CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: September 3, 2019

ITEM: 1261 19th Street – Plat of survey to create a parcel for transfer of ownership – Hannah Homes, LLC – POS-004457-2019

RESOLUTION: Approval and Release of Plat of Survey

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Hannah Homes, LLC is requesting approval of a Plat of Survey to create a parcel for the intent of resolving a fence encroachment issue between 1261 19th Street and 1826 Pleasant Street. The proposed parcel (Parcel 2019-165) is being taken from 1261 19th Street and will be lot tied to 1826 Pleasant Street upon approval and recording of the Plat of Survey. The two property owners are requesting this plat of survey to resolve an encroachment issue of a fence that is located 5' over the existing property line between the two residences. After the approval of the plat of survey and lot tying of the new parcel to 1826 Pleasant Street, the fence will then be located on the newly created property line. The new property line location will not create any side yard setback issues for the house at 1261 19th Street since there is approximately 20 feet from the existing house to the current property line. Staff recommends a condition of approval requiring the execution of the lot-tie agreement and recordation in conjunction with the plat of survey.

CITY COUNCIL SUBCOMMITTEE: This item was not presented to the Development and Planning City Council Subcommittee due to a fast turnaround requested by the applicant.

OUTSTANDING ISSUES: There are no outstanding issues. The applicant has stated they agree with all of staff's recommendations and conditions.

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 1261 19th Street Plat of Survey, creating a parcel for transfer of ownership, subject to the applicant complying with all applicable City Code requirements and the following:

1. In conjunction with the recording of the plat of survey, the newly created parcel shall be lot tied to 1826 Pleasant Street.

Lead Staff Member: Brian Portz, AICP BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JDS
Agenda Acceptance	

PUBLICATION(S) (if applicable)

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

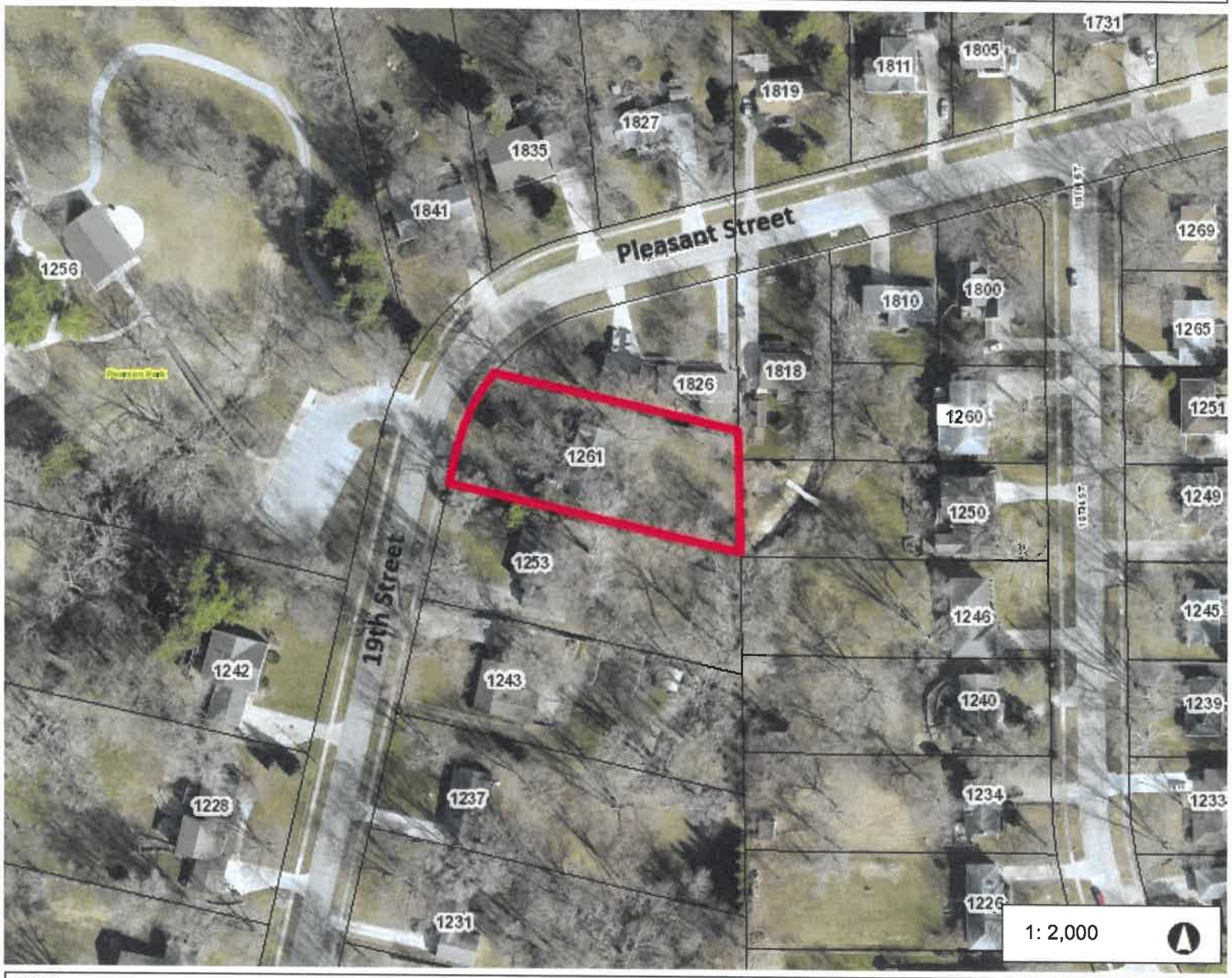
SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	Not reviewed		
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

Location Map



Legend

- Addresses
- Corporate Limits
- Parcels

333.3 0 166.67 333.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

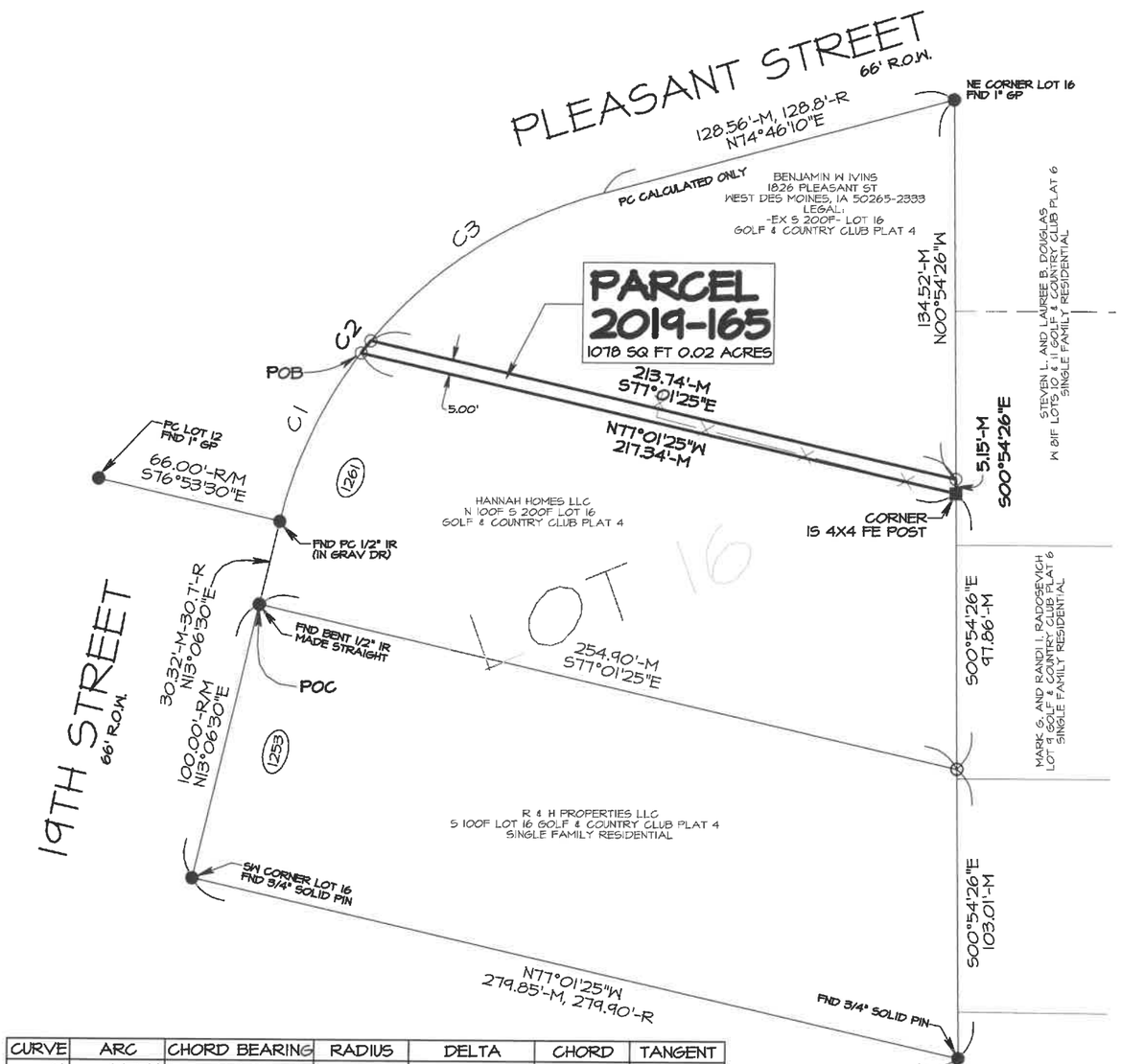
© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

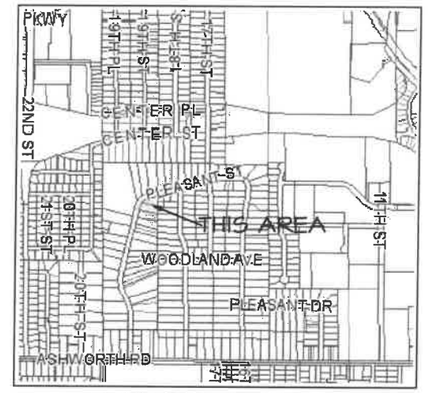
THIS MAP IS NOT TO BE USED FOR NAVIGATION

EXHIBIT I

EXHIBIT II



CURVE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	66.68'	N25°11'58"E	157.98'	24°10'56"	66.18'	33.84'
C2	5.53'	N38°17'37"E	157.98'	2°00'22"	5.53'	2.77'
C3	99.20'	N57°17'09"E	157.98'	35°58'42"	97.58'	51.30'



VICINITY MAP; 1" = 2000'

AREA ABOVE FOR RECORDATION ONLY

PLAT OF SURVEY

IN LOT 16, GOLF AND COUNTRY CLUB PLAT 4

LEGAL DESCRITPTON OF ORIGINAL PARCEL

THE NORTH 100 FEET OF THE SOUTH 200 FEET OF LOT 16 IN GOLF AND COUNTRY CLUB PLAT NO. 4, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, CONTAINING 23,874 SQUARE FEET OR 0.55 ACRES, MORE OR LESS.

LEGAL DESCRITPTON OF PARCEL 2019-165

ALL THAT PART OF LOT 16 IN GOLF AND COUNTRY CLUB PLAT 4, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;
COMMENCING AT A POINT THAT IS 100 FEET NORTHEASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 16, SAID POINT OF COMMENCEMENT ALSO ON THE EASTERLY RIGHT-OF-WAY LINE OF 19TH STREET, AS PRESENTLY ESTABLISHED; THENCE NORTH 13°06'30" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 30.32 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE NORTHERLY AND NORTHEASTERLY A DISTANCE OF 66.68 FEET ALONG THE CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 157.98 FEET AND A CENTRAL ANGLE OF 24°10'56" TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY A DISTANCE OF 5.53 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 157.98 FEET AND A CENTRAL ANGLE OF 2°00'22"; THENCE SOUTH 77°01'25" EAST, A DISTANCE OF 213.74 FEET TO THE EAST LINE OF SAID LOT 16; THENCE SOUTH 00°54'26" EAST ALONG SAID LINE, A DISTANCE OF 5.15 FEET; THENCE NORTH 77°01'25" WEST, A DISTANCE OF 217.34 FEET TO THE POINT OF BEGINNING, CONTAINING 1078 SQUARE FEET OR 0.02 ACRES, MORE OR LESS AND SUBJECT TO ANY OTHER EASEMENTS OR RESTRICTIONS OF RECORD.

NOTES

1. SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF TITLE OPINION. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.
2. PARCEL 2019-165 WILL BE TIED TO 1826 PLEASANT STREET (EX. THE S 200 FT LOT 16, GOLF & COUNTRY CLUB PLAT 4)
3. COMPREHENSIVE PLAN LAND USE DESIGNATION: SF (SINGLE FAMILY RESIDENTIAL)
4. ZONING: RS - RESIDENTIAL SINGLE FAMILY, RS-28
5. ERROR OF CLOSURE FOR THE BOUNDARY IS WITHIN 1:5000
6. CONDITIONS ARE SUCH THAT MINIMAL FINISHED FLOOR ELEVATIONS ARE NOT NEEDED
7. BASIS OF BEARING: IOWA STATE PLANE COORDINATE SYSTEM, IOWA SOUTH ZONE.
8. ALL CORNERS WILL BE SET WITHIN ONE YEAR OF RECORDING.

INDEX LEGEND	
LOCATION:	OP, POLK COUNTY, WEST DES MOINES PT. LOT 16, GOLF AND COUNTYRY CLUB PLAT 4
REQUESTOR:	HANNAH HOMES, LLC
PROPRIETOR:	HANNAH HOMES LLC 901 30TH ST WEST DES MOINES IA 50265
SURVEYOR:	GREGORY L ROSS, IA PLS NO. 13286
COMPANY:	ROSS LAND SURVEYING, INC PO BOX 336, JOHNSTON, IA 50131
RETURN TO:	ROSS LAND SURVEYING, INC PO BOX 336, JOHNSTON, IA 50131
INDEX LEGEND	

FIELD WORK DONE: JULY-AUG 2019
BEARINGS=SPCS IA SOUTH ZONE
REVISIONS:
AUGUST 28, 2019

ross
LAND SURVEYING
Inc.
PO Box 336,
Johnston, Iowa 50131
PH 515 254 2567
rosslandsurveying.com

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

PROFESSIONAL LAND SURVEYOR
GREGORY L. ROSS
L.S. #13286
IOWA

Signed
GREGORY L. ROSS, PLS
Iowa License. No. 13286
My license renewal date is December 31, 2020
PAGES COVERED:

Date 8/28/2019

● --FOUND CORNER
⊙ --SET 1/2" IR W/OPC [With/orange plastic cap #13286]
⊠ --CUT "X"
▲ --SECTION CORNER
W/(color) --WITH (color)
(cap) (#) SURVEYOR'S ID CAP
IP --IRON PIPE
IR --IRON ROD
M --MEASURED DISTANCE
R --RECORD DISTANCE

GRAPHIC SCALE 1"=50'
0 50'

JOB NO. 6569- POS 19

PLAT OF SURVEY
FOR
HANNAH HOMES, LLC
PT. OF LOT 16
GOLF AND COUNTRY CLUB
PLAT 4

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 THE 1261 19th STREET PLAT OF SURVEY (POS-004457-2019) 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, Hannah Homes, LLC, has requested approval for a Plat of Survey (POS-004457-2019) for that site located at 1261 19th Street for the purpose of creating a parcel for the transfer of ownership legally described as:

Original Legal Description

THE NORTH 100 FEET OF THE SOUTH 200 FEET OF LOT 16 IN GOLF AND COUNTRY CLUB PLAT NO. 4, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

New Legal Description

PARCEL 19-165: ALL THAT PART OF LOT 16 IN GOLF AND COUNTRY CLUB PLAT 4, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A POINT THAT IS 100 FEET NORTHEASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 16, SAID POINT OF COMMENCEMENT ALSO ON THE EASTERLY RIGHT-OF-WAY LINE OF 19TH STREET, AS PRESENTLY ESTABLISHED; THENCE NORTH 13°06'30" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 30.32 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE NORTHERLY AND NORTHEASTERLY A DISTANCE OF 66.68 FEET ALONG THE CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 157.98 FEET AND A CENTRAL ANGLE OF 24°10'56" TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY A DISTANCE OF 5.53 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 157.98 FEET AND A CENTRAL ANGLE OF 2°00'22"; THENCE SOUTH 77°01'25" EAST, A DISTANCE OF 213.74 FEET TO THE EAST LINE OF SAID LOT 16; THENCE SOUTH 00°54'26" EAST ALONG SAID LINE, A DISTANCE OF 5.15 FEET; THENCE NORTH 77°01'25" WEST, A DISTANCE OF 217.34 FEET TO THE POINT OF BEGINNING, CONTAINING 1078 SQUARE FEET OR 0.02 ACRES, MORE OR LESS AND SUBJECT TO ANY OTHER EASEMENTS OR RESTRICTIONS OF RECORD.

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 September 3, 2019, this City Council held a duly-noticed meeting to consider the application for Plat of Survey (POS-004457-2019); and

WHEREAS, the West Des Moines City Council adopted a resolution which approved the Plat of Survey for 1261 19th Street at their meeting on September 3, 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, 1261 19th Street Plat of Survey is zoned Residential Single Family (RS-28) 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 September 3, 2019, or as amended orally at the City Council meeting of September 3, 2019, are adopted.

SECTION 2. 1261 19th Street Plat of Survey, (POS-004457-2019) to create a 0.02 acre (1078sf) parcel for transfer of ownership is approved, subject to compliance with all the conditions in the staff report, dated September 3, 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-004457-2019) 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 plat of survey on September 3, 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 September 3, 2019, among other proceedings, Roll Call No. _____ approved said plat on September 3, 2019, and released said Final Plat for recordation.

_____
Ryan Jacobson
City Clerk

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of September, 2019.

_____
Steven K Gaer, Mayor

ATTEST:

_____

Ryan Jacobson
City Clerk

EXHIBIT A:
CONDITIONS OF APPROVAL

1. In conjunction with the recording of the plat of survey, the newly created parcel shall be lot tied to 1826 Pleasant Street.