

## Staff Report

**ARBOR ON THE GREEN POND**

May 12, 2015

**BACKGROUND:**

At the January 13, 2015 City Council meeting, City Council referred to staff a letter from Patrick Brooks, Arbor on the Green Home Owner's Association (HOA) President. The letter requests that the City take over management of the pond via easement instead of the pond being managed by the HOA. The original letter is Attachment A.

The area received a Neighborhood Improvement Grant from the City in 1997 to improve the pond to make the area "a quiet area of green space with a healthy environment for fish, ducks, animals and birds. It will once again be a visually attractive space in the neighborhood and an extended visual green space for Moore Memorial Park. All residents, adults, and children, including nearby university students and their families, will have an opportunity to stop, swing, look and dream." This declaration from the grant application, coupled with the utilization of city funds, made this a "public" space.

Currently, the City maintains control of the storm water system upstream and downstream of this existing pond and has made significant investments in recent years in those areas. The pond at Moore Memorial Park (upstream) was recently improved with a new outlet structure and additional storage, including a forebay to reduce the amount of solids and nutrients that pass through the pond. This was accomplished with the 2012/13 Flood Response and Mitigation Project and the 2009/10 Storm Water Facility Rehabilitation Project at a total cost of \$769,059. Currently, the creek bank along the rear of the properties on Pinehurst Drive (downstream) is under construction to stop erosion in the area through the 2012/13 Storm Sewer Outlet Erosion Control Project with estimated costs of \$91,000. The overall area showing the pond and the respective adjacent projects is also shown in Attachment B.

**STAFF COMMENTS:**

Under current requirements, a subdivision would have to meet all the requirements outlined in the new Post Construction Stormwater Management Ordinance that includes, but is not limited to; drainage calculations for the area, watershed mapping, natural resource survey, soil management plan, maintenance, repair and landscaping plan and dedication of easements. **Additionally, property owners of residential, commercial, and industrial properties are responsible for short and long-term maintenance of all water quality practices. The City of Ames accepts long-term responsibility (e.g. dredging, outlet structure replacement) for large water quantity (flood) control practices (e.g. detention basins) as part of residential developments.** A recorded easement is required to be provided to the City of Ames to cover the entirety of and

access to the large water quantity control practices. **The property owners have short-term maintenance responsibility (e.g. mowing, weed control, removal of volunteer trees) of the water quantity (flood) control practices as part of residential developments.**

The existing pond was not developed as a required storm water management feature with the subdivision. The 1993 site plan for development of townhouses to the north shows the pond as existing and the final plat places the pond in “Outlot A”. These are shown in Attachment C.

There are no existing storm sewer connections directly into the pond other than the pass through flow from Moore Memorial Park, which is considered “public” water.

## **OPTIONS**

Taking into consideration the above information, the City Council could consider the following options:

### **Option 1**

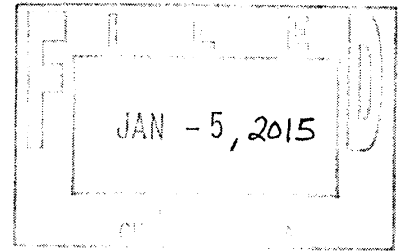
Direct staff to work with Legal to draft an easement giving the City the long-term maintenance responsibilities of the existing pond. By doing so the City would be responsible for the dredging, or deepening of the pond should it become necessary while the HOA would retain the responsibilities of short-term care such as, but not limited to, mowing and general maintenance of the area and it's amenities.

### **Option 2**

Do nothing and leave the existing pond under the direction of the HOA.

It should be noted, that regardless of the above options, the current condition of the pond in regards to the extent of siltation is not known. Should Option 1 be chosen, the City would be responsible for sediment removal and the project would need to be prioritized within the Capital Improvements Plan.

ARBOR ON THE GREEN  
HOME OWNERS ASSOCIATION  
AMES, IOWA  
January 04, 2015



TO: Mayor Ann Campbell and Council Persons:

RE: Drainage Pond Easement

Dear Mayor and Council Person:

Arbor On The Green recently received a letter from the City of Ames about needed inspections, and related matters, concerning storm water management practices related to the pond owned by the Association. This letter brought to our attention the fact that the pond, located on Association common property, represents the only part of the recently improved drainage system over which Ames does not either own fee simple title nor have an easement for public purposes. The Arbor On The Green Home Owners Association believes it to be in the best interests of the City of Ames to have an easement over this part of the water drainage system instead of having it continue to be owned solely by the Home Owners Association. In this regard consider the following:

1. The Home Owners Association is not asking for any monetary compensation for this easement, but only that the City Legal Department handle preparation of the required papers.
2. This easement would allow the City of Ames management of the entire length of this storm water drainage system without permission from others.
3. With the development of additional real estate in the northwest part of town additional water will likely be directed through this drainage system of channels and ponds and become more important to Ames in terms of management of this system.
4. Arbor On The Green residents have confidence that the needed management of this drainage system by the City of Ames will be to the benefit of all Ames residents.
5. The owners/residents of Arbor On The Green do not have the needed expertise to make management decisions concerning required maintenance and needed changes.

We are asking that this matter be referred to the Ames Public Works Department for study before accepting an easement from Arbor On The Green Home Owners Association. Please let us know when this matter will be included on an Agenda for public discussion.

Thank you for consideration of this matter.

Arbor On The Green Home Owners Association,

By: 

Patrick W. Brooks, President

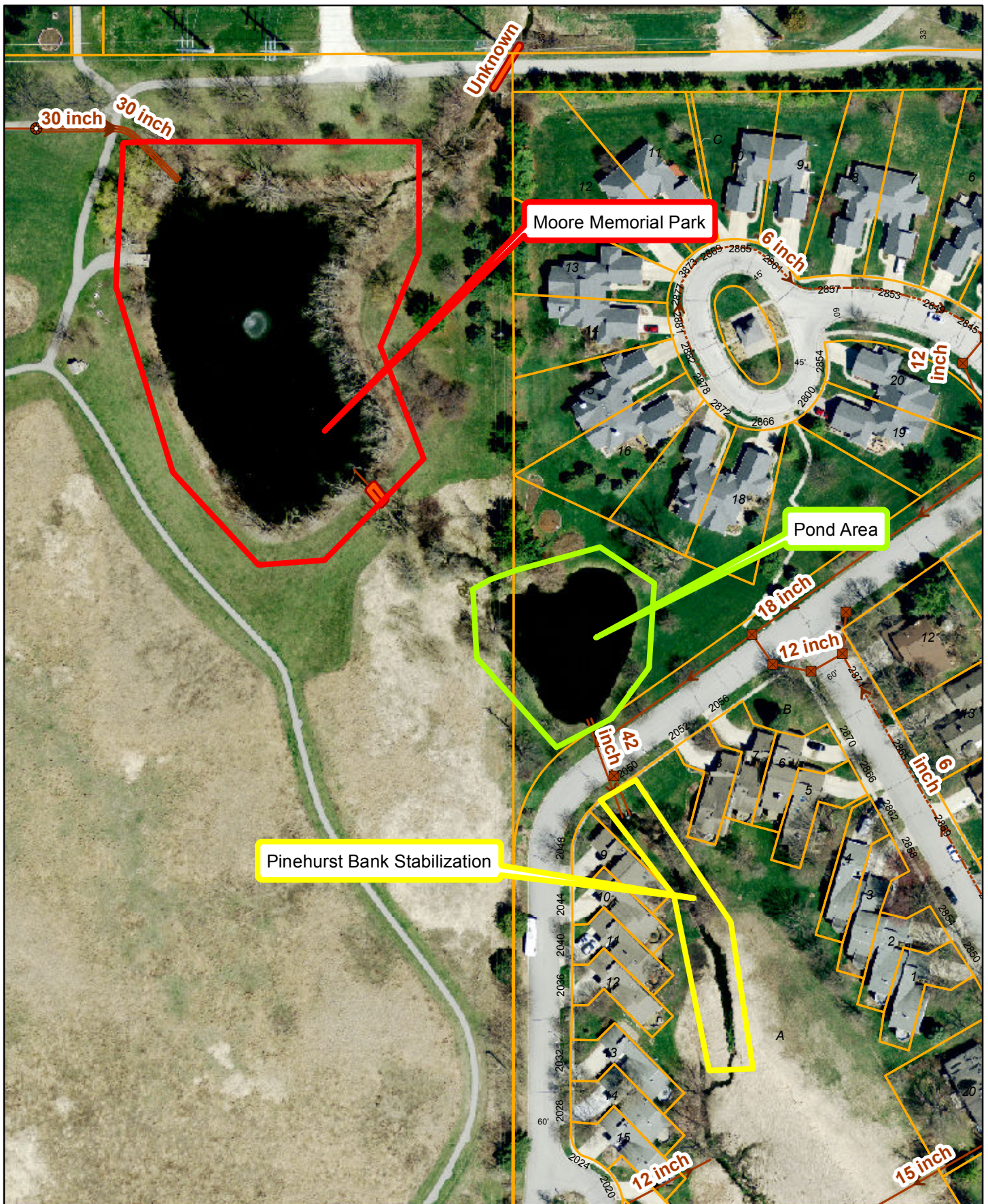
2881 Greensboro Circle

Ames, Iowa 50010

641-485-6413

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Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented in this product should be field verified. This Product is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the User.

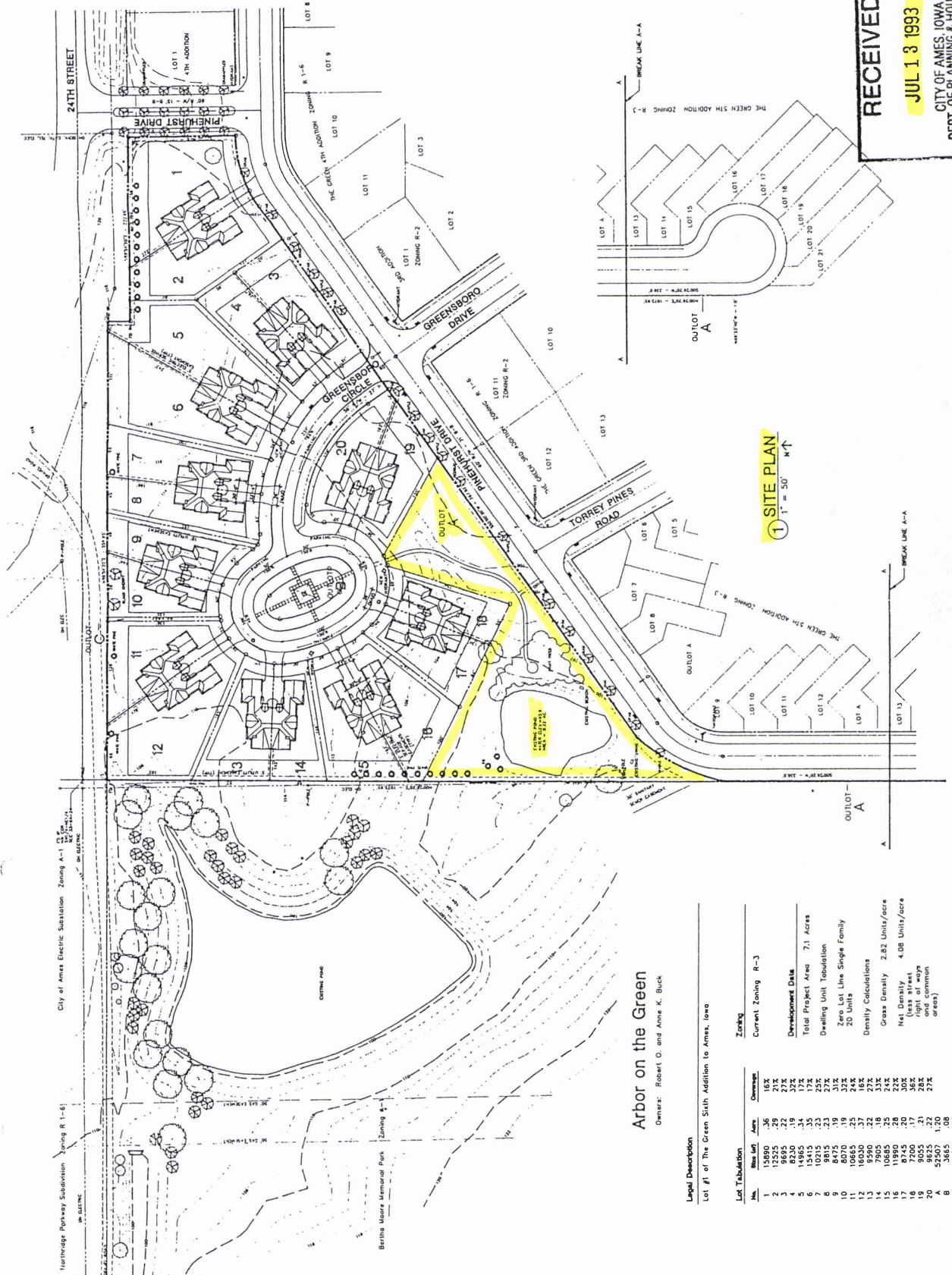


Arbor on the Green  
Pond and Adjacent Projects  
Attachment B



Scale: 1 in = 125 ft  
Date: 5/4/2015





# Arbor on the Green

Owners: Robert O. and Anne K. Buck

Legal Description  
 Lot #1 of The Green Sixth Addition to Ames, Iowa

Lot Tabulation		Zoning	
Lot	Area	Current	Proposed
1	1.0000	R-3	R-3
2	1.0000	R-3	R-3
3	1.0000	R-3	R-3
4	1.0000	R-3	R-3
5	1.0000	R-3	R-3
6	1.0000	R-3	R-3
7	1.0000	R-3	R-3
8	1.0000	R-3	R-3
9	1.0000	R-3	R-3
10	1.0000	R-3	R-3
11	1.0000	R-3	R-3
12	1.0000	R-3	R-3
13	1.0000	R-3	R-3
14	1.0000	R-3	R-3
15	1.0000	R-3	R-3
16	1.0000	R-3	R-3
17	1.0000	R-3	R-3
18	1.0000	R-3	R-3
19	1.0000	R-3	R-3
20	1.0000	R-3	R-3
21	1.0000	R-3	R-3
Total Project Area		7.1 Acres	7.1 Acres
Dwelling Unit Tabulation			
Zero Lot Line Single Family		20 Units	20 Units
Density Calculations			
Gross Density		2.82 Units/Acre	2.82 Units/Acre
Net Density		4.08 Units/Acre	4.08 Units/Acre
Net Density (including right of way and common areas)		2.78 Units/Acre	2.78 Units/Acre

1 SITE PLAN  
 1" = 50'

**RECEIVED**  
**JUL 13 1993**  
 CITY OF AMES, IOWA  
 DEPT. OF PLANNING & HOUSING

1.0

Arbor On The Green  
 Site Plan

Roseland Architects  
 1000 Locust Street  
 Ames, Iowa 50010  
 516/232-4076

Consultant

Price record  
 1/2/93  
 1/2/93  
 1/2/93

