

COUNCIL ACTION FORM

SUBJECT: VACATION OF UTILITY EASEMENT – 119 E. 12TH STREET

BACKGROUND:

McFarland Clinic, P.C. is in the process of expanding its facilities on the east side of Duff Avenue. As a part of this expansion, an existing utility easement will be affected due to the construction of a new building.

The proposed building construction creates the need for vacating an unused utility easement. The easement was obtained by the City to provide electric utility service to residential homes located at 1203, 1207, and 1211 Carroll Avenue. With the removal of the homes, the easement is no longer needed. With City Council approval, easement vacation will be tied to the approval of a new plat of survey showing the appropriate new easements needed for the proposed building construction. Attachment A shows the proposed vacation location. The legal description of the property lists it as 119 E. 12th Street, but it is also listed as 121 E. 12th Street on some documents, including the easement map. Staff will have to clarify this issue before the Council meeting.

Staff has reviewed the easement vacation location to confirm that no other utility facilities will be affected by the vacation of this easement.

ALTERNATIVES:

1. Approve the vacation of the easement shown in Attachment A on the McFarland Clinic property, conditional upon a new plat of survey being approved for the same area, and set the date of public hearing for October 25, 2011.
2. Do not approve the request to vacate the easement shown in Attachment A on the McFarland Clinic property.

MANAGER'S RECOMMENDED ACTION:

Vacation of the existing utility easement is needed in order to facilitate the planned building for McFarland Clinic, P.C. A public hearing needs to be held prior to approving the disposal of City property.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the vacation of the easement shown on Attachment A conditional upon a new plat of survey being approved for the same area, and setting the date of public hearing for October 25, 2011.

McFarland Clinic, P.C.
1215 Duff Avenue
P.O. Box 3014
Ames, Iowa 50010-3014
(515) 239-4400
FAX # (515) 239-4498



August 29, 2011

Mr. Mark Imhoff
Electric Distribution Engineer
City of Ames Electric Services
PO Box 811
Ames, IA 50010

RE: Easement Vacation
Lot 4, Block 7, Sunrise Addition

Dear Mark:

McFarland Clinic requests to vacate the Electric Utility Easement on Lot 4, Block 7, Sunrise Addition to the City of Ames. Please see the attached easement document for additional information. We have been working with the Electric Department on this request, and they are in agreement to vacate this easement as they have no current facilities within the easement.

Please let us know if you have any questions or comments for us.

Sincerely,

McFarland Clinic PC



Ron Frantzen CPMBG, BOC II
Executive Director of Facilities Management

c:

Enclosure

RIGHT OF WAY PERMIT AND EASEMENT

RETURN TO
CITY CLERKS OFFICE
AMES, IOWA 50010

Delbert Bauge and Mamie L. Bauge, Husband and Wife,
in consideration of the sum of one dollar, receipt of which is hereby acknow-
ledged, grants to the City of Ames, Iowa, a Municipal Corporation, its successors
and assigns, including any public utility designated by the City, the perpetual
right to construct, reconstruct, repair, maintain and use underground electrical
lines, telephone lines, wires, cables and other equipment on any part thereof
for the purposes of conveying electrical current for power and lighting purposes,
and for communicative transmissions, on the real estate described as follows:

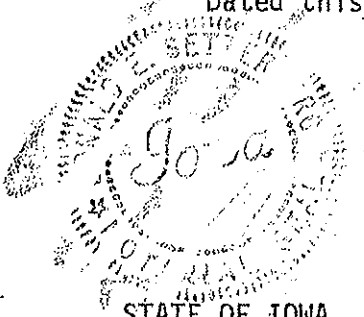
The east 5 feet of the south 60 feet of the north
105 feet and the south 5 feet of the north 73 feet of
lot 4, Block 7, Sunrise Addition to Ames, Story County,
Iowa.

2746
INSTR. NO. 2746
STORY COUNTY, IOWA
FILED FOR RECORD
10 51
A.M. MAY - 4 1976
Gloria A. Pounds, Recorder
By [Signature] Deputy

together with a temporary right to provide overhead service in the event of
emergency.

The foregoing rights are granted upon the express condition that the City
of Ames will assume liability for all damage to the hereinbefore described prop-
erty caused by said City's failure to use due care in its exercise of the
granted rights.

Dated this 30 day of April, 1976.



Delbert Bauge

Mamie L. Bauge

STATE OF IOWA }
COUNTY OF STORY } SS

On this 30 day of April, 1976, before me, a
Notary Public in and for the State of Iowa, personally appeared Delbert and
Mamie L. Bauge, Husband and Wife, personally known
to me to be the identical persons named in and who executed the foregoing instru-
ment and acknowledged that they executed the same as their voluntary act and deed.

