

COUNCIL ACTION FORM

**SUBJECT: PLAT OF SURVEY FOR PARCEL #1019300210 IN STORY COUNTY
NEAR 260TH AVENUE AND INTERSTATE 35**

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 adjusting the boundary lines of existing tracts. These regulations also apply to divisions of land or boundary line adjustments in unincorporated Story County, except where the Urban Fringe Plan's 28E agreement has delegated authority to the County. In this situation there is joint authority with Story County over the proposed Plat of Survey.

Land owner, CG Lee JT Venture, represented by Mark Gannon, is seeking to create a new parcel from property currently identified as parcel 1019300210 in rural Story County within 2 miles of the Ames City limits. The parcel is located near 260th Avenue and abuts Interstate 35 (I-35) near the 260th Avenue overpass of I-35. The parcel is within the flood plain of the Skunk River and contains a pond that was created as part of the recent I-35 construction. (See Attachment A). The current parcel came into existence in 2015 as part of an acquisition by the Iowa Department of Transportation (DOT).

The proposed plat of survey (Attachment B) creates a new parcel known as parcel K from the existing parcel. The new parcel will be under the ownership of CG Lee JT Venture. The proposed parcel has no direct street frontage and is intended solely for conservation purposes.

The creation of Parcel K is being done in order to receive a certification from the Iowa Department of Natural Resources to stock a pond on site with fish. **The owner has placed a restriction on the plat of no residential construction. The parcel is being created solely to isolate the pond from other land. The fish pond will be the only use on the new parcel. No new development is proposed or permitted by the division.** The pond currently exists on site as a detention pond and was originally created by the Iowa Department of Transportation for storm water collection and detention of Interstate 35.

The Urban Fringe land use designation in this area is Natural Area. This land use applies to environmentally sensitive areas, significant natural habitat, parks and open spaces and greenways. The land in question is within a designated floodplain with a mixture of row crop uses and nearby woodlands. The Natural Area designation calls for preventing subdivisions for new non-farm residential development but may include farm and non-

farm residences existing at the time of adoption of the Urban Fringe plan. The proposal does not create a new residence and instead creates a natural conservation feature that is consistent with its surroundings. The creation of the parcel for a fish pond does not have harmful or negative impacts on the surrounding Natural Area. Story County subdivision regulations would permit the creation of this parcel by a Plat of Survey as a result of it being created from a legally created parcel.

Staff finds that the proposed land division can be accomplished through a Plat of Survey based on the criteria in Section 23.103(2) of the Subdivision standards which grants that City Staff may recommend waiving the subdivision requirements for a Minor Subdivision when it is determined that a clear and accurate description of the land is provided by the applicant and that it is in compliance with Section 23.307. **Staff finds that the conditions in these sections have been met and as such a Plat of Survey is adequate for the creation of Parcel K within Story County. Staff has not requested any covenants for consideration of the request for creation of this parcel because it will solely be for a conservation purpose and is not a developable parcel.**

Approval of this plat of survey 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, along with the resolution of approval in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can approve the resolution approving the plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have been satisfied.
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 satisfies all Code requirements for a waiver of the minor subdivision process as an unbuildable lot within Story County and has made a preliminary decision of approval. No infrastructure improvements are required consistent with the Urban Fringe Plan as no new residential lots are created.

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.

**ADDENDUM
PLAT OF SURVEY FOR PARCEL 1019300210**

Application for a 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)
- Other. *County division to create a parcel for conservation purposes.*

The site is located at: an unaddressed parcel near 260th Avenue and abutting Interstate 35.

Owners: CG Lee JT Venture
Parcel ID: 1019300210

New Legal Descriptions:

PARCEL "K" being a part of the East One-half (E ½) of the Southwest Quarter (SW ¼) of Section 19, Township 83 North, Range 23 West of the 5th P.M., Story County, Iowa, lying West of the present West right of way line of Interstate No. 35, more particularly described as follows:

Beginning at an iron pipe at the Northeast corner of the E ½ SW ¼ of said Section 19; thence N 89°28'20" E a distance of 936.59' to a ½" iron rod; thence S 00°28'48" E a distance of 623.69' to a ½" iron rod; thence S 89°28'20" W a distance of 936.63' to a ½" iron rod; thence N 00°28'33" W a distance of 623.69' to the point of beginning.

Containing 13.410 acres.

Subject to an Ingress/Egress Easement over the East 1 rod of the West 2 rods of the SE ¼ of the SW ¼ and the West 2 rods of the South 695' of the NE ¼ of the SW ¼ all in Section 19, Township 83 North, Range 23 West of the 5th P.M., 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 23.409.
- Not Applicable, if subdivision requirements are waived by the City Council.

ATTACHMENT A- LOCATION MAP



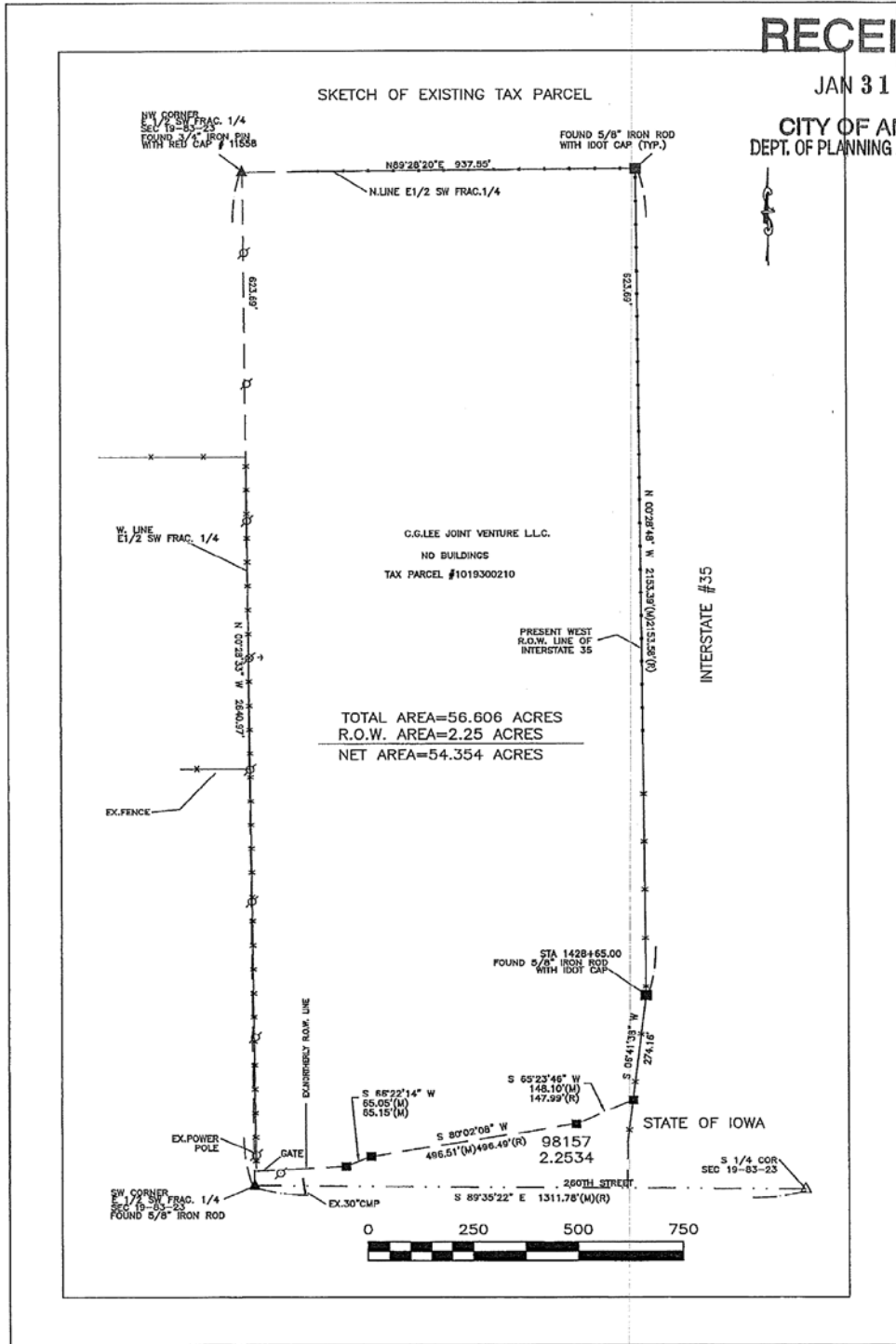
Proposed Plat of Survey Location 

ATTACHMENT A- EXISTING PARCEL

RECEIVED

JAN 31 2020

CITY OF AMES IA
DEPT. OF PLANNING AND HOUSING



ATTACHMENT B- PLAT OF SURVEY

