CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: August 5, 2019

ITEM: Outlot Z and Lot 2 Continental Plaza Plat 2 Plat of Survey, 7255 Lake Drive – Approval of a Plat of Survey to create a 1,432 square foot parcel for transfer of ownership between two existing lots– Penta Partners LLC, – POS-004371-2019

RESOLUTION: Approval and Release of Plat-of-Survey

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant and property owner, Penta Partners LLC, represented by Erin Ollendike of Civil Design Advantage, is requesting approval of a Plat-of-Survey to create a 1,432 square foot parcel for transfer of ownership between Outlot Z and Lot 2 Continental Plaza Plat 2. Two feet will be taken from Outlot Z and added to Lot 2 to allow a larger building to be built on Lot 2. The parcel created will not meet bulk regulations for the zoning district and will be considered a non-buildable lot, necessitating a lot tie agreement with Lot 2 as it cannot exist on its own.

CITY COUNCIL SUBCOMMITTEE: This item was presented to Development and Planning Council Subcommittee at the July 1, 2019 meeting. The Subcommittee expressed support of the application.

OUTSTANDING ISSUES: There are no outstanding issues. Staff would note that the proposed plat of survey does not create a non-conformity in bulk regulations for either lot.

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 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 create a 1,432 square foot parcel for transfer of ownership between two existing lots, subject to the applicant complying with all applicable City Code requirements and the following:

1. A Lot Tie Agreement shall be recorded with the Plat-of-Survey to ensure that the 1,432 square foot parcel cannot be sold separately from Lot 2, Continental Plaza Plat 2.

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	LS
Appropriations/Finance	
Legal	RDS
Agenda Acceptance	

PUBLICATION(S) (if applicable)

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

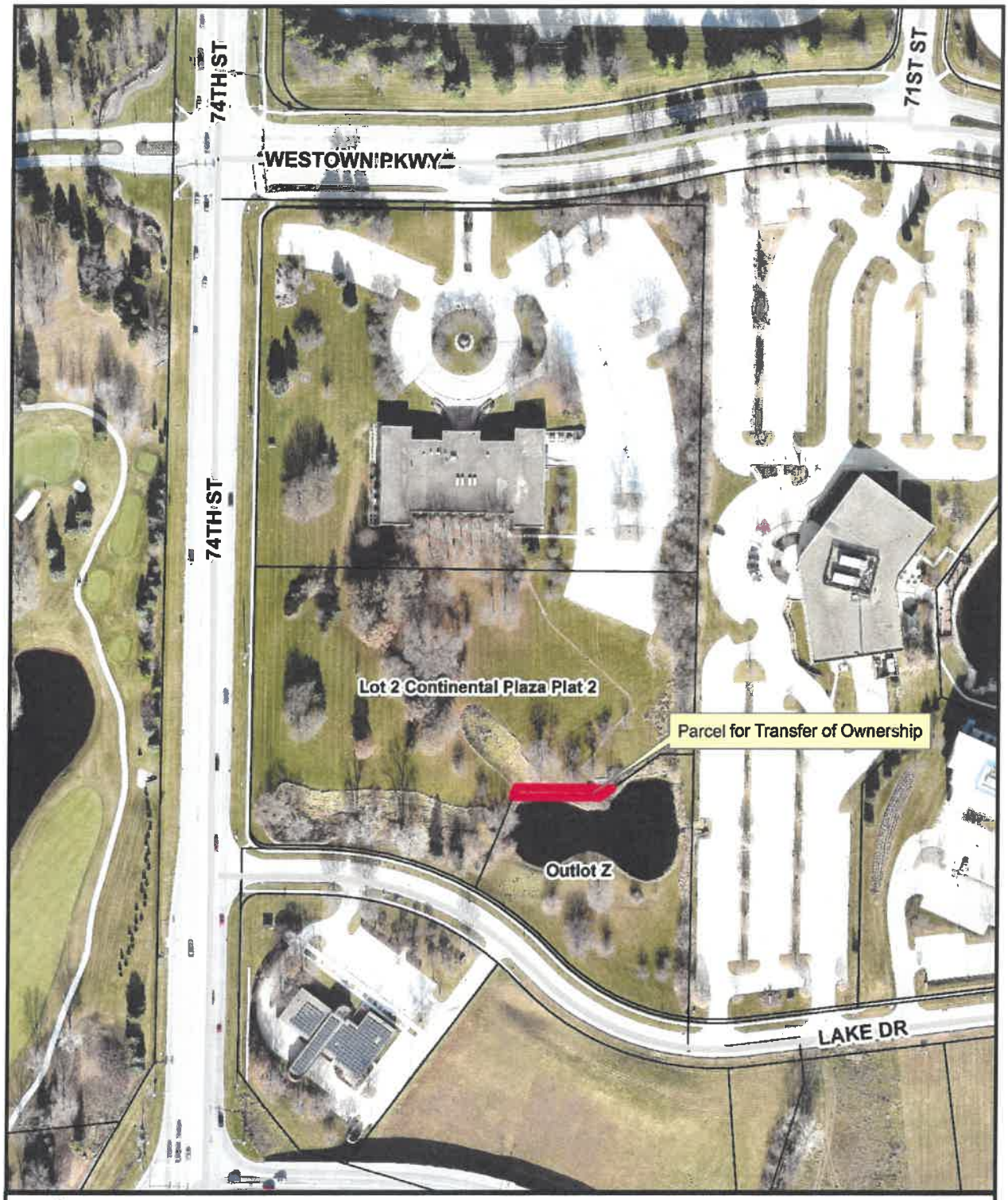
SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	July 1, 2019		
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



THE CITY OF West Des Moines.

Continental Plaza
Plat of Survey

N

https://wdmiowa.sharepoint.com/sites/ds/CommDev Documents/___Development Projects/Continental Plaza (Briggs Bldg)/Outlot Z Plat of Survey/POS-004371-2019_SR_Continental Plaza Outlot Z Plat of Survey_CC_08-05-2019.docx

EXHIBIT II

INDEX LEGEND

LOCATION: PT. OUTLOT 'Z', CONTINENTAL PLAZA PLAT 2, WEST DES MOINES

REQUESTOR: JAI HANUMAN INC
5050 MERLE HAY ROAD
JOHNSTON IA 50131

PROPRIETOR: PENTA PARTNERS LLC
5700 UNIVERSITY AVENUE, SUITE 220
WEST DES MOINES, IA 50266

SURVEYOR: MICHAEL A. BROONER

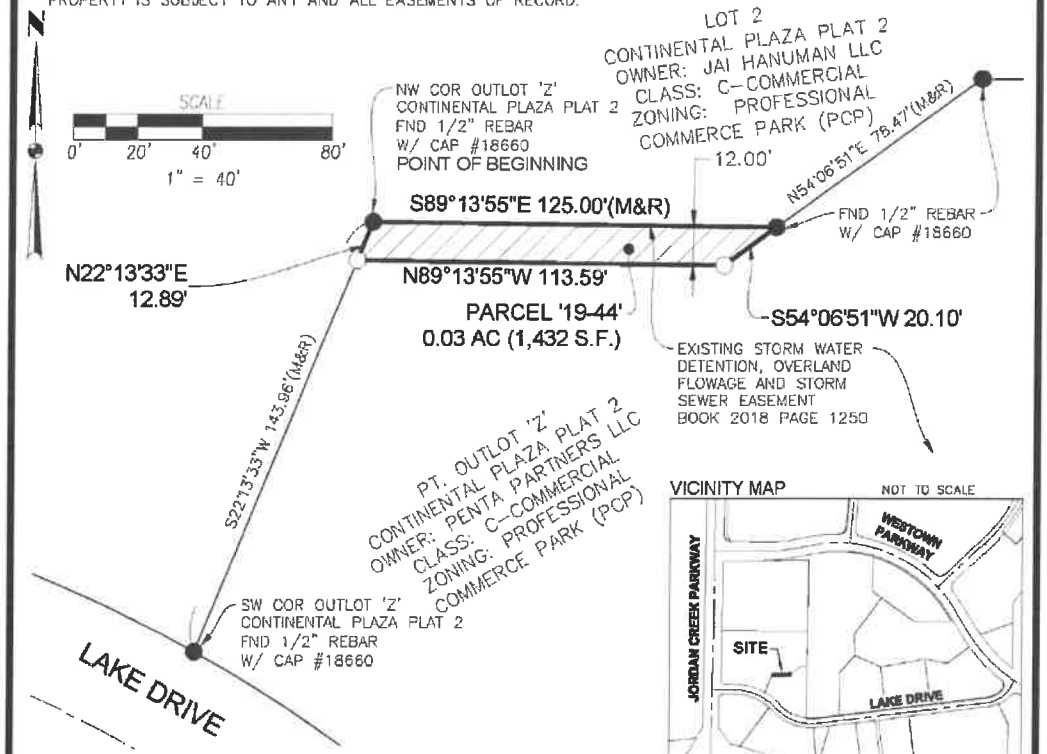
PREPARED BY & RETURN TO: CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: 515-369-4400

PLAT OF SURVEY

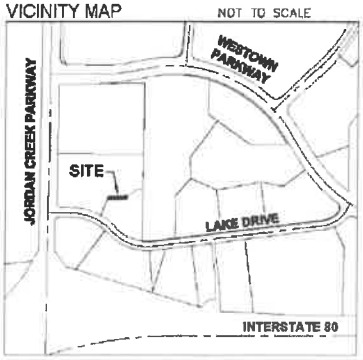
LEGAL DESCRIPTION

A PART OF OUTLOT 'Z', CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT 'Z'; THENCE SOUTH 89°13'55" EAST ALONG THE NORTH LINE OF SAID OUTLOT 'Z', 125.00 FEET; THENCE SOUTH 54°06'51" WEST, 20.10 FEET; THENCE NORTH 89°13'55" WEST, 113.59 FEET TO THE WESTERLY LINE OF SAID OUTLOT 'Z'; THENCE NORTH 22°13'33" EAST ALONG SAID WESTERLY LINE, 12.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,432 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.



VICINITY MAP NOT TO SCALE



ORIGINAL DESCRIPTION

OUTLOT 'Z', CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

LAND USE

OFFICE (OF)

DATE OF SURVEY

MAY 24, 2019

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	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		

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

FILE: H:\2019\1905255\DWG\1905255-PLAT OF SURVEY.DWG
FILE DATE: 7/3/19 DATE PLOTTED: 7/3/2019 8:32 AM
PLOTTED BY: JON ERDAHL

1/1
1905.255

PT. OUTLOT 'Z'
CONTINENTAL PLAZA PLAT 2
PLAT OF SURVEY
WEST DES MOINES, IOWA

CIVIL DESIGN ADVANTAGE

3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: (515) 369-4400 Fax: (515) 369-4410

EXHIBIT III

Prepared by: J. Bradley Munford 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 WEST DES MOINES APPROVING AND RELEASING PT. OUTLOT Z CONTINENTAL PLAZA PLAT 2 PLAT OF SURVEY (POS-004371-2019) FOR THE PURPOSE OF CREATING A 1,432 SQUARE FOOT 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, the applicant, Penta Partners LLC, has requested approval for a Plat of-Survey (POS-004371-2019) for property located at 7255 Lake Drive to create a 1,432 square foot parcel for transfer of ownership between Outlot Z and Lot 2 Continental Plaza Plat 2;

Original Legal Description

OUTLOT Z, CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA

New Legal Description

PARCEL 19-44: A PART OF OUTLOT 'Z', CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT 'Z'; THENCE SOUTH 89°13'55" EAST ALONG THE NORTH LINE OF SAID OUTLOT 'Z', 125.00 FEET; THENCE SOUTH 54°06'51" WEST, 20.10 FEET; THENCE NORTH 89°13'55" WEST, 113.59 FEET TO THE WESTERLY LINE OF SAID OUTLOT 'Z'; THENCE NORTH 22°13'33" EAST ALONG SAID WESTERLY LINE, 12.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,432 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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; and

WHEREAS, on August 5, 2019, this City Council held a duly-noticed meeting to consider the application for Plat-of-Survey (POS-004371-2019); and

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

WHEREAS, there are no public improvements required with this plat; and

WHEREAS, there are no public easements being established with this plat.

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 August 5, 2019, or as amended orally at the City Council meeting of August 5, 2019, are adopted.

SECTION 2. Plat-of-Survey, (POS-004371-2019) to create a 1,432 square foot parcel for transfer of ownership between Outlot Z and Lot 2 Continental Plaza Plat 2, 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.

SECTION 3. This resolution does release the Plat-of-Survey (POS-004371-2019) 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 August 5, 2019 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 August 5, 2019, among other proceedings, Roll Call No. approved said Plat-of-Survey on August 5, 2019, and released said Plat-of-Survey for recordation.

_____

Ryan T. Jacobson
City Clerk

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of August, 2019.

_____

Steven K. Gaer, Mayor

ATTEST:

_____

Ryan T. Jacobson
City Clerk

EXHIBIT A:
CONDITIONS OF APPROVAL

1. A Lot Tie Agreement shall be recorded with the Plat-of-Survey to ensure that the 1,432 square foot parcel cannot be sold separately from Lot 2, Continental Plaza Plat 2.