

COUNCIL ACTION FORM

SUBJECT: HUNZIKER ANNEXATION AT 3535 S. 530TH AVENUE

BACKGROUND:

The City Council conducted a public hearing on the 80/20 annexation of the property owned by Hunziker Development Company LLC at 3535 S. 530th Avenue, and adjacent land, on May 26, 2015, (See Attachment A – Annexation Plat, Attachment B – Ownership of Parcels of Proposed Annexation and Attachment C – Legal Descriptions). The Council did not act on the annexation as the applicant was still in discussions with Xenia about the provision of water service to the annexation area.

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”, however a few revisions in dates and property ownership are needed for the Agreement to be accurate and current. These changes are in the process of being made by the City Attorney’s Office. Once the Agreement is revised the consenting property owner will sign the revised agreement. Signing of the revised Agreement needs to be a condition of approval of the proposed annexation.** The non-consenting Oakwood Akers property is under no obligation to provide the same agreement.

ALTERNATIVES:

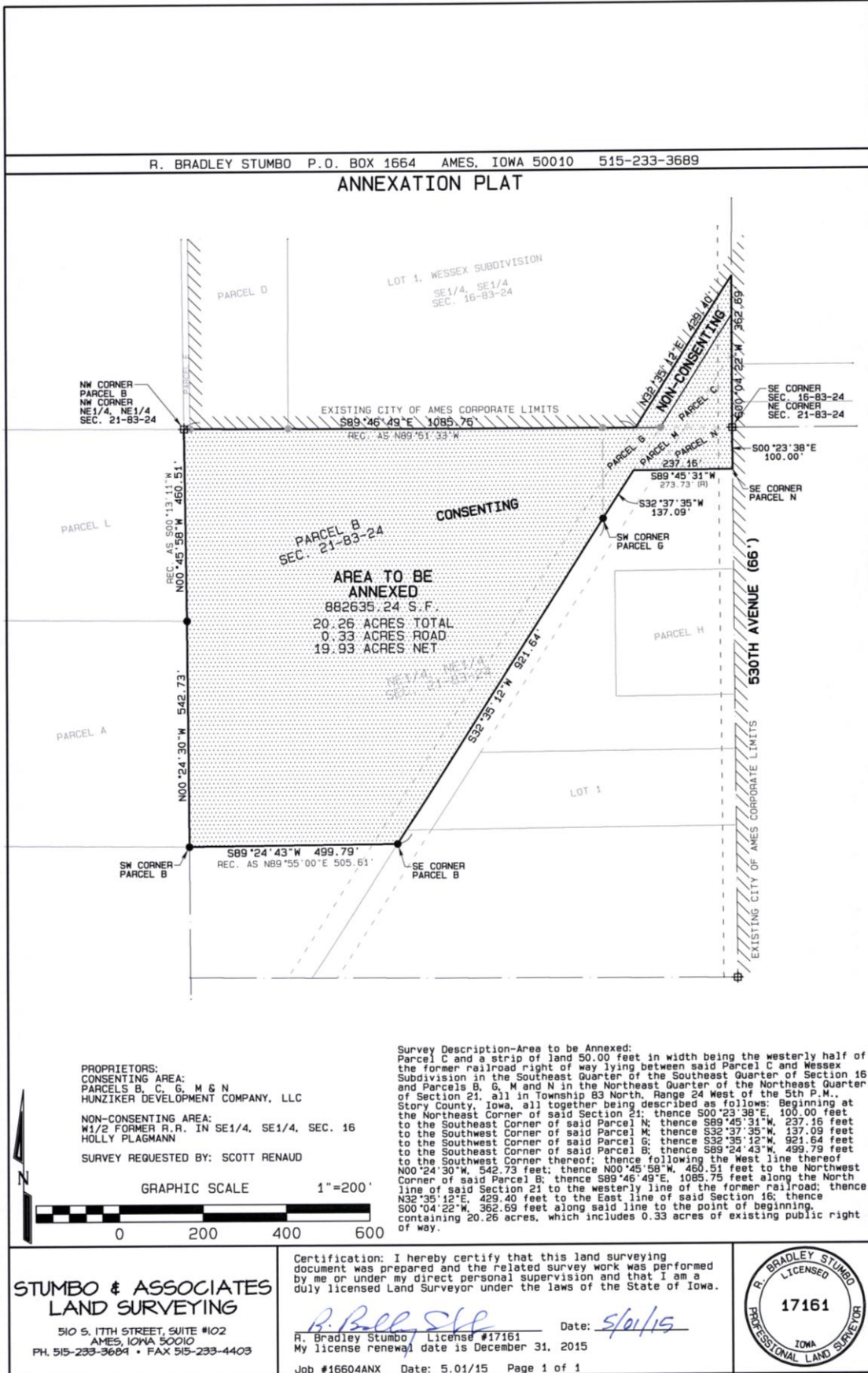
1. The City Council can accept the covenant for water service and annex 20.26 gross acres, generally located at 3535 S. 530th Avenue, all in Section 16 of Washington Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan, subject to the following condition:
 - a. Signing of the revised “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 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:

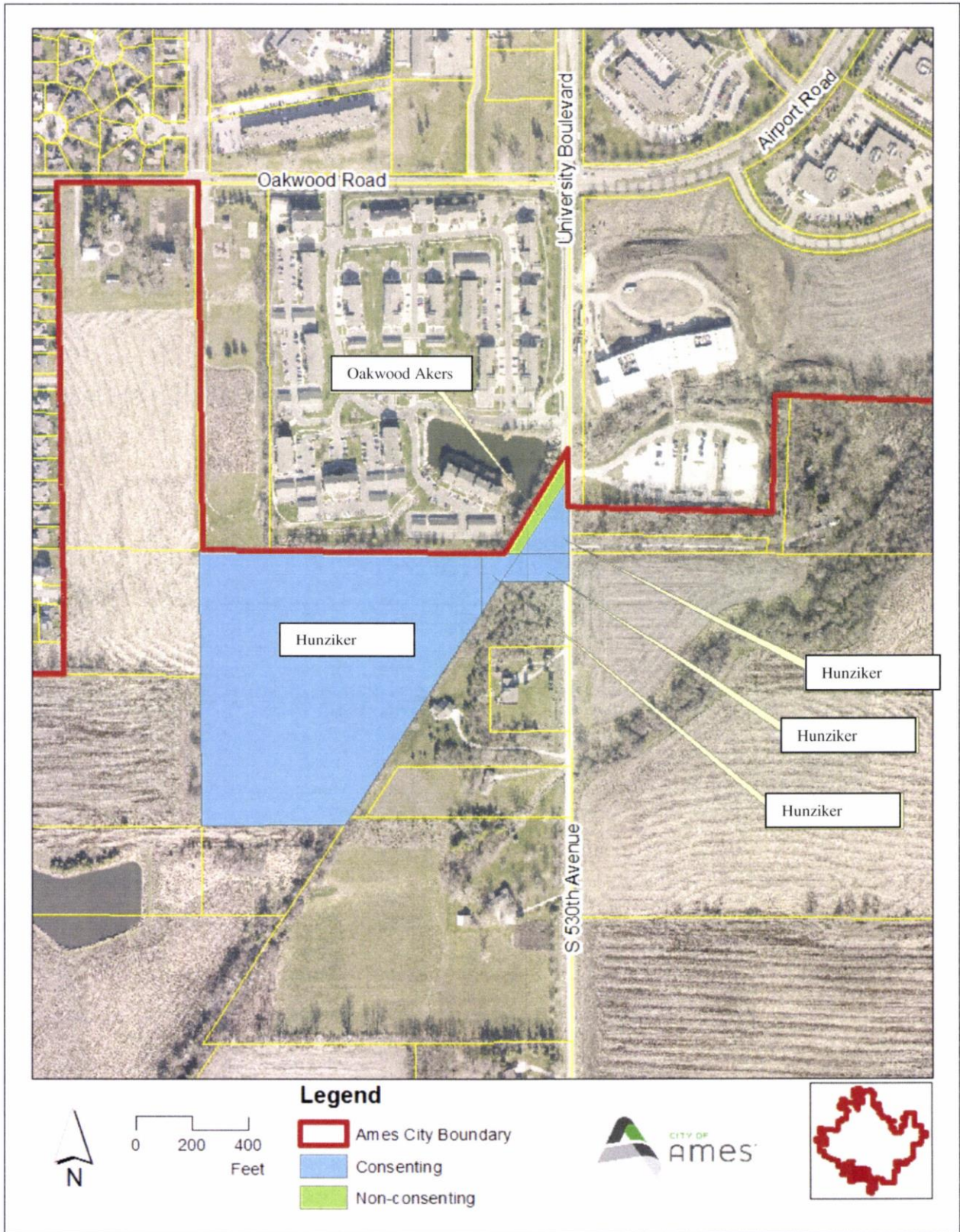
The proposed annexation is consistent with the LUPP in that it is part of the Southwest Growth Area intended for future City expansion. Utilities are generally available to serve the site. Based on the annexation efforts from last year for this same area, there does not appear to be a broader interest 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, subject to the signing of the revised “Covenant and Agreement Pertaining to Water Service”, by the consenting property owner.

ATTACHMENT A: ANNEXATION PLAT



ATTACHMENT B: OWNERSHIP OF PARCELS OF PROPOSED ANNEXED



ATTACHMENT C: LEGAL DESCRIPTIONS

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 ¼ 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 ¼ 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 ¼ 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 ¼ 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 ¼ 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: Oakwood Akers LLC
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.