

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 as 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'. The property owner is requesting that the City adjust the existing easement on the property (shown as the red line on the attached map). The existing 5' 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 supports adjusting the S.W.F.E. and ST.S.E. as shown on the attached map.**

On February 10, 2015, City Council set the public hearing date for vacating the existing easement. That vacated easement will need to be replaced with a new easement that reflects the 100-year storm limits, as updated by CGA.

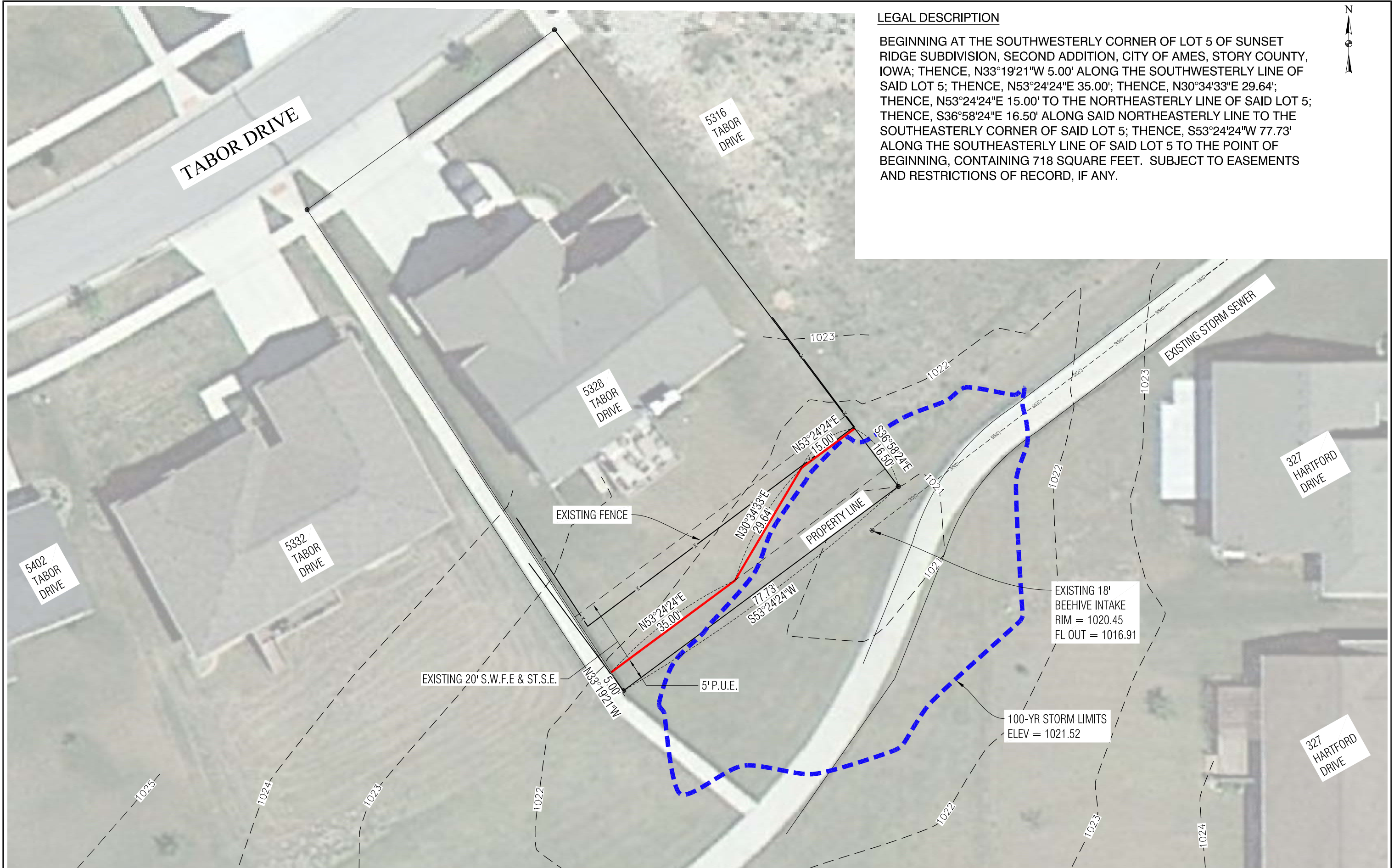
ALTERNATIVES:

1. Approve the vacation of the S.W.F.E. and ST.S.E. for 5328 Tabor Drive (Lot 5 of Sunset Ridge Subdivision, 2nd Addition) and approve the new S.W.F.E. & ST.S.E. (description as stated above).
2. Direct staff to pursue other options.

MANAGER'S RECOMMENDED ACTION:

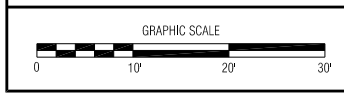
By moving forward with the process to approve the vacation of the easement, City Council will meet the property owner's request, thereby allowing him to adjust his fence and further utilize his backyard.

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



LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 5 OF SUNSET RIDGE SUBDIVISION, SECOND ADDITION, CITY OF AMES, STORY COUNTY, IOWA; THENCE, N33°19'21"W 5.00' ALONG THE SOUTHWESTERLY LINE OF SAID LOT 5; THENCE, N53°24'24"E 35.00'; THENCE, N30°34'33"E 29.64'; THENCE, N53°24'24"E 15.00' TO THE NORTHEASTERLY LINE OF SAID LOT 5; THENCE, S36°58'24"E 16.50' ALONG SAID NORTHEASTERLY LINE TO THE SOUTHEASTERLY CORNER OF SAID LOT 5; THENCE, S53°24'24"W 77.73' ALONG THE SOUTHEASTERLY LINE OF SAID LOT 5 TO THE POINT OF BEGINNING, CONTAINING 718 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA
 Clapsaddle-Garber Associates, Inc.
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 Ames, Iowa 50010
 Ph 515-232-1704
 www.cgaconsultants.com

DESIGNED: A. Inhelder 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

S.W.F.E. & ST.S.E.
EXHIBIT

PROJECT NO. 8677
 SHEET NO. D.02

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