CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: May 16, 2022

ITEM: Della Vita, Southeast corner of Wendover Lane and EP True Parkway – Approve Plat of Survey Parcel '22-9' to create a 3.16-acre parcel for the Transfer of Ownership - Della Vita, LLC – POS-005578-2022

RESOLUTION: Approval and Release of Plat-of-Survey

Background: Emily Harding with Civil Design Advantage, on behalf of the applicant and property owner, Della Vita, LLC, requests approval of a Plat of Survey for the approximately 3.16-acre property generally located at the southeast corner of Wendover Lane and EP True Parkway. The applicant proposes to create a 3.16-acre parcel from the original parcel for the transfer of ownership. The extension of EP True Parkway runs along the north boundary of the plat of survey parcel. The plat of survey parcel is better incorporated into the Pavilion Park development that is located south of the Della Vita development. This portion of Pavilion Park is in the review and approval process for the development of single-family detached residential.

Staff Review & Comment:

- *Financial Impact:* There is no city involvement in the intended single-family development at this time.
- *Traffic Analysis Findings:* Traffic Impact Studies are not conducted for Plats of Survey but instead are completed at the time of the associated Preliminary Plat within the subdivision process. The Della Vita development aligns with previous traffic studies.
- *Plat of Survey Approval:* This Plat of Survey is for the transfer of ownership only. No improvements shall be made on the property until such time that the property is replatted through the City's Subdivision process. Additionally, approval of this Plat of Survey does not release the current or future property owner(s) of responsibility of providing/constructing public improvements required of the property and associated development. In the event the intended development and subdivision of the property does not occur, no building permits shall be issued for any structures within the property until such time that all public improvements necessary to serve the property are completed or surety provided, all other financial obligations including Sanitary, Water, and Storm Water Connection Fee District fees, as applicable are fulfilled and executed legal documents provided.

Outstanding Issues: There are no outstanding issues.

Recommendation: Approve the Plat of Survey, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. The applicant and property owner acknowledging and agreeing that approval of this Plat of Survey is for the transfer of ownership only and that the current or future property owner(s) remains responsible for any public improvements required of the property, including but not limited to the dedication of right-of-way for the extension of EP True Parkway.

2. The applicant and property owner acknowledging and agreeing that no improvements shall be made to the property until such time that the property subject of the Plat of Survey is replatted through the City's Subdivision process. The applicant and property owner further acknowledging and agreeing that in the event subdivision of the property does not occur, no building permits for any structures shall be issued for the property until such time that public improvements necessary to serve the property are constructed and approved by the city or surety provided, all other financial obligations including Sanitary, Water, and Storm Water Connection Fee District fees, as applicable are fulfilled and all necessary legal documents are executed and provided to the city.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	n/a
City Council	May 16, 2022

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)

Subcommittee	Development & Planning
Date Reviewed	4/18/22
Recommendation	☒ Yes ☐ No ☐ Split

Location Map

PLAT OF SURVEY

PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY

INDEX LEGEND

LOCATION: SEC 10–78–26, PT SW1/4 NE1/4

REQUESTOR: INTENDED OWNER
PAVILION PARK, LC
BILL SPENCER
9550 HICKMAN ROAD SUITE 100
CLIVE, IA 50325
PHONE 515–986–5994

PROPRIETOR: DELLA VITA, LLC
6900 WESTOWN PARKWAY
WEST DES MOINES, IA 50266

SURVEYOR: MICHAEL A. BROONER

SURVEYOR COMPANY: CIVIL DESIGN ADVANTAGE

PREPARED BY & RETURN TO: CIVIL DESIGN ADVANTAGE
4121 NW URBANDALE DRIVE
URBANDALE, IOWA 50322
PH: 515–369–4400

DATE OF SURVEY

APRIL 26, 2022

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE
4121 NW URBANDALE DRIVE
URBANDALE, IOWA 50322

ORIGINAL DESCRIPTION

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN

EXCEPT DELLA VITA PLAT 1, AN OFFICIAL PLAT

AND

EXCEPT DELLA VITA PLAT 2, AN OFFICIAL PLAT

AND

EXCEPT DELLA VITA PLAT 4, AN OFFICIAL PLAT

AND

EXCEPT INTERSTATE 80 AREA OF EXCESS (WENDOVER ROAD) AS SHOWN ON THE IOWA DEPARTMENT OF TRANSPORTATION OFFICIAL PLANS FOR PROJECT NO. I–IG–80–3(12)121

ALL BEING IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND CONTAINING 17.14 ACRES MORE OR LESS.

