

ITEM # 29 a-d
DATE 09/23/08

COUNCIL ACTION FORM

**SUBJECT: MAJOR FINAL PLAT FOR H & B SUBDIVISION, SECOND ADDITION,
AND VACATION OF EXISTING EASEMENTS**

BACKGROUND:

William Fedeler, H&B Properties, LLC, is requesting approval of the Major Final Plat for H&B Subdivision, Second Addition, and vacation of existing public easements for utilities, water main, and sanitary sewer. The proposed plat will establish new easements that follow the proposed lot lines to replace the easements being vacated. The Final Plat encompasses a 6.22-acre site located on the north side of East Lincoln Way between the Skunk River west of the subdivision and Carnegie Avenue to the east. It is located in the G-I (General Industrial) zone.

The Final Plat will replat Lots 1 and 2 of H&B Subdivision by consolidating these two lots with an unplatted parcel of land adjacent to the southwest boundary of Lot 2 and "Parcel E", adjacent to the east boundary of Lot 1. The new subdivision divides the land into five lots, as shown on the attached Final Plat for H&B Second Addition.

The following documents have been submitted and are associated with this Final Plat application:

- Release of Easement Documents for the release of private easements.
- Resolution Vacating Public Utility, Water Main and Sanitary Sewer Easements
- Resolution Accepting the Final Plat of H & B Subdivision, Second Addition;
- Consent to Plat by the Property Owner;
- Attorney's Title Opinion, which states that fee simple title to this property known as H & B Properties, LLC, is free from encumbrances, but subject to the following:
 - Easements and restrictions of record
 - Zoning ordinances of City of Ames, Iowa
- Certificate of the Treasurer of Story County, Iowa, certifying that the subject property is free from certified taxes and special assessments;
- Easements to be granted to the City of Ames for Public Utilities, Water Main, Sanitary Sewer, Ingress/Egress, and Parking.

The Preliminary Plat for H&B Subdivision, Second Addition was approved by the City Council on June 24, 2008. The resolution approving the Preliminary Plat included the following stipulations for approval:

- Prior to Final Plat approval, existing easements will be vacated and replaced with easements that are part of the approved Preliminary Plat; and,
- Prior to Final Plat approval, the easement across Lot 4, pertaining to parking for proposed Lot 3, will be more fully described on the Final Plat, or on a separate easement document recorded with the Final Plat, stating that the parking easement allows parking on Lot 4 exclusively for use by Lot 3.

Staff finds that the Preliminary Plat conditions for approval have been satisfied with the documents submitted for vacation of the existing easements and the proposed easement documents, which address the easement for parking across Lot 4 for use by Lot 3.

Staff also finds that the proposed Final Plat fully complies with relevant and applicable design standards of Ames Municipal Code Chapter 23, Subdivisions, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans.

ALTERNATIVES:

1. The City Council can approve the Final Plat for H & B Subdivision, Second Addition, based upon staff's findings and conclusions, subject to the following condition:
 - a. Vacation of existing easements for public utilities, water mains, and sanitary sewer.
2. The City Council can deny approval of the Final Plat for H & B Subdivision, Second Addition based on the finding that the Final Plat submittal does not comply with the conditions of the approved Preliminary Plat for H&B Subdivision, Second Addition.
3. The City Council can refer this back to staff and/or the developer for additional information.

MANAGER'S RECOMMENDED ACTION:

The proposed Final Plat for H&B Subdivision, Second Addition is consistent with the requirements of a major subdivision and the stipulations for approval of the Preliminary Plat.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1. This will approve the Final Plat for H&B Subdivision, Second Addition, subject to the vacation of existing easements for public utilities, water mains, and sanitary sewer.

Applicable Laws and Policies Pertaining to Final Plat Approval

Adopted laws and policies applicable to this case file include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa, Section 354.6

Ames Municipal Code Section 23.302(10)

- (10) *City Council Action on Final plat for Major Subdivision:*
- a. *All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.*
 - b. *Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances, and standards, to the City's Land use policy Plan and to the City's other duly adopted plans.*
 - c. *The City Council may:*
 - i. *Deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the land use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,*
 - ii. *Approve any subdivision subject to the condition that the Applicant contributes to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions, and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.*
 - d. *Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.*

- e. *Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves.*

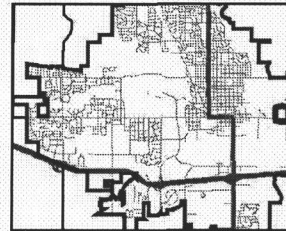


Location Map
1507-1607 E. Lincoln Way

Existing Parcels



0 150 300 600 Feet



DESCRIPTION:

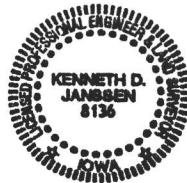
A Replot of Lots One (1) and Two (2), H & B Subdivision; and the South 140.0 feet of the West 122.5 feet of the East 222.5 feet of that portion of the Southeast Quarter of the Southwest Quarter (SE 1/4 - SW 1/4), lying South of the C. & NW Railroad right-of-way, except the North 800 feet thereof and except the South 63.0 feet thereof; and Parcel "E" in the Southwest Quarter of the Southeast Quarter (SW 1/4 - SE 1/4) as shown on the "Plot of Survey" filed in the office of the Recorder of Story County, Iowa, on October 15th, 2001 and recorded as Instrument #01-14023 on slide 110 at Page 2; all in Section One (1), T83N - R24W of the 5th P. M., in the City of Ames, Story County, Iowa; more particularly described as follows:

"Commencing at the Southeast (SE) corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 - SW 1/4) of Section 1 - T83N - R24W of the 5th P.M., in the City of Ames, Story County, Iowa; thence N 01° 13' 10" E, 63.00 feet along the east line of the SE 1/4 - SW 1/4, to the Point of Beginning; thence S 88° 20' 41" E, 232.59 feet along the north line of the South 63 feet of the SW 1/4 - SE 1/4 and along the south line of said Parcel "E"; thence N 00° 50' 58" E, 363.61 feet along the east line of Parcel "E"; thence N 88° 23' 19" W, 230.24 feet along the north line of Parcel "E"; thence N 01° 13' 10" E, 476.62 feet along the east line of said Lot 2 and along the east line of the SE 1/4 - SW 1/4; thence N 88° 21' 20" W, 222.47 feet along the north line of Lot 2; thence S 01° 13' 10" W, 840.02 feet along the west line of Lot 2 and along the west line of the East 222.5 feet of the SE 1/4 - SW 1/4; thence S 88° 21' 20" E, 222.47 feet along the north line of the South 63 feet of the SE 1/4 - SW 1/4 and along the south line of said Lot 1, to the Point of Beginning."

CERTIFICATION:

I hereby certify that this land surveying document was prepared and the related work was performed by me or under my direct personal supervision, in JUNE, 2008; at the request of William K. Fedeler, for H & B Properties, L.L.C., 1509 East Lincoln Way, Ames, Iowa 50010; and that it is a true and correct representation of the lands surveyed, and that permanent control monuments, with a surveyor's marker, have been established at each controlling corner of the parcels as subdivided; and that I am a duly Licensed Land Surveyor under the Laws of the State of Iowa.

Kenneth D. Janssen
Kenneth D. Janssen, P.E., L.S.
License renewal date: 12-31-09



ACREAGE: 6.2211 Acres
(270,993 Square Feet)

ZONING: G-1 (General Industrial)

LEGEND:

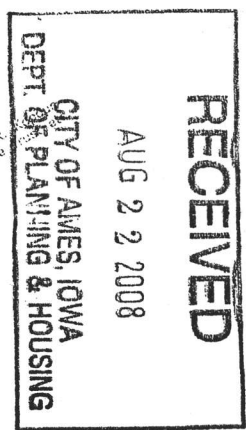
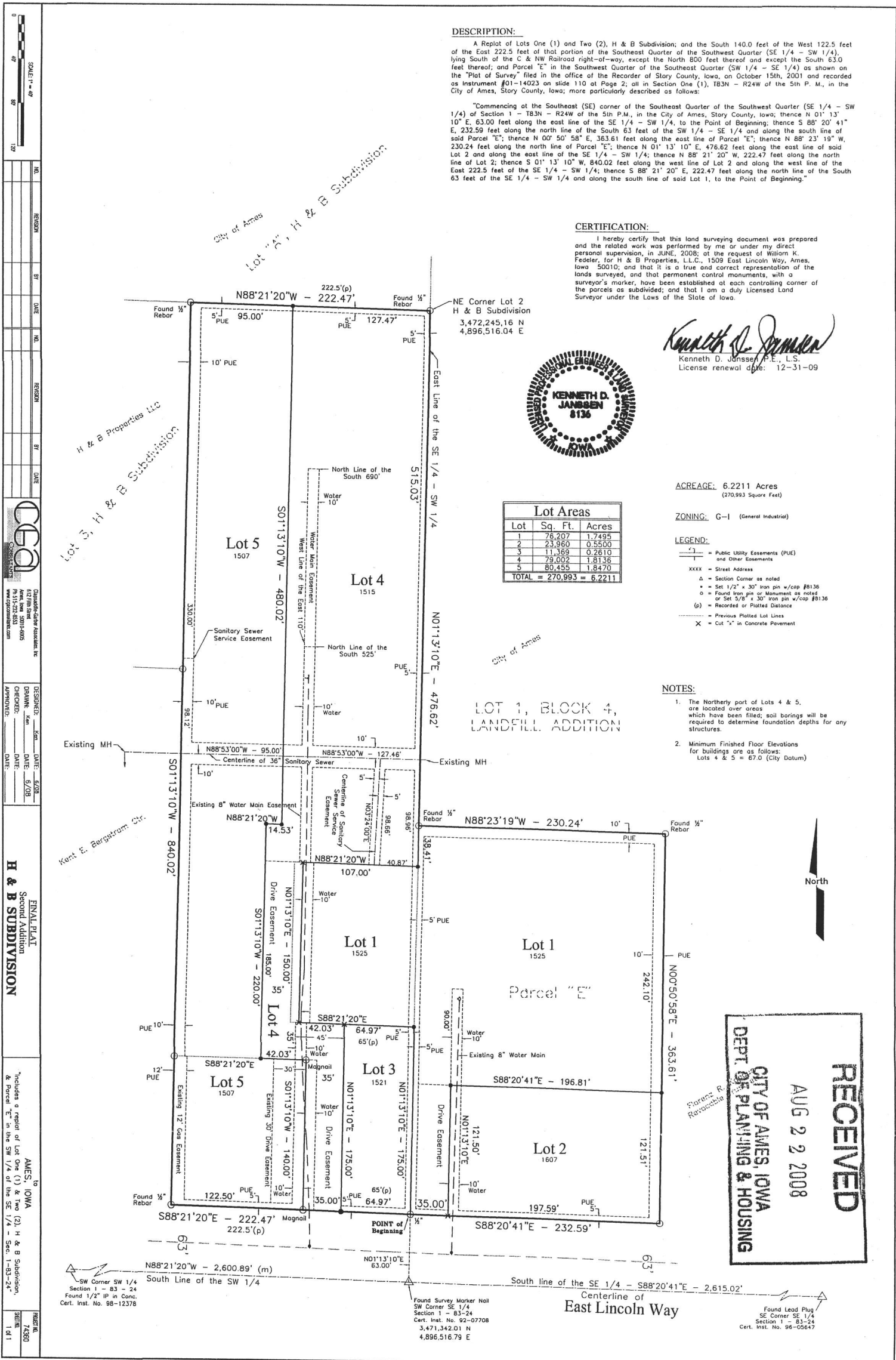
- PUE — Public Utility Easements (PUE) and Other Easements
- XXXX — Street Address
- Δ — Section Corner as noted
- — Set 1/2" x 30" Iron pin w/cap #8136
- — Found Iron pin or Monument as noted or Set 5/8" x 30" Iron pin w/cap #8136
- (p) — Recorded or Plotted Distance
- — Previous Plotted Lot Lines
- X — Cut "x" in Concrete Pavement

Lot Areas		
Lot	Sq. Ft.	Acres
1	76,207	1.7495
2	23,960	0.5500
3	11,369	0.2610
4	79,002	1.8136
5	80,455	1.8470
TOTAL	270,993	6.2211

NOTES:

1. The Northerly part of Lots 4 & 5, are located over areas which have been filled; soil borings will be required to determine foundation depths for any structures.
2. Minimum Finished Floor Elevations for buildings are as follows:
Lots 4 & 5 = 67.0 (City Datum)

LOT 1, BLOCK 4,
LANDFILL ADDITION



Scale: 1" = 40'

NO.	REVISION	BY	DATE

DESIGNED: *KDJ* DATE: 6/20/08
 DRAWN: *KDJ* DATE: 6/20/08
 CHECKED: *KDJ* DATE: 6/20/08
 APPROVED: *KDJ* DATE: 6/20/08

H & B SUBDIVISION
 SECOND ADDITION
 FINAL PLAT

Includes a report of Lot One (1) & Two (2), H & B Subdivision, & Parcel "E" in the SW 1/4 of the SE 1/4 - Sec. 1-83-24.

AMES, IOWA
 Section 1 - 83 - 24
 Found 1/2" IP in Conc.
 Cert. Inst. No. 98-12378

Found Survey Marker Nail
 SW Corner SE 1/4
 Section 1 - 83-24
 Cert. Inst. No. 92-07708
 3,471,342.01 N
 4,896,516.79 E

Found Lead Plug
 SE Corner SE 1/4
 Section 1 - 83-24
 Cert. Inst. No. 96-05647