Thence East along the south line of aforesaid Parcel to its Southeast corner and the West line of Mississippi Avenue; Thence Easterly along the North line of Parcels p1312c02 and p1313c02a deeded to Devoss Properties LLC filed for record as Document 2012-08347 with the Office of the Recorder of Scott County, Iowa to the Westerly line of a railroad line held in fee title by Canadian Pacific Railroad; Thence Easterly to the Easterly line of aforesaid railroad to a point 51 feet, more or less, Southerly of the Northwest corner of Goose Creek Centre Condos; Thence Easterly along the North line of said condos to the West line of Eastern Avenue; Thence Easterly to the East line of said Eastern Avenue to a point 81 feet, more or less, North of the Northeast corner of Parcel n1809-01 deeded to Znn Properties LLC filed for record as Document 2015-28924 with the Office of the Recorder of Scott County, Iowa; Thence North along the

East line of said Eastern Avenue to its intersection with the south line of Luther acres Addition to the City of Davenport; Thence East along the south line of aforesaid Addition as extended Easterly to the West line of Parcel n1809-04g deeded to Lindruff Properties LC filed for record as Document 20121996-21008 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of aforesaid Parcel to its Southwest corner; Thence East along the south line of aforesaid Parcel and its Easterly extension to the East line of spring Street; Thence North along the East line of said spring Street to its intersection with the south line of East 38th Street; Thence along the south line of said East 38th Street to its intersection with the West line of Belle Avenue; Thence south along the West line of said belle Avenue a distance of 260 feet, more or less; Thence Easterly to the East line of belle Avenue and the Northwest corner of paul revere square condos to the City of Davenport; Thence East along the North line of said condos to the West line of Jersey Ridge Road; Thence south along the West line of said Jersey Ridge Road to its intersection with the south line of East Kimberly Road; Thence Easterly along the south line of said East Kimberly Road to its intersection with the East line of Parcel n1814-04 deeded to Indian Ridge apartments cooper filed for record as Document 2001-36048 with the Office of the Recorder of Scott County, Iowa;

Thence Southerly and Westerly along the East and south lines of aforesaid Parcel to the East line of Jersey Ridge Road; Thence North along the East line of said Jersey Ridge Road to a point which is 85 feet, more or less, North of the Southwest corner of profession Park East condos; Thence Westerly to the West line of said Jersey Ridge Road and the Southeast corner of lot 1 of Stonebraker's 1st Addition to the City of Davenport; Thence West along the south line of aforesaid lot 1 to its Southwest corner; Thence North along the West line of aforesaid lot 1 of Stonebraker's 1st Addition to the Northeast corner of lot 2 of said Addition; Thence West along the North line of said lot 2 to its Northwest corner and the East line of lot 1 of Waterpark Addition to the City of Davenport; Thence south along the East line of aforesaid lot to its Southeast corner; Thence West along the south line of aforesaid lot to its Southwest corner; Thence Westerly to the West line of aforesaid Waterpark Addition and a point which is 78 feet, more or less, south of the Northwest corner of lot 4 of aforesaid Addition; Thence south along the West line of said Waterpark Addition to its Southwest corner, also being the Northwest corner of Springwood Addition to the City of Davenport; Thence continuing south along the West line of said springwood Addition to its Southwest corner and the North line of g-mar heights 2nd Addition to the City of Davenport; Thence Westerly along the North lien of said g-mar heights 2nd Addition to its intersection with the West line of Parcel n1816c04 deeded to Spring Village Apart of IA LLC filed for record as Document 2006-17780 with the Office of the Recorder of Scott County, Iowa; Thence North along the West lien of aforesaid Parcel as extended Northerly to the south line of Northgate 2nd Addition to the City of Davenport; Thence Westerly along the south line of aforesaid Addition to the Southeast corner of Parcel n1816a02a deeded to Windmill Hill LC filed for record as Document 2018-03453 with the Office of the Recorder of Scott County, Iowa; Thence along the south line of aforesaid Parcel to the East line of Eastern Avenue; Thence North

along the East line of said Eastern Avenue a distance of 267 feet, more or less; Thence Northwesterly to the West line of said Eastern Avenue and the Northeast corner of Kimberly downs Addition to the City of Davenport; Thence West along the North line of aforesaid Addition and its Westerly extension to the Easterly line of a railway line held in fee title by Canadian Pacific Railroad; Thence Westerly to the Westerly line of aforesaid railway and the Northeast corner of Kimberly downs 3rd Addition to the City of Davenport; Thence West along the North line of aforesaid Addition to the Southeasterly line of bridge Avenue; Thence Westerly to the intersection of the Northwesterly line of bridge Avenue with the Easterly line of Kimberly downs Road; Thence Northwesterly along the Easterly line of said Kimberly Downs Road a distance of 170 feet, more or less; Thence Westerly to the Westerly line of Kimberly Downs Road and the Southeast corner of lot 4 of Kimberly Crest south Addition to the City of Davenport; Thence North along the West line of aforesaid lot to the Southeast corner of Parcel p1314-01 held in fee title by the National Guard of Iowa; Thence West along the south line of aforesaid Parcel to its Southwest corner; Thence North along the West line of aforesaid national guard Parcel to the Southeast corner of j g baker 2nd Addition to the City of Davenport; Thence Southwesterly along the Southerly line of aforesaid Addition to its Southwest corner and the East line of Parcel p1316-02 deeded to Davenport Community School District filed for record as Document 2010-13060 with the Office of the Recorder of Scott County, Iowa; Thence south along the East line of aforesaid Parcel and its Southerly extension to the North line of East George Washington Boulevard; Thence Westerly along the North line of said East George Washington to a point which is 114 feet, more or less, Westerly of the Southeast corner of Parcel p1316b02 deeded to TBK LLC filed for record as Document 2015-03394 with the Office of the Recorder of Scott County, Iowa; Thence Southerly to the Northeast corner of lot 5 of fisher & fisher's 4th Addition (as amended by dedication or right of Way to the City Davenport); Thence south along the East line of aforesaid lot 5 to its Southeast corner; Thence Westerly along the Southerly line of said lot 5 to the Northeast corner of lot 1 of fisher & fisher's 2nd Addition to the City of Davenport; Thence south along the East line of aforesaid lot 1 to the North line of East 32nd Street; Thence Southerly to the south line of said East 32nd Street and the Northwest corner of Parcel c0002-25 deeded to the City of Davenport filed for record as Document 2009-35677 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of aforesaid city Parcel to the North line of a public alley laying between East 32nd Street and East 31St Street; Thence West and south along the North and West lines of aforesaid public alley to the North line of said East 31St Street; Thence West along the North line of said East 31St Street to the Southwest corner of Parcel c0002-06 deeded to Ricardo E Rangel filed for record as Document 2010-25697 with the Office of the Recorder of Scott County, Iowa; Thence south to the south line of said East 31St Street; Thence East along the south line of said East 31St Street a distance of 5 feet, more or less, to the Northwest corner of Parcel c0002-58 deeded to Peter J Schlicksup, as Trustee filed for record in Deed Book 7, page 815 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of aforesaid Parcel to its Southwest corner and the North line of a public alley laying between East

31st Street and East 30th Street; Thence West along the North line of aforesaid alley a distance of 2.5 feet, more or less, to the East line of a Northern leg of the aforesaid public alley; Thence North along the East line of aforesaid North leg of said alley a distance of 12 feet, more or less, to the Northern termination of said alley; Thence West along the North line of said alley a distance of 16 feet, more or less, to the West line of said Northern leg of said alley; Thence south along the West line of said alley to its intersection with the North line of East 30th Street; Thence West along the North line of said East 30th Street a distance of 46 feet, more or less; Thence south to the south line of East 30th Street to a point being 4 feet, more or less, West of the West line of Iowa Street; Thence East along the south line of said East 30th Street a distance of 4 feet, more or less, to the West line of Iowa Street; Thence south along the West line of said Iowa Street and its Southerly extension to its intersection with the south line of East 29th Street place; Thence East along the south line of said East 29th Street place a distance of 8 feet, more or less, to the West line of a public alley; Thence south along the West line of said alley to the Northwest corner of Parcel c0015-01 deeded to Lenora M. Donlin filed for record as Document 2013-23162 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of aforesaid Parcel to its Southwest corner and the North line of East 29th Street; Thence Southerly to the south line of East 29th Street and its intersection with the West line of Iowa Street; Thence south along the West line of said Iowa Street to the North line of East Garfield Street; Thence along the North line of East Garfield Street to the Southwest corner of Parcel c0017-44 deeded to Kenneth J. Rose filed for record as Document 1989-18320 with the Office of the Recorder of Scott County, Iowa; Thence Southwesterly to the intersection of the south line of East Garfield Street and the West line of a public alley laying between Brady Street and Pershing Avenue; Thence East along the south line of East Garfield Street to the West line of Pershing Avenue; Thence south along the West line of Pershing Avenue to its intersection with the North line of East Central Park Avenue; Thence Westerly along the North line of East Central Park Avenue to the Easterly line of aforesaid public alley laying between Brady Street and Pershing Avenue; Thence Southwesterly to the south line of East Central Park Avenue and the Northwest corner of lot 1 of block 4 in Park view Addition to the City of Davenport; Thence south along the West line of aforesaid lot 1 to its Southwest corner and the Northwest corner of a public alley laying West of Pershing Avenue; Thence south along the West line of aforesaid public alley to its intersection with a North line of a public alley laying North of East Dover court; Thence West along the North line of aforesaid alley to the Westerly line of said alley; Thence Southwesterly along the Westerly line of aforesaid alley to its intersection with the North line of East Rusholme Street; Thence West along the line of East Rusholme Street to its intersection with the Easterly line of Brady Street; Thence perpendicular to the Easterly right of Way of said Brady Street to the Westerly line of said Brady Street; Thence Southwesterly along the Westerly line of said Brady Street to its intersection with the North line of West Lombard Street; Thence West along the North line of West Lombard Street and its Westerly extension to its intersection with the West line of Harrison Street (aka us Highway Route 61); Thence Southerly along

the West line of said Harrison Street to its intersection with the North line of West Lombard Street; Thence West along the North line of West Lombard Street to its intersection with the East line of a public alley laying between Harrison Street and Ripley Street; Thence North along the East line of said public alley to the south line of West Dover court; Thence East along the south line of West Dover court a distance of 8 feet, more or less; Thence Northeasterly to the intersection of the East line of said alley with the North line of West Dover court; Thence continuing along the East line of said alley to the south line of West Central Park Avenue; Thence Northeasterly to the North line of West Central Park Avenue and the Southwest corner of Parcel b0027-15 deeded to MVP LLC filed for record as Document 2015-04491 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of aforesaid Parcel to its Northwest corner; Thence North along the West line of Parcel b0027-16 deeded to Harrison Street cooperative filed for record as Document 2016-11489 with the Office of the Recorder of Scott County, Iowa to its Northwest corner; Thence North along the West line of Parcel b0027-17 deeded to Justin Michael Ramsay filed for record as Document 2016-22994 with the Office of the Recorder of Scott County, Iowa to its Northwest corner; Thence West along the south line of Parcel b0027-18 deeded to Rodney L. Becker filed for record as Document 1990-22781 with the Office of the Recorder of Scott County, Iowa to its Southwest corner; Thence North along the West line of aforesaid Parcel to its Northwest corner and the south line of a public alley laying south of West Columbia Avenue; Thence Northeasterly to the North line of said alley and the Southwest corner of lot 6 of Vander veer Park Addition to the City of Davenport; Thence North along the West line of lots 6 and 7 of said Vander veer Park Addition to the south line of West Columbia Avenue; Thence Northerly to the intersection of the North line of said West Columbia Avenue with the East line of a public alley laying West of Harrison Street; Thence Northerly along the East line of aforesaid alley and its Northerly extension to its intersection with the North line of West Garfield Street and the Southwest corner of Parcel b0022-44 deeded to Gregory Arlan Meyer filed for record as Document 2011-00862 with the Office of the Recorder of Scott County, Iowa to its Northwest corner; Thence Northerly along the West line of Fanth Addition to the City of Davenport to its Northwest corner; Thence Northerly to the Southwest corner of Parcel B0011-29 deeded to Adam Holst filed for record as Document 2012-26848 with the Office of the Recorder of Scott County, Iowa; Thence Northerly along the West line of aforesaid Parcel to its Northwest corner and the south line of West 29th Street; Thence Northerly to the intersection of the North line of said West 29th Street with the East line of a public alley laying West of Harrison Street; Thence Northerly along the East line of said public alley to its intersection with the south line of West 32nd Street; Thence East along the south line of said West 32nd Street to its intersection with the West line of Harrison Street; Thence Northeasterly to the intersection of the East line of Harrison Street with the North line of said West 32nd Street; Thence Northerly along the East line of said Harrison Street to the Southwest corner of Parcel p1411-15 deeded to Car lee IA HH LLC filed for record as Document 2007-11464 with the Office of the Recorder of Scott County, Iowa; Thence Northerly and Easterly along the Easterly line of said Harrison

Street and the Southeasterly line of Welcome Way a distance of 465 feet, more or less; Thence Northwesterly to a point on the Northerly line of Welcome Way being 68 feet, more or less, East of the East line of said Harrison Street; Thence Northwesterly along the Easterly line of said Harrison Street to its intersection with the south line of lot 1 of Heeter's Kimberly Road Addition to the City of Davenport; Thence Southwesterly to the Westerly line of said Harrison Road and the Southeast corner of lot 1 of valley bank Addition to the City of Davenport; Thence Westerly along the south line of lots 1 and 2 of aforesaid Addition to the Southwest corner of lot 2 of said Addition; Thence south along the East line of Parcel p1410-01b deeded to Kimberly realty filed for record as Document 1999-10183 with the Office of the Recorder of Scott County, Iowa to its Southeast corner; Thence West along the south line of aforesaid Parcel and its Westerly extension to the West line of Gaines Street; Thence south along the West line of said Gaines Street to the Northeast corner of lot 1 of Kartridge Pak 1st Addition to the City of Davenport; Thence West along the North line of said lot 1 to its Northwest corner; Thence south along the West line of said lot 1 to its south West corner and the North line of Parcel p1410-02e deeded to Grape Road LLC filed for record as Document 2007-11475 with the Office of the Recorder of Scott County, Iowa; Thence West along the North line of aforesaid Parcel to its Northwest corner and the West line of Schuette's 1st Addition to the City of Davenport; Thence Westerly and Northerly along a Northerly line of said Addition to the Southeast corner of lot 2 of Byrider subdivision 2nd Addition to the City of Davenport; Thence North along the East line of said lot 2 to its Northeast corner; Thence Westerly along the North line of said lot 2 to its Northwest corner; Thence south along the West line of said lot 2 to its Southwest corner and the North line of lot 4 of Schuette's 1st Addition; Thence West along the North line of said lot 4 to its Northwest corner; Thence south along the West line of aforesaid lot 4 to the Northeast corner of cottages at shady ridge Addition to the City of Davenport; Thence West along the North line of said Addition to its Northwest corner and the Northeast corner of lot 2 of Scotty's Highland Park 2nd Addition to the City of Davenport; Thence West along the Northline of aforesaid lot 2 to the East line of Marquette Street; Thence North along the East line of said Marquette Street to a point being 64 feet, more or less, south of the south line of West Kimberly Road; Thence Westerly to a point on the West line of Marquette Street being 25 feet, more or less, south of the south line of West Kimberly Road; Thence south along the West line of said Marquette Street to the south line of lot 9 of Byar's replat of lots 17 thru 22, Inclusive, of Byar's First Addition to the City of Davenport; Thence West along the south line of lots 9 thru 1, Inclusive, of said Byar's replat to the Southwest corner of said lot 1 of said replat, and the East line of lot 8 of Steve-shoran 1st Addition to the City of Davenport; Thence south along the East line of said lot 8 to its Southeast corner and the North line of West 38th Street place; Thence West along the North line of said West 38th Street place to the Southwest corner of said lot 8 of Steve-Sharon 1st Addition; Thence North along the West line of said lot 8 to the Southeast corner of Parcel m1512d19 deeded to Carole S Bognar filed for record as Document 2016-19131 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of said Parcel to the Northwest corner of Parcel

m1512d19a deeded to Long Family Trust UTA filed for record as Document 2012-14653 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of said Parcel to the Southeast corner of Parcel m1512d20 deeded to Joe W. Cole filed for record in Deed Book 9, page 1228 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of said Parcel to the Southeast corner of Parcel m1512d21 deeded to Linda M. Hancock filed for record in Deed Book 9, page 1180 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of said Parcel to its Southwest corner and the East line of lot 11 of Sunnymede heights annex Addition to the City of Davenport; Thence south along the East line of said lot 11 to its Southeast corner; Thence West along the south line of lots 7 thru 11 of said Sunnymede heights annex Addition to the West line of said lot 7 and the East line of a public alley; Thence North along the East line of said alley a distance of 141 feet, more or less; Thence Northwesterly to West line of said alley and the Northeast corner of lot 17 of said Sunnymede heights Addition; Thence West along the North line of lots 17 and 10 as extended Westerly to the West line of a public alley laying West of Sturdevant Street; Thence south along the West line of said alley to the Northeast corner of lot 1 of Danielsens's 1st Addition to the City of Davenport; Thence West along the North line of said lot to its Northwest corner and the Northeast corner of lot 1 of Houghland's 1st Addition to the City of Davenport; thence west along the north line of said lot 1 to the east line of North Division street; Thence north along the east line of said North Division street a distance of 191 feet, more or less; Thence west to the west line of said North Division street and the southeast corner of Parcel M1510b25a deeded to Slesha Mini Mart LLC filed for record as Document 2015-29848 with the Office of the Recorder of Scott County, Iowa; Thence along the south line of said parcel to its southwest corner and the east line of parcel m1510b27 deeded to Robert h. Brown filed for record in deed book 9, page 1234 with the office of the recorder of Scott County, Iowa, Thence south along the East line of said Parcel to its Southeast corner; Thence West along the south line of said Parcel to its Southwest corner; Thence North along the West line of said Parcel to Northeast corner of Parcel m1510b11 deeded to Wilkes corner cooperative filed for record as Document 2013-11028 with the Office of the Recorder of Scott County, Iowa; Thence West along the North line of said Parcel to the East line of Wilkes Avenue;

Thence Westerly to the Northeast corner of the south half of lot 7 of Danielsens's 2nd subdivision; Thence West along the North line of said south half of said lot 7 and its Westerly extension to the West line of a public alley laying West of Wilkes Avenue; Thence south along the West line of said alley to the Northeast corner of lot 9 of Danielsens's 2nd subdivision; Thence West along the North line of lots 9 thru 13 of said subdivision to the Northwest corner of said lot 13 of said subdivision; Thence south along the West line of said lot 13 to the North line of West 38th Street place; Thence West along the North line of said West 39th Street place to its intersection with the East line of Pacific Street; Thence North along the West line of said Pacific Street a distance of 144 feet, more or less;

Thence Westerly to the West line of said Pacific Street and the Northeast corner of lot 2 of Brookside Park 1st Addition; Thence West along the North line of said lot 2 to its Northwest corner; Thence Northwesterly to the Northeasterly corner of lot 158 of Brookside Park 4th Addition to the City of Davenport; Thence Southwesterly along the Northerly line of said lot 158 to its Northwesterly corner; Thence along the Northerly line of West 38th Street place to the Southwesterly corner of lot 168 of said Addition; Thence Northwesterly along the Southwesterly line of said lot to its Northwesterly corner; Thence south and West along the Westerly line of said lot 168 to the Northeast corner of lot 170 of said Addition; Thence West along the North line of said lot 170 to the East line of North Pine Street; Thence Northwesterly to the intersection of the West line of said Pine Street with the North line of West 38th Street place; Thence West along the North line of said West 38th Street place to the Southeasterly corner of lot 10 of Westgate 1st Addition to the City of Davenport; Thence West along the south line of said lot 10 to its Southwest corner; Thence Northwest along the Easterly line of lot 11 of Westgate 2nd Addition to its Northeast corner; Thence Southwesterly along its Northerly line to the East line of North Elmwood Avenue; Thence Northerly and Westerly along the Easterly and Northerly lines of North Elmwood Avenue and West 38th Street place to the West line of Westgate 2nd Addition; Thence south along the West line of said Addition to the North line of lot 23 of Westgate 10th Addition to the City of Davenport; Thence West along the North line of said 10th Addition and its Westerly extension to the Southeast corner of lot 1 of Westgate 13th Addition to the City of Davenport; Thence Westerly along the Southerly line of said lot 1 to the East line of Hillandale Road; Thence North along the East line of said Hillandale Road to the Northwesterly corner of said lot 1, Thence Southwesterly to the West line of said Hillandale Road and a Northeast corner of lot 9 of the 4th Addition to the City of Davenport; Thence Westerly along the North line of said lot 9 to its Northwest corner; Thence south along the West line of said lot 9 to its Southwest corner; Thence East along the south line of said lot 9 to the Northwest corner of lot 11 of said Addition; Thence south along the Westerly line of said lot 11 to the Northerly line of garden home villas to the City of Davenport;

Thence Easterly and Southerly to the Northeast corner of said villas; Thence Southwesterly to the Southeast corner of said villas and the most Northerly corner of Westgate 8th Addition to the City of Davenport; Thence southwesterly along the Westerly line of said 8th Addition and its Southwesterly extension to the Southerly line of Hickory Grove Road; Thence Southeasterly along the Southerly line of Hickory Grove Road to the Southeasterly line of Hickory Grove Road Industrial Park; Thence Southwesterly along the said Southeasterly line of said Industrial Park to the Northerly line of the Iowa Interstate railroad; Thence Westerly along the Northerly line of said railroad to its intersection with the East line of North Fairmount Street; Thence North along the East line of said North Fairmount Street to its intersection with the North line of Parcel o1633-10c deeded to Red Star Inc filed for record as Document 1998-35280 with the Office of the Recorder of Scott County, Iowa; Thence along the North line of said Parcel to the West line of lot 1 of the 6th Addition to the City of Davenport; Thence south along the West

line of said lot to its Southwest corner; Thence East along the south line of said lot to its Southeast corner; Thence North along the East line of said lot to its Northeast corner; Thence West along the North line of said lot to its Northwest corner; Thence south along the West line of said lot to the Northeast corner of Parcel o1633-08a deeded to Red Star Inc filed for record in Deed Book 6, page 185 with the Office of the Recorder of Scott County, Iowa; Thence West along the North line of said Parcel to the Southeast corner of lot 4 of Thomas C Turner's 1st Addition to the City of Davenport; Thence North along the East line of said lot 4 to its Northeast corner; Thence West along the North line of said lot 4 to the East line of North Fairmount Street; Thence North along the East line of North Fairmount Street to its intersection with the North line of Parcel o1617d02a1 deeded to Americo Real Estate company filed for record as Document 2015-14825 with the Office of the Recorder of Scott County, Iowa; Thence East along the North line of said Parcel to its Northeast corner; Thence south along the East line of said Parcel to the south line of Parcel o1617d05a1 deeded to wk development filed for record as Document 2015-14825 with the Office of the Recorder of Scott County, Iowa; Thence Easterly along the south line of said Parcel and its Easterly extension to the East line of North Elsie Avenue; Thence Northerly along the East line of North Elsie Avenue to its intersection with the south line of West 40th Street; Thence Easterly along the south line of said West 40th Street to the West line of lot 1 of Georgetown square 6th Addition to the City of Davenport; Thence south along the West line of said lot 1 to its Southwest corner; Thence East along the south line of Georgetown square 6th Addition and the south line of Georgetown square 2nd Addition to the Southeast corner of lot 6 of said 2nd Addition; Thence south along a West line of Georgetown square 2nd Addition to the Southwest corner of lot 2 of said Addition; Thence Northeast along the Southerly line of lot 2 to the West corner of Parcel o1619c03 deeded to Janice M Bryson filed for record as Document 1971-13017 with the Office of the Recorder of Scott County, Iowa; Thence East along the south line of said Parcel to the West line of Hillandale Road; Thence Southeasterly to the East line of Hillandale Road and a point which is 33 feet, more or less, North of the North line of West Kimberly Road; Thence Northerly along the East line of said Hillandale Road to its intersection with the East line of Georgetown square 2nd Addition; Thence North along the East line of said 2nd Addition to the North line of Parcel o1621-01 deeded to CWC series LLC series d filed for record as Document 2015-05967 with the Office of the Recorder of Scott County, Iowa; Thence East along the North line of said Parcel to its Northeast corner; Thence Southerly and Easterly along the Westerly and Southerly lines of Westgate 3rd Addition to the City of Davenport to the Northwest corner of Parcel o1623c04c deeded to Sherry True Value Inc filed for record as Document 2011-22994 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of said Parcel to its Southwest corner; Thence East along the south line of said Parcel to the Northwest corner of lot 2 of checkers Addition to the City of Davenport; Thence East along the south line of said lot 2 to the West line of North Pine Street; Thence Northeasterly to East line of North Pine Street and the south corner of Parcel o1623c04 deeded to Centro Bradley Spe 3 LLC filed for record as Document 2006-34100 with the Office of the Recorder of Scott

County, Iowa; Thence North along the East line of said Parcel to its Northeast corner; Thence West along the North line of said Parcel to the East line of North Pine Street; Thence North along the East line of North Pine Street to Southwest corner of lot 5 of block 2 of Westgate 3rd Addition to the City of Davenport; Thence East along the south line of said lot 5 to its Southeast corner; Thence North along the East line of said lot 5 to the Southwest corner of Kensington Park 4th Addition to the City of Davenport; Thence East along the south line of said 4th Addition to the Northeast corner of Parcel m1508-16b deeded to Centro Bradley Spe 3 LLC filed for record as Document 2006-34100 with the Office of the Recorder of Scott County, Iowa; Thence Southeasterly along the Easterly line of said Parcel to the Northwest corner of lots 2 and 3 of Kensington Commercial Park 1st Addition; Thence Easterly along the North line of said lots to the Northeast corner of said lots; Thence Easterly to the Northwest corner of lot 2 of Kensington Commercial Park 2nd Addition; Thence East along the North line of said lot 2 to its Northeast corner; Thence North along the East line of lots 2 and 1 of said Kensington Commercial Park 2nd Addition to the south line of West 40th Street; Thence East along the south line of 40th Street to the West line of lot 2 of couch's 1st subdivision to the City of Davenport; Thence south along the West line of said lot to its Southwest corner; Thence East along the south line of said lot to its Southeast corner; Thence North along the East line of said lot to the south line of West 40th Street; Thence East along the south line of West 40th Street to its intersection with the West line of North Division Street; Thence south along the West line of North Division Street a distance of 150 feet, more or less; Thence Northeasterly to the East line of North Division Street and the Southwest corner of Parcel m1506-05 deeded to Kwik Trip Inc filed for record as Document 2015-06501 with the Office of the Recorder of Scott County, Iowa; Thence East along the south line of said Parcel to its Southeast corner; Thence North along the East line of said Parcel as extended Northerly to the North line of Parcel m1506-08 deeded to Kwik Trip Inc filed for record as Document 2015-06501 with the Office of the Recorder of Scott County, Iowa; Thence East along the North line of said Parcel to its Northeast corner; Thence Southerly along the Easterly line of said Parcel to the Southwest corner of Parcel m1506-12b deeded to Kwik Trip Inc filed for record as Document 2015-06501 with the Office of the Recorder of Scott County, Iowa; Thence East along the south line of said Parcel and its Easterly extension to the East line of Sturdevant Street; Thence North along the East line of Sturdevant Street to the Northwest corner of Parcel m1506-20 deeded to Beattie Real Estate LLC filed for record as Document 2008-09768 with the Office of the Recorder of Scott County, Iowa; Thence East along the Northerly line of said Parcel to its Northeast corner; Thence south along the East line of said Parcel to the Northwest corner of Parcel m1506-21b deeded to Brian L. French filed for record as Document 2011-06240 with the Office of the Recorder of Scott County, Iowa; Thence East along the North line of said Parcel to its Northeast corner and the West line of Parcel m1506-22 deeded to Harold T. Akins filed for record as Document 2011-20353 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of said Parcel to its Northwest corner; Thence East along the North line

of said Parcel to its Northeast corner and the West line of Parcel m1506-23 deeded to Brad L. Entler filed for record as Document 1994-28738 with the Office of the Recorder of Scott County, Iowa;

Thence North along the West line of said Parcel to the south line of West 40th Street; Thence East along the south line of said West 40th Street to the West line of sleepy hollow Addition to the City of Davenport; Thence south along the West line of said Addition to the Southwest corner of lot 4 of said Addition; Thence East along the south line of said lot 4 to the West line of lot 5 of said Addition; Thence south along the West line of said lot 5 to its Southwest corner; Thence East along the south line of said lot 5 to the Northeast corner of Parcel m1505-31k deeded to Mcshane Properties LLC filed for record as Document 2015-13095 with the Office of the Recorder of Scott County, Iowa; Thence south along the East line of said Parcel to the Northwest corner of Parcel m1505-08a deeded to dale c. Jaeger filed for record as Document 2006-06584 with the Office of the Recorder of Scott County, Iowa;

thence East along the North line of said Parcel to its Northeast corner and the West line of Parcel m1505-05g deeded to the Susan Hamman living Trust filed for record as Document 2009-05319 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of said Parcel to the south line of sleepy hollow Addition to the City of Davenport; Thence East along the south line of said Addition to its Southeast corner; Thence North along the East line of said Addition to the Northwest corner of Parcel m1505-04 deeded to Daniel W. Meredith filed for record as Document 2017-09315 with the Office of the Recorder of Scott County, Iowa; Thence East along the North line of said Parcel and the North line of lot 3 of old k's subdivision to the City of Davenport to the Northwest corner of Parcel m1505-02a deeded to m & d holdings filed for record as Document 2003-38730 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of said Parcel to its Southwest corner;

Thence East along the south line of said Parcel to the West line of Marquette Street; Thence south along the West line of said Marquette Street to the Northeast corner of lot 1 of old k's subdivision; Thence Southeasterly to the East line of Marquette Street and the Northwest corner of Parcel p1408d06b deeded to Newberry enterprises Inc filed for record as Document 1992-13715 with the Office of the Recorder of Scott County, Iowa; thence East along the south line of said Parcel and its Easterly extension to the West line of Parcel p1408d01e deeded to the James P. Bach Revocable Trust filed for record as Document 2018-03165 with the Office of the Recorder of Scott County, Iowa;

Thence East along the North line of said Parcel to the West line of Lillie Avenue; Thence Northeasterly to the East line of said Lillie Avenue and the Northwest corner of lot 1 of Kimberly village 8th Addition to the City of Davenport; Thence East along the North line of said lot 8 to the West line of lot 1 of Davenport schools 1st Addition to the City of Davenport; Thence North along said West line to the Parcel's Northwest corner; Thence East along the North line of said lot 1 to the Northeast corner of said Parcel; Thence south along the East line of said lot 1 to the Northwest corner of lot 1 of village shopping center subdivision no. 3 Thence Easterly along the North line of aforesaid lot 1 to the Westerly line of Northwest Boulevard; thence southeasterly along the westerly line of said northwest boulevard to the most northerly

corner of lot 3 of village shopping center subdivision to the City of Davenport; Thence northeasterly to the easterly line of said northwest boulevard and the southwest corner of terrace ridge 5th addition to the city of davenport; said corner also being the most westerly corner of parcel p1405-07j deeded to Macerich North Park Mall LLC filed for record as document 2012-03141 with the Office of the Recorder of Scott County, Iowa; Thence northerly and easterly along the Northly line of said parcel to the westerly line of Welcome Way; Thence northeasterly and perpendicular to said westerly line to the easterly line of said Welcome Way; Thence northwesterly along the easterly line of said welcome way to a point which is 246 feet, more or less, northerly of the north line of east 50th street; Thence northwesterly to the westerly line of Welcome Way and the northeast corner of lot 1 of Northbrook Commercial park to the City of Davenport; Thence west along the north line of said lot 1 to its northwest corner; Thence south along the west line of said lot 1 to the north line of Sheridan street; Thence West along the North line of Sheridan Street a distance of 120 feet more or less to its intersection with the Northerly extension of the East line of Welcome Way Commercial center Addition to the City of Davenport;

Thence south along the East line of said Addition to its Southeast corner; Thence Westerly and Northly along the Southerly and Westerly line of said Addition to its Northwest corner; Thence East along the North line of said Addition to the West line of Sheridan Street; Thence Southerly along the West line of said Sheridan Street a distance of 30 feet, more or less; Thence Northeasterly a distance of 53 feet, more or less, to the East line of Sheridan Street;

Thence North along the East line of said Sheridan Street to its intersection with the North line of lot 1 of Menard's 1st Addition to the City of Davenport; Thence East along the North line of said lot 1 to the West line of Welcome Way; Thence Southeasterly to the East line of Welcome Way and the most Northern corner of Parcel x1217-01 held in fee title of the State of Iowa, said corner also being on the Westerly line of Brady Street; Thence Southeasterly along the Westerly line of said Brady Street to its intersection with the North line of East 53rd Street; Thence East along the North line of East 53rd Street to its intersection with the Easterly line of Brady Street and its frontage Road to its intersection with the North line of East 59th Street; Thence West along the North line of East 59th Street to the East line of said Brady Street; Thence North along the East line of Brady Street to its intersection with the Easterly extension of the North line of Parcel x1107-01g deeded to James Alex Mcgehee filed for record as Document 2010-22240 with the Office of the Recorder of Scott County, Iowa; Thence West along the North line of said Parcel and its Westerly extension to the Southeast corner of lot 8 of block 6 of joe Wagner's subdivision to the City of Davenport; Thence North along the East line of said lot 8 and its Northerly extension to the North line of East 61st Street; Thence North along the East line of lots 9 thru 1, Inclusive, of block 5 of said Wagner's subdivision to the Northeast corner of said lot 1 and the south line of Parcel x0255-52c deeded to Amy & Om Inc filed for record as Document 2013-16691 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of said Parcel to its Southwest corner; Thence North along the West line of aforesaid Parcel to the south line of West 65th Street; Thence Easterly along

the south line of said West 65th Street to the West line of Brady Street (aka us Highway Route 61); Thence south along the West line of Brady Street a distance of 76 feet, more or less; Thence Easterly to the East line of Brady Street and a point being 240 feet, more or less, Northerly of the Southwest corner of lot 1 of windmill hill Addition to the City of Davenport; Thence Northerly along the Easterly line of said Brady Street to the North line of Veterans Memorial Parkway and the point of beginning.

D-1) section along Hickory Grove Road at West Central Park Ave

Beginning at the intersection of the Northerly line of West Central Park Avenue with the Easterly line of Hickory Grove Road; Thence Southerly to the Northeasterly corner of lot b of the auditor's plat of hoe acres and the Westerly line of Hickory Grove Road; Thence Southeasterly along the Westerly line of Hickory Grove Road to the Westerly line of North Howell Street; Thence Southerly along the Westerly line of said North Howell Street to the Easterly line of a public alley laying immediately West of said Hickory Grove Road; Thence Northwesterly along the Easterly line of said alley to its intersection with the Northerly line of Frisco Drive; Thence Northwesterly along the Easterly line of lot 3 of block 4 of Golden Gate Park Addition to the City of Davenport to the Northern line of said block 4; Thence Southwesterly along the Northern line of said Addition to the Easterly line of the Iowa Interstate railroad; Thence Northerly along the Easterly line of said railroad to its intersection with the East line of Parcel o2102-07c deeded to Musal Tract LC filed for record as Document 2009-22877 with the Office of the Recorder of Scott County, Iowa; Thence North along the East line of said Parcel and its Northerly extension to the Easterly line Hickory Grove Road; Thence Northwesterly along the Easterly line of Hickory Grove Road to its intersection with the south line of property held in fee title by the City of Davenport and the board of Park commissioner (commonly known as duck Creek bike path and Parkway); Thence East along the south line of said duck Creek property to the Northwest corner of hickory hill 2nd Addition; Thence south along the West line of said Addition to the Southwest corner of lot 4 of said Addition; Thence Northeasterly along the Southerly line of said lot 4 to the West line of North Lincoln Avenue; Thence Southerly along the Westerly line of North Lincoln Ave a distance of 14 feet, more or less; Thence Northeasterly to the East line of North Lincoln Avenue and The Northwest corner of lot 29 of hickory hill 2nd Addition to the City of Davenport; Thence Easterly along the North lines of lots 29 and 30 of said Addition to the Northwest corner of lot 6 of hickory hill 1st Addition to the City of Davenport; Thence East along the North line of said lot 6 and its Easterly extension to the East line of North Pine Street; Thence North along the East line of said North Pine Street to the Northwest corner of lot 5 of hickory hill 1st Addition; Thence East along the North line of lots 5 and 4 of said Addition to the East line of said Addition; Thence south along the East line of said Addition and its Southerly extension to the Northeast corner of Parks 1st Addition; Thence south along the East line of aforesaid Addition as extended Southerly to the North line of West Central Park Avenue and the point of beginning.

D-2) section at West Central Park Avenue and North Fairmount St Beginning at the intersection of the North line of West Central Park Avenue with the East line of North Fairmount Street; Thence North along the East line of said North Fairmount Street to its intersection with property held in fee title by the City of Davenport and commonly known as duck Creek bike path and Parkway; Thence Southeasterly along the Southerly line of said Parkway to the Northwest corner of Parcel o2102-07b deeded to Musal tract LC filed for record as Document 2005-04838 with the Office of the Recorder of Scott County, Iowa; Thence Southeasterly along the Westerly line of said Parcel to its most southern corner and the West line of Treiber's 2nd Addition to the City of Davenport; Thence North along the West line of said Addition and its Northerly extension to the North line of Brandt's 1st Addition to the City of Davenport; Thence East along the North line of said Addition to its Northeast corner; Thence south along the East line of said Addition to its Southeast corner and the Northeast corner of lot 1 of Treibers 1St Addition; Thence south along the East line of said 1st Addition to its Southeast corner and the North line of Parcel o2107c38 deeded to Saini III LLC filed for record as Document 2017-31867 with the Office of the Recorder of Scott County, Iowa; Thence East along the North line of said Parcel to its Northeast corner; Thence south along the East line of said Parcel to the North line of West Central Park Avenue; Thence West along the North line of West Central Park Avenue to its intersection with the East line of North Fairmount Street and the point of beginning.

E) Section along West Locust Street, East of Iowa Interstate RR Beginning at the intersection of the south line of West Locust Street and the West line of Davie Street;

Thence south along the West line of Davie Street to the North line of lot 7 of block 2 of fair ground Addition to the City of Davenport; Thence West along the North line of said lot 7 and its Westerly extension to the West line of a public alley laying West of Davie Street; Thence south along the West line of said alley to the North line of lot 11 of block 2 of aforesaid Addition; Thence West along the North line of said lot 11 and its Westerly extension to the West line of Wilkes Street; Thence south along the West line of Wilkes Street to its intersection with the North line of West 17th Street; Thence West along the North line of West 17th Street to its intersection with the East line of North Howell Street; Thence North along the East line of North Howell Street to the intersection of the Easterly extension of the North line of lot 7 of lock 4 of said fair ground Addition; Thence West along the North line of said lot 7 and its Easterly extension, as extended Westerly, to the West line of a public alley laying West of North Howell Street; Thence south along the West line of said alley to the North line of lot 12 of block 4 of said fair ground Addition; Thence West along the North line of said lot 12 to the East line of Pacific Street; Thence North along the East line of Pacific Street and its Northerly extension to the North line of West Locust Street; Thence West along the North line of West Locust Street to the East line of the Iowa Interstate railroad;

Thence North along the East line of said railroad to the Southwest corner of Parcel a0062-35 deeded to Dennis Anderson filed for record as Document 1992-29791 with the Office of the Recorder of Scott County, Iowa; Thence East along the south line of said Parcel to the West line of a public alley laying West of North Howell Street; Thence south along the West line of said alley the Westerly extension of the North line of lot 1 of block 3 of Mcgee's Addition to the City of Davenport; Thence East along the North line of said lot 1 and its Westerly extension and along the North line OS lot 14 of block 2 of said Mcgee's Addition and its Easterly extension to the East line of a public alley laying West of Wilkes Street; Thence North along the East line of said alley to the south line of lot 3 of block 2 of said Mcgee's Addition; Thence East along the south line of said lot 3 to the West line of Wilkes Street; Thence south along the West line of Wilkes Street and its Southerly extension to the south line of West Locust Street; Thence East along the south line of West Locust Street to the West line of Davie Street and the point of beginning.

F) Section along West Locust Street, West of Iowa Interstate RR

Beginning at the intersection of the south line of West Locust Street and the West line of the Iowa Interstate railroad; Thence Southerly along the West line of said railroad to the North line of Parcel h0002-04 deeded to Ronald E. William filed for record as Document 2011-36650 with the Office of the Recorder of Scott County, Iowa;

Thence West along the North line of said Parcel to the East line of lookout lane; Thence North along the East line of lookout lane to the intersection of the Easterly extension of the North line of a public alley laying south of West Locust Street; Thence West along the North line of said alley and its Easterly extension to the West line of a public alley laying West of North Pine Street; Thence south along the West line of said alley to the North line of white's Pine acres subdivision to the City of Davenport; Thence West along the North line of said subdivision to the East line of North Lincoln Avenue; Thence North along the East line of North Lincoln Avenue to the Easterly extension of the North line of West 18th Street; Thence West along the North line of North Lincoln Avenue and its Easterly extension to the Southeast corner of lot 2 of carl e. Siegle 4th Addition; Thence West along the south line of said lot 2 to its Southwest corner and the East line of Parcel i0004d03 deeded to Mississippi Valley Rair Inc filed for record in Deed Book 6, page 197 with the Office of the Recorder of Scott County, Iowa; Thence Southerly along the Easterly line of said Parcel to the apparent intersection of the south line of Dugan & Rauch 2nd Addition as extended Westerly; Thence south a distance of 18 feet, more or less; Thence West to the East line of Parcel i0006-01 held in fee title by Mississippi Valley Inc; Thence North along the East line of said Parcel to the south line of Parcel i0002b01 held in fee title by Mississippi Valley Inc; Thence West along the south line of said Parcel to the East line of North Clark Street; Thence North along the East line of said North Clark Street to the Easterly extension of the North line of Parcel i0002a17 deeded to Lester e. Sammon filed for record as Document 2004-03396 with the Office of the Recorder of Scott County,

Iowa; Thence West along the North line and its Easterly extension of aforesaid Parcel to the Parcel's Northwest corner; Thence south along the West line of said Parcel to the North line of Anderson's 1st Addition to the City of Davenport; Thence West along the North line of said Addition to the Northeast corner of Schwengel's 1st Addition to the City of Davenport; Thence West along the North line of said schwengel's 1st Addition and its Westerly extension to the West line of North Elsie Avenue; Thence south along the West line of North Elsie Avenue to the south line of Parcel i0001-01a held in fee title by the Davenport Community School District; Thence West along the south line of said Parcel to the Southwest corner of said Parcel; Thence North along the West lien of said Parcel to the Westerly line of North Fairmount Street; Thence Northerly along the Westerly line of North Fairmount Street to the south line of Parcel s2907-01a deeded to right of cooperative filed for record as Document 2014-06707 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of said Parcel to its Southwest corner; thence North along the West line of said Parcel to the Northeast corner of Parcel s2907-04 deeded to Richard J. & Sandra J. Coussens Revocable Trust filed for record as Document 2018-00108 with the Office of the Recorder of Scott County, Iowa; Thence Westerly along the North line of said Parcel to the Southeast corner of Parcel s2907-01 deeded to Richard J. & Sandra J. Coussens Revocable Trust filed for record as Document 2018-00108 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of said Parcel to its Southwest corner and the East line of Parcel s2907-07a deeded to James J. Ingram Trust filed for record as Document 2017-09841 with the Office of the Recorder of Scott County, Iowa; Thence south along the East line of said Parcel to its Southeast corner; Thence West along the south line of said Parcel to the Northeast corner of meadow brook 2nd Addition to the City of Davenport; Thence West along the North line of said Addition to the East line of Schroeder's 1st Addition; Thence North along the East line of said Schroeder's 1st Addition to the south line of lot 1 of said Addition; Thence West along the south line of said lot 1 and its Westerly extension to the West line of North Calvin Street; Thence south along the West line of North Calvin Street to the North line of meadow brook Addition to the City of Davenport; Thence West along the North line of said Addition to the East line of royal-tee 1st Addition to the City of Davenport; Thence North along the East line of said Addition and the East line of royal-tee 2nd Addition to the Southeast corner of lot 2 of said 2nd Addition; Thence West along the North line of said lot 2 and its Westerly extension to the West line of Emerald Drive; Thence south on the West line of emerald Drive to the south line of Gene Meyer 1st Addition to the City of Davenport; Thence West along the south line of said Addition to its Southwest corner and the Northeast corner of Eagle Crest condos known as Parcel s2903-01b deeded to Sodarock properties LLC filed for record as Document 2013-15134 with the Office of the Recorder of Scott County, Iowa; Thence West along the North line of said Parcel and its Westerly extension to the Northwest corner of Parcel s2903a01 deeded to Sodarock properties LLC filed for record as Document 2016-00839 with the Office of the Recorder of Scott County, Iowa; Thence West along the North line of said Parcel to its Northwest corner; Thence south along the West line of said Parcel and its Southerly extension to the Southeast

corner of Parcel s2903-14 deeded to Edith A. Erfling filed for record as Document 2014-25507 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of said Parcel to its Southwest corner;

Thence North along the West line of said Parcel to the Southeast corner of Parcel s2901-01f deeded to scott a. Gall & Ranae Ralfs-Gall Revocable Trust filed for record as Document 2017-19183 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of said Parcel to its Southwest corner; Thence North along the Westerly line of said Parcel to the Easterly extension of the North line of Parcel s2901-01d deeded to martin leal filed for record as Document 2008-14546 with the Office of the Recorder of Scott County, Iowa; Thence West along the North line of said Parcel and its Easterly extension to the East line of Parcel s2901-02d deeded to Richard J. McGinnis filed for record as Document 2014-18811 with the Office of the Recorder of Scott County, Iowa; Thence south along the East line of said Parcel to its Southeast corner; Thence West along the south line of said Parcel and the south line of Parcel s2901-01c held in fee title by the Baptist church of Grandview to the East line of Wisconsin Avenue; Thence North along the East line of Wisconsin Avenue to the south line of West Locust Street; Thence East along the south line of West Locust Street a distance of 410 feet, more or less; Thence Northeast to the North line of West Locust Street and a point on the West line of Parcel t2049-01b deeded to Roger L. Spratt filed for record as Document 2012-31083 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of said Parcel to its Northwest corner; Thence East along the North line of said Parcel to its Northeast corner and the West line of Parcel t2049-04 deeded to Jennifer D. Johnson filed for record as Document 2017-24428 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of said Parcel to its Northwest corner; Thence south along the East line of said Parcel to the Northwest corner of Parcel t2049-05 deeded to David C. Dexter filed for record as Document 2016-35019 with the Office of the Recorder of Scott County, Iowa;

Thence East along the North line of said Parcel and its Easterly extension to the Northeast corner of Parcel t2051-01 deeded to Harold L Sheeder filed for record as Document 2018-05330 with the Office of the Recorder of Scott County, Iowa; Thence south along the East line of said Parcel to the Northwest corner of lot 2 of Hanlin's 2nd Addition to the City of Davenport; Thence East along the North line of said lot 2 to the West line of Oklahoma Avenue; Thence south along the West line of Oklahoma Avenue to the West extension of the North line of lot 33 of Hanlin's 2nd Addition; Thence East along the North line of said lot 33 and its Westerly extension to the East line of said Addition; Thence south along the East line of said Addition and its Southerly extension to the North line of West Locust Street; Thence East along the south line of West Locust Street to the West line of Gene Meyer 1st Addition to the City of Davenport; Thence Northerly to the North line of West Locust Street and the East line of Emeis Park Drive; Thence North along the East line of Emeis Park Drive to the south line of the replat of lots 1-6 of Hillebrand's Addition to the City of Davenport; Thence East along the south line of said Addition and its Easterly extension to the East line of emerald Drive; Thence North along the East line of emerald Drive to the

south line of the replat of lots 9-16 of Pinehurst 2nd Addition; Thence East along the south line of said Addition to the Southeast corner of said Addition; Thence North along the Westerly line of Parcel t2053-02a deeded to Marjorie Spranger filed for record as Document 2004-15356 with the Office of the Recorder of Scott County, Iowa; Thence Northerly along the Westerly line of said Parcel to its Northwest corner; Thence East along the North line of said Parcel to its Northwest corner; Thence south along the East line of said Parcel to the Southwest corner of Parcel t2055-02a deeded to John J. Cooksey filed for record as Document 1994-08207 with the Office of the Recorder of Scott County, Iowa; Thence East along the south line of said Parcel to the West line of North zenith Avenue;

Thence south along the West line of North zenith Avenue to the intersection of the Westerly extension of the North line of Parcel t2057-11 deeded to Timothy Shaffer filed for record as Document 2007-07288 with the Office of the Recorder of Scott County, Iowa; Thence East along said Northerly line and its Westerly extension of said Parcel to the West line of Parcel t2057-12 deeded to George A. Mast filed for record as Document 2009-21956 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of said Parcel to the south line of Parcel t2057-09 deeded to Richard Shaffer filed for record as Document 2005-38813 with the Office of the Recorder of Scott County, Iowa; Thence East along the south line of said Parcel to the West line of Parcel t2057-14a deeded to Donald E. Brentise filed for record as Document 2005-05815 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of said Parcel to the south line of Tuftee's 1st Addition to the City of Davenport; Thence East along the south line of said Addition to West line of lot 2 of moon Addition to the City of Davenport; Thence south along the West line of said lot 2 to its Southwest corner; Thence East along the south line of said lot 2 to the West line of North Fairmount Street; Thence south along the West line of said North Fairmount Street to the Westerly extension of the North line of lots 1 thru 5, Inclusive, of embassy Parke Addition to the City of Davenport; Thence East along said North line and its Westerly extension of said lots to the West line of North Nevada Avenue; Thence south along the West line of North Nevada Avenue to the Westerly extension of the south line of lot 41 of block 1 of embassy Park Addition to the City of Davenport; Thence East along the said south line and its Westerly extension of said lot 41 to the West line of Parcel o2116a27 deeded to Brett Dreessen filed for record as Document 2010-04310 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of said Parcel to its Northwest corner; Thence East along the North line of said Parcel to the its Northeast corner and the West line of North Michigan Avenue; Thence East along the south line of a public alley and its Westerly extension, said alley laying North of West Locust Street, to the East line of North Ohio Avenue and the Southwest corner of lot 62 of Mangel's 5th Addition to the City of Davenport; Thence East along the south line of said lot 62 to its Southeast corner; Thence North along the West line of said lot 62 to the Westerly extension of lot 78 of Mangel's 6th Addition to the City of Davenport; Thence East along said south line and its Westerly extension of said lot 78 to the West line of North Elsie Avenue; Thence south along the West line of North Elsie Avenue to the Westerly extension of the North line of lot 3 of

Parkdale 2nd Addition to the City of Davenport; Thence East along said North line and its Westerly extension to its Northeast corner; Thence Northeasterly along the Easterly line of lot 4 of said Addition to the Southwest corner of Parcel o2115a11 held in fee title by the Davenport Community School District; Thence Easterly along the Southerly line of said Parcel to the Northwest corner of Bergert's 1st Addition; Thence south along the West line of said Addition to the Northwest corner of Parcel o2115d03a deeded to Lisa Swanson filed for record as Document 2002-26002 with the Office of the Recorder of Scott County, Iowa; Thence East along the North line of said Parcel and its Easterly extension to the East line of North Clark Street; Thence North along the East line of North Clark Street to the North line of lot 1 of Harter's 1st Addition to the City of Davenport; Thence East along the North line of said lot 1 and its Easterly extension to the West line of Parcel o2115c22 deeded to Steven K. Wagschal filed for record as Document 2012-17769 with the Office of the Recorder of Scott County, Iowa; Thence North along the West line of said Parcel to the south line of Spiess 1st Addition to the City of Davenport; Thence Easterly along the south line of said Speiss addition and the south line of Laurel Hill Addition to the City of Davenport as extended Easterly to the East line of Hillendale Road; Thence North along the East line of Hillendale Road to the south line of Valley Fair Center 1st Addition to the City of Davenport; Thence Easterly along the Southerly and Westerly lines of said Addition to the West line of North Birchwood Avenue; Thence south along the West line of North Birchwood Avenue to the south line of West Laurel Street; Thence East along the south line of West Laurel Street to the West line of Berkeley Heights Addition to the City of Davenport; Thence south along the West line of said Addition to its Southwest corner; Thence East along the south line of aforesaid Addition and its Easterly extension to the Easterly line of Jebens Avenue; Thence Northerly along the Easterly line of Jebens Avenue to the North line of Parcel o2114-03 deeded to Hari Om Development LLC filed for record as Document 2015-11278 with the Office of the Recorder of Scott County, Iowa; Thence East along the North line of said Parcel to its Northeast corner; Thence south along the East of aforesaid Parcel to the Southwest corner of Parcel o2113d03b deeded to St. Francis Chateau LLC filed for record as Document 2013-10744 with the Office of the Recorder of Scott County, Iowa; Thence Easterly along its Southerly line to the West line of a public alley extending south from the intersection of North Linwood Avenue and West Pleasant Street; Thence south along the West line of said alley to the south line of a public alley lying North of West Locust Street; Thence East along the south line of said alley to the West line of Crescent Avenue; Thence south along the West line of Crescent Avenue and its Southerly extension to the south line of West Locust Street; Thence East along the south line of West Locust Street to the West line of the Iowa Interstate railroad and the point of beginning.

G) Section of East Locust Street

Beginning at the intersection of the North line of East Locust Street and the East line of the Canadian Pacific Railroad; Thence Northerly along the East line of said railroad to the North line of Parcel d0050-13 deeded to Cyndra M. Losasso Revocable Trust filed for record as Document 2016-02163 with the Office of the Recorder of Scott County, Iowa; Thence East along the North line of said Parcel to the West line of mound Street; Thence south along the West line of mound Street to the Westerly extension of the south line of a public alley laying North of East Locust Street; Thence East along the south line of said alley and its Westerly extension to the West line of Duggleby Street; Thence Northeasterly to the Southwest corner of lot 1 of manor heights annex to the City of Davenport; Thence East along the south line of said lot 1 to the West line of Jersey Ridge Road; Thence Northeasterly to the Southwest corner of Parcel d0060-08 deeded to Jennifer I. Rice filed for record as Document 2006-37915 with the Office of the Recorder of Scott County, Iowa; Thence East along the south line of said Parcel to its Southeast corner; Thence North along the East line of said Parcel to the south line of manor heights 4th Addition to the City of Davenport; Thence Easterly along the Southerly line of said Addition to the Southwest corner of said Addition; Thence North along the West line of said Addition to the south line of a public alley laying south of East pleasant Street; Thence East along the south line of said alley to the West line of Parcel d0059-10a deeded to Deborah G. Dubiel filed for record as Document 1996-06975 with the Office of the Recorder of Scott County, Iowa; Thence south along the West line of said Parcel to its Southwest corner; Thence East along the south line of said Parcel to the East line of Parcel d0059-05a deeded to David A. And Tamara J. Mahl filed for record as Document 2002-54564 with the Office of the Recorder of Scott County, Iowa; Thence south along the East line of said Parcel to the south line of Parcel d0059-07 deeded to Lesa Buck filed for record as Document 2013-29972 with the Office of the Recorder of Scott County, Iowa; Thence East along the south line of said Parcel and its Easterly extension to the East line of Lorton Avenue; Thence North along the East line of Lorton Avenue to the south line of a public alley laying North of East Locust Street; Thence East along the south line of said alley to the West line of Fernwood Avenue; Thence south along the West line of Fernwood Avenue and its Southerly extension to the south line of East Locust Street; Thence East along the south line of East Locust Street to the East line of Broadlawn Avenue; Thence continuing East along the south line of East Locust Street a distance of 82 feet, more or less; Thence Northeasterly to the North line of East Locust Street and the West line of white oaks Addition to the City of Davenport; Thence North along the West line of said Addition to its Northwest corner; Thence East along the North line of said Addition to the West line of Kimberly Road; Thence south along the West line of Kimberly Road to the North line of middle Road; Thence Southwesterly along the Northerly line of middle Road to the most Southerly corner of Parcel n2902b15 deeded to 3425 East Locust Street LLC filed for record as Document 2004-42174 with the Office of the Recorder of Scott County, Iowa; Thence Northerly and Westerly along the Westerly line of said Parcel to the East line of Broadlawn Avenue; Thence North along the East line of Broadlawn Avenue to the Easterly extension of

the south line of Parcel n2902b24 deeded to Richard M. Glowacki Revocable Trust filed for record as Document 2015-10852 with the Office of the Recorder of Scott County, Iowa; Thence West along the south line of said Parcel and its Easterly extension to the Southwest corner of said Parcel; Thence Southerly to the North line of lot 21 of Denkmann's Addition to the City of Davenport; Thence West along the North line of said lot 21 and its Westerly extension to the West line of Eastmere Drive; Thence south along the West line of Eastmere Drive to the North line of East 18th Street place; Thence West along the North line of East 18th Street place to the East line of lot 4 of said Denkmann's Addition; Thence North along the East line of said lot 4 to its Northeast corner; Thence West along the North line of lots 4 and 3 of said Addition to the East line of Stacey heights 1st Addition to the City of Davenport; Thence North along the East line of said Addition to the North line of lot 3 of block 1 of said Addition; Thence West along the North line of said lot 3 of said Addition to the Southwest corner of said lot; Thence Westerly to the West line of Pineacre Avenue and North line of a public alley laying south of East Locust Street; Thence West along the North line of said alley to the East line of Ridgewood Avenue; Thence North along the East line of Ridgewood Avenue to the south line of East Locust Street; Thence West along the south line of East Locust Street to the East line of lot 1 of block 9 of mcclellan Park Addition to the City of Davenport; Thence south along the East line of said Parcel to its Southeast corner; Thence Westerly along the south line of said Parcel to the Easterly line of Jersey Ridge Road; Thence Northerly along the East line of Jersey Ridge Road to the south line of East Locust Street; Thence Northwesterly to the West line of Jersey Ridge Road and the North line of East Locust Street; Thence West along the North line of East Locust Street to the East line of said Canadian Pacific Railroad and the point of beginning.

H) Section of West Locust Industrial area

Beginning at the intersection of the West line of West lake Boulevard and the North line of West Locust Street; Thence West along the North line of West Locust Street to the East line of Buffalo Avenue; Thence North along the East line of buffalo Avenue to the North line of West lake business Park 2nd Addition to the City of Davenport; Thence East along the North line of aforesaid Addition and the North line of West lake business Park 3rd Addition as extended East to the West line of federal aid Interstate Route 280; Thence south along the West line of said Route 80 to the North line of West Locust Street; Thence West along the North line of West Locust Street to the West line of West lake Boulevard and the point of beginning.

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 563.888.2286

Wards:

Action / Date

9/19/2018

Subject:

First Consideration: Ordinance for case REZ18-12 being the request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]

Recommendation:

Adopt the ordinance.

Background:

The Plan and Zoning Commission forwards Case REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Land Use Plan
▣ Backup Material	Plan and Zoning Commission Letter to City Council - 9-5-2018
▣ Backup Material	Plan and Zoning Commission Vote Results - 9-4-2018
▣ Backup Material	Staff Report to Plan and Zoning Commission - 9-4-2018 Meeting
▣ Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	9/13/2018 - 10:32 AM
Community Development Committee	Berger, Bruce	Approved	9/13/2018 - 10:34 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:47 PM

ORDINANCE NO.

ORDINANCE for Case No. REZ18-12 being the request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned.

The property has the following legal description:

Part of the east half of the of the southeast quarter of the Southeast Quarter of Section 20, Township 78 North, Range 03 East of the 5th P.M., Davenport, Scott County, Iowa being more particularly described as follows:

Beginning at a point 30 feet north and 231 feet west of the southeast corner of the southeast quarter of the Southeast Quarter of said Section 20; thence north 630 feet; thence west 99 feet; thence south 630 feet; thence east 99 to the point of beginning. Excepting therefrom that portion conveyed to the City of Davenport by deed and construction easement filed May 20, 1987 and recorded as Document #9623-87, in the Office of the Recorder of Scott County, Iowa. Subject to easements, restrictions and covenants of record. Said tract contains 1.4 acres, more or less.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC, Deputy City Clerk

Published in the *Quad City Times* on _____

ZONING EXHIBIT

WRS CONSTRUCTION W. LOCUST ST STORAGE TO THE CITY OF DAVENPORT, IA



GRAPHIC SCALE
30 0 15 30
(IN FEET)
1" = 30' (24x36)

SITE LOCATION MAP



APPROXIMATE SITE LOCATION

GENERAL NOTES

1. LEGAL DESCRIPTION OF PROPERTY:

PART OF THE EAST HALF OF THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 30 FEET NORTH AND 231 FEET WEST OF THE SOUTH EAST CORNER OF THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION 20; THENCE NORTH 63.0 FEET; THENCE WEST 99 FEET; THENCE SOUTH 630 FEET; THENCE EAST 99 FEET TO THE PLACE OF BEGINNING, CONTAINING APPROXIMATELY 1.4 ACRES.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF DAVENPORT BY DEED AND CONSTRUCTION EASEMENT FILED MAY 25, 1987 AND RECORDED AS DOCUMENT #8623-87, IN THE OFFICE OF THE RECORDER OF SCOTT COUNTY, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

- PROPOSED P.D.D. ZONING
- EXISTING R-3 ZONING
- EXISTING C-1 ZONING

EXISTING DRAINAGE AREA

TOTAL AREA OF SITE = 62,370 SQ.FT.

AREA OF PROPOSED USES:

1. STORAGE UNITS (BUILDINGS) = 14,040 SQ.FT.
2. PARKING & ACCESS (IMPERVIOUS) = 18,371 SQ.FT.
3. GREENSPACE (DETENTION & LANDSCAPING) = 29,959 SQ.FT.

PERCENTAGE OF SITE TO BE USED FOR PROPOSED USES:

1. STORAGE UNITS (BUILDINGS) = 22.51%
2. PARKING & ACCESS (IMPERVIOUS) = 29.46%
3. GREENSPACE (DETENTION & LANDSCAPING) = 48.03%

TOTAL PERCENTAGE OF SITE TO BE USED FOR PROPOSED USES = 51.97%



TOWNSEND
ENGINEERING

DATE: 8/13/2018
TE PROJECT NO: 386.4236

DRAWN BY: KRZ
CHECKED BY: CRT
DRAWING LOCATION: 3730 W LOCUST STREET
INSPECTIONS: WRS/3730 W LOCUST STORAGE

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT
ZONING EXHIBIT
W. LOCUST ST STORAGE
3730 W. LOCUST ST
DAVENPORT, IA

DEVELOPER
WRS CONSTRUCTION
828 WAVERLY RD
DAVENPORT, IA

SHEET NO.
1 OF 1

September 5, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of September 4, 2018, the City Plan and Zoning Commission considered Case REZ18-12 being the request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]

Finding:

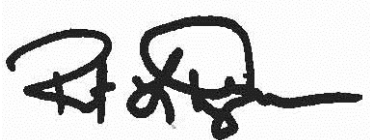
The use of the property would achieve consistency with the Residential General Davenport 2035 Future Land Use designation because the proposed design and conditions recommended by City staff would adequately safeguard surrounding residential development.

The Plan and Zoning Commission accepted the listed findings and forwards Case No. REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

The Commission vote was 5 yes, 4 no and 0 abstention.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

Meeting Location: Council Chambers-City Hall

[illegible]



City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

Meeting Date: September 4, 2018
Request: Rezoning from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District.
Address: 3730 West Locust Street.
Case: REZ18-12
Applicant: Chris Townsend on behalf of Jimmy Holt

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed finding and forward Case REZ18-12 to the City Council with a recommendation for approval subject to the three conditions.

Introduction:

The applicant is requesting to rezone to "PDD" Planned Development District to facilitate development of the property for self-storage units.

AREA CHARACTERISTICS:

Zoning Map



 Subject Property



Land Use Map



 Subject Property



Background:**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Davenport 2035 Future Land Use Designation: Residential General

Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

Technical Review:

Streets. The development is proposed to only have access to West Locust Street.

Storm Water. The elevation of the property falls from south to north. It is unclear as to the location of the stormwater outfall. The development of the property would need to comply with the City stormwater ordinance.

Sanitary Sewer. No sanitary sewer is proposed with this development.

Other Utilities. Other normal utility services are available.

Parks/Open Space. The proposed rezoning does not impact any existing or planned parks or public open spaces.

Public Input:

A neighborhood meeting was held on August 6, 2018 Plan and Zoning Commission. Approximately 15 residents attended. The developer was present to answer questions concerning the proposed development. Members in the audience appeared supportive of the request.

City staff has received a few phone calls inquiring about the proposed development.

Discussion:**Request Summary:**

The applicant is requesting to rezone to "PDD" Planned Development District to facilitate development of the property for self-storage units.

Comprehensive Plan:

Davenport 2035 currently designates the subject property *Residential General*.

Davenport 2035 Residential General reads in part,

Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

The purpose of this language is to adequately safeguard surrounding residential development.

It is staff's opinion that West Locust Street is an edge where higher intensity may be considered. However, the development would extend approximately 620 feet north of West Locust Street, which would be further than an "edge".

It is staff's opinion that the use of the property would achieve consistency with the Residential General Future Land Use designation because the proposed design and conditions recommended by City staff would adequately safeguard surrounding residential development.

Proposed Land Use Plan:

"PDD" Planned Development District requires approval of the zoning and associated Land Use Plan and subsequent approval of a Final Development Plan.

The "PDD" Planned Development District requires a Land Use Plan to including the following (Section 17.32.050 of the Davenport City Code):

- A. *A drawing or set of drawings and other materials that include, but may not be limited to, the following:*
- 1. The existing land use and zoning surrounding the proposed development and the distance from the subject property line to the nearest structures on all abutting properties within two hundred feet of the perimeter of the site.*

Staff commentary: The proposed PDD Land Use Plan depicts the existing land use and zoning surrounding the proposed development.

- 2. The location of existing services, including: water, sanitary and storm sewer, electric, gas, streets, the capacity of those services and the service requirements of the development.*

Staff commentary: The proposed PDD Land Use Plan depicts the location of existing services. City staff waived the requirement that the capacity of those services and the service requirements of the development be provided as this will be reviewed during administrative site plan review.

- 3. The site constraints including:*
 - a. Slopes in excess of ten percent;*

Staff commentary: There are no slopes in excess of 10 percent.

- b. Drainage ways that carry water from abutting properties, drainage ways that drain areas on the site in excess of one acre and any area designated as a flood plain or floodway as defined in Chapter 15.44*

Staff commentary: The proposed PDD Land Use Plan depicts the drainage basin of the proposed development. Consistency with the City's stormwater ordinance would be reviewed during administrative site plan review.

- c. Soils that are unsuitable or require special treatment to support urban development as determined by the Soil Conservation Service Soil Survey. If unsuitable conditions are indicated field testing may be required.*

Staff commentary: A soils maps has not been provided. City staff waived the requirement that unsuitable soils been identified as this will be reviewed during administrative site plan review.

- 4. The total area in square feet of uses proposed for the site and the percentage of the site that is to be used for parking and building (impervious surface).*

Staff commentary: The proposed PDD Land Use Plan contains total area in square feet of uses proposed for the site and the percentage of the site that is to be used for parking and building as are as follows:

1. Storage units: 14,040 square feet
2. Parking and impervious surface area: 18,371 square feet
3. Greenspace and pervious surface area: 29,959 square feet

- 5. A two foot interval topographic map of the site on a scale base of one inch equals fifty feet or other scale as approved by the development official.*

Staff commentary: The proposed PDD Land Use Plan contains topographic data.

- 6. A traffic study which analyzes the aggregate trip generation to and from the site and the ability of the existing street system to accommodate the anticipated generation. Specific improvements should be proposed if the development causes the projected level of service to be less than level "C," as defined by the most recent version of the Highway Capacity Manual by the Transportation Research Board of The National Safety Research Council.*

Staff commentary: A traffic study has not been provided. City staff waived the requirement for a traffic study because the proposed use would generate a low amount of traffic.

The city council delegates authority to the city staff's development official to waive, at his or her discretion, any of the required submissions stated in Section 17.32.052A, 1 through Section 17.32.052A, 6 if the scale of the project, topography of the site or other reasons make them unnecessary. The city plan and zoning commission will be notified of any requirements that have been waived.

Staff Recommendation

Finding:

The use of the property would achieve consistency with the Residential General Davenport 2035 Future Land Use designation because the proposed design and conditions recommended by City staff would adequately safeguard surrounding residential development.

Staff recommends the Plan and Zoning Commission accept the listed finding and forward Case REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

Prepared by:

A handwritten signature in blue ink, appearing to read "Ryan Rusnak", with a stylized flourish at the end.

Ryan Rusnak, AICP
Planner III

To: Accounting/Public Notices

Re: Public Notice

Please publish the following Committee of the Whole public hearing notice no later than the September 12th, 2018 edition of the Quad City Times.

The PO number for this notice is PO 1903342

We would appreciate receiving proof of publication for our records. If you have any questions, please contact me at the same email address this was sent with or at my phone number listed in my email.

NOTICE
PUBLIC HEARING
WEDNESDAY, SEPTEMBER 19, 2018, 2018 5:30 PM
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA

There are on file in the City of Davenport Community Planning and Economic Development Department the following petitions:

Case REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from “C-1” Neighborhood Commercial and “R-3” Moderate Density Dwelling District to “PDD” Planned Development District. [Ward 1]

The legal description of the proposed rezoning is as follows: Part of the east half of the of the southeast quarter of the Southeast Quarter of Section 20, Township 78 North, Range 03 East of the 5th P.M., Davenport, Scott County, Iowa being more particularly described as follows: Beginning at a point 30 feet north and 231 feet west of the southeast corner of the southeast quarter of the Southeast Quarter of said Section 20; thence north 630 feet; thence west 99 feet; thence south 630 feet; thence east 99 to the point of beginning. Excepting therefrom that portion conveyed to the City of Davenport by deed and construction easement filed May 20, 1987 and recorded as Document #9623-87, in the Office of the Recorder of Scott County, Iowa. Subject to easements, restrictions and covenants of record. Said tract contains 1.4 acres, more or less.

The Plan and Zoning Commission forwards Case REZ18-12 to the City Council with a recommendation for approval subject to the following conditions:

1. That no self-storage units be located within 150 feet of the West Locust Street right-of-way;
2. That no self-storage unit overhead doors face West Locust Street;
3. That a six foot high fence be installed along the east, north and west property lines surrounding the self-storage unit development.

Public hearing(s) on the above matter(s) are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, September 19, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community

Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No. 1903342

Department of Community Planning & Economic Development
E-MAIL: planning@ci.davenport.ia.us PHONE: 563-326-7765

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Matt Flynn, 888-2286
Wards:

Action / Date
9/19/2018

Subject:

First Consideration: Ordinance for Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

Recommendation:

Adopt the Ordinance

Background:

Findings:

The proposed rezoning is consistent with the Comprehensive Plan.

The proposed use is consistent with adjacent uses/business to the north, east, and south.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

The Commission vote was 8-0.

THE PROTEST RATE IS 0.0%.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
▣ Executive Summary	CD ORD REZ18-13 Greensheet
▣ Exhibit	CD ORD Only REZ18-13
▣ Backup Material	Background REZ18-13

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	9/10/2018 - 11:13 AM

City of Davenport

Committee: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 888-2286
Ward: 1st

Action / Date
CD 09/19/18

Subject:

ORDINANCE for Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

Recommendation:

Adopt the Ordinance

Relationship to Goals:

Fiscal Vitality

Background:

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The proposed use is consistent with adjacent uses/business to the north, east, and south.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

The Commission vote was 8-0.

THE PROTEST RATE IS 0.0%.

For further background information please refer to the background materials.

ORDINANCE NO.

ORDINANCE for Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned.

The property has the following legal description:

The legal description of the proposed rezoning is as follows: Part of the Southeast Quarter of Section 32, Township 79 North, Range 03 East of the 5th P.M., Davenport, Scott County, Iowa being more particularly described as follows: Commencing, as a point of reference, at the northeast corner of the Southeast Quarter of said Section 32; thence west (assumed bearing for this survey) 775.24 feet along the north line of the Southeast Quarter of said Section 32 to a point on the east line of Fairmount Street as now established in the City of Davenport, Iowa, said point being the Point of Beginning of the tract of land hereinafter described; thence continuing, west 1877.97 feet along the north line of the Southeast Quarter of said Section 32 to the northwest corner of the Southeast Quarter of said Section 32; thence South 00 degrees 21 minutes 45 seconds East 934.09 feet along the west line of the Southeast Quarter of said Section 32 to the north line of Interstate 80 as now established; thence South 82 degrees 06 minutes 00 seconds East 914.22 feet along the north line of Interstate 80 to a point of curvature; thence southeasterly 377.00 feet along the north line of said Interstate 80 being a curve concave northeasterly having a radius of 11248.50 feet and a chord bearing and distance of South 83 degrees 03 minutes 20 seconds East 376.98 feet; thence North 00 degrees 21 minutes 45 seconds West, 1055.34 feet along a line parallel with the west line of the Southeast Quarter of said Section 32 to a point being 50.00 feet normally distant from the north line of the Southeast Quarter of said Section 32, thence East 598.97 feet from the north line of the Southeast Quarter of said Section 32, thence North 50.00 feet to the point of beginning. Containing 30.7 acres, more or less. Excepting therefrom that portion of the above described property dedicated to the public for street right-of-way purposes.

The City Plan and Zoning Commission accepted the findings and forwards Case REZ18-13 to the City Council for approval.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC, Deputy City Clerk

Published in the *Quad City Times* on _____

ORDINANCE NO.

ORDINANCE for Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned.

The property has the following legal description:

The legal description of the proposed rezoning is as follows: Part of the Southeast Quarter of Section 32, Township 79 North, Range 03 East of the 5th P.M., Davenport, Scott County, Iowa being more particularly described as follows: Commencing, as a point of reference, at the northeast corner of the Southeast Quarter of said Section 32; thence west (assumed bearing for this survey) 775.24 feet along the north line of the Southeast Quarter of said Section 32 to a point on the east line of Fairmount Street as now established in the City of Davenport, Iowa, said point being the Point of Beginning of the tract of land hereinafter described; thence continuing, west 1877.97 feet along the north line of the Southeast Quarter of said Section 32 to the northwest corner of the Southeast Quarter of said Section 32; thence South 00 degrees 21 minutes 45 seconds East 934.09 feet along the west line of the Southeast Quarter of said Section 32 to the north line of Interstate 80 as now established; thence South 82 degrees 06 minutes 00 seconds East 914.22 feet along the north line of Interstate 80 to a point of curvature; thence southeasterly 377.00 feet along the north line of said Interstate 80 being a curve concave northeasterly having a radius of 11248.50 feet and a chord bearing and distance of South 83 degrees 03 minutes 20 seconds East 376.98 feet; thence North 00 degrees 21 minutes 45 seconds West, 1055.34 feet along a line parallel with the west line of the Southeast Quarter of said Section 32 to a point being 50.00 feet normally distant from the north line of the Southeast Quarter of said Section 32, thence East 598.97 feet from the north line of the Southeast Quarter of said Section 32, thence North 50.00 feet to the point of beginning. Containing 30.7 acres, more or less. Excepting therefrom that portion of the above described property dedicated to the public for street right-of-way purposes.

The City Plan and Zoning Commission accepted the findings and forwards Case REZ18-13 to the City Council for approval.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC, Deputy City Clerk

Published in the *Quad City Times* on _____



*Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com*

September 5, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of September 4, 2018, the City Plan and Zoning Commission considered Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The proposed use is consistent with adjacent uses/business to the north, east, and south.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

The Commission vote was 8 yes, 0 no and 0 abstention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', written over a light gray rectangular background.

Robert Inghram, Chairperson
City Plan and Zoning Commission

Meeting Location: Council Chambers-City Hall

[illegible]



City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

Date: September 4, 2018
Request: Rezoning (A-1 to M-1)
Address: 8228 N Fairmount St
Case No.: REZ18-13
Applicant: Hawkeye Paving

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

Description:

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

AREA CHARACTERISTICS:

Aerial



Zoning Map



Background:

Comprehensive Plan:

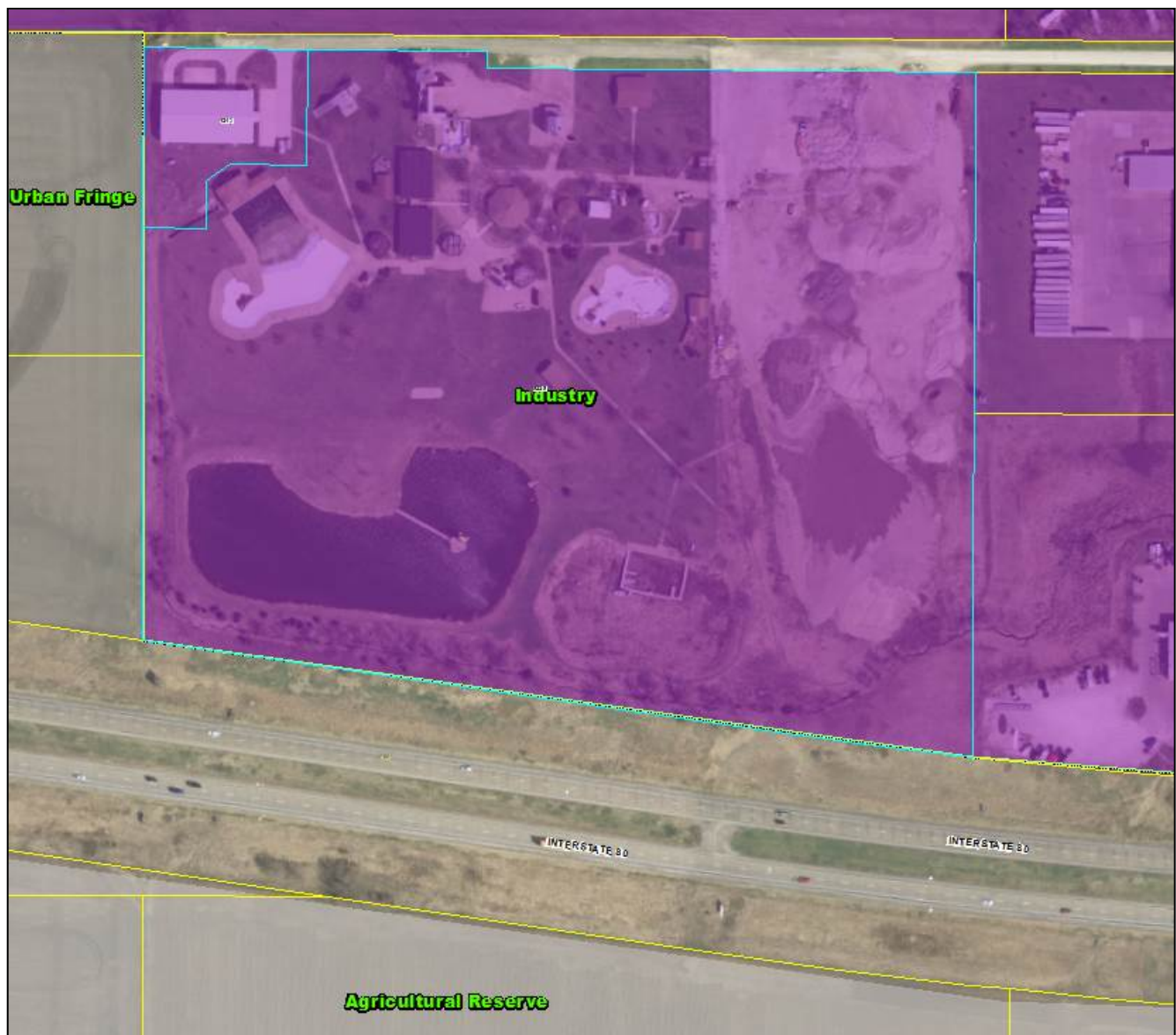
Within Existing Urban Service Area: Yes

Within Urban Service Boundary +2035: Yes

Future Land Use Designation:

Industry (I) - Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

Land Use



Relevant Goals to be considered in this Case:

Fiscal Vitality

Technical Review:

Streets. No new streets are proposed. Access will remain the same.

Storm Water. No impact at this time. The site plan for the proposed building will be reviewed through regular permitting processes.

Sanitary Sewer. Sanitary sewer service is located on the site.

Other Utilities. This is an urban area and normal utility services are available.

Parks/Open Space. No impact.

The City technical review discovery did not ascertain any issues with the proposed rezoning or use.

Public Input:

The neighborhood meeting was held August 7, 2018. No adjacent property owner attended nor did any other general public attend. The Public Hearing for REZ18-13 was held August 14th, and no concerns were brought forward at that time.

Discussion:

The proposed rezoning (M-1) is consistent with the *Davenport+2035 Land Use Plan*, and is adjacent to other industrially zoned property. The proposed uses (contractor headquarters, shop and equipment storage) are allowed by right in the M-1 District.

Staff does not foresee any issues with the proposed rezoning that would necessitate mitigation. The proposed use and zoning are industrial which are proposed for an industrial area as it presently exists and as proposed on the Comprehensive Plan.

Staff Findings and Recommendation:**Findings:**

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The proposed use is consistent with adjacent uses/business to the north, east, and south.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case REZ18-13 to the City Council for approval.

Prepared by:



Scott Koops, AICP
Planner II

Zoning Map Amendment Application

226 West 4th Street
Davenport, Iowa 52801
(563) 326-7765
Planning@ci.davenport.ia.us

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address*

***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Owner (if different from Applicant)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Engineer (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Architect (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Attorney (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Application Form Type:

Plan and Zoning Commission

- Rezoning (Zoning Map Amendment) ☒
Zoning Ordinance Text Amendment ☐
Right-of-way or Easement Vacation ☐
Final Development Plan ☐
Voluntary Annexation ☐
Subdivision ☐

Zoning Board of Adjustment

- Appeal from an Administrative Decision ☐
Special Use Permit - New Cell Tower ☐
Home Occupation Permit ☐
Special Exception ☐
Special Use Permit ☐
Hardship Variance ☐

Design Review Board

- Certificate of Design Approval ☐
Demolition Request in the Downtown ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Floodplain Development ☐
Cell Tower Co-Location ☐
Identification Signs ☐
Site Plan ☐

****If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

Request:Existing Zoning: Proposed Zoning Map Amendment: Total Land Area: Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No**Submittal Requirements:**

- The following items should be submitted to Planning@ci.davenport.ia.us for review:
- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
 - Zoning Map Amendment is less than 1 acre - \$400.
 - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
 - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
 - \$5.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:**(1) Application:**

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Plan and Zoning Commission public hearing:

- After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
- The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
- Planning staff will send a public hearing notice to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the request:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(4) City Council's consideration of the request:

- Planning staff will send a public hearing notice to surrounding property owners.
- The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: Beau Beaton

Date: 7/24/18

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: Scott Koops

Date: 7/24/18

Planning staff

Date of the Public Hearing: 8/14/18

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I, Beau Perkins
authorize IMEG Corp.
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council for the
property located at WAKKY WATERS SITE.



Signature(s)*

*Please note: original signature(s) required.

Hawkeye Paving Neighborhood Meeting Summary- 8/7/18- 5:30 PM

1. List of attendees
 - a. Beau Perkins- Hawkeye Paving
 - b. Tony Perkins- Hawkeye Paving
 - c. Ryan Fick- Mel Foster Co.
 - d. Scott Koops- City of Davenport
 - e. Bob Ingraham- City of Davenport
2. Summary
 - a. There were six notices sent out and no one from the public attended the meeting.



**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 8/14/2018
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning request before the Plan and Zoning Commission
Case #: REZ18-13

Ward: **2nd**

To: All property owners within 200 feet of the subject property located at **8228 N. Fairmount Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request Description

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2]

What are the Next Steps after the Public Hearing?

This public hearing is the first step in the review/approval process. The Commission's recommendation from this public hearing will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

Neighborhood Meeting and Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	Hawkeye Paving		801 42nd St	Bettendorf, IA 52722
P&Z Chair:	Bob Inghram		bingham@activethermal.net	
Council Clerk:	Tiffany Thorndike		tthorndike@ci.davenport.ia.us	
Neighborhood:	None			
Ward/Ald:	2nd Ward	Alderman <last name>	mdickmann@ci.davenport.ia.us	6 Notices Sent
Ward/Ald:	At-Large	Alderman Condon	jcondon@ci.davenport.ia.us	
Ward/Ald:	At-Large	Alderman Gripp	kgripp@ci.davenport.ia.us	
V3205-02	8730 NORTHWEST BD	CHERYLE L FRYE REVOCABLE TRUST	12398 210TH ST	DAVENPORT IA 52804
V3223-16	N FAIRMOUNT ST	INTERSTATE RV PARK & CAMPGROUND	8448 N FAIRMOUNT	DAVENPORT IA 52806
V3235-12		KUNDEL JOHN L	5104 EMEIS VIEW CT	DAVENPORT IA 52804
V3235-14		JOHN L KUNDEL	5104 EMEIS VIEW CT	DAVENPORT IA 52804
V3239-01	8200 N FAIRMOUNT ST	ROGER L SAVAGE	614 SPANISH PEAKS DR	MISSOULA MT 59803
V3239-03	8100 N FAIRMOUNT ST	GEOBER LLC	I-380 & AIRPORT RD PO BOX 67	CEDAR RAPIDS IA 52406

RE: Notice of a Neighborhood Meeting

Day/Time: Tuesday, August 7, 2018 – 5:30 P.M.
Address: 8228 N. Fairmount St
Location: At the Site, Midwest Center for Safety & Rescue Training
(former Wacky Waters site)

You are invited to a neighborhood meeting regarding the following rezoning request which will be before the Davenport City Plan and Zoning Commission on August 14th for a Public Hearing:

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2]

Please see map on the back for the location of the proposed rezoning.

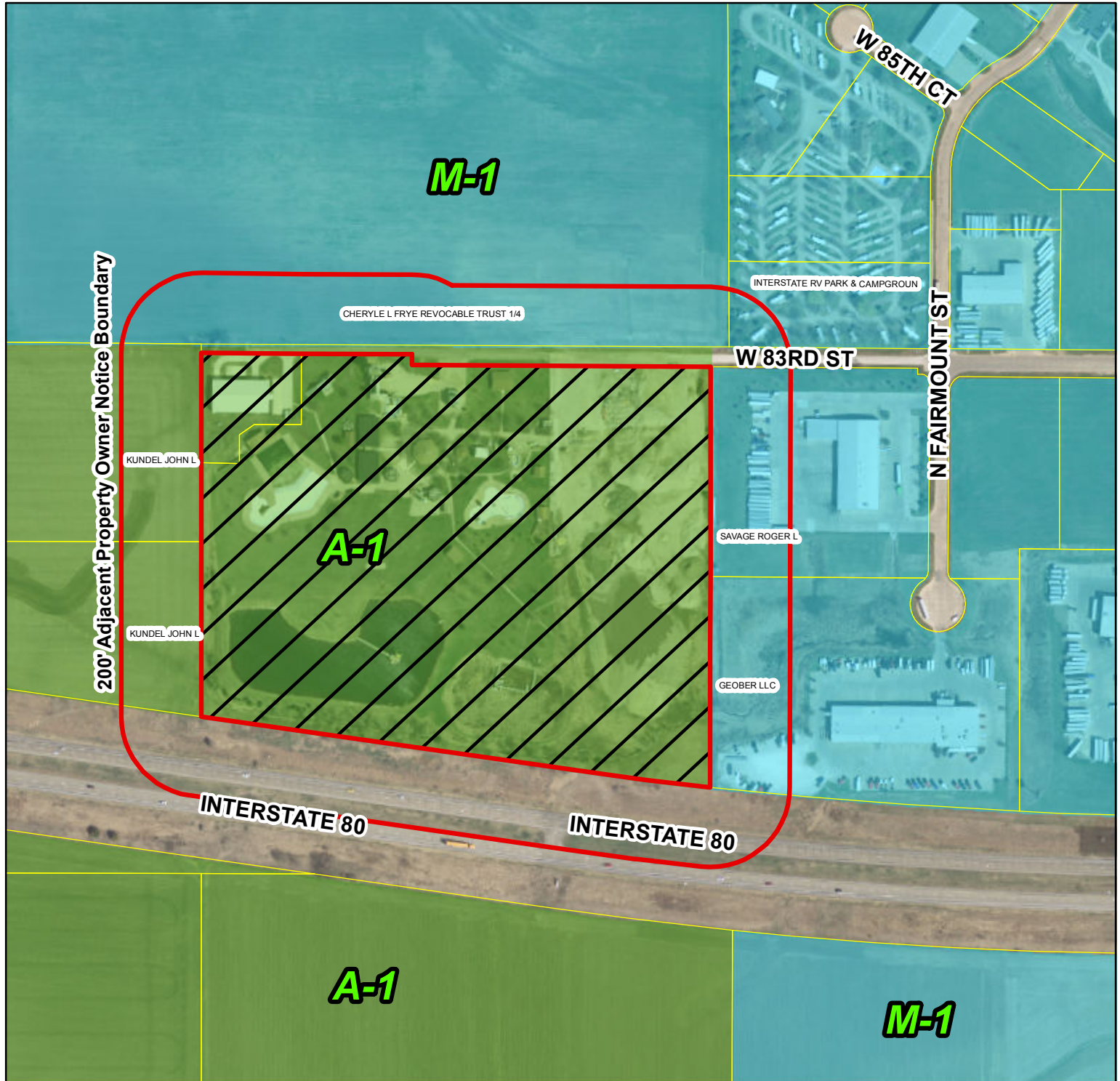
The purpose of this meeting is to provide an informal setting to allow the developer to describe the proposed development, answer any questions you have and hear any concerns about the proposed development.

The City of Davenport will send additional notices informing you of the date, time and location of public hearings for the rezoning request.

City of Davenport
Community Planning and Economic Development Department
Phone 563-326-7765, email planning@ci.davenport.ia.us

Request for a Zoning Map Amendment (Rezoning)

Plan & Zoning Commission: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Legend

 Subject Property

0 100 200 400 Feet

1 inch = 350 feet



Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2] Public Hearing Date: Aug. 14th, 2018



**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 8/14/2018
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning request before the Plan and Zoning Commission
Case #: REZ18-13

Ward: **2nd**

To: All property owners within 200 feet of the subject property located at **8228 N. Fairmount Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request Description

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2]

What are the Next Steps after the Public Hearing?

This public hearing is the first step in the review/approval process. The Commission's recommendation from this public hearing will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

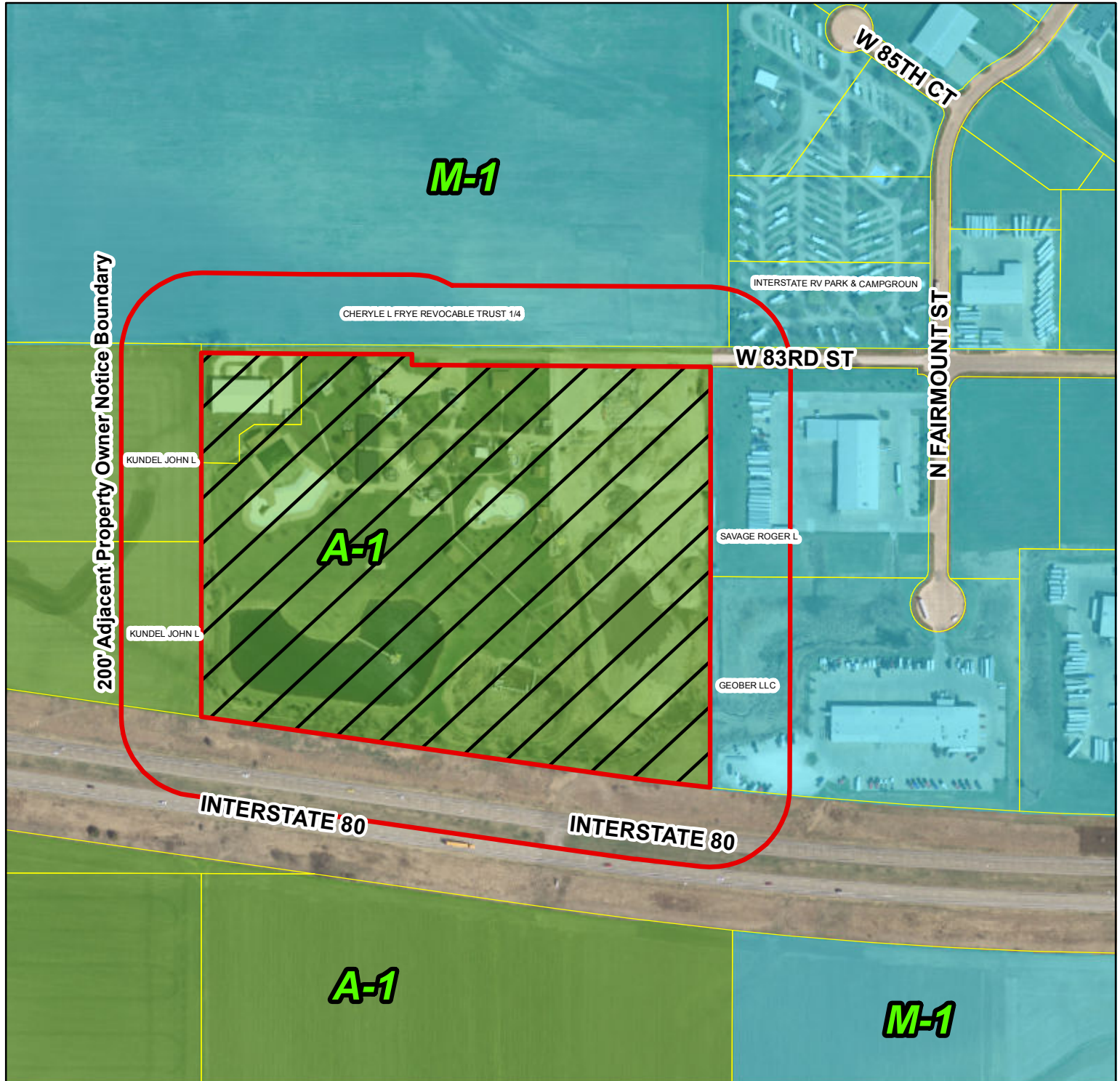
Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

Request for a Zoning Map Amendment (Rezoning)

Plan & Zoning Commission: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Legend

 Subject Property

0 100 200 400 Feet

1 inch = 350 feet



Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2] Public Hearing Date: Aug. 14th, 2018



**PUBLIC HEARING NOTICE
CITY COUNCIL - COMMITTEE OF THE WHOLE
CITY OF DAVENPORT**



Public Hearing Details:

Date: 9/19/2018 Ward: **2nd**
Time: 5:30 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning request before the City Council - Committee of the Whole
Case #: ORD18-02

To: All property owners within 200 feet of the subject property located at **8228 N. Fairmount Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request Description

Case REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2]

What are the Next Steps after the Public Hearing?

The City Plan and Zoning Commission forwarded this case to the City Council with a recommendation for approval at its last meeting. After this public hearing of the Committee of the whole this case will move on the the next sheduled City Council meeting for the first of three readings. For the specific dates and times of subsequent meetings, please contact the case planner as provided on this notice.

Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Matt Flynn, 888-2286
Wards:

Action / Date
9/19/2018

Subject:

Resolution for case F18-10 of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]

Recommendation:

The Plan and Zoning Commission accepts the findings and forwards case P18-10 to the City Council with a recommendation for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

Background:

Findings:

The proposed plat facilitates the sale and proposed development of the property.

The proposed plat generally complies with Davenport+2035: Comprehensive Plan for the City.

Staff recommends the City Plan and Zoning Commission forward Case No. F18-10 to the City Council for approval. The Plan and Zoning Commission accepts the findings and forwards case P18-10 to the City Council with a recommendation for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

The Commission vote for approval was: 10-yes, 0-no and no-abstentions.

ATTACHMENTS:

Type	Description
▢ Backup Material	Background F18-10

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	9/10/2018 - 2:33 PM

City Plan & Zoning Commission Voting Record
Meeting Date: 7-31-2018
Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED
Name:	Roll Call	REZ18-10	REZ18-11	FDP18-02	FDP18-03	F18-10	P18-04	F18-11
Connell	P	Y	Y	Y	Y	Y	Y	Y
Hepner	p	Y	Y	Y	Y	Y	Y	Y
Inghram	P	-	-	-	-	-	-	-
Johnson	P	Y	Y	Y	Y	Y	Y	Y
Kelling	P	Y	Y	Y	Y	Y	Y	Y
Lammers	P	N	Y	Y	Y	Y	Y	Y
Maness	P	Y	Y	Y	Y	Y	Y	Y
Medd	P	Y	Y	Y	Y	Y	Y	Y
Quinn	P	Y	Y	Y	Y	Y	Y	Y
Reinartz	P	N	Y	Y	Y	Y	Y	Y
Tallman	P	Y	Y	Y	Y	Y	Y	ABSTAIN
		8-YES 2-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	9-YES 0-NO 1-ABSTAIN

City Plan & Zoning Commission Voting Record
Meeting Date: 7-31-2018
Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED	APPROVED
Name:	Roll Call	REZ18-10	REZ18-11	FDP18-02	FDP18-03	F18-10	P18-04	F18-11
Connell	P	Y	Y	Y	Y	Y	Y	Y
Hepner	p	Y	Y	Y	Y	Y	Y	Y
Inghram	P	-	-	-	-	-	-	-
Johnson	P	Y	Y	Y	Y	Y	Y	Y
Kelling	P	Y	Y	Y	Y	Y	Y	Y
Lammers	P	N	Y	Y	Y	Y	Y	Y
Maness	P	Y	Y	Y	Y	Y	Y	Y
Medd	P	Y	Y	Y	Y	Y	Y	Y
Quinn	P	Y	Y	Y	Y	Y	Y	Y
Reinartz	P	N	Y	Y	Y	Y	Y	Y
Tallman	P	Y	Y	Y	Y	Y	Y	ABSTAIN
		8-YES 2-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	9-YES 0-NO 1-ABSTAIN

August 1, 2018

Honorable Mayor and City Council
City Hall – Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of July 31, 2018, the City Plan and Zoning Commission considered Case F18-10: Request of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]

Findings

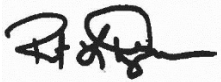
- The proposed preliminary plat facilitates the sale and proposed development of the property.
- The proposed preliminary plat generally complies with Davenport+2035: Comprehensive Plan for the City.

Staff recommends the City Plan and Zoning Commission forward Case No. F18-10 the preliminary plat to the City Council for approval.

The Plan and Zoning Commission accepted the findings and forwards case P18-10 to the City Council with a recommendation for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

The Commission vote for approval was: 10-yes, 0-no and no-abstentions.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission



City of Davenport
Community Planning & Economic Development Department
FINAL REPORT

PLAN AND ZONING COMMISSION

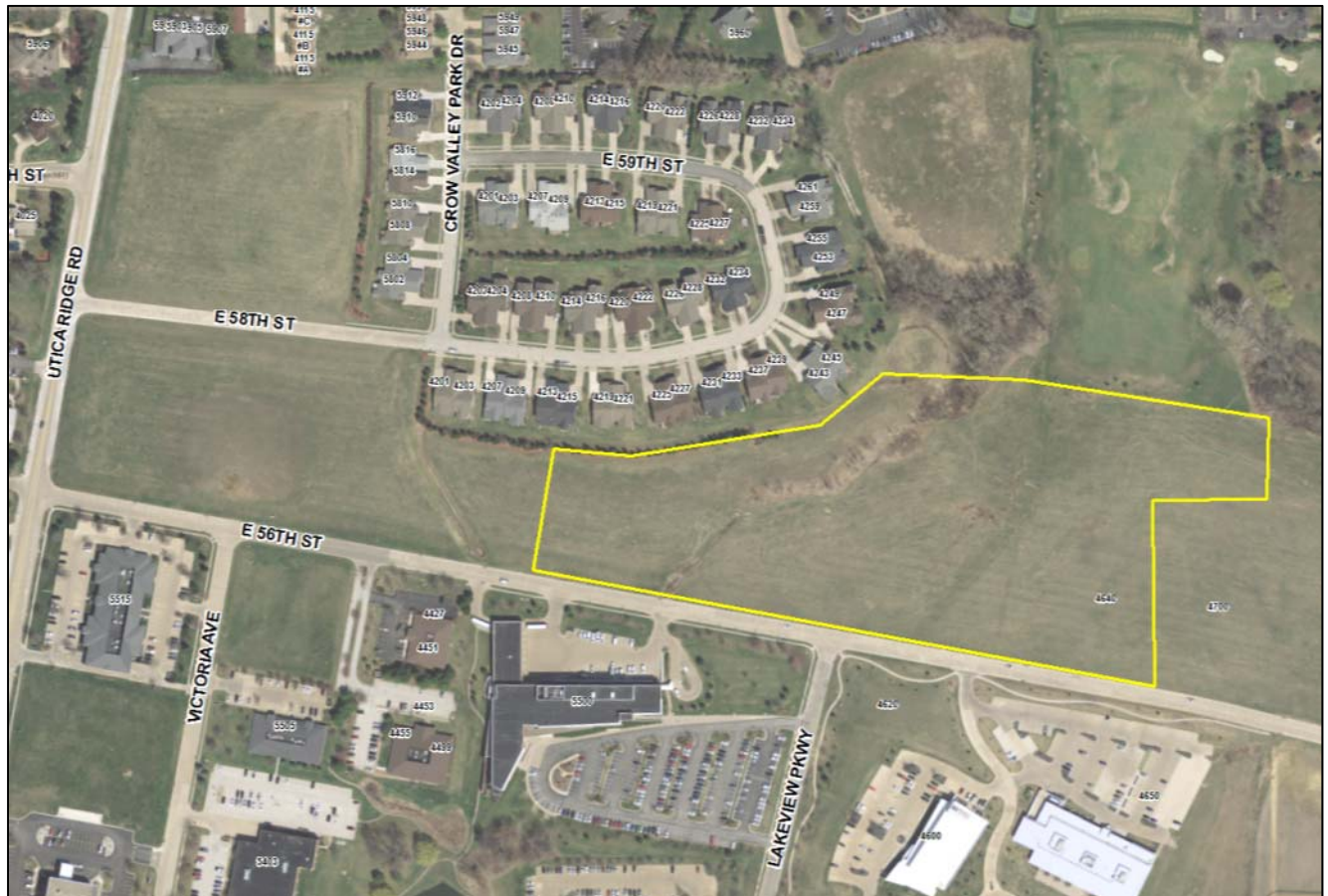
Preview Date: July 31, 2018
Request: F18-10 Final Plat – Crow Valley Plaza Twelfth Add.
Address: 4640 E 56th Street
Applicant: Riverstone Group Inc.

DESCRIPTION

Request F18-10 of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]

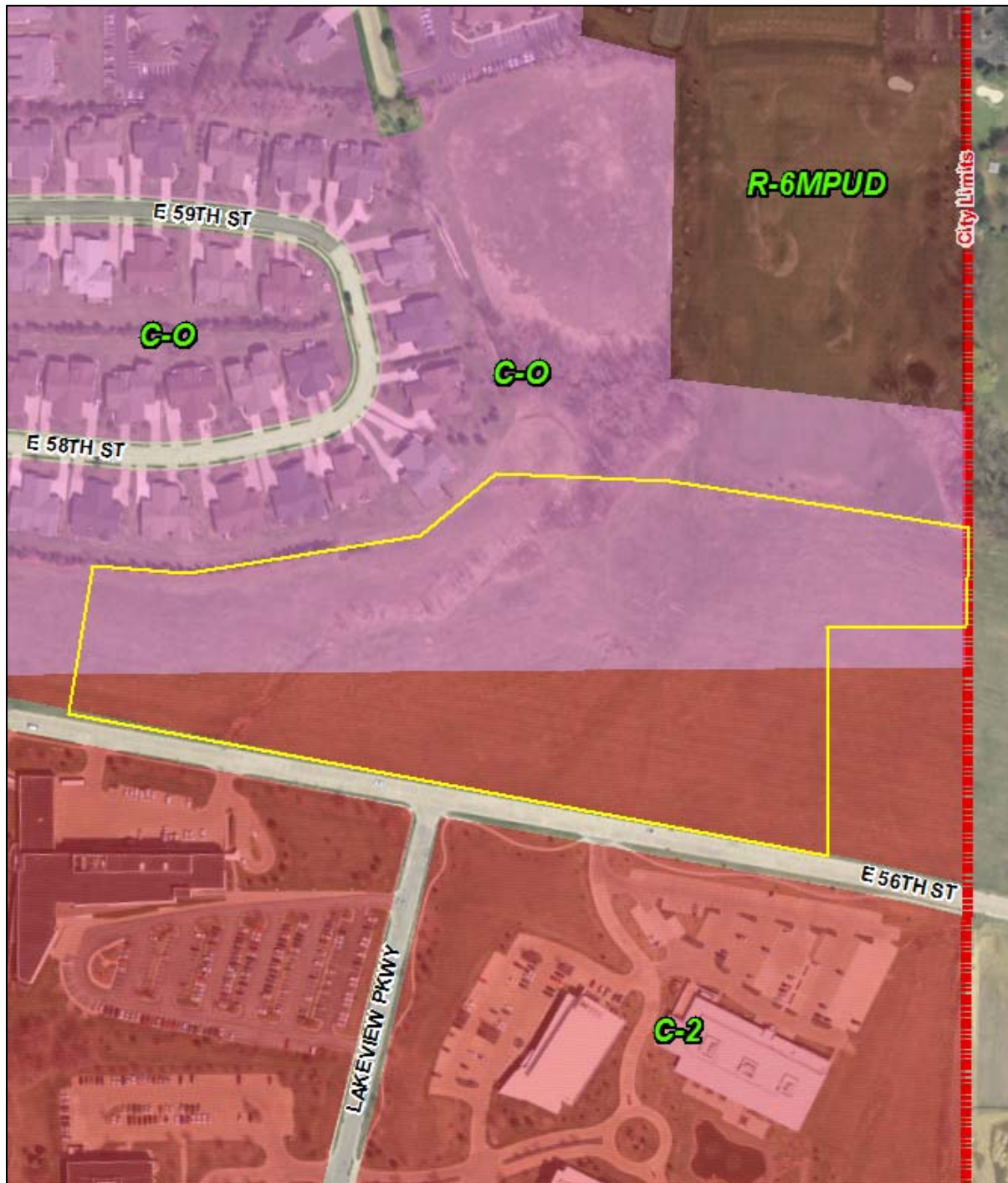
Recommendation: Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F18-10 to the City Council for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

Aerial Photo:



Zoning

(C-O Office-Shop; C-2 General Commercial District; R-6MPUD High Density Planned Residential)



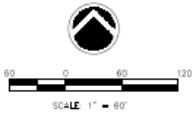
Land Use 2035 (Residential General & Regional Commercial)



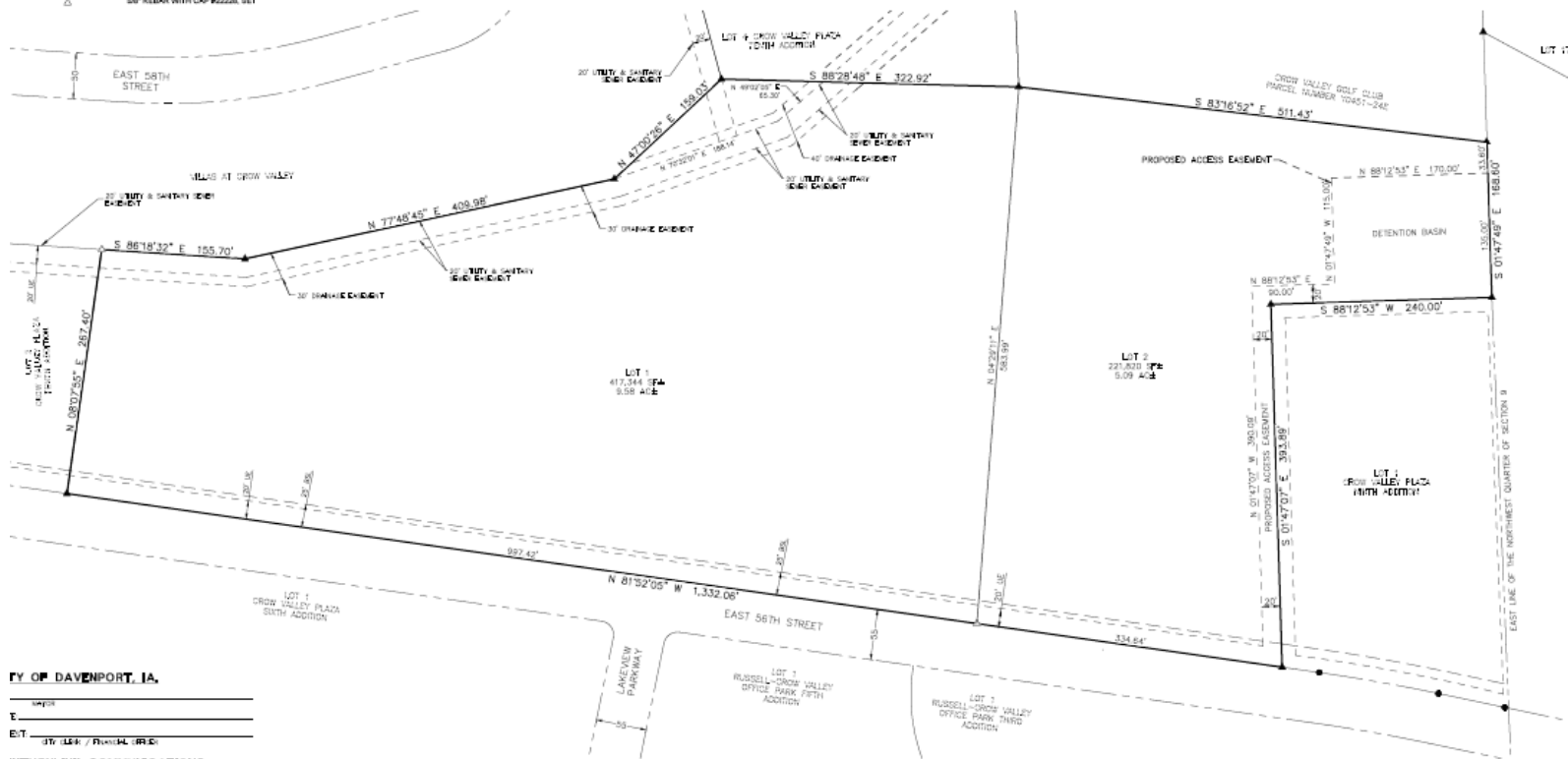
Plat

LEGEND

- SURVEY BOUNDARY
- - - EXISTING LOT LINE
- - - EXISTING EASEMENT LINE
- - - SECTION LINE
- - - EXISTING R.O.W. LINE
- - - EXISTING SETBACK LINE
- - - PROPOSED EASEMENT LINE
- - - PROPOSED LOT LINE
- REBAR, POUND
- ▲ REBAR WITH CAP #..... POUND
- △ 50' REBAR WITH CAP #22228, SET



FINAL PLAT OF CROW VALLEY PLAZA TWELVETH ADDITION BEING A REPLAT OF LOT 1 OF CROW VALLEY PLAZA TENTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED ON JULY 31, 2017 AS DOCUMENT NUMBER 2017-20314



BACKGROUND

Comprehensive Plan:

Within Urban Service Area (USB35): Yes
Proposed Land Use Designation: RG - Residential General

Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant *Davenport+2035* Goals and Objectives:

- 1. Strengthen the existing built environment.*
- 2. Identify and reserve land for future development*

Technical Review:

Streets. No new streets are proposed with this request.

Storm Water. The plat will need to conform to any requirements of the City of Davenport Natural Resources Division.

Sanitary Sewer. Sanitary sewer service is located along the street. No new service will be required.

Other Utilities. This is an urban area and normal utility services are available.

Parks/Open Space. No park shall be required with this infill development.

DISCUSSION

Planning Staff has reviewed this plat and confirmed that the plat generally conforms to the requirements of the subdivision code.

FINDINGS & RECOMMENDATION

Findings:

- The proposed plat facilitates the sale and proposed development of the property.
- The proposed plat generally complies with Davenport+2035: Comprehensive Plan for the City.

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F18-10 to the City Council for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

Prepared by:



Scott Koops, AICP – Planner II
Community Planning

REVISIONS		
No.	DESCRIPTION	DATE



226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

August 1, 2018

Developer/Owner:
RiverStone Group INC
Brian Dockery
bdockery@riverstonegroup.com

Engineer:
Brian Ewalt
Brian.g.ewalt@IMEGCorp.com

Attorney:
Steven Hunter
Shunter@SLHLaw.com

Subject: City Plan and Zoning Commission action on agenda item

Dear Sirs:

Please find attached a copy of the Commission's letter of recommendation regarding your agenda item. Also enclosed with this mailing is the calendar for the processing of this item through the City Council.

A preliminary subdivision plat is a resolution requiring only one (1) consideration, ***however a subdivision plat is not submitted to City Council for their consideration until all required certificates, the signed/corrected plat, and any other required fee is submitted.***

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If you have any questions regarding the Commission's recommendation please call me at sek@ci.davenport.ia.us.

Respectfully,

A handwritten signature in black ink that reads 'Scott Koops'.

Scott Koops, AICP
Planner II – Community Planning

2018 PLAN & ZONING COMMISSION CALENDAR

CITY PLAN & ZONING COMMISSION SCHEDULE

CITY COUNCIL SCHEDULE

COMMISSION PUBLIC HEARING <u>REZONING & ROW</u> <u>VACATION</u> SUBMITTAL DEADLINE (5:00 PM - Monday)	<u>DEVELOPMENT</u> <u>PLANS, SUBDIVISION</u> <u>PLATS</u> SUBMITTAL DEADLINE (5:00 PM - Monday)	CITY PLAN & ZONING COMMISSION PUBLIC HEARING (Preview for plats & plans) (5:00 PM - Tuesday)	CITY PLAN & ZONING COMMISSION MEETING (5:00 PM - Tuesday)	SUBMISSION DEADLINE FOR COUNCIL ITEMS (Noon - Monday)	COMMITTEE OF THE WHOLE MEETING (PUBLIC HEARING) (5:30 PM - Wednesday)	CITY COUNCIL MEETING (5:30 PM - Wednesday)
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2 ORDINANCES REQUIRE THREE CONSIDERATIONS BEFORE CITY COUNCIL

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226 West Fourth Street • Davenport, Iowa 52801
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August 1, 2018

Developer/Owner:
RiverStone Group INC
Brian Dockery
bdockery@riverstonegroup.com

Engineer:
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If you have any questions regarding the Commission's recommendation please call me at sek@ci.davenport.ia.us.

Respectfully,

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Scott Koops, AICP
Planner II – Community Planning

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August 1, 2018

Honorable Mayor and City Council
City Hall – Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of July 31, 2018, the City Plan and Zoning Commission considered Case F18-10: Request of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]

Findings

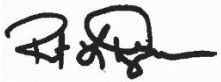
- The proposed preliminary plat facilitates the sale and proposed development of the property.
- The proposed preliminary plat generally complies with Davenport+2035: Comprehensive Plan for the City.

Staff recommends the City Plan and Zoning Commission forward Case No. F18-10 the preliminary plat to the City Council for approval.

The Plan and Zoning Commission accepted the findings and forwards case P18-10 to the City Council with a recommendation for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

The Commission vote for approval was: 10-yes, 0-no and no-abstentions.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

DOCUMENT SUBMITTAL REQUIREMENTS – FINAL PLATS

COMMUNITY PLANNING DIVISION

Plan and Zoning Commission:

- Application (reference file)
- Filing Fee
- One full size copy of the plat
- One electronic copy of plat (.pdf)

City Council:

- One corrected full size plat with original signatures and 2-copies
- One reduced size plat with signatures (11" x 17" max) for recording
- One electronic copy of corrected plat (.pdf)
- Surveyor's Certificate - signed
- Hold Harmless Agreement – signed (in lieu of actual construction or surety bond)
- Owner's Consent and Dedicatory Certificate - signed
- County Treasurer's Certificate – signed (property is free of certified taxes or assessments)
- Owner's/Subdivider's Attorney Certificate – signed
- Assessment Waiver – signed (assuring construction of improvements)
- Consent to Plat – signed (mortgage or lien holder, etc.)
- Certificate of Acceptance - unsigned - (aka Mayor & Clerk's Certificate)

PUBLIC WORKS DEPARTMENT

- Reforestation fee (residential subdivisions & street trees where applicable-see City Arborist)
- State approved plans and profiles and Iowa DNR Construction Permit for all sanitary sewers and appurtenances
- State approved erosion control plans (NPDES permit)
- Certified copies (two (2)sets) of all plans for public improvements with or without assessment waiver

DOCUMENT SUBMITTAL REQUIREMENTS – PRELIMINARY PLATS

COMMUNITY PLANNING DIVISION

Plan and Zoning Commission:

- One full size copy
- One electronic copy (.pdf)
- Application (reference file)
- Filing Fee

City Council:

- One corrected full size copy of plat
- Two full sized copies
- One corrected electronic copy of plat (.pdf)

Recorder's Office – Plats & Surveys

Subdivision Platting - Documents Required

Chapter 354.11 of the Code of Iowa.

Plat Size

- No Larger than 8 1/2 x 14, nor smaller than 8 1/2 x 11 Also full size plat for Auditors plat room.

Must have these attachments to plat:

- **Surveyors Certificate**
Signed by Surveyor and display the registration number and official seal.
- **Dedication of Owner - 354.11(1)**
Statement from owner that the plat was prepared with their free consent and knowledge. May also include dedication of lands to the Public such as street, alleys, etc.
- **Certification of Consent of Mortgage Holder (If any)**
Consent that plat was prepared with their free consent and in accordance with their desire. An affidavit and bond may be recorded in lieu of consent.
- **Attorney's Certificate - 354.11(3)**
An opinion stating names of proprietors and holders of mortgages, liens or other encumbrances. Shall note the encumbrances, along with any bonds securing the encumbrances.
- **Acceptance by City or County or Both - 354.11(4)**
Statement by resolution accepting the platting
- **Auditors Approval of Subdivision Name - 354.11(5)**
A statement by the Auditor approving the name or title of the subdivision plat.
- **Treasurers Certificate - 354.11(6)**
Taxes paid and free of encumbrances
- **Restrictive Covenants (If any)**
May be brought in with plat or can be recorded later. It restricts what can or cannot be done in the sub-division.
- **Hold Harmless, (If any)**
Accepted as presented
- **Assessment Waiver (Assign Separate Document Number)**
Allowing the city or county to assess for improvements such as streets, sewers, side walks, etc.

**CERTIFICATE OF OWNERS
CROW VALLEY PLAZA TWELFTH ADDITION
DAVENPORT IOWA**

Riverstone Group, Inc., an Illinois corporation, Owner and Proprietor of the real estate legally described as Lot 1 of the final Plat of Crow Valley Plaza Tenth Addition to the City of Davenport, Iowa does hereby certify its desire and consent to said real estate being platted and subdivided, and hereby lay off, plat and subdivide said real estate and consent to same in accordance with the annexed plat.

The subdivision shall be known and designated as "Crow Valley Plaza Twelfth Addition, to the City of Davenport, Iowa, being a Replat of Lot 1 of Crow Valley Plaza Tenth Addition, according to the Plat thereof, recorded on July 31, 2017, as Document No. 2017-20314". As stated in the General Notes shown on the Plat 1) All public utilities shall be located within easements or public road right-of-way; 2) Sidewalks shall be constructed along the street frontage of the lots; 3) Development within the addition shall be subject to the requirements of Chapter 17.41 of the Davenport Municipal Code entitled "HCOD" Highway Corridor Overlay District; and 4) Development within the addition shall be subject to the requirements of the most current Chapter 13.34 of the Davenport Municipal Code entitled "Stormwater Management".

A non-exclusive perpetual easement is hereby granted to MidAmerican Energy Company, an Iowa corporation; Century Link Communications; Mediacom Iowa, LLC; Iowa-American Water Company, a Delaware corporation; and to any local public utility holding a franchise from the City of Davenport, and to an municipal department of the City of Davenport, and to their successors and assigns, within the areas shown on the plat and marked as a utility easement, to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles, and wires with all necessary braces, guys, anchors, manholes, and other equipment for the purpose of serving the subdivision and other property with the underground telephone, storm sewer, cable television, electric, gas, sanitary sewer, water and other service as part of the

respective utility systems; there is also granted, subject to the prior rights of the public therein, the right to use the streets and lots with underground service lines to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten or interfere with any of said public utility equipment, and the right is hereby granted to enter upon the lots at all reasonable times for all of the purposes aforesaid. No permanent buildings or trees shall be placed on said area as shown on the Plat and marked as an easement, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or the rights herein granted.

IN WITNESS WHEREOF, Riverstone Group, Inc., an Illinois corporation, has executed this instrument as its free and voluntary act and deed.

Dated this 15TH day of AUGUST, 2018.

Riverstone Group, Inc.

By: Charles C. Ellis
Name: CHARLES C. ELLIS
Title: PRESIDENT

STATE OF IL, COUNTY OF Rock Island) ss:

On this 15 day of August, 2018, before me, the undersigned, a Notary Public in and for said County and State personally appeared Charles Ellis, to me personally known, who, being by me duly sworn, did say that he is the President of Riverstone Group, Inc., that the said instrument was signed on behalf of said corporation by authority of its board of directors; and that the said person as an officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it voluntarily executed, and by him voluntarily executed.

Theresa L. Latting
Notary Public in and for said County and State



HOLD HARMLESS AGREEMENT

The undersigned, Riverstone Group, Inc., an Illinois corporation, owner of the property known as Crow Valley Twelfth Addition to the City of Davenport, being a Replat of Lot 1 of Crow Valley Plaza Tenth Addition, according to the Plat thereof recorded on July 31, 2017, as Document No. 2017-20314, hereby agrees to hold the City of Davenport harmless from any damages, claims or suits resulting from any construction or development by the owner, from the date of acceptance to said plat to and including the date of completion of any and all improvements made thereon.

Dated this 15TH day of AUGUST, 2018.

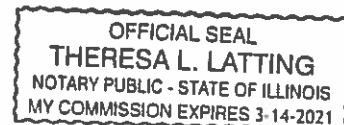
Riverstone Group, Inc.

By: Charles C. Ellis
Name: CHARLES C. ELLIS
Title: PRESIDENT

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On this 15 day of August, 2018, before me, the undersigned, a Notary Public in and for said County and State personally appeared Charles Ellis, to me personally known, who, being by me duly sworn, did say that he is the President of Riverstone Group, Inc., that the said instrument was signed on behalf of said corporation by authority of its board of directors; and that the said person as an officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it voluntarily executed, and by him voluntarily executed.

Theresa L. Latting
Notary Public in and for said County and State



COUNTY TREASURER'S CERTIFICATE

I, William B. Fennelly, Treasurer of Scott County, Iowa, do hereby certify that, according to the records of my office, the real estate shown on the annexed plat of Crow Valley Plaza Twelfth Addition, being a Replat of Lot 1 of Crow Valley Plaza Tenth Addition, according to the Plat thereof, recorded on July 31, 2017, as Document No. 2017-20314, is free from certified taxes and certified special assessments as of this date.

Dated at Davenport, Iowa, this 20 day of August, 2018.

William B. Fennelly
Treasurer, Scott County, Iowa.

By: 
Deputy

(SEAL)

Parcel # Y0919-o3D and Y0903-58A

APPROVAL OF SUBDIVISION PLAT NAME BY SCOTT COUNTY AUDITOR

Dated: Aug. 20th, 2018.

The Scott County Auditor's Office has reviewed the Final Plat of Crow Valley Plaza Twelfth Addition to the City of Davenport, Scott County, Iowa, being a Replat of Lot 1 of Crow Valley Plaza Tenth Addition according to the plat thereof recorded on July 31, 2017, as Document No. 2017-20314.

Pursuant to Iowa Code Section 354.6(2) and 354.11(6), we approve the Subdivision name or title and have no objections to this Subdivision Plat being recorded.

Signed: 
County Auditor of Scott County, Iowa.

(SEAL)

CERTIFICATE OF ATTORNEY

We, Stanley, Lande & Hunter, of Davenport, Iowa, certify that we have examined the records of Scott County, Iowa, and the records of the United States District Court for the Southern District of Iowa, Davenport Division, and from such examination we find title in fee simple to the real estate identified as Crow Valley Plaza Twelfth Addition to the City of Davenport, Iowa, being a Replat of Lot 1 of Crow Valley Plaza Tenth Addition, according to the Plat thereof recorded on July 31, 2017, as Document No. 2017-20314, to be vested in Riverstone Group, Inc., an Illinois corporation, free and clear of all liens and encumbrances as of this date.

Dated at Davenport, Iowa, this 15th day of August, 2018.

Stanley, Lande & Hunter

By: 
Steven T. Hunter, Attorney

Stanley, Lande & Hunter
201 W. 2nd Street, Suite 1000
Davenport, IA 52801
(563)324-1000

STATE OF IOWA, COUNTY OF SCOTT) ss:

On this 15th day of August, 2018, before me, a Notary Public in and for said State, personally appeared Steven T. Hunter, to be known to be the identical person named herein and who executed the foregoing instrument.


Notary Public



**CERTIFICATE OF ACCEPTANCE
CITY OF DAVENPORT, IOWA**

We, Frank Klipsch, Mayor, and Jackie E. Holecek, Deputy City Clerk of the City of Davenport, Iowa, do hereby certify the following resolution was adopted by the City Council of the City of Davenport, Iowa, at a regular meeting held on _____, 2018:

“RESOLVED, by the City Council of Davenport, Iowa, that the Final Plat of Crow Valley Plaza Twelfth Addition, being a Replat of Lot 1 of Crow Valley Plaza Tenth Addition, according to the Plat thereof, recorded on July 31, 2017, as Document No. 2017-20314, as filed with the City Clerk, by Riverstone Group, Inc., and Illinois corporation, be and the same is hereby approved and accepted; and granting of easements as shown on said plat are accepted and confirmed; and the Mayor and Deputy City Clerk of said City be and they hereby are authorized and directed to certify the adoption of this Resolution on said plat as required by law.”

Dated at Davenport, Iowa, this _____ day of _____, 2018.

Frank Klipsch, Mayor
City of Davenport, Iowa

ATTEST:

Jackie E. Holecek, Deputy City Clerk
City of Davenport

ASSESSMENT WAIVER

The undersigned, Riverstone Group, Inc., an Illinois corporation, has this date filed with the Clerk of Davenport, Iowa, a plat of Crow Valley Plaza Twelfth Addition to the City of Davenport, Iowa.

It is agreed by the undersigned, their respective successors, heirs and assigns, that at such time as sidewalk improvements are needed, the City of Davenport shall put in said improvements and assess the cost of the same in the prescribed manner against the subdivided property comprising the plat of Crow Valley Plaza Twelfth Addition to the City of Davenport, Iowa, in accordance with the laws regarding special assessments.

In accordance with the provisions of the Municipal Ordinances of the City of Davenport, the undersigned owner and developer of the lots in said plat of Crow Valley Plaza Twelfth Addition to the City of Davenport, Iowa, for itself, their heirs, grantees, representative successors, assignees and all subsequent owners of any part of said addition do hereby waive all notices, formalities, rights of protest and rights of appeal to the ordering of said improvements and assessing the cost thereof against the subdivided property even though the cost thereof may exceed the amount that can legally be assessed by the City of Davenport against the subdivided property and agree to be responsible for such differences and agree to permit the assessment of the entire cost of all of said improvements against the subdivided property. This waiver shall become null and void at such time as the sidewalk improvements herein referred to are completed by the undersigned at no cost to the City and accepted by the City of Davenport, Iowa, and a Release of Waiver is signed by the City Engineer and duly recorded.

Dated this 15TH day of AUGUST, 2018.

Riverstone Group, Inc.

By: Charles C. Ellis
Name: CHARLES C. ELLIS
Title: PRESIDENT

STATE OF IOWA, SCOTT COUNTY, ss:

On this 15 day of August, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Charles Ellis as President of Riverstone Group, Inc., that said instrument was signed on behalf of said corporation by authority of its board of directors; and that the said person as an officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it voluntarily executed, and by him voluntarily executed.

Theresa L. Latting
Notary Public in and for said
County and State



ASSESSMENT WAIVER

The undersigned, Riverstone Group, Inc., an Illinois corporation, has this date filed with the Clerk of Davenport, Iowa, a plat of Crow Valley Plaza Twelfth Addition to the City of Davenport, Iowa.

It is agreed by the undersigned, their respective successors, heirs and assigns, that at such time as street and sewer improvements or other required subdivision improvements, except public sidewalks, are needed, the City of Davenport shall put in said improvements and assess the cost of the same in the prescribed manner against the subdivided property comprising the plat of Crow Valley Plaza Twelfth Addition to the City of Davenport, Iowa, in accordance with the laws regarding special assessments.

In accordance with the provisions of the Municipal Ordinances of the City of Davenport, the undersigned as owner and developer of the lots in said plat of Crow Valley Plaza Twelfth Addition to the City of Davenport, Iowa, for itself, their heirs, grantees, representative successors, assignees and all subsequent owners of any part of said addition do hereby waive all notices, formalities, rights of protest and rights of appeal to the ordering of said improvements and assessing the cost thereof against the subdivided property even though the cost thereof may exceed the amount that can legally be assessed by the City of Davenport against the subdivided property and agree to be responsible for such differences and agree to permit the assessment of the entire cost of all of said improvements against the subdivided property. This waiver shall become null and void at such time as the original required subdivision improvements herein referred to are completed by the undersigned at no cost to the City and accepted by the City of Davenport, Iowa, and a Release of Waiver is signed by the City Engineer and duly recorded.

Dated this 15TH day of AUGUST, 2018.

Riverstone Group, Inc.

By: Charles C. Ellis
Name: CHARLES C. ELLIS
Title: PRESIDENT

STATE OF IOWA, SCOTT COUNTY, ss:

On this 15 day of August, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Charles Ellis as President of Riverstone Group, Inc., that said instrument was signed on behalf of said corporation by authority of its board of directors; and that the said person as an officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it voluntarily executed, and by him voluntarily executed.

Theresa L. Latting
Notary Public in and for said
County and State



DOCUMENT SUBMITTAL REQUIREMENTS – FINAL PLATS

COMMUNITY PLANNING DIVISION

Plan and Zoning Commission:

- Application (reference file)
- Filing Fee
- One full size copy of the plat
- One electronic copy of plat (.pdf)

City Council:

- One corrected full size plat with original signatures and 2-copies
- One reduced size plat with signatures (11" x 17" max) for recording
- One electronic copy of corrected plat (.pdf)
- Surveyor's Certificate - signed
- Hold Harmless Agreement – signed (in lieu of actual construction or surety bond)
- Owner's Consent and Dedicatory Certificate - signed
- County Treasurer's Certificate – signed (property is free of certified taxes or assessments)
- Owner's/Subdivider's Attorney Certificate – signed
- Assessment Waiver – signed (assuring construction of improvements)
- Consent to Plat – signed (mortgage or lien holder, etc.)
- Certificate of Acceptance - unsigned - (aka Mayor & Clerk's Certificate)

PUBLIC WORKS DEPARTMENT

- Reforestation fee (residential subdivisions & street trees where applicable-see City Arborist)
- State approved plans and profiles and Iowa DNR Construction Permit for all sanitary sewers and appurtenances
- State approved erosion control plans (NPDES permit)
- Certified copies (two (2)sets) of all plans for public improvements with or without assessment waiver

DOCUMENT SUBMITTAL REQUIREMENTS – PRELIMINARY PLATS

COMMUNITY PLANNING DIVISION

Plan and Zoning Commission:

- One full size copy
- One electronic copy (.pdf)
- Application (reference file)
- Filing Fee

City Council:

- One corrected full size copy of plat
- Two full sized copies
- One corrected electronic copy of plat (.pdf)

Recorder's Office – Plats & Surveys

Subdivision Platting - Documents Required

Chapter 354.11 of the Code of Iowa.

Plat Size

- No Larger than 8 1/2 x 14, nor smaller than 8 1/2 x 11 Also full size plat for Auditors plat room.

Must have these attachments to plat:

- **Surveyors Certificate**
Signed by Surveyor and display the registration number and official seal.
- **Dedication of Owner - 354.11(1)**
Statement from owner that the plat was prepared with their free consent and knowledge. May also include dedication of lands to the Public such as street, alleys, etc.
- **Certification of Consent of Mortgage Holder (If any)**
Consent that plat was prepared with their free consent and in accordance with their desire. An affidavit and bond may be recorded in lieu of consent.
- **Attorney's Certificate - 354.11(3)**
An opinion stating names of proprietors and holders of mortgages, liens or other encumbrances. Shall note the encumbrances, along with any bonds securing the encumbrances.
- **Acceptance by City or County or Both - 354.11(4)**
Statement by resolution accepting the platting
- **Auditors Approval of Subdivision Name - 354.11(5)**
A statement by the Auditor approving the name or title of the subdivision plat.
- **Treasurers Certificate - 354.11(6)**
Taxes paid and free of encumbrances
- **Restrictive Covenants (If any)**
May be brought in with plat or can be recorded later. It restricts what can or cannot be done in the sub-division.
- **Hold Harmless, (If any)**
Accepted as presented
- **Assessment Waiver (Assign Separate Document Number)**
Allowing the city or county to assess for improvements such as streets, sewers, side walks, etc.



City of Davenport
Community Planning & Economic Development Department
FINAL REPORT

PLAN AND ZONING COMMISSION

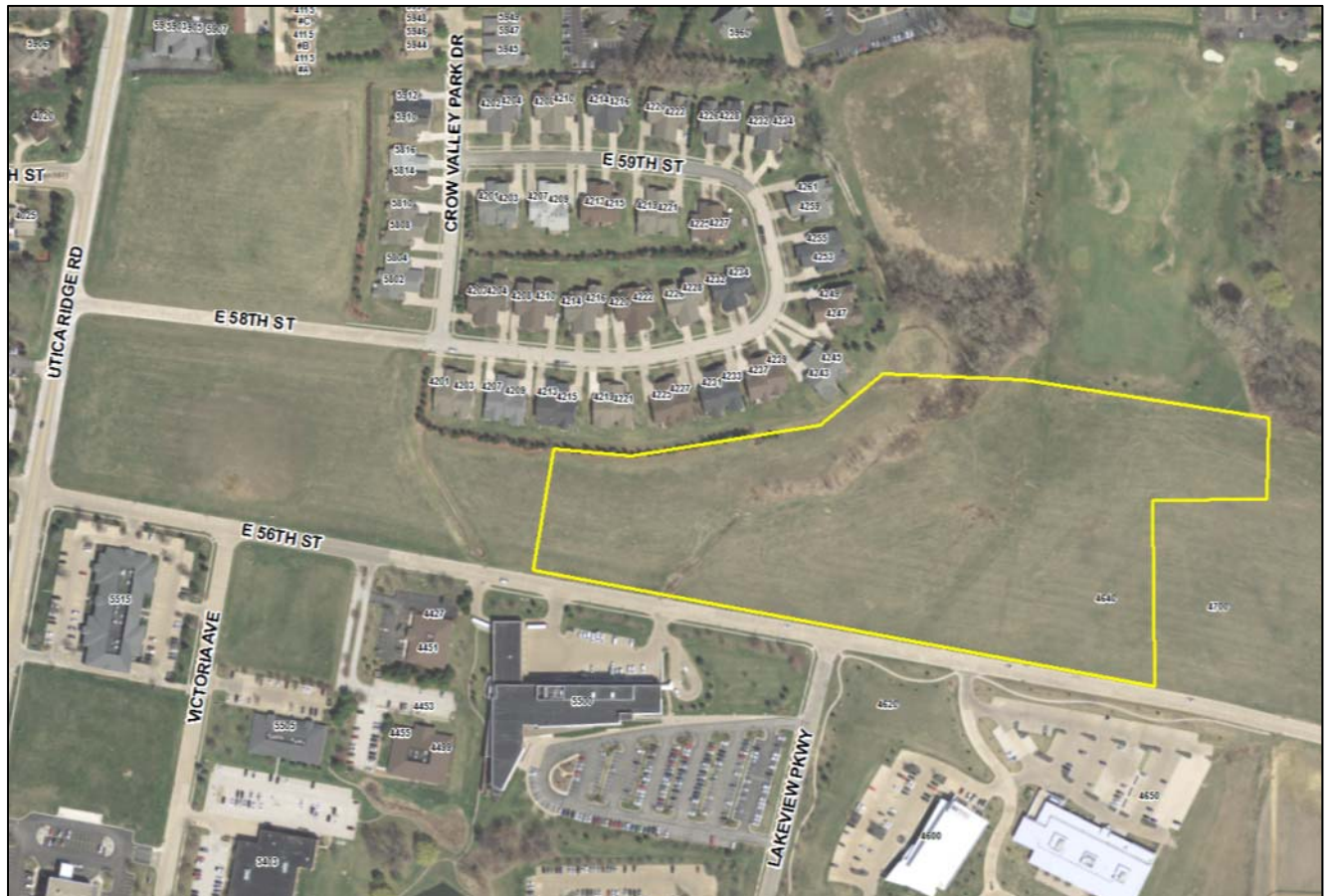
Preview Date: July 31, 2018
Request: F18-10 Final Plat – Crow Valley Plaza Twelfth Add.
Address: 4640 E 56th Street
Applicant: Riverstone Group Inc.

DESCRIPTION

Request F18-10 of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]

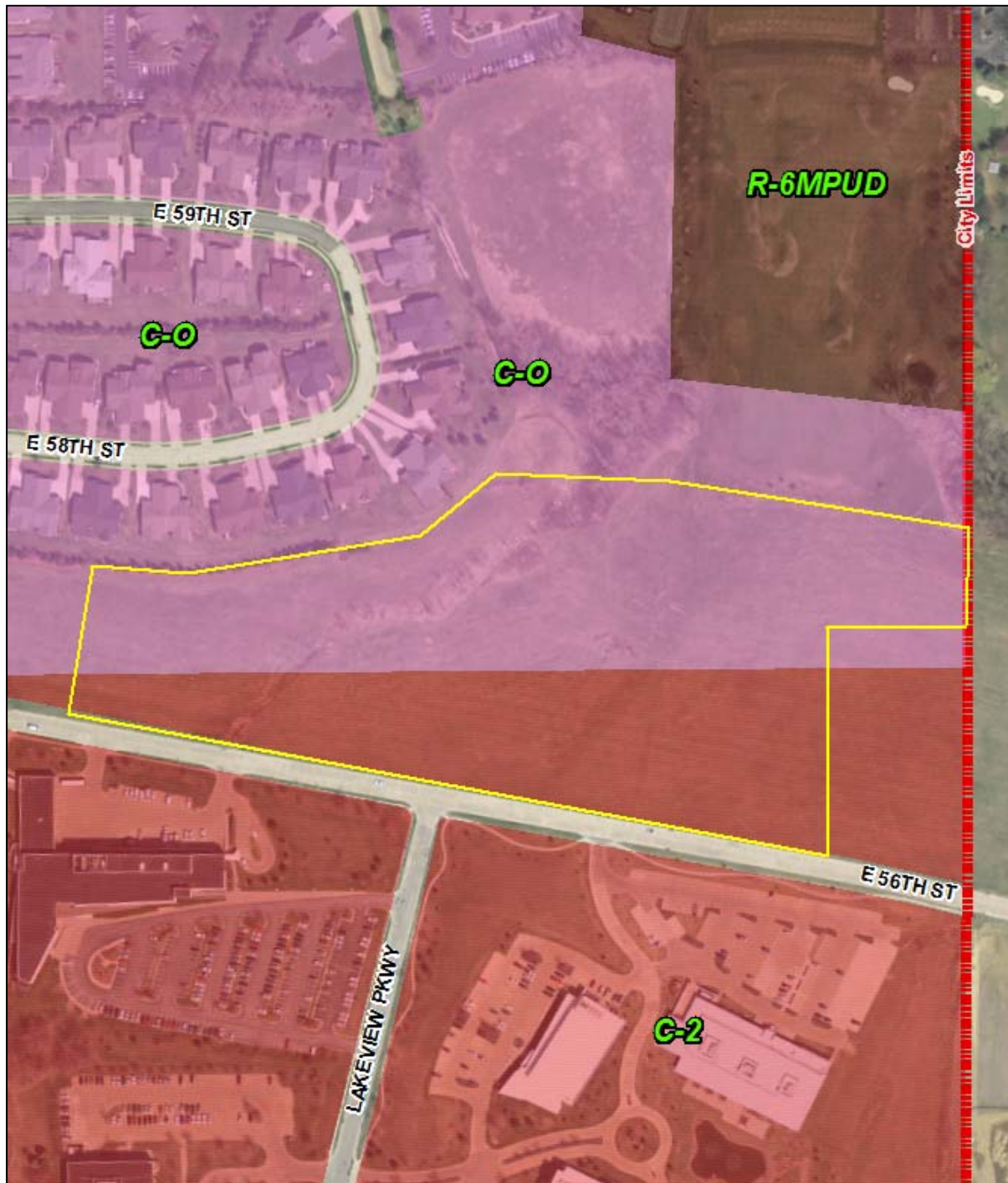
Recommendation: Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F18-10 to the City Council for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

Aerial Photo:



Zoning

(C-O Office-Shop; C-2 General Commercial District; R-6MPUD High Density Planned Residential)



Land Use 2035 (Residential General & Regional Commercial)



Plat

LEGEND

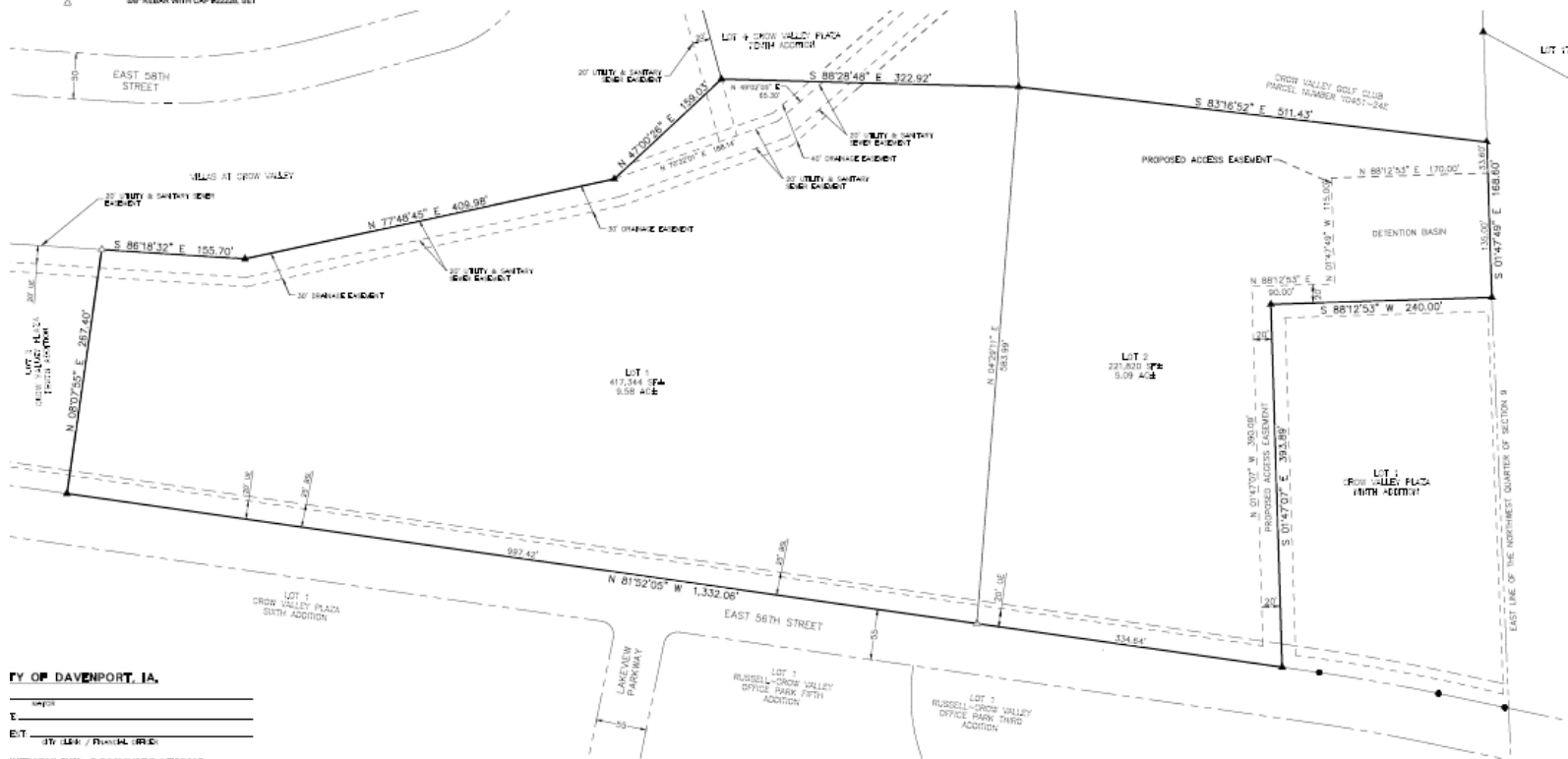
- SURVEY BOUNDARY
- - - EXISTING LOT LINE
- - - EXISTING EASEMENT LINE
- - - SECTION LINE
- - - EXISTING R.O.W. LINE
- - - EXISTING SETBACK LINE
- - - PROPOSED EASEMENT LINE
- - - PROPOSED LOT LINE
- REBAR, POUND
- ▲ REBAR WITH CAP #..... POUND
- △ 50' REBAR WITH CAP #22228, SET



0 60 120
SCALE 1" = 60'

FINAL PLAT OF

CROW VALLEY PLAZA TWELVETH ADDITION
BEING A REPLAT OF LOT 1 OF CROW VALLEY PLAZA TENTH
ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED ON
JULY 31, 2017 AS DOCUMENT NUMBER 2017-20314



BY OF DAVENPORT, IA,

DATE: _____
BY: _____
TITLE: _____

INTURYLINK COMMUNICATIONS

2017-20314

BACKGROUND

Comprehensive Plan:

Within Urban Service Area (USB35): Yes
Proposed Land Use Designation: RG - Residential General

Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant *Davenport+2035* Goals and Objectives:

- 1. Strengthen the existing built environment.*
- 2. Identify and reserve land for future development*

Technical Review:

Streets. No new streets are proposed with this request.

Storm Water. The plat will need to conform to any requirements of the City of Davenport Natural Resources Division.

Sanitary Sewer. Sanitary sewer service is located along the street. No new service will be required.

Other Utilities. This is an urban area and normal utility services are available.

Parks/Open Space. No park shall be required with this infill development.

DISCUSSION

Planning Staff has reviewed this plat and confirmed that the plat generally conforms to the requirements of the subdivision code.

FINDINGS & RECOMMENDATION

Findings:

- The proposed plat facilitates the sale and proposed development of the property.
- The proposed plat generally complies with Davenport+2035: Comprehensive Plan for the City.

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F18-10 to the City Council for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

Prepared by:



Scott Koops, AICP – Planner II
Community Planning

CROW	IMEG Project No:	18000200
	File Name:	
	Accession No:	
	Field Book No:	NA
	Drawn By:	JLR
	Checked By:	LDW
	Date:	06/12/2018
PLAT-1		
Sheet 1 of 1		



226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

August 1, 2018

Developer/Owner:
RiverStone Group INC
Brian Dockery
bdockery@riverstonegroup.com

Engineer:
Brian Ewalt
Brian.g.ewalt@IMEGCorp.com

Attorney:
Steven Hunter
Shunter@SLHLaw.com

Subject: City Plan and Zoning Commission action on agenda item

Dear Sirs:

Please find attached a copy of the Commission's letter of recommendation regarding your agenda item. Also enclosed with this mailing is the calendar for the processing of this item through the City Council.

A preliminary subdivision plat is a resolution requiring only one (1) consideration, ***however a subdivision plat is not submitted to City Council for their consideration until all required certificates, the signed/corrected plat, and any other required fee is submitted.***

You may verify these dates on the attached calendar by calling 563-326-7765. Once the plat is correct and/or has the signed certificates, this will go to council. We will be following the items as they are processed through City Council; therefore, you may also call on us to find out the current status as processing continues.

If you have any questions regarding the Commission's recommendation please call me at sek@ci.davenport.ia.us.

Respectfully,

A handwritten signature in black ink that reads 'Scott Koops'.

Scott Koops, AICP
Planner II – Community Planning

2018 PLAN & ZONING COMMISSION CALENDAR

CITY PLAN & ZONING COMMISSION SCHEDULE

CITY COUNCIL SCHEDULE

COMMISSION PUBLIC HEARING <u>REZONING & ROW</u> <u>VACATION</u> SUBMITTAL DEADLINE (5:00 PM - Monday)	<u>DEVELOPMENT</u> <u>PLANS, SUBDIVISION</u> <u>PLATS</u> SUBMITTAL DEADLINE (5:00 PM - Monday)	CITY PLAN & ZONING COMMISSION PUBLIC HEARING (Preview for plats & plans) (5:00 PM - Tuesday)	CITY PLAN & ZONING COMMISSION MEETING (5:00 PM - Tuesday)	SUBMISSION DEADLINE FOR COUNCIL ITEMS (Noon - Monday)	COMMITTEE OF THE WHOLE MEETING (PUBLIC HEARING) (5:30 PM - Wednesday)	CITY COUNCIL MEETING (5:30 PM - Wednesday)
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01/16/18	01/19/18	NS	02/20/18	02/26/18	03/07/18	03/14/18
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10/29/18	11/13/18	11/20/18	12/04/18	12/10/18	12/19/18	12/26/18
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1 SUBMISSION & MEETING DATES MAY BE CHANGED DUE TO HOLIDAY **MARKED IN RED**

2 ORDINANCES REQUIRE THREE CONSIDERATIONS BEFORE CITY COUNCIL

3 DATES SUBJECT TO CGHHANE DUE TO HOLIDAYS **MARKED IN RED**

4 DELAYS MAY OCCUR UPON THE PETITION REACHING THE CITY COUNCIL'S AGENDA

August 1, 2018

Honorable Mayor and City Council
City Hall – Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of July 31, 2018, the City Plan and Zoning Commission considered Case F18-10: Request of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]

Findings

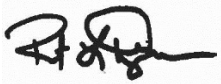
- The proposed plat facilitates the sale and proposed development of the property.
- The proposed plat generally complies with Davenport+2035: Comprehensive Plan for the City.

Staff recommends the City Plan and Zoning Commission forward Case No. F18-10 to the City Council for approval.

The Plan and Zoning Commission accepts the findings and forwards case P18-10 to the City Council with a recommendation for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

The Commission vote for approval was: 10-yes, 0-no and no-abstentions.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission



226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

August 1, 2018

Developer/Owner:
RiverStone Group INC
Brian Dockery
bdockery@riverstonegroup.com

Engineer:
Brian Ewalt
Brian.g.ewalt@IMEGCorp.com

Attorney:
Steven Hunter
Shunter@SLHLaw.com

Subject: City Plan and Zoning Commission action on agenda item

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Scott Koops, AICP
Planner II – Community Planning

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City Hall – Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of July 31, 2018, the City Plan and Zoning Commission considered Case F18-10: Request of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]

Findings

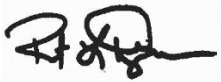
- The proposed preliminary plat facilitates the sale and proposed development of the property.
- The proposed preliminary plat generally complies with Davenport+2035: Comprehensive Plan for the City.

Staff recommends the City Plan and Zoning Commission forward Case No. F18-10 the preliminary plat to the City Council for approval.

The Plan and Zoning Commission accepted the findings and forwards case P18-10 to the City Council with a recommendation for approval, subject to meeting Municipal Code Chapter 13.34. Stormwater Management.

The Commission vote for approval was: 10-yes, 0-no and no-abstentions.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

DOCUMENT SUBMITTAL REQUIREMENTS – FINAL PLATS

COMMUNITY PLANNING DIVISION

Plan and Zoning Commission:

- Application (reference file)
- Filing Fee
- One full size copy of the plat
- One electronic copy of plat (.pdf)

City Council:

- One corrected full size plat with original signatures and 2-copies
- One reduced size plat with signatures (11" x 17" max) for recording
- One electronic copy of corrected plat (.pdf)
- Surveyor's Certificate - signed
- Hold Harmless Agreement – signed (in lieu of actual construction or surety bond)
- Owner's Consent and Dedicatory Certificate - signed
- County Treasurer's Certificate – signed (property is free of certified taxes or assessments)
- Owner's/Subdivider's Attorney Certificate – signed
- Assessment Waiver – signed (assuring construction of improvements)
- Consent to Plat – signed (mortgage or lien holder, etc.)
- Certificate of Acceptance - unsigned - (aka Mayor & Clerk's Certificate)

PUBLIC WORKS DEPARTMENT

- Reforestation fee (residential subdivisions & street trees where applicable-see City Arborist)
- State approved plans and profiles and Iowa DNR Construction Permit for all sanitary sewers and appurtenances
- State approved erosion control plans (NPDES permit)
- Certified copies (two (2)sets) of all plans for public improvements with or without assessment waiver

DOCUMENT SUBMITTAL REQUIREMENTS – PRELIMINARY PLATS

COMMUNITY PLANNING DIVISION

Plan and Zoning Commission:

- One full size copy
- One electronic copy (.pdf)
- Application (reference file)
- Filing Fee

City Council:

- One corrected full size copy of plat
- Two full sized copies
- One corrected electronic copy of plat (.pdf)

Recorder's Office – Plats & Surveys

Subdivision Platting - Documents Required

Chapter 354.11 of the Code of Iowa.

Plat Size

- No Larger than 8 1/2 x 14, nor smaller than 8 1/2 x 11 Also full size plat for Auditors plat room.

Must have these attachments to plat:

- **Surveyors Certificate**
Signed by Surveyor and display the registration number and official seal.
- **Dedication of Owner - 354.11(1)**
Statement from owner that the plat was prepared with their free consent and knowledge. May also include dedication of lands to the Public such as street, alleys, etc.
- **Certification of Consent of Mortgage Holder (If any)**
Consent that plat was prepared with their free consent and in accordance with their desire. An affidavit and bond may be recorded in lieu of consent.
- **Attorney's Certificate - 354.11(3)**
An opinion stating names of proprietors and holders of mortgages, liens or other encumbrances. Shall note the encumbrances, along with any bonds securing the encumbrances.
- **Acceptance by City or County or Both - 354.11(4)**
Statement by resolution accepting the platting
- **Auditors Approval of Subdivision Name - 354.11(5)**
A statement by the Auditor approving the name or title of the subdivision plat.
- **Treasurers Certificate - 354.11(6)**
Taxes paid and free of encumbrances
- **Restrictive Covenants (If any)**
May be brought in with plat or can be recorded later. It restricts what can or cannot be done in the sub-division.
- **Hold Harmless, (If any)**
Accepted as presented
- **Assessment Waiver (Assign Separate Document Number)**
Allowing the city or county to assess for improvements such as streets, sewers, side walks, etc.

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Bruce Berger, 326-7769
Wards:

Action / Date
9/19/2018

Subject:
Resolution approving a development agreement for the 1606 Brady Project with developer, 1606 Brady Associates, L.P. (Newbury Living). [Ward 5]

Recommendation:
Approve the resolution.

Background:
Each year, the U.S. Department of Housing and Urban Development HUD allocates HOME investment Partnership (HOME) funding to the City. HOME funds have to be spent on housing projects/activities that benefit households at or below certain income levels and must be allocated on an ongoing basis or be repaid to HUD.

The Project, proposed by developer, Newbury Living (West Des Moines), involves the rehabilitation of the existing building placed in service in 1967 and designed by local architectural firm of Stewart-Robison-Laffan. The building was constructed by the Brenton Bank but was known at the time of its opening as the First National Bank. The building remained occupied by the bank with commercial office space in the floors above through ca. 1997, at which time it was purchased by the Davenport school district for use as district offices.

The developer has proposed the repurposing from office space to thirty-eight residential units. They will be efficiency and one-bedroom units designed primarily to be rented at market rates. The proposal includes six of the one-bedroom units to be funded by State HOME funds in the amount of \$840,000 with an additional two one-bedroom units to be assisted by City HOME funds for a total of eight affordable units at 80% of Median Family Income, which is approximately \$40,500 for a single person.

To assist with a financing gap, staff recommends in the attached development agreement up to a \$300,000 loan in HOME funding for the project.

Pending approval of the final financial underwriting, approval of the Development Agreement would authorize staff to execute the appropriate documents to commit the above sources of funding. The developer anticipates beginning site work by November 2018 and hopes to be complete by fall of 2019.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	CD Resolution 1606 Brady Project

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	9/13/2018 - 9:24 AM
Community Development Committee	Berger, Bruce	Approved	9/13/2018 - 9:30 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 9:47 AM

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Development Agreement for the 1606 Brady Project.

WHEREAS, the State of Iowa, has awarded \$840,000 in HOME funding from the U.S. Department of Housing and Urban Development (HUD) to assist with the rehabilitation of six federally funded units as part of a thirty eight unit project with an estimated cost of 6.3 million located at 1606 Brady with the following legal description:

Part of Block 1 in Allen's Addition to the City of Davenport, Iowa more particularly described as follows: Beginning at a point in the East line of Main Street in the City of Davenport, Iowa which is 20 feet North of the Southwest corner of Block 1 of Allen's Addition to said City of Davenport; thence Northerly along the East line of said Main Street 140 feet; thence Easterly in straight line parallel to and 160 feet distant from the North line of West 16th Street to the West line of Brady Street; thence Southerly along the West line of Brady Street to a point 45 feet North of the intersection of the West line of Brady Street and the North line of West 16th Street; thence Southwesterly in a straight line to a point 20 feet North of the North line of West 16th Street and 50 feet West of the West line of Brady Street; thence Westerly along a line parallel to and 20 feet North of the North line of West 16th Street a distance of 293.29 feet more or less to the point of beginning; together with all of grantor's right, title and interest in and to the certain easement reserved in a quit claim deed from U.S.E. Contracts, Inc. to the City of Davenport, Iowa, dated March 18, 1964, filed June 6, 1964 and recorded in Book 278 of Deeds at page 486 in the office of the Recorder of Scott County, Iowa which easement covers the following described property: Commencing at the Southwest corner of said Block 1 of Allen's said Addition, thence East along the South line of said Block 1 a distance of 333.29 feet to a point 3 feet West of the Southeast corner of said Block 1; thence Northerly in a straight line 3 feet West of and parallel to the East line of said Block 1, a distance of 45 feet; thence Southwesterly in a straight line to appoint in a line 20 feet North of and parallel to the South line of said Block 1 and which point is 50 feet West of the Easterly boundary of the tract herein described; thence Westerly along a line parallel to and 20 feet North of the South line of said Block a distance of 283.29 feet more or less to a point in the West line of said Block 1 which is 20 feet North of the point of beginning thence South along the West line of said Block 1 a distance of 20 feet to the point of beginning.

Lots 9 and 10 in Block 4 in Allen's Addition to the City of Davenport, Scott County, Iowa as shown by plat recorded in Book R of Town Lot Deeds at page 58, records of Scott County, Iowa.

WHEREAS, the City has an interest in growing the density of the Hilltop Campus Village area and increasing the tax base; and

WHEREAS, the City has available HOME funds that must be obligated for certain eligible purposes and the Developer has applied for a \$300,000 loan in HOME funding from the City to bridge a gap in the funds and/or financing available for the project; and

WHEREAS, the developer has proposed the use of Federal and State Historic Tax Credits, and

WHEREAS, the project will need to meet final program and financial requirements.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that contingent upon the aforementioned items, we approve the Development Agreement for this important project in our community, subject to Federal Regulations, City ordinances and the building permit process.

Approved: Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Community Development Committee
Contact Info: Bruce Berger, 563-326-7769
Wards:

Action / Date
9/19/2018

Subject:
Resolution approving the conveyance of five parcels located south of the Salvation Army building at the NW corner of 5th and Harrison (Arsenal Properties, LLC, petitioner). [Ward 3]

Recommendation:
Approve the resolution.

Background:
In 1992, the U.S. Department of Housing and Urban Development (HUD) and the City executed a Settlement Agreement that provided for HUD to convey the Roosevelt Building (located at the SW corner of 6th and Harrison) to the Salvation Army. HUD agreed to transfer the property that contained the building and small piece of adjacent ground. In return, the Salvation Army agreed to use the building to provide shelter and social services to the homeless for a period of not less than 20 years.

At the end of the 20-year period (roughly October 2012), the City was to deed the remainder of the City-owned parcels on the block which was essentially the gravel parking lot area south of the Roosevelt Building. Since October 2012, the City has reached out to Salvation Army to start this conveyance; however, they had asked that the City wait until their long-term plans were solidified.

The Salvation Army has now determined that they wish to move out of the Roosevelt Building and have accepted a purchase agreement from the petitioner. In complying with the spirit of the HUD Settlement Agreement, the Salvation Army is asking that the City convey the parcels south of the building to the petitioner. Staff understanding is that the petitioner plans to renovate the building into apartments.

The Roosevelt Building was originally built around 1906 with 32-36 apartment units on part of the campus which previously hosted a brewery and a bottling company (the Frahm and Sons Brewing Company and the Davenport Malting Company) in the 1800s. The Salvation Army began operating in the building shortly after the 1992 HUD Settlement Agreement was signed. They intend to transfer this property to the petitioner in September/October.

A public hearing has been held in accordance with State Code. Approval of this resolution will direct staff to convey the City-owned portion of the parking lot (parcel #s G0054-15, G0054-40, G0054-41, G0054-42, and G0054-43) to the petitioner.

ATTACHMENTS:

Type	Description
□ Cover Memo	Resolution to convey
□ Cover Memo	Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berger, Bruce	Approved	9/13/2018 - 5:21 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 5:38 PM

RESOLUTION NO.

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the conveyance of five parcels located south of the Salvation Army building at the NW corner of 5th and Harrison to Arsenal Properties, LLC (petitioner) [Ward 3].

WHEREAS, the City of Davenport is the legal owner of the real estate on the attached map and more particularly described below:

Original Town of Davenport, Block 32, part of Lots 5 and 6, commencing at the SE corner of Lot 5, thence Northerly along the West right-of-way line of Harrison Street 55 feet, thence Westerly 141 feet, thence southerly 55 feet, thence Easterly along the North right-of-way line of the public alley 141 feet to the point of beginning, all in the City of Davenport, Scott County, Iowa;

together with:

All of Lot 4 and part of Lot 3, Block 32, commencing at the SE corner of said Lot 4, thence Northerly along the West right-of-way line of Harrison Street 150 feet to the intersection with the South right-of-way line of the public alley, thence Westerly along the South right-of-way line of the public alley 130 feet, thence Southerly 150 feet to the intersection with the North right-of-way line of West 5th Street, thence Easterly along the North right-of-way line of West 5th Street to the point of beginning, all in the Original Town of Davenport, City of Davenport, Scott County, Iowa.

WHEREAS, an executed 1992 HUD Settlement Agreement obligates the City of Davenport to convey these properties to the Salvation Army or their designee once they've satisfied a 20-year requirement to provide shelter and social services to the homeless; and

WHEREAS, the Salvation Army has satisfied the 20-year requirement and desires to sell their building as well as these adjacent parcels to the petitioner; and

WHEREAS, a public hearing on the matter was held in accordance with State law.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that the City Administrator and/or her designee are hereby authorized to execute all documents necessary to convey the above real estate to the petitioner (or their designee).

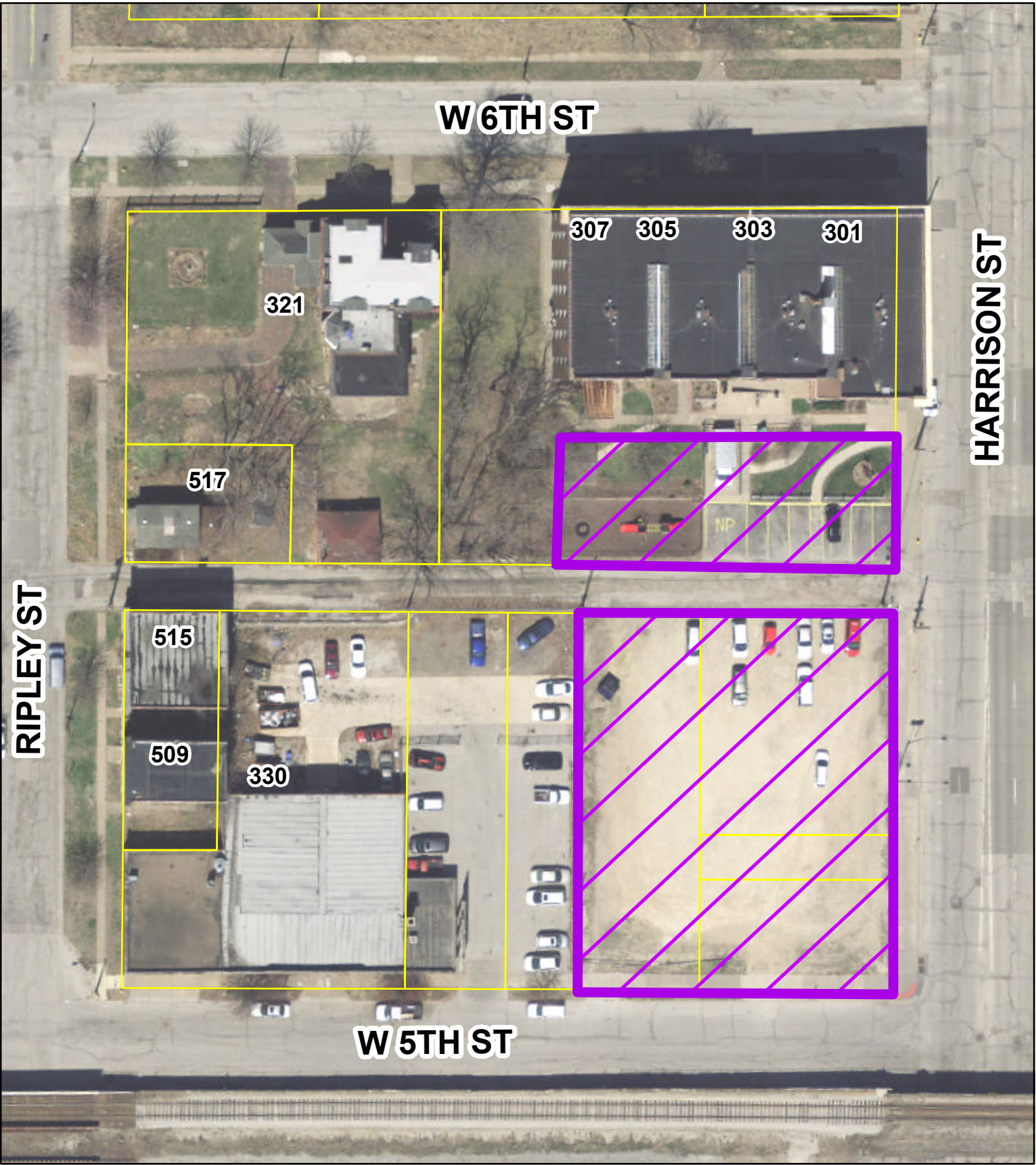
Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

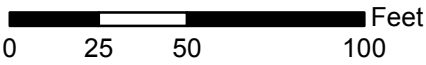
Frank Klipsch
Mayor

Salvation Army Site: City Owned Parcels



Legend

 City Owned Property



City of Davenport

Agenda Group:
Department: Community Development Committee
Contact Info: Bruce Berger, 563-326-7769
Wards:

Action / Date
9/19/2018

Subject:
Resolution approving the conveyance of vacated public right-of-way, that being a part of Fairhaven Road lying south of 53rd Street and between Lots 2 and 3 of Hanlin's Addition, WCT Investments, LLC, Petitioner [Ward 6].

Recommendation:
Adopt the resolution.

Background:
The Davenport City Council recently approved the vacation of this particular right of way at the request of WCT Investments, L.L.C. (Portillos) for inclusion in its proposed commercial development. As the City plans to widen 53rd Street, the City and the petitioner would exchange properties as part of this conveyance.

A public hearing on the matter was held in accordance with State Code.

Approval of this resolution would direct the City Administrator and/or her designee to execute the necessary documents to convey the real estate to the petitioner.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution to convey
▣ Cover Memo	Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Flynn, Matt	Approved	9/13/2018 - 5:17 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 5:38 PM

RESOLUTION NO.

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the conveyance of vacated public right-of-way, that being a part of Fairhaven Road lying south of 53rd Street and between Lots 2 and 3 of Hanlin's Addition, WCT Investments, LLC, Petitioner [Ward 6].

WHEREAS, the City of Davenport is the legal owner of the real estate on the attached map and more particularly described below:

Part of the Southeast Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Beginning at the Southeast corner of Lot 3 in said Hanlin's Addition, thence North, along the East line of said Lot 3, to the intersection of said East line and the South right-of-way line of East 53rd Street; thence East along said South right-of-way line to the intersection of said South right-of-way line and the West line of Lot 2 in said Hanlin's Addition; thence South along the said West line of Lot 2 to the Southwest corner of said Lot 2; thence West to the point of beginning. Said tract contains 14,898 square feet, more or less, City of Davenport, Scott County, Iowa.

WHEREAS, the Davenport City Council recently approved the vacation of this particular right of way at the request of WCT Investments, L.L.C. (Portillos) for inclusion in its proposed commercial development; and

WHEREAS, the City plans to widen 53rd Street which will require acquiring land currently owned by the Petitioner; and

WHEREAS, the City and the Petitioner have agreed to exchange properties; and

WHEREAS, a public hearing on the matter was held in accordance with State law.

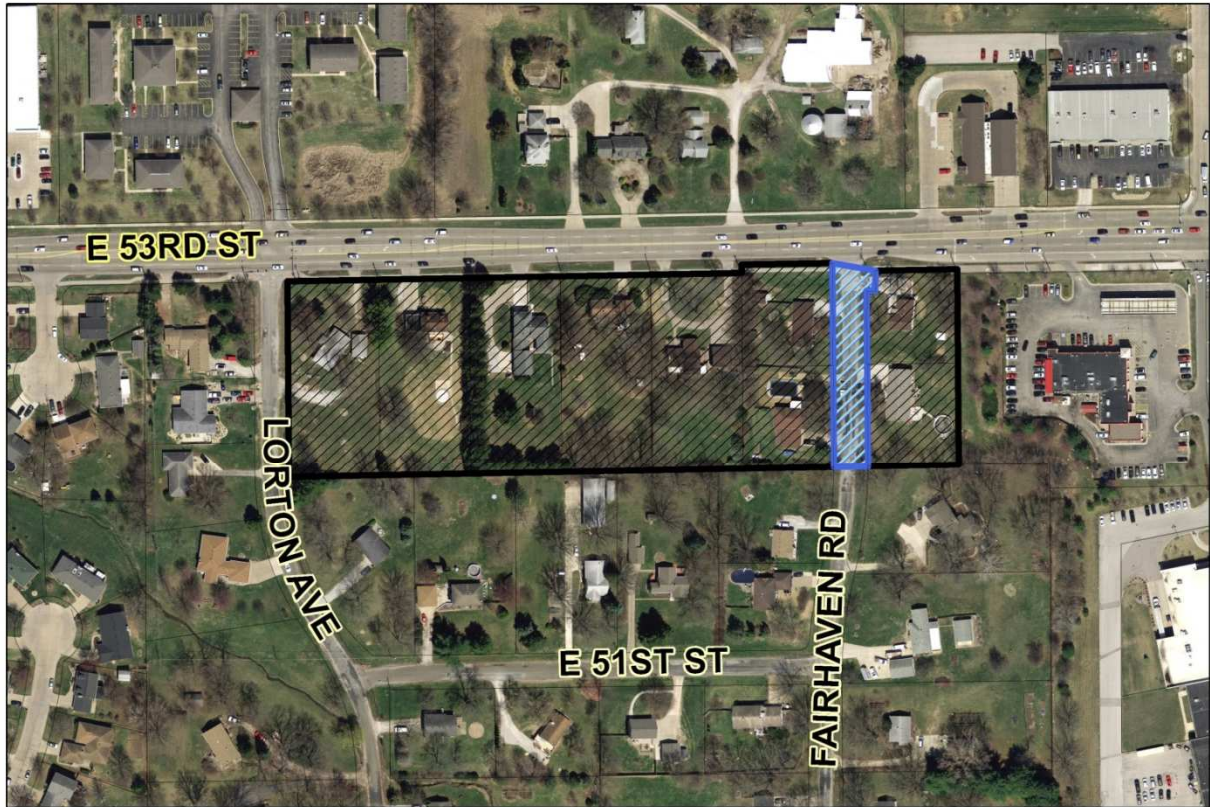
NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that the City Administrator and/or her designee are hereby authorized to execute all documents necessary to convey the above real estate to the petitioner.

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor



-  Property Requested to be Rezoned
-  Right-of-Way Requested to be Vacated



City of Davenport

Agenda Group: Public Safety
Department: City Clerk
Contact Info: Jackie E Holecek
Wards: Various

Action / Date
9/5/2018

Subject:

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

St. Paul Lutheran Church, 2136 Brady Street, Trunk & Treat, October 21, 2018, 2:00 PM - 7:00 PM; Closure Location: High Street between Brady and Main Streets [Ward 5]

Recommendation:

Approve the resolution.

Relationship to Goals:

Vibrant Region

ATTACHMENTS:

Type	Description
▢ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	9/11/2018 - 12:11 PM

RESOLUTION NO. 2018-

Resolution offered by Alderman Rawson

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

RESOLVED by the City Council of the City of Davenport.

Whereas, the City through its Special Events Policy has accepted the following application(s) to hold an outdoor event(s) on the following date(s), and

Whereas, upon review of the application(s) it has been determined that the street(s), lane(s) or public grounds listed below will need to be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and directs the staff to proceed with the temporary closure of the following street(s), lane(s) or public grounds on the following date(s) and time(s):

Entity: St. Paul Lutheran Church

Event: Trunk & Treat

Date: October 21, 2018

Time: 2:00 PM to 7:00 PM

Closure Location: High Street between Brady and Main Streets

Ward: 5

Approved this 26th day of September, 2018.

Approved:

Attest:



Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

City of Davenport

Agenda Group: Committee of the Whole
Department: City Clerk
Contact Info: Jackie E Holecek
Wards: ALL

Action / Date
9/5/2018

Subject:

Motion approving noise variance request(s) for various events on the listed dates and times.

National Kidney Foundation, Village Sidewalk Stroll, October 7:30 AM - 1:00 PM, Outdoor Music,
Over 50 dBa [Ward 5]

Recommendation:

Approve the motion.

Relationship to Goals:

Vibrant Region

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	9/12/2018 - 9:48 AM

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Sherry Eastman 326-7795
Wards:

Action / Date
9/19/2018

Subject:
Motion approving beer and liquor license applications.

A. New License, new owner, temporary permit, temporary outdoor area, location transfer, etc. (as noted):

Ward 3

Artisan Grain Distillery (Bucktown Distilling Co. LLC) - 318 E 2nd St. - License Type: C Native Distilled Spirits

Bootleg Hill Honey Meads (Bootleg Hill LLC) - 321 E 2nd St., Ste. 200 - Outdoor Area - License Type: C Native Wine

Mary's on 2nd (Birdland, Inc.) - 832 W 2nd St. - Extended Outdoor Area October 5-7, 2018 "Fall Pride Fest" - License Type: C Liquor

St. Anthony Church of Davenport (St. Anthony Church of Davenport) - October 6, 2018 "Fall Gala" - License Type: C Liquor ***Subject to departmental signoffs***

Ward 5

Rookie's Sports Bar (Rookies, Inc.) - 2818 Brady St. - Extended Outdoor Area October 6-7, 2018 "SAU Fundraiser" - License Type: C Liquor

Ward 6

Costco Wholesale #1325 (Costco Wholesale Corporation) - 2790 E 53rd St. - License Type: E Liquor / C Beer / B Wine

B. Annual license renewals (with outdoor area renewals as noted):

Ward 2

Rudy's Taco's (Majec Incorporated) – 3502 W Kimberly Rd., Ste. 1 – License Type: C Liquor

Wal-Mart Supercenter #5115 (Wal-Mart Stores, Inc.) – 3101 W Kimberly Rd. – License Type: E Liquor / C Beer / B Wine

Ward 3

Analog Arcade Bar (Analog LLC) – 302 Brady St. – License Type: C Liquor

Armored Gardens (Armored Gardens LLC) – 315 Pershing Ave. – Outdoor Area – License Type: C Liquor

Iowa Mini Mart (Samreet LLC) – 234 W 3rd St. – License Type: E Liquor / C Beer / B Wine

The Renwick Mansion, LLC (The Renwick Mansion, LLC) – 901 Tremont Ave. – Outdoor Area – License Type: C Liquor

Ward 6

Bad Boy'Z Pizza & Pub (3 Bad Girl'Z LTD) – 5266 Utica Ridge Rd. – Outdoor Area – License Type: C Liquor

The Clubhouse (Clubhouse Beverage LLC) – 4800 Elmore Ave, Ste. 100 – Outdoor Area – License Type: C Liquor

Wal-Mart Supercenter #1241 (Wal-Mart Stores, Inc.) – 5811 Elmore Ave. – License Type: E Liquor / C Beer / B Wine

Ward 7

Kwik Star #291 (Kwik Trip, Inc.) – 1225 E Kimberly Rd. – License Type: C Beer

Ward 8

Harolds Jack & Jill (Slagle Foods, Inc.) – 6723 Northwest Blvd., Unit 1 – License Type: E Liquor & C Beer

Recommendation:
Consider the license applications.

Background:
The following applications have been reviewed by the Police, Fire, and Zoning Departments.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	9/13/2018 - 11:09 AM
Finance Committee	Watson-Arnould, Kathe	Approved	9/13/2018 - 11:09 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:48 PM

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Rich Oswald 326-6115
Wards:

Action / Date
9/19/2018

Subject:

First Consideration: Ordinance amending multiple chapters located within Title 8, Health, Safety and Neighborhood Enhancement of the Davenport Municipal Code for the purposes of clarification and consistency with enforcement. [All Wards]

Recommendation:

Amend the Ordinance

Background:

Through consistent enforcement efforts, it was found that several sections of Title 8 were in need of clarification and revision to accomplish the goals of City Council. Neighborhood Services and Davenport City Legal reviewed Title 8 (Health, Safety and Enhancement) as well as the supporting documents of the rental code in order to clearly define the expectations of the code and enforcement. This review also cleaned up erroneous references to old divisions and departments of the City of Davenport. In addition, the property maintenance standards are being updated to use the International Property Maintenance Code Book as the guiding document. This will allow inspections to be achieved more consistently following best practices of property maintenance.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	9/13/2018 - 11:13 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 11:13 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:48 PM

ORDINANCE NO. _____

Ordinance amending various sections in Title 8 of the Davenport Municipal Code to change regulations relating to nuisances, solid waste, environmental violations, and housing code provisions.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Chapter 8.04 entitled “Sanitation and waste regulations” is hereby amended to read as follows:

Chapter 8.04 SANITATION AND WASTE REGULATIONS

Sections:

8.04.010 Premises to be kept free from nuisances—Inspection.

8.04.020 Privy vaults, cesspools, etc.—Locations.

8.04.030 Privy vaults, cesspools, etc.—Requirements.

8.04.010 Premises to be kept free from nuisances - Inspection.

All persons owning, leasing, occupying, or having control of any land, building, or buildings within the city limits, shall at all times keep the same free from accumulating filth, stagnant water (including, but not limited to, inside of cisterns), or other nuisance, and from all avoidable conditions promoting or inviting disease; and shall, in the case of an emergency, permit the health officer or neighborhood services inspector, to freely inspect such premises and in such circumstance shall not obstruct, impede, or interfere with the efforts to abate the public health threat.

8.04.020 Privy vaults, cesspools, etc. - Location.

No privy vault, cesspool, or other conduit or reservoir of filth, except the same is made and kept watertight, shall be allowed within fifty feet of any source of water, or in such location on or near a slope, that its contents can reach the surface and create a nuisance, nor shall be allowed to open or discharge onto the surface or another’s property nor shall it be allowed to discharge into the city sewer.

8.04.030 Privy vaults, cesspools, etc. - Requirements.

A. Whenever any privy, privy vault, or cesspool ceases to be used for such purpose, the contents thereof shall not be covered over with any substance whatever; nor shall such vault be filled up until the contents thereof have been removed and the vault cleansed and disinfected.

B. Privy vaults, cesspools, and all reservoirs of filth shall at all times be kept reasonably free from offensive odor and shall be cleaned out and disinfected whenever the board of health directs.

Section 2. That Section 8.08.040 entitled "Refuse and commercial containers" is hereby amended to read as follows:

8.08.040 Refuse and commercial containers.

It shall be required of every person in possession, charge or control of any place in or from which solid waste is accumulated or produced to provide and at all times to keep in a suitable place that does not otherwise violate federal, state or local law, adequate and city approved solid waste containers, as described herein, capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. Container lids must remain closed at all times except during deposit or collection of solid waste. The public works department, neighborhood services department, or the health department determine the type, size, quantity, frequency of collection and location of said solid waste containers and determine whether said solid waste containers, and commercial containers, are serviceable.

Section 3. That Section 8.08.140 entitled "Enforcement and penalties" is hereby amended to read as follows:

8.08.140 Enforcement and penalties.

A. The administration and enforcement of the provisions of this chapter shall be the duty of the department of public works, neighborhood services department, or the health department.

B. The owners or agents, tenants or lessees of all residential units and commercial establishments shall be responsible for compliance with this chapter.

C. Anyone who violates the provisions of this article is guilty of a municipal infraction and upon conviction shall be fined as follows:

- | | |
|------------------------|----------|
| 1. First offense | \$100.00 |
| 2. Second offense | \$200.00 |
| 3. Subsequent offenses | \$500.00 |

In addition to the civil fine, the city may seek equitable relief or take other abatement actions. Each day a violation exists shall constitute a separate offense.

D. Unauthorized accumulations as described in this subsection are prohibited. At any time other than those specified in this chapter for the regularly scheduled setting out

of solid waste for collection or in conjunction with a scheduled bulky waste collection, any accumulation of solid or hazardous waste which remains on private or public property, other than a sanitary disposal project, is hereby declared to be a public nuisance and is prohibited. All owners of property in violation of this section shall cooperate with the health department, neighborhood services department or department of public works in formulating a plan to eliminate any future issues on the property. Nothing contained herein shall preclude the city from seeking alternative relief to abate the nuisance and prevent its recurrence.

E. Whenever in the judgment of the director of public works, director of the neighborhood services or the director of the health department an emergency or immediate health hazard exists by reason of the continuing presence of solid waste, the immediacy of its harm, the seriousness of its danger or current disruption, or its potential to expand and thereby frustrate efforts to contain and abate it, the city may take immediate action to protect the public health, safety or welfare by abating the violation without prior notice. The city may perform the required action to abate, and assess the costs as by law provided.

Section 4. That Subsections 8.12.010(B) and (H) and (J) and (K) are hereby amended to read as follows:

B. "City administrator" means the city administrator and his designees including, but not limited to, attorneys employed by the city, the police department, public works department, neighborhood services department and the fire department.

H. "Residential lot" means any lot of record within the city that is residential in character.

J. "Property" means any property, including land and that which is affixed, incidental, or appurtenant to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit, or portion thereof. For property consisting of more than one unit, property may be limited to the unit or the portion of the property on which any nuisance activity has occurred or is occurring or is attributable to, but includes areas of the property used in common by all units of the property, including without limitation, other structures erected on the property and areas used for parking, loading, and landscaping.

K. "Founded" means that a call for service resulted in the verification that nuisance activity had occurred. Incidents of domestic violence may be categorized as founded, if warranted. Founded domestic violence incidents shall not be a factor when determining whether a property has met the criteria for a problem property nuisance designation, or when a penalty for failing to abate a nuisance is imposed, absent additional circumstances or crimes affecting other unrelated third parties.

Section 5. That Section 8.12.015(A)(13) is hereby amended to read as follows:

13. A single incident of a health code, environmental, or solid waste violation of such a magnitude that it falls within the definition of a nuisance under Section 8.12.010(E). of the Davenport Municipal Code.

Section 6. That the unnumbered paragraph at the end of Section 8.12.015 is hereby amended to read as follows:

The above references to provisions of the Iowa Code or the Davenport Municipal Code should not be interpreted to mean that a prosecution or conviction of the specific charge is a necessary prerequisite to an action under this chapter nor shall it be interpreted to mean that proof of the action beyond a reasonable doubt is required. However, a court conviction on the underlying charge is irrebuttable proof of the occurrence.

Section 7. That Section 8.12.020 is hereby amended to read as follows:

8.12.020 Prohibition and enforcement.

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

Section 8. That Section 8.12.030 is hereby amended to read as follows:

8.12.030 Inspection of premises.

Unless a warrant is required by law, the city administrator, public safety employees, attorneys employed by the city, or neighborhood services department employees are authorized to enter and remain upon private property to the extent reasonably necessary for the purpose of locating, identifying, and documenting any nuisances as defined in this code, or for the purpose of investigating allegations of such nuisances.

Section 9. That Section 8.12.050 is hereby amended to read as follows:

8.12.050 Notice to abate—Contents.

A. The notice to abate shall contain:

1. A description of what constitutes the nuisance;
2. The location of the nuisance;
3. An order to abate the nuisance and either (i) a statement of the act or acts to be taken to abate it (the order may also include a statement giving the recipient an opportunity to submit an alternative abatement plan satisfactory to the city); or (ii) a statement requiring the recipient to submit an abatement plan satisfactory to the city within a specified number of days.
4. A reasonable time within which to complete the abatement or implement the abatement plan.

5. A statement regarding the availability of a hearing;

6. A statement that if the nuisance is not abated as ordered and no request for hearing is made within the time specified, the city will abate the nuisance and assess the costs against such person and/or property.

B. The notice to abate may contain:

1. A statement that the property owner shall be assessed the cost of police response for all founded nuisance incidents that occur during the following one year period beginning with the date of the notice to abate. Upon demonstration by the property owner, within the time stated in the assessment notice, that all reasonable and warranted steps to prevent or resolve the issue(s) giving rise to the nuisance had been taken in good faith, the assessment for the cost of police response for any incident so proven may be withdrawn. The assessment for the cost of police response shall terminate at the end of one year if the founded nuisance incidents during that year do not meet or exceed the criteria for a problem area nuisance as defined above in Section 8.12.015. If applicable, when the criteria for a problem area nuisance is met or exceeded for two consecutive years following an abatement notice, the rental license shall be revoked for a period not to exceed one year. This section shall be enforced in a manner consistent with Iowa Code Sections 562A.27B and 562B.25B.

2. For nuisances pertaining to debris or environmental violations, a statement that the city of Davenport will no longer issue further written warnings or notices and all violations must be corrected within twenty-four hours otherwise the city will clean up any offending environmental violations at the property owner's cost.

Section 10. That Section 8.12.060 is hereby amended to read as follows:

8.12.060 Notice to abate—Form.

The notice shall be in the form of certified mail sent to the property owner as indicated in the Scott County Parcel query or by personal service. The notice should also be sent by regular mail.

Section 11. That Section 8.12.070 is hereby amended to read as follows:

8.12.070 Abatement hearing.

Any person ordered to abate a nuisance may request an appeal hearing as provided in Section 2.86.020 as to whether a nuisance exists or whether they are the person responsible for its existence or whether the specified abatement plan should be altered. If timely appeal is not requested the existence of the nuisance and the notified person's responsibility for its existence will be conclusively presumed as true and the specified abatement plan will be final. If requested the hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code.

Section 12. That Section 8.12.080 is hereby amended to read as follows:

8.12.080 Emergency.

If it is determined by the city administrator that an emergency exists by reason of the continuing presence of a nuisance, the immediacy of its harm, the seriousness of its danger or current disruption, or its potential to expand and thereby frustrate efforts to contain and abate it, the city may perform any action which may be required under this chapter without prior notice or hearing. The city shall assess the costs, as provided in this chapter, subject to an appeal under chapter 2.86.

Section 13. That Section 8.12.100 is hereby amended to read as follows:

8.12.100 Expenses—Collection.

The clerk shall mail a statement of the total expense incurred, minus any salvage value, to the person who has failed to abide by the notice to abate, demanding payment of the expense. Subject to the provisions of Section 8.12.110, if the amount shown by the statement has not been paid by the person within thirty days, it shall then be assessed, liened and/or otherwise collected as provided by law.

Section 14. That Section 8.12.120 is hereby amended to read as follows:

8.12.120 Violations.

It is unlawful for any person to:

- A. Create or maintain a nuisance as defined in this chapter;
- B. Fail to abate within the originally prescribed time period, or such additional time period as may be granted pursuant to the appeal process outlined in this chapter and chapter 2.86, any nuisance after having been ordered to do so by a written notice to abate;
- C. Resume or allow the resumption of a nuisance after having been ordered to abate the nuisance by a written notice to abate, by order of the chapter 2.86 hearing officer, or by a magistrate or judge;
- D. Otherwise hinder, delay, or interfere with the city administrator in the enforcement of the provisions of this chapter.
- E. Terminate a lease agreement with or otherwise retaliate against a tenant because that tenant complained or otherwise notified the police or city official about nuisance activities at the owner's premises.

Section 15. That Subsection 8.14.010(B) and (C) are hereby amended to read as follows:

- B. "Director" means the neighborhood services director or designee, unless otherwise stated.

C. "Property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title as indicated in the Scott County Parcel query.

Section 16. That Section 8.14.015 is hereby amended to read as follows:

8.14.015 Maintenance of boulevard and private property.

All property owners shall maintain their property and the abutting boulevard according to the following standards:

A. In developed areas and other areas which lie within one hundred feet of a developed area or urban street, except for those areas otherwise hereinafter regulated, all weeds, vines, brush, and other troublesome growth shall be cut or destroyed to a height comparable to or lower than the groundcover in the surrounding area. However, under no circumstances shall the troublesome growth exceed nine inches in height.

B. In areas of forest cover all weeds, vines, brush, and other troublesome growth between the established treeline and the abutting developed area or urban street shall be cut or destroyed to a height comparable to or lower than the groundcover in the surrounding developed area. However, under no circumstances shall the troublesome growth exceed nine inches in height.

C. All weeds, vines, brush, and other troublesome growth which occurs within the public right-of-way of an urban street, including any drainage ditch located therein, shall be cut or destroyed when such growth exceeds nine inches in height.

D. Natural areas, farmland, and publicly-owned open spaces may exceed the standards established by this chapter except that any weeds, vines, brush, and other troublesome growth which constitute a health, safety, or fire hazard shall be cut or destroyed when such growth exceeds two feet in height.

E. In all other areas of the city all weeds, vines, brush, or other troublesome growth shall be cut or destroyed when such growth exceeds two feet in height.

F. The abutting boulevard shall be kept in repair, free of holes, excavations, protrusions, or other obstacles which could cause injury to the public.

G. All residences are required to have and maintain landscaping. Except for gardens, areas under lawful construction, and occasional small patches, bare dirt is not landscaping and is prohibited, as are dead vegetation and weeds.

H. When such instances occur in areas designated as stormwater or drainage easements, or areas approved to be natural areas by the director of public works, or his designee, Section 13.34.160D. shall govern.

I. Shrubs, bushes, and similar growth shall not: block the visibility of traffic upon a roadway so as to create a hazard given the speed limit and sight distance, be allowed to overgrow or encroach into the space above the sill and directly in front of a window or

door opening, overgrow or encroach into the space directly above a path, sidewalk, or service walk, overgrow or encroach unto the property of another, or take on the appearance of being allowed to grow unpruned. Volunteer trees within a front or side yard are prohibited.

Section 17. That Section 8.14.025 is hereby amended to read as follows:

8.14.025 Notice to owner.

Notice to the property owner shall be provided as follows: The director shall cause to be published each year in a newspaper of general circulation within the city a notice stating that maintaining property as required under this chapter shall be done, that for violations of subsections A through C of Section 8.14.015 the property owner has until the growth reaches nine inches in height to cause the work to be done, and that for violations of subsections D through E the property owner has five calendar days to cause the work to be done. For violations of subsections F through I the property owner shall receive notice of the violation and five-day abatement period to correct by regular mail, certified mail or door posting. Further, the above notices shall state that failure to comply after notice will result in the city causing the work to be done, and the costs incurred by the city shall be assessed against the property in the manner provided by law. No further notice shall be required.

Section 18. That Section 8.14.045 is hereby amended to read as follows:

8.14.045 Violation—Penalty.

Anyone who violates the provisions of this article is guilty of a municipal infraction and upon conviction shall be fined as follows:

- A. First offense..... \$100.00
- B. Second offense..... \$200.00
- C. Subsequent offense..... \$500.00

In addition to the civil fine, the city may seek equitable relief or take other abatement actions. Each day a violation exists shall constitute a separate offense.

Section 19. That Section 8.14.210 is hereby amended to read as follows:

8.14.210 City arborist—Office created—Enforcement duty.

- A. There is created the office of city arborist.
- B. The city arborist shall have charge of the enforcement of the provisions of this article.

Section 20. That Section 8.14.360 is hereby amended to read as follows:

8.14.360 Violation—Penalty.

Any person, firm or corporation violating or failing to comply with any of the provisions of this article shall be guilty of a simple misdemeanor or municipal infraction and, upon conviction thereof, shall be fined \$100 for a first offense, \$200 for a second offense, and \$500 for a third or more offense. A separate and distinct offense shall be regarded as committed each day on which such person continues such violation.

Section 21. That Section 8.14.390 is hereby amended to read as follows:

8.14.390 Storing of solid waste.

All accumulations of solid waste and building materials shall be stored in a manner which does not present a threat to public safety in accordance with the following provisions:

A. Public Streets and Private Property. No person shall place any accumulation of solid waste or building materials in any street, median strip, alley, or other public place of travel, nor upon any private property except as stated herein.

B. Blockage of Storm Drains. No person shall place any solid waste, building materials, dirt, rock, sand, refuse containers or commercial containers on, upon or over any storm drain, or so close thereto as to be drawn by the elements into same.

C. City-Owned Containers. No person shall deposit any refuse or building materials in any city-owned refuse containers or commercial containers unless authorized to do so by the city.

D. Refuse. All refuse shall be placed and maintained in either commercial or refuse containers as specified in chapter 8.08.

E. Commercial Establishments. In addition to the requirements of chapter 8.08, all commercial establishments shall store their refuse in commercial containers so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Spillage and overflow shall be immediately cleaned up when and as it occurs by said establishment.

F. Loading and Unloading Areas. All loading and unloading areas shall be provided with public refuse containers for refuse. The number of containers necessary for each area shall be as required to maintain a clean, neat and sanitary premises as directed by the neighborhood services department or the health department.

G. Obligation to Furnish and Use Containers.

1. Obligation to Furnish Containers. All parking lots and establishments with parking lots held out to the public as a place for assemblage, the transaction of business, recreation, or as a public way shall provide public refuse containers distributed within the parking area. The neighborhood services department or the health department shall have the authority to determine the number of containers necessary to provide proper containerization when uncontainerized refuse becomes a nuisance. It

shall be the responsibility of the owner or the manager of the parking lot to collect the refuse deposited in such containers and store this material in an approved location as hereinabove defined.

2. Obligation to Use Containers. It shall be the obligation of all persons using parking areas to use such public refuse containers as hereinabove provided for the purposes intended, and it shall be unlawful for any person or persons to dump, scatter, or throw upon any such parking lot, any refuse or building materials of any kind.

H. Construction Sites and Demolition Sites. All construction and demolition contractors shall provide on-site commercial containers for building materials and other refuse produced by those working on the site. All such material shall be containerized and the site shall be kept in a reasonably clean and litter-free condition at all times. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of construction or demolition shall be removed by the contractor.

Section 22. That Section 8.14.400 is hereby amended to read as follows:

8.14.400 Maintenance of property.

A. Sidewalks, Alleys and Rights-of-Way. All owners or occupants of property shall maintain their property in a clean and litter-free manner, including sidewalks, boulevards, one-half of alleys, curbs or rights-of-way up to the edge of the pavement of any public street.

B. Sweeping, Blowing or otherwise Placing into Sidewalks or Streets. No person shall sweep or blow into or otherwise put on any street or sidewalk yard waste (including, but not limited to, grass clippings), rubble, refuse, or building materials.

Section 23. That Section 8.14.420 is hereby amended to read as follows:

8.14.420 Violation—Penalty.

Anyone who violates the provisions of this article is guilty of a municipal infraction and upon conviction shall be fined as follows:

- A. First offense..... \$100.00
- B. Second offense \$200.00
- C. Subsequent offenses..... \$500.00

In addition to the civil fine, the city may seek equitable relief or take other abatement actions. Each day a violation exists shall constitute a separate offense. (Ord. 2007-268 § 1: Ord. 2002-31 § 13).

Section 24. That Section 8.14.450 is hereby amended to read as follows:

8.14.450 Emergency cleanup.

In the event that immediate corrective action must be taken in order to stop the conditions created by a violation of this title from worsening or spreading (negatively impacting the ability to contain and abate) or a clear and compelling threat to the public health or safety exists, the city may abate the violation without notice.

Section 25. That Section 8.14.4600 is hereby amended to read as follows:

8.14.460 Nuisance vehicles defined.

"Vehicle" means any manner of conveyance designed to be propelled by force, but not human powered, along the ground, water or air, and including, but not limited to, automobiles, trucks, tractor trailers, motorcycles, trailers, wagons, tractors, watercraft, aircraft, and snowmobiles. A vehicle is a "nuisance vehicle" if it is upon public or private property, lawful junkyards or salvage yards excepted, not enclosed within a legal structure and exhibits at least one of the following characteristics:

- A. Cannot be operated under its own power or is otherwise inoperable (in the case of a trailer the trailer is not attached to a fully-operational vehicle that can tow it that displays a current registration);
- B. Has at least one tire that is not fully-operational, unless designed to operate without the same;
- C. Is unattended on jacks, blocks, or elevated in any other way which constitutes a threat to the public health, safety or welfare;
- D. Has become a habitat for rats, mice, snakes, or other vermin or insects;
- E. Lacks a fender, door, hood, steering wheel, trunk top, or the same is loosely attached;
- F. Has an exposed and dangerous edge or protrusion;
- G. Lacks current registration or does not display current registration, if registration is required for that category of vehicle;
- H. Leaks any flammable or hazardous fluid;
- I. Has been partly or fully dismantled;
- J. If upon public right-of-way, cannot be legally operated on the same;
- K. In the case of a motor vehicle, cannot be legally operated on a public street or highway;
- L. Largely functions as a solid waste container—lawfully operated solid waste or garbage trucks excluded; or

M. Has a dangerous or defective condition that poses a threat to the public health or safety.

Section 26. That Section 8.14.470 is hereby amended to read as follows:

8.14.470 Notice to abate.

No nuisance vehicle shall remain upon public or private property for a period in excess of 24 hours. After a 24-hour waiting period said vehicle is hereby declared to be a nuisance and may be immediately abated by the city. The police department, neighborhood services department or their respective designees shall give notice of the nuisance and request abatement to begin the 24-hour waiting period in any one of the following ways:

A. By certified and regular mail addressed to the private property owner, if applicable, as shown by the Scott County Parcel query;

B. By certified and regular mail addressed to the last known address of the registered owner of the nuisance vehicle; or

C. By attaching a notice securely to the nuisance vehicle. Said notice shall state the nature of the violation, the abatement action to be taken to correct the violation, the date by which the abatement action must be taken, that failure to correct the violation will result in the vehicle being towed, that the costs of abatement action by the city will be assessed against the property (required only if the cost assessment is pursued), and that a hearing to contest the tow may be requested.

In the case of mailing notice shall be deemed given when mailed.

Section 27. That Division 1 of Chapter 8.15 is hereby amended to read as follows:

Division 1 Administration

8.15.100 Title.

The regulations in this chapter shall be known as the Davenport Property Maintenance Code, may be cited as such, and will be referred to herein as "this code." Any reference to the Uniform Building Code, the Uniform Fire Code, or any other codes mentioned herein, shall be to such codes as adopted by the city of Davenport.

8.15.105 Intent.

The intent of this code is to provide minimum standards to safeguard life or limb, health, property, property values and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings, nonresidential buildings, and structures in this jurisdiction.

The intent of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

The intent of this code is to provide for the administration and enforcement of this code and certain technical codes adopted by the Davenport Municipal Code.

Administration and enforcement is a function of the neighborhood services department and any other designee of the city administrator.

This code has been adopted and is used in conjunction with other city of Davenport codes and should not be construed to include all regulations pertaining to buildings and development. This code shall be applied in conjunction with other codes of the city and nothing in this code shall be interpreted as prohibiting or limiting enforcement by the code official or any other agencies of the following codes and ordinances as adopted and amended included but not limited to:

The Zoning Ordinance of the City of Davenport

Uniform Building Code

Uniform Fire Code

Uniform Mechanical Code

Uniform Plumbing Code

National Electric Code

Iowa State Building Code as specifically referenced by the Davenport Municipal Code.

Compliance with regulations of other agencies shall be required, including, but not limited to, the Scott County Board of Health and the Iowa State Fire Marshal.

8.15.110 Scope.

The provisions of this code shall apply to all buildings or portions thereof, whether residential or nonresidential, whether vacant or occupied, and whether owner occupied or rental dwellings. This code shall further apply to all accessory structures and any nuisance as defined by this code that may exist in a building or the building's yard. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. EXCEPTIONS: dormitories, fraternities, sororities, assisted living and transient housing.

8.15.115 Workmanship.

Construction, repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed, and installed in a workmanlike manner in accordance with the Davenport property maintenance code.

8.15.120 Existing installations.

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of its installation. However, where existing installations were legal at the time of their installations, if substantial alterations or replacement occurs, the work must meet existing code. Any change in the use or occupancy of any existing building or structure shall comply with the related provisions of the Davenport Municipal Code.

8.15.125 Reserved.

8.15.130 Responsibilities defined.

A. Every owner remains liable for violations of duties imposed upon him/her by this code even though an obligation is also imposed on the occupants of his/her building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.

B. All buildings and structures and all parts thereof shall be maintained in a safe and sanitary condition. The owner or his/her designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.

C. Every owner or his/her agent, in addition to being responsible for maintaining his/her building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he/she occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

D. Every owner shall, where required by this code, the health ordinance or the code enforcement officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

E. Every occupant of a dwelling unit in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he/she occupies and controls, shall dispose of all his rubbish, garbage and other organic waste in a manner required by ordinance and approved by the code official.

F. Every occupant shall, where required by this code, the health ordinance or code official, furnish and maintain approved devices, equipment or facilities necessary to keep his/her premises safe and sanitary.

G. With respect to rental residential units, the code official shall send letters of violation to both the occupant (addressed as "occupant") and owner of record containing the applicable portions of the text below:

1. Smoke Detector Operation. It is the occupant's responsibility to periodically test smoke detectors within the unit to see if they are functioning properly. State law requires the occupant to be responsible for changing the battery.

2. Unsanitary Conditions Within a Dwelling Unit. It is the occupant's responsibility to properly dispose of rubbish, garbage, organic waste, any excessive accumulation of debris within their dwelling unit.

3. Improper Storage Within a Dwelling. Occupants are responsible for any improperly stored flammable liquid or combustible material within a utility compartment/room accessible from their dwelling unit.

4. Items Hanging from Electrical Conduits, Plumbing or Gas Piping. Occupants are responsible to remove and cease the practice of using electrical conduits, plumbing or gas piping in this manner.

5. Use of Unvented Portable Fuel, Oil-Burning Devices. Occupants are responsible to cease the use of any unvented portable fuel, oil-burning devices.

6. Excess Accumulation of Debris (Exterior). Occupants are responsible for all debris outside of the dwelling unit where it is possible for the code official to determine which tenant is responsible for the specific items.

7. Illegal Sleeping Rooms (Attic or Cellar). Occupants are responsible to cease the use of these areas for sleeping purposes.

8.15.135 Appeals.

An order, decision or determination by an inspector regarding the application or interpretation of Chapter 8.15 may be appealed as provided in Section 2.86.020. If an appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code. If timely appeal is not filed the order, decision or determination made by the inspector shall be conclusively presumed as being true and the recipient of the order, decision or determination shall have waived all rights to challenge said order, decision or determination.

8.15.140 Violations.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

8.15.145 Licensing, permits and inspections for rental property.

A. General. It shall be a violation of this code for any person to let to another for rent and/or occupancy any dwelling, dwelling unit, duplex, multiple dwelling, sleeping room, single-family dwelling or condominium unless all of the following criteria are met:

1. The owner or agent holds a valid certificate of structure compliance, issued by the city applicable to those portions of the specific structure used for residential rental purposes or affecting any areas used for residential rental purposes.
2. The owner or agent holds a valid rental license issued by the city, in the name of the owner or agent, applicable to those portions of the specific structure used for residential rental purposes.
3. The owner or agent, if they have not done so previously, must attend the City's landlord education classes within six months of obtaining an initial rental license issued by the City.
4. The owner provides the name(s) of a twenty-four-hour emergency contact(s), to the neighborhood services department, who can provide the names of the residents and has authority to make decisions with respect to the property. This requirement also applies to group homes and properties under the control of a foreclosing lender. The emergency contact must be able to be on site within 8 hours.
5. The owner has in place, at a minimum, the standard screening and background check process acceptable to the neighborhood services department.

B. **Certificate of Structure Compliance.** The certificate of structure compliance, when issued, shall certify that the requirements of this code are met. The certificate shall be transferable at the time of a change in ownership and shall be maintained as a public record of the city. The certificate, in and of itself, shall not be interpreted as granting the owner or operator the privilege of letting the structure for residential occupancy, but must be accompanied by a valid rental license. The certificate of structure compliance shall state the date of issuance and the address of the structure to which it is applicable. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid certificate of structure compliance may be ordered vacated.

C. **Issuance of Certificate of Structure Compliance.** When the owner or operator has complied with the provisions of this code, along with payment of the required fees, the city shall issue a certificate of structure compliance. The certificate of structure compliance shall expire in accordance with the inspection cycle established pursuant to subsection G.

D. **Revocation of Certificate of Structure Compliance.** When there exists a material and substantial noncompliance with this chapter which directly affects the health, life, safety or property of the occupants or the public, the city may revoke the certificate of structure compliance in whole, or modify the certificate to reflect the compliance of each dwelling unit or sleeping room within a structure.

E. **Rental License.** A rental license shall be a document issued to each individual property that is properly registered with the city and shall be valid for one year. The document shall be transferable from one owner or agent to another at any time prior to its expiration, termination or revocation. The owner or agent shall notify the city of any

change of interest or ownership in the property within thirty days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. In the event the city has not been notified of such conveyance or transfer within the designated period of time, the rental license may be transferred from the owner or agent to another upon payment of a fee, the amount of which shall be established by resolution of the city council. The fee shall be assessed to the new owner or agent. The rental license shall state the date of issuance, the address of the structure to which it is applicable and its expiration date. All dwelling units and sleeping rooms being let for rent and/or occupancy without a valid rental license with the city and fees paid may be ordered vacated and/or the owner may be subject to a municipal infraction prosecution.

F. Registration of Rental Property. It is the responsibility of the owner and/or agent of any building used for rental purposes as defined by this code to register said building with the city for the purpose of rental licensing within thirty days after title transfer or occupancy of the building.

G. Dwelling Inspection Schedule. All rental dwellings as described in this chapter regardless of the number of rental units contained in each property would be placed on a 2 year inspection cycle. If properties have been inspected after July 1, 2016 and prior to November 1, 2018, they would remain on the current cycle for which they are certified. The inspection cycle will begin on rental inspection certification date. Inspection cycles may be extended based on performance standards set forth below. Newly constructed buildings (registered within two years of final occupancy certificate will automatically be assigned a Four (4) year cycle.

Properties receiving a score of 200 points or more would be placed on a 2 year cycle
 Properties receiving a score of 101-199 would be placed on a 3 year cycle
 Properties receiving a score of 0 - 100 would be placed on a 4 year cycle

VIOLATIONS POINT MATRIX

Title (Points)	SEVERE (5)	MODERATE (2)	MINOR (1)t	NONE (0)
Ceiling-Deteriorated/missing ceiling plaster/drywall/sheetrock				X
Ceiling-Deteriorated/missing tile(s)/panel(s)				X
Ceiling-Improper ceiling covering				X
Ceiling-Interior missing/deteriorated/peeling paint				X
Cellar Hatch-Deteriorated cellar hatch walls			X	
Cellar Hatch-Deteriorated/missing cellar hatch step(s)			X	
Cellar Hatch-Deteriorated/missing/improper cover			X	
Chimney-Deteriorated			X	
Chimney-Deteriorated/missing clean-out cover			X	
Chimney-Deteriorated/missing mortar			X	
Chimney-Improperly installed		X		

Title (Points)	SEVERE (5)	MODERATE (2)	MINOR (1)t	NONE (0)
Chimney-Missing/defective cap				X
Doors- frame(s) deteriorated			X	
Doors- not weather-tight			X	
Doors- window pane(s) broken/missing		X		
Doors-Broken/missing storm door glass/pane(s)			X	
Doors-Deteriorated storm door(s)				X
Doors-Deteriorated/missing hinge(s)			X	
Doors-Deteriorated/missing knob/latch			X	
Doors-Deteriorated/missing lock(s)			X	
Doors-Deteriorated/missing storm door/patio door screen				X
Doors-Entry door(s) not smoke/draft tight				X
Doors-Improper lock/latch		X		
Doors-Lack of a tight-fitting/latch-able bathroom door				X
Doors-Missing/deteriorated			X	
Electrical-Antiquated electrical system		X		
Electrical-Condition of the electrical system is questionable		X		
Electrical-Deteriorated electrical system component(s)				
Electrical-Deteriorated/improper outdoor electrical device(s)		X		
Electrical-Deteriorated/improperly used extension cord(s)		X		
Electrical-Deteriorated/inoperable electrical receptacle(s)		X		
Electrical-Deteriorated/inoperable fixture(s)		X		
Electrical-Deteriorated/inoperable/improperly installed switch(s)		X		
Electrical-Deteriorated/loose electric service entrance mast	X			
Electrical-Deteriorated/missing electric service entrance wire(s) protective covering	X			
Electrical-Exposed electrical wiring	X			
Electrical-Hazardous electrical fixture(s)-Metal pull chain			X	
Electrical-Improper/deteriorated meter socket/enclosure	X			
Electrical-Improper/missing electrical service grounding	X			
Electrical-Improperly installed wiring	X			
Electrical-Improperly installed electrical receptacle(s)		X		
Electrical-Improperly installed fixture(s)		X		
Electrical-Improperly installed/unapproved wiring	X			
Electrical-Improperly located electrical service/entrance	X			
Electrical-Inadequate number of receptacle(s)/fixture(s)			X	
Electrical-Lack of electric service	X			
Electrical-Lack of water meter jump wire		X		
Electrical-Lack of/improper hallway illumination				X

Title (Points)	SEVERE (5)	MODERATE (2)	MINOR (1)t	NONE (0)
Electrical-Missing/deteriorated coverplate(s)			X	
Electrical-Missing/deteriorated/improper service panel cover		X		
Electrical-Missing/improper service panel knockout plug(s)			X	
Electrical-Missing/improper/deteriorated electrical junction box cover(s)		X		
Electrical-Missing/improper/deteriorated electrical service entrance wiring	X			
Electrical-Over-fused electrical system	X			
Electrical-Tree(s)/vegetation interfering/encroaching upon electric service entrance			X	
Exterior Walls- not weather-tight			X	
Exterior Walls-Deteriorated/missing exterior block/brick/stucco/stone		X		
Exterior Walls-Deteriorated/missing exterior wall covering			X	
Exterior Walls-inadequate weather protection		X		
Exterior Walls-structural deterioration		X		
Exterior Walls-Structurally unsound block/brick/stone/poured concrete wall		X		
Exterior Walls-Window/building trim-inadequate weather protection			X	
Fire Code-Bars/grates/locks on an emergency escape			X	
Fire Code-Deteriorated/improperly maintained fire escape(s)			X	
Fire Code-Deteriorated/inoperable alarm system		X		
Fire Code-Fire door(s) missing/deteriorated/inoperable/blocked open		X		
Fire Code-Fire escape obstructed/blocked		X		
Fire Code-Fire exit(s)/stairway(s) obstructed		X		
Fire Code-Improper storage of combustible material(s)		X		
Fire Code-Improper storage of flammable liquid(s)		X		
Fire Code-Improper use of portable unvented heating device/appliance		X		
Fire Code-Improper utility room(s)/area(s) storage			X	
Fire Code-Improperly located fire extinguisher(s)			X	
Fire Code-Inadequate exiting above 2nd floor				
Fire Code-Lack of 1-hour fire resistive door(s)				
Fire Code-Lack of 1-hour fire resistive separation				
Fire Code-Lack of heat/smoke detection in a mixed-use occupancy				
Fire Code-Lack of required fire alarm system	X			
Fire Code-Lack of/improper emergency egress window	X			
Fire Code-Lack of/improper illumination of exit signage			X	
Fire Code-Lack of/improper/inoperable door closer			X	
Fire Code-Lack of/inoperable backup exit lighting		X		
Fire Code-Missing/improper building identification			X	

Title (Points)	SEVERE (5)	MODERATE (2)	MINOR (1)t	NONE (0)
Fire Code-Missing/improper separation between dwelling/garage				
Fire Code-Missing/improper/unapproved fire extinguisher(s)				
Fire Code-Missing/inoperable smoke detector(s)	X			
Fire Code-Outdated fire extinguisher(s)				
Fire Code-Unprotected dwelling/sleeping room exit				
Fire Code-Unprotected shared exit below 3rd floor				
Floors-Deteriorated foundation/floor-Engineer required		X		
Floors-Deteriorated/defective subfloor			X	
Floors-Deteriorated/improperly sized floor joist(s)				
Floors-Deteriorated/missing floor covering(s)				X
Floors-Deteriorated/missing/inadequate floor support(s)		X		
Floors-Improperly installed floor covering(s)-Trip hazard				
Foundation- mortar cracked/missing				X
Foundation-Deteriorated building/structure foundation			X	
Foundation-Structural failure of the building/structure foundation	X			
General/Health-Deteriorated accessory structure(s)	X			
General/Health-Deteriorated fence(s)				X
General/Health-Deteriorated flatwork/concrete/slab(s)				X
General/Health-Deteriorated private sidewalk(s)				X
General/Health-Deteriorated/leaning/failing retaining structure(s)/wall(s)			X	
General/Health-Deteriorated/missing cabinet drawer(s)				X
General/Health-Deteriorated/missing cabinet(s)				X
General/Health-Deteriorated/missing countertop material				X
General/Health-Evidence of wood boring insects			X	
General/Health-Excessive accumulation of trash/debris			X	
General/Health-Illegal increase of occupancy				
General/Health-Illegally occupying a tagged building(s)/unit(s)	X			
General/Health-Improper construction/repair(s)				
General/Health-Improper garbage storage/removal			X	
General/Health-Improper grading/drainage				
General/Health-Improper maintenance				
General/Health-Inoperable/unsanitary/hazardous swimming pool(s)		X		
General/Health-Insect/vermin/rodent infestation			X	
General/Health-Interior moisture problem				X
General/Health-Lack of required light and ventilation			X	
General/Health-Lack of required room/space			X	
General/Health-Mold/mildew in a dwelling(s) unit(s)				X

Title (Points)	SEVERE (5)	MODERATE (2)	MINOR (1)t	NONE (0)
General/Health-Raw sewage/waste water-cellar floor(s)		X		
General/Health-Scrub trees/vegetation at the building				X
General/Health-Sleeping room(s) in the attic				
General/Health-Sleeping room(s) in the cellar/basement				
General/Health-Standing water in the building			X	
General/Health-Substandard apartment/unit			X	
General/Health-Unacceptable repair(s)			X	
General/Health-Unsanitary conditions in a dwelling/unit			X	
General/Health-Unsanitary conditions-animal feces			X	
General/Health-Work being performed without required permit(s)				X
Gutters-Deteriorated gutters/downspouts				X
Gutters-Incomplete gutter system				X
Gutters-Inoperable gutter(s)/gutter system				X
Gutters-Lack of downspouts				X
Gutters-Lack of gutter(s)/gutter system				X
Interior Walls-Deteriorated/improper/missing wall covering(s)				X
Interior Walls-Deteriorated/missing wall plaster/drywall/sheetrock				X
Interior Walls-Deteriorated/peeling interior paint				X
Mechanical-Condition of gas-fired appliance(s) is questionable			X	
Mechanical-Deteriorated masonry fireplace	X			
Mechanical-Deteriorated/missing gas-fired appliance inspection cover/panel				
Mechanical-Deteriorated/missing gas-fired appliance vent pipe(s)	X			
Mechanical-Deteriorated/missing heat duct(s)/register(s)			X	
Mechanical-Failure to provide an inspection report			X	
Mechanical-Gas-fired appliance vent piping improperly connected to the chimney	X			
Mechanical-Gas-fired appliance(s) in a bathroom(s)	X			
Mechanical-Gas-fired appliance(s) in a sleeping room(s)	X			
Mechanical-Gas-fired heating appliance failed inspection	X			
Mechanical-Gas/fuel fired appliance/device no longer in use			X	
Mechanical-Improper gas supply line material	X			
Mechanical-Improper gas-fired appliance vent pipe rise	X			
Mechanical-Improper maintenance of a gas-fired appliance	X			
Mechanical-Improper use of flexible gas line/appliance connector	X			
Mechanical-Improper venting of a gas-fired appliance(s)	X			
Mechanical-Improper/missing gas shut-off valve(s)	X			
Mechanical-Improperly installed gas supply line(s)	X			
Mechanical-Improperly supported gas/water piping	X			

Title (Points)	SEVERE (5)	MODERATE (2)	MINOR (1)t	NONE (0)
Mechanical-Lack of combustion air supplied to a gas-fired appliance	X			
Mechanical-Lack of gas service to dwelling(s)/unit(s)	X			
Mechanical-Lack of/improper relief valve drip leg			X	
Mechanical-Lack of/inadequate heat supplied to a habitable space			X	
Mechanical-Leaking/deteriorated radiator(s) and/or radiator supply line(s)			X	
Mechanical-Leaking/inoperable boiler(s)		X		
Mechanical-Leaking/inoperable water heater(s)		X		
Mechanical-Missing gas supply line drip leg	X			
Mechanical-Missing gas supply line(s) cap/plug	X			
Mechanical-Missing/improper fireplace/appliance hearth		X		
Mechanical-Missing/improper temperature/pressure relief valve(s)	X			
Mechanical-Missing/inoperable carbon monoxide (CO) detector(s)	X			
Mechanical-Missing/inoperable thermostat		X		
Plumbing- system is questionable			X	
Plumbing-Deteriorated bathtub/shower stall			X	
Plumbing-Deteriorated/inoperable lavatory(s)/sink(s)			X	
Plumbing-Deteriorated/inoperable/leaking toilet(s)			X	
Plumbing-Deteriorated/leaking faucet(s)			X	
Plumbing-Deteriorated/leaking waste line(s)		X		
Plumbing-Deteriorated/leaking/improper potable water pipe(s)	X			
Plumbing-Deteriorated/missing plumbing fixture component(s)		X		
Plumbing-Deteriorated/missing plumbing fixture trap(s)		X		
Plumbing-Directing/discharging sump pit water/ground w			X	
Plumbing-Discharging sump pit water/ground water into the public sanitary sewer	X			
Plumbing-Dry plumbing fixture(s) and/or trap(s)			X	
Plumbing-Flexible potable water line(s)/piping				
Plumbing-Improper termination of the plumbing system vent piping/stack				
Plumbing-Improperly anchored lavatory(s)/sink(s)				X
Plumbing-Improperly installed fixture(s)/piping			X	
Plumbing-Items hanging from/attached to water/gas piping and/or electrical conduit		X		
Plumbing-Lack of a 3-fixture bathroom		X		
Plumbing-Lack of a kitchen sink		X		
Plumbing-Lack of connection to a sanitary sewage system	X			
Plumbing-Lack of hot/cold water supplied to a fixture(s)			X	
Plumbing-Lack of water service to a dwelling(s)/unit(s)	X			
Plumbing-Lack of/improper slope of drain piping/waste line(s)		X		

Title (Points)	SEVERE (5)	MODERATE (2)	MINOR (1)t	NONE (0)
Plumbing-Lack of/inoperable bathroom vent fan				X
Plumbing-Loose/improperly anchored toilet			X	
Plumbing-Obstructed waste line(s)		X		
Plumbing-Open waste line(s)	X			
Plumbing-Open/uncovered sump pit	X			
Porch-Deteriorated ceiling(s)				X
Porch-Deteriorated deck			X	
Porch-Deteriorated floor joist(s)		X		
Porch-Deteriorated porch(s)			X	
Porch-Deteriorated/missing/improper porch/deck support(s)	X			
Railing-Deteriorated guardrail(s)/guardrail balusters		X		
Railing-Deteriorated/missing/improper handrail(s) for steps	X			
Railing-Improper guardrail height		X		
Railing-Improper handrail height			X	
Railing-Improper separation of guardrail baluster(s)			X	
Railing-Lack of handrail(s)-yard steps		X		
Railing-Missing guardrail(s) and/or baluster(s)	X			
Roof-Deteriorated/missing fascia board(s)			X	
Roof-Deteriorated/missing roof sheathing		X		
Roof-Deteriorated/missing soffit/roof overhang		X		
Roof-Deteriorated/missing/improper roof covering		X		
Roof-Deteriorated/missing/improper roof flashing		X		
Roof-Deteriorated/missing/improper roof structural components			X	
Roof-Evidence of roof leakage(s)		X		
Stairways-Deteriorated stair system landing/deck joist(s)			X	
Stairways-Deteriorated yard step(s)				X
Stairways-Deteriorated/improperly installed stair system stringer(s)	X			
Stairways-Deteriorated/missing stair system decking and/or landing decking	X			
Stairways-Deteriorated/missing stair system riser(s)	X			
Stairways-Deteriorated/missing stair system tread(s)	X			
Stairways-Deteriorated/missing stair system(s)	X			
Stairways-Deteriorated/missing/improper stair system support/support post(s)	X			
Stairways-Improper construction of a stair system(s)	X			
Stairways-Improper rise height within a stair system(s)		X		
Stairways-Inadequate stairway headroom clearance				X
Substandard-Deteriorated/missing doors/windows		X		
Substandard-Failure to hold a valid Certificate of Compliance	X			

Title (Points)	SEVERE (5)	MODERATE (2)	MINOR (1)t	NONE (0)
Substandard-Failure to hold a valid Rental License	X			
Substandard-Failure to provide access to a building(s)/unit(s)	X			
Substandard-Fire damaged structure(s)	X			
Substandard-Fire damaged structure(s) beyond feasible repair	X			
Substandard-Substandard/tagged building(s)/unit(s)	X			
Substandard-Vacant building(s)/unit(s)-Inspection required	X			
Substandard-Vacant/Unfinished/Nuisance building(s)	X			
Tenant-Excessive accumulation of debris				X
Tenant-Improper storage in a utility room(s)/area(s)			X	
Tenant-Improper storage of combustible material(s)		X		
Tenant-Improper storage of flammable liquid(s)		X		
Tenant-Improper use of portable unvented gas/oil-fired heating device(s)		X		
Tenant-Inoperable smoke/Carbon monoxide detector(s)		X		
Tenant-Obstructed stair(s)/Exit(s)/Fire escape(s)		X		
Tenant-Sleeping room(s) in the attic and/or cellar		X		
Tenant-Unsanitary conditions within a dwelling(s)/unit(s)				X
Windows- not weather-tight			X	
Windows-Broken/missing pane(s)		X		
Windows-Deteriorated window(s)			X	
Windows-Deteriorated/missing screens				X
Windows-Deteriorated/missing window frame/sill			X	
Windows-Exterior window paint deteriorated/peeling/missing			X	
Windows-Improper screen(s)				X

H. Issuance of a Rental License. The city shall issue a rental license upon the applicants meeting of all standards and the payment of all fees and other debt owed to the city.

I. Revocation of a Rental License. The code official or designee shall have the authority to revoke a rental license on any property when: 1) it is in violation of the city code on a frequent and recurrent basis; 2) has a serious life safety violation and is ordered vacated; 3) fails to correct a founded complaint violation by the time that the third reinspection for the same concludes; 4) the owner or manager fails to appear for three inspections/reinspections in a row; or 5) the owner or agent provides false information to the city.. The owner or agent of the affected property shall be notified in writing by certified mail of the license revocation.

J. Appointments for Inspections. Appointments for inspections with the owner/agent of the building shall be scheduled by the city. The owner/agent may request the appointment to be rescheduled. However, the inspection shall be performed within thirty

days of the original date unless modified by the administrative hearing officer or the code official. An owner/agent shall be required to arrange for access to all portions of the building. Failure to provide access to all portions of the building shall prevent the issuance of a certificate of structure compliance, and thus compliance with the law. The owner/agent shall notify all tenants of the inspection in accordance with Iowa law.

K. Inspections shall not be:

1. Conducted with a minor as the sole representative of the owner.
2. Conducted against the will of the tenant without the building's owner/agent present.
3. Conducted without prior notice to the tenant, as required by state law.
4. Conducted in an occupied dwelling without the owner/agent or tenant of the dwelling or designated agent being present.

Should the person in control of the unit refuse admittance to the code enforcement officer or designee and refuse to reschedule the inspection or reinspection, a request to the court to issue a search warrant may be prepared, subject to approval by the legal department.

All areas of each dwelling governed by this code shall be inspected. Should access not be obtained to all areas, a reinspection must be scheduled and an additional fee may be charged for each subsequent reinspection of accordance with the established fee schedule.

L. Provision of False Information Prohibited. No person shall provide false information to the city in connection with the licensing, permitting, or inspection of a property whether owner occupied or not.

8.15.150 Fee schedule.

Fees shall be charged for services rendered in relation to this code. These services include but are not limited to the following: licenses, inspections, and failure to appear for any scheduled inspections, late cancellations, and appeals. The amount shall be established by resolution of the city council.

As a nuisance abatement remedial measure the fee schedule shall include a per tax parcel per response surcharge for police and fire department responses, excluding emergency medical responses, in an amount equal to the approximate cost of the response, plus a processing fee, for all responses above the excessive response threshold set forth immediately below within a calendar year. This section shall be construed consistently with Iowa Code §§562A.27B and 562B.25A.

Dwelling Units per Tax Parcel	Excessive Response Threshold
1-3	10

4-8	25
9-24	50
25 or more	75

In the case of police responses the number shall be based upon founded calls. Within ten days of the date of a surcharge invoice, the owner may request the neighborhood services director or his designee review the call log to verify the number of responses and provide the owner with the dates and nature of the responses included in the bill.

8.15.155 Notice and order of code official.

A. Commencement of Proceedings. Whenever the code official has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation or demolition of the building.

B. Notice and Order. The code official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the code official has found the building to be substandard with a brief and concise description of the conditions found to render the building substandard under the provisions of this code.
3. A statement of the action required as determined by the code official.
 - a. If the code official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed thirty days from the date of the order except for weather related repairs as determined by the code official and completed within such times as the code official shall determine is reasonable under all of the circumstances).
 - b. If the code official has determined that the building or structure must be vacated, the order shall require that the building or structure be vacated, within a certain time from the date of the order as determined by the code official to be reasonable.
 - c. If the code official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the code official shall determine reasonable (not to exceed thirty days from the date of the order); that all required permits be secured therefor within thirty days from the date of the order, and that the demolition be completed within such time as the code official shall determine is reasonable (not to exceed sixty days from the date of the order).

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the code enforcement officer:

- a. Will order the building vacated and posted to prevent further occupancy until the work is completed, and
- b. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising:

Any person having any record title or legal interest in the building may appeal from the notice and order or any action of the code official as provided in Chapter 2.86. Failure to appeal from a notice and order or action of the code official will constitute waiver of all rights to an administrative hearing and determination of the matter as provided in the notice and order or action of the code official shall be the final determination.

C. Service of Notice and Order. The notice and order, or any amended or supplemental notice and order, shall be served upon the record owner/agent. The failure of the code official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

D. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by regular mail, to each such person at his address as it appears on the last assessment roll of the county or as known to the code official. If no address of any such person so appears or is known to the code official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notices shall not affect the validity of any proceedings taken under this section. Service by regular mail in the manner herein provided shall be effective on the date of mailing.

E. Recordation of Substandard Conditions. If compliance is not had with the notice and order within the time specified therein, and no appeal has been properly and timely filed, the code official shall file in the office of the county recorder a certificate describing the property and certifying:

1. The building is a substandard building, and
2. The owner has been so notified. If a certificate of substandard conditions has been filed and whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the code official shall file a new certificate with the county recorder certifying that the building has been demolished or all required

corrections have been made so that the building is no longer substandard, whichever is appropriate.

F. Repair, Vacation and Demolition. The code official shall follow the standards set forth hereinafter when ordering the repair, vacation or demolition of any substandard building or structure:

1. Any building declared a substandard building under this code shall be made to comply with one of the following:

a. The building shall be repaired in accordance with the current property maintenance code or other current code applicable to the type of substandard conditions requiring repair; or

b. The building shall be demolished at the option of the building owner; or

c. If the building does not constitute an immediate danger to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated and to be secured in accordance with the Davenport Municipal Code.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered vacated and/or demolished.

G. Notice to Vacate.

1. Notice of Intent to Post. The code official shall send notice to the record owner or her agent that the property will be posted with a notice to vacate.

2. Posting. Every notice to vacate shall, in addition to being served, be posted at each building.

3. Compliance with Notice to Vacate. Whenever such notice is posted, the code official shall include a notification thereof in the notice and order issued by him reciting the violation and specifying the conditions necessitating the posting. No person shall remain in or enter any building having been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and approved by the code official pursuant to the provisions of this code.

8.15.160 Appeal.

Any person who receives notice under this chapter may appeal said notice and order pursuant to the procedures set forth in Section 2.86.020. If a timely request for appeal is not filed the order, decision or determination shall be conclusively presumed as being true and the recipient of the order, decision or determination the responsible party. If an

appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code.

8.15.165 Enforcement of the order of the code official or administrative hearing officer.

A. Compliance. After any order of the code official or administrative hearing officer shall have become final, no person to whom such order is directed shall fail, neglect or refuse to obey said order. Any person who fails to comply with or obey said order shall be guilty of a municipal infraction.

B. Failure to Commence Work. Whenever the required repair or demolition is not commenced within thirty days or any time period established after any final notice and order issued under this code becomes effective:

1. The code official shall cause the building described in such notice and order to be vacated by posting a notice at each entrance thereto.

2. No person shall occupy any building having been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the code official have been completed and a certificate of compliance issued pursuant to the provisions of this code.

3. The code official may, in addition to any other remedy provided herein, cause the building to be repaired to the extent necessary to correct the conditions which render the building substandard as set forth in the notice and order; or if the notice and order required demolition, to cause the building to be sold and demolished, or to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

C. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the code official may, in his sole discretion, grant an extension of time, not to exceed an additional one hundred twenty days, within which to complete said repair, rehabilitation or demolition, if the code official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The code official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order.

D. Interference with Repair or Demolition Work Prohibited. The final order of the code official or administrative hearing officer shall be enforced as written. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative or agent of the city engaged in the work of repairing, vacating and

repairing, demolishing or any act necessary or incidental to enforcement of the final order.

E. Violations—Penalties. Any person or entity who violates any of the provisions of this chapter shall be guilty of a municipal infraction; and shall be fined one dollars for a first offense, two hundred dollars for a second offense, and five hundred dollars of every offense thereafter for the same violation. However, in addition to all other remedies and sanctions available, violations of Subsection 8.15.145A(3) and Section 8.15.145L shall be punished by a fine of two hundred dollars for the first offense and five hundred dollars for each violation thereafter. Additionally, violations of 8.15.155G(3) may be charged and punished as a simple misdemeanor. The code official is authorized to enforce this chapter pursuant to procedures and remedies set forth in this chapter as well as Chapter 1.30.

8.15.170 Performance of work, repair or demolition.

A. Procedure. When any work or repair or demolition is to be done pursuant to this code, the code official shall cause the work to be accomplished by city personnel or by private contract under the direction of the code official. The code official may prepare plans and specifications, or he may employ such architectural and engineering assistance on a contract basis, as he may deem reasonably necessary.

B. Costs. The cost of such work shall be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

C. Personal Obligation or Special Assessment. The city legal department shall determine whether said charge shall be made a personal obligation of the property owner and/or assess said charge against the property involved.

D. Lien of assessment. All liens of assessment shall be done according to applicable city and state code.

8.15.175 Conflicting provisions.

Whenever conflicting provisions or requirements occur between this code, the technical code or any codes or laws, the most restrictive shall govern.

8.15.180 College/university zone requirements.

A. The city council of the city of Davenport finds that a significant number of landlords rent residential units to unrelated persons who frequently engage in conduct that negatively impact the quality of life of the surrounding neighborhood and tends to depress the value of the nearby properties. This situation is in major part due to the presence of numerous university students living off-campus in rental properties located within established residential neighborhoods; a condition present in an area relatively close in proximity to the college or university campus. The intent of this section is to establish further specific regulations to help protect established neighborhoods from said negative impacts.

B. The area(s) designated as college/ university zones that are subject to these regulations is/are:

1. The area of the city bounded on the north by Columbia Court extended westerly along its centerline to Fillmore and easterly to and along the centerline of Columbia Avenue, on the east by the centerline of Pershing, on the south by the centerline of West 16th Street and the centerline of Kirkwood Boulevard, and on the west by the centerline of Fillmore.

C. In addition to those requirements set forth in Section 8.15.145, upon written notice of a determination by the neighborhood services director that reasonable suspicion of over-occupancy exists or upon a "founded call" (Defined in Chapter 8.12) at the address, the tenants of a single-family rental property, defined the same as "dwelling, single-family detached," "dwelling, single-family attached," or "dwelling single-family semi-detached," or "dwelling, single-family townhouse," as the case may be, in Title 17, located within a college/university zone shall:

1. Register the property by property address;
2. Provide information regarding number of bedrooms, number of bathrooms, and number of off-street parking spaces available (counting only enclosed garage spaces and driveway spaces behind the front of the residential structure and connecting the entrance of a private garage with a public right-of-way so as to permit ingress and egress—one off street parking space for each 8' x 20' area of paved driveway);
3. Provide information regarding the lease and tenant(s): term of the lease and initial of first name and surname of all tenant(s), each tenant registered shall be required to report license plate information (state and number) for each vehicle he or she has at the property within seven days' time of the onset of their tenancy and failure to comply with this requirement constitutes a violation of this chapter;
4. The tenants shall amend the information required to be on file by this subsection within seven days of an occurrence affecting the required information, such as change in tenancy;
5. Said information shall be kept current for a period of two years from the date of the notice unless the property owner has received notice from the city that the university zone registration requirements no longer apply;
6. All of the tenants of a single-family rental property for which notice in this subsection has been given are jointly and severally responsible for making such that the required information has been filed.

D. The maximum number of persons who may occupy a dwelling shall be reduced on a one-to-one ratio based upon the number of off-street parking spaces available on the single-family rental property so that there is one off-street parking space for each person living within a single-family rental property within a college university zone and

shall be further reduced, if necessary, so that the total square footage of the building provides at least 200 square feet of enclosed living space per occupant. Off-street parking space is defined the same as "parking space" in Title 17 and, if unenclosed must be durably surfaced (paved or bricked) and connect the entrance of the private garage with a public right-of-way so as to permit ingress and egress with no such space being allowed in the front yard. No additional off-street parking space shall be constructed as a parking pad, but any off-street parking pad in existence as shown on the GIS aerial photograph taken in 2009 may be considered in the number of available off-street parking spaces (parking pad being a durably surfaced area for vehicle storage that does not serve as ingress/egress to a garage). If, because of the age and character of a single-family property located within a designated college/university zone there are no off-street parking spaces, the maximum number of unrelated persons who may occupy the single-family rental property is two persons. For purposes of this subsection, the square footage and bedroom numbers on file with the city assessor are presumed to be accurate and it is the property owner's or tenant's duty to rebut their presumed accuracy. This subsection applies to any single-family rental property located within a designated university zone that is occupied by unrelated persons regardless of whether the property has been notified to register tenant information or not. If illegal over occupancy is established a property owner shall take immediate steps to comply with the provisions of this section.

E. This section shall not apply to a multi-family rental property located within a college/university zone. A multi-family rental property being defined the same as a "dwelling, multiple" in Title 17. This section shall also not apply to the rental of a single-family rental property to a family or related persons, as defined in Title 17, or to a group of persons with verifiable disabilities, as defined by the fair housing act, as amended, of 1988, who occupy a single-family rental property as a single housekeeping unit.

F. It shall be a violation of this section for a tenant to occupy a single-family rental property without said tenant's name and other specified information having been provided to the city or its designee as required.

G. It is a violation of the section for an owner to permit occupancy contrary to the provisions of this section.

H. Each day a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this section. Any person who is found to have violated this section after having been previously convicted of violating this section shall be subject to the applicable penalty for the subsequent offense.

1. For a first offense the fine for a tenant shall be one hundred dollars. For a first offense for an owner the fine shall be three hundred dollars.

2. For a second offense the fine for a tenant shall be two hundred dollars. For a second offense for an owner the fine shall be five hundred dollars.

3. For a third or subsequent offense the fine for a tenant shall be five hundred dollars. For a third or subsequent offense the fine for an owner shall be one thousand dollars.

In addition, the code official or designee shall have the authority to suspend or revoke a rental license on any single-family rental property that has been the subject of three or more violations of this section.

Section 28. That Divisions 2 through 8 of Chapter 8.15 are hereby amended to read as follows:

Division 2 Specifications and standards

8.15.185 Adoption of 2015 International Property Maintenance Code.

The city hereby adopts and incorporates the provisions of the International Code Council's 2015 International Property Maintenance Code with commentary except as noted:

A. From Chapter 1 ("Scope and Administration") only Subsection 102.6, Subsection 104.3, Subsection 104.4, Section 105, Subsection 107.4, Section 108 (to the extent that it does not conflict with other city code sections), and Section 112 (Subsection 112.4 amended to read as follows: "No person shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.") are adopted.

B. Chapters 2 through 8 are adopted with the modifications noted below:

Section 202. Definitions. Amended to add a definition for "building official" and modify the definition of "code official" and "habitable space":

Building Official. See "Code Official".

Code Official. The officer, officers, or other designated authorities charged with the administration and enforcement of this code, or a duly authorized representative. Any reference to "building official" in this code refers to "code official".

Habitable Space. Space in a structure for living, sleeping, or eating. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Section 302.3. Sidewalks And Driveways. Amended to read:

302.3. Sidewalks And Driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be maintained in accordance with chapter 12 of the city of Davenport code of ordinances and the city of Davenports standards for defective sidewalks.

Section 302.4. Weeds. Amended to read:

302.4. Weeds. Premises and exterior property shall be maintained in accordance with section 8.14.015 of the city of Davenport code of ordinances.

Section 304.2. Protective Treatment. Amended to read:

304.2. Protective Treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Oxidation stains and rust shall be removed from exterior surfaces when oxidation stains or rust compromises the function of the building component to perform as designed. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.14. Insect Screens. Insert: May 1 to November 1.

Section 304.18.1. Doors. Amended to read:

304.18.1. Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort. Such locks shall be installed according to the manufacturer's specifications and maintained in good working order.

Section 305.3. Interior Surfaces. Amended to read:

305.3. Interior Surfaces.

A. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, loose, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

B. All residential properties receiving federal assistance must be in compliance with the lead safe housing rule at 24 CFR 35 and the lead based paint poisoning prevention act at 42 USC 4822. The owner of federally assisted units must provide certification that the dwelling is in accordance with said regulations. If the federally assisted unit was constructed prior to 1978, upon occupancy a notice must be provided which outlines the lead based paint regulations, the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning, and the precautions to be taken against lead poisoning.

C. All residential property must comply with the residential lead-based paint hazard reduction act of 1992, requiring the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of certain housing built before 1978.

Section 404.4.2. Deleted.

Section 404.4.3. Water Closet Accessibility. Amended to read as follows:

404.4.3. Water Closet Accessibility. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Section 602.3. Heat Supply. Insert: September 15 to May 15.

Section 602.4. Occupiable Work Spaces. Insert: September 15 to May 15.

Section 602.5. Room Temperature Measurement. Amended to read:

602.5. Room Temperature Measurement. The required room temperatures shall be measured three (3) feet above the floor, at the inside wall.

Section 605.2. Receptacles. Amended to add:

Exception: In lieu of every habitable space in a dwelling containing two separate and remote receptacle outlets, one receptacle and a separate permanently installed light fixture is allowable.

Section 29. That Section 8.16.010 is hereby amended to read as follows:

8.16.010 Authority.

The building official, the neighborhood services director or their respective reports or designees are hereby authorized and directed to enforce all the provisions of this chapter.

Section 30. That Subsection 8.16.080(B) is hereby amended to read as follows:

B. If painting of boards is required to comply with subsection A of this section, it shall be subject to the following additional rules: 1) from March 15 to November 14 painting of boards shall be performed upon installation or by the deadline specified in the notice and order to secure, if a notice and order was issued, however from March 15 to April 30 a written waiver may be obtained from the neighborhood services department if in the enforcement authority's opinion insufficient days of good weather occurred during the timeframe; 2) no notice and order shall set a deadline for the painting of boards during the four-month timeframe beginning November 15 and ending March 14 ("winter timeframe"); 3) if an owner secures his building during the winter timeframe said building will be treated for painting purposes as having been boarded on the next subsequent March 15; 4) in making its determination of "good weather" the enforcement authority shall consider that painting is generally not advisable below fifty-five degrees

Fahrenheit; 5) if the city performs the board up between November 15 to March 14, the bill for such work shall include the fee for painting despite the fact the painting may not occur until the weather permits.

Section 31. That Section 8.16.100 is hereby amended to read as follows:

8.16.100 Penalties.

Anyone violating the provisions of this chapter is guilty of a municipal infraction and shall, upon conviction, be fined one hundred dollars for a first offense, two hundred dollars for a second offense, and five hundred dollars for every offense thereafter for the same violation. Each day a violation is permitted to exist is considered a separate offense. In addition to other remedies, the city may institute any appropriate action or proceedings to prevent such unlawful act or to restrain, correct or abate such violation.

Section 32. That Subsection 8.17.130(B)(5) is hereby amended to read as follows:

5. Statements advising: i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the designated official pursuant to chapter 2.86; and ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

Section 33. That Section 8.17.180 is hereby amended to read as follows:

8.17.180 Effect of failure to appeal.

Failure of any person to file an appeal under chapter 2.86 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

Section 34. That Section 8.17.230 is hereby amended to read as follows:

8.17.230 Interference with repair or demolition work prohibited.

A. General. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction whenever such officer, employee, contractor or authorized representative of this jurisdiction, is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

B. Violations—Penalties. Any person or entity who violates any of the provisions of this chapter shall be guilty of a municipal infraction; and shall be fined one hundred dollars for a first offense, two hundred dollars for a second offense and five hundred dollars for every offense thereafter for the same violation. Each day that a violation continues is a separate offense. A violation of section 8.17.210 may be pursued as a simple misdemeanor violation subjecting the offender to arrest and a fine of \$200.

Section 35. That a new Chapter 8.18 entitled “Registration of Vacant or Abandoned Buildings” is hereby enacted that reads as follows:

Chapter 8.18

REGISTRATION OF VACANT OR ABANDONED BUILDINGS

- 8.18.010 Definitions**
- 8.18.020 Registration required**
- 8.18.030 Registration**
- 8.18.040 Fees**
- 8.18.050 Terms**
- 8.18.060 Inspections**
- 8.18.070 Issuance and renewal criteria**
- 8.18.080 Renewal and penalty for failure to renew**
- 8.18.090 Revocation, reinstatement**
- 8.18.100 Relationship of registration to other code provisions**

8.18.010 DEFINITIONS.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Property Maintenance Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used. Unless otherwise expressly stated or unless the context clearly indicates a different intent, the following terms shall, for the purpose of this chapter, have the following meanings:

ABANDONED BUILDING: Any building or portion thereof which has stood with an incomplete exterior shell for six (6) months or longer (city's board up effort is disregarded when determining "completeness") which meets one (1) or more of the following criteria:

- A. Is unsecured; or
- B. Is unoccupied; or
- C. Is in violation of the International Property Maintenance Code, International Building Code, or International Fire Code adopted by the City of Davenport.

NEIGHBORHOOD SERVICES DIRECTOR Includes the neighborhood services director's designee.

VACANT BUILDING: Any building or portion thereof which has been unoccupied for a continuous period of time over twelve (12) months and which meets one or more of the following criteria:

- A. Unsecured;

- B. Secured by means other than those used in the design of the building;
- C. Declared a "dangerous building" as defined in Chapter 8.17;
- D. Unfit for occupancy as determined by the neighborhood services director;
- E. Noncompliant with the property maintenance code;
- F. Has housing, building, fire, health or zoning code violations;
- G. Open to vagrants, vandals, children or the unwary; or
- H. Not receiving service by public utilities.

8.18.020: Registration required.

No person or business shall maintain a vacant or abandoned building as defined by this chapter, in the City unless such person or business registers the abandoned or vacant building as provided in this chapter.

8.18.030 Registration.

A. The owner shall register a vacant or abandoned building with the city not later than thirty (30) calendar days after any building in the city becomes abandoned or vacant as defined in this chapter. Failure to register an abandoned or vacant building or providing false information to the city shall be a violation of this chapter.

B. The registration shall include the following information:

1. A description of the premises;
2. The names and addresses of the owner or owners;
3. The names and addresses of all known lien holders and all other parties with an ownership interest in the building;
4. The name of the agent designated to act on the behalf of an out of town property owner to accept legal processes and notices, and to authorize repairs as required; and
5. The period of time the building is expected to remain vacant and/or a plan and timetable to comply with applicable city codes.

8.18.040 Fees.

The owner of a vacant or abandoned building shall pay an annual fee as established, from time to time, by resolution of the city council, and said fee shall be paid in full prior to the issuance of any permits or acceptance of the registration form for the subject property.

8.18.050 Terms.

A. Every registration is for the period of one year and shall be effective from July 1 to and through the following June 30.

B. The registration may be renewed and remain effective for successive periods of one (1) calendar year unless sooner revoked at any time by the neighborhood services director for noncompliance with any applicable provisions of this code. The owner shall keep the required information current and up to date.

C. Registrations may be transferred from one person or business to another, provided notice of the transfer is given in writing within five (5) working days of the transfer.

D. Registrations shall not be transferable from one building to another.

E. Every person or business holding a registration shall give notice in writing to the city within five (5) working days after having transferred or otherwise disposed of the legal control of the registered building. Such notice shall include the name and address of the persons or businesses succeeding to the ownership or control of such building.

8.18.060 Inspections.

The owner shall allow inspection of the building by city representatives upon request and shall allow annual inspection of the interior and exterior of the premises for the purpose of enforcing and assuring compliance with the provisions of this chapter and the Housing, Building and Fire Codes.

8.18.070 Issuance and renewal criteria.

The city is hereby authorized to issue and renew vacant or abandoned building registrations for specific buildings, in the names of the applicant owners, operators or managers, provided the following criteria are met:

A. The building to be registered is warranted by the owner or operator to substantially comply with applicable provisions of the city code.

B. The owner or operator legally authorized and responsible for maintenance of the building to be registered shall first make application therefor using the city's application.

C. All fees required by this code pursuant to the issuance of a vacant or abandoned building license are paid in full to the city.

D. The applicant shall designate a responsible agent to represent the owner/operator whenever the said applicant is not available for maintenance of the building sought to be registered. Said agent shall have full authority and responsibility, the same as the owner/operator, for maintaining the building.

8.18.080 Renewal and penalty for failure to renew.

An application for renewal of a registration for a vacant or abandoned building may be made within sixty (60) days prior to the expiration of an existing registration. Application for renewal shall be due on July 1. Application may be made and registration fees paid until July 31 without penalty. Each day that the owner fails to renew such registration as required by this chapter shall constitute a separate violation for which a municipal infraction citation may be issued.

8.18.090 Revocation, reinstatement

If a vacant or abandoned building registration is revoked by the city for noncompliance with any applicable provisions of the code, the owner/operator of the building shall be given thirty (30) days to comply with the provisions of this code. Extensions of such thirty (30) day period may be granted at the discretion of the neighborhood services director. Upon expiration of the thirty (30) day period, or any extension thereof, if the building continues to be noncompliant, the registration is deemed revoked. The revocation may be appealed in accordance with Chapter 2.86.

8.18.100 Relationship of registration to other code provisions.

The issuance of any registration for any vacant or abandoned building shall not in any way signify or imply that the building conforms with the Iowa state building code or the housing, building, property maintenance, zoning, fire ordinances or other codes and ordinances adopted by the city. The issuance of a registration shall not relieve the owner or operator of the responsibility for compliance with said codes and ordinances.

Section 36. That Chapters 8.20, 8.24, 8.28, 8.32, and 8.36 are hereby deleted in their entirety and are to be noted as "Reserved."

Section 37. That Section 8.50.010 is hereby amended to read as follows:

8.50.010 Purpose.

The purpose of this chapter is to provide standards to regulate and control the use, location and installation of outdoor security lights within the city so that such lights will not be detrimental to the use, peaceful enjoyment and value of other land and will not be detrimental to the public health, safety, and welfare.

Section 38. That Subsection 8.50.040(C) is hereby amended to read as follows:

C. So long as the light intensity as measured at the complainant's property line does not exceed one foot candle, the light shall not be found to violate subsections A or B above. However, any light source as described in A or B above that exceeds one foot candle at the complainant's property line is prohibited.

Section 39. That Section 8.50.070 is hereby amended to read as follows:

8.50.070 Enforcement and appeal.

The neighborhood services department or public works department shall have the authority to inspect the installation of outdoor security lights for compliance with this chapter, order remedial changes for non-conforming outdoor security lights and generally ensure and enforce the intentions of this chapter. The enforcement authority shall give notice of violations of this chapter by certified mail or personal service and such notices may be appealed pursuant to Section 2.86.020 of the city code. If a request for appeal is filed a hearing shall be scheduled and held pursuant to Chapter 2.86 of the city code. If a timely request for appeal is not filed the order or decision of the division shall be deemed conclusively presumed to be true and the person to whom it was directed shall be deemed to have waived all right to challenge said order or decision.

Section 40. That Section 8.50.072 is hereby amended to read as follows:

8.50.072 Variances - General.

The city engineer may grant such variance upon such terms and conditions as he may find reasonable if he finds that the provisions of the ordinance sought to be varied constitute an undue hardship upon the applicant and occupants of immediately neighboring residential property have waived in writing the application of said Section 8.50.040.

Section 41. That Section 8.50.073 is hereby amended to read as follows:

8.50.073 Variances - Duration.

All variances shall be temporary, and at any time may be altered, amended, or removed by the city engineer after giving written notice of intention to do so to the owner and possessor of the property upon which said light is located. Said notice shall be given by ordinary mail addressed to such persons at their last known address at least fourteen days before the engineer proposes to take such action and shall state the nature of the action proposed to be taken.

Section 42. That Section 8.50.090 is hereby amended to read as follows:

8.50.090 Penalties.

Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a municipal infraction. Fines for a violation are: \$100 for a first offense; \$200 dollars for a second offense; and \$500 for third or subsequent offense. A separate and distinct offense shall be regarded as committed each day on which such person or entity continues such violation.

Section 43. That Subection 8.08.090(B) is hereby amended to read as follows:

B. Time of Placement and Removal. Refuse and yard waste containers shall not be placed at the point of collection earlier than 7:00 p.m. on the day before the collection day or later than 7:00 a.m. on the day of collection. Containers shall be promptly removed from the point of collection after the refuse has been collected. In no event, shall the customer allow refuse containers to remain at the point of collection past

midnight on the day of collection. Further, containers shall not be located anywhere within a front yard between the day of collection and the day prior to collection. A “front yard” is any portion of a yard located between the extended line that runs parallel to and demarks the residential building’s wall nearest an abutting street and the abutting street. A house which abuts multiple streets will have multiple front yards.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed as are any motions or resolutions of council that purport to give authority to a council standing committee to make a determination as all such determinations shall henceforth be made by the city council.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the Quad City Times on _____

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Tom Leabhart; (563) 327-5155
Wards:

Action / Date
9/19/2018

Subject:
Resolution approving the plans, specifications, form of contract and estimated cost for the Alley Resurfacing Project between 715 Pine Street and 822 Belmont Street CIP #35017. [Ward 3]

Recommendation:
Passage of the Resolution

Background:
This project will resurface the alley between 715 Pine Street and 822 Belmont Street. A portion of the cost will be assessed to the abutting property owners as previously established by Council in conjunction with the Alley Resurfacing Program.

Construction is expected to begin this year and weather dependent completed in the spring of 2019. Funding is available thru CIP #35017.

The project is scheduled for letting in mid-August. The estimated project cost is \$45,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution pg 2
▣ Backup Material	Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	9/13/2018 - 10:25 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 10:25 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:50 PM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the plans, specifications, form of contract and estimated cost for the Alley Resurfacing Project between 715 Pine Street and 822 Belmont Street CIP #35017.

WHEREAS, plans, specifications, form of contract and an estimate of cost have been filed with the City Clerk of Davenport, Iowa, for the Alley Resurfacing Project between 715 Pine Street and 822 Belmont Street CIP #35017.

WHEREAS, Notice of Hearing on plans, specifications and form of contract was published as required by law:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that, said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for the Alley Resurfacing Project between 715 Pine Street and 822 Belmont Street CIP #35017.

Passed and approved this 19th day of September, 2018.

Approved:

Attest:

Frank Klipsch, Mayor

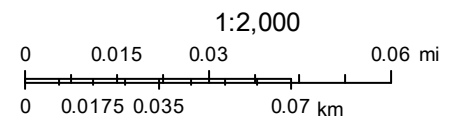
Jackie E. Holecek, City Clerk

N. Pine St. Alley



June 30, 2017

- | | |
|---------------------|---------------------------------|
| Address Points | Piped Creeks |
| City Limit | Street Centerline (Labels only) |
| Creeks | Parcels |
| Named Creeks | Parks |
| Unnamed Tributaries | |



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Scott County Iowa, Bi-State Regional Commission

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 327-5150
Wards:

Action / Date
9/19/2018

Subject:
Resolution awarding a contract for the 2018 Bridge Maintenance work to Hawkeye Paving Corporation, in the amount of \$315,383.50 CIP #21001. [All Wards]

Recommendation:
Adopt the Resolution.

Background:

An Invitation to Bid was issued on August 17, 2018 and sent to contractors. On September 4, 2018, the Purchasing Division opened and read three (3) bids. Because the bids were so close, and the lowest bid was from a company outside of Davenport, the 1% Local Preference rule goes into effect. The 1% Local Preference Rule states that if the second lowest bid is from a business that owns property or is located within the property tax paying boundaries of Davenport, and their bid is within 1% of the low bid, the bid will be awarded to the Davenport company. (See attached bid tab.)

The recommended award is to Hawkeye Paving Corporation in the amount of \$315,383.50.

This project is to repair and maintain several bridge throughout the city.

Funding for this project is from CIP #21001, 2018 Bridge Maintenance account. These funds are from the sale of General Obligation bonds.

ATTACHMENTS:

Type	Description
▣ Cover Memo	PW RES 2018 Bridge Maintenance Program
▣ Cover Memo	Bid Tab - 2018 Bridge Maintenance Program

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	9/13/2018 - 11:29 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 2:08 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:48 PM

Resolution No. _____

Resolution offered by Alderman Ambrose:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION awarding a contract and conditionally approving the contract and bond for the 2018 Bridge Maintenance project to Hawkeye Paving Corporation, in the amount of \$315,383.50.

WHEREAS, the 2018 Bridge Maintenance project was duly advertised and published according to state laws: and

WHEREAS, three bids were received at the appointed time and place for the bid opening,

WHEREAS, the applicable purchasing process was followed resulting in a recommendation to award to Hawkeye Paving Corporation,

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that the contract for the above said work be awarded to Hawkeye Paving Corporation, using the 1% local preference rule.

BE IT FURTHER RESOLVED: that expenditures of the full budgeted amount of \$315,383.50 is hereby authorized; and

BE IT FURTHER RESOLVED: that the mayor is hereby authorized and directed to sign said contract for and on behalf of the City of Davenport, Iowa; and

BE IT FURTHER RESOLVED: that, upon approval by City staff, the executed contract and bond are hereby approved.

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
INVITATION TO BID RESPONDENTS

DESCRIPTION: 2018 BRIDGE MAINTENANCE
BID NUMBER: 19-20
OPENING DATE: SEPTEMBER 4, 2018
GL ACCOUNT: 70019698 530350 21001 BRIDGE MAINTENANCE PROGRAM
RECOMMENDATION: AWARD THE CONTRACT TO HAWKEYE PAVING CORPORATION

<u>VENDOR NAME</u>	<u>AMOUNT</u>
Hawkeye Paving Corporation of Davenport	\$315,383.50*
Minturn Inc. of Brooklyn IA	\$313,446.00
General Constructors Inc. of Bettendorf IA	\$457,400.00

* 1% Local Preference Rule states that if the second lowest bid is from a business that is located within the property tax paying boundaries of Davenport, and their bid is within 1% of the low bid; the bid will be awarded to the Davenport company.

Prepared By Kristi Keller
Purchasing

Approved By Nicole Gleason
Department Director

Approved By Braedi Coy
Budget/CIP

Approved By BH
Finance Director

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Clay Merritt 563-888-3055
Wards:

Action / Date
9/19/2018

Subject:
Resolution approving a grant agreement with the Iowa Department of Transportation for the City Highway Bridge Program for the Division Street Bridge Deck Replacement over Duck Creek.
[Wards 2 & 7]

Recommendation:
Approve the Resolution

Background:

In 2018, the City applied for and was awarded a grant from the State of Iowa's City Highway Bridge Program (HBP) to replace the deck on the Division Street Bridge over Duck Creek. This is part of the Federal-Aid Swap Program as dictated by the DOT. The preliminary estimate for construction of the project is \$750,000. This grant will provide 80% reimbursement of eligible construction cost up to \$1,000,000. Non-construction cost such as engineering and inspection are not eligible for reimbursement, but may be applied as part of the City's 20% match.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW_RES pg2
▢ Backup Material	Iowa DOT Project Funding Agreement
▢ Backup Material	Project Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	9/13/2018 - 2:08 PM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 2:08 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:49 PM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a grant agreement with the Iowa Department of Transportation for the City Highway Bridge Program for the Division Street Bridge Deck Replacement over Duck Creek.

WHEREAS, the City of Davenport (the "City") is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the "State"); and

WHEREAS, the Iowa DOT is offering an 80% funding agreement to the City which will cover eligible cost related to the deck replacement up to \$1,000,000;

WHEREAS, the City approves the agreement with the Iowa Department of Transportation for City Highway Bridge Program; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that appropriate personnel are authorized to sign the funding agreement on behalf of the City and that City staff will execute the agreement during all project stages.

Passed and approved on the 19th day of September, 2018.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

**IOWA DEPARTMENT OF TRANSPORTATION
AGREEMENT FOR CITY BRIDGE FEDERAL-AID SWAP FUNDING**

CITY: Davenport

PROJECT NO.: BHM-SWAP-1827(684)--SA-82

AGREEMENT NO.: 6-18-HBP-SWAP-017

This is an agreement between the City of Davenport, Iowa (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department), for funding through the Federal-aid Swap City Highway Bridge Program (HBP) under 761 Iowa Administrative Code (IAC) Chapter 161.

The parties agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out this agreement.
2. All notices required under this agreement shall be in writing to the Department and the Recipient's contact person. The Department's contact person shall be the District 6 Local Systems Engineer. The Recipient's contact person shall be the Public Works Director.
3. The Recipient shall be responsible for the development and completion of the following bridge project:
 - A. FHWA Structure Number: 003250
 - B. Location: N. Division St. over Duck Creek
 - C. Preliminary Estimated Total Eligible Costs: \$750,000
4. The eligible project construction limits shall include the bridge plus grading and paving to reach a "touchdown point" determined by the Department. Eligible project costs include construction costs. Non-construction costs incurred for engineering, inspection, and right-of-way, may be applied towards the local match for Construction. Certain activities necessary to comply with Federal or State environment or permit requirements, including studies and mitigation of the project's environmental impacts, are also eligible. Costs associated with permitting and studies may be applied towards the local match for Construction. With prior approval of the Department utility relocations, construction of items related to mitigation activities, and Railroad activities that are associated with work inside the eligible project construction limits, but performed outside of the Prime Contractor's contract may be reimbursed as construction costs.
5. Costs associated with work outside the eligible project construction limits, routine maintenance activities, operations, and monitoring expenses are not eligible. In addition, administrative costs, and fees or interest associated with bonds or loans are not eligible.
6. 80% of the eligible construction project costs incurred after the effective date of this agreement shall be paid from Federal-aid Swap funds up to a maximum of \$1,000,000. At no time will the reimbursed amount exceed \$1,000,000. Non-construction costs related to the development of the construction project may be applied toward the 20% match required for the Recipient. Non-construction costs are identified in paragraph 4. Eligible non-construction costs may be used to decrease the 20% local match for Construction. Any reduction in the 20% local match for Construction will be reimbursable after the Prime Contractor's retainage is paid and the local Construction contract is closed. The maximum amount paid to the Recipient will be the total actual construction cost after non-construction costs are applied to the 20% match or \$1,000,000 whichever is less. The Recipient shall pay 100% of the non-eligible project costs. Reimbursed costs will be limited to state funds that are made available to cities through the County and City Bridge Construction Funds outlined in 761 Iowa Administrative Code, Chapter 161
7. The Recipient shall conduct project development and implementation in compliance with applicable laws, ordinances, and administrative rules. For projects which also include Farm-to-Market funds, the Recipient shall follow all administrative and contracting procedures required for Farm-to-Market projects.

8. The Recipient shall pay for all project costs not reimbursed with City Bridge Program funds.
 9. The project shall be let to contract within 3 years of the date this agreement is signed by the Department. If not, the Recipient may be in default, for which the Department may revoke funding commitments. This agreement may be extended for a period of 6 months upon receipt of a written request from the Recipient at least 30 days prior to the 3-year deadline.
 10. If any part of this agreement is found to be void and unenforceable then the remaining provisions of this agreement shall remain in effect.
 11. This agreement is not assignable without the prior written consent of the Department.
 12. It is the intent of both (all) parties that no third party beneficiary be created by this agreement.
 13. This agreement and the attached Exhibit 1 constitute the entire agreement between the Department and the Recipient. No representations, promises, or warranties have been made by either party that are not fully expressed in this agreement. Any change or alteration to the terms of this agreement must be made in the form of an addendum to this agreement which shall be effective only upon written acceptance of the Department and the Recipient.
-

June 2018

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

City Signature Block

By _____ Date _____, 20____

Title of city official

I, _____, certify that I am the City Clerk of Davenport, and
that _____, who signed said Agreement for and on behalf of the city was duly authorized to
execute the same by virtue of a formal resolution duly passed and adopted by the city on the _____ day of
_____, 20____.

Signed _____ Date _____, 20____

City Clerk of Davenport, Iowa

**IOWA DEPARTMENT OF TRANSPORTATION
Highway Division**

By _____ Date _____, 20____

Kent L. Ellis, P.E.
Local Systems Engineer
District 6

EXHIBIT 1

General Agreement Provisions for use of Federal-aid Swap Funds on Non-primary Projects

Unless otherwise specified in this agreement, the Recipient shall be responsible for the following:

1. General Requirements.

- a. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Instructional Memorandums to Local Public Agencies (I.M.s), available on-line at: https://iowadot.gov/local_systems/publications/im/lpa-ims. The Recipient shall follow the applicable procedures and guidelines contained in the I.M.s in effect at the time project activities are conducted.
- b. In accordance with Iowa Code Chapter 216 and associated subsequent nondiscrimination laws and regulations, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
- c. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in I.M. 1.080, ADA Requirements. When pedestrian facilities are constructed, reconstructed, or altered, the Recipient shall make such facilities compliant with the ADA and Section 504.
- d. The Recipient agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and acceptance process, plan and construction reviews, and funding participation.
- e. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The Federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Recipient with written notice of termination pursuant to this section.

2. Programming

- a. The Recipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Recipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, funds cannot be obligated.
- b. Before beginning any work for which funding reimbursement will be requested, the Recipient shall submit a written request for acceptance to the Department. The Department will notify the Recipient when acceptance is granted. The cost of work performed prior to acceptance will not be reimbursed. The turning in of plans for letting by the Department's administering office shall be considered acceptance for construction. The Department will notify the Recipient when acceptance is granted.

3. Design and Consultant Services

- a. The Recipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.

4. Environmental Requirements and other Agreements or Permits.

- a. The Recipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Recipient shall follow the applicable procedures in the Instructional Memorandums to Local Public Agencies Table of Contents, Section 3.1 – Environmental Reviews and Permits.

5. Right-of-Way, Railroads, and Utilities.

- a. The Recipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in I.M. 3.600, Right-of-Way Acquisition, and the Department's Office of Right of Way Local Public Agency Manual. The Recipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures.
- b. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Recipient shall obtain agreements, easements, or permits as needed from the railroad. The Recipient shall follow the procedures in I.M. 3.670, Work on Railroad Right-of-Way.
- c. The Recipient shall obtain agreements from utility companies as needed. The Recipient shall comply with the "Policy for Accommodating Utilities on the County and City a Non-Primary Federal-aid Road System" for projects on non-primary Federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Recipient shall follow the Department's "Policy for Accommodating and Adjustment of Utilities on the Primary Road System" The Recipient should also use the procedures outlined in I.M. 3.640, Utility Accommodation and Coordination, as a guide to coordinating with utilities.

6. Contract Procurement.

- a. The following provisions apply only to projects involving physical construction or improvements to transportation facilities:
- b. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer or architect, as applicable, licensed in the State of Iowa.
- c. The Recipient shall be responsible for the following:
 - i. Prepare and submit the PS&E and other contract documents to the Department for review and acceptance in accordance with I.M. 3.700, Check and Final Plans and I.M. 3.500, Bridge or Culvert Plans, as applicable.
 - ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Recipient for individual construction items shall be approved by the Department.
 - iii. Follow the procedures in I.M. 5.030, Iowa DOT Letting Process, to analyze the bids received; make a decision to either award a contract to the lowest responsive bidder or reject all bids; and if a contract is awarded, execute the contract documents and return to Department.

Note: The Department may not be able to allow a project to be let in the scheduled letting due to possible issues with cash flow availability.

- d. The Recipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with I.M. 5.050, Project Development Certification Instructions. The project will not be turned in for bid letting until the Department has reviewed and approved the Project Development Certification.
- e. If the Recipient is a city, the Recipient shall comply with the public hearing requirements of the Iowa Code section 28.12.

- f. The Recipient shall not provide the contractor with notice to proceed until after receiving written notice that the Department has concurred in the contract award.

7. Construction.

- a. The Recipient shall follow the procedures in I.M. 6.000, Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities. The Recipient's engineer shall at all times be responsible for inspection of the project.
- b. A full-time employee of the Recipient shall serve as the person in responsible charge of the construction project. For cities that do not have any full time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.
- c. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. Proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as needed.
- d. The project shall be constructed under the Department's Standard Specifications for Highway and Bridge Construction and the Recipient shall comply with the procedures and responsibilities for materials testing according to the Department's Materials I.M.s. Available on-line at: <https://www.iowadot.gov/erl/index.html>.
- e. If the Department provides any materials testing services to the Recipient, the Department will bill the Recipient for such testing services according to its normal policy as per Materials I.M. 103.

8. Reimbursements.

- a. The Recipient will be initially responsible for all project costs. After costs have been incurred, the Recipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least semi-annually but not more than bi-weekly.
- b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1, if possible, but no later than August 15.
- c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Recipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.
- d. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the total funds available for the project. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final review or audit selected by the Administering Office, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final review is complete and after the Recipient has provided all required paperwork, the Department will release the funds withheld.
- e. The total funds collected by the Recipient for this project shall not exceed the total project costs. The total funds collected shall include any funds received; for example, Federal funds not received through FHWA, any special assessments made by the Recipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total funds collected by the Recipient do exceed the total project costs, the Recipient shall either:
 - i. in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or
 - ii. refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds.

9. Project Close-out.

- a. Acceptance of the completed construction shall be with the concurrence of the Department. Within 30 days of completion of construction or other activities authorized by this agreement, the Recipient shall provide written notification to the Department. The Recipient shall follow and request a final review, in accordance with the procedures in I.M. 6.110, Final Review, Audit, and Close-out Procedures for Federal-aid Projects. Failure to comply with the procedures may result in loss of funds and the ability to let future projects through the Department; reimbursed funds shall be returned and a possible suspension may be placed on the Recipient from receiving funds from the Department on future projects until the Recipient has demonstrated responsible management of funds on roadway projects.
- b. For construction projects, the Recipient shall provide a certification by a professional engineer, architect, or landscape architect as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.
- c. Final reimbursement of funds shall be made only after the Department accepts the project as complete.
- d. The Recipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Recipient shall also make this documentation available at all reasonable times for review by the Department. Copies of this documentation shall be furnished by the Recipient if requested. Such documentation shall be retained for at least 3 years from the date of the Department's signature of the Department's Statement of Completion and Final Acceptance of Work (Form 830435) or the Certificate of Completion and Final Acceptance of Agreement Work (Form 640003).
- e. The Recipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department.



Duck Creek

N DIVISION ST

W GEORGE WASHINGTON BLVD

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Amy Kay (563) 327-5160
Wards:

Action / Date
9/19/2018

Subject:
Resolution approving the plans, specifications, form of contract and estimated cost for the Duck Creek Stream Stabilization project CIP #33030. Estimated cost \$425,000.00. [Wards 2 & 7]

Recommendation:
Approve the resolution.

Background:
The proposed project consists of tree clearing, bank sloping, stream bank toe rock stabilization, vegetation establishment and tree planting along the banks of Duck Creek.

The project letting is proposed for October 2018 with construction completion by May 2019. Project Management will be completed by Natural Resources Division Staff.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES_DuckCreekStreamStab_Pg2
▣ Backup Material	DuckCreekStreamStab_Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	9/13/2018 - 2:09 PM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 2:09 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:50 PM

Resolution No. _____

Resolution offered by Rich Clewell

RESOLUTION approving the plans, specifications, form of contract and estimated cost for the Duck Creek Stream Stabilization project. FY2019 CIP # 33030. Estimated cost \$425,000.00.

[Wards 2, 7]

WHEREAS, plans, specifications, forms of contract and estimated cost were filed with the City Clerk of Davenport, Iowa for the Duck Creek Stream Bank Stabilization Project within the City of Davenport, Iowa; and

WHEREAS, Notice of Hearing on plans, specifications, forms of contract was published as required by law:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa: that said plans, specifications, forms of contract and estimated cost are hereby approved as the plans, specifications, forms of contract and estimated cost for said project.

Passed and approved this 19th day of September, 2018.

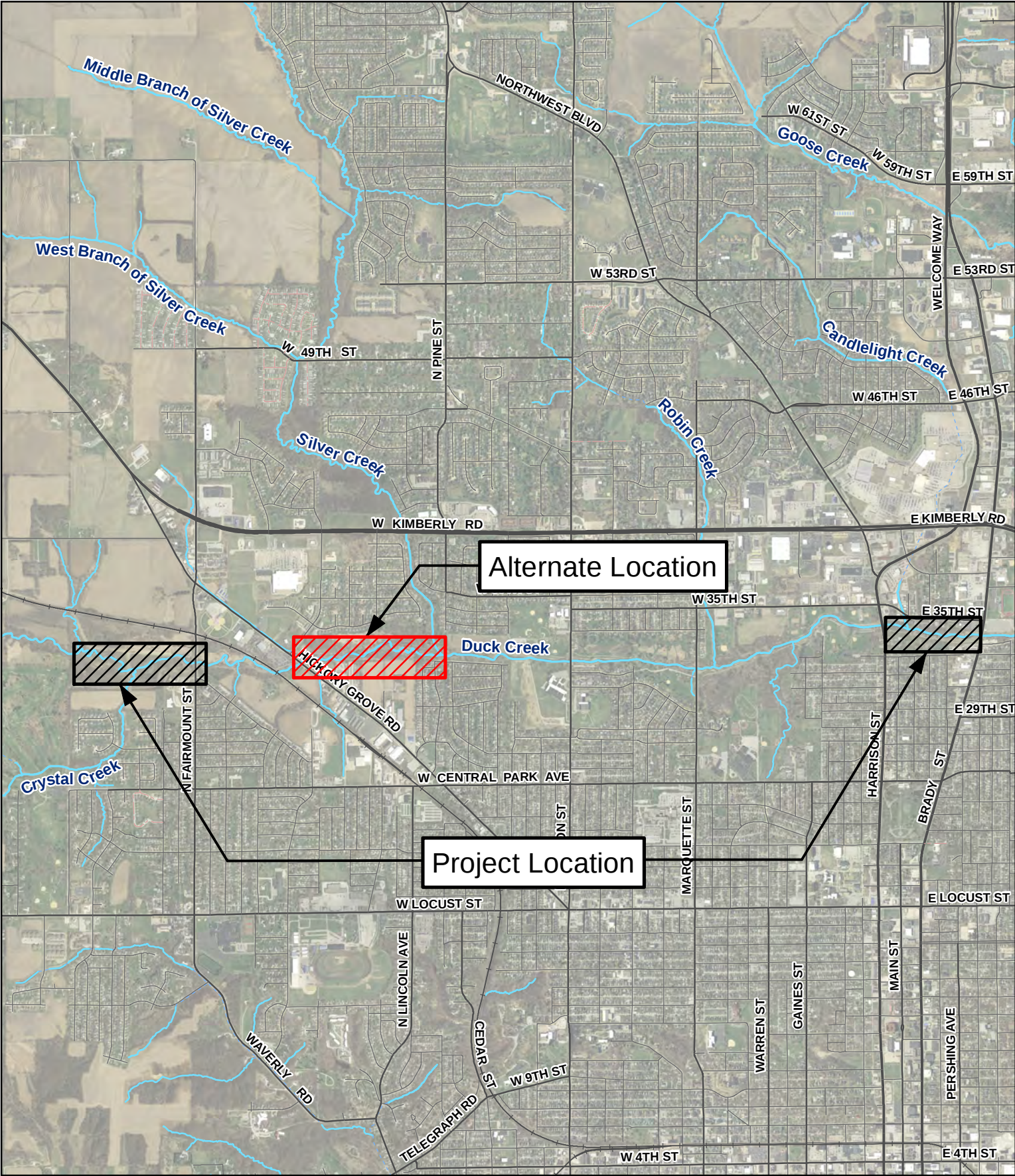
Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

Duck Creek Bank Stabilization



City of Davenport

Agenda Group:

Department: Public Works - Admin

Contact Info: Nicole Gleason 327-5150/Chad Dyson 326-7817

Wards:

Action / Date

9/19/2018

Subject:

Resolution approving the contract for the Miracle Field of the Quad Cities Phase I to N J Miller Inc. of Bettendorf, IA in the amount of \$358,219.25. CIP #64030 [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

On August 22, 2018, an Invitation to Bid was issued and sent to contractors. On September 11, 2018, the Purchasing Division opened and read four responsive and responsible bids. See bid tab attached.

This will be an all-inclusive ball-field in Prairie Heights Park. This contract is for phase I, which includes stormwater infrastructure, site grading, and flatwork including future play field, entry and spectator plazas and auxiliary parking lot.

Funding is from private donations secured primarily by the Parks and Recreation Department staff. Various local organizations, trusts, businesses, City of Bettendorf, and individuals have donated time and money to make this project a reality.

The Parks and Recreation staff have been working to secure private funding for this project.

ATTACHMENTS:

Type	Description
▣ Cover Memo	PW RES Miracle Field of the Quad Cities Phase I
▣ Cover Memo	Bid Tab - Miracle Field of the Quad Cities Phase I

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	9/13/2018 - 11:22 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 2:07 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:48 PM

Resolution No. _____

Resolution offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Miracle Field of the Quad Cities Phase I to N J Miller Inc. of Bettendorf, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to construct Phase I of the Miracle Field of the Quad Cities;
and

WHEREAS, N J Miller Inc. of Bettendorf was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the Miracle Field of the Quad Cities Phase I to N J Miller Inc. of Bettendorf; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: MIRACLE FIELD OF THE QUAD CITIES PHASE I

BID NUMBER: 19-21

OPENING DATE: SEPTEMBER 11, 2018

GL ACCOUNT NUMBER: 74044675 530350 64030

RECOMMENDATION: AWARD THE CONTRACT TO N J MILLER OF
BETTENDORF IA

<u>VENDOR NAME</u>	<u>PRICE</u>
N J Miller Inc. of of Bettendorf	\$358,219.25
Valley Construction Company of Rock Island IL	\$402,772.00
Estes Construction of Davenport	\$468,726.50
Hawkeye Paving Corporation of Davenport	\$634,962.50

Approved By Kristi Keller
Purchasing

Approved By Chad Wynn Nicole Gleason
Parks Director Public Works Director

Approved By Brandi Cozart
Budget/CIP

Approved By BW
CFO

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Dan Miers; (563) 326-7787
Wards:

Action / Date
9/12/2018

Subject:
Resolution approving change order #1 for the Digester #4 Reconstruction Project at the Water Pollution Control Plant to General Constructors Inc. in the amount of \$84,558 funded from CIP #39007. [All Wards]

Recommendation:
Approve the resolution

Background:
Digester tank #4 is being reconstructed due to storm damage. During reconstruction it was discovered the scope of the work is greater than anticipated and requires additional masonry restoration, removal and replacement of a compromised wall and a new support system.

Digester tanks are critical to the operations of the Water Pollution by processing the sludge to breakdown solids, reduce pathogens and produce methane. The methane is collected and fuels the electricity of the plant.

Original Project Cost: \$253,800
Change order #1: \$ 84,558
Amended Project Cost: \$338,358

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	9/13/2018 - 3:13 PM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 3:13 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 3:27 PM

Resolution No. _____

Resolution offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving change order #1 for the Digester #4 Reconstruction Project at the Water Pollution Control Plant to General Constructors Inc. in the amount of \$84,558 funded from CIP #39007.

WHEREAS, the City entered into a contract with General Constructors Inc. for the reconstruction of Digester #4 at the Water Pollution Control Plant;

WHEREAS, the scope of work are greater than anticipated;

WHEREAS, the contractor will incur additional costs beyond the original bid due to these changes;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that change order #1 in the amount \$84,558 of for the Digester #4 Reconstruction Project is hereby approved.

Passed and approved this 19th day of September, 2018

Attest:

Approved:

Frank Klipsch
Mayor

Jackie E. Holecek, CMC
Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Brian Krup
Wards:

Action / Date
9/19/2018

Subject:
Resolution assessing the cost of boarding up building at various lots and tracts of real estate. [All Wards]

Recommendation:
Consider the resolution.

Background:
The City allows 60 days from the invoice date for a bill to be paid. After 60 days, it is levied to the Scott County Treasurer as a special assessment against the property.

ATTACHMENTS:

Type	Description
▯ Cover Memo	PW RES - BOARD UP BUILDING

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	9/12/2018 - 10:18 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 10:25 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:49 PM

Resolution No. _____

Resolution offered by Alderman Ray Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION assessing the cost of boarding up building at various lots and tracts of real estate.

WHEREAS, that the following lots or tracts of real estate situated in the City of Davenport, and the owners, thereof, be hereby assessed the amounts set forth, and the same being the cost of boarding up building on said lots or tracts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the City treasurer be and is hereby ordered to collect the same as ordinary taxes to-wit.

BE IT FURTHER RESOLVED: If any amount assessed against property herein does not exceed \$500.00, such assessment must be made in 1 annual payment; if amount assessed exceeds \$500.00, such assessment may be in 10 annual installments; in the manner and with the same interest rate provided for assessment against benefited property under the State Code of Iowa as amended with the current interest rate of 9%. All assessments bear interest at the current rate of 9%.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

Board Up Building Invoices for Levy

<u>CUST ACCT</u>	<u>NAME</u>	<u>PARCELID</u>	<u>INVOICE</u>	<u>BALANCE</u>
000043771	YORK, GARY II	H0051-11	80021557	252.18
000002889	PORTER, RANDY L	E0003-13	80021692	107.44
Number of Accounts to Levy		2	Total Balance Outstanding:	\$359.62

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Brian Krup; (563) 326-7703
Wards:

Action / Date
9/19/2018

Subject:
Resolution assessing the cost of brush & debris at various lots and tracts of real estate. [All Wards]

Recommendation:
Consider the resolution.

Background:
The City allows 60 days from the invoice date for a bill to be paid. After 60 days, it is levied to the Scott County Treasurer as a special assessment against the property.

ATTACHMENTS:

Type	Description
▯ Cover Memo	PW RES - BRUSH & DEBRIS

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	9/12/2018 - 10:27 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 10:26 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:49 PM

Resolution No. _____

Resolution offered by Alderman Ray Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION assessing the cost of brush and debris removal at various lots and tracts of real estate.

WHEREAS, that the following lots or tracts of real estate situated in the City of Davenport, and the owners, thereof, be hereby assessed the amounts set forth, and the same being the cost of brush and debris removal on said lots or tracts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the City treasurer be and is hereby ordered to collect the same as ordinary taxes to-wit.

BE IT FURTHER RESOLVED: If any amount assessed against property herein does not exceed \$500.00, such assessment must be made in 1 annual payment; if amount assessed exceeds \$500.00, such assessment may be in 10 annual installments; in the manner and with the same interest rate provided for assessment against benefited property under the State Code of Iowa as amended with the current interest rate of 9%. All assessments bear interest at the current rate of 9%.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

Brush and Debris Invoices for Levy

<u>CUST ACCT</u>	<u>NAME</u>	<u>PARCELID</u>	<u>INVOICE</u>	<u>BALANCE</u>
000057833	AP PROPERTIES LLC	F0003-03	80021324	161.50
000067806	SCOTT HOWIE	G0019-31	80021334	58.25
000069094	ROBERT MCELWEE	C0013-01	80021338	66.25
000077912	MARIA PEREZ	G0017-13	80021354	202.75
300030042	WALLACE, JEAN	W0318-46	80021378	177.50
300149416	GEHRING, DEL	N2901D07	80021388	194.25
300264653	KMB MANAGEMENTT LLC	R0404-26	80021410	227.50
300264756	LARSON, MARY GILROY	G0006-46	80021412	191.25
810001853	JERRY WINFIELD	H0023-33	80021424	74.75
300002172	POWERS, JULIE S	A0036-27	80021440	116.00
300203694	MILLER, MATTHEW	C0039-11	80021454	161.50
300153271	MOSS, ELAINE	F0005-15	80021478	193.75
000061123	DENNIS FUESSEL	F0011-16	80021480	169.75
000067588	P.O. PROPERTIES LLC	F0012-15	80021484	153.25
300260541	GRACE BROTHERS PROPERTIES LLC	F0019-27	80021488	153.25
000079744	CARRINGTON MORTGAGE SERVICES	F0022-17	80021492	194.50
000055794	LARD, ELIJAH EUGENE	F0032-03	80021499	256.25
000150058	COMPLETE COMFORT PROPERTIES I	G0004-35	80021511	182.00
000068753	RVFM 13 SERIES LLC	G0019-10	80021519	185.25
000025832	RALEY, DANNY E	G0021-06	80021523	153.25
000014321	HOBBS, ARTHUR M	H0008-21B	80021539	222.75
300246526	FOLEY, JANET L	H0023-25	80021543	169.75
300198435	LANG, SCOTT	H0049-15	80021555	202.25
810003658	SHIMCO LLC	H0064-03	80021574	248.25
810003658	SHIMCO LLC	H0064-03	80021576	169.75
000055678	LESTER MONKUS	H0064-33	80021578	233.75
000078977	ADVISORS, NEWPOINT	O2112A05	80021606	153.25
000078977	ADVISORS, NEWPOINT	P1413A02	80021620	161.50
000078977	ADVISORS, NEWPOINT	P1413A05	80021622	161.50
300247715	J P RENTALS LLC	P1413A10	80021624	161.50
810000821	DANIEL S BOMFIM	C0062-23	80021689	153.25
000079762	DANIELS, DEVIN	H0012-12	80021749	153.25
300204298	BRACH, CECILIA	H0055-42	80021760	178.00
000078977	ADVISORS, NEWPOINT	P1413A02	80021805	169.75
000078977	ADVISORS, NEWPOINT	P1413A05	80021807	169.75

300247715	J P RENTALS LLC	P1413A10	80021809	169.75
000031870	BANKS, NAOMI LEE	K0007-19	80021827	257.50
000043771	YORK, GARY II	H0051-11	80021829	211.00
000055641	AMANDA GOLDEN	W0315-33	80021852	229.50
000077507	MALABAR MEWS LLC	X0253A22	80021879	229.00
000077915	KRAUSE IOWA INVESTMENTS LLC	G0048-07	80021881	244.00
000078977	ADVISORS, NEWPOINT	O2112A05	80021886	153.25
000078977	ADVISORS, NEWPOINT	P1413A02	80021890	161.50
000078977	ADVISORS, NEWPOINT	P1413A05	80021894	161.50
000078993	LEAHR, LAWSON	U0951-04A	80021898	273.75
000079773	WELLS FARGO BANK	H0042-21	80021905	462.50
120165410	THOMAS, STACEY L	E0017-28	80021915	153.25
120188485	CYCLONE DEVELOPMENT	H0052-68	80021917	225.75
300133040	DAVIS, ROBERT J	O2107C30	80021931	171.00
300139187	LOPEZ, J AUGUSTINE	H0054-02	80021933	163.25
300143663	REID, PAUL	W0302-27	80021935	203.25
300153956	DOZAL, ALVARO	H0044-36	80021937	153.25
300193254	CATLETT, JESSICA	G0018-10	80021942	161.00
300247715	J P RENTALS LLC	P1413A10	80021959	161.50
810002652	MCMILLIAN EDDIE	E0018-36	80021972	211.00
400004440	BRONTE ESTATES LC	W1019C41A	80021978	197.50

Number of Accounts to Levy

56

Total Balance Outstanding:

\$10,335.00

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Brian Krup; (563) 326-7703
Wards:

Action / Date
9/19/2018

Subject:
Resolution assessing the cost of condemned property demolitions at various lots and tracts of real estate. [All Wards]

Recommendation:
Consider the resolution.

Background:
The City allows 60 days from the invoice date for a bill to be paid. After 60 days, it is levied to the Scott County Treasurer as a special assessment against the property.

ATTACHMENTS:

Type	Description
▯ Cover Memo	PW RES - BUILDING DEMO

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	9/12/2018 - 10:29 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 10:31 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:50 PM

Resolution No. _____

Resolution offered by Alderman Ray Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION assessing the cost of condemned property demolitions at various lots and tracts of real estate.

WHEREAS, that the following lots or tracts of real estate situated in the City of Davenport, and the owners, thereof, be hereby assessed the amounts set forth, and the same being the cost of condemned property demolition on said lots or tracts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the City treasurer be and is hereby ordered to collect the same as ordinary taxes to-wit.

BE IT FURTHER RESOLVED: If any amount assessed against property herein does not exceed \$500.00, such assessment must be made in 1 annual payment; if amount assessed exceeds \$500.00, such assessment may be in 10 annual installments; in the manner and with the same interest rate provided for assessment against benefited property under the State Code of Iowa as amended with the current interest rate of 9%. All assessments bear interest at the current rate of 9%.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

Building Demolition Invoices for Levy

<u>CUST ACCT</u>	<u>NAME</u>	<u>PARCELID</u>	<u>INVOICE</u>	<u>BALANCE</u>
000043351	ZYLSTRA, SHARON E	F0021-21	80021713	11,750.00
000075605	CALVIN CLEVINGER	F0033-25	80021720	12,850.00
120136461	WYATT, DARIN A	G0043-25	80021732	10,230.00
300257288	GSD PETROLEUM LLC	K0051-03A	80021789	9,250.00
Number of Accounts to Levy		4	Total Balance Outstanding:	\$44,080.00

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Brian Krup; (563) 326-7703
Wards:

Action / Date
9/19/2018

Subject:
Resolution assessing the cost of replacing sidewalk at various lots and tracts of real estate. [All Wards]

Recommendation:
Consider the resolution.

Background:
The City allows 60 days from the invoice date for a bill to be paid. After 60 days, it is levied to the Scott County Treasurer as a special assessment against the property.

ATTACHMENTS:

Type	Description
▣ Cover Memo	PW RES - REPLACE SIDEWALK

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	9/12/2018 - 10:28 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 10:33 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:50 PM

Resolution No. _____

Resolution offered by Alderman Ray Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION assessing the cost of replacing sidewalk at various lots and tracts of real estate.

WHEREAS, that the following lots or tracts of real estate situated in the City of Davenport, and the owners, thereof, be hereby assessed the amounts set forth, and the same being the cost of replacing sidewalk on said lots or tracts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the City treasurer be and is hereby ordered to collect the same as ordinary taxes to-wit.

BE IT FURTHER RESOLVED: If any amount assessed against property herein does not exceed \$500.00, such assessment must be made in 1 annual payment; if amount assessed exceeds \$500.00, such assessment may be in 10 annual installments; in the manner and with the same interest rate provided for assessment against benefited property under the State Code of Iowa as amended with the current interest rate of 9%. All assessments bear interest at the current rate of 9%.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

Sidewalk Invoices for Levy

<u>CUST ACCT</u>	<u>NAME</u>	<u>PARCELID</u>	<u>INVOICE</u>	<u>BALANCE</u>
300262804	FULLER, KIMBERLY	I0005A06	01314833	1,377.00
000065797	BREANNA MONAGHAN	O2110D22	01314834	1,160.00
300204555	FINANCIAL DISTRICT PROP	L0007-11	01314835	2,803.50
000058188	CARLI LARSON	A0055-19	01314836	1,365.00
000150281	FISHER, DAVID M	C0032-21	01314837	504.00
Number of Accounts to Levy		5	Total Balance Outstanding:	\$7,209.50

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Brian Krup; (563) 326-7703
Wards:

Action / Date
9/19/2018

Subject:
Resolution assessing the cost of weed cutting at various lots and tracts if real estate. [All Wards]

Recommendation:
Consider the resolution.

Background:
The City allows 60 days from the invoice date for a bill to be paid. After 60 days, it is levied to the Scott County Treasurer as a special assessment against the property.

ATTACHMENTS:

Type	Description
▣ Cover Memo	PW RES - WEED CUTTING

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	9/12/2018 - 10:30 AM
Public Works Committee	Lechvar, Gina	Approved	9/13/2018 - 10:33 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:51 PM

Resolution No. _____

Resolution offered by Alderman Ray Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION assessing the cost of weed cutting at various lots and tracts of real estate.

WHEREAS, that the following lots or tracts of real estate situated in the City of Davenport, and the owners, thereof, be hereby assessed the amounts set forth, and the same being the cost of weed cutting on said lots or tracts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the City treasurer be and is hereby ordered to collect the same as ordinary taxes to-wit.

BE IT FURTHER RESOLVED: If any amount assessed against property herein does not exceed \$500.00, such assessment must be made in 1 annual payment; if amount assessed exceeds \$500.00, such assessment may be in 10 annual installments; in the manner and with the same interest rate provided for assessment against benefited property under the State Code of Iowa as amended with the current interest rate of 9%. All assessments bear interest at the current rate of 9%.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

Weed Cutting Invoices for Levy

<u>CUST ACCT</u>	<u>NAME</u>	<u>PARCELID</u>	<u>INVOICE</u>	<u>BALANCE</u>
000026214	DAVIS, GLEN O	F0044-04	80021312	111.40
000043771	YORK, GARY II	H0051-11	80021315	319.88
000054422	WALDRIP, SHILO	K0006-36	80021318	319.88
000054452	WARICK, KRIS	F0035-05	80021320	111.40
000059532	WHITE, NIKE	F0034-07	80021326	319.88
000060742	JOHNSON, TAMARA R	F0017-05	80021328	111.40
000066780	RESIDENTIAL EQUITY PARTNERS LL	H0056-65	80021332	477.31
000072919	MORTGAGE LLC, NATIONSTAR	A0008B28	80021344	111.40
000076304	CATHERINE GOOD	L0014-32	80021349	319.88
000077912	MARIA PEREZ	G0017-13	80021352	589.76
000078977	ADVISORS, NEWPOINT	O2112A05	80021357	111.40
000078980	LOWE, DANIEL	H0064-37	80021359	111.40
000079401	MIDWEST CRAFT DISTRIBUTORS INC	F0037-21	80021361	1,129.52
000079402	KIKEL, JON	K0016-08	80021363	111.40
000079403	SECRETARY OF VETERANS AFFAIRS	O2107A13	80021365	111.40
000151057	HICKMAN, ALBERTA	F0037-07	80021368	229.92
000151725	STEVERSON, MARVELL	G0043-28	80021370	111.40
300021877	FRUEH, JOHN L	G0051-52	80021376	111.40
300052442	COLE, HOMER W	J0022-49	80021380	111.40
300111234	BALLARD, LUCINDA	G0045-07	80021382	111.40
300123022	BINGHAM, JAMES	H0045-07	80021384	111.40
300135400	LACY, LINDA L	F0047-34	80021386	111.40
300172161	LATANYA MOSLEY	F0045-31	80021390	111.40
300202572	TRA, MIKE	K0007-23	80021392	111.40
300217685	RITTERHOFF, SUSAN	E0021-13	80021394	111.40
300218191	MCVEY, BRIAN	T2037D12	80021396	409.84
300240982	HARTZ, BRAD	A0036-23	80021402	949.60
300251017	CUMMINGS, PAUL M	M1515A09	80021406	111.40
300263372	CLAUSS, STEPHANIE M	G0037-34	80021408	111.40
400001469	MORELAND, KEN	H0064-39	80021417	409.84
400001861	PLAMBECK, CLARK	J0027-41	80021419	111.40
400003029	UNITED NEIGHBORS	G0043-29	80021422	111.40

120129307	MILLER, MELVIN A	F0029-13	80021426	882.13
800003884	KNIGHTS OF PYTHIES	L0001-28	80021429	229.92
810001434	GREENE BRENDA N	F0031-29	80021432	724.70
810002416	KATHLEEN LONGSHORE	F0017-04	80021434	111.40
300002172	POWERS, JULIE S	A0036-27	80021438	522.29
300218120	BUCKLES, SHAUN L	A0038-40	80021442	111.40
300071072	BAKER, JACQUELINE	A0049-10	80021444	111.40
000059930	WHITE-STEELE, JAMIE NICOLE	B0005-28	80021448	111.40
300034773	CAMPBELL, JAMES	D0059-30	80021464	111.40
000073947	DEVELOPMENT LLC, CJ	E0032-12	80021468	454.82
000066780	RESIDENTIAL EQUITY PARTNERS LL	E0032-31	80021470	111.40
000002441	BROWN, MARK	F0003-42	80021475	111.40
000061260	MCCLEAN, MATTHEW	F0011-38	80021482	184.94
300264692	LA MILLER & ASSOC	F0015-18	80021486	111.40
000012667	HALLMAN, HAZIE M	F0031-38	80021497	111.40
000053276	JOHNSON, JEREMIAH	F0044-23	80021503	111.40
120223102	KURSCHAT, CLAUDIO W	F0048-18	80021507	111.40
000078969	NO BOUNDRY LLC	F0050-37	80021509	769.68
000047983	CARLSON, BRYAN L	G0008-17	80021513	499.80
000067847	BRENNON ROBACKER	G0019-05	80021517	111.40
000047918	AURELIO, ELIAH	G0020-20	80021521	111.40
000066780	RESIDENTIAL EQUITY PARTNERS LL	G0030-30	80021526	111.40
000008415	WHITTEMORE, LORA	G0035-41	80021528	111.40
000055952	BAYVIEW LOAN SERVICING LLC	G0041-30	80021531	679.72
000036225	TAYLOR, SANDY	G0046-42	80021533	499.80
000079746	LUND, MISTY	G0052-39C	80021535	111.40
300198348	MEHERNS, MATTHEW A	H0008-12	80021537	111.40
300007444	SPOO, JOSEPH M	H0037-13	80021547	904.62
300007444	SPOO, JOSEPH M	H0037-14	80021549	724.70
000152069	LOVE, ZONA R	H0039-09	80021551	1,039.56
300196429	OETKEN, LINDA	H0042-34	80021553	634.74
000019818	MAY, THIRI	H0054-01	80021559	111.40
300139187	LOPEZ, J AUGUSTINE	H0054-02	80021561	111.40
000065977	HOME OPPORTUNITY LLC	H0056-27	80021566	364.86
000059437	GOODWIN, CONSTANCE YVETTE	H0059-18A	80021568	111.40
120100422	FERNANDEZ, MARK	H0063-06	80021570	111.40
120202197	MORELAND, KENNETH C	H0064-02	80021572	111.40
300231803	SHAW, MANDY	I0005C08	80021580	111.40
000070871	ALEXANDER MCCARTHY	I0006B07	80021582	111.40
300096263	LUCIER, DANIEL L	J0024-39	80021584	634.74
300264227	LIDDELL II, KRAIG	K0012-02A	80021587	111.40

000009477	DARSHAN'S IOWA PROPERTIES FOU	K0012-42	80021589	111.40
300228523	ERPS, MARK	K0032-38	80021593	522.29
000050706	GARCIA, ALFREDO	L0004-29A	80021597	111.40
000064094	JACOB GORGE	M1511B44	80021600	111.40
000034472	HOUSBY, ROBBIN M	O2109A16	80021602	111.40
000078977	ADVISORS, NEWPOINT	O2112A05	80021604	111.40
000079396	NORSE SERIES LLC SERIES A	O2113A11	80021608	111.40
300244645	BYERS, MICHAEL P	O2113C39	80021610	111.40
000079747	RIVER CITIES PROPERTIES LLC	V0703-19	80021629	111.40
000078608	QC INVESTMENT PROPERTY GROUP	W0303-25	80021633	111.40
000078608	QC INVESTMENT PROPERTY GROUP	W0303-26	80021635	111.40
300212662	SHREVE, DAVID	W0315-41	80021641	111.40
000059221	ZACHARY HARTER	W0319D11	80021645	111.40
300159272	CUEVAS, XAVIER	X0253C38	80021662	111.40
000061280	US BANK TRUST NA	G0034-05	80021668	111.40
000051560	DAVID MCDANEL	20607-25	80021670	111.40
000076184	LAKEVIEW LOAN SERVICING	A0005C38	80021672	111.40
300119182	HIEBING, PAUL	B0035-17	80021675	589.76
000050376	HOLST PAUL	C0056-16	80021683	111.40
000054211	PEASE, MICHAEL SCOTT	C0060-33	80021687	111.40
000033222	SMITH, SONIA	E0017-21	80021695	111.40
300226321	GARRARD, TERRY	E0017-27	80021697	184.94
000066780	RESIDENTIAL EQUITY PARTNERS LL	E0019-22	80021699	111.40
300140103	POWER, GLORIA D	E0020-38	80021701	111.40
000079761	BANK, US	F0004-38	80021704	111.40
120219483	TAYLOR, DEREK	F0007-39	80021707	111.40
300158688	NGUYEN, XEP THI	F0015-21	80021710	184.94
120223710	WALKER, MARY L	F0023-23	80021717	111.40
000151057	HICKMAN, ALBERTA	F0037-07	80021722	111.40
000078095	JACOB GIBSON	F0046-18	80021724	111.40
000015549	HIBBS, MICHAEL A	G0035-11	80021729	409.84
120207186	PARKS, SCOTT	G0045-16	80021734	589.76
300129898	WARRINGTON, MARV G	G0045-38	80021736	229.92
300183298	CASSINI, NISA M	G0047-18	80021738	274.90
000078282	FLIPPING CAPTIAL LLC	G0047-19	80021740	454.82
300021757	BEAULIEU, FLORENCE	G0051-17	80021743	499.80
000051209	NICHOLS, TRAVIS R	H0012-10	80021745	111.40
000051209	NICHOLS, TRAVIS R	H0012-10	80021747	111.40
000075117	PFM III LC	H0042-14	80021752	1,174.50
300123022	BINGHAM, JAMES	H0045-07	80021755	544.78
000073652	DE LA PENA, SUSANA SAINZ	H0053-37	80021757	139.96

120211282	RPS PROPERTIES LLC	H0056-55	80021764	111.40
300221710	TUCKER, JOHN M	H0056-56	80021766	111.40
810001232	FOUR SEASONS PROPERTY	H0056-57	80021768	111.40
000064673	FOUR SEASONS PROPERTY PRESER	H0056-58	80021770	111.40
000078980	LOWE, DANIEL	H0064-37	80021774	111.40
400001469	MORELAND, KEN	H0064-39	80021776	139.96
300100191	MILLS, RICHARD	J0026-23	80021782	111.40
000072452	MARMA, DYLAN	J0027-13	80021784	111.40
800003884	KNIGHTS OF PYTHIES	L0001-28	80021791	724.70
000068850	D6 DEVELOPMENT	N1810-06	80021793	814.66
300214523	TUFTEE TOWNHOUSE	P1111A02	80021795	111.40
000022972	DEBOURCY, SKI	P1113D31	80021797	111.40
000066780	RESIDENTIAL EQUITY PARTNERS LL	P1316B12	80021800	111.40
000079365	MORTGAGE, REVERSE	P1401B07	80021802	111.40
000079749	XL DEVELOPMENT LLC	J0021-24	80021817	111.40
000079756	FISHER, MICHAEL	F0044-30	80021819	319.88
000079756	FISHER, MICHAEL	F0044-30	80021821	111.40
000079758	CLAUSS, STEPHANIE	F0037-09	80021823	111.40
000047918	AURELIO, ELIAH	G0020-20	80021831	111.40
000050432	GREG POWERS	C0015-07	80021834	111.40
000050707	BELLE ESTATES	W1019B28A	80021836	111.40
000054173	NORTH SHORE ESTATES LC	W1003C07	80021840	111.40
000054173	NORTH SHORE ESTATES LC	W1003C07	80021842	111.40
000054173	NORTH SHORE ESTATES LC	W1003C08	80021844	111.40
000054173	NORTH SHORE ESTATES LC	W1019B30	80021846	139.96
000054173	NORTH SHORE ESTATES LC	W1019B31	80021848	111.40
000054173	NORTH SHORE ESTATES LC	W1019B32	80021850	139.96
000056721	CAHILL, JAMES T	G0036-18	80021854	1,129.52
000061266	ARTHUR, JOSEPH	G0052-33	80021859	409.84
000061266	ARTHUR, JOSEPH	G0052-34	80021861	499.80
000066780	RESIDENTIAL EQUITY PARTNERS LL	G0046-26	80021865	111.40
000068753	RVFM 13 SERIES LLC	G0019-10	80021867	111.40
000074030	ESTATES LLC, COTTAGE	W1019C50B	80021871	111.40
000076186	JONATHAN WHITMORE	K0015-22	80021873	111.40
000076361	KEVIN KLUDY	B0007-26	80021875	111.40
000078977	ADVISORS, NEWPOINT	P1413A02	80021888	679.72
000078977	ADVISORS, NEWPOINT	P1413A05	80021892	111.40
000078977	ADVISORS, NEWPOINT	P1413A06	80021896	111.40
000079772	VANDELAY INVESTMENTS LLC	F0018-13	80021903	111.40
000079775	3RD TIME ENTERPRISES	L0002-11A	80021907	454.82
000151489	ANDREWS, MILTON E SR	E0016-38	80021909	111.40

120144072	BURNS, JAMES A	G0052-30	80021911	1,219.48
120165410	THOMAS, STACEY L	E0017-28	80021913	111.40
120238976	HOMEcomings FINANCIAL LLC	G0013-10	80021920	111.40
300009522	SIMMONS, JAN D	K0001-24	80021922	229.92
300087127	BELL, KIMBERLY	W0425-37	80021925	111.40
300111234	BALLARD, LUCINDA	G0045-07	80021927	111.40
300114720	MARTIN, DARLENE J	O2113B05	80021929	111.40
300185271	WITT, MICHAEL	F0047-16	80021940	111.40
300213130	CRABTREE, HEATHER	A0036-21	80021945	111.40
300233356	KERNS, CODY	F0024-47	80021947	111.40
300240475	LACINA, WILLIAM T	C0062-40	80021949	111.40
300246578	GAUL, DYLAN T	I0057-27	80021951	319.88
300247715	J P RENTALS LLC	P1413A08	80021953	184.94
300247715	J P RENTALS LLC	P1413A09	80021955	229.92
300247715	J P RENTALS LLC	P1413A10	80021957	634.74
300248612	HINKLE, DAVID R	A0036-16	80021961	111.40
300261811	CULLEN ELECTRIC SVC	L0014-10	80021964	589.76
300264425	KARR, HEATHER	30740-19A	80021966	111.40
300264998	BECK, JACOB L	C0060-24	80021968	364.86
400004156	PRICE, HELEN	F0028-20	80021970	111.40
400004440	BRONTE ESTATES LC	W1019B29A	80021974	319.88
400004440	BRONTE ESTATES LC	W1019C41A	80021976	111.40
400004440	BRONTE ESTATES LC	W1019C43A	80021980	111.40
400004440	BRONTE ESTATES LC	W1019C48A	80021982	111.40
810000256	BONJOUR ESTATES LC	W1019B25B	80021987	184.94
810000256	BONJOUR ESTATES LC	W1019B26B	80021989	111.40
810000256	BONJOUR ESTATES LC	W1019B26C	80021991	111.40

Number of Accounts to Levy	182	Total Balance Outstanding:	\$44,237.08
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City of Davenport

Agenda Group:
Department: Finance
Contact Info: Art Bartleson - 327-5114
Wards:

Action / Date
9/19/2018

Subject:
Motion awarding a blanket contract for the purchase of calcium chloride from Jerico Services, Inc. of Indianola, IA. [All Wards]

Recommendation:
Approve the Motion.

Background:
A Request for Bids was issued on August 15, 2018 and was sent to 91 vendors. On September 5, 2018 the Purchasing Division received and opened four responsive and responsible bids.

The city has a requirement for 32% solution liquid calcium chloride to be delivered to the city for the upcoming winter season. The estimated quantity is up to 100,000 gallons or \$63,000 depending on weather.

Funding for this purchase is from Road Use Tax.

ATTACHMENTS:

Type	Description
Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	9/12/2018 - 10:10 AM
Finance Committee	Watson-Arnould, Kathe	Approved	9/12/2018 - 10:11 AM
City Clerk	Admin, Default	Approved	9/13/2018 - 9:48 AM

DESCRIPTION:	CALCIUM CHLORIDE 2018-19 WINTER SEASON
BID NUMBER:	19-16
OPENING DATE:	SEPTEMBER 5, 2018
RECOMMENDATION:	AWARD THE CONTRACT TO JERICO SERVICES, INC. OF INDIANOLA, IA

Prepared By Cindy Whitaker
Purchasing

Approved By Nicole Cleason 9/12/18
Department Director

Approved By Mary
Budget/CLP

Approved By [Signature]
Finance Director

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Kristi Keller - 888-2077
Wards:

Action / Date
9/19/2018

Subject:

1. Trane US, Inc. - Annual HVAC system control contract - Amount: \$20,770
2. Electric Pump, Inc. - Emergency replacement of sewer pump @ RiverCenter - Amount: \$24,600
3. ESRI, Inc. - Annual ARC GIS software license - Amount: \$26,250
4. Tolar Manufacturing Co. - Bus shelter solar units - Amount: \$30,000
5. Affordable Parking Lot Services - Duck Creek Park lot repairs - Amount: \$10,576
6. LabWorks - Annual software subscription for WPCP - Amount: \$12,249
7. South Florida K-9, Inc. - Police K-9 and training - Amount: \$13,500

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	9/13/2018 - 2:42 PM
Finance Committee	Watson-Arnould, Kathe	Approved	9/13/2018 - 2:42 PM
City Clerk	Admin, Default	Approved	9/13/2018 - 2:47 PM