

**COUNCIL ACTION FORM**

**SUBJECT: STORM WATER FLOWAGE EASEMENT & STORM SEWER  
EASEMENT VACATION – 5328 TABOR DRIVE**

**BACKGROUND:**

In June 2014, the property owner of 5328 Tabor Drive spoke with City staff regarding an existing 20' Surface Water Flowage Easement (S.W.F.E.) and Storm Sewer Easement (ST.S.E.) in the rear of his property. The property owner had recently installed a fence and found it was against City policy to allow construction of the fence in such a manner to enclose the portion of the property within this easement. The property owner was advised by City staff that an evaluation of the existing S.W.F.E. and ST.S.E. would be required in order to consider abandoning a portion of the easement. If a portion could be abandoned, the property owner may be able to relocate the fence in order to utilize more of his backyard. The property owner contracted with Clapsaddle-Garber Associate, Inc. (CGA) of Ames, Iowa, to perform this evaluation.

Attached is a map showing the 100-year ponding limits within this small watershed in relation to the property at 5328 Tabor Drive. As shown on the attached map, the property owner's fence currently encroaches onto the existing S.W.F.E. and ST.S.E. by approximately 3.5 feet. The property owner is requesting that the City consider an adjustment to the existing easement on the property (shown as the red line on the attached map). The existing 5 foot Public Utility Easement along the south property line will not be impacted by the proposed easement vacation.

**Staff has reviewed the report prepared by CGA evaluating the easement area and is in agreement of adjusting the S.W.F.E. and ST.S.E. as shown on the attached map.**

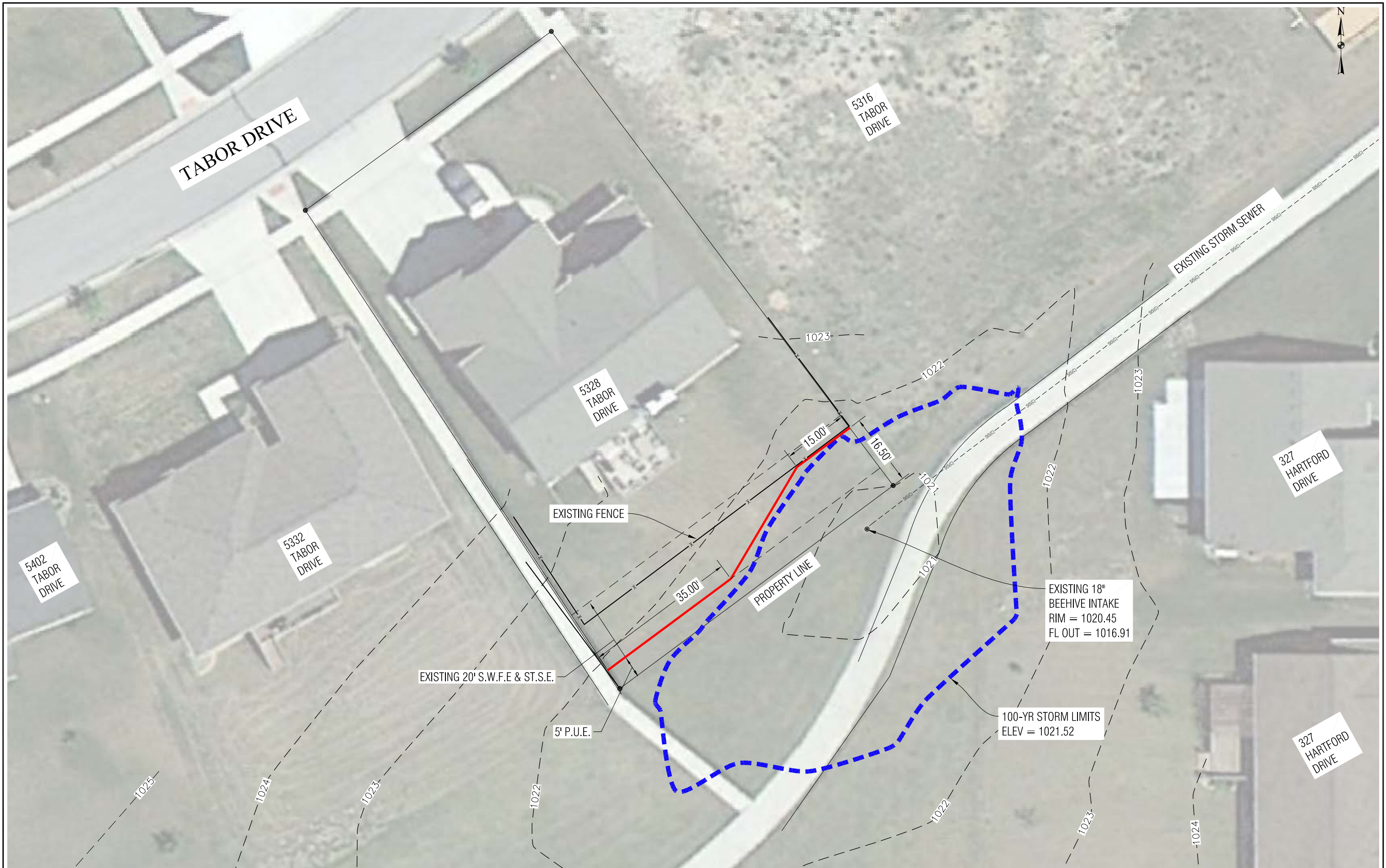
**ALTERNATIVES:**

1. Set February 24, 2015, as the date of public hearing for the proposed vacation of the S.W.F.E. and ST.S.E. for 5328 Tabor Drive (Lot 5 of Sunset Ridge Subdivision, 2<sup>nd</sup> Addition).
2. Direct staff to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

By moving forward with the process to approve vacation of this easement, City Council will meet the property owner's request, thereby allowing him to adjust his fence and further utilize his backyard.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.



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NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

**CGA**  
 Clapsaddle-Garber Associates, Inc.  
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DESIGNED: A. Inheikler DATE: 1-7-15  
 DRAWN: R. Anderson DATE: 1-7-15  
 CHECKED: M. Bryngelson DATE: 1-7-15  
 APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

**5328 TABOR DRIVE**  
 AMES, IOWA

**RECOMMENDED**  
**S.W.F.E. & ST.S.E.**

PROJECT NO.  
8677  
 SHEET NO.  
D.02