CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 17, 2019

ITEM: Charlie Cutler Memorial Bike Shelter, SE corner of Veterans Pkwy and SE Maffitt Lake Rd – Creation of parcel for transfer of ownership – City Initiated - POS-004369-2019

RESOLUTION: Approval and Release of Plat-of-Survey

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines request City Council approval of a Plat of Survey to create a 1.046-acre parcel for the transfer of ownership from the City to Polk County Conservation. The property is remnant road right-of-way from the construction of Veterans Parkway and SE Maffitt Lake Road and sits adjacent to the Great Western Bike Trail. A bike shelter is proposed to be constructed on the property, with ownership and maintenance to be the responsibility of Polk County Conservation.

CITY COUNCIL SUBCOMMITTEE: This Plat-of-Survey was not presented to the Development and Planning City Council Subcommittee; however, notification of the intent to construct the bike shelter on the property was included on the November 11, 2018 Subcommittee agenda. No discussion was had and no disagreement with the proposed bike shelter was expressed.

OUTSTANDING ISSUES: There are no outstanding issues. With the approval of the Plat-of-Survey, the City Council is authorizing the platting of City owned property.

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 Charlie Cutler Memorial Bike Shelter Plat-of-Survey to create a 1.046-acre parcel , subject to the applicant complying with all applicable City Code requirements and the following:

Lead Staff Member: Lynne Twedt

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	n/a		
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

EXHIBIT I

EXHIBIT II

PREPARED BY AND RETURN TO: SHIVE-HATTERY, INC., 4125 WESTOWN PARKWAY, SUITE 100, WEST DES MOINES, IA 50266-6748

PLAT OF SURVEY

PART OF ACQUISITION PARCEL 4, AS RECORDED IN BOOK 15734, PAGE 715, OF THE POLK COUNTY, IOWA RECORDERS OFFICE, WITHIN SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., POLK COUNTY, IOWA

LEGAL DESCRIPTION:

PARCEL 2019-97 LEGAL DESCRITION

A PARCEL OF LAND LYING ENTIRELY WITHIN AND FORMING A PART OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P. M. NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4;

THENCE SOUTH 00°10'18" EAST, ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, FOR A DISTANCE OF 211.29 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VETERANS PARKWAY AS PRESENTLY ESTABLISHED;

THENCE SOUTH 67°58'38" WEST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 137.61 FEET;

THENCE SOUTH 32°33'44" WEST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 985.32 FEET;

THENCE SOUTH 00°16'42" EAST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 227.01 FEET, TO THE POINT-OF-BEGINNING;

THENCE SOUTH 4°52'10" EAST, FOR A DISTANCE OF 95.10 FEET, TO THE BEGINNING OF A NON-TANGET CURVE CONCAVED SOUTH WITH A RADIUS OF 3869.70 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 472.79 FEET, SAID CURVE HAS A CHORD BEARING OF SOUTH 55°04'30" WEST AND A CHORD DISTANCE OF 472.49 FEET;

THENCE NORTH 32°33'44" EAST, FOR A DISTANCE OF 461.10 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SAID VETERANS PARKWAY;

THENCE SOUTH 79°54'12" EAST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 133.22 FEET; TO THE POINT-OF-BEGINNING.

CONTAINING 45,555 SQUARE FEET (1.046 ACRES) MORE OR LESS.

CLIENT: CITY OF WEST DES MOINES
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IA 50265
(515) 222-3620

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
Iowa | Illinois | Indiana | Missouri http://www.shive-hattery.com

