

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 3305 AND 3311 EAST LINCOLN WAY AND TWO UNADDRESSED PARCELS

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. Section 23.308 allows the use of a plat of survey for a boundary line adjustment.

This plat of survey combines two parcels owned by Barilla where the current pasta plant exists and adds a newly acquired 6-acre piece east of the site that was part of two parcels owned by Don Jensen. The plat of survey creates Parcel H, which will be the newly enlarged Barilla parcel. Parcel J and Parcel K will be the two parcels retained by Jensen. (The County Auditor does not assign Parcel "I" to avoid confusion.) **The plat also creates Lot A, which is to be dedicated to the City as right-of-way and for which a Warranty Deed has been prepared (Attachment C).**

A separate action by the City Council is to rezone the 6.06-acre parcel being acquired from Jensen to Planned Industrial. The remainder of the Jensen land will stay as A-Agricultural.

The plat of survey does not trigger any new infrastructure or frontage improvements as there are no missing gaps in required infrastructure along the site's frontage and the plat of survey is a boundary line adjustment. However, the already approved expansion of the plant itself has triggered missing infrastructure requirements for the frontage of the current Barilla plant. Barilla must construct sidewalks along their frontage as no other street improvements or sidewalk plans have been adopted for the area.

Approval of this plat of survey (Attachment B) 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 in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can approve the proposed plat of survey consistent with the boundary line adjustment standards of Chapter 23 and accept the deed for the dedication of a portion of East Lincoln Way.
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 the consolidation of the properties for the boundary line adjustment and has made a preliminary decision of approval. Staff has also determined that the proposed plat of survey for a boundary line adjustment does not trigger City infrastructure requirements as defined within the Subdivision Code.

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 and accepting the deed for the dedication of a portion of right-of-way of East Lincoln Way.

ADDENDUM
PLAT OF SURVEY FOR 3305 AND 3311 EAST LINCOLN WAY AND
TWO UNADDRESSED PARCELS

Application for a proposed 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)

Owner: Barilla America, Inc.
Parcel ID: 10-06-400-010, 10-06-450-020

Owner: Donald D. Jensen
Parcel ID: 10-05-300-105, 10-05-300-220

New Legal Descriptions:

Parcel H in the Southeast Quarter and the East Half of the Southwest Quarter of Section 6, Township 83 North, Range 23 West of the 5th PM and in the North Half of the Southwest Quarter and the South Half of the Northwest Quarter of Section 5, Township 83 North, Range 23 West of the 5th PM, all in Ames, Story County, Iowa.

Parcel J in the Southwest Quarter of Section 5, Township 83 North, Range 23 West of the 5th PM, Ames, Story County, Iowa.

Parcel K in the Southwest Quarter of Section 5, Township 83 North, Range 23 West of the 5th PM, Ames, Story County, Iowa.

Lot A in the Southeast Quarter of Section 6, Township 83 North, Range 23 West of the 5th PM, Ames, 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.

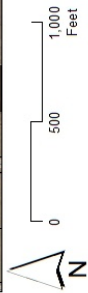
Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

ATTACHMENT A: LOCATION MAP [NORTH TO LEFT]



Legend

Ames City Limits



ATTACHMENT B: PLAT OF SURVEY [NORTH TO LEFT]

LEGAL DESCRIPTION PARCEL "H":

[illegible]

PARENT PARCEL DESCRIPTION

PER QUIT CLAIM DEED RECORDING IN THE RECORDERS' OFFICE OF STORY COUNTY IN INSTRUMENT# 2008-12681.

ALL THAT PORTION OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-TWO (82), NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY, AND THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY, EXCEPT THE ONE UNINCORPORATED ACRES OF THE FOREGOING COMBINED PARCELS.

PER WARRANTY DEED RECORDING IN THE RECORDERS' OFFICE OF STORY COUNTY IN INSTRUMENT# 2017-10045.

THE WEST ONE HUNDRED ACRES OF THE FOREGOING COMBINED PARCELS (5). TO-WITSHIP EIGHT-THREE (83) NORTH, ALL THAT PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY, AND THE SOUTH HALF (S 1/2) OF THE NORTHWEST CORNER (NW 1/4) OF SECTION FIVE (5), COMBINED EIGHT-THREE (83) NORTH AND EIGHT-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY.

AND

PARCEL 'B' BEING PART OF THE SOUTHEAST QUARTER (SE1/4), AND THE EAST HALF (E1/2) OF THE SOUTHWEST QUARTER (SW1/4), SECTION SIX (6), TOWNSHIP TWENTY-THREE (23) WEST OF THE FIFTH (5TH) PRINCIPAL MERIDIAN, CITY OF AMES, STORY COUNTY, IOWA AS DESCRIBED IN A PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, RECORDED ON JULY 22, 1987, IN BOOK 15, PAGE 18.

SUBJECT TO ALL EASEMENTS OF RECORD, IF ANY.

COMMENCEMENT OF THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SIX (6), TOWNSHIP
EIGHTEEN (18) NORTH, RANGE TWENTY-THREE (23) WEST, OF THE 1ST PRINCIPAL MERIDIAN CITY OF IOWA,
COUNTY OF IOWA, BEING THE CORNER OF SAID SECTION SIX, FOUR HUNDRED SEVENTY SEVEN (477) FEET EAST OF THE SOUTH QUARTER (SE 1/4)
CORNER OF SAID SECTION SIX, THREE NORTH 20TH EAST FORTY-FIVE (45) FEET, THENCE EAST
THREE HUNDRED SIXTY-EIGHT (368) FEET, THENCE SOUTH 21ST WEST FIFTY-FIVE (55) FEET,
THENCE WEST ALONG THE SECTION LINE THREE HUNDRED SIXTY-EIGHT (368) FEET TO THE POINT OF BEGINNING,
NOW IN THE CITY OF AMES, STORY COUNTY, IOWA, SUBJECT TO ALL EASEMENTS TO THE STATE OF IOWA
RECORDED IN BOOK 85, PAGE 123 AND BOOK 88, PAGE 295.

LEGAL DESCRIPTION - PARCEL J

ALL THAT PORTION OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY; AND THE SOUTH HALF (S.1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4), OF SAID SECTION 5;

THENCE ALONG AND UPON THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 5, NORTH 00°20'17" WEST, A DISTANCE OF 1318.55 FEET TO THE SW CORNER OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 5, AND THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTH LINE OF SAID NW1/4, NORTH 89°44'03" EAST, A DISTANCE OF 1329.32 FEET TO THE SE CORNER OF SAID NW1/4 OF THE SW1/4:

THENCE NORTH 89°44'03" EAST, A DISTANCE OF 239.47 FEET;
THENCE NORTH 00°17'09" WEST, A DISTANCE OF 1313.42 FEET;

THENCE SOUTH 76°26'15" WEST, A DISTANCE OF 648.06 FEET;
THENCE SOUTH 82°07'23" WEST, A DISTANCE OF 1007.81 FEET TO THE WEST LINE OF SAID SW1/4.

THENCE ALONG SAID WEST LINE SOUTH 00°20'17" EAST, A DISTANCE OF 1030.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,877,444 SQ.FT. (43.100 ACRES), MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD.

LEGAL DESCRIPTION - PARCELS K

LEGAL DESCRIPTION - PARCEL K

ALL THAT PORTION OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY; AND THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FIVE (5), TOWNSHIP EIGHT-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, STORY COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF CHICAGO AND NORTHWESTERN RAILWAY AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4), ALSO KNOWN AS THE S1/4 CORNER OF SAID SECTION 5;

THENCE ALONG AND UPON THE EAST LINE OF SAID SECTION 5, NORTH 00°15'29" WEST, A DISTANCE OF 1310.18 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID EAST LINE, NORTH 00°15'29" WEST, A DISTANCE OF 1310.18 FEET TO THE NORTHEAST CORNER OF THE SW1/4, ALSO KNOWN AS THE CENTER OF SECTION;

THENCE ALONG A CHORD BEARING OF NORTH 86°15'00" WEST, AND A CHORD DISTANCE OF 200.87 FEET, TO THE BEGINNING OF A CURVE CONCEALED SOUTH, HAVING A RADIUS 8297.10 FEET, THENCE ALONG SAID CURVE A DISTANCE OF 133.84 FEET, WITH A CHORD BEARING OF NORTH 87°32'59" WEST, AND A CHORD DISTANCE OF 138.83 FEET, THENCE SOUTH 07°09'45" EAST, A DISTANCE OF 53.26 FEET, TO THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 5, THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 88°45'52" WEST, A DISTANCE OF 800.87 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 5, THENCE THENCE ALONG SAID EAST LINE, A DISTANCE OF 1032.21 FEET TO A POINT ON THE EAST LINE OF SAID SW1/4 SECTION 5 AND THE POINT OF BEGINNING.

CONTAINING 1,364.379 SQ. FT. (31.322 ACRES), MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD.

ATTACHMENT C: WARRANTY DEED

WARRANTY DEED Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Robert D. Andeweg
NYEMASTER GOODE, P.C.
700 Walnut Street, Suite 1600
Des Moines, Iowa 50309
Phone Number: 515-283-3106

Taxpayer Information: (name and complete address)

City of Ames, Iowa, ATTN: City Clerk, 515 Clark Ave., Ames, IA 50010

Return Document To: (name and complete address)

City of Ames, Iowa, ATTN: City Clerk, 515 Clark Ave., Ames, IA 50010

Grantors:

Barilla America Inc.

Grantees:

City of Ames, Iowa

Legal Description: See Page 2

Document or instrument number of previously recorded documents: N/A

WARRANTY DEED

For Consideration of ONE DOLLAR and other valuable consideration, **Barilla America Inc., an Illinois corporation** (hereinafter "**Grantor**"), does hereby convey to the **City of Ames, Iowa**, (hereinafter "**Grantee**"), the following described parcel of real estate located in Story County, Iowa, to-wit:

Lot A in the Southeast Quarter of Section 6, Township 83 North, Range 23 West of the 5th P.M., Ames, Story County, Iowa, and also described as follows:

BEING PART OF THE SOUTHEAST QUARTER (SE1/4), SECTION SIX (6), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF AMES, STORY COUNTY, IOWA AS DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION SIX (6), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF AMES, STORY COUNTY, IOWA;

THENCE S.88°18'30"W., A DISTANCE OF 336.88 FEET ALONG THE SOUTH LINE OF SAID SECTION 6, TO A POINT, BEING THE POINT OF BEGINNING;

THENCE N.00°13'55"W., 60.07 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY (OLD HIGHWAY #30) AS PRESENTLY ESTABLISHED; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, S.88°18'30"W., A DISTANCE OF 471.00 FEET; THENCE N.69°52'38"W., A DISTANCE OF 214.94 FEET; THENCE S.70°37'15"W., A DISTANCE OF 262.88 FEET; THENCE S.88°18'30"W., A DISTANCE OF 578.00 FEET; THENCE S.01°41'37"E., A DISTANCE OF 10.00 FEET; THENCE S.88°14'39"W., A DISTANCE OF 121.53 FEET; THENCE S.01°41'37"E., A DISTANCE OF 49.91 FEET; THENCE N.88°18'30"E., A DISTANCE OF 1620.33 FEET, ALONG SAID SOUTH LINE OF SAID SECTION 6, TO THE POINT OF BEGINNING.

CONTAINING 114,199.704 SQUARE FEET OR 2.622 ACRES OF LAND.

This Deed is Claimed Exempt under Iowa Code §428A.2(6)--Grantee is Government Body

Grantor does hereby covenant with Grantee, and successors in interest, that Grantor holds the real estate by title in fee simple; that Grantor has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and Grantor covenants to warrant and defend the real estate against the lawful claims of all persons except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

[Signature page follows.]

Signed this ____ day of May, 2018.

GRANTOR:

BARILLA AMERICA INC.

By: _____
Fabio Pettenati, Vice President, Supply
Chain Americas

And: _____
Talita Erickson, General Counsel and
Corporate Secretary

STATE OF _____, COUNTY OF _____) ss:

This record was acknowledged before me on May _____, 2018, by Fabio Pettenati and Talita Ericson, as Vice President, Supply Chain Americas and General Counsel and Corporate Secretary, respectively, of Barilla America Inc., an Illinois corporation.

_____, Notary Public