



## Planning & Zoning Commission

COMMUNITY DEVELOPMENT DEPARTMENT

March 9, 2009 Meeting

### SUBJECT:

Consider recommending the release and vacation of a permanent overland flowage easement within the Villas at Glenstone Ridge Plat 1. The development is located south of Windsor Parkway and west of NW 100<sup>th</sup> Street.

AW

### SYNOPSIS:

When Villas at Glenstone Plat 1 was created, a public easement was recorded for the overland conveyance of stormwater runoff. Hubbell Homes is replatting the subdivision and modifying the placement of several lot lines. This adjustment necessitates relocation of the aforementioned easement.

This action would recommend approval to vacate and release the previous easement and execute a release of the easement. A new easement will be recorded with the Final Plat for Villas at Glenstone Ridge Plat 4.

### RECOMMENDATION:

The staff recommends approval and provides the following motion for the commission's consideration:

**The Planning & Zoning Commission recommends release and vacation of an existing permanent overland flowage easement recorded in Book 11096 and Page 22 within the Villas at Glenstone Ridge Plat 1.**

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to recommend release and vacation of an overland flowage easement within the Villas at Glenstone Ridge Plat 1.

**RESOLUTION 09-42**

**A RESOLUTION RELEASING AND VACATING AN EXISTING PERMANENT OVERLAND FLOWAGE EASEMENT RECORDED IN BOOK 11096 PAGE 22 WITHIN THE VILLAS AT GLENSTONE RIDGE PLAT 1 LOCATED SOUTH OF WINDSOR PARKWAY AND WEST OF NW 100<sup>TH</sup> STREET**

**WHEREAS**, an Easement for Overland Flowage executed on June 3<sup>rd</sup>, 2005, exists as recorded in Book 11096 Page 22 of the Polk County Records.

**WHEREAS**, the Overland Flowage Easement is no longer needed in the location identified in the easement.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JOHNSTON, IOWA**, that, the Easement for Overland Flowage executed on June 3<sup>rd</sup>, 2005 exists as recorded in Book 11096 Page 22 of the Polk County Records is hereby released and vacated, and the Mayor is hereby authorized to execute the Easement Vacation.

**PASSED AND APPROVED** this 16<sup>th</sup> day of March 2009.

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PAULA DIERENFELD, MAYOR

ATTEST:

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CYNDEE RHAMES, CITY CLERK

<u>ROLL CALL VOTE:</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Clabaugh	---	---	---	---
Culbert	---	---	---	---
Hibbs	---	---	---	---
Kallen	---	---	---	---
Tingley	---	---	---	---