

**COUNCIL ACTION FORM**

**SUBJECT: VACATION AND CONVEYANCE OF APPLE PLACE AND PEACH LANE RIGHT-OF-WAY TO THE OLD ORCHARD/CREEKSIDE MOBILE HOME PARK**

**BACKGROUND:**

City of Ames staff has been approached by the owner of the Old Orchard/Creekside Mobile Home Park about vacating and acquiring Apple Place and Peach Lane right-of-way. **These are strictly internal streets to the park that provide access to the residents and an existing electric substation.**

In 1976, Apple Place and the west 203 feet of Peach Lane was dedicated to the City by the owners of the Old Orchard/Creekside Mobile Home Park. That dedication included a 3-foot-wide easement along both sides for snow removal and access to signs (See Attachment A). Since that time, the pavement in these areas has begun to deteriorate and needs repair. The owners of the mobile home park have requested that Apple Place and Peach Lane, along with the 3-foot-wide easement, be vacated and conveyed back to them so that they can repair the street pavement and have access control for parking issues that arise during Iowa State athletic events. They are also asking that the charges normally assessed when acquiring vacated right-of-way be waived.

If approved, the entire vacated area (not including the 3-foot-wide easement), along with additional area to the north and south along former S Riverside Drive, will be retained as a City access and utility easement (See Attachment B). **This easement area would maintain service access to the electric substation and existing utilities.** It is understood that the new easement will need to be signed by the property owner prior recording of this vacation and conveyance request.

Attachment A is the vacation plat and shows the area requested to be vacated. Attachment B shows the proposed access and utility easement that will be acquired upon approval of this street vacation.

**ALTERNATIVES:**

1. a. Set the date of public hearing as April 10, 2018 for the first reading to approve the vacation of Apple Place and a portion of Peach Lane.
- b. Set the date of public hearing as April 24, 2018 to approve the conveyance of vacated Apple Place and Peach Lane right-of-way to the owners of the Old Orchard/Creekside Mobile Home Park and waive the applicable charges.

2. a. Set the date of public hearing as April 10, 2018 for the first reading to approve the vacation of Apple Place and a portion of Peach Lane.
  - b. Set the date of public hearing as April 24, 2018 to approve the conveyance of vacated Apple Place and Peach Lane right-of-way to the owners of the Old Orchard/Creekside Mobile Home Park for the amount of \$41,438, as determined by City's standard formula.
3. Reconsider the vacation of Apple Place and Peach Lane.

**MANAGER'S RECOMMENDED ACTION:**

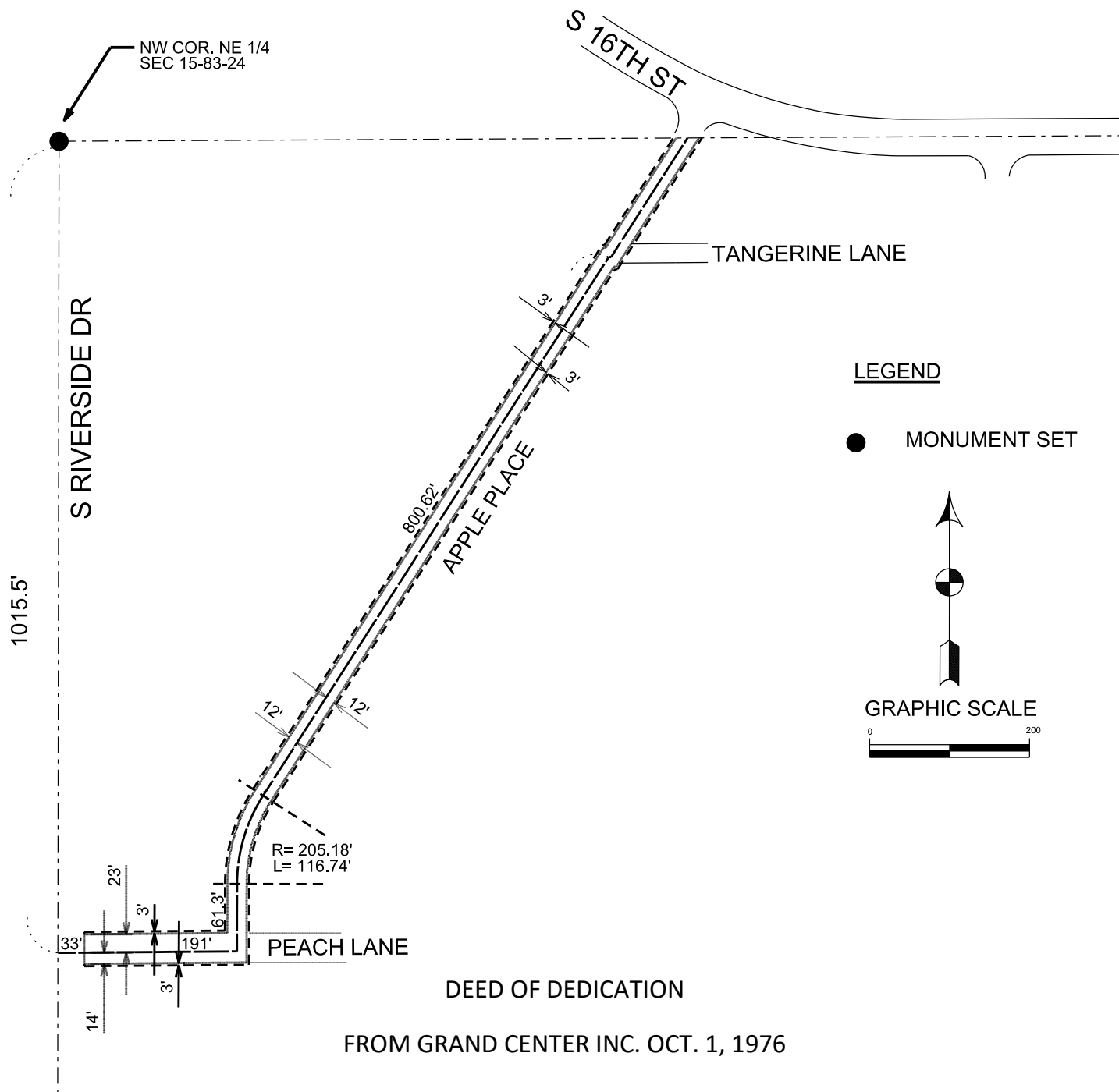
Because this road section is currently City right-of-way, all costs associated with maintenance and repair currently are the responsibility of the City. Vacation of the existing Apple Place and Peach Lane right-of-way and conveyance to the property owners of the Old Orchard/Creekside Mobile Home Park will allow them to make improvements to the existing street pavement and control access to the area during special events at ISU. The value of the vacated land as calculated by the City's standard formula is \$41,438, which is substantially less than the estimated costs for the repairs on these streets of \$433,000. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.**

Retaining the vacated area as an access and utility easement will provide the City with continued service access to the existing electric substation and utilities. Therefore, **it important to note that if action is taken on April 24, 2018 to convey the vacated right-of-way, it should be conditioned on receiving a signed new easement from the property owner prior to recording the vacation and conveyance of the current easement area.**

# EXHIBIT 'A'

## VACATION PLAT CITY OF AMES, IOWA ENGINEERING DIVISION

DATE: 2/23/2018



DEED OF DEDICATION  
FROM GRAND CENTER INC. OCT. 1, 1976

A STRIP OF LAND TWENTY-FOUR (24) FEET WIDE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. IN THE CITY OF AMES, STORY COUNTY, IOWA, THENCE SOUTH 1015.5 FEET; THENCE NORTH 89° 26' EAST 33 FEET TO THE POINT OF BEGINNING; 23 FEET NORTH AND 14 FEET SOUTH OF A LINE DESCRIBED AS FOLLOWS: CONTINUING NORTH 89° 26' EAST 191 FEET; THENCE 12 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE: NORTH 0° 00' EAST 84.3 FEET TO THE POINT OF BEGINNING A 205.18 FOOT RADUIS CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 116.74 FEET, THENCE NORTH 32° 36' EAST 800.62 FEET; THENCE NORTH 89° 35' 50" EAST 3.0 FEET; THENCE NORTH 32° 36' EAST TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., IN THE CITY OF AMES, STORY COUNTY, IOWA.

THE UNDERSIGNED DOES FURTHER GRANT TO THE CITY OF AMES, IOWA A PERPETUAL EASEMENT OVER (3) THREE FEET ON EITHER SIDE OF SAID PUBLIC PLACE FOR SNOW REMOVAL USE AND PLACEMENT OF CITY AND TRAFFIC SIGNS.

RECORDED IN BOOK 157, PAGE 271 OF MISC., OCT. 14, 1976.

DATE
2/23/18
SCALE
1" = 200'
DRAWN
MD
FIELD BOOK
1
SHEET 1

# EXHIBIT 'B'

## PERMANENT INGRESS, EGRESS, AND UTILITY EASEMENT CITY OF AMES, IOWA ENGINEERING DIVISION


DATE: 2/23/2018

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., IN THE CITY OF AMES, STORY COUNTY, IOWA, DESCRIBED AS FOLLOWS:

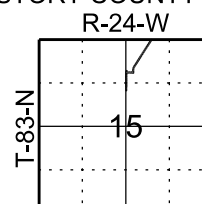
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., CITY OF AMES, STORY COUNTY, IOWA. THENCE S 00°04'55" W ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 971.47 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF THE FORMER C & NW RAILROAD, ALSO BEING THE POINT OF BEGINNING; THENCE N 32°42'23" E ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 55.64 FEET; THENCE S 00°04'55" W, A DISTANCE OF 53.78 FEET; THENCE S 87°35'20" E, A DISTANCE OF 157.35 FEET; THENCE 30.95 FEET ALONG A 25 FOOT RADUIS CURVE TO THE LEFT, WITH A CHORD BEARING OF N 44°42'03" E, A CHORD DISTANCE OF 29.01 FEET; THENCE N 04°02'48" E, A DISTANCE OF 35.21 FEET; THENCE 126.92 FEET ALONG A 219.40 FOOT RADUIS CURVE TO THE RIGHT, WITH A CHORD BEARING N 16°27'47" E, A CHORD DISTANCE OF 125.16 FEET; THENCE N 32°39'46" E TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 966.13 FEET; THENCE N 89°41'35" E ON SAID NORTH LINE, A DISTANCE OF 28.60 FEET; THENCE S 32°39'46" W, A DISTANCE OF 981.78 FEET; THENCE 113.16 FEET ALONG A 195.40 FOOT RADUIS CURVE TO THE LEFT, WITH A CHORD BEARING OF S 16°28'08" W, A CHORD DISTANCE OF 111.58 FEET; THENCE S 00°04'50" W, A DISTANCE OF 93.76 FEET; THENCE N 87°35'20" W, A DISTANCE OF 204.21 FEET; THENCE S 00°04'55" W, A DISTANCE OF 429.40 FEET; THENCE N 89°55'06" W, A DISTANCE OF 5.00 FEET; THENCE S 00°04'55" W, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 30, A DISTANCE OF 114.76 FEET; THENCE S 89°31'59" W, ON SAID NORTH RIGHT-OF-WAY, TO A POINT ON SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 15, A DISTANCE OF 25.00 FEET; THENCE N 00°04'55" E ON SAID WEST LINE, A DISTANCE OF 587.35 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 52,947.9 SF (1.21 AC)

NOTE: ALL BEARINGS ARE ASSUMED.

	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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.	
	MYRON G DARINGER	DATE
	PRINTED OR TYPED NAME	
	MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019	
PAGES OR SHEETS COVERED BY THIS SEAL: _____		

