CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: May 16, 2022

ITEM: Galleria at Jordan Creek Plat 9, Lot 1, 645 S. 60th Street – Vacate a portion of a 10' Public Utility Easement on the north end of Lot 1 – Chilipeppers, LLC – VAC-005572-2022

RESOLUTION: Approval of Vacation Request

Background: Josh Trygstad with Civil Design Advantage, on behalf of the applicant and property owner, Chilipeppers, LLC, requests approval of the vacation of a portion of a 10' Public Utility Easement (recorded Dallas County Book 2006, Page 8809) established across Lot 1 within Galleria at Jordan Creek Plat 9. The easement subject of this request does not contain utility infrastructure and therefore has been determined by City staff to no longer be necessary. The applicant proposes the development of a Tommy's Car Wash and Hyper Energy Bar on this site.

Staff Review & Comment:

- *Disposition of the Property:* This action is for the vacation of a portion of the easement only.
- *Public Utilities*: Utility locates were conducted for this property to determine if any public or private utilities are located within the easement area. Based on the information provided with the locate, no physical infrastructure is located within the easement.

Outstanding Issues: There are no outstanding issues.

Recommendation: Approve the vacation of a portion of the Public Utility Easement.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

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

Staff Report Reviews

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

Publications

Published In	Des Moines Register Community Section
Date Published	n/a

Subcommittee Review (if applicable)

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

Location Illustration

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

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING THE REQUEST TO VACATE A PORTION OF AN EXISTING PUBLIC UTILITY EASEMENT

WHEREAS, pursuant to the provisions of Title 9, Zoning and Title 10, Subdivision Regulations, the applicant and property owner, Chilipeppers, LLC, requests approval of a Vacation Request for a portion of an existing Public Utility Easement legally described in the attached Exhibit "B" and illustrated in Exhibit "C", located across Lot 1, Galleria at Jordan Creek Plat 9, established in Dallas County Book 2006, Page 8809; 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; and

WHEREAS, on this day the City Council held a duly noticed meeting to consider the application for Vacation Request; and

NOW, THEREFORE, the City Council does approve the Vacation Request (VAC-005572-2022), to vacate a portion of an existing Public Utility Easement recorded in Dallas County, Book 2006, Page 8809, subject to compliance with all of the conditions, including 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.

PASSED AND APPROVED by the City Council on May 16, 2022.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing was published as Ordinance No. _____ on the 16th day of May, 2022.

Exhibit A: Conditions of Approval

None

Exhibit B: Legal Description of Easement to be Vacated

A PART OF LOT 1, GALLERIA AT JORDAN CREEK PLAT 9, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 81°03'32" EAST, 23.05 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY, WHOSE RADIUS IS 253.59 FEET, WHOSE ARC LENGTH IS 20.37, AND WHOSE CHORD BEARS NORTH 60°11'09" EAST, 20.37 FEET; THENCE NORTH 89°35'40" EAST, 216.56 FEET; THENCE SOUTH 00°24'20" EAST, 33.00 FEET; THENCE SOUTH 89°35'40" WEST, 10.00 FEET; THENCE NORTH 00°24'20" WEST, 23.00 FEET; THENCE SOUTH 89°35'40" WEST, 224.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,487 SQUARE FEET).

Exhibit C: Illustration of Easement To Be Vacated

EXHIBIT - VACATION PLAT

OWNER

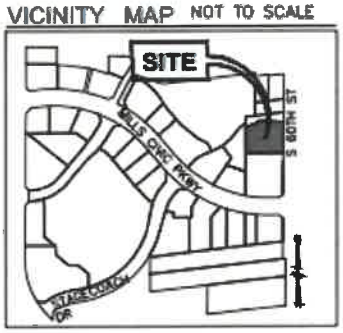
CHILIPEPPERS LLC
1350 NW 138TH ST, SUITE 450
CLIVE, IA 50325

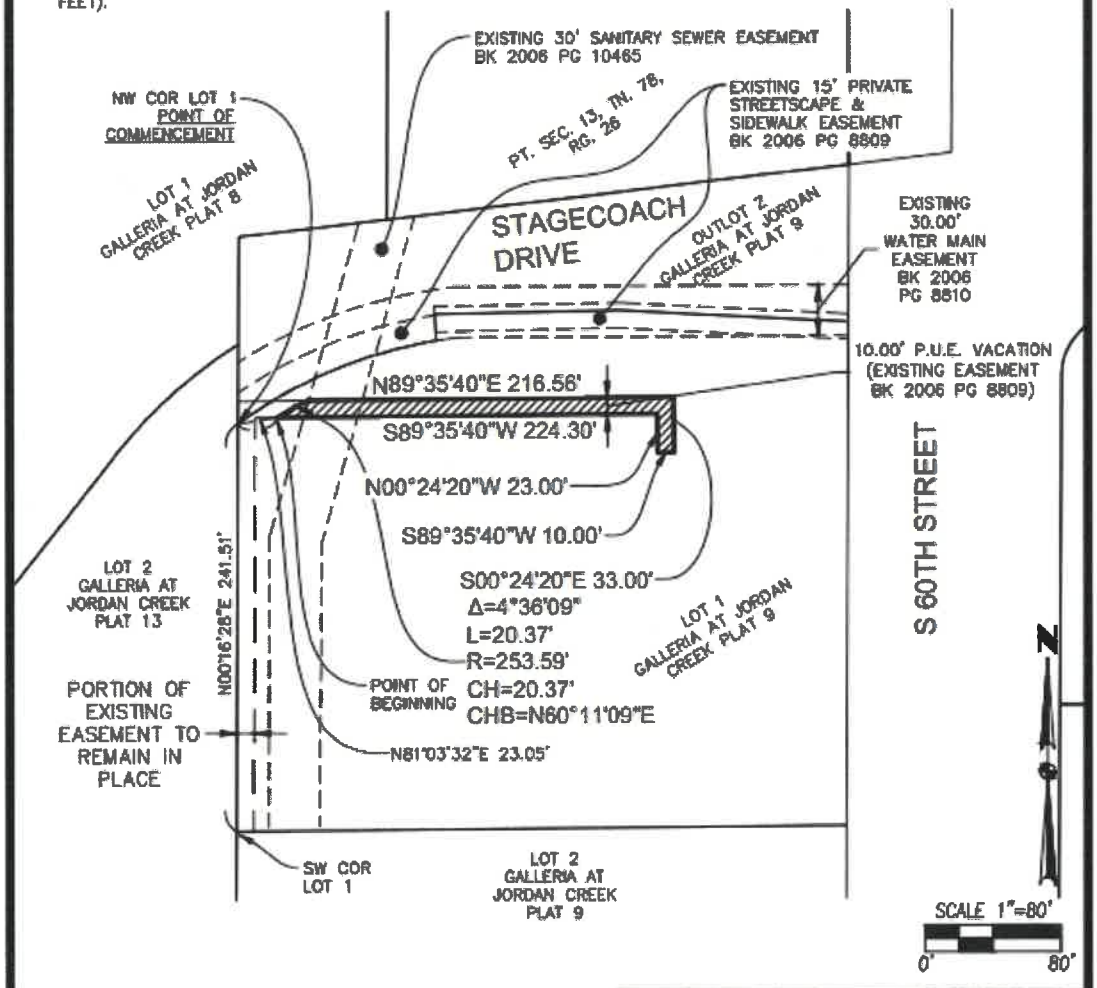
PUBLIC UTILITY EASEMENT VACATION DESCRIPTION

A PART OF LOT 1, GALLERIA AT JORDAN CREEK PLAT 9, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 81°03'32" EAST, 23.05 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY, WHOSE RADIUS IS 253.59 FEET, WHOSE ARC LENGTH IS 20.37, AND WHOSE CHORD BEARS NORTH 60°11'09" EAST, 20.37 FEET; THENCE NORTH 89°35'40" EAST, 216.56 FEET; THENCE SOUTH 00°24'20" EAST, 33.00 FEET; THENCE SOUTH 89°35'40" WEST, 10.00 FEET; THENCE NORTH 00°24'20" WEST, 23.00 FEET; THENCE SOUTH 89°35'40" WEST, 224.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,487 SQUARE FEET).

VICINITY MAP NOT TO SCALE





FILE: H:\2021\2112977\DWG\2112977-VACATION PLAT.DWG
FILE DATE: 5/4/22 DATE PLOTTED: 5/4/2022 11:14 AM
PLOTTED BY: JON ERDAHL

1/1 2112.977

PT. LOT 1 - GALLERIA AT JORDAN CREEK PLAT 9
VACATION PLAT
WEST DES MOINES, IOWA

CIVIL DESIGN ADVANTAGE

4121 NW URBANDALE DRIVE
URBANDALE, IA 50322
PH: (515) 369-4400