

COUNCIL ACTION FORM

SUBJECT: INITIATION OF ANNEXATION FOR 23959 580th AVENUE AND ADJACENT PARCELS

BACKGROUND:

The City has received annexation petitions from three property owners representing 115.19 acres of land east of the Ames corporate limits, located at the northwest corner of Highway 30 and 580th Avenue (Attachment A). Staff has requested that the property owners submit waivers of the right to withdraw from annexation prior to proceeding with the process. Waivers have been received from the two property owners originally authorized by Council for annexation, Larson Leasing and LDY, LLC.

The annexation applications are in response to the City Council direction on July 28, 2020 regarding land at 23959 580th Avenue (formerly Caremoli). At that meeting, City Council voted to allow the property owner to move forward with an application to amend the Ames Urban Fringe Plan (AUFPP) from Industrial Reserve to Planned Industrial (PI) with a concurrent voluntary annexation application.

The property owner has submitted the required annexation application to begin the process. Additionally, an annexation application has been received for two parcels to the north, owned by LDY, LLC and a parcel to the west owned by Banker's Trust. At the time the LDY subdivision was approved, the property owner signed an Annexation Covenant stating they would apply to annex the property upon the City's request. The two LDY properties will need to be annexed concurrently with the property at 23959 580th Ave in order to connect to the City. Staff has requested and received an annexation petition for these properties. Additionally, the abutting Banker's Trust property to the west has petitioned to be part of this annexation. Both LDY, LLC and Banker's Trust are represented by Chuck Winkleblack.

In July 2020, City Council voted to allow the Fringe Plan designation at 23959 580th Avenue to change from Industrial Reserve to Planned Industrial. This initiation was necessary for all the area to be annexed to the City for consistency with the Fringe Plan. Since additional Voluntary Annexation applications have been submitted, staff has expanded the proposed Fringe Plan Amendment as shown in Attachment C.

In addition to the voluntary annexation request for the subject properties, there are a few neighboring properties abutting the site that could be included in an annexation to make a more uniform boundary along 580th Avenue and create an "80/20" annexation (where the area of non-consenting property comprises 20% or less of the area to be annexed). **These properties do not need to be annexed to avoid creating an island.** Staff has reached out to the adjacent properties along 580th Avenue to inquire if there is any interest

in being included with this annexation application. At this time, staff has not heard from any property owners. With the proposed change to the Planned Industrial designation in the Ames Fringe Urban Plan, none of these properties would be precluded from future annexation if they are not part of the annexation at this time. Staff does not believe an 80/20 annexation of these properties is necessary at this time.

Additionally, at the July 2020 meeting staff stated that the property would need to be rezoned once annexed. These properties would be eligible for either Planned Industrial or the new Intensive Industrial zoning district.

No City utilities will immediately serve these sites. Only one of the properties is currently developed (23959 580th Avenue), and the existing structures will be used and can continue with rural water service for the immediate future. **Prior to rezoning any of the three vacant properties from Agricultural to Planned Industrial, the issue of water and sewer service. This might require the property owners to seek a buyout of rural water service territory.**

The first step for annexation is for the City Council to accept the petitions and refer them to the Planning and Zoning Commission for a recommendation. Prior to approval of an annexation, the City Council is required to hold a public hearing. This annexation area is within two miles of the City of Nevada and will need a hearing with the state City Development Board to become final.

ALTERNATIVES:

1. Initiate the voluntary annexation of the four properties totaling 115.19 acres as a 100% voluntary annexation, subject to the receipt of a waiver to withdraw from annexation for all properties.
2. Initiate an 80-20 annexation of up to 135.23 acres, which includes 115.19 acres of consenting properties and some combination of non-consenting properties of up to 20.04 acres, in order to create more uniform boundaries, with the condition that the City will have no obligation to bear any cost of any improved infrastructure to the 135.23 acreage. Under this alternative, the City Council would need to identify the non-consenting properties to be included.
3. Refer this item back to staff for further information.

CITY MANAGER'S RECOMMENDED ACTION:

These lands are not in a designated Growth Area of the current Ames Land Use Policy Plan. However, given the proximity to the existing City boundary and plans for future growth with Ames Plan 2040, East Industrial Prairie View Industrial Park, and the future Highway 30 Interchange, annexation should be considered.

The abutting properties along 580th Avenue could be included for uniform boundaries and recognition that they would have frontage along a City street upon annexation of the other properties. However, in this case, including the properties is not necessary as non-consenting owners at this time to ensure no islands are created in the future when other lands to the east request annexation.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, as described above.

ATTACHMENT A: LOCATION MAP



Annexation Location Map

ATTACHMENT B: ANNEXATION PLATS

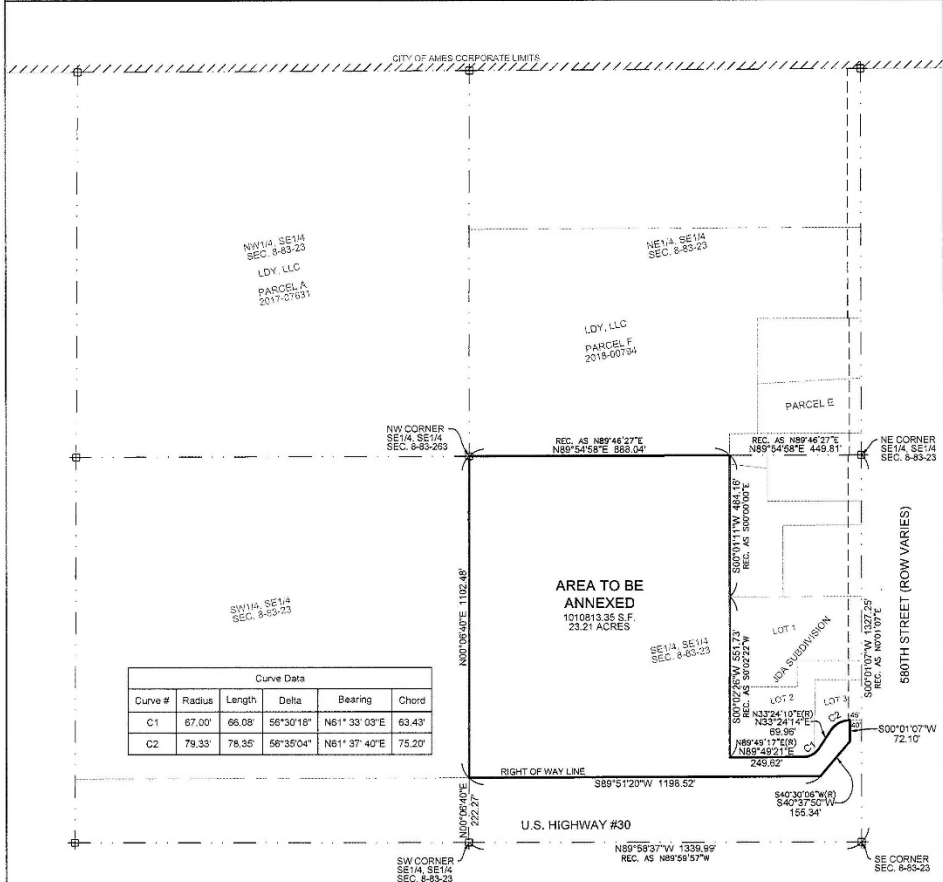
ANNEXATION PLAT

LOCATION: IN THE SE1/4, SE1/4 OF SECTION 8-83-23
STORY COUNTY, IOWA

PROPRIETOR: LARSON LEASING, LC

REQUESTED BY: SCOTT LARSON

SURVEYOR: R. BRADLEY STUMBO, PLS #17161
FOX ENGINEERING ASSOCIATES, INC.
AMES, IA 50010
515-233-0000



Survey Description - Area to be Annexed:
That part of the Southeast Quarter of the Southeast Quarter of Section 8, Township 83 North, Range 23 West of the 5th P.M., being more particularly described as follows: Beginning at the Southwest Corner of said Southeast Quarter of the Southeast Quarter; thence N00°06'40"E, 222.27 feet along the west line thereof to the north right of way line of U.S. Highway #30 and the point of beginning; thence continuing N00°08'40"E, 1102.48 feet to the Northwest Corner of said Southeast Quarter of the Southeast Quarter; thence N89°54'58"E, 888.04 feet along the North line thereof to the Northwest Corner of the East 450' of said Southeast Quarter of the Southeast Quarter; thence S00°01'11"W, 484.16 feet along said line to the Northwest Corner of JDA Subdivision; thence S00°02'26"W, 551.73 feet to the Southwest Corner thereof; thence following the southerly line thereof N89°49'21"E, 249.62 feet; thence northeasterly, 66.08 feet along a curve having a radius of 67.00 feet, concave northerly, a central angle of 56°50'18" and being subtended by a chord which bears N61°33'03"E, 63.43 feet; thence N35°24'14"E, 69.96 feet; thence northeasterly, 78.35 feet along a curve having a radius of 79.33 feet, concave southerly, a central angle of 56°35'04" and being subtended by a chord which bears N61°37'40"E, 75.20 feet to the west right of way line of the public road; thence following said right of way S00°01'07"W, 72.10 feet; thence S40°37'50"W, 155.34 feet; thence S89°51'20"W, 1198.52 feet to the point of beginning, containing 23.21 acres.

Note: The subject property also lies within two miles of the corporate limits of Nevada, Iowa.



FOX
engineering

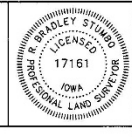
FOX Engineering Associates, Inc.
414 South 17th Street, Suite 107
Ames, Iowa 50010
Phone: (515) 233-0000
FAX: (515) 233-0103

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

R. Bradley Stumbo

R. BRADLEY STUMBO, PLS
License number 17161
My license renewal date is December 31, 2021.

12/01/2020
DATE



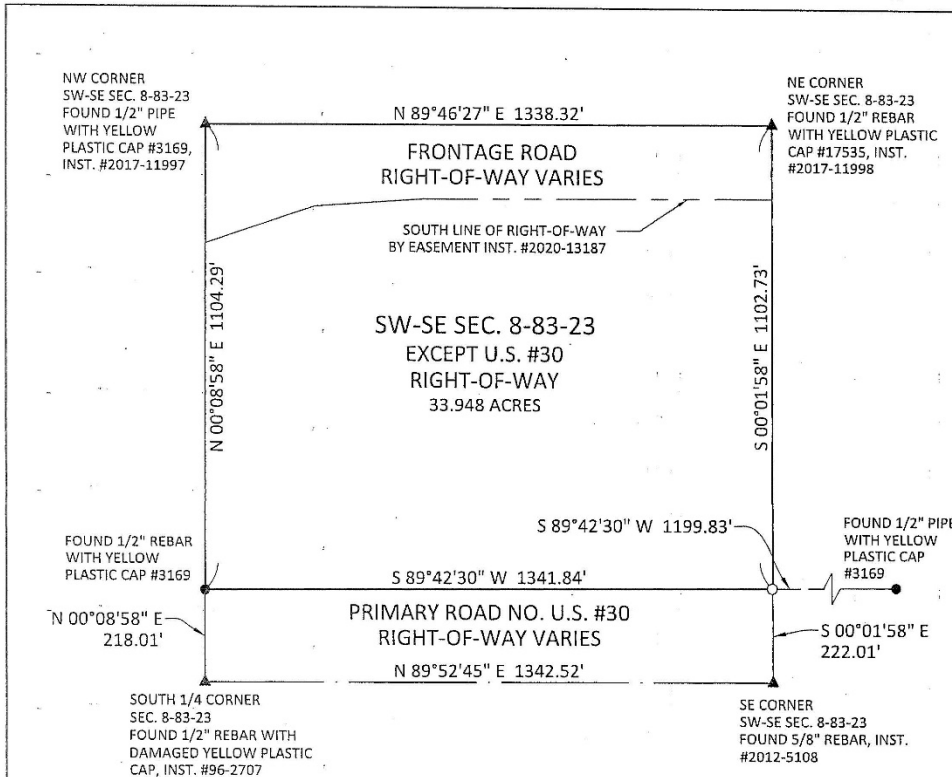
INDEX LEGEND	
LOCATION	PART OF SW-SE SEC. 8, T-83-N, R-23-W STORY COUNTY, IA
REQUESTOR:	CHUCK WINKLEBLACK
PROPRIETOR:	BANKERS TRUST COMPANY
SURVEYOR:	LUKE D. AHRENS P.L.S. #24413
SURVEYOR COMPANY:	BOLTON & MENK, INC.
RETURN TO:	LUKE D. AHRENS, BOLTON & MENK, INC. 1519 BALTIMORE DRIVE, AMES, IA 50010 (515)-233-6100

RECEIVED

JAN 13 2021

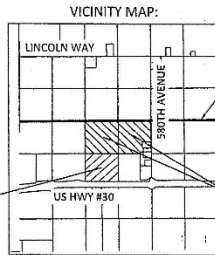
CITY OF AMES IA
DEPT. OF PLANNING AND HOUSING

FOR RECORDER USE ONLY



ANNEXATION DESCRIPTION:
THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 83 NORTH, RANGE 23 WEST OF THE 5TH P.M., STORY COUNTY, IOWA, THAT LIES NORTH OF PRIMARY ROAD NO. U.S. #30, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8; THENCE N89°46'27\"/>

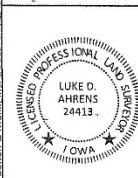


EXISTING CITY OF AMES CORPORATE LIMITS

THESE PARCELS HAVE A PENDING ANNEXATION APPLICATION

- LEGEND:**
- FOUND MONUMENT AS NOTED
 - SET 1/2"x24" REBAR WITH PINK PLASTIC CAP #24413
 - ▲ FOUND SECTION CORNER AS NOTED

- NOTES:**
1. THIS PLAT IS SUBJECT TO EASEMENTS APPARENT OR OF RECORD.
 2. BEARINGS SHOWN ARE IOWA REGIONAL COORDINATE SYSTEM, ZONE 8, (AMES-DES MOINES), US SURVEY FOOT.
 3. AREA LIES WITHIN 2 MILES OF THE CITY OF NEVADA.
 4. CURRENT DEED OF RECORD IS INST. #2019-04144



I hereby certify that this land surveying document was prepared by me and the related field 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.

LUKE D. AHRENS P.L.S.
REG. NO. 24413 DATE 2021-01-13
MY LICENSE RENEWAL DATE IS 12/31/2021
PAGES OR SHEETS COVERED BY THIS SEAL:
THIS SHEET

ANNEXATION PLAT

SW1/4-SE1/4 SECTION 8-T83N-R23W, STORY COUNTY, IOWA



1519 BALTIMORE DRIVE
AMES, IOWA 50010
(515) 233-6100

SHEET
1
OF
1

ATTACHMENT C: EXPANDED AMES FRINGE PLAN AMENDMENT AREA



Proposed AUF Amendment Area