

ITEM # 21&22
 DATE: 03-27-18

COUNCIL ACTION FORM

SUBJECT: VACATION AND CONVEYANCE OF APPLE PLACE AND PEACH LANE RIGHT-OF-WAY TO THE OLD ORCHARD/CREEKSIDE MOBILE HOME PARK

BACKGROUND:

City of Ames staff has been approached by the owner of the Old Orchard/Creekside Mobile Home Park about vacating and acquiring Apple Place and Peach Lane right-of-way. **These are strictly internal streets to the park that provide access to the residents and an existing electric substation.**

In 1976, Apple Place and the west 203 feet of Peach Lane was dedicated to the City by the owners of the Old Orchard/Creekside Mobile Home Park. That dedication included a 3-foot-wide easement along both sides for snow removal and access to signs (See Attachment A). Since that time, the pavement in these areas has begun to deteriorate and needs repair. The owners of the mobile home park have requested that Apple Place and Peach Lane, along with the 3-foot-wide easement, be vacated and conveyed back to them so that they can repair the street pavement and have access control for parking issues that arise during Iowa State athletic events. They are also asking that the charges normally assessed when acquiring vacated right-of-way be waived.

If approved, the entire vacated area (not including the 3-foot-wide easement), along with additional area to the north and south along former S Riverside Drive, will be retained as a City access and utility easement (See Attachment B). **This easement area would maintain service access to the electric substation and existing utilities.** It is understood that the new easement will need to be signed by the property owner prior recording of this vacation and conveyance request.

Attachment A is the vacation plat and shows the area requested to be vacated. Attachment B shows the proposed access and utility easement that will be acquired upon approval of this street vacation.

ALTERNATIVES:

1. a. Set the date of public hearing as April 10, 2018 for the first reading to approve the vacation of Apple Place and a portion of Peach Lane.
- b. Set the date of public hearing as April 24, 2018 to approve the conveyance of vacated Apple Place and Peach Lane right-of-way to the owners of the Old Orchard/Creekside Mobile Home Park and waive the applicable charges.

2. a. Set the date of public hearing as April 10, 2018 for the first reading to approve the vacation of Apple Place and a portion of Peach Lane.
 - b. Set the date of public hearing as April 24, 2018 to approve the conveyance of vacated Apple Place and Peach Lane right-of-way to the owners of the Old Orchard/Creekside Mobile Home Park for the amount of \$41,438, as determined by City's standard formula.
3. Reconsider the vacation of Apple Place and Peach Lane.

MANAGER'S RECOMMENDED ACTION:

Because this road section is currently City right-of-way, all costs associated with maintenance and repair currently are the responsibility of the City. Vacation of the existing Apple Place and Peach Lane right-of-way and conveyance to the property owners of the Old Orchard/Creekside Mobile Home Park will allow them to make improvements to the existing street pavement and control access to the area during special events at ISU. The value of the vacated land as calculated by the City's standard formula is \$41,438, which is substantially less than the estimated costs for the repairs on these streets of \$433,000. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.**

Retaining the vacated area as an access and utility easement will provide the City with continued service access to the existing electric substation and utilities. Therefore, **it important to note that if action is taken on April 24, 2018 to convey the vacated right-of-way, it should be conditioned on receiving a signed new easement from the property owner prior to recording the vacation and conveyance of the current easement area.**

EXHIBIT 'B'

PERMANENT INGRESS, EGRESS, AND UTILITY EASEMENT CITY OF AMES, IOWA ENGINEERING DIVISION


DATE: 2/23/2018

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., IN THE CITY OF AMES, STORY COUNTY, IOWA, DESCRIBED AS FOLLOWS:

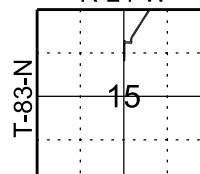
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF AMES, STORY COUNTY, IOWA. THENCE S 00°04'55" W ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 971.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF THE FORMER C & NW RAILROAD, ALSO BEING THE POINT OF BEGINNING; THENCE N 32°42'23" E ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 55.64 FEET; THENCE S 00°04'55" W, A DISTANCE OF 53.78 FEET; THENCE S 87°35'20" E, A DISTANCE OF 157.35 FEET; THENCE 30.95 FEET ALONG A 25 FOOT RADUIS CURVE TO THE LEFT, WITH A CHORD BEARING OF N 44°42'03" E, A CHORD DISTANCE OF 29.01 FEET; THENCE N 04°02'48" E, A DISTANCE OF 35.21 FEET; THENCE 126.92 FEET ALONG A 219.40 FOOT RADUIS CURVE TO THE RIGHT, WITH A CHORD BEARING N 16°27'47" E, A CHORD DISTANCE OF 125.16 FEET; THENCE N 32°39'46" E TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 966.13 FEET; THENCE N 89°41'35" E ON SAID NORTH LINE, A DISTANCE OF 28.60 FEET; THENCE S 32°39'46" W, A DISTANCE OF 981.78 FEET; THENCE 113.16 FEET ALONG A 195.40 FOOT RADUIS CURVE TO THE LEFT, WITH A CHORD BEARING OF S 16°28'08" W, A CHORD DISTANCE OF 111.58 FEET; THENCE S 00°04'50" W, A DISTANCE OF 93.76 FEET; THENCE N 87°35'20" W, A DISTANCE OF 204.21 FEET; THENCE S 00°04'55" W, A DISTANCE OF 429.40 FEET; THENCE N 89°55'06" W, A DISTANCE OF 5.00 FEET; THENCE S 00°04'55" W, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, A DISTANCE OF 114.76 FEET; THENCE S 89°31'59" W, ON SAID NORTH RIGHT-OF-WAY, TO A POINT ON SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 15, A DISTANCE OF 25.00 FEET; THENCE N 00°04'55" E ON SAID WEST LINE, A DISTANCE OF 587.35 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 52,947.9 SF (1.21 AC)

NOTE: ALL BEARINGS ARE ASSUMED.

	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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.	
	MYRON G DARINGER	DATE
	PRINTED OR TYPED NAME	
	MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019	
PAGES OR SHEETS COVERED BY THIS SEAL: _____		

