CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: March 4, 2019

ITEM: Sammons Plat of Survey, Southwest corner of S. 81st Street and Mills Civic Parkway – Approval of a plat of survey for transfer of ownership – Clara Belle Etzel - POS-004225-2019

RESOLUTION: Approval and Release of Plat-of-Survey

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Sammons Financial Group, Inc. in coordination with the property owner, Clara Belle Etzel, is requesting approval of a Plat-of-Survey to allow for the transfer of ownership of the subject property. The transfer of ownership will allow for the development of a proposed 350,000 square foot multiple story office building on the southwest corner of S. 81st Street and Mills Civic Parkway. Staff is in the process of reviewing a revision to the existing Planned Unit Development that governs development of this site to accommodate the proposed development. Staff has seen a concept site plan for the proposed office building. The lot created by the Plat of Survey will include the proposed building and the associated parking.

CITY COUNCIL SUBCOMMITTEE: Due to recent meeting cancellations, this item was not presented to the Development and Planning City Council Subcommittee.

OUTSTANDING ISSUES: There are no outstanding issues. The applicant has stated that they are in agreement with all of staff's recommendations and conditions. Staff would note the following items of interest:

- *Site Development*: Prior to development of the site, a Preliminary and Final Plat will be required to subdivide the property into a buildable lot that will include utility easements and ingress/egress easements as necessary for the specific development. A condition of approval is recommended that a Preliminary Plat be required in conjunction with the required site plan review for the development of the Sammons Financial Group property and approval of the final plat prior to issuance of any building permits for above ground construction. This condition will allow for implementation of footing and foundations for the building and private utilities while the Final Plat is proceeding through the review and approval process

- *Future Right-of-Way Dedication*: As a part of the development agreement with Sammons Financial Group, Inc., the City will be constructing streets around the site, which will require right-of-way dedication, public utility easements, and temporary construction easements as needed. As a part of the final platting of the property, which will occur prior to development of the site, the City will require the dedication of right-of-way and easements at no cost to the City. Staff is recommending a condition of approval of the Plat of Survey that Sammons Financial Group provide these dedications with the approval of the Final Plat and prior to issuance of any building permits for above ground construction.

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.

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 establish a parcel for the transfer of ownership, subject to the applicant complying with all applicable City Code requirements and the following:

1. The applicant acknowledging and agreeing that the Plat of Survey parcel will need to be platted through the Preliminary and Final Plat process, with Final Plat approval required prior to issuance of a building permit, for above ground construction of the building.

2. The applicant acknowledging and agreeing that in conjunction with the Final Plat, all typical City and County required legal documents, agreements, sureties, etc. associated with the area being Final Platted will need to be provided to the City prior to the Final Plat being presented to the City Council for approval. As part of the Final Plat approval, the applicant shall dedicate all necessary right-of-way and easements for public roadways and infrastructure on, or adjacent to, the subject property, at no cost to the City.

Lead Staff Member: Brian Portz, AICP 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

