

COUNCIL ACTION FORM

SUBJECT: PUBLIC UTILITY EASEMENT VACATION AT 2801 EAST 13TH STREET (KUM & GO SITE)

BACKGROUND:

The engineering firm representing Kum & Go at 2801 East 13th Street has made a request to vacate the public utility easement currently shown running north/south through the existing lot shown on Attachment A. The vacation is requested in order for the property owner to move forward with the process to expand their existing store.

This request was originally planned to be presented to Council at the April 9, 2013 meeting. However, at that time staff had not yet received a response from all utility users as to the existence or potential use of the existing easement. Therefore, this item was pulled from the Council agenda.

Public Works staff has now received responses from all registered right-of-way users as to the extent of utilities in this immediate area and any intention to utilize the existing easement. The only affected utility is Century Link. The property owner has agreed to maintain a 10' easement over the portion occupied by Century Link, as shown in Attachment B. None of the other utility owners have an existing use or any plans to use the current public utility easement.

ALTERNATIVES:

1. Set November 26, 2013, as the date of public hearing for the proposed vacation of the westerly 30' of the existing public utility easement at 2801 East 13th Street while maintaining the easterly 10' of the existing easement.
2. Direct staff to pursue other options.

MANAGER'S RECOMMENDED ACTION:

By moving forward with the process to approve a partial vacation of the easement, Council will meet this property owner's need to move forward with the expansion of their existing store.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting November 26, 2013, as the date of public hearing for the proposed vacation of the westerly 30' of the existing public utility easement at 2801 East 13th Street while maintaining the easterly 10' of the existing easement.

KUM & GO #113

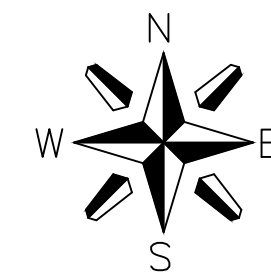
PARCEL "B", IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 84 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF AMES, COUNTY OF STORY, STATE OF IOWA

LEGAL DESCRIPTION

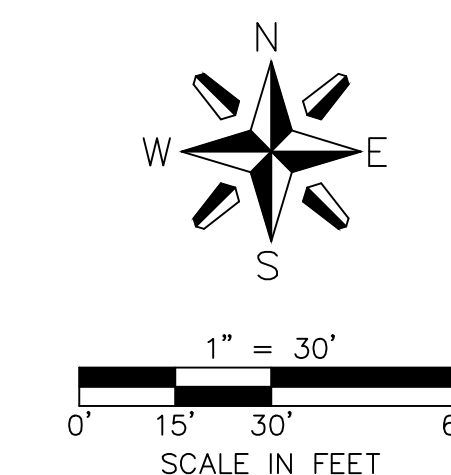
THE LAND REFERRED TO IS SITUATED IN THE STATE OF IOWA, COUNTY OF STORY AND IS DESCRIBED AS FOLLOWS:

COMMENCING 1335.5 FEET WEST OF THE SOUTH QUARTER CORNER, SECTION 31, TOWNSHIP 84 NORTH, RANGE 23 WEST OF THE 5TH P.M., STORY COUNTY, IOWA, THENCE NORTH 0°00' EAST 116.3 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF 13TH STREET, AS NOW ESTABLISHED, THENCE NORTH 0°00' EAST 158.5 (158.7 PLAT) FEET, THENCE NORTH 90°00' WEST 265.0 FEET, THENCE SOUTH 0°00' EAST 169.2 FEET, TO SAID NORTH RIGHT OF WAY LINE, THENCE NORTH 87°45' EAST ALONG SAID RIGHT OF WAY LINE, 265.3 FEET TO THE POINT OF BEGINNING.

NOW ALSO KNOWN AS PARCEL "B", IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 84 NORTH, RANGE 23 WEST OF THE 5TH P.M., STORY COUNTY, AS SHOWN ON THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, ON THE 7TH DAY OF OCTOBER 1998 AS INSTRUMENT NO. 98-13937, AND RECORDED IN SLIDE 3, PAGE 3.



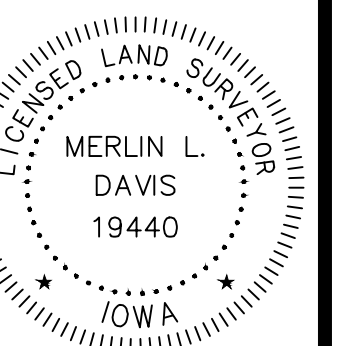
VICINITY MAP
NOT TO SCALE



LEGEND

- BOUNDARY
- PROPERTY LINE
- ... EASEMENT
- - - CENTERLINE
- - - CENTERLINE
- ▨ EASEMENT HATCH
- FOUND 5/8" REBAR (UNLESS NOTED OTHERWISE)
- ⊗ SET CHISELED "X"
- ⊗ SECTION CORNER CUT "X"
- ⊙ MEASURED DISTANCE
- ⊙ RECORDED DISTANCE

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STORE #113 - AMES, IA
2801 E 13TH STREET
VACATED EASEMENT AREA

KG PROJECT TEAM:
RDR: JXH
SDM: SGH
GPM: RJD

REVISION DESCRIPTION	DATE

DATE: 11-04-13

SHEET NUMBER:
1 OF 1

DWG: F:\Projects\013-0804\SRVY\Exhibits\130804_VACATED_EASEMENT.dwg
 DATE: Nov 04, 2013 11:01am
 USER: ocarlo

