CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: September 16, 2019

ITEM: Vacation of Public Utility Easement, 175 S. 9th Street – Vacate Public Utility Easement to enable development of the lot, Reid Tamisiea (VAC-004465-2019)

RESOLUTION: Approval of Vacation Request

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Reid Tamisiea, o/b/o West Green Industrial Park LLC, requests that an unused public utility easement be vacated to allow development to occur on a new lot that was subject to a plan of survey approved by the City Council on August 19, 2019 (POS-004394-2019). A site plan has been submitted for a warehouse building on the site and the prospective owner does not need the easement. Any new public utility easement will be established with the new site plan review.

CITY COUNCIL SUBCOMMITTEE: This item was not presented to the Planning and Development City Council Subcommittee due to the minor nature of the request.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Adopt a resolution approving the vacation request to vacate a public utility easement at 175, S. 9th Street.

Lead Staff Member: Kara Tragesser, AICP

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	September 6, 2019
Letter sent to surrounding property owners	September 4, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee	N/A		
Date Reviewed	N/A		
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - City Council Resolution
Exhibit II Public Utility Easement Exhibit

EXHIBIT I

Prepared by: KTragesser 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 VACATION REQUEST FOR THE PURPOSE OF VACATING PUBLIC INTEREST IN AN PUBLIC UTILITY EASEMENT AT 175 S. 9TH STREET – (VAC-004465-2019)

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code Ried Tamisiea, o/b/o West Green Industrial Park LLC, requests that the City of West Des Moines vacate an existing public utility easement at 175 S. 9th Street legally described as:

A 10 foot public utility easement as shown on Lot 36,West Green Industrial Plat 1, an official plat now in and forming a part of the City of West Des Moines, Polk County, Iowa and recorded at Book 16244 Page 853-854

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 16, 2019 this City Council held a duly-noticed public hearing to consider the application to vacate the public utility easement located on Parcel 2019-163 from the Plat of Survey recorded in Polk County, Iowa, at Book 17463 age 868.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated September 16, 2019, or as amended orally at the City Council hearing of September 16, 2019, are adopted.

SECTION 2. VACATION REQUEST (VAC-004465-2019) for the easement as previously stated here within, is approved, subject to compliance with all the conditions in the staff report, dated September 16, 2019, including conditions added at the Hearing. Violation of any such conditions shall be grounds for any remedy, legal or equitable, which is available to the City.

SECTION 3. City of West Des Moines' interest as shown in the public utility easement recorded in Polk County, Iowa, at Book 16244 Page 853 - 854, is hereby terminated by this resolution.

PASSED AND ADOPTED on September 16, 2019.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on September 16, 2010, by the following vote:

ATTEST:

_____
Ryan Jacobson
City Clerk

PLAT OF SURVEY

PREPARED FOR:

NEXT PHASE DEVELOPMENT
REID TAMUSSEA
3700 HIDDEN CREEK DR
WEST DES MOINES, IA 50265
PH: 515-480-3818

COMPREHENSIVE PLAN

GENERAL INDUSTRIAL

ZONING

GENERAL INDUSTRIAL

LEGAL DESCRIPTION
PARCEL '2019-163'

A PART OF LOT 36 WEST GREEN INDUSTRIAL PARK PLAT 1, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, POLK COUNTY IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 36; THENCE N14°52'22"W, 124.73 ALONG THE WEST LINE OF SAID LOT 36; THENCE N02°12'40"W, 385.93 FEET ALONG THE WEST LINE OF SAID LOT 36 TO THE NORTHWEST CORNER OF SAID LOT 36; THENCE N89°57'38"E, 149.81 FEET ALONG THE NORTH LINE OF SAID LOT 36; THENCE S00°02'22"E, 149.60 FEET; THENCE S53°03'16"E, 191.17 FEET TO THE SOUTH LINE OF SAID LOT 36; THENCE S45°05'27"W, 240.79 FEET ALONG THE SOUTH LINE OF SAID LOT 36 TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1.77 ACRES MORE OR LESS.

SAID TRACT OF LAND SUBJECT TO ALL EASEMENTS OF RECORD.

LEGAL DESCRIPTION
PARCEL '2019-164'

A PART OF LOT 36 WEST GREEN INDUSTRIAL PARK PLAT 1, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, POLK COUNTY IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 36; SAID NORTHEAST CORNER IS ON THE WEST RIGHT-OF-WAY LINE OF S. 9th STREET AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTHEASTERLY 47.60 FEET ALONG A 64.50 FEET RADIUS CURVE CONCAVE TO THE NORTHEAST, AND ALONG SAID RIGHT-OF-WAY LINE, SAID CURVE HAS A CHORD LENGTH OF 46.53 FEET AND A CHORD BEARING OF S20°56'15"E TO THE SOUTHEAST CORNER OF SAID LOT 36; THENCE S87°46'30"W, 121.71 FEET ALONG THE SOUTH LINE OF SAID LOT 36; THENCE S45°05'27"W, 232.45 FEET ALONG THE SOUTH LINE OF SAID LOT 36; THENCE N30°03'16"W, 191.11 FEET; THENCE N00°02'22"W, 149.60 FEET TO THE NORTH LINE OF SAID LOT 36; THENCE S89°57'38"E, 300.50 FEET ALONG THE NORTH LINE OF SAID LOT 36 TO THE POINT OF BEGINNING

SAID TRACT OF LAND CONTAINS 1.51 ACRES MORE OR LESS.

SAID TRACT OF LAND SUBJECT TO ALL EASEMENTS OF RECORD.

