CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: November 4, 2019

ITEM: Resolution – Public hearing regarding the vacation of a portion of former South 11th Street as a public street and releasing and terminating the public street right of way easement.

FINANCIAL IMPACT: None

SYNOPSIS: Due to the construction of Veterans Parkway and the realignment of a portion of former Army Post Road, a portion of Southeast 11th Street is no longer needed as public right of way. The attached Resolution vacates this area as a public street, releases the City's interest in the property and terminates the easement. Upon termination, full fee title ownership will revert to the underlying property owner.

Because this action only vacates a portion of the street due to realignment, but does not vacate S. 11th Street, no review by the Plan and Zoning Commission is required.

RECOMMENDATION: Approve the Resolution vacating the property shown on the attached plat as street right of way, release the City's interest in the property and terminate the easement as public street right of way.

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney RJS
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	DM Register
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation			

RESOLUTION NO. _____

RESOLUTION APPROVING THE VACATION OF A PORTION OF FORMER SOUTH 11TH STREET AS PUBLIC STREET RIGHT OF WAY AND RELEASING AND TERMINATING THE PUBLC STREET RIGHT OF WAY EASEMENT

WHEREAS, the City of West Des Moines, Iowa is the owner of an easement constituting public street right of way for a portion of former South 11th Street as shown on the attached Vacation Plat 01-V ("Exhibit"); and

WHEREAS, due to the realignment of the roadway for which the right of way easement was used, the parcels comprising the public street right of way is no longer needed and the vacation of the parcel as public street right of way is appropriate; and

WHEREAS, pursuant to Code of Iowa Sections 362.3 and 364.7, publication of notice of vacation of the easement as public street right of way and the release and termination of the easement has been made; and

WHEREAS, this being the time and place for a public hearing regarding vacation of the easement as public street right of way and the release and termination of the easement; and

WHEREAS, the City Council of the City of West Des Moines, Iowa finds that use of the property shown on the attached Exhibit is no longer needed and should therefore be vacated as street right of way and the City's interest in the property be released and terminated; and

WHEREAS, by operation of law, upon vacation of the easement for use as public street right of way and the release and termination of the City's interest, all property rights shall revert to the underlying fee owner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:

1. Pursuant to Code of Iowa Section 364.7, publication of notice regarding vacation of the property shown on the attached Exhibit 01-V as public street right of way for a portion of former South 11th Street and release and termination of the City of West Des Moines' interest in the property as a public street right of way easement has been properly made.

2. The public hearing regarding vacation of the property as public street right of way and the release and termination of the City's interest in the easement is closed.

3. The property shown on the attached Exhibit 01-V is hereby vacated as public street right of way and all interests of the City of West Des Moines in the easement is released and terminated.

4. The property shown on the attached Exhibit shall no longer be designated as a public street in the City of West Des Moines and shall be removed from the City's public street system.

5. The Mayor is authorized to sign and the City Clerk is directed to attest to the Mayor's signature on all documentation evidencing the vacation, release and termination of the City's interest in the easement shown on the attached Exhibit 01-V.

6. Upon execution, all relevant documentation shall be filed in the Office of the Polk County, Iowa Recorder.

PASSED AND APPROVED this 4th day of November, 2019.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

