

ITEM # 24
DATE 10/28/08

COUNCIL ACTION FORM

SUBJECT: SUPPLEMENTARY DEVELOPMENT AGREEMENT FOR DAUNTLESS SUBDIVISION

BACKGROUND:

Jensen Development Corporation is requesting that the City Council approve a Supplemental Development Agreement for Dauntless Subdivision for the purpose of relocating the access point to Dauntless Subdivision from South Dakota Avenue. The current approved location of the access is at a point located 600 feet north of the centerline of Mortensen Road. The proposed location for the access is at a point 540 feet north of the centerline of Mortensen Road. The access would move 60 feet south of the current location if the Developer's request is granted by the City Council.

The original Development Agreement for Dauntless Subdivision was approved by the City Council on August 26, 1997.

A Supplemental Development Agreement that established the current access on South Dakota Avenue at a point 600 feet north of the centerline of Mortensen Road was approved by the City Council on March 28, 2000.

At this time, the Developer is proposing a division of Lot 3, Dauntless Subdivision, Sixth Addition into Parcel A and Parcel B through a Plat of Survey. The Developer is proposing to construct a building on Parcel B through the approval of a Minor Site Development Plan by City staff. The building is to be the new Iowa State University Basketball Practice Facility. The proposed relocation of the access to Dauntless Subdivision from South Dakota Avenue will serve as the access to the Basketball Practice Facility on Parcel B.

City staff believes it is necessary to include a provision in the Supplementary Development Agreement to require that any subsequent division of proposed Parcel A of Lot 3 shall require a Final Plat that includes all of Lot 3 and specifically depicts the relocated access point on South Dakota Avenue.

ALTERNATIVES:

1. The City Council can approve the Supplementary Development Agreement for Dauntless Subdivision.
2. The City Council can deny approval of the Supplementary Development Agreement for Dauntless Subdivision.
3. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENDED ACTION:

The proposed change in the location of vehicular access to Dauntless Subdivision from South Dakota Avenue is a relocation of the only approved access to this subdivision from South Dakota Avenue. The City Traffic Engineer finds the proposed location to be an adequate distance from the intersection of South Dakota Avenue and Mortensen Road so as not to cause a conflict with traffic movement on South Dakota Avenue.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1. Approval of the resolution will approve the Supplementary Development Agreement for Dauntless Subdivision and move the access location on South Dakota Avenue from a point 540 feet north of the centerline of Mortensen Road.

SPACE ABOVE RESERVED FOR OFFICIAL USE

Return document to: City of Ames Legal Department, 515 Clark Avenue, Ames IA 50010
 Document prepared by: V.A. Feilmeyer, Attorney at law, 1416 Buckeye Ave., Ames IA 50010 Ph. 515-233-3000

**SUPPLEMENTARY DEVELOPMENT AGREEMENT
 DAUNTLESS SUBDIVISION**

THIS AGREEMENT made and entered into effective as of the _____ day of October 2008, by and between the City of Ames, Iowa (hereinafter called the "City"); and, Jensen Development Corporation, Ltd., an Iowa Corporation, their successors and assigns (the "Developer")

W I T N E S S T H A T :

WHEREAS, a development agreement pertaining to Dauntless Subdivision was executed effective the 26th day of August 1997, and recorded as Instrument No. 97-09691 in the office of the Story County Recorder; and

WHEREAS, a supplemental development agreement pertaining to Dauntless Subdivision was executed effective as of the 28th day of March 2000, and recorded as Instrument No. _____ in the office of the Story County Recorder, and,

WHEREAS, Developer now holds title to a portion of the land that said developers agreement pertains to, namely Lot 3, Sixth Addition, Dauntless Subdivision to Ames, Story County, Iowa, and that portion is proposed for division by a Plat of Survey;

WHEREAS, it is now desired that an agreement relating to the access point from South Dakota Avenue specific to the land encompassed by Lot 3, Sixth Addition, Dauntless Subdivision to Ames, Story County, Iowa, be made to further supplement said agreements.

NOW THEREFORE, in consideration of the aforesaid, the parties hereto have agreed and do agree as follows:

1. The provisions of B-6, Development Agreement Dauntless Subdivision notwithstanding, and the provisions of paragraph 1, Supplementary Development Agreement Dauntless Subdivision notwithstanding, there shall be no private drive access to any lots that abut South Dakota Avenue except at a point 540 feet north of the centerline of Mortensen Road, which is approximately Sta. 2086 + 00.
2. In all other respects, the Developers Agreement Dauntless Subdivision filed as Instrument No. 97-09691 shall remain in full force and effect.
3. **Any subsequent division of Parcel A of Lot 3 shall require a Final Plat that includes all of Lot 3 and specifically depicts the relocated access point on South Dakota Avenue.**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be effective as of the date first above written.

CITY OF AMES, IOWA.

