

## Staff Report

**1515 Indiana Three Season Porch Construction  
And Storm Water Retention Easement**

May 27, 2014

**BACKGROUND**

City Council referred to staff a letter from John and Julie Larson of 1515 Indiana (Patio Homes West, First Addition Lot #18) regarding the construction of a three season porch to the rear of their home. The Larsons spoke with staff regarding this construction prior to Council receipt of the letter, and staff relayed to the Larsons that – due to the restrictions of a water retention easement on the property – staff could not approve the structure to be built within this easement area. The existing water retention easement area was established in 1980 as a part of the restrictive covenants of the Patio Homes West Association, Inc.

**STAFF COMMENTS**

Article 11 of the subdivision's restrictive covenants specifies "That the West 50 feet of Lots 17 through 32 is set aside as a water retention easement area. **No building shall be erected in this area** and plantings shall be allowed only insofar as the plantings do not interfere with the purpose of the easement and natural surface drainage." This easement area is shown in Attachment A.

Furthermore, Article 3 of the subdivision restrictive covenants specifies that "... no structure or fence shall be constructed on the lots without first securing the approval of the association." The property owners have received approval from the Home Owners Association to build the three season porch should the City allow for the construction.

In reviewing this immediate area of concern, staff from several City departments met to determine if there have been any issues with storm water in the area. The only relevant activities performed in recent memory were to clean and open an area stormwater intake near 1413/1417 Indiana.

**NEXT STEPS**

**Staff feels that there may be an opportunity to vacate the easement and release the building restriction based on topography and past history. In order to move forward, a drainage analysis should be conducted by a third party professional engineer, at the property owner's or Home Owners Association's expense, to determine the extent to which the easement may be vacated under the current conditions, and to provide recommendations as to the extent of area that could be vacated. It may be determined that more properties could have the easement restrictions adjusted or even removed based on this analysis. It should also be**

**noted that the analysis could show that the limits of the easement are justified and that no reduction in the easement area should be allowed.**

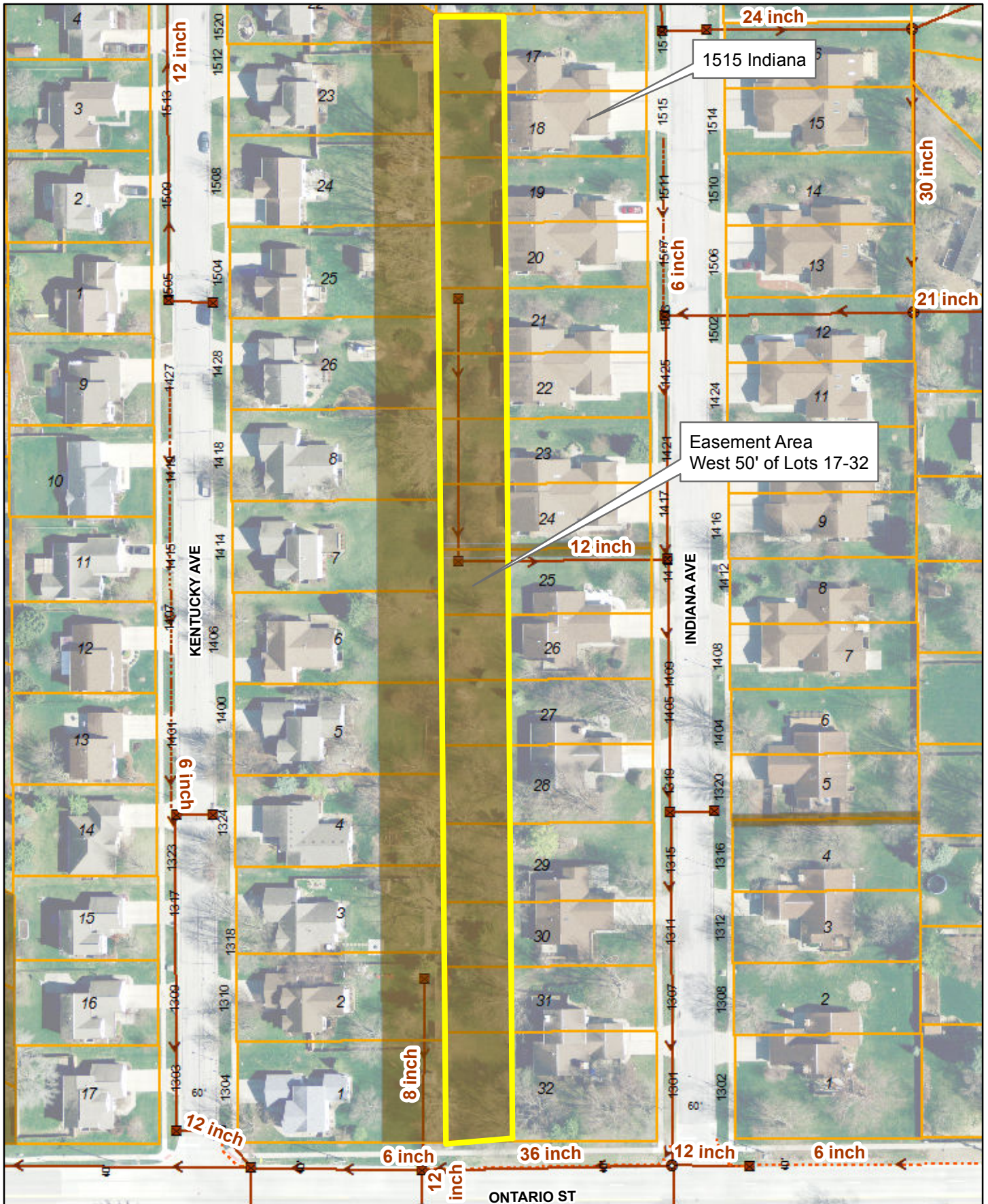
**Upon receipt and review of such an analysis, staff will return to Council with a second report to provide an update and request direction depending on the outcome of the drainage analysis.**

## **OPTIONS**

**There are, at least, two possible options could be considered if the engineering analysis indicates all or a portion of the original easement can be vacated.**

**Option 1.** Upon completion of that analysis, should Council give direction to vacate easement areas, staff would begin the vacation process. This process would include, but is not limited to, a modification to the current restrictive covenants and a new survey(s) to define the exact limits of the area(s) to be vacated. All fees (engineering analysis, survey, advertisement, and recording) for this work would be the responsibility of the property owner or the Home Owners Association, and not be a cost to the City. The Home Owners Association would also need to modify their restrictive covenants to allow for the construction of a porch in the easement area.

**Option 2.** Another option is to reject the request to vacate a portion of the existing easement and do nothing at this time, since the area appears to be functioning as originally designed. Were the easement to be vacated, it would be very difficult to gain it back again should drainage problems occur sometime in the future.



Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented in this product should be field verified. This Product is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the User.



1515 Indiana  
Attachment A



Scale: 1 in = 100 ft  
Date: 5/20/2014