[Signature]
Notary Public, in and for the State of Iowa

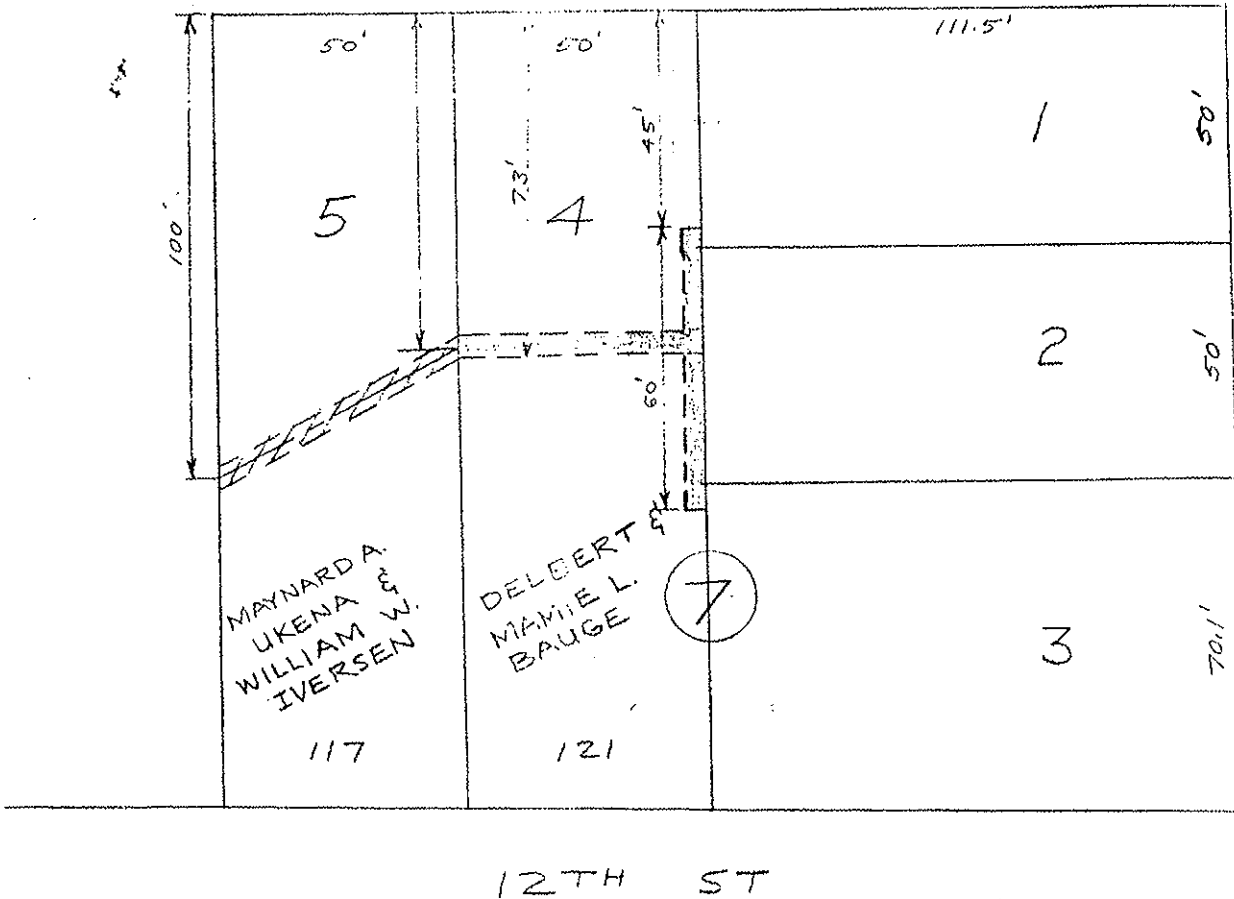


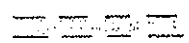
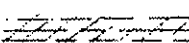
EXHIBIT "A"  ELECTRIC UTILITY EASEMENT
THE EAST 5' OF THE SOUTH 60' OF THE NORTH 105' AND
THE SOUTH 5' OF THE NORTH 73' OF LOT 4 BLOCK 7
SUNRISE ADDITION TO AMES, STORY COUNTY, IOWA

EXHIBIT "B"  ELECTRIC UTILITY EASEMENT
5' CENTERED ON A LINE STARTING AT A POINT ON
THE WEST LINE 100' SOUTH OF THE NORTH LINE THENCE
NORTHEASTERLY TO A POINT ON THE EAST LINE 70.5'
SOUTH OF THE NORTH LINE OF LOT 5 BLOCK 7 SUNRISE
ADDITION TO AMES STORY COUNTY, IOWA

2746

FILED
STORY CO. RECORDER

'76 MAY 4 AM 10 51

GLORIA A. POUNDS

MISC RECORDER

BOOK 130 PAGE

292

Gloria A. Pounds

Chg.
4.50
City Clerk,
P.O. to City of Ames.