BY: _____
Ann H. Campbell, Mayor

BY: _____
Diane Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on this ____ day of _____ 2008, by Ann H. Campbell and Diane R. Voss as Mayor and City Clerk of the City of Ames, Iowa.

NOTARY PUBLIC

**JENSEN DEVELOPMENT CORPORATION,
LTD.**

BY: _____
Dickson D. Jensen, President

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on this ____ day of _____ 2008, by Dickson D. Jensen as president of Jensen Development Corporation, Ltd.

NOTARY PUBLIC

SPACE ABOVE RESERVED FOR OFFICIAL USE

Return document to: City of Ames Legal Department, 515 Clark Avenue, Ames, IA 50010

Document prepared by: V.A. Feilmeyer, Attorney at law, 1416 Buckeye Ave., Ames IA 50010 Ph. 515-233-3000

**CITY OF AMES, IOWA
RESOLUTION NO.
RESOLUTION APPROVING SUPPLEMENTAL DEVELOPMENT
AGREEMENT DAUNTLESS SUBDIVISION (LOT 3, SIXTH ADDITION)**

WHEREAS, as part of the review of the division of Lot 3, Sixth Addition, Dauntless Subdivision to Ames, Story County, Iowa, staff determined that there was a need to change the Development Agreement for Dauntless Subdivision approved as Resolution 97-433, and Supplemental Development Agreement dated March 28, 2000; and approved as Resolution No. 00-102; and

WHEREAS, the need for these changes relates to relocation of the access point on South Dakota Avenue as part of the division of Lot 3, Sixth Addition, Dauntless Subdivision to Ames, Story County, Iowa.

BE IT RESOLVED by the City Council of Ames, Iowa, that the revisions to the Development Agreement for Dauntless Subdivision are hereby approved. This resolution shall be in full force and effect from and after the date of its approval as provided by law.

APPROVAL: In accordance with Iowa Code section 380.5, the undersigned approves the foregoing as enacted on _____ 2008, by the City Council.

In Witness Whereof, I affix my signature on this _____ day of _____, 2008:

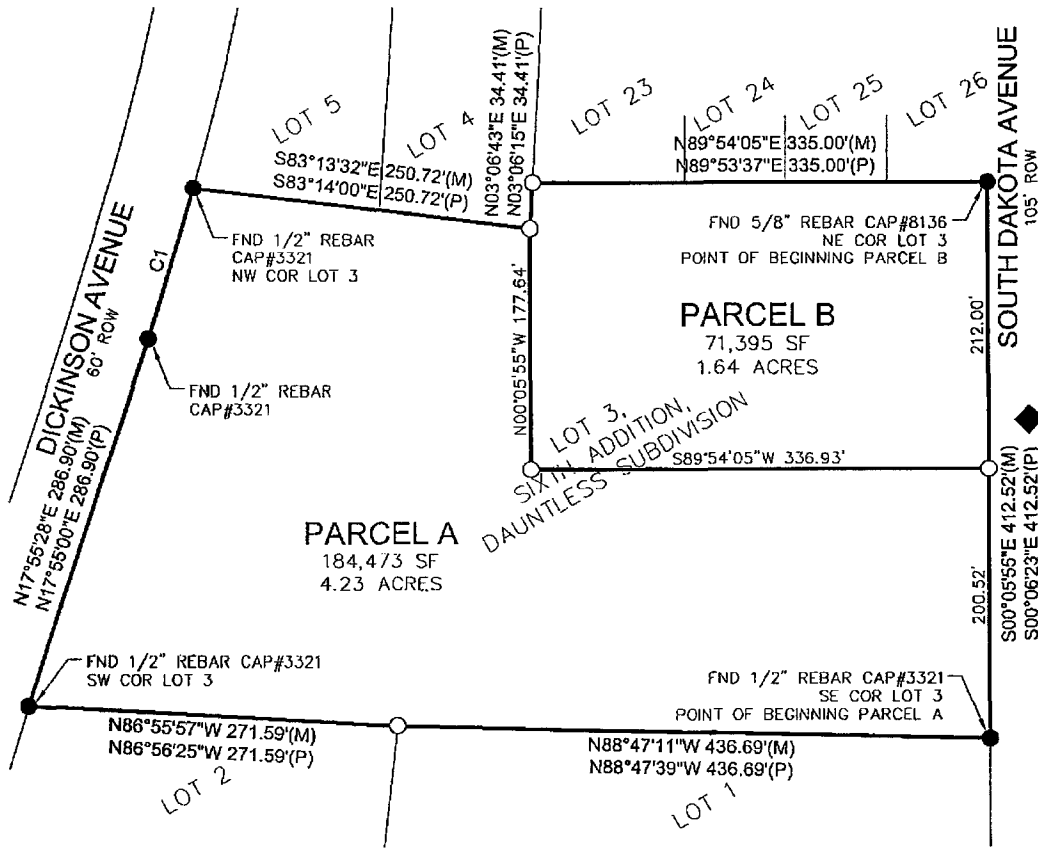
ANN H. CAMPBELL, Mayor

Attested on behalf of the City of Ames, Iowa on the date aforesaid by:

DIANE R. VOSS, Clerk

RETURN TO: CIVIL DESIGN ADVANTAGE, 5501 NW 112TH STREET, SUITE G, GRIMES, IA. 50111, PH: 369-4400 FAX: 369-4410

PLAT OF SURVEY



ACCESS LOCATION

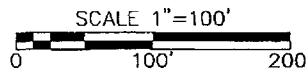
◆ FULL ACCESS LOCATION ALONG SOUTH DAKOTA AVENUE AS APPROVED BY THE CITY OF AMES 540 FEET NORTH OF THE MORTENSEN ROAD CENTERLINE AT PDA STA 2086+00±

LEGEND:

	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW CAP #16747 (UNLESS OTHERWISE NOTED)	●	○
PLATTED BEARING & DISTANCE	P	
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
CENTERLINE	—	—
SECTION LINE	---	---
EASEMENT LINE	- - -	- - -

CURVE DATA:

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1(M)	2°36'34"	2530.00	115.23	N16°37'12"E	115.22
C1(P)	2°36'34"	2530.00	115.23	N16°36'43"E	115.22



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**LOT 3, SIXTH ADDITION,
DAUNTLESS SUBDIVISION
PLAT OF SURVEY**



5501 NW 112th SUITE G GRIMES, IOWA 50111
PH: (515) 369-4400 Fax: (515) 369-4410
ENGINEER: _____ TECH: _____

AMES, IOWA

RETURN TO: CIVIL DESIGN ADVANTAGE, 5501 NW 112TH STREET, SUITE G, GRIMES, IA, 50111, PH: 369-4400 FAX: 369-4410

PLAT OF SURVEY

OWNER

JENSEN DEVELOPMENT CORPORATION, LTD
4611 MORTENSEN ROAD, SUITE 106
AMES, IA 50014-6228

LEGAL DESCRIPTION - PARCEL A:

A PART OF LOT 3, SIXTH ADDITION, DAUNTLESS SUBDIVISION, AN OFFICIAL PLAT IN THE CITY OF AMES, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 88°47'11" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 3, A DISTANCE OF 436.69 FEET; THENCE NORTH 86°55'57" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 271.59 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 17°55'28" EAST ALONG THE WESTERLY LINE OF SAID LOT 3, A DISTANCE OF 286.90 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID WESTERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 2530.00 FEET, WHOSE ARC LENGTH IS 115.23 FEET AND WHOSE CHORD BEARS NORTH 16°37'12" EAST, 115.22 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 83°13'32" EAST ALONG THE NORTHERLY LINE OF SAID LOT 3, A DISTANCE OF 250.72 FEET; THENCE SOUTH 00°05'55" EAST, 177.64 FEET; THENCE NORTH 89°54'05" EAST, 336.93 FEET TO THE EAST LINE OF SAID LOT 3; THENCE SOUTH 00°05'55" EAST ALONG SAID EAST LINE, 200.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.23 ACRES (184,473 SQUARE FEET).

PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

LEGAL DESCRIPTION - PARCEL B:

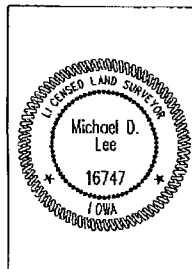
A PART OF LOT 3, SIXTH ADDITION, DAUNTLESS SUBDIVISION, AN OFFICIAL PLAT IN THE CITY OF AMES, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 00°05'55" EAST ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 212.00 FEET; THENCE SOUTH 89°54'05" WEST, 336.93 FEET; THENCE NORTH 00°05'55" WEST, 177.64 FEET TO THE NORTHERLY LINE OF SAID LOT 3; THENCE NORTH 3°06'43" EAST ALONG SAID NORTHERLY LINE, 34.41 FEET; THENCE NORTH 89°54'05" EAST CONTINUING ALONG SAID NORTHERLY LINE, 335.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.64 ACRES (71,395 SQUARE FEET).

PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

DATE OF SURVEY:

SEPTEMBER, 2008



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEYING WORK WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MICHAEL D. LEE, P.L.S. DATE

LICENSE NUMBER 16747
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008
PAGES OR SHEETS COVERED BY THIS SEAL:
THIS SHEET ONLY

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0807158

LOT 3, SIXTH ADDITION,
DAUNTLESS SUBDIVISION
PLAT OF SURVEY

AMES, IOWA



CIVIL DESIGN ADVANTAGE

5501 NW 112th SUITE G GRIMES, IOWA 50111

PH: (515) 369-4400 Fax: (515) 369-4410

ENGINEER:

TECH: