

Staff Report

UPDATE TO 7/22/14 COUNCIL ACTION FORM

August 12, 2014

The property owner of 701 South Duff, Hunziker Land Development, reports that it has come to terms with Jim Howe, owner of Howe's Welding located at 811 South Duff, regarding access challenges that would be created by building a retaining wall up to the property line between these properties. Hunziker has agreed to grant a 4' access easement to Mr. Howe to accommodate access of large delivery trucks. As of August 7, 2014, Hunziker has its attorney drafting the easement language.

The width of the area between the Howe's building and the proposed retaining wall on 701 South Duff will increase from 12 feet to 16 feet. This will require Howe's to provide the additional 12 foot access easement to the City. Staff was told by Mr. Howe that this is acceptable and that he will grant the easement. The easement document for Howe's easement to the City has been drafted by a Hunziker attorney and has been forwarded to City Legal Department staff for review.

By acquiring this access across Howe's property, the proposed access easement that was shown on the site plan through the rear of the 701 South Duff property will no longer be needed. Parks and Recreation staff has confirmed that this approach is acceptable. The proposed easements are shown in the attached map.

In addition, Public Works and Planning and Housing staff met with Chuck Winkleblack (Hunziker) and Mike Flummerfelt to discuss shared access across the west (rear) between the properties and options circulation. Mr. Winkleblack and Mr. Flummerfelt agreed that they will define and record an easement should the South Duff Signal and Median project move forward. That project will be further discussed at the August 19, 2014, City Council Workshop.

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.

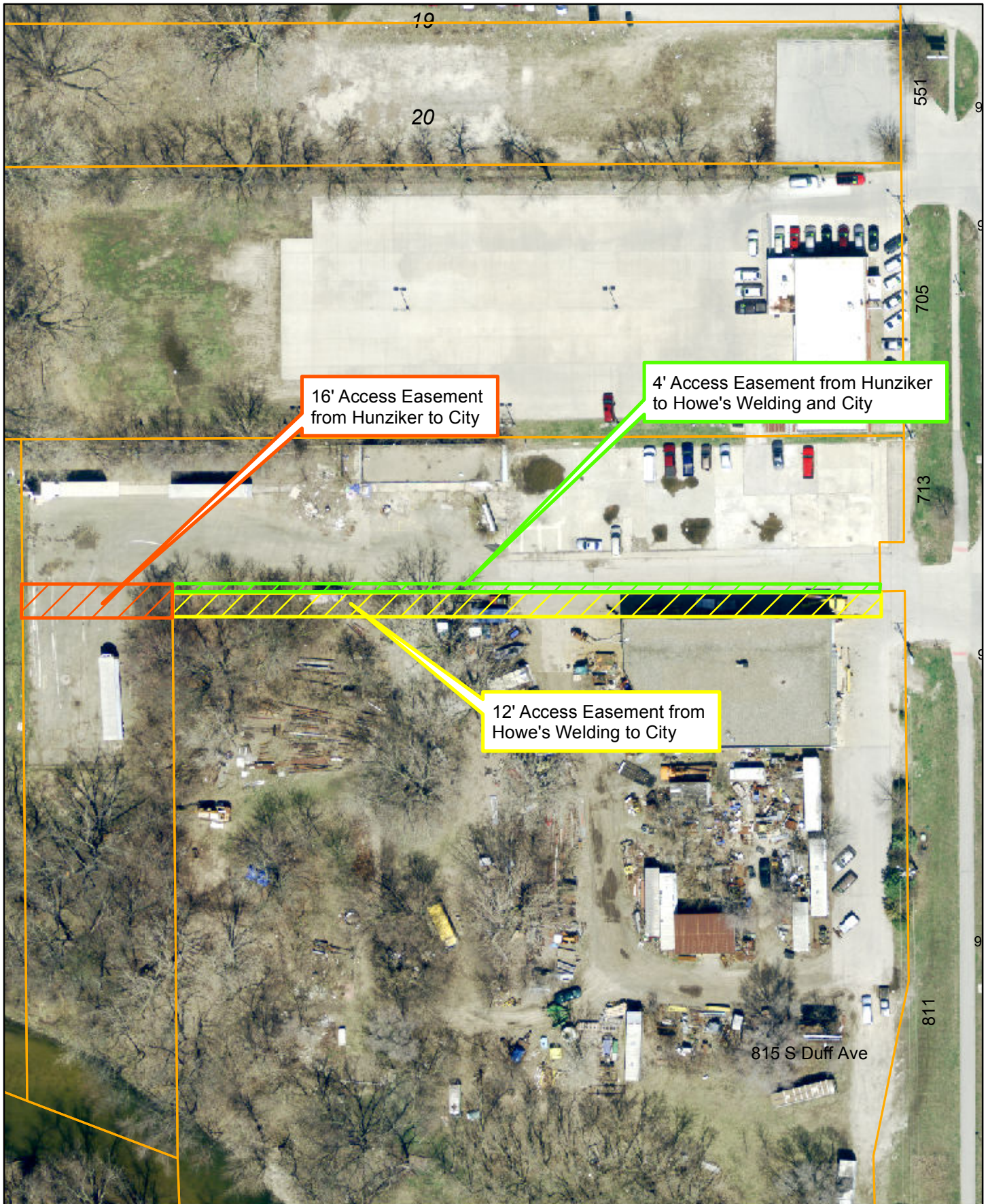
ALTERNATIVES:

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.**



16' Access Easement from Hunziker to City

4' Access Easement from Hunziker to Howe's Welding and City

12' Access Easement from Howe's Welding to City

815 S Duff Ave

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.



16' Access Easement From Hunziker to City and Howe's Welding



Scale: 1 in = 75 ft
Date: 8/8/2014