

COUNCIL ACTION FORM

**SUBJECT: VACATION OF PUBLIC UTILITY, SURFACE WATER FLOWAGE, AND STORM SEWER EASEMENTS AT 397 WILDER AVENUE**

**BACKGROUND:**

The Parks and Recreation Department is planning to construct a future City park at 397 Wilder Avenue (see Attachment A). Currently, public utility, surface water flowage, and storm sewer easements exist over the entire lot, which is owned and maintained by the Sunset Ridge property owner's association. Prior to development of the park, this lot is to be split by into two separate parcels by plat of survey (see Attachment B). Parcel A will be given to the City for the future park and Parcel B will remain under the ownership of the Sunset Ridge property owner's association.

As part of this plat, surface water flowage and storm sewer easements will be established over all of Parcel B. The revised easements on Parcel A (park parcel) will include a 10' wide public utility easement that will be established along the east edge and also surface flowage and storm sewer easements will be created over the northeast corner. **Because these easements will be established with the new plat, the current public utility, surface water flowage, and storm sewer easements over the existing lot can be vacated.**

Local utility companies were contacted regarding the proposed vacation of the existing public utility easement over the entire lot and the establishment of the new 10' public utility easement along the east edge of Parcel A. No objections or negative impacts from this change were indicated by any of the utilities.

**ALTERNATIVES:**

1. Set the date of public hearing as July 23, 2019 to approve the vacation of the aforementioned easements at 397 Wilder Avenue.
2. Reconsider the vacation of the aforementioned easements at 397 Wilder Avenue.

**MANAGER'S RECOMMENDED ACTION:**

With approval of the plat of survey for 397 Wilder Ave, the new easements will be established in their proper locations and the existing easements will become obsolete. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as noted above.**

# ATTACHMENT A



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.

Date: 6/28/2019

1 inch = 94 feet



# ATTACHMENT B PLAT OF SURVEY

## INDEX LEGEND

**LOCATION:** OUTLOT 'H' SUNSET RIDGE SUBDIVISION  
THIRD ADDITION, CITY OF AMES, STORY COUNTY IOWA

**REQUESTOR:** CITY OF AMES

**PROPRIETOR:** SUNSET RIDGE PROPERTY OWNERS  
ASSOCIATION

**SURVEYOR:** MYRON G. DARINGER

**SURVEYOR COMPANY:** CITY OF AMES

**RETURN TO:** CITY OF AMES, PUBLIC WORKS ENGINEER  
515 CLARK AVE., AMES, IA 50010



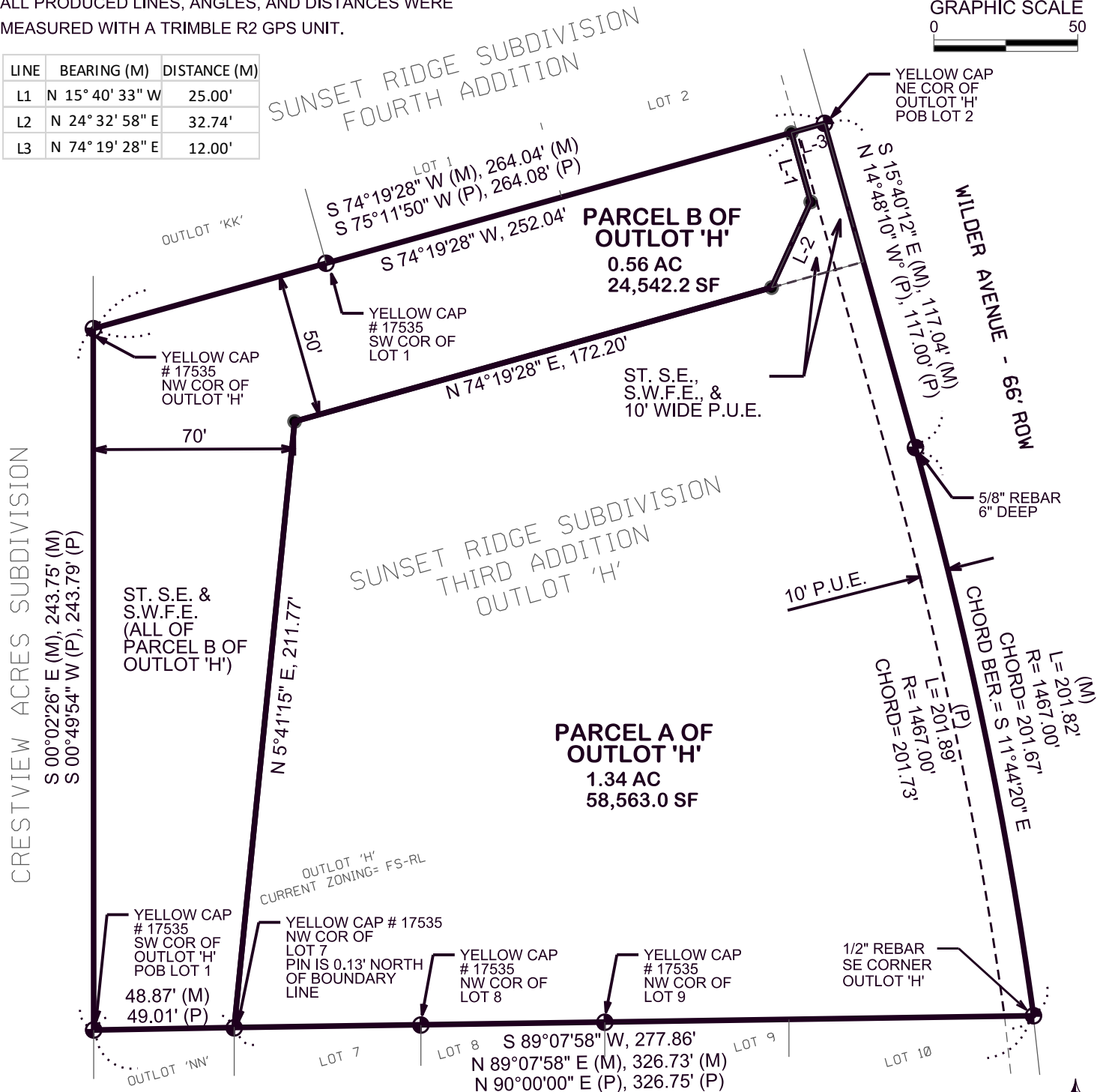
515-239-5276

**SURVEYOR'S REPORT**

ALL PRODUCED LINES, ANGLES, AND DISTANCES WERE  
MEASURED WITH A TRIMBLE R2 GPS UNIT.



LINE	BEARING (M)	DISTANCE (M)
L1	N 15° 40' 33" W	25.00'
L2	N 24° 32' 58" E	32.74'
L3	N 74° 19' 28" E	12.00'



NOTE: ALL BEARINGS ARE ASSUMED.

LICENSED PROFESSIONAL LAND SURVEYOR

MYRON G  
DARINGER  
19758

IOWA

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MYRON G DARINGER \_\_\_\_\_ DATE \_\_\_\_\_  
PRINTED OR TYPED NAME

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019 \_\_\_\_\_

PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 AND 2

The Ames City Council approved this plat of survey on \_\_\_\_\_, 20\_\_\_\_, with Resolution Number \_\_\_\_\_.

I certify that it conforms to all conditions of approval.

\_\_\_\_\_  
Planning and Housing Director

DATE	05/18/19
SCALE	1" = 50'
DRAWN	MD
FIELD BOOK	1
SHEET 1 OF 2	



# PLAT OF SURVEY

## INDEX LEGEND

LOCATION: OUTLOT 'H' SUNSET RIDGE SUBDIVISION  
THIRD ADDITION, CITY OF AMES, STORY COUNTY IOWA

REQUESTOR: CITY OF AMES

PROPRIETOR: SUNSET RIDGE PROPERTY OWNERS  
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SURVEYOR: MYRON G. DARINGER

SURVEYOR COMPANY: CITY OF AMES

RETURN TO: CITY OF AMES, PUBLIC WORKS ENGINEER  
515 CLARK AVE., AMES, IA 50010

### BOUNDARY DESCRIPTION PARCEL A

PARCEL A OF OUTLOT 'H', SUNSET RIDGE SUBDIVISION, THIRD ADDITION, TO THE CITY OF AMES, STORY COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF OUTLOT 'H', SUNSET RIDGE SUBDIVISION, THIRD ADDITION, TO THE CITY OF AMES, STORY COUNTY, IOWA: THENCE S 15°40'12" E ON THE EAST LINE OF SAID OUTLOT 'H' BEING THE WEST RIGHT-OF-WAY OF WILDER AVENUE, A DISTANCE 117.04 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST WITH A LENGTH OF 201.82 FEET, A RADUIS OF 1467.00 FEET, A CHORD DISTANCE OF 201.67 FEET, AND A CHORD BEARING OF S 11°44'20" E, ENDING AT THE SOUTHEAST CORNER OF SAID OUTLOT 'H'; THENCE S 89°07'58" W, ON THE SOUTH LINE OF SAID OUTLOT 'H', A DISTANCE OF 277.86 FEET; THENCE N 05°41'15" E, A DISTANCE OF 211.77 FEET; THENCE N 74°19'28" E, A DISTANCE OF 172.20 FEET; THENCE N 24°32'58" E, A DISTANCE OF 32.74 FEET; THENCE N 15°40'33" W TO A POINT ON THE NORTH LINE OF SAID OUTLOT 'H', A DISTANCE OF 25.00 FEET; THENCE N 74°19'28" E ON SAID NORTH LINE, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED BOUNDARY CONTAINS 1.34 ACRES (58,563.0 S.F.), MORE OR LESS.

OWNER: SUNSET RIDGE PROPERTY OWNERS

### BOUNDARY DESCRIPTION PARCEL B

PARCEL B OF OUTLOT 'H', SUNSET RIDGE SUBDIVISION, THIRD ADDITION, TO THE CITY OF AMES, STORY COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF OUTLOT 'H', SUNSET RIDGE SUBDIVISION, THIRD ADDITION, TO THE CITY OF AMES, STORY COUNTY, IOWA: THENCE N 89°07'58" E ON THE SOUTH LINE OF SAID OUTLOT 'H', A DISTANCE 48.87 FEET; THENCE N 05°41'15" E, A DISTANCE OF 211.77 FEET; THENCE N 74°19'28" E, A DISTANCE OF 172.20 FEET; THENCE N 24°32'58" E, A DISTANCE OF 32.74 FEET; THENCE N 15°40'33" W TO A POINT ON THE NORTH LINE OF SAID OUTLOT 'H', A DISTANCE OF 25.00 FEET; THENCE S 74°19'28" W ON SAID NORTH LINE TO THE NORTHWEST CORNER OF SAID OUTLOT 'H', A DISTANCE OF 252.04 FEET; THENCE S 00°02'26" E ON THE WEST LINE OF SAID OUTLOT 'H', A DISTANCE OF 243.75 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED BOUNDARY CONTAINS 0.56 ACRES (24,542.2 S.F.), MORE OR LESS.

OWNER: SUNSET RIDGE PROPERTY OWNERS

### LEGEND

● MONUMENT FOUND  
● MONUMENT SET  
5/8" REBAR W/ ORANGE CAP  
# 19758

(M) MEASURED  
(P) PLATTED  
(R) RECORDED  
POB POINT OF BEGINNING

S.W.F.E. = SURFACE WATER FLOWAGE EASEMENT  
ST. S.E. = STORM SEWER EASEMENT  
P.U.E. = PUBLIC UTILITY EASEMENT

NOTE: THE CITY OF AMES, IOWA HAS THE PERPETUAL RIGHT TO CONSTRUCT, RECONSTRUCT, MAINTAIN, REPAIR AND USE UTILITY SERVICES AND APPARATUS UPON, UNDERGROUND, OVER AND ACROSS THE EASEMENT LANDS SHOWN ON THIS PLAT.

DATE
05/18/19
SCALE
1" = 50'
DRAWN
MD
FIELD BOOK
1
SHEET 2 OF 2

## Utility Easements

**Know All Persons:** The undersigned, Sunset Ridge Property Owners Association, an Iowa nonprofit corporation (hereinafter referred to as the “*Grantor*”), its successors and assigns, for valuable consideration, do hereby grant unto the City of Ames, Iowa, an Iowa municipal corporation, hereinafter referred to as the “*Grantee*”), upon the conditions hereinafter recited, the perpetual right to enter upon the land hereinafter described as the Easement Area for the uses set forth hereinafter, upon, across and under the Easement Area together with a perpetual right of ingress and egress between said Easement Area from adjacent public rights-of-way. The Easement Area(s) are a strip of land situated in Story County, Iowa, shown on the attached Plat of Survey, and described as follows:

For the use of a **surface water flowage and storm sewer system:**

The real property shown on **Schedule “A”** attached hereto and by this reference made a part hereof.

For **general public utility** use:

The real property shown on **Schedule “B”** attached hereto and by this reference made a part hereof.

For the use of a **surface water flowage and storm sewer system:**

The real property shown on **Schedule “C”** attached hereto and by this reference made a part hereof.

Grantee shall have the right within the Easement Area to construct, reconstruct, cover over, clean up, operate, use, maintain, and repair the systems described. The foregoing rights are granted by the Grantor and shall be accepted and exercised by the Grantee, if at all, subject to the following terms and conditions:

- 1 Obstructions Prohibited.** The Grantor, as the fee simple owner of the underlying real estate, and the Grantors’ successors and assigns, shall not erect or place within the Easement Area any building or other structure or improvement or any trees, shrubs or other landscape plantings other than grass or comparable ground cover except with the prior written consent of the Grantee. The Grantee shall have the right to prevent damage to a permitted improvement of the Grantee located in the Easement area.
- 2 Restoration.** Immediately following construction, reconstruction, or repair work by the Grantee within the Easement Area, weather and season permitting, Grantee shall return the Easement Area to its condition prior to said work, at Grantee’s sole cost, in a manner consistent with City standards.

- 3 **Nonexclusive Easement.** The easement rights granted under this instrument to the Grantee are nonexclusive. This instrument shall not preclude the Grantor from granting similar easement rights to third parties upon terms and conditions that do not impair or diminish the rights granted under this instrument to the Grantee.
- 4 **Title Warranty.** The Grantor warrants to the Grantee that the Grantor holds the Easement Area by title in fee simple; that the Grantor has good and lawful authority to grant the easement rights herein provided for; and that the Easement Area is free and clear of all liens and encumbrances.
- 5 **Successors and Assigns.** The easements rights granted under this instrument shall be binding upon successors or assigns, or both, of the Grantor and the Grantee.
- 6 **Interpretation.** Words and phrases used in this instrument shall be construed as in the single or plural number, and as masculine, feminine or neuter gender, according to the context. This instrument shall be governed exclusively by and construed in accordance with the laws of the State of Iowa. The paragraph headings in this instrument are for convenience only and in no way define or limit the scope or intent of any provisions of this instrument.

**In Witness Whereof** the undersigned has executed this instrument on \_\_\_\_\_, 2019.

**SUNSET RIDGE PROPERTY OWNERS ASSOCIATION**

By: \_\_\_\_\_  
Craig Mack, President

By: \_\_\_\_\_  
Jody Gatewood, Secretary

**STATE OF IOWA, COUNTY OF STORY, SS.:**

This instrument was acknowledged before me on July \_\_\_\_\_, 2019, by Craig Mack and Jody Gatewood, as President and Secretary, respectively, of Sunset Ridge Property Owners Association.

\_\_\_\_\_  
**NOTARY PUBLIC**

**Schedule 'A' – Surface Water Flowage and Storm Sewer**

PART OF OUTLOT 'H', SUNSET RIDGE SUBDIVISION, THIRD ADDITION, TO THE CITY OF AMES, STORY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF OUTLOT 'H', SUNSET RIDGE SUBDIVISION, THIRD ADDITION, TO THE CITY OF AMES, STORY COUNTY, IOWA: THENCE S 15°40'12" E, ON THE EAST LINE OF SAID OUTLOT 'H' BEING ON THE WEST RIGHT-OF-WAY OF WILDER AVENUE, A DISTANCE 50.00 FEET; THENCE S 74°19'28" W, A DISTANCE OF 33.14 FEET; THENCE N 24°32'58" E, A DISTANCE OF 32.74 FEET; THENCE N 15°40'33" W TO A POINT ON THE NORTH LINE OF SAID OUTLOT 'H', A DISTANCE OF 25.00 FEET; THENCE N 74°19'28" E ON SAID NORTH LINE, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED BOUNDARY CONTAINS 0.19 ACRES (864.1 S.F.), MORE OR LESS.

**Schedule 'B' – Public Utility**

THE EAST 10 FEET OF PARCEL "A" OF OUTLOT 'H', SUNSET RIDGE SUBDIVISION, THIRD ADDITION, TO THE CITY OF AMES, STORY COUNTY, IOWA.

**Schedule 'C' – Surface Water Flowage and Storm Sewer**

ALL OF PARCEL "B" OF OUTLOT 'H', SUNSET RIDGE SUBDIVISION, THIRD ADDITION, TO THE CITY OF AMES, STORY COUNTY, IOWA