

BK: 2023 PG: 2977
Recorded: 12/8/2023 at 8:25:42.0 AM
Pages 3
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.32
Combined Fee: \$20.32
Revenue Tax:
BRANDY L. MACUMBER, RECORDER
Madison County, Iowa

Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320,
West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION #

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES,
APPROVING AND RELEASING PLAT-OF-SURVEY CREATING PARCEL L
FOR THE PURPOSE OF TRANSFER OF OWNERSHIP OF THE BALANCE
OF THE ORIGINAL PROPERTY**

WHEREAS, pursuant to the provisions of Title 9, Zoning and Title 10, Subdivision Regulations, of the West Des Moines Municipal Code, the applicant, Microsoft Corporation, and property owner, Marco Properties, LLC, request approval of a Plat of Survey for the approximately 14.3-acre property generally located at the southwest corner of Veterans Parkway and SW 60th Street and legally described in attached Exhibit "B". The applicant proposes to create a 0.13-acre parcel on the north side of Veterans Parkway that will be retained by the current owner with the ownership of the balance of the original parcel located on the south side of Veterans Parkway transferred in anticipation of development of data center buildings; and

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference; and

WHEREAS, this Plat of Survey complies with Iowa Code Chapters 354 and 414, the Comprehensive Plan and City Code; and

WHEREAS, on this day the City Council held a duly noticed meeting to consider the Plat of Survey application; and

WHEREAS, the public improvements, sureties, and legal documents required of the property subject of the Plat of Survey shall be provided at such time that the property is replatted; and

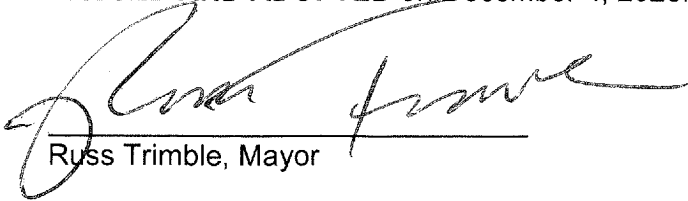
WHEREAS, property subject of this action is zoned Light Industrial (LI). Parcel L being created with this Plat of Survey will remain as part of the County. The balance of the parcel does meet all requirements of the City's Zoning Code.

NOW, THEREFORE, the City Council does approve the Plat of Survey creating Parcel L (Madison County) (POS-006261-2023), subject to compliance with all of the conditions of approval, including any conditions added at the meeting, attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City. This resolution does release the Plat of Survey for recordation. The

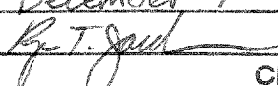
23-12-04-22

City Council of West Des Moines, Iowa directs the City Clerk to release said document for recordation.

PASSED AND ADOPTED on December 4, 2023.


 Russ Trimble, Mayor

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
TREVILLYAN	✓			
HUDSON	✓			
LOOTS	✓			
HARDMAN	✓			
MCKINNEY	✓			
MOTION BY <u>Trevillyan</u>				
SECOND BY: <u>Hudson</u>				
ROLL CALL # <u>23-500</u>				

CITY OF WEST DES MOINES, IOWA
 CERTIFIED COPY
 December 7 2023

 CITY CLERK

ATTEST:


 Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on December 4, 2023, by the following vote.

Exhibit A: Conditions of Approval

1. The applicant and property owner acknowledging and agreeing that approval of this Plat of Survey is for the transfer of ownership only and that the current or future property owner(s) remain responsible for any public improvements required of the property.
2. The property owner acknowledges that Parcel L being created with this plat of survey would not meet the City of West Des Moines minimum lot size requirements for the applicable zoning district should it be annexed into the city. The property owner acknowledges that upon annexation, without combining with additional adjacent property to meet minimum size requirements, the property is undevelopable.
3. The applicant and property owner acknowledging and agreeing that no improvements shall be made to the property located on the south side of Veterans Parkway until such time that the property is replatted through the City's Subdivision process. The applicant and property owner further acknowledging and agreeing that in the event subdivision of the property does not occur, no building permits for any structures shall be issued for the property on the south side of Veterans Parkway until such time that public improvements necessary to serve the property are constructed and approved by the city or surety provided, all other financial obligations including Sanitary, Water, and Storm Water Connection Fee District fees, as applicable are fulfilled and all necessary legal documents are executed and provided to the city.

Exhibit B: Legal Description

Original Parcel:

PARCEL "D" EXCEPT VETERANS PARKWAY AND
EXCEPT SW 60TH STREET.

Plat of Survey Parcel "L" Created:

A PART OF PARCEL "D" AS SHOWN ON THE PLAT OF
SURVEY RECORDED IN BOOK 2, PAGE 766, BEING A
PART OF SECTION 1, TOWNSHIP 77 NORTH, RANGE
26 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
MADISON COUNTY, IOWA AND MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID
PARCEL "D"; THENCE SOUTH 00°31'23" WEST ALONG
THE EAST LINE OF SAID PARCEL "D", 33.55 FEET TO
THE NORTH RIGHT-OF-WAY LINE OF VETERANS
PARKWAY; THENCE SOUTH 89°28'55" WEST ALONG
SAID NORTH RIGHT-OF-WAY LINE, 333.54 FEET TO
THE NORTH LINE OF SAID PARCEL "D"; THENCE
NORTH 83°44'58" EAST ALONG SAID NORTH LINE,
335.83 FEET TO THE POINT OF BEGINNING AND
CONTAINING 0.13 ACRES (5,594 SQUARE FEET).

THE PROPERTY IS SUBJECT TO ANY AND ALL
EASEMENTS OF RECORD.