

COUNCIL ACTION FORM

SUBJECT: ACCEPTANCE OF ROW DEDICATION AT 1811 E LINCOLN WAY

BACKGROUND:

In April 2018, a site plan was approved for a new building at 1811 East Lincoln Way. As a condition of final acceptance, an approximately 64 x 130-foot area of that property along East Lincoln Way was to be dedicated as right-of-way (Attachment A). The proposed dedication of this area will match the existing right-of-way line of the property to the east (1817 E Lincoln Way) and allow for access to existing public and private infrastructure (see Attachment B). Apart from recording fees, this proposed acquisition will be at no cost to the City.

ALTERNATIVES:

1. Accept the acquisition of right-of-way at 1811 E Lincoln Way
2. Do not accept the acquisition of right-of-way at 1811 E Lincoln Way

CITY MANAGER'S RECOMMENDED ACTION:

Lincoln Way used to be US Highway 30 under jurisdiction of Iowa DOT until it was transferred to the City in the 1960's. It was common practice of Iowa DOT at that time to have the road in an easement with the property owner having ownership to the middle of the highway. This is an opportunity to bring the property and right-of-way into current practice. The dedication of this right-of-way area is necessary for the use, repair, and installation of City and private utility infrastructure without the need for easements.

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

ATTACHMENT A

INSTRUMENT PREPARED BY:	David W. Benson, 1416 Buckeye Ave., Ames IA 50010 (Tel: 515/956-3900)
EXEMPTION CLAIMED:	Iowa Code §428A.2(21) Consideration under \$500
RETURN DOCUMENT TO:	City of Ames, Iowa – City Clerk; 515 Clark Ave., Ames IA 50010
MAIL TAX STATEMENT TO:	City of Ames, Iowa – City Clerk; 515 Clark Ave., Ames IA 50010

TRUSTEE'S DEED

KNOW ALL PERSONS BY THIS INSTRUMENT: That Barbara J. Hanson, as Trustee of the Barbara J. Hanson Revocable Trust dated September 13, 2011 (the "trust agreement"), for valuable consideration, does hereby convey unto City of Ames, Iowa real property situated in Story County, Iowa, described on attached Exhibit A.

The undersigned Trustee, pursuant to section 614.14 of the Code of Iowa, covenants with and warrants to the above named grantee and successors in interest that the trust agreement pursuant to which this conveyance is made was duly executed and remains in full force and effect; that the person creating the trust was under no disability or infirmity at the time the trust was created; that the undersigned is now the only person holding the office of trustee under the trust agreement; that the Trustee has full and lawful authority under the trust agreement to convey said real estate to said grantee; and that the trustee knows of no facts or legal claims which might impair the validity of the trust or the validity of this transfer.

Dated 5-14, 2018.

Barbara J. Hanson

BARBARA J. HANSON, Trust of the
Barbara J. Hanson Revocable Trust
Dated September 13, 2011

STATE OF IOWA, COUNTY OF STORY, SS:

This instrument was acknowledged before me on May 14, 2018, by Barbara J. Hanson as trustee of the Barbara J. Hanson Revocable Trust dated September 13, 2011.

David W. Benson

Notary Public



Exhibit A

The "Acquisition Area" as shown on that "Acquisition Plat" filed in the office of the Recorder of Story County, Iowa, on May 8, 2018, as Instrument Number 2018-03805, in Slide 603 at Page 5; located in the SW ¼ of the SE ¼ of Section 1, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa; being part of an existing tract described in a warranty deed filed at Instrument Number 2011-09597; and more particularly described as:

Beginning at a point on the south line of said Section 1 which is 542.76 feet, S89°35'42"E of the South Quarter Corner thereof; thence continuing S89°35'42"E, 129.88 feet to the Southeast Corner of said existing tract; thence N00°22'23"W, 63.89 feet along the east line thereof to the North line of East Lincoln Way; thence N89°38'17"W, 129.89 feet along said line to the westerly line of said existing tract; thence S00°22'51"E, 63.79 feet to the point of beginning, containing 0.19 acres.

INSTRUMENT PREPARED BY:	David W. Benson, 1416 Buckeye Ave., Ames IA 50010 (Tel: 515/956-3900)
RETURN DOCUMENT TO:	City of Ames – City Clerk; 515 Clark Ave., Ames IA 50010

AFFIDAVIT OF INDIVIDUAL TRUSTEE

STATE OF IOWA, COUNTY OF STORY, SS:

I, Barbara J. Hanson, being first duly sworn and under oath, state of my personal knowledge that:

1. I am the trustee under the Barbara J. Hanson Revocable Trust dated September 13, 2011, and there was conveyed to me as such trustee by Barbara J. Hanson and Harlan L. Hanson, wife and husband, pursuant to an instrument filed in the office of the Recorder of Story County, Iowa, on October 4, 2011, and recorded as Instrument Number 2011-09597 real property that included real property described on attached Exhibit A.

2. I am the presently existing trustee under the trust and am authorized to convey the real property described on attached Exhibit A to City of Ames, Iowa, without any limitation or qualification whatsoever.

3. The trust is in existence; the grantor of the trust and all beneficiaries are alive; the trust has not been made irrevocable; and I as trustee am authorized to transfer and convey the interests in said real property free and clear of any adverse claims.

4. I make this affidavit pursuant to Section 614.14 of the Code of Iowa.

Dated 5-14, 2018.

Barbara J. Hanson
BARBARA J. HANSON

On May 14, 2018, before me, the undersigned, a Notary Public in and for said state, the foregoing affidavit was sworn to or affirmed and subscribed by Barbara J. Hanson.

David W. Benson
Notary Public

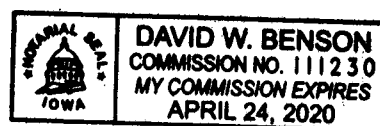


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STUMBO & ASSOCIATES LAND SURVEYING

ATTACHMENT B



ArcGIS Web Map



NORTH

© City of Ames, Iowa makes no warranties, expressed or implied, including without limitation, any warranties of merchantability or fitness for a particular purpose. In no event shall the City of Ames be liable for lost profits or any consequential or incidental damages caused by the use of this map.

Date: 5/15/2018

1 inch = 188 feet