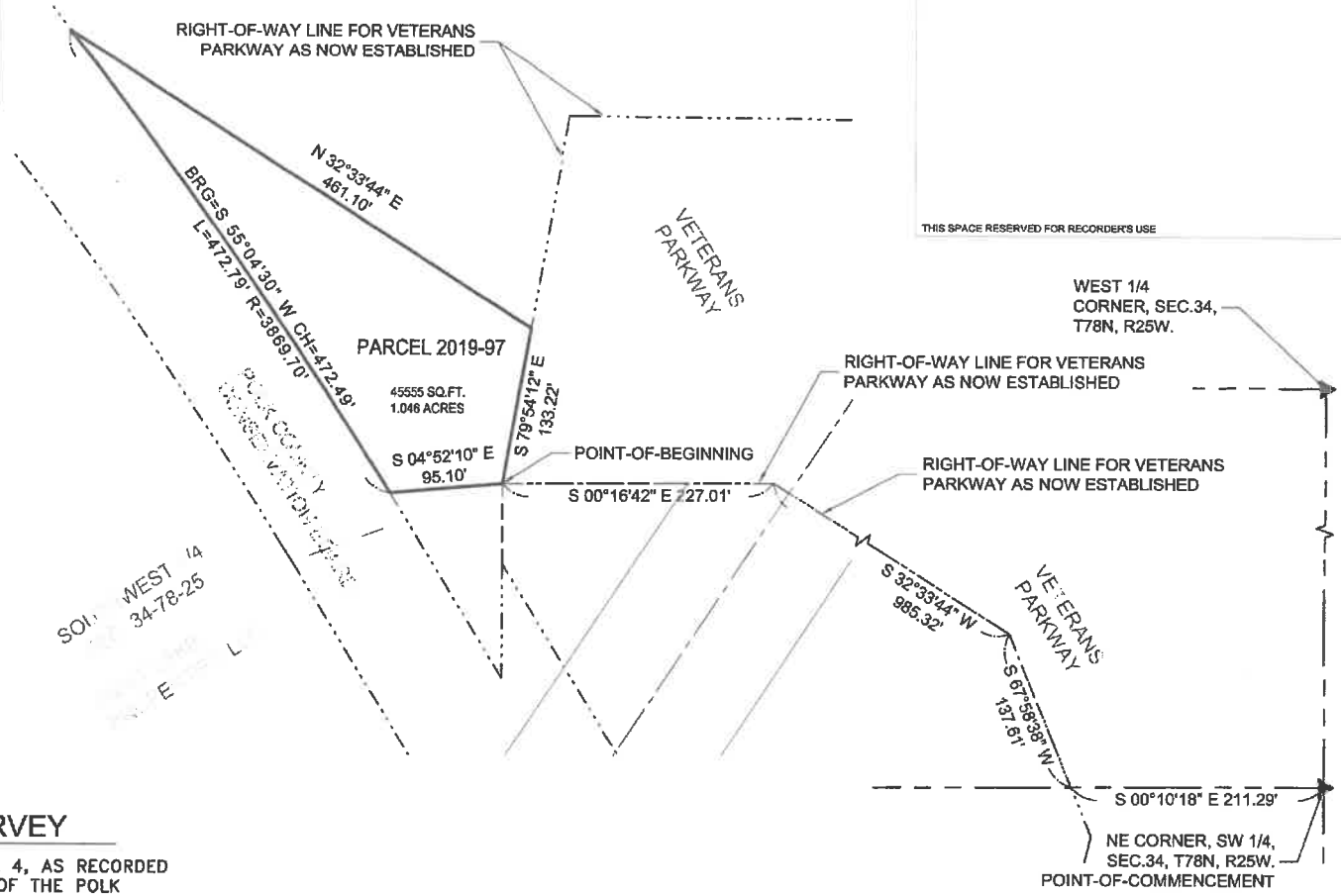
PLAT OF SURVEY CITY OF WEST DES MOINES, IA VETERANS PKWY - WEST DES MOINES, IOWA			PROJECT NO. 419100-0
DATE	05/08/19	SCALE	SHEET NO. 2 OF 2
DRAWN	MBB	FIELD BOOK	
APPROVED	MBB	REVISION	

INDEX LEGEND

LOCATION	:	SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M. POLK COUNTY, IA
REQUESTOR	:	HOWARD R. GREEN
PROPRIETOR	:	CITY OF WEST DES MOINES
SURVEYOR	:	MURRAY B. BERTING
SURVEY COMPANY	:	SHIVE-HATTERY 4125 WESTOWN PARKWAY, SUITE 100
RETURN TO	:	WEST DES MOINES, IA 50266 (515) 223-8104

0 50 100 200

SCALE IN FEET



THIS SPACE RESERVED FOR RECORDER'S USE

PLAT OF SURVEY

PART OF ACQUISITION PARCEL 4, AS RECORDED IN BOOK 15734, PAGE 715, OF THE POLK COUNTY, IOWA RECORDERS OFFICE, WITHIN SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., POLK COUNTY, IOWA

CLIENT: CITY OF WEST DES MOINES
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IA 50265
(515) 222-3620

LEGEND:

MONUMENT FOUND AS NOTED	●
PROPOSED MONUMENT	○
SECTION LINE	
EXISTING ROW LINE PREVIOUS	
ROW LINE TEMPORARY	
EASEMENT LINE	
LOT LINES	

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: DATE:

NAME: MURRAY B. BERTING

LICENSE NUMBER: 13148

MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2020

PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: 1 OF 2
2 OF 2

SHIVE-HATTERY
ARCHITECTURE + ENGINEERING
4125 Westown Pkwy, Suite 100 | West Des Moines, Iowa 50266
515.223.8104 | fax: 515.223.0622 | www.shive-hattery.com
Iowa | Illinois | Indiana

PLAT OF SURVEY - SECTION 34-78-25
CITY OF WEST DES MOINES
VETERANS PARKWAY - WEST DES MOINES, IA

DATE	5/08/2019	SCALE	1"=100'
DRAWN	MBB	FIELD BOOK	
APPROVED	MBB	REVISION	

PROJECT NO.
419100-0

SHEET NO.
1 OF 2

EXHIBIT III

Prepared by: L.Twedt, 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 CHARLIE CUTLER MEMORIAL BIKE SHELTER PLAT-OF-SURVEY (POS-004369-2019) FOR THE PURPOSE OF CREATING A 1.046-ACRE PARCEL

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, The City of West Des Moines has requested approval for a Plat-of-Survey (POS-004369-2019) for that 1.223-acre site located at the southeast corner of Veterans Parkway and SE Maffitt Lake Road for the purpose of creating a 1.046-acre parcel for the transfer of ownership;

Legal Description: Original Parcel (Parcel ID 320/00681-504-005)

A PARCEL OF LAND LYING ENTIRELY WITHIN AND FORMING A PART OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 78 NORTH. RANGE 25 WEST OF THE 5TH P. M. NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE SOUTH 67°58'38" WEST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 137.61 FEET;

THENCE SOUTH 32°33'44" WEST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 985.32 FEET;

THENCE SOUTH 00°16'42" EAST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 227.01 FEET, TO THE POINT-OF-BEGINNING;

THENCE SOUTH 89°53'46" EAST, FOR A DISTANCE OF 162.68 FEET;

THENCE SOUTH 58°34'30" WEST, FOR A DISTANCE OF 181.18 FEET, TO THE BEGINNING OF A CURVE CONCAVED SOUTH WITH A RADIUS OF 3869.70 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 472.79 FEET. SAID CURVE HAS A CHORD BEARING OF SOUTH 55°04'30" WEST AND A CHORD DISTANCE OF 472.49 FEET;

THENCE NORTH 32°33'44" EAST, FOR A DISTANCE OF 461.10 FEET TO A POINT ON THE SOUTHERLY

RIGHT-OF-WAY OF SAID VETERANS PARKWAY;

THENCE SOUTH 79°54'12" EAST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 133.22 FEET; TO THE POINT-OF-BEGINNING.

CONTAINING 53,262 SQUARE FEET (1.223 ACRES) MORE OR LESS

Legal Description: Parcel to be Created (Parcel 2019-97)

A PARCEL OF LAND LYING ENTIRELY WITHIN AND FORMING A PART OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P. M. NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE SOUTH 79°54'12" EAST, ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 133.22 FEET; TO THE POINT-OF-BEGINNING.

CONTAINING 45,555 SQUARE FEET (1.046 ACRES) MORE OR LESS.

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 17, 2019, this City Council held a duly-noticed meeting to consider the application for the Charlie Cutler Memorial Bike Shelter Plat-of-Survey (POS-004369-2019); and

WHEREAS, the West Des Moines City Council adopted a resolution which approved the Charlie Cutler Memorial Bike Shelter Plat-of-Survey at their meeting on June 17, 2019, subject to any conditions of approval; and

WHEREAS, the City owns the property subject of the Plat-of-Survey and is consenting to the plat-of-survey creating

a 1.046-acre parcel; and

WHEREAS, the City Council approves of the address assignment of 3604 Veterans Parkway to the shelter; and

WHEREAS, the subject property is zoned Professional Commerce Park (PCP) 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 June 17, 2019, or as amended orally at the City Council hearing of June 17, 2019, are adopted.

SECTION 2. There are no public improvements associated with this plat-of-survey.

SECTION 3. Charlie Cutler Memorial Bike Shelter Plat-of-Survey, (POS-004369-2019) is approved, subject to compliance with all the conditions in the staff report, dated June 17, 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.

SECTION4. This resolution does release this Plat-of-Survey (POS-004369-2019) 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 on June 17, 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 June 17, 2019, among other proceedings, Roll Call No. _____ approved and released said plat-of-survey for recordation on June 17, 2019.

_____
Ryan Jacobson
City Clerk

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

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

EXHIBIT A:
NO CONDITIONS OF APPROVAL