

**COUNCIL ACTION FORM**

**SUBJECT: PUBLIC UTILITY EASEMENT VACATION – 4121 APLIN ROAD**

**BACKGROUND:**

In fall 2012, Building Inspections and Public Works staffs were contacted by the property owner at 4121 Aplin Road regarding the proposed construction of a garage on the property. The property currently had a 10-foot public utility easement along the center of the property that runs east/west through the property. This limited the size, location or even the ability to construct the new garage. The property owner requested that the easement be vacated to accommodate the construction.

Public Works staff contacted all registered right-of-way users to determine the extent of the utilities in the immediate area and has received responses back from all users. Mediacom was the only utility within the current easement. Based on this information it was determined that the existing easement could be vacated at a later date and Mediacom could relocate in a newly established easement at the cost of the property owner. Staff contacted the right-of-way users as to the proposed easement location for future use and all replied that this option would be acceptable. The garage has been constructed and Mediacom has relocated to the new easement location as shown.

The attached easement plats and map provide more information on the affected area.

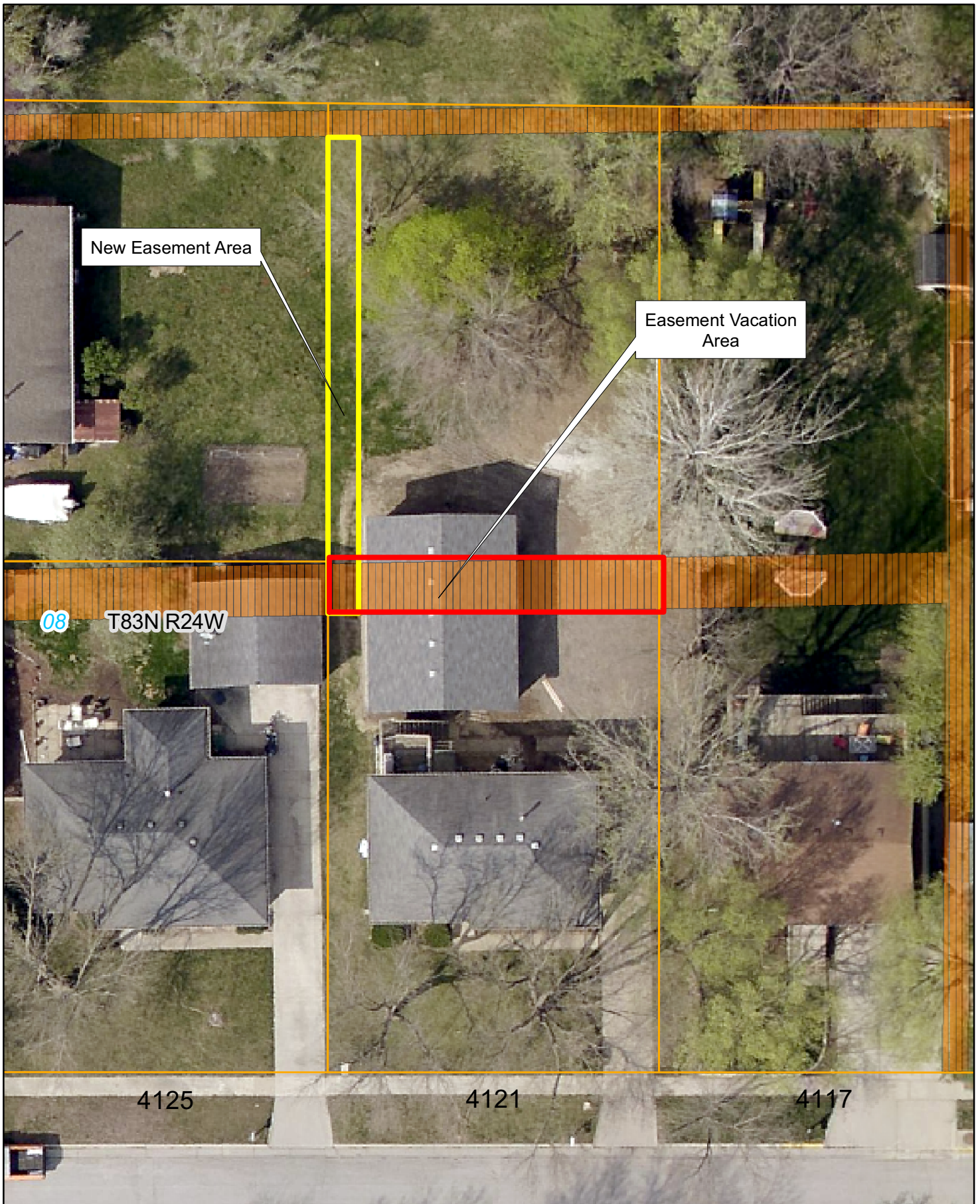
**ALTERNATIVES:**

1. Approve the proposal to vacate the existing 10' easement at 4121 Aplin Road, set the date of public hearing for May 28, 2013, and accept the proposed 5' utility easement as shown on the attached documents.
2. Direct staff or the property owner to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

Both Building Inspections and Public Works staff communicated with the property owner regarding available options to make the property owner's plan to build a garage feasible. All utility companies are satisfied with the proposed location and size of the proposed easement.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the vacation of the existing 10' easement at 4121 Aplin Road, setting the date of public hearing for May 28, 2013, and accepting the proposed 5' utility easement as shown in the attached documents.



New Easement Area

Easement Vacation Area

08 T83N R24W

4125

4121

4117

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.



4121 Aplin Road  
Easement Vacation and  
Establishment of New Easement



Scale: 1 in = 25 ft

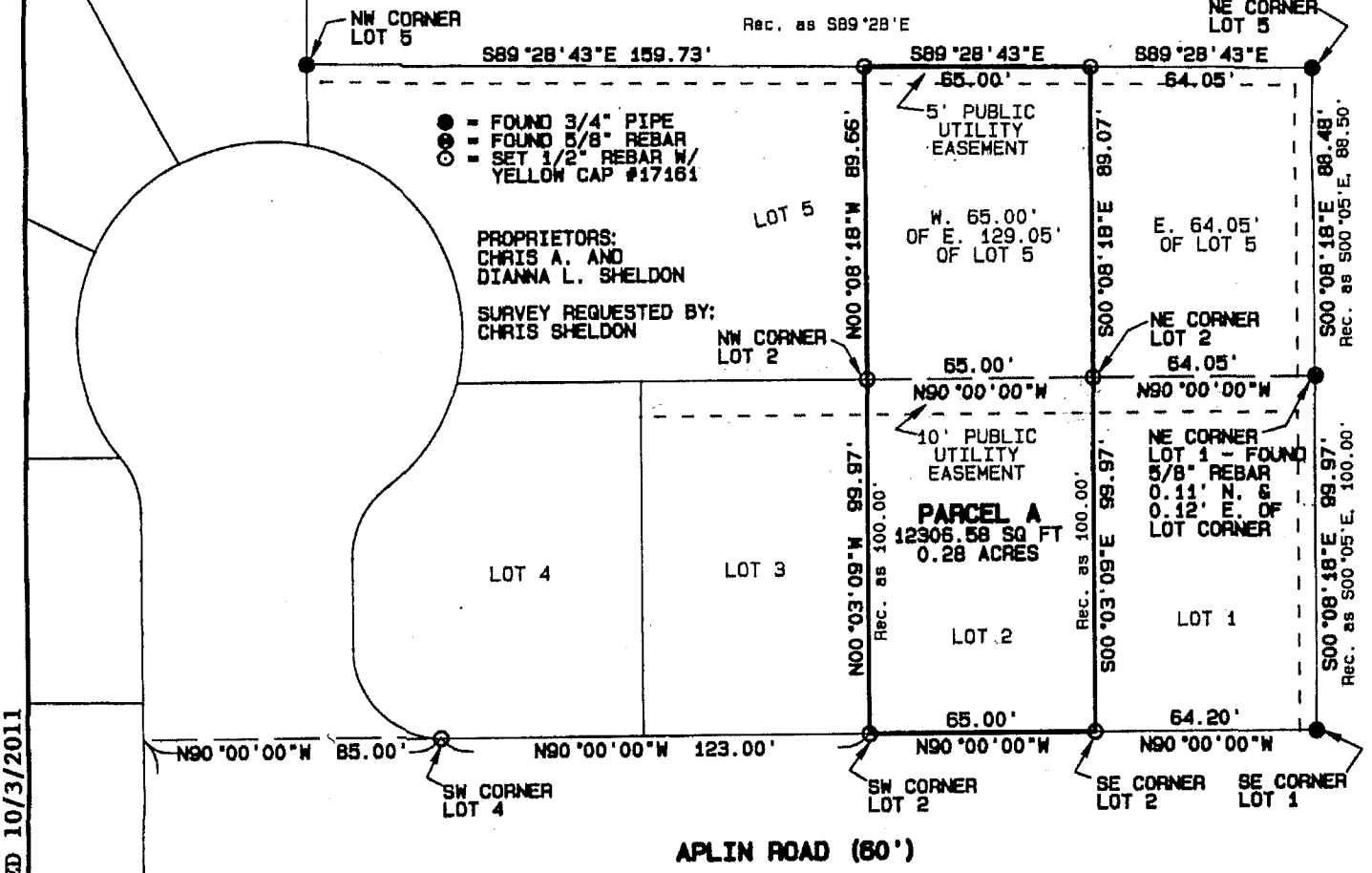
Date: 5/2/2013

Instrument: 2011-00009566  
 Date: Oct 03, 2011 01:44:30P  
 Rec Fee: 5.00 E-Com Fee: 1.00  
 Aud Fee: .00 Trans Tax: .00  
 Rec Management Fee: 1.00  
 Non-Standard Page Fee: .00  
 Filed for record in Story County, Iowa  
 Susan L. Vande Kamp, County Recorder

SLIDE 415 PAGE 5

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

PLAT OF SURVEY



SEE RESOLUTION 11-450, INST. 11-09565, FILED 10/3/2011

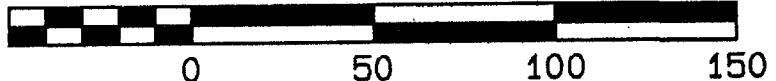
MELONS DR. (60')

APLIN ROAD (60')

Survey Description - Parcel A:  
 Lot 2 and the West 65 Feet of the East 129.05 Feet of Lot 5 in Cochrane's First Addition to the City of Ames, Story County, Iowa, being more particularly described as follows: Beginning at the Southeast Corner of said Lot 2; thence N90°00'00"W, 65.00 feet to the Southwest Corner of said Lot 2; thence N00°03'09"W, 99.97 feet to the Northwest Corner of said Lot 2; thence N00°08'18"W, 89.66 feet to a point on the north line of said Lot 5; thence S89°28'43"E, 65.00 feet along said north line; thence S00°08'18"E, 89.07 feet to the Northeast Corner of said Lot 2; thence S00°03'09"E, 99.97 feet to the Point of Beginning, containing 0.28 acres.

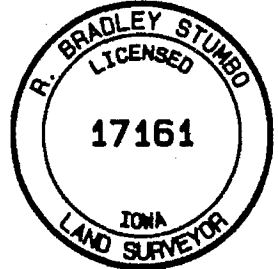
The Ames City Council approved this Plat of Survey on Sept. 27, 2011, with Resolution Number 11-450  
 I certify that it conforms to all conditions of approval.  
*[Signature]*  
 Planning & Housing Director

GRAPHIC SCALE 1"=50'

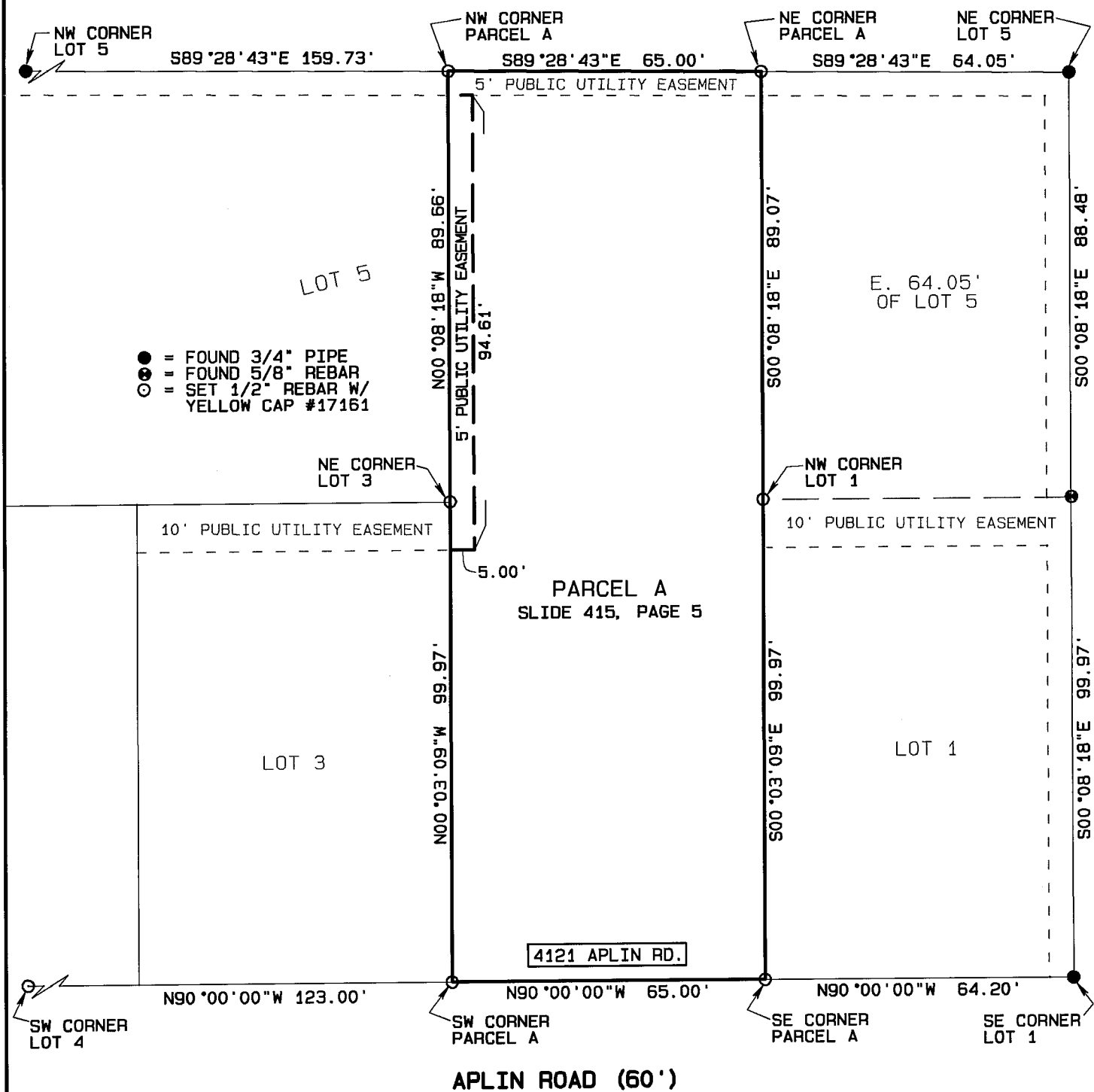


Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*[Signature]*  
 R. Bradley Stumbo License #17161  
 My license renewal date is December 31, 2011  
 Job #16378PS Date: 9/07/11  
 Fieldwork Completed: 9/02/11  
 Date: 9/30/11  
 Page 1 of 1



PLAT OF EASEMENT

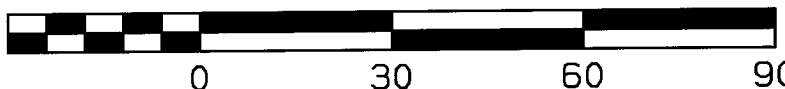


Survey Description - Public Utility Easement:  
 The West 5.00 Feet of the North 99.61 Feet, except the North 5.00 feet thereof, of Parcel A of the Plat of Survey filed in the Story County Recorder's Office on October 3, 2011 in Slide 415, Page 5, containing 473.18 sq. ft.

PROPRIETORS:  
 CHRIS A. AND  
 DIANNA L. SHELDON

SURVEY REQUESTED BY:  
 CHRIS SHELDON

GRAPHIC SCALE 1"=30'



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**

Date: \_\_\_\_\_

R. Bradley Stumbo License #17161  
 My license renewal date is December 31, 2011

