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**Agenda Item:** 2943 SW 3<sup>rd</sup> Street – Roadway Easement Vacation  
**Report Date:** March 29, 2023  
**Prepared By:** Deb Gervais,  
Senior Planner

### **Staff Recommendation**

That the Plan & Zoning Commission recommend City Council approval of the request to vacate a portion of Roadway Easement along SW 3<sup>rd</sup> Street at 2943 SW 3<sup>rd</sup> Street.

### **Discussion**

The City has received a request to vacate a portion of Roadway Easement along SW 3<sup>rd</sup> Street at 2943 SW 3<sup>rd</sup> Street. This location is south of W 1<sup>st</sup> Street and east of SW Irvinedale Drive, north of John Deere and Ankeny Baptist Church.

The Roadway Easement was filed and recorded February 11, 1947 by the United States of America. In 1970, Polk County assigned the easement to the City of Ankeny. In November 1973, a plat of survey was recorded for the applicant's property, which did not show or acknowledge the full width of the Roadway Easement. Also in November 1973, a building permit for a single-family home was issued. The Certificate of Occupancy was issued February 1975. In May 1982, the City Engineer sent a letter to the property owners bringing this easement to their attention. The property has transferred ownership since then. At this time, a home sale is pending due to the home's location within the Roadway Easement area.

The current property owners have requested a portion of the Roadway Easement be vacated. The Public Works Department has requested that the City retain at least 30-feet from the centerline of the road. The applicant has surveyed the property and requested that the City vacate the excess Roadway Easement area as shown on the vacation plat.

Chapter 153 of Ankeny Municipal Code states, *"Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Plan and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission."*

City staff has reviewed the request, and has determined that the vacation is appropriate.