

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: March 28, 2022

ITEM: Jordan Creek Tower – Vacate 40' Highway Easement located across 575 S. 60th Street (southern portion of Waterford Drive) – Dennis R. Albaugh Revocable Trust U/A/D 10/05/2005 – VAC-005405-2021

Resolution: **Approval of Highway Easement Vacation**

Background: Ed Arp with Civil Engineering Consultants, on behalf of the property owner, Dennis R. Albaugh Revocable Trust U/A/D 10/05/2005, requests approval of the vacation of a 40' highway easement (southern portion of Waterford Drive) established across the north edge of 575 S. 60th Street (Book 508, Page 432). The easement area that is the subject of this request does contain private utility infrastructure. The applicant is proposing to provide a 40' public utility easement in the place of the highway easement for use by private utility companies. The applicant proposes the development of a 5-story mixed use building on the property. No structures will be built on the easement itself, but parking, drive aisles and landscaping will be located within the easement.

Staff Review & Comment:

- **History:** The easement in question was once the southern 40' of an 80' highway easement. The north 40' of the easement was located on 525 S. 60th Street and was vacated by the City Council on May 31, 2016 as part of the Morningstar development. The owner of the property at 575 S. 60th Street at the time elected not to vacate his portion of the easement.
- **Disposition of the Property:** This action is for the vacation of the highway easement only, therefore no disposition is needed as the property will revert back to the underlying fee owner.
- **Public Utilities:** Utility locates were conducted in this area to determine if any public or private utilities are located within the 40' roadway easement area. Based on the information provided with the locate, a fiber optic line, electric line and cable line go through this area and will remain. The applicant will provide a public utility easement over the 40' area for use by those private utilities. The easement will be presented for acceptance by the City Council at a future meeting.
- **Access:** In addition to the 40' highway easement, there is an existing ingress/egress easement (Book 1016, Page 24715) that allows access to S. 60th Street for the subject property and for the Morningstar property to the north.

Outstanding Issues: There are no outstanding issues.

Recommendation: Approve the vacation of 40' highway easement (southern portion of Waterford Drive).

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	March 28, 2022
City Council	
City Council	

Staff Report Reviews:

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or) <input type="checkbox"/> Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register
Date(s) Published	March 23, 2022
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	December 6, 2021
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

Location Illustration



PREPARED FOR:
 DRA PROPERTIES
 ATTN: DENNIS R. ALBAUGH
 1525 NE 36TH STREET
 ANKENY, IA 50021

EXHIBIT 'A'
**PUBLIC RIGHT-OF-WAY
 EASEMENT VACATION
 EXHIBIT**
 CITY OF WEST DES MOINES, IOWA

PROPERTY OWNERS:
 DENNIS R ALBAUGH REVOCABLE TRUST U/A/D
 OCTOBER 05, 2005
 ATTN: DENNIS R. ALBAUGH
 1525 NE 36TH STREET
 ANKENY, IA 50021

PROPERTY DESCRIPTION: WARRANTY DEED - BK. 2018, PG. 14670
 THE NORTH 408 FEET OF THE EAST 333 FEET (EXCEPT THE EAST 33 FEET THEREOF FOR HIGHWAY AND EXCEPT LAND DEEDED TO THE CITY OF WEST DES MOINES AND RECORDED IN BOOK 2006 PAGE 5123 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., WEST DES MOINES, DALLAS COUNTY, IOWA, SUBJECT TO ALL COVENANTS, RESTRICTIONS, AND EASEMENTS OF RECORD.

VACATION DESCRIPTION:
 THE NORTH 40.00 FEET OF THE WEST 273.00 FEET OF THE EAST 333.00 FEET OF THE SE1/4 OF SECTION 13, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

LAND USE
 PROPOSED: MIXED USE

ZONING
 EXISTING: UNZONED
 PROPOSED: SPECIFIC PLAN WITH UNDERLYING ZONING OF SUPPORT COMMERCIAL

COMP. PLAN DISTRICT
 SUPPORT COMMERCIAL

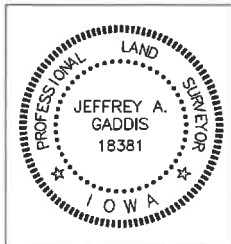
NOTES

1. THIS PARCEL MAY BE SUBJECT TO EASEMENTS OF RECORD. NO TITLE WORK WAS PROVIDED TO THIS SURVEYOR.
2. CITY COUNCIL APPROVED THE 40' R.O.W. VACATION ON MAY 31, 2016. NO RECORDED INSTRUMENT WAS FOUND BY THIS LAND SURVEYOR AT THE DALLAS COUNTY RECORDER'S OFFICE.

LEGEND

- VACATION LINES
- LOT LINES
- EASEMENT LINES
- FOUND PROPERTY CORNER
- SET 3/8" I.R. W/B BLUE CAP #10381
- I.P. IRON PIPE
- I.R. IRON ROD
- P.O.B. POINT OF BEGINNING
- M. MEASURED BEARING & DISTANCE
- P. PREVIOUSLY RECORDED BEARING & DISTANCE ADDRESS

CERTIFICATION



I HEREBY CERTIFY THAT THIS LAND SURVEYING 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.

March 23, 2022
 JEFFREY A. GADDIS, IOWA LICENSE NO. 18381 DATE
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022
 PAGES OR SHEETS COVERED BY THIS SEAL:

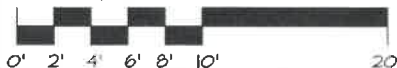
SHEETS 1 - 3



Civil Engineering Consultants, Inc.

