

COUNCIL ACTION FORM

SUBJECT: VACATION OF SANITARY SEWER EASEMENT IN SOUTH DAYTON SUBDIVISION

BACKGROUND:

An existing sanitary sewer easement was recorded in June 2005 within South Dayton Subdivision. Sanitary sewer infrastructure was never built within the easement area. The current owner of the subdivision is requesting to vacate the recorded easement as part of the final plat approval for creating a two-lot subdivision. **Each of the two lots will have frontage along E. Lincoln Way where sanitary sewer service can be provided; therefore, the easement and public main would no longer be needed.**

The area to be vacated is shown on Attachment A (Final Plat) and Attachment B (recorded Sanitary Sewer Easement).

ALTERNATIVES:

1. Set the date of public hearing as August 24, 2021, to approve the vacation of the aforementioned sanitary sewer easement.
2. Decline the request and retain the easement.

CITY MANAGER'S RECOMMENDED ACTION:

This sanitary sewer easement can be vacated per the request because with the new subdivision plat, each lot will have access to a sanitary sewer public main.

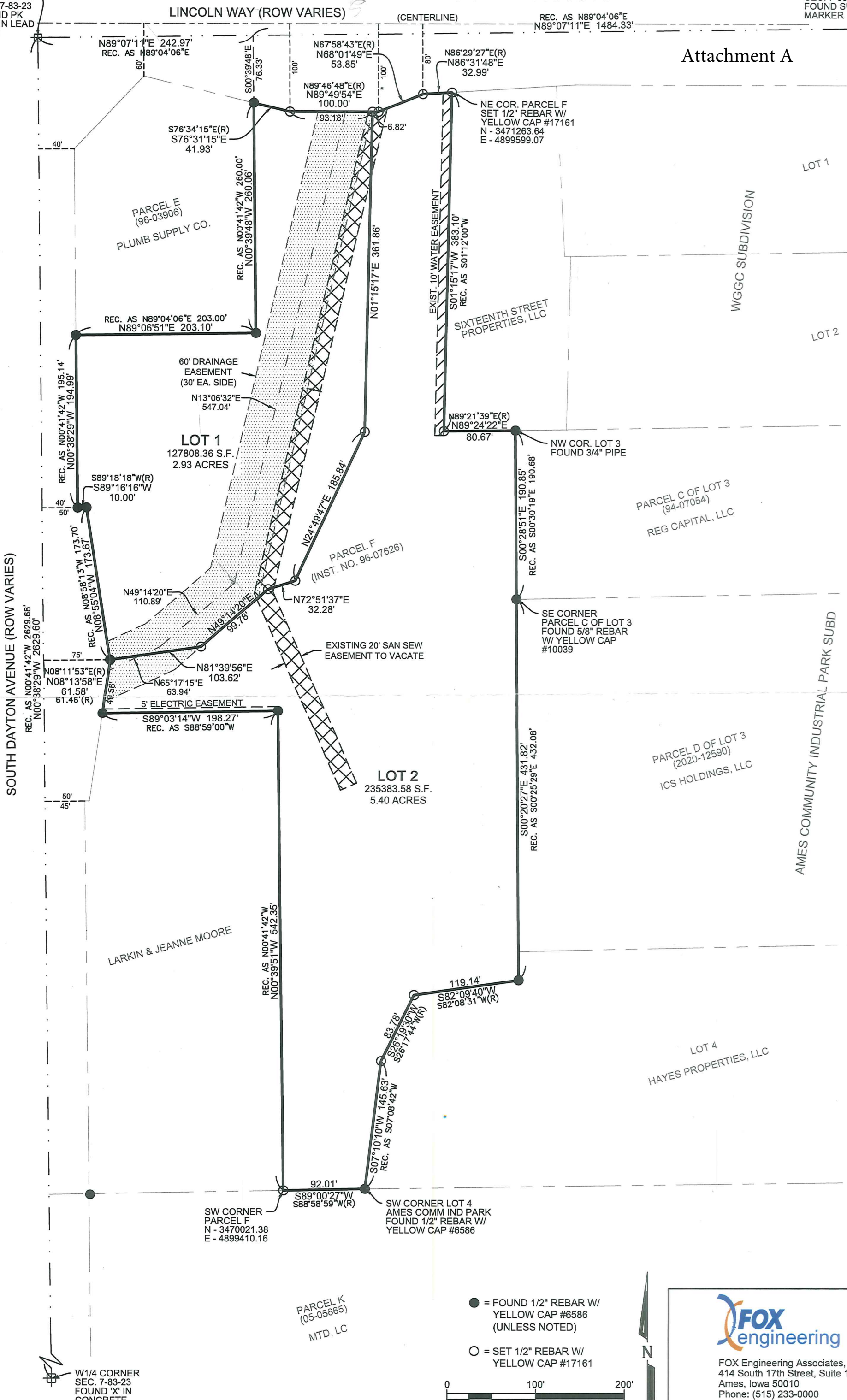
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.

