

COUNCIL ACTION FORM

SUBJECT: INITIATION OF FRIEDRICH ANNEXATION ALONG CAMERON SCHOOL ROAD AND GEORGE WASHINGTON CARVER AVENUE

BACKGROUND:

The City of Ames received a petition from Kurt Friedrich representing R. Friedrich & Sons Inc. and Friedrich Land Development Company seeking voluntary annexation of 108.14 acres of land lying west of George Washington Carver Avenue and south of Cameron School Road. The land lies north and west of Scenic Valley Subdivision and has been referred to previously as the “Dankbar-Muench” properties. A location map is found in Attachment A. **The City Council is asked to decide whether to initiate the proposed annexation and whether to include additional property owners to create more uniform boundaries, as allowed by state code.**

This land was the subject of a recently approved Land Use Policy Plan (LUPP) and Fringe Plan amendment (November 28, 2017) to designate the area as part of the North Allowable Growth and as an Urban Service Area and to create a Convenience Commercial Node. The North Allowable Growth is a non-incentivized growth area as described in the Capital Investment Strategy of the LUPP. An excerpt of the Ames Urban Fringe Plan Map is found in Attachment B. As an Urban Service Area, the site is eligible for annexation and will be developed as one of the “New Lands” development patterns—a suburban low to medium density development or a village development. The commercial node is intended to be up to 10 acres (preferred 2-5 acres) and provide local services to the adjoining neighborhood.

Prior to approval of the LUPP and Fringe Plan amendment, three important issues were discussed in relation to future development of the site upon annexation to the City. A report from [May 9, 2017](#) discussed the needs for sanitary sewer capacity improvements, water service, and evaluation of potential traffic impacts. These issues were deferred until consideration of annexation to formulate a development agreement consistent with City policy for developers to bear the costs of needed improvements, secure transfer of Xenia water service rights to the City, and to study traffic impacts prior to development. **It is appropriate at this time to include direction to the developer on completing a development agreement related to these issues prior to approval of an annexation and these obligations are reiterated as part of the alternatives on initiating the annexation.**

ANNEXATION OPTIONS:

In addition to the voluntary annexation request for the subject properties, there are a few neighboring properties abutting the site that could be included in an annexation to make more uniform boundaries and create an “80/20” annexation. There are two properties on the south side of Cameron School Road (Jamison and Scudder) adjacent

to the requested annexation area and two properties on the west side of George Washington Carver Avenue (Hilker and JDS Rental Properties). A map identifying property owners is found in Attachment C. These do not need to be annexed to avoid creating an island. However, they could be included in order to create more uniform boundaries. Staff has not reached out to them but would do so based on the direction of the City Council

Option 1: 100% Voluntary

The City Council could initiate the annexation as a 100 percent voluntary annexation by not including any non-consenting owners. It is not necessary to include any additional properties to avoid creating an island as all four abutting properties lie on the periphery of the subject property. As the proposed annexation is within two miles of Gilbert, approval by the City Development Board is required. However, this requires only a single meeting of that board.

Option 2: 80/20 with George Washington Carver Avenue Properties

The City Council could initiate the annexation and include the two properties on the west side of George Washington Carver Avenue (Hilker, JDS Rental Properties). Their inclusion would create a more uniform boundary along that portion of the proposed annexation. Although including properties to create more uniform boundaries is allowed by state law, state law does not obligate communities to do so. Their inclusion would result in about 97 percent consenting by area. The inclusion of non-consenting owners would require an initial meeting of the City Development Board, followed a month later by a public hearing of that board.

Option 3: 80/20 with Cameron School Road and George Washington Carver Avenue Properties

As in Option 2, the two properties on the west side of George Washington Carver Avenue would be included and, additionally, the two properties on the south side of Cameron School Road (Jamison, Scudder). Their inclusion would result in about 93 percent consenting by area. The inclusion of non-consenting owners would require an initial meeting of the City Development Board, followed a month later by a public hearing of that board.

ALTERNATIVES:

1. The City Council can initiate the voluntary annexation of 108.14 acres and not include any non-consenting owners. Additionally, **prior to approval of the annexation:**
 - a. The developer shall be responsible for the cost of completing a traffic study as defined by the City' traffic engineer for development of the site with approximately 300 homes and 5 acres of convenience commercial uses, and
 - b. The developer shall enter into a development agreement for the developer's obligations at their sole cost to improve sanitary sewer

capacity to serve the site consistent with the study from May 2017, complete required traffic improvements identified in the traffic study related to the development of the site, and complete any water service territory buyout requirement that may be necessary to allow transfer of Xenia service territory to the City prior to development.

2. The City Council can initiate the voluntary annexation of 108.14 acres and include the two non-consenting owners along George Washington Carver Avenue in order to create more uniform boundaries and complete the developer tasks a. and b. as described in Alternative 1.
3. The City Council can initiate the voluntary annexation of 108.14 acres and include all four non-consenting owners in order to create more uniform boundaries and complete the developer tasks a. and b. as described in Alternative 1.
4. City Council could defer action and request more information.

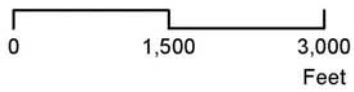
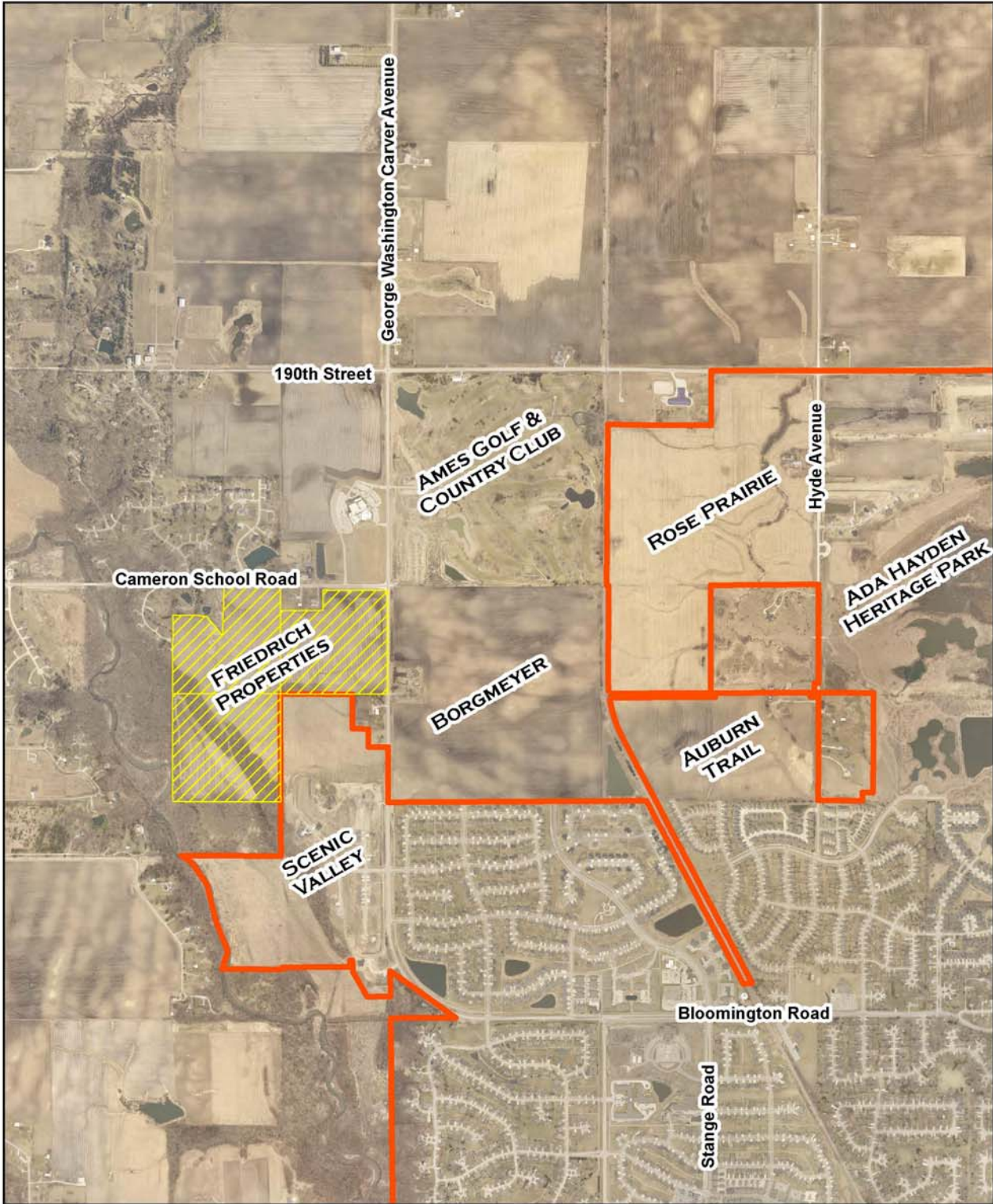
CITY MANAGER’S RECOMMENDED ACTION:

The North Growth Area continues to expand as it has since the Rose Prairie annexation in 2011. Since then, the City has been consistent in ensuring that the costs of development are borne by the developer and that full City services are provided. The City has also looked at development strategically so that, as property owners sought annexation and development, future annexation was not impeded by enclaves of unincorporated area.

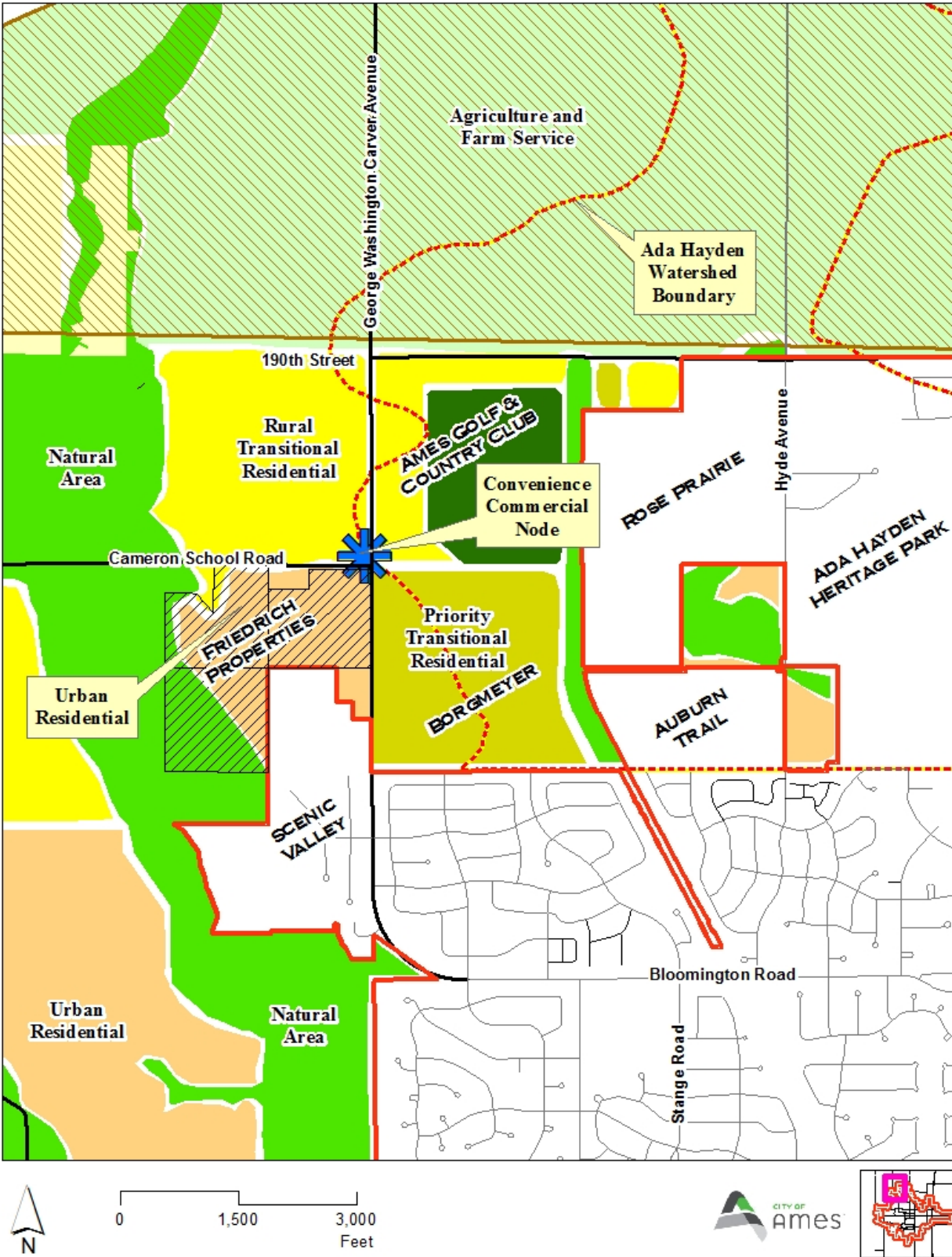
The abutting four properties to this site could be included for uniform boundaries and recognition that they would have frontage along a City street upon annexation of the other properties. However, in this case, including the properties is not necessary as non-consenting owners at this time to ensure no islands are created in the future when other lands to the east request annexation. No lands to the north or to the west are currently designed for annexation within the LUPP or the Fringe Plan.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby directing staff to initiate the 100 percent voluntary annexation of the Friedrich properties, and for the developer to complete a traffic study and development agreement prior to approval of an annexation petition.

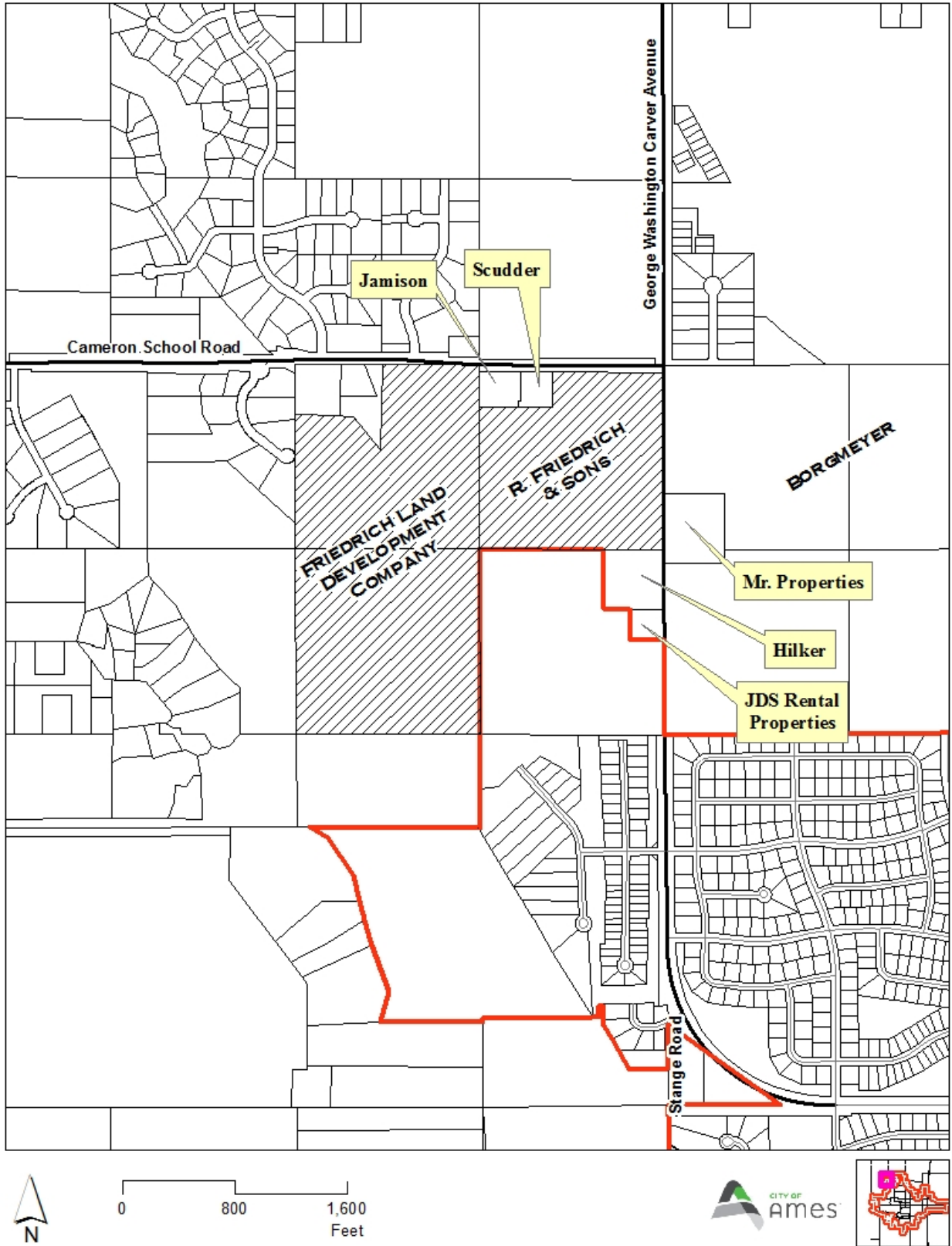
ATTACHMENT A: LOCATION MAP



ATTACHMENT B: AMES URBAN FRINGE PLAN MAP [EXCERPT]

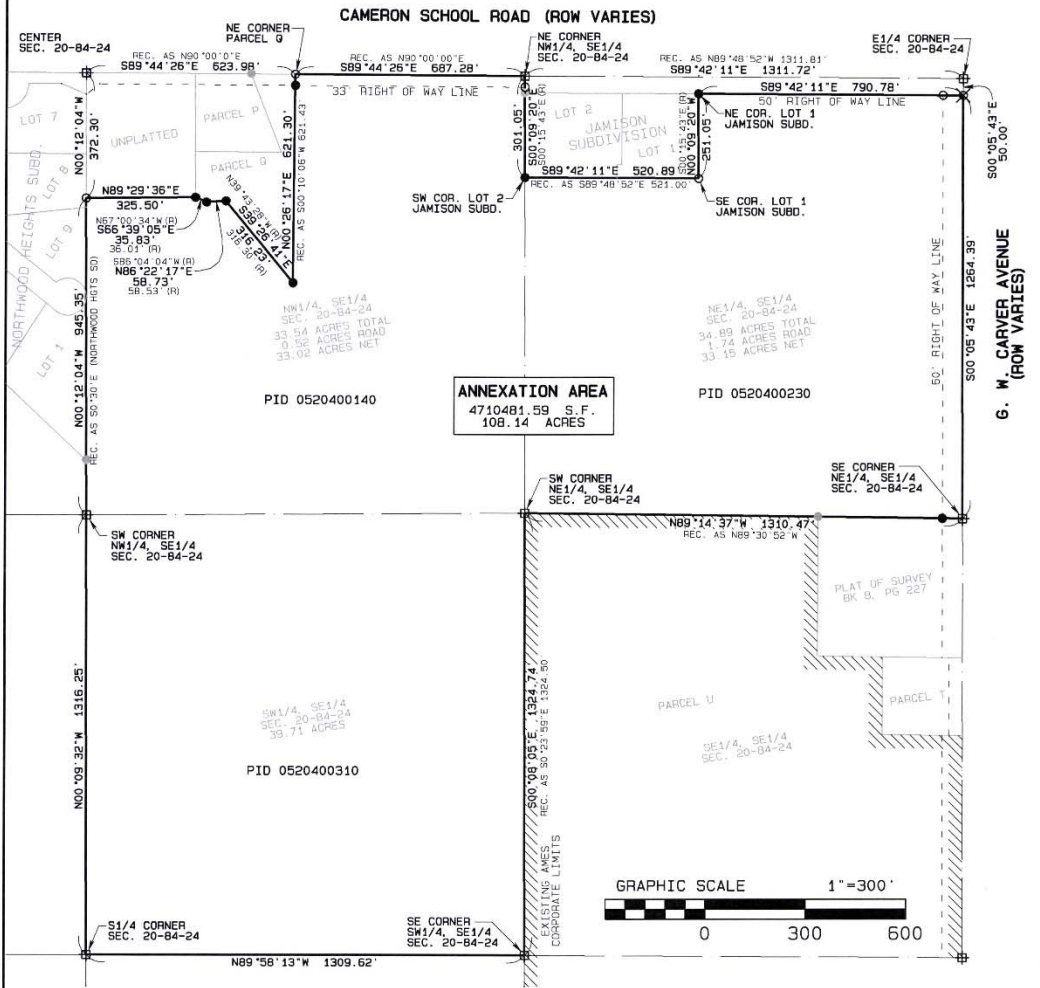


ATTACHMENT C: PROPERTY OWNERS



ATTACHMENT D: ANNEXATION PLAT

<p style="text-align: center;">ANNEXATION PLAT</p> <p>LOCATION: IN THE SE1/4, SEC. 20-84-24 STORY COUNTY, IOWA</p> <p>PROPRIETORS: NE1/4, SE1/4, EX. N. 50' & EX. JAMISON SUBD.: R. FRIEDRICH & SONS, INC.</p> <p>REMAINDER: FRIEDRICH LAND DEVELOPMENT COMPANY, LLC.</p> <p>SURVEYOR: R. BRADLEY STUMBO, PLS #17161 STUMBO & ASSOCIATES LAND SURVEYING P.O. BOX 1664 AMES, IA 50010 515-233-3689</p>	<p style="font-size: 2em; font-weight: bold; color: green;">RECEIVED</p> <p>AUG 09 2018</p> <p>CITY OF AMES, IOWA DEPT. OF PLANNING & HOUSING</p>
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Survey Description - Area to be Annexed:
 The Southwest Quarter of the Southeast Quarter, part of the Northwest Quarter of the Southeast Quarter and part of the Northeast Quarter of the Southeast Quarter, all in Section 20, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, and all together being more particularly described as follows: Commencing at the East Quarter Corner of said Section 20; thence S00°05'43\"/>

<p style="text-align: center;">STUMBO & ASSOCIATES LAND SURVEYING</p> <p style="text-align: center;">510 S. 11TH STREET, SUITE #102 AMES, IOWA 50010 PH. 515-233-3689 • FAX 515-233-4403</p>	<p>I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.</p> <p style="text-align: center;"><i>R. Bradley Stumbo</i> Date: <u>5/17/18</u></p> <p>R. Bradley Stumbo License #17161 Date: <u>5/17/18</u> My license renewal date is December 31, 2019 Job #16960ANX Date: 5/17/18 Page 1 of 1</p>	
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