

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 3105 GRAND AVENUE (WAL-MART SITE)

BACKGROUND:

The City's subdivision regulations are found in Chapter 23 of the Ames *Municipal Code*. These regulations include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The subdivision regulations also describe the process for combining existing platted lots into a single parcel, referred to as a boundary line adjustment, to enable the issuance of a building permit for a new development.

No public improvements are required in association with a boundary line adjustment unless the adjustment increases the street frontage of the original lot or parcel that currently has frontage improvements, in which case existing frontage improvements, which may include curbs, gutters, sidewalks, paths, street trees and/or street lights, shall be extended across the entire frontage of the adjusted lots or parcels prior to preparation of the official plat of survey, or prior to minor plat approval.

This specific proposed plat of survey (*see Attachment B, Proposed Plat of Survey*) is for a Boundary Line Adjustment for consolidation of two platted lots, including Lot 1 (5.63 acres), Northwood Plaza First Addition, located at 3121 Grand Avenue (the location of the former Dahl's grocery store), and Lot 2 (8.92 acres), Northwood Plaza First Addition, located at 3015 Grand Avenue (the current location of the Wal-Mart store) into a single "Parcel A", which will have 3105 Grand Avenue as the new street address (*see Attachment A, Location Map*).

The current owner of Lot 1 is the Wal-Mart Real Estate Business Trust. The current owner of Lot 2 is Benedict A. Silverman. Approval of the Plat of Survey will combine the two lots into a single parcel of land (Parcel A), owned by Benedict A. Silverman. The new "Parcel A" will be bounded by Wheeler Avenue on the north, Grand Avenue on the east, 30th Street on the north, and Roy Key Avenue on the west, and will include approximately 14.55 acres (*see Attachment B, Proposed Plat of Survey*).

Public infrastructure exists partially along frontages of the two parcels. A shared use path borders the entire east property line along Grand Avenue. A public sidewalk runs the full length of the frontage along 30th Street. The Roy Key frontage on the western side of the property has no sidewalk in place. Sidewalk has not completely been extended along the entire north boundary of the site, which is the right-of-way for Wheeler Street. **In accordance with Ames *Municipal Code* Section 23.309(3), as a partially completed frontage improvement along Wheeler Street, the gap in sidewalk must be installed prior to combining the two parcels. However, because no partial sidewalk**

improvements exist along Roy Key Avenue, none are required with this plat of survey.

Wal-Mart acknowledges the need to complete the Wheeler Street improvements, but due to the timing and plan for redevelopment of the site, Wal-Mart believes it is premature to complete them in advance of recording the plat of survey. Therefore, Wal-Mart requests that this requirement be deferred until development of the site with posting of financial security (see *Attachment C, Applicant Letter Requesting Deferral of Sidewalk Construction*), in accordance with Ames Municipal Code Section 23.403(14)(c), which reads as follows:

A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make a sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Ames that will ensure the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of the installation of the sidewalk.

An Improvement Agreement is proposed to fulfill this requirement, and is based upon the “Engineer’s Opinion of Probable Cost” (see *Attachments D & E*). A Letter of Credit, in the amount of the estimated cost of constructing the sidewalk improvements (\$8,430), is on file with the City Clerk’s Office.

Although the Roy Key frontage is not required to have a sidewalk with the Plat of Survey approval, a sidewalk will be constructed at the time the site is redeveloped. (See *Attachment E*.) The City Council’s recent adoption of the “missing infrastructure” ordinance triggers construction of the sidewalk as a requirement of receiving a building permit for redevelopment of the site.

Approval of this plat of survey will allow the applicant to prepare the official plat of survey, and the Planning and Housing Director to review and sign the plat of survey confirming that it fully conforms to all requirements of the Municipal Code and conditions of approval. **In this instance, the Wal-Mart property will be transferred to Silverman so there will be one owner of two properties to allow for the plat of survey to be recorded as a combination of parcels into one lot with one owner.** 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.

ALTERNATIVES:

1. The City Council can adopt a resolution:
 - (A) Accepting the Agreement to defer construction of the sidewalk improvements along Wheeler Street, contingent upon the City’s receipt of financial security in the amount of \$8,430; and,
 - (B) Approving the proposed plat of survey to combine two existing parcels.

2. The City Council can adopt the resolution approving the proposed plat of survey and require construction of the sidewalk improvements, prior to recording of the Plat of Survey.
3. 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.
4. The City Council can refer this back to staff and/or the owner for additional information.

The agreement with Wal-Mart has not yet been signed, but will be provided prior to the City Council meeting.

MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed plat of survey satisfies all code requirements and has made a preliminary decision of approval. Deferral of the installation of sidewalk improvements, but requiring installation before a new building is occupied, is not unusual for commercial development.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby accepting the attached Agreement for Public Improvements contingent upon receipt of financial security in the amount of \$8,430 and adopting the resolution approving the proposed plat of survey.

ADDENDUM
PLAT OF SURVEY FOR 3105 Grand Avenue

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:

Existing Street Addresses: 3015 & 3121 Grand Avenue
New Street Address: 3105 Grand Avenue

Owners:

- Lot 1: Wal-Mart Real Estate Business Trust
- Lot 2: Benedict A. Silverman

Assessor's Parcel #s: 0527476009 and 0527476009

Parcel A Legal Description: Lots 1 and 2 in Northwood Plaza First Addition, Being a Subdivision of Part of the Northeast Quarter of the Southeast Quarter of Section 27, Township 84 North, Range 24 West of the Fifth Principal Meridian, According to the Plat Thereof Filed April 11, 1990, as Instrument Number 06516, in the City of Ames, Story County, Iowa.

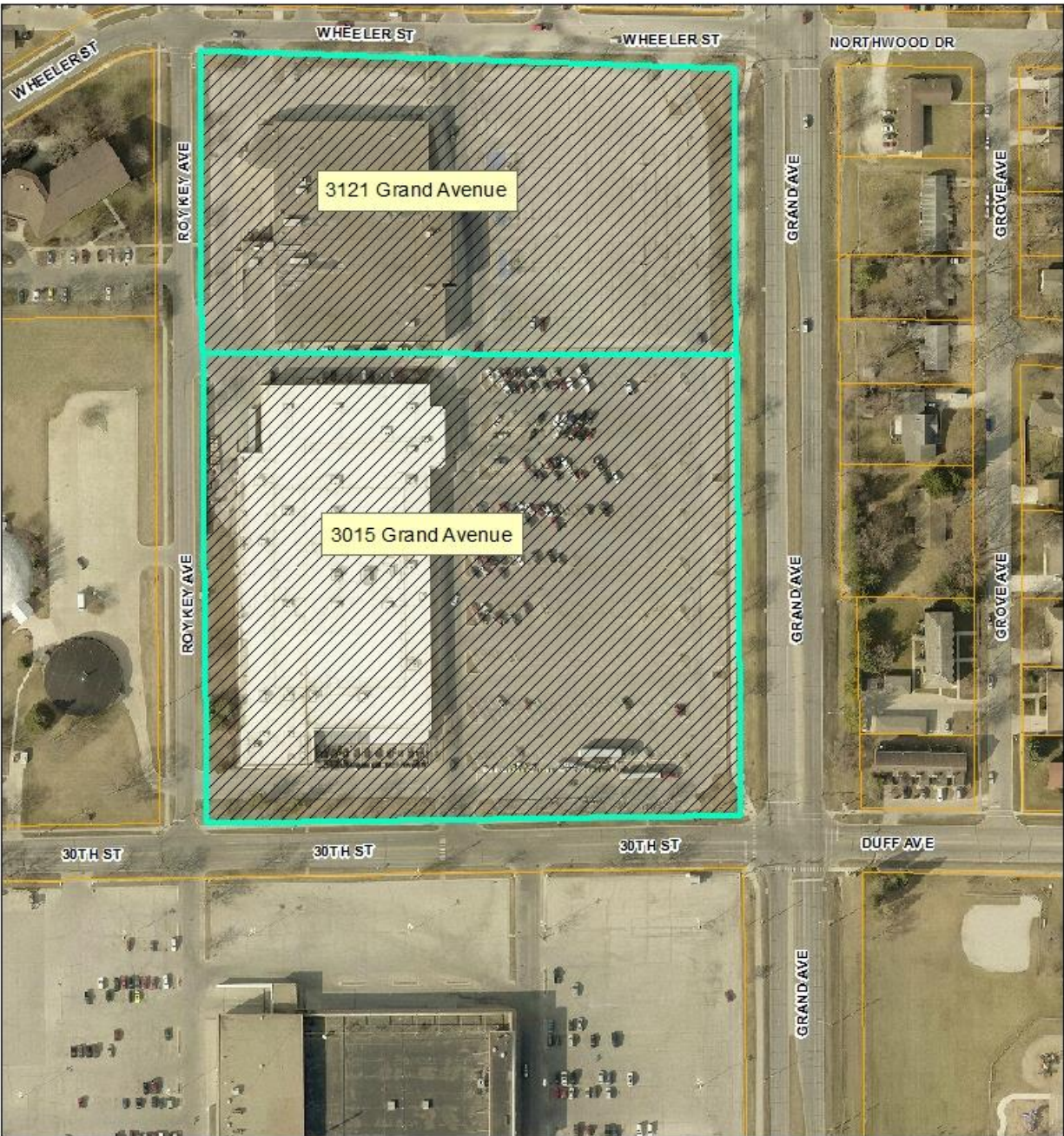
Public Improvements:

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 23.403(14). (Sidewalk)
- ☐ 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
3015 & 3121 Grand Ave.
Plat of Survey for 3105 Grand Ave.**



0 62.5 125 250 375 Feet

PROPOSED PLAT OF SURVEY

February 20, 2016 - 11:23 Day Name: P:\Wilson\J\Dej\Rev\and Drawings\Plot of Survey\161000482-PL04.dwg Updated By: bafiro

ATTACHMENT C
APPLICANT LETTER REQUESTING DEFERRAL OF SIDEWALK CONSTRUCTION



Real Estate and Design

Teresa Hibbard, Director of Project Design and Management

2001 SE 10th Street
Bentonville, AR 72716
Phone 479.204-0414
Fax 479.273.8380
www.walmart.com

February 26, 2016

Mayor Ann Campbell, City Council
City of Ames
515 Clark Avenue
Ames, IA 50010

**RE: WHEELER STREET SIDEWALK CONSTRUCTION DEFERRAL
PROPOSED WAL-MART SUPERCENTER NO. 749-05
AMES, IOWA**

Ladies and Gentlemen:

The Wal-Mart Project located at the southwest corner of Grand Avenue and Wheeler Street in Ames, Iowa includes a proposed sidewalk in the Wheeler Street right-of-way. Per Section 23.304 of the City of Ames Municipal Code, the Wheeler Street sidewalk is to be constructed prior to a Plat of Survey approval, as it lies outside of the Wal-Mart property line and is therefore public property. This letter intends to request a waiver of the installation requirement of this sidewalk on the aforementioned project site, prior to the Plat of Survey approval, and is accompanied by the City of Ames "Agreement for Public Improvements."

We kindly request deferral authorization due to the construction activities planned for the overall Wal-Mart development. The project involves demolition of existing retail stores for new construction of a Wal-Mart Supercenter and associated parking areas. It is infeasible to require construction of the Wheeler Street sidewalk prior to the Wal-Mart construction, as the planned construction activities may cause damage to this sidewalk. The sidewalk is planned to be completed at a more appropriate time in the construction sequence.


Scope: Approximately 150 SY of Portland cement concrete sidewalk (labor and materials) and approximately 60 SF of truncated domes (for ADA compliance).

Cost: \$8,430.00

The above scope of work has been approved by Ray Anderson and Eric Cowles at the City. Improvements shown in the attached exhibit shall be completed prior to the issuance of the City of Ames Certificate of Occupancy. A Letter of Credit has been prepared in conjunction with the City of Ames "Agreement for Public Improvements," per required.

We appreciate your review and approval at the March 22, 2016 City Council meeting.

Sincerely,
WAL-MART STORES, INC.


Teresa Hibbard
Design Director

ATTACHMENT D
ENGINEER'S COST ESTIMATE



ENGINEER'S OPINION OF PROBABLE COST
PROPOSED WAL-MART NO. 749-05
WHEELER STREET SIDEWALK - LETTER OF CREDIT
AMES, IA
2/26/2016

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
SCHEDULE I - WHEELER STREET IMPROVEMENTS					
1	PCC Sidewalk (Labor and Materials)	150	SY	\$45.00	\$6,750.00
2	Truncated Domes (ADA Accessible Warnings)	60	SF	\$28.00	\$1,680.00
TOTAL SCHEDULE I - WHEELER STREET IMPROVEMENTS					\$8,430.00
TOTAL					\$8,430.00

Prepared By: Manhard Consulting, Ltd.
900 Woodlands Parkway
Vernon Hills, Illinois 60061

ASSUMPTIONS:

1. All Wheeler Street sidewalk improvements will be completed prior to the City of Ames issuance of Certificate of Occupancy.

NOTE: This Engineer's Opinion of Probable Cost is made on the basis of Engineer's experience and qualifications using plan quantities and represents Engineer's best judgment as an experienced and qualified professional engineer generally familiar with the construction industry. However, since the Engineer has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, or over quantities of work actually performed, Engineer cannot and does not guarantee that proposals, bids or actual Construction Cost will not vary from Opinions of Probable Cost prepared by Engineer. This Opinion of Probable Construction Cost is limited to those items stated herein and does not include permit fees, recapture costs, consultant fees, landscaping, dewatering, maintenance, bonds or the like.

PROPOSED WAL-MART SUPERCENTER NO. 749-05

CITY OF AMES, STORY COUNTY, IOWA

LOC EXHIBIT - WHEELER SIDEWALK

DRAWN BY: JWS
RELEASE DATE: 2-24-16
SCALE: 1"=60'
CODE: WALAMIA02

800 Woodlands Parkway, Vernon Hills, IL 60061 tel: (847) 634 5550 fax: (847) 634 0095 www.manhard.com
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