

ITEM # ~~12-8-13~~ **27**

DATE: ~~06-09-20~~

08-11-20

COUNCIL ACTION FORM

SUBJECT: VACATION AND CONVEYANCE OF RIGHT-OF-WAY ADJACENT 2400 AND 2500 SE 16TH STREET

BACKGROUND:

City staff has received a request from James Bergkamp Jr., representing Van Wall Equipment Inc., owner of 2400 and 2500 SE 16th Street, to vacate and purchase City right-of-way (ROW) adjacent those properties (see Attachment A). The reason for this request is to acquire additional land area to help facilitate the future development of these lots.

The requested ROW vacation area is 13,926.5 square feet (SF) in size and is adjacent to the south edge of 2400 SE 16th St (see Attachment B for a map). Apart from Van Wall, there are no other property owners abutting this ROW.

As stated in the request, Van Wall has agreed to purchase the ROW, if vacated, at the valuation determined by the City's standard formula. That valuation is \$28,410.06, which is based on 2020 land values for comparable vacant properties in the vicinity minus 10% for processing this as a Quit Claim Deed and 15% for retainage of the area as easements (see Attachment C).

If vacated, **this area would require a permanent easement for access and maintenance of the existing entryway lighting enhancements along US Highway 30.** In addition, local utilities were contacted and **Ames Electric indicated that an electric easement would also be needed over this area.** All other utilities responded that they do not have, nor plan to have, any of their infrastructure within this proposed ROW vacation area.

The City's Legal staff will be preparing easement documents. Ideally, the executed easement will be received from Van Wall prior to the third reading of vacation and public hearing approving conveyance on July 28, 2020. However, if the easement has not been received at that time, the vacation and conveyance hearing may still proceed because the City Clerk will withhold processing the conveyance until the executed easement is received from Van Wall.

ALTERNATIVES:

1. a. Set the date of public hearing as June 23, 2020 for the first reading to approve the vacation of the ROW area adjacent 2400 and 2500 SE 16th Street.
- b. Set the date of public hearing as July 28, 2020 to approve the conveyance of the vacated ROW to the owners of 2400 and 2500 SE 16th Street (Van Wall Equipment Inc.) for \$28,410.06 as determined by the adopted City Council policy.
2. Retain this land and deny the request to vacate the ROW area adjacent 2400 and 2500 SE 16th Street.

MANAGER'S RECOMMENDED ACTION:

Vacation and sale of this ROW area will facilitate the future development of the properties at 2400 and 2500 SE 16th Street. Furthermore, the ROW area is not large enough to be developed individually and provides access to only Van Wall's properties. Access to City lighting and electric facilities will be maintained with establishment of the new easement.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

S P A C E A B O V E R E S E R V E D F O R O F F I C I A L U S E

Return document to: City Clerk, 515 Clark Avenue, Ames IA 50010

Document prepared by: Victoria A. Feilmeyer, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 – 515-239-5146

ORDINANCE NO. _____

**AN ORDINANCE TO VACATE THE RIGHT OF WAY LOCATED
FROM AND ALONG 2400 AND 2500 SOUTHEAST 16TH STREET
IN THE CITY OF AMES, IOWA.**

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF AMES, IOWA:

Section 1. **Findings.** The City Council has authority, as described in Article III, Section 38A of the Constitution of the State of Iowa and in Iowa Code § 306.10 to vacate public rights of way. The Council has previously given notice of and conducted a public hearing as required by sections 306.11 and 306.12 of the Iowa Code, respectively. The City Council deems this ordinance appropriate, and necessary to protect, preserve and improve the rights, privileges, property, peace, safety, health, welfare, comfort and convenience of the City of Ames and its citizens, all as provided for in and permitted by § 364.1 of the Code of Iowa.

Section 2. **Vacation.** The portion of right of way (located generally on the southern boundary of and adjacent to 2400 and 2500 SE 16th Street) is hereby vacated where legally described as follows: [See attached Exhibit ‘A’].

Section 3. **Repealer.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. **Effective Date.** This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, 2020.

Diane R. Voss, City Clerk

John A. Haila, Mayor

Exhibit ‘A’ – Legal Description (Vacated Right of Way)

The City of Ames public street right-of-way described and recorded in the Deed of Dedication, Instrument Number 3091, Book 121, Pages 651 – 653, dated May 22, 1973, except that portion conveyed to the State of Iowa and described in the Quit Claim Deed, Instrument Number 2016-00010429, dated October 19, 2016, all in Story County, Iowa.



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MEMO

Item No. 42

To: Mayor and City Council

Cc: Steven L. Schainker, City Manager
Tracy L. Warner, P.E.; Municipal Engineer

From: John Joiner, P.E.; Public Works Director

Date: July 24, 2020

Subject: 07-28-20 Hearing for ROW Conveyance adjacent to 2400 SE 16th St

On the July 28, 2020, City Council agenda is a hearing for proposed conveyance of a portion of vacated City right-of-way adjacent to the south edge of 2400 SE 16th Street. City Council has previously directed that this old right-of-way be vacated and conveyed to the property owner, Van Wall Equipment. However, an easement will be needed to access electrical utility facilities and the decorative light columns along US 30. This easement has been created by City legal staff but has not yet been signed by the property owner. **Therefore, the hearing should be continued to the August 11, 2020 City Council meeting to allow time for the property owner to execute and return the easement.**