

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 23543 580TH AVENUE

BACKGROUND:

The City's subdivision regulations are found in Chapter 23 of the Ames Municipal Code. These regulations include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or adjusting the boundary lines of existing tracts. These regulations also apply to divisions of land in unincorporated Story County, except where the Urban Fringe Plan's 28E agreement cedes approval to the County.

A plat of survey was prepared and submitted to the Story County Recorder by the owner, LDY, LLC (Chuck Winkleblack). It was recorded by the Story County, although it should have gone through the City approval process. The land is outside the city limits of Ames, but within the Agriculture/Long Term Industrial Reserve area of the Ames Urban Fringe Plan. This designation requires plat approval by both the Ames City Council and the County.

This plat of survey created three parcels from two existing parcels (a 40-acre quarter-quarter section and a remnant from another quarter-quarter section). These parcels are immediately south of and abutting the recently annexed East Industrial Area. A location map is found in Attachment A.

The plat of survey created Parcels A, B, and C. Parcel A is the entire NW ¼ of the SE ¼ of Section 8-83-23. Parcels B and C were split from a parcel that comprised most of the NE ¼ of the SE ¼ of that section.

This creation of three new parcels from two tracts would have triggered the subdivision requirements of the Ames Subdivision Regulations. However, since it is outside the city limits and not "ripe" for annexation, standard procedure would have led the owner to seek a waiver of the subdivision requirements for installation of city infrastructure in exchange for covenants to seek annexation at the time the city requests, to agree to a water territory buyout from Central Iowa Water Association, and to agree to waive opposition to future assessments for the extension of city services.

In this instance, staff is requesting only that the owner sign the covenant to seek annexation at some future date. Since this area is intended only for the **long-term** industrial needs of the City, the City can seek the buyout of water rights and can extend city infrastructure through development agreements at a future date.

Approval of the resolution authorizing the plat of survey will clear any potential title issues regarding the legality of the plat of survey. Accepting the covenant for annexation will allow the City to seek the annexation of these three parcels when it best serves the interests of the City.

It should also be noted that if this plat of survey is approved, the owner will likely seek a minor boundary line adjustment with a smaller parcel to the east. This will appear on a future agenda.

ALTERNATIVES:

1. The City Council can waive the requirement for a subdivision and approve the resolution recognizing the plat of survey.

This option recognizes the already recorded plat of survey and accepts the covenant for annexation at some future time.

2. The City Council can deny the waiver for a subdivision and require the owner to seek approval of a subdivision plat. The owner would still need a waiver of the infrastructure standards as this lies outside the Ames city limits.

This option would require the owner to apply for a subdivision plat. He would likely seek a waiver of the infrastructure standards in return for the covenant to seek annexation when the city requests it. The outcome would be the same as Alternative 1 but would require more time, expense, and paperwork from the owner.

3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

This is a unique situation where the County recorded a plat of survey that was not accompanied by the Ames resolution of approval. If normal procedure were followed, staff would have likely required a subdivision plat for, at least, Parcels B and C. Staff would also have required the covenant for annexation. However, staff sees no value in requiring a subdivision plat to be prepared in lieu of the already-recorded plat of survey.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby waiving the subdivision requirements and adopting the resolution approving the recorded plat of survey.

**ADDENDUM
PLAT OF SURVEY FOR 23543 580TH AVENUE**

Application for a plat of survey has been submitted for:

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)
- Other.

The site is located at: 23543 580th Avenue and two adjacent, unaddressed parcels

Owner: LDY, LLC

Parcel ID: 10-08-400-100, 10-08-400-210, and 10-08-400-230

New Legal Descriptions: Parcels A, B, and C the North ½ SE ¼ of Section 8, Township 83, Range 23 West of the 5th P.M., Story County, Iowa.

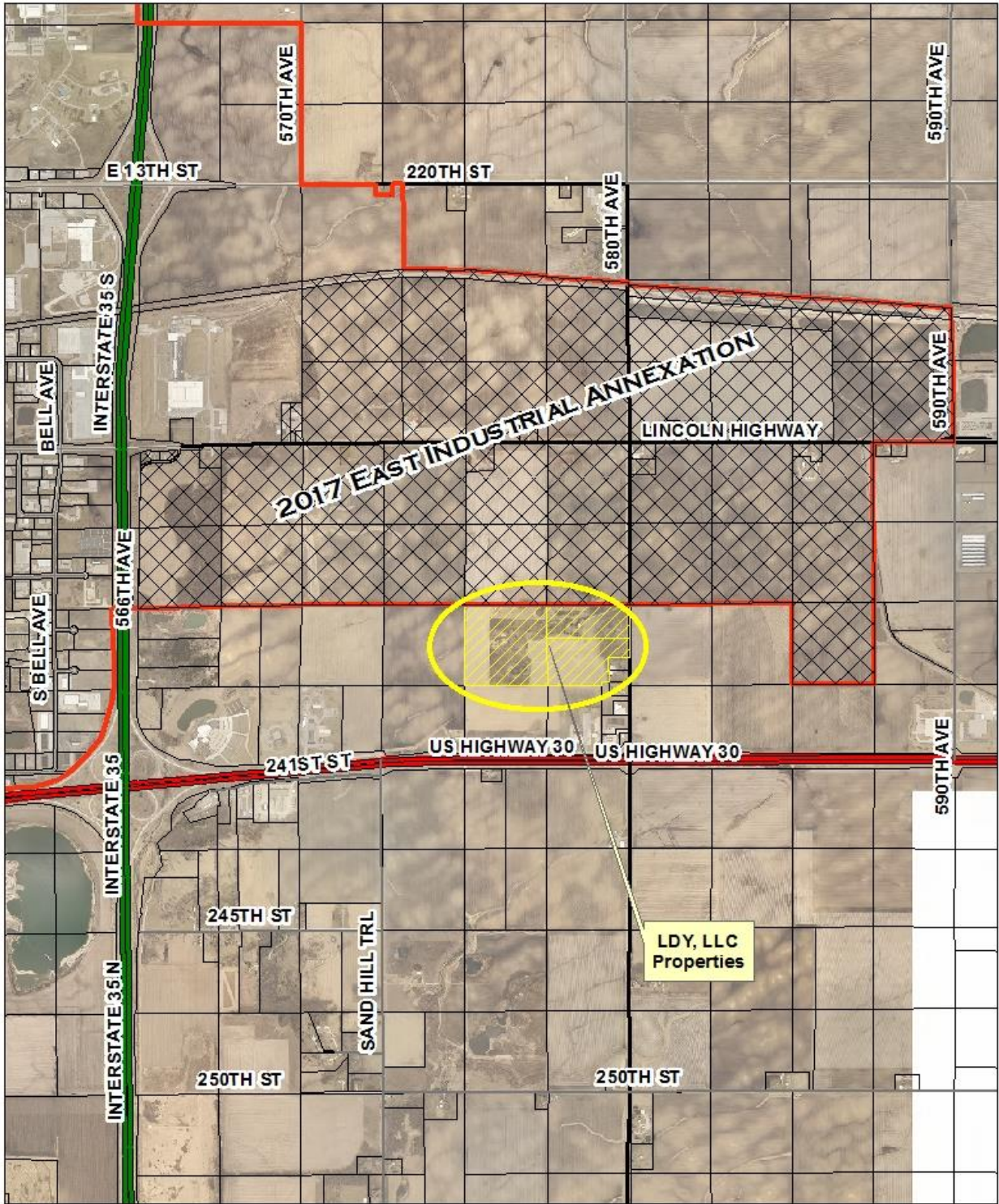
Public Improvements:

The preliminary decision of the Planning Director finds that 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, if subdivision requirements are waived by the City Council.

Note: The official plat of survey is not 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.

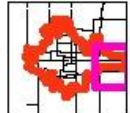
ATTACHMENT A: LOCATION MAP



0 2,000 4,000
Feet

Legend

 Ames City Limits



ATTACHMENT B: PLAT OF SURVEY [NORTH TO THE RIGHT]

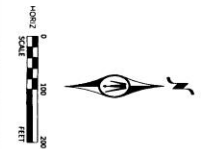
SURVEY DESCRIPTION: PART OF THE N 1/2, SE 1/4, OF SECTION 8, TOWNSHIP 83, RANGE 23 WEST OF THE 5TH P.M., STORY COUNTY, IOWA.

PROPRIETOR: LDY LLC, 105 S 16TH STREET, AMES, IOWA
REQUESTED BY: CHUCK WINKLEBLACK
SURVEYOR: EUGENE DREYER, PLS #17535 BOLTON & MENK, INC. 2730 FORD STREET AMES, IOWA 50010 515-233-6100

Instrument #: 2017-07631
07/28/2017 01:37:05 PM Total Pages: 1
SURVEY AND PLATS
Recording Fee: \$ 7.00
 Stacie Herridge, Recorder, Story County Iowa

SLIDE 578 PAGE 6

- LEGEND**
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP #17535 (UNLESS OTHERWISE NOTED)
 - ▲ FOUND SECTION CORNER
 - SET 1/2" REBAR WITH YELLOW PLASTIC CAP #17535
 - SET SECTION CORNER AS NOTED
 - △ RECORDED DIMENSION
 - FILE PUBLIC UTILITY EASEMENT
- NOTES**
1. THIS SURVEY MEETS OR EXCEEDS IOWA CODE 335.81(5)
 2. COORDINATE SYSTEM ZONE 8, U.S. SURVEY FOOT.



EUGENE R. DREYER
 LICENSED PROFESSIONAL ENGINEER
 STATE OF IOWA
 LICENSE NO. 21555

BOLTON & MENK
 PLAT OF SURVEY
 PARCELS A, B, AND C IN THE N 1/2 - SE 1/4 SECTION 8-83-23
 STORY COUNTY, IOWA

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SHEET **1**

