

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 1016 S DUFF

BACKGROUND:

The City's subdivision regulations in Chapter 23 of the Ames Municipal Code include a process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property.

This proposed plat of survey is for a lot division of Lot 1 of Carney and Sons' Subdivision, First Addition, which is addressed as 1016 S. Duff Avenue. Lot 1 includes 118,534 square feet and is zoned Highway Oriented Commercial (HOC). It is currently undeveloped.

Lot 1 is divided within the plat of survey to create a new "Parcel A" and "Parcel B." A graphical representation as well as a complete and accurate description of each parcel within the plat is included. **The purpose of the plat is to create a parcel along Squaw Creek for purchase by the City to facilitate a flood mitigation project.**

Parcel A includes 51,625 square feet and will continue as a developable parcel. The plat of survey was reviewed to ensure that the proposed lot dimensions for Parcel A comply with the requirements found in the zone development standards of the Highway Oriented Commercial District (HOC). The plat of survey does not require additional infrastructure improvements to be installed as it was the subject site of prior subdivision approval.. Public sidewalk already exists across the street frontage of Lot 1.

Parcel B includes 66,909 square feet. The approval of the plat of survey will restrict the use of Parcel B as unbuildable. Parcel B lies in part within the Special Flood Hazard Area as shown on the FEMA FIRM Panel 19169C0163F, effective 10/16/2014. Parcel B has been identified for use in the Squaw Creek Flood Mitigation Project and will be purchased by the city. In the event the City's purchase of Parcel B does not occur, the land will be unbuildable by the limitations of the Plat of Survey

This type of division would normally be a Minor Subdivision, due to the lack of need for public improvements. However, in this case is allowed as a plat of survey under Section 23.103 because it an appropriate process for creating an unbuildable parcel for city purchase that typically occurs as an acquisition plat for right-of-way.

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. Once it is recorded, the City can proceed with its purchase of Parcel B.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the plat of survey consistent with the standards of Chapter 23 for approval of a lot division.
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 Subdivision Code requirements for the lot division of an existing lot into two parcels and has made a preliminary decision of approval. The developable parcel, Parcel A, conforms to the underlying zoning standards for lot requirements. Parcel B is unbuildable and is noted as such on the plat. Staff has determined that the proposed plat of survey 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.

**ADDENDUM
PLAT OF SURVEY FOR 1016 S DUFF AVENUE**

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)
- Waiver/Modification (per Section 23.103)

Owners: MKTM LLC; Jerry Carney & Sons

Existing Street Address: 1016 S Duff Avenue

Assessor's Parcel #: 09-11-401-050

Legal Description:

Parcel A in Lot 1 Carney and Sons' Subdivision, First Addition to Ames, Story County, Iowa, more particularly described as follows:

Beginning at the Southwest (SW) Corner of Said Lot 1: Thence N 00°20'33" W along the West line of said Lot 1, 157.52 feet; Thence S 87°58'22" E, 149.48 feet; Thence S 68°21'33" E, 288.51 feet; Thence N 89°28'47" E, 152.20 feet to the East Line of said Lot 1; Thence S 00°31'13" E along said East line, 37.53 feet to the Southeast (SE) Corner of said Lot 1; Thence N 89°19'45" W along the South line of said Lot 1, 428.79 feet; Thence S 00°07'43" W along a boundary line of said Lot 1, 16.05 feet; Thence N 89°27'16" W along the South line of said Lot 1, 140.37 feet to the Point of Beginning (POB).

Containing 51,625 square feet more or less. Subject to Easements recorded or unrecorded.

Parcel B in Lot 1 Carney and Sons' Subdivision, First Addition to Ames, Story County, Iowa, more particularly described as follows:

Commencing at the Southwest (SW) Corner of Said Lot 1; Thence N 00°20'33" W along the West line of said Lot 1, 157.52 feet, to the Point of Beginning (POB); Thence S 87°58'22" E, 149.48 feet; Thence S 68°21'33" E, 288.51 feet; Thence N 89°28'47" E, 152.20 feet to the East Line of said Lot 1; Thence N 00°31'13" W along said East line, 133.31 feet to the Northeast (NE) Corner of said Lot 1; Thence N 82°38'17" W along the North line of said Lot 1, 573.86 feet to the Northwest (NW) corner of said Lot 1; Thence S 00°20'33" E along the West line of said Lot 1, 96.54 feet to the Point of Beginning (POB).

Containing 66,909 square feet more or less. Subject to Easements recorded or unrecorded.

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. (No additional improvements required.)

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.

