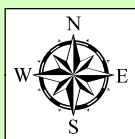
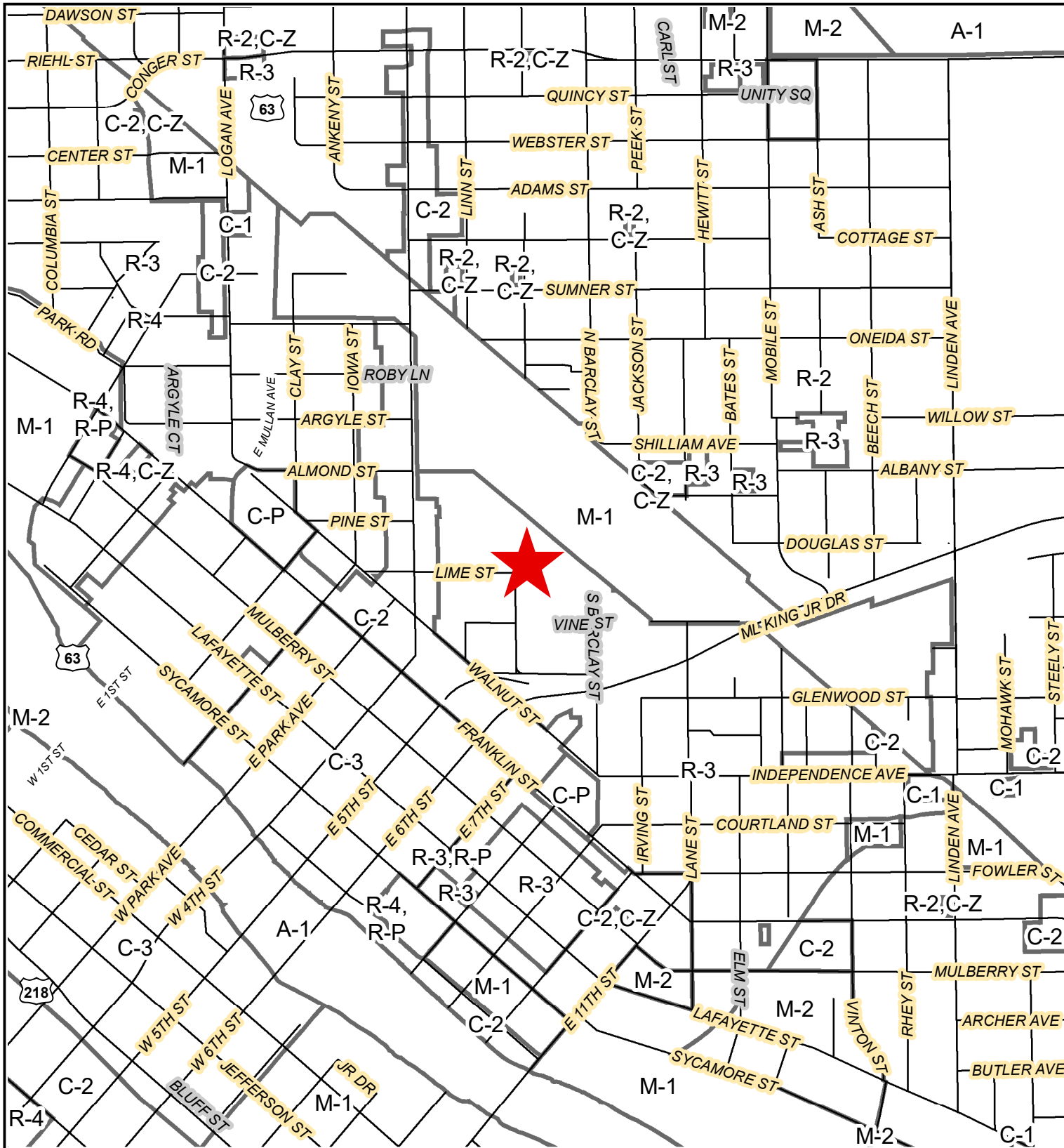


August 2, 2021



Unused Right-of-Way Vacate City of Waterloo

City of Waterloo City Council
August 2, 2021



Canadian National Railroad

Areas to be
Vacated

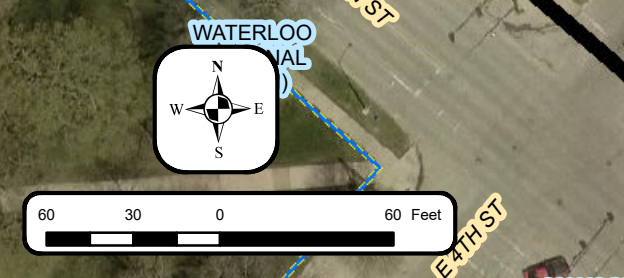
East High Ball Fields



214 High Street
ROW Vacate
City of Waterloo

| | |
|--|--|
| REQUEST: | Request by the City of Waterloo to vacate 0.19 acres of City owned right-of-way at East High School at 214 High Street, located in the “R-3” Multiple Residence District. |
| APPLICANT(S): | City of Waterloo, 715 Mulberry Street, Waterloo, IA 50703 |
| GENERAL DESCRIPTION: | The applicant is requesting to vacate portions of a formally platted road near 214 High Street. |
| IMPACT ON NEIGHBORHOOD & SURROUNDING LAND USE: | The request to vacate City owned right-of-way will enable the City to correct a legal description for land previously vacated in the 1970s and vacant a piece of City owned right-of-way that should have already been vacated years ago at East High School, because it is no longer needed for City purposes and is used as part of the school campus. |
| VEHICULAR & PEDESTRIAN TRAFFIC CONDITIONS: | The request to vacate would not appear to have a negative impact on vehicular or pedestrian traffic in the area. |
| RELATIONSHIP TO RECREATIONAL TRAIL PLAN and COMPLETE STREETS POLICY. | The Martin Luther King Jr. Trail is located 1,500 feet southeast of the vacate area. |
| ZONING HISTORY FOR SITE AND IMMEDIATE VICINITY: | <p>The site has been zoned “R-3” Multiple Residence District since the adoption of the Zoning Ordinance in 1969.</p> <p>North – The Canadian National Railroad yard – M-1 Light Industrial District.</p> <p>South – East High School – “R-3” Multiple Residence District.</p> <p>East – The Canadian National Railroad yard – M-1 Light Industrial District.</p> <p>West –Downtown Waterloo - “C-2” Commercial District and “C-3” Central Business District.</p> |
| BUFFERS REQUIRED/ NEEDED: | The request would not require any buffering by ordinance standards. |
| DRAINAGE: | The proposed vacate would not appear to have a negative impact on drainage. |
| DEVELOPMENT HISTORY: | Located on the northwestern edge of East High School Campus. The areas to be vacated are currently being utilized as a baseball field. East High was originally founded in 1874 and its oldest existing building was constructed in 1918 with numerous additions over the years. |
| FLOODPLAIN: | These vacate areas are not located in a flood plain as indicated by the FEMA Flood Insurance Rate Map No. 1900025 0189F |
| PUBLIC /OPEN | East High School has open spaces for sports and other school activities. Dr. Walter Cunningham School for Excellence is |

| | |
|---|--|
| SPACES/ SCHOOLS: | located approximately a ½ mile to the northeast and George Washington Carver Academy is located approximately 1 ¼ miles to the northwest of the project site. |
| UTILITIES: WATER, SANITARY SEWER, STORM SEWER, ETC. | The vacate areas do not contain any utilities, it is currently baseball diamond at East High School. |
| RELATIONSHIP TO COMPREHENSIVE LAND USE PLAN: | The Future Land Use Map designates the area as Parks, Open Spaces, Schools, Hospitals, Government Facility, and Public Areas. This vacate request would be in compliance with such designation. |
| STAFF ANALYSIS – ZONING ORDINANCE: | The request to vacate City owned right-of-way would not appear to negatively affect the area or traffic conditions. The two vacate areas currently contain a baseball diamond on East High School's campus. One of the vacate areas was vacated on March 22, 1971, but has an incorrect legal description. That legal description will be revised as part of this vacate request. The Other area was a strip of right away between High Street and Fremont Street that was never vacated even though the streets it connects to were vacated. The Waterloo Planning and Zoning Commission unanimously approved the request at their regular meeting on May 11, 2021. |
| STAFF ANALYSIS – SUBDIVISION ORDINANCE: | There would be no platting required in relation to the request. The City will complete a plat of survey to properly describe the area to be vacated, and delineate the line. |
| STAFF RECOMMENDATION: | <p>Therefore, staff recommends the Request by the City of Waterloo to vacate 0.19 acres of City owned right-of-way at East High School at 214 High Street and is located in the "R-3" Multiple Residence District, be approved for the following reasons:</p> <ol style="list-style-type: none">1. The request to vacate would not appear to have a negative impact on the surrounding area.2. The request to vacate would not appear to have a negative impact on vehicular or pedestrian traffic conditions in the area.3. The request to vacate would allow for the revision of incorrect legal description for one of the vacate areas and vacate an area of City right-of-way that is no longer needed for City purposes. |



