

COUNCIL ACTION FORM

SUBJECT: IOWA FARM HOUSE ASSOCIATION VACATED ALLEY REQUEST

BACKGROUND:

When Gray and Cessna subdivided Lot 4 of Parkers Addition, a north/south alley was dedicated to provide rear yard access to the lots that were platted with frontage along Lynn Avenue and Ash Avenue. The City Council vacated this alley in 1917. Sometime after 1917, a new map of the area was drawn which indicated the vacated alley was assigned to the abutting lots. However, staff cannot find any official actions by the City Council transferring the alley to the abutting properties. In 1993, the First Baptist Church asked to obtain through a Quit Claim Deed that portion of the vacated alley abutting their property in exchange for a five-foot Electric Utility Easement. This was granted by the City Council. Further research of the City Assessors' records in 1993 indicated that the vacated alley had been taxed as real property for a number of years.

Iowa Farm House Association is the owner of Parcel C (formerly Lot 7, except the south 20 feet; all of Lots 8 and 9; and the south 2.5 feet of Lot 10) in Gray and Cessna's Subdivision of Lot 4 of Parkers Addition. They have now requested a Quit Claim Deed be transferred to the Iowa Farm House Association for that portion of the vacated alley abutting the following described property in exchange for an Electric Utility Easement over the west five feet of the east half of the vacated alley.

Lot Seven (7), except the South 20 feet thereof; all of Lots Eight (8) and Nine (9); and the South 2.5 feet of Lot Ten (10); all in Gray and Cessna Subdivision of Lot Four (4), Parker's Addition; in the City of Ames, Story County, Iowa (now known as):

Parcel "C"; as shown on the Plat of Survey approved by City Council on June 6, 2011, and filed in the office of the Recorder of Story County, Iowa on June 14, 2011 and recorded as Instrument #11-05492 on Slide 408 Page 1.

In view of the previous action highlighted above, staff feels it would not be fair to require the Iowa Farm House Association to acquire a portion of the vacated alley in accordance to established City Policy. Rather, it would be more consistent for the City to execute a Quit Claim Deed to the Iowa Farm House Association for the half of the vacated alley that abuts Parcel C. In exchange for the quit claim deed, the Iowa Farm House Association will grant a five-foot wide Electric Utility Easement to the City.

ALTERNATIVES:

1. Set a hearing date of September 13, 2011 to transfer that portion of the vacated alley abutting Parcel C of Gray and Cessna Subdivision of Lot Four (4), Parker's Addition, in the City of Ames, Story County, Iowa, to the Iowa Farm House Association of Ames, Iowa, Inc.

Under this alternative, the Iowa Farm House Association will grant a five-foot wide Electric Utility Easement to the City in exchange for the quit claim deed. No additional financial obligation would be owed the City.

2. Same as Alternative #1, except the City Council would apply the established acquisition formula and charge the Iowa Farm House Association for the value of the public property being transferred.
3. Reject the request to transfer the vacated alley.

CITY MANAGER'S RECOMMENDED ACTION:

This alley has been vacated since 1917, and the Iowa Farm House Association has been paying property taxes on the property for a number of years. Previous sections of this alley were transferred to abutting property owners by Quit Claim Deed in exchange for dedication of an Electric Utility Easement to the City.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting a hearing date of September 13, 2011 to transfer that portion of the vacated alley abutting Parcel C of Gray and Cessna Subdivision of Lot Four (4), Parker's Addition, in the City of Ames, Story County, Iowa, to the Iowa Farm House Association of Ames, Iowa, Inc.

Under this alternative, the Iowa Farm House Association will grant a five-foot wide Electric Utility Easement to the City in exchange for the quit claim deed. No additional financial obligation would be owed the City.

Honorable Mayor and City Council
City of Ames
515 Clark Avenue
Ames, Iowa 50010



Re: Iowa Farm House Association
Request for "Quit Claim Deed"
East ½ of Vacated Alley

June 21, 2011

We are the Title holders of some of the adjacent Lots in "Gray and Cessna Subdivision of Lot 4, Parker's Addition to Ames, Iowa". The Alley platted in Gray and Cessna Subdivision of Lot 4, Parker's Addition; was vacated April 16, 1917 by Ordinance No. 294. Wherein the City's interest therein was annulled.

We are requesting that a "Quit Claim Deed" be transferred to the "Iowa Farm House Association" for that portion of the vacated alley abutting the following described property:

"Lot Seven (7), except the South 20 feet thereof; all of Lots Eight (8) and Nine (9); and the South 2.5 feet of Lot Ten (10); All in Gray and Cessna Subdivision of Lot Four (4), Parker's Addition; in the City of Ames, Story County, Iowa." (now known as):

Parcel "C"; as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on June 14, 2011 and recorded as Instrument # 11-05492 on Slide 408 Page 1.

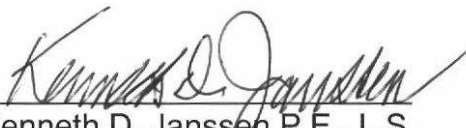
A similar process was followed, for a portion of the Lots on the west side of the same vacated alley, in March, April and May of 1993; a copy of which is attached here.

We proposed the same exchange of an "Electric Utility easement over the west five feet of said land" for the Deed.

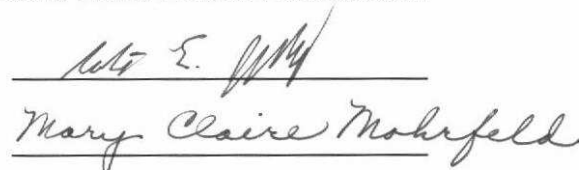
Attached are copies of the current "Plat of Survey", Abstracted copies of the Deeds to the Farm House, the Original Platting, and the original Ordinance No. 294 vacating the alley.

We thank you for your prompt consideration of this request.

Respectfully submitted;
CGA Consultants


Kenneth D. Janssen P.E., L.S.

Iowa Farm House Association


Mary Claire Mohrfeld