CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **December 27, 2017**

ITEM: Aspen Valley, 850, 878, 900, 912, 928, 942, 964, & 978 84th Street – Vacate 30' buffer park easement located along rear lot line of Lots 53-60, Aspen Valley – Property owner initiated – VAC-003700-2017

RESOLUTION: **Approval of Vacation Request**

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The property owners of 850, 878, 900, 912, 928, 942, 964, & 978 84th Street are requesting to vacate the 30' buffer park easement located across the rear yard of their properties (Lots 53-60, Aspen Valley). The buffer park easement is a 30' area on the residential properties that is reserved for landscaping and buffering the property from the Office designated property to the west. Vacation of the buffer allows the property owners to place fences, gazebos, play equipment, gardens, etc. within the area previously encumbered by the easement. As noted in the Plan and Zoning Commission communication, the easement was required on the Aspen Valley Single Family as the developer of the subdivision requested the change in zoning from office to residential thus triggering the need for a buffer between dissimilar land uses. Staff has no issues with the buffer being eliminated as long as it is understood by the property owners that when the adjacent property to the west develops, they will not be required to implement buffering adjacent to the residential lots.

Plan and Zoning Commission Action:
Vote: 6-0 approval, with Commissioner Brown absent
Date: December 18, 2017
Motion: Adopt a resolution recommending the City Council approve the Buffer Vacation request.

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee – *Development & Planning Subcommittee, December 11, 2017*
- Staff Review and Comment
  - *Property to the West*
  - *Public Utility Easement*
- Comprehensive Plan Consistency
- Staff Recommendations and Conditions of Approval
- Noticing Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve a Vacation request of the 30 foot buffer park easement located adjacent to the western boundary of Lots 53, 54, 55, 56, 57, 58, 59, & 60 Aspen Valley, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP BP

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	December 11, 2017	
Letter sent to surrounding property owners		December 8, 2017

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	December 11, 2017		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan and Zoning Commission Resolution (No Conditions of Approval)
- Attachment B - Location Map
- Attachment C - Aspen Valley Final Plat (buffer labeled)

Exhibit II - City Council Resolution

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: December 18, 2017

Item: Aspen Valley, 850, 878, 900, 912, 928, 942, 964, & 978 84th Street – Vacate 30' buffer park easement located along rear lot line of Lots 53-60, Aspen Valley – Property owner initiated – VAC-003700-2017

Requested Action: Approval of a Vacation Request

Case Advisor: Brian S. Portz, AICP BP

Applicant's Request: The property owners of 850, 878, 900, 912, 928, 942, 964, & 978 84th Street are requesting to vacate the 30' buffer park easement located across the rear yard of their properties (Lots 53-60, Aspen Valley). The buffer park easement is a 30' area on the residential properties that is reserved for landscaping and buffering the property from the Office designated property to the west. Vacation of the buffer allows the property owners to place fences, gazebos, play equipment, gardens, etc. within the area previously encumbered by the easement.

History: This property was annexed into the City as part of the 105th/Ashworth Road annexation, approved by the City Council on January 24, 2011. A Comprehensive Plan land use change from Office to Single Family Residential and Rezoning to Single Family Residential RS-20 to allow for 32 single family lots was approved for this property in April 2014. The development at the time was to be called Brody Place Estates. A designation of RS-20 was applied to the property in response to limited sanitary sewer capacity for the area. Since the April 2014 rezoning, the City has annexed the Chase property north of I-80 and approved a sanitary sewer project that will increase capacity for the area, thus eliminating the need to restrict the development to only 32 lots. On March 23, 2015, the City Council approved a rezoning request for the subject property to a RS-10 designation to allow smaller lots at a minimum of 10,000 square feet. In November of 2015, the City Council approved the Aspen Valley final plat to develop the property with 60 single family lots. The Aspen Valley final plat included the 30' buffer park easement in question.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on December 11, 2017. No disagreement to the request was expressed by the Subcommittee.

