

COUNCIL ACTION FORM

SUBJECT: SET DATE OF PUBLIC HEARING FOR VACATION OF A PEDESTRIAN EASEMENT AT 4901 WALLER STREET (LOT 4, LONGVIEW SUBDIVISION, SECOND ADDITION).

BACKGROUND:

David Hohbach, 4901 Waller Street, has requested that an existing pedestrian easement located along the eastern ten (10) feet of his property, be vacated by the City of Ames. He proposes to pave a drive expansion to the east side of his attached garage that encroaches into the existing pedestrian easement. The proposed parking space is not permitted unless the pedestrian easement is vacated.

The easement was first established as part of the approval of the Final Plat for Longview Subdivision, Second Addition in October 2003. The purpose of the easement was to provide access from the properties along Waller Street to the future Edwards Elementary School at 820 Miller Avenue. **The pedestrian easement has not been paved nor used as an access to Edwards Elementary School since it was first established by the Final Plat. The site plan for the school was approved in March 2013 and includes a stormwater detention basin near the rear property line of Lot 4. The basin obstructs any future pedestrian path from Waller Street to the school building.**

There are two other paved pedestrian easements that provide access to the school site from Poe Avenue to the east. These easements suffice to provide excellent access to the school site in combination with sidewalk and street access from Miller Avenue to the west. Current residents of the homes along Waller Street use sidewalks along Miller Street and Poe Avenue to conveniently access the Edwards Elementary School site.

Because the easement was granted to the City at no cost as part of platting (rather than dedicated as right-of-way), there is no proposed cost associated with vacating the easement.

ALTERNATIVES:

1. Set September 28, 2021, as the public hearing date to consider vacation of the existing pedestrian easement at 4901 Waller Street (Lot 4, Longview Subdivision, Second Addition).
2. Retain the existing pedestrian easement at 4901 Waller Street (Lot 4, Longview Subdivision Second Addition).
3. Refer this item back to City staff for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

The pedestrian easement on Lot 4 serves no useful purpose to the neighborhood residents whose children walk to and from Edwards School. The location of the stormwater detention pond next to the rear property lines of houses along Waller Street makes it impractical to continue reservation of the east ten feet of Lot 4 as a pedestrian easement.

In addition, the easement prevents the property owner at 4901 Waller Street from using the east ten feet of his property in a way that would benefit him as the property owner. Mr. Hohback has expressed a desire to use the area between his garage and the east property line as a paved area to park a vehicle that meets the zoning regulations for off-street parking in a low-density residential area.

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

Cintron, Cesar

From: David Hohbach <david@davidhohbach.com>
Sent: Thursday, August 26, 2021 2:29 PM
To: Anderson, Ray
Cc: Diekmann, Kelly; Cintron, Cesar; Peterson, Tracy
Subject: RE: Vacating of the Pedestrian Easement at 4901 Waller Street
Attachments: 4901_Waller St_Permit File Drawing.pdf

[External Email]

Hello,

I'm asking that the easement on the east side of my property be vacated. It will never be used. Any sidewalk there would lead to the Miller Elementary schools drainage area. It's an area that tends to get quite wet after rain (at times it's a river) and is filled with grass and weeds. It's also usually only mowed a couple of times a year. Any sidewalk that would be placed there would basically just run parallel to the sidewalk by the street.

Instead I would like to put a third parking area for my property. This could be used by family and friends. It would also give me an area to put something like a bike trailer, flatbed trailer, or even a boat. This parking area would be 19x9 ft and not covered. It would connect to the drive roughly at the current drive's midpoint. It would then be an attractive gentle arc that would lead to the new area.

Thanks,
David Hohbach

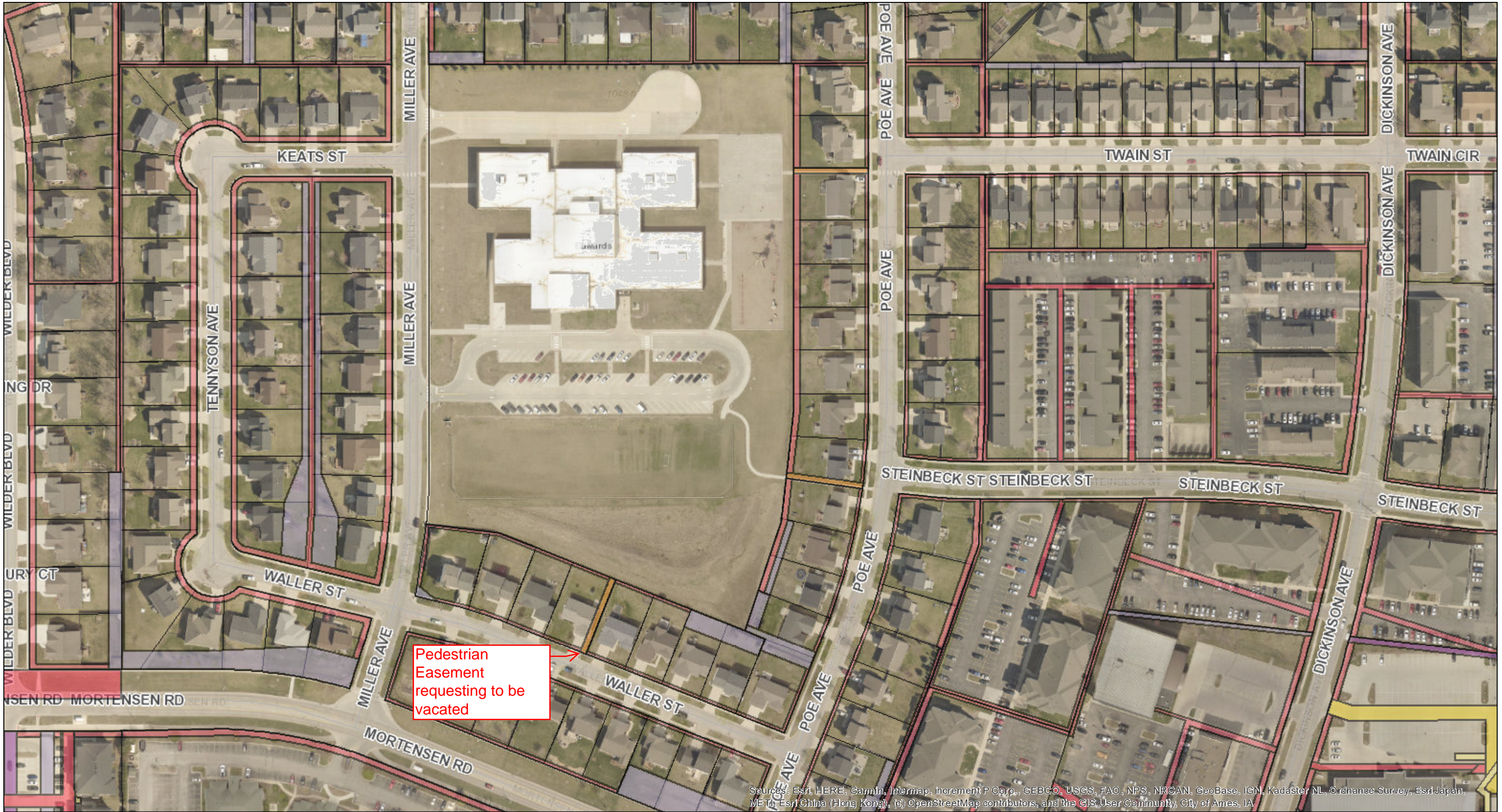
From: Anderson, Ray <ray.anderson@cityofames.org>
Sent: Thursday, August 26, 2021 12:34 PM
To: David Hohbach <david@davidhohbach.com>
Cc: Diekmann, Kelly <kelly.diekmann@cityofames.org>; Cintron, Cesar <cesar.cintron@cityofames.org>; Peterson, Tracy <tracy.peterson@cityofames.org>
Subject: Vacating of the Pedestrian Easement at 4901 Waller Street

David;

This email is a follow-up to our phone conversation this morning. Please respond with an email describing your request for vacation of the pedestrian easement on your property, and why the easement is no longer necessary. In addition, I have attached a drawing from the building permit file at the time your house was built. It shows the footprint of the house, and dimensions of the property and the easement. Please use this drawing to sketch the location of the paved parking space you are proposing next to the garage, and dimension the paved parking space as 19 feet long and 9 feet wide. The parking space must be entirely on the side of the garage, or in the rear yard, but not projecting toward the street closer than the front of the existing garage. Also, please show on the drawing how the parking space will connect to the existing paved driveway. Zoning regulations do not allow for another parking space in the front yard next to the existing driveway.

Once your email is received, the Public Works Department will prepare a report to the City Council with your request for vacation of the pedestrian easement. The City Council will set the date of a public hearing at the first meeting, then conduct the public hearing for vacation of the easement at the next regularly-scheduled City Council meeting.

Please send your email to the following email addresses:



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, City of Ames, IA



ArcGIS Web Map



NORTH

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Date: 8/25/2021

1 inch = 200 feet