ITEM # <u>26</u> DATE: 11-09-21

### **COUNCIL ACTION FORM**

## SUBJECT: VACATION OF UTILITY EASEMENT AT 1100 BUCKEYE AVENUE

### **BACKGROUND:**

There is a fifteen-foot-wide utility easement across the Red Lobster property located at 1100 Buckeye Avenue (Lot 5 in Block 2 of Southwood Subdivision First Addition). As part of the Flood Mitigation project along loway Creek, the utilities located within the easement are being relocated and a new easement was obtained from RL Enterprises LLC as part of the land acquisition process. Therefore, the existing easement is no longer necessary and should be vacated.

The area to be vacated is shown on Attachment A.

# **ALTERNATIVES:**

- 1. Approve the vacation of the aforementioned utility easement.
- 2. Do not proceed with vacation of the aforementioned utility easement.

#### **CITY MANAGER'S RECOMMENDED ACTION:**

The easement can be vacated because a new easement was obtained with the land acquisition process.

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

RECORDER'S INDEX Attachment A LOCATION: LOT 5 IN BLOCK 2 OF THE FIRST ADDITION TO SOUTHWOOD SUBDIVISION, AMES, STORY COUNTY, IOWA REQUESTER: CITY OF AMES PROPRIETOR: CITY OF AMES SURVEYOR: DAN HINGTGEN COMPANY: WHKS & Co. **RETURN TO:** WHKS & Co. (815) 747-8833 1701 ROUTE 35 NORTH EAST DUBUQUE, IL 61025 UTILITY EASEMENT ABANDONMENT UTILITY EASEMENT IN PART OF LOT 5 IN BLOCK 2 OF THE FIRST ADDITION TO NORTH SOUTHWOOD SUBDIVISION, IN THE CITY OF AMES, STORY COUNTY, IOWA SCALE 1" = 50UTILITY EASEMENT ABANDONMENT DESCRIPTION 10' 25' 50 ABANDONMENT OF UTILITY EASEMENT IN PART OF LOT 5 OF BLOCK 2 OF THE FIRST ADDITION TO SOUTHWOOD SUBDIVISION, AMES, **LEGEND** IOWA AND MORE COMPLETELY DESCRIBED AS FOLLOWS: Commencing at the Southeast (SE) Corner of Lot 5 in Block 2 of said First Addition; thence N 00°19'54" W 165.68 feet along the East line of said Lot 5 to the Point of Beginning; thence N 54\*48'39" W 11.80 feet; ABANDONED SECTION CORNER LITHITY FASEMENT FOUND 5/8" REBAR (15.0') PREVIOUSLY RECORDED thence N 01"19'57" W 9.71 feet; thence S 89"33'36" W 170.54 feet; thence S 17"30'43" W 9.00 feet; thence S 89"56'25" W 10.49 feet to SET 5/8" REBAR w/ YELLOW SURVEY CAP NO. 14052 15.0' FIELD MEASUREMENT thence S 1730 43 W 9.00 feet; thence S 895625 W 10.49 feet to the West Line of said Lot 5; thence N 1730'43" E 85.13 feet along said West Line to a point to the Northwest Corner of said Lot 5; thence N 8933'36" E 10.51 feet; thence S 1730'43" W 60.44 feet; thence N 8933'36" E 165.71 feet; thence N 0019'54" W 57.50 feet to a point on the North Line of said Lot 5; thence N 8933'36" E 9.50 feet to the Northeast Corner of said Line 5; thence S 0019'54" E 89.22 feet along the West Right-of-way line of South Duff Avenue to the Point of ACQUISITION LINE NE CORNER -UTILITY EASEMENT SW 1/4 SECTION 11 LOT LINE T83N, R24W - ROW LINE Set Mag Nail Beginning. SECTION LINE Said tract contains 4,188 square feet more or less. 114.33' ROW to\_ N 89°33'36" E N 89°33'36" E Section Line 9.50' 10.51' 89.46' ROW to N 89°33'36" E 167.20 Section Line 9.5' Utility S 167.00') (N 89'32'37" E 65, 000 Abandoned 10.0' Utility Easement Abandoned 38 19'54" N 17°30'43" E S 17°30'43" W N 00°19'54" W 85.13' 60.44' 57.50 Ш N 89°33'36" E 165 71 48, 89 46 15.0' Utility Easement Abandoned POINT OF S 89°33'36" W 170.54 **BEGINNING** LOT6
BLOCK 8 S 89°56'25" W 183.79 89.52' ROW to 22'04" Section Line N 00°19'57" W S 17°30'43" W 9.00' 9.71' SOUTH DUFF S 89°56'25" W N 54°48'39" W 10.49' 11.08 00'20'58" (5/72) Utility Easement 00°1 19'54" × 235 AVENU 30' 165 89 9.5' Utility\_ Easement 10.0' Utility Easemen SE CORNER-SOUTHEAST SW 1/4 CORNER SECTION 11 OF LOT 5 T83N, R24W Found Mag Nail DANIEL J.
HINGTGEN
14052 I hereby certify that this land surveying document was prepared and the related survey work was performed ABANDONMENT EXHIBIT by me or under my direct personal supervision and that I am a culy licensed Land Surveyor under the laws of the State of lowa. Drawn by: DH Project No.: 8198.00 Drawing Date: 9/23/2021 Drawing Name: K: \8198.00 - Ames Squaw Creek \CAD\
Squaw Creek Floodplain.dwg 1221 Date Dan Hingtgen, Land Surveyor 14052 License number: My registration renewal date is December 31, 2022 engineers + planners + land surveyors 1 CONE Pages or sheets covered by this seal: \_ SHEET 1 of 1