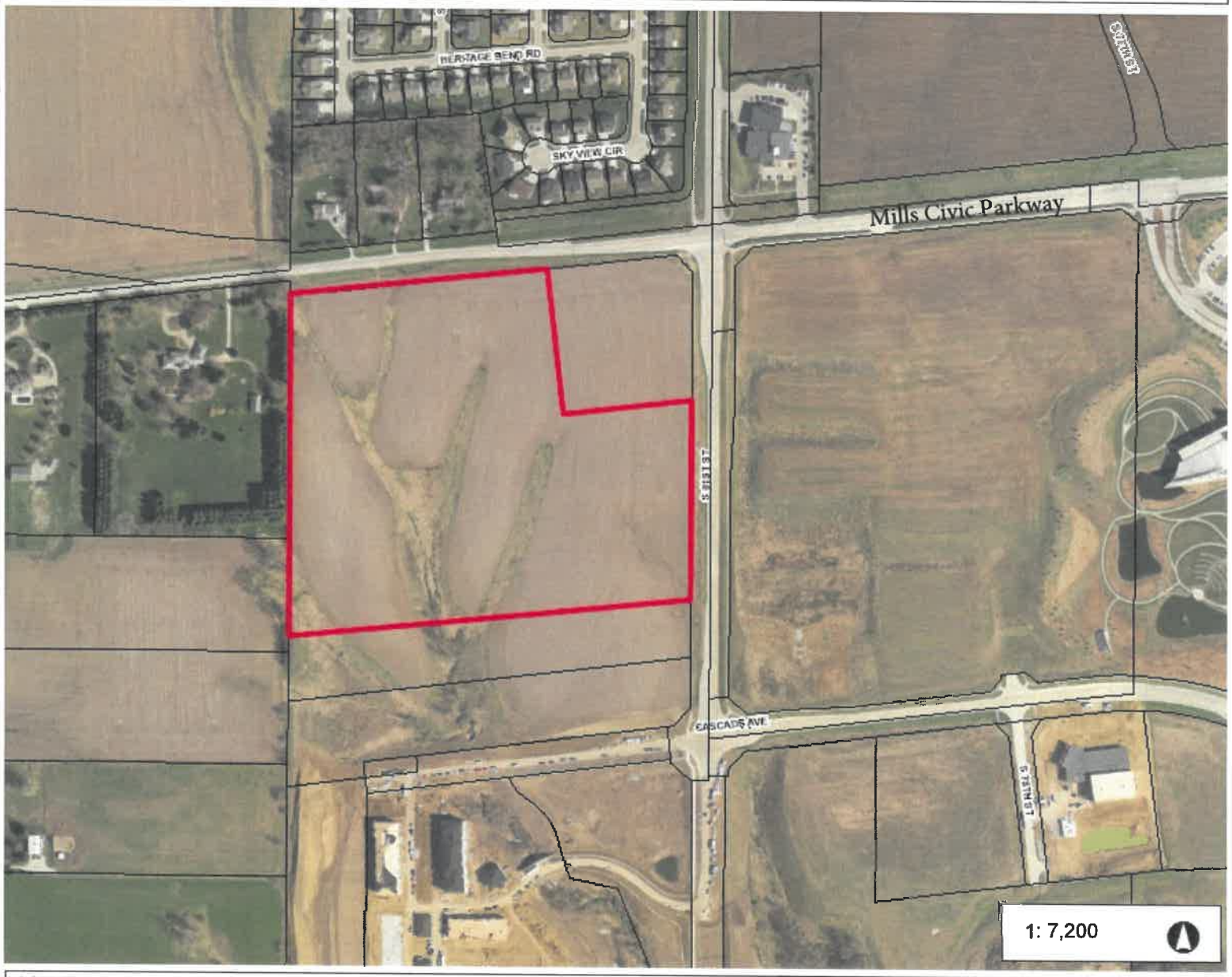
SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	Not heard		
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

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

Sammons Plat of Survey



Legend

- Corporate Limits
- Parcels

1,200.0 0 600.00 1,200.0 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

PARCEL 19-11

NE ¼, SW ¼, SECTION 14-78-26
WEST DES MOINES, IOWA

INDEX LEGEND					
COUNTY: DALLAS					
	SECTION	TOWNSHIP	RANGE	¼ ¼	¼
ALIQUOT PART:	14	78	26	NE¼	SW¼
CITY: WEST DES MOINES					
PROPRIETOR (S): ROBERT F ETZEL LIVING TRUST, ETAL					
REQUESTED BY: MARILYN ETZEL					
PROFESSIONAL LAND SURVEYOR: JEFFREY A. GADDIS, PLS					
COMPANY RETURN TO: GIVIL ENGINEERING CONSULTANTS, INC ATTN: JEFFREY A. GADDIS, PLS 2400 86TH STREET, SUITE 12 URBANDALE, IA 50322					

PREPARED FOR:
SAMMONS FINANCIAL GROUP, INC.
4350 WESTOWN PARKWAY
WEST DES MOINES, IOWA 50266

PROPRIETORS:
ROBERT F ETZEL LIVING TRUST
ATTN: CLARA BELLE ETZEL
1851 ASHWORTH RD
WEST DES MOINES, IA 50266

PROFESSIONAL LAND SURVEYOR:
CIVIL ENGINEERING CONSULTANTS, INC
ATTN: JEFFREY A. GADDIS, PLS
2400 86TH STREET, SUITE 12
URBANDALE, IA 50322
PHONE: (515) 276-4884
EMAIL: GADDIS@CECLAC.COM

COUNTY PARCEL ID:
16143000016

DRAWING INDEX

Sheet Number	Sheet Title
1	COVER
2	PLAT OF SURVEY

LAND AREA

ALIQUOT PART	GROSS AREA	
NE1/4 SE1/4	1306800	SQUARE FEET
	30.00	ACRES

PARCEL CLOSURE TABLE:

POINT OF BEGINNING:
SE CORNER, PARCEL 17-141
NORTH: 568058.0437' EAST: 1553081.0026'

SEGMENT #1 : LINE
COURSE: S00°21'44"W LENGTH: 604.86'
NORTH: 567453.1158' EAST: 1553077.1787'

SEGMENT #2 : LINE
COURSE: S83°40'20"W LENGTH: 1247.12'
NORTH: 567315.1430' EAST: 1551837.6566'

SEGMENT #3 : LINE
COURSE: N00°30'14"E LENGTH: 1066.34'
NORTH: 568382.0417' EAST: 1551847.0344'

SEGMENT #4 : CURVE
LENGTH: 144.94' RADIUS: 2082.50'
DELTA: 005°21'48" TANGENT: 97.54'
CHORD: 144.86' COURSE: N86°21'13"E
COURSE IN: N00°51'53"W COURSE OUT: S06°19'40"E
RP NORTH: 570464.2465' EAST: 1551811.9718'
END NORTH: 568344.4345' EAST: 1552041.4444'

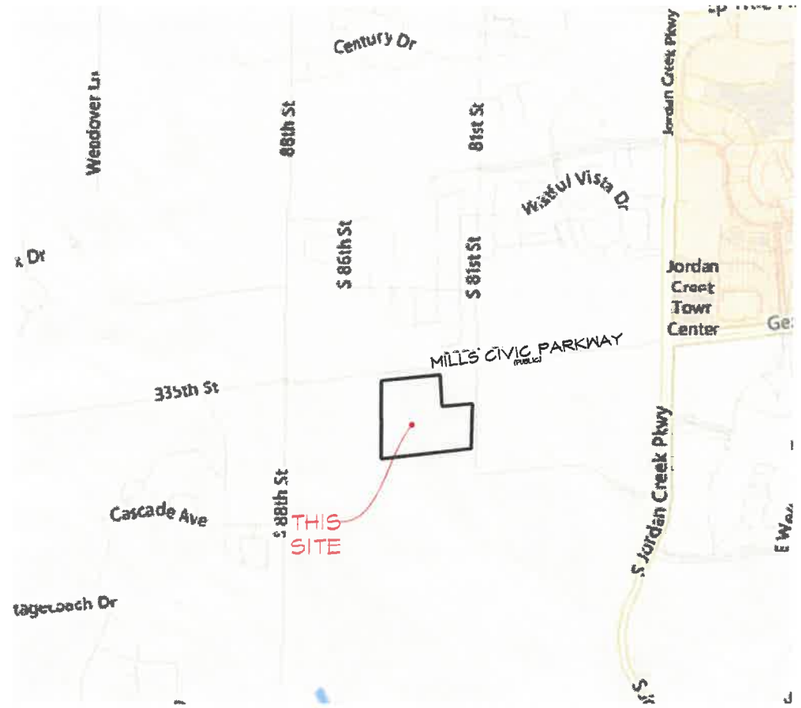
SEGMENT #5 : LINE
COURSE: N83°40'20"E LENGTH: 548.24'
NORTH: 568460.3703' EAST: 1552636.0452'

SEGMENT #6 : LINE
COURSE: S06°19'23"E LENGTH: 448.87'
NORTH: 568014.2304' EAST: 1552685.5312'

SEGMENT #7 : LINE
COURSE: N83°40'44"E LENGTH: 397.84'
NORTH: 568058.0388' EAST: 1553081.0022'

PERIMETER: 4558.25' AREA: 1117840.60 SQ. FT.
ERROR CLOSURE: 0.0044 COURSE: S04°01'04"W
ERROR NORTH: -0.00491 EAST: -0.00034

PRECISION 1: 1030240.82



VICINITY MAP:
NO SCALE

NORTH

SCALE: 1"=1000'
0' 1000' 2000'

NOTES:
1. THE UNADJUSTED ERROR OF CLOSURE IS NOT GREATER THAN 1:10000 FOR SUBDIVISION BOUNDARIES AND IS NOT GREATER THAN 1:5000 FOR INDIVIDUAL LOTS.
2. THIS PARCEL MAY BE SUBJECT TO EASEMENTS OF RECORD.
3. NO TITLE WORK WAS PERFORMED BY OR PROVIDED TO THIS SURVEYOR.
4. MONUMENTS TO BE SET WITHIN THIRTY DAYS OF THE PLAT OF SURVEY RECORDING DATE.

EASEMENT NOTES:
1. THE EASEMENTS SHOWN ON THIS SURVEY ARE FOR REFERENCE ONLY. ALL EASEMENTS SHOWN WILL HAVE A SEPARATE RECORDED DOCUMENT WITH THE USE, TERMS, CONDITIONS, & LEGAL DESCRIPTION, CLEARLY DEFINED AND ACCEPTED BY BOTH THE GRANTEE & GRANTOR. THIS DOCUMENT SHALL BE RECORDED WITH THE DALLAS COUNTY RECORDER'S OFFICE.

PARCEL NOTES
1. NO DEVELOPMENT SHALL OCCUR ON ANY PARCEL WITHOUT THE FORMAL DEVELOPMENT APPLICATION PROCEDURES AS REQUIRED BY THE APPROPRIATE JURISDICTION.

COMPREHENSIVE LAND USE
COMMUNITY COMMERCIAL AND OFFICE

ZONING DISTRICT
PUD - OFFICE AND COMMUNITY COMMERCIAL

FEMA FIRM DESIGNATION
UNZONED ACCORDING TO FEMA FLOOD INSURANCE RATE MAP.
COMMUNITY-PANEL NUMBER 19153C0315F REVISED ON FEBRUARY 1, 2019

FEMA FLOOD INSURANCE RATE MAPS ARE SUBJECT TO CHANGE.
CONTACT FEMA FOR CURRENT MAPS
WEB: WWW.FEMA.GOV
MAIL: FEMA REGION VII, 9221 WARD PARKWAY, KANSAS CITY, MO 64114
PHONE: 1-877-336-2627
EMAIL: FEMAMAPSPECIALIST@RISKMAPCDS.COM

CITY OF WEST DES MOINES NOTES:
1. SANITARY SEWER SERVICE TO PARCEL 17-141 SHALL NOT BE IMPEDED.
2. THE CURRENT PROPERTY OWNERS SHALL EXECUTE A PERMANENT PUBLIC SANITARY SEWER EASEMENT WITH ANY FUTURE DEVELOPMENT OR PLATTING OF PARCEL 17-141 OR PARCEL 19-11. THIS REQUIREMENT SHALL RUN WITH THE LAND.
3. AS PART OF ANY FUTURE DEVELOPMENT, AN EXECUTED MAINTENANCE EASEMENT AGREEMENT AND MAINTENANCE COVENANT SHALL BE REQUIRED FOR SITES WITH RUNOFF CONTROL. THE MAINTENANCE COVENANT SHALL PROVIDE A LETTER CERTIFYING THE DETENTION FACILITY IS IN CONFORMANCE WITH THE APPROVED STORM WATER MANAGEMENT PLAN AND AS-BUILTS OF THE DETENTION FACILITY. THE LETTER AND AS-BUILTS SHALL BE SIGNED/SEALED IN ACCORDANCE WITH CHAPTER 6, 1135-6-1(5423) OF THE IOWA CODE.
4. THIS SITE IS LOCATED WITHIN THE SOUTHWEST AREA WATER CONNECTION FEE DISTRICT.
5. DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC ROADWAYS AND INFRASTRUCTURE ON, OR ADJACENT TO THE SUBJECT PROPERTY SHALL BE PROVIDED AT NO COAST TO THE CITY AS PART OF ANY FURTHER SUBDIVISION OR SITE PLAN APPROVAL AS PER THE THE DEVELOPMENT AGREEMENT AND SHALL BE AT LOCATIONS MUTUALLY APPROVED BY BOTH PARTIES.

LEGAL DESCRIPTION:

THE NORTH 1,132.13 FEET OF THE NE 1/4 SW 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA, EXCEPT THAT PORTION LEGALLY DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 2004, PAGE 15835 AT THE DALLAS COUNTY RECORDER'S OFFICE

AND FURTHER EXCEPTING

EXCEPT PARCEL 17-141 AS DESCRIBED IN THE CORRECTED WARRANTY DEED RECORDED IN BOOK 2017, PAGE 16432 AT THE DALLAS COUNTY RECORDER'S OFFICE, SAID PARCEL 17-141 IS RECORDED IN BOOK 2017, PAGE 2766 AT THE DALLAS COUNTY RECORDER'S OFFICE.