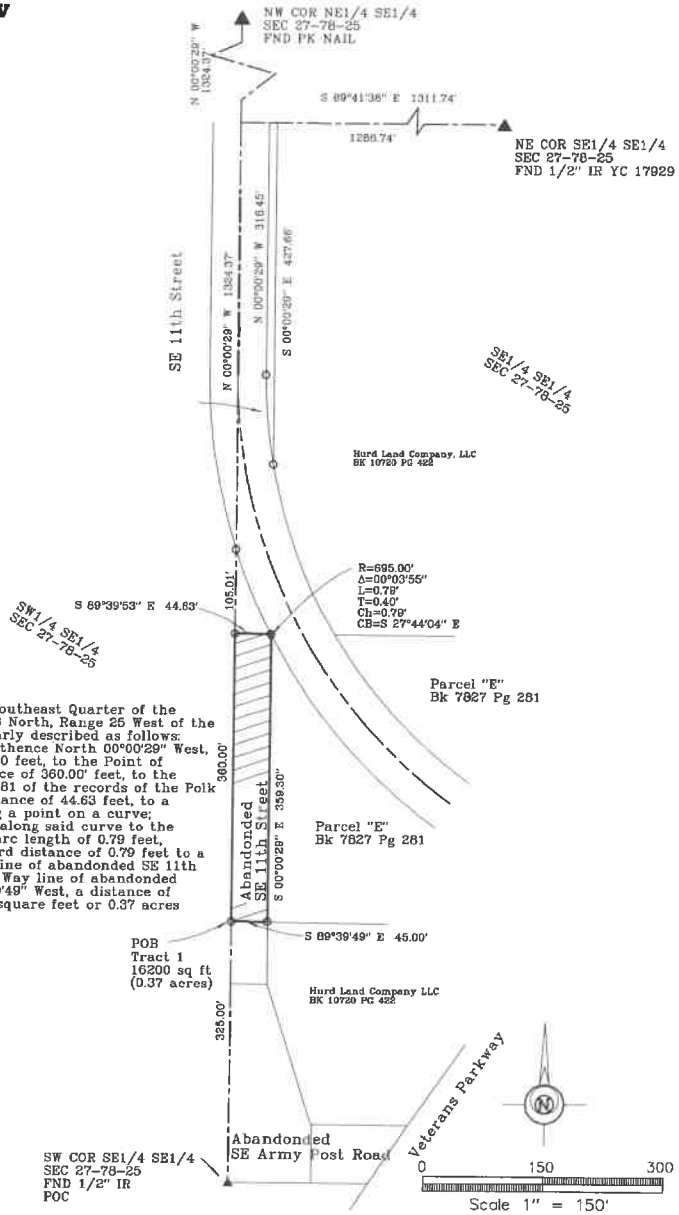
INDEX LEGEND
COUNTY: Polk PARCEL DESIGNATION: N/A SECTION: 27 TOWNSHIP: 78 RANGE: 25 ALIQUOT PART: SE1/4 SE1/4 SITE ADDRESS: S 11th Street CITY: West Des Moines PROPRIETOR: City of West Des Moines REQUESTED BY: City of West Des Moines SURVEYOR NAME: Vincent E. Piagentini

ABACI CONSULTING, INC.
CIVIL ENGINEERING - LAND SURVEYING
101 NE CIRCLE DR., GRIMES, IOWA 50111, PH. (515)986-5048

THIS SPACE RESERVED FOR RECORDER'S OFFICE USE ONLY

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

VACATION PLAT
EXHIBIT 01-V



Property Owner
City of West Des Moines
4200 Mills Civic Parkway
West Des moines, Iowa 50265
Bk 10420 Pg 779

Vacation of Right of Way Legal Description – Tract 1
All that part of abandoned SE 11th Street, located in the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 27, Township 78 North, Range 25 West of the 5th P.M., West Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the Southwest corner of said SE1/4 SE1/4, thence North 00°00'29" West, along the West line of said SE1/4 SE1/4, a distance of 325.00 feet, to the Point of Beginning; thence continuing North 00°00'29" West, a distance of 360.00' feet, to the Northwest corner of Parcel "E" as filed in Book 7827 Page 281 of the records of the Polk County Recorder's Office; thence South 89°39'35" East, a distance of 44.63 feet, to a point on the West right of way line of SE 11th Street, being a point on a curve; thence along said West right of way line of SE 11th Street, along said curve to the left having a radius of 695.00 feet, a delta of 00°03'55", an arc length of 0.79 feet, and a chord which bears South 27°44'04" East having a chord distance of 0.79 feet to a point on a line, said point being on the East Right of Way line of abandonded SE 11th Street; thence South 00°00'29" East, along the East Right of Way line of abandonded SE 11th Street, a distance of 359.30 feet; thence North 89°39'49" West, a distance of 45.00 feet to the Point of Beginning, and containing 16,200 square feet or 0.37 acres of land, more or less.

City Project No. 0260-013-20108

DATE OF SURVEY FIELDWORK: 6/18/18 DRAWING DATE: 8/3/18 DRAFTER: VP PROJECT NO: 16081 DRAWING NO: 16081VS13

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.

2/19/19

VINCENT E. PIAGENTINI, IOWA LIC. NO 15982 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.

ADDITIONAL PAGES CERTIFIED (NONE UNLESS INDICATED HERE)

REVISION DATE:
8/3/18
1/23/19

VINCENT E. PIAGENTINI LICENSED 15982 IOWA PROFESSIONAL LAND SURVEYOR

SYMBOLS LEGEND:

R	RECORDED DISTANCE
M	MEASURED DISTANCE
C	CALCULATED DISTANCE
●	CORNER MONUMENT FOUND
O	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
OC	ORANGE CAP
IR	IRON ROD
IP	IRON PIPE