

**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY FOR 3505 SOUTH DUFF AVENUE**

**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 regulations also describe the process for combining existing platted lots or conveyance parcels in order to create a parcel for development purposes. A plat of survey is allowed by Section 23.309 for the consolidation of conveyance parcels and for boundary line adjustments.

**This proposed plat of survey is for a conveyance parcel located at 3505 South Duff Avenue. The conveyance parcel has been in its present configuration since the 1970's. A plat of survey is required to recognize the property as a valid lot of record for permitting purposes.**

The existing parcel is 3.041 acres and is zoned Agricultural (A). The site contains a church building that is under current use as a church.

**The site has access to all City utilities and all utilities exist inside the right of way along South Duff Avenue. The site requires no additional public improvements. Any future site alterations or building plans will need to comply with all applicable subdivision and zoning ordinances.** A 50 feet of right-of-way is being dedicated along South Duff Avenue as is required in instances where only right-of-way easement currently exists. This dedication is denoted as Lot E.

The church desires to apply for building permits in the future. As a plat of survey of conveyance parcel, public improvements are required. The only required improvement is for a sidewalk. The applicant has requested a sidewalk waiver and deferral to coordinate the improvement along with its site improvements. The applicant has also posted financial security to guarantee the sidewalk installation.

Approval of this plat of survey (Attachment B) will allow the applicant to prepare the official plat of survey and submit it to the Planning and Housing Director for review. The Director will sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, who will submit it for recording in the office of the County Recorder.

**ALTERNATIVES:**

1. The City Council can adopt the resolution approving the proposed plat of survey and accept the sidewalk deferral agreement.
2. 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.
3. The City Council can refer this back to staff and/or the owner for additional information.

**CITY MANAGER'S RECOMMENDATION:**

Staff has determined that the proposed plat of survey satisfies all code requirements and has made a preliminary decision of approval.

**Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey and sidewalk deferral agreement.**

**ADDENDUM  
PLAT OF SURVEY FOR 202 SE 5<sup>TH</sup> STREET**

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:

Owners: United Pentecostal Church of Ames  
Existing Street Address: 3505 South Duff Avenue  
Assessor's Parcel #: 0923125050

Legal Description: LEGAL DESCRIPTION - PARCEL D

PARCEL D IN THE NE 1/4 - NW 1/4 OF SECTION 23-83-24, WEST OF THE 5TH P.M., STORY COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 23; THENCE N00°13'50"W, 1,524.08 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER; THENCE CONTINUING N00°13'50"W, 108.11 FEET TO THE SOUTHEAST CORNER OF PARCEL 'A' IN THE NE 1/4 - NW 1/4 OF SAID SECTION 23; THENCE S89°51'54"W, 50.08 FEET TO THE POINT OF BEGINNING; THENCE S00°11'55"E, 108.17 FEET; THENCE S89°47'47"W, 324.71 FEET; THENCE S00°07'40"E, 49.92 FEET; THENCE S89°45'53"W, 611.95 FEET; THENCE N00°04'00"W, 159.55 FEET; THENCE N89°51'54"E, 936.36 FEET ALONG THE SOUTH LINE OF SAID PARCEL 'A' TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION - LOT E

LOT E IN THE NE 1/4 - NW 1/4 OF SECTION 23-83-24, WEST OF THE 5TH P.M., STORY COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 23; THENCE N00°13'50"W, 1,524.08 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER TO THE POINT OF BEGINNING; THENCE CONTINUING N00°13'50"W, 108.11 FEET TO THE SOUTHEAST CORNER OF PARCEL 'A' IN THE NE 1/4 - NW 1/4 OF SAID SECTION 23; THENCE S89°51'54"W, 50.08 FEET ; THENCE S00°11'55"E, 108.17 FEET; THENCE N89°47'47"E, 50.14 FEET TO THE POINT OF BEGINNING

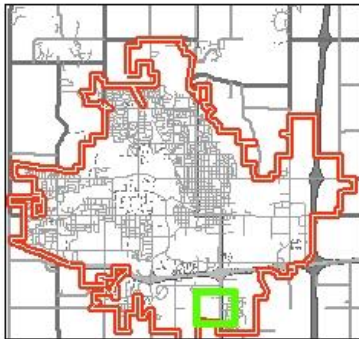
**Public Improvements:**

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 23.409.
- Not Applicable. (no additional improvements required)

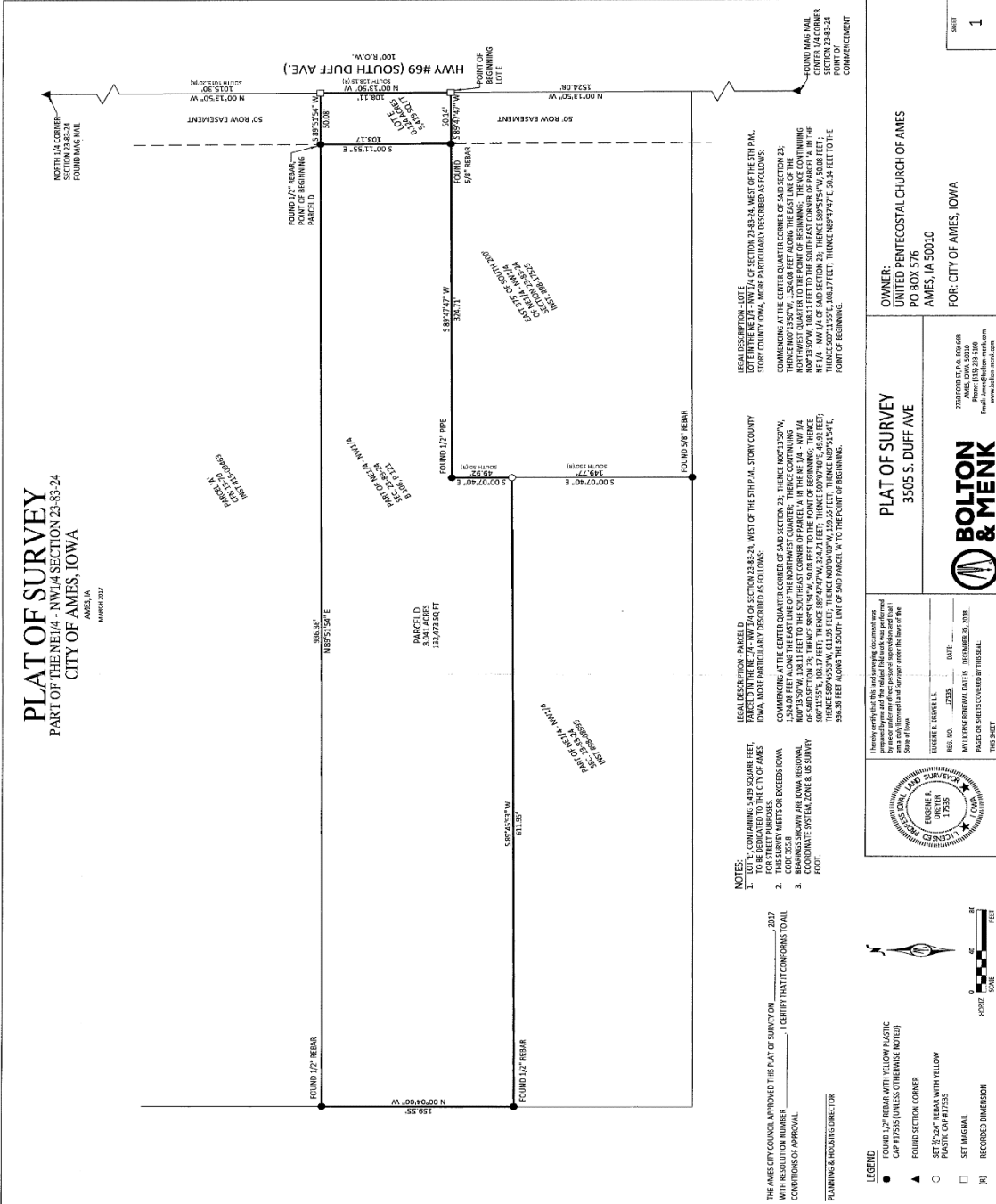
Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

