

ITEM # 11 25

DATE: 04-28-20

05-12-20

COUNCIL ACTION FORM

SUBJECT: VACATION OF AN INGRESS-EGRESS EASEMENT AT 2500 SE 16TH STREET

BACKGROUND:

City of Ames staff has received a letter (see Attachment A) by James Bergkamp Jr., who represents Van Wall Equipment Inc., the current owners of the property at 2500 SE 16th Street. As stated in the letter, Van Wall Equipment wishes to purchase the adjacent property at 2400 SE 16th Street (former Amoco site) and combine both lots for future development. In order to facilitate the sale and development of these lots, the letter contains two (2) requests.

Request #1 involves the vacation and conveyance of City right-of-way (ROW) generally located south of 2400 SE 16th Street. However, because Van Wall does not yet own that property, that request cannot be addressed at this time.

The most critical request for Van Wall (#2 in the letter) is for the vacation of an existing ingress-egress easement across their property at 2500 SE 16th Street (see Attachment B). This easement (see Attachment C) was granted to the City in 1987 to provide access from S Dayton Ave to 2600 SE 16th St (Econo Lodge Hotel). At the time, SE 16th St was gravel, and this provided paved access for their guests. SE 16th St is now paved, and Econo Lodge has full access from their driveway on SE 16th Street. Staff contacted the Econo Lodge and received concurrence for this easement vacation from the property owner's representative in this matter. Therefore, with the consent of the owners of both impacted properties, the vacation of this easement is recommended to be approved.

ALTERNATIVES:

1. Set the date of public hearing as May 12, 2020 for the vacation of the ingress-egress easement at 2500 SE 16th Street.
2. Reconsider the vacation of the ingress-egress easement at 2500 SE 16th Street.

MANAGER'S RECOMMENDED ACTION:

With approval from the property owners at 2500 (Van Wall) and 2600 SE 16th St (Econo Lodge), the existing ingress-egress easement across 2500 SE 16th Street can be vacated. There is no longer a reason for the City to retain this easement. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.**

ATTACHMENT A

BERGKAMP, HEMPHILL & MCCLURE, P.C. ATTORNEYS

218 SOUTH NINTH STREET • POST OFFICE BOX 8
ADEL, IOWA 50003

JAMES L. BERGKAMP, JR.
MATTHEW J. HEMPHILL
KARA L. MCCLURE*
*Certified Mediator

TELEPHONE: 515-993-1000
FACSIMILE: 515-993-3746
EMAIL: JAMIEBERGKAMP@ADELLAW.COM

February 13, 2020

VIA EMAIL AND ORDINARY MAIL

City of Ames
c/o Nathan Willey, Civil Engineer II
Public Works Department
515 Clark Avenue
Ames, IA 50010
nwilley@city.ames.ia.us

Re: 2400 and 2500 SE 16th St., Ames, Iowa

Dear Mr. Willey:

I represent Van Wall Equipment, Inc. (Van Wall). Van Wall owns the property locally known as **2500 SE 16th St., Ames, Iowa**. It is a bare lot between a former BP Amoco gas station and a currently operating hotel (the "Bare Lot"). The former BP Amoco gas station is located at **2400 SE 16th St.** (the "Amoco Lot"). Van Wall has entered into a contract to potentially purchase the Amoco Lot. Van Wall desires to clean up and combine the Bare Lot and Amoco Lot for future development as a restaurant or other business. A GIS map is attached for reference.

In order for Van Wall to undertake the purchase, Van Wall is seeking certain agreements from the City of Ames.

1. Land Swap.
 - a. A conveyance of fee title of the approximate 13,926.5 square feet adjacent to the south line of the Amoco Lot to Van Wall.
 - b. In exchange, Van Wall will:
 - i. convey fee title of the approximate 2,100 northern square feet of the Amoco Lot to the City.

- ii. grant the City a landscape easement upon a sufficient portion of the 13,926.5 square feet to maintain decorative lights that the City could extend into the east portion of the 13,926.5 square feet.
- iii. grant the City a storm water easement upon the 13,926.5 square feet.
- iv. grant the City an approximate 5 ft. x 5 ft. easement for the maintenance of a power pole near the northwest corner of the Amoco Lot.

2. Extinguishment of Easement.

- a. The extinguishment of an old ingress-egress easement conveyed by the owners of the Bare Lot to the City of Ames, which easement is dated February 3, 1987 and was recorded on May 28, 1987 in Book 251 at Page 264 (the "Abandoned Easement"). The Abandoned Easement is located on the Bare Lot and extends from the southwest corner of the Bare Lot diagonally to the east side of the Bare Lot and is shown on the GIS map is attached for reference.

More specific items with regard to storm water detention and possible relocation of utilities can be determined at a later time when a site plan is presented to the City.

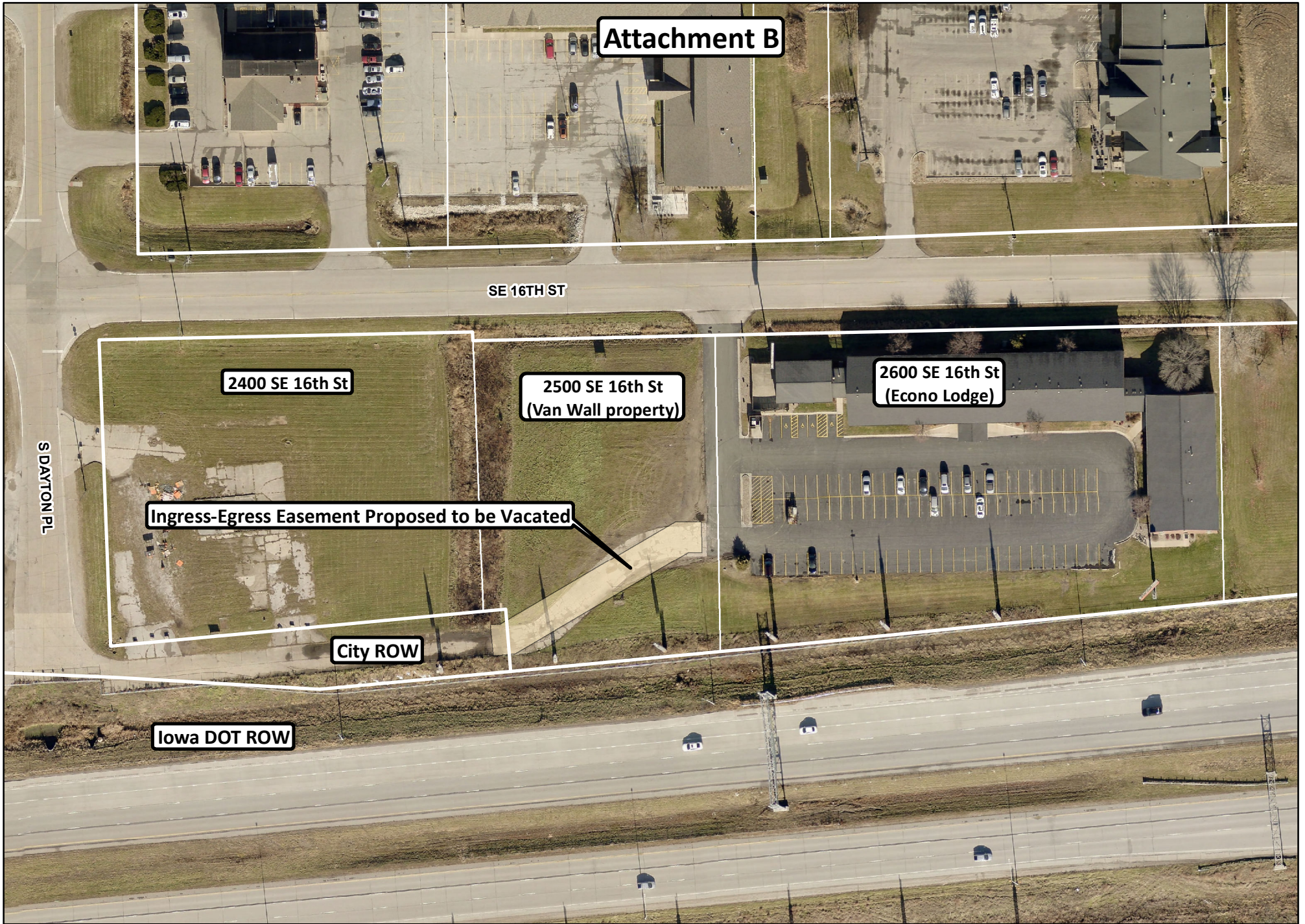
At this time, please submit these requests to the City Council with the appropriate readings so that a public hearing can be scheduled as soon as one can be scheduled.

Thank you.

Sincerely,


James L. Bergkamp, Jr.

JLB:bjk
Enclosure



Map of 2500 & 2600 SE 16th Street:
Proposed Ingress-Egress Easement Vacation



1 inch = 100 feet
Date: 4/17/2020

ATTACHMENT C

✓
M
H
P
E

INST # 10009
FEE \$ 10.00

INGRESS-EGRESS EASEMENT

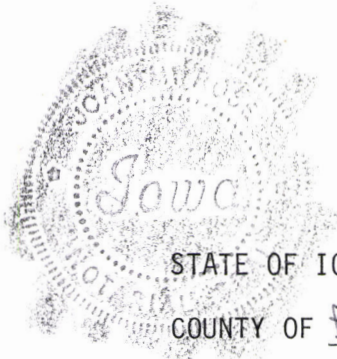
In consideration of the mutual promises, the undersigned owners do hereby grant unto the City of Ames, Iowa, a municipal corporation, a perpetual ingress-egress easement across real estate described as:

See attached Exhibit "A".

Dated this 3rd day of February, 1987.

10009
INST. NO. _____
STORY COUNTY, IOWA
FILED FOR RECORD 405
MAY 28 1987 PM
SUSAN L. POTTER, Recorder
By _____ Deputy

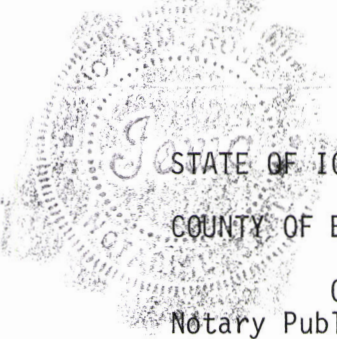
Joseph M. Minard
Joseph M. Minard
Wanda K. Minard
Wanda K. Minard
Ross D. Christensen
Ross D. Christensen
Patricia A. Christensen
Patricia A. Christensen



STATE OF IOWA)
COUNTY OF Black Hawk) ss.

On this 3rd day of February, 1987, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph M. Minard and Wanda K. Minard, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Joan M. Rose
Notary Public in and for the State of Iowa



STATE OF IOWA)
COUNTY OF BLACK HAWK) ss.

On this 3rd day of February, 1987, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ross D. Christensen and Patricia A. Christensen, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Joan M. Rose
Notary Public in and for the State of Iowa

EXHIBIT "A"

MINARD'S PLAT NO. 1
AMES, IOWA

INGRESS-EGRESS EASEMENT

A part of the North 1/2 of the NW Frac. 1/4 of Section 18-83-23, Ames, Story County, Iowa, described as follows:

Commencing at the Northwest corner of the NW Frac. 1/4 of said Section 18; thence N. 89° 15' 55" E. along the North line of said NW Frac. 1/4 a distance of 350.00 feet; thence S. 01° 44' 28" E. a distance of 257.61 feet; thence N. 85° 10' 00" E. a distance of 18.26 feet; thence S. 04° 50' 00" E. a distance of 12.50 feet to the point of beginning; thence N. 85° 10' 00" E. a distance of 8.05 feet; thence N. 45° 09' 38" E. a distance of 161.39 feet; thence N. 89° 15' 55" E. a distance of 21.09 feet; thence S. 00° 44' 05" E. a distance of 25.00 feet; thence S. 89° 15' 55" W. a distance of 11.31 feet; thence S. 45° 09' 38" W. a distance of 159.47 feet; thence S. 85° 10' 00" W. a distance of 17.83 feet; thence N. 04° 50' 00" W. a distance of 25.00 feet to the point of beginning.

Easement

10009

FILED
STORY COUNTY RECORDER

1987 MAY 28 PM 4:05
Susan L. Potter
SUSAN L. POTTER RECORDER
BOOK 251 PAGE 264

STATE OF IOWA }
Story County } ss

Entered for taxation this 28th
day of May A.D. 1987
Annita M. Peterson
County Auditor

By _____ Deputy

10⁰⁰

Cyclone