CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: November 1, 2021

ITEM: Wendy's, 225 Grand Avenue – Approval and Acceptance of Lot Tie Agreement and Streetscape and Utility Easement – Wendy's West Maple, L.L.C. – SP-005129-2021

Resolution: Approval and Acceptance of Lot Tie Agreement and Streetscape and Utility Easement

Background: On June 21, 2021, the City approved the Wendy's Site Plan allowing the construction of a Wendy's restaurant on property located at 225 Grand Avenue and 301 Grand Avenue. As a condition of approval, the development was required by the City to provide a Lot Tie Agreement and Streetscape and Utility Easement, which the property owner has since provided.

Staff Review & Comment: The requirement for the development to provide the document(s) indicated above was reviewed by the City's Legal Department and found to be necessary for the development of the site. For policy and title purposes, formal acceptance by the City Council of property interests being conveyed to the City is required.

Outstanding Issues: There are no outstanding issues.

Staff would summarize the following:

- *Lot Tie Agreement:* Since the original Wendy's property (225 Grand Avenue) and the former Rassy's Bike Shop building (301 Grand Avenue) will both be utilized for the redevelopment of the Wendy's restaurant; the two properties will need to be tied together. A lot tie agreement has been executed by Wendy's West Maple, L.L.C. since they are now the owners of both properties.

- *Streetscape and Utility Easement:* The Grand Avenue Redevelopment Plan identifies the streetscape intent for the Val-Gate district and includes vegetation, furniture, and ornamental stone wall screening elements as illustrated in plan. This streetscape is intended to provide desired green to the City, reinforce a district identity, provide visual screening of parking and other negative site elements, bring human scale to adjoining buildings and provide traffic calming benefits. This landscaped edge with hardscape elements or 'streetscape' will be provided along Grand Avenue.

Recommendation: Approve and Accept Lot Tie Agreement and Streetscape and Utility Easement.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	n/a
City Council	November 1, 2021

Staff Report Reviews:

City Council	☒ Director	☒ Legal Department
	☐ Appropriations/Finance	☑ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Committee	Development & Planning
Date Reviewed	n/a
Recommendation	☐ Yes ☐ No ☐ Split

Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION APPROVING AND ACCEPTING DOCUMENT(S) CONVEYING PROPERTY INTERESTS TO THE CITY OF WEST DES MOINES, IOWA

WHEREAS, it is the policy of the City of West Des Moines, Iowa to approve the conveyance of all property interest to the City; and

WHEREAS, the following document(s) conveying property interests to the City have been presented to the City Council for approval;

A lot tie agreement from Wendy's West Maple, L.L.C.
for the property at 225 Grand Avenue and 301 Grand Avenue;

and

A Streetscape and Utility Easement from Wendy's West Maple, L.L.C.
for the property at 225 Grand Avenue and 301 Grand Avenue

And,

WHEREAS, it is in the best interests of the citizens of the City to approve and accept the above-described documents.

NOW, THEREFORE, the City Council does approve and accept the documents described above. Said documents shall be filed with the county recorder as appropriate.

PASSED AND ADOPTED on November 1, 2021.

_____
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 November 1, 2021, by the indicated vote.