SAID PARCEL CONTAINS 25.66 ACRES MORE OR LESS.

LEGAL DESCRIPTION: ORIGINAL PROPERTY

THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, EXCEPT PARCEL AA AND PARCEL H OF PLAT OF SURVEY FILED ON APRIL 14, 2014, BOOK 2014, PAGE 4167 AS PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., WEST DES MOINES, DALLAS COUNTY, IOWA AND THOSE PARCELS SHOWN ON DEED TO THE CITY OF WEST DES MOINES AS FILED IN BOOK 2004, PAGE 15835.

AND FURTHER EXCEPTING

EXCEPT PARCEL 17-141 AS DESCRIBED IN THE CORRECTED WARRANTY DEED RECORDED IN BOOK 2017, PAGE 16432 AT THE DALLAS COUNTY RECORDER'S OFFICE, SAID PARCEL 17-141 IS RECORDED IN BOOK 2017, PAGE 2766 AT THE DALLAS COUNTY RECORDER'S OFFICE.

PURPOSE OF SURVEY:
- THIS PLAT OF SURVEY IS BEING PREPARED FOR THE TRANSFER OF PROPERTY.

BASIS OF BEARINGS:
- THE WEST LINE OF THE NW1/4 OF SECTION 14-78-26 IS ASSUMED AS HAVING A BEARING OF N00°26'32"E. THIS BEARING WAS CALCULATED FROM THE IOWA DEPARTMENT OF TRANSPORTATION REAL-TIME NETWORK CONVERTED TO THE IOWA STATE PLANE NAD 1983 SOUTH ZONE.

LEGEND

	SUBDIVISION BOUNDARY
	PARCEL LINES
	EXISITING LOT LINES
	ORIGINAL LOT LINES
	SECTION LINES
	EASEMENT LINES
	CENTER LINE
	BUILDING SETBACK LINE
▲	FOUND SECTION CORNER
△	SET SECTION CORNER
●	FOUND PROPERTY CORNER (⅝" I.R. W/YELLOW CAP #7844 UNLESS OTHERWISE NOTED)
⊙	SET PROPERTY CORNER (⅝" I.R. W/BLUE CAP #18381 UNLESS OTHERWISE NOTED)
M.	MEASURED BEARING & DISTANCE
P.	PREVIOUSLY RECORDED BEARING & DISTANCE
D.	DEEDED BEARING & DISTANCE
I.R.	IRON ROD
P.U.E.	PUBLIC UTILITY EASEMENT

CERTIFICATION

PRELIMINARY
(NOT APPROVED)

Civil Engineering Consultants, Inc.
2400 86th Street . Unit 12 . Des Moines, Iowa 50322
515.276.4884 . Fax: 515.276.7084 mail@ceclac.com
CEC

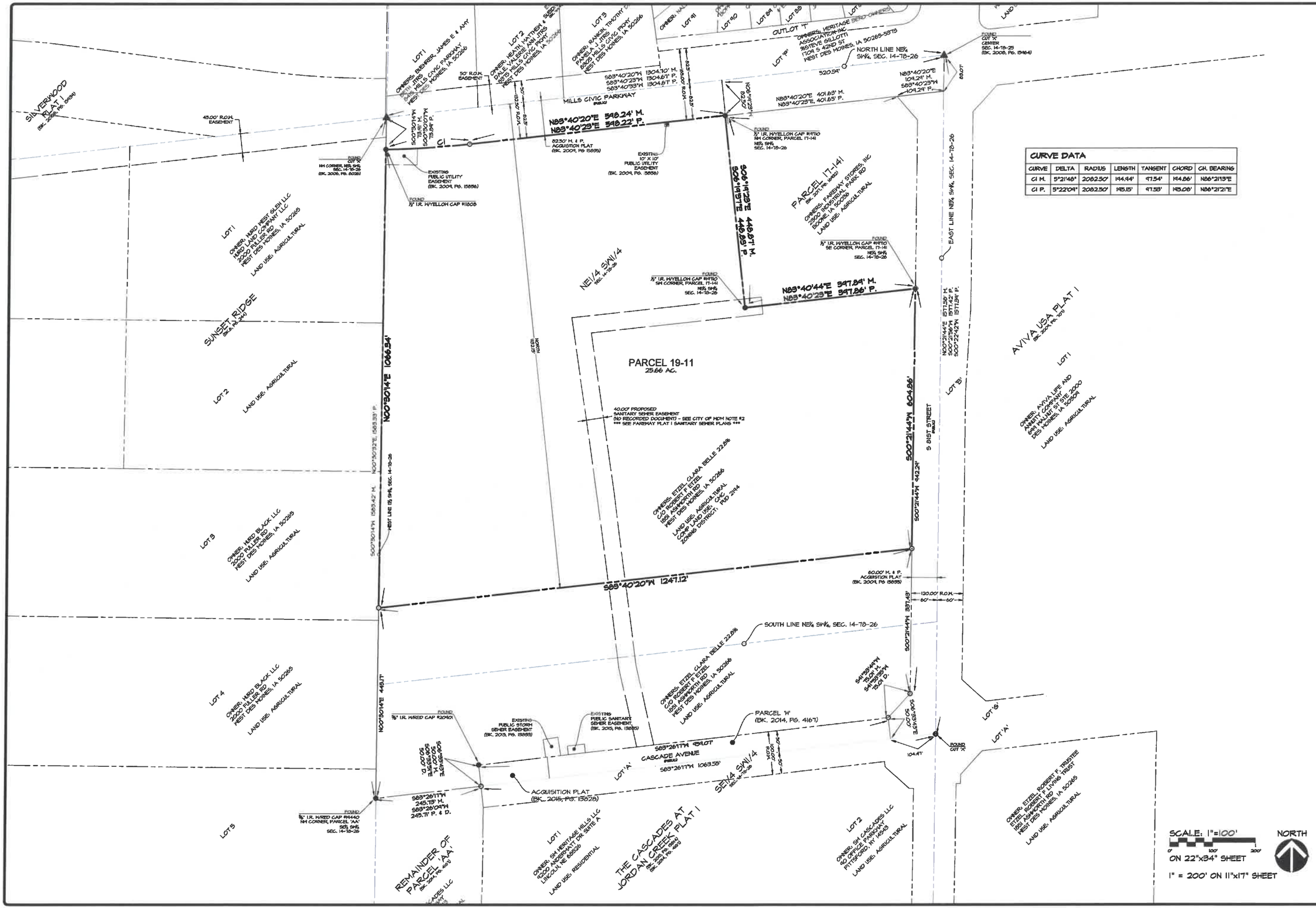
DATE:	
	FEBRUARY 8, 2014
	FEBRUARY 20, 2014
	FEBRUARY 27, 2014
DATE OF SURVEY:	SEP. 12, 2016
DESIGNED BY:	PC
DRAWN BY:	MEH

PARCEL 19-11
NE 1/4 SW 1/4 OF SEC. 14, T 78N, R26W
WEST DES MOINES, IOWA

COVER

SHEET 1 OF 2

E-8039



CURVE DATA						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARING
C1 M.	5°21'48"	2082.50'	194.44'	97.54'	194.86'	N86°21'13"E
C1 P.	5°22'04"	2082.50'	195.15'	97.59'	195.08'	N86°21'21"E

Civil Engineering Consultants, Inc.
2400 86th Street . Unit 12 . Des Moines, Iowa 50322
515.276.4884 . Fax: 515.276.7084 . mail@ceclac.com
CEC

DATE:	
	FEBRUARY 8, 2014
	FEBRUARY 20, 2014
	FEBRUARY 27, 2014
DATE OF SURVEY:	SEP. 12, 2013
DESIGNED BY:	PC
DRAWN BY:	PC

PARCEL 19-11
NE 1/4 SW 1/4 OF SEC. 14, T 78N, R26W
WEST DES MOINES, IOWA
PLAT OF SURVEY

SHEET 2 OF 2

E-8039

q:\E-FILES\E-8000\E8039_c3d drawings\Plat\Plat of Survey\E8039 PCS.dwg, 2/27/2019 4:10:53 PM, pstanosa, 1:1