2400 86th Street . Unit 12 . Des Moines, Iowa 50322
 515.276.4884 . Fax: 515.276.7084 . mail@ceclac.com

SCALE: 1" = 10'



SHEET

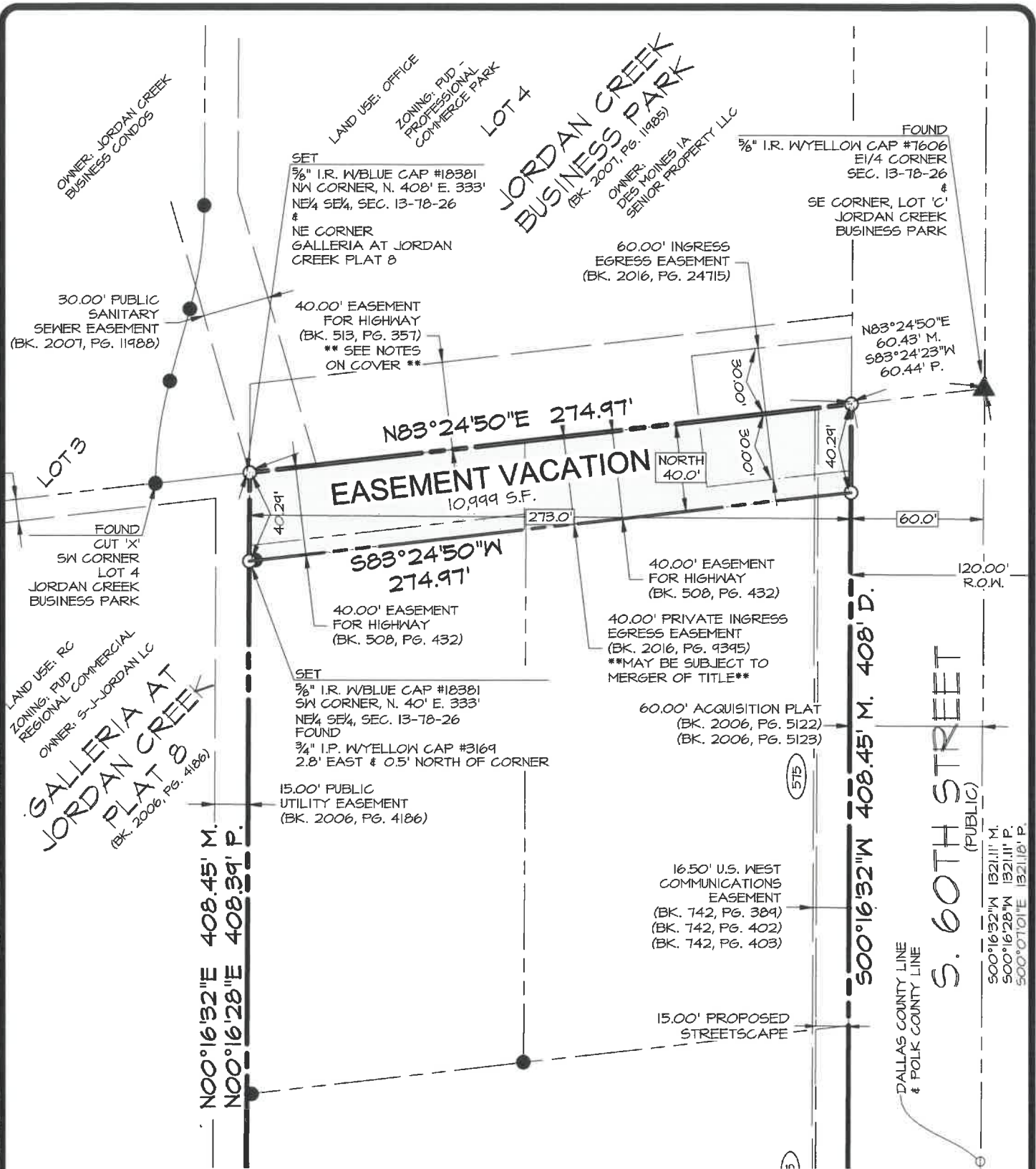
1

OF 3

A-1932

DATE: March 23, 2022
 DESIGNED BY: JAG
 DRAWN BY: JAG

Q:\A-FILES\A-1900\A1932\ CSD Drawings\PlatA1932 VAC EXHIBIT.dwg, 3/23/2022 1:08:07 PM, jagaddis, 1:1



Civil Engineering Consultants, Inc.

2400 86th Street, Unit 12, Des Moines, Iowa 50322
 515.276.4884 Fax: 515.276.7084 mail@ceclac.com

SCALE: 1" = 60'



DATE: March 23, 2022
 DESIGNED BY: JAG
 DRAWN BY: JAG

NORTH



SHEET

2

OF 3

A-1932

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-22-029**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Dennis R. Albaugh Revocable Trust U/A/D 10/05/2005, requests approval of the vacation of Public Highway easement for that portion of Waterford Drive situated on the north 40' of the property at 575 S. 60th Street

WHEREAS, the request complies with the applicable provisions of the Comprehensive Plan and City Code.

NOW THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends the City Council approve the Vacation of Public Highway Easement (VAC-005405-2022).

PASSED AND ADOPTED on March 28, 2022.

Erica Andersen, Chair
Plan and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on March 28, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary