

COUNCIL ACTION FORM

SUBJECT: SUPPLEMENTAL 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 (see attached letter from Victoria A. Feilmeyer, dated June 15, 2009). 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 (see attached Exhibit 'A').

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.

Under a separate application that will be approved by City Staff, the Developer is proposing a division of Lot 3, Dauntless Subdivision, Sixth Addition into Parcel A and Parcel B through a Plat of Survey (see attached "Intended Plat of Survey"). The Developer is in the process of constructing a building on proposed Parcel B in accordance with an approved Minor Site Development Plan. The building is 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. The approved Minor Site Development Plan for this site must also be revised to adjust the location of parking and drive aisles to accommodate the new access location.

The Supplemental Development Agreement includes a provision that requires, "Any subsequent division of Parcel A of Lot 3 shall require a final subdivision plat that specifically depicts the relocated access point on South Dakota Avenue" (see attached "Supplemental Development Agreement Dauntless Subdivision"). The Legal Department advises that a Plat of Survey is allowed as a means of dividing Lot 3 into Parcels A and B, this one time; however, any further division of Parcel A can only be done with approval of a Final Plat.

ALTERNATIVES:

1. The City Council can approve the Supplemental Development Agreement for Dauntless Subdivision.
2. The City Council can deny approval of the Supplemental 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. The change in the access location will promote safe and efficient flow of traffic as it enters and exits the site from 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 Supplemental Development Agreement from a point 540 feet north of the centerline of Mortensen Road.

NYEMASTER GOODE

NYEMASTER, GOODE, WEST, HANSELL & O'BRIEN, P.C.
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					Luther L. Hill, Jr.
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June 15, 2009

Hon. Ann Campbell and City Council
City of Ames
515 Clark Avenue
Ames IA 50010

Re: Supplemental Development Agreement (Lot 3, Dauntless Subdivision, Sixth Addition, Ames, Iowa)

Dear Mayor Campbell and Members of the City Council:

Your agenda for June 23, 2009, includes an item for approval involving the relocation of an access point on South Dakota Avenue. This agreement relates to the development of the lot upon which the proposed ISU basketball practice facility is being built. In connection with the platting of the Dauntless Subdivision an access point for a private drive off South Dakota Avenue was approved in 1997.

We have been working with City Staff and the City Attorney to arrive at a supplemental development agreement to move the location of the original private drive to a location that is set forth in the proposed agreement. The new location is 60 feet south of the previously set location at a distance 540 feet north of the centerline of Mortensen Road at Sta. 2086 + 00. Developer proposes this relocation as an appropriate adjustment, that is both more acceptable for turnaround, and provides improved access to and exit from the building.

Our client, Jensen Development Corporation, Ltd., respectfully requests your approval of this supplemental development agreement.

Victoria A. Feilmeyer

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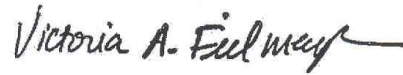
With offices in Des Moines, Ames and Cedar Rapids

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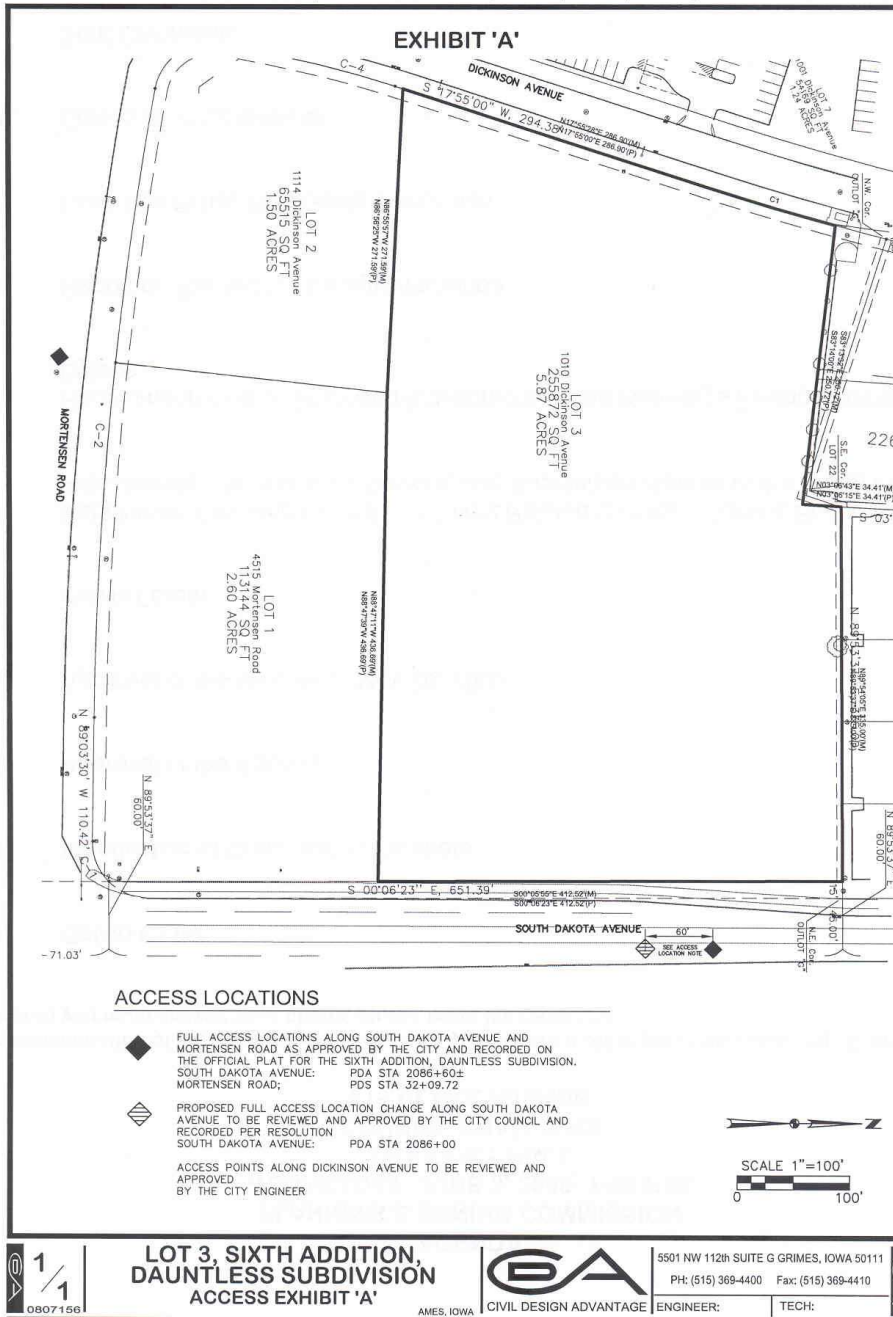
Yours very truly,

NYEMASTER, GOODE, WEST, HANSELL &
O'BRIEN, P.C.,



Victoria A. Feilmeyer

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



COPY

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 June 2009, 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, 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, and,

WHEREAS, it is presently contemplated that Lot 3, Sixth Addition, Dauntless Subdivision to Ames, Story County, Iowa, will be divided by Plat of Survey into two lots identified as Parcel A and Parcel B.

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 subdivision plat that 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 _____ 2009, 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
Dickson D. Jensen, President

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on this 12 day of JUNE 2009, by Dickson D. Jensen as president of Jensen Development Corporation, Ltd.



Victoria A. Feilmeyer
NOTARY PUBLIC