CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: December 12, 2016

ITEM: Country Club Office Plaza West Plat 8, 1080 Jordan Creek Parkway – Vacation of two public sanitary sewer easements – Dallas County Partners – FP-003240-2016

RESOLUTION: **Approval of Vacation Request**

FINANCIAL IMPACT: Undetermined.

BACKGROUND: On November 14, 2016, the City Council approved a preliminary plat for property located at 1080 Jordan Creek Parkway. Noted on the preliminary plat are two existing public sanitary sewer easements. As part of the review of the preliminary plat staff has determined that these two easement are no longer needed as sanitary sewer services will be provided in another manner. The applicant then requested vacation of the easements to release the public interest in the easement area in order to plan for the construction of an office building.

Staff reviewed the easement vacation request and supports the vacation of the public easement.

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 vacation of two existing Public Sanitary Sewer easements at Book 832, Pages 369-390 and at Book 2004 Page 13726 in the Dallas County Recorder's Office, and as attached in Exhibit I, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser, AICP

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	December 2, 2016	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	October 17, 2016		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - City Council Resolution (No Conditions of Approval)

EXHIBIT I

Prepared by: KTragesser, Development Services, P.O. Box 65320 West Des Moines, IA 50265-0320, (515)222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING A REQUEST BY DALLAS COUNTY PARTNERS TO VACATE TWO EXISTING PUBLIC SANITARY SEWER EASEMENTS AT 1080 JORDAN CREEK, LOT 1 COUNTRY CLUB OFFICE PLAZA WEST PLAT 6 (FP-002340-2016)

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, Dallas County Partners requests that the City of West Des Moines vacate two existing public sanitary sewer easements over part of Lot 1, Country Club Office Plaza West Plat 6, an official plat now in and forming a part of the City of West Des Moines, Dallas County;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on December 12, 2016, this City Council held a duly-noticed public hearing to consider the application to vacate the public sanitary sewer easements at Book 832 Page 369-390 and at Book 2004 Page 13726 and as illustrated in Exhibit A;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated December 12, 2016, or as amended orally at the City Council hearing of December 12, 2016, are adopted.

SECTION 2. The request to vacate two existing Public Sanitary Sewer Easements recorded in Dallas County, is approved, subject to compliance with all the conditions in the staff report, dated December 12, 2016, including conditions added at the Hearing. Violation of any such conditions shall be grounds for any remedy, legal or equitable, which is available to the City.

PASSED AND ADOPTED on December 12, 2016.

_____
Jim Sandager, Mayor Pro-Tem

ATTEST:

_____
Ryan Jacobson
City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on December 12, 2016, by the following vote:

ATTEST:

_____

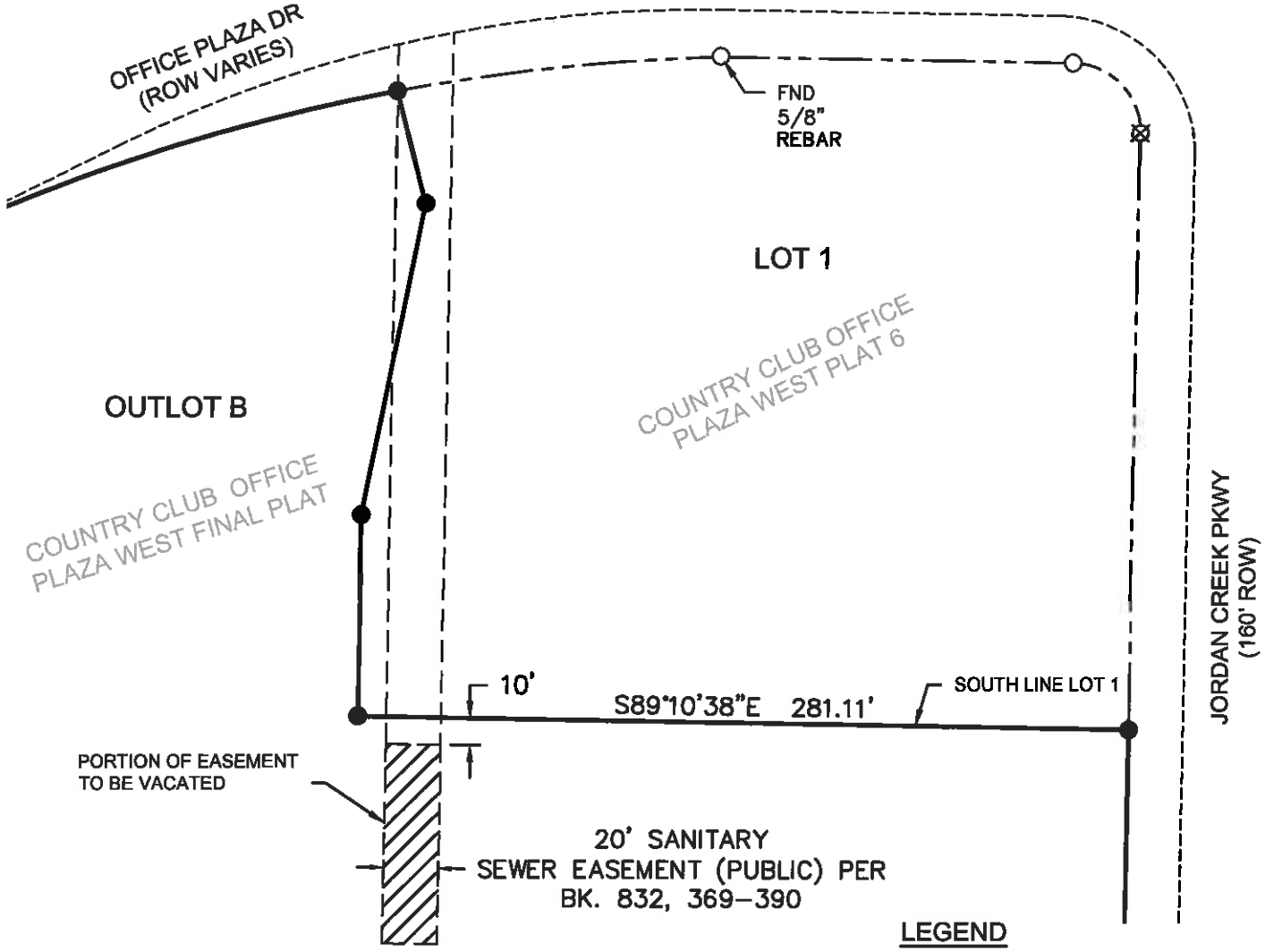
Ryan Jacobson
City Clerk

EXHIBIT A

PREPARED BY & RETURN TO:
JONATHAN PITTMANN / OLSSON ASSOCIATES, 7157 VISTA DRIVE, WEST DES MOINES, IA 50266 / TEL: 515.331.6517

VACATION OF EASEMENT EXHIBIT

PORTION OF THE SANITARY SEWER EASEMENT RECORDED IN BK 832, PG 369-390,
IN THE RECORDER'S OFFICE OF DALLAS COUNTY, IOWA



LEGEND

- BOUNDARY LINE
- PROPERTY/LOT LINE
- UTILITY EASEMENT
- FOUND 5/8" REBAR WITH YPC STAMPED 13480 (UNLESS NOTED OTHERWISE)
- FOUND 1/2" IRON PIPE WITH YELLOW PLASTIC CAP STAMPED 3169 (UNLESS NOTED OTHERWISE)
- FOUND CHISELED 'X'
- SET CUT "X" IN CONCRETE (UNLESS NOTED OTHERWISE)
- PORTION OF EASEMENT TO BE VACATED

LEGAL DESCRIPTION OF PORTION TO BE VACATED:

THAT PART OF THE 20' SANITARY SEWER EASEMENT RECORDED IN BOOK 832, PAGES 369-390, IN THE RECORDER'S OFFICE OF DALLAS COUNTY, IOWA, WHICH LIES SOUTHERLY OF A LINE PARALLEL WITH AND 10.00 FEET SOUTH, BEING MEASURED AT RIGHT ANGLES, OF THE SOUTH LINE OF LOT 1, COUNTRY CLUB OFFICE PLAZA WEST PLAT 6, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

SAID PORTION OF EASEMENT CONTAINING 1453 SQ FT OR 0.03 ACRES.

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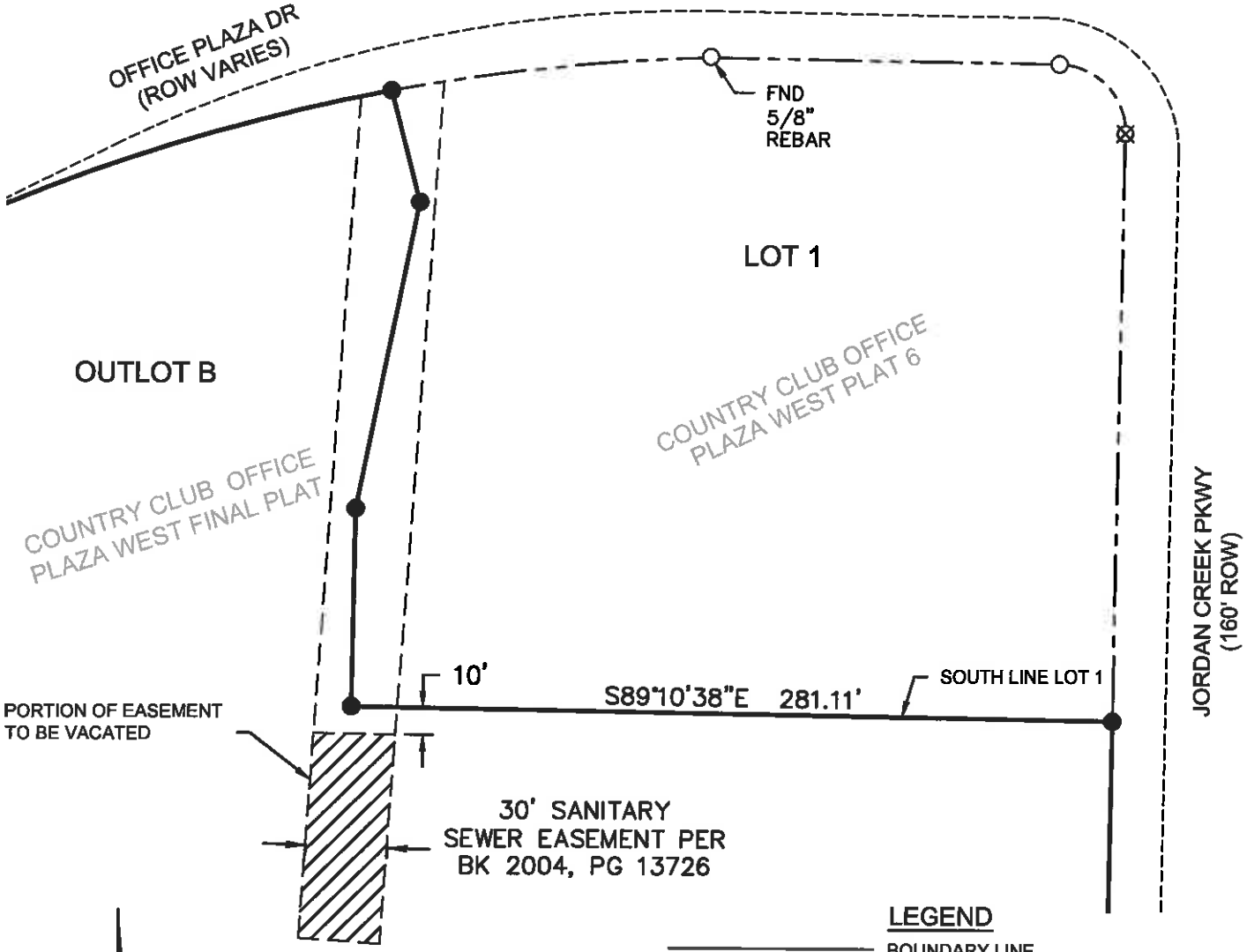
DATE: Nov 22, 2016 1:11pm XREFS:

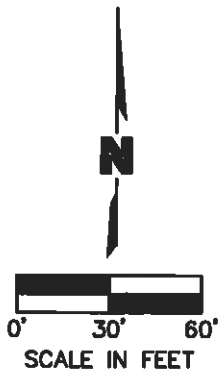
PROJECT NO: 016-1170	EASEMENT VACATION EXHIBIT	OLSSON. ASSOCIATES	7157 Vista Drive West Des Moines, IA 50266 TEL 515.331.6517 FAX 515.331.6518	SHEET
DRAWN BY: EMH				1 OF 1
DATE: 11-22-2016				

PREPARED BY & RETURN TO:
JONATHAN PITTMANN / OLSSON ASSOCIATES, 7157 VISTA DRIVE, WEST DES MOINES, IA 50266 / TEL: 515.331.6517

VACATION OF EASEMENT EXHIBIT

PORTION OF THE SANITARY SEWER EASEMENT RECORDED IN BK 2004, PG 13726,
IN THE RECORDER'S OFFICE OF DALLAS COUNTY, IOWA





LEGEND

- BOUNDARY LINE
- PROPERTY/LOT LINE
- UTILITY EASEMENT
- FOUND 5/8" REBAR WITH YPC STAMPED 13480 (UNLESS NOTED OTHERWISE)
- FOUND 1/2" IRON PIPE WITH YELLOW PLASTIC CAP STAMPED 3169 (UNLESS NOTED OTHERWISE)
- FOUND CHISELED 'X'
- SET CUT "X" IN CONCRETE (UNLESS NOTED OTHERWISE)
- PORTION OF EASEMENT TO BE VACATED

LEGAL DESCRIPTION OF PORTION TO BE VACATED:

THAT PART OF THE 30' SANITARY SEWER EASEMENT RECORDED IN BOOK 2004, PAGE 13726, IN THE RECORDER'S OFFICE OF DALLAS COUNTY, IOWA, WHICH LIES SOUTHERLY OF A LINE PARALLEL WITH AND 10.00 FEET SOUTH, BEING MEASURED AT RIGHT ANGLES, OF THE SOUTH LINE OF LOT 1, COUNTRY CLUB OFFICE PLAZA WEST PLAT 6, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

SAID PORTION OF EASEMENT CONTAINING 2306 SQ FT OR 0.05 ACRES.

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DATE: Nov 22, 2016 11:16pm XREFS:

PROJECT NO: 016-1170	EASEMENT VACATION EXHIBIT	OLSSON. ASSOCIATES	7157 Vista Drive West Des Moines, IA 50266 TEL 515.331.6517 FAX 515.331.6518	SHEET
DRAWN BY: EMH				1 OF 1
DATE: 11-22-2016				