CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: October 29, 2018

ITEM: Hy-Vee Fast & Fresh, 425 S. Jordan Creek Parkway – Approval of a Plat-of-Survey – Hurd Parkway, LLC - POS-004010-2018

RESOLUTION: Approval and Release of Plat-of-Survey

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Hy-Vee, Inc., in association with the property owner, Hurd Parkway, LLC, is requesting approval of a Plat-of-Survey to allow for the transfer of ownership of the parcel. The transfer of ownership will allow for the development of a proposed 6,500 square foot convenience store with gas pumps within the Parkways development on the northwest corner of S. Jordan Creek Parkway and Mills Civic Parkway. Staff is currently reviewing the site plan for the proposed building. The lot created by the Plat of Survey will include the proposed building, gas pumps and the associated parking.

CITY COUNCIL SUBCOMMITTEE: This request was presented to the Development and Planning City Council Subcommittee as an informational item only at their meeting on August 6, 2018. There was no discussion on the project.

OUTSTANDING ISSUES: There are no outstanding issues. Staff would note the following:

- *Easements:* There is a sanitary sewer easement and private water main easement to be established along the west side of the proposed plat of survey area. The water main and sanitary sewer mains located within these easements will serve this parcel.

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 the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

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 Plat-of-Survey to create a parcel for the transfer of ownership to accommodate future construction of a convenience store, subject to the applicant complying with all applicable City Code requirements and the following.

1. The applicant agreeing that when the remainder of Lot 4 of The Parkways final plat is further subdivided and replatted in the future, the parcel created with this plat of survey (Parcel #18-111) shall be incorporated into the replat to create a more easily definable lot.

Lead Staff Member: Brian Portz BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

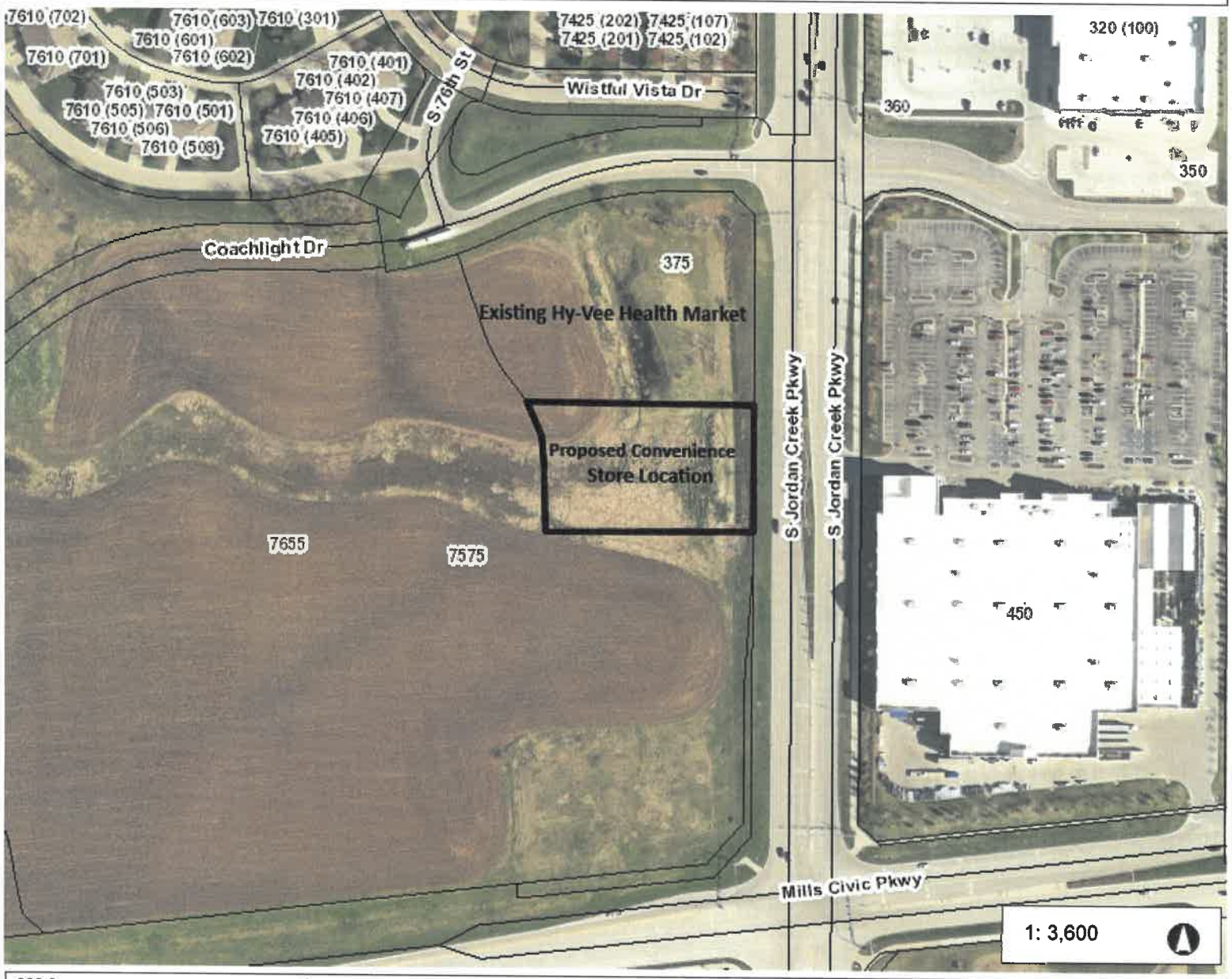
Published In	n/a	
Date(s) Published	n/a	
Letter sent to surrounding property owners		n/a

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	August 6, 2018		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I	-	Location Map
Exhibit II	-	Plat-of-Survey
Exhibit III	-	Resolution: Approval and Release of Plat-of-Survey



Legend

- Addresses
- Corporate Limits
- Parcels

600.0 0 300.00 600.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

© 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.

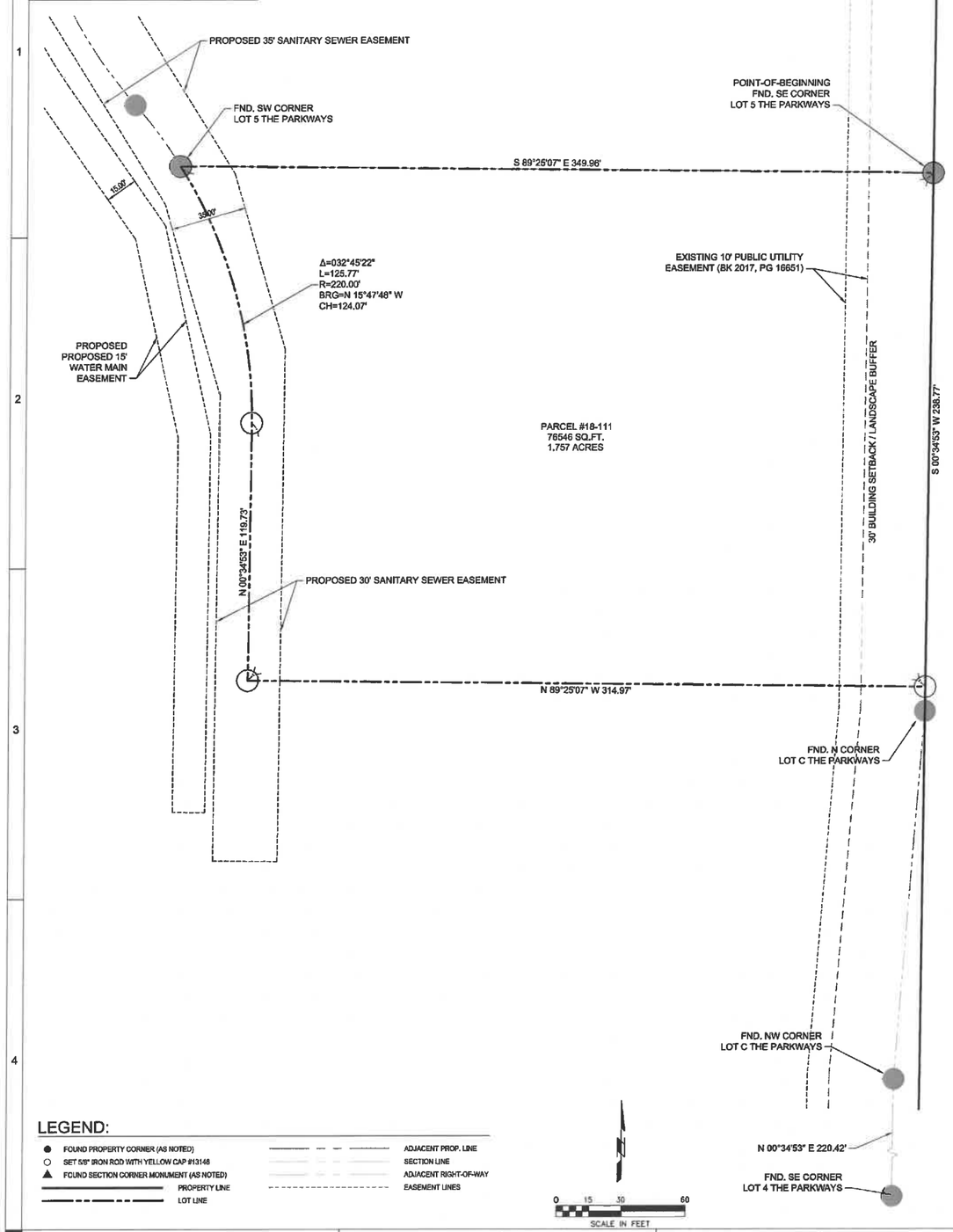
THIS MAP IS NOT TO BE USED FOR NAVIGATION

