

**COUNCIL ACTION FORM**

**SUBJECT:** PUBLIC UTILITY EASEMENT VACATION – MARY GREELEY  
SUBDIVISION (EAST 13<sup>TH</sup> STREET)

**BACKGROUND:**

Staff has received a request from the attorney representing Mary Greeley Medical Center, Brian Torresi, to vacate the public utility easement currently shown on the attachment running north/south through the existing lot at 2322 East 13<sup>th</sup> Street. The vacation is requested in order for the property owner to move forward with a subdivision of the property with the intent of selling lots for future development. As a part of the final platting process, new public utility easements will be established as shown on the attached map.

Vacation requests involve substantial outreach to all right-of-way users to determine if there are utilities in the existing easement and if there are intentions of using the easement in the future. This particular request was made the final week of February with the expectation that the vacation could be processed and finalized at the March 5, 2013 Council Meeting.

Public Works staff contacted all registered right-of-way users to determine the extent of utilities in this immediate area. Responses have not yet been received from all users. Under normal circumstances, a vacation request would not be presented to Council until all questions regarding impacts to the utility companies are known. **In this case, Mr. Torresi has asked for special consideration in order to maintain his schedule for the final platting of the lots and the sale of those lots in a parallel track. Since the typical process is not being followed, this has the potential to not be completed prior to the Council meeting. The final plat as submitted to staff cannot be approved without the vacation being complete.**

**As of April 2, 2013, four utility companies have yet to respond to staff as to the impacts related to the public utility easement. One utility has responded that their facility maps were inconclusive as to the exact location related to the easement. Staff has emailed and left voice messages with these utility companies and expects to have responses prior to noon on April 9, 2013. However, should there still be an outstanding response or a response that there is a utility in the existing easement, this item will be pulled from the Council agenda.**

**ALTERNATIVES:**

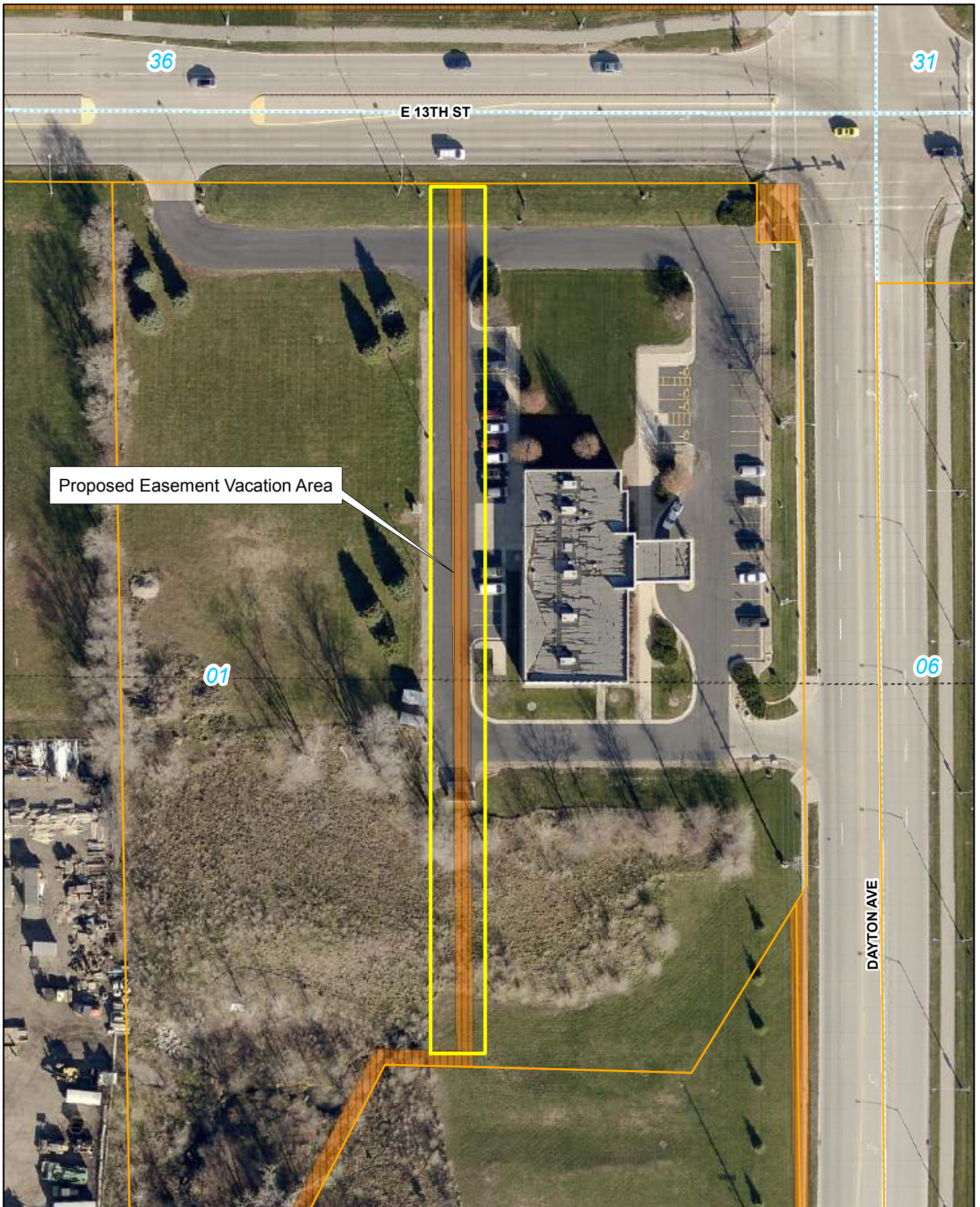
1. Approve the proposal to vacate the existing public utility easement at 2322 East 13<sup>th</sup> Street as shown and set the date of public hearing for April 23, 2013.

2. Delay consideration of this agenda item until all utilities have responded that they have no utility lines (or plans for utility lines) within the current easement.
3. Direct staff to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

By approving vacation of the easement at this time, the Council will meet this property owner's expedited need to move forward with the final platting process for the subdivision and the sale and improvements of the lots. In order to expedite this issue for a customer, staff has placed it on the agenda prior to receiving the necessary input from all utility companies that currently might be using this easement.

**Therefore, assuming the City has received a positive response from all right-of-way users prior to the Council meeting, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the vacation of the existing public utility easement at 2322 East 13<sup>th</sup> Street as shown and setting the date of public hearing for April 23, 2013.**



Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented in this product should be field verified. This Product is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the User.



REC. AS S89°31'49"E  
N89°57'05"E 1321.21'

NW CORNER  
NE1/4, NE1/4  
SEC. 1-83-24  
FOUND ALUM.  
MONUMENT

STATE PLANE COORDINATES-  
IOWA NORTH ZONE (NAD 83)  
N - 3475573.52  
E - 4898641.54

CROSS ACCESS EASEMENT		
CURVE 1	CURVE 2	CURVE 3
R=27.00'	R=27.00'	R=27.00'
A=42.41'	A=42.38'	A=42.39'
Δ= 90°00'00"	Δ= 89°55'.41"	Δ= 89°57'.34"
B=S45°02'55"E	B=S45°05'05"E	B=S45°06'01"E
Ch=38.18'	Ch=38.16'	Ch=38.17'

**LOT 3**  
73913.52 S.F.  
1.70 ACRES

LOT 5  
FIRST ADDITION  
AMES INDUSTRIAL  
PARK SUBDIVISION

**LOT 1**  
72932.35 S.F.  
1.67 ACRES

**LOT 2**  
85269.47 S.F.  
1.96 ACRES

**SURVEY DESCRIPTION - GREELEY SUBDIVISION:**

A subdivision of Parcel C, except public right-of-way contained therein, is Lot 5, First Addition, Ames Industrial Park Subdivision and part of the Northeast Quarter of the Northeast Quarter of Section 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, said Parcel C as shown on the Plat of Survey filed on March 28, 1996 at Inst. No. 96-02672 and in Book 13, Page 212, said subdivision being more particularly described as follows: Beginning at the intersection of the South line of East 13th Street with the West line of Dayton Avenue; thence S00°33'20"E, 158.35 feet, said intersection; thence S00°00'00"E, 130.00 feet; thence S13°43'00"E, 136.00 feet; thence S88°42'20"W, 180.75 feet; thence S27°01'04"W, 324.05 feet to the Southwest Corner of said Parcel C; thence N00°56'52"W, 815.64 feet to the Northwest Corner thereof; thence N89°57'05"E, 407.07 feet along the South line of East 13th Street to the point of beginning, containing 5.33 acres.

**NOTES:**

1. THERE IS A 16.5' WIDE EASEMENT FOR THE BENEFIT OF NORTHWESTERN BELL TELEPHONE COMPANY RECORDED IN BK 86, PG 408, CROSSING THE EAST PART OF PARCEL C LYING EAST OF THE FIRST ADDITION AMES INDUSTRIAL PARK SUBDIVISION WHICH CAN'T BE SHOWN ON THIS PLAT BECAUSE THERE IS NO DESCRIPTION OF THE EASEMENT ROUTE.
2. THAT PART OF PARCEL C LYING IN THE PUBLIC RIGHT OF WAY WAS ACQUIRED BY THE CITY OF AMES PER RIGHT OF WAY DEDICATION FILED ON MAY 29, 1997 AT INST. NO. 97-0528.
3. SOIL DRILLINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS THAT MAKE CONSTRUCTION OF BUILDINGS DIFFICULT.

**OWNER/DEVELOPER:**  
CITY OF AMES, IOWA  
d/b/a MARY GREELEY MEDICAL CENTER  
1111 DUFF AVENUE  
AMES, IA 50010

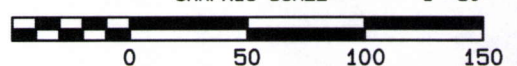
### LEGEND

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PROPERTY BOUNDARY _____
SECTION LINE _____
STREET CENTERLINE _____
RIGHT OF WAY LINE -----
EASEMENT LINE -----
BUILDING SETBACK LINE -----
SECTION CORNER FOUND OR SET AS NOTED
FOUND IRON PIN OR PIPE AS NOTED
SET 1/2" REBAR W/ YELLOW CAP #27164

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GRAPHIC SCALE      1"=50'



STUMBO & ASSOCIATES  
LAND SURVEYING

510 S. 17TH STREET, SUITE #102 • AMES, IOWA 50010  
PH. 515-233-3689 • FAX 515-233-4403

FINAL PLAT  
MARY GREELEY SUBDIVISION

JOB #13139FP      DATE: 3/06/13      PAGE 1 of 1



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 duly licensed Land Surveyor under the laws of the State of Iowa.

**DRAFT**

**DRAFT** Date: \_\_\_\_\_  
A. Bradley Stumbo License #17161  
My license renewal date is December 31, 2013