NO CHANGE FROM PREVIOUS READING

5(a)

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: May 18, 2015

ITEM: Aspire, South side of Stagecoach Drive approximately 680 feet west of South 68th Street/Galleria Drive – Vacate a portion of public street right-of-way associated with the driveway turnouts constructed along the south side of Stagecoach Drive (VAC-002590-2015)

ORDINANCE: Approval of Second Reading, Waive the Third Reading, and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Aspire Residential, LLC, is requesting approval of the vacation of a portion of the Stagecoach Drive right-of-way associated with the driveway turnouts constructed along the south side of the street. The right-of-way in question is excess right-of-way that was reserved for the future installation of traffic signals at the existing driveway locations to the Aspire property. The vacation will allow the applicant additional property at the driveways allowing the proposed townhomes to fit better on the property. The right-of-way in question was included with the design of the driveways on Stagecoach Drive to allow for future stop light installation at the intersections. The Engineering Services department has reviewed the applicant's request and is in agreement that a portion can be vacated as there will still be adequate room for stop light installation in the future if such is needed.

Previous Council Action:
Vote: 5-0 approval
Date: May 4, 2015
Motion: Approval of the First Reading of the vacation ordinance.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, Staff recommends the City Council approve the second reading, waive third reading of the ordinance and adopt the ordinance to vacate a portion of public street right-of-way associated with the driveway turnouts constructed along the south side of Stagecoach Drive.

Lead Staff Member: Brian Portz, AICP

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	RJS
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	April 17, 2015	
Letter sent to surrounding property owners		April 14, 2015

SUBCOMMITTEE REVIEW (if applicable)

Committee	Dev/Planning		
Date Reviewed	February 12, 2015		
Recommendation	Yes X	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Proposed Ordinance

EXHIBIT I

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST DES MOINES, IOWA VACATING A PORTION OF CITY RIGHT-OF-WAY AT THE DRIVEWAY TURNOUTS ON THE SOUTH SIDE OF STAGECOACH DRIVE BETWEEN SOUTH JORDAN CREEK PARKWAY AND SOUTH 68TH STREET/GALLERIA DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. Pursuant to Title 7, Chapter 1, Section 10 of the West Des Moines City Code, "VACATION AND DISPOSAL," the following portion of the City right-of-way is hereby vacated:

That portion of Stagecoach Drive, West Des Moines, Iowa, legally described as follows:

PARCEL 1: A PART OF LOT B, WELLS FARGO PLAT 1, AN OFFICI AL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF OUTLOT 'Y', ROGERS FARM, AN OFFICIAL PLAT IN SAID CITY OF WEST DES MOINES; THENCE NORTH 83'45'43" EAST ALONG THE NORTHERLY LINE OF SAID OUTLOT 'Y', A DISTANCE OF 537.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 83'45'43" EAST, 48.71 FEET; THENCE SOUTH 52'09'35" EAST, 57.47 FEET; THENCE SOUTH 8'04'53" EAST, 11.95 FEET TO SAID NORTHERLY LINE; THENC SOUTH 82'03'43" WES ALONG SAID NORTHERLY LINE, 37.36 FEET; THENCE NORTH 51'14'11" WEST CONTINUING ALONG SAID NORTHERLY LINE, 75.00 FEET TO THE POINT OF BEGINNIN AND CONTAINING 0.0 ACRES (2,523 SQUARE FEET).

PARCEL 2: A PART OF LOT B, WELLS FARGO PLAT 1, AN OFFICI AL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF OUTLOT 'Y', ROGERS FARM, AN OFFICIAL PLAT IN SAID CITY OF WEST DES MOINES; THENCE NORTH 83'45'43" EAST ALONG THE NORTHERLY LINE OF SAID OUTLOT 'Y', A DISTANCE OF 537.00 FEET; THENCE SOUTH 51'14'11" EAST CONTINUING ALONG SAID NORTHERLY LINE, 75.00 FEET; THENCE NORTH 82'03'43" EAST CONTINUING ALONG SAID NORTHERLY LINE, 97.36 FEET TO THE POINT OF BEGINNING; THENCE NORTH 8'04'53" WEST, 10.59 FEET; THENCE NORTH 36'21'33" EAST, 57.12 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 925.00 FEET, WHOSE ARC LENGTH IS 35.27 FEET AND WHOSE CHORD BEARS NORTH 78'28'06" EAST, 35.27 FEET TO SAID NORTHERLY LINE; THENCE SOUTH 36'21'27" WEST CONTINUING ALONG SAID

NORTHERLY LINE, 75.00 FEET; THENCE SOUTH 82'03'43" WEST CONTINUING ALONG SAID NORTHERLY LINE, 22.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES (1,678 SQUARE FEET).

PARCEL 3: A PART OF LOT B, WELLS FARGO PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT Y, ROGERS FARM, AN OFFICIAL PLAT IN SAID CITY OF WEST DES MOINES; THENCE SOUTH 83'45'52" WEST ALONG THE NORTHERLY LINE OF SAID OUTLOT 'Y, A DISTANCE OF 152.55 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 925.00 FEET, WHOSE ARC LENGTH IS 22.56 FEET AND WHOSE CHORD BEARS SOUTH 21'14'59" WEST, 22.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 18'50'02" EAST CONTINUING ALONG SAID NORTHERLY LINE, 75.00 FEET; THENCE SOUTH 28'48'43" WEST CONTINUING ALONG SAID NORTHERLY LINE, 120.01 FEET; THENCE SOUTH 76'27'28" WEST CONTINUING ALONG SAID NORTHERLY LINE, 75.00 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 925.00 FEET, WHOSE ARC LENGTH IS 52.13 FEET AND WHOSE CHORD BEARS NORTH 34'03'37" EAST, 52.12 FEET; THENCE NORTH 74'56'26" EAST, 57.80 FEET; THENCE NORTH 28'06'34" EAST, 60.00 FEET; THENCE NORTH 18'09'25" WEST, 58.35 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 925.00 FEET, WHOSE ARC LENGTH IS 29.45 FEET AND WHOSE CHORD BEARS NORTH 22'51'38" EAST, 29.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.10 ACRES (4,508 SQUARE FEET).

SECTION 2. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid, or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by this ____ day of _____, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No._____ on the _____ day of

_____, 2015.

_____
Ryan T. Jacobson, City Clerk