

**COUNCIL ACTION FORM**

**SUBJECT: INITIATION OF AUBURN TRAIL SUBDIVISION ANNEXATION ALONG HYDE AVENUE**

**BACKGROUND:**

The City of Ames received an annexation petition from Hunziker Land Development LLC, representing a 69.9-acre parcel owned by Erben and Margaret Hunziker Apartments LLC. The property has an address of 4605 Hyde Avenue, lying on the west side of Hyde Avenue immediately north of Bloomington Heights and south of Rose Prairie. The owner refers to it as Auburn Trail site. A location map is found in Attachment A. **The applicant requests that the City Council authorize an annexation area that is 100% voluntary and allows for 50-foot wide strip of land to remain as county land along the south boundary of the site.**

**While the applicant is asking the City Council to define the boundaries of the annexation, the staff is also asking if additional properties should be added to the annexation request with the 80/20 rule to reduce or eliminate the enclave of county properties along Hyde Avenue. Additional properties to the west of Auburn Trail can be added to the annexation territory to expand the overall annexation.**

The Auburn Trail land lies within the Allowable North Growth Area of the Land Use Policy Plan. It is also designated Urban Residential in the Ames Urban Fringe Plan. These designations allow for the annexation and development of the land. An excerpt from the Urban Fringe Plan is found in Attachment B.

This Hunziker property was the subject of a pre-annexation agreement in 2013. The owner entered into an agreement with the City of Ames, among other things, for cost sharing on infrastructure and to seek annexation by July of 2015. The agreement also referenced that the property owner would try to complete a voluntary annexation application with the remaining property owners along Hyde Avenue to close the current gap. If the voluntary annexation was not possible, Hunziker could propose annexation with a 50-foot wide remainder strip along the north boundary that would not be included in the annexation to allow for the majority of the property to be annexed and developed.

Properties to the north and east of the Auburn Trail site remain in unincorporated Story County and are not seeking voluntary annexation at this time. This is problematic in that the annexation of the entire Auburn Trail property is precluded by state law since it would create an island of unincorporated land surrounded by a city if these properties do not join in the annexation. Under state law, a minimum of a 50-foot wide area that connects the area to other county land is necessary to avoid creating an island. The unincorporated properties adjacent to the site are owned by:

Hyde Avenue Property Owners	Acres
Leroy and Sue Sturges	36.12
Rose Prairie LLC	3.42
Paul and Margot Eness (two properties)	10.53
Mark Taylor and Allison Eness	1.24
Clayton Gregg and Julie Schwery	1.17
Roger and Lori Hamblin	6.99

**ANNEXATION OPTIONS:**

Due to the size of the properties that make up of the county enclave along Hyde there are distinct choices to be made on how to address current and future annexation strategies in the North Growth area. The decision of how to proceed involves consideration of the properties to the west that adjoin the Auburn Trail property, including the railroad right-of-way, Northridge Heights stormwater detention outlot, the Ames Golf and Country Club and Irons Subdivision, and the Borgmeyer farm.

City Council invested a substantial amount of staff time in FY 12/13 in trying to encourage participation of the property owners along Hyde to annex along with Quarry Estates and Hunziker properties. Only the Frame families chose to annex in 2013 and the remaining property owners had no interest in annexation, even with an incentive of reduced connection fees to City utilities if they did annex in 2013. The applicant has also been in contact with the remaining property owners and believes there continues to be no interest in joining a voluntary annexation application.

**Staff has identified three approaches that the City Council can consider for annexing the Auburn Trail land. Two of the options require a rural subdivision of land creating a 50-foot wide strip of county land prior to moving forward on the annexation, and one option is to delay the annexation to include the additional lands of the Ames Golf and Country Club to eliminate enclave of county properties along Hyde.** Staff describes with each option below the process for eventual annexation of the remaining properties.

**Option 1: Auburn Trail Property Only**

This is the option requested by the developer. It would require submitting a subdivision plat that would carve off a 50-foot strip along the south line of the parcel and a 50-foot strip at the northeast corner of the parcel. The developer prefers this option because most of the south area would be used for stormwater treatment and would not be affected by the annexation. Two City streets would still cross through the 50-foot strip to connect to the existing neighborhood to the south.

