

COUNCIL ACTION FORM

SUBJECT: **OPEN SPACE EASEMENT AND STORM WATER
FLOWAGE EASEMENT VACATION – 3910 MARICOPA DRIVE**

BACKGROUND:

In November of 2013 Staff received a request from the property owner at 3910 Maricopa Drive to vacate the existing open space easement and the storm water flowage easement that encompassed the entire property.

This item was originally on the City Council Agenda of December 10, 2013, and the public hearing date was held for December 17, 2013. Notice of the hearing was sent to the *Ames Tribune* for publishing per requirements of the Iowa Code. The public hearing was held and the vacation of easements was approved. However, it was eventually determined that the required Notice of Hearing had not ever actually been published due to problems with implementation of the *Tribune's* new computer program.

The owner of 3910 Maricopa Drive is in the process of developing this property. An open space easement is not a requirement for the Fountainview Subdivision, and it is unclear why the original developer placed such an easement over the entire outlot. The entire outlot is not needed to accommodate the previously installed stormwater management functions, so it remains appropriate to vacate this easement. Since the only action sought at this time is setting the hearing date, the easement location and description will be provided at the time of the hearing.

ALTERNATIVES:

1. Set the date of public hearing as April 22, 2014 to approve the vacation of the open space easement and redefine the stormwater flowage easement at 3910 Maricopa Drive.
2. Do not set the date of public hearing to vacate the existing easement.

MANAGER'S RECOMMENDED ACTION:

Setting the date of hearing is the first step toward completion of this process and toward correction of the unfortunate situation which left this easement in place despite the Council's earlier action to vacate it.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting the date of public hearing as April 22, 2014, to approve the storm water flowage easement at 3910 Maricopa Drive.

Location Map

