

Staff Report

ROSE PRAIRIE ANNEXATION REQUEST

March 22, 2011

BACKGROUND:

On March 3, Story County Land, LC submitted a petition for a voluntary annexation of land in Franklin Township. The request is to annex 170.33 acres lying south of 190th Street and west of Grant Avenue.

The City and Story County Land, LC entered into a pre-annexation agreement on July 20, 2010. That agreement, among other things, anticipated the voluntary annexation of this land as a necessary precondition for later rezoning to FS-RL and development as a residential subdivision. The submitted petition for annexation is consistent with that agreement.

The agreement also stated that the property known as the Sturgis property may also, at the Story County Land, LC’s sole discretion, be included in the voluntary annexation. At this time, the annexation petition does not include the Sturgis property.

This annexation is consistent with the recent change made to the Ames Urban Fringe Plan to designate this area as “Urban Residential” and with the change to the Land Use Policy Plan to designate this area as an “Allowable Growth Area.”

NEXT STEPS:

The City Council is asked to refer this petition for voluntary annexation to the Planning and Zoning Commission. A consultation meeting with the County Board of Supervisors and Township Trustees will also be scheduled. After the Commission meeting and consultation, this item will return to the City Council for a public hearing. If the City Council approves the annexation, the State of Iowa’s City Development Board will also conduct a public hearing since the proposed annexation lies within two miles of the City of Gilbert.

Tentative dates for these steps are as follows:

- Consultation with County Board and Township Trustees April 12
- Planning and Zoning Commission April 20
- City Council Public Hearing on Annexation May 24
- City Council Action on Annexation..... June 14

PRE-ANNEXATION AGREEMENT:

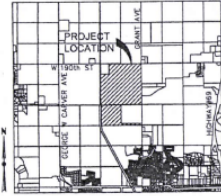
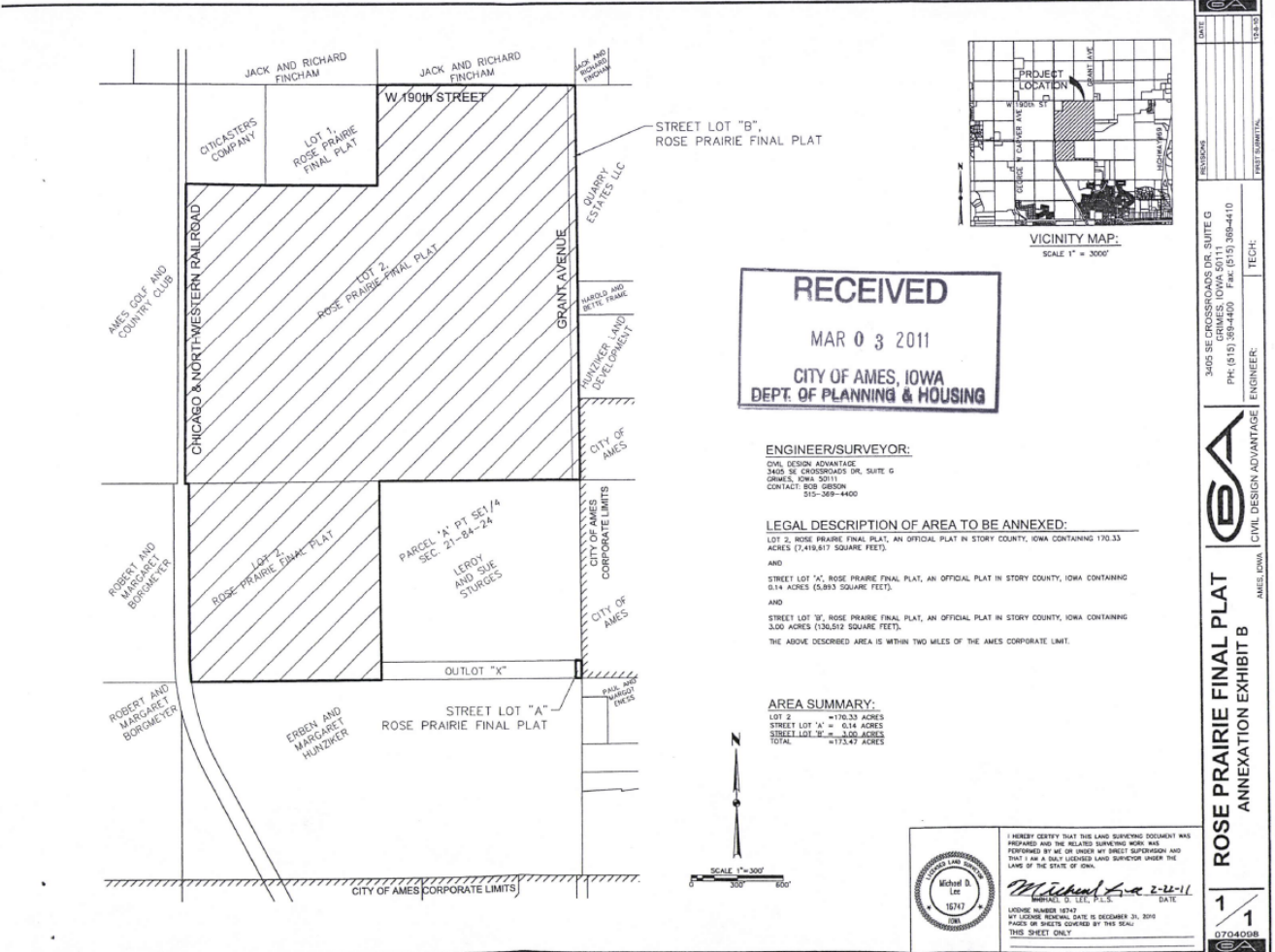
The agreement entered into on July 20, 2010 describes certain financial responsibilities for the developer (Story County Land, LC). The agreement anticipated that if the two other major landowners (Hunziker and Quarry Estates LLC) have signed pre-annexation agreements and sought annexation, then each would pay their share of the expenses for improvements to Grant Avenue and, along with the City, participate in the pro-rated costs to defer the burden on the seven non-consenting landowners. At this time, only Story County Land LC is seeking annexation. Of the other two major landowners, only Quarry Estates, LLC has signed a pre-annexation agreement. The Quarry Estates agreement, however, has not yet been approved by the City Council.

The agreement states that when Story County Land LC seeks approval of a final plat, if the other two developers have not sought signed pre-annexation agreements, then there is no assessment agreement to defray the costs to the seven non-consenting owners. Instead, Story County Land LC will deposit into escrow the road paving costs associated with one-half the costs of improving Grant Avenue along the Story County Land LC and Sturges properties. The City would, presumably, hold this money until the other developers seek annexation and development or the City found another source of road funding. In any case, this provision presumes that the Rose Prairie development would occur without the paving of Grant Avenue.

The Story County Land LC pre-annexation agreement stipulates that the financial arrangement whereby Story County Land LC, Hunziker, Quarry Estates LLC and the City would guarantee to share in the pro-rated costs of improving Grant Avenue will occur only if, **prior** to the anticipated June 14 action on approving the annexation, Hunziker also consents to the pre-annexation and special assessment agreements.

As for water and sanitary sewer improvements, Story County Land LC is responsible for the water and sewer trunk line installation, regardless of whether Hunziker or Quarry Estates LLC has signed a pre-annexation agreement or sought annexation. The City will establish water and sanitary sewer connection districts and refund any tapping fees to Story County Land LC as future development occurs thereafter.

Attachment I



RECEIVED
MAR 03 2011
CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

ENGINEER/SURVEYOR:

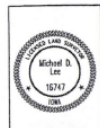
CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DR, SUITE G
AMES, IOWA 50011
CONTACT: BOB GIBSON
515-368-4400

LEGAL DESCRIPTION OF AREA TO BE ANNEXED:

LOT 2, ROSE PRAIRIE FINAL PLAT, AN OFFICIAL PLAT IN STORY COUNTY, IOWA CONTAINING 170.33 ACRES (7,419,817 SQUARE FEET).
AND
STREET LOT "A", ROSE PRAIRIE FINAL PLAT, AN OFFICIAL PLAT IN STORY COUNTY, IOWA CONTAINING 0.14 ACRES (6,093 SQUARE FEET).
AND
STREET LOT "B", ROSE PRAIRIE FINAL PLAT, AN OFFICIAL PLAT IN STORY COUNTY, IOWA CONTAINING 3.00 ACRES (130,612 SQUARE FEET).
THE ABOVE DESCRIBED AREA IS WITHIN TWO MILES OF THE AMES CORPORATE LIMIT.

AREA SUMMARY:

LOT 2 = 170.33 ACRES
STREET LOT "A" = 0.14 ACRES
STREET LOT "B" = 3.00 ACRES
TOTAL = 173.47 ACRES



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 2-12-11 DATE
LICENSE NUMBER 15712
BY IOWA EXPIRES DATE IS DECEMBER 31, 2015
PAGES OR SHEETS COVERED BY THIS SEAL
THIS SHEET ONLY

DATE: _____
REVISIONS: _____
DRAWN BY: _____
CHECKED BY: _____
PROJECT NUMBER: _____

3405 SE CROSSROADS DR, SUITE G
AMES, IOWA 50011
PH: (515) 368-4400 Fax: (515) 368-4410
TECH: _____
ENGINEER: _____

CIVIL DESIGN ADVANTAGE
AMES, IOWA

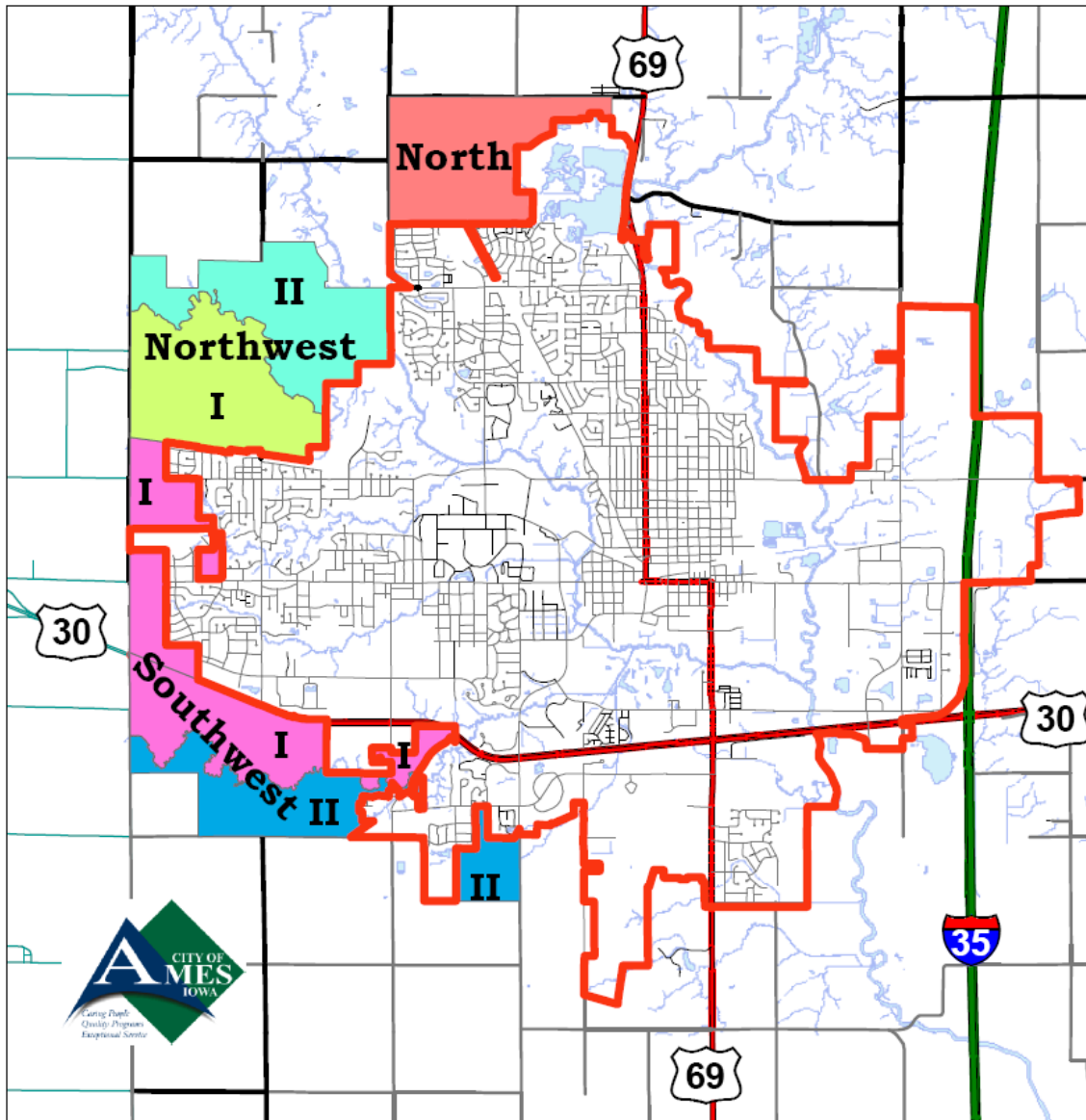
ROSE PRAIRIE FINAL PLAT
ANNEXATION EXHIBIT B

1 / 1
07/24/2008

Attachment II

Excerpt from Land Use Policy Plan (p. 107)

“...The subareas identified as Allowable Growth Areas are: Southwest I and II; Northwest I and II; and North. These areas are shown in the map below. In the Capital Investment Strategy following, Southwest I and Northwest I are identified as Incentivized Growth Areas...”



Effective Date: October 29, 2003

Voluntary Annexation Petition

Application Form

(This form must be filled out completely before your application will be accepted.)

1. **Property Address** for this Voluntary Annexation or a Description of the General Location if an Address has not been assigned: property located west of Grant Avenue, south of W. 190th Street and east of railroad tracks in Section 21, Franklin Township, Story County, Iowa.

2. **Legal Description** (attach, if lengthy) See Exhibits A and B attached.

4. **Property Owner:** Story County Land, L.C.

Address: 4001 Delaware Avenue, Des Moines, IA 50313

(Street)

(City)

(State)

(Zip)

Telephone: _____

(515) 267-2500

(515) 267-2550

(Home)

(Business)

(Fax)

5. **Applicant:** Same

Address: _____

(Street)

(City)

(State)

(Zip)

Telephone: _____

(Home)

(Business)

(Fax)

6. **Contact Person:** David Manning

Address: 4001 Delaware Avenue, Des Moines, IA 50313

(Street)

(City)

(State)

(Zip)

Telephone: (515) 249-6198

(515) 267-2500

(515) 267-2550

(Home)

(Business)

(Fax)

E-mail address: damanning@mcaninchcorp.com

Effective Date: October 29, 2003

Obtaining approval of this Voluntary Annexation does not absolve the applicant from obtaining all other applicable permits, such as Building Permits, IDOT access permits, et cetera.

I (We) certify that I (we) am (are) familiar with applicable state and local codes and ordinances, the procedural requirements of the City of Ames and have submitted all the required information.

STORY COUNTY LAND, L.C.
By: Grand Land Company, L.C.
Manager and Sole Member

Signed by: [Signature] Date: 2/21/11
(Property Owner) Member/Manager

(Note: No other signature may be substituted for the Property Owner's Signature.)

STORY COUNTY LAND, L.C.
By: Grand Land Company, L.C.
Manager and Sole Member

and: [Signature] Date: 2/21/11
(Applicant) Member/Manager

and: [Signature] Date: 2/21/11
(Contact Person)

* If a limited liability corporation, association, trust, non-profit organization, or any other legal entity owns the property proposed for voluntary annexation, an agent or agents responsible for the affairs of the legal entity must sign the application as the property owner(s). It must be noted that the assignee(s) is (are) acting on behalf of the legal entity. In addition, documentation, such as incorporation documents, must be included that show the assignee's (assignees') authority to act on behalf of the legal entity. If the property owner is a religious institution, a written explanation must be provided on the institution's letterhead that the person(s) signing the application can act on behalf of the institution. One or more established leaders of the religious congregation must also attest to the letter.

Effective Date: October 29, 2003

STATE OF IOWA

SS:

COUNTY OF POLK

On this 21st day of February, 2011, before me, a Notary Public in and for Polk County, personally appeared Douglas Aninch, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



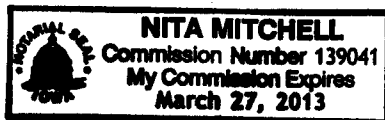
Nita Mitchell
Notary Public in and for
Polk County, Iowa

STATE OF IOWA

SS:

COUNTY OF POLK

This instrument was acknowledged before me on the 21st day of February, 2011 by Doug McAninch, a Member/Manager of Grand Land Company, L.C. Sole Manager and Member of Story County Land, L.C., on behalf of which the instrument was executed.



Nita Mitchell
Notary Public in and for
Polk County, Iowa

STATE OF IOWA

SS:

COUNTY OF POLK

On this 21st day of February, 2011, before me, a Notary Public in and for Polk County, Iowa, personally appeared David A. Manning to me personally known, who being by me duly sworn, did say that that person is contact person of said corporation, that the seal affixed to said instrument is the seal of said corporation, or no seal has been procured by the said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors and the said contact person - David A. Manning acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.



Nita Mitchell
Notary Public in and for
Polk County, Iowa

LEGAL DESCRIPTION

Lot 2, Rose Prairie Final Plat, an Official Plat in Story County, Iowa, containing 170.33 acres (7,419,617 square feet)

and

Street Lot 'A,' Rose Prairie Final Plat, an Official Plat in Story County, Iowa, containing 0.14 acres (5.893 square feet)

and

Street Lot 'B,' Rose Prairie Final Plat, an Official Plat in Story County, Iowa, containing 3.00 acres (130,512 square feet).

The total amount of land included within this Petition for Voluntary Annexation is 173.47 acres.