

**COUNCIL ACTION FORM**

**SUBJECT: PUBLIC HEARING AND APPROVAL OF VACATION OF A PEDESTRIAN EASEMENT AT 4901 WALLER STREET (LOT 4, LONGVIEW SUBDIVISION, SECOND ADDITION).**

**BACKGROUND:**

David Hohbach, 4901 Waller Street, has requested that an existing pedestrian easement located along the eastern ten (10) feet of his property, be vacated by the City of Ames. He proposes to pave a drive expansion to the east side of his attached garage that encroaches into the existing pedestrian easement. The proposed parking space is not permitted unless the pedestrian easement is vacated.

The easement was first established as part of the approval of the Final Plat for Longview Subdivision, Second Addition in October 2003. The purpose of the easement was to provide access from the properties along Waller Street to the future Edwards Elementary School at 820 Miller Avenue. **The pedestrian easement has not been paved nor used as an access to Edwards Elementary School since it was first established by the Final Plat. The site plan for the school was approved in March 2013 and includes a stormwater detention basin near the rear property line of Lot 4. The basin obstructs any future pedestrian path from Waller Street to the school building.**

There are two other paved pedestrian easements that provide access to the school site from Poe Avenue to the east. These easements suffice to provide excellent access to the school site in combination with sidewalk and street access from Miller Avenue to the west. Current residents of the homes along Waller Street use sidewalks along Miller Street and Poe Avenue to conveniently access the Edwards Elementary School site.

Because the easement was granted to the City at no cost as part of platting (rather than dedicated as right-of-way), there is no proposed cost associated with vacating the easement.

**ALTERNATIVES:**

1. The City Council can approve the vacation of the existing pedestrian easement at 4901 Waller Street (Lot 4, Longview Subdivision, Second Addition).
2. The City Council can retain the existing pedestrian easement at 4901 Waller Street (Lot 4, Longview Subdivision Second Addition).
3. The City Council can refer this item back to City staff for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

The pedestrian easement on Lot 4 serves no useful purpose to the neighborhood residents whose children walk to and from Edwards School. The location of the stormwater detention pond next to the rear property lines of houses along Waller Street makes it impractical to continue reservation of the east ten feet of Lot 4 as a pedestrian easement.

In addition, the easement prevents the property owner at 4901 Waller Street from using the east ten feet of his property in a way that would benefit him as the property owner. Mr. Hohback has expressed a desire to use the area between his garage and the east property line as a paved area to park a vehicle that meets the zoning regulations for off-street parking in a low-density residential area.

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