

**COUNCIL ACTION FORM**

**SUBJECT:** PLAT OF SURVEY FOR 3605 LINCOLN WAY

**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 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 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 property at 3605 Lincoln Way is located on the north side of Lincoln Way west of Franklin Avenue. The building on the property is now vacant and most recently was Cazador's restaurant (See Attachment A). The property conforms to the lot standards for the Highway Oriented Commercial zoning district within which it is located. **The Plat of Survey consolidates the property into one platted lot for permitting purposes.** The property was purchased recently by Yin Yu and Yudong Weng. No proposal has been made for further development. (See Attachment B)

The same owner also owns a portion of the right-of-way of Lincoln Way adjacent to this property. **In conjunction with this Plat of Survey, an Acquisition Plat has been submitted. (See Attachment C). A Quit Claim Deed has been submitted, whereby the city of Ames would obtain title to this right-of-way (See Attached).**

**ALTERNATIVES:**

1. The City Council can approve the Plat of Survey and the acquisition of the Right of Way in order to plat the property at 3605 Lincoln Way and take ownership of that portion of the Right of Way for Lincoln Way with the following approvals:
  - a. The City Council can adopt a resolution approving the proposed Plat of Survey for 3605 Lincoln Way, and
  - b. The City Council can adopt a resolution approving the Acquisition Plat for street Right of Way on Lincoln Way, and
  - c. The City Council can adopt a resolution approving the Quit Claim Deed conveying street right of way from the property owner to the City of Ames.
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 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

The Planning & Housing Department has determined pursuant to 23.308(4)(c), that the proposed plat of survey satisfies all code requirements and has rendered a preliminary decision to approve the proposed plat of survey. **Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolutions approving the proposed plat of survey for 3605 Lincoln Way, the Acquisition Plat, and the quit claim deed for conveyance of street right-of-way to the City of Ames.**

Approval of the resolution will allow the applicant to prepare the official plat of survey, and the Planning & Housing Director to review and sign the plat of survey confirming that it fully conforms to all conditions of approval. The City will record the Acquisition Plat and the signed Quit Claim Deed thereby transferring the right of way to public property. 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.

**SUBJECT: PLAT OF SURVEY FOR 3910 MARICOPA DRIVE**

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:

Owner: Yin Yu and Yudong Weng  
Street Address: 3605 Lincoln Way  
Assessor's Parcel #: 0905451250  
Legal Description:

Survey Description-Parcel P:  
That part of the tract described in a Warranty Deed filed on April 4, 2005 at Inst. No. 05-03445, being situated in the Southwest Quarter of the Southeast Quarter of Section 5, Township 83 North, Range 24 West of the 5th P.M. City of Ames, Story County, Iowa, said part lying North of Lincoln Way and being more particularly described as follows: Beginning at the Southwest Corner of Lot 1 in Walnut Ridge Subdivision First Addition to the City of Ames; thence N00°01'32"E, 246.81 feet to the Northwest Corner of said Lot 1; thence N89°23'29"W, 149.49 feet along the South line of an existing alley to the Northeast Corner of a parcel shown on the Plat of Survey filed on August 11, 1988 in Book 8, page 171; thence S00°11'27"E, 245.02 feet along the East line of said parcel to the Southeast Corner thereof, said point also being the Southeast Corner of Lot 4 in Edgewood Addition to the City of Ames; thence S88°41'50"E, 148.59 feet along the North line of Lincoln Way to the point of beginning, containing 0.84 acres.

**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:

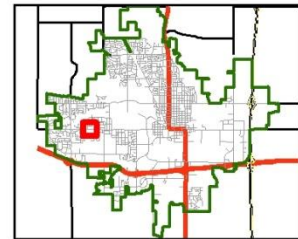
- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

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.

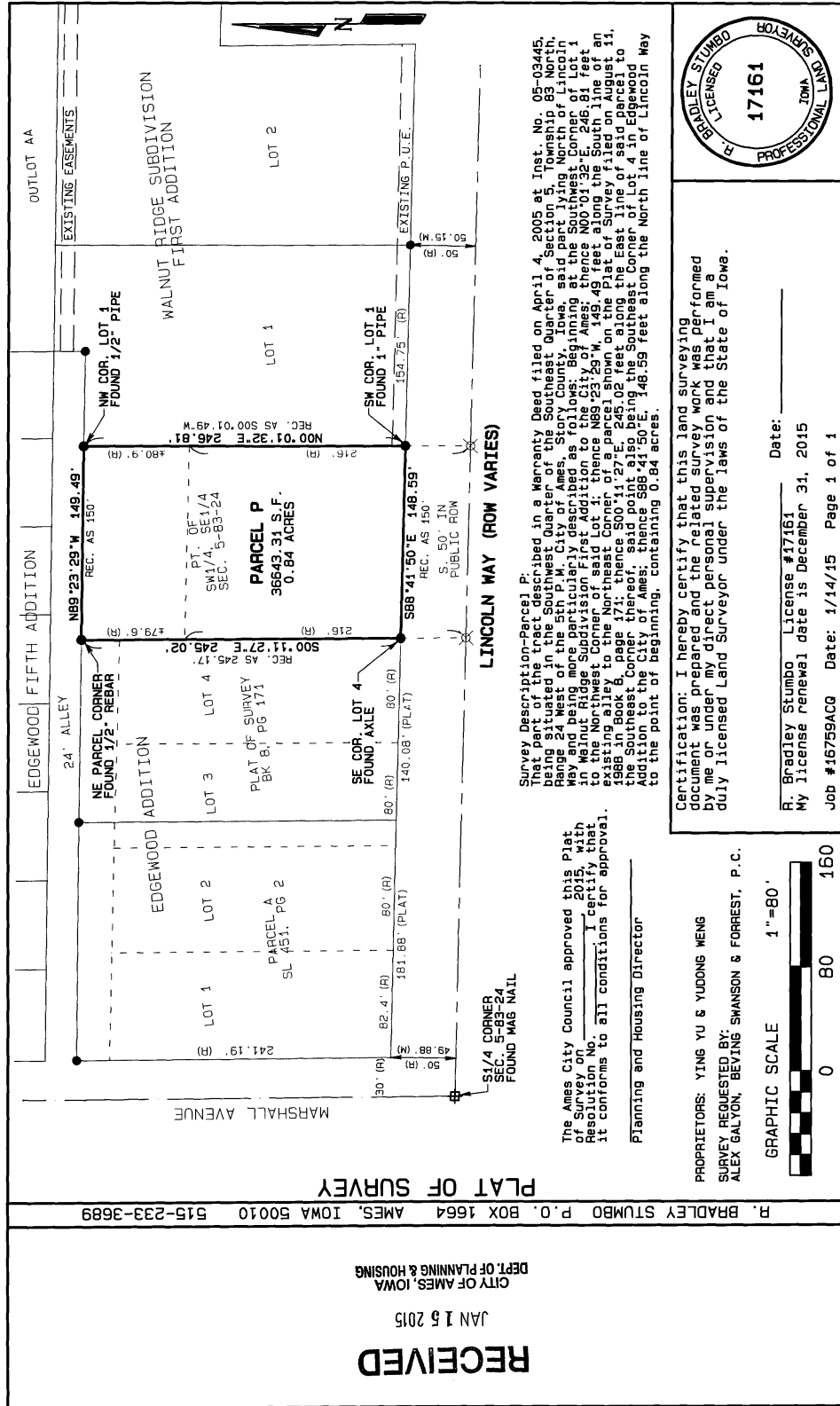
**ATTACHMENT A  
LOCATION MAP**



**LOCATION MAP  
3605 Lincoln Way**



# ATTACHMENT B PROPOSED PLAT OF SURVEY



**PLAT OF SURVEY**

R. BRADLEY STUMBO P. O. BOX 1664 AMES, IOWA 50010 515-233-3689

CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING

RECEIVED  
JAN 15 2015

The Ames City Council approved this Plat of Survey on \_\_\_\_\_, 2015, with Resolution No. \_\_\_\_\_, I certify that it conforms to all conditions for approval.

Planning and Housing Director \_\_\_\_\_

PROPRIETORS: YING YU & YUDONG MENG  
SURVEY REQUESTED BY:  
ALEX GALYON, BEVING SHANSON & FORREST, P.C.

GRAPHIC SCALE 1"=80'  
0 80 160

R. Bradley Stumbo License #17161 Date: \_\_\_\_\_  
My license renewal date is December 31, 2015  
Job #16759ACG Date: 1/14/15 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.

**Survey Description-Parcel P:**  
That part of the tract described in a Warranty Deed filed on April 4, 2005 at Inst. No. 05-03445, being situated in the Southwest Quarter of the Southeast Quarter of Section 5, Township 83 North, Range 10 West, and Meridian 10 West, in the City of Ames, Iowa, as the same is shown on the Plat of Survey in Walnut Ridge Subdivision First Addition to the City of Ames, thence N00°01'32"E 246.81 feet to the Northwest Corner of said Lot 1; thence N89°23'29"W 149.49 feet along the South line of an existing alley to the Northeast Corner of a parcel shown on the Plat of Survey filed on August 11, 1988 and Book 2, page 171; thence S00°11'27"E 246.02 feet along the East line of said parcel to the SE 1/4 Corner of the City of Ames, thence S88°41'50"W being 148.58 feet along the North line of Edgewood Addition to the City of Ames, thence S88°41'50"W being 148.58 feet along the North line of Lincoln May to the point of beginning, containing 0.84 acres.

**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.

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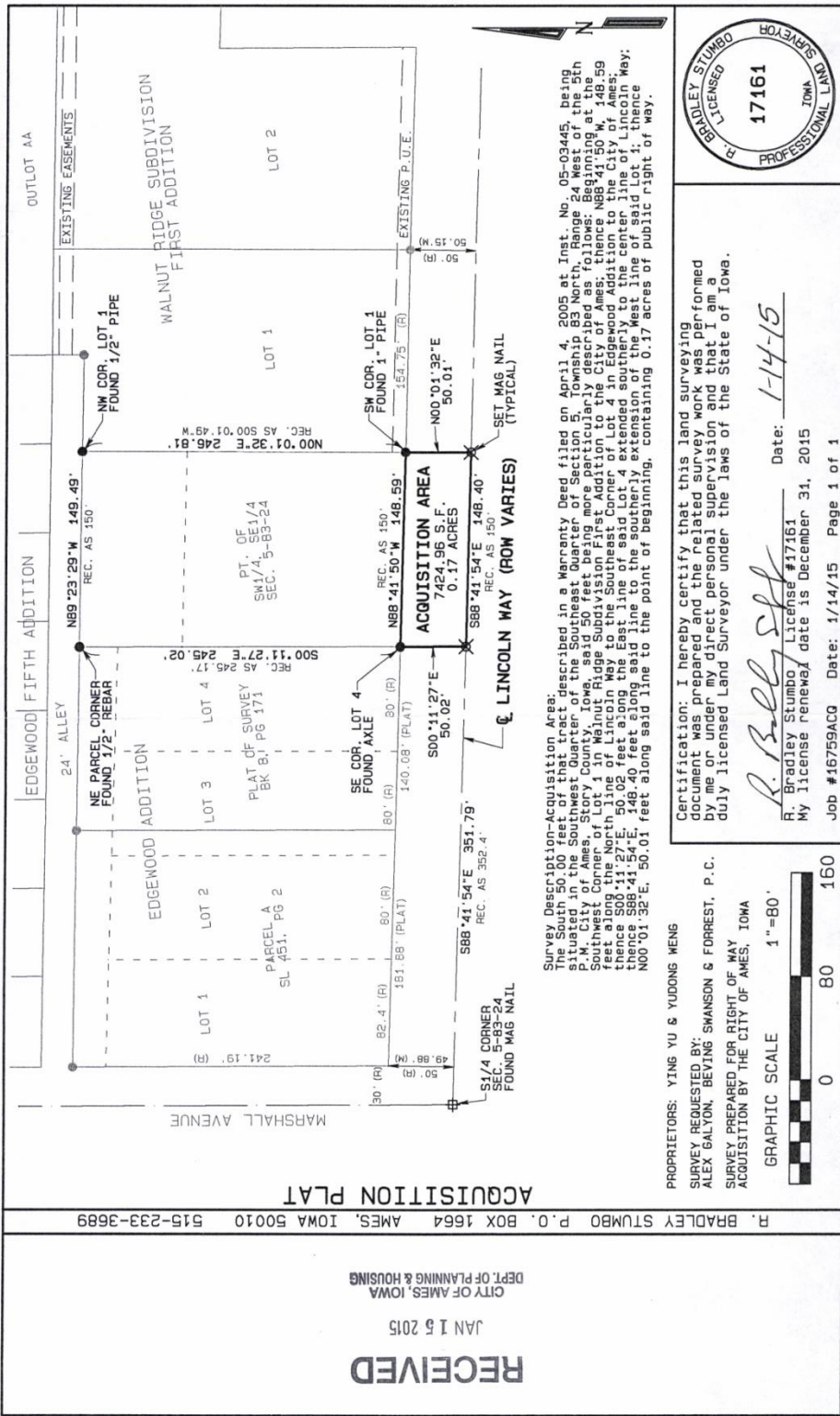
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My license renewal date is December 31, 2015  
Job #16759ACG Date: 1/14/15 Page 1 of 1

# ATTACHMENT C ACQUISITION PLAT



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*  
R. Bradley Stumbo License #17161  
Job #16759ACQ Date: 1/14/15 Page 1 of 1

Date: 1-14-15

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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 document to: Ames City Clerk, 515 Clark Ave., Ames, IA 50010  
Address tax statement to: City of Ames, 515 Clark Ave., Ames, IA 50010

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**QUIT CLAIM DEED**

**KNOW ALL MEN BY THESE PRESENTS:**

That Ying Yu and Yudong Weng, a married couple, in consideration of good and valuable consideration, does hereby Quit Claim unto the City of Ames, Iowa, all the right, title and interest in the following described real estate situated in Story County, Iowa, to-wit:

The South 50.00 feet of that tract described in a Warranty Deed filed on April 4, 2005, at Inst. No. 05-03445, being situated in the Southwest Quarter of the Southeast Quarter of Section 5, Township 83 North, Range 24 West of the 5<sup>th</sup> P.M. City of Ames, Story County, Iowa, said 50 feet being more particularly described as follows: Beginning at the Southwest Corner of Lot 1 in Walnut Ridge Subdivision First Addition to the City of Ames; thence N88°41'50"W, 148.59 feet along the North line of Lincoln Way to the Southeast Corner of Lot 4 in Edgewood Addition to the City of Ames; thence S00°11'27"E, 50.02 feet along the East line of said Lot 4 extended southerly to the center line of Lincoln Way; thence S88°41'54"E, 148.40 feet along said line to the southerly extension of the West line of said Lot 1; thence N00°01'32"E, 50.01 feet along said line to the point of beginning, containing 0.17 acres of public right of way.

This deed is exempt from transfer tax pursuant to Iowa Code section 428A.2(6).

Words and phrases herein, including the acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

**YING YU AND YUDONG WENG  
GRANTORS**

By \_\_\_\_\_  
Ying Yu

By \_\_\_\_\_  
Yudong Weng

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on \_\_\_\_\_, 2015, by Ying Yu and Yudong Weng, a married couple.

\_\_\_\_\_  
Notary Public in and for the State of Iowa