

**COUNCIL ACTION FORM**

**SUBJECT:**        **CONVEYANCE OF VACATED ALLEY RIGHT-OF-WAY IN BLACK'S  
SECOND ADDITION ADJACENT TO 315 S 2<sup>ND</sup> STREET**

**BACKGROUND:**

City of Ames staff has been approached by the owner of 315 S 2<sup>nd</sup> Street about purchasing already vacated, City-owned land that lies adjacent to their property. This was brought to City staff's attention after an error was found on the County Assessor's land records indicating that the owner of 315 S 2<sup>nd</sup> Street also owned half of the already-vacated alley. See Attachment A for County Assessor's map.

Upon receiving this citizen request, City staff completed some research about this area and found that City Council vacated the entire alley by Ordinance 2711, recorded in Book 151, Page 29 on April 13, 1979 (Attachment B shows City Council minutes from that meeting). Note that there is also Ordinance 2521 dated July 22, 1975 (Attachment C shows City Council minutes from that meeting), that vacated the same alley. As noted in the City Council meeting minutes from 1979, there were two alleys in that block and therefore it was not clear which alley was referenced in the 1975 action and therefore action was again taken in 1979 for clarification.

Within that same City Council action, the west half of the alley was conveyed to the abutting property owner in the amount of \$75. Offering the west half of a vacated alley to the west adjacent property owner and the east half of the vacated alley to the east adjacent property owner was standard policy then, as it still is today. The City has record of a Quit Claim Deed (DED 625) to Ed Sorenson for the west 10' of the alley recorded in Book 176, Page 181 of L.T.D. on April 26, 1979 (Attachment D). The City also has an electrical easement (EAS 0081) over the west 10' of the vacated alley, recorded in Book 151, Page 229 on April 26, 1979.

The City also has record of a Quit Claim Deed (DED 626) for the east 10' of the alley abutting original Lot 6 (the north 89.33') being conveyed to Vern Millard that was recorded in Book 177, Page 171 on May 31, 1979 (Attachment E) in the amount of \$75. There's also an easement over that section recorded in Book 152, Page 264 on May 31, 1979. However, original Lot 7 includes the remaining property abutting the alley to the east and no record was found that conveyed the vacated alley to Lot 7.

The property to the east of the vacated alley is now 315 S 2<sup>nd</sup> Street, which includes the parts of original Lots 6 and 7 that were adjacent to the alley. The owner is now making an official request to purchase the east 10' of the vacated alley abutting Lot 7 from the City. The value of the vacated alley could be determined in a number of ways.

- **In accordance with the City policy for selling alleys and other city property, the value of the land area is calculated at \$2,114.72.** This amount includes a deduction of 15 percent for the City to retain an easement over the area and an additional deduction of 10 percent for transfer using a Quit Claim Deed.
- In comparison, the original transfers of the other parts of the alley were made for **\$75 in 1979. Using a nominal 3% inflation rate, this now equates to \$237.52.**
- Story County Assessor's office has been including the vacated alley as part of the subject property and thus, the property owner has paid \$5,762 of property taxes on this public alley since 1979. **Thus, a case could be made that the value of the vacated alley has already been paid over time through property taxes and the land should be conveyed at no cost.**

The legal description of this area is: the east half of the vacated alley abutting the west lot line of Lot 7 of Block 3, Black's Second Addition to Ames, Story County, Iowa, in the 5<sup>th</sup> p.m.

#### **ALTERNATIVES:**

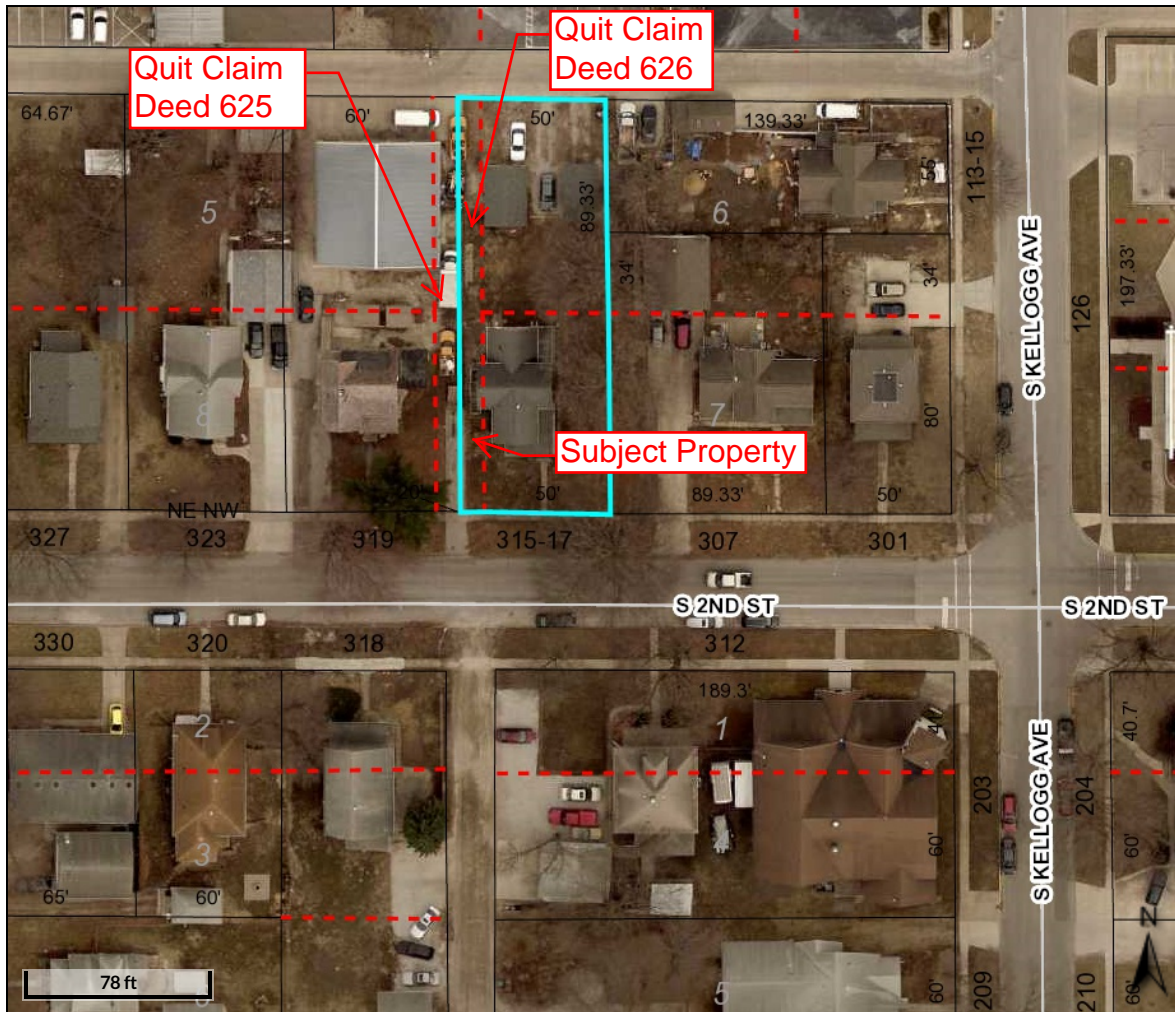
1. Set the date of public hearing as May 22, 2018, to approve the conveyance of the vacated alley adjacent to 315 S 2<sup>nd</sup> Street to 315 S. 2<sup>nd</sup> St., L.L.C. at no cost.  
  
Under this alternative, the Quit Claim deed will not be given to the property owner until the utility easement is signed by property owner.
2. Set the date of public hearing as May 22, 2018, to approve the conveyance of the vacated alley adjacent to 315 S 2<sup>nd</sup> Street to 315 S. 2<sup>nd</sup> St., L.L.C. in the amount of \$237.52.
3. Set the date of public hearing as May 22, 2018, to approve the conveyance of the vacated alley adjacent to 315 S 2<sup>nd</sup> Street to 315 S. 2<sup>nd</sup> St., L.L.C. in the amount of \$2,114.72.
4. Reconsider conveyance of the vacated right-of-way.

#### **MANAGER'S RECOMMENDED ACTION:**

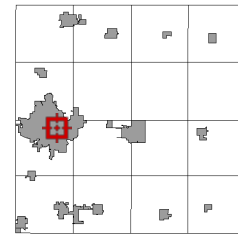
Conveyance of the already vacated right-of-way to the adjacent property owner will allow them to actually own what the County Assessor's Office has shown on the Assessor's map and for what the owner has already been paying through property taxes. Conveyance of a utility easement to the City by the property owner will enable city and private utilities to better maintain any existing infrastructure in the area. **If the conveyance is approved, a permanent utility easement will be prepared by staff and the Quit Claim deed will not be given to the property owner until utility easements have been signed.**

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting the date of public hearing as May 22, 2018, to approve the conveyance of the vacated alley adjacent to 315 S 2<sup>nd</sup> Street to 315 S. 2<sup>nd</sup> St., L.L.C. at no cost.

# Beacon™ Story County, IA / City of Ames



## Overview



## Legend

- Parcels
- Lots
- Townships
- Corporate Limits
- Road Centerlines

<b>Parcel ID</b>	0911125070	<b>Alternate ID</b>	0911125070	<b>Owner Address</b>	KRAMER, DWIGHT L & ZOEANN K
<b>Sec/Twp/Rng</b>	11-83-24	<b>Class</b>	R - Residential		58135 LINCOLN HIGHWAY
<b>Property Address</b>	315 S 2ND ST 317	<b>Acreage</b>	n/a		NEVADA IA 50201-7857
	AMES				

**District** 01001 - AMES CITY/AMES SCH  
**Brief Tax Description** BLACKS 2ND ADD W50' LOTS 6 & 7 & E10' ALLEY ADJ ON W BLK 3  
 (Note: Not to be used on legal documents)

### Concerning Assessment Parcels and Platted Lots Within the City of Ames Jurisdiction:

The solid parcel boundary lines represent the legal description as recorded and are not necessarily the official platted lot lines. Dashed lines are official platted lots. If a parcel contains dashed lines, please contact the Ames Planning & Housing Department (515-239-5400) to determine which lines can be recognized for building permit or zoning purposes. If you have questions regarding the legal description or parcel measurements, please contact the Story County Auditor's office (515-382-7210).

Date created: 4/30/2018

Last Data Uploaded: 4/27/2018 11:42:51 PM



Developed by  
The Schneider Corporation



Voting nay: 0  
Motion carried.

Vote on Resolution as amended 6-0. Resolution adopted, signed by the Mayor and hereby made a part of these minutes.

HEARING ON CONVEYANCE OF A PORTION OF VACATED PATRICIA DRIVE, Hearing was opened on the proposed conveyance of a portion of vacated Patricia Dr., between Opal and Emerald Dr., to the abutting property owners for the combined amount of \$410.78. There were no objections and the Mayor declared the hearing closed.

Motion by Huston, seconded by Shank to adopt the following resolutions:

RESOLUTION NO. 79-153 approving conveyance of a portion of vacated Patricia Dr. to Ardith Teagarden Snook for the sum of \$210.26 and the granting back of an easement for utility purposes.

RESOLUTION NO. 79-154 approving conveyance of a portion of vacated Patricia Dr. to Larry Roden for the sum of \$13.02 and the granting back of an easement for utility purposes.

RESOLUTION NO. 79-155 approving conveyance of a portion of vacated Patricia Dr. to Lowell E. and Doris E. Richardson for the sum of \$187.50 and the granting back of an easement for utility purposes.

Roll call vote 6-0. Resolutions adopted, signed by the Mayor and hereby made a part of these minutes.

HEARING ON VACATING NORTH/SOUTH ALLEY IN BLOCK 3, BLACK'S 2ND ADDITION AND PROPOSING CONVEYANCE OF WEST HALF TO ED SORENSON: Hearing was opened on vacating the alley which is located between Washington Ave. and Kellogg Ave., running from Lincoln Way to 2nd St. There were no objections and the Mayor declared the hearing closed.

The City Attorney explained that Ordinance No. 2521 was adopted on July 22, 1975, which vacated an alley located in the same block, however, there are two alleys in the block and the ordinance did not specifically state which alley was vacated. The proposed new ordinance to vacate will correct the omission. Ed Sorenson, abutting property owner along the west half of the alley, has requested the west half be conveyed to him.



(Council concurred)

PROPOSED ORDINANCES

MOTION by Maxwell, seconded by Huston, to receive and file an ordinance amending the Municipal Code for the purpose of revising the provisions relative to disposal of garbage and solid waste in recognition of new facilities provided therefore. (Motion carried)

MOTION by Koerber, seconded by Pounds, to receive and file an ordinance amending the Municipal Code for the purpose of changing provisions with respect to dogs and cats at large, and to get input from the Parks and Recreation Commission.

(Councilmember Huston had expressed a desire for a provision in the proposed ordinance for dogs to run on voice command in the City's parks at least part of the time.)

MOTION by Koerber, seconded by Nelson, to receive and file an ordinance amending the Municipal Code for the purpose of repealing obsolete provisions and enacting others relative to elections to bring them into conformance with state law. (Motion carried)

MOTION by Koerber, seconded by Nelson, to receive and file an ordinance amending the Municipal Code for the purpose of eliminating reference to 21 years as the legal age for the purchase of beer and liquor. (Motion carried)

MOTION by Koerber, seconded by Nelson, to receive and file an ordinance repealing Chapter 10 of the Municipal Code relating to civil service. (Motion carried)

MOTION by Koerber, seconded by Nelson, to receive and file an ordinance removing from the Municipal Code provisions with respect to circuses, shooting galleries and amusements generally. (Motion carried)

MOTION by Koerber, seconded by Nelson, to receive and file an ordinance amending the Municipal Code for the purpose of establishing a school stop on Thirtieth Street at Ferndale Avenue. (Motion carried)

MOTION by Koerber, seconded by Nelson, to receive and file an ordinance to amend the Municipal Code for the purpose of prohibiting parking at certain times on certain days on Eighth Street, between Grand and Duff Avenue. (Motion carried)

MOTION by Koerber, seconded by Nelson, to receive and file an ordinance to vacate the alley located in Block 3 of Black's Second Addition. (Motion carried)



INST # 08010

FEE \$ 3.00

Attachment D

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That the City of Ames, Iowa, in consideration of the sum of seventy-five dollars (\$75.00) and the granting back to the City of Ames of an easement for utility purposes, receipt of which is hereby acknowledged, does hereby Quit Claim unto Edward E. Sorenson and Sharon R. Sorenson, husband and wife as tenants in common, all right, title, interest, estate, claim and demand in the following described real estate situated in Story County, Iowa, to-wit:

commencing at the northeast corner of Lot 5, Block 3, Black's Second Addition to Ames, Iowa, thence south along the east line of Lots 5 and 8, Block 3, Black's Second Addition, to the southeast corner of said Lot 8, thence east 10 feet; thence north to a point 10 feet east of the northeast corner of said Lot 5; thence west to the point of beginning.

08010

INST. NO. 08010  
STORY COUNTY, IOWA  
FILED FOR RECORD

APR 26 1979 P.M. 2:30

SUSAN L. POTTER, Recorder

By \_\_\_\_\_ Deputy

Words and phrases herein, including the acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

CITY OF AMES  
GRANTOR

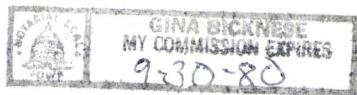
BY Lee Fellingner  
Lee Fellingner, Mayor

Attest: \_\_\_\_\_

BY Mary E. Paul  
Mary E. Paul, City Clerk

STATE OF IOWA, COUNTY OF STORY ss.

On this 24th day of April, A.D. 1979 before me, the undersigned, Notary Public in and for the State of Iowa, personally appeared Lee Fellingner and Mary E. Paul to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of said city; that the seal affixed thereto is the seal of the said city; that said instrument was signed and sealed on behalf of said city by authority of its City Council and that the said Lee Fellingner and Mary E. Paul as such officers acknowledged execution of said instrument to be the voluntary act and deed of said city, by it and by them voluntarily executed.



Gina Bicknese  
Notary Public in and for  
the State of Iowa



INST #

08391

FEE \$

3.00

## QUIT CLAIM DEED

Attachment E

KNOW ALL MEN BY THESE PRESENTS:

That the City of Ames, Iowa, in consideration of the sum of seventy-five dollars (\$75.00) and the granting back to the City of Ames, of an easement for utility purposes, receipt of which is hereby acknowledged, does hereby Quit Claim unto Vern W. Millard and Ruby B. Millard, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common all right, title, interest, estate, claim and demand in the following described real estate situated in Story County, Iowa, to-wit:

The eastern one half of the alley abutting Lot 6,  
Block 3, Black's Second Addition to the City of  
Ames, Iowa

Words and phrases herein, including the acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

CITY OF AMES, GRANTOR

BY

Lee Fellinger  
Lee Fellinger, Mayor

Attest:

Mary E. Paul  
Mary E. Paul, City Clerk

STATE OF IOWA, COUNTY OF STORY SS.

On this 29th day of May, A.D. 1979 before me, the undersigned, Notary Public in and for the State of Iowa, personally appeared Lee Fellinger and Mary E. Paul to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of said city; that the seal affixed thereto is the seal of the said city; that said instrument was signed and sealed on behalf of said city by authority of its City Council and that the said Lee Fellinger and Mary E. Paul as such officers acknowledged execution of said instrument to be the voluntary act and deed of said city, by it and by them voluntarily executed.



Gina Bicknese  
Notary Public in and for the  
State of Iowa

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RCM

INST. NO. 08391  
STORY COUNTY, IOWA  
FILED FOR RECORD  
10 <sup>42</sup> A.M. MAY 31 1979  
SUSAN L. POTTER, Recorder  
By \_\_\_\_\_ Deputy