EXHIBIT I

EXHIBIT II

PLAT OF SURVEY

INDEX LEGEND	
LOCATION :	S 1/2, NE 1/4, SEC 14, T-78-N, R-28-W DALLAS COUNTY, IOWA
REQUESTOR :	HURD PARKWAY, LLC
PROPRIETOR :	HURD PARKWAY, LLC
SURVEYOR :	MURRAY B. BERTING
SURVEY :	SHIVE - HATTERY
COMPANY :	4125 WESTOWN PARKWAY, SUITE 100
RETURN TO :	WEST DES MOINES, IA 50266



LEGEND:

- FOUND PROPERTY CORNER (AS NOTED)
- SET 5/8" IRON ROD WITH YELLOW CAP #13148
- FOUND SECTION CORNER MONUMENT (AS NOTED)
- PROPERTY LINE
- LOT LINE
- ADJACENT PROP. LINE
- SECTION LINE
- ADJACENT RIGHT-OF-WAY
- EASEMENT LINES

ORIGINAL PROPERTY OWNER

HURD PARKWAY, LLC
ATTN: RICHARD HURD
2000 FULLER ROAD
WEST DES MOINES, IA 50265

INTENDED PROPERY OWNER

HURD PARKWAY, LLC
ATTN: RICHARD HURD
2000 FULLER ROAD
WEST DES MOINES, IA 50265

SURVEYOR

SHIVE-HATTERY, INC.
ATTN: MURRAY BERTING
4125 WESTOWN PARKWAY
WEST DES MOINES, IA 50266
PHONE: 515-223-8104

THIS SPACE RESERVED FOR RECORDER'S USE

COMPREHENSIVE LAND USE

EXISTING: LOTS 4-5: COMMUNITY COMMERCIAL

ZONING

EXISTING: THE PARKWAYS SPECIFIC PLAN WITH AN UNDERLYING ZONING OF COMMUNITY COMMERCIAL

ADJOINING LAND OWNERS

LOTS 1-2, 4-5:	HURD PARKWAY, LLC
LOT 3:	IMT INSURANCE COMPANY
OUTLOTS X-Y:	HURD PARKWAY, LLC
LOTS A-D:	CITY OF WEST DES MOINES