# Attachment A- Location Map



**Plat of Survey  
3505 South Duff Avenue**

# Attachment B



## PLAT OF SURVEY PART OF THE NE 1/4 - NW 1/4 SECTION 23-83-24 CITY OF AMES, IOWA

AMES, IA  
MAY 07 2027

**LEGAL DESCRIPTION - LOT E**  
LOT E IN THE 1/4 - NW 1/4 OF SECTION 23-83-24, WEST OF THE 5TH P.M., STORY COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 73°30'W, 108.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWEST QUARTER TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 73°30'W, 108.17 FEET TO THE SOUTHEAST CORNER OF PARCEL V IN THE NW 1/4 - NW 1/4 OF SAID SECTION 23; THENCE S89°51'54\" W, 50.08 FEET; THENCE S 00°07'40\" E, 159.55 FEET; THENCE S89°51'54\" W, 50.08 FEET; THENCE N00°40'00\" W, 159.55 FEET TO THE POINT OF BEGINNING.

**LEGAL DESCRIPTION - PARCEL D**  
PARCEL D IN THE 1/4 - NW 1/4 OF SECTION 23-83-24, WEST OF THE 5TH P.M., STORY COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 73°30'W, 108.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWEST QUARTER TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 73°30'W, 108.17 FEET TO THE SOUTHWEST CORNER OF PARCEL V IN THE NW 1/4 - NW 1/4 OF SAID SECTION 23; THENCE S89°51'54\" W, 50.08 FEET; THENCE S 00°07'40\" E, 159.55 FEET; THENCE S89°51'54\" W, 50.08 FEET; THENCE N00°40'00\" W, 159.55 FEET TO THE POINT OF BEGINNING.

**NOTES:**  
1. LOT C, CONTAINING 3.419 SQUARE FEET, 0.0001 ACRES, IS A PART OF THE 100' WIDE LOT E IN THE 1/4 - NW 1/4 OF SECTION 23-83-24, WEST OF THE 5TH P.M., STORY COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
2. THE SURVEY MEETS OR EXCEEDS IOWA CODE CHAPTER 197.  
3. BEARINGS SHOWN ARE IOWA REGIONAL COORDINATE SYSTEM, ZONE 8, US SURVEY FOOT.

**LEGAL DESCRIPTION - LOT F**  
LOT F IN THE 1/4 - NW 1/4 OF SECTION 23-83-24, WEST OF THE 5TH P.M., STORY COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 73°30'W, 108.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWEST QUARTER TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 73°30'W, 108.17 FEET TO THE SOUTHWEST CORNER OF PARCEL V IN THE NW 1/4 - NW 1/4 OF SAID SECTION 23; THENCE S89°51'54\" W, 50.08 FEET; THENCE S 00°07'40\" E, 159.55 FEET; THENCE S89°51'54\" W, 50.08 FEET; THENCE N00°40'00\" W, 159.55 FEET TO THE POINT OF BEGINNING.

**LEGAL DESCRIPTION - LOT G**  
LOT G IN THE 1/4 - NW 1/4 OF SECTION 23-83-24, WEST OF THE 5TH P.M., STORY COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 73°30'W, 108.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWEST QUARTER TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 73°30'W, 108.17 FEET TO THE SOUTHWEST CORNER OF PARCEL V IN THE NW 1/4 - NW 1/4 OF SAID SECTION 23; THENCE S89°51'54\" W, 50.08 FEET; THENCE S 00°07'40\" E, 159.55 FEET; THENCE S89°51'54\" W, 50.08 FEET; THENCE N00°40'00\" W, 159.55 FEET TO THE POINT OF BEGINNING.

INDEX LEGEND	LOCATION	REQUESTOR:	UNITED PENTECOSTAL CHURCH OF AMES
		SURVEYOR:	EUGENE E. DREYER
		SURVEYOR COMPANY:	BOLTON & MENK, INC.
		RETURN TO:	EUGENE E. DREYER, BOLTON & MENK, 2730 FORD STREET, P.O. BOX 668, AMES, IA 50010



**LEGEND**  
 ● FOUND 1/2\" REBAR WITH YELLOW PLASTIC CAP #17535 (UNLESS OTHERWISE NOTED)  
 ▲ FOUND SECTION CORNER  
 ○ SET 3/4\"x4\" REBAR WITH YELLOW PLASTIC CAP #17535  
 □ SET MARGINAL  
 [R] RECORDED DIMENSION



PLAT OF SURVEY  
3505 S. DUFF AVE  
**BOLTON & MENK**  
 7711 FORD ST., P.O. BOX 668  
 AMES, IOWA 50010  
 Phone: 515-261-1111  
 Fax: 515-261-1112  
 www.bolton-menk.com

**OWNER:**  
UNITED PENTECOSTAL CHURCH OF AMES  
**PO BOX 576**  
**AMES, IA 50010**  
**FOR: CITY OF AMES, IOWA**



## AGREEMENT FOR SIDEWALKS

The parties to this Agreement are New Life United Pentecostal church, their successors and assigns, hereinafter referred to as “Owners”, and the CITY OF AMES, IOWA, hereinafter referred to as “City”.

**WHEREAS**, the Owners are in the process of platting a subdivision of real estate per Chapter 23 of the Municipal Code of Ames, Story County, Iowa; and

**WHEREAS**, the Owners are required to construct sidewalks in the right-of-way of all streets in the subdivision as part of the platting procedure of the City.

**NOW, THEREFORE**, in consideration of the premises, it is hereby understood and agreed that:

1. The Owners shall construct sidewalks as required by the City for said Subdivision, in accordance with plans and specifications on file with the City’s engineers and by this reference made a part of this agreement. Owners may obtain building and zoning permits for lots within said final subdivision plat within 36 months following said subdivision plat approval, with the understanding that an “occupancy permit” under City ordinances shall be withheld with respect to any structure for which said sidewalk has not been completed until the sidewalk is completed. Further, if the sidewalk is not completed as aforesaid for the segment of the street abutting the structure within 36 months of

the approval of said final subdivision plat, the owner of said lot shall install the sidewalk as per City regulations regardless of whether a structure has been constructed on said lot. No building permit shall be issued after 36 months following final subdivision plat approval for a lot unless said sidewalk has been installed.

2. This Agreement shall be filed for record in the office of the Story County Recorder and all covenants, agreements, promises and representations herein stated shall be deemed to be covenants running with the land and shall endure and be binding on the parties hereto, their successors and assigns, for a period of twenty-one years from the date of the recording of these covenants, unless claims to continue any interest in the covenants are filed as provided by law.

DATED this 4<sup>th</sup> day of May, 2017.

OWNERS

CITY OF AMES, IOWA

By: Donald L. Fleming

By: [Signature]

Director of Public Works

By: \_\_\_\_\_

STATE OF IOWA, STORY COUNTY ss:

STATE OF IOWA, STORY COUNTY ss:

This instrument was acknowledged before me this day of May 4, 2017, by and DONALD L. FLEMING

This instrument was acknowledged before me this day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_ as Director of Public Works for the City of Ames, Iowa.

Jill L. Ripperger  
Notary Public in and for State of Iowa

Notary Public in and for State of Iowa

