

ITEM #: 17a&b
DATE: 07-26-11

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY – 519 SOUTH DUFF AVENUE

BACKGROUND:

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

- ☐ Conveyance parcel (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: 519 South Duff Avenue

Assessor's Parcel #'s: 0911176035, 0911176040, 0911176050, 0911176060

Legal Description: Attached on proposed plat of survey

Owners: Floyd Penkhus, Mark Penkhus, Stephen Penkhus

This is a revised version of a plat of survey that Council approved on May 24, 2011. The May 24th plat was not recorded. The applicant now proposes to plat a smaller area, which does not extend all the way to South 5th Street. Both plats complied with zoning and subdivision codes. However the applicant requests approval of the attached plat as a replacement of the May 24th approval. Council action will first revoke the approval on the earlier plat and then approve the new plat.

***Municipal Code* Section 23.305 allows the City Council to revoke approved plats that have not been recorded within 30 days of approval. There are some minor typographical errors to the owner names that will need to be corrected prior to recordation of the plat.**

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 Director, subject to the following conditions:

1. The spelling of the owner's names shall be corrected to match Auditor records.
2. Approval of the previously proposed plat under Resolution 11-249 is rescinded by this approval.

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. This action would rescind Resolution 11-249 and approve a new resolution for the new plat.
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.

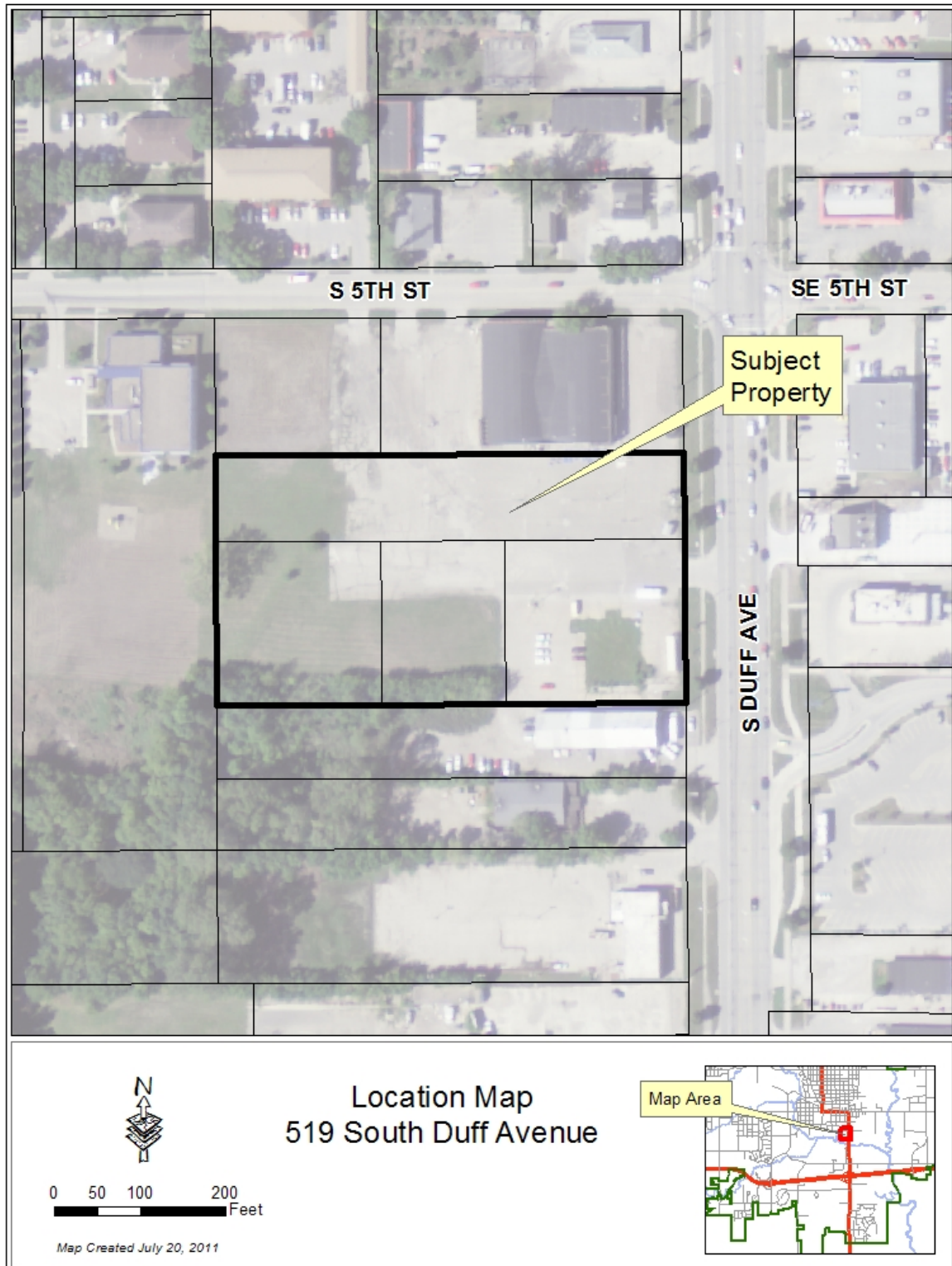
MANAGER'S RECOMMENDED ACTION:

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 based on the above conditions.

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. This action would rescind Resolution 11-249 and approve a new resolution for the new plat. 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.

Attachment A: Location Map / Existing Conditions



RETURN TO: CIVIL DESIGN ADVANTAGE, 3405 SE CROSSROADS DRIVE, SUITE G, GRIMES, IA. 50111, PH: 369-4400 FAX: 369-4410

