

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: April 24, 2023

ITEM: Fareway ROW Vacation – Vacate a portion of the right of way along the south side of Mills Civic Parkway adjacent to Lot 2 of Fareway Development Plat 1 (9040 Mills Civic Parkway) – Fareway Stores, Inc. – VAC-005934-2023

RESOLUTION: Approval of Vacation Request

Background: Jeff Gaddis, Civil Engineering Consultants, on behalf of the applicant and property owner, Fareway Stores, Inc., requests approval of a vacation of a portion of the Mills Civic Parkway right of way situated in front of Lot 2 of Fareway Development Plat 1 addressed as 9040 Mills Civic Parkway. The roadway segment subject of this request has been determined by City staff to no longer be necessary. The vacated area is intended as a future access, public utility easement, and street buffer for development of Lot 2 per the approved preliminary plat. The applicant will need to execute a buffer easement, public utility easement and lot tie agreement once the property is vacated and conveyed. City Council will approve the conveyance to Fareway Stores, Inc. upon second and third reading of the Ordinance, and acceptance of the easements and agreements at a subsequent meeting.

Staff Review & Comment:

- **History:** In 1980, Mills Civic Parkway (Road Lot A) was platted as part of Cedar Ridge plat for use as a city street in conjunction with development of residential homes along the north side of Mills Civic Parkway. Mills Civic Parkway overtime was realigned to remove the round-about around the Huston Cemetery and widened through multiple subdivisions; Corrected Michaels Landing Plat 1 in 2007, Silverwood Plat 1 in 2008 and Cedar Ridge Plat 2 in 2018, leaving remnant pieces of original lot A from the 1980 Cedar Ridge Plat. These remnants of right of way, such as the one included in this request, are no longer necessary for the right of way network and can be vacated.
- **Disposition of the Property:** This action is for the vacation of the right of way only. The City's Legal Department will complete the disposition of the property to the adjacent property owner, Fareway Stores Inc., at a future City Council meeting.
- **Developer Responsibilities:** For development of Lot 2 in Fareway Development Plat 1, the following items are known necessary requirements for future development; additional improvements may be required in response to actual development proposals:
 - **Lot Tie Agreement:** An executed lot tie agreement to lot tie the vacated parcel to Lot 2 of Fareway Development Plat 1.
 - **Buffer Easement:** The property owner will be required to execute a buffer easement to extend the 30' buffer along the full width of the frontage of Lot 2 in compliance with the Tallyn's Reach PUD and the Fareway Development Plat 1 Preliminary Plat.
 - **Public Utility Easement:** The property owner will be required to execute a public utility easement to extend and connect existing easements from platted Lot 2 and existing Mills Civic Parkway ROW through the vacated parcel.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date: April 24, 2023

Vote:

Recommendation:

City Council First Reading:

Date:

Vote:

Recommendation: Approve the vacation of public right of way.

Lead Staff Member: Karen Marren

Approval Meeting Dates:

Plan & Zoning Commission	April 24, 2023
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator/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

Published In	Des Moines Register Community Section
Date Published	April 14, 2023

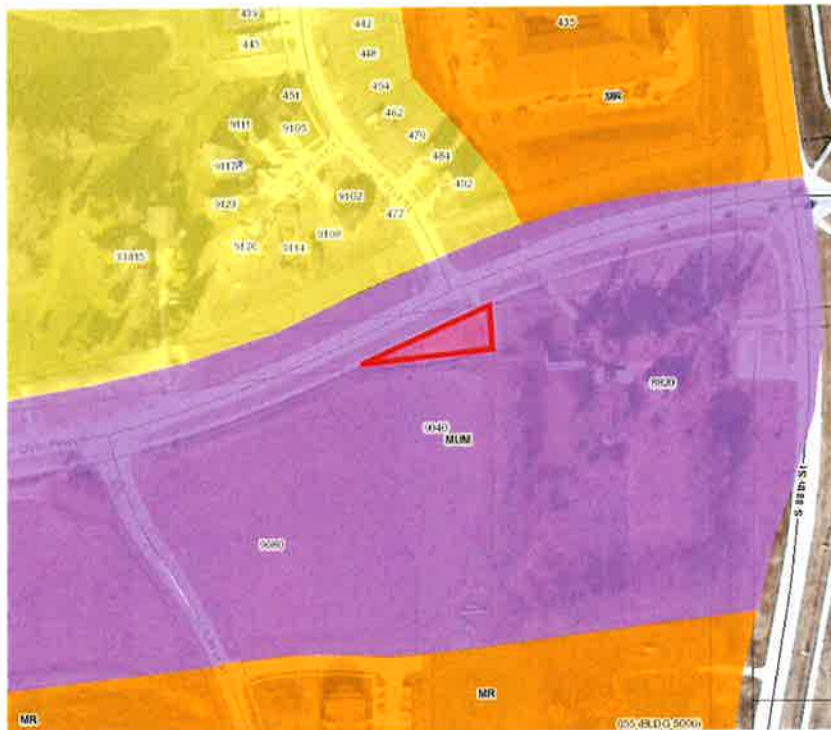
Subcommittee Review (if applicable)

Committee	Development & Planning		
Date Reviewed	February 20, 2023 – No Discussion		
Recommendation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Split

Location Illustration



Land Use Illustration



**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-23-016**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, and property owner, Fareway Stores, Inc., request approval of the vacation of Public street right-of-way for that portion of Mills Civic Parkway situated adjacent to Lot 2 of Fareway Development Plat 1, locally addressed as 9040 Mills Civic Parkway; and

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 Right-of-Way (VAC-005934-2023).

PASSED AND ADOPTED on April 24, 2023.

Andrew Conlin, 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 April 24, 2023, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: K. Marren, 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.O. Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WEST DES MOINES, IOWA VACATING AN APPROXIMATELY 9,306 SQ. FT. PARCEL GENERALLY LOCATED ALONG THE SOUTH SIDE OF MILLS CIVIC PARKWAY ADJACENT TO LOT 2 OF FAREWAY DEVELOPMENT PLAT 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Pursuant to Title 7, Chapter 1, Section 10 of the West Des Moines Code of Ordinances, "VACATION AND DISPOSAL", it has been determined that the Public right of way illustrated in Exhibit "A" and legally described in attached Exhibit "B" is no longer necessary for public use and the vacation of the right-of-way will not deny access to abutting property.

Section 2. Savings Clause. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council on May 15, 2023.

Russ Trimble, Mayor

ATTEST:

Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing was published as Ordinance No. _____ on the 15th day of May, 2023.

Exhibit A: Illustration of Right-of-Way To Be Vacated

PREPARED FOR:
 FAREWAY STORES, INC.
 2300 INDUSTRIAL PARK ROAD
 BOONE, IA 50036
 ATTN: MARK DeYOUNG
 EMAIL: MDEYOUNG@FAREWAYSTORES.COM

EXHIBIT 'A'
RIGHT-OF-WAY
VACATION PLAT
 WEST DES MOINES, IOWA
 WEST DES MOINES PROJECT:
 VAC-005934-2023

PROPERTY OWNERS:
 CITY OF WEST DES MOINES
 4200 MILLS CIVIC PARKWAY
 WEST DES MOINES, IA 50265
 (515) 222-3600

LEGAL DESCRIPTION: PROPERTY

LOT 'A' ROAD, CEDAR RIDGE, AN OFFICIAL PLAT RECORDED IN BOOK 6, PAGE 535 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

LEGAL DESCRIPTION: RIGHT-OF-WAY VACATION












A PARCEL OF LAND IN LOT 'A' ROAD, CEDAR RIDGE, AN OFFICIAL PLAT RECORDED IN BOOK 6, PAGE 535 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF LOT 2, FAREWAY DEVELOPMENT PLAT 1 AN OFFICIAL PLAT RECORDED IN BOOK 2022, 9110 AT THE DALLAS COUNTY RECORDER'S OFFICE, SAID NE CORNER BEING ON THE SOUTH LINE OF SAID LOT 'A' ROAD; THENCE S83°21'54"W, 230.51 FEET ALONG THE NORTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF SAID LOT 'A' ROAD TO A POINT ON THE SOUTH LINE OF MILLS CIVIC PARKWAY AS IT IS PRESENTLY ESTABLISHED AND RECORDED IN BOOK 2018, PAGE 18892 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE N64°28'29"E, 121.54 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1917.50 FEET AND A CHORD BEARING N66°26'02"E, AN ARC LENGTH OF 131.14 FEET TO A POINT THAT COINCIDES WITH THE EAST LINE OF SAID LOT 2, FAREWAY DEVELOPMENT PLAT 1; THENCE S00°38'49"W, 78.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 9,306 SQUARE FEET MORE OR LESS.

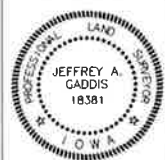
NOTES

1. THIS PARCEL MAY BE SUBJECT TO EASEMENTS OF RECORD.
 NO TITLE WORK WAS PROVIDED TO THIS SURVEYOR.
2. CITY OF WEST DES MOINES PROJECT NUMBER:
 VAC-005934-2023.

LEGEND

	EASEMENT LINES
	LOT LINES
	EASEMENT LINES
	FOUND PROPERTY CORNER
	SET 3/8" I.R. W/BBLUE CAP #18381
	IRON PIPE
	IRON ROD
	POINT OF BEGINNING
	MEASURED BEARING & DISTANCE
	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 DAILY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

April 11, 2023

JEFFREY A. GADDIS, IOWA LICENSE NO. 18381 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024

SHEETS 1 - 2


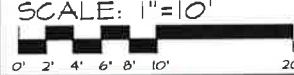

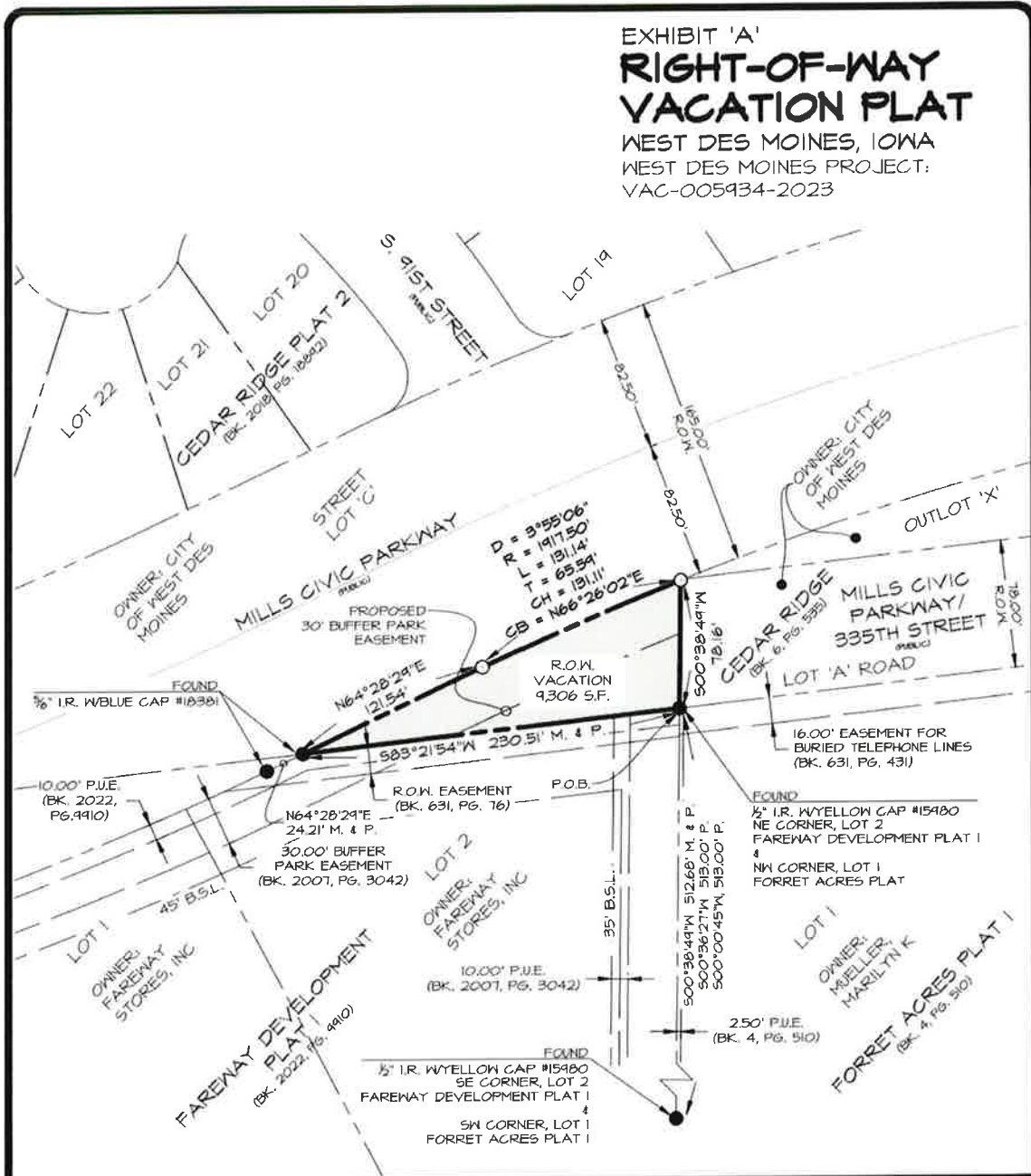
 Civil Engineering Consultants, Inc. 2400 86th Street, Unit 12, Des Moines, Iowa 50322 515.276.4884 • Fax: 515.276.7084 • mail@cecinc.com	<p>SCALE: 1" = 10'</p>  <p>0' 2' 4' 6' 8' 10' 20'</p>	<p>NORTH</p>  <p>SHEET 1 OF 2 A-2106</p>
DATE: April 11, 2023 DESIGNED BY: JAG DRAWN BY: LJH		

EXHIBIT 'A' RIGHT-OF-WAY VACATION PLAT

WEST DES MOINES, IOWA
WEST DES MOINES PROJECT:
VAC-005934-2023



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"=80'



DATE: April 11, 2023
DESIGNED BY: JAG
DRAWN BY: LJH

NORTH



SHEET

2

OF 2

A-2106

Exhibit B: Legal Description of Right-of-Way To Be Vacated

A PARCEL OF LAND IN LOT 'A' ROAD, CEDAR RIDGE, AN OFFICIAL PLAT RECORDED IN BOOK 6, PAGE 535 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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