It would not include any non-consenting owners under the 80/20 rule. It would also include an amendment to the pre-annexation agreement to adjust where the 50-foot strip of land to the county may be located.

If this option were adopted, the properties owned by Sturges, Rose Prairie, Eness, Taylor/Eness, Gregg/Schwery, and Hamblin would be connected to the remainder of unincorporated Story County via those 50-foot strips. Sturges could always annex with or without other properties as they do not create an island with their eventual annexation. **Any annexation of these remaining properties in the future, or of the south 50-foot strip that was carved off, would require the consenting annexation of the Ames Golf and Country Club and The Irons Subdivision (both secured previously by covenant) and the Borgmeyer farm property.** Neither the Ames Golf and Country Club lands or the Borgmeyer lands on their own are large enough to 80/20 all of remaining properties and would need to be combined in a future annexation to eliminate the Hyde Avenue enclave if they are not combined with Auburn Trail at this time.

**With this option the Auburn Trail property would be a 100 percent consenting annexation, and is further than two miles from Gilbert, thus not requiring action by the City Development Board in Des Moines that extends the timeline of annexation. This is the quickest option to bring the Auburn Trail land into the City.**

Attachment C shows the annexation that would be done initially with just Auburn Trail. The stipple patterned lands are what would be included with any subsequent annexation to eliminate the Hyde enclave.

**Option 2: Auburn Trail and Partial 80/20 of properties along Hyde**

This option is consistent with the 2013 pre-annexation agreement with Hunziker and includes a 50-foot strip of land along the north edge of Auburn Trail. This option would support using the 80/20 rule to include most of the properties along Hyde. It would allow the City to include the Hamblin, Gregg/Schwery, Taylor/Eness, and the south Eness properties as part of this annexation. The other Eness property, as well as the Sturges and Rose Prairie properties, would remain unincorporated at this time. All contain residences except the Rose Prairie and two Eness properties.

If this option were adopted, the properties owned by Sturges, Rose Prairie, and one by Eness would be connected to the remainder of unincorporated Story County by a 50-foot strip on the north side of Auburn Trail. **The future annexation of these three properties would require the consenting annexation of Ames Golf and Country Club and The Irons, Rose Prairie, and Northridge Heights Homeowners Association stormwater detention outlot that butts Auburn Trail to the west.** Under this option, the Borgmeyer farm would not need to consent to annexation in order to make the future annexation happen. City Council could conceivably complete this annexation within the next year to close the gap along Hyde.

**Since this option requires the use of the 80/20 allowance, the City Development Board would need to approve the annexation, adding about three months to the approval process.**

Attachment D shows the annexation that would be done initially. The stipple patterned lands are what would be included with any subsequent annexation to eliminate the Hyde enclave.

**Option 3: Combine Auburn Trail with Ames Golf and Country Club**

This option would defer any annexation at this time. Instead, the City Council would direct staff to seek a broader annexation to include the Ames Golf and Country Club and The Irons along with the Hunziker parcel. **This would allow the Sturges, Taylor/Eness, Gregg/Schwery, Hamblin, and both Eness properties to be included in the 80/20 allowance. It would not require the inclusion of the Borgmeyer farm or the Northridge Heights outlot parcel to close the gap along Hyde.**

Although the City has commitments to annex at the City's request for both the Ames Golf and Country Club and The Irons, the Ames Urban Fringe Plan map must first be amended to Urban Residential to allow for annexation to be consistent the 28E agreement for administration of the Fringe Plan. This amendment would require the consent of Gilbert and Story County and would add a few additional months to complete the Fringe Plan amendment prior to initiating annexation of all of the properties and closing up the enclave along Hyde. The subsequent annexation would also require the action of the City Development Board. **This option would take the greatest amount of time as would include a Fringe Plan amendment and annexation. Staff estimates this could take potentially nine months to complete all the steps required for this option and have the Auburn Trail property within the City limits.**

Attachment E shows, in blue, the lands that could be included in a single annexation following the amendments to the Ames Urban Fringe Plan.

**THE ANNEXATION PROCESS:**

**The first step in this annexation is for the City Council to identify which option to pursue.** City Council would either initiate a Fringe Plan amendment or provide direction to the applicant to prepare the appropriate subdivision plat for approval by the City Council. Following that, the City Council can accept the annexation petition and refer it to the Planning and Zoning Commission for a recommendation. The City Council will also designate a staff member for the consultation with the Supervisors of Story County and the Trustees of Franklin Township. **Depending on the option selected by the City Council, the overall amount of time to complete the annexation of Auburn Trail would be between four and nine months.**

**ALTERNATIVES:**

1. The City Council can direct the applicant to prepare a subdivision plat consistent with Option 2, above. This would require the carving off of the northwest 50 feet as well as a 50-foot strip at the northeast corner of the Auburn Trail parcel. The developer would also be asked to secure a consent to future annexation from the Northridge Heights Homeowners Association. This option would allow for annexation of four non-consenting properties (Taylor/Eness, Eness, Gregg/Schwery, and Hamblin) with Auburn Trail.

2. The City Council can direct the applicant to prepare a subdivision plat consistent with Option 1, above. This would require the carving off the south 50 feet as well as a 50-foot strip at the northeast corner of the Auburn Trail parcel. The subsequent annexation would include no non-consenting properties. (Developer's Request)
3. The City Council can direct staff to initiate Ames Urban Fringe Plan amendments to allow the annexation consistent with Option 3. This option would annex all remaining properties along Hyde in a large annexation that would include the Ames Golf and Country Club, The Irons, and Auburn Trail. (It would not include the Borgmeyer property)
4. City Council could defer action and request more information.

**CITY MANAGER'S RECOMMENDED ACTION:**

This annexation request is unusual in that it requires a subdivision plat prior to commencing that process. The City Council is being asked to give direction to the applicant in the preparation of that subdivision plat.

The three options described in the report all serve the long-term interests of the City by ensuring the eventual annexation of land is in the Allowable North Growth Area. However, each occurs in different time lines and each requires a different set of property owners willing to seek annexation. Since the Code of Iowa allows no more than 20 percent of an annexation territory to consist of land owned by non-consenting owners, and because the ratios under any of the first two scenarios barely fall below that 20 percent, staff feels that the City should seek to maximize what it can under the 80/20 allowance and to rely on property owners who have already consented to annexation or whose consent is likely.

Option 2 presents the best scenario, allowing an annexation of Auburn Trail and also including four properties on the east side of Hyde Avenue in the short term. The owners of those four properties declined annexation in 2013 and staff has not reached out to them about inclusion in this action as it would have been premature without direction from the City Council to consider a larger annexation for the area.

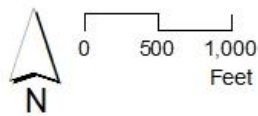
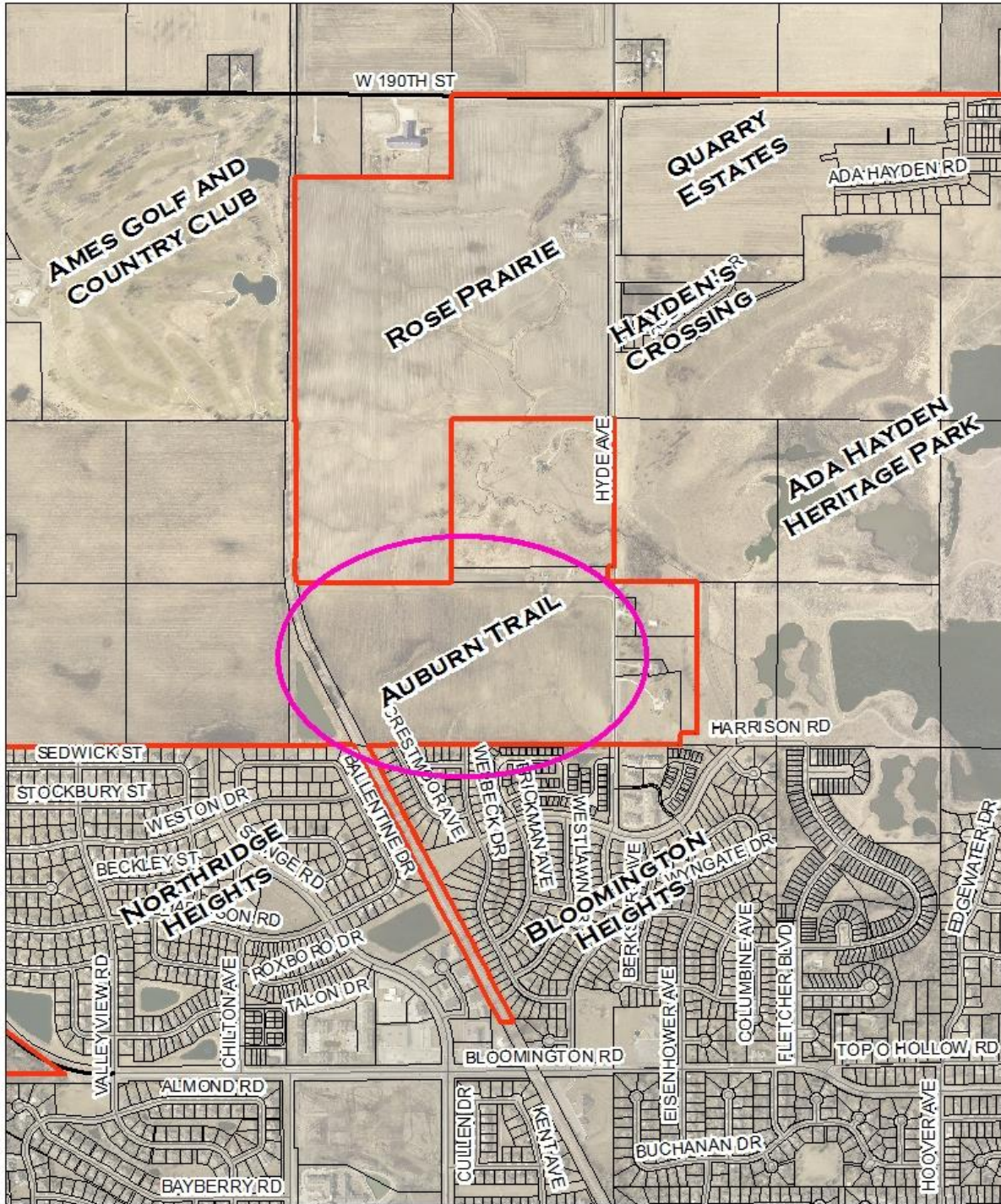
Option 2 also makes any subsequent annexation of land in the Allowable North Growth Area possible by requiring only the consent of the Ames Golf and Country Club and The Irons (whose consent was included in the covenants prior to preliminary subdivision plat approval), Rose Prairie (which has given verbal consent), and the Northridge Heights Homeowners Association (whose interest in annexation is unknown at this time but which have a relationship with Hunziker).

Since this option includes using the 80/20 allowance, it would add about three months to the approval process. However, this option is consistent with the 2013 annexation agreement with the owner of Auburn Hills.

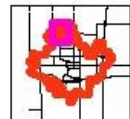
Additionally, Option 2 allows for a two-step process to annex all of the enclave properties along Hyde within the next year.

**Therefore, it is the recommendation of the City Manager that the City Council adopt Option 2, directing the applicant to prepare a subdivision plat in which the north 50 feet and northeast 50 feet is carved off. The subsequent annexation would then include four parcels of non-consenting ownership lying on the east side of Hyde Avenue.** With this option the developer is asked to also secure a consent to annex from the Northridge Heights Homeowner Association to support future annexation efforts.

