CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: August 5, 2019

ITEM: Osmium East Plat 1 and Osmium West Plat 1 (a/k/a Microsoft DSM09-10), Southwest corner of the future extension of Veterans Parkway and Interstate 35 – Subdivide property into 3 lots, 4 street lots, and 1 Outlot for future right-of-way related to the construction of a datacenter and electrical substation – Microsoft Corporation – FP-004230-2019

RESOLUTIONS: **Approval and Release of Final Plat - Osmium East Plat 1**
Approval and Release of Final Plat - Osmium West Plat 1

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Microsoft Corporation, is requesting approval of two Final Plats for approximately 200 acres located at the Southwest corner of the future extension of Veterans Parkway and Interstate 35. The applicant proposes to subdivide the property using two plats because the property is located within two counties, Madison and Warren counties. The plat located in Madison County will be called Osmium West Plat 1 and will consist of 2 lots, one for a MidAmerican Energy Substation and the other for the Microsoft Datacenter site, 2 street lots for Veteran's Parkway and SW 60th Street/Kerry Street (a/k/a 110th Street). The plat located in Warren County will be called Osmium East Plat 1 and will consist of 1 lot for development of a Microsoft Datacenter, 2 street lots for Veteran's Parkway and Warren Avenue, and 1 outlot for future right of way for an interchange at Veterans Parkway and I-35.

CITY COUNCIL SUBCOMMITTEE: This item was presented to the Development and Planning City Council Subcommittee on April 1, 2019, as an informational item only. No discussion was had and no disagreement with the proposal was expressed.

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:

- *Warren Avenue Vacation*: A portion of Warren Avenue that splits the two plats is proposed to be vacated as a part of the Microsoft Osmium development. This existing road will not be used for access to the development, so it will need to be vacated. The applicant has submitted an application and associated documentation for this vacation to occur. However, the road will not be vacated yet since the road is still being used for temporary access to the site during construction, and because new roads around the site (Veterans Parkway, SW 60th Street and Kerry Street (a/k/a 110th Street) are still under construction. Staff recommends a condition of approval be required that the road vacation occurs prior to any occupancy being issued for the Microsoft DSM09-10 buildings.

- *Right-of-Way Dedication*: The north portion of this 200-acre site is proposed to be dedicated as street right-of-way for the future extension of Veterans Parkway. In addition, right of way is proposed to be dedicated on the west and southern portions of the property. The northeast corner of the property is reserved as right-of-way for a future interchange at Veterans Parkway and I-35. The right-of-way for this interchange will be dedicated by Microsoft as required per the terms of the Osmium development agreement.

Staff would also note that as part of this approval, the Council is approving and accepting the following:

- A deed for Lot(s) A & B within Osmium East Plat 1 to be dedicated as public street right(s)-of-way;
- A deed for Lot(s) A & B within Osmium West Plat 1 to be dedicated as public street right(s)-of-way;

- Storm Water Management Maintenance Facility Covenant and Permanent Easement Agreement for both plats;

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 Osmium East Plat 1 Final Plat, to establish 1 lot for industrial development, 2 street lots and 1 outlot for future right of way dedication; and approval of the Osmium West Plat 1 Final Plat, to establish 2 lots for industrial development and 2 street lots subject to the applicant complying with all applicable City Code requirements and the following:

1. The applicant agreeing that Warren Avenue shall be vacated prior to any occupancy, including temporary occupancy being issued for the DSM09-10 buildings.
2. Outlot Z of Osmium East Plat 1 shall be dedicated by the applicant as public right-of-way for a Veterans Parkway/I-35 Interchange at the appropriate time per the terms of the Osmium development agreement