### VICINITY SKETCH STORY COUNTY IOWA

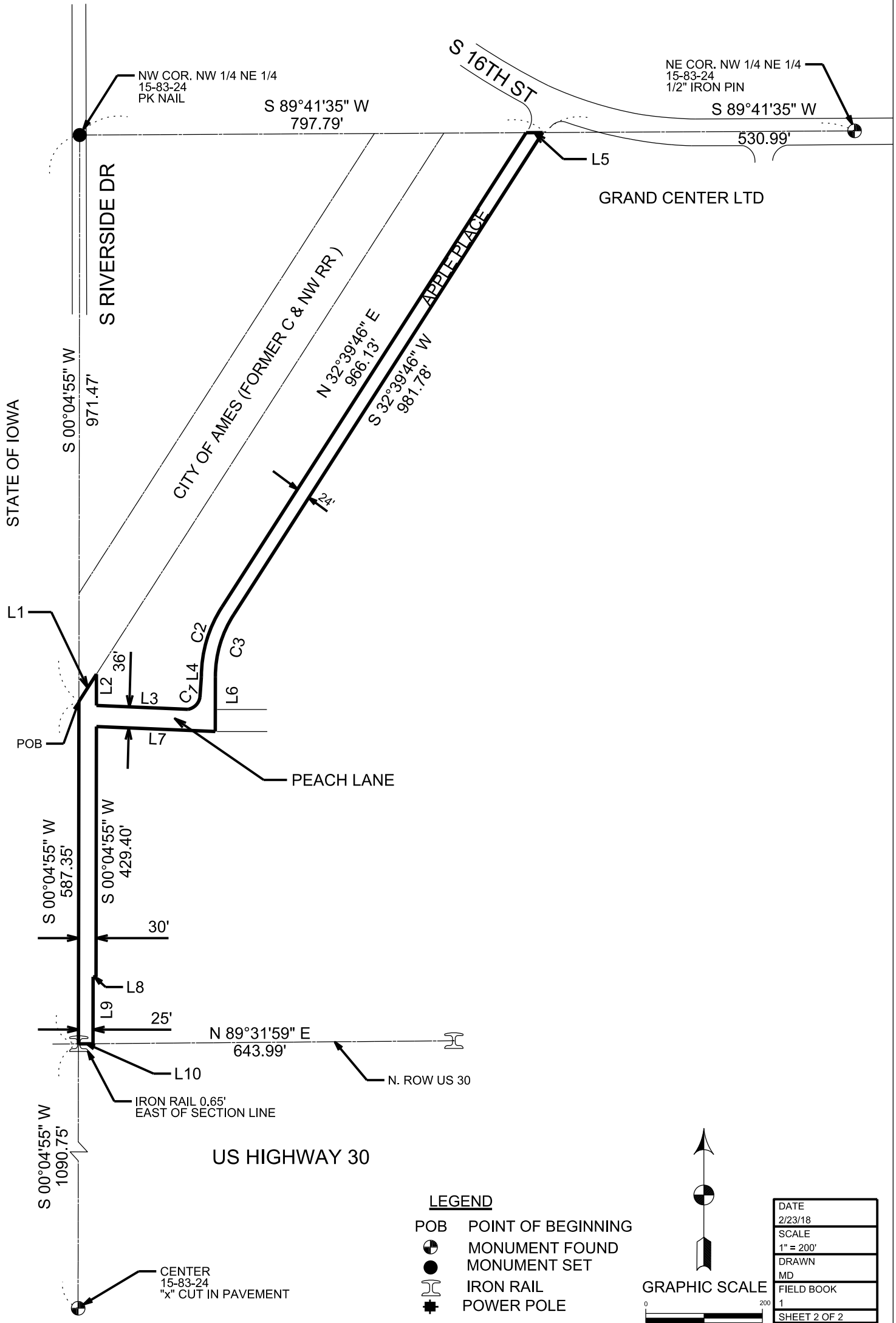


DATE	2/23/18
SCALE	
DRAWN	MD
FIELD BOOK	1
SHEET 1 OF 2	

# EXHIBIT 'B'

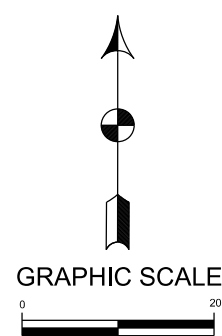
## PERMANENT INGRESS, EGRESS, AND UTILITY EASEMENT CITY OF AMES, IOWA ENGINEERING DIVISION

DATE: 2/23/2018



### LEGEND

- POB POINT OF BEGINNING
- ⊕ MONUMENT FOUND
- MONUMENT SET
- ⌵ IRON RAIL
- ⊕ POWER POLE



DATE	2/23/18
SCALE	1" = 200'
DRAWN	MD
FIELD BOOK	1
SHEET	2 OF 2