

COUNCIL ACTION FORM

SUBJECT: VACATE ELECTRIC EASEMENT AT 1404 AND 1410 BUCKEYE AVENUE

BACKGROUND:

The property located at 1404 and 1410 Buckeye Avenue is owned by NLA Duff, LLC (see Attachment A). The owner proposes to construct a car wash. An electric easement exists in the area where the car wash is being proposed (see Attachment B). The construction cannot occur unless the electric easement is vacated.

The easement was first established as part of the approval of the Final Plat for Fourth Addition to Southwood Subdivision, Ames. On June 12, 2019, as per Instrument 2019-07692, an electric easement was granted to the City of Ames described as the North five feet (5') of Lot Eight (8); AND the South five feet (5') and the East thirty-six feet (36') of the South Twenty-One (21') of Lot Nine (9), (see Attachment C).

While the purpose of the easement was to provide access for electric services to serve Lot 8 and Lot 9, this electric easement has not been utilized since it was first established by the Final Plat.

As part of the Final Plat of Southwood Subdivision, Sixth Addition the owner proposes the replat of Lots 8 & 9, in order to combine the lots to form Lot 1 for the purpose of building the Car Wash, (see Attachment B).

The Electric Department has reviewed the easement vacation request and has determined it is only an unutilized Electric Easement and that no other facilities will be affected and/or would be in conflict with the construction of the car wash.

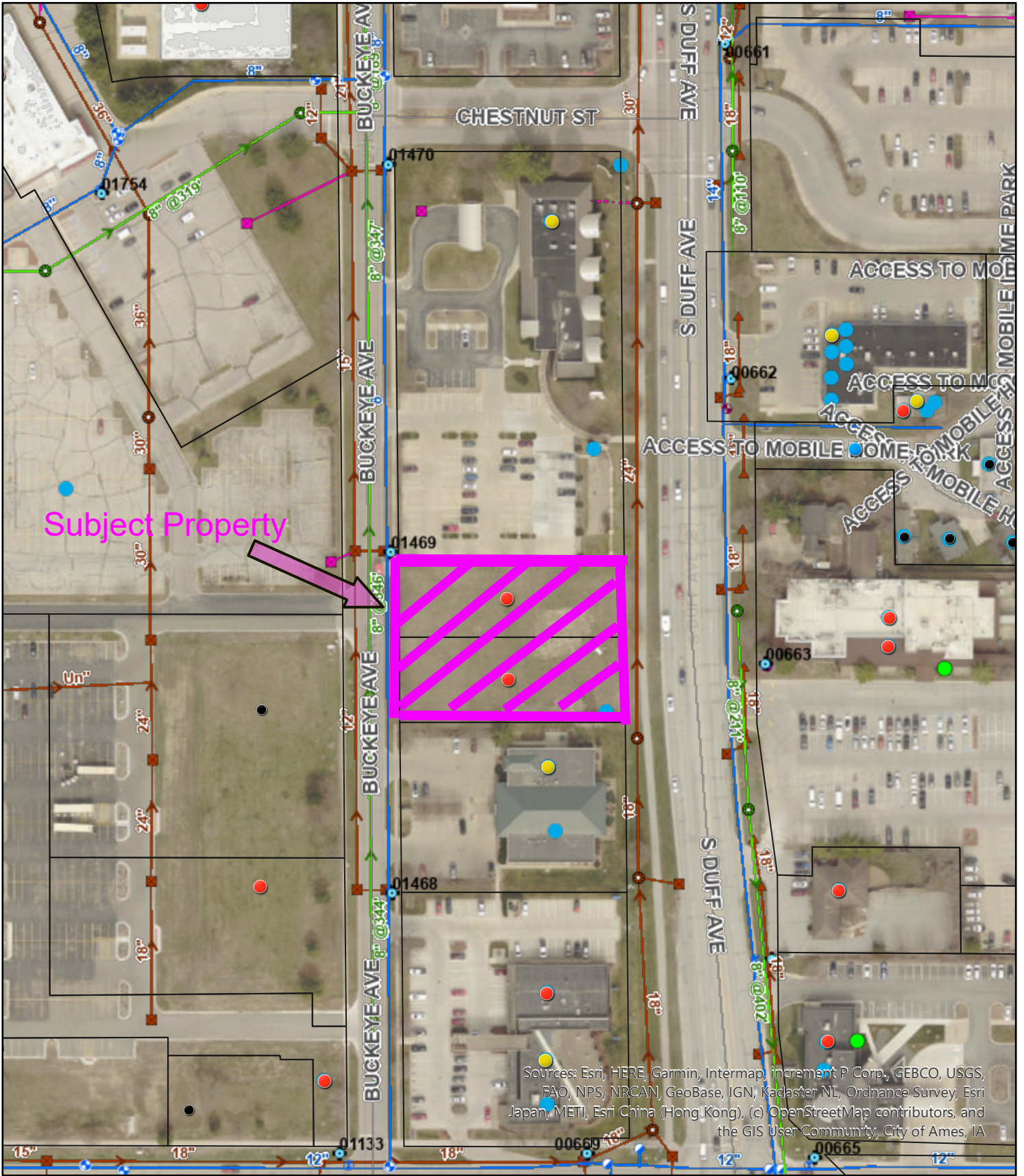
ALTERNATIVES:

1. Approve vacation of the existing ten feet (10') electric easement at 1404 & 1410 Buckeye located in 8 & 9, Southwood Subdivision, Ames.
2. Do not approve the request to vacate the existing ten feet (10') electric easement at 1404 & 1410 Buckeye located in, lots 8 & 9, Southwood Subdivision, Ames.
3. Refer this item back to City staff for additional information.

MANAGER'S RECOMMENDED ACTION:

Since the existing easement do not provide electric services to Lots 8 & 9 at 1404 & 1410 Buckeye Avenue, vacating the easement will enable the combining of lots 8 & 9 and the construction of a Car Wash.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 approving the vacation of the existing ten feet (10') electric easement at 1404 & 1410 Buckeye located in 8 & 9, Southwood Subdivision, Ames



ArcGIS Web Map



© City of Ames, Iowa makes no warranties, expressed or implied, including without limitation, any warranties of merchantability or fitness for a particular purpose. In no event shall the City of Ames be liable for lost profits or any consequential or incidental damages caused by the use of this map.



ATTACHMENT 1

BASIS OF BEARINGS
IOWA STATE PLANE
COORDINATE SYSTEM
NAD 83 SPC (1401 IA N)
USING GEOID18



PROPERTY DESCRIPTION:

PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 24 WEST, OF THE 5TH P.M., BEING LOTS 8 AND 9 OF THE FINAL PLAT, FOURTH ADDITION TO SOUTHWOOD SUBDIVISION, RECORDED IN INSTRUMENT NUMBER 2019-07689, OFFICE OF THE RECORDER, CITY OF AMES, COUNTY OF STORY, STATE OF IOWA.

NOTES:

CONTACT PROPER AUTHORITIES BEFORE BUILDING NEAR UTILITY LINES, FOR EASEMENT WIDTH AND RESTRICTIONS. UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION.

THIS IS A COMMERCIAL/HIGH RISK SURVEY, WITH A HORIZONTAL ACCURACY BETTER THAN 1:20,000.

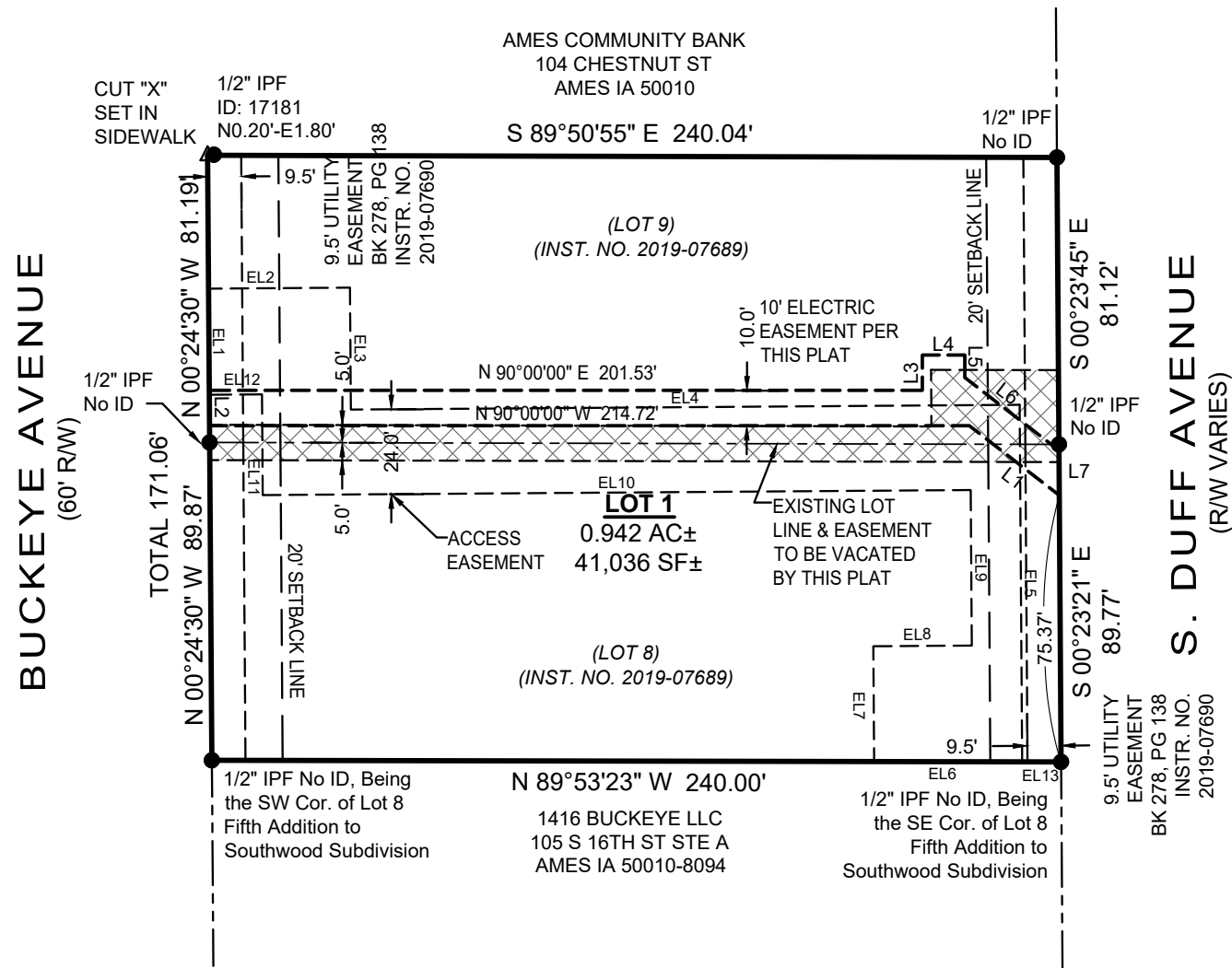
SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS THAT MAKE CONSTRUCTION OF BUILDINGS DIFFICULT.

THE HORIZONTAL AND VERTICAL DATA SHOWN HEREON WERE OBTAINED UTILIZING A TRIMBLE S6 SERIES TOTAL STATION AND TDS DATA COLLECTION SOFTWARE.

UNLESS STATED OTHERWISE, ANY MONUMENT REFERRED TO HEREIN AS A "IRON PIN SET" IS A SET 1/2" DIAMETER, REBAR 18" IN LENGTH, WITH A CAP STAMPED "22467".

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAW OF THE STATE OF IOWA.

DAVE R. HOBBS IOWA
REG. NO. 22467
My license renewal date is _____.



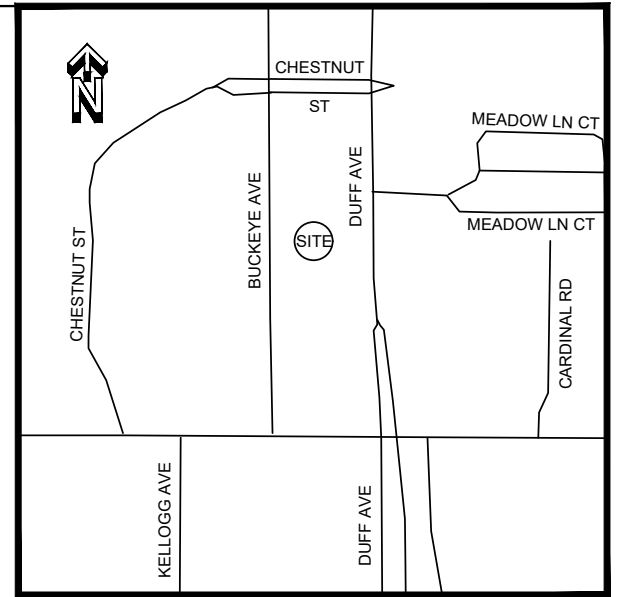
ACCESS EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
EL1	N 00°24'30" W	30.00'
EL2	N 89°35'30" E	39.98'
EL3	S 00°24'30" E	34.47'
EL4	N 89°35'30" E	189.01'
EL5	S 00°24'12" E	100.95'
EL6	N 89°53'23" W	41.83'
EL7	N 00°24'30" W	32.59'
EL8	N 89°35'30" E	27.83'
EL9	N 00°24'30" W	43.97'
EL10	S 89°35'30" W	200.08'
EL11	N 00°23'53" W	28.47'
EL12	S 89°35'30" W	14.90'
EL13	S 89°53'23" E	11.01'

ELECTRIC EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1	N 52°15'51" W	32.16'
L2	N 00°24'30" W	10.00'
L3	N 00°00'00" W	10.00'
L4	N 90°00'00" E	12.00'
L5	S 00°00'00" E	6.37'
L6	S 52°15'51" E	33.66'
L7	S 00°23'21" E	12.71'

FINAL PLAT
SIXTH ADDITION TO SOUTHWOOD SUBDIVISION



VICINITY MAP NOT TO SCALE

LEGEND:

- Iron Pin Found
- Boundary Line
- - - - - Adjacent Property Line
- - - - - Centerline of Road

YOUNG, HOBBS & ASSOCIATES

1202 CROSSLAND AVE. * CLARKSVILLE, TN 37040
PHONE 931-645-2524 * FAX 931-645-2768

TOTAL ACRES 0.942 TOTAL LOTS 1
ACRES NEW ROAD 0 MILES NEW ROAD 0

Date: 9-20-2021 (Field) PARCELS: 911-380-035 & 911-380-045

Date: 12-21-2021 (Office) Job No.: 176-21

Source of Title: Instrument Number 2019-07803

OWNER/DEVELOPER:
NLA DUFF, LLC
105 TALLAPOOSA ST
SUITE 307
MONTGOMERY, AL 36104-2549

0' 50' 100' 150'



GRAPHIC SCALE 1"=50'

REDUCED SIZE,
NOT TO SCALE

Filed By / Return To: ATS of Story County
212 SE 16th Street, Ames, IA 50010
File No. 2019-07692

ATTACHMENT 2`

Instrument #: 2019-07692
08/23/2019 04:01:49 PM Total Pages: 4
EASE EASEMENTS
Recording Fee: \$ 22.00
Stacie Herridge, Recorder, Story County Iowa



INSTRUMENT PREPARED BY:	Brian D. Torresi, 2605 Northridge Pkwy., Ames, IA 50010 (515) 288-2500
RETURN TO:	Brian D. Torresi, 2605 Northridge Pkwy., Ames, IA 50010

EASEMENTS

KNOW ALL PERSONS BY THESE PRESENTS:

That FHS AMES 1, L.P. and FHS AMES 2, L.P., for good and valuable consideration, do hereby grant unto the CITY OF AMES, IOWA, and its successors and assigns, electric easements upon, underground, over or across the following-described real estate:

A strip 10.00 feet in width across Lot One (1), being situated 5.00 feet on each side of the following centerline: Beginning at a point on the West line of Lot One (1) which is 138.51 feet north of the Southwest Corner thereof; thence N89°41'41"E, 79.61 feet, and there terminating;

A strip 10.00 feet in width across Lot One (1), being situated 5.00 feet on each side of the following centerline: Beginning at a point on the South line of Lot One (1) which is 72.39 feet east of the Southwest Corner thereof; thence N00°19'54"W, 134.12 feet, and there terminating;

A strip 10.00 feet in width across Lots Two (2) and Four (4), being situated 5.00 feet on each side of the following centerline: Beginning at a point on the East line of Lot Two (2), adjacent to Buckeye Avenue, which is 102.79 feet north of the Southeast Corner thereof; thence N89°49'48"W, 223.05 feet, and there terminating; AND,

A strip 10.00 feet in width across Lot Six (6), being situated 5.00 feet on each side of the following centerline: Beginning at a point on the East line of Lot Six (6) which is 79.00 feet south of the Northeast Corner thereof; thence S89°38'45"W, 50.29 feet, and there terminating;

The North 5.00 feet of Lot Eight (8); AND,

The South 5.00 feet and the East 36.00 feet of the South 21.00 feet of Lot Nine (9),
all of the foregoing in **FOURTH ADDITION TO SOUTHWOOD SUBDIVISION, AMES,
STORY COUNTY, IOWA.**

The undersigned further grants unto the **CITY OF AMES, IOWA**, and its successors and
assigns, water easements upon, underground, over or across the following-described real estate:

A strip 10.00 feet in width across Lots Two (2) and Six (6), being situated 5.00 feet on each
side of the following centerline: Beginning at a point on the East line of Lot Six (6) which is
7.24 feet north of the Southeast Corner thereof; thence $N89^{\circ}56'19''W$, 227.68 feet; thence
 $N00^{\circ}10'42''E$, 12.73 feet, and there terminating,

all of the foregoing in **FOURTH ADDITION TO SOUTHWOOD SUBDIVISION, AMES,
STORY COUNTY, IOWA.**

The undersigned further grants unto the **CITY OF AMES, IOWA**, and its successors and
assigns, sanitary sewer easements upon, underground, over or across the following-described real
estate:

A strip 20.00 feet in width across Lots Two (2), Four (4), and Six (6), being situated 10.00
feet on each side of the following centerline: Beginning at a point on the East line of Lot Two
(2), adjacent to Buckeye Avenue, which is 2.96 feet south of the Northeast Corner thereof;
thence $N89^{\circ}49'18''W$, 210.40 feet, and there terminating,

all of the foregoing in **FOURTH ADDITION TO SOUTHWOOD SUBDIVISION, AMES,
STORY COUNTY, IOWA.**

The foregoing rights are granted upon the express condition that the undersigned shall not
erect or place within the easement areas identified herein any building or other structure or
improvement, including, but not limited to, a retaining wall or fence, or any trees, shrubs, or other
landscape plantings other than grass or comparable ground cover except with the consent of the City
of Ames, Iowa. The City of Ames, Iowa shall have the right to trim or remove trees and shrubs

within the easement areas identified herein to prevent damage to utility service lines of the City of Ames, Iowa located within said easement areas.

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 the failure to use due care in the exercise of the granted rights.


Dated this 12th day of June, 2019.

(SIGNATURE PAGE FOLLOWS)

SIGNATURE PAGE OF
EASEMENTS

FHS AMES 1, L.P.

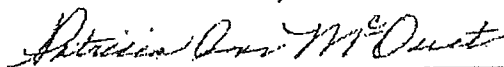
By: FHS INVESTMENTS, LLC, General Partner

By: 
Mark F. Simens, Manager

STATE OF California, COUNTY OF Contra Costa, SS:


This record was acknowledged before me on this 12th day of June, 2019, by Mark F. Simens, a Manager of FHS Investments, LLC, the General Partner of FHS Ames 1, L.P.




Notary Public, State of California
My commission expires 9/6/2019

FHS AMES 2, L.P.

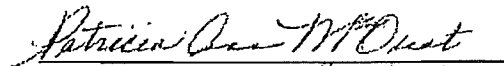
By: FHS INVESTMENTS, LLC, General Partner

By: 
Mark F. Simens, Manager

STATE OF California, COUNTY OF Contra Costa, SS:

This record was acknowledged before me on this 12th day of June, 2019, by Mark F. Simens, a Manager of FHS Investments, LLC, the General Partner of FHS Ames 2, L.P.




Notary Public, State of California
My commission expires 9/6/2019