

**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY – 116, 122 BORNE AVENUE AND 503 EAST LINCOLN WAY**

**BACKGROUND:**

Application for a proposed plat of survey has been submitted for:

- Conveyance division of land (per Section 23.307)
- Boundary line adjustment (per Section 23.308)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The subject site is located at:

Street Address: 116, 122 Borne Avenue and 503 E. Lincoln Way

Assessor's Parcel #: 09-02-477-130; 09-02-477-120; and 09-02-477-110

Legal Description: Parcel L in the South Quarter (S ¼) of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 2, Township 83 North, Range 24 West of the 5<sup>th</sup> P.M., Story County, Iowa.

Owner: City of Ames

A copy of the proposed plat of survey is attached for Council consideration.

Pursuant to Section 23.307(4)(c), a preliminary decision of approval for the proposed plat or survey has been rendered by the Planning & Housing Department, subject to the following conditions:

1. None

The preliminary decision of approval requires all public improvements associated with and required for the proposed plat of survey be:

- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.

- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

Under Section 23.307(5), the Council shall render by resolution a final decision of approval if the Council agrees with the Planning & Housing Director's preliminary decision.

**ALTERNATIVES:**

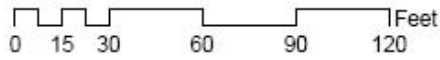
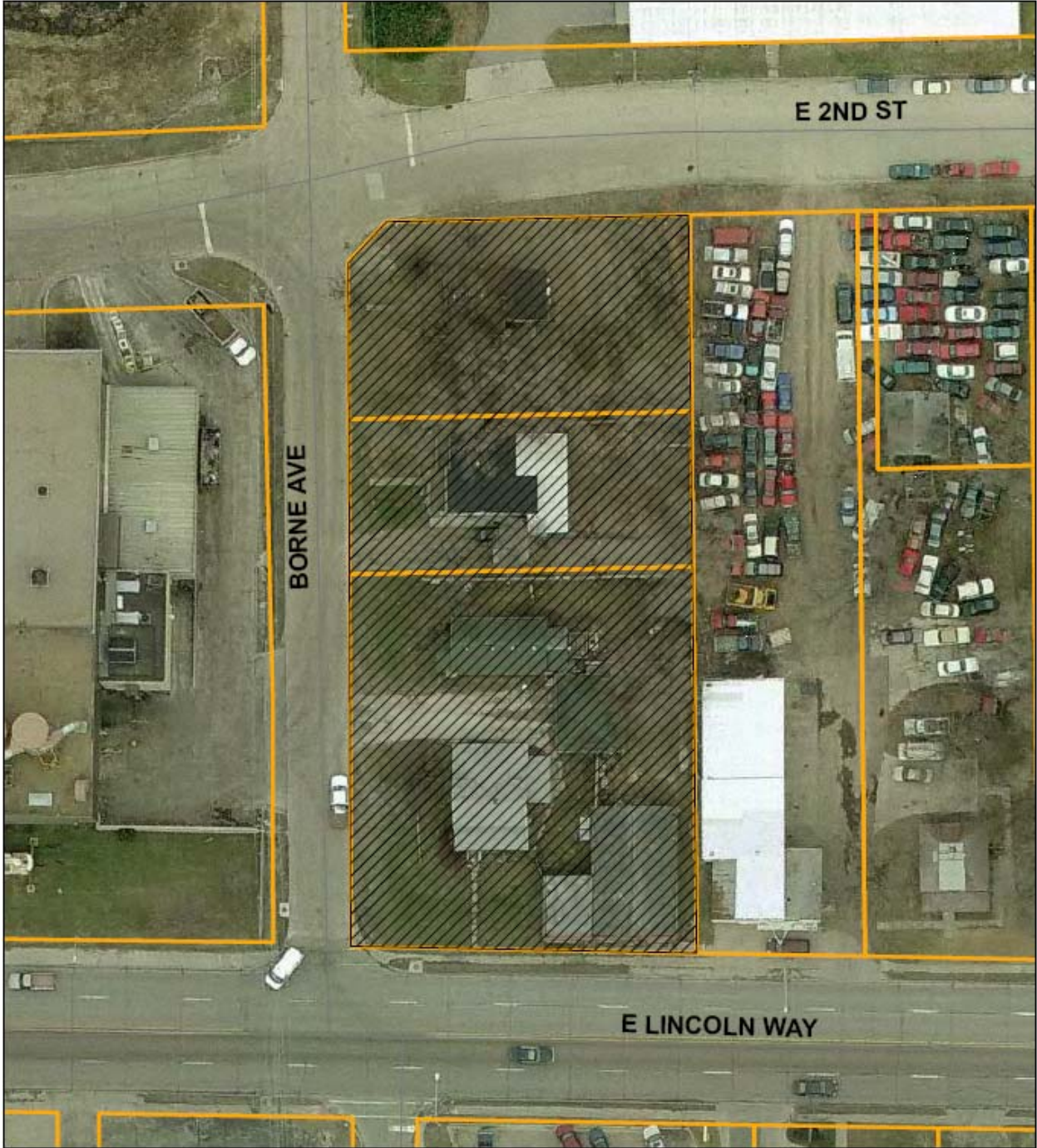
1. The City Council can adopt the resolution approving the proposed plat of survey if the Council agrees with the Planning & Housing Director's preliminary decision.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.307 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

**MANAGER'S RECOMMENDED ACTION:**

The Planning & Housing Director has determined that the proposed plat of survey satisfies all code requirements, and has accordingly rendered a preliminary decision to approve the proposed plat of survey.

**Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1**, which is to adopt the resolution approving the proposed plat of survey. Approval of the resolution will allow the applicant to prepare the official plat of survey incorporating all conditions of approval specified in the resolution. It will further allow the prepared plat of survey to be reviewed and signed by the Planning & Housing Director confirming that it fully conforms to all conditions of approval. Once signed by the Planning & Housing Director, the prepared plat of survey may then be signed by the surveyor, making it the official plat of survey, which may then be recorded in the office of the County Recorder.

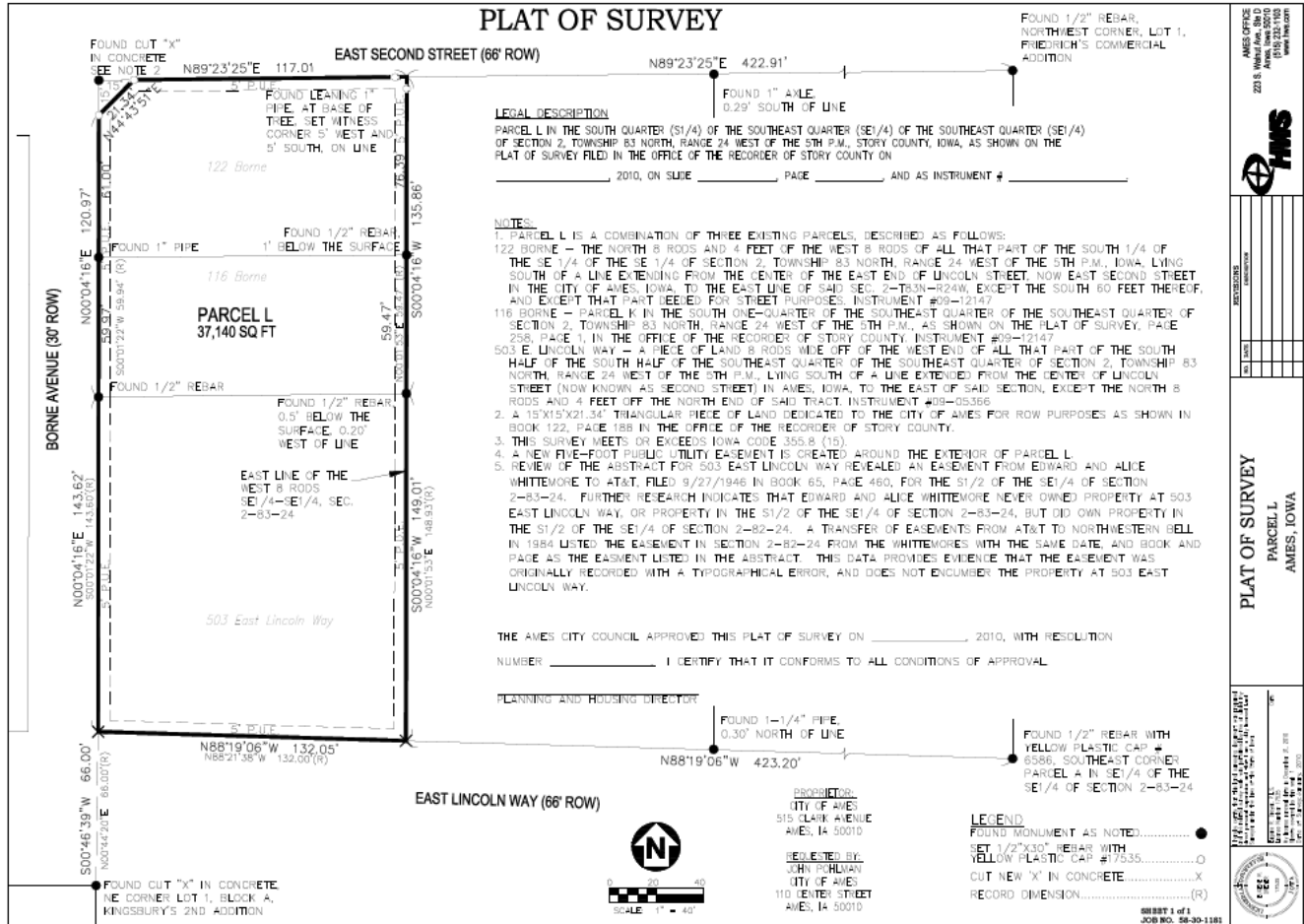
It should be noted that according to Section 23.307(10), the official plat of survey shall not be recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office, and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.



# Location Map



# PLAT OF SURVEY



**LEGAL DESCRIPTION**

PARCEL L IN THE SOUTH QUARTER (S1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 2, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY ON \_\_\_\_\_, 2010, ON SLIDE \_\_\_\_\_ PAGE \_\_\_\_\_ AND AS INSTRUMENT # \_\_\_\_\_

**NOTES:**

1. PARCEL L IS A COMBINATION OF THREE EXISTING PARCELS, DESCRIBED AS FOLLOWS:  
 122 BORNE - THE NORTH 8 RODS AND 4 FEET OF THE WEST 8 RODS OF ALL THAT PART OF THE SOUTH 1/4 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., IOWA, LYING SOUTH OF A LINE EXTENDING FROM THE CENTER OF THE EAST END OF LINCOLN STREET, NOW EAST SECOND STREET IN THE CITY OF AMES, IOWA, TO THE EAST LINE OF SAID SEC. 2-T83N-R24W, EXCEPT THE SOUTH 60 FEET THEREOF, AND EXCEPT THAT PART HEREOF FOR STREET PURPOSES, INSTRUMENT #09-12147.  
 116 BORNE - PARCEL K IN THE SOUTH ONE-QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., AS SHOWN ON THE PLAT OF SURVEY, PAGE 258, PAGE 1, IN THE OFFICE OF THE RECORDER OF STORY COUNTY, INSTRUMENT #09-12147.  
 503 E. LINCOLN WAY - A PIECE OF LAND 8 RODS WIDE OFF OF THE WEST END OF ALL THAT PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING SOUTH OF A LINE EXTENDING FROM THE CENTER OF LINCOLN STREET (NOW KNOWN AS SECOND STREET) IN AMES, IOWA, TO THE EAST OF SAID SECTION, EXCEPT THE NORTH 8 RODS AND 4 FEET OFF THE NORTH END OF SAID TRACT, INSTRUMENT #09-05366.
2. A 15'X15'X21.34' TRIANGULAR PIECE OF LAND DEDICATED TO THE CITY OF AMES FOR ROW PURPOSES AS SHOWN IN BOOK 122, PAGE 188 IN THE OFFICE OF THE RECORDER OF STORY COUNTY.
3. THIS SURVEY MEETS OR EXCEEDS IOWA CODE 385.9 (15).
4. A NEW FIVE-FOOT PUBLIC UTILITY EASEMENT IS CREATED AROUND THE EXTERIOR OF PARCEL L.
5. REVIEW OF THE ABSTRACT FOR 503 EAST LINCOLN WAY REVEALED AN EASEMENT FROM EDWARD AND ALICE WHITEMORE TO AT&T, FILED 9/27/1946 IN BOOK 65, PAGE 460, FOR THE S1/2 OF THE SE1/4 OF SECTION 2-83-24. FURTHER RESEARCH INDICATES THAT EDWARD AND ALICE WHITEMORE NEVER OWNED PROPERTY AT 503 EAST LINCOLN WAY, OR PROPERTY IN THE S1/2 OF THE SE1/4 OF SECTION 2-83-24, BUT DID OWN PROPERTY IN THE S1/2 OF THE SE1/4 OF SECTION 2-82-24. A TRANSFER OF EASEMENTS FROM AT&T TO NORTHWESTERN BELL IN 1984 LISTED THE EASEMENT IN SECTION 2-82-24 FROM THE WHITEMORES WITH THE SAME DATE, AND BOOK AND PAGE AS THE EASEMENT LISTED IN THE ABSTRACT. THIS DATA PROVIDES EVIDENCE THAT THE EASEMENT WAS ORIGINALLY RECORDED WITH A TYPOGRAPHICAL ERROR, AND DOES NOT ENCLUMBER THE PROPERTY AT 503 EAST LINCOLN WAY.

THE AMES CITY COUNCIL APPROVED THIS PLAT OF SURVEY ON \_\_\_\_\_, 2010, WITH RESOLUTION NUMBER \_\_\_\_\_ I CERTIFY THAT IT CONFORMS TO ALL CONDITIONS OF APPROVAL.

PLANNING AND HOUSING DIRECTOR

**PROPOSED BY:**  
 CITY OF AMES  
 515 CLARK AVENUE  
 AMES, IA 50010

**PREPARED BY:**  
 JOHN P. HUBBARD  
 CITY OF AMES  
 110 CENTER STREET  
 AMES, IA 50010

**LEGEND:**  
 FOUND MONUMENT AS NOTED.....●  
 SET 1/2"X30" REBAR WITH YELLOW PLASTIC CAP #17535.....O  
 CUT NEW 'X' IN CONCRETE.....X  
 RECORD DIMENSION.....(R)

AMES OFFICE  
 221 E. Walnut Ave., 2ND FLOOR  
 AMES, IA 50010  
 (515) 233-1100  
 www.ames.org

**PLAT OF SURVEY**  
 PARCEL L  
 AMES, IOWA

DATE: 08/11/10  
 TIME: 10:00 AM  
 SHEET NO. 1 OF 1  
 JOB NO. 58-30-1181