KUM & GO #113

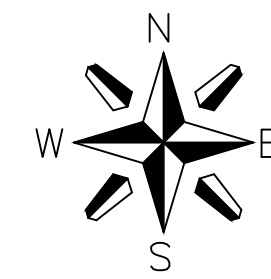
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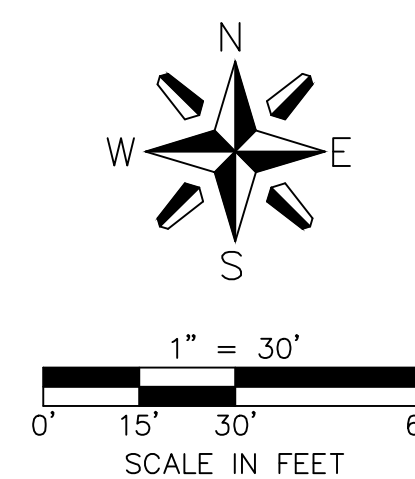
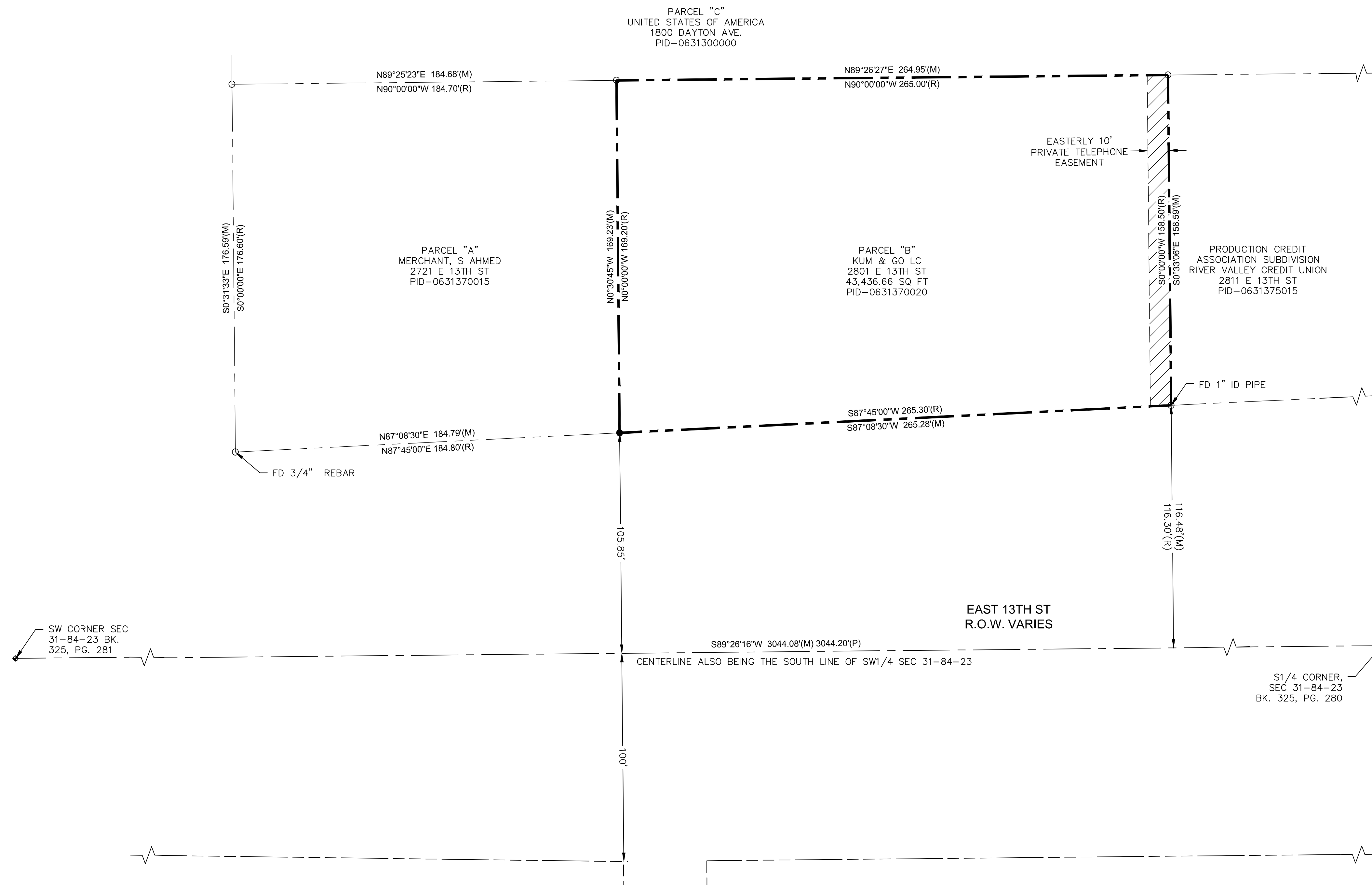
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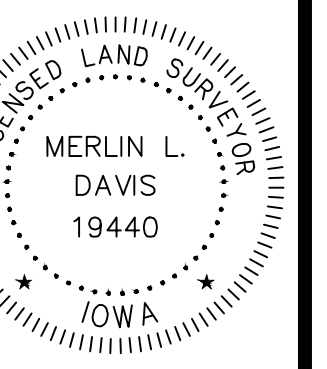
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STORE #113 - AMES, IA
2801 E 13TH STREET
PRIVATE TELEPHONE EASEMENT

KG PROJECT TEAM:
RDR: JXH
SDM: SGH
GPM: RJD

REVISION DESCRIPTION	DATE

DATE: 11-04-13

SHEET NUMBER:

1 OF 1

USER: cccario
 DWG: F:\Projects\013-0904\SRVY\Exhibits\130904_TELPHONE EASEMENT.dwg
 DATE: Nov 04, 2013 11:05am
 XREFS: