

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 23717 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 or boundary line adjustments in unincorporated Story County, except where the Urban Fringe Plan's 28E agreement has delegated authority to the County.

In November 2017, the City Council approved a plat of survey for LDY, LLC that created two parcels out of a single tract of land. Now, the abutting land owners along 580th Avenue, James and Kristine Elliott, wish to combine the two tracts that they own with a small portion of one of the newly created the LDY, LLC parcels. The Elliotts are acquiring this portion of the LDY, LLC parcel to create a uniform rear lot line. No new developable lot is created with this adjustment.

The proposed plat of survey (Attachment B) combines two parcels owned by the Elliotts, with a portion of Parcel C, owned by LDY, LLC and created through a plat of survey approved by the City Council in November 2017. The plat of survey creates Parcel E (owned by the Elliotts) and Parcel F (retained by LDY, LLC). **The City's subdivision regulations allow for a boundary line adjustment or consolidations of parcels with a plat of survey.** The review procedures are found in Section 23.309 of the Ames Municipal Code.

As a boundary line adjustment, this plat of survey does not require the installation of other infrastructure improvements described in Division IV, Design and Improvement Standards of Chapter 23 of the Ames Municipal Code (sanitary sewer, city water , sidewalks, street lights, etc.).

The proposed boundary line adjustment incorporates land from the LDY Plat of Survey land division. **As part of the LDY approval, the City processed subdivision waiver requests for infrastructure. As part of that waiver, the City required LDY, LLC to sign an annexation covenant requiring the owners and assigns to seek annexation when the City requests it. These covenants run with the land.** By acquiring a portion of the LDY property, the parcel owned by the Elliotts will also be subject to that covenant for annexation. Staff has not requested any additional covenants for consideration of the Elliotts request for a boundary line adjustment within the Urban Fringe.

The Ames Urban Fringe Plan designation for this area is Agricultural/Long-term Industrial Reserve, a subcategory of the Rural/Urban Transitional Area. Annexation or development of this area is not anticipated until the recently annexed East Industrial Area nears buildout

and additional industrial land is sought. No new residential lots are supported by this land use designation and, in this case, none are created.

Subdivisions in this designated area require the approval of both the Ames City Council and Story County Supervisors. However, as a plat of survey, it needs to be accompanied only by an Ames City Council resolution of approval in order to be recorded. Story County approves plats of survey administratively by staff.

Approval of this plat of survey will allow the applicant to prepare the official plat of survey and submit it to the Planning and Housing Director for review. The Director will sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, who will submit it for recording, along with the resolution of approval in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can approve the resolution approving the plat of survey.
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 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed plat of survey satisfies all code requirements for a boundary line adjustment of existing lots and has made a preliminary decision of approval. No infrastructure improvements are required and, consistent with the Urban Fringe Plan, no new residential lots are created.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.

**ADDENDUM
PLAT OF SURVEY FOR 23717 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: 23717 580th Avenue and an adjacent, unaddressed parcel

Owners: LDY, LLC and James & Kristine Elliott
Parcel ID: 10-08-400-230 and 10-08-400-275

New Legal Descriptions: Parcels E and F the NE ¼ of the SE ¼ of Section 8, Township 83, Range 23 West of the 5th P.M., Story County, Iowa.

