

**COUNCIL ACTION FORM**

**SUBJECT:**      **OPEN SPACE EASEMENT AND STORM WATER FLOWAGE  
EASEMENT VACATION – 3910 MARICOPA DRIVE**

**BACKGROUND:**

Staff received a request from the property owner at 3910 Maricopa Drive to vacate the existing open space easement and the storm water flowage easement as shown on Attachment A.

The owner of 3910 Maricopa Drive is in the process of developing this property. The open space easement is not a requirement for the Fountainview Subdivision, and it is unclear why the original developer placed such an easement over the entire outlot. The entire outlot is not needed to accommodate the previously installed stormwater management functions. The stormwater flowage easement will be redefined with a new plat of survey that has been submitted and is in the approval process (shown in Attachment B).

**ALTERNATIVES:**

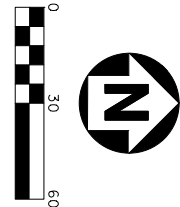
1.      Set the date of public hearing as December 17, 2013, to approve the vacation of the open space easement and redefine the stormwater flowage easement at 3910 Maricopa Drive.
2.      Do not to approve this vacation and maintain the existing easements.

**MANAGER'S RECOMMENDED ACTION:**

By vacating the open space easement and redefining the stormwater flowage easement, the City's interests will be preserved while allowing this property owner to develop the property.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting the date of public hearing as December 17, 2013, to approve the vacation of the open space easement and redefining the stormwater flowage easement at 3910 Maricopa Drive.

EXISTING CONDITIONS



LEGEND

- Found Monument as noted.....●
- Set 5/8" rebar with yellow plastic cap #17535.....□
- Set 1/2" rebar with yellow plastic cap #17535.....○
- Public Utility Easement.....P.U.E.
- Surface Water Flowage Easement.....S.W.F.E.
- Storm Sewer Easement.....S.S.E.
- Pedestrian Easement.....PED.
- Sanitary Sewer Easement.....S.S.E.
- Water Main Easement.....W.E.
- Record Dimension.....(R)

NOTES

- The East Line of Lot 3 of Fountainview Subdivision Third Addition bears N00°53'55"E as shown on the Final Plat filed 09/05/2012, Instrument No. 2012-00010364 in the Office of the Story County Recorder.
- Easements as shown. No new easements created with this plat.
- This survey meets or exceeds Iowa Code 355.8 (15).

LEGAL DESCRIPTION – PARCEL 'D':

All of Outlot B of Fountainview Subdivision to the City of Ames, Story County, Iowa as shown on the "Plat of Survey" Filed in the Office of the Recorder of Story County, Iowa, on \_\_\_\_\_, 2013 and recorded as Instrument \_\_\_\_\_, Slide \_\_\_\_\_, Page \_\_\_\_\_.

Proprietor:  
Fountainview Property Owners Association  
2400 Aspen Road  
Ames, IA 50010-4038

Requested By:  
The Ridge at Fountainview  
4611 Mortensen Road, Suite 106  
Ames, IA 50014

EXISTING CONDITIONS

AMES, IA



**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors  
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN  
WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN  
BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA

# PLAT OF SURVEY

MARICOPA DRIVE  
66' R.O.W.

N89°08'38"W 259.86'  
N87°07'28"W 260.00' (R)

Found 5/8" rebar,  
Northwest  
Corner of  
Dutlot 'B',  
Fountainview  
Subdivision

Existing 10'  
P.U.E.

OUTLOT B

Existing  
5' P.U.E.

FOUNTAINVIEW  
SUBDIVISION  
THIRD  
ADDITION  
3

N00°53'55"E 405.33'  
S00°52'32"W 405.29' (R)

PARCEL D  
3910 Maricopa Drive  
106,791 Square Feet

Surface  
Water Flowage  
Easement (S.W.F.E.)

FOUNTAINVIEW  
SUBDIVISION

N89°59'12"E 269.72'  
S89°58'33"W 269.72' (R)

US HIGHWAY 30  
125' R.O.W.

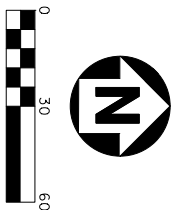
School District Separation Line

Found 5/8" rebar  
with yellow  
plastic cap #9029,  
Northeast  
Corner of  
Dutlot 'B',  
Fountainview  
Subdivision

Found 1/2" rebar  
with yellow  
plastic cap #6586,  
Southeast  
Corner of  
Dutlot 'B',  
Fountainview  
Subdivision

N00°30'14"W 401.36'  
S00°30'30"E 401.17' (R)

SEC. NW 1/4 NE 1/4  
17-T85N-R24W



## LEGEND

Found Monument as noted.....●  
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yellow plastic cap #17535.....□  
Set 1/2" rebar with  
yellow plastic cap #17535.....○  
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Surface Water Flowage Easement.....S.W.F.E.  
Storm Sewer Easement.....S.T.S.E.  
Pedestrian Easement.....PED.  
Sanitary Sewer Easement.....S.A.N.S.E.  
Water Main Easement.....W.E.  
Record Dimension.....(R)

## NOTES

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2400 Aspen Road  
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Requested By:  
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Ames, IA 50014

The Ames City Council approved this plat of survey on \_\_\_\_\_, 2013, with Resolution Number \_\_\_\_\_, I certify that it conforms to all conditions of approval.

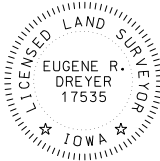
Planning & Housing Director \_\_\_\_\_

PLAT OF SURVEY

AMES, IA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Eugene R. Dreyer, P.L.S. Date  
License Number 17535  
My license renewal date is December 31, 2014  
Sheets covered by this seal: 1 of 1



**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors  
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN  
WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN  
BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA