

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY - 712 AND 718 DUFF AVENUE

BACKGROUND:

Application for a proposed plat of survey has been submitted for:

- Conveyance division of land (per Section 23.307)
- Boundary line adjustment (per Section 23.308)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The subject site is located at:

Street Address: 712 and 718 Duff Avenue

Assessor's Parcel #: 712 Duff Avenue: 09-02-401-120;
718 Duff Avenue: 09-02-401-130.

Legal Description: See Attachment II

Owner: 712 Duff Avenue: Sanjeevi Sivasankar and Ruth Embaie
718 Duff Avenue: Mary Sarah Bergh

A copy of the proposed plat of survey is attached for Council consideration.

Pursuant to Section 23.307(4)(c), a preliminary decision of approval for the proposed plat or survey has been rendered by the Planning & Housing Department, subject to the following conditions:

1. Update page 1 of the plat to show the existing electric utility easements along a portion of the north property line of Parcel A, a portion of the south property line of Parcel B, and the rear property line of both parcels; and a gas utility easement between parcel A and Parcel B. These are shown on the attachment.
2. Update the plat to include the signature block of the Planning and Housing Director.

The preliminary decision of 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.

Under Section 23.307(5), the Council shall render by resolution a final decision of approval if the Council agrees with the Planning & Housing Director's preliminary decision.

The proposed plat adjusts a property line between 712 and 718 Duff Avenue to clear an encroachment of a driveway and fence. The driveway and fence at 718 Duff Avenue extends about 2.5 feet onto 712 Duff Avenue. By adjusting the property line as shown on the plat, the encroachment is cleared up. However, the new property line places the house at 712 Duff Avenue 0.5 feet closer to the lot line than the setback requires. At their meeting of April 13, 2011, the Zoning Board of Adjustment granted an exception for a minor area modification pursuant to Section 29.1506.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed plat of survey with the conditions noted if the Council agrees with the Planning & Housing Director's preliminary decision.
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 23.307 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENDED ACTION:

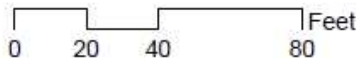
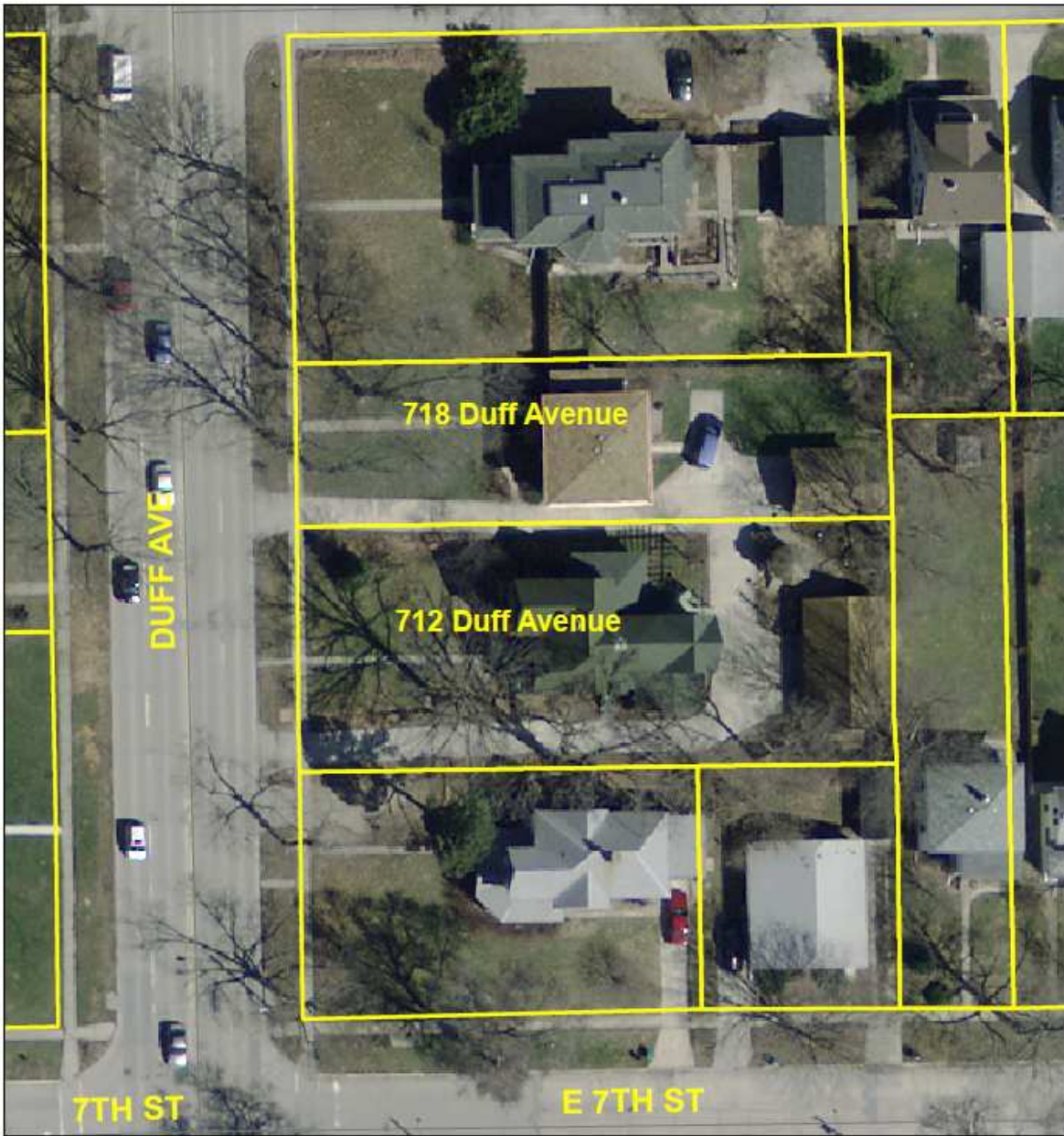
The Planning & Housing Director has determined that the proposed plat of survey satisfies all code requirements, and has accordingly rendered a preliminary decision to approve the proposed plat of survey.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to adopt the resolution approving the proposed plat of survey. Approval of the resolution will allow the applicant to prepare the official plat of survey incorporating all conditions of approval specified in the resolution. It will further allow the prepared plat of survey to be reviewed and signed by the Planning & Housing

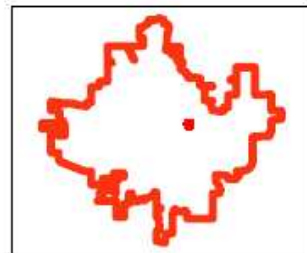
Director confirming that it fully conforms to all conditions of approval. Once signed by the Planning & Housing Director, the prepared plat of survey may then be signed by the surveyor, making it the official plat of survey, which may then be recorded in the office of the County Recorder.

It should be noted that according to Section 23.307(10), the official plat of survey shall not be recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office, and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

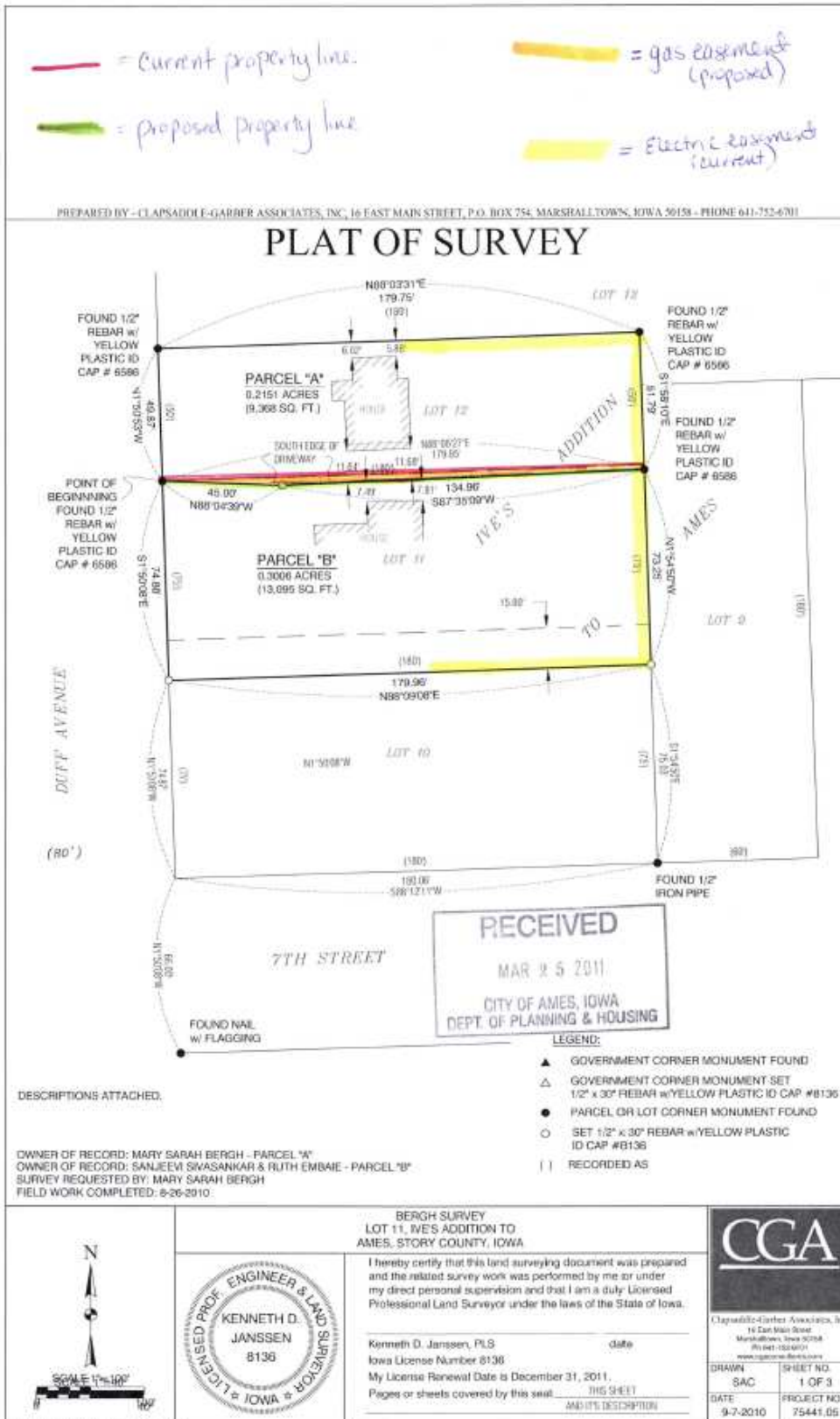
ATTACHMENT I: GENERAL LOCATION



General Location



ATTACHMENT II: PROPOSED PLAT OF SURVEY (THREE PAGES)





DESCRIPTION

Plat of Survey
Mary Sarah Bergh

Parcel "A":

The South 50 feet of the West 180 feet of Lot Twelve (12), and a part of Lot Eleven (11); All in Block One (1), Ive's Addition, in the City of Ames, Story County, Iowa; described as follows:

"Beginning at the Southwest (SW) corner of Lot Twelve (12), Block One (1), Ive's Addition, in the City of Ames, Story County, Iowa; thence N 01° 50' 53" W, 49.87 feet along the west line of said Lot 12; thence N 88° 03' 31" E, 179.75 feet along the north line of the South 50 feet of Lot 12; thence S 01° 58' 10" E, 51.79 feet along the east line of the West 180 feet of Lot 12 and the east line of Lots 11 and 12; thence S 87° 35' 09" W, 134.96 feet; thence N 88° 04' 39" W, 45.00 feet to the Point of Beginning."

ALTERNATE DESCRIPTION:

Parcel "A"; in Lot Twelve (12), and a part of Lot Eleven (11); All in Block One (1), Ive's Addition, in the City of Ames, Story County, Iowa; as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on _____, 2010 and recorded as Instrument # 10-_____ on slide ____ at Page _____.

Parcel contains: 9,368 square feet or 0.2151 Acres Net.

Note: The portion of Lot 11 to be purchased, amounts to 388 square feet.



Kenneth D. Janssen
Kenneth D. Janssen P.E., L.S.
License Renewal 12-31-11

October 4, 2010
CGA Consultants
CGA-File # 75441 (Parcel-A.Bergh.Des)

Page 2 of 3
Plat on page 1



DESCRIPTION

Plat of Survey
Sanjeevi Sivasankar & Ruth Embaie

Parcel "B":

The North 15 feet of Lot Ten (10), and a part of Lot Eleven (11); All in Block One (1), Ive's Addition, in the City of Ames, Story County, Iowa; described as follows:

"Beginning at the Northwest (NW) corner of Lot Eleven (11), Block One (1), Ive's Addition, in the City of Ames, Story County, Iowa; thence S 01° 50' 08" E, 74.88 feet along the west line of said Lots 10 and 11; thence N 88° 09' 08" E, 179.96 feet along the south line of the North 15 feet of Lot 10; thence N 01° 54' 50" W, 73.25 feet along the east line of Lots 10 and 11; thence S 87° 35' 09" W, 134.96 feet; thence N 88° 04' 39" W, 45.00 feet to the Point of Beginning."

ALTERNATE DESCRIPTION:

Parcel "B"; in Lot Ten (10), and a part of Lot Eleven (11); All in Block One (1), Ive's Addition, in the City of Ames, Story County, Iowa; as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on _____, 2010 and recorded as Instrument # 10-_____ on slide ____ at Page _____.

Parcel contains: 13,095 square feet or 0.3006 Acres Net.



Kenneth D. Janssen
Kenneth D. Janssen P.E., L.S.
License Renewal 12-31-11

October 4, 2010
CGA Consultants
CGA-File # 75441 (Parcel-B.Embaie.Des)

Page 3 of 3
Plat on page 1