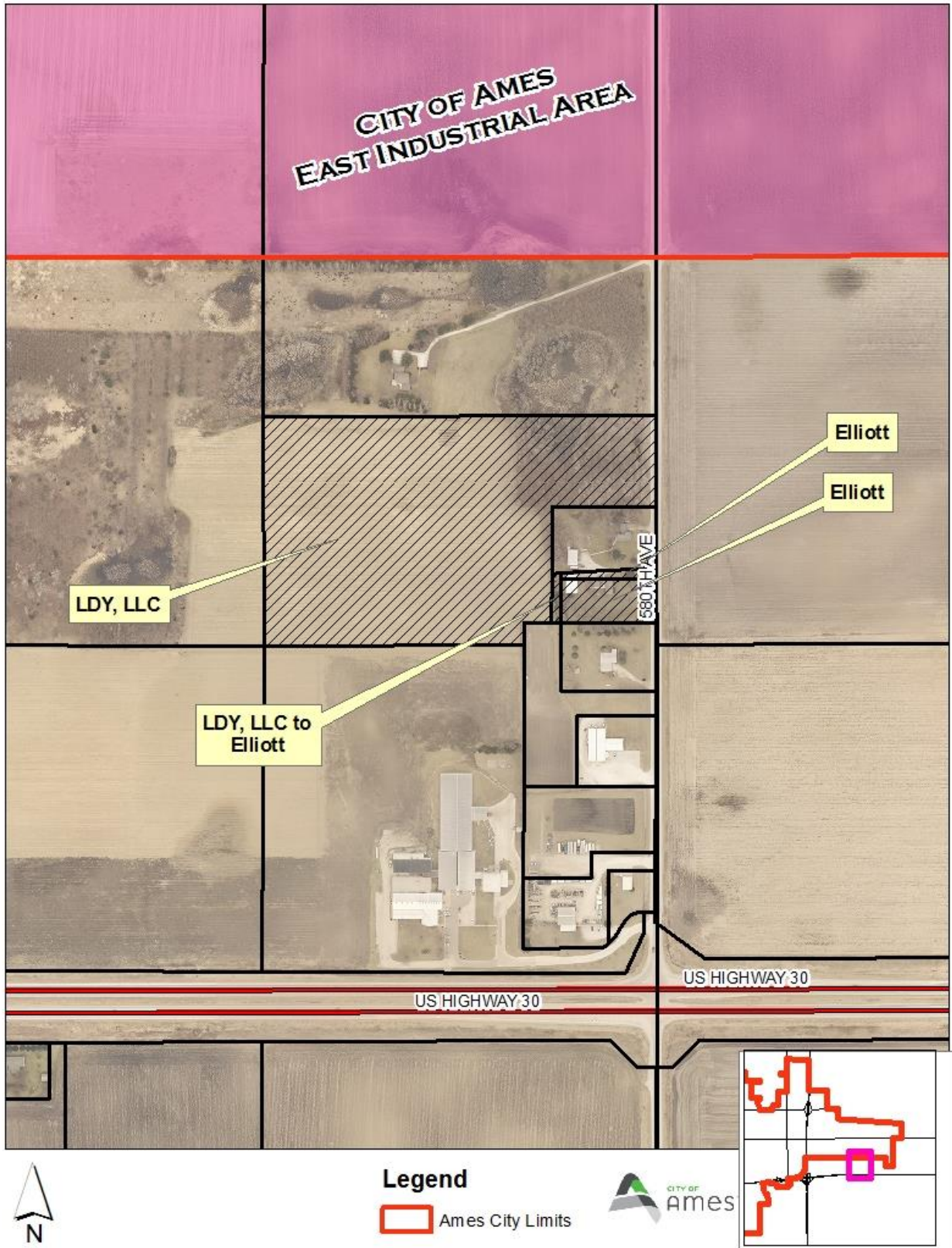
Public Improvements:

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



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

<p>SURVEY DESCRIPTION: PARCEL 'E' AND 'F' IN THE NE1/4, SE1/4, OF SECTION 8-83-23 WEST OF THE 5TH P.M., STORY COUNTY, IA.</p> <p>PROPRIETOR: JAMES D. ELLIOTT AND KRISTINE M. ELLIOTT AND LDY LLC</p> <p>REQUESTED BY: JAMES D. ELLIOTT AND KRISTINE M. ELLIOTT</p> <p>SURVEYOR: EUGENE DREYER, PLS #17535, BOLTON & MENK, INC., 2730 FORD STREET, AMES, IOWA, 50010, 515-233-6100</p>	<p style="text-align: center;">SLIDE _____ PAGE _____</p>
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