CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: January 2, 2024

ITEM: Kum & Go 0098 Plat 1, 5760 Raccoon River Drive – Accept Public Improvements and Approve Final Plat to create 2 lots for Commercial development – Kum & Go, L.C. – FP-005617-2022

RESOLUTION: Accept Public Improvements, Accept Surety for Sidewalks and Approve and Release Final Plat

Background: Keith Weggen with Civil Design Advantage, on behalf of the applicant and property owner, Kum & Go, L.C., requests approval of a Final Plat for the 4.68-acre property located at 5760 Raccoon River Drive. The applicant proposes to subdivide the property into two (2) lots for Commercial development. Lot 1 is the location of a newly constructed Kum & Go convenience store with gas pumps and Lot 2 is intended to be developed in the future with an office building.

Staff Review & Comment:

- *Financial Impact:* As part of an Urban Renewal area, the City will be installing a traffic signal at the new Raccoon River Drive and Grand Avenue intersection. The City extended Raccoon River Drive north to Booneville Road with the construction of a north/south roadway connection between Booneville Road and Grand Avenue and the City extended paving from the east end of Booneville Road to this north-south roadway. In addition, while not connected with the development of the site, as part of the improvements in the area, the City reconstructed the south access road of the Glen Oaks development.

- *History*: The associated Preliminary Plat was approved by the Planning and Zoning Commission on December 12, 2022, and the City Council on December 19, 2022. This Final Plat has been determined to be consistent with the associated Preliminary Plat.

  The Glen Oaks Planned Unit Development (PUD) was approved by the City Council by Ordinance #1007 on May 26, 1992. The Kum & Go property was included in the 1992 adopted PUD and is designated as Parcel L. The Kum & Go property was identified as 'commercial' land use and was given an underlying zoning of C-1-A, Commercial Plaza District, which allowed convenience stores as a permitted use. The land use of the property has been identified as Support Commercial since the adoption of the 1993 Comprehensive Land use map. In November 2020, the Glen Oaks PUD was amended to remove a portion of Parcel L from the Glen Oaks PUD for the development of the Oaks on Grand office building to the west of Raccoon River Drive extension. At that time, the Glen Oaks PUD Ordinance was amended to specify the underlying zoning of the Kum & Go property as Support Commercial (SC), since the C-1-A zoning (as referenced in the PUD Ordinance) no longer exists within the City zoning code. According to the existing zoning code, a convenience store, with or without fuel pumps, may be permitted in a SC District with a Permitted Conditional Use.

  A Permitted Conditional Use to allow the use of Lot 1 for a convenience store with gas pumps was approved by the Board of Adjustment on October 5, 2022.

- *Traffic Analysis Findings:* Traffic Impact Studies are not conducted for Final Plats but instead are completed at the time of the associated Preliminary Plat. Per that study, the proposed site is estimated to generate less traffic than estimated in earlier traffic studies.

  Grand Avenue is a major arterial roadway adjacent to this site. Based on the existing traffic levels and anticipated growth, additional capacity (road widening) is expected to be needed in the near future. This widening is due in part, but not entirely, to traffic generated by the proposed development. The widening of Grand Avenue is currently under design at the time of this study. With the currently forecasted volume, Grand Avenue is recommended to ultimately be a 6-lane roadway with a raised median and dedicated left-turn lanes at full accesses and right-turn lanes where needed. Raccoon River Drive is a minor collector street that was recently constructed north of Grand Avenue and connecting to Booneville Road. The existing 2-lane configuration, widening as it approaches Grand Avenue for turn lanes, is expected to have adequate capacity under full-build traffic levels.

  The site's proposed access on Glen Oaks Drive is approximately 125' north of the cross walk at Glen Oaks Drive & Grand Avenue. Internal connections to the future commercial property to the north (Lot 2) are needed to share driveways and minimize conflict points. The connections would also allow people to easily travel between the commercial properties and not force them to use the surrounding streets.

- *Development & Planning Subcommittee:* On May 16, 2022, the Subcommittee was made aware of the proposed project as an upcoming project item. At the meeting Josh Janeczko noted his proximity to the convenience store location (owns property at 5637 Booneville Road) and expressed his concerns about the convenience store and inquired about the zoning. Staff indicated that it is part of the Glen Oaks PUD and has been zoned as commercial use from the beginning. Mr. Janeczko inquired why a conditional use permit would be required if commercial is allowed. Staff explained that this allows the Board of Adjustment to put conditions on the site or operations as they feel warranted to address any aspect they feel is incompatible to the location. Mr. Janeczko replied that the 24/7 aspect of the gas station is the concern. *The Board of Adjustment approved the use: they did not place any hours of operation restrictions.*

- *Plat Validity:* Per City Code, the Final Plat must be presented to the City Council for approval within 12 months of the approval of the associated Preliminary Plat if surety is being posted for Public Improvements; or, within 18 months if Public Improvements are being constructed prior to Final Plat consideration. This final plat includes public improvements that have been constructed for this plat. This Final Plat complies with the timelines stated in City Code.

