

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	February 22, 2010
	<b>Agenda Item No.</b> <b>18</b> <b>Roll Call No.</b> <b><u>10-</u></b> <b>Communication No.</b> <b><u>10-084</u></b> <b>Submitted by: Larry Hulse, Community Development Director</b>	

**AGENDA HEADING:**

Release of a portion of a Permanent Conservation Easement Area within Sawyer’s Landing Plat 2.

**SYNOPSIS:**

Recommend the City Council approve the release of a Permanent Conservation Easement Area located on the west 30 ft. of Lot 67 Sawyer’s Landing Plat 2. All mature trees within the easement area were removed as a result of public storm sewer installation serving the neighborhood, dissolving the purpose of the easement. A request to abandon the conservation easement on Lot 67 was made by the owner/homebuilder of the currently undeveloped lot so that proposed home construction will not be encumbered by the easement.

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**ADDITIONAL INFORMATION:**

The Sawyer’s Landing residential development is located in the vicinity of Twana Drive and 29<sup>th</sup> Street, and consists of 103 single-family lots. The property was developed by Sawyer’s Landing, L.L.C., 800 S. 50<sup>th</sup> Street, Suite 101, West Des Moines, IA 50266, Ted Grob, President.

On July 23, 2007 City Council approved the subdivision plat titled Sawyer’s Landing Plat 2, formally dedicating the west 30 feet of Lot 67 (2997 Merced Drive) as a Permanent Conservation Easement Area. The planned intent of the conservation easement was to protect all trees 6” caliper or larger within the easement area from unauthorized removal, grading work and construction of structures in close proximity to the drip line of the existing trees.

During the approval process for the Sawyer’s Landing Planned Unit Development, funds were authorized for construction of the Twana / Bel-Aire Storm Sewer Improvement project. Construction of this public storm sewer was necessary to provide relief to the amount of storm water entering the existing storm sewers serving the area. As a result of construction of the storm sewer improvements, all trees within the Permanent Conservation Easement Area were removed by the contractor performing the work.

On February 5, 2010, the current owner and proposed home builder of Lot 67 requested the formal abandonment of the Permanent Conservation Easement area on the subject lot. The request to abandon

the easement states that since the trees have been removed within the easement area, the applicant wishes to construct a home on the lot and utilize the area currently encumbered by this easement. The buildable portion of the lot is further impacted by the cul-de-sac radius of Merced Drive (shown on the attached map) and a 15 ft. wide storm sewer easement, which can not be built upon. Community Development staff have inspected the lot containing the conservation easement and confirm that all trees have been removed from the easement area on Lot 67.

**PREVIOUS COUNCIL ACTION(S):**

Date: July 27, 2009

Roll Call Number: 09-1312

Action: Approving Subdivision Improvement Bond reduction for Sawyer's Landing Plat 2 from \$51,679 to \$12,290 for satisfactory completion of remaining sidewalks. (Council Communication No. 09-503 ) Moved by Hensley to adopt. Motion Carried 7-0.

Date: July 23, 2007

Roll Call Number: 07-1397

Action: Approving Final Plat for Sawyer's Landing Plat 2 in the vicinity of Twana Drive and 29<sup>th</sup> Street. (Council Communication No. 07-454) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: September 11, 2006

Roll Call Number: 06-563

Action: Approving "PUD" Restoration Bond for the Sawyer's Landing Development. (Council Communication No. 06-563) Moved by Vlassis to adopt. Motion Carried 6-0.

**BOARD/COMMISSION ACTION(S):**

Date: April 20, 2006

Roll Call Number: None

Action: Plan and Zoning Commission review and approval of the preliminary plat for "Sawyer's Landing", to allow development of 103 single family home lots.

Date: November 3, 2005

Roll Call Number: 05-2835 through 05-2838

Action: Plan and Zoning Commission recommends approval of the rezoning to PUD, "Planned Unit Development District" and acceptance of the PUD Concept Plan.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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