
DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER

Prepared by: Mark O. Lambert, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146
Return to: Ames City Clerk, Ames City Hall, 515 Clark Ave., P.O. Box 511, Ames, IA 50010

**ZONING AGREEMENT FOR ADOPTION OF
THE AMENDED MASTER PLAN FOR
1114 SOUTH DAKOTA AVENUE**

THIS AGREEMENT, made and entered into this ____ day of _____, 2019, by and between the City of Ames, Iowa (hereinafter called "City") and Dickson D. Jensen and Luann C. Jensen, husband and wife, (hereinafter called "Developer"), its successors and assigns, both collectively being referred to as the "Parties,"

WITNESSETH THAT:

WHEREAS, the Parties have previously entered a Zoning Agreement related to the improvement and development of real property locally known as 1114 South Dakota Avenue (hereinafter referred to as the "Site"); and

WHEREAS, the Ames City Council adopted Resolution 17-551 on August 22, 2017, which approved the aforementioned Zoning Agreement as part of a rezoning of the site to CCR with Master Plan as contemplated by Ames Municipal Code section 29.1507(4 and 5); and

WHEREAS, the Developer proposed certain modifications to the previously approved CCR Zoning District with Master Plan and the City Council approved certain modifications subject to the receipt of an amended Zoning Agreement.

WHEREAS, the Developer has submitted an Amended Master Plan in conformance with the requirements set forth in Ames Municipal Code section 29.1507(4); and

WHEREAS, Ames Municipal Code section 29.1507(5) requires approval of a zoning agreement when a Master Plan is required and that all development of the Site comply with the Master Plan.

NOW, THEREFORE, the Parties hereto have agreed and do agree as follows:

I.

1114 SOUTH DAKOTA AVENUE MASTER PLAN ADOPTED

The Amended Master Plan set forth at Attachment A and incorporated by reference in this agreement shall be the Master Plan for 1114 South Dakota Avenue. The parties understand and agree that the Amended Master Plan for the Site: (a) allows Vehicle Service Stations, as defined by the Ames Municipal Code, (b) allows stand-alone office and commercial trade, (c) allows no more than 48 household living apartments, each of which are restricted to no more than two bedrooms per unit, with office or commercial trade uses below, and (d) prohibits short-term lodging on the Site.

II.

NON-INCLUSION OF OTHER OBLIGATIONS

The Parties acknowledge and agree that this Agreement is being executed to fulfill a specific requirement of section 29.1507(5) of the Ames Municipal Code.

The Parties understand that the Master Plan adopts a general conceptual plan for development, without review or approval of specific subdivision plats or site plans for development of the Site. The Parties therefore acknowledge that the Master Plan adoption does not anticipate or incorporate all the additional approvals or requirements that may be required to properly and completely develop the Site and does not relieve the developer of compliance with other provisions of the Ames Municipal Code, the Iowa Code, SUDAS, or other federal, state or local laws or regulations.

III.

MODIFICATION OF AGREEMENT

Any modifications or changes to the Master Plan shall be undertaken in accordance with the process provided for in Ames Municipal Code section 29.1507(5).

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

(Signatures on following page)

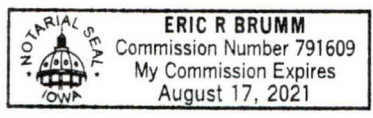
Dated March 17, 2019.

Dickson D. Jensen
DICKSON D. JENSEN

Luann C. Jensen
LUANN C. JENSEN

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on March 17th, 2019, by Dickson D. Jensen and Luann C. Jensen.



Eric R. Brumm
NOTARY PUBLIC

Dated _____, 2019.

JOHN A. HAILA, MAYOR

ATTEST: DIANE R. VOSS, CITY CLERK

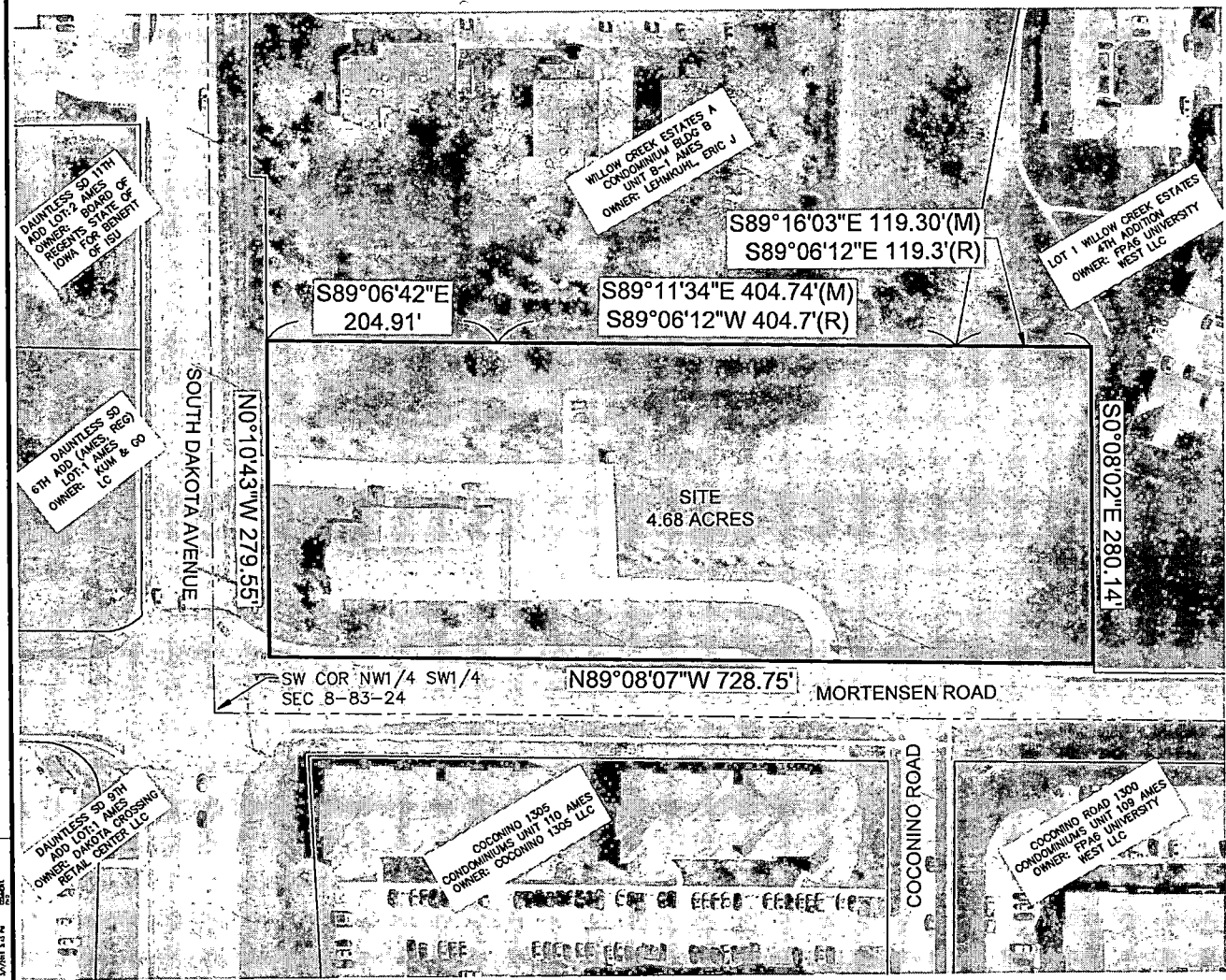
STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2019, by John A. Haila and Diane R. Voss, the Mayor and City Clerk, respectively of the City of Ames, Iowa, that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. 19-_____, adopted by the City Council on the _____ day of _____, 2019, and that John A. Haila and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

NOTARY PUBLIC

APPROVED AS TO FORM
BY Victoria A. Feilmeyer
VICTORIA A. FEILMEYER
ASSISTANT CITY ATTORNEY

1114 SOUTH DAKOTA DEVELOPMENT REZONING EXHIBIT



DATE OF SURVEY

JANUARY 30, 2019

ZONING

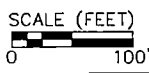
EXISTING ZONING: CCR COMMUNITY COMMERCIAL WITH COMMERCIAL OFFICE AND RESIDENTIAL USES RESTRICTED TO 48 ONE OR TWO BEDROOMS AND NO SHORT TERM LODGING FACILITIES.

PROPOSED ZONING: CCR COMMUNITY COMMERCIAL WITH COMMERCIAL OFFICE, RESIDENTIAL USES RESTRICTED TO 48 ONE OR TWO BEDROOMS AND NO SHORT TERM LODGING FACILITIES AND VEHICLE SERVICE STATION.

LEGAL DESCRIPTION

WARRANTY DEED BOOK 2016 PAGE 4086

BE BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION EIGHT (8), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., STORY COUNTY, IOWA, DISTANT S89°03'30"E 45.0 FEET FROM THE SW CORNER THEREOF; THENCE N0°06'12"W 473.4 FEET PARALLEL TO AND 45.0 FEET DISTANT EASTERLY FROM THE WEST LINE OF SAID NW 1/4 OF THE SW 1/4 TO THE SOUTHERLY LINE OF THE PLAT OF WILLOW CREEK ESTATES SECOND ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID ADDITION: S89°06'12"E 210.0 FEET; S0°06'12"E 220.0 FEET; S89°06'12"E 390.0 FEET; AND N10°53'48"E 77.2 FEET; THENCE S89°06'12"E 119.3 FEET; THENCE S0°06'12"E 330.0 FEET TO THE SOUTH LINE OF THE SAID NW 1/4 OF THE SW 1/4 THENCE N89°03'30"W 734.1 FEET TO THE POINT OF BEGINNING; SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY AND CONTAINING 5.56 ACRES, ALL IN THE CITY OF AMES, STORY COUNTY, IOWA, EXCEPT COMMENCING AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SEC. 8-T83N-24W OF THE 5TH P.M., STORY COUNTY, IOWA; THENCE S89°03'30"E 45.0 FEET ALONG THE SOUTH LINE OF THE SAID NW 1/4 OF THE SW 1/4 ;THENCE N0°06'12"W 329.5 FEET PARALLEL TO AND 45.0 FEET EASTERLY FROM THE WEST LINE OF THE SAID NW 1/4 OF THE SW 1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING N0°06'12"W 143.9 FEET TO THE SOUTHERLY LINE OF THE PLAT OF WILLOW CREEK ESTATES SECOND ADDITION TO THE CITY OF AMES, IOWA; THENCE S89°06'12"E 210.0 FEET ALONG THE SOUTHERLY BOUNDARY OF SAID ADDITION; THENCE S0°06'12"E 143.9 FEET; THENCE N89°06'12"W 210.0 FEET TO THE POINT OF BEGINNING; CONTAINING 0.69 ACRES, ALL IN THE CITY OF AMES, STORY COUNTY, IOWA, AND EXCEPT THE SOUTH 50 FEET OF THE WEST 779.1 FEET AND THE EAST 5 FEET OF THE WEST 50 FEET OF THE SOUTH 330 FEET OF THE NW 1/4 OF THE SW 1/4 OF SEC. 8-T83N-R24W OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, CONTAINING 0.93 ACRES, MORE OR LESS, AND COMMENCING AT THE SW CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION EIGHT (8), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., STORY COUNTY, IOWA; THENCE S89°03'30"E 45.0 FEET ALONG THE SOUTH LINE OF THE SAID NW 1/4 OF THE SW 1/4 ; THENCE N0°06'12"W 329.5 FEET PARALLEL TO AND 45.0 FEET EASTERLY FROM THE WEST LINE OF THE SAID NW 1/4 OF THE SW 1/4; THENCE S89°06'12"E 210.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°06'12"E 404.7 FEET; THENCE S10°53'48"W 77.2 FEET; THENCE N89°06'12"W 390.0 FEET; THENCE N0°06'12"W 76.1 FEET TO THE POINT OF BEGINNING; CONTAINING 0.69 ACRES, ALL IN THE CITY OF AMES, STORY COUNTY, IOWA.



DATE	BY

3405 S.E. CROSSROADS DRIVE, SUITE G
AMES, IOWA 50011
PHONE: (515) 389-4400 FAX: (515) 389-4410

TECH: ENGINEER: EKO



AMES, IOWA

1114 SOUTH DAKOTA DEVELOPMENT REZONING EXHIBIT