

COUNCIL ACTION FORM

SUBJECT: AMES URBAN FRINGE PLAN LAND USE CLASS MAP AMENDMENT TO DESIGNATE ADDITIONAL URBAN SERVICE AREA ALONG LINCOLN HIGHWAY AND NORTH 500TH AVENUE

BACKGROUND:

On April 15, 2021, the City Council voted to initiate a Minor Amendment to the Ames Urban Fringe Plan (AUFPP) Land Use Class Map for part of the land within the proposed annexation area. The area for the proposed change is on the north side of Lincoln Highway adjacent to and immediately west of the Ames corporate limits, extending (approximately 1500 feet) along Lincoln Highway to the Boone County line of North 500th Avenue and northward along North 500th Avenue (approximately 768 feet). It includes approximately 26.5 acres (*See Attachment A*). The remainder of the annexation area is already designated Urban Service Area.

The Applicant is the City of Ames, Planning & Housing Department. The property owners include: Flummerfelt Quail Ridge, LLC; Lemer Land Holdings, LLC; Brant Lemer; and Brian Adams. On April 20, 2021, the Story County Board of Supervisors also approved initiation of the proposed amendment.

The AUFPP is a shared land use plan for the 2-mile area around the City that was cooperatively developed by Story County, the City of Ames, and the City of Gilbert through a 28E intergovernmental agreement. The 28E Agreement lays out processes for annexation, subdivision, plan review and amendments for lands within the Fringe Area.

The AUFPP has two important layers of policies that are depicted on a Land Use Class map and a Land Use Framework map. The Land Use Class map designates property into one of three designations that then defines how subdivisions are reviewed and what type of land may be annexed into a City. The separate Land Use Framework Map identifies the types of acceptable uses in the Fringe area that match corresponding development policies of the Fringe Plan. **The 28E Agreement requires that before any land may be annexed into the City, the Land Use Class map for a property must have an 'Urban Service Area' designation, regardless of the Framework Map.**

The subject area is on the north side of Lincoln Way between the Ames City boundary and North 500th Avenue. This area is designated as 'Highway Oriented Commercial' on the Framework map and as 'Rural/Urban Transitional' on the Land Use Class map. There is also a Convenience Commercial Node located at the corner of Lincoln Highway and 500th Avenue that identifies the future intent of use for the area in addition to its current classification. **The purpose of the proposed amendment is to change the current Fringe Plan Land Use Class from 'Rural/Urban Transition Area' to 'Urban Service Area' to allow for annexation into the City (*See Attachment B*).**

While the Highway-Oriented Commercial designation is part of the Rural/Urban Transition Area Land Use Class, Policy 10 (adopted in 2016) specifies that HOC land can pursue annexation if it is within the 'Urban Service Area' designation:

When Highway-Oriented Commercial property is within an Urban Service Area designation, a property may be annexed without a Land Use Framework Map Amendment. The intent of this option is to further the policies of the Convenience Commercial Node, specifically CVCN Policy 5.

Policy 5 of the Convenience Commercial Node (CVCN) states:

Require annexation by the City before land is developed or further subdivided. In some cases, depending on the initial square footage to be developed, type of commercial use, or timing of development, the City may determine that Convenience Commercial Node is to be rural in character and may not be required to be annexed until sometime after initial development.

These policies allow the Highway-Oriented Commercial designation to remain when there is also a Convenience Commercial Node that is part of the 'Urban Service Area' Land Use Class. This amendment is required to proceed with the annexation.

The 26.5 acres described for the Land Use Class designation of 'Urban Service Area' is consistent with the City's Land Use Policy Plan (LUPP) that includes this area within the Southwest I Allowable Growth Area (See Attachment C). **Changing the Fringe Plan allows the City to proceed with the expansion of the City consistent with the LUPP. The land also abuts city-controlled right-of-way along Lincoln Way and can be readily served by extensions of City water and sewer. Decisions regarding use, density, and infrastructure capacity would be addressed during annexation and rezoning approvals.**

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission considered the request at a Public Hearing on May 5, 2021. The Commission voted 6-0 to recommend approval of the proposed map change.

Resolution of the Board of Supervisors: On May 11, 2021, the Story County Board of Supervisors passed Resolution No. 21-88 supporting the proposed map change.

Resolution of the City of Gilbert: On May 3, 2021, the Gilbert City Council approved the amendment with adoption of Resolution 2021-05-01.

ALTERNATIVES:

1. Approve a Minor Amendment to the Ames Urban Fringe Plan Land Use Class Map from 'Rural/Urban Transition Area' to 'Urban Service Area' for the area extending westward from the current City boundary to the County line (approximately 1,500 feet along Lincoln Highway) and northward along North 500th Avenue (approximately 768 feet), comprising approximately 26.5 acres. (See *Attachments A and B*).
2. Deny the proposed Minor Amendment to the Ames Urban Fringe Plan Land Use Class Map.
3. Refer this request back to staff for more information.

CITY MANAGER'S RECOMMENDED ACTION:

The purpose of the proposed amendment is to change the current Fringe Plan Land Use Class from 'Rural/Urban Transition Area' to 'Urban Service Area' (See *Attachment B*). The requested change brings the Land Use Class map in line with anticipated growth of the City as reflected on the LUPP Growth Area map.

Both the area to the north of the subject property and to the south of Lincoln Highway are already designated 'Urban Service Area.' Changing the Land Use Class map to 'Urban Service Area' will allow the properties to proceed with the annexation process. The 'Urban Service Area' allows Ames to grow in an orderly manner where there is coordination of annexation with the timely and efficient extension of public facilities and services.

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

ADDENDUM

FRINGE PLAN DESIGNATIONS: (Attachment E includes relevant excerpts of the AUPF)

In determining LUPP map changes, it is important to consider the interface between adjacent uses. In this case, the requested change brings the Land Use Class map in line with anticipated growth of the City as reflected on the Growth Area map. Both the area to the north of the subject property and to the south of Lincoln Highway are already designated 'Urban Service Area.'

Lands designated 'Urban Service Area' are adjacent to the City limits and should be planned for urban development, with urban development standards, such as centralized water and wastewater services. These areas should be protected from any form of development that would constrain the efficient growth of the City. The policies of the Fringe Plan address these issues.

Rural Urban Transition Area

The land use class, Rural Urban Transition Area, is separate from the land use designation, Highway Oriented Commercial. Highway Oriented Commercial is categorized under the land use class, Rural Urban Transition Area. Note that the Rural Urban Transition also includes designations of Rural Residential, Priority Transitional Residential, Industrial, and others. The stated goals of the Fringe Plan for Rural Urban Transition Areas are "to be rural in character as it develops, but within an urban setting at some time in the future" [page 19]. It also states that because of the proximity and/or juxtaposition in relation to city limits, development of these areas must be carefully orchestrated to be compatible with city development patterns.

Rural Urban Transition Area Goal 3.1 states, "Provide strategically located development in portions of the Urban Fringe that will not be served by the City of Ames or City of Gilbert in the time horizon of the Ames Urban Fringe Plan". Goal 3.4 discusses preserving the character of the rural countryside. Staff interprets that lands designated as Rural Urban Transition when abutting a city boundary should be viewed in context of being able to be served by a City with the potential for urban transition over preservation of rural character. Not all of the designations abut a City. These particular HOC designated lands should be identified as being in line with the transition intent to urban over the rural intent given its strategic location abutting the City's boundary.

Individual commercial development policies indicate that development should occur in an urban setting and would support the concept of annexation. Notably in November of 2016 the AUPF was amended to add an HOC policy to allow for annexation of HOC designated land when adjacent to a Convenience Commercial Node, which is an Urban Service Area feature.

"HOC Policy 10: When Highway-Oriented Commercial property is within an Urban Service Area designation, a property may be annexed without a Land Use Framework Map

Amendment. The intent of this option is to further the policies of the Convenience Commercial Node, specifically CVCN Policy 5.”

Urban Services Area

The Urban Service Area of the Fringe Plan is described as lands into which Ames may expand its municipal boundaries as development occurs adjacent to city limits and are intended to be urban in character. Typically, lands within this area are annexed as they are developed. Lands on the north side of Lincoln Way adjacent to the west side of the City are located within identified Allowable Growth Areas in the Ames Land Use Policy Plan (See *Attachment C*).

Based upon City planning efforts, this area along Lincoln Way can be classified as Urban Service Area and it is the more appropriate land use class at this location because of the stated Urban Service Area policies and the City’s own land use planning. All of the policies require or encourage development in an Urban Service Area to provide improvements consistent with the requirements of the City of Ames, which can only be done adequately when adjacent to the city boundary.

The **AUFP Land Use Framework Map** (See *Attachment D*) currently designates this area as Highway-Oriented Commercial with a Convenience Commercial Node. While HOC designation is intended to consider future annexation to the City, it also allows for rural uses. The Convenience Commercial Node provides for different policies related to more proactively ensuring development is consistent with policies of urbanization.

Convenience Commercial Node

Convenience Commercial Node is a designation that falls under the Urban Services Area classification. The intent of a commercial node is to provide nodes of commercial development at a neighborhood scale for conventional suburban residential development. Convenience Commercial Node policies encourage development that serves the immediate neighborhood, but in a manner and scale that would be compatible with the residential character of the surrounding neighborhood. A Convenience Commercial Node is defined to represent areas for “neighborhood scale commercial development for conventional suburban residential developments and support a population base of 2000-3000 persons within a one to two-mile radius.” [See page 39 of the Ames Urban Fringe Plan].

Where a commercial node is shown on the Ames Urban Fringe Map, Policy 5 specifically states that annexations should be required by the City before development or further subdivision occurs [Page 41]. A change in land use class from Rural Urban Transition Areas to Urban Service Area would not change the intent of the Ames Urban Fringe Plan, given the location of the Convenience Commercial Node designation and its proximity to the proposed site. A Convenience Commercial Node does not have a defined boundary but is intended to serve commercial development needs within the one – two-mile radius of a node location.

CAPACITY:

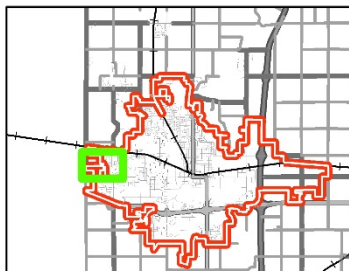
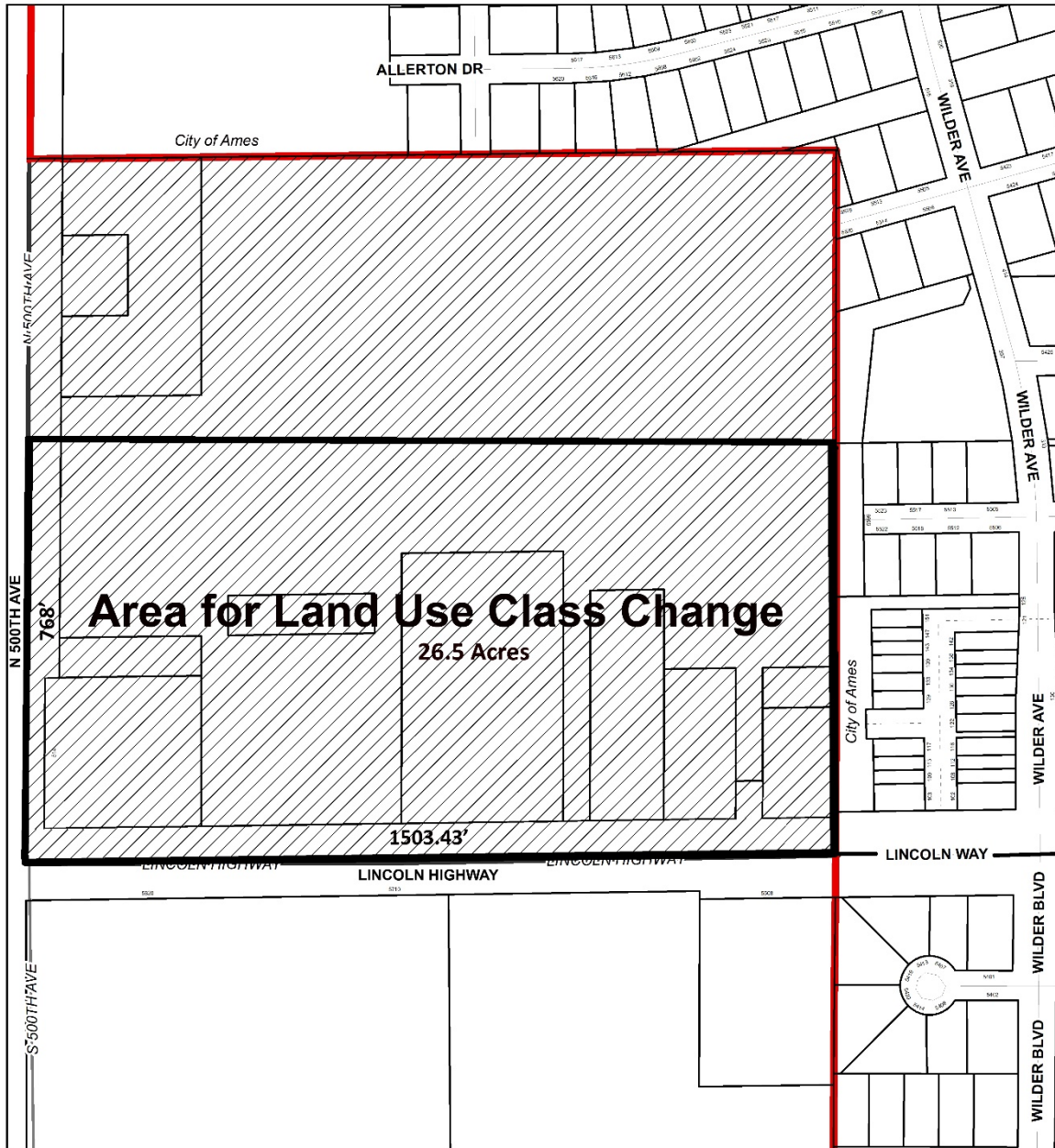
Examination of the suitability of available infrastructure, such as sewer and water capacity, storm drainage, and general circulation needs reveals:

The area has frontage on Lincoln Highway and North 500th Avenue. The City already maintains Lincoln Highway along the south side of the properties, which would serve as access to the area. Current traffic patterns in the area will not be impacted by the amendment. Prior to rezoning and development, a traffic study would be required.

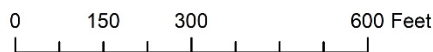
City sewer is stubbed at Durant Street, just east of the property. City water is stubbed at the City boundary. Once annexed, development of the properties would require the infrastructure to be extended to service the area. Future development will need to address storm drainage. The 'Urban Service Area' allows Ames to grow in an orderly manner where there is coordination of annexation with the timely and efficient extension of public facilities and services. All urban development is required to provide improvements consistent with the improvement standards, building codes, and service requirements adopted by the City of Ames to ensure adequate public facilities and building safety (USA Policy 2).

ATTACHMENT 'A'




Location Map



LOCATION MAP

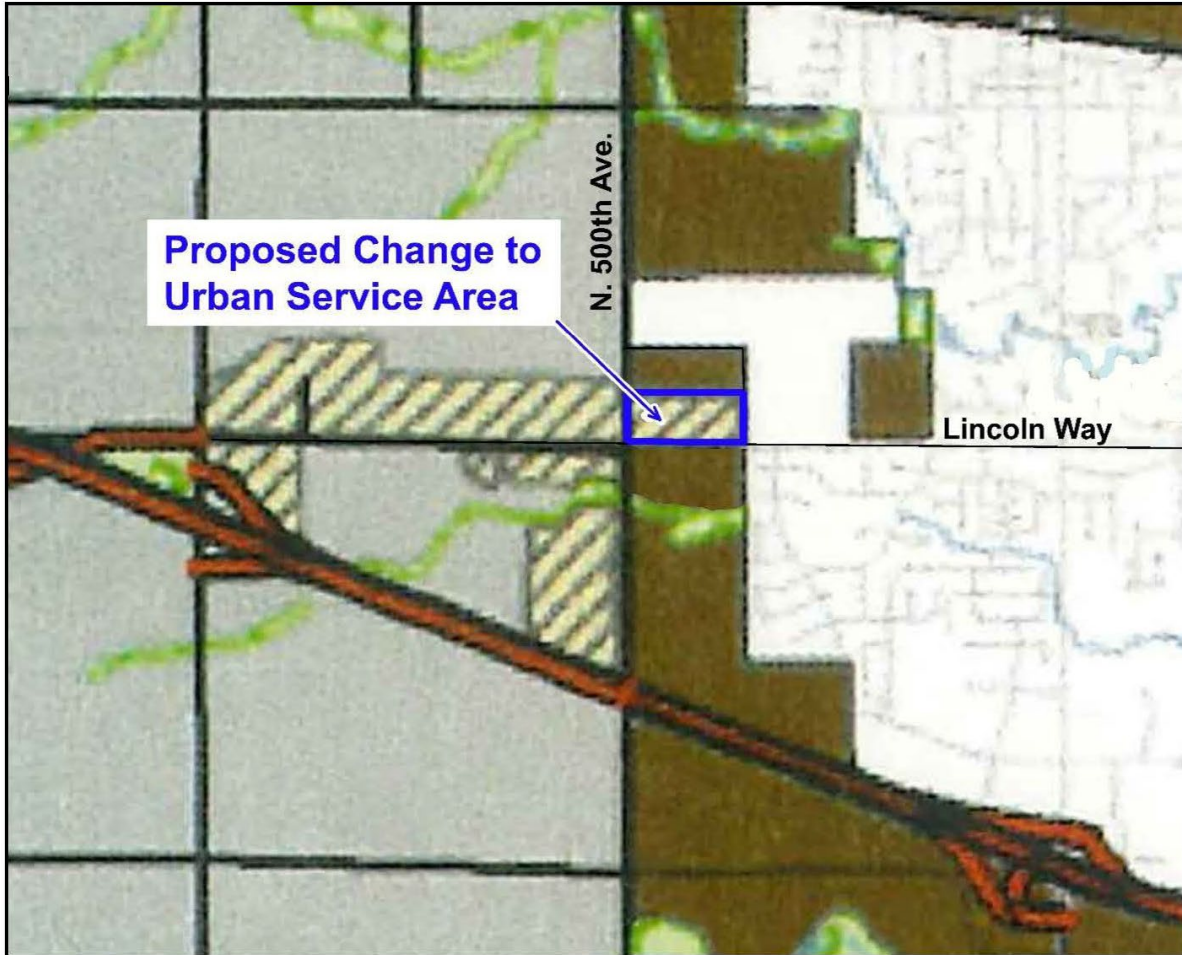


Legend




-  Annexation Territory
-  Parcels
-  City Boundary



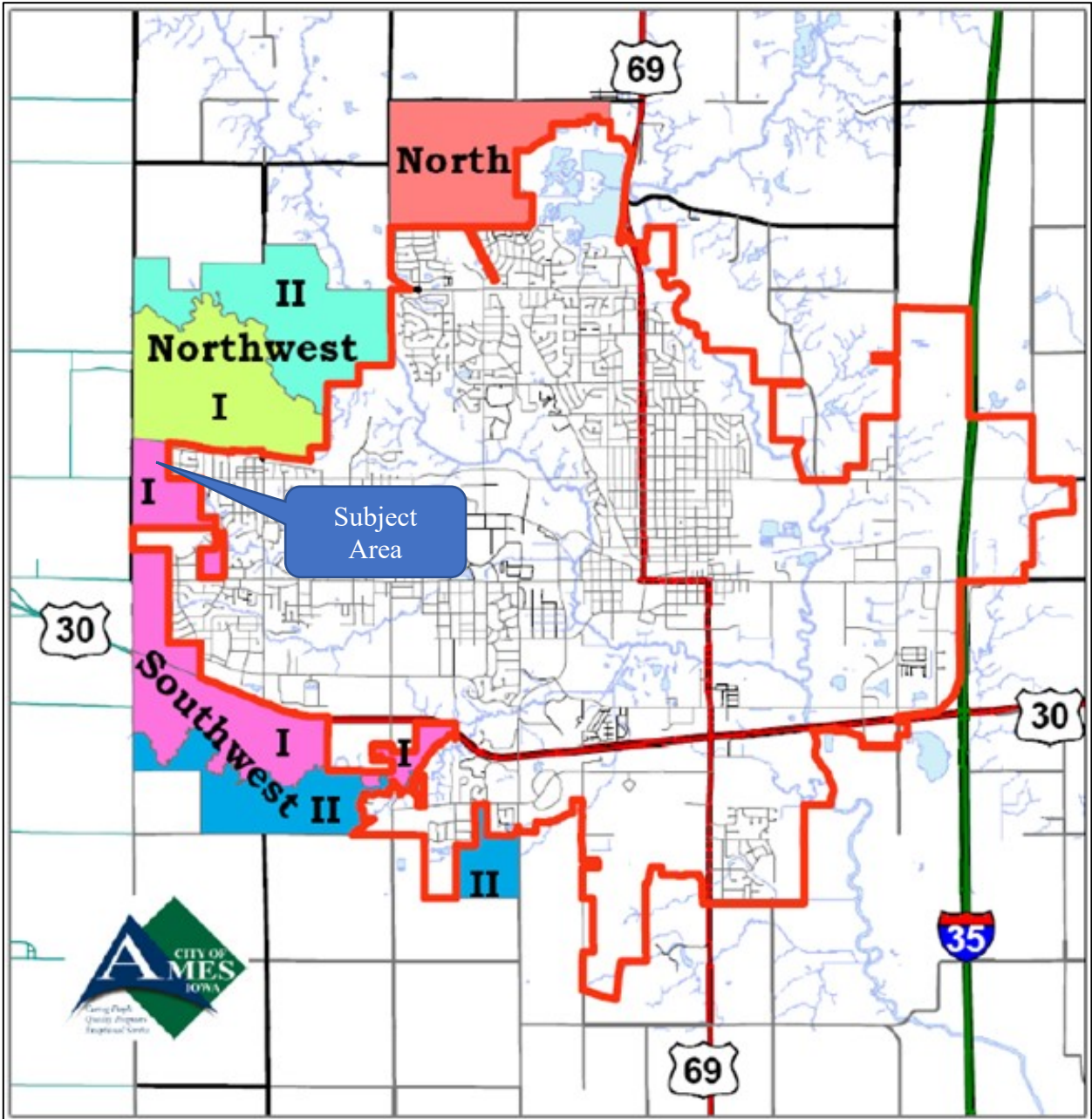
ATTACHMENT 'B'
Ames Urban Fringe Plan
LAND USE CLASS MAP (Excerpt)



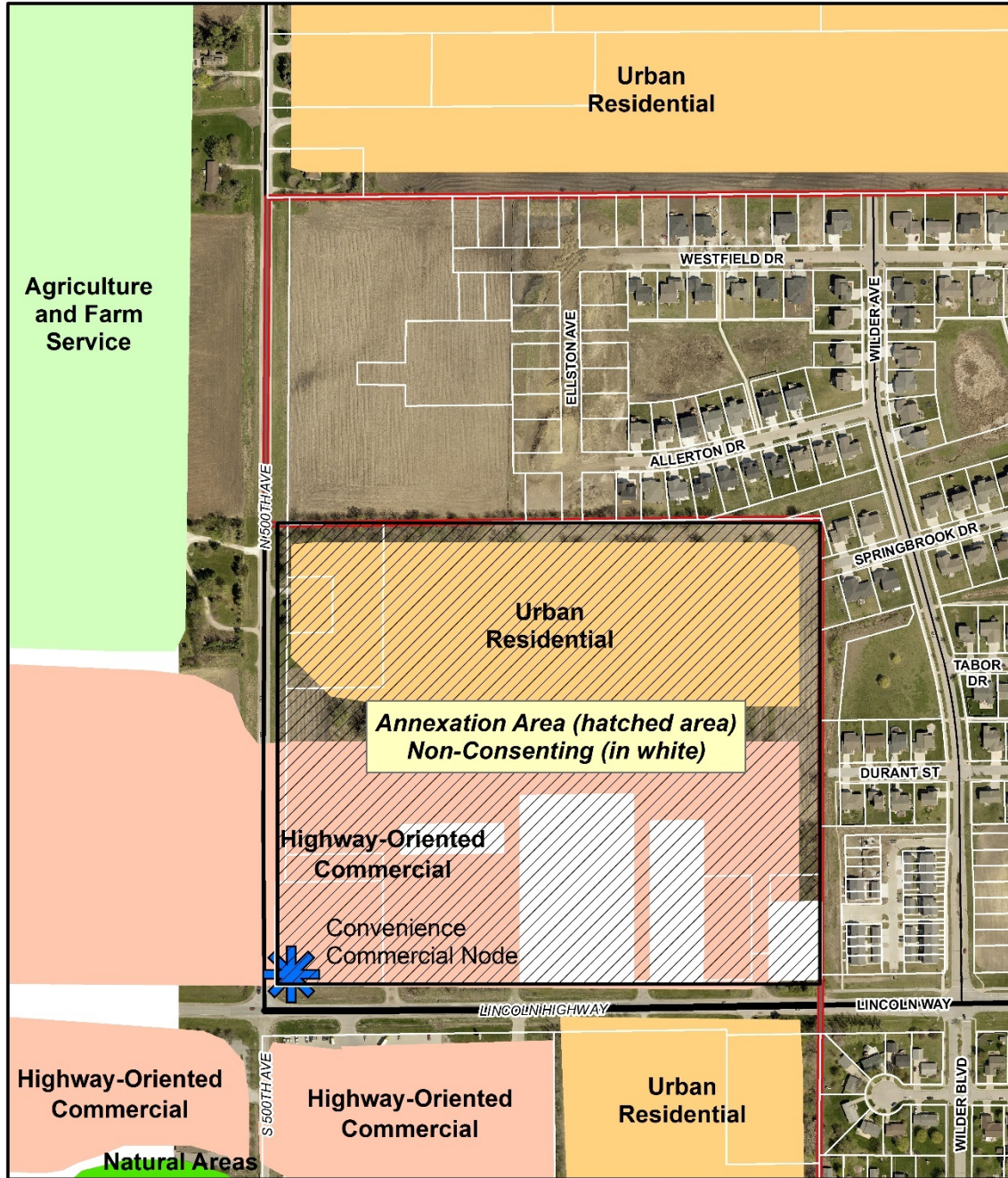
LEGEND:

-  - Rural Service and Agricultural Conservation Area;
-  - Rural/Urban Transition Area; and
-  - Urban Service Area.

ATTACHMENT 'C'
Allowable Growth Areas
(Excerpt from Land Use Policy Plan)



ATTACHMENT 'D'
Ames Urban Fringe Plan
LAND USE FRAMEWORK MAP (Excerpt)



Ames Urban Fringe Plan Map [Excerpt]

Prepared by City of Ames, Planning Division, March 2021



Attachment E: Land Use Policies (Excerpts from Ames Urban Fringe Plan)

Rural/Urban Transition Area

The Rural/Urban Transition Area is to accommodate rural development that can also be accommodated within municipal jurisdiction at some time, perhaps beyond the life of the Plan. This area coordinates public preferences for broad choices in rural development with orderly and efficient future transition between land uses within municipal limits and unincorporated areas. These areas are not necessarily expected to be developed under sole municipal jurisdiction during the life of the Plan, but because of their proximity and/or juxtaposition in relation to city limits, development of these areas must be carefully orchestrated to be compatible with city development patterns.

Key Issues and Goals for Rural/Urban Transition Area

The Rural/Urban Transition Area represents a critical intersection of county and city land use policies. It is here that the greatest potential for conflict among cooperating communities exists, and also where the greatest potential for public frustration over a non-unified planning approach exists.

Lands in the Rural/Urban Transition Area, if developed appropriately, can contribute to efficiently meeting the needs of the City of Ames and City of Gilbert to grow, while also helping to meet the market demand for larger residential lots in a rural setting. Lands identified for future industrial or commercial use are also included in the Rural/Urban Transition Area, but not all of this land will be utilized this way in the near future. Until such time that conversion of these land resources is justified, land in the Rural/Urban Transition Area designated for industrial or commercial uses is best maintained for agricultural production.

Because of the dual role of land in the area, the Rural/Urban Transition Area becomes the center stage for cooperative planning among the City of Ames, City of Gilbert, Story County, and Boone County. All have strong interests in the land use of the area, and may therefore seek to apply differing policies at different times, depending on the location of proposed development. Therefore, a clear outline of split jurisdictional responsibilities, shared goals, and clear expectations are needed.

Land Use

The Rural/Urban Transition Area is intended to create as smooth a transition as possible between rural and urban areas. Residential land uses occur, in some cases, at a density more typical of rural areas, while in other areas where city expansion is more likely in the near future, residential density is more typical of an urban area. Likewise, urban infrastructure standards may be applied in certain critical areas, while other areas are subject only to the minimum urban standards necessary to smooth potential transition into city limits in the distant future.

Water and Wastewater

The provision of water and wastewater services in the Rural/Urban Transition Area will need to be carefully orchestrated to ensure that the needs of all cooperating communities are met, while unnecessary expenditures on urban-type services are eliminated where urban expansion is not

anticipated in the near future. In certain areas, the installation of dry sewer and water services may be necessary to ease the future rural-to-urban transition of development. Annexation and development agreements may also be necessary.

Transportation

The existing county road systems that include dirt, gravel, and hard-surfaced roads, will continue to be utilized within the Rural/Urban Transition Area