NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **December 11, 2017**

ITEM: Westport, West side of Wendover Road, approximately 650 feet north of 335th Street - Vacate 75' Public Highway Easement – Westport Development, LLC – VAC-003648-2017

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Westport Development, LLC, is requesting to vacate the existing 75' Public Highway Easement located along the east boundary of the Westport development on the west side of Wendover Road. The easement was established in the late 1970's for a future public highway through this area. The land in this area was part of unincorporated Dallas County at the time the easement was established. The applicant is requesting to vacate the easement to allow for development of the Westport property. As a part of the Westport Plat 1, the applicant deeded a portion of the Westport property to the City for public right-of-way for Wendover Road. Due to the granting of right-of-way to the City by the applicant, the 75' Public Highway Easement is no longer needed.

On the east side of Wendover Road, there is an existing 45' public roadway easement that was dedicated as a part of the Sugar Creek Hills subdivision to the east. With the existing 45' easement on the east side of Wendover Road and the dedication of right of way by the applicant as a part of the Westport final plat, there will be a total of 100' of land that can be utilized for the reconstruction of Wendover Road as needed in the future.

Previous Council Action:
Vote: 5-0 approval
Date: November 27, 2017
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 the 75' Public Highway Easement along the east boundary of the Westport development, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian S. Portz, AICP BP

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	November 10, 2017	
Letter sent to surrounding property owners		November 10, 2017

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	October 2, 2017		
Recommendation	Yes X	No ☐	Split ☐

ATTACHMENTS:
Exhibit I – Proposed Ordinance

EXHIBIT I

Prepared by: B. Portz, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265
Tax Statement: Not Applicable

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST DES MOINES, IOWA VACATING A 75' PUBLIC HIGHWAY EASEMENT (WESTERN PORTION OF WENDOVER ROAD) LOCATED APPROXIMATELY 650' NORTH OF 335TH STREET

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," that portion of the 75' Public Highway Easement legally described below and lying across the eastern portion of the Westport development, approximately 650' north of 335th Street is hereby vacated:

> A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
>
> BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE SOUTH 00°54'01" WEST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 639.83 FEET TO THE NORTHEAST CORNER OF PARCEL "A" AS RECORDED IN BOOK 789, PAGE 37 OF THE DALLAS COUNTY RECORDER'S OFFICE; THENCE SOUTH 83°34'02" WEST ALONG THE NORTH LINE OF SAID PARCEL "A", 75.62 FEET; THENCE NORTH 00°54'01" EAST, 641.00 FEET TO THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE NORTH 84°26'50" EAST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 75.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.10 ACRES (48,031 S.F.).

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 3. 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 _____, 2017.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

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

_____, 2017.

_____
Ryan T. Jacobson, City Clerk