Town Lot Deed Record, No. 49,

Dubuque And Sioux City Railroad Company. I
 To
 City of Waterloo, Iowa.

This Indenture Witnesseth: That the Grantor, the Dubuque and Sioux City Railroad Company, a corporation duly organized and existing under and by virtue of the laws of the State of Iowa, in consideration of One Dollar (\$1.00) paid by the City of Waterloo, the receipt of which is hereby acknowledged, does hereby quit-claim unto the City of Waterloo, in Black Hawk County, Iowa, a certain tract or parcel of land situated in the Northeast quarter of the Northeast quarter of the Southwest quarter of Section twenty-four (24), Township eighty-nine (89) North, Range thirteen (13) West of the Fifth Principal Meridian bounded and described as follows, to-wit:

Beginning at a point in the West line of the Northeast quarter of the Northeast quarter of the Southwest quarter of said Section twenty-four (24) fifty nine and one-half (59 1/2) feet North of the Southwest corner thereof, and extending thence North forty one and one half (41 1/2) feet; thence Southeasterly parallel to the center line of the Main track of the Dubuque and Sioux City Railroad to the South line of the Northeast quarter of the Northeast quarter of the Southwest quarter of said Section twenty-four (24); thence West a distance of seventy (70) feet more or less to the Northeast corner of Lot eight (8), in Block seventy four (74) of Cooley's Addition to Waterloo; thence Northwesterly in a straight line to the place of beginning, containing one-tenth (1/10) of an acre, more or less.

To Have And To Hold the above described premises unto the said City of Waterloo for use as a public street or highway. But it is an express condition of this deed, ^{that said} if the City of Waterloo shall assess the Grantor, its lessees, successors or assigns the cost, or any part of the cost of grading, paving, maintaining or improving the said street or shall require the Grantor, its lessees, successors or assigns to construct a sidewalk on said premises, or to pay for the construction of such sidewalk or any part thereof, all rights of the said City of Waterloo and of the public in and to the said premises shall cease and determine and the Grantor, its lessees, successors or assigns shall have the right at any time thereafter, and although no advantage ^{has been} taken of previous breaches of condition hereunder, to re-enter and resume possession of the said premises and to exclude the public from the further use thereof.

In Testimony Whereof, the Dubuque and Sioux City Railroad Company has caused these presents to be signed by its President and its corporate seal to be hereunto affixed and duly attested by its Secretary the 21st day of May A.D. 1902.

Seal:
 Attest Chas. H. Wagoner, Sec'y Secretary.
 Description correct: A.L.B.

Dubuque And Sioux City Railroad Company.
 By Stuyvesant Fish, President.

State of New York, County of New York, S.S. On this twenty First day of May A.D. 1902, before me personally appeared Stuyvesant Fish, to me personally known, who being by me duly sworn did say that he is the President of the Dubuque and Sioux City Railroad Company, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Stuyvesant Fish acknowledged said instrument to be the voluntary act and deed of said corporation.

Witness my hand and official seal the day and year first above written.

Seal:::
 Entered for taxation Aug 19th 1902.
 Filed for record August 19th 1902, at 2.10. P.M.

Thos. D. Clifford, Notary Public in and
 for New York County, State of New York.

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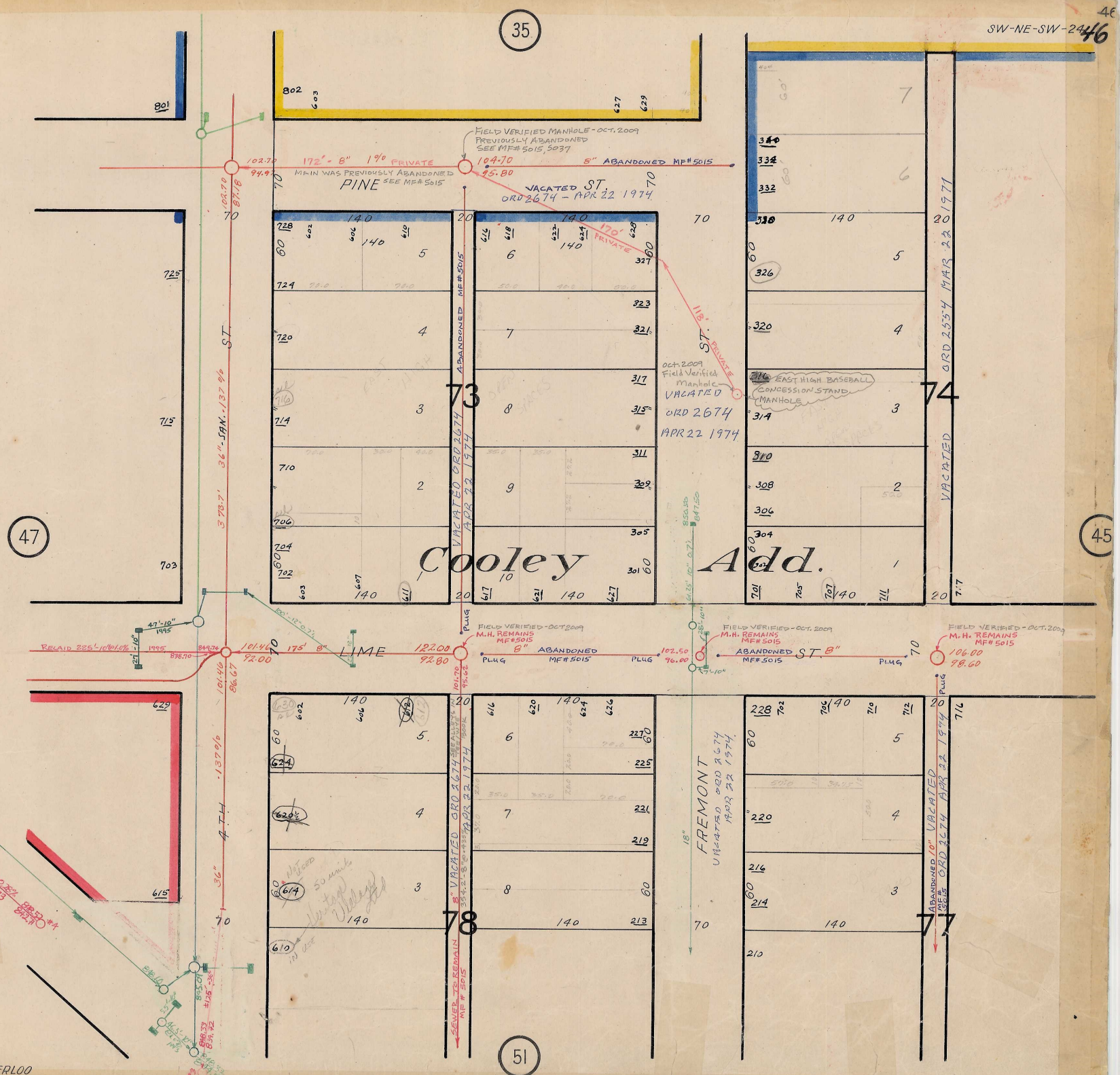
City of Waterloo, in Black Hawk County Iowa, a certain tract or parcel of land situated in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section twenty four (24), Township eighty-nine (89) North, Range thirteen (13) West of the Fifth Principle Meridian, and bounded and described as follows, to-wit.

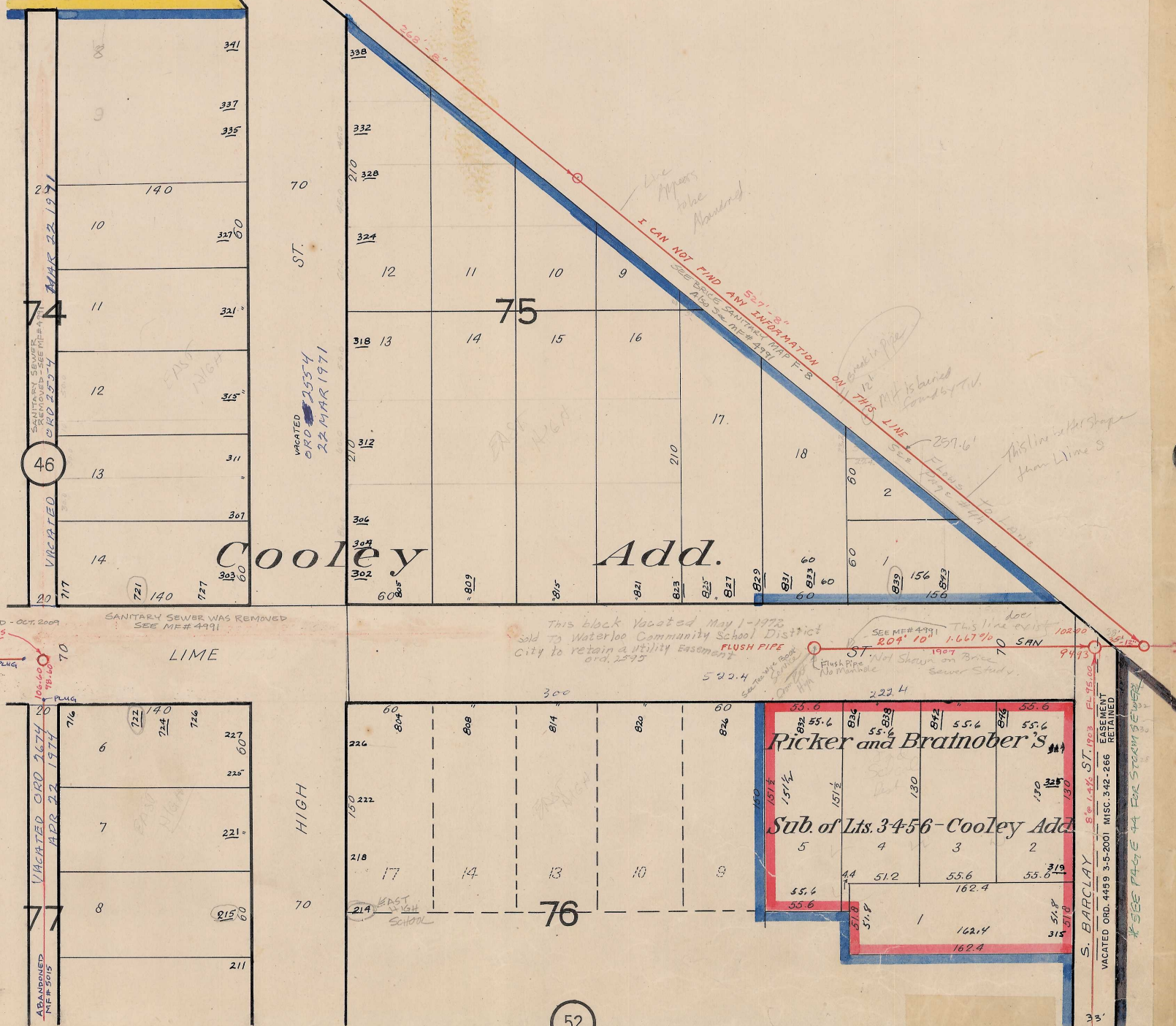
Beginning at a point in the West line of the Northeast quarter of the Northeast quarter of the Southwest quarter of said Section (24) fifty nine and one-half (59.5) feet North of the Southwest corner thereof, and extending North forty one and one half feet (41); thence Southeasterly parallel to the center line of the Main track of the Dubuque and Sioux City Railroad to the South line of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of said section twenty four (24); thence west a distance of seventy (70) feet more or less to the Northeast Corner of Lot eight (8), in Block seventy four (74) of Cooley's Addition to Waterloo; thence Northwesterly in a straight line to the place of beginning, containing one-tenth (1/10) of an acre, more or less.

That portion of Fremont Street described as follows:

Beginning at the northeast corner of Lot 12, Block 3, Auditor Rainbow's Plat of Cascaden Place; thence south along the east line of said Lot 12 to the southeast corner of said lot; thence south along the east line of that portion of Fremont Street previously vacated and last described in Deeds Book 492, Page 636 to its intersection with the eastward extension of the south line of Block 3, Auditor Rainbow's Plat of Cascaden Place (said south line of Block 3 also being the north line of Pine Street as platted); thence east on the continuation of the eastward extension of the south line of said Block 3 to the west line of Block 74, Cooley's Addition; thence north along the west line of said Block 74 to the south line of Lot 1, Block 4 of Auditor Rainbow's Plat of Cascaden Place; thence west along the south line of said Lot 1 to the southwest corner of said Lot 1; thence north along the west line of said Lot 1 to the northwest corner of said Lot 1; thence west to the point of beginning.

The property described above being the same property described in City of Waterloo Ordinance No. 2618 and filed in Miscellaneous Book 202 at Page 280, in the Black Hawk County Recorder's Office.





Vacate – 214 High Street



Looking toward one spot that needs to be vacated.



Looking toward second vacate area.

City of Waterloo Planning & Zoning Department
715 Mulberry Street, Waterloo, Iowa 50703
(319) 291-4366

- ☐ Offer to Vacate and Purchase City Right-of-Way
☒ Request to Vacate Easement, Vacate Sidewalk, or Encroachment Agreement
☐ Sale of City-Owned Property

Applicant: City of Waterloo Address: 715 Mulberry Street Phone No.: 319-291-4366
Email:

General Description of Property to Vacated (i.e.- alley between A St. & B St., South of C St.):

East High School - 214 High Street

Legal description of area to be conveyed, vacated, or encroached:

Parcel 8913-24-327-0444, 8913-24-327-045

1. **A non-refundable filing fee(s)** shall be made as follows (checks payable to City of Waterloo):
 - Right-of-way vacation – One Hundred Seventy Five Dollar (\$175.00) Filing Fee
 - Easement or sidewalk vacation – Seventy Five Dollar (\$75.00) Filing Fee
 - Encroachment – One Hundred Dollar (\$100.00) Filing Fee
 - Sale of city-owned property not required to be vacated – No Fee
 - Any request not meeting the Sale of Property Policy – One Hundred Dollar (\$100.00) Fee
2. **Offer Price***[Note: If the offer price meets the Sale of Property Policy (see attached) the request will not be required to be reviewed by the Building & Grounds Committee.]
 - Asking price (see attached Sale of Property Policy for how calculated): _____
 - Deductions
 - May decrease price by 50% for area located within an easement: _____
 - May decrease price for the City tax that will be collected on the land within 5 yrs (8 yrs inside of the CURA): _____
 - Costs (surveying & misc., demolition, remove of curbs, etc): _____

Asking price – Deductions = Value of Property: _____

Offer Price for Entire Area: \$0

Note: The above information is a summary of the Sale of Property Policy (see attached). All requests to vacate and purchase City right-of-way must be accompanied by a signed "Intent to Vacate" form for each abutting property to the area to be vacated. Any request that fails to meet the Sale of Property Policy shall not be forwarded to the Building and Grounds Committee or City Council. Any such applicant shall need to request review to Building and Grounds through a City Council member.

3. **Publication and Recording Fees*:** At the time a buyer(s) has been selected, all publication costs and recording fees must be paid by the applicant. Applicant shall be responsible for collecting from other buyers.
4. **Easement*:** The following easement shall be retained:

5. **Other:** Please provide a site plan and/or aerial photo of the area to be vacated if the request involves additional construction as the reason for the request.

[Signature]
Applicant

4.26.21
Date

*Not required for easement vacates sidewalk vacates or Encroachment Agreements