

BK: 2023 PG: 2986
Recorded: 12/8/2023 at 10:58:02.0 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 J FOR THE
PURPOSE OF TRANSFER OF OWNERSHIP**

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, Flinn Farms, LLC, request approval of a Plat of Survey for the approximately 35.3-acre property primarily located north of Veterans Parkway between Woodland Avenue and SW 60th Street and legally described in attached Exhibit "B". The applicant proposes to create a 0.03-acre parcel on the south side of Veterans Parkway for the transfer of ownership 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

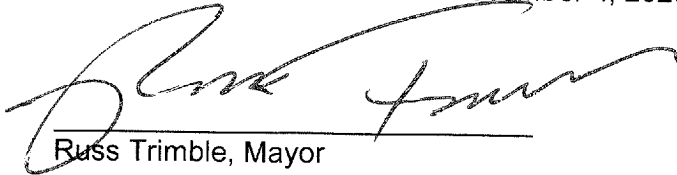
WHEREAS, the public improvements, sureties, and legal documents required of the property subject of the Plat of Survey shall be provided at such time that the property is replatted; and

WHEREAS, property subject of this action will be zoned Light Industrial (LI). Parcel J being created with this Plat of Survey does not meet minimum lot size requirements stated in ~~and meets all requirements of~~ the City's Zoning Code and therefore it is unbuildable on its own. Parcel J will be legally combined with adjacent property to result in a buildable parcel that meets all requirements of the City's Zoning Code.


23-12-04-20

NOW, THEREFORE, the City Council does approve the Plat of Survey creating Parcel J (Madison County) (POS-006262-2023), 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 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	Trevillyan			
SECOND BY:	Hudson			
ROLL CALL #	23-498			

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 to create Parcel J is for the transfer of ownership only and that the current or future property owner(s) remain responsible for any public improvements required for original property and the parcel being created by the plat of survey.
2. The property owner acknowledges that Parcel J being created with this plat of survey does not meet minimum lot size requirements for the zoning district and therefore, without combining with additional adjacent property to meet minimum size, the property is undevelopable.
3. The applicant and property owner acknowledging and agreeing that no improvements shall be made to Parcel J 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 Parcel J 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:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA EXCEPT VETERANS PARKWAY.

Plat of Survey Parcel "J" Created:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, MADISON COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00°16'44" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, 10.42 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF VETERANS PARKWAY; THENCE NORTH 84°19'31" EAST ALONG SAID SOUTHERLY LINE, 100.06 FEET; THENCE NORTH 88°59'30" EAST ALONG SAID SOUTHERLY LINE, 96.45 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 83°35'23" WEST ALONG SAID SOUTH LINE, 197.19 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,415 SQUARE FEET).

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