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 PLAT-OF-SURVEY (POS-004225-2019) FOR THE PURPOSE OF CREATING A PARCEL FOR TRANSFER OF OWNERSHIP

WHEREAS, pursuant to the provisions of Title 10, Subdivision Regulations and Title 9, Zoning Chapter 1 et seq, of the West Des Moines Municipal Code, Clara Belle Etzel has requested approval for a Plat-of-Survey (POS-004225-2019) for that 25.66 acre site located at the southwest corner of S. 81st Street and Mills Civic Parkway to allow for the transfer of ownership;

Legal Description

LEGAL DESCRIPTION (NEW PARCEL BEING CREATED):

THE NORTH 1,132.15 FEET OF THE NE 1/4 SW 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA, EXCEPT THAT PORTION LEGALLY DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 2009, PAGE 15835 AT THE DALLAS COUNTY RECORDER'S OFFICE

AND

EXCEPT PARCEL 17-141 AS DESCRIBED IN THE CORRECTED WARRANTY DEED RECORDED IN BOOK 2017, PAGE 16932 AT THE DALLAS COUNTY RECORDER'S OFFICE, SAID PARCEL 17-141 IS RECORDED IN BOOK 2017, PAGE 2766 AT THE DALLAS COUNTY RECORDER'S OFFICE.

SAID PARCEL CONTAINS 25.66 ACRES MORE OR LESS.

LEGAL DESCRIPTION (ORIGINAL PARCEL):

THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, EXCEPT PARCEL AA AND PARCEL H OF PLAT OF SURVEY FILED ON APRIL 14, 2014, BOOK 2014, PAGE 4167 AS PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., WEST DES MOINES, DALLAS COUNTY, IOWA AND THOSE PARCELS SHOWN ON DEED TO THE CITY OF WEST DES MOINES AS FILED IN BOOK 2009, PAGE 15835.

AND

EXCEPT PARCEL 17-141 AS DESCRIBED IN THE CORRECTED WARRANTY DEED RECORDED IN BOOK 2017, PAGE 16932 AT THE DALLAS COUNTY RECORDER'S OFFICE, SAID PARCEL 17-141 IS RECORDED IN BOOK 2017, PAGE 2766 AT THE DALLAS COUNTY RECORDER'S OFFICE.

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; and

WHEREAS, on March 4, 2019, this City Council held a duly-noticed meeting to consider the application for Plat-of-Survey (POS-004225-2019); and

WHEREAS, the West Des Moines City Council adopted a resolution which approved the Plat-of-Survey for transfer of ownership at their meeting on March 4, 2019, subject to any conditions of approval; and

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

WHEREAS, there are no new public easements being established with this Plat of Survey; and

WHEREAS, Sammons Plat of Survey is zoned Etzel Properties Plat 2 PUD and meets all requirements of the City's Zoning Code.

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 March 4, 2019, or as amended orally at the City Council meeting of March 4, 2019, are adopted.

SECTION 2. Plat-of-Survey, (POS-004225-2019) is approved, subject to compliance with all the conditions in the staff report, dated March 4, 2019, including conditions added at the Hearing, 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.

SECTION3. This resolution does release the Plat-of-Survey (POS-004225-2019) for recordation. The City Council of West Des Moines, Iowa directs the City Clerk to release said plat for recordation in accordance with said City Council approval of the final plat on March 4, 2019 and Roll Call No. _____.

CERTIFICATE

I, Ryan 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 March 4, 2019, among other proceedings, Roll Call No. _____ approved said plat of Survey on March 4, 2019, and released said Plat of Survey for recordation.

_____
Ryan Jacobson
City Clerk

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of March, 2019.

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

EXHIBIT A:
CONDITIONS OF APPROVAL

1. The applicant acknowledging and agreeing that the Plat of Survey parcel will need to be platted through the Preliminary and Final Plat process, with Final Plat approval required prior to issuance of a building permit, for above ground construction of the building.

2. The applicant acknowledging and agreeing that in conjunction with the Final Plat, all typical City and County required legal documents, agreements, sureties, etc. associated with the area being Final Platted will need to be provided to the City prior to the Final Plat being presented to the City Council for approval. As part of the Final Plat approval, the applicant shall dedicate all necessary right-of-way and easements for public roadways and infrastructure on, or adjacent to, the subject property, at no cost to the City.