CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: April 17, 2023

ITEM: Plat of Survey Parcel 2023-21, 830 1st Street – Approve Plat of Survey to create a 0.35 -acre parcel for future development, First Street, Limited Partnership – POS-005955-2023

RESOLUTION: Approval and Release of Plat-of-Survey

Background: Rick Baumhover with Bishop Engineering, on behalf of the applicant and property owner, First Street, Limited Partnership, requests approval of a Plat of Survey for the 0.66-acre property located at 830 1st Street. The applicant proposes to create a 0.35-acre parcel from the original parcel to split the lot for the future development of the north portion of the lot.

Staff Review & Comment:

- *Financial Impact:* There is no city involvement in the intended development.
- *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.
- *Plat of Survey Approval:* This Plat of Survey is for future development of the north portion of the lot only. No improvements shall be made on the property until such time that the property is developed. 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 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 splitting the lot only and that the current or future property owner(s) remains responsible for any public improvements required of the property.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Planning and Zoning Commission	n/a
City Council	April 17, 2023

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	3/20/23
Recommendation	☒ Yes ☐ No ☐ Split

Location Map

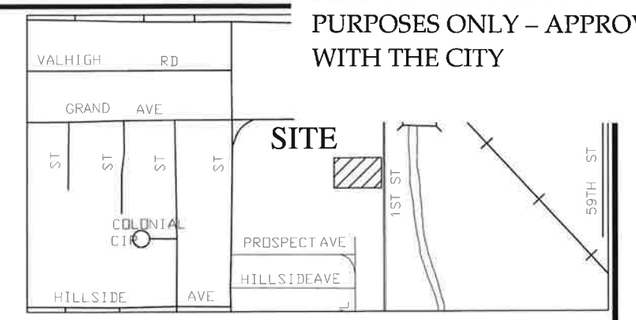
PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY

PARCEL 2023-21 DESCRIPTION:

A RECTANGLE SHAPED PORTION OF LOT 6 VAL-GATE, AN OFFICIAL PLAT, WEST DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE N00°12'23"W ALONG THE WEST LINE OF SAID LOT 6, A DISTANCE OF 67.50 FEET; THENCE N90°00'00"E, A DISTANCE OF 224.65 FEET TO THE EAST LINE OF SAID LOT 6; THENCE S00°02'50"W ALONG THE EAST LINE OF SAID LOT 6, A DISTANCE OF 67.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE S90°00'00"W ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 224.35 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SAID TRACT CONTAINS 15,154 SQUARE FEET.



VICINITY MAP
SCALE: NOT TO SCALE

INDEX LEGEND
Location: Lot 6 VAL-GATE Polk County, Iowa
Owner/Requestor : First Street LP
Surveyor: Larry D Hyler, PLS
Company: Bishop Engineering, 3501 104th St.
Urbandale, IA 50322 (Ph) 515-276-0467

LEGEND:

- ● PROPERTY CORNER - FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP ID # 12386 OR AS NOTED
- ○ PROPERTY CORNER- PLACED 5/8" IRON ROD WITH YELLOW PLASTIC CAP ID # 14775 OR AS NOTED
- M MEASURED DISTANCE
- ( ) PREVIOUSLY RECORDED
- ROW RIGHT OF WAY
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- YPC YELLOW PLASTIC CAP
- (XXX) STREET ADDRESS

OWNER:

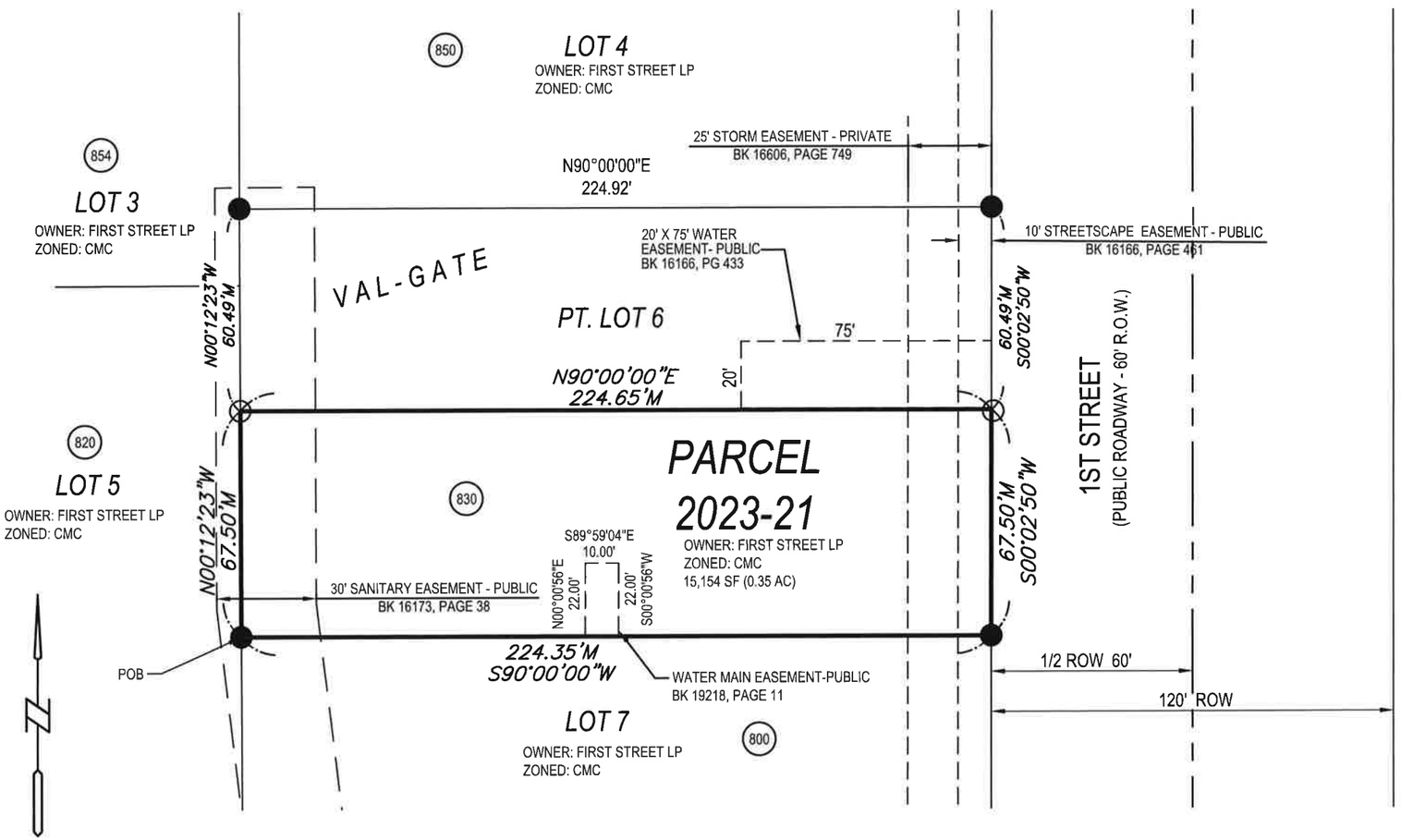
FIRST STREET LP
C/O DML MANAGEMENT
3928 140TH ST.
URBANDALE, IA 50322
CHAD MANDELBAUM
(PH) 602-391-8555

ZONING:

1ST STREET REDEVELOPMENT PUD, WITH UNDERLYING ZONING OF COMMUNITY COMMERCIAL (CMC).

LAND USE:

CMC (COMMUNITY COMMERCIAL)



ORIGINAL PARCEL DESCRIPTION:

LOT 6 VAL-GATE, AN OFFICIAL PLAT, WEST DES MOINES, POLK COUNTY, IOWA; AREA OF 28,751 SF (0.66 AC).

NOTE:

1. SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE OPINION. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.
2. BASIS OF BEARING OBTAINED FROM GPS OBSERVATIONS, DATUM = NAD 83, IOWA SOUTH.
3. THE ERROR OF CLOSURE IS WITHIN THE ALLOWABLE LIMITS (1:10,000 FOR BOUNDARY, 1:5,000 FOR INDIVIDUAL LOTS).

GRAPHIC SCALE
40 0 20 40
SCALE:1"= 40'

FLOOD CERTIFICATION:

THIS PROPERTY IS LOCATED IN ZONE X, PARTLY IN AN AREA WITH REDUCED FLOOD RISK DUE TO LEVEE, AND PARTLY IN AREA OF MINIMAL FLOOD HAZARD, AS SHOWN ON THE FIRM (FLOOD INSURANCE RATE MAP) ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) COMMUNITY PANEL No. 19153CO329F WITH AN EFFECTIVE DATE OF FEBRUARY 1, 2019.

LICENSED PROFESSIONAL LAND SURVEYOR
LARRY D. HYLER, P.L.S. No. 14775
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.

SIGNED: _____ DATE: _____
LARRY D. HYLER, P.L.S. 14775
LICENSE RENEWAL DATE: DEC. 31, 2024
PAGES OR SHEETS COVERED BY THIS SEAL: 1 OF 1

Bishop Engineeri
"Planning Your Successful Development"
3501 104th Street
Des Moines, Iowa 50322-382
Phone: (515)276-0467 Fax: (515)276-
Civil Engineering & Land Surveying

PARCEL 2023-21
830 1ST ST., WEST DES MOINES
PLAT OF SURVEY

REFERENCE NUMBER: 210436
DRAWN BY: JG
PROJECT NUMBER: 230060
SHEET NUMBER: 1 OF 1

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 PLAT-OF-SURVEY CREATING PARCEL 2023-21 FOR THE PURPOSE OF SPLITTING THE LOT FOR FUTURE DEVELOPMENT

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, First Street, Limited Partnership, request approval of a Plat of Survey for the 0.66-acre property located at 830 1st Street and legally described in attached Exhibit 'B'. The applicant proposes to split the lot creating a 0.35-acre parcel for the future development of the north portion of the lot; 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, the City Council assigned an address of 836 1st Street to Plat-of-Survey Parcel 2023-21; and

WHEREAS, property subject of this action is located within the 1st Street Redevelopment Planned Unit Development with underlying zoning of Community Commercial and meets all requirements of the City's Zoning Code.

NOW, THEREFORE, the City Council does approve the Plat of Survey creating Parcel(s) 2023-21 (Polk County) (POS-005955-2023), 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 April 17, 2023.

_____

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 April 17, 2023, 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 splitting the lot only and that the current or future property owner(s) remains responsible for any public improvements required of the property.

Exhibit B: Legal Description

Original Parcel:

LOT 6 VAL-GATE, AN OFFICIAL PLAT, WEST DES MOINES, POLK COUNTY, IOWA; AREA OF 28,751 SF (0.66 AC).

Plat of Survey Parcel Created:

A RECTANGLE SHAPED PORTION OF LOT 6 VAL-GATE, AN OFFICIAL PLAT, WEST DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE N00°12'23"W ALONG THE WEST LINE OF SAID LOT 6, A DISTANCE OF 67.50 FEET; THENCE N90°00'00"E, A DISTANCE OF 224.65 FEET TO THE EAST LINE OF SAID LOT 6; THENCE S00°02'50"W ALONG THE EAST LINE OF SAID LOT 6, A DISTANCE OF 67.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE S90°00'00"W ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 224.35 FEET TO THE POINT OF BEGINNING.

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