FINAL PLAT SOUTH DAYTON SUBDIVISION

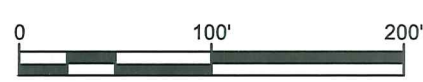
NE CORNER
NW1/4, NW1/4
SEC. 7-83-23
FOUND SURVEY
MARKER

NW CORNER
SEC. 7-83-23
FOUND PK
NAIL IN LEAD
PLUG

Attachment A



- = FOUND 1/2" REBAR W/
YELLOW CAP #6586
(UNLESS NOTED)
- = SET 1/2" REBAR W/
YELLOW CAP #17161



FOX Engineering Associates, Inc.
414 South 17th Street, Suite 107
Ames, Iowa 50010
Phone: (515) 233-0000
FAX: (515) 233-0103

FINAL PLAT
SOUTH DAYTON SUBDIVISION

LOCATION: PARCEL F IN THE NW1/4, NW1/4 SEC. 7-83-23
CITY OF AMES, STORY COUNTY, IOWA

OWNER/
DEVELOPER: EVAN KENT & JOAN E. COOPER
909 BROOKRIDGE AVE.
AMES, IA 50010

SURVEYOR: R. BRADLEY STUMBO, PLS #17161
FOX ENGINEERING ASSOCIATES, INC.
AMES, IA 50010
515-233-0000

RECEIVED

JUL 13 2021

CITY OF AMES IA
DEPT. OF PLANNING AND HOUSING

Survey Description:

A subdivision of Parcel F, as shown on the Plat of Survey filed at Inst. No. 96-07626, in the Northwest Quarter of the Northwest Quarter of Section 7, Township 83 North, Range 23 West of the 5th P.M., City of Ames, Story County, Iowa, containing 8.33 acres.

Notes:

1. There is no FEMA floodplain located on this property.
2. Soil borings are required in areas within this plat which have been identified by the City of Ames as having soils that make construction of buildings difficult.

Zoning District: G1 - General Industrial



FOX Engineering Associates, Inc.
414 South 17th Street, Suite 107
Ames, Iowa 50010
Phone: (515) 233-0000
FAX: (515) 233-0103

I hereby certify that this land surveying document was prepared 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.

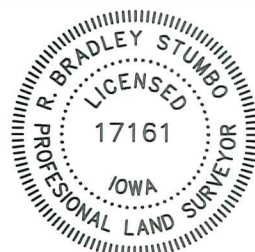
R. Bradley Stumbo

R. BRADLEY STUMBO, PLS
License number 17161

My license renewal date is December 31, 2021.

6/16/21

DATE



RETURN TO: (enu)

AMES CITY CLERK
 BOX 811
 AMES IOWA 50010

Instrument: 2005- 00007120
 Date: Jun 21, 2005 10:13:18A
 Rec Fee: 15.00 E-Cow Fee: 1.00
 Aud Fee: .00 Trans Tax: .00
 Rec Management Fee: 1.00
 Filed for record in Story County, Iowa
 Susan L. Vande Kamp, County Recorder

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER

Prepared by: John R. Klaus, City of Ames Legal Department, 515 Clark Avenue, Ames, Iowa 50010 (Phone: 515-239-5146)

SANITARY SEWER EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantors, EVAN KENT COOPER AND JOAN E. COOPER, do hereby grant and convey to the Grantee, THE CITY OF AMES, IOWA, a perpetual easement and right-of-way in, over, upon, through, and under the following described premises:

A strip of land 20.00 feet in width across part of Parcel F in the northwest fractional quarter of Section 7, Township 83 North, Range 23 west of the 5th P.M., City of Ames, Story County, Iowa, as surveyed by Robert L. Stumbo, Jr. and filed on July 2, 1996 in the office of the Story County Recorder at Instrument No. 96-07626 and being situated 10.00 feet on each side of the following described centerline: commencing at the northeast corner of said Parcel F; thence following the north line of said Parcel F S86°29'27"W, 32.99 feet; thence S67°58'43"W, 53.85 feet; thence S89°46'48"W, 1.29 feet to the point of beginning; thence departing the north line of said Parcel F S13°03'36"W, 558.58 feet; thence S23°40'02"E, 240.00 feet to a point and there terminating, containing 0.37 acres.

as shown on the attached Plat of Sanitary Sewer Easement, only for the purpose of constructing, repairing, maintaining and operating a sanitary sewer in, over, upon, through and under the above described premises. For the purposes aforesaid, the Grantee, its officers, employees, agents, licensees, successors, and assigns shall at all times have the right and privilege of access to the above described premises.

The foregoing rights are granted upon the express condition that the users of the granted rights will assume liability for all damage to the real estate described herein and any adjacent real estate caused by failure to use due care in the exercise of the granted rights.

This grant of easement and right of way shall be binding upon the heirs, successors, and assigns of the Grantors.

DATED this 17th day of June, 2005.

GRANTORS

By: Evan Kent Cooper
Evan Kent Cooper

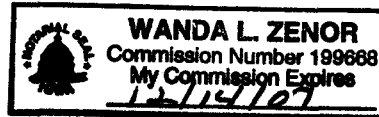
By: Joan E. Cooper
Joan E. Cooper

STATE OF IOWA, STORY COUNTY ss:

On this 14th day of June, 2005, before me, a Notary Public in and for the State of Iowa, personally appeared Evan Kent Cooper and Joan E. Cooper, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Wanda L. Zenor
Notary Public in and for the State of Iowa

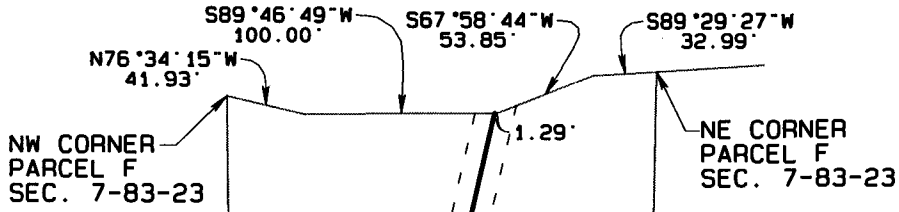
Cooper Sanitary Sewer Easement, 042605.wpd



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

LINCOLN WAY (VARIES)

PLAT OF EASEMENT



Sanitary Sewer Easement:
 A strip of land 20.00 feet in width across part of Parcel F in the Northwest Fractional Quarter of Section 7, Township 83 North, Range 23 West of the 5th P.M., City of Ames, Story County, Iowa as surveyed by Robert L. Stumbo, Jr. and filed on July 2, 1996 in the office of the Story County Recorder at Instrument No. 96-07626 and being situated 10.00 feet on each side of the following described centerline: Commencing at the Northeast Corner of said Parcel F; thence following the north line of said Parcel F S86°29'27\"W, 32.99 feet; thence S67°58'43\"W, 53.85 feet; thence S89°46'48\"W, 1.29 feet to the point of beginning; thence departing the north line of said Parcel F S13°03'36\"W, 558.58 feet; thence S23°40'02\"E, 240.00 feet to a point and there terminating, containing 0.37 acres.

PROPRIETOR:
EVAN KENT & JOAN E. COOPER

20' SANITARY SEWER EASEMENT (10' EACH SIDE)

S23°40'02\"E
240.00'

DAYTON AVENUE

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, 2005

Date: 4/21/05

