CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: June 11, 2018

ITEM: Vacation of Turn-Around Easement, 10223 Thorne Drive – Vacate Ingress/Egress Turn-Around Easement in Favor of A Relocated Easement, Kings Landing LLC (VAC-003924-2018)

RESOLUTION: **Approval of Vacation Request**

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Kings Landing LLC requests that an ingress/egress and turn-around easement be vacated on Lot 41 Kings Landing Plat 2 (10223 Thorne Drive) in order to be able to sell the lot. To replace the easement which is needed for emergency services, public services, and general services to be able to turn around at the end of the temporary terminus of Thorne Drive, a new easement at the end of Thorne Drive is being dedicated by Westwoods LLC to the City as a replacement. The new easement is scheduled to be approved and accepted by the City Council on June 11, 2018.

CITY COUNCIL SUBCOMMITTEE: This item was not presented to the Planning and Development City Council Subcommittee due to the minor nature of the request and that the easement is being replaced.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Adopt a resolution approving the vacation request to vacate an ingress/egress turn-around easement at 10223 Thorne Drive.

Lead Staff Member: Kara Tragesser, AICP KAMA

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	June 1, 2018	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	N/A		
Date Reviewed	N/A		
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - City Council Resolution

EXHIBIT I

Prepared by: KTragesser City of West Des Moines 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 FOR THE PURPOSE OF VACATING PUBLIC INTEREST IN AN INGRESS/EGRESS TURN-AROUND EASEMENT AT 10223 THORNE DRIVE – (VAC-003924-2018)

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code Kings Landing LLC requests that the City of West Des Moines vacate an existing public ingress/egress easement over property located at 10223 Thorne Drive and legally described as:

A PART OF LOT 41, KINGS LANDING PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS AN 18.00- FOOT-WIDE EASEMENT BEING 9.00 FEET ON EACH SIDE OF THE FOLLOWING CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 41; THENCE NORTH 74°43'43" EAST ALONG THE SOUTH LINE OF SAID LOT 41, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°16'17" WEST, 16.00 FEET TO THE POINT OF TERMINUS AND CONTAINING 288 SQUARE FEET. THE SIDELINES OF SAID EASEMENT SHALL SHORTEN OR EXTEND TO THE LOT LINES AT THE POINT OF BEGINNING.

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 June 11, 2018, this City Council held a duly-noticed public hearing to consider the application to vacate the public ingress/egress easement recorded in Dallas County at Book 2017 Page 22436;

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 June 11, 2018, or as amended orally at the City Council hearing of June 11, 2018, are adopted.

SECTION 2. VACATION REQUEST (VAC-003924-2018) for the easement as previously stated here within, is approved, subject to compliance with all the conditions in the staff report, dated June 11, 2018, 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.

SECTION 3. City of West Des Moines' interest as shown in the public ingress/egress turn-around easement recorded in Dallas County on November 16, 2017, in Book 2017 Page 22436, is hereby terminated by this resolution.

PASSED AND ADOPTED on June 11, 2018.

_____
Steve Gaer, Mayor

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 June 11, 2018, by the following vote:

ATTEST:

_____
Ryan Jacobson
City Clerk