F5

City of Hiawatha
Community Development Department

Purpose: Vacation of Public Property **Date:** 07/24/2018

To: Hiawatha City Council

Name of Plan: POS 2262: Previous ROW for Robins Road at NCPR intersection.

Address: TBD **Zone**: CPR-1

Reviewed by: Patrick Parsley, Community Development Director

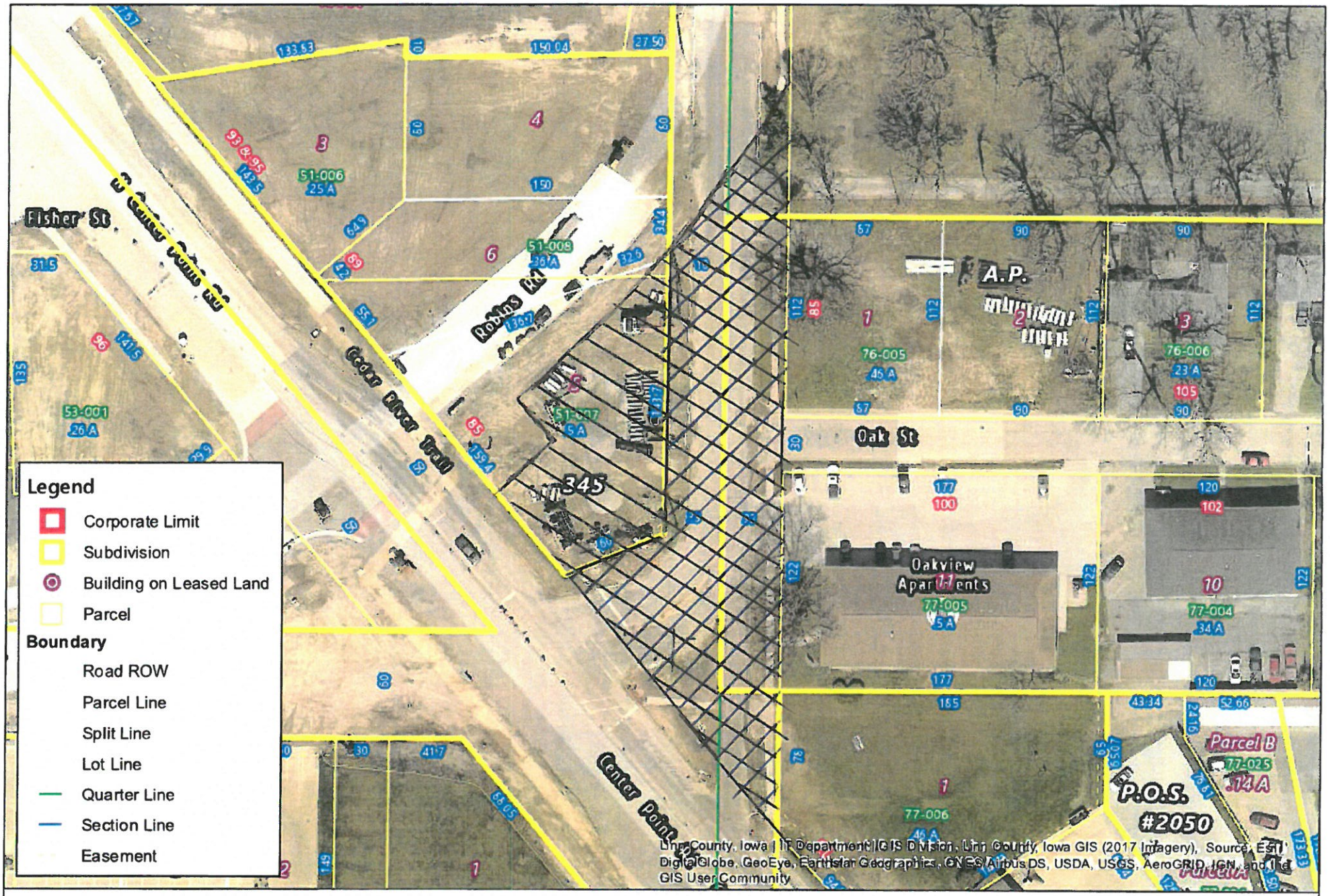
Description: The City owned Right-of-Way (ROW) described in the POS was the location of Robins Road prior to the realignment of Emmons and Robins at NCPR. The vacation request includes a triangular part of a city owned property no longer needed for ROW purposes.

The described lot will not be afforded ROW access since it is too close to the new intersection and vacating the property does not eliminate access for other lots. This area is adjacent to other property owned by the City of Hiawatha and will most likely be sold in conjunction with that property as part of the "Village Town Center" development.

Report: City Code Chapter 137 describes the process for vacation approval. We have completed the research as indicated and find that this land is not needed for City of Hiawatha use at this location and it does not interfere with adjacent property access. The Planning and Zoning Commission has agreed with the recommendation to sell this vacated ROW.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:
1. Public Use. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

Recommendation: Community Development and the Planning and Zoning Commission support the recommendation to City Council for vacation of this section of ROW described in POS 2262 to be sold for development.



Linn County, Iowa

Linn County, Iowa Land Records

Date Printed: 7/9/2018 8:28:53 AM

N W E S

0 45 90 Feet

1 inch = 94 feet

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Linn County GIS Division
5240 35th Ave SW
Cedar Rapids, IA 52404
(319) 892-5250

City of Hiawatha

3b-b

Engineering Department

101 Emmons St., Hiawatha Iowa, 52233-1697
PHONE (319) 393-1515 ext. 511 FAX (319) 393-1516

To: **Planning and Zoning Commission** **Date:** **July 18, 2018**

From: **John Bender PE, City Engineer**

Re: **Village Center**

Description: **Vacation of Public Property-Plat of Survey #2262 Parcel "B"**

Report:

Engineering has reviewed the above Plat of Survey 2262(Attached). This plat, along with Plat of Survey #2260 and #2261 outline the excess property remaining after construction of the North Center Point Road/Emmons Street/Robins Road intersection project. Plat #2262 is in the southeast corner of the intersection. Because the roadway was realigned, this plat includes a portion of the old Robins Road right-of-way that requires vacation as the property is no longer used for public access.

The normal process would be for Council to receive and file and forward the vacation to the Planning and Zoning Commission for a recommendation. This area of abandon right-of way needs to be vacated in order to sell the property for redevelopment. We have used this process on several other redevelopment properties.

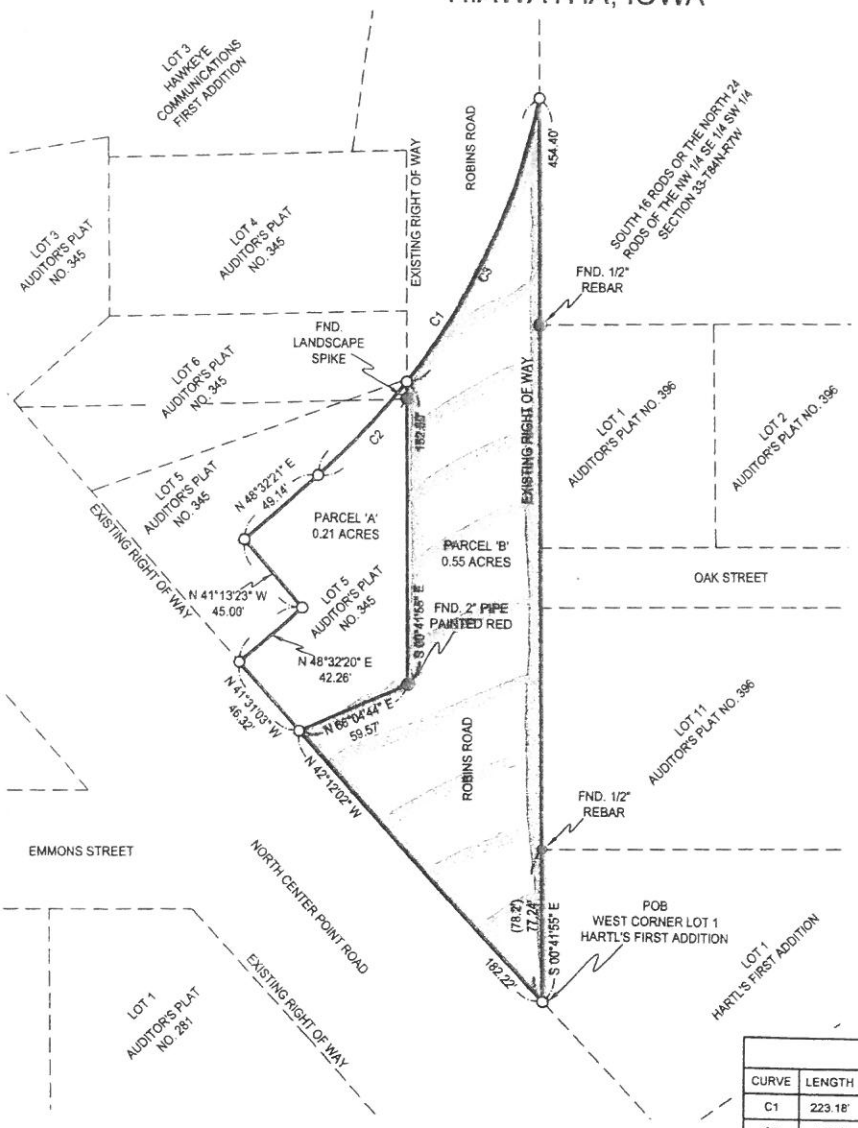
Engineering recommends this issue be approved and sent to the City Council for the required public hearing.

If you need any further information, please let me know.

3b-3

INDEX LEGEND:
LOCATION: PART OF LOT 5, AP NO. 345
LINN COUNTY, IOWA &
PART OF EXISTING RIGHT OF WAY
OF ROBINS ROAD
HIAWATHA, IOWA
REQUESTOR: CITY OF HIAWATHA
PROPRIETOR: CITY OF HIAWATHA
SURVEYOR: WADE D. WAMRE, PLS
COMPANY: SHIVE HATTERY, INC
316 2ND ST. SE, SUITE 500
CEDAR RAPIDS, IOWA 52401
RETURN TO: wwamre@shive-hattery.com
319-364-0227

PLAT OF SURVEY NO. 2262
PART OF LOT 5, AUDITOR'S PLAT NO. 345 LINN COUNTY, IOWA & PART OF THE EXISTING RIGHT OF WAY OF ROBINS ROAD HIAWATHA, IOWA



LAND DESCRIPTION:

Part of Lot 5, Auditor's Plat No. 345, Linn County, Iowa and Part of the existing Right of Way of Robins Road, Hiawatha, Iowa, described as follows:

Beginning at the West corner of Lot 1, Hartl's First Addition to Hiawatha, Iowa; Thence N 42°12'02" W along the Easterly Right of Way of North Center Point Road a distance of 182.22 feet; Thence N 41°31'03"W along said Easterly Right of Way a distance of 46.32 feet; Thence N 48°32'20" E a distance of 42.26 feet; Thence N 41°13'23" W a distance of 45.00 feet; Thence N 48°32'21" E a distance of 49.14 feet; Thence Northeasterly 223.18 feet along the arc of a 340.00 foot radius curve concaved Northwesterly to the East Right of Way of Robins Road (chord bears N 29°44'04" E a distance of 219.19 feet); Thence S 00°41'55" E along said East Right of Way to the Pont of Beginning a distance of 454.40 feet.

Said parcel contains 0.76 acres and subject to easements and restrictions of record.

REQUESTED BY:
CITY OF HIAWATHA
101 EMMONS STREET
HIAWATHA, IOWA 52233

OWNER:
CITY OF HIAWATHA
101 EMMONS STREET
HIAWATHA, IOWA 52233

SURVEYOR / CONTACT:
WADE D. WAMRE, PLS
SHIVE-HATTERY, INC
316 SECOND ST. SE, SUITE 500
CEDAR RAPIDS, IOWA 52401
319-364-0227
wwamre@shive-hattery.com

SURVEY WORK PERFORMED:
05/10/2016

AREA:
0.76 ACRES

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD BRG	CHORD	DELTA
C1	223.18'	340.00'	N 29°44'04" E	219.19	037°36'34"
C2	65.23'	340.00'	N 43°02'36" E	65.13	010°59'30"
C3	157.95'	340.00'	N 24°14'19" E	156.54	026°37'04"

SURVEY LEGEND

O	SET 5/8" REBAR W/CAP NO. 17565
●	FOUND SURVEY MONUMENT AS NOTED
( )	RECORDED AS
POB	POINT OF BEGINNING
	PLAT OR SURVEY BOUNDARY
	EXISTING LOT LINE

PROFESSIONAL LAND SURVEYOR WADE D. WAMRE, PLS 17565 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 Land Surveyor under the Laws of the State of Iowa.

(signature) 7/10/18 (date)

WADE D. WAMRE, PLS
License number: 17565
My license renewal date is December 31, 2018
Pages or sheets covered by this seal: 1

1 OF 1

ISSUED FOR

PROJECT NO. 2182010

PLAT OF SURVEY NO. 2262
PART OF LOT 5, AUDITORS PARCEL NO. 345 LINN COUNTY IOWA, &
PART OF EXISTING RIGHT OF WAY OF ROBINS ROAD HIAWTHA, IOWA

DATE	06/19/2018	SCALE	1"=60'
DRAWN cen	APPROVED	FIELD BOOK	1227
REFERENCE DRAWING		REVISION	

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DRAFT

RESOLUTION NO. 18-
City Council

RESOLUTION SETTING A PUBLIC HEARING DATE TO AMEND HIAWATHA CODE OF ORDINANCES CHAPTER 137 VACATION AND DISPOSAL OF STREETS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to direct staff to proceed with notification of a public hearing that will be held in the Hiawatha Council Chambers, 101 Emmons Street, before the Hiawatha City Council on Wednesday, August 15, 2018 at 5:30 P.M. to consider amending Hiawatha Code of Ordinances Chapter 137 Vacation and Disposal of Streets to vacate and dispose of a portion of Robins Road right of way found in Plat of Survey 2262, Part of Lot 5 Auditor's Plat 345.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 1st day of August, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

DRAFT

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 137 VACATION AND DISPOSAL OF STREETS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 137 Vacation and Disposal of Streets of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

EDITOR'S NOTE

ORDINANCE NO.	ADOPTED

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 1st day of August, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

DRAFT

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 1st day of August, 2018, and was posted as Ordinance No. _____ on the _____ day of August, 2018.

_____
Kelly Kornegor, City Clerk