

ITEM #: 37  
DATE: 04-21-20

**COUNCIL ACTION FORM**

**REQUEST: APPROVE VACATION OF THE REMOTE PARKING EASEMENT FOR PROPERTY LOCATED AT 901 N. 4<sup>TH</sup> STREET**

**BACKGROUND:**

Kori Heuss is requesting that the City Council vacate a remote parking easement on property located at 901 N. 4<sup>th</sup> Street (Lot #1, Cooper's First Addition). *(See Attachment A: Location Map).* **This easement was granted by Kent and Joan Cooper to Donald Heuss on July 8, 1992 to provide not more than nine remote parking spaces for customers of the Heuss Printing office (903 N. 2<sup>nd</sup> Street). The location of the remote parking spaces was to be on land later described as Cooper's First Addition, including all five lots.** There are no defined parking spaces at 901 N. 4<sup>th</sup> Street for this easement, nor have any been constructed in any area of the easement as approved by City Council in 1992. *(See Attachment B: Remote Parking Easement, and Attachment C: Final Plat of Cooper's First Addition.)*

MetroNet, a telecommunications company, is proposing to construct a 70-foot tower and equipment shelter at 901 N. 4<sup>th</sup> Street. They are asking the current property owner (Heuss Property Management LLC) to have the remote parking easement removed by the City Council, prior to finalizing purchase of the property.

In an email (dated March 23, 2020) written to the Mayor and City Council, Kori Heuss states that the remote parking easement would prevent sale of the property to MetroNet from going through if the City Council does not remove the easement from the property at 901 N. 4<sup>th</sup> Street. Ms. Heuss asked that staff be directed by the City Council to investigate this issue, and that the City Council take action at their next meeting to allow MetroNet to move forward with purchase of the property and to proceed with their construction. *(See Attachment D: Email from Kori Heuss.)* On March 24, 2020, the City Council referred the request from Ms. Heuss to City staff for further analysis and a report back to City Council.

The property at 903 N. 2<sup>nd</sup> Street was occupied by Heuss Printing in 1988 and was later purchased by Donald Heuss in 1991. Heuss Printing was remodeled into offices in 1992, which brought about creation of the remote parking easement to provide parking for the new use. The property at 827 N. 2<sup>nd</sup> Street was purchased by Heuss in 1993, and is used as a warehouse to store paper, and other miscellaneous items as needed.

**If the City Council chooses to vacate the Remote Parking Easement on Lot #1, at 901 N. 4<sup>th</sup> Street, the remainder of the remote parking easement on Lots #2, #3, #4 and #5 would remain in place. If the need arises in the future to provide remote parking**

spaces for Heuss Printing, Lot #2 at 827 N. 2<sup>nd</sup> Street (a property now owned by Heuss) could accommodate the remote parking necessary to bring the Heuss Printing office into compliance with the current Code. Ms. Heuss has expressed to staff that there is more than enough parking in existence to accommodate the need for parking by customers and employees, and that the remote parking easement is no longer needed.

**ALTERNATIVES:**

1. The City Council can approve Vacation of the Remote Parking Easement for Property Located at 901 N. 4<sup>th</sup> Street (Lot #1, Cooper's First Addition).
2. The City Council can choose not to Vacate the Remote Parking Easement for Property Located at 901 N. 4<sup>th</sup> Street (Lot #1, Cooper's First Addition).

**CITY MANAGER'S RECOMMENDED ACTION:**

The lot being purchased by MetroNet (901 N. 4<sup>th</sup> Street) has never been used to provide the nine remote parking spaces for Heuss Printing at 903 N. 2<sup>nd</sup> Street. If the need for remote parking arises, there is adequate space available to establish remote parking spaces across the street from Heuss Printing at 827 N. 2<sup>nd</sup> Street, on property that they currently own. **Partially vacating the remote parking easement, to remove Lot #1 at 901 N. 4<sup>th</sup> Street, will not affect the ability of property at 903 N. 2<sup>nd</sup> Street from complying with parking requirements with remote parking if it is needed.**

**Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1 and approve vacation of the remote parking easement for property located at 901 N. 4<sup>th</sup> Street (Lot #1, Cooper's First Addition).**

## ADDENDUM

On March 24, 2020, the City Council approved a Major Site Development Plan (MSDP) for MetroNet to establish a basic utility use and construct a communications tower at 901 N. 4<sup>th</sup> Street (See Attachment A: Location & Zoning Map). The property is legally described as Lot #1 of Cooper's First Subdivision and includes 7,868 square feet.

On March 25, 2020, the Zoning Board of Adjustment granted a Special Use Permit to MetroNet for a wireless communications facility at 901 N. 4<sup>th</sup> Street.

In an email (dated March 23, 2020) written to the Mayor and City Council, Kori Heuss requests that the City Council remove the remote parking easement established on the property at 901 N. 4<sup>th</sup> Street in 1992. (See Attachment D: Email from Kori Heuss.) MetroNet has a sale agreement with Heuss for purchase of the property; however, without removal of the easement on the property by the City Council, Ms. Heuss says the property sale will not go through. The email provides additional background information including properties owned by Heuss Property Management in the immediate vicinity, and numbers of parking spaces for each Heuss Printing facility. (See Attachment E: Heuss Properties.)

The table below lists the properties owned by Heuss Property Management LLC, and provides information on the type of use, number of existing parking spaces, the parking surface and location and the required parking by current standards in the *Municipal Code*.

<b>Existing Use and Parking for Heuss Properties (Per Current Zoning)</b>					
Address	Type of Use	Min. Parking to Meet Current Stds.	Existing Parking	Location of Parking	Parking Surface
901 N. 4 <sup>th</sup> St.	Future MetroNet Site	N/A	N/A	N/A	N/A
903 N. 2 <sup>nd</sup> St.	Office & Copy Center	23 spaces	10 spaces	Street R.O.W. N. 2 <sup>nd</sup> St. & N. Elm Ave.	Concrete
911 N. 2 <sup>nd</sup> St.	Printing & Publishing	13 spaces	16 spaces	On-Site Parking Lot	Gravel
827 N. 2 <sup>nd</sup> St.	Warehouse	2 spaces	6 spaces	*Inside the Warehouse	Concrete in Building/Gravel on the Lot
908 N. 4 <sup>th</sup> St.	Leased to Photo Studio	N/A	N/A	N/A	N/A

**\*There is adequate space to provide additional parking at 827 N. 2<sup>nd</sup> Street that could be used as remote parking for the Heuss Printing office at 903 N. 2<sup>nd</sup> Avenue, if the gravel surface was paved.**

Attachment A: Location Map



**LOCATION MAP:**  
901 North 4th Street (MetroNet)  
Proposed remote parking easement vacation



1 inch = 100 feet  
Date: 4/8/2020

Attachment B: Remote Parking Easement

INST. NO. \_\_\_\_\_  
 STORY COUNTY, IOWA  
 FILED FOR RECORD

11:55  
 AM JUL 10 1992 PM

*Susan L. Vande Kamp*  
 SUSAN L. VANDE KAMP, Recorder

Recording Fee \$ 10.00

Auditor's Fee \$ \_\_\_\_\_

HEUSS PRINTING  
 REMOTE PARKING EASEMENT

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The undersigned Grantors, Kent Cooper and Joan Cooper, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, their successors and assigns, in consideration of the sum of One Dollar and other good and valuable consideration in hand paid, do hereby grant and convey to Donald Heuss, his successors and assigns, and to the City of Ames, Grantees, the right, title and easement to park or direct and permit the parking of not more than 9 motor vehicles of the business invitees for the Heuss Printing business premises at 903 South 2nd Street, Ames, Iowa, on the land located at the corner of South Fourth and Elm Streets in Ames, Story County, to wit:

Lots 1 and 2 in Block 1, College Park Addition: That part of Outlot B in College Park Addition that lies west of the westerly right-of-way of Grand Avenue (U.S. Highway #69); Part of Outlot C in College Park Addition; That part of vacated Fourth Street lying adjacent to the above described parcels; That part of the former right-of-way of the Fort Dodge, Des Moines and Southern Railway Company; And That part of the former right-of-way of the Chicago and Northwestern Transportation Company right-of-way, all in the City of Ames, Iowa, and all being more particularly described by metes and bounds as follows: Commencing at the Southeast corner of Section 3, Township 83 North, Range 24 West of the 5th P.M., in the City of Ames, Story County, Iowa; thence N01°-08'08"W, 459.86 feet along the east line of the Southeast Quarter of said Section 3; thence S89°-15'41"W, 115.14 feet to the westerly right-of-way of Grand Avenue and the point of beginning; thence N02°-13'34"E, 89.70 feet along said westerly right-of-way to a point that is 50.0 feet southerly, measured at a right angle, from the centerline of the south track of said Chicago and Northwestern Transportation Company; thence Northwesterly, 202.86 feet along a curved line that is 50.0 feet Southerly from and parallel with the centerline of said south track, said curved line having a radius of 3050.0 feet concave northeasterly, and having a long chord bearing of N75°-16'14"W; thence Northwesterly, 276.78 feet along a curved line that is 50.0 feet Southerly from and parallel with the centerline of said south track, said curved line having a radius of 6825.0 feet, concave northeasterly, and having a long chord bearing of N72°-12'12"W, to the intersection of said curved line with the extension of the westerly line of Elm Avenue; thence S00°-46'19"E, 76.94 feet along said line to the northerly line of Fourth Street; thence S67°-19'35"E, 71.94 feet along said northerly line to the easterly line of Elm Avenue; thence S00°46'19"E, 126.12 feet to the northerly line of Second Street; thence N89°-15'41"E, 387.11 feet along said northerly line to the point of beginning, containing 62,063 S.F. (1.424 acres) and subject to existing easements. (See attached plat.)

STATE OF IOWA } ss 10  
 Story County }  
 Entered for taxation this 10 day of July, A.D. 1992  
*Judy R. Ammons*  
 County Auditor

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## Attachment B: Remote Parking Easement

The 9 parking spaces provided for hereunder shall at all times be clearly marked as such by the Grantor and the Grantor shall maintain the said spaces and access routes to and from the spaces in a passable and usable condition, clear of snow accumulations, ponded water, brush, weeds, or other conditions that could impede or discourage use of the spaces.

The forgoing shall be a covenant running with the land. If said rights and obligations are defeated, annulled or undone through forfeiture, default or breach of land purchase contract, mortgage foreclosure, bankruptcy, or other event or process, Grantors shall be bound hereby to Grantees to acquire and provide replacement parking rights under the same terms at a site within 300 feet of the building or buildings on the business premises at 903 South 2nd Street, Ames, Iowa; and, the Grantor shall compensate Grantee for any loss of business income that results if the premises at 903 South 2nd Street are required to close due to insufficient off-street parking under the ordinances of the City of Ames.

The foregoing shall not be released, abandoned, or conveyed except by resolution of the Ames City Council.

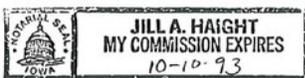
GRANTORS

By: *Kent Cooper*  
Kent Cooper

By: *Joan Cooper*  
Joan Cooper

STATE OF IOWA, STORY COUNTY ss:

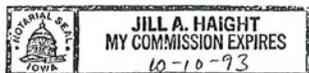
On this 8<sup>th</sup> day of July, 1992, before me, a Notary Public in and for Story County, personally appeared Kent Cooper, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



*Jill A. Haight*  
Notary Public in and for  
Story County, Iowa

STATE OF IOWA, STORY COUNTY ss:

On this 8<sup>th</sup> day of July, 1992, before me, a Notary Public in and for Story County, personally appeared Joan Cooper, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.



*Jill A. Haight*  
Notary Public in and for  
Story County, Iowa

Parking/Heuss.514

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## Attachment D: Email from Kori Heuss

**From:** "Kori Heuss" <kori@heuss.com>  
**To:** "randerson@city.ames.ia.us" <randerson@city.ames.ia.us>, "gbetcher@cityofames.org" <gbetcher@cityofames.org>, "dmartin@cityofames.org" <dmartin@cityofames.org>, "tgartin@cityofames.org" <tgartin@cityofames.org>, "rjunk@cityofames.org" <rjunk@cityofames.org>, "bbeatty-hansen@cityofames.org" <bbeatty-hansen@cityofames.org>, "acorrieri@cityofames.org" <acorrieri@cityofames.org>, "dleeson@cityofames.org" <dleeson@cityofames.org>  
**Cc:** "connie.shidler@metronetinc.com" <connie.shidler@metronetinc.com>, "Don Heuss" <dh@heuss.com>, "Michael Purcell" <mpurcell@friedrich-realty.com>

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**Date:** Monday, March 23, 2020 11:11AM  
**Subject:** Metronet Council Agenda Item From Heuss Printing

History:      ➤ This message has been forwarded.

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Hello all,

I have an item for Tuesday night during the public forum as it just came to our attention and is not on the agenda. To keep my comments succinct and not take up your time, I wanted to send the information ahead of time. I will try to avoid repeating the information on Tuesday and just be present for any questions.

Heuss Property Management, LLC. has a sale agreement with Metronet for 901 North 4<sup>th</sup> Street. The City of Ames placed a parking easement on that parcel in 1993. That easement would prevent the sale from going through. I am asking for the city council to refer this issue to staff to allow the removal of the easement on that parcel.

I have been told that when this area was a business park (there used to be a business park sign listing area businesses on this block) that the easement allowed enough parking to be located in the area.

I think it would be useful for you to understand the area if you have not spent your free time studying parking around our buildings. Heuss Property Management owns the following properties:

827 North Second Street  
911 North Second Street  
903 North Second Street  
901 North Fourth Street  
908 North Fourth Street

Heuss Printing operates in 903 North Second Street, 911 North Second Street, and 827 North Second Street. Craig Carol Photography rents 908 North Fourth. 901 North Fourth Street is currently in a sale agreement with Metronet. Heuss Printing does not use 901 North Fourth Street in any fashion.

As it appears that this was a parking easement and we are asking to remove that easement on parcel 901 North Fourth Street, I think it would help to know about traffic in the area and available parking. Heuss Printing operates with 18 Full Time Employees. The building the customers walk into is 903 North Second Street. There are 8 parking spaces at that building. They are never full. 911 North Second Street has 20 parking spaces. 827 North Second Street has a large lot and I am not sure the number of spaces. It would hold at least 20 cars. 7 employees work in 903 North Second Street and park across the street at 827 North Second Street or in 4 spaces along the East side of the building. The 4 spaces on the south of the building are always reserved for customers. Those spaces are often used for drive

## Attachment D: Email from Kori Heuss

up copy center work. As we offer free delivery and have sales people on the road, most meetings occur outside of the office and most work is delivered at no charge to customers. 911 North Second Street is the production facility and has 6 employees. They park in the 911 North Second Street lot which has 20 parking spaces.

I know this is a lot of parking talk. I can clarify any questions for you at the meeting. Again, my request is to remove the easement at 901 North 4<sup>th</sup> Street to allow Metronet to purchase that property and proceed with their construction. I believe to start the process that the City Council must direct staff to look at this issue. As City Council meetings are every two weeks, I would like to address this as quickly as possible to allow Metronet to move forward.

My Regards,



President & Owner | 903 North Second Street | Ames, Iowa 50010  
O:515.232.6710 | M:515.290.3260 | [www.heuss.com](http://www.heuss.com)

Attachments:

image002.jpg

