

REQUEST:	Request by Robin Hood Enterprises, LLC for the 11-lot Preliminary Plat of Nottingham Third Addition, Zoned "R-1" One and Two Family Residence District.
APPLICANT(S):	Claassen Engineering, 2705 University Avenue, Waterloo, Iowa 50704
GENERAL DESCRIPTION:	This request for the Preliminary Plat of Nottingham Third Addition would create 11 lots on 25.972 acres for residential development.
IMPACT ON NEIGHBORHOOD	The request would not appear to have a negative impact on the area. There has been concern from adjacent property owners that the request would have a negative impact, however staff has reviewed all comments and has determined that the proposed plat meets all requirements and would not have a negative impact on the area.
VEHICULAR & PEDESTRIAN TRAFFIC:	There would not be a negative impact on vehicular and pedestrian traffic in the area. Access to the lots would be gained from an extension of current Crusade Dr. The applicant is proposing to change the name of Crusade Drive to Shelley Court.
TRAIL PLAN:	The Shaulis Road Trail is located a quarter mile to the south of the proposed plat.
ZONING HISTORY FOR SITE AND IMMEDIATE VICINITY:	<p>The site is zoned "R-1" One and Two Family Residence District since the adoption of Ordinance 4720 on September 15, 2004 when it was rezoned from "A-1" Agricultural District.</p> <p>North- "B-P" Business Park District- currently in crop production.</p> <p>East- "R-1"- One &amp; Two Family Residence District- single family dwellings.</p> <p>South- "A-1" Agriculture District- farmstead</p> <p>West- "R-3, R-P" Planned Multiple Family District- drainage way &amp; single family homes</p>
BUFFERS REQUIRED/ NEEDED:	The request would not require any buffering by ordinance standards.
DRAINAGE:	The plat shows a storm water detention area within the 100-year floodplain that is located just west of the proposed buildable lots. 20' drainage/access easements are shown in the center of the access to Tract B and along the north lot line of Tract B. A 20' drainage easement is shown along the east lot line of Tract B and a 10' drainage easement is shown along the rear of lot 11. 10' drainage easements are shown between lots 1 & 2 and lots 2 & 3. 10' drainage easements are shown along the sides of lot 11 and also along the easterly portion of

the north lot line of Tract B and the rear lot line of lot 10.

At the September 9, 2014 Commission meeting the Commission tabled the request for the Preliminary Plat due to concerns from the surrounding subdivisions, including drainage concerns. The applicant's engineer has addressed the drainage concerns and have added some additional drainage easements to the proposed plat, but have otherwise indicated that the area will adequately drain.

#### DEVELOPMENT HISTORY:

The single family residences to the north have been built within the last 10 years. The home located on the ag property to the south was constructed in 1934. The homes to the west were constructed in the 1970's.

#### FLOODPLAIN:

A majority of the westerly portion of the property is located within the 100-year floodplain as indicated by the Federal Insurance Administration's Flood Insurance Rate Map, Community Number 19013C0284F, dated July 18, 2011. The plat indicated that "Tract D" would contain Prescotts Creek and "Tract C" would contain the proposed detention area to be maintained by the Home Owners Association of the proposed Nottingham Third Addition. Both "Tract C" & "Tract D" would be within the 100-year floodplain. As of November 12, 2014 the applicant has received a Letter of Map Amendment (LOMA), with the case number 14-07-2830A from the Federal Emergency Management Agency (FEMA), removing Lots 1 thru 11 and also "Tract B" from the 100-year and 500-year floodplain.

At the September 9<sup>th</sup> meeting, area residents expressed concerns on flooding in the area and indicated that the official floodplain map was incorrect, and also that the entire area floods and suggested that the homes on the proposed lots would have significant flooding problems. However, the applicant's engineer has submitted data that shows that the lowest ground elevation along the rear of the existing lots is 886' above mean sea level, which is 10' higher than the FEMA calculated base flood elevation. If 886' was the base flood elevation, also known as the 100 year flood, then the Southland Park Subdivision to the southwest would be severely flooded with any flood event that reached a height of 886', as the highest ground elevations in the subdivision are around 876'. There is no record of any flood event due to flooding on Prescotts Creek anywhere close to 886', and any flooding in the vicinity of the existing and proposed lots in Nottingham would have had to be due to local drainage runoff from heavy rain events or snow melt. The proposed subdivision is being properly laid out, graded, and improved, including storm water drainage improvements to meet or

PUBLIC/OPEN SPACES/SCHOOLS:	exceed all requirements of the City of Waterloo. Prairie Grove park is located across W 4 <sup>th</sup> Street to the east of the proposed subdivision.
UTILITIES: WATER, SANITARY SEWER, STORM SEWER.	The plat shows an extension of all utilities including water, sanitary sewer and storm sewer coming from the existing lines located within Nottingham Heights Addition to the northwest. The plat shows a 10' utility easement throughout the front of each lot and along the sides of lots 9 & 10 that will allow for extension of utilities for future development within "Tract B". The plat shows existing 8" sanitary sewer lines that run throughout the center of proposed Shelley Court with extensions to the 11 proposed lots. The plat shows an 8" water line extension along Shelley Court and also along the access to "Tract B". The plat shows the extension of storm sewer lines until lot 8 and then shows the line being extended westerly along with 10' storm sewer easements between lots 7 & 8 through the proposed detention area and ending in Prescotts Creek.
RELATIONSHIP TO COMPREHENSIVE LAND USE PLAN:	The Future Land Use Map designates the area in question as Mixed Residential. This request would be in compliance with such designation. The site is located within the Primary Growth Area as designated on the Growth Area Map within the Comprehensive Plan.
STAFF ANALYSIS – ZONING ORDINANCE:	<p>The preliminary plat shows 11 lots being platted for residential development. The plat is showing a 35' platted building line throughout lots 1 thru 11. The plat shows "Tract A" as an extension of present day Crusade Drive and will be dedicated to the city as right-of-way. The applicant is proposing to change the name of Crusade Drive to Shelley Court per approval City Council.</p> <p>The plat also shows "Tract B" that is designated for future development and "Tract C" &amp; "Tract D" are designated as storm water detention and floodway purposes. The plat is comprised of 25.972 acres and contains Prescotts Creek. Access to "Tract B" is shown between lots 9 &amp; 10 but has not been labeled as a street at this time and could serve as a potential street in the future, or as a private access drive.</p> <p>"Tract E" is shown as an extension of "Tract A" and would allow for access to future development to the north. "Tract E" contains a total of 3,356 SF.</p> <p>The deed of dedication submitted appears to be similar to those deed of dedications of surrounding subdivisions.</p> <p>The area has seen significant development within the last 5-10 years with residences being constructed to the northeast</p>

within Nottingham Additions.

Staff would note that a portion of Lot 2 in Nottingham First Addition is being re-platted and is shown as a portion of Lot 11 in Nottingham Third Addition.

At the October 14, 2014 Planning and Zoning Commission Meeting citizens expressed concerns on a number of issues such as the maintenance of the retention pond, flooding, sanitary sewer to lot B, and questioned if the plat met the health, safety and welfare of the neighborhood. A petition was submitted with 27 signatures along with a letter of opposition from the surrounding neighbors. Staff is preparing a response to the issues raised in the letter of opposition, but would reiterate that the proposed plat is in conformance with the requirements of the Subdivision Ordinance.

STAFF ANALYSIS –  
SUBDIVISION  
ORDINANCE:

The Subdivision Ordinance requires that preliminary plat submissions include such criteria as boundaries of property, proposed streets, easements, and widths of right-of-way, existing contours, and utility locations. All of which have been submitted with the application.

The preliminary plat shows proposed access to the lots from an existing street. The plat also shows the names, lot lines and dimensions of the proposed and existing surrounding lots.

The plat indicates where existing and proposed utility and drainage easements will be retained. The plat also shows a proposed location for a detention area/green space to the west of the proposed 11 lots.

The plat shows existing and proposed elevation lines for the property in question. The plat shows proposed Shelley Court to be 28' wide and be constructed of concrete. The preliminary plat does not show existing vegetation locations, but vegetation is visible on an aerial photo document submitted by the applicant.

At the September 9th meeting area residence expressed concerns of the proposed lots being significantly smaller than the lots in the existing subdivisions. The preliminary plat shows lots ranging from 16,704 SF to 42,773 SF. The range of platted lot sizes in the surrounding subdivision is 17,250 SF – 45,212 SF. The average lot size in the final plat is 27,173.5 SF and the average platted lot size in the surrounding subdivisions is 26,706 SF, a difference of 467.5 SF.

At the October 14, 2014 Planning and Zoning Commission meeting the commission took action to deny the request with a vote of 3-1 with one commissioner abstaining. The action was determined to be invalid by the City Attorney's office due to a



loss of quorum, which is why the request is back before the commission.

STAFF

RECOMMENDATION:

Therefore, staff recommends that the request for the Preliminary Plat of Nottingham Third Addition be approved for the following reasons:

1. The plat is in accordance with the Subdivision Ordinance.
2. The plat is in accordance with the Comprehensive Plan and Future Land Use Map, which classify this area as Mixed Residential.
3. The plat will create an additional infill development site in the Primary Growth Area.

REQUEST:	Request by Robin Hood Enterprises, LLC for the 11-lot Final Plat of Nottingham Third Addition, Zoned "R-1" One and Two Family Residence District.
APPLICANT(S):	Claassen Engineering, 2705 University Avenue, Waterloo, Iowa 50704.
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BUFFERS REQUIRED/ NEEDED:	The request would not require any buffering by ordinance standards.
DRAINAGE:	The plat shows a storm water detention area within the 100-year floodplain that is located just west of the proposed buildable lots. 20' drainage/access easements are shown in the center of the access to Tract B and along the north lot line of Tract B. A 20' drainage easement is shown along the east lot line of Tract B and a 10' drainage easement is shown along the rear of lot 11. 10' drainage easements are shown between lots 1 & 2 and lots 2 & 3. 10' drainage easements are shown along the sides of lot 11 and also along the easterly portion of

the north lot line of Tract B and the rear lot line of lot 10.

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At the September 9th meeting, area residents also expressed concerns on flooding in the area and indicated that the official floodplain map was incorrect. The residences also expressed the entire area floods and suggested that the homes on the proposed lots would have significant flooding problems. However, the applicant's engineer has submitted data that shows that the lowest ground elevation along the rear of the existing lots is 886' above mean sea level, which is 10' higher than the FEMA calculated base flood elevation. If 886' was the base flood elevation, also known as the 100 year flood, then the Southland Park Subdivision to the southwest would be severely flooded with any flood event that reached a height of 886', as the highest ground elevations in the subdivision are around 876'. There is no record of any flood event due to flooding on Prescotts Creek anywhere close to 886', and any flooding in the vicinity of the existing and proposed lots in Nottingham would have had to be due to local drainage runoff from heavy rain events or snowmelt. The proposed subdivision is being properly laid out, graded, and improved, including storm water drainage improvements to meet or

	exceed all requirements of the City of Waterloo.
PUBLIC/OPEN SPACES/SCHOOLS:	Prairie Grove park is located across W 4 <sup>th</sup> Street to the east of the proposed subdivision.
UTILITIES: WATER, SANITARY SEWER, STORM SEWER.	The plat shows a 10' utility easement along the front of all lots and also long the easterly lot line of lot 9 and westerly lot line of lot 10 to allow for further development in "Tract B".
RELATIONSHIP TO COMPREHENSIVE LAND USE PLAN:	The Future Land Use Map designates the area in question as Mixed Residential. This request would be in compliance with such designation. The site is located within the Primary Growth Area as designated on the Growth Area Map within the Comprehensive Plan.
STAFF ANALYSIS – ZONING ORDINANCE:	<p>The final plat shows 11 lots being platted for residential development. The plat is showing a 35' platted building line throughout lots 1 thru 11. The plat shows "Tract A" as an extension of present day Crusade Drive and will later be dedicated to the city as right-of-way. The applicant is proposing to change the name of Crusade Drive to Shelley Court per approval City Council.</p> <p>The plat also shows "Tract B" that is designated for future development and "Tract C" &amp; "Tract D" are designated as storm water detention and floodway purposes. The plat is comprised of 25.972 acres and contains Prescotts Creek. Access to "Tract B" is shown between lots 9 &amp; 10 but has not been labeled as a street at this time and could serve as a potential street in the future, or as a private access drive.</p> <p>"Tract E" is shown as an extension of "Tract A" and would allow for access to future development to the north. "Tract E" contains a total of 3,356 SF.</p> <p>The deed of dedication submitted appears to be similar to those deed of dedications of surrounding subdivisions.</p> <p>The area has seen significant development within the last 5-10 years with residences being constructed to the northeast within Nottingham Additions.</p> <p>Staff would note that a portion of Lot 2 in Nottingham First Addition is being re-platted and is shown as a portion of Lot 11 in Nottingham Third Addition.</p> <p>At the October 14, 2014 Planning and Zoning Commission Meeting citizens expressed concerns on a number of issues such as the maintenance of the retention pond, flooding, sanitary sewer to lot B, and questioned if the plat met the health, safety and welfare of the neighborhood. A petition was submitted with 27 signatures along with a letter of opposition from the surrounding neighbors. Staff is preparing a response to the issues raised in the letter of opposition, but would</p>

reiterate that the proposed plat is in conformance with the requirements of the Subdivision Ordinance.

**STAFF ANALYSIS –  
SUBDIVISION  
ORDINANCE:**

The Subdivision Ordinance requires that final plat submissions include such criteria as boundaries of property, proposed streets, easements, and widths of right-of-way. The applicant has submitted all materials necessary for a final plat.

The final plat shows proposed access to the lots from an existing street. The plat also shows the names, lot lines and dimensions of the proposed and existing surrounding lots.

The plat indicates where existing and proposed utility and drainage easements will be retained.

The applicant has submitted a deed of dedication along with an engineer's certificate of survey with the plat.

At the September 9th meeting area residence expressed concerns of the proposed lots being significantly smaller than the lots in the existing subdivisions. The final plat shows lots ranging from 16,704 SF to 42,773 SF. The range of platted lot sizes in the surrounding subdivision is 17,250 SF – 45,212 SF. The average lot size in the final plat is 27,173.5 SF and the average platted lot size in the surrounding subdivisions is 26,706 SF, a difference of 467.5 SF.

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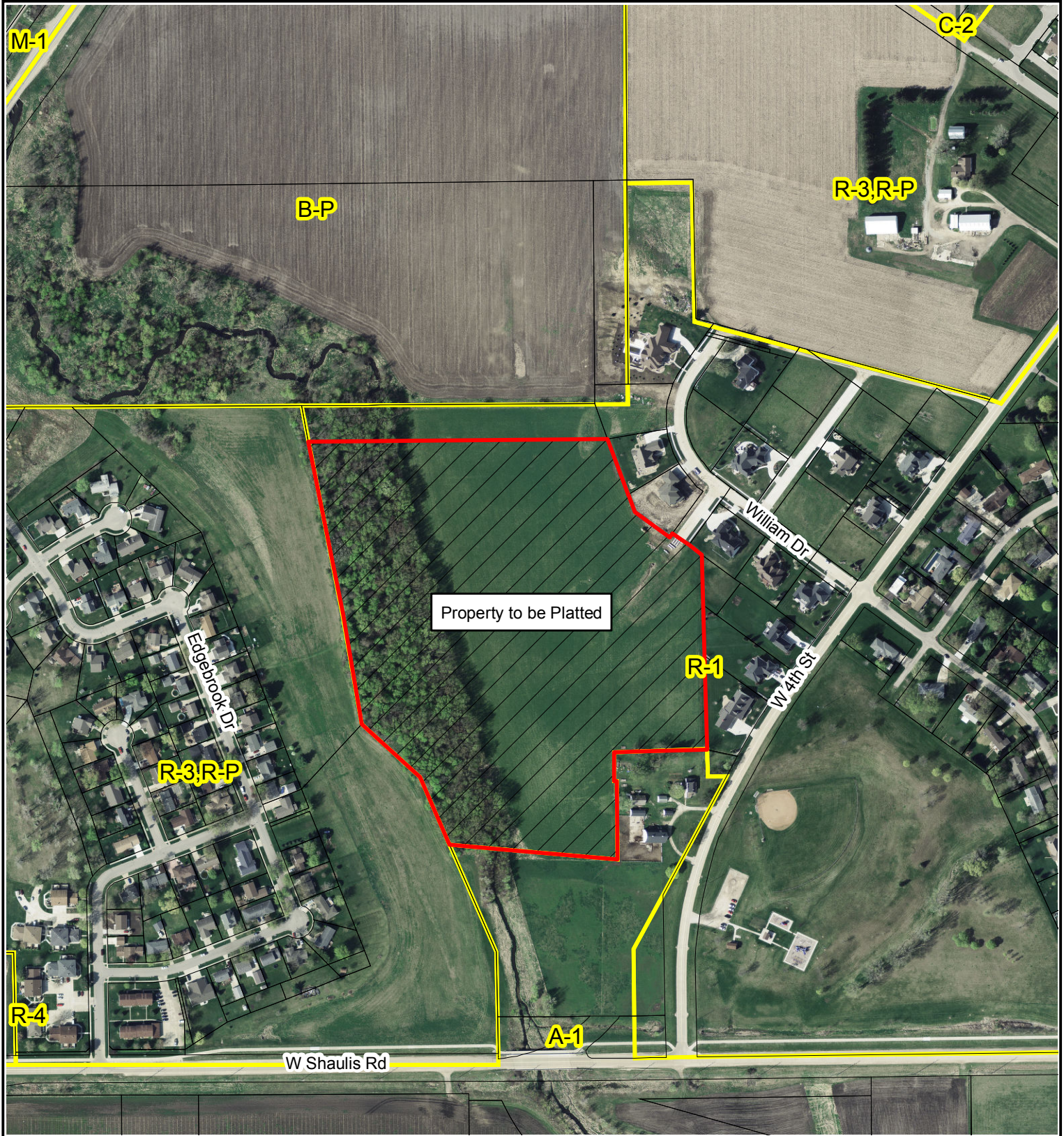
**STAFF  
RECOMMENDATION:**

Therefore, staff recommends that the request for the Final Plat of Nottingham Third Addition be approved for the following reasons:

1. The plat is in accordance with the Subdivision Ordinance.
2. The plat is in accordance with the Comprehensive Plan and Future Land Use Map, which classify this area as Mixed Residential.
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City of Waterloo Planning, Programming and Zoning Commission  
December 2, 2014

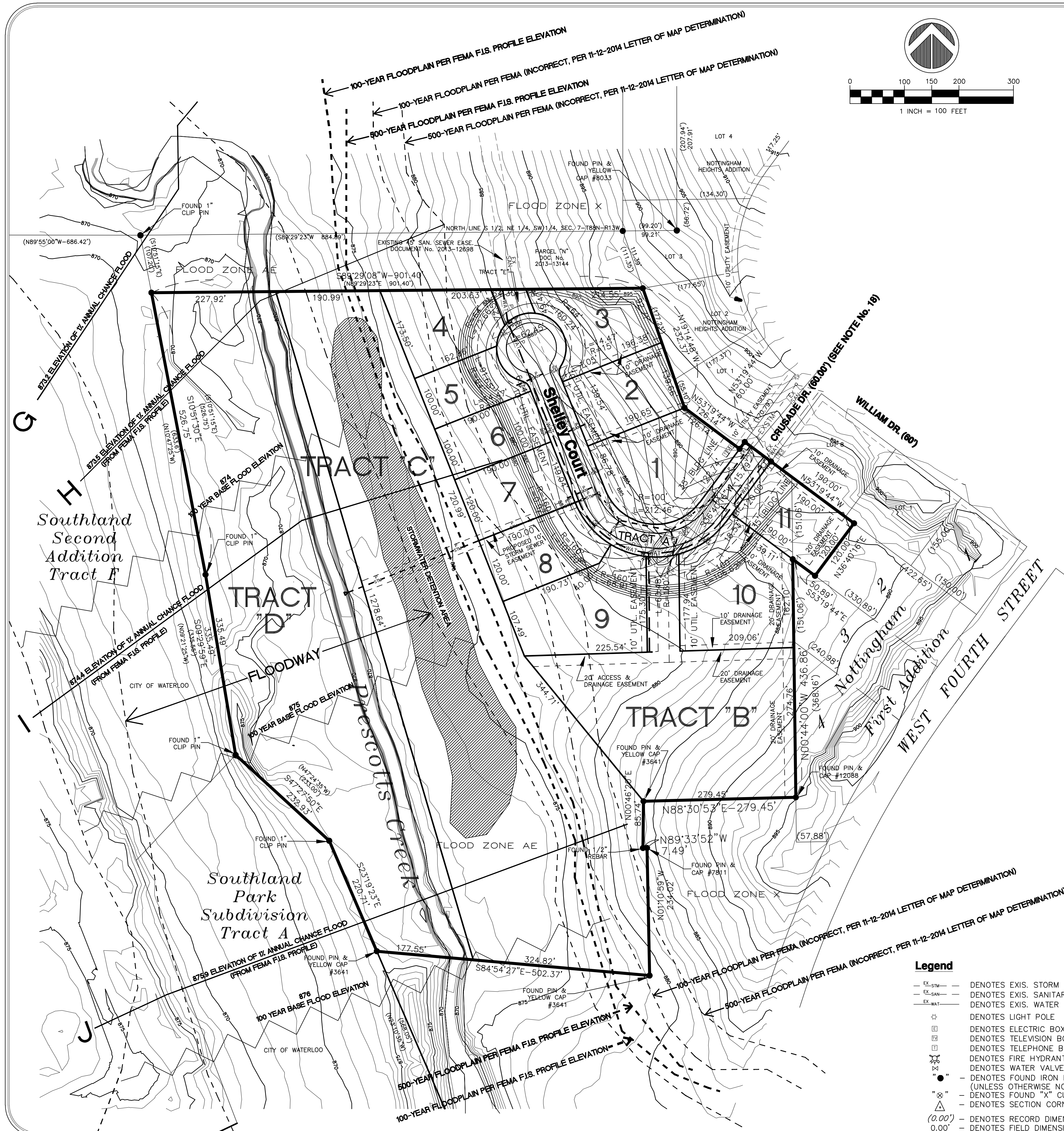


400 200 0 400  
Feet



**Preliminary and Final Plat  
of Nottingham Third Addition**





# Preliminary Plat

## NOTTINGHAM THIRD ADDITION

Replat of a part of Lot 2, Nottingham First Addition,  
+ Part of Sec. 07-T88N-R13W,  
Waterloo, Black Hawk County, Iowa  
September 2014

### LEGAL DESCRIPTION: NOTTINGHAM THIRD ADDITION

That part of Lot Two (2), Nottingham First Addition, and that part of the Southeast Quarter (SE¼), and the Southwest Quarter (SW¼) of Section Seven (7), Township Eighty-eight North (T88N), Range Thirteen West (R13W), of the Fifth Principal Meridian, Waterloo, Black Hawk County, Iowa, described as follows:

Beginning at the most Southerly corner of Lot One (1), Nottingham Heights Addition; thence N53°19'44"W One Hundred Twenty-six and Fourteen Hundredths (126.14) feet along the Southwest line of said Lot One (1); thence N19°14'48"W Two Hundred Thirty-two and Thirty-seven Hundredths (232.37) feet along the West line of said Lot One (1), and along the West line of Lot Two (2) aforesaid Nottingham Heights Addition to the Southeast corner of Parcel "N", Document No. 2013-13144 in the Black Hawk County Recorder's Office; thence S89°29'08"W Nine Hundred One and Forty Hundredths (901.40) feet along the South line of said Parcel "N" to the Southwest corner of Parcel "N"; thence S10°51'30"E Five Hundred Twenty-six and Seventy-five Hundredths (526.75) feet along the East line of Tract F Southland Park Second Addition; thence S09°29'59"E Three Hundred thirty-five and Forty-nine Hundredths (335.49) feet still along said East line to the most Northerly corner of Tract A, Southland Park Subdivision; thence S47°27'50"E Two Hundred Thirty-two and Ninety-three Hundredths (232.93) feet along the East of said Tract A; thence S23°19'23"E Two Hundred Twenty and Seventy-one Hundredths (220.71) feet still along said East line to the South line of parcel described in Document No. 2010-00023 in aforesaid Recorder's Office; thence S84°54'27"W Five Hundred Two and Thirty-seven Hundredths (502.37) feet still along said South line; thence N01°10'59"W Two Hundred Thirty-four and Two Hundredths (234.02) feet still along said South line; thence N89°33'52"W Seven and Forty-nine Hundredths (7.49) feet still along said South line; thence N00°46'20"E Eighty-five and Seventy-four Hundredths (85.74) feet still along said South line; thence N88°30'53"E Two Hundred Seventy-nine and Forty-five Hundredths (279.45) feet still along said South line to West line of Nottingham First Addition; thence N00°44'00"W Four Hundred Thirty-six and Eighty-six Hundredths (436.86) feet along said West line to the most Northerly corner of Lot Three (3), said Nottingham First Addition; thence S53°19'44"E Fifty and Eighty-nine Hundredths (50.89) feet along the Southwest line of said Lot Three (3) to the Northwest line of the Southeastly Two Hundred Eighty (280.00) feet of said Lot Three (3); thence N36°40'16"E One Hundred Twenty (120.00) feet along said Northwest line to the Southwest line of Lot One (1), Nottingham Second Addition; thence N53°19'44"W One Hundred Ninety (190.00) feet along said Southwest line and along the Southwest line of Lot Eight (8), said Second Addition to the most Westerly corner of said Lot Eight (8), which is also the most Southerly corner of Tract "B" (Crusade Drive) aforesaid Nottingham Heights Addition; thence continue N53°19'44"W Sixty (60.00) feet along the Southwest line of said Tract "B" to the most Westerly corner of said Tract "B", which is a point on the Southeast line of aforesaid Lot One (1), Nottingham Heights Addition; thence S36°40'16"W Fifteen and Seventy-nine Hundredths (15.79) feet along said Southeast line to the Point of Beginning containing 25.972 acres.

### Notes:

- OWNER/DEVELOPER: ROBIN HOOD ENTERPRISES, L.L.C.  
P.O. BOX 1077, WATERLOO, IA 50704  
PHONE: 319-234-4411
- ENGINEER/SURVEYOR: WAYNE CLAASSEN ENGINEERING AND SURVEYING, INC.  
2705 UNIVERSITY AVENUE  
PHONE: 319-235-6294
- PROPOSED PAVEMENT IS TO BE 28" BACK/CURB TO BACK/CURB P.C. CONCRETE.
- SANITARY SEWAGE TREATMENT TO BE BY THE CITY OF WATERLOO.
- WATER SERVICE TO BE BY THE CITY OF WATERLOO WATER WORKS.
- SANITARY SEWERS ARE 8" DIA. AND WERE CONSTRUCTED PREVIOUSLY.
- WATER MAIN EXTENSION TO BE 8" DIA. D.I.P.
- STORM SEWER SIZES TO BE DETERMINED DURING PREPARATION OF THE CONSTRUCTION PLANS.
- TRACT "C" TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS A STORM WATER RETENTION/DETENTION AREA AND GREEN SPACE. SUITABLE EXCAVATION MATERIAL FROM THIS AREA TO BE USED FOR ROADWAY AND SITE FILL.
- ELECTRICAL SERVICE TO BE BY MIDAMERICAN ENERGY CO., WATERLOO, IOWA.
- GAS SERVICE TO BE BY MIDAMERICAN ENERGY CO., WATERLOO, IOWA.
- CABLE TELEVISION TO BE BY MEDIACOM.
- TELEPHONE SERVICE IS TO BE BY CENTURY LINK.
- ALL CONSTRUCTION SHALL COMPLY WITH THE CONSTRUCTION PLANS AND SPECIFICATIONS PREPARED BY WAYNE CLAASSEN ENGINEERING AND SURVEYING, INC. AND APPROVED BY THE CITY OF WATERLOO.
- FLOODPLAIN: FLOOD PLAIN DATA IS FROM FEMA COMMUNITY PANEL NOS. 19013C0283F AND 19013C0284F, EFFECTIVE DATE: 7-18-2011.  
ZONE AE IS THE 1% ANNUAL CHANCE FLOOD (100 YEAR), ALSO KNOWN AS THE BASE FLOOD, THE FLOOD HAS 1% CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR.  
ZONE X ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. ZONE X (SHADED) AREAS ARE AREAS BETWEEN THE 1% CHANCE FLOOD (100-YR) AND 0.2% CHANCE FLOOD PLAIN (500-YR).

THE FEMA FIRM MAP FLOODPLAIN DESIGNATIONS DO NOT MATCH EXISTING GROUND CONTOURS. THEREFORE THE 100 AND 500 YEAR FLOODPLAIN ARE ALSO SHOWN BASED UPON THE FEMA FLOOD INSURANCE STUDY (F.I.S.) PROFILE. FEMA MADE A DETERMINATION 11-12-2014 AND REMOVED LOTS 1-11 AND TRACT 'B' FROM THE SPECIAL FLOOD HAZARD AREA (SFHA) AND PLACED LOTS 1-11 AND TRACT 'B' IN THE FLOOD ZONE X (SHADED) FLOOD ZONE.

- ZONING: EXISTING AND PROPOSED IS R-1.
- TRACT "A" TO BE DEDICATED TO THE CITY FOR STREET USES.
- REQUESTED CRUSADE DRIVE TO BE CHANGED TO SHELLEY COURT.
- TRACT "B" IS FOR FUTURE DEVELOPMENT.
- TRACT "D" IS FOR GREEN SPACE.
- TRACT "E" IS FOR FUTURE STREET RIGHT-OF-WAY.

### Lot and Tract Areas:

DESIGNATION	AREA (SQUARE FEET)
1	37,113
2	26,798
3	23,549
4	25,551
5	16,704
6	19,000
7	22,800
8	24,207
9	37,613
10	42,773
11	22,800
TRACT "A"	51,491
TRACT "B"	116,448
TRACT "C"	348,038
TRACT "D"	313,089
TRACT "E"	3,356
TOTAL	1,131,329 (25,972 AC)

### Legend

- EX-STW --- DENOTES EXIS. STORM SEWER LINE
- EX-SAN --- DENOTES EXIS. SANITARY SEWER LINE
- EX-WAT --- DENOTES EXIS. WATER LINE
- ☆ DENOTES LIGHT POLE
- DENOTES ELECTRIC BOX
- DENOTES TELEVISION BOX
- DENOTES TELEPHONE BOX
- DENOTES FIRE HYDRANT
- DENOTES WATER VALVE
- DENOTES FOUND IRON PIN & RED CAP #16775 (UNLESS OTHERWISE NOTED)
- ✕ DENOTES FOUND "X" CUT IN CONCRETE
- △ DENOTES SECTION CORNER
- (0.00') DENOTES RECORD DIMENSION
- 0.00' DENOTES FIELD DIMENSION

### Legend

- DENOTES PROPOSED SANITARY SEWER LINE
- DENOTES PROPOSED WATER LINE
- DENOTES PROPOSED STORM SEWER

wayne classen engineering  
and surveying, inc.  
waterloo, iowa

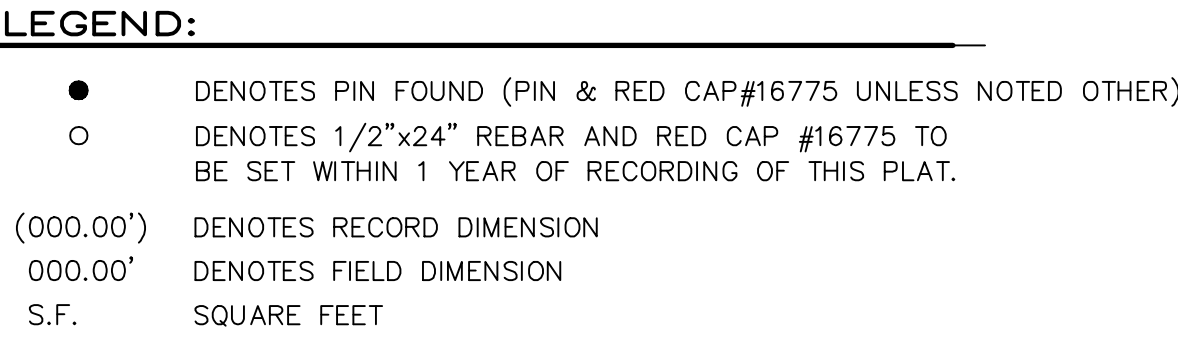
WES

FILE NO.	DR.	DLS.	DATE
4109P	PC	DR	06/14
DATE PLOTTED	CK'D	W/C	DATE
11/24/14	FILENAME	Nottingham Third Plat	2014
REVISIONS			
4	09/19/14	REVISED DRAINAGE EASE. ON SOUTH SIDE OF LOT 10	
5	11/05/14	ADDED TRACT "E"	
6	11/05/14	ADDED LOMA DETERMINATION DOC. (REMOVAL)	
7	11/21/14	ADDED EASE. & BUDG. SET BACK TO LOT 3 & 4	

Preliminary Plat  
NOTTINGHAM THIRD ADDITION  
Replat of a part of Lot 2, Nottingham First Addition,  
+ Part of Sec. 07-T88N-R13W,  
Waterloo, Black Hawk County, Iowa  
September 2014

sheet  
1 of 1  
4109P





## GENERAL NOTES:

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3. TRACT "A" TO BE DEDICATED TO THE CITY FOR STREET USES.
4. REQUESTED CRUSADE DRIVE TO BE CHANGED TO SHELLEY COURT.
5. TRACT "B" IS FOR FUTURE DEVELOPMENT.
6. TRACT "C" AND TRACT "D" IS FOR GREEN SPACE.
7. TRACT "E" IS FOR FUTURE STREET RIGHT-OF-WAY.
8. AREA OF FINAL PLAT IN ALIQUOT PART:

NE 1/4, SW 1/4, SEC. 07-T88N-R13W	11.503 ACRES
SW 1/4, SW 1/4, SEC. 07-T88N-R13W	10.960 ACRES
NW 1/4, SE 1/4, SEC. 07-T88N-R13W	1.634 ACRES
SW 1/4, SE 1/4, SEC. 07-T88N-R13W	1.875 ACRES

LEGAL DESCRIPTION:

Nottingham Third Addition

That part of Lot Two (2), Nottingham First Addition, and that part of the Southeast Quarter (SE¼), and the Southwest Quarter (SW¼) of Section Seven (7), Township Eighty-eight North (T88N), Range Thirteen West (R13W), of the Fifth Principal Meridian, Waterloo, Black Hawk County, Iowa, described as follows:

Beginning at the most Southerly corner of Lot One (1), Nottingham Heights Addition; thence N53°19'44"W One Hundred Twenty-six and Fourteen Hundredths (126.14) feet along the Southwest line of said Lot One (1); thence N19°14'48"W Two Hundred Thirty-two and Thirty-seven Hundredths (232.37) feet along the West line of said Lot One (1), and along the West line of Lot Two (2) aforesaid Nottingham Heights Addition to the Southeast corner of said Parcel "N", Document No. 2010-00023 in aforesaid Recorder's Office; thence S89°29'08"W Nine Hundred One and Forty Hundredths (901.40) feet along the South line of said Parcel "N" to the Southwest corner of said Parcel "N"; thence S10°51'30"E Five Hundred Twenty-six and Seventy-five Hundredths (526.75) feet along the East line of Tract F Southside Park Second Addition; thence S09°29'59"E Three Hundred Thirty-five and Forty-nine Hundredths (335.49) feet still along said East line to the most Northerly corner of Tract A, Southland Park Subdivision; thence S47°27'50"E Two Hundred Twenty-six and Ninety-one Hundredths (226.91) feet along the East line of said Tract A, Southland Park Subdivision; thence S23°19'23"E Two Hundred Twenty and Seventy-one Hundredths (220.71) feet still along said East line to the Southwest line of parcel described in Document No. 2010-00023 in aforesaid Recorder's Office; thence S48°54'27"W Five Hundred Two and Thirty-seven Hundredths (502.37) feet still along said South line; thence N01°10'52'59"W Two Hundred Thirty-four and Two Hundredths (234.02) feet still along said line described in aforesaid Document No. 2010-00023; thence N89°33'52"W Seven and Forty-nine Hundredths (7.49) feet still along said line described in aforesaid Document No. 2010-00023; thence N00°48'20"E Eighty-five and Seventy-four Hundredths (85.74) feet still along line described in said Document No. 2010-00023; thence N89°33'52"E Two Hundred Twenty-nine and Forty-five Hundredths (279.45) feet still along line described in said Document No. 2010-00023 to the West line of Nottingham First Addition; thence N00°44'00"W Four Hundred Thirteen and Eighty-six Hundredths (436.86) feet along said West line to the most Northerly corner of Lot Three (3), said Nottingham First Addition; thence S53°19'44"E Fifty and Eighty-nine Hundredths (50.89) feet along the Northeast line of said Lot Three (3) to the Northwest line of the Southeastery Two Hundred Eighty (280.00) feet along said Northwest line to the Southwest line of Lot One (1), Nottingham Second Addition; thence N53°19'44"W One Hundred Ninety (190.00) feet along said Southwest line and along the Southwest line of Lot Eight (8), said Nottingham Second Addition to the most Westerly corner of said Lot Eight (8), which is the most Southerly corner of Tract "B" aforesaid Nottingham Heights Addition; thence continue N53°19'44"W Sixty (60.00) feet along the Southwest line of said Tract "B"; the most Westerly corner of said Tract "B", which is the Southwest corner of said Lot One (1), Nottingham Second Addition; thence S36°40'16"W Fifteen and Seventy-nine Hundredths (15.79) feet along said Southeast line to the Point of Beginning containing 25.972 acres.

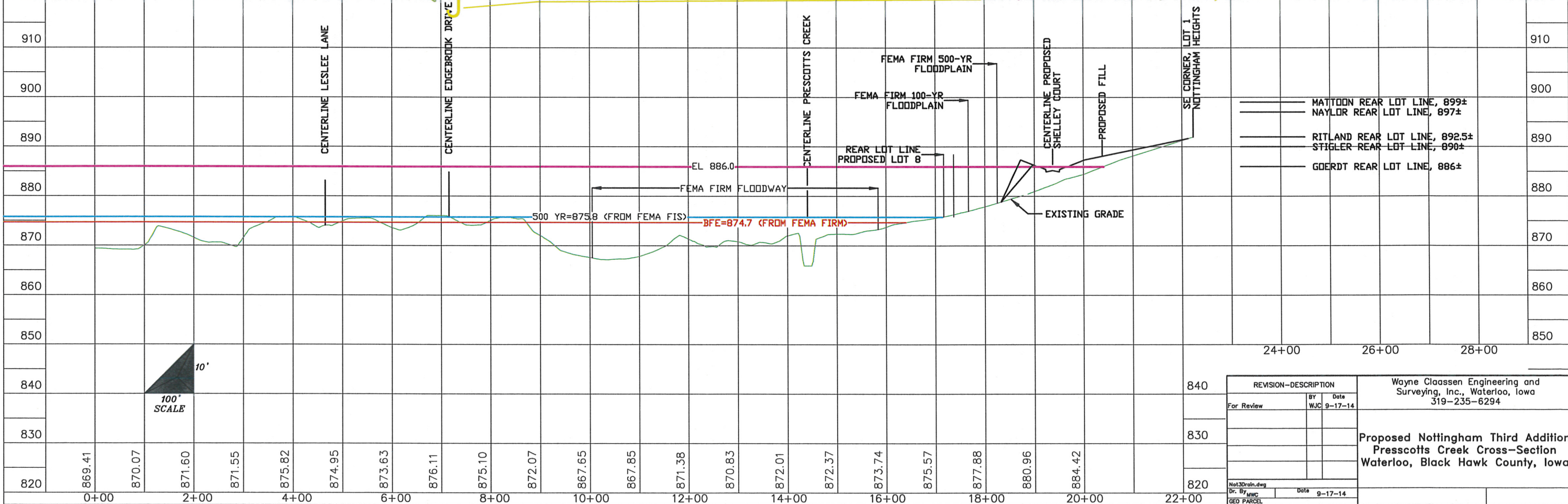
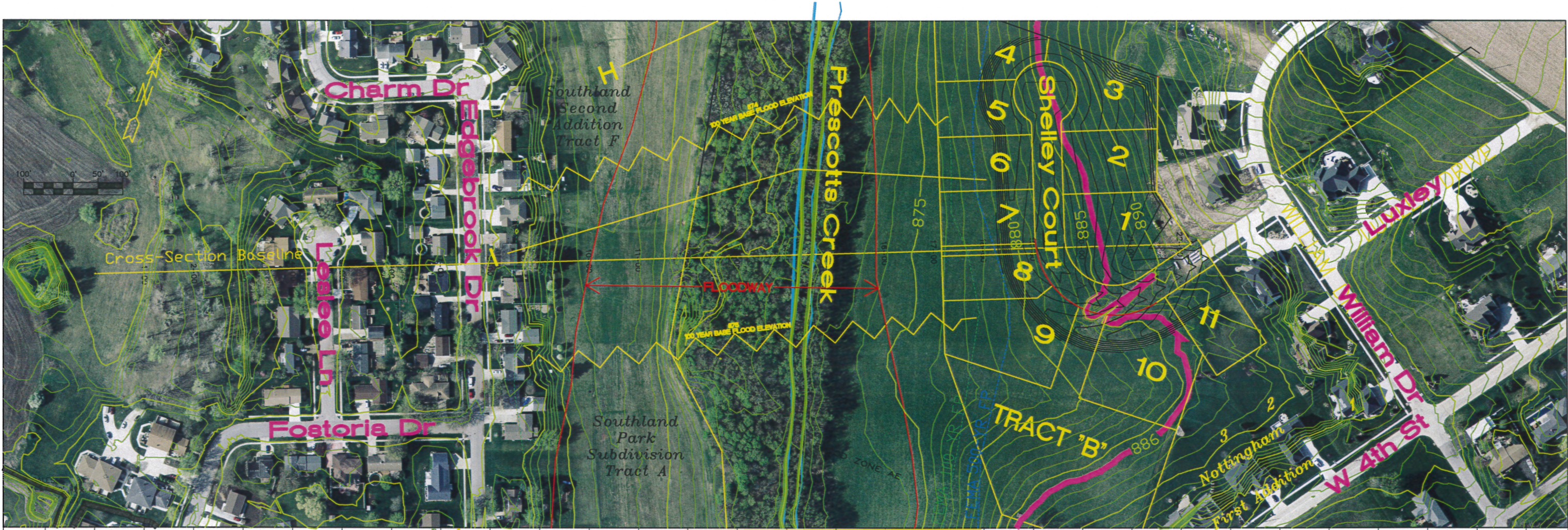
CURVE TABLE				DIMENSIONS IN FEET	
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD B
C1	212.46	100.00	121°43'46"	174.70	N82°27'15"W
C2	14.47	150.00	55°16'34"	13.92	S06°02'41"W
C3	31.05	64.00	155°55'35"	10.46	N15°59'08"E
C4	39.40	64.00	155°35'35"	37.78	S22°48'33"W
C5	91.65	64.00	82°02'48"	84.01	N35°51'08"W
C6	14.47	15.00	55°16'34"	13.92	N49°14'15"W
C7	0.96	160.00	02°00'43"	0.96	S21°46'20"W
C8	102.96	160.00	36°52'14"	101.20	S40°22'48"E
C9	68.91	160.00	24°40'34"	68.98	N7°09'13"W
C10	60.48	160.00	24°40'34"	60.42	N85°04'51"E
C11	106.62	160.00	38°10'50"	104.65	N42°43'45"W
C12	33.93	160.00	121°43'46"	27.95	N82°27'15"W
C13	62.45	160.00	55°54'23"	60.00	S68°24'02"W

Sheet 1 of 1

	<b>CERTIFICATION</b>  I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.  Signature: _____ David L. Schell, L.S.  Date: _____, 20____ License No. _____ 16775 Pages or Sheets Covered by this Seg.: <u>THIS SHEET ONLY.</u> My license renewal date is December 31, 2014
--	---

**CES** wayne claassen engineering  
and surveying, inc.  
waterloo, iowa



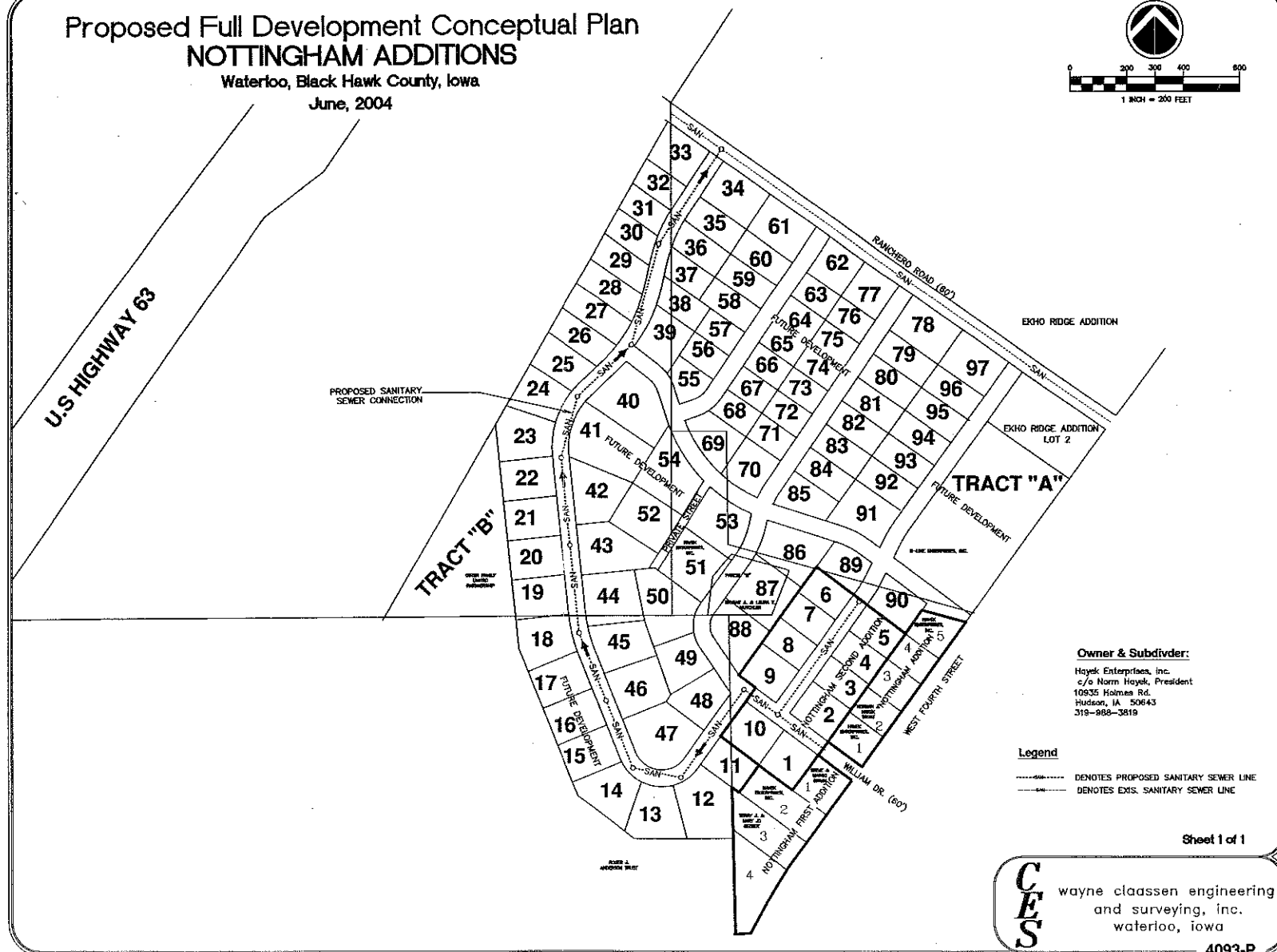
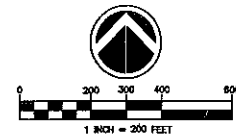




# Proposed Full Development Conceptual Plan NOTTINGHAM ADDITIONS

Waterloo, Black Hawk County, Iowa

June, 2004



## Owner & Subdivider:

Hayek Enterprises, Inc.  
c/o Norm Hayek, President  
10935 Holmes Rd.  
Hudson, IA 50643  
319-888-3819

## Legend

--- DENOTES PROPOSED SANITARY SEWER LINE  
— DENOTES EXIS. SANITARY SEWER LINE

Sheet 1 of 1

**CES**

wayne claassen engineering  
and surveying, inc.  
waterloo, iowa

4093-P

Prepared by: Michael R. Young, 3151 Brockway Road, P.O. Box 810, Waterloo, Iowa 50704 (319) 234-4471

Draft 11-17-14

DEED OF DEDICATION AND CONSENT OF OWNER TO  
NOTTINGHAM THIRD ADDITION  
WATERLOO, BLACK HAWK COUNTY, IOWA  
(A RE-PLAT OF A PART OF LOT 2, NOTTINGHAM FIRST ADDITION)

THE UNDERSIGNED, Robin Hood Enterprises, LLC (the “Developer”), being the owner of the land described as shown on the attached **Exhibit “A”** does, in accordance with the provisions of Chapter 354 of the Iowa Code and the terms defined therein, acknowledge that the subdivision, as it appears on the Plat and related documents, has been prepared with its free consent, and in accord with its desire, said real estate to be hereafter known as and called:

NOTTINGHAM THIRD ADDITION  
WATERLOO, BLACK HAWK COUNTY, IOWA  
(A RE-PLAT OF A PART OF LOT 2, NOTTINGHAM FIRST ADDITION)

(herein referred to as the “Addition”).

The undersigned does further covenant and agree, for itself, its successors, and assigns, that the respective lots and tracts in said Plat shall be, and the same are hereby subject to the following restrictions and easements, as fully and effectively as if the same were contained and set forth in each deed, contract, or mortgage that the undersigned or its successors in interest may hereafter make, and that such restrictions and easements shall run with the land, and with the described lots, all as follows:

1. Tract “A” is dedicated and set aside for street purposes. Tract “E” is dedicated and set aside for future street right-of-way and use as a future road connection with the adjacent property north of said tract that is known as Parcel “N” in Doc. No. 2013-13144. Tracts “B,” “C” and “D” are dedicated and set aside for future development (Tract “B”) to be determined by the Developer or its assignee, and stormwater detention purposes (Tracts “C” and “D”). The Developer or its assignee shall have the sole authority to determine which of the covenants, restrictions and easements contained in paragraphs 2, 3, 5, 6, 7, 12, 13, 15 (as it relates only to

horses), and 18 shall also apply to Tracts "B," "C" and "D;" the remaining covenants, restrictions and easements contained herein shall also apply to Tracts "B," "C" and "D."

2. All lots in the Addition shall be known, described and used solely as residential lots and, except for a single detached storage building as provided for in Paragraph 3 below, no structure shall be erected on any such residential building lot other than a single-family dwelling, not to exceed two stories height, and private garages for use with residences erected on said lots.

3. No more than one (1) detached storage building, not to exceed one hundred forty five (145) square feet in size or more than ten (10) feet in height, may be constructed or placed on any lot in the Addition. Any such detached storage building must be constructed with exterior materials substantially similar to those used for the single-family dwelling located on said lot in the Addition. The location of any such detached storage building is limited in location to the rear area of the lot, behind the residential single-family dwelling located on said lot.

4. No building shall be erected on any lot nearer than the building line shown on the Plat.

5. Any lot in the Addition may be split or divided in any fashion to provide for more lot area when added to an adjoining lot, but, except for the Developer's rights as described in paragraph 1 above, no dwelling shall be built or maintained on any partial lot or combined partial lots unless the building site contains 16,500 square feet or more.

6. No trailer, basement, tent, shack, garage, barn, or other out-building erected in the Addition shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted on any lot in the Addition.

7. No residential dwelling shall be erected on any lot unless the design and location is in harmony with existing structures. Only one- and two-story dwellings may be constructed. No one-story dwelling shall be constructed on a lot with a fully enclosed first floor area of less than 2,000 square feet, exclusive of car port, garage and open porches. No two-story dwelling shall be constructed with a fully enclosed first floor area of less than 1,300 square feet and a total of 2,500 square feet in the dwelling, exclusive of car ports, garage and open porches. A "story" shall be required to have a floor level which is at least one foot above ground level at all points. Any floor level which is less than one foot above ground level at all points shall be considered a basement level, and shall not be a "story."

8. The owner of each lot, vacant or improved, shall keep his or her lot or lots free of weeds and debris.

9. No grading or other construction shall be performed on any lot in said Addition that blocks the flow of surface drainage water.

10. No obnoxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

11. No old or used buildings shall be moved upon any of the lots in the Addition for any purpose and all buildings on any lot in the Addition shall be kept in a reasonable state of repair and upkeep.

12. All fencing must be of brick, wood, vinyl, decorative metal, or composite material. No snow fencing of any type or nature, barbed wire or woven wire, shall be permitted at any time on any lot.

13. All outdoor swimming pools of any nature must be constructed "in ground." All "above ground" swimming pools of any nature shall not be permitted with the exception only to removable children's wading pools. All Jacuzzi, hot tubs, whirlpool spas or other items of such nature must be recessed or built-in with the heating and filtering equipment and elements completely enclosed by appropriate material and out of the public view.

14. Any footing tile drains and roof leaders should be expelled into the front or rear of the residential dwelling, and shall not be expelled into any sanitary sewer system or directly onto the street. Any sump pump system shall be attached to either the front street sub drain or the rear yard tile line, as provided in the utility easement for such purpose.

15. No horses, poultry, rabbits or livestock of any variety shall be kept or raised nor shall any outdoor dog houses or tie ups be maintained on any lot in the Addition.

16. After the construction of a residential dwelling has been completed, five hardwood trees of four-inch caliper shall be planted, with at least two of these trees planted in the front yard of said lot.

17. All driveways constructed on residential lots shall be paved with concrete or another hard surface and shall be at least 22 feet wide throughout. No unpaved or unsurfaced driveways shall be permitted.

18. Unless kept entirely enclosed in a permanent garage, the storage of trailers of any kind, whether camping, boat, house, utility, or otherwise, or any bus, semi-tractor, trailer, recreational vehicle, or truck of any kind except what is commonly described as a "pickup truck" or "passenger van" shall not be permitted on any lot or street within the Addition. "Storage" for purposes of this restriction means that either the vehicle or trailer does not have a current license or that it is left open to view from adjacent properties for a length of time from which a reasonable person would infer that it is being stored and not being left only for the short term convenience of the owner.

19. An Iowa non-profit corporation known as the Nottingham Third Addition Homeowners Association (the "Association") is being created for the purpose of maintaining

Tracts "C" and "D" and the twenty (20) foot private access and drainage easement on Tract "B" adjacent to Lot 9 of the Addition, for the common benefit of the owners of all lots in the Addition. The Developer does now convey Tracts "C" and "D" to the Association for use as a stormwater retainage/retention area, per City of Waterloo requirements, and private cropland or green space, respectively, subject to the reservation of right to the City of Waterloo to access Tracts "C" and "D" for stormwater retention and drainage purposes. Additionally, the Developer grants an easement across the twenty (20) foot private access and drainage easement on Tract "B" adjacent to Lot 9 of the Addition, as shown on the Plat, for the private use and benefit of all lot owners in the Addition, as well as the owner of Tract "B." The Association is charged with the duty to maintain and repair said stormwater retainage/retention area, per City of Waterloo requirements, and maintain and repair the easements for the benefit of all Association owners. Said private cropland or green space surrounding said stormwater retainage/retention area shall be mowed or utilized for crop production (such as hay) for income purposes for the benefit of the Association. The membership of the Association shall at all times remain vested in the owners of all lots in the Addition, as well as, at the option of the Developer, the owner of Tract "B." A transfer of a lot or Tract "B" shall automatically require that the membership rights and obligations in the Association be transferred to the new owner, including any unpaid assessments. The cost of the maintenance of Tracts "C" and "D" and the private access and drainage easement shall be shared equally by all of the owners of the lots and, once transferred, Tract "B," in the manner and in the amount determined from time to time by the board of directors of the Association. Any owner failing to pay an assessment adopted by the board of directors of the Association shall be subject to a civil action for collection instituted by the board of directors of the Association or a lien may be filed against the property of such owner and collected in the same manner as if it was a mechanic's lien.

20. The Developer will cause to be constructed a stormwater detention area on Tract "C." Said stormwater detention area shall be maintained by the Association described at paragraph 19 above.

21. The undersigned and all persons and corporations hereafter acquiring any right, title, or interest in any of the lots in said Addition shall be taken and held to have agreed and covenanted with the owners of all other lots in this Addition and with the respective successors and assigns of all of the rest of such other lots to conform to and observe all of the foregoing covenants, restrictions and stipulations as to the use and construction or building thereon, for a period of 21 years from the date of filing of said Plat and this deed of dedication for record. Within the period of 21 years and in accordance with the Iowa Code §§ 614.24 and .25 or their successor provisions, these covenants, restrictions and stipulations may be extended for an additional period of 21 years upon compliance with Iowa Code §§ 614.24 and .25. In the event an extension of the covenants, restrictions and stipulations is not filed within the period of 21 years or successive 21-year periods, then the covenants, restrictions and stipulations contained herein shall terminate at the end of the existing period of 21 years.

22. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning property in the Addition to prosecute any proceedings at law or in equity against

the person or persons violating or attempting to violate any such covenants or restrictions and for the purpose of preventing such acts or to recover damages for such violations, or both, and for costs and reasonable attorney's fees as determined by the Court and not the statute.

23. Invalidation of any of these covenants by judgment, decree or court order, shall in no way affect any of the other provisions of this dedication and such other provisions shall remain in full force and effect.

24. A Portland cement concrete sidewalk and a hard surfaced driveway approach shall be installed during or immediately after the construction of a residential dwelling on a lot in the Addition, which may include Tract "B" if a residential dwelling is constructed thereon, but before issuance of an Occupancy Permit from the City of Waterloo, Iowa, or within 5 years of the transfer of said lot (including Tract "B") from the Developer to a purchaser, whichever is earlier. Said sidewalk shall be constructed across the full length of all street frontages of the lot, and extend to match the end of existing sidewalk(s) on adjoining lots where sidewalk already exists, including, but not limited to, over Tract "E." Said sidewalk across Tract "E" shall be constructed to the center line by the owners of lots 3 and 4, respectively, at their respective cost at the time the sidewalk is constructed on said lots. In the event Tract "E" is utilized as a road connection, said sidewalk across Tract "E" shall be reconstructed across the full length of said street frontage, at the cost of the party connecting and extending said road. Said sidewalk shall also be required to be constructed across all street frontages of two or more adjoining lots, or portions thereof, when any owner has acquired said two or more adjoining lots, or portions thereof, upon construction upon one or more lots, or portions thereof, all as required by the City of Waterloo, Iowa.

25. For the purpose of protecting and maintaining the integrity of the Addition, the Developer hereafter reserves the right to review all plans for construction of driveways and garages, and all building plans for any structure to be erected on any lot, and the proposed location thereof upon any lot, and any changes after the approval thereof, any remodeling, reconstruction, alteration to any structure upon any lot in the subdivision, shall require the approval in writing of the Developer, thereafter. Approval of such plans and specifications shall be evidenced by the written endorsement on such plans and specifications, a copy of which shall be delivered to the owner of the lot upon which construction or alteration is proposed. No earth-sheltered, geodesic dome, modular, or other radically unconventional housing will be allowed.

## DEDICATION OF STREETS AND EASEMENTS

1. The undersigned does hereby grant and convey to the City of Waterloo, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, gas, electricity, communication service or cable television, perpetual easements for the erection, laying, building and maintenance of said services over, across, on and/or under the property as shown on the Plat of this Addition.

2. The undersigned does hereby dedicate and set apart for public use the streets shown on the Plat of the Addition. The streets, as shown, are dedicated and set apart for public use for street purposes.

3. At such time as any structure is or has previously been constructed on any lot, combination of lots, or portion of lots, in said Addition, when such lot or part of a lot has been purchased from the Developer, a concrete sidewalk will be constructed along all street frontage(s) of such lot(s) as required by the City of Waterloo, Iowa.

IN WITNESS WHEREOF, this instrument has been signed at Waterloo, Iowa, this \_\_\_\_ day of \_\_\_\_\_, 2014.

Robin Hood Enterprises, LLC

By: \_\_\_\_\_  
Richard C. Young, Manager

STATE OF IOWA )  
 ) ss.  
COUNTY OF BLACK HAWK )

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for the said State, personally appeared Richard C. Young, to me personally known as Manager of said limited liability company, and did swear that said instrument was signed on behalf of the said limited liability company by authority of its manager(s) voluntarily executed.

Notary Public - State of Iowa



## **Exhibit "A"**

### **Legal Description for Nottingham Third Addition**

That part of Lot Two (2), Nottingham First Addition, and that part of the Southeast Quarter (SE¼), and the Southwest Quarter (SW¼) of Section Seven (7), Township Eighty-eight North (T88N), Range Thirteen West (R13W), of the Fifth Principal Meridian, Waterloo, Black Hawk County, Iowa, described as follows:

Beginning at the most Southerly corner of Lot One (1), Nottingham Heights Addition; thence N53°19'44"W One Hundred Twenty-six and Fourteen Hundredths (126.14) feet along the Southwest line of said Lot One (1); thence N19°14'48"W Two Hundred Thirty-two and Thirty-seven Hundredths (232.37) feet along the West line of said Lot One (1), and along the West line of Lot Two (2) aforesaid Nottingham Heights Addition to the Southeast corner of Parcel "N", Document No. 2013-13144 in the Black Hawk County Recorder's Office; thence S89°29'08"W Nine Hundred One and Forty Hundredths (901.40) feet along the South line of said Parcel "N" to the Southwest corner of Parcel "N"; thence S10°51'30"E Five Hundred Twenty-six and Seventy-five Hundredths (526.75) feet along the East line Of Tract F Southland Park Second Addition; thence S09°29'59"E Three Hundred thirty-five and Forty-nine Hundredths (335.49) feet still along said East line to the most Northerly corner of Tract A, Southland Park Subdivision; thence S47°27'50"E Two Hundred Thirty-two and Ninety-three Hundredths (232.93) feet along the East of said Tract A; thence S23°19'23"E Two Hundred Twenty and Seventy-one Hundredths (220.71) feet still along said East line to the South line of parcel described in Land Deed 569, Page 574 in aforesaid Recorder's Office; thence S84°54'27"W Five Hundred Two and Thirty-seven Hundredths (502.37) feet along said South line; thence N01°10'59"W Two Hundred Thirty-four and Two Hundredths (234.02) feet still along said South line; thence N89°33'52"W Seven and Forty-nine Hundredths (7.49) feet still along said South line; thence N00°46'20"E Eighty-five and Seventy-four Hundredths (85.74) feet still along said South line; thence N88°30'53"E Two Hundred Seventy-nine and Forty-five Hundredths (279.45) feet still along said South line to West line of Nottingham First Addition; thence N00°44'00"W Four Hundred Thirty-six and Eighty-six Hundredths (436.86) feet along said West line to the most Northerly corner of Lot Three (3), said Nottingham First Addition; thence S53°19'44"E Fifty and Eighty-nine Hundredths (50.89) feet along the Southwest line of said Lot Three (3) to the Northwest line of the Southeasterly Two Hundred Eighty (280.00) feet of said Lot Three (3); thence N36°40'16"E One Hundred Twenty (120.00) feet along said Northwest line to the Southwest line of Lot One (1), Nottingham Second Addition; thence N53°19'44"W One Hundred Ninety (190.00) feet along said Southwest line and along the Southwest line of Lot Eight (8), said Second Addition to the most Westerly corner of said Lot Eight (8), which is also the most Southerly corner of Tract "B" (Crusade Drive) aforesaid Nottingham Heights Addition; thence continue N53°19'44"W Sixty (60.00) feet along the Southwest line of said Tract "B" to the most Westerly corner of said Tract "B", which is a point on the Southeast line of aforesaid Lot One (1), Nottingham Heights Addition; thence S36°40'16"W Fifteen and Seventy-nine Hundredths (15.79) feet along said Southeast line to the Point of Beginning containing 25.972 acres.