COMPREHENSIVE PLAN LAND USE

EXISTING: MD: MEDIUM DENSITY RESIDENTIAL

ZONING

EXISTING: UNZONED

AREA SUMMARY

TOTAL	3.163 AC	(137,768 SF)
ROW	0.135 AC	(5,889 SF)
NET	3.028 AC	(131,879 SF)

PARCEL '22-9' LEGAL DESCRIPTION

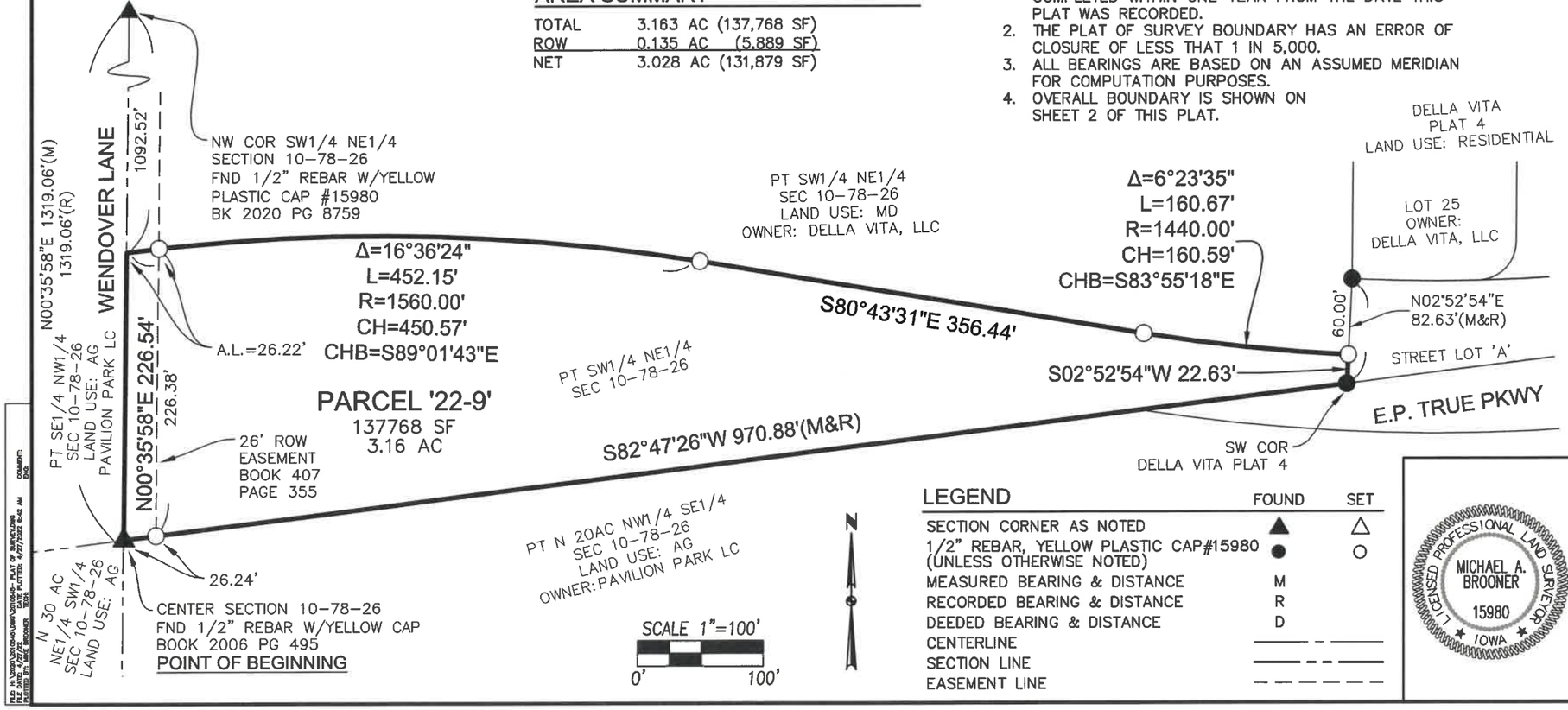
A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 10; THENCE NORTH 00°35'58" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, 226.54 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 1560.00 FEET, WHOSE ARC LENGTH IS 452.15 FEET AND WHOSE CHORD BEARS SOUTH 89°01'43" EAST, 450.57 FEET; THENCE SOUTH 80°43'31" EAST, 356.44 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1440.00 FEET, WHOSE ARC LENGTH IS 160.67 FEET AND WHOSE CHORD BEARS SOUTH 83°55'18" EAST, 160.59 FEET TO THE WEST LINE OF DELLA VITA PLAT 4, AN OFFICIAL PLAT; THENCE SOUTH 02°52'54" WEST ALONG SAID WEST LINE, 22.63 FEET TO THE SOUTHWEST CORNER OF SAID DELLA VITA PLAT 4; THENCE SOUTH 82°47'26" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, 970.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.16 ACRES (137,768 SQUARE FEET).

THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

NOTES

1. ALL SET MONUMENTS SHOWN ON THIS PLAT WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.
2. THE PLAT OF SURVEY BOUNDARY HAS AN ERROR OF CLOSURE OF LESS THAT 1 IN 5,000.
3. ALL BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR COMPUTATION PURPOSES.
4. OVERALL BOUNDARY IS SHOWN ON SHEET 2 OF THIS PLAT.



LEGEND

	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW PLASTIC CAP#15980 (UNLESS OTHERWISE NOTED)	●	○
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		

LICENSED PROFESSIONAL LAND SURVEYOR
MICHAEL A. BROONER
15980
IOWA

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.

MICHAEL A. BROONER, P.L.S. — DATE: 4-27-2022

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEETS 1 AND 2

CIVIL DESIGN ADVANTAGE
4121 NW URBANDALE DRIVE
URBANDALE, IOWA 50322
PHONE: (515) 369-4400 FAX: (515) 369-4410
ENGINEER: TECH: REVIEW:
REVISIONS
REVISED
PREPARED

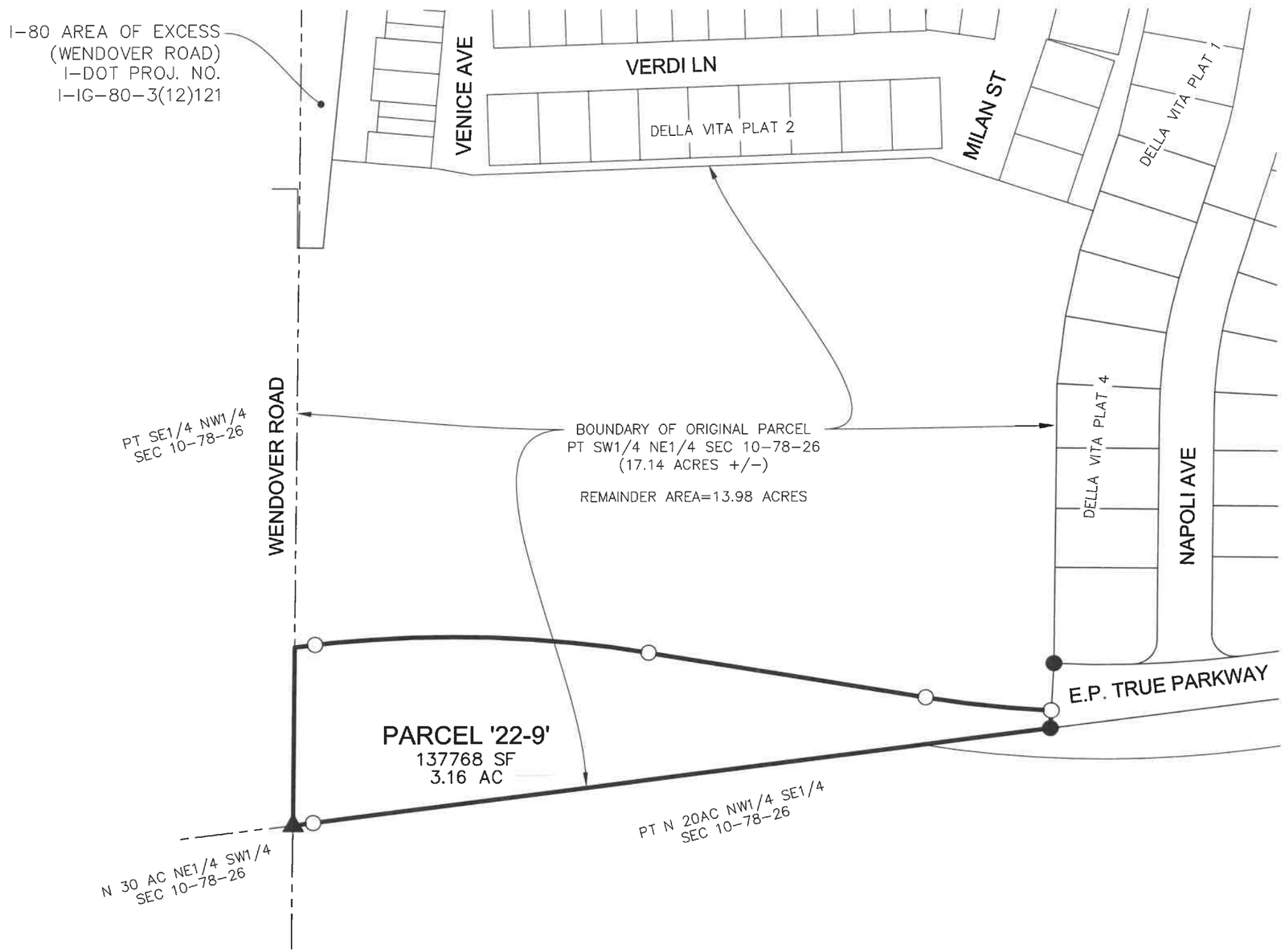
PT SW1/4 NE1/4 SEC 10-78-26
PLAT OF SURVEY
WEST DES MOINES, IOWA

1/2

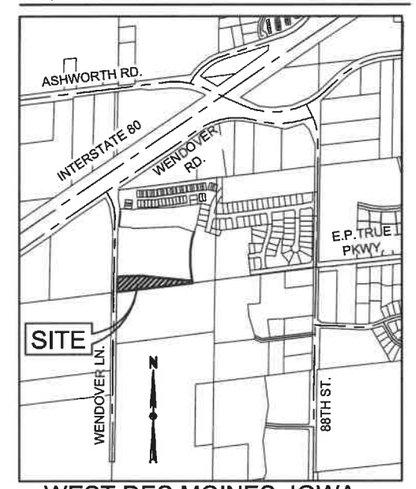
2010.545

FILE: N:\cdaproj\2010\2010545\dwg\2010545-PLAT OF SURVEY.dwg
PLOTTED BY: MIKE BROONER TUE, Apr 26 2022 - 8:46 AM
PLOTTED BY: MIKE BROONER TUE, Apr 26 2022 - 8:46 AM
COMMON: ENG

PLAT OF SURVEY



VICINITY MAP



WEST DES MOINES, IOWA

REVISIONS	DATE
REVISED	4/20/2022
PREPARED	4/06/2022

4121 NW URBANDALE DRIVE
URBANDALE, IOWA 50322
PHONE: (515) 369-4400 FAX: (515) 369-4410

ENGINEER: TECH: REVIEW:

CIVIL DESIGN ADVANTAGE

WEST DES MOINES, IOWA

PT SW1/4 NE1/4 SEC 10-78-26

PLAT OF SURVEY

2/2

2010.545

FILE: N:\2010\2010545\PWO\2010545_PLAT OF SURVEY.DWG
PLOTTED BY: MIKE BROOKER PLOT SCALE: 1:1 PLOTTED: 4/27/2022 9:44 AM COMMON: DXG:

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 OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AND RELEASING PARCEL 22-9 PLAT-OF-SURVEY FOR THE PURPOSE OF TRANSFER OF OWNERSHIP

WHEREAS, pursuant to the provisions of Title 9, Zoning and Title 10, Subdivision Regulations, of the West Des Moines Municipal Code, the applicant and property owner, Della Vita, LLC, request approval of a Plat of Survey for the approximately 3.16-acre property generally located at the southeast corner of Wendover Lane and EP True Parkway and legally described in attached Exhibit 'B'. The applicant proposes to create a 3.16-acre parcel for the transfer of ownership in anticipation of development of single family lots south of the extension of EP True Parkway; and

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, this Plat of Survey complies with Iowa Code Chapters 354 and 414, the Comprehensive Plan and City Code; and

WHEREAS, on this day the City Council held a duly noticed meeting to consider the Plat-of-Survey application; and

WHEREAS, the public improvements, sureties, and legal documents required of the property subject of the Plat of Survey shall be provided at such time that the property is replatted; and

WHEREAS, property subject of this action is currently zoned Residential Single Family (RS-5) and is capable of meeting all requirements of the City's Zoning Code.

NOW, THEREFORE, the City Council does approve the Plat of Survey creating Parcel 22-9 (Dallas County) (POS-005578-2022), subject to compliance with all of the conditions of approval, including any conditions added at the meeting, attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City. This resolution does release the Plat-of-Survey for recordation. The City Council of West Des Moines, Iowa directs the City Clerk to release said document for

recordation.

PASSED AND ADOPTED on May 16, 2022.

_____

Russ Trimble, 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 May 16, 2022, by the following vote.

Exhibit A: Conditions of Approval

1. The applicant and property owner acknowledging and agreeing that approval of this Plat of Survey is for the transfer of ownership only and that the current or future property owner(s) remains responsible for any public improvements required of the property, including but not limited to the dedication of right-of-way for the extension of EP True Parkway.
2. The applicant and property owner acknowledging and agreeing that no improvements shall be made to the property until such time that the property subject of the Plat of Survey is replatted through the City's Subdivision process. The applicant and property owner further acknowledging and agreeing that in the event subdivision of the property does not occur, no building permits for any structures shall be issued for the property until such time that public improvements necessary to serve the property are constructed and approved by the city or surety provided, all other financial obligations including Sanitary, Water, and Storm Water Connection Fee District fees, as applicable are fulfilled and all necessary legal documents are executed and provided to the city.

Exhibit B: Legal Description

Original Parcel:

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EXCEPT DELLA VITA PLAT 1, AN OFFICIAL PLAT

AND

EXCEPT DELLA VITA PLAT 2, AN OFFICIAL PLAT

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EXCEPT DELLA VITA PLAT 4, AN OFFICIAL PLAT

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