Outstanding Issues: There are no outstanding issues.

Staff would note that as part of this approval, the Council is approving and accepting the following:

- Public improvements associated with the construction of Sanitary Sewer within the plat boundaries.
- Legal documents to establish public easements for Sanitary Sewer and Ingress/Egress.
- Surety for the installation of public sidewalks along Grand Avenue.
- Storm Water Management Maintenance Facility Covenant and Permanent Easement Agreement for this property.

- An Agreement and Waiver acknowledging and committing to the applicant's participation in a permanent Traffic Signal at Raccoon River Drive and Grand Avenue.

Recommendation: Approve the Final Plat, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	n/a
City Council	January 2, 2024

Staff Report Reviews:

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

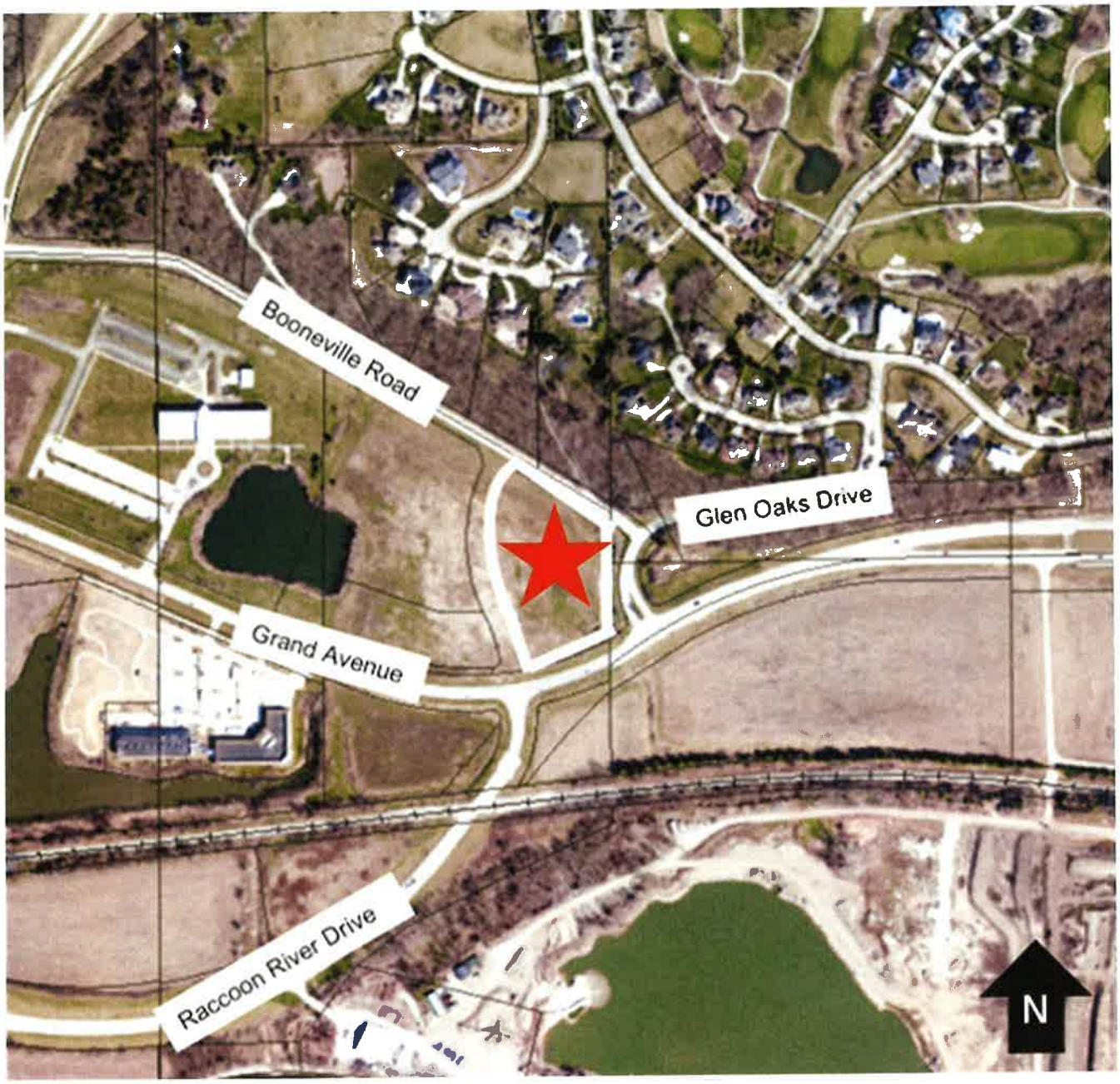
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	NA
Date(s) of Mailed Notices	NA

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	May 16, 2022			
Recommendation	Yes ☒	No ☐	Split ☐	No Discussion ☐

Location Map



KUM & GO 0098 PLAT 1

FINAL PLAT

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

INDEX LEGEND

LOCATION: PT. GOV'T LOT 4 NW1/4 NW1/4 SEC 30–78–25,
PT. SW1/4 SW1/4 SEC 19–78–25
PT. PARCEL "C" SE1/4 SW1/4 SEC 19–78–25
& NE1/4 NW1/4 SEC 30–78–25

REQUESTOR: KUM & GO LC

PROPRIETOR: KUM & GO LC
1459 GRAND AVE
DES MOINES 50266

SURVEYOR: MICHAEL A. BROONER

SURVEYOR COMPANY: CIVIL DESIGN ADVANTAGE

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

VICINITY MAP

NOT TO SCALE

WEST DES MOINES, IA

OWNER / DEVELOPER

KUM & GO LC
1459 GRAND AVE
DES MOINES 50266

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE
4121 NW URBANDALE DRIVE
URBANDALE, IA 50322

ZONING

GLEN OAKS PLANNED UNIT DEVELOPMENT WITH UNDERLYING ZONING OF SUPPORT COMMERCIAL

DATE OF SURVEY

MARCH 24, 2022

BULK REGULATIONS

MINIMUM LOT AREA:	60,000 SF
MINIMUM LOT WIDTH:	50'
MINIMUM OPEN SPACE:	25%
FRONT SETBACK:	100'
REAR SETBACK:	50'
(SETBACK OF 0 FEET ALLOWED IF THE PROPERTY ABUTS A SIMILAR DISTRICT)	
SIDE SETBACK:	50'
(SETBACK OF 0 FEET ALLOWED IF THE PROPERTY ABUTS A SIMILAR DISTRICT)	
MAXIMUM HEIGHT OF PRINCIPAL BUILDING:	36'
MAXIMUM HEIGHT OF ACCESSORY BUILDING:	20'

PARKING LOTS, INTERNAL DRIVES, BUILDINGS AND/OR STRUCTURES OF ANY KIND SHALL BE SET BACK A MINIMUM OF SIXTY FEET (60') FROM THE FUTURE GRAND AVENUE RIGHT–OF–WAY.

A MINIMUM TEN FOOT (10') PARKING LOT AND INTERNAL DRIVE SETBACK SHALL BE MAINTAINED FROM ADJOINING PROPERTIES AND INTERNAL STREETS AND ADJACENT ROADWAYS UNLESS SAID PARKING LOT IS PART OF A COMMON PARKING LOT JOINTLY USED BY ADJOINING PROPERTIES.

PLAT DESCRIPTION

A PART OF GOVERNMENT LOT 4 OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30 AND A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, AND A PART OF PARCEL "C" AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 7117, PAGE 493, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, ALL IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 89°35'05" EAST ALONG THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 35.26 FEET TO THE SOUTHWEST CORNER OF TRACT 1 OF SAID PARCEL "C" AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 18554, PAGE 468; THENCE CONTINUING NORTH 89°35'05" EAST ALONG SAID NORTH LINE, 0.44 FEET TO THE EASTERLY LINE OF SAID PARCEL "C"; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 257.95 FEET, WHOSE ARC LENGTH IS 187.15 FEET AND WHOSE CHORD BEARS SOUTH 04°47'20" EAST, 183.07 FEET; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 38.19 FEET AND WHOSE CHORD BEARS SOUTH 12°07'06" WEST, 34.58 FEET; THENCE SOUTHWESTERLY ALONG SAID EASTERLY LINE, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF GRAND AVENUE AND A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 1707.10 FEET, WHOSE ARC LENGTH IS 34.77 FEET AND WHOSE CHORD BEARS SOUTH 54°32'15" WEST, 34.77 FEET; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 967.50 FEET, WHOSE ARC LENGTH IS 195.22 FEET AND WHOSE CHORD BEARS SOUTH 68°07'07" WEST, 194.89 FEET; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 967.50 FEET, WHOSE ARC LENGTH IS 94.52 FEET AND WHOSE CHORD BEARS SOUTH 76°41'52" WEST, 94.49 FEET TO THE EASTERLY RIGHT OF WAY LINE OF RACCOON RIVER DRIVE; THENCE NORTH 55°08'59" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, 33.27 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 550.00 FEET, WHOSE ARC LENGTH IS 185.20 FEET AND WHOSE CHORD BEARS NORTH 18°07'34" WEST, 184.33 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 470.00 FEET, WHOSE ARC LENGTH IS 119.52 FEET AND WHOSE CHORD BEARS NORTH 20°29'15" WEST, 119.20 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 470.00 FEET, WHOSE ARC LENGTH IS 23.27 FEET AND WHOSE CHORD BEARS NORTH 14°54'09" WEST, 23.27 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 470.00 FEET, WHOSE ARC LENGTH IS 67.75 FEET AND WHOSE CHORD BEARS NORTH 09°23'17" WEST, 67.69 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 475.00 FEET, WHOSE ARC LENGTH IS 237.53 FEET AND WHOSE CHORD BEARS NORTH 12°08'01" EAST, 235.06 FEET; THENCE NORTH 74°36'05" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 38.60 FEET; THENCE NORTH 30°59'59" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 6.43 FEET; THENCE SOUTH 58°40'18" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF BOONEVILLE ROAD, 288.58 FEET; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 475.00 FEET, WHOSE ARC LENGTH IS 73.96 FEET AND WHOSE CHORD BEARS SOUTH 64°26'00" EAST, 73.89 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 360.49 FEET, WHOSE ARC LENGTH IS 21.34 FEET AND WHOSE CHORD BEARS SOUTH 71°30'49" EAST, 21.34 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL "C"; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE AND A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 211.71 FEET, WHOSE ARC LENGTH IS 15.47 FEET AND WHOSE CHORD BEARS SOUTH 50°15'08" EAST, 15.47 FEET; THENCE SOUTH 47°51'39" EAST ALONG SAID NORTHEASTERLY LINE, 8.44 FEET; THENCE SOUTH 31°58'30" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF BOONEVILLE ROAD, 27.04 FEET; THENCE SOUTH 13°36'19" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, 74.03 FEET; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 230.00 FEET, WHOSE ARC LENGTH IS 11.02 FEET AND WHOSE CHORD BEARS SOUTH 12°13'59" WEST, 11.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.68 ACRES (204,008 SQUARE FEET).

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

NOTES

1. ANY SET MONUMENTATION SHOWN ON THIS PLAT WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.
2. LOTS MAY BE SUBJECT TO MINIMUM PROTECTION ELEVATIONS AND OTHER ELEVATION RESTRICTIONS NOT SHOWN ON THIS PLAT. REFER TO THE APPROVED PROJECT ENGINEERING DOCUMENTS FOR ANY ELEVATION RESTRICTIONS.
3. ALL BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR COMPUTATION PURPOSES.
4. THE ALLOWABLE ERROR OF CLOSURE FOR THE BOUNDARY IS 1:10,000 AND THE ALLOWABLE ERROR OF CLOSURE FOR EACH LOT IS 1:5,000.

AREA SUMMARY

PARCEL "C"	0.458 ACRES (19,929 SF)
SW1/4 SW1/4 SEC 19–78–25	2.086 ACRES (90,861 SF)
NW1/4 NW1/4 SEC 30–78–25	2.140 ACRES (93,218 SF)
TOTAL	4.684 ACRES (204,008 SF)

COMPREHENSIVE PLAN DESIGNATION

SC – SUPPORT COMMERCIAL

CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	12°19'31"	257.95'	55.49'	S08°18'09"E	55.38'
C2	11°06'31"	257.95'	50.01'	S20°01'10"E	49.93'
C3	90°00'00"	35.00'	54.98'	N25°39'55"E	49.50'
C4	90°00'00"	35.00'	54.98'	S64°20'05"E	49.50'
C5	2°14'29"	550.00'	21.52'	S26°39'06"E	21.51'
C6	5°40'21"	470.00'	46.53'	N24°56'10"W	46.51'
C7	8°53'51"	470.00'	72.99'	N17°39'04"W	72.91'
C8	7°19'35"	200.50'	25.64'	S64°14'13"W	25.62'
C9	10°05'30"	150.50'	26.51'	S65°37'10"W	26.47'

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	
PUBLIC UTILITY EASEMENT	P.U.E.	
CURVE ARC LENGTH	AL	
LOT ADDRESS	(1234)	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		
BUILDING SETBACK LINE		
PLAT BOUNDARY		

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

LICENSE NUMBER 15980
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEETS 1 AND 2

REVISIONS	DATE
PREPARED	07-21-22

4121 NW URBANDALE DRIVE
URBANDALE, IA 50322
PHONE: (515) 369-4400
ENGINEER: TECH: REVIEW:
CIVIL DESIGN ADVANTAGE

KUM & GO 0098 PLAT 1
FINAL PLAT
WEST DES MOINES, IOWA

1/2

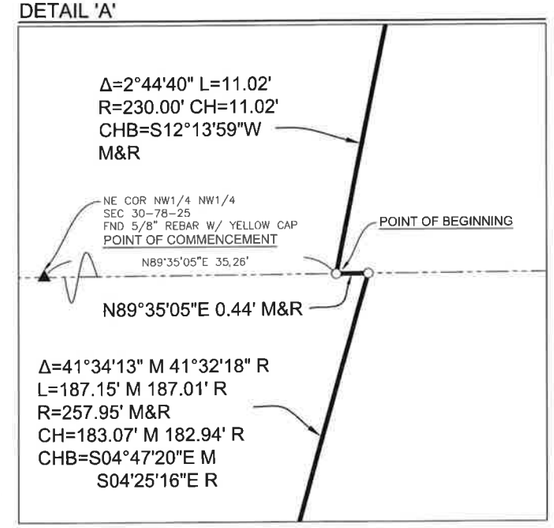
2202.081

FILE: N:\2022\220081-GAO\220081-FINAL PLAT WORK.DWG
PLOTTED BY: JON CRAIG PLOTTED: 10/17/2022 2:42 PM
COMMON: DOC

KUM & GO 0098 PLAT 1

FINAL PLAT

DETAIL 'A'



DATE	REVISIONS	PREPARED
07-21-22		

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

ENGINEER: TECH: REVIEW:

CIVIL DESIGN ADVANTAGE

KUM & GO 0098 PLAT 1

FINAL PLAT

WEST DES MOINES, IOWA

2/2

2202.081

FILE: J:\2022\2202081\DWG\2202081_FINAL PLAT1-NEW.DWG
PLOTTED BY: JON CROUAL PLOT SCALE: 1:1 PLOT DATE: 10/17/2022 2:40 PM
COMMENT: DWG

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, ACCEPTING PUBLIC IMPROVEMENTS, ACCEPTING SURETY FOR PUBLIC SIDEWALKS AND APPROVING AND RELEASING THE KUM & GO 0098 PLAT 1 FINAL PLAT FOR THE PURPOSE OF CREATING TWO (2) LOTS FOR COMMERCIAL 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, Kum & Go, L.C., request approval of a Final Plat for the 4.68-acre property located at 5760 Raccoon River Drive and legally described in attached Exhibit "B". The applicant proposes to subdivide the property into two (2) lots for Commercial development; 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, this Final Plat complies with Iowa Code Chapters 354 and 414, the Comprehensive Plan and City Code; and

WHEREAS, the West Des Moines Plan and Zoning Commission reviewed the associated Preliminary Plat and recommended approval on December 12, 2022; and

WHEREAS, this Final Plat has been reviewed and determined to be generally consistent with the associated Preliminary Plat that was approved by the City Council on December 19, 2022; and

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

WHEREAS, the City Council is accepting public improvements associated with the construction of public sanitary sewer within the plat boundaries; and

WHEREAS, the necessary easements have been established for Ingress and Egress and Sanitary Sewer; and

WHEREAS, the City Council is accepting surety for the construction of sidewalks within the plat; and

WHEREAS, the City Council is accepting the Storm Water Management Facility

Maintenance Covenant and Permanent Easement Agreement for this property; and

WHEREAS, the City Council is accepting an Agreement and Waiver acknowledging and committing to the applicant's participation in installation of a permanent Traffic Signal at Raccoon River Drive and Grand Avenue; and

WHEREAS, the City Council approves of the following address assignment(s);

Lot 1 = 5760 Raccoon River Drive
Lot 2 = 5734 Raccoon River Drive

WHEREAS, property subject of this action is located within the Glen Oaks Planned Unit Development (PUD) with underlying zoning of Support Commercial and meets all requirements of the City's Zoning Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1: The public improvements associated with the Final Plat are hereby accepted and dedicated for public purposes.

SECTION 2: Kum & Go 0098 Plat 1 Final Plat (FP-005617-2022), 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.

SECTION 3: This resolution does release the Final Plat for recordation. The City Council of West Des Moines, Iowa directs the City Clerk to release said document for recordation.

PASSED AND ADOPTED on January 2, 2024.

_____
Presiding Officer

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 January 2, 2024, by the following vote.

Exhibit A: Conditions of Approval

1. None

Exhibit B: Legal Description

A PART OF GOVERNMENT LOT 4 OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30 AND A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, AND A PART OF PARCEL "C" AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 7117, PAGE 493, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, ALL IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 89°35'05" EAST ALONG THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 35.26 FEET TO THE SOUTHWEST CORNER OF TRACT 1 OF SAID PARCEL "C" AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 18554, PAGE 468; THENCE CONTINUING NORTH 89°35'05" EAST ALONG SAID NORTH LINE, 0.44 FEET TO THE EASTERLY LINE OF SAID PARCEL "C"; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 257.95 FEET, WHOSE ARC LENGTH IS 187.15 FEET AND WHOSE CHORD BEARS SOUTH 04°47'20" EAST, 183.07 FEET; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 38.19 FEET AND WHOSE CHORD BEARS SOUTH 12°07'06" WEST, 34.58 FEET; THENCE SOUTHWESTERLY ALONG SAID EASTERLY LINE, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF GRAND AVENUE AND A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 1707.10 FEET, WHOSE ARC LENGTH IS 34.77 FEET AND WHOSE CHORD BEARS SOUTH 54°32'15" WEST, 34.77 FEET; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 967.50 FEET, WHOSE ARC LENGTH IS 195.22 FEET AND WHOSE CHORD BEARS SOUTH 68°07'07" WEST, 194.89 FEET; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 967.50 FEET, WHOSE ARC LENGTH IS 94.52 FEET AND WHOSE CHORD BEARS SOUTH 76°41'52" WEST, 94.49 FEET TO THE EASTERLY RIGHT OF WAY LINE OF RACCOON RIVER DRIVE; THENCE NORTH 55°08'59" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, 33.27 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 550.00 FEET, WHOSE ARC LENGTH IS 185.20 FEET AND WHOSE CHORD BEARS NORTH 18°07'34" WEST, 184.33 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 470.00 FEET, WHOSE ARC LENGTH IS 119.52 FEET AND WHOSE CHORD BEARS NORTH 20°29'15" WEST, 119.20 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 470.00 FEET, WHOSE ARC LENGTH IS 23.27 FEET AND WHOSE CHORD BEARS NORTH 14°54'09" WEST, 23.27 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 470.00 FEET, WHOSE ARC LENGTH IS 67.75 FEET AND WHOSE CHORD BEARS NORTH 09°23'17" WEST, 67.69 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 475.00 FEET, WHOSE ARC LENGTH IS 237.53 FEET AND WHOSE CHORD BEARS NORTH 12°08'01" EAST, 235.06 FEET; THENCE NORTH 74°36'05" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 38.60 FEET; THENCE NORTH 30°59'59" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 6.43 FEET; THENCE SOUTH 58°40'18" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF BOONEVILLE ROAD, 288.58 FEET; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 475.00 FEET, WHOSE ARC LENGTH IS 73.96 FEET AND WHOSE CHORD BEARS SOUTH 64°26'00" EAST, 73.89 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 360.49 FEET, WHOSE ARC LENGTH IS 21.34 FEET AND WHOSE CHORD BEARS SOUTH 71°30'49" EAST, 21.34 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL "C"; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE AND A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 211.71 FEET, WHOSE ARC LENGTH IS 15.47 FEET AND WHOSE CHORD BEARS SOUTH 50°15'08" EAST, 15.47 FEET; THENCE SOUTH 47°51'39" EAST ALONG SAID NORTHEASTERLY LINE, 8.44 FEET; THENCE SOUTH 31°58'30" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF BOONEVILLE ROAD, 27.04 FEET; THENCE SOUTH 13°36'19" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, 74.03 FEET; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 230.00 FEET, WHOSE ARC LENGTH IS 11.02 FEET AND WHOSE CHORD BEARS SOUTH 12°13'59" WEST, 11.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.68 ACRES (204,008 SQUARE FEET).

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