VICINITY SKETCH
STORY COUNTY IOWA
R-24-W

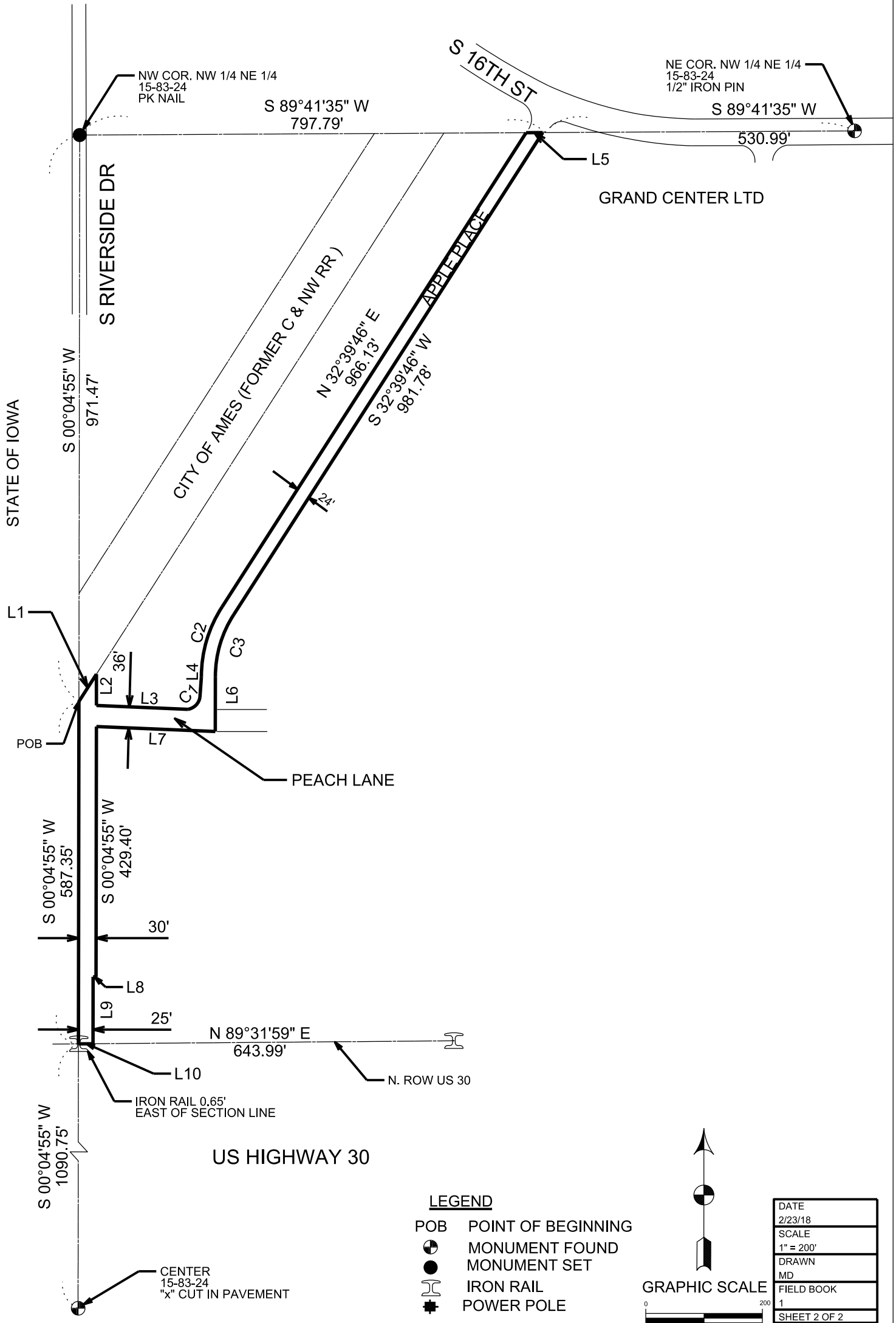


DATE	2/23/18
SCALE	
DRAWN	MD
FIELD BOOK	1
SHEET 1 OF 2	

EXHIBIT 'B'

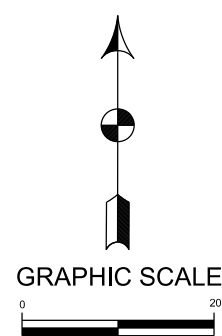
PERMANENT INGRESS, EGRESS, AND UTILITY EASEMENT CITY OF AMES, IOWA ENGINEERING DIVISION

DATE: 2/23/2018



LEGEND

- POB POINT OF BEGINNING
- ⊕ MONUMENT FOUND
- MONUMENT SET
- ⌵ IRON RAIL
- ⚡ POWER POLE



DATE	2/23/18
SCALE	1" = 200'
DRAWN	MD
FIELD BOOK	1
SHEET	2 OF 2

S P A C E A B O V E R E S E R V E D F O R O F F I C I A L U S E

Return document to: City Clerk, 515 Clark Avenue, Ames IA 50010

Document prepared by: Victoria A. Feilmeyer, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 – 515-239-5146

ORDINANCE NO. _____

AN ORDINANCE VACATING THE APPLE PLACE AND PEACH LANE RIGHT OF WAY AND THREE FOOT SNOW REMOVAL AND SIGN PLACEMENT EASEMENT LOCATED IN THE OLD ORCHARD/CREEKSIDE MOBILE HOME PARK IN THE CITY OF AMES, IOWA.

BE IT ENACTED by the City Council of the City of Ames, Iowa:

SECTION 1. FINDINGS. The City Council has authority, as described in article III, section 38A of the Constitution of the State of Iowa and in section 306.10 to vacate public rights of way. The Council has previously given notice of and conducted a public hearing as required by sections 306.11 and 306.12 of the Iowa Code, respectively. The City Council deems this ordinance appropriate, and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of the City of Ames and its citizens, all as provided for in and permitted by section 364.1 of the Code of Iowa (2018).

SECTION 2. VACATION AND CLOSING. The portion of the public right of way (located generally at and commonly known as Apple Place and Peach Lane) is hereby vacated and closed where legally described as follows: *[See attached Exhibit 'A']*.

SECTION 3. VACATION OF EASEMENT. The easement over three (3) feet on either side of the aforesaid public right of way for snow removal use and placement of city and traffic signs is hereby vacated.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. REPEALER. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its passage and publication as provided by law.

Passed this _____ day of _____, 2018.

DIANE R. VOSS, CITY CLERK

JOHN A. HAILA, MAYOR

EXHIBIT 'A' – LEGAL DESCRIPTION (VACATED RIGHT OF WAY)

A STRIP OF LAND TWENTY-FOUR (24) FEET WIDE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M. IN THE CITY OF AMES, STORY COUNTY, IOWA, THENCE SOUTH 1015.5 FEET; THENCE NORTH 89° 26' EAST 33 FEET TO THE POINT OF BEGINNING; 23 FEET NORTH AND 14 FEET SOUTH OF A LINE DESCRIBED AS FOLLOWS: CONTINUING NORTH 89° 26' EAST 191 FEET; THENCE 12 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE: NORTH 0° 00' EAST 84.3 FEET TO THE POINT OF BEGINNING A 205.18 FOOT RADUIS CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 116.74 FEET, THENCE NORTH 32° 36' EAST 800.62 FEET; THENCE NORTH 89° 35' 50" EAST 3.0 FEET; THENCE NORTH 32° 36' EAST TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., IN THE CITY OF AMES, STORY COUNTY, IOWA.