

ITEM # 26b&c
DATE 4/28/09

COUNCIL ACTION FORM

SUBJECT: VACATION OF PUBLIC UTILITY EASEMENTS AND FINAL PLAT FOR SOUTHERN HILLS WEST PLAT 2

BACKGROUND:

Scott Renaud, the applicant, represents the land owners of Southern Hills West Subdivision. Mr. Renaud is requesting final plat approval to re-plat four lots into three lots, in order to allow development in Lot 3, the lot adjacent to Highway 30 and accessed from North Loop Drive. Also proposed are minor adjustments of the east-west lot lines separating Lots 1 and 2 from Lot 3. All other lot lines are proposed to stay the same, including Outlot A, which is the City's clear zone easement for airport runway protection. The subdivision is located on Airport Road, generally just west of the airport and northeast of the Research Park.

As part of this subdivision approval request, the applicant requests vacation of public utility easements that have not been used. The easements include two parallel 5-foot public utility easements, totaling 10 feet in width. They are located generally in the interior portion of the lots, and would therefore limit normal development of the lot under standard setback provisions. The easements are fully described in the attached Resolution to Abandon Public Utility Easement.

Public notice has been provided and a hearing is required to be held before the City can vacate easements. Mr. Renaud has provided verification that there are no utilities in the easements. The Public Works Department and City Attorney's Office have reviewed the vacation request and associated legal descriptions, and support the vacation request. An alternative plat, showing the easements has been provided, if the Council should choose not to approve the easement vacation.

As part of this subdivision approval request, the property owners of Lots 1 and 2 have requested a waiver of the requirement for sidewalk to be constructed along the 750 feet of frontage of the lots being re-platted. The sidewalk waiver request is addressed in a separate Council Action Form. That request should be considered prior to taking action on the final plat application because the result of that decision will determine which plat approval alternatives are available to the Council. There is a note on the face of the plat which states that the frontage road/bike path easement also serves to meet the City's sidewalk requirement. This is the same note that was approved in 2004. If the waiver were not granted then the note would need to be removed or modified.

There is existing asphalt parking on Lots 1 and 2. There was some expansion of parking in Lot 2 that occurred some time between 1998 and 2003 that the City did not approve. Some of that parking is currently in the City's clear zone easement. It was determined in 1999 by the Federal Aviation Administration (FAA) and the City's airport administrator, that parking within the clear zone easement did not respect the terms of the easement. The easement was originally purchased by the City in 1957, and the intent was to only allow agricultural

uses, with no obstructions or "assemblies of persons." This meant it could allow only farm equipment during normal farming activities, but not an assembly of persons, storage of equipment, or any intensive activities involving people or obstructions.

The applicant has agreed to ensure the removal of the unapproved parking within the clear zone easement before the plat is recorded. The applicant has also provided an attached scale drawing (certified and dated April 23, 2009) that demonstrates what parking will be removed, and that the remaining unapproved parking that is not in the clear zone can meet the City's perimeter landscaping and setback requirements. The scale drawing demonstrates to the City that the adjustments to the lot lines will not create an adjacent nonconforming development (with regard to building setbacks, parking setbacks and perimeter landscaping requirements), that cannot be reviewed and approved administratively at a later date under the development standards.

Points of Agreement

-Regarding the unapproved parking that is not in the clear zone easement, the applicant has agreed to fulfill any one of the following three options:

- 1) gain administrative approval for the remaining unapproved parking that is not in the clear zone easement before the plat is recorded
- 2) remove the unapproved parking back to the approved 1994 Pierson Enterprises site plan on file before the plat is recorded
- 3) provide financial security for completing the removal before the plat is recorded with a deadline for completion of three months from plat approval date.

-Regarding the unapproved parking that is in the clear zone easement, the applicant has agreed to any one of the following two options:

- 1) remove the parking before the plat is recorded, or
- 2) provide financial security for completing the removal before the plat is recorded with a deadline for completion of three months for plat approval date.

The Preliminary Plat of a Major Subdivision that is on file was approved August 12, 2003 by City Council. The proposed Minor Subdivision Final Plat being presented for approval makes up part of the Preliminary Plat and is not contrary to it. The only changes are interior lots lines, with a reduction of the number of lots, by one. There is no change in net acreage and no change to the Clear Zone Easement, also known as Outlot A. The approved Final Plat on file creating the lots being re-platted was approved by City Council in April 2004. No public improvements, except for sidewalks, were determined necessary for the re-platting. The plat therefore qualifies to be processed as a Minor Subdivision Final Plat. The plat results in the conversion of four commercially zoned (HOC) lots to three commercially zoned (HOC) lots, with the following acreage: 1.74 acres (Lot 2), 1.26 acres (Lot 1) and 5.97 acres (Lot 3). There are no changes proposed to the Zoning Map or Future Land Use Map. This request is only to change the interior lot lines to allow for in-fill development of the vacant lot (proposed Lot 3).

ALTERNATIVES:

1. Easement Vacation Decision

- a. The City Council can approve the easement vacation
- b. The City Council can deny the easement vacation.
- c. The City Council can refer this back to staff for additional information

2. Final Plat Decision. The following final plat options a & b both include the following conditions:

- Prior to plat recordation, compliance with options included in the Points of Agreement described herein; and
 - Prior to plat recordation, financial security shall be provided for the 750 feet of sidewalk in accordance with the Improvement Guarantee provisions of Section 23.409 (in the event the Council chooses to not waive the sidewalk requirements under a separate action); and
 - Sidewalk plans shall be submitted to and reviewed by Public Works for compliance with adopted regulations prior to installation.
- a. The City Council can approve the Minor Subdivision Final Plat as depicted on attached Plat Option 1 drawing (which shows vacation of the utility easement).
 - b. The City Council can approve the Minor Subdivision Final Plat as depicted on attached Plat Option 2 (which retains the utility easement).
 - c. The City Council can deny the Minor Subdivision for Final Plat of the Council determines that the plat does not conform to adopted standards or imposes impacts on public improvements that have not been mitigated.
 - d. The City Council can refer the proposal back to staff for additional information, provided that the applicant is willing to grant additional time to review the proposal.

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the Council adopt Alternative 1a and 2a, which is to approve the vacation of the public utility easements and approve the Minor Subdivision Final Plat for Southern Hills West Plat 2 subject to the following conditions:

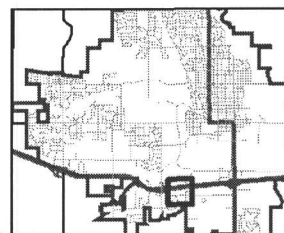
- a. Prior to plat recordation, compliance with the options included in the Points of Agreement described herein;
- b. Prior to plat recordation, financial security shall be provided for the 750 feet of sidewalk in accordance with the Improvement Guarantee provisions of Section 23.409, unless the Council chooses to waive the sidewalk requirements; and
- c. Sidewalk plans shall be submitted to and reviewed by Public Works for compliance with adopted regulations prior to installation, unless the Council chooses to waive the sidewalk requirements.

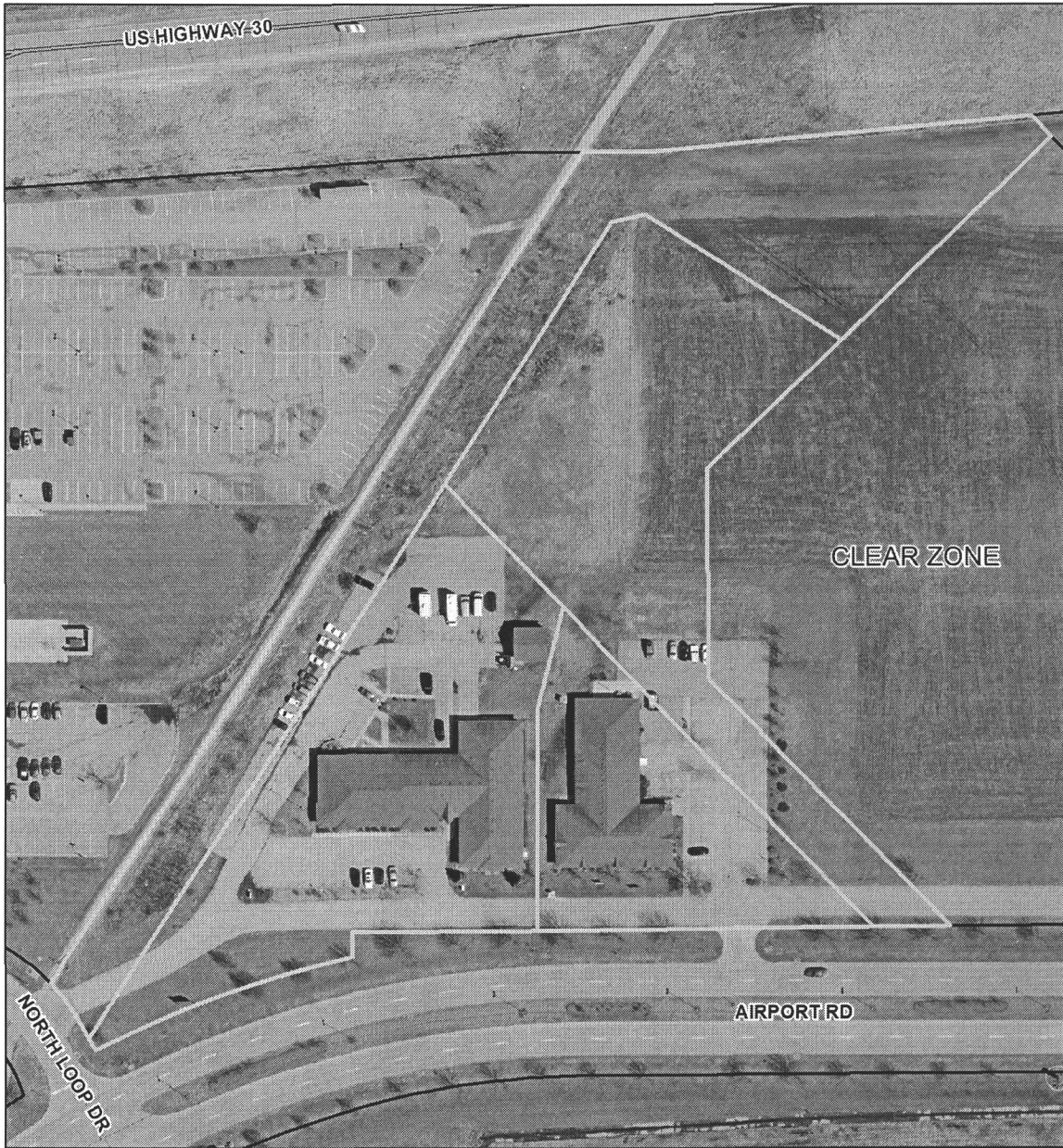


**Location Map
Southern Hills West**



0 125 250 500
Feet

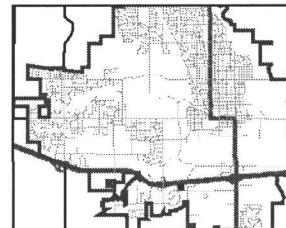




**Current Property Lines / Aerial 2008
Southern Hills West**



0 50 100 200
Feet



DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER

Prepared by: Douglas R. Marek, City of Ames Legal Department, 515 Clark Avenue, Ames, Iowa 50010 (Phone: 515-239-5146)
Return recorded document to: Ames City Clerk, P. O. Box 811, Ames, Iowa 50010

RESOLUTION NO. _____

**RESOLUTION TO ABANDON PUBLIC UTILITY, ELECTRIC, AND
BIKE PATH EASEMENTS IN LOTS 2 AND 3, REPLAT OF
SOUTHERN HILLS WEST SUBDIVISION, AMES, STORY COUNTY,
IOWA**

BE IT RESOLVED, by the City Council of the City of Ames, Iowa, that the following bike path easement in Lots 2 and 3, Replat of Southern Hills West Subdivision, Ames, Story County, Iowa is abandoned:

A strip of land 20.00 feet in width across Lots 2 and 3 in the Replat of Southern Hills West in the Southeast Quarter of the Northwest Quarter of Section 15, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa being more particularly described as follows: Commencing at the Southeast Corner of said Lot 2; thence N00°14'39"W, 10.00 feet along the East line of said Lot 2 to the point of beginning; thence S89°28'07"W, 175.53 feet to the beginning of a curve; thence westerly and southwesterly, 212.25 feet along said curve having a radius of 913.51 feet, concave to the south, and a central angle of 13°18'45" and being subtended by a chord which bears S69°20'34"W, 211.77 feet; to a point on the Southwesterly line of said Lot 3 and the beginning of a curve; thence northwesterly 20.27 feet along the arc of said curve concave to the southwest having a radius of 180.00 feet and a central angle of 6°27'03" and being subtended by a chord which bears N36°31'12"W, 20.26 feet to the beginning of a curve; thence northeasterly and easterly 222.51 feet along the arc of said curve concave to the south having a radius of 933.51 feet and a central angle of 13°39'26" and being subtended by a chord which bears N69°18'59"E, 221.99 feet; thence N89°28'07"E, 177.98 feet to a point on the East line of said Lot 2; thence S00°14'39"E, 20.00 feet to the point of beginning, containing 0.18 acres.

BE IT FURTHER RESOLVED, that the following public utility easement in Lot 3, Replat of Southern Hills West Subdivision, Ames, Story County, Iowa is abandoned:

A strip of land 10.00 feet in width across Lot 3 in the Replat of Southern Hills West in the Southeast Quarter of the Northwest Quarter of Section 15, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa being situated 5.00 feet on each side of the following described centerline: Commencing at the Northwest Corner of Lot 2 in said Replat of Southern Hills West; thence N32°37'21"E, 5.97 feet to the point of beginning; thence continuing N32°37'21"E, 275.45 feet; thence N77°42'40"E, 28.32 feet; thence S57°22'39"E, 186.12 feet to a point on the Easterly line of said Lot 3 and there terminating.

BE IT FURTHER RESOLVED, that the following electric easement in Lot 3, Replat of Southern Hills West Subdivision, Ames, Story County, Iowa is abandoned:

A portion of the Easterly 10.00 feet of Lot 3 in the Replat of Southern Hills West in the Southeast Quarter of the Northwest Quarter of Section 15, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa being more particularly described as follows: Commencing at the Northeasterly Corner of said Lot 3; thence N43°51'32"W, 10.00 feet along the Northeasterly line of said Lot 3 to the point of beginning; thence running parallel with and 10.00 feet westerly of the Easterly line of said Lot 3 S46°08'28"W, 388.66 feet; thence S00°23'31"E, 86.36 feet to a point on the North line of an existing Electric Easement, and there terminating.

All other parts of said easements are retained by the City of Ames and shall remain in full force and effect.

Done this _____ day of _____, 2009.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Plat Option 1

OWNERS/DEVELOPERS:
 LOTS 1, 2, 3 & 4
 MARGUERITE SEVDE 45 THURSTON
 OF THE RICHARD H. SEVDE TRUST
 403 WEST 190TH STREET
 AMES, IA 50014
 515-233-3684
 AMES, IOWA 50010-0803
 515-233-3508

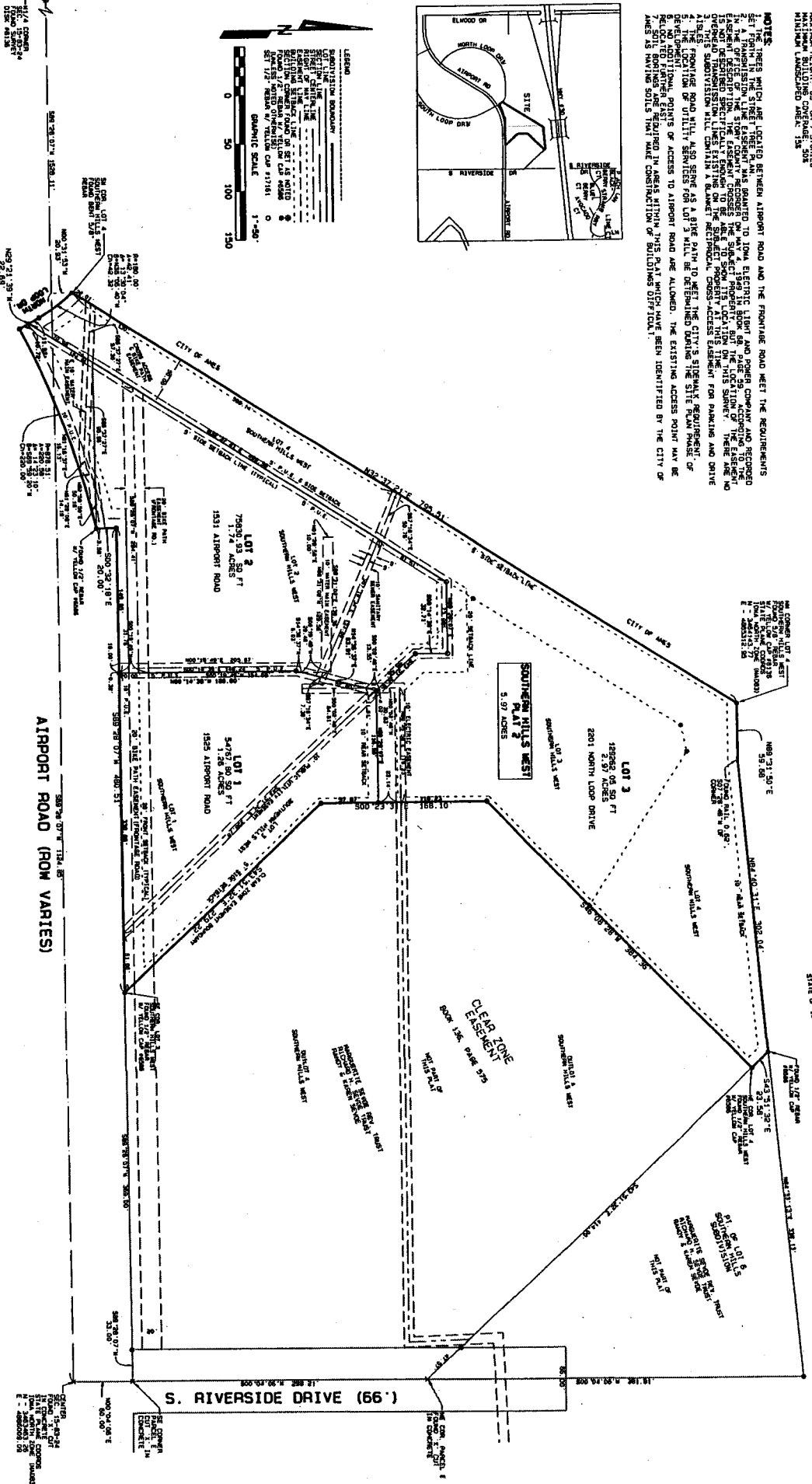
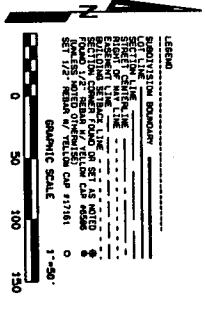
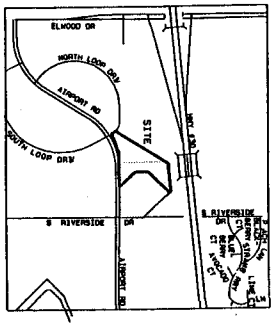
LOT 5
 JAMES J. HANSEN, PROPERTIES, LLC
 403 WEST 190TH STREET
 AMES, IA 50014
 515-233-3684

SURVEY DESCRIPTION: SOUTHERN HILLS WEST PLAT 2
 A REPLAT OF LOTS 1, 2, 3 AND 4 IN SOUTHERN HILLS WEST IN THE SOUTHWEST QUARTER OF THE
 STORY COUNTY, IOWA AS RECORDED ON APRIL 15, 2004 IN THE OFFICE OF THE STORY COUNTY
 RECORDER AT INST. NO. 04-04437.

CURRENT ZONING: HCC HIGHWAY ORIENTED COMMERCIAL

BUILDING SETBACKS:
 FRONT 10' MINIMUM
 SIDE 10' MINIMUM
 REAR 10' MINIMUM
 MAXIMUM HEIGHT: 20' OR 2 STORIES
 MINIMUM UNOCCUPIED AREAS: 15'

NOTES:
 1. LINES WHICH ARE LOCATED BETWEEN AIRPORT ROAD AND THE FRONTAGE ROAD MEET THE REQUIREMENTS
 SET FORTH IN THE STREET TIER PLAN IN AN ORDER TO BE CONSIDERED AS A FRONTAGE ROAD AND RECORDED
 IN THE OFFICE OF THE STORY COUNTY RECORDER ON MAY 4, 2004 IN BOOK 68 PAGE 55 ACCORDING TO THE
 LATEST REVISIONS OF THE CITY OF AMES ZONING ORDINANCES. THE CITY OF AMES ZONING ORDINANCES
 REQUIRE THAT THE FRONTAGE ROAD BE LOCATED ON THE EAST SIDE OF THE STREET. THERE ARE NO
 OVERHEAD TRANSMISSION LINES EXISTING ON THE SUBJECT PROPERTY ACCESS EASEMENT FOR PARKING AND DRIVE
 ALLEYS.
 2. THE FRONTAGE ROAD WILL BE USED FOR LOT 3 TO MEET THE CITY'S STREET REQUIREMENT OF
 DEVELOPMENT. PARKING DRIVE OR ACCESS TO AIRPORT ROAD ARE ALLOWED. THE EXISTING ACCESS POINT MAY BE
 RELOCATED PARTIAL EAST SIDE FROM THE INTERSECTION WITHIN THE PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF
 AMES. THE FRONTAGE ROAD WILL BE CONSTRUCTED AS BUILT WITHIN THE PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF
 AMES.



RECEIVED
 MAR 24 2009
 CITY OF AMES, IOWA
 DEPT. OF PLANNING & HOUSING

STUMBO & ASSOCIATES
 LAND SURVEYING, INC.
 510 S. 17th STREET, SUITE 102 AMES, IOWA 50010
 PHONE 515-233-3684 FAX 515-233-4403

FINAL PLAT
SOUTHERN HILLS WEST PLAT 2
 REPLAT OF SOUTHERN HILLS WEST IN SE1/4, NW1/4
 SEC. 15-83-24, CITY OF AMES, STORY COUNTY, IOWA
 SURVEY PREPARED FOR: MARGUERITE SEVDE
 JOB #15221FP DATE: 3/16/09 PAGE: 1 of 1

Certification: I hereby certify that this land surveying
 document was prepared and the related survey work was performed
 by me or under my direct supervision and I am a duly licensed
 land surveyor under the laws of the State of Iowa.
R. Stumbo Date: *3/16/09*
 R. Stumbo License #1158 Date Rec'd: 10/31/09
 by License Renewal

BRADLEY STUMBO
 LICENSE
 17161
 IOWA
 LAND SURVEYOR

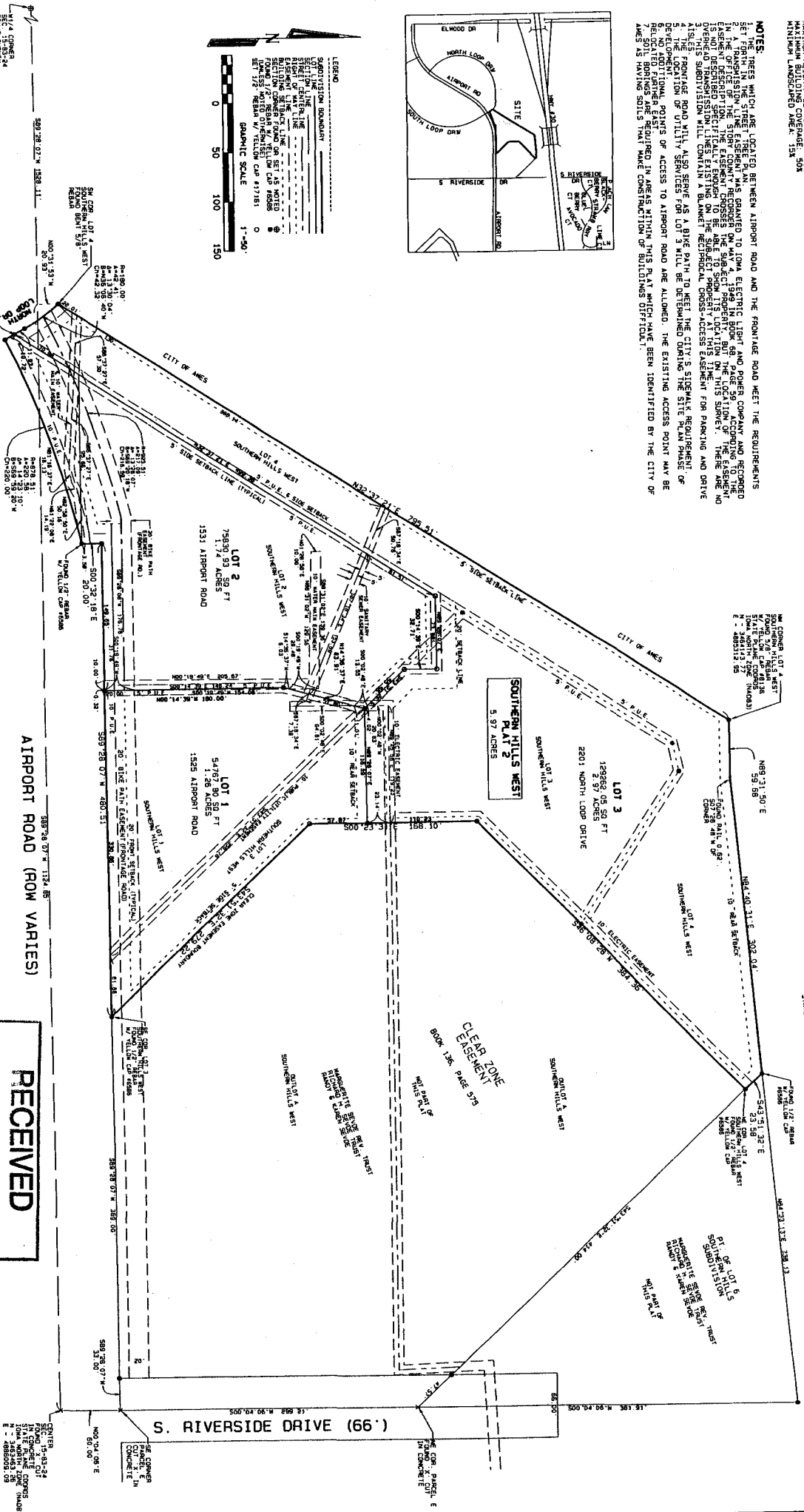
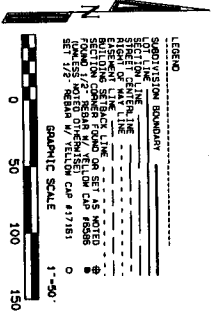
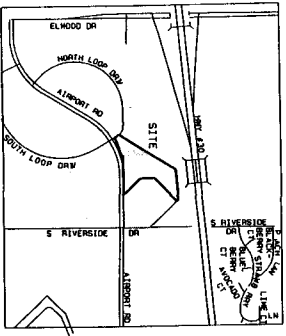
Plot Option 2

OWNERS/DEVELOPERS:
 LOTS 1, 2, 3 & 4
 MARGUERITE SEVDE AS TRUSTEE
 OF THE RICHMOND SERVICE TRUST
 RANDY SEVDE
 P.O. BOX 805
 MEA, IOWA 50010-0805
 515-233-5983

SURVEY DESCRIPTION: SOUTHERN HILLS WEST PLAT 2
 A REPLAT OF LOTS 1, 2, 3 AND 4 IN SOUTHERN HILLS WEST PLAT 1, THE SOUTHWEST QUARTER OF THE
 SECTION 15-83-24, CITY OF AMES, STORY COUNTY, IOWA, AS RECORDED ON APRIL 15, 2004 IN THE OFFICE OF THE STORY COUNTY
 RECORDER AT INST. NO. 04-04427.

CURRENT ZONING: HOC (HIGHWAY ORIENTED COMMERCIAL)
 BUILDING SETBACKS:
 FRONT: 50' MINIMUM
 REAR: 10' MINIMUM
 MAXIMUM BUILDING HEIGHT: 65' OR 7 STORIES
 MAXIMUM BUILDING COVERAGE: 50%
 MINIMUM LANDSCAPED AREA: 15%

NOTES:
 1. THE TREES WHICH ARE LOCATED BETWEEN AIRPORT ROAD AND THE FRONTAGE ROAD MEET THE REQUIREMENTS
 2. A TRANSMISSION LINE EASEMENT WAS GRANTED TO IOWA ELECTRIC LIGHT AND POWER COMPANY AND RECORDED
 IN THE OFFICE OF THE STORY COUNTY RECORDER. THE SUBJECT PROPERTY BUT THE LOCATION OF THE EASEMENT
 IS NOT DESCRIBED SPECIFICALLY ENOUGH TO BE ABLE TO SHOW ITS LOCATION ON THIS SURVEY. THERE ARE NO
 OVERHEAD WIRE TOWERS OR SUPPORTS SHOWN ON THIS SURVEY. A BLANKET MEDICAL CROSS-EASEMENT FOR PARKING AND DRIVE
 ACCESS POINTAGE ROAD WILL ALSO SERVE AS A BIKE PATH TO MEET THE CITY'S SIDEWALK REQUIREMENT OF
 5'. THE LOCATION OF UTILITY SERVICES FOR LOT 3 WILL BE DETERMINED DURING THE SITE PLAN PHASE OF
 DEVELOPMENT. POINTS OF ACCESS TO AIRPORT ROAD ARE ALLOWED. THE EXISTING ACCESS POINT MAY BE
 RELOCATED FURTHER EAST.
 7. SOIL BORINGS WERE OBTAINED IN AMES WITHIN THIS PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF
 AMES AS HAVING SOILS THAT ALLOW CONSTRUCTION OF BUILDINGS OFFIELD.



RECEIVED
 APR 24 2009
 CITY OF AMES, IOWA
 DEPT OF PLANNING & HOUSING

STUMBO & ASSOCIATES
 LAND SURVEYING, INC.
 510 S. 17TH STREET, SUITE 102 AMES, IOWA 50010
 PHONE 515-233-3684 FAX 515-233-4403

FINAL PLAT
SOUTHERN HILLS WEST PLAT 2
 REPLAT OF SOUTHERN HILLS WEST IN SE1/4, NW1/4
 SEC. 15-83-24, CITY OF AMES, STORY COUNTY, IOWA
 SURVEY PREPARED FOR: MARGUERITE SEVDE
 JOB #15221FP2V2 DATE: 3/16/09 PAGE: 1 of 1

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
R. Bradley Stumbo Date: 4/23/09
 R. Bradley Stumbo License #17161
 My license renewal date is October 31, 2009.

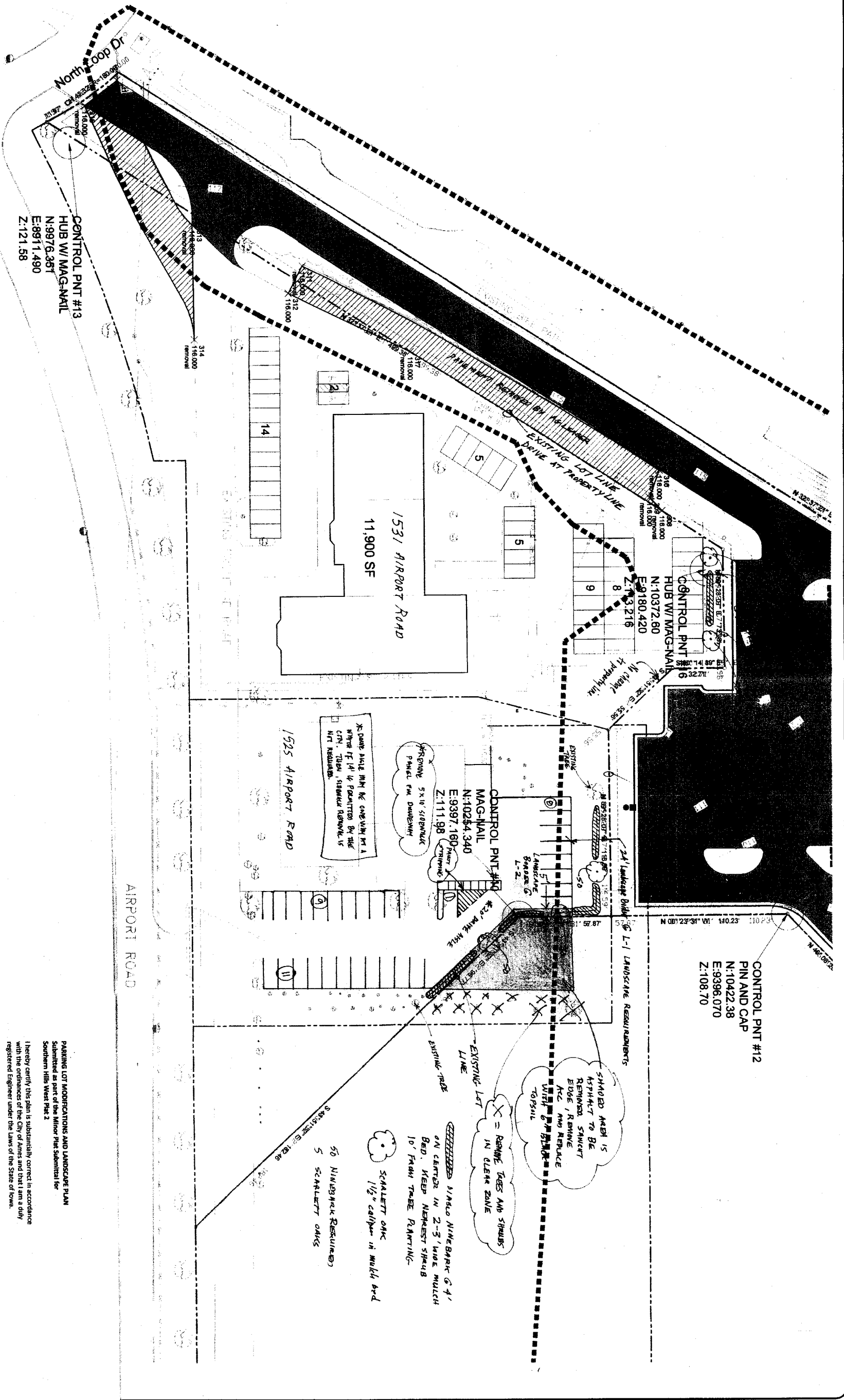
BRADLEY STUMBO
 LICENSED
 17161
 IOWA
 LAND SURVEYOR

DRAWING FILENAME DRAWING		
PLOT STYLE TABLE	LAYER MNGR NAME	LAYOUT NAME
PEN SETTINGS	LAYER MNGR	VIEW



1
9

1531 AIRPORT ROAD PARKING
1" = 30'



PARKING LOT MODIFICATIONS AND LANDSCAPE PLAN
Submitted as part of the Minor Plat Submittal for
Southern Hills West Phase 2

I hereby certify this plan is substantially correct in accordance
with the ordinances of the City of Ames and that I am a duly
registered Engineer under the laws of the State of Iowa.

Scott Remold, P.E.
Iowa License No. 12109
My license expires December 31, 2010

Date _____

1531 AIRPORT ROAD PARKING ANALYSIS
AG LEADER TRAINING CENTER
2201 NORTH LOOP DRIVE
AMES, IOWA

FOX engineering
FOX Engineering Associates, Inc.
1601 Golden Aspen Drive, Suite 103
Ames, Iowa 50010
Phone: (515) 233-0000
FAX: (515) 233-0103

DATE	REVISION	BY	DATE
		DESIGNED: REB	8-28-08
		DRAWN: REB	8-28-08
		CHECKED: SLR	1-22-09
		LAST UPDATE:	03-17-09

PROJECT NO.
5123-08A
SHEET
9