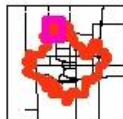
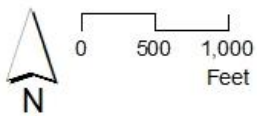
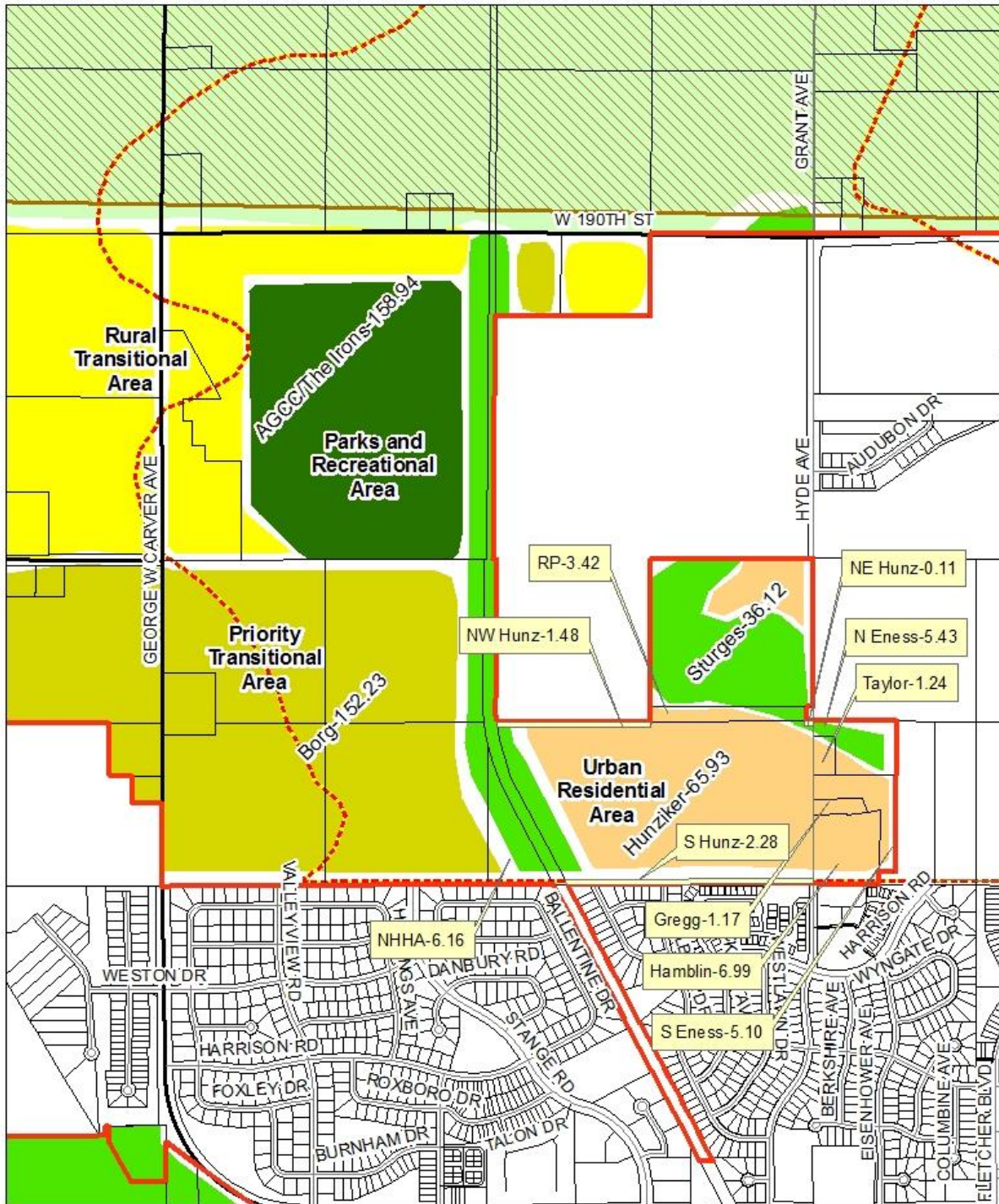
# ATTACHMENT A: LOCATION MAP



**Legend**  
 Ames City Limits

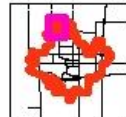
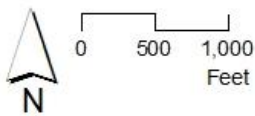
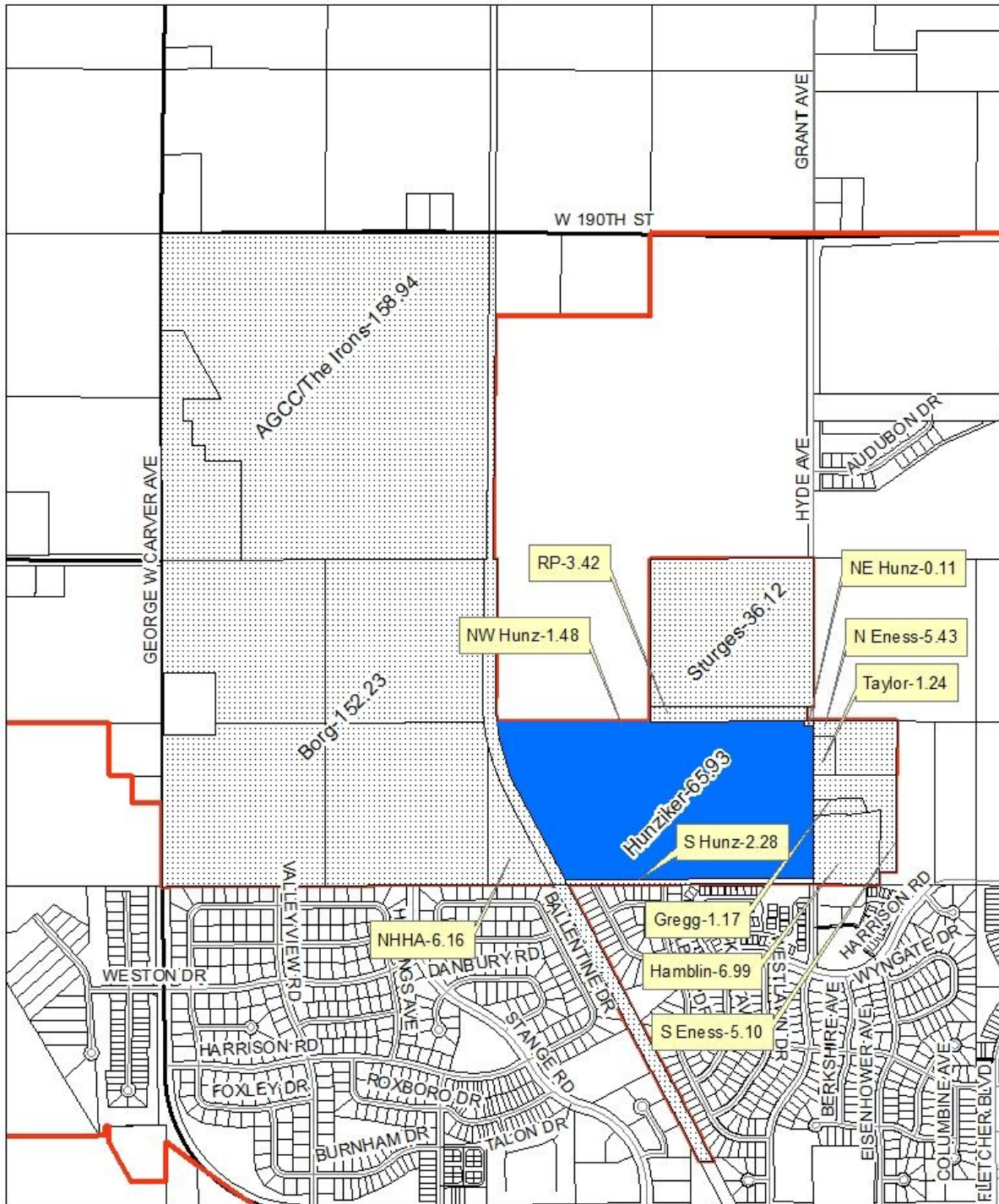


# ATTACHMENT B: AMES URBAN FRINGE PLAN MAP [EXCERPT]



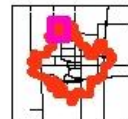
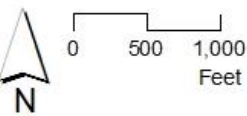
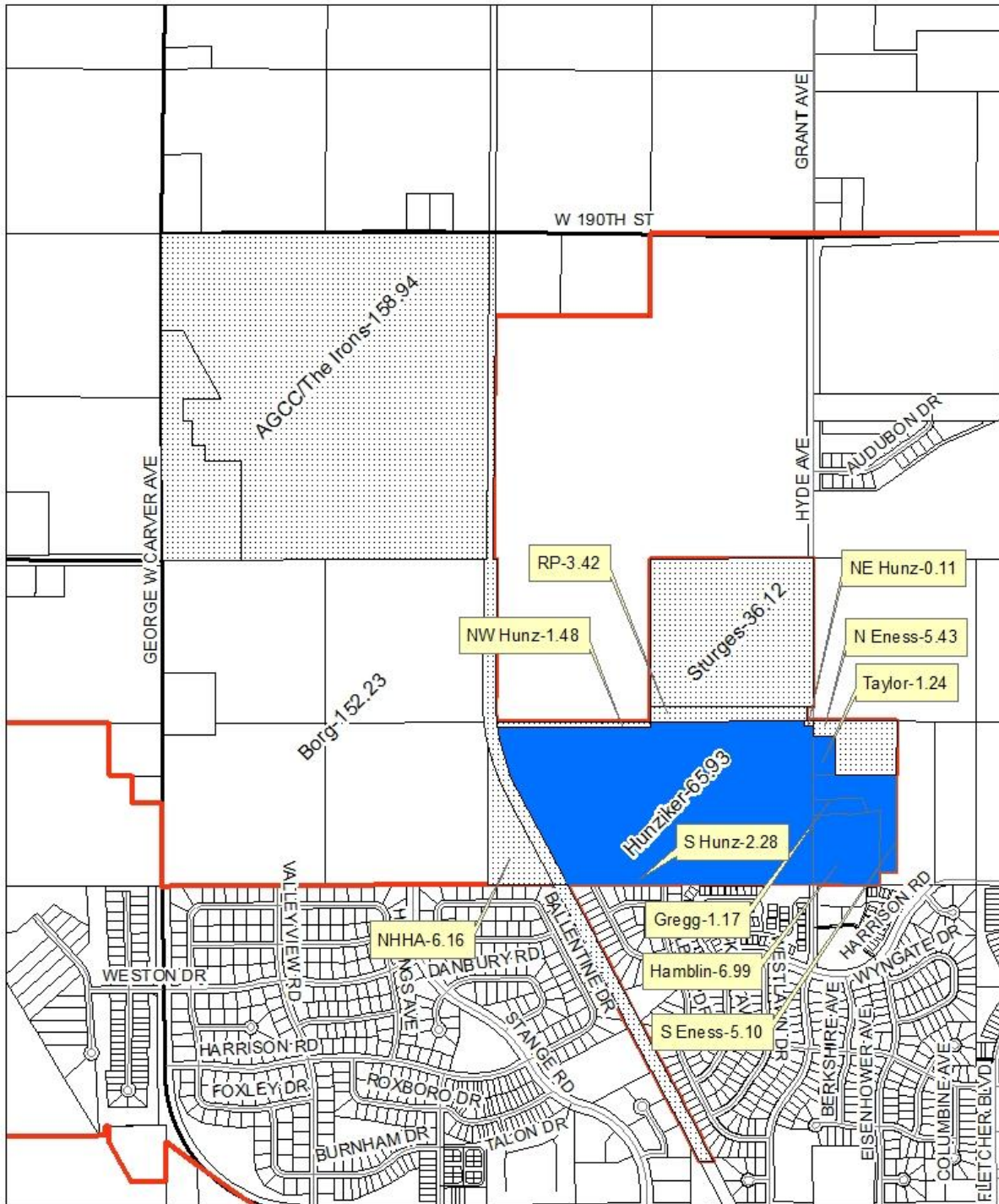


# ATTACHMENT C: OPTION 1



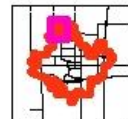
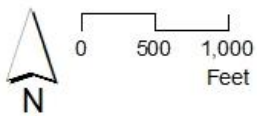
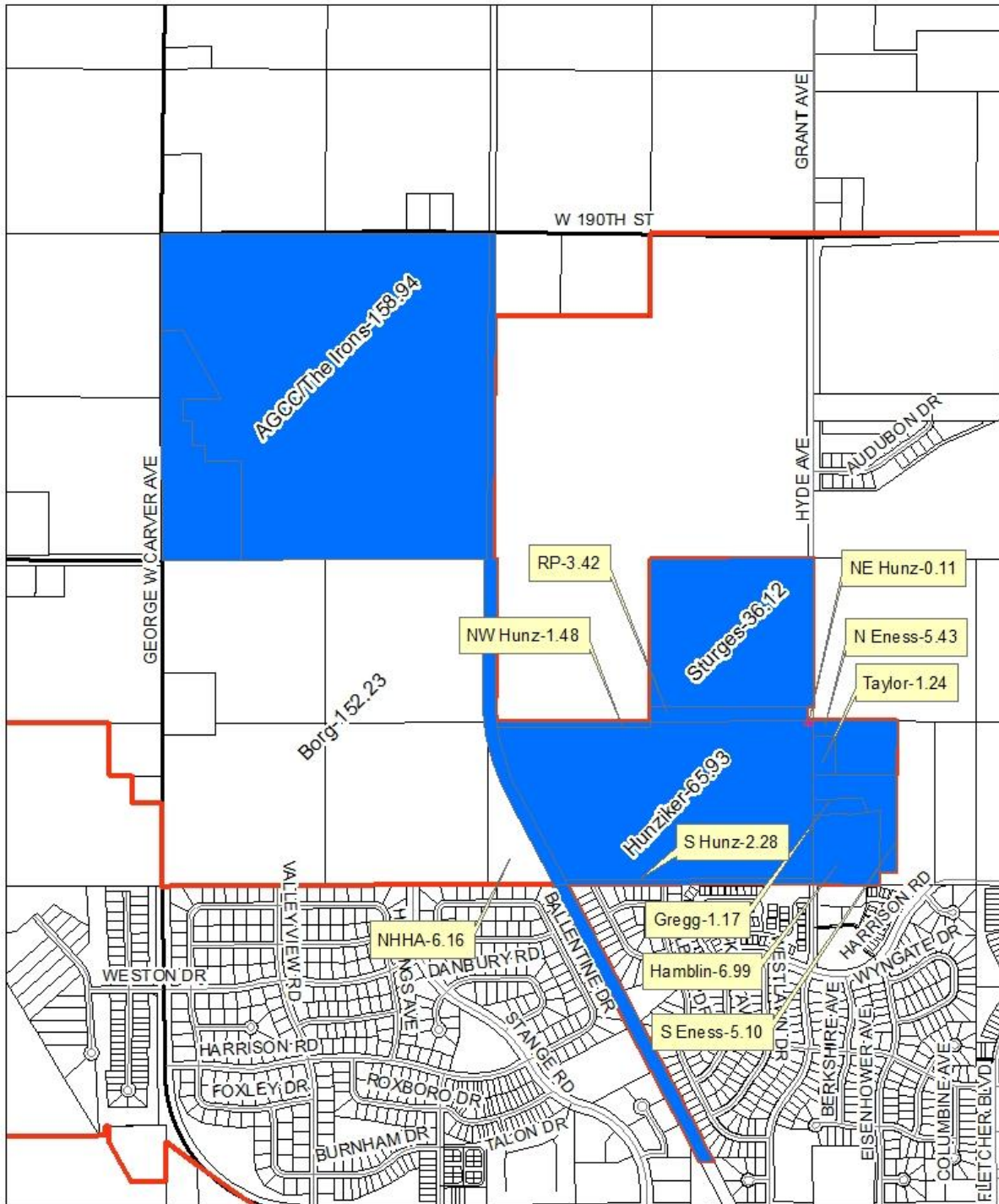
- Initial annexation is shown in blue.
- Potential subsequent annexation is shown with a stipple pattern.

## ATTACHMENT D: OPTION 2



- Initial annexation is shown in blue.
- Potential subsequent annexation is shown with a stipple pattern.

# ATTACHMENT E: OPTION 3



- Single annexation is shown in blue.