

COUNCIL ACTION FORM

SUBJECT: SCENIC POINT LAND ANNEXATION AT 3599 GW CARVER

BACKGROUND:

The City Council conducted a public hearing on the 80/20 annexation of Scenic Point and adjacent land on April 14, 2015. The Council did not act on the annexation as the applicant, Hunziker Land Development, was still in discussions with Xenia about the provision of water service to the annexation area.

Also, at that public hearing, only the two properties owned by Hunziker and the Athens were consenting property owners. Council made a motion directing the applicant to complete a boundary line adjustment to create a lot for annexation that would not create any islands of unincorporated land, thereby allowing for a 100% consenting annexation petition for just the consenting property at 3599 GW Carver.

If the Council approves the boundary line adjustment for 3599 and 3601 GW Carver, Parcel J will be created allowing for that annexation of 3599 GW Carver (Parcel J) totally 4.08 acres. The proposed annexation area of 3599 GW Carver (Parcel J) is shown in Attachment A. The legal description is included as Attachment B.

As part of an annexation request, the City reviews the potential to serve development with City utilities. When the Scenic Valley property to the north was annexed there was a sanitary sewer study completed for service to that development. The findings of the study were that downstream limitations existed and that mitigation was needed to fully serve the Scenic Valley development. The developer entered into a development agreement to fund the cost of realigning a pipe to improve flows.

The prior analysis did not consider additional loading for development of this area. Public Works has received data from the developer regarding loading information for the proposed annexation area. That information has been sent to the city's consultant who has made a determination that the proposed development (24 multi-family residential units) "is of a size that will not impact the overall performance of the sewer in this area." At this time no further commitment for mitigation by the developer is required to proceed with annexation. However, the staff will need to verify this fact at the time of zoning.

Since this area lies within the Xenia Rural Water District territory and some owners receive service from Xenia, an agreement will need to be in place for all consenting owners regarding the buyout of the Xenia service territory and disconnection of service prior to development. This is a customary requirement of the City of Ames for all annexations of land intended for development. **The property owner has agreed to sign the requested agreement, described as the "Covenant and Agreement Pertaining to Water Service" with the City of Ames, which is currently under**

review with the City Attorney’s Office. Once the Agreement is finalized the consenting property owner will need to sign the agreement for approval of the annexation request. Signing of the Agreement needs to be a condition of approval of the proposed annexation.

The Ames Urban Fringe Plan identifies the property as being within the Natural Area. See Attachment C. This does not preclude annexation (even though it is not “Urban Residential”). Recent annexations have included land designated Natural Area if it is adjacent to the city limits or to areas designated as Urban Residential. **Upon annexation, the property would automatically be given the Land Use Policy Plan designation of Village/Suburban Residential with the Environmentally Sensitive Areas overlay.** This overlay identifies potentially sensitive areas and would allow the City to impose development standards during subsequent subdivision or rezoning actions. For instance, grading, slope disturbances, and tree clearing were regulated within the Environmentally Sensitive Area of Scenic Valley subdivision to the north.

The property would automatically receive agricultural zoning upon annexation to the City.

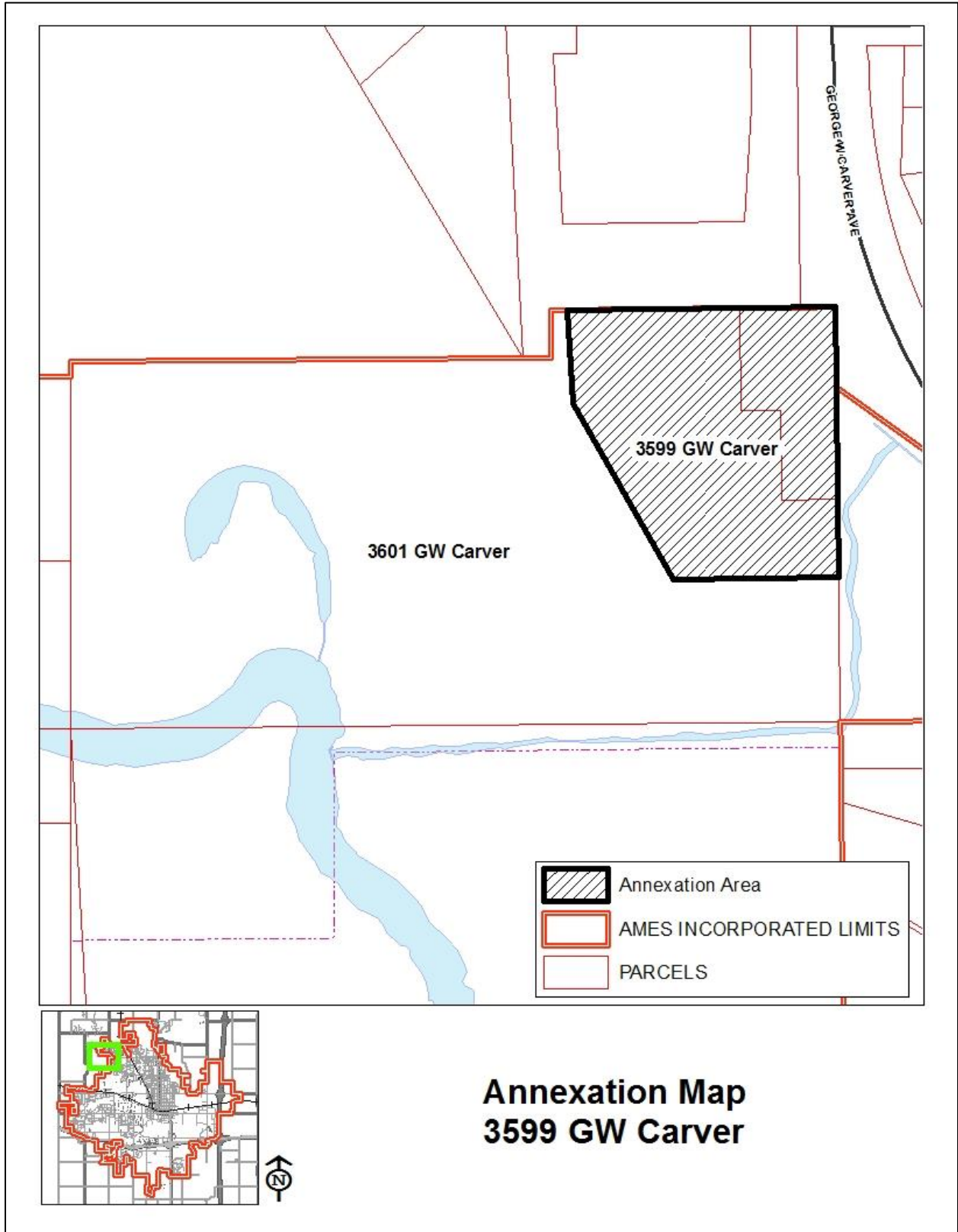
ALTERNATIVES:

1. The City Council approve and annex 4.08 gross acres, generally located at 3599 GW Carver Avenue, all in Section 29 of Franklin Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan, subject to the follow condition:
 - a. Signing of the “Covenant and Agreement Pertaining to Water Service” by the consenting property owner.
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 4.08 gross acres, generally located at 3599 GW Carver Avenue, all in Section 29 of Franklin Township, Story County by finding that the Land Use Policy Plan is not consistent with the Land Use Policy Plan and Urban Fringe Plan.

MANAGER’S RECOMMENDED ACTION:

This 100% voluntary annexation is consistent with the Land Use Policy Plan and the Ames Urban Fringe Plan for areas of expansion of the City. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 and approve the proposed annexation of property at 3599 GW Carver Avenue, known as Scenic Point, into the City of Ames conditioned on the property owner first signing the Covenant and Agreement Pertaining to Water Service.**

**ATTACHMENT A:
ANNEXATION MAP**



**Annexation Map
3599 GW Carver**

ATTACHMENT B: LEGAL DESCRIPTION

100 % Consenting Annexation

Property Owner: Hunziker Christy Shirk Builders, Inc.

Land Area: 4.08 acres

Legal Description:

ALTERNATE LEGAL DESCRIPTION - PARCEL J:

THAT PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 29, TOWNSHIP 84 NORTH, RANGE 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 29; THENCE N00°42'10"W, 260.39 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 29 TO THE POINT OF BEGINNING; THENCE S89°16'37"W, 281.77 FEET; THENCE N29°39'20"W, 353.72 FEET; THENCE N02°58'39"W, 140.39 FEET; THENCE N89°16'37"E, 458.57 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 29; THENCE S00°42'10"E, 449.85 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 29 TO THE POINT OF BEGINNING.