

**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY FOR 551, 703, 705 SOUTH DUFF AVENUE**

**BACKGROUND:**

Subdivision regulations for the City of Ames are part of Chapter 23 of the Ames Municipal Code. The Subdivision Code includes the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The City also uses the Subdivision Code as means of reviewing the status of conveyance parcels, which are non-conforming lots created through a private conveyance of land, to determine if the lot is indeed a buildable lot. A Plat of Survey is a single-step review within Section 23.308 for City Council approval of minor activities, such as boundary line adjustments and conformance determination of conveyance parcels.

**The proposed plat of survey is for the consolidation of three lots, 551, 703 and 705 South Duff Avenue, along the west side of South Duff Avenue, north of Squaw Creek. (See Attachment A, Location Map) The properties are owned by Hunziker Properties, LLC and E-M Hunziker, LLC. The plat of survey consolidates the three existing properties into one new 4.52 acre Parcel AY for the purpose of redevelopment of the property for commercial uses. The new parcel will be addressed as 701 South Duff Avenue. (See Attachment B, Proposed Plat of Survey)**

Although a public sidewalk is in place along the entire frontage of the proposed Parcel AY, a shared use path is in place only along a portion of the frontage. In accordance with Ames *Municipal Code* Section 23.309(3) the shared use path must be completed across the remaining frontage of the proposed parcel. **The applicant believes that installation of this path before the property is developed would be premature and thus requests that this requirement be deferred until development of the site (in accordance with Ames *Municipal Code* Section 23.403(14)(a)(i)). An Agreement for Shared Use Path deferral accommodating this request is presented for City Council consideration.**

There is no proposal to define or limit access from a public way as a condition of this Plat of Survey. Future access will be determined during the site planning approval process by the City and the Iowa Department of Transportation. Staff also notes that the City has an 80-foot right-of-way along the south property line to provide access to City property west of the site. This right-of-way and easement will remain as part of this Plat of Survey. The property owner will likely request a reconfiguration of this access in conjunction with development the site.

Approval of this plat of survey will allow the applicant to prepare the official plat of survey, and the Planning and Housing Director to review and sign the plat of survey confirming that it fully conforms to all conditions of approval. 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.

**ALTERNATIVES:**

1. The City Council can adopt the resolution approving the proposed plat of survey and approve the attached request for Shared Use Path deferral.
2. The City Council can adopt the resolution approving the proposed plat of survey and require installation of the Shared Use Path prior to recording for the Plat of Survey.
3. 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 23.308 have not been satisfied.
4. The City Council can refer this back to staff and/or the owner for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

Staff has determined that the proposed plat of survey satisfies all code requirements and has made a preliminary decision of approval. Deferral of the installation of a required shared use path, but requiring installation before a new building is occupied, is not unusual for commercial development. **Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey and approving the attached Agreement for Shared Use Path.**

**ADDENDUM  
PLAT OF SURVEY FOR 551, 703 & 705 SOUTH DUFF AVENUE**

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

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Existing Street Addresses: 551, 703 & 705 South Duff Avenue  
New Street Address: 701 South Duff Avenue

Owner: Hunziker Properties, LLC and E-M Hunziker, LLC.

Assessor's Parcel #: 0911176080, 0911325010 and 0911325020

Legal Descriptions:

Tract #1:  
Lot 20 and the South 22 feet of Lot 19 in Cayler s Second Addition to Ames, Story County, Iowa.

Tract #2:  
The North 155.25 feet of the East 641 feet of the NE1/4 of the W1/4 of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, except the East 93 feet thereof.

Tract #3:  
A part of the SW1/4 of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, described as follows: Commencing at the NE Corner of the SW1/4 of said Section 11, thence S89°54'W, 641 feet along the North line of said SW1/4, thence South, 155.25 feet, thence N89°54'E, 41.15 feet to the point of beginning, thence continuing N89°54'E, 506.85 feet, thence South along the West line of Duff Avenue, 80 feet, thence S89°54'W, 420.3 feet, thence South, 331.2 feet, thence N68°44'W, along the approximate centerline of Squaw Creek, 92.5 feet, thence N00°06'W, 377.85 feet to the point of beginning, except the South 19 feet of the East 14 feet thereof; and Beginning at a point on the quarter section line 235.25 feet South of the center of said Section 11; thence West 513 feet, thence South 9 feet, thence East 513 feet, thence North 9 feet along the quarter section line to the point of beginning, except the East 107 feet thereof.

**Public Improvements:**

The preliminary decision of the Planning Director finds that 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 23.403(14). (Shared Use Path)
- Not Applicable.

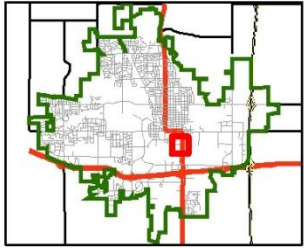
Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.



**ATTACHMENT A  
LOCATION MAP**



**Location Map  
551-705 South Duff**





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

Prepared by: Jessica D. Spoden, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; (515) 239-5146  
Return to: Ames City Clerk, 515 Clark Ave., Ames, IA 50010

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**AGREEMENT FOR SHARED USE PATH  
FOR 701 S. DUFF AVENUE**

The parties to this agreement are Hunziker Properties, L.L.C., their successors and assigns, and E-M Hunziker, L.L.C., their successors and assigns, (hereinafter referred to as “Owners”) and the City of Ames, Iowa (hereinafter referred to as “City”).

**WHEREAS**, the Owners are in the process of submitting a plat of survey for the real estate located at 551-705 S. Duff Avenue per Chapter 23 of the Municipal Code of Ames, Iowa, to be known as 701 S. Duff Avenue, Ames, Story County, Iowa; and

**WHEREAS**, the Owners are required to construct a shared use path along all frontage of each and every lot(s) created by the plat of survey as part of the platting procedure of the City.

**NOW, THEREFORE,** in consideration of the premises, it is hereby understood and agreed that:

1. The Owners shall construct a shared use path as required by the City along the frontage for each and every lot(s) created by said plat of survey, in accordance with the plans and specifications on file with the City's engineers and by this reference made a part of this agreement before any city zoning/building permit will be issued with respect to any and all lot(s) created by the plat of survey. In the alternative, Owners may obtain said permits and proceed with construction pursuant to said permits with the understanding that an "occupancy permit" under City ordinances shall be withheld with respect to any building that abuts on a segment of the frontage for which said shared use path has not been completed until the shared use path is completed as aforesaid. Further, if the shared use path is not completed as aforesaid for the segment of the frontage abutting the building within twenty-four (24) months of the issuance of the zoning building permit for that building, the said building permit shall be revoked and be null and void with respect to that building.

2. This agreement shall be filed of record in the office of the Story County Recorder and all covenants, agreements, promises and representations herein stated shall be deemed to be covenants running with the land and shall endure and be binding on the parties hereto, their successors and assigns, for a period of twenty-one (21) years from the date of the recording of these covenants, unless claims to continue any interest in the covenants are filed as provided by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**HUNZIKER PROPERTIES, L.L.C.**

**CITY OF AMES, IOWA**

By \_\_\_\_\_  
Dean E. Hunziker, Manager

By \_\_\_\_\_  
John Joiner, Director of Public Works

**E-M HUNZIKER, L.L.C.**

By \_\_\_\_\_  
Dean E. Hunziker, Manager

<p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>This instrument was acknowledged before me on _____, by Dean E. Hunziker as Manager of <b>Hunzkier Properties, L.L.C.</b></p> <p>_____ Notary Public in and for the State of Iowa</p>	<p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>This instrument was acknowledged before me on _____, by John Joiner as Director of Public Works for the City of Ames, Iowa.</p> <p>_____ Notary Public in and for the State of Iowa</p>
<p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>This instrument was acknowledged before me on _____, by Dean E. Hunziker as Manager of <b>E-M Hunziker, L.L.C.</b></p> <p>_____ Notary Public in and for the State of Iowa</p>	