
DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER

Prepared by: Judy K. Parks, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146
Return to: Ames City Clerk, Ames City Hall, 515 Clark Ave., P.O. Box 511, Ames, IA 50010

**ZONING AGREEMENT FOR ADOPTION OF
THE MASTER PLAN FOR
5871 ONTARIO STREET**

THIS AGREEMENT, made and entered into this day of , 2016, by and between the City of Ames, Iowa (hereinafter called "City") and D&R Furman L.L.C. (hereinafter called "Developer"), its successors and assigns, both collectively being referred to as the "Parties,"

WITNESSETH THAT:

WHEREAS, the Parties hereto desire the improvement and development of an area which has been recently annexed into the City, addressed at 5871 Ontario Street (hereinafter referred to as the "Site"); and

WHEREAS, the Developer sought Voluntary Annexation of the Site in order to begin the process for its development, subsequent to which the Developer sought rezoning of the Site; and

WHEREAS, the Site is designated on the Land Use Policy Plan as Village/Suburban Residential and the Developer is seeking rezoning of the Site from A - Agriculture zoning to FS-RL - Suburban Low Density Residential consistent with the LUPP; and

WHEREAS, the Municipal Zoning ordinance requires that a Master Plan be submitted as part of a rezoning of property to a district having an 'FS' designation;

WHEREAS, the Developer has submitted a Master Plan in conformance with the requirements set forth in Ames Municipal Code section 29.1507(4); and

WHEREAS, Ames Municipal Code section 29.1507(5) requires approval of a zoning agreement when a Master Plan is required and that all development of the Site comply with the Master Plan.

NOW, THEREFORE, the Parties hereto have agreed and do agree as follows:

I.

5871 ONTARIO STREET MASTER PLAN ADOPTED

The Master Plan set forth at Attachment A and incorporated by reference in this agreement shall be the Master Plan for 5871 Ontario Street.

II.

NON-INCLUSION OF OTHER OBLIGATIONS

The Parties acknowledge and agree that this Agreement is being executed to fulfill a specific requirement of section 29.1507(5) of the Ames Municipal Code. It is also understood that this Agreement supplements but does not replace or supersede any agreements made with the City or third parties as necessary to complete annexation.

The Parties understand that the Master Plan adopts a general conceptual plan for development, without review or approval of specific subdivision plats or site plans for development of the Site. The Parties therefore acknowledge that the Master Plan adoption does not anticipate or incorporate all the additional approvals or requirements that may be required to properly and completely develop the Site and does not relieve the developer of compliance with other provisions of the Ames Municipal Code, the Iowa Code, SUDAS, or other federal, state or local laws or regulations.

III.

MODIFICATION OF AGREEMENT

Any modifications or changes to the Master Plan shall be undertaken in accordance with the process provided for in Ames Municipal Code section 29.1507(5).

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

(Signatures on following page)

D & R FURMAN, L.L.C.

By Mary R. Fitch
Mary R. Fitch, Manager

CITY OF AMES, IOWA

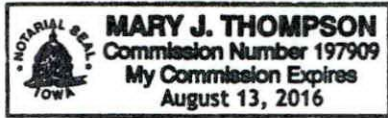
By Ann H. Campbell
Ann H. Campbell, Mayor

Attest Diane R. Voss
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on July 22, 2016, by Mary R. Fitch as Manager of D&R Furman, L.L.C.

Mary J. Thompson
Notary Public in and for the State of Iowa



STATE OF IOWA, COUNTY OF STORY, ss:

On this ___ day of August, 2016, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. 16- adopted by the City Council on the 9th day of August, 2016, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public in and for the State of Iowa