

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 3622 WOODLAND STREET, 303 WESTWOOD DRIVE, 3637, 3643, 3649, 3655 STORY STREET

BACKGROUND:

The City's subdivision regulations found in Chapter 23 of the Ames Municipal Code 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 adjusting the boundary lines of existing tracts. Section 23.308 allows the use of a plat of survey for a boundary line adjustment.

This specific plat of survey is for a proposed boundary line adjustment of five existing lots and the parcel of the former Edwards Elementary school. These parcels comprise the old Edwards school site at 3622 Woodland Street, and five single-family homes addressed as 303 Westwood Drive, 3637, 3643, 3649, and 3655 Story Street. The Ames Community School District seeks to adjust the south property line 30 feet to the north to convey this area to the adjacent single-family home owners. There is an existing fence where the new property line will be located.

The existing south fence on the old Edwards school property has always been located approximately thirty feet north of the actual property line. Over the years, the single-family homes have encroached onto the school's property with landscaping, gardens and in small structures in some locations. The property line location needed to be resolved since Edwards Elementary has been re-located and the District desires to clean up the property in order to sell it.

Although the City's Subdivision Code allows this boundary line adjustment to be completed by a plat of survey, the County Auditor's office asks that the City Council affirm that the division of the six parcels does not require a subdivision and that the City acknowledge waiver of the preliminary and final plat requirements. The County believes that since this plat of survey involves more than three parcels, by Code of Iowa, a subdivision plat is required unless the jurisdiction waives that requirement.

Staff finds that the goals of the subdivision standards for identifying property lines and the requirements of a plat of survey meet the interests for the proposed boundary line adjustment and a final plat process is not necessary for this project. If the City Council approves this plat of survey, the waiver will be incorporated into the resolution of approval. The surveyor, acting on behalf of all property owners, has requested the waiver, which can be found in Attachment D. Approval of this plat of survey (Attachment C) 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 waive the City's subdivision requirements and approve the proposed plat of survey consistent with the boundary line adjustment standards of Chapter 23.
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 RECOMMENDED ACTION:

Staff has determined that the proposed plat of survey for a boundary line adjustment does not trigger City infrastructure requirements as defined within the Subdivision Code as existing improvements are already in place. The proposed boundary line adjustment is explicitly allowed by the Ames subdivision regulations (Section 23.308(2)) to be done through a plat of survey, although the County Auditor requests a formal waiver of the subdivision standards because there are six affected parcels.

Approval of this plat of survey cleans up any property line discrepancies that exist. It also allows the Ames Community School District to clarify the property boundaries for the site to be cleared and sold. This site is intended to eventually transferred to the City for the purposes of a public park that will be paid for through fundraising efforts of the Edwards Neighborhood Association.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1 as described above.

ADDENDUM
**PLAT OF SURVEY FOR 3622 WOODLAND STREET, 303 WESTWOOD DRIVE, 3637,
3643, 3649, 3655 STORY 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: 3622 Woodland Street, and five single-family homes addressed as 303 Westwood Drive, 3637, 3643, 3649, and 3655 Story Street

Owner 1 (New Parcel A) Douglas M and Ruth M Provow, 3655 Story Street,
09-05-450-060

Owner 2 (New Parcel B): Timothy Michael and Jenny Ann Arends, 3649 Story Street
09-05-450-050

Owner 3 (New Parcel C): Margaret R Newton, 3643 Story Street
09-05-450-040

Owner 3 (New Parcel D): Kim E Hasstedt, 3637 Story Street
09-05-450-030

Owner 3 (New Parcel E): Mathew S Miller, 303 Westwood Drive
09-05-450-020

Owner 3 (New Parcel T): Ames Community School, 3622 Woodland Street
09-05-450-010

New Legal Descriptions:

Survey Description-Parcel 'A':

Lot 7, Edgewood Fifth Addition and part of the North 40 Rods of the West 24 Rods of the Southwest Quarter of the Southeast Quarter of Section 5, Township 83 North, Range 24 West of the 5th P.M., all in the City of Ames, Story County, Iowa, and all together being described as follows: Beginning at the Southwest Corner of said Lot 7; thence N00°21'30"W, 165.82 feet along the west line of said Southwest Quarter of the Southeast Quarter; thence S89°22'03"E, 79.99 feet to the northerly extension of the east line of said Lot 7; thence S00°18'47"E, 165.82 feet to the Southeast Corner of said Lot 7; thence N89°22'03"W, 79.86 feet to the point of beginning, containing 0.30 acres.

Survey Description-Parcel 'B':

Lot 6, Edgewood Fifth Addition and part of the North 40 Rods of the West 24 Rods of the Southwest Quarter of the Southeast Quarter of Section 5, Township 83 North, Range 24 West of the 5th P.M., all in the City of Ames, Story County, Iowa, and all together being described as follows: Beginning at the Southwest Corner of said Lot 6; thence N00°18'47"W, 165.82 feet along the west line thereof and said line extended; thence S89°22'03"E, 72.99 feet to the northerly extension of the east line of said Lot 6; thence S00°19'27"E, 165.82 feet to the southeast Corner thereof; thence N89°22'03"W, 73.02 feet to the point of beginning, containing 0.28 acres.

Survey Description-Parcel 'C':

Lot 5, Edgewood Fifth Addition and part of the North 40 Rods of the West 24 Rods of the Southwest Quarter of the Southeast Quarter of Section 5, Township 83 North, Range 24 West of the 5th P.M., all in the City of Ames, Story County, Iowa, and all together being described as follows: Beginning at the Southwest Corner of said Lot 5; thence N00°19'27"W, 165.82 feet along the west line thereof and said line extended; thence S89°22'03"E, 69.99 feet to the northerly extension of the east line of said Lot 5; thence S00°19'41"E, 165.82 feet to the Southeast corner thereof; thence N89°22'03"W, 70.00 feet to the point of beginning, containing 0.27 acres.

Survey Description-Parcel 'D':

Lot 4, Edgewood Fifth Addition and part of the North 40 Rods of the West 24 Rods of the Southwest Quarter of the Southeast Quarter of Section 5, Township 83 North, Range 24 West of the 5th P.M., all in the City of Ames, Story County, Iowa, and all together being described as follows: Beginning at the Southwest Corner of said Lot 4; thence N00°19'41"W, 165.82 feet along the west line thereof and said line extended; thence S89°22'03"E, 69.99 feet to the northerly extension of the east line of said Lot 4; thence S00°20'32"E, 165.82 feet to the Southeast Corner thereof; thence N89°22'03"W, 70.03 feet to the point of beginning, containing 0.27 acres.

Survey Description-Parcel 'E':

Lot 3, Edgewood Fifth Addition and part of the North 40 Rods of the West 24 Rods of the Southwest Quarter of the Southeast Quarter of Section 5, Township 83 North, Range 24 West of the 5th P.M., all in the City of Ames, Story County, Iowa, and all together being described as follows: Beginning at the Southwest Corner of said Lot 3; thence N00°20'32"W, 165.82 feet along the west line thereof and said line extended; thence S89°22'03"E, 72.99 feet to the west line of Westwood Drive; thence S00°21'28"E, 165.82 feet along said line to the Southeast Corner of said Lot 3; thence N89°22'03"W, 73.03 feet to the point of beginning, containing 0.28 acres.

Survey Description-Parcel 'T':

Part of the North 40 Rods of the West 24 Rods of the Southwest Quarter of the Southeast Quarter of Section 5, Township 83 North, Range 24 West of the 5th P.M., in the City of Ames, Story County, Iowa, being more particularly described as follows: Beginning at the intersection of the west line of said Southwest Quarter of the Southeast Quarter with the south right of way line of Woodland Street; thence S89°24'31"E, 365.95 feet along said right of way line to the west right of way line of Westwood Drive; thence S00°21'28"E, 595.90 feet along said line; thence N89°22'03"W, 365.95 feet to the west line of said Southwest Quarter of the Southeast Quarter; thence N00°21'30"W, 595.64 feet to the point of beginning, containing 5.00 acres.

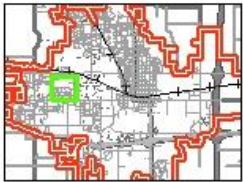
Public Improvements:

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:

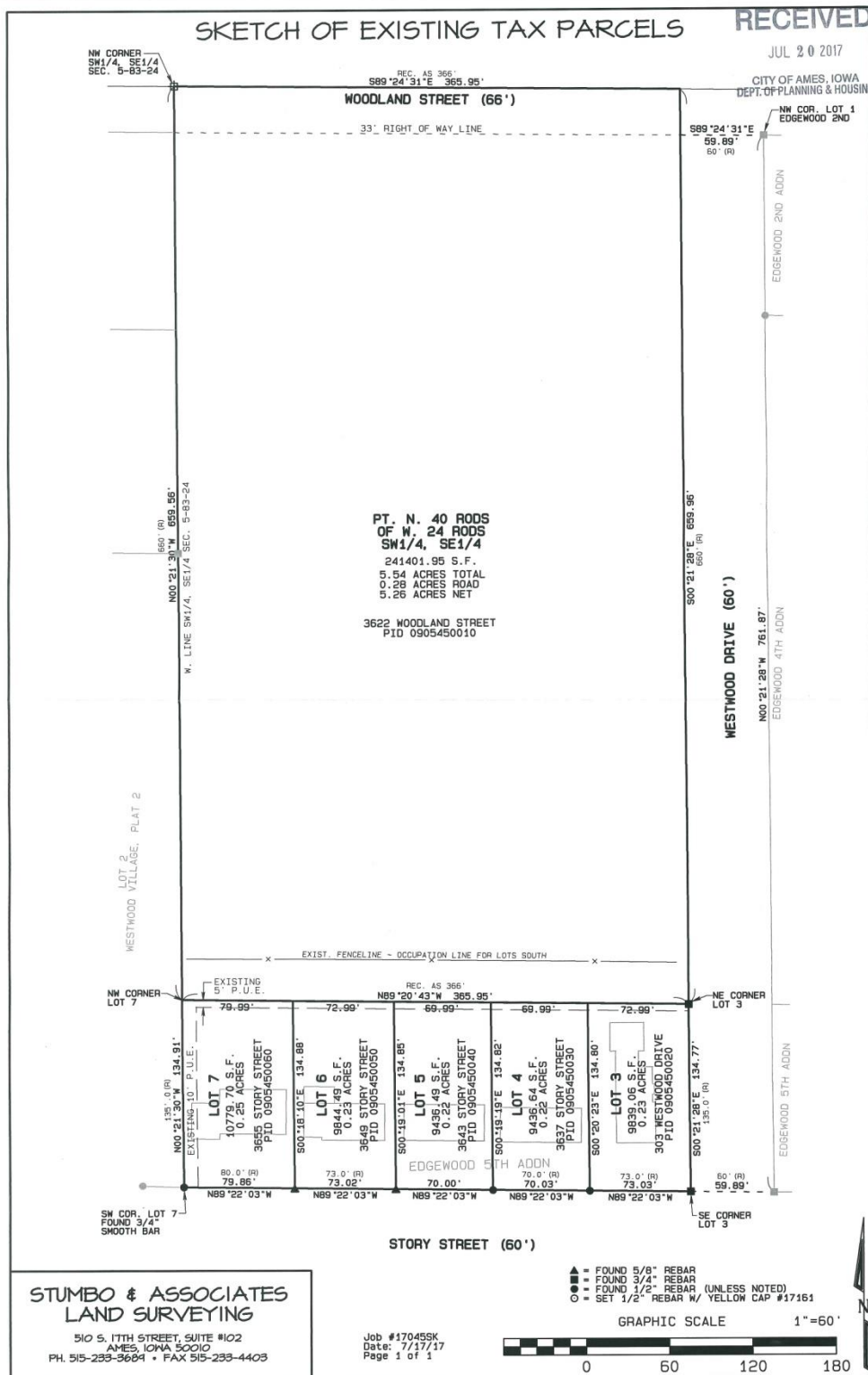
- ☐ Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- ☐ Delayed, subject to an improvement guarantee as described in Section 23.409.
- ☒ Not Applicable.

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.

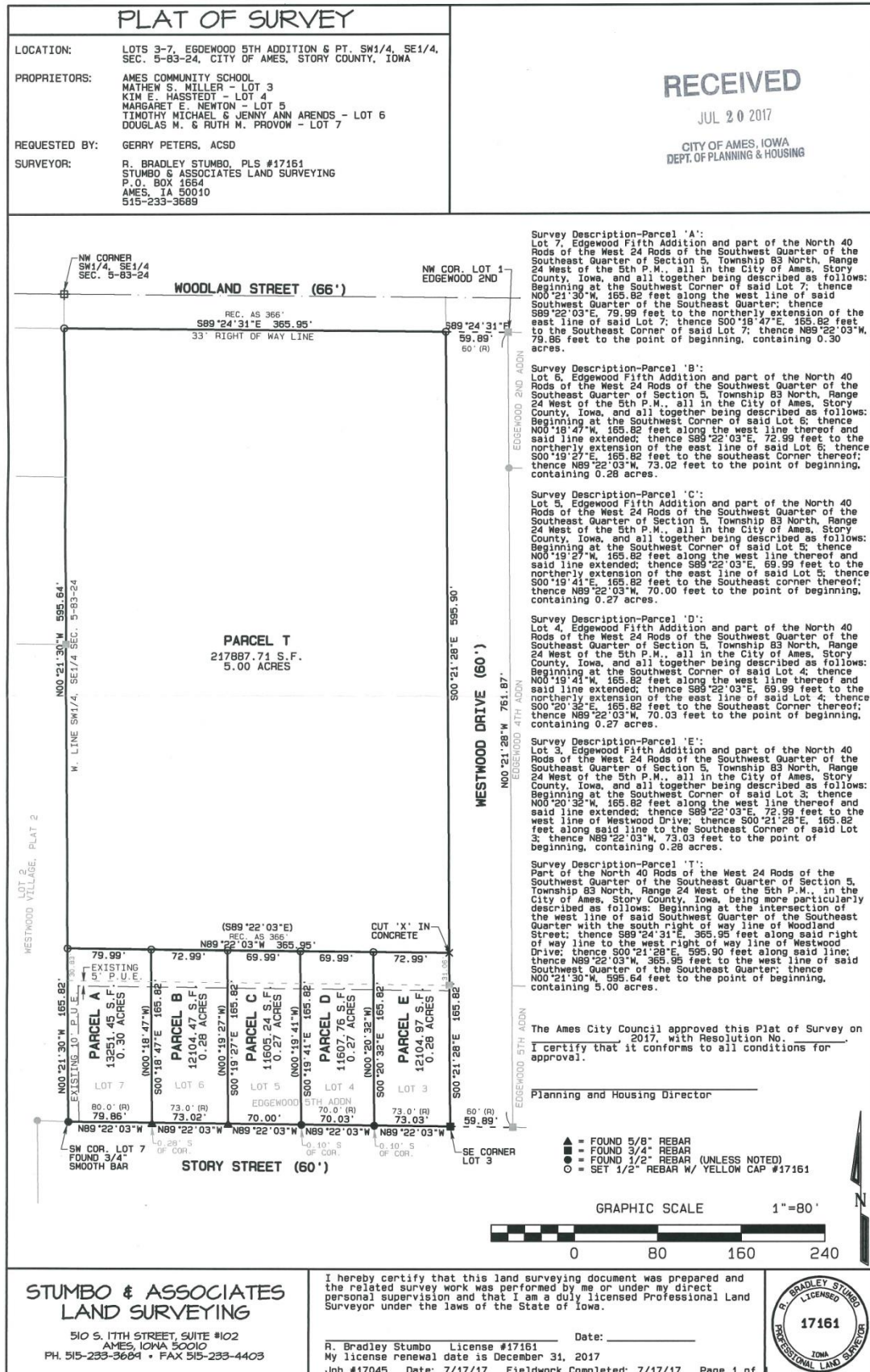
ATTACHMENT A: LOCATION MAP



ATTACHMENT B: EXISTING PLAT



ATTACHMENT C: PLAT OF SURVEY



ATTACHMENT D: WAIVER REQUEST



August 2, 2017

Honorable Mayor and Council Members,

I am writing on behalf of the Ames Community School District, Douglas Provow, Margaret Newton, Mathew Miller, Timothy Arends and Kim Hasstedt, owners of the properties surveyed and depicted on the plat being presented for approval, to request that the city waive its subdivision regulations for this Plat of Survey.

During the course of preliminary review by the Developmental Review Committee, the county auditor's office commented that they considered this six-tract boundary line adjustment to be a subdivision because there are so many tax parcels involved in the survey. Prior to commencing work on this survey, Ames planning staff had granted approval to perform this survey as a boundary line adjustment.

The rationale for not applying subdivision standards to this survey is that there are no new conveyance parcels being created. We are beginning and ending with six tax parcels, just configured differently.

Thanks you for your consideration.

Brad Stumbo, PLS