

COUNCIL ACTION FORM

SUBJECT: REMOTE PARKING AGREEMENT FOR 2520 CHAMBERLAIN STREET

BACKGROUND:

On November 12, 2013, City Council reviewed a request to allow remote parking for all parking spaces required for a new mixed use development located at 2520 Chamberlain Street. The proposed building will include approximately 3,500 square feet of commercial space, as well as eight apartment units with a total of 40 bedrooms. **Due to the small size of the lot, the applicant proposed to locate all eight required parking spaces off site within a parking lot located to the north (across the street) of the site at 2515 Chamberlain Street and 133 Welch Avenue.** (See Attachment A, Location Map.)

No parking is required for the proposed commercial space on the first floor. The required minimum parking for the residential use is one parking space per residential unit regardless of the number of bedrooms. Therefore, a total of 8 parking spaces are required for the remote parking agreement. Of those 8 required spaces, one must be designed and installed as a van accessible space to meet accessibility requirements.

City Council approved the request for remote parking for the property, subject to the remote parking site being modified by the applicant so that the following occurs: 1) the existing utility box is relocated to meet the minimum two-way drive aisle dimension at the entrance of the parking lot; 2) additional wall pack lighting is installed by the applicant to eliminate a safety concern for residential parking; and 3) the applicant replants appropriate shrub and groundcover within existing planters.

Based on Council's direction, staff has drafted the attached agreement for Council approval. (See Attachment B, signed remote parking agreement.)

ALTERNATIVES:

1. The City Council can approve the attached Remote Parking Agreement for 2520 Chamberlain Street.
2. The City Council can deny the attached Remote Parking Agreement for 2520 Chamberlain Street.
3. The City Council can refer this item to staff or the applicant for further information.

MANAGER'S RECOMMENDED ACTION:

Based on previous direction by Council related to remote parking for the property at 2520 Chamberlain Street, it is the recommendation of the City Manager that City Council approve Alternative #1, thereby approving the attached remote parking agreement for this property.

ATTACHMENT A Location Map



Location Map
Subject Site : 2520 Chamberlain Street
Remote Parking : 2515 Chamberlain Street/133 Welch Ave.

0 30 60 120 Feet



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

Prepared by: Jessica D. Spoden, City of Ames Legal Department, 515 Clark Avenue, Ames, IA 50010 (Phone: 515-239-5146)

Return to: Ames City Clerk, P. O. Box 811, Ames, IA 50010

REMOTE PARKING AGREEMENT

December 16, 2013

THIS AGREEMENT is made December 16, 2013 between **City of Ames** (hereafter "City") and **Randall Corporation** (hereafter "Randall").

Recitals

1. Randall recognizes that they are required to provide sufficient parking for the tenants that will be occupying the new building site located at 2520 Chamberlain Street.
2. The City desires to provide for accommodation of the parking needs by permitting Randall to use a remote site for the required parking.

IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, IT IS AGREED:

1. Ownership of Real Estate

Scott E. Randall, Randall Corporation, is the owner of real estate located in Story County and locally known as 2520 Chamberlain Street, Ames, Iowa 50010.

Scott E. Randall, Randall Corporation, is the owners of real estate located in Story County and locally known as 2515 Chamberlain Street, Ames, Iowa 50010.

Scott E. Randall, Randall Corporation, is the owners of real estate located in Story County and locally known as 131-135 Welch Avenue, Ames, Iowa 50010.

Randall intends to use spaces from the 2515 Chamberlain Street and 131–135 Welch commercial sites to meet the parking requirement for the new building at 2520 Chamberlain Street by execution of a Remote Parking Easement. The shared parking located at 2515 Chamberlain Street and 131–135 Welch Avenue is located north of 2520 Chamberlain Street across Chamberlain Street. This shared parking lot is 75 feet from the new building site and is approximately 470 feet of walking distance away.

The remote parking location is a shared parking lot between two properties. The properties have single-story commercial buildings with no residential units; therefore, no parking is required by the Zoning Code for the commercial uses. The required minimum parking for the residential use is one parking space per residential unit regardless of the number of bedrooms. Therefore, a total of 8 parking spaces are required. Of those 8 required spaces, one must be designed and installed as a van accessible space to meet accessibility requirements.

2. Conveyance and Description of Easement.

- a. Scott and Jane Randall hereby grant to Randall Corporation a perpetual easement, as evidenced by a recorded Remote Parking Easement, for the exclusive use of eight (8) parking spaces located on the premises of 2515 Chamberlain Street and 131–135 Welch Avenue, as shown on Attachment “A” (hereafter “Parking Area”), to meet the off-street parking space requirements of the City of Ames zoning regulations pertaining to the property located at 2520 Chamberlain Street. Exclusive use shall mean that the tenants of the aforementioned properties, as the case may be, its tenants, customers, and invitees shall have the exclusive right to use and enjoy the Parking Area. The location of the Parking Area may be modified from time to time by mutual agreement of the parties to adjust for changing circumstances and use of the remaining parking area. If the parties desire to modify this Agreement, the Parties will give the City of Ames written notice ten (10) days prior to recording an amendment to the Agreement.
- b. Neither property owner shall allow its tenants, customers, employees, agents, members, or invitees to impede ingress or egress to the Parking Area by their tenants, customers, employees, agents, members and invitees.

3. Conditions. A parking lot plan shall be submitted for the remote parking site located at 2515 Chamberlain and 131–135 Welch and shall conform to all zoning requirements. Randall agrees to complete the following modifications to the Remote Parking Area prior to use of the site as described on the approved Minor Site Plan for 2520 Chamberlain:

- a. The existing utility box is relocated to meet the minimum two-way drive aisle dimension at the entrance of the parking lot.

- b. Additional wall pack lighting is installed by the applicant to eliminate a safety concern for residential parking.
- c. The applicant re-plants appropriate shrub and ground cover within existing planters.

- 4. **Maintenance.** Randall will maintain the Parking Area, including snow removal.
- 5. **Liability and Insurance.** Randall agrees to obtain and maintain liability insurance insuring its respective interest in the easement and to share equally in any such liability, except for such liability as may be caused by the negligence or intentional acts of either party, in which case that party shall bear the entire liability.
- 6. **Termination of Agreement.** If Randall desires to terminate the Agreement, prior to termination Randall shall provide sufficient alternative parking approved by the City and shall give the City of Ames written notice ten (10) days prior to recording the termination of this Agreement.
- 7. **Nature of the Agreement.** This Agreement and the easements granted shall be permanent, shall run with the land, and shall be binding upon the parties' heirs, successors, and assigns.

CITY OF AMES, IOWA

By _____
Ann H. Campbell, Mayor

Attest _____
Diane R. Voss, City Clerk

RANDALL CORPORATION

By Scott E. Randall
Scott E. Randall, President

By Scott E. Randall
Scott E. Randall, Secretary

STATE OF IOWA, COUNTY OF STORY, ss:

On this ____ day of _____, 2013, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known and who, by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. ____ adopted by the City Council on the ____ day of _____, 20____, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on the 19 day of December, 2013, by Scott E. Randall, President and Secretary of Randall Corporation.

Patti Boon
Notary Public in and for the State of Iowa



Notary Public in and for the State of Iowa

**ATTACHMENT A
Location Map**



Location Map
Subject Site : 2520 Chamberlain Street
Remote Parking : 2515 Chamberlain Street/133 Welch Ave.

