

COUNCIL ACTION FORM

**SUBJECT: ACCESS EASEMENT AND SANITARY SEWER EASEMENT
VACATION AT 701 SOUTH DUFF AVENUE**

BACKGROUND:

On July 8, 2014, City Council referred to staff a letter from Scott Renaud, representing the property owner at 701 South Duff regarding the vacation of an existing access easement, as well as an existing sanitary sewer easement as shown in Attachment A.

The Access Easement provides access to the City of Ames property located behind Howe's Welding and the sanitary sewer easement provides access for maintenance activities related to the existing sanitary sewer main within the easement.

City staff from Parks and Recreation, Planning and Housing, and Public Works met with Mr. Renaud and the property owner on July 14, 2014, to discuss the vacation and relocation/re-establishment of the easements. Parks and Recreation utilizes the existing easement in order to mow the City lot and concurred with the vacation and relocation of the Access Easement as shown in Attachment A. Upon review of the proposed easement location shown in Attachment A, the width is satisfactory for the long-term maintenance of the sanitary sewer main.

It should also be noted that due to the location of the main and the floodway fringe requirements (to build at three feet above the base flood elevation), a retaining wall will be required over the existing water main. Easement language will grant all rights for the City to access the main, even to the extent of removal of the wall with notification to the property owner, at no cost to the City. The property owner will be responsible for wall replacement, as necessary.

Staff was able to discuss the impacts of the wall with Jim Howe, owner of Howe's Welding. Jim stated that if he would have known that the property to the north would have developed in this manner, he would have adjusted the location of the building when he built it to allow more room for oversized loads to access the site. Apparently, he has been utilizing both the City's easement and several feet of his neighbor's private property to the north to gain access to his property. This area to the north provided enough room to get heavy machinery in and out of the site over the past 28 years.

Staff relayed to Jim that the developer is considering a concrete wall in order to minimize the damage impacts that could come from equipment/machinery contacting the wall and the general feeling was that would be more durable than a block wall. Jim stated to staff that he realizes that the developer owns the lot to the north and that he has no direct input on the final plan for the site. However, he emphasized that the 12.5

feet that would remain between the wall on the property line and his building would make it very difficult to accommodate truck and equipment access to his property.

ALTERNATIVES:

1. Set August 12, 2014, as the date of public hearing for the proposed vacation of the existing access easement and the existing sanitary sewer easement at 701 South Duff Avenue.
2. The City Council can decide not to set the date of public hearing for the proposed vacation of the existing access easement until feedback has been received at the August 19th workshop.

MANAGER'S RECOMMENDED ACTION:

By moving forward with the easement vacation process, City Council will allow this property owner to move ahead with the development of the project site while assuring the maintenance needs of existing City infrastructure. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting August 12, 2014, as the date of public hearing for the proposed vacation of the access easement and the existing sanitary sewer easement at 701 South Duff Avenue.**

In response to a previous Council direction, a workshop is scheduled for August 19, 2014 to provide feedback from the business and property owners to the City Council about the proposed traffic safety improvements along South Duff. At this workshop, the Council should receive information regarding the possibility of creating private cross easements to facilitate traffic movements in the corridor. Concern was expressed by the City Council regarding the access for the property immediately north of the Hunziker property once the area is redeveloped. **Therefore, on August 12, the Council might need to decide if these public easements should be vacated before cross easements between the Hunziker and Flummerfelt properties have been finalized.**

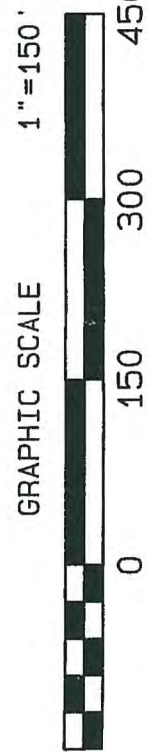
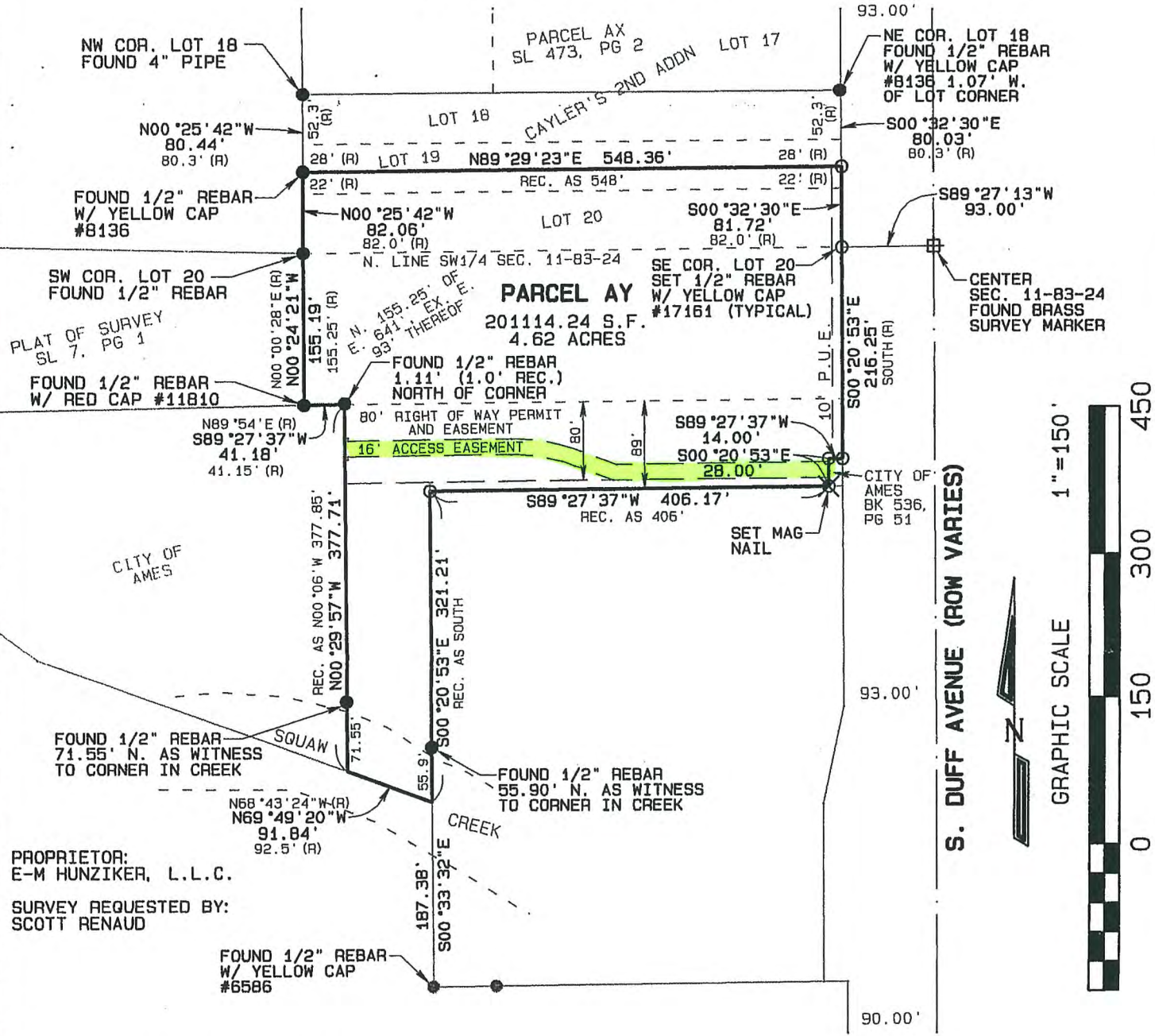
ATTACHMENT A

Instrument: 2014- 00004095
 Date: Jun 02, 2014 11:25:46A
 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 484 PAGE 5

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

PLAT OF SURVEY



Survey Description-Parcel 'AY':
 Lot 20 and the South 22 feet of Lot 19 in Cayler's Second Addition to Ames, Story County, Iowa, and part of the Northeast Quarter of the Southwest Quarter of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, all together being described as follows: Beginning at the Southeast Corner of said Lot 20; thence S00°20'53"E, 216.25 feet along the West right of way line of South Duff Avenue; thence S89°27'37"W, 14.00 feet; thence S00°20'53"E, 28.00 feet; thence S89°27'37"W, 406.17 feet; thence S00°20'53"E, 321.21 feet to the approximate centerline of Squaw Creek; thence N69°49'20"W, 91.84 feet along said line; thence N00°29'57"W, 377.71 feet; thence S89°27'37"W, 41.18 feet to the Southwest Corner of the North 155.25 feet of the East 641 feet of said Southwest Quarter; thence N00°24'21"W, 155.19 feet to the Southwest Corner of said Lot 20; thence N00°25'42"W, 82.06 feet along the West line of said Lots 20 and 19; thence N89°29'23"E, 548.36 feet to the East line of said Lot 19; thence S00°32'30"E, 81.72 feet along the East line of said Lots 19 and 20 to the point of beginning, containing 4.62 acres.

The Ames City Council approved this Plat of Survey on May 13, 2014, with Resolution No. 14-212. I certify that it conforms to all conditions for approval.

Kelly Diekmann
 Planning and Housing Director

FIGURE A

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.

R. Bradley Stumbo Date: 5/30/14

R. Bradley Stumbo License #17161
 My license renewal date is December 31, 2015
 Job #9724PS Date: 4/03/14 Page 1 of 1
 Fieldwork Completed: 3/17/14



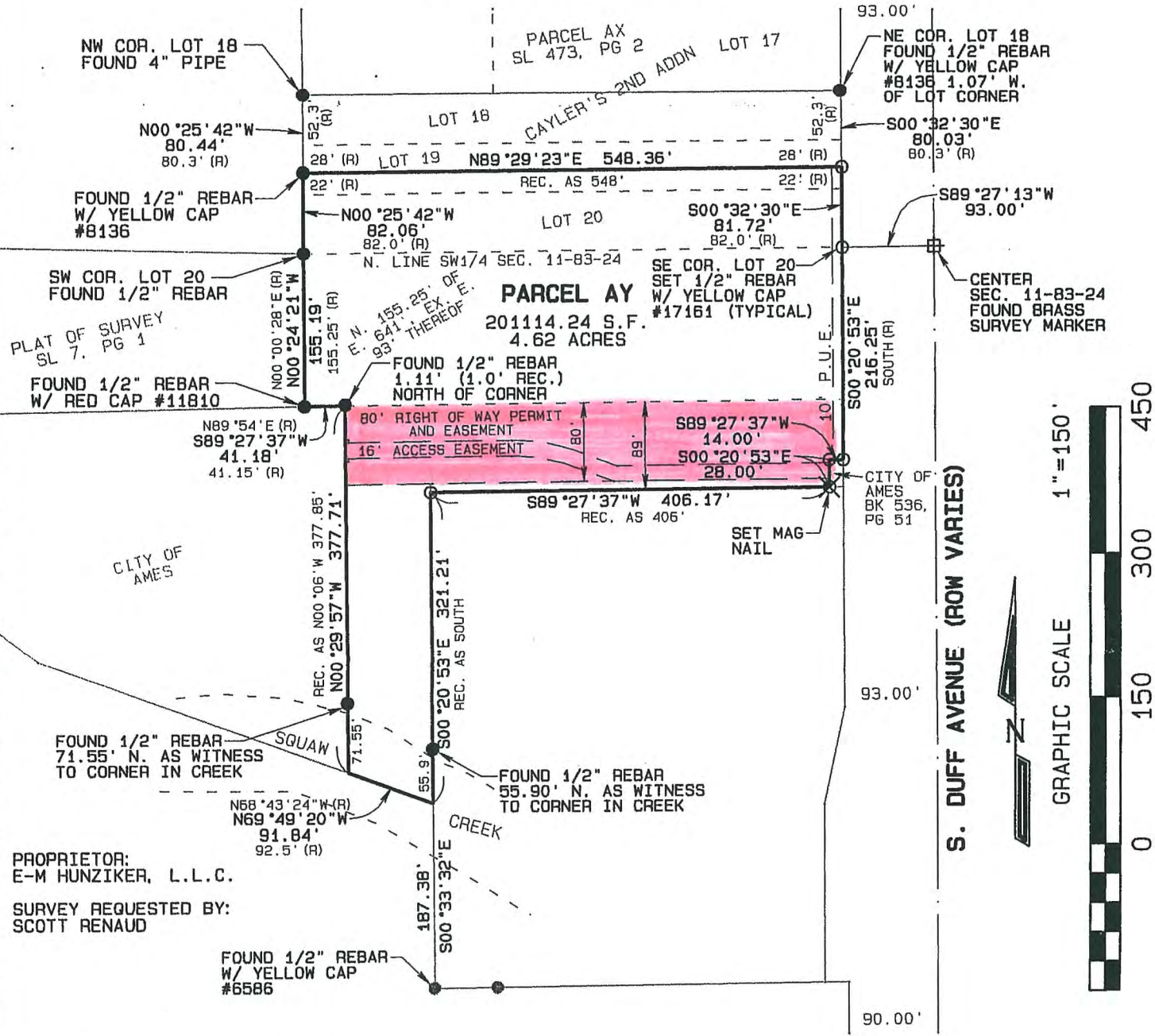
RECORDER'S NOTE: SEE RES. NO. 14-275, FILED JUNE 2, 2014, INST. NO. 14-04093. sf

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 Planning and Housing Director

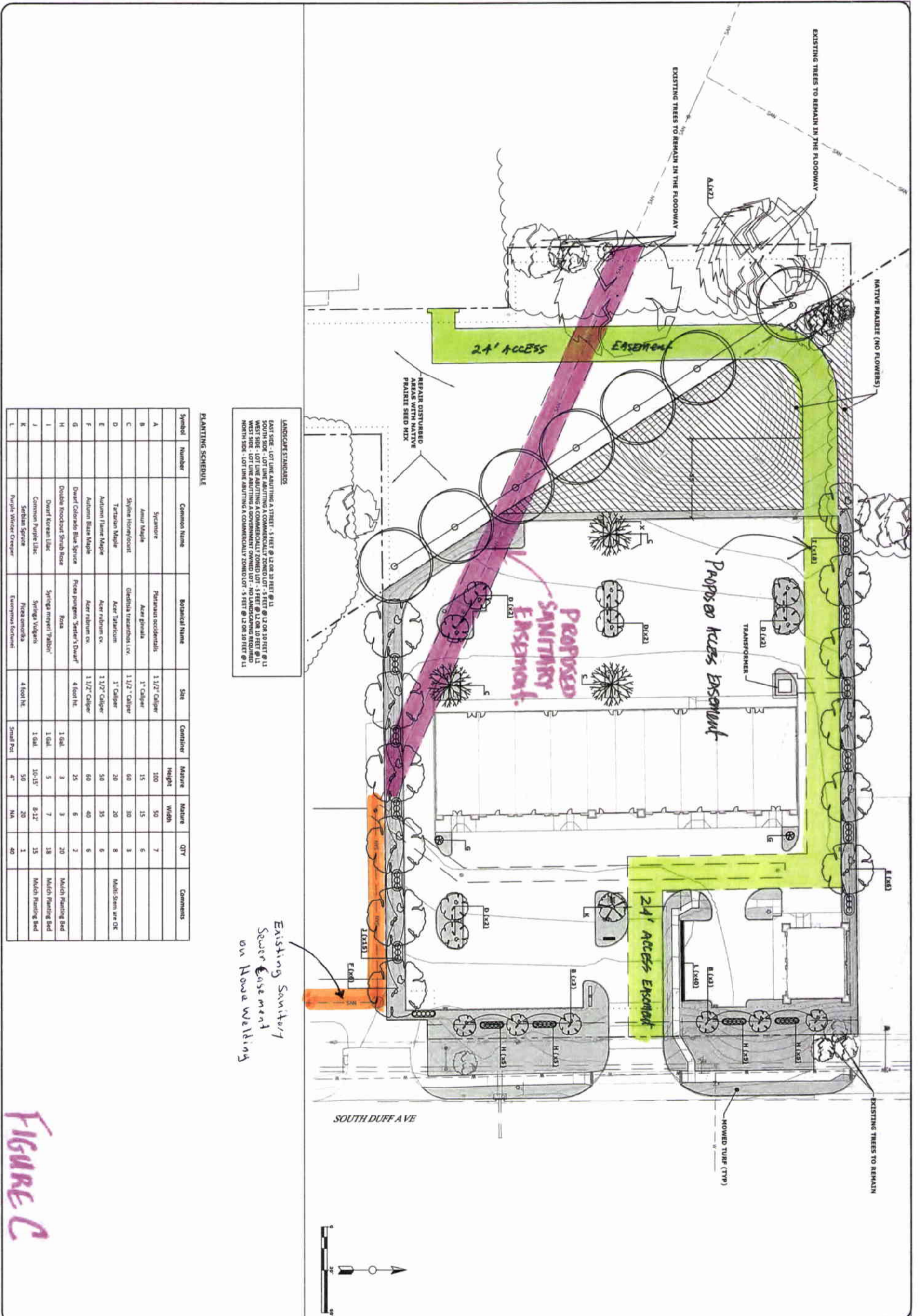
FIGURE B

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LANDSCAPE STANDARDS
 EAST SIDE - LOT LINE ADJUTING A STREET - 5 FEET @ 12 ON 20 FEET @ 11
 SOUTH SIDE - LOT LINE ADJUTING A COMMERCIAL ZONED LOT - 5 FEET @ 12 ON 10 FEET @ 11
 WEST SIDE - LOT LINE ADJUTING A COMMERCIAL ZONED LOT - 5 FEET @ 12 ON 10 FEET @ 11
 NORTH SIDE - LOT LINE ADJUTING A COMMERCIAL ZONED LOT - 5 FEET @ 12 ON 10 FEET @ 11
 NORTH SIDE - LOT LINE ADJUTING A COMMERCIAL ZONED LOT - 5 FEET @ 12 ON 10 FEET @ 11

PLANTING SCHEDULE

Symbol	Number	Common Name	Botanical Name	Size	Container	Mature Height	Mature Width	QTY	Comments
A		Sycamore	Platanus occidentalis	1 1/2" Caliper	100	50	7		
B		Amer Maple	Acer glabrate	1" Caliper	15	15	5		
C		Styline Honeylocust	Gleditsia tricanthos cv	1 1/2" Caliper	60	30	3		
D		Terrazun Maple	Acer Terreticum	1" Caliper	20	20	8		Multis-Stem are OK
E		Autumn Flame Maple	Acer rubrum cv.	1 1/2" Caliper	50	35	6		
F		Autumn Blaze Maple	Acer rubrum cv.	1 1/2" Caliper	60	40	6		
G		Dwarf Colorado Blue Spruce	Picea pungens 'Sester's Dwarf'	4 foot Ht.	25	6	2		
H		Double Knockout Shrub Rose	Rosa		1 Gal.	3	3	20	Mulch Planting Bed
I		Dwarf Korean Lilac	Syringa meyeri 'Palibit'		1 Gal.	5	7	18	Mulch Planting Bed
J		Common Purple Lilac	Syringa Vulgaris		1 Gal.	10-15'	8-12'	15	Mulch Planting Bed
K		Purple Spruce	Picea amoretia		4 foot Ht.	20	20	1	
L		Purple Winter Creeper	Euonymus fortunei		Small Pot.	4"	NA	40	

FIGURE C