Staff Review and Comment: There are no outstanding issues. Staff would note the following:

- *Property to the West:* The property owners have been made aware that the property to the west of them is currently designated for office development on the City's future land use map and that there are currently discussions to possibly change this to a Community Commercial designation which would allow for more commercial development to their west. Since the zoning of the Aspen Valley residential properties was changed at the property owner/developer's request from Office to Residential prior to the development of the Aspen Valley subdivision, City Code doesn't require a future office or commercial developer (to the west) to provide buffering (landscaping, berms, fences, etc.) along the adjoining property line with the residential properties. The burden of the buffer is on the single family ground, thus why the buffer in question was required and installed on the properties by the Aspen Valley developer.

- *Public Utility Easement:* As noted on the Aspen Valley Final Plat, for lots 54-60, there will still be a 10' public utility easement (PUE) (for private utility company use, i.e. Century Link, MidAmerican Energy, etc.) on the east side of the vacated (if approved) buffer park easement. No structures can be built within the PUE. Fences generally can be built within the easement, but the fences can be removed by the utility companies if deemed necessary for service of their utilities. There is no requirement for the utility companies to remove the fence, or any other structures placed in the easement area in such a way to allow it to be reinstalled, or for the utility company to physically reinstall the fence. Additionally, any landscape vegetation located within the easement area can be removed by the utility company with no reinstallation or compensation.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Vacation request for the 30 foot buffer park easement located along the western boundary of Lots 53, 54, 55, 56, 57, 58, 59, & 60 Aspen Valley, subject to the applicant meeting all City Code requirements.

Noticing Information: On December 11, 2017, notice for the December 18, 2017 Plan and Zoning Commission and December 27, 2017 City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on December 8, 2017.

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Aspen Valley Final Plat (buffer labeled)

ATTACHMENT A

RESOLUTION NO. PZC- 17-113

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE VACATION REQUEST (VAC-003700-2017) FOR THE PURPOSE OF VACATING A 30' BUFFER PARK EASEMENT LOCATED ALONG THE WESTERN BOUNDARY OF LOTS 53, 54, 55, 56, 57, 58, 59 AND 60 WITHIN ASPEN VALLEY

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owners of 850, 878, 900, 912, 928, 942, 964, & 978 84th Street are requesting to vacate the 30' buffer park easement located across the rear yard of their properties (Lots 53-60, Aspen Valley);

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 18, 2017 this Commission held a duly-noticed hearing to consider the application for Vacation Request (VAC-003700-2017);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated December 18, 2017, or as amended orally at the Plan and Zoning Commission hearing of December 18, 2017, are adopted.

SECTION 2. VACATION REQUEST (VAC-003700-2017) to vacate the existing 30 foot buffer park easement located across the western 30' of lots 53-60 of Aspen Valley is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated December 18, 2017, including conditions added at the Hearing. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

The legal description of the buffer park easement to be vacated is as follows:

The west 30 feet of Lots 53-60, except the north 30 feet of Lot 60
Aspen Valley, an Official Plat, City of West Des Moines, Dallas County, Iowa

PASSED AND ADOPTED on December 18, 2017.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 18, 2017 by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Brown

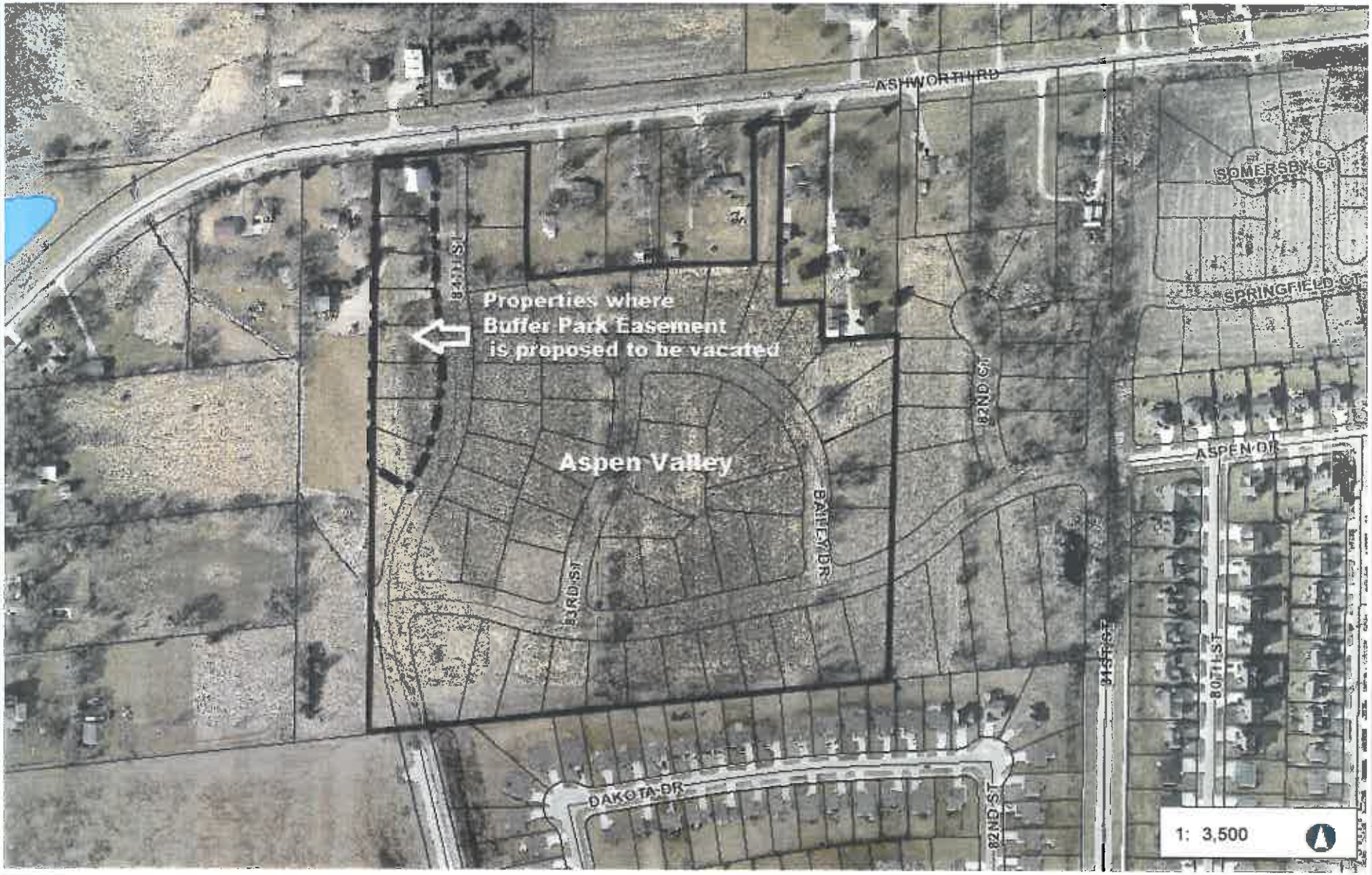
ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. No conditions of approval.

Aspen Valley Buffer Vacation



583.3 0 291.67 583.3 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet

© City of West Des Moines, Iowa

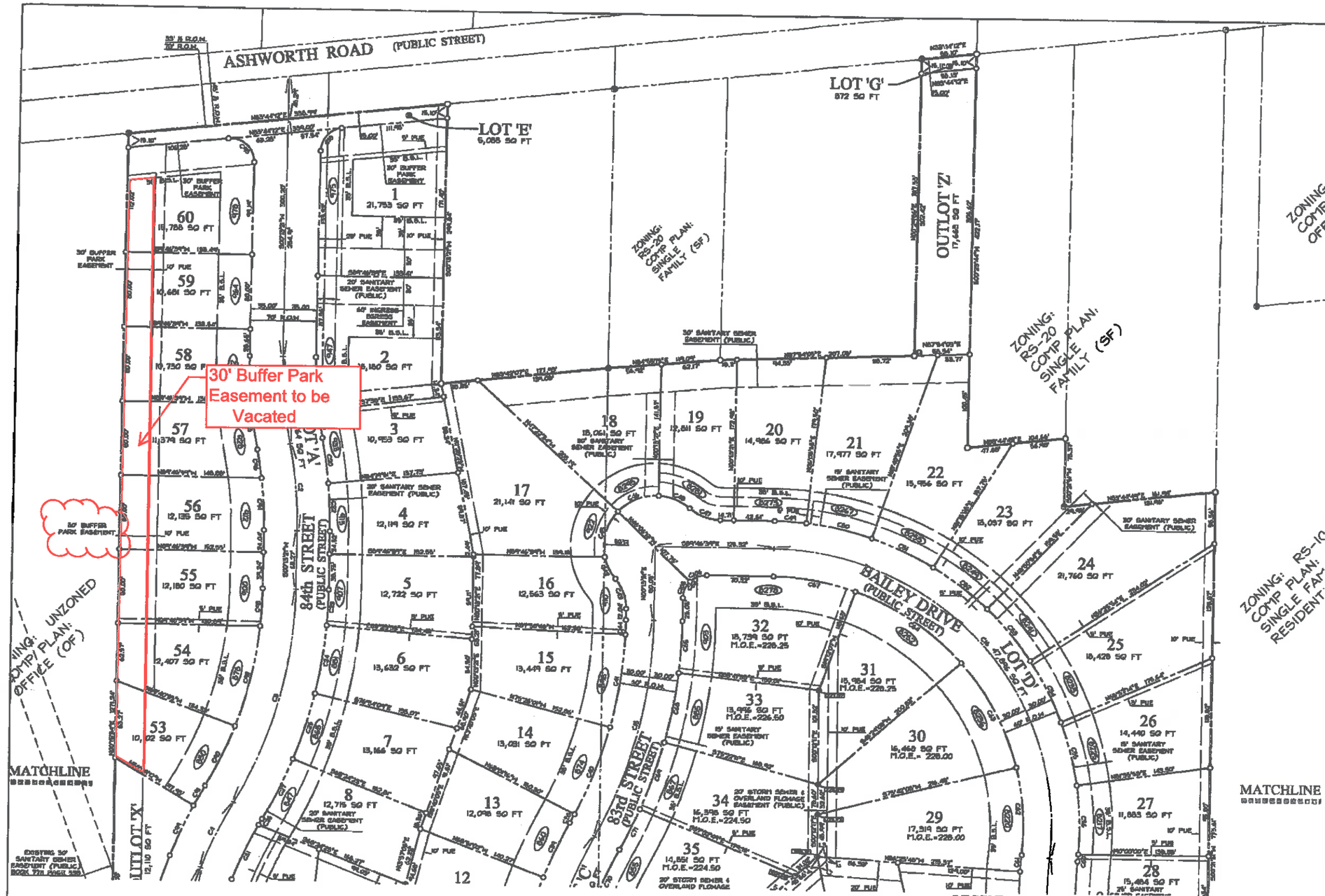
Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

ATTACHMENT B

ATTACHMENT C

FINAL PLAT
ASPEN VALLEY
Sheet 2 of 3



CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C2	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C3	21°31'17"	400.00'	150.22'	76.00'	149.34'	N75°44'24"E
C4	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C5	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C6	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C7	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C8	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C9	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C10	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C11	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C12	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C13	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C14	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C15	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C16	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C17	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C18	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C19	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C20	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C21	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C22	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C23	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C24	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C25	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C26	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C27	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C28	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C29	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C30	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C31	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C32	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C33	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C34	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C35	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C36	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C37	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C38	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C39	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C40	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C41	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C42	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C43	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C44	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C45	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C46	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C47	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C48	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C49	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C50	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C51	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C52	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C53	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C54	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C55	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C56	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C57	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C58	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C59	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C60	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C61	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C62	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C63	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C64	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C65	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C66	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C67	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C68	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C69	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C70	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C71	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C72	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C73	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C74	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C75	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C76	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C77	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C78	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C79	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C80	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C81	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C82	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C83	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C84	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C85	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C86	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C87	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C88	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C89	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C90	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C91	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C92	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C93	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C94	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C95	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C96	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C97	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C98	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C99	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C100	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C101	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C102	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C103	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C104	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C105	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C106	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C107	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C108	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C109	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C110	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C111	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C112	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C113	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C114	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C115	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C116	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C117	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C118	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C119	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E
C120	4°26'22"	400.00'	30.94'	15.47'	30.93'	N85°31'24"E

LINE DATA

LINE	BEARING	LENGTH
L1	N47°41'21"E	10.17'
L2	N00°12'11"	3.77'
L3	N86°20'12"W	10.02'
L4	S12°30'00"E	11.53'

LEGEND

———	PLAT BOUNDARY
▲	SECTION CORNER
●	FOUND CORNER, AS NOTED
○	SET CORNER 5/8" I.R. W/ YELLOW CAP #13156
I.R.	IRON ROD
G.P.	GAS PIPE
D.	DEEDED DISTANCE
M.	MEASURED DISTANCE
R.	PREVIOUSLY RECORDED DISTANCE
P.U.E.	PUBLIC UTILITY EASEMENT
4333	ADDRESS
B.S.L.	BUILDING SETBACK LINE
M.O.E.	MINIMUM OPENING ELEVATION
M.P.E.	MINIMUM PROTECTION ELEVATION
N.R.	NOT RADIAL
225.00	SPOT ELEVATION

IOWA ONE-CALL

COOPER CRAWFORD
& ASSOCIATES, L.L.C.
CIVIL ENGINEERS
475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265
PHONE: (515) 224-1344 FAX: (515) 224-1345

DATE: 10-16-2015
REVISIONS: 11-4-2015
11-11-2015

SCALE: 1"=50'

APPROVED: — INITIALED: — AS-BUILT: —

JOB NUMBER CC 1694

FINAL PLAT
ASPEN VALLEY

SHEET 2 OF 3

EXHIBIT II

Prepared by: B. Portz, 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 THE VACATION REQUEST (VAC-003700-2017) FOR THE PURPOSE OF VACATING AN EXISTING BUFFER PARK EASEMENT

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owners of 850, 878, 900, 912, 928, 942, 964, & 978 84th Street are requesting to vacate the 30' buffer park easement located across the rear yard of their properties (Lots 53-60, Aspen Valley);

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 18, 2017, the Plan and Zoning Commission did recommend to the City Council approval of the Vacation Request (VAC-003700-2017);

WHEREAS, on December 27, 2017 this City Council held a duly-noticed public hearing to consider the application for Vacation Request (VAC-003700-2017);

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 27, 2017, or as amended orally at the City Council hearing of December 27, 2017, are adopted.

SECTION 2. VACATION REQUEST (VAC-003700-2017) to vacate the 30 foot buffer park easement located adjacent to the western boundary of Lots 53-60 of Aspen Valley, is approved subject to compliance with all the conditions in the staff report, dated December 27, 2017, 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.

The legal description of the buffer park easement to be vacated is as follows:

THE WEST 30 FEET OF LOTS 53-60, EXCEPT THE NORTH 30 FEET OF LOT 60, ASPEN VALLEY, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA

PASSED AND ADOPTED on December 27, 2017.

_____
Rick Messerschmidt, Mayor Pro Tem

ATTEST:

_____
Ryan T. 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 27, 2017 by the following vote:

ATTEST:

_____
Ryan T. Jacobson
City Clerk

*No Conditions of Approval