

ITEM #:	<u>43</u>
DATE:	<u>05-14-24</u>
DEPT:	<u>PW</u>

COUNCIL ACTION FORM

**SUBJECT: VACATING EXISTING ELECTRIC UTILITY EASEMENTS AT 302 AND 212
SONDROL AVENUE**

BACKGROUND:

Mechanical Comfort, Inc at 302 Sondrol Avenue has purchased the property adjacent to the south at 212 Sondrol Avenue for the purpose of a building expansion (see attached aerial). There is an existing storm sewer pipe and Electric Utility Easement running along the lot line between these two parcels from the original development of the subdivision in 1986, which would prevent this building expansion. **There are no electric facilities within or planned for the existing easement area.**

The property owner has had a foundation designed for the expansion using beam footings that will be placed outside of the easement and allow the building to safely span the storm sewer. To facilitate this construction, the existing storm sewer can remain in place, however the existing Utility Easements need to be vacated and a new Storm Sewer Easement (attached - drafted by City legal staff) needs to be approved.

The existing Electric Utility Easements to be vacated are as follows:

The South 5 feet of Lot 1, Third Addition to Sondrol's Subdivision, Ames, Iowa (302 Sondrol Avenue);
-AND-

The North 5 feet of Lot 3, Second Addition to Sondrol's Subdivision, Ames, Iowa (212 Sondrol Avenue).

The new Storm Sewer Easement includes provisions to protect the City's interest, such as:

- The City maintains the right within the easement area to construct, reconstruct, cover over, clean up, operate, use, maintain, and repair the sewer.
- At the City's sole discretion, it may be determined that the existing storm sewer needs to be relocated from under the building. The property owner is solely responsible for all costs for relocation and abandoning the existing sewer.
- The City is protected from liability from any damage to the building due to the storm sewer.
- This easement agreement is binding upon all successors and assigns.

Vacating an easement requires setting and holding a public hearing. Therefore, the action requested is to set the public hearing for easement vacation for May 28, 2024, at which time the new Storm Sewer Easement will first be approved and then the existing Electric Utility Easements will be vacated.

ALTERNATIVES:

1. Set date of Public Hearing for May 28, 2024, to vacate the existing Electric Utility Easements along the lot line of 302 and 212 Sondrol Avenue, as described above.
2. Do not move forward with the easement vacation process.

CITY MANAGER'S RECOMMENDED ACTION:

Vacating the existing easement and replacing it with the new Storm Sewer Easement will facilitate the expansion plans of Mechanical Comfort while allowing the existing storm sewer to stay in place as long as no problems occur. **Therefore, it is the recommendation of the City Manager that the City council adopt Alternative No.1, as noted above.**

ATTACHMENT(S):

[302 Sondrol Storm Sewer Easement.pdf](#)

[302 Sondrol Aerial.pdf](#)