

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 8, 2015
	Agenda Item No. 16 Roll Call No. <u>15-904</u> Communication No. <u>15-290</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Release of a Temporary Easement for Vehicular Turnaround within Brook Run Village Plat 15.

SYNOPSIS:

Recommend the City Council approve the release of a Temporary Easement for Vehicular Turnaround sited on lots 22 and 23 within Brook Run Village Plat 15, located at the western terminus or 4800 block of E. Ovid Avenue within the Brook Run Village Planned Unit Development. A request to abandon the turnaround easement on Lots 22 and 23 was made by the owner/homebuilder of the currently undeveloped lots so that proposed construction of two (2) new homes will not be encumbered by the easement.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

Brook Run Village Plat 15 is an existing single-family residential development located in the vicinity of Park Side Drive and E. Ovid Avenue, consisting of 27 single-family lots. The property was developed by Gratias Construction, Inc., 1350 NW 138th Street, Suite 500, Clive, IA 50325, Tom Gratias, President.

On November 7, 2005, by Roll Call No. 05-2651, City Council approved the subdivision plat titled Brook Run Village Plat 15, formally reserving a 30-foot wide Temporary Vehicular Turnaround Easement on Lot 22 (4850 E. Ovid Avenue) and Lot 23 (4851 E. Ovid Avenue). The intent of the Temporary Vehicular Turnaround Easement was to allow a protected public turnaround on a dead-end street segment until such time that a future development extended the public street onto the adjoining property west of Brook Run Village Plat 15.

On April 15, 2015, the proposed home builder (Ted Grob, Savannah Homes), with consent from the property owner (Tom Gratias, Gratias Construction, Inc.) of Lots 22 and 23, requested the formal abandonment of the Temporary Vehicular Turnaround Easement to the Community Development Department. The purpose of the request was due to concern about market viability of selling homes on the two (2) single-family lots containing an easement with a 30-foot wide swath of paving encumbering a significant portion of the front yards.

Representatives from the Engineering, Fire and Public Works Departments have reviewed the request, and provided concurrence that removal of the easement at this minimal dead-end street segment will

produce insignificant impacts to City operations such as snow removal, garbage pickup, and emergency response turnaround needs. Should the property west of Brook Run Village Plat 15 develop in the future, it is likely that E. Ovid Avenue would be extended, eliminating the current dead-end street configuration.

The entire Brook Run Village subdivision is nearing complete build out, with only a few platted lots remaining for the construction of new homes, including the two (2) subject lots referenced in this communication.

PREVIOUS COUNCIL ACTION(S):

Date: February 13, 2012

Roll Call Number: [12-0174](#)

Action: [Subdivision](#) improvement Letter of Credit reduction for Brook Run Village Plats 13, 14 and 15. ([Council Communication No. 12-054](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: July 27, 2009

Roll Call Number: [09-1313](#)

Action: [Approving](#) acceptance of updated Irrevocable Letter of Credit surety for subdivision improvements for Brook Run Village Plats 13, 14 and 15. ([Council Communication No. 09-502](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: November 7, 2005

Roll Call Number: 05-2649, 05-2650, and 05-2651

Action: Conditional approval of final subdivision plats located south of E. Douglas Avenue, north of E. Hull Avenue and west of Village Run Drive for the following:

- (A) Brook Run Village Plat 13. ([Council Communication No. 05-617](#)) Moved Vlassis to adopt. Motion Carried 7-0.
- (B) Brook Run Village Plat 14. ([Council Communication No. 05-616](#)) Moved Vlassis to adopt. Motion Carried 7-0.
- (C) Brook Run Village Plat 15. ([Council Communication No. 05-615](#)) Moved Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: July 19, 2001

Resolution Number: N/A

Action: Plan and Zoning Commission Moved staff recommendation to approve the revised “Brook Run” preliminary plat subject to the applicant revising the plat in conformance with the letter from the Permit and Development Center Administrator and the condition that the fire flow calculations be supplied.

Board: Plan and Zoning Commission

Date: August 20, 1998

Resolution Number: N/A

Action: Plan and Zoning Commission recommendation to approve “Brook Run” preliminary plat, accepting staff recommendations.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk’s Office at 515-283-4209 or visit the Clerk’s Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk’s Office on Thursday afternoon preceding Monday’s Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk’s Office or sending their request via email to cityclerk@dmgov.org.