CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: November 18, 2024

ITEM: 111 5th Street – Vacate a Parking Easement and Approval and Acceptance of an Ingress/Egress & Cross Parking Agreement – 111 5th Street, LLC – VAC-006521-2024

RESOLUTION: Approval of Vacation Request and Approval and Acceptance of an Ingress/Egress & Cross Parking Agreement

Background: Civil Engineering Consultants, on behalf of the applicant and property owner, 111 5th Street, LLC, requests approval of the vacation of a parking easement established across the rear of the property located at 111 5th Street within Valley Junction. The applicant proposes the vacation of the easement to accommodate two storage containers in the existing parking area. The applicant is providing a new parking and cross access easement to relocate the two existing public parking stalls to another area of the property. There will be no loss in the number of parking stall provided on the property.

Staff Review & Comment:

- *History*: On October 2, 2023, the City Council approved a Minor Modification to allow the applicant to temporarily locate two storage containers into the two exiting parking stalls on the property. As it was recommended by the Development and Planning Subcommittee, the City Council conditioned that two parking stalls shall remain on the property to not lose parking within the Valley Junction area; therefore, due to the location of the containers in the existing parking stalls, the applicant was required to vacate the existing parking easement and provide a revised parking easement for two parking stalls to be relocated north of the existing spaces. A Minor Modification is in process for the completion of the two new parking stalls which can be approved administratively once the new parking easement is established.
- *Disposition of the Property:* This action is for the vacation of the easement only. The property will revert back to the underlying fee title holder by operation of law.

Outstanding Issues: There are no outstanding issues.

Recommendation: Approve the vacation of the parking easement and approve and accept a new Ingress/Egress & Cross Parking Agreement.

Lead Staff Member: Karen Marren

Approval Meeting Dates:

Planning & Zoning Commission	n/a
City Council	November 18, 2024

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	July 1, 2024 – No Discussion		
Recommendation	☐ Yes	☐ No	☐ Split

Location Illustration

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.). 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 AN EXISTING PUBLIC PARKING EASEMENT AND APPROVING AND ACCEPTING AN INGRESS/EGRESS & CROSS PARKING AGREEMENT

WHEREAS, pursuant to the provisions of Title 9, Zoning and Title 10, Subdivision Regulations, the applicant and property owner, 111 5th Street, LLC, requests approval of a Vacation Request for an existing Public Parking Easement located across 111 5th Street legally described in attached Exhibit "B" and illustrated in Exhibit "C"; and

WHEREAS, it is the policy of the City of West Des Moines, Iowa to approve and accept all Easements, Agreements and other Legal Documents entered into with the City; and

WHEREAS, an Ingress/Egress & Cross Parking Agreement has been presented to the City Council for approval located across 111 5th Street for property legally described on the associated documents; 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, it is in the best interests of the citizens of the City to approve and accept the above-described document(s).

NOW, THEREFORE, the City Council does approve the Vacation Request (VAC-006521-2024), to vacate an existing Public Parking Easement recorded in Polk County, Book 6594, Page 01, and does approve and accept the document(s) described above 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. Said document(s) shall be filed with the county recorder as appropriate.

PASSED AND APPROVED by the City Council on November 18, 2024.

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 November 18, 2024, by the indicated vote.

Exhibit A: Conditions of Approval

None.

Exhibit B: Legal Description of Easement to be Vacated

PUBLIC PARKING FACILITIES EASEMENT BOOK 6594, PAGE 01
ALL OF THE EAST 34.00 FEET OF LOT 10, BLOCK 4, VALLEY JUNCTION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, (HEREINAFTER CALLED "TRACT"). SAID TRACT OF LAND CONTAINING 1,700 SQUARE FEET MORE OR LESS. (.256 ACRES)
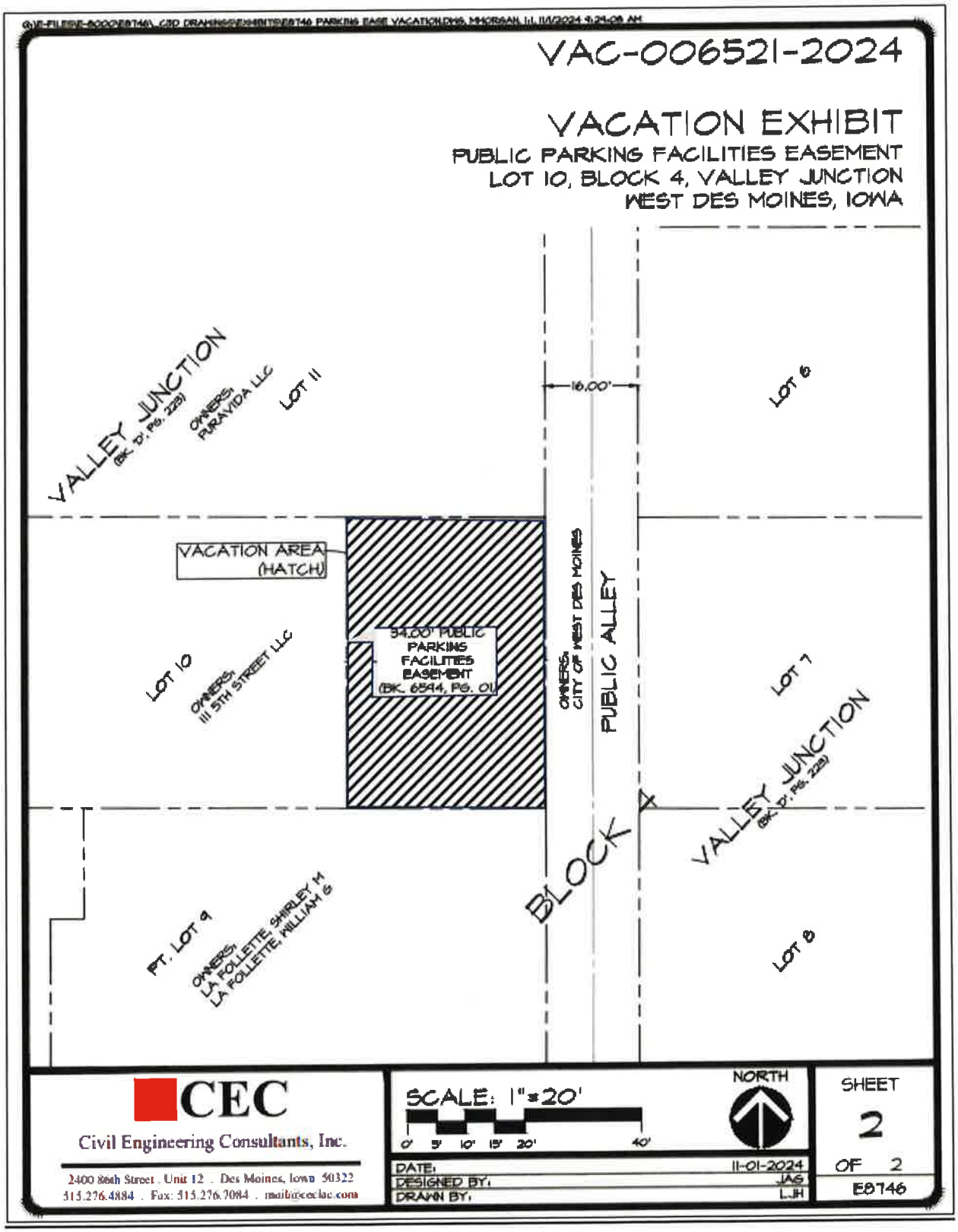
Exhibit C: Illustration of Easement To Be Vacated