

COUNCIL ACTION FORM

SUBJECT: EASTWOOD APARTMENT COMPLEX EASEMENTS & AGREEMENTS

BACKGROUND:

The Eastwood Apartment complex property at 420 East 7th Street is being sold to another investor. While the buyer was conducting research in preparation for the sale, it was discovered that the existing water main easement through the property needed to be corrected to match the field location of the water main. **The City's Right of Way Permit and Easement dated December 30, 1996, as filed January 2, 1997 in the Story County Recorder's Office, must be revised as shown on the attached drawings.**

In preparing this revised easement, it was also discovered that there were two locations where public sewers were installed on the property in the 1940's that did not have corresponding easements. These new easements are also shown on the attached drawings.

In addition, it was also found that the existing Utility Easement and Fill Agreement obtained in 1996 for Water and Pollution Control activities needs to be amended and corrected. The primary purpose of that agreement was to conduct a land reclamation project using lime residuals from the Water Treatment Plant to fill a low-lying area between the apartment complex and the City's lime storage lagoons. The top five feet of topsoil was removed from the reclamation area and 12 to 15 feet of lime residuals were placed into the depression. The topsoil was then returned as a cap over the top of the lime, the area was reseeded with native grasses and some small shrubbery, and a new fence was installed around the property line between the apartments and the lime lagoons. In consideration of granting the easement and agreement, Eastwood Apartments was compensated \$13,500. All lime fill work was essentially complete by 1999, and no additional disposal has taken place in the easement area since the conclusion of the original project. **The City has no plans for future lime disposal in the easement area, and the request by the property owners for an agreement modification terminating the City's right for any future lime disposal is consistent with the intent of the original agreement.**

The document also included a utility easement for water main infrastructure in the fill easement area which needs to be corrected to reflect the actual location of the raw water line that was installed in 2009. **The Utility Easement and Fill Agreement for Disposal of Lime Softening Residual from Water Treatment dated July 23, 1996, as filed in the Story County Recorder's Office must also be revised as shown on the attached drawings to accommodate the raw water line.**

ALTERNATIVES:

1. a. Correct the City of Ames Right of Way Permit and Easement dated December 30, 1996, filed January 2, 1997 as Inst. No. 97-00081 in the Story County Recorder's Office, as noted.
- b. Accept the new 20' City of Ames Public Utility Easement and 20' Sanitary Sewer Easement, as noted.
- c. Amend the Utility Easement and Fill Agreement for Disposal of Lime Softening Residual from Water Treatment dated July 23, 1996, filed July 25, 1996 as Inst. No. 96-07687 in the Story County, Iowa Recorder's Office to terminate the City's right for future lime disposal.
- d. Correct the Utility Easement and Fill Agreement for Disposal of Lime Softening Residual from Water Treatment dated July 23, 1996, filed July 25, 1996 as Inst. No. 96-07687 to provide for the 20' Untreated Water Line Easement, as noted.

MANAGER'S RECOMMENDED ACTION:

The existing easements are being corrected to correspond with the existing locations where the respective utilities were previously installed. The lime fill activities were completed in 1999, ending the need to continue the City's right for future lime fill.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby correcting the City of Ames Right of Way Permit and Easement dated December 30, 1996, filed January 2, 1997 as Inst. No. 97-00081 in the Story County Recorder's Office, as noted; accepting the new 20' City of Ames Public Utility Easement and 20' Sanitary Sewer Easement, as noted; amending the Utility Easement and Fill Agreement for Disposal of Lime Softening Residual from Water Treatment dated July 23, 1996, filed July 25, 1996 as Inst. No. 96-07687 in the Story County, Iowa Recorder's Office to terminate the City's right for future lime disposal; and correcting the Utility Easement and Fill Agreement for Disposal of Lime Softening Residual from Water Treatment dated July 23, 1996, filed July 25, 1996 as Inst. No. 96-07687 to provide for the 20' Untreated Water Line Easement, as noted.

IVES ADDITION
BLOCK 3
2

SE Corner Lot 2
Block 3 -
Fnd 1/2" Rebar

E. 7TH ST.

2

LEE'S SECOND SUBDIVISION
OF UNDERWOOD'S ADDITION

3

2

LEE'S SUBDIVISION
OF UNDERWOOD'S ADDITION

3

Ames Cemetery

End 1/2" Rebar
Yellow Plastic Cap 6586

S 0° 44' 30" W 216.07'

NE Corner Lot A
Fnd 1/2" Rebar
Yellow Plastic Cap 6586

LOT A

COLE PLACE
(VACATED)

5
LEW COLE'S SUBDIVISION
BLOCK 1

IVES ADDITION
BLOCK 3
2

SE Corner Lot 2
Block 3
Fnd 1/2" Rebar

E. 7TH ST.

LEE'S SECOND SUBDIVISION
OF UNDERWOOD'S ADDITION
2 3

LEE'S SUBDIVISION
OF UNDERWOOD'S ADDITION
2 3

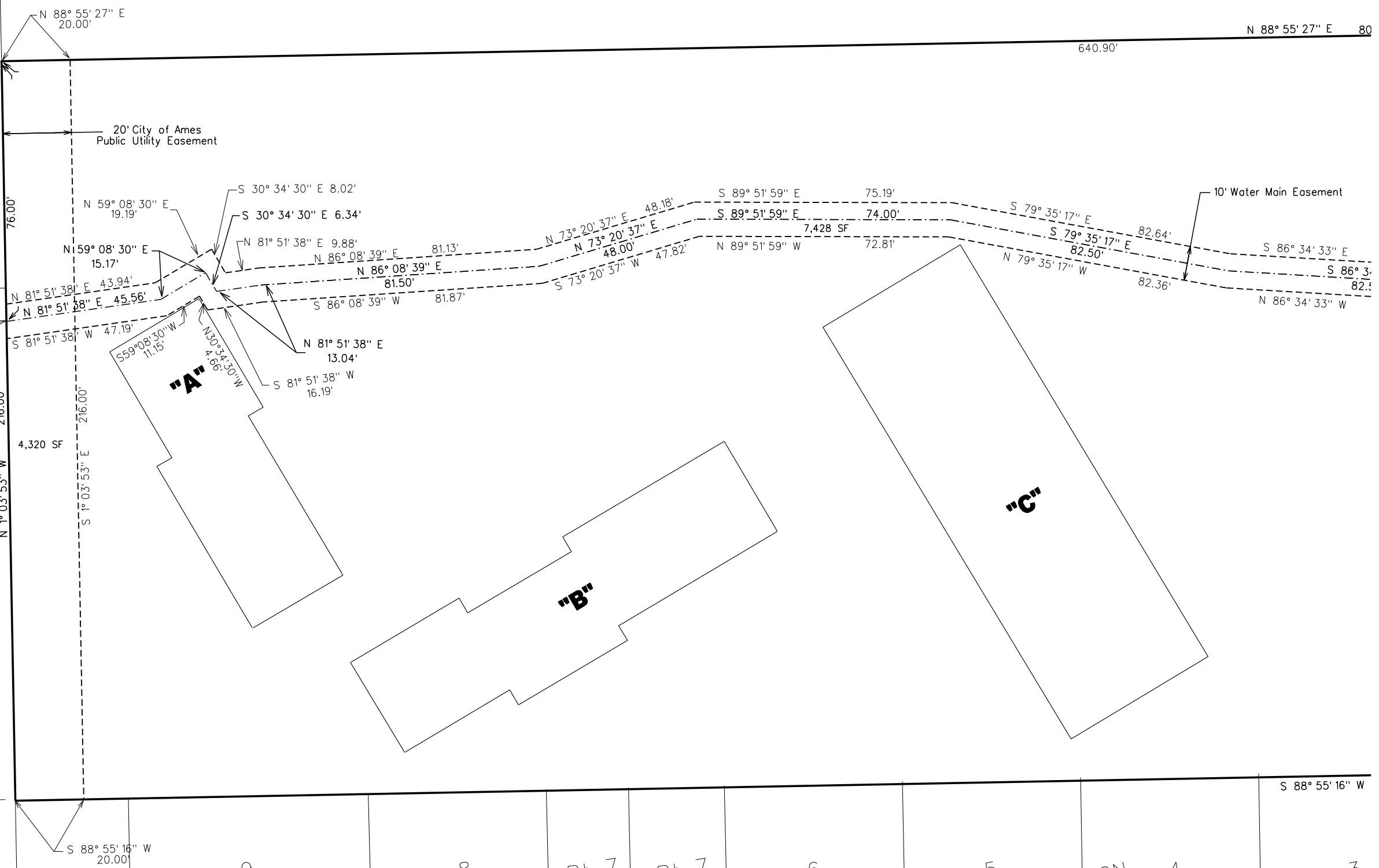
COLE PLACE
(VACATED)

N

N

N

LEW COLE'S SUBDIVISION
BLOCK 1
5 4



Ames Cemetery