FLOOD HAZARD INFORMATION

MAP #19153C0329F DATED: FEBRUARY 1, 2019

ZONE 'X' AREA WITH REDUCED FLOOD RISK DUE TO LEVEE

SURVEY NOTES

1. THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 IN 10,000.
2. EACH LOT IN THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 IN 5000.
3. LOT CORNERS SHALL BE SET WITHIN ONE YEAR OF RECORDING.
4. ALL BEARINGS ARE ASSUMED

LEGEND

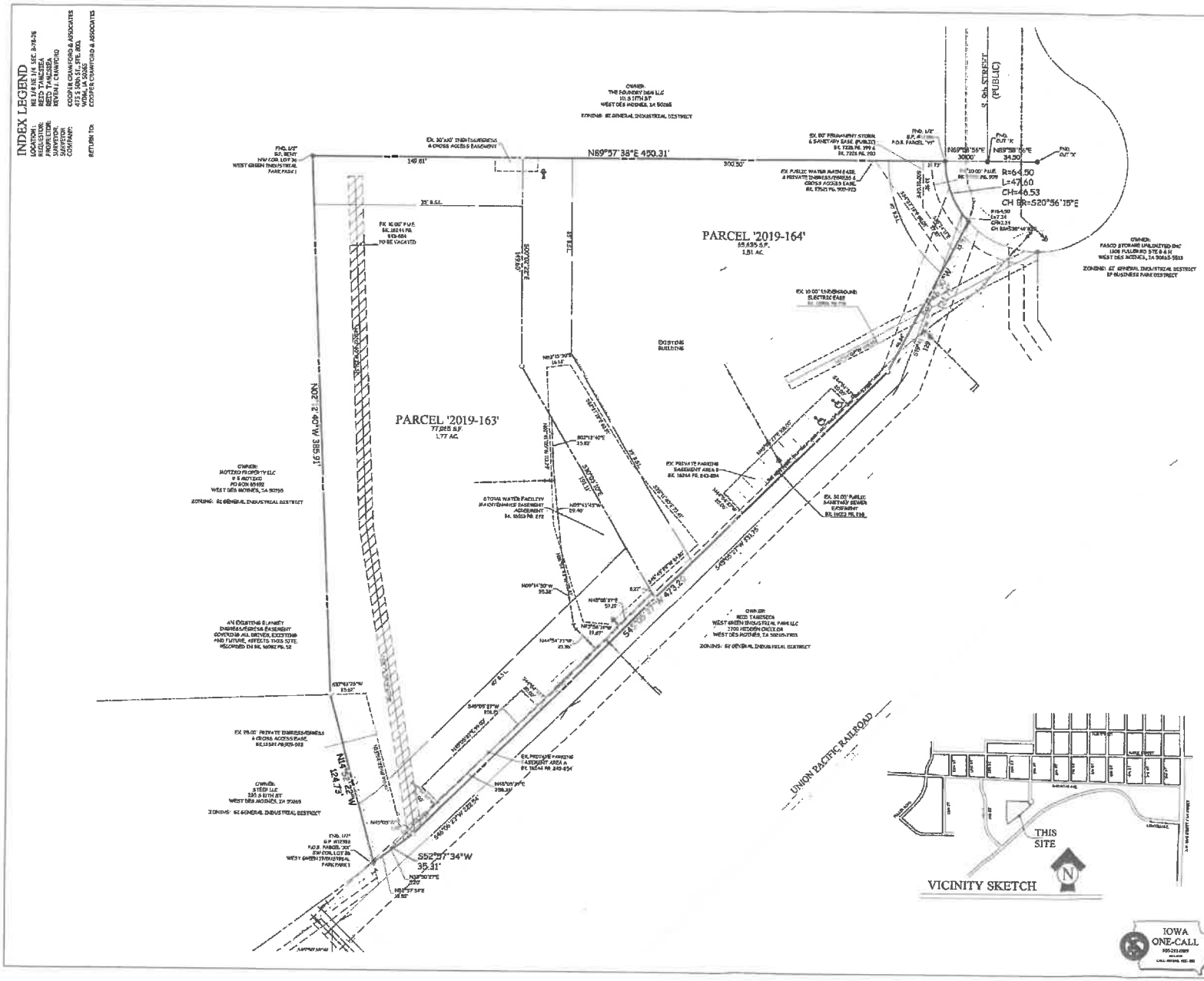
———	PLAT BOUNDARY
▲	SECTION CORNER
●	FOUND CORNER AS NOTED
O	SET CORNER 5/8" IR W/ YELLOW CAP #13156
I.R.	IRON ROD
G.P.	GAS PIPE
D.	DEEDED DISTANCE
M.	MEASURED DISTANCE
R	PREVIOUSLY RECORDED DISTANCE
P.U.E.	PUBLIC UTILITY EASEMENT

CERTIFICATION

I HEREBY CERTIFY THAT THIS 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.

KEVEN J. CRAWFORD 13156 IOWA

KEVEN J. CRAWFORD, PLS IOWA LICENSE NO. 13156
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020
PAGES OR SHEETS COVERED BY THIS SEAL:
THIS SHEET ONLY



COOPER CRAWF
& ASSOCIATES, L.L.C.
CIVIL ENGINEERS
475 S. 50th STREET, SUITE 800, WEST DES MOINES, IO
PHONE: (515) 224-1344 FAX: (515) 224-1343

DATE: 6-26-2019
REVISIONS: 8-1-2019

SCALE: 1"=30'

APPROVED: XXXX INITIALED: XXX AS-BUILT: 7-1-2019

PLAT OF SURVEY
LOT 36 WEST GREEN INDUSTRIAL PARK PLAT 1

EXHIBIT II