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

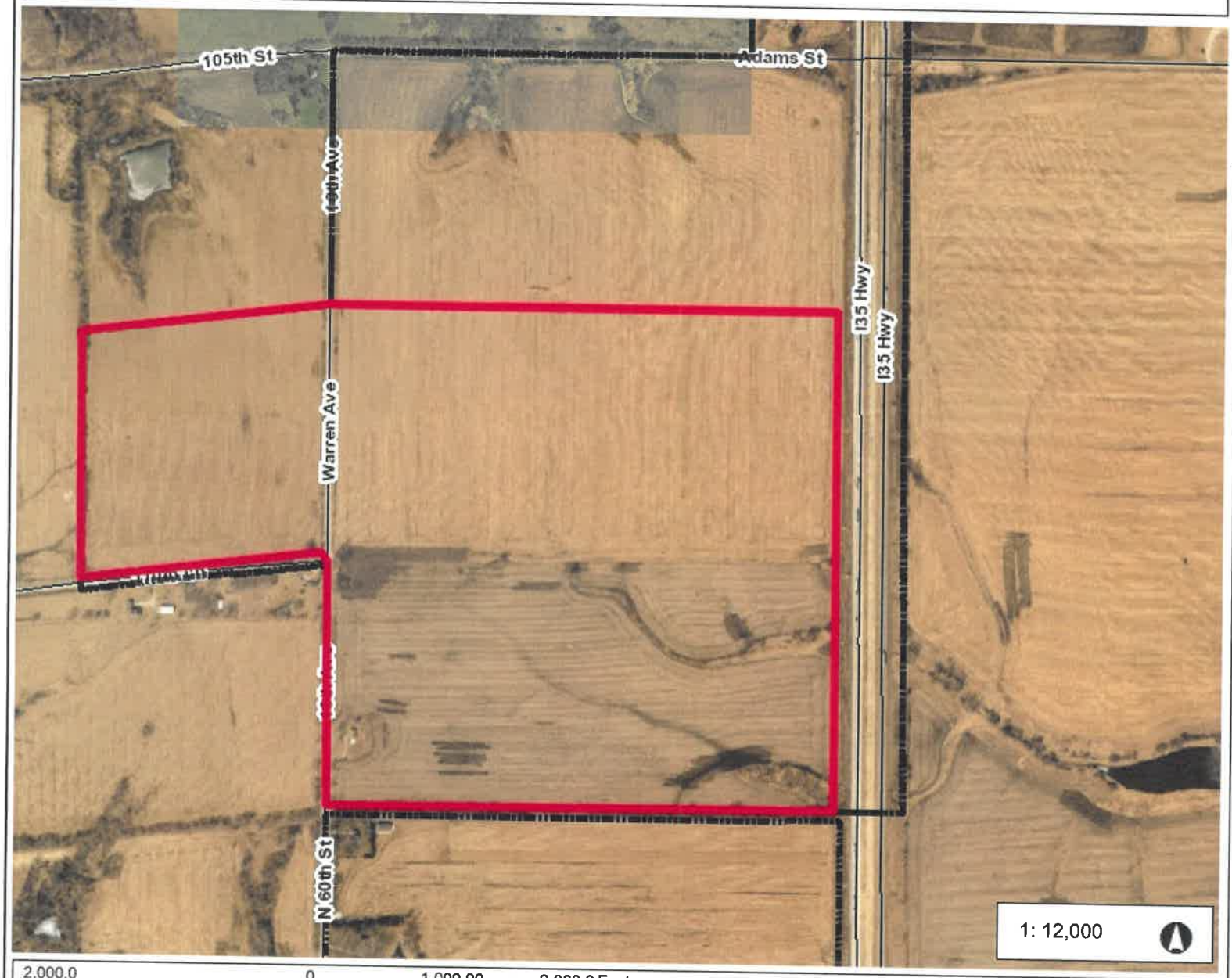
SUBCOMMITTEE REVIEW (if applicable)

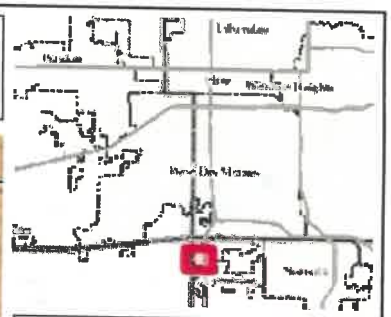
Committee	Development & Planning		
Date Reviewed	April 1, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Location Map
Exhibit II - Osmium East Plat 1 Final Plat
Exhibit III - Osmium West Plat 1 Final Plat
Exhibit IV - Resolution: Approval and Release of Osmium East Plat 1 Final Plat
Exhibit A - Conditions of Approval
Exhibit V - Resolution: Approval and Release of Osmium West Plat 1 Final Plat
Exhibit A - Conditions of Approval

Microsoft Osmium





Legend

Corporate Limits

2,000.0 0 1,000.00 2,000.0 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

INDEX LEGEND

LOCATION: SEC 06-77-25, PT S1/2, SW1/4
SEC 07-77-25, PT N1/2, NW 1/4

REQUESTOR: MICROSOFT CORPORATION

PROPRIETOR: MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

SURVEYOR: MICHAEL A. BROONER

COMPANY: CIVIL DESIGN ADVANTAGE

RETURN TO: CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE,
SUITE G
GRIMES, IOWA 50111
PH:515-369-4400

OSMIUM EAST PLAT 1

FINAL PLAT

OWNER / DEVELOPER

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111

ZONING

LI - LIGHT INDUSTRIAL

BULK REGULATIONS

MINIMUM FRONT YARD DEPTH: 30'
MINIMUM SIDE YARD WIDTH: 20'
MINIMUM REAR YARD DEPTH: 35'

DATE OF SURVEY

DECEMBER 11, 2018

NOTES

- PROPERTY OWNERS MAY BE RESPONSIBLE FOR THE CONSTRUCTION OF SIDEWALKS ON THEIR PROPERTY. PRIOR TO CONSTRUCTION OF ANY SIDEWALKS REFER TO THE PROJECT CONSTRUCTION DRAWINGS AND CONFIRM WITH CITY THE LOCATION, WIDTH AND ELEVATION OF SIDEWALKS.
- ANY SET MONUMENTATION SHOWN ON THIS PLAT WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.
- THE ERROR OF CLOSURE IS WITHIN THE ALLOWABLE LIMITS (1:10,000 FOR BOUNDARY, 1:5,000 FOR INDIVIDUAL LOTS)
- ALL BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR COMPUTATION PURPOSES WITH THE WEST LINE OF THE NORTH HALF OF THE SOUTWEST QUARTER OF SECTION 06-77-25 BEING N00°19'19"E.
- LOTS MAY BE SUBJECT TO MINIMUM PROTECTION ELEVATIONS AND OTHER ELEVATION RESTRICTIONS NOT SHOWN ON THIS PLAT. REFER TO THE APPROVED PROJECT ENGINEERING DOCUMENTS FOR ANY ELEVATION RESTRICTIONS.

COMPREHENSIVE PLAN DESIGNATION

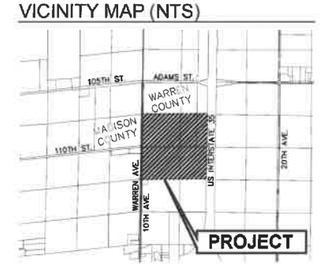
LIGHT INDUSTRIAL

PLAT DESCRIPTION

A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 6 AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 7, ALL IN TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 00°19'19" EAST ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1324.63 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 89°40'38" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, 2673.30 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 35; THENCE SOUTH 00°07'11" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 436.08 FEET; THENCE SOUTH 02°31'34" WEST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 871.00 FEET; THENCE SOUTH 00°05'52" EAST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 1330.69 FEET TO THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER; THENCE SOUTH 89°28'12" WEST ALONG SAID SOUTH LINE, 2648.62 FEET TO THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER; THENCE NORTH 00°07'51" EAST ALONG THE WEST LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER, 1321.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 161.02 ACRES (7,013,908 SQUARE FEET).

VICINITY MAP (NTS)



LICENSED PROFESSIONAL LAND SURVEYOR
MICHAEL A. BROONER
15980
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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MICHAEL A. BROONER, P.L.S. DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEETS 1&2

REVISIONS	DATE
PREPARED	07/26/19

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
ENGINEER: TECH:
CIVIL DESIGN ADVANTAGE
WEST DES MOINES, IOWA

OSMIUM EAST PLAT 1
FINAL PLAT

1/2

1805.320

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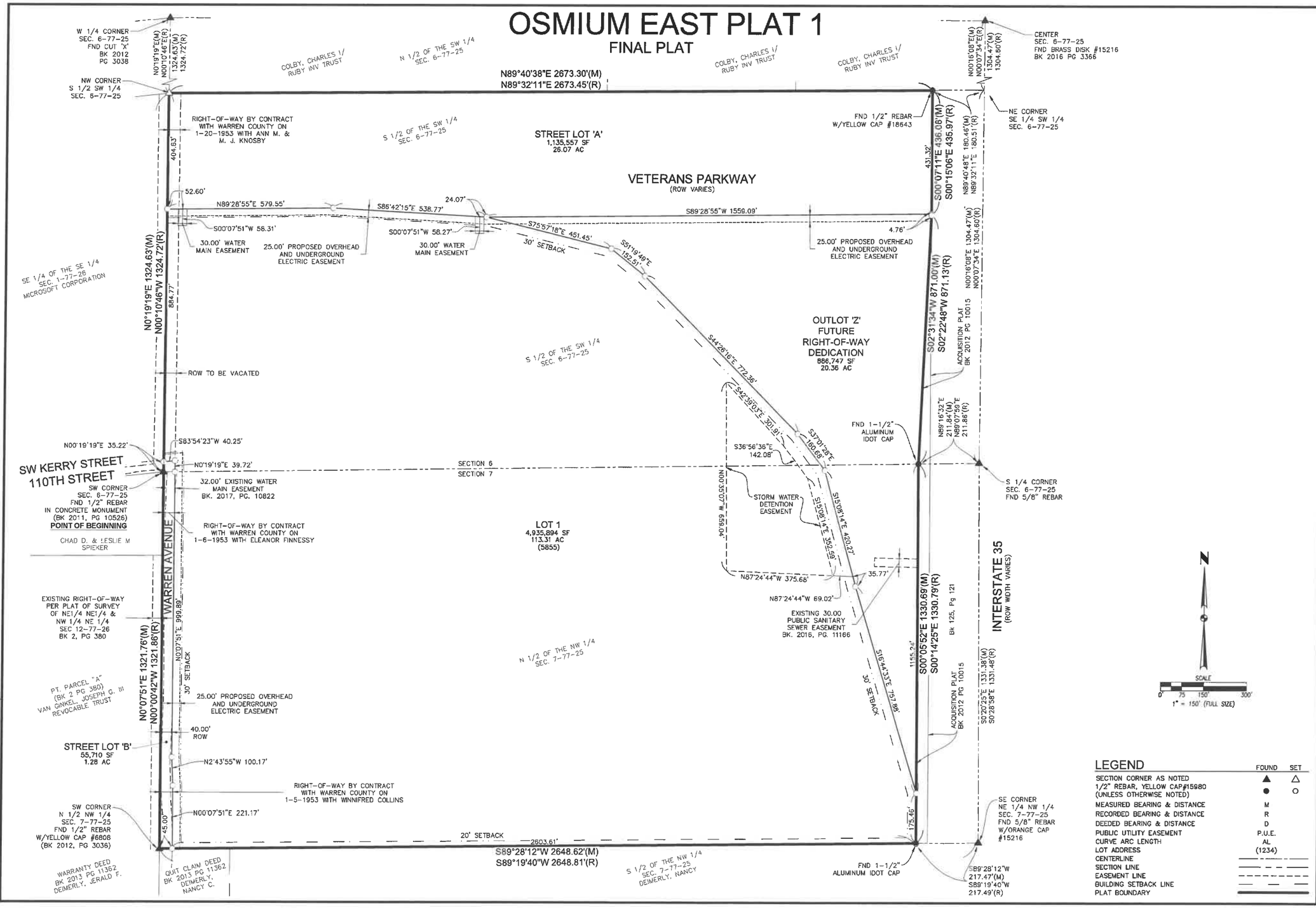
FILE DATE: 7/26/19 DATE PLOTTED: 7/26/2019 1:50 PM

OSMIUM EAST PLAT 1

FINAL PLAT



LEGEND

	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW CAP#15980 (UNLESS OTHERWISE NOTED)	●	○
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
PUBLIC UTILITY EASEMENT	P.U.E.	
CURVE ARC LENGTH	AL	
LOT ADDRESS	(1234)	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		
BUILDING SETBACK LINE		
PLAT BOUNDARY		

REVISIONS	DATE
PREPARED	07/26/19

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
ENGINEER: TECH:
CIVIL DESIGN ADVANTAGE

OSMIUM EAST PLAT 1
FINAL PLAT
WEST DES MOINES, IOWA

2/2
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FILE DATE: 7/26/19 DATE PLOTTED: 7/26/2019 1:50 PM

EXHIBIT III

OSMIUM WEST PLAT 1

FINAL PLAT

INDEX LEGEND

LOCATION: SEC 01-77-26, SE1/4 SE1/4

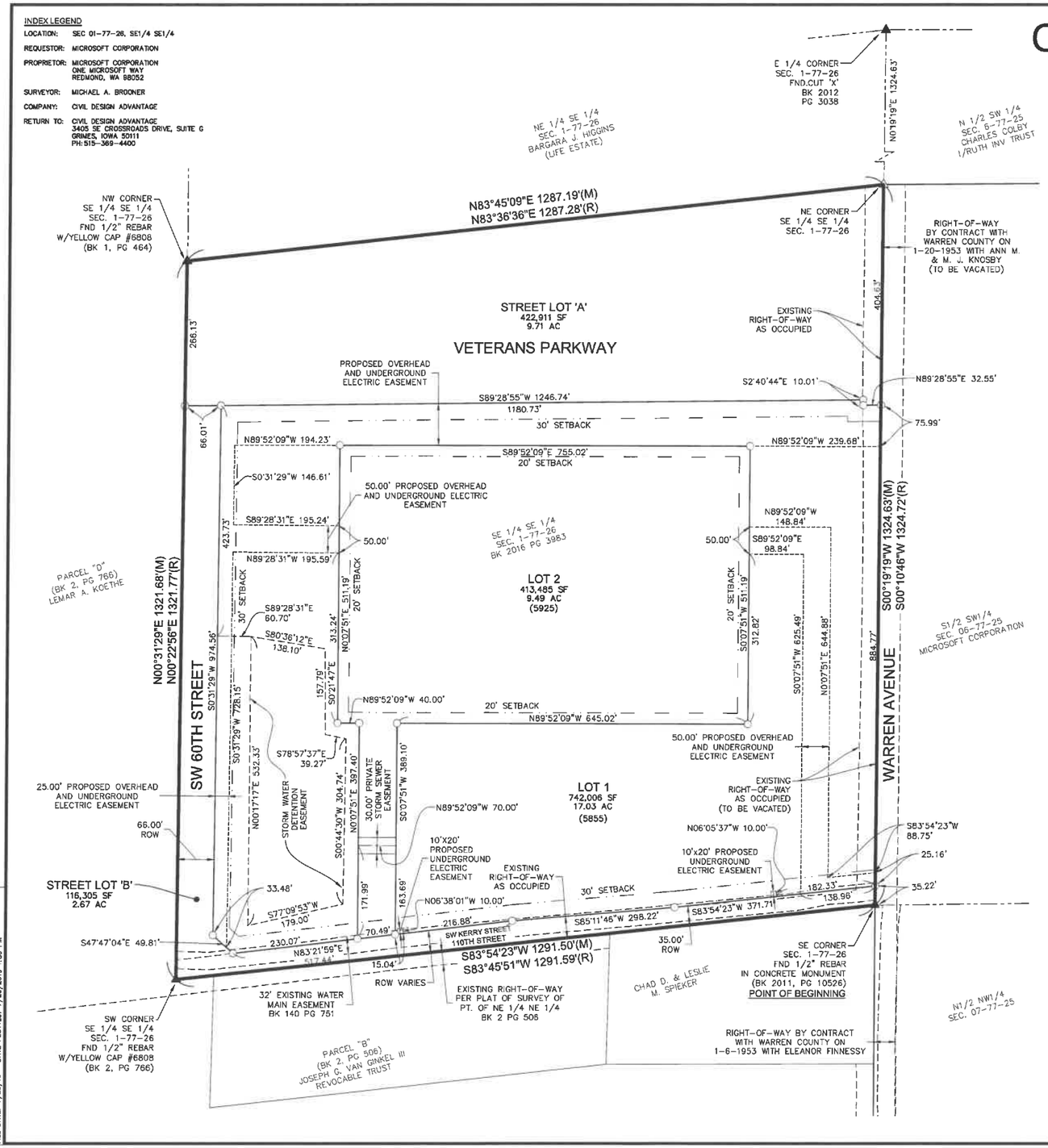
REQUESTOR: MICROSOFT CORPORATION

PROPRIETOR: MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

SURVEYOR: MICHAEL A. BROONER

COMPANY: CIVIL DESIGN ADVANTAGE

RETURN TO: CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: 515-369-4400



OWNER / DEVELOPER

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111

DATE OF SURVEY

DECEMBER 11, 2018

ZONING

LI – LIGHT INDUSTRIAL

BULK REGULATIONS

MINIMUM FRONT YARD DEPTH: 30'
MINIMUM SIDE YARD WIDTH: 20'
MINIMUM REAR YARD DEPTH: 35'

NOTES

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- THE ERROR OF CLOSURE IS WITHIN THE ALLOWABLE LIMITS (1:10,000 FOR BOUNDARY, 1:5,000 FOR INDIVIDUAL LOTS).
- ALL BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR COMPUTATION PURPOSES WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 01-77-26 BEING S83°54'23"W.
- LOTS MAY BE SUBJECT TO MINIMUM PROTECTION ELEVATIONS AND OTHER ELEVATION RESTRICTIONS NOT SHOWN ON THIS PLAT. REFER TO THE APPROVED PROJECT ENGINEERING DOCUMENTS FOR ANY ELEVATION RESTRICTIONS.

COMPREHENSIVE PLAN DESIGNATION

LIGHT INDUSTRIAL

VICINITY MAP (NTS)

PLAT DESCRIPTION

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BEING A PART OF WEST DES MOINES, MADISON COUNTY, IOWA CONTAINING 38.91 ACRES (1,694,706 SQUARE FEET).

LEGEND

	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW CAP#15980 (UNLESS OTHERWISE NOTED)	●	○
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
PUBLIC UTILITY EASEMENT	P.U.E.	
CURVE ARC LENGTH	AL	
LOT ADDRESS	(1234)	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		
BUILDING SETBACK LINE		
PLAT BOUNDARY		

LICENSED PROFESSIONAL LAND SURVEYOR
MICHAEL A. BROONER
15980
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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MICHAEL A. BROONER, P.L.S. DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020
PAGES OR SHEETS COVERED BY THIS SEAL:
THIS SHEET

REVISIONS	DATE
	07/26/19

PREPARED

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

ENGINEER: TECH:

CIVIL DESIGN ADVANTAGE

OSMIUM WEST PLAT 1
FINAL PLAT
WEST DES MOINES, IOWA

1/1

1805.320

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FILE DATE: 7/26/19 DATE PLOTTED: 7/26/2019 1:36 PM

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 FINAL PLAT OSMIUM EAST PLAT 1 (FP-004230-2019) FOR THE PURPOSE OF CREATING 1 LOT FOR INDUSTRIAL DEVELOPMENT, 2 STREET LOTS AND 1 OUTLOT FOR FUTURE RIGHT OF WAY DEDICATION

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, Microsoft Corporation has requested approval for a Final Plat (FP-004230-2019) for that approximately 161-acre site located at the southwest corner of the future extension of Veterans Parkway and Interstate 35 for the purpose of subdividing the property into 1 lot for industrial development, 2 street lots and 1 outlot for future right of way dedication;

Legal Description

A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 6 AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 7, ALL IN TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 00°19'19" EAST ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1324.63 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 89°40'38" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, 2673.30 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 35; THENCE SOUTH 00°07'11" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 436.08 FEET; THENCE SOUTH 02°31'34" WEST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 871.00 FEET; THENCE SOUTH 00°05'52" EAST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 1330.69 FEET TO THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER; THENCE SOUTH 89°28'12" WEST ALONG SAID SOUTH LINE, 2648.62 FEET TO THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER; THENCE NORTH 00°07'51" EAST ALONG THE WEST LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER, 1321.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 161.02 ACRES (7,013,908 SQUARE FEET).

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, the West Des Moines Plan and Zoning Commission has reviewed the Preliminary Plat for Osmium East Plat 1 (f/k/a Microsoft Osmium) and recommended approval on January 28, 2019; and

WHEREAS, the Final Plat that was submitted for review was determined to be generally consistent with

the Preliminary Plat for Osmium East Plat 1 (f/k/a Microsoft Osmium) that was reviewed and approved by the City Council on February 4, 2019; and

WHEREAS, on August 5, 2019, this City Council held a duly-noticed meeting to consider the application for Final Plat (FP-004230-2019); and

WHEREAS, the West Des Moines City Council adopted a resolution which approved the Final Plat for Osmium East Plat 1(f/k/a Microsoft Osmium) at their meeting on August 5, 2019, subject to any conditions of approval; and

WHEREAS, the applicant has supplied a Warranty Deed to the City of West Des Moines for Lot(s) A & B to be dedicated as public street right(s)-of-way; and

WHEREAS, the City Council did accept the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement for this property; and

WHEREAS, the City Council approves of the following address assignment;

Lot 1 = 5855 SW Kerry Street

WHEREAS, Osmium East Plat 1 is zoned Light Industrial 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 as stated in the staff report, dated August 5, 2019, or as amended orally at the City Council meeting of August 5, 2019, are adopted.

SECTION 2. Final Plat, Osmium East Plat 1 (FP-004230-2019) is approved, subject to compliance with all the conditions in the staff report, dated August 5, 2019, 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.

SECTION3. This resolution does release the Final Plat (FP-004230-2019) 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 August 5, 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 August 5, 2019, among other proceedings, Roll Call No. _____ approved said plat on August 5, 2019, and released said Final Plat for recordation.

_____
Ryan Jacobson
City Clerk

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

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

EXHIBIT A:
CONDITIONS OF APPROVAL

1. The applicant agreeing that Warren Avenue shall be vacated prior to any occupancy, including temporary occupancy being issued for the DSM09-10 buildings.
2. Outlot Z of Osmium East Plat 1 shall be dedicated by the applicant as public right-of-way for a Veterans Parkway/I-35 Interchange at the appropriate time per the terms of the Osmium development agreement

EXHIBIT V

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 FINAL PLAT OSMIUM WEST PLAT 1 (FP-004230-2019) FOR THE PURPOSE OF CREATING 2 LOTS FOR INDUSTRIAL DEVELOPMENT AND 2 STREET LOTS

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, Microsoft Corporation has requested approval for a Final Plat (FP-004230-2019) for that approximately 39-acre site located at the southwest corner of the future extension of Veterans Parkway and Interstate 35 for the purpose of subdividing the property into 2 lots for industrial development and 2 street lots;

Legal Description

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BEING A PART OF WEST DES MOINES, MADISON COUNTY, IOWA CONTAINING 38.91 ACRES (1,694,706 SQUARE FEET).

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, the West Des Moines Plan and Zoning Commission has reviewed the Preliminary Plat for Osmium West Plat 1(f/k/a Microsoft Osmium) and recommended approval on January 28, 2019; and

WHEREAS, the Final Plat that was submitted for review was determined to be generally consistent with the Preliminary Plat for Osmium West Plat 1(f/k/a Microsoft Osmium) that was reviewed and approved by the City Council on February 4, 2019; and

WHEREAS, on August 5, 2019, this City Council held a duly-noticed meeting to consider the application for Final Plat (FP-004230-2019); and

WHEREAS, the West Des Moines City Council adopted a resolution which approved the Final Plat for Osmium West Plat 1 at their meeting on August 5, 2019, subject to any conditions of approval; and

WHEREAS, the applicant has supplied a Warranty Deed to the City of West Des Moines for Lot(s) A & B to be dedicated as public street right(s)-of-way; and

WHEREAS, the City Council did accept the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement for this property; and

WHEREAS, the City Council approves of the following address assignments;

Lot 1 = 5855 SW Kerry Street
Lot 2 = 5925 SW Kerry Street

WHEREAS, Osmium West Plat 1 is zoned Light Industrial 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 as stated in the staff report, dated August 5, 2019, or as amended orally at the City Council meeting of August 5, 2019, are adopted.

SECTION 2. Final Plat, Osmium West Plat 1 (FP-004230-2019) is approved, subject to compliance with all the conditions in the staff report, dated August 5, 2019, 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.

SECTION3. This resolution does release the Final Plat (FP-004230-2019) 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 August 5, 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 August 5, 2019, among other proceedings, Roll Call No. _____ approved said plat on August 5, 2019, and released said Final Plat for recordation.

_____
Ryan Jacobson
City Clerk

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

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

EXHIBIT A:
CONDITIONS OF APPROVAL

1. The applicant agreeing that Warren Avenue shall be vacated prior to any occupancy, including temporary occupancy being issued for the DSM09-10 buildings.