CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: September 3, 2019

ITEM: Williams Property, 34097 V Place – Plat of Survey for transfer of ownership – Old Post Properties, LLC - POS-004432-2019

RESOLUTION: Approval and Release of Plat-of-Survey

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Nicholas W. Williams, in association with the property owner Old Post Properties, LLC, has submitted a Plat of Survey to create a parcel for the transfer of ownership. The property in question is located on the west side of V Place, which is located just outside the City limits on the west side of West Des Moines. The applicant owns the entire 38.5-acre parcel and would like to parcel off approximately 10 acres of the property in the northeast corner for a new house. The Plat of Survey is being done because the applicant's lender is requiring the house to be on a separate parcel from the 38.5 acres that is owned by an LLC. The City has review authority over this Plat of Survey because the property is located within 2 miles of the City limits.

CITY COUNCIL SUBCOMMITTEE: This item was presented to the Development and Planning City Council Subcommittee on August 5, 2019, as an informational item only. No discussion was had and no disagreement with the proposal was expressed.

OUTSTANDING ISSUES: There is one outstanding issue. Staff would note the following:

- *Irrevocable Offer of Right of Way Dedication*: As a part of the Plat of Survey review, staff asked the applicant to execute an Irrevocable Offer of Right of Way dedication for his half of the right of way for V Place along the east side of the property. The future right of way of V Place will be 120' wide, thus the applicant will need to provide 60', or half of that right of way. The current right of way for V Place is by easement. The applicant has indicated that he will not submit the Irrevocable Offer of Right of Way Dedication, since this is only a Plat of Survey for the transfer of ownership and is not a subdivision of the property. The City Attorney has stated to staff that an Irrevocable Offer of Right of Way dedication for V Place, which serves and will continue to serve the subject property, is reasonable and therefore can be requested with this Plat of Survey.

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

- An Irrevocable Offer of Right of Way Dedication for the property owner's half of the right of way (60') for V Place along the east boundary of the subject 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 Plat-of-Survey for transfer of ownership, subject to the applicant complying with all applicable City Code requirements and the following:

1. The applicant submitting to the city, a signed Irrevocable Offer of Right of Way Dedication prior to the Plat of Survey being recorded with the Dallas County Recorder.

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	August 5, 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

Location Map

Legend

Corporate Limits

1,682.9 0 841.47 1,682.9 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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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

