

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 329 SE 5TH STREET

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 and to replat a parcel due to an error.

This plat of survey is a replat of an existing pre-platted parcel. The subject parcel (Parcel AG) was originally platted by plat of survey recorded in 2006. At that time, a notation was placed on the plat indicating that Parcel AG was a "non-buildable lot." Parcel AG was created in 2006 as part of a lot split of a Parcel "L" in coordination with a subdivision to create the current Super Walmart site to the south. It is unclear from City records and for the applicant why the non-buildable lot notation was placed on the parcel at the time the plat was recorded.

Recently, a developer has expressed interest in developing this lot and wishes to replat the parcel to remove the non-buildable notation. This plat of survey removes the non-buildable lot notation and retains the designation of Parcel AG.

Approval of a Plat of Survey requires conformance to all standards of the Zoning Ordinance and the Subdivision Code. Parcel AG meets all standards with the exception of installation of a sidewalk along SE 5th street frontage. However, as a pre-platted parcel the Subdivision Code allows for the proposed replat to be exempt from installing or securing the installation of a sidewalk with approval of the replat. Any future construction on the site of a principal building will require the installation of the sidewalk at that time as a condition of receiving a building permit.

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 standards of Chapter 23 for approval of replat of a pre-platted parcel.

2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey for design and improvements 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:

The proposed plat of survey is a unique situation of replatting an existing parcel created as part of a lot split in 2006 with a restriction on its development. Staff has determined that the proposed plat of survey satisfies all Code requirements for the replat of a pre-platted parcel and has made a preliminary decision of approval. Staff has also determined that the proposed plat of survey does not trigger City infrastructure requirements as defined within the Subdivision Code. The missing sidewalks will be built at the time the property is developed.

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 A REPLAT OF 329 SE 5TH STREET**

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: Peppermint Hill, LLC
Parcel ID: 0911275100

Legal Description: Parcel AG in the South Half of the Northeast Quarter of Section 11, Township 83 North, Range 124 West of the 5th P.M., City of Ames, Story County, Iowa.

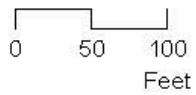
Public Improvements:

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:

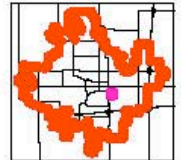
- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

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



Legend

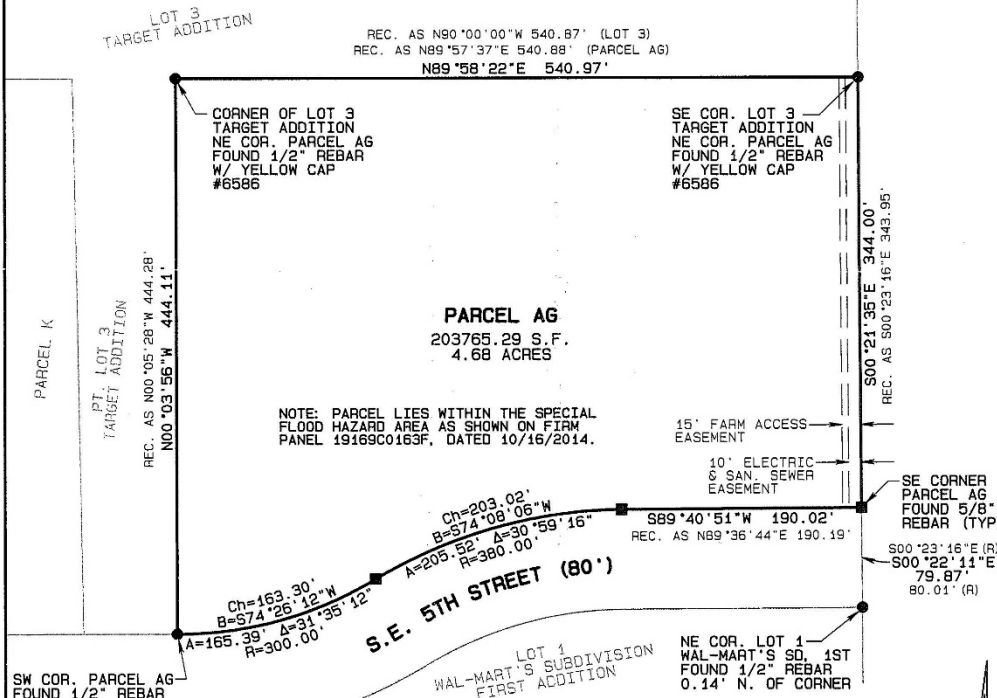


ATTACHMENT B: PLAT OF SURVEY

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

PLAT OF SURVEY

Survey Description-Parcel 'AG':
 Parcel AG in the South Half of the Northeast Quarter of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, as shown on the Plat of Survey filed on January 27, 2006 in Slide 269, Page 5, and being more currently described as follows: Beginning at the Northeast Corner of said Parcel AG; thence S00°21'35"E, 344.00 feet to the Southeast Corner thereof; thence following the South line thereof S89°40'51"W, 190.02 feet to the beginning of a curve; thence westerly and southwesterly, 205.52 feet along said curve having a radius of 380.00 feet, concave to the south, a central angle of 30°59'16" and being subtended by a chord which bears S74°08'06"W, 203.02 feet to a point of reverse curvature; thence southwesterly and westerly 165.39 feet along said curve concave to the north having a radius of 300.00 feet, a central angle of 31°35'12" and being subtended by a chord which bears S74°26'12"W, 163.30 feet to the Southwest Corner of said Parcel AG; thence N00°03'56"W, 444.11 feet to the Northwest Corner thereof; thence N89°58'22"E, 540.97 feet to the point of beginning, containing 4.68 acres.

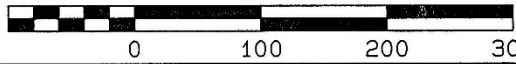


NOTE: PARCEL LIES WITHIN THE SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 19169C0163F, DATED 10/16/2014.

The Ames City Council approved this Plat of Survey on _____, 2015, with Resolution No. _____
 I certify that it conforms to all conditions for approval.

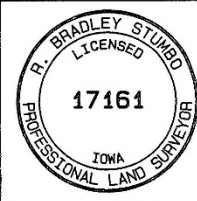
 Planning and Housing Director

GRAPHIC SCALE 1"=100'



PROPRIETOR: PEPPERMINT HILL LLC
 SURVEY REQUESTED BY: SCOTT RENAUD

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.



Date: _____
 R. Bradley Stumbo License #17161
 My license renewal date is December 31, 2015
 Job #16867 Date: 12/14/15 Page 1 of 1
 Fieldwork Completed: 11/13/15