LEGAL DESCRIPTION

A PART OF LOT 4 THE PARKWAYS, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5 THE PARKWAYS, AN OFFICIAL PLAT, WEST DES MOINES, DALLAS COUNTY, IOWA;
THENCE ALONG THE EAST LINE OF LOT 4 THE PARKWAYS SOUTH 00°34'53" WEST, A DISTANCE OF 238.77 FEET;
THENCE NORTH 89°25'07" WEST, A DISTANCE OF 314.97 FEET;
THENCE NORTH 00°34'53" EAST, A DISTANCE OF 119.73 FEET TO A CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 220.00 FEET;
THENCE ALONG SAID CURVE A DISTANCE OF 125.77 FEET, SAID CURVE HAVING A BEARING OF NORTH 15°47'48" WEST, A CHORD LENGTH OF 124.07 FEET, AND A DELTA OF 32°45'22" TO THE SOUTHWEST CORNER OF SAID LOT 5;
THENCE SOUTH 89°25'07" EAST, A DISTANCE OF 349.96 FEET ALONG THE SOUTH LINE OF SAID LOT 5 TO THE POINT-OF-BEGINNING.

CONTAINING 76,546 SQ. FT. OR 1.757 ACRES, MORE OR LESS.

BENCHMARKS

WDM BENCHMARK #35 - INTERSECTION OF MILLS CIVIC PARKWAY (335TH STREET, DALLAS COUNTY) AND SOUTH 88TH STREET (X AVENUE, DALLAS COUNTY), NORTHEAST CORNER OF INTERSECTION, 206 FEET EAST OF CENTERLINE OF SOUTH 88TH STREET, 49 FEET NORTH OF THE CENTERLINE OF MILLS CIVIC PARKWAY, 2 FEET SOUTH OF THE FENCE LINE. STANDARD BENCHMARK

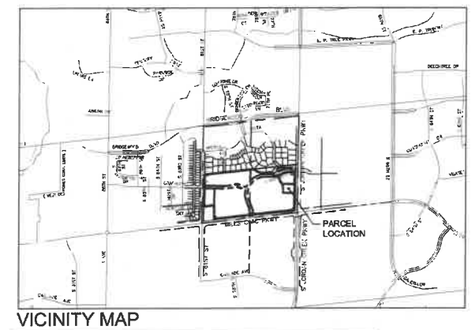
ELEVATION = 219.04 CITY DATUM (993.05 NAVD88)

WDM BENCHMARK #124 - INTERSECTION OF JORDAN CREEK PARKWAY AND MILLS CIVIC PARKWAY, 169 ± FEET EAST OF THE WEST END OF MEDIAN, IN THE CENTER OF 6 FEET GRASS MEDIAN IN MILLS CIVIC PARKWAY, 17 ± FEET WEST OF THE ANGLE POINT IN THE CURB FOR THE WESTBOUND TURN LANE. STANDARD BENCHMARK

ELEVATION = 203.65 CITY DATUM (977.66 NAVD88)

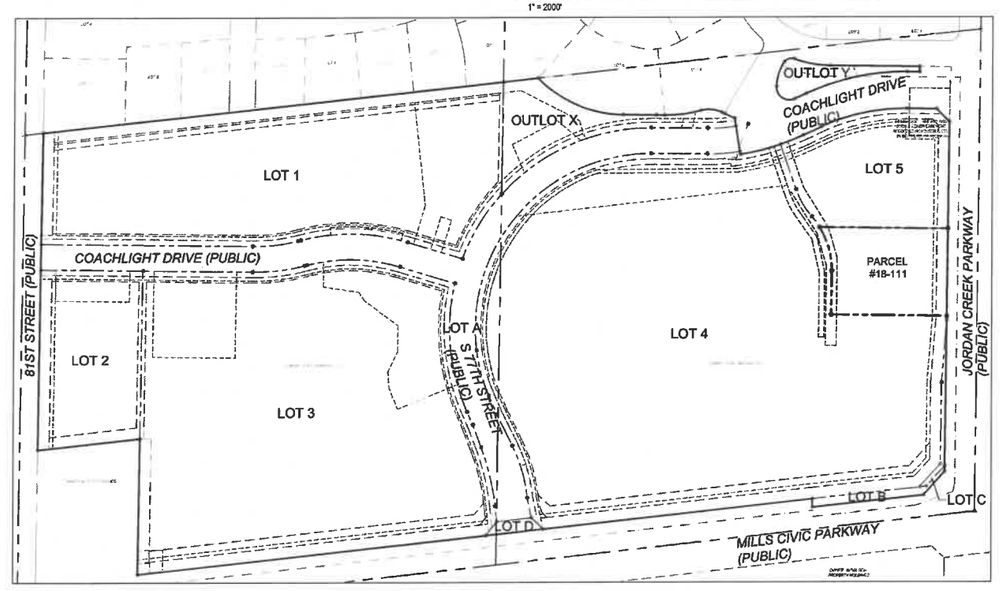
FLOOD PLAIN NOTE

ACCORDING TO THE FLOOD INSURANCE RATE MAP - PANEL NUMBERS 1902310007C, 1902310008C, 1902310013C, AND 1902310014C PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND WITH AN EFFECTIVE DATE OF FEBRUARY 16, 2006, THIS SITE APPEARS TO BE LOCATED IN ZONE "X" (AREAS TO BE OUTSIDE 500 YEAR FLOOD PLAIN.), TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE SURVEYOR UTILIZED THE ABOVE REFERENCED FLOODPLAIN PANEL FOR THIS DETERMINATION; FURTHERMORE, THE SURVEYOR DOES NOT CERTIFY THAT REVISED FLOODPLAIN INFORMATION HAS NOT BEEN PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR SOME OTHER SOURCE.



VICINITY MAP

1" = 2000'



VICINITY MAP

1" = 200'

NOTES

ALL BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR COMPUTATION PURPOSES. THE BASIS OF BEARING FOR THIS DESCRIPTION, ASSUMED THE SOUTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 28 WEST OF THE 5TH PRINCIPAL MERIDIAN AS NORTH 83°41'21" EAST.

I, MURRAY BERTING, A LICENSED LAND SURVEY IN THE STATE OF IOWA, CERTIFY THAT THE ERROR OF CLOSURE IS WITHIN THE ALLOWABLE LIMITS OF 1:10,000 FOR THE PLAT BOUNDARY AND 1:5,000 FOR INDIVIDUAL LOTS. THE ERROR OF CLOSURE FOR PARCEL #18-111 BOUNDARY IS 1:159,375.

LICENSED LAND SURVEYOR
MURRAY B. BERTING
13148
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE:
NAME: MURRAY B BERTING
DATE: LICENSE NUMBER: 13148
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2018
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: THIS SHEET

SHIVEHATTERY
ARCHITECTURE ENGINEERING
4125 Westown Pkwy, Suite 100 | West Des Moines, Iowa
515.223.8104 | fax: 515.223.0622 | www.shive-hattery.com
Iowa | Illinois | Indiana

PLAT OF SURVEY
PARCEL 18-111

PRELIMINARY
- NOT FOR
CONSTRUCTION

DRAWN: KAS
APPROVED: MBB
ISSUED FOR: CITY SUBMITTAL
DATE: 09/12/2018
PROJECT NO: 4171651
FIELD BOOK:
CLIENT NO:

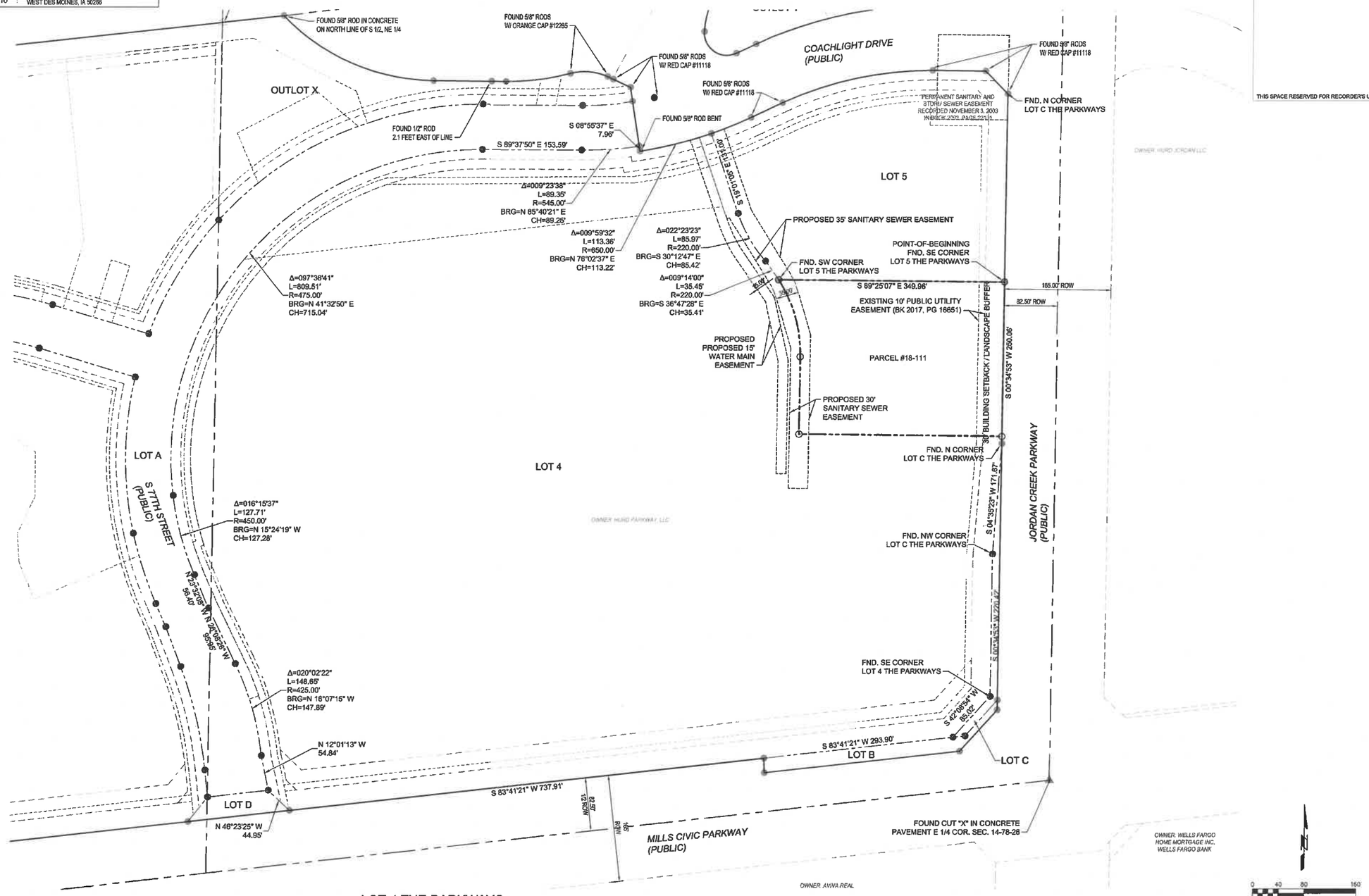
PLAT OF SURVEY

PS01

PLAT OF SURVEY

INDEX LEGEND

LOCATION	:	S 1/2, NE 1/4, SEC 14, T-78-N, R-28-W DALLAS COUNTY, IOWA
REQUESTOR	:	HURD PARKWAY, LLC
PROPRIETOR	:	HURD PARKWAY, LLC
SURVEYOR	:	MURRAY S. BERTING
SURVEY COMPANY	:	SHIVE - HATTERY 4125 WESTOWN PARKWAY, SUITE 100
RETURN TO	:	WEST DES MOINES, IA 50266



LOT 4 THE PARKWAYS

1" = 60'

LEGEND:

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- FOUND SECTION CORNER MONUMENT (AS NOTED)
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THIS SPACE RESERVED FOR RECORDER'S USE

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
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515.223.9104 | fax: 515.223.0622 | www.shive-hattery.com
Iowa | Illinois | Indiana

PLAT OF SURVEY
PARCEL 18-111

PRELIMINARY - NOT FOR CONSTRUCTION

DRAWN: KAS
APPROVED: MBB
ISSUED FOR: CITY SUBMITTAL
DATE: 09/12/2018
PROJECT NO: 4171661
FIELD BOOK:
CLIENT NO:

PLAT OF SURVEY

PS02

EXHIBIT III

Prepared by: B. Portz, 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 AND RELEASING THE HY-VEE FAST & FRESH PLAT-OF-SURVEY (POS-004010-2018) FOR THE PURPOSE OF CREATING A PARCEL FOR THE TRANSFER OF OWNERSHIP

WHEREAS, pursuant to the provisions of Title 10, Subdivision Regulations and Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Hurd Parkway, LLC, has requested approval for a Plat-of-Survey (POS-004010-2018) to create a 1.757 acre parcel from the 24.542 ac property located at the northwest corner of S. Jordan Creek Parkway and Mills Civic Parkway to allow for the transfer of ownership;

Legal Descriptions

A PART OF LOT 4 THE PARKWAYS, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5 THE PARKWAYS, AN OFFICIAL PLAT, WEST DES MOINES, DALLAS COUNTY, IOWA; THENCE ALONG THE EAST LINE OF LOT 4 THE PARKWAYS SOUTH 00°34'53" WEST, A DISTANCE OF 238.77 FEET; THENCE NORTH 89°25'07" WEST, A DISTANCE OF 314.97 FEET; THENCE NORTH 00°34'53" EAST, A DISTANCE OF 119.73 FEET TO A CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 220.00 FEET; THENCE ALONG SAID CURVE A DISTANCE OF 125.77 FEET, SAID CURVE HAVING A BEARING OF NORTH 15°47'48" WEST, A CHORD LENGTH OF 124.07 FEET, AND A DELTA OF 32°45'22" TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 89°25'07" EAST, A DISTANCE OF 349.96 FEET ALONG THE SOUTH LINE OF SAID LOT 5 TO THE POINT-OF-BEGINNING.

CONTAINING 76,546 SQ. FT. OR 1.757 ACRES, MORE OR LESS.

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

WHEREAS, on October 29, 2018, this City Council held a duly-noticed meeting to consider the application for Plat-of-Survey (POS-004010-2018) and;

WHEREAS, the West Des Moines City Council adopted a resolution which approved the Plat-of-Survey at their meeting on October 29, 2018, subject to any conditions of approval, and;

WHEREAS, there are no public improvements required of this Plat-of-Survey; and;

WHEREAS, the necessary easements have been established for Sanitary Sewer.

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

SECTION 1. The findings of consistency with the Comprehensive Plan as stated in the staff report, dated October 29, 2018, or as amended orally at the City Council meeting of October 29, 2018, are adopted.

SECTION 2. Plat-of-Survey, (POS-004010-2018) is approved, subject to compliance with all the conditions in the staff report, dated October 29, 2018, including conditions added at the meeting, if any, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

SECTION 3. This resolution does release the Plat-of-Survey (POS-004010-2018) for recordation. The City Council of West Des Moines directs the City Clerk to release said Plat-of-Survey for recordation in accordance with said City Council approval of the Plat-of-Survey on October 29, 2018 and Roll Call No._____

CERTIFICATE

I, Ryan T. Jacobson, City Clerk for said City, hereby certify that at a meeting of the City Council of said City of West Des Moines, held on October 29, 2018, among other proceedings, Roll Call No. _____ approved said plat on October 29, 2018, and released said Plat-of-Survey for recordation.

_____
Ryan T. Jacobson
City Clerk

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of October, 2018.

_____
Steven K. Gaer
Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

EXHIBIT A:
CONDITIONS OF APPROVAL

1. The applicant agreeing that when the remainder of Lot 4 of The Parkways final plat is further subdivided and replatted in the future, the parcel created with this plat of survey (Parcel #18-111) shall be incorporated into the replat to create a more easily definable lot.