

**COUNCIL ACTION FORM**

**SUBJECT: SEVERANCE OF BELITSOS/WOLFE AND CRANE PROPERTIES FROM CITY OF AMES**

**BACKGROUND:**

The City of Ames annexed 35.69 acres in March of 2017 at the request of the property owners. The annexation was made up of four parcels, two owned by George Belitsos and Peter Wolfe and two by John Crane. A location map is found in Attachment A. A pre-annexation agreement between the City and the property owners was approved with the annexation to address future development options and improvement obligations if certain conditions precedent were completed.

The agreement included a provision to allow for property owners to seek severance of the properties from the City within two years or their annexation if the conditions precedent of the agreement were not met. Page four of the recorded Pre-Annexation Agreement, in Conditions Precedent II(2), allowed for the property owners to request severance of the parcels from the City. The conditions precedent included voluntary annexation, rezoning to F-PRD, allowances for attached dwelling house structures, and acquisition of the site by Trinitas. An application for rezoning was submitted and denied in July of 2017 and again in December 2017. Trinitas subsequently cancelled their purchase agreement with the property owners.

Severance of territory from a city is governed by Iowa Code Section 368.8. The process requires a city to resolve the value of assets and distribution of liabilities prior to approving the severance of territory. There have been no improvements, public or private, made to the properties since the annexation was approved. Therefore, there are no assets or liabilities to distribute. Upon approval of a resolution by the City Council it will be forwarded to the Secretary of State to finalize the severance of the territory. Once severance of the properties is finalized, the properties will assume county zoning designations and the abutting public right-of-way will return to Story and Boone County jurisdiction respectively.

**ALTERNATIVES:**

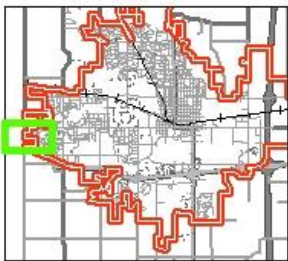
1. Approve the request to sever the Belitsos/Wolfe and Crane properties from the City.
2. Refer the item back to staff for additional information and continue consideration of the item to a later date.

**CITY MANAGER'S RECOMMENDED ACTION:**

The requested severance is of four parcels consists of 35.69 acres of land owned by George Belitsos and Peter Wolfe and by John Crane. A clause in the pre-annexation agreement allows for de-annexation of the property to occur at the request of the property owners. The *Iowa Code* also allows for voluntary severance of property. Rezoning of the property was not approved as a condition precedent and no improvements have been made to the properties since annexation. The property owner has the ability to sever from the City based upon terms of the pre-annexation agreement.

**Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the request to sever the Belitsos/Wolfe and Crane properties from the City.**

# ATTACHMENT A: LOCATION MAP



Location Map