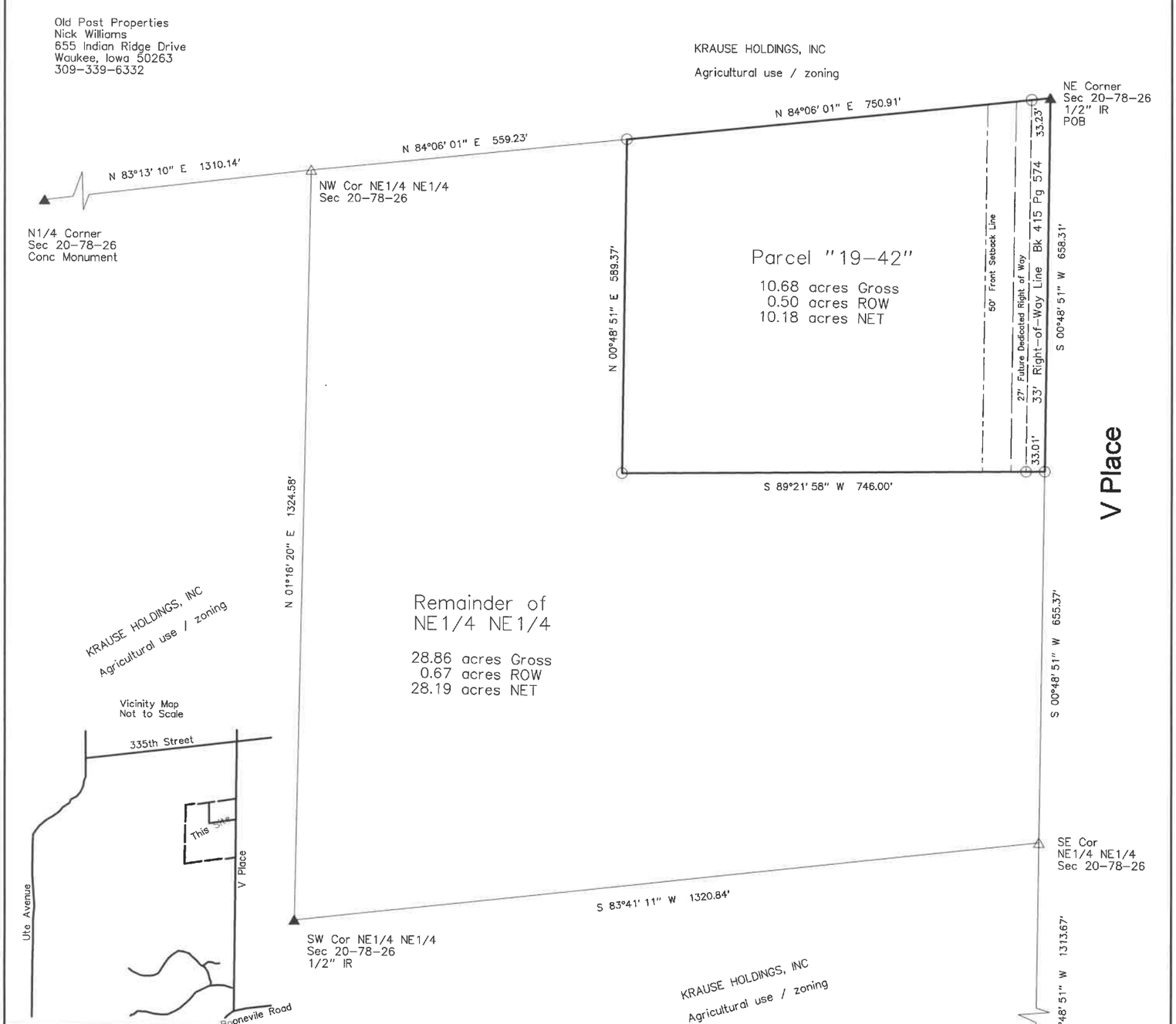
EXHIBIT II

INDEX LEGEND	PLAT OF SURVEY PARCEL "19-42" OF THE NE1/4 OF THE NE1/4 OF SEC 20-78-26
COUNTY: Dallas SITE ADDRESS: 3200 block of V Place CITY: Van Meter SECTION: 20 TOWNSHIP: 78 RANGE: 26 ALIQUOT PART: NE1/4 NE1/4 PARCEL DESIGNATION: Parcel "19-42" PROPRIETOR: Old Post Properties, LLC REQUESTED BY: Nick Williams SURVEYOR NAME: Vincent E. Piagentini	

PREPARED BY & RETURN TO: ABACI CONSULTING INC, 101 NE CIRCLE DR, GRIMES, IA 50111, PH(515)986-5048

THIS SPACE RESERVED FOR RECORDER'S OFFICE USE ONLY

Legal Description – Parcel "19-42"
All that part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 20, Township 78 North, Range 26 West of the 5th P.M., Dallas County, Iowa, more particularly described as follows:
Beginning at the Northeast corner of said Section 20, thence South 00°48' 51" West, along the East line of the NE1/4 of the NE1/4 of said Section 20, a distance of 658.31 feet, thence South 89°21' 58" West, a distance of 746.00 feet; thence North 00°48' 51" East, a distance of 589.37 feet, to a point on the North line of the NE1/4 of the NE1/4; thence North 84°06' 01" East, along said North line, a distance of 750.91 feet to the Point of Beginning, and containing 10.68 acres of land, more or less, including 0.50 acres of road easement.



ABACI CONSULTING, INC.

CIVIL ENGINEERING - LAND SURVEYING

101 NE CIRCLE DR., GRIMES, IOWA 50111, PH. (515)986-5048

DATE OF SURVEY FIELDWORK: 5/16/19 DRAWING DATE: 5/21/19 DRAFTER: VP PROJECT NO: 19120

Basis of Bearings: IOWA RTN Network
Error of Closure is greater then 1 in 5000.
All pins to be set within one year of the filing date of this survey.

I HEREBY CERTIFY THAT THIS SURVEYING DOCUMENT WAS PREPARED AND THE RELATED 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.

VINCENT E. PIAGENTINI, IOWA LIC. NO 15982 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.

ADDITIONAL PAGES CERTIFIED (NONE UNLESS INDICATED HERE)

VINCENT E. PIAGENTINI LICENSED 15982 IOWA PROFESSIONAL LAND SURVEYOR

SYMBOLS LEGEND:

R	RECORDED DISTANCE
M	MEASURED DISTANCE
C	CALCULATED DISTANCE
●	CORNER MONUMENT FOUND
○	SET 1/2" IR YC 15982 UNLESS NOTED
▲	SECTION CORNER FOUND
△	SECTION CORNER SET 1/2" IR YC 15982 UNLESS NOTED
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
YC	YELLOW CAP
IR	IRON ROD
IP	IRON PIPE

0 100
Scale 1" = 100'

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 AND RELEASING THE PLAT-OF-SURVEY (POS-004432-2019) FOR THE PURPOSE OF CREATING A 10-ACRE PARCEL FOR THE 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, Nicholas W. Williams, in association with the property owner, Old Post Properties, LLC, has requested approval for a Plat-of-Survey (POS-004432-2019) for that approximately 38.5 acre site located at 34097 V Place for the purpose of creating a 10-acre parcel for the transfer of ownership and subsequent construction of a single-family home;

Original Legal Description

The NE ¼ of the NE ¼ of Section 20, Township 78 North, Range 26 West of the 5th Prime Meridian, Dallas County, Iowa.

New Legal Description

Parcel 19-42: All that part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 20, Township 78 North, Range 26 West of the 5th P.M., Dallas County, Iowa, more particularly described as follows:

Beginning at the Northeast corner of said Section 20, thence South 00°48'51" West, along the East line of the NE1/4 of the NE1/4 of said Section 20, a distance of 658.31 feet, thence South 89°21'58" West, a distance of 746.00 feet; thence North 00°48'51" East, a distance of 589.37 feet, to a point on the North line of the NE1/4 of the NE1/4; thence North 84°06'01" East, along said North line, a distance of 750.91 feet to the Point of Beginning, and containing 10.68 acres of land, more or less, including 0.50 acres of road easement.

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 September 3, 2019, this City Council held a duly-noticed meeting to consider the application for Plat-of-Survey (POS-004432-2019); and

WHEREAS, the West Des Moines City Council adopted a resolution which approved the Plat-of-Survey to create a parcel for the transfer of ownership 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, the City Council did accept an irrevocable offer of right of way dedication for the property owner's half of the right of way along V Place; and

WHEREAS, there are no new public easements being established with this plat of survey; and

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. Plat-of-Survey (POS-004432-2019) to create a 10-acre parcel for the 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 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-004432-2019) 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 of survey 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 _____ day of September, 2019.

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

EXHIBIT A:
CONDITIONS OF APPROVAL

1. The applicant submitting to the city, a signed Irrevocable Offer of Right of Way Dedication prior to the Plat of Survey being recorded with the Dallas County Recorder.