

ITEM # 8  
DATE: 02-11-13

### COUNCIL ACTION FORM

**SUBJECT: RINGGENBERG PARK 4<sup>TH</sup> ADDITION – SANITARY SEWER EASEMENT VACATION**

#### **BACKGROUND:**

With the continued development in Ringgenberg Park Subdivision, a request has been received to vacate a portion of a sanitary sewer easement that was created as a part of Ringgenberg Park 1<sup>st</sup> Addition. It is not unusual with developing properties to find that easement locations need to be changed to work with the proposed building plans. When that happens, the City will vacate the easement and the developer will grant a new one for the same purpose but in a different location on the property. The present situation is more involved than the typical easement vacation because the easement being vacated contains an active main serving a residential property.

The vacation is necessary in order for the property owner to secure financing for the new Village Cooperative planned for this area. The current sanitary sewer alignment is in conflict with the proposed building's footprint, and financing cannot be secured for the project with the sewer and easement in their current location.

The developer desires to begin construction as soon as the weather allows this spring. The Final Plat related to the site is scheduled to be approved at the February 25, 2014 Council meeting to establish a new easement. It is also the developer's intent for the new sanitary sewer, as shown in Attachment A, to be installed in spring 2014. Should the Final Plat not be approved at the February 25, 2014 meeting, the easement vacation hearing will be delayed to coincide with Final Plat approval.

The developer has agreed to provide a Letter of Credit prior to February 25, 2014, in the amount equal to the proposed relocation costs to secure the promise to relocate the sewer line that is in the easement presently. Should the Village Cooperative not be developed, the City would have the options to require the developer to install the new sanitary sewer main as proposed, to install the new sanitary sewer main utilizing the developer's financial security, or to re-establish the easement in its current location and return the letter of credit. The City's Legal staff is creating a development agreement for the proposed relocation of the sanitary sewer main that will also be presented at the February 25 Council meeting for approval.

With the easement being specified for sanitary sewer, no additional outreach to other utilities was necessary, since Public Works is the only utility stakeholder in the easement. Staff sees no problems with the relocation of the easement and sanitary sewer main.

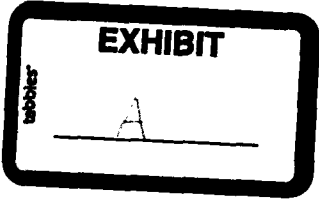
**ALTERNATIVES:**

1. Set February, 25, 2014 as the date of public hearing for the proposed vacation of the sanitary sewer easement as shown on Attachment A.
2. Direct staff to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

By moving forward with the process to approve vacation of this easement, Council will facilitate this property owner's ability to secure financing and move forward with the Village Cooperative development.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting February 25, 2014 as the date of public hearing for the proposed vacation of the sanitary sewer easement as shown on Attachment A.



R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

### VACATION EXHIBIT

OAKWOOD ROAD

NE CORNER LOT 12

Survey Description-Sanitary Sewer Easement to be Vacated:  
A strip 20.00 feet in width across Lot 12, Ringgenberg Park Subdivision, Fourth Addition to the City of Ames, Story County, Iowa, being more particularly described as follows: Commencing at the Northeast Corner of said Lot 12; thence S01°13'07"E, 320.85 feet along the East line of said Lot 12, thence S86°56'58"W, 21.86 feet to the point of beginning thence S86°56'58"W, 300.13 feet; thence S24°01'18"E, 14.25 feet; thence S19°32'28"E, 6.98 feet; thence N86°56'58"E, 291.02 feet; thence N02°44'19"E, 20.10 feet to the point of beginning.

S01°13'07"E 320.85'

CEDAR LANE (ROW VARIES)

LOT 12  
RINGGENBERG PARK SUBDIVISION,  
FOURTH ADDITION

EXISTING SANITARY SEWER EASEMENT

EXISTING SANITARY SEWER EASEMENT TO BE VACATED

S86°56'58"W 21.86'

S24°01'18"E 14.25'

S86°56'58"W 300.13'

S19°32'28"E 6.98'

N86°56'58"E 291.02'

NEW SANITARY SEWER EASEMENT

N02°44'19"E 20.10'

BOBCAT DRIVE (40')

EXISTING SANITARY SEWER EASEMENT

OUTLOT B

GRAPHIC SCALE 1"=60'



Certification: 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.

*R. Bradley Stumbo*  
R. Bradley Stumbo License #17161  
My license renewal date is December 31, 2015

Date: 1-29-14

