



TO: Michael C. Van Milligen, City Manager

FROM: Gus Psihoyos, City Engineer

DATE: March 7, 2023

SUBJECT: Vacating of a portion of certain Sanitary Sewer Easements across a Part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Iowa

INTRODUCTION

The purpose of the memorandum is to provide information for the vacating of a portion of the sanitary sewer easements across a part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Iowa, included on the Plat of Survey recorded as Instrument No. 10616-99 and the Final Plat recorded as Instrument No. 2006-11108 in the Dubuque County Recorder's Office.

BACKGROUND

In 2002 MAR Holdings (Medical Associates) purchased property from Dubuque Initiatives in Dubuque Industrial Center at the northwest corner of the Northwest Arterial and Chavenelle Road. Medical Associates proposed plans to do preliminary grading on the property to prepare for the development of the land for office/medical buildings and parking lots. The grading plans showed that a significant volume of soil would need to be removed from the site. In order to save on material hauling costs, Medical Associates (MA), Dubuque Initiatives (DI), and Geisler Brothers Company (GBC) agreed that MA could haul the fill to the DI property behind the GBC property at 1500 Radford Road. GBC and DI have been discussing a possible sale of DI land to GBC for an easterly expansion of the existing GBC building. The fill from the MA site would accommodate the proposed eastward building expansion.

Because the proposed fill on the DI property would cause the existing public sanitary sewer on the DI property to be greater than the City's maximum allowable depth, the City required that the existing public sanitary sewer and associated easement be relocated outside of the proposed fill area (to the east of the fill area but still on DI property).

In the Fall of 2021, the City of Dubuque, Dubuque Initiatives, Medical Associates, and Geisler Brothers Company, entered into an agreement for the relocation of the existing public sanitary sewer. The agreement provided for the engineering design and relocation of the public sanitary sewer (by GBC), the platting (by GBC) and granting of a new sanitary sewer easement (by DI) to accommodate the new sewer alignment, the

abandonment of the old sewer (by GBC), and the vacation of the old sewer easement (by City).

DI has granted and the City has accepted the new sanitary sewer easement to accommodate the new sewer alignment. The public sanitary sewer was recently relocated by the owners as per the agreement. The new sanitary sewer construction has been inspected and approved by Engineering Department staff. The City of Dubuque has accepted ownership and maintenance of the relocated public sanitary sewer utility.

DISCUSSION

Per said agreement, the City is responsible for vacating the former sanitary sewer easement areas through a part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Dubuque County, Iowa.

The exhibit attached to the resolution shows the portions of the original sanitary sewer easement areas proposed to be vacated over and across a part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Dubuque County, Iowa.

RECOMMENDATION

I would recommend that portions of the original sanitary sewer easement areas over and across a part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Dubuque County, Iowa, as indicated on the attached Exhibit A, be vacated.

ACTION TO BE TAKEN

I respectfully request adoption of the attached resolution vacating all interest in portions of the original sanitary sewer easement areas over and across a part of Lot 1 of Dubuque Industrial Center 14th Addition, in the City of Dubuque, Dubuque County, Iowa, as indicated on the attached Exhibit A.

Prepared by Nate Kieffer, PLS