

COUNCIL ACTION FORM

SUBJECT: HUNZIKER ANNEXATION AT 3535 S. 530TH AVENUE

BACKGROUND:

Hunziker Development Company LLC is proposing annexation of land, located south of the Ames corporate limits and west of S. 530th Avenue (University Boulevard). The proposed annexation includes six parcels of land. Five of these parcels are under the control of Hunziker Development Company LLC as consenting properties, and one is a non-consenting isolated property controlled by Holly Plagmann. The total land area of the requested annexation is 20.26 gross acres. (*See Attachment A-Annexation Plat, Attachment B-Location Map, Attachment D-Legal Descriptions of Parcels*).

Since the annexation request would create an island of unincorporated land, the non-consenting owner has been added to the territory as allowed by Code of Iowa, Section 368.7(a), where up to 20% of the area of an annexation may include non-consenting property owners. **As currently proposed, 97.88% of the total territory proposed for annexation is consenting and 2.12% is non-consenting.** A location map of the proposed annexation is included as *Attachment B*. It identifies the parcels owned by consenting owners as well as non-consenting owners.

Land Use Policy: The Land Use Policy Plan (LUPP) identifies these parcels as properties within the “Southwest II Allowable Growth Area” (*See Attachment C- LUPP & Ames Urban Fringe Map*). If annexed, the LUPP designation would be “Village/Suburban Residential”, allowing for a broad range of residential development types. Land is automatically zoned as “Agriculture” upon annexation. The developer intends to seek rezoning of the property to “F-PRD” (Planned Residence District) to consider a future multi-family development.

Infrastructure: The City does not plan to extend new infrastructure with this voluntary annexation. It is adopted City policy that, before development can occur, the developer must extend City infrastructure to the area. Capacity is available to allow for proper extension of utilities to the properties from adjacent locations.

Notably, the City has not identified this site as being within the Xenia Rural Water District territory. Staff has requested an agreement from the property owner that in the event there was a required buyout cost of rural water service that the property would be responsible for the cost. This is a standard requirement of the City of Ames for all annexations of land intended for development. **The consenting property owner has signed the agreement, described as the “Covenant and Agreement Pertaining to Water Service.”** The non-consenting Plagmann property is under no obligation to provide the same agreement.

Non-Consenting Property: State law allows for up to 20% of the property within a requested voluntary annexation to be non-consenting for the purpose of creating logical

and efficient boundaries or to eliminate islands. This is often referred to as the 80/20 rule. In this case the 80/20 rule is applied to avoid creating an island that is prohibited under state law. Non-consenting property owners are subject to the ordinances of the City, but they do not have any automatic changes to use of their property, such as removal of non-conforming uses or structures or connections to City water or sewer lines.

The proposed voluntary annexation area includes one non-consenting property owner in order to avoid creating a jurisdictional island. The areas denoted in this report represent an 80/20 calculation of acreage for the annexation based on the gross acreage of the properties. Upon City Council approval of an 80/20 annexation, state law requires that the state's City Development Board also conduct a hearing on the annexation and take action to approve the annexation before it can be finalized and recorded with the county.

Consenting Owners:	Property Address/Legal Description	Gross Acres
Hunziker Development Co.	3535 S. 530 th Avenue, Story County Parcel "B"	18.48
Hunziker Development Co.	No Address Assigned Parcel "C"	0.53
Hunziker Development Co.	3535 S. 530 th Avenue, Story County Parcel "G"	0.35
Hunziker Development Co.	No Address Assigned Parcel "M"	0.14
Hunziker Development Co.	No Address Assigned Parcel "N"	0.33
Total Consenting:		19.83
Non-Consenting: Holly Plagmann	No Address Assigned Section 16, Township 83, Range 24 SE, SE 50' of Railroad Right-of-Way West of Center Line	0.43
Total Acres (Gross):		20.26
Total Acres (Roadway):		0.33
Total Acres (Net):		19.93

Outreach: As part of the state-mandated process for annexations, city staff held a consultation with the Franklin Township Trustees and the Story County Supervisors on April 13, 2015. The Washington Township Clerk attended and did not indicate any issues or recommendations for altering the proposed annexation.

Staff has contacted the Holly Plagmann, owner of the non-consenting property, as part of the public hearing notice for the Planning and Zoning meeting. The applicant has informed the City that they have offered to purchase the non-consenting parcel; however, the owner, Ms. Plagmann, has no interest in selling at this time, and has not signed as consenting to the voluntary annexation.

ALTERNATIVES:

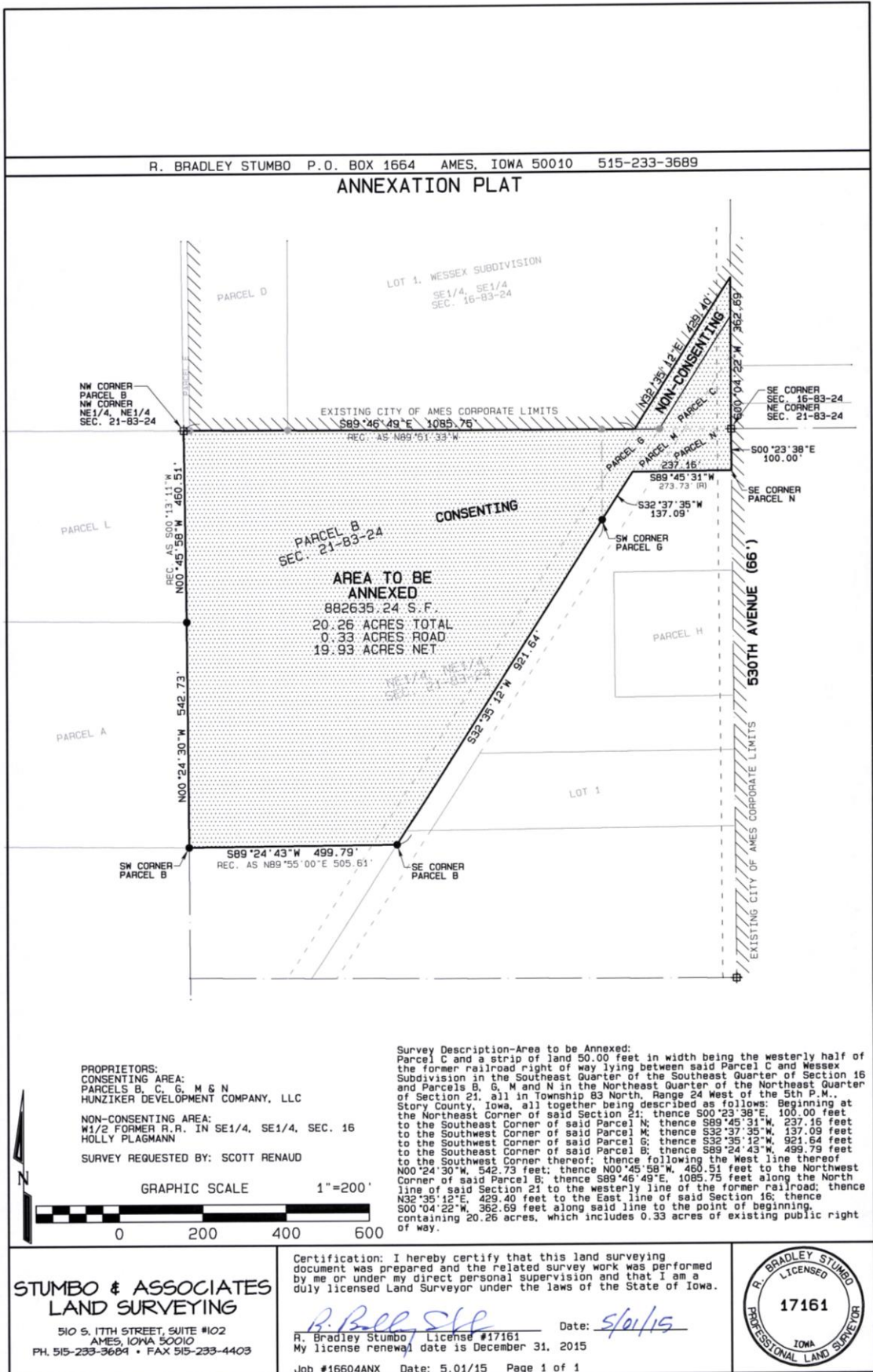
1. The City Council can accept the covenant for water service and annex 20.26 gross acres, generally located at 3535 S. 530th Avenue, all in Section 16 of Washington Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan.
2. The City Council can annex a smaller area of land, consistent with state law and the City of Ames Land Use Policy Plan and Urban Fringe Plan.
3. The City Council can deny the request to annex the 20.26 gross acres, generally located at 3535 S. 530th Avenue, all in Section 16 of Washington Township, Story County by finding that the Land Use Policy Plan is not consistent with the Land Use Policy Plan and Urban Fringe Plan.

CITY MANAGER'S RECOMMENDED ACTION:

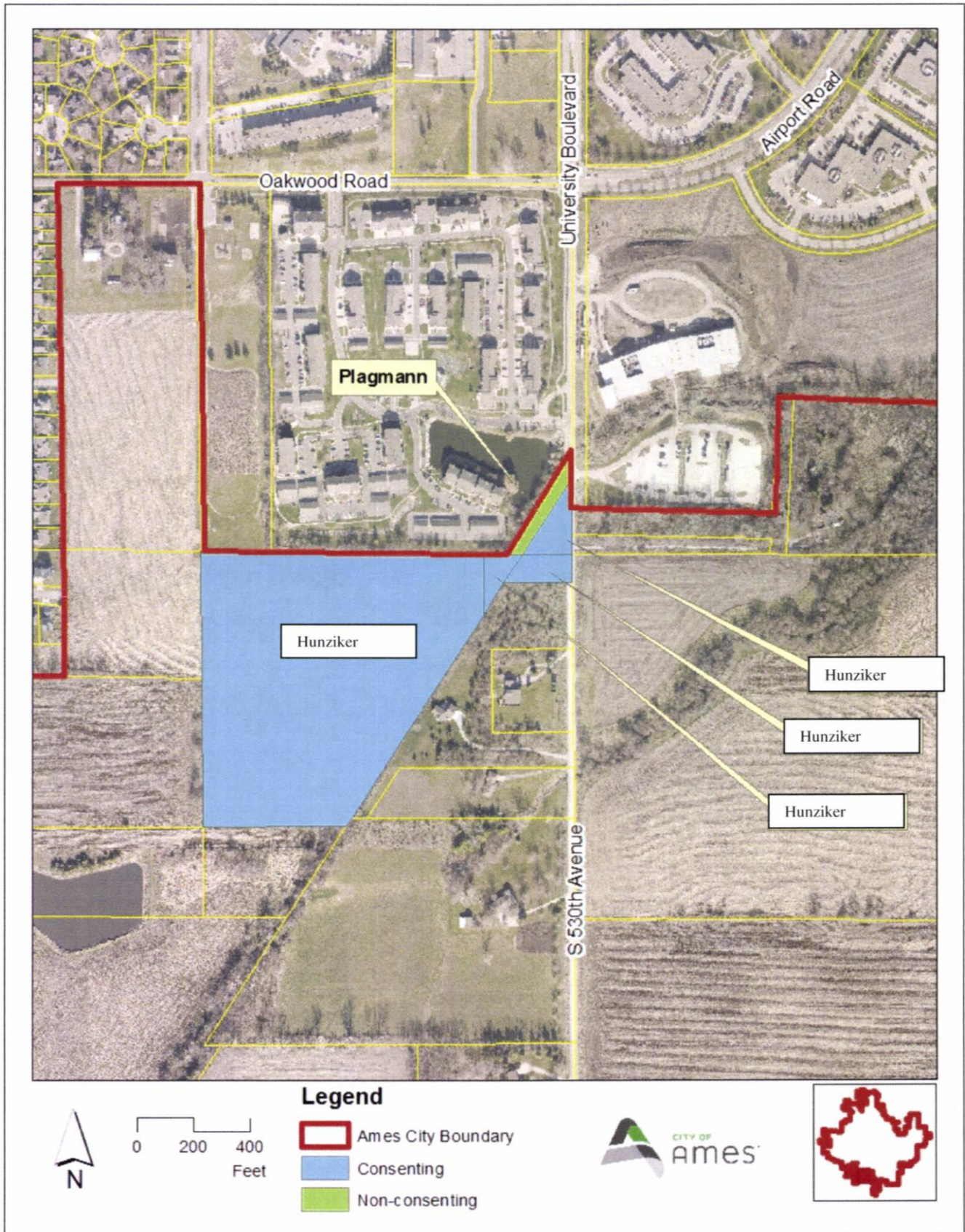
The proposed annexation is consistent with the LUPP in that it is part of the Southwest Growth Area intended for future City expansion. Utilities are generally available to serve the site. Based on the annexation efforts from last year for this same area, there does not appear to be a broader interest in annexation and staff does not believe waiting for additional interest would allow for a larger or more complete annexation to further the development of the this part of the Southwest Growth Area.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1. This would approve the annexation of 20.26 gross acres, generally located at 3535 S. 530th Avenue, all in Section 16 of Washington Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan.

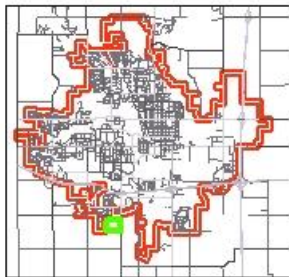
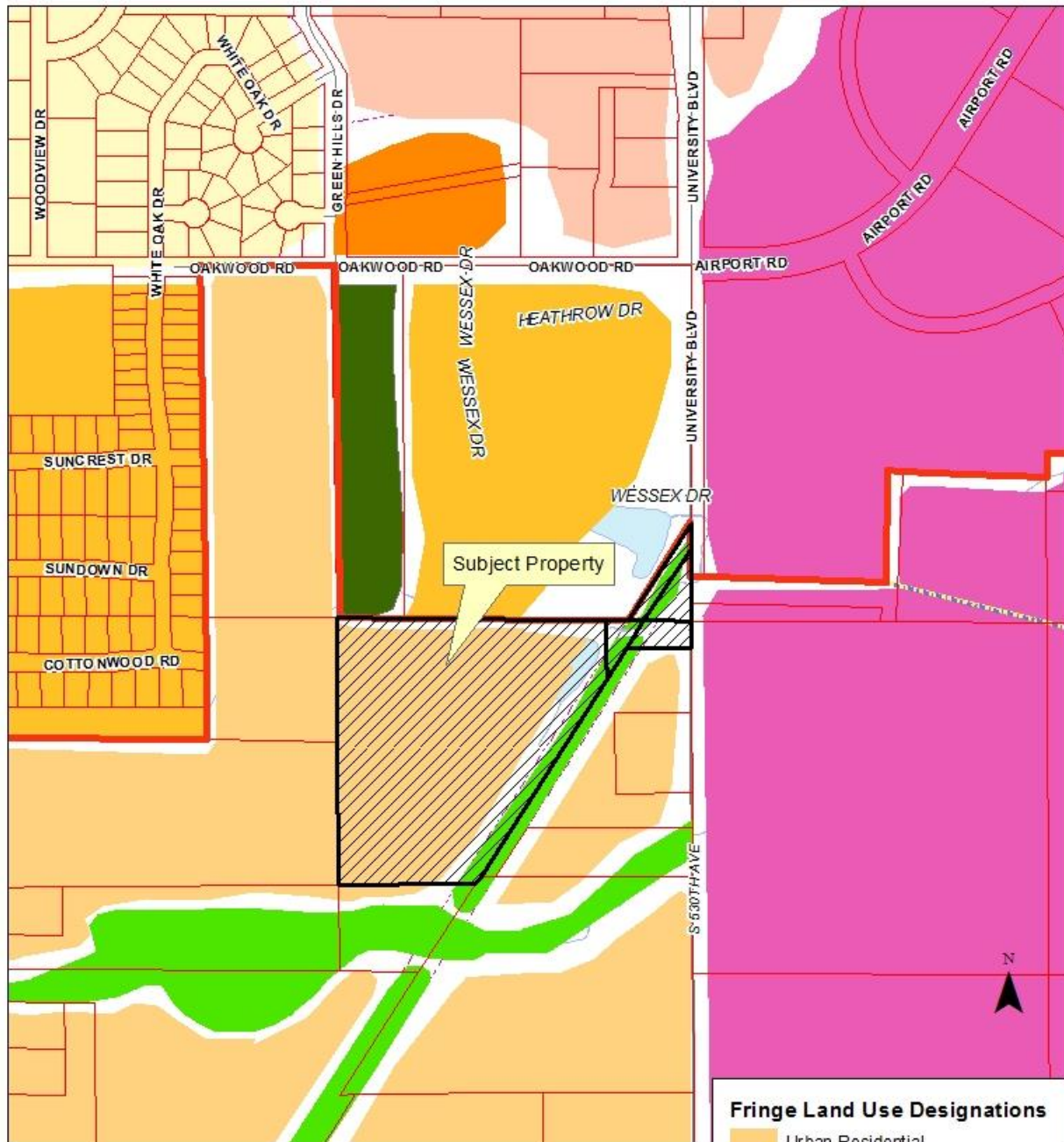
ATTACHMENT A: ANNEXATION PLAT



ATTACHMENT B: LOCATION MAP & OWNERSHIP OF PARCELS



ATTACHMENT C: LUPP & AMES URBAN FRINGE MAP



**LUPP & AUF Map
3535 S. 530th Avenue**

Fringe Land Use Designations

- Urban Residential
- Natural Areas

City Land Use Designations

- Low-Density Residential
- High-Density Residential
- Village/Suburban Residential
- Highway-Oriented Commercial
- Planned Industrial
- Parks and Open Space

ATTACHMENT D: LEGAL DESCRIPTIONS OF PARCELS

Consenting:

Parcel ID: 09-21-200-200

Owner: Hunziker Development Company LLC

Area: 18.61 acres

Address: 3535 530th Avenue

Legal: Parcel "B" of the Northeast $\frac{1}{4}$ of Section 21, Township 83 North, Range 24 West of the 5th PM, as recorded in the office of the Story County Recorder in CFN Book 14 page 19 on July 15, 1996 as Instrument Number 96-07239 and Except Parcel "G" of the Northeast $\frac{1}{4}$ of Section 21, Township 83 North, Range 24 West of the 5th PM, as described in a Plat of Survey recorded in the office of the Story County Recorder on Slide 271 page 4 on February 7, 2006 as Instrument Number 2006-00001651.

Parcel ID: 09-21-200-220

Owner: Hunziker Development Company LLC

Area: 0.35

Address: None

Legal: Parcel "G" of the Northeast $\frac{1}{4}$ of Section 21, Township 83 North, Range 24 West of the 5th PM, as described in a Plat of Survey recorded in the office of the Story County Recorder on February 7, 2006 on Slide 271 page 4 of the Recorder's Plat Cabinet as Instrument Number 2006-00001651.

Parcel ID: 09-21-200-235

Owner: Hunziker Development Company LLC

Area: 0.48 acres

Address: None

Legal: Parcel "M" of the Northeast $\frac{1}{4}$ of Section 21, Township 83 North, Range 24 West of the 5th PM, as described in a Plat of Survey recorded in the office of the Story County Recorder on February 7, 2006 on Slide 271 page 3 of the Recorder's Plat Cabinet as Instrument Number 2006-00001650.

And

Parcel "N" of the Northeast $\frac{1}{4}$ of Section 21, Township 83 North, Range 24 West of the 5th PM, as described in a Plat of Survey recorded in the office of the Story County Recorder on February 7, 2006 on Slide 271 page 5 of the Recorder's Plat Cabinet as Instrument Number 2006-00001652.

Parcel ID: 09-16-480-305
Owner: Hunziker Development Company LLC
Area: 0.53 acres
Address: None

Legal: Parcel "C" of the Southeast ¼ of the Southeast ¼ of Section 16, Township 83 North, Range 24 West of the 5th PM, as described in a Plat of Survey recorded in the office of the Story County Recorder on October 12, 1998 on Slide 4 page 1 of the Recorder's Plat Cabinet as Instrument Number 98-14136.

Non-Consenting

Parcel ID: 09-16-480-260
Owner: Holly Plagmann
Area: 0.59 acres
Address: None

Legal: That part of the Southeast ¼ of the Southeast ¼ of Section 16, Township 83 North, Range 24 West of the 5th PM, bounded as follows: On the Northeast by the East line of said Southeast ¼ of the Southeast ¼ of Section 16; On the Northwest by a line parallel with and distant 50 feet Northwesterly, measured at right angles, from the center line of the main track (now removed) of the Des Moines and Minnesota Railroad Company (now the Chicago and North Western Transportation Company), as said main track center line was originally located and established over and across said Section 16; On the Southwest by the South line of said Southeast ¼ of Section 16; And on the Southeast by said above described original main track center line, as described in a Deed recorded in the office of the Story County Recorder on February 8, 1991 as Instrument Number 05678.