

COUNCIL ACTION FORM

SUBJECT: SET DATE OF PUBLIC HEARING FOR VACATION OF EXISTING ELECTRIC UTILITY EASEMENT AT 2214 LINCOLN WAY, LOCATED ON LOT 23, PARKER'S ADDITION, AMES, IOWA

BACKGROUND:

An electric utility easement was granted in 2022 by the Memorial Lutheran Church at 2214 Lincoln Way for the future installation of a buried electric line across the property. During installation of the line in June 2023, it was determined by Electric Services engineering staff that the location of the buried electric line needed to be changed to prevent possible damage to a retaining wall on the Memorial Lutheran Church property. The change was made and the buried electric line was installed in an alternative alignment.

A new electric utility easement was obtained from the Memorial Lutheran Church over the actual location of buried electric line. The electric utility easement obtained in 2022 is no longer valid and should therefore be vacated. The easement to be vacated and the drawing is attached.

ALTERNATIVES:

1. Set September 12, 2023, as the public hearing date to consider vacation of the existing electric utility easement at 2214 Lincoln Way, located on Lot 23, Parker's Addition, Ames, Iowa.
2. Do not set a date of public hearing to consider vacation of the existing electric utility easement at 2214 Lincoln Way, located on Lot 23, Parker's Addition, Ames, Iowa.
3. Refer this item back to City staff for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

The electric utility easement at 2214 Lincoln Way serves no useful purpose to the community since the buried electric facilities are located in a different location. A new electric utility easement was obtained from the property owner at the proper location. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, to set September 12, 2023, as the date of public hearing for vacation of the existing electric utility easement at 2214 Lincoln Way, located on Lot 23, Parker's Addition, Ames, Iowa.

Return to:
City of Ames; (env)
Box 811
Ames IA 50010

Prepared by: Mark Imhoff, City of Ames Electric Engineering Division, 502 Carroll Avenue, Ames, Iowa 50010; ph. 515-239-5175

CITY OF AMES
ELECTRIC FACILITIES EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That I/we, Marionek Lutheran Church, its successors and assigns, (do/does) hereby grant, bargain and convey to the City of Ames, Iowa, a municipal corporation, a perpetual right of way and easement, with the right, privilege and authority to said municipal corporation, its successors, licensees, assigns and lessees, to locate, relocate, replace, construct, reconstruct, repair, operate, maintain, patrol and/or remove an underground line or lines of poles plus all relevant wires and fixtures, for the purpose of transmitting and/or distributing electric and telecommunications in, on, through, over, under and across the following described land in the County of Story, State of Iowa:

DESCRIPTION:

FIVE FEET ON EACH SIDE OF A LINE DESCRIBED AS STARTING AT THE NORTHWEST CORNER OF PARCEL Z; THENCE S00°13'17"W, 260.41 FEET ALONG THE WEST LINE OF PARCEL Z TO A POINT OF BEGINNING; THENCE N321°34'13"W, 92.81 FEET AND THE EAST 10 FEET OF A LOT DESCRIBED AS THE WEST 70 FEET OF LOT 22, PARKER'S ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA.

(See attached plat marked and made a part hereof.)

together with (a) the right, privilege and authority to trim, cut and remove from said premises any trees, overhanging branches or other obstructions within a radius of 10 (ten) feet from said line or lines of poles, wires and fixtures, as located, (b) the right of ingress and egress to, from and over the above-described premises for doing anything necessary or useful for the enjoyment of the easement herein granted, and (c) all other rights, easements, privileges and appurtenances, in or to said lands, which may be required for the full enjoyment of the rights herein granted, together with the right to assign or grant partially or wholly to others the right or license to use the easement herein granted or any part thereof for the uses and with the rights herein specified.

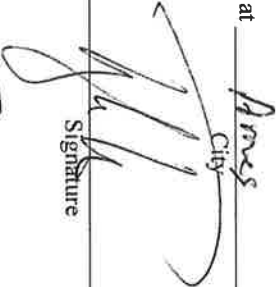
Grantor(s) warrant(s) that (he, she, it, they) (has, have) good title to the above described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantor(s), (his, her, its, their) tenants, heirs, successors and assigns shall have the right to use and enjoy said premises fully, except for the rights and privileges heretofore granted to the Grantee; provided however, that no buildings, structures or improvements either permanent or temporary in nature, nor shall the terrain be altered without prior written consent of Grantee, nor shall any other utilities be placed in, on, through, over or across the easement without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

The foregoing rights are granted upon the express condition that the City of Ames, Iowa, will assume all liability for all damages to the above described property caused by the City's failure to use due care in its exercise of the rights, privileges and authorities granted.

Dated at Ames City, Ia State, this 15 Day of February, 20 22 Year.

Signature



Printed Name

TYLER TESKE

ALL PURPOSE ACKNOWLEDGMENT

STATE OF IOWA
COUNTY OF Story) ss:

On this 15 day of February, A.D. 2012,
before me, the undersigned, a Notary Public in and for said
State, personally appeared

Tyler Teske

X to me personally known
or proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

Tami Manfull (sign in ink)
TAMI MANFULL (print/type name)

Notary Public in and for the State of IOWA
(Notary Seal)



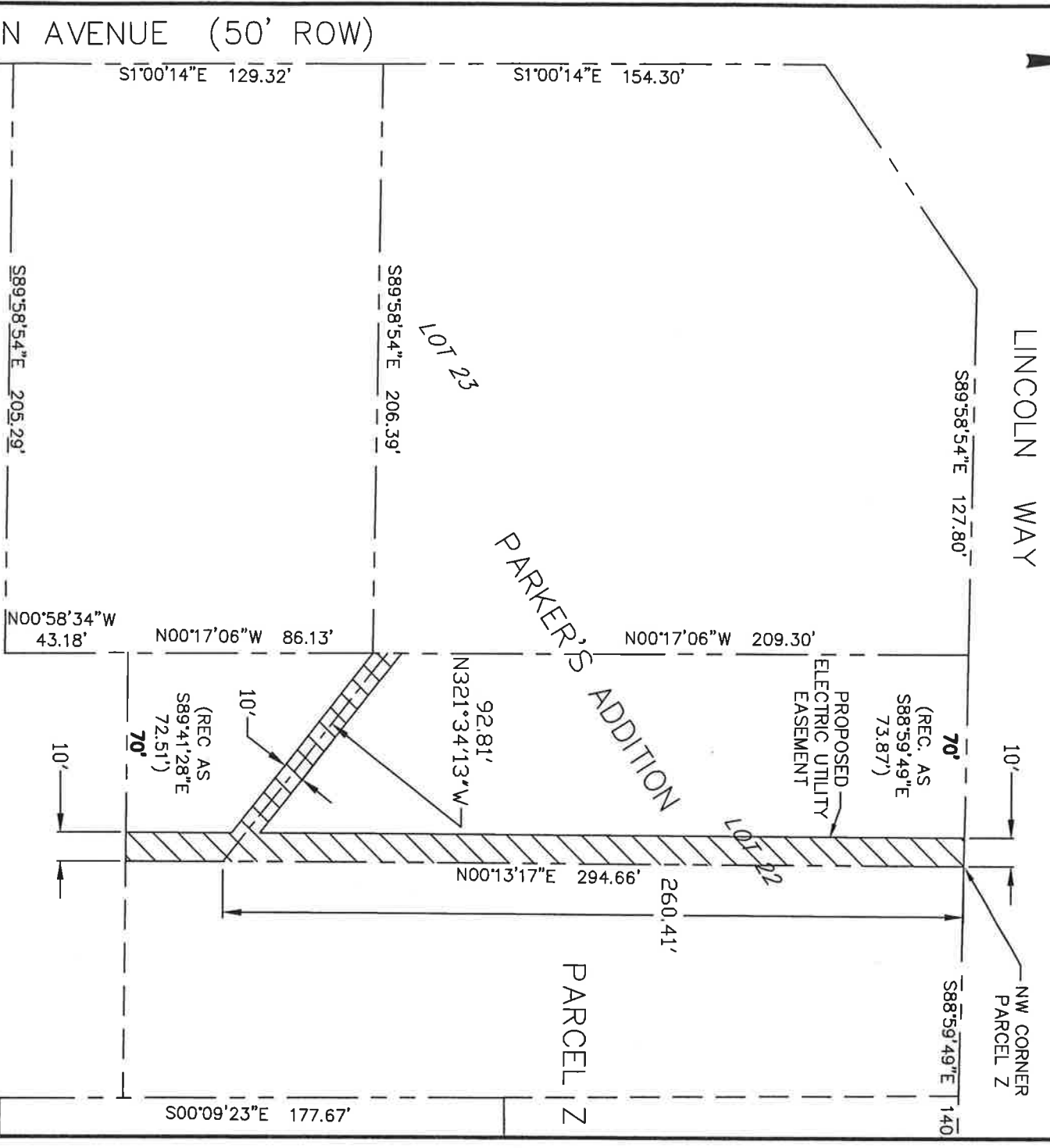
CAPACITY CLAIMED BY SIGNER:

 INDIVIDUAL
✓ CORPORATE
Title(s) of Corporate Officer(s):
Chairman

 Corporate Seal is affixed
X No Corporate Seal procured
 PARTNER(s): Limited Partnership
 General Partnership
 Attorney-In-Fact
 Executor(s) or Trustee(s)
 Guardian(s) or Conservator(s)
 Other:

SIGNER IS REPRESENTING:

List name(s) of person(s) or entity(ies)
Maryland Lutheran Church



EASEMENT DESCRIPTION

FIVE FEET ON EACH SIDE OF A LINE DESCRIBED AS STARTING AT THE NORTHWEST CORNER OF PARCEL Z; THENCE S00°13'17"W, 260.41 FEET ALONG THE WEST LINE OF PARCEL Z TO A POINT OF BEGINNING; THENCE N321°34'13"W, 92.81 FEET AND THE EAST 10 FEET OF A LOT DESCRIBED AS THE WEST 70 FEET OF LOT 22, PARKER'S ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA.



ELECTRIC UTILITY EASEMENT

MEMORIAL LUTHERAN CHURCH
2214 LINCOLN WAY

Drawing Number
EXHIBIT 'A'

Scale: 1" = 50'

Drawn: MEI 8/25/21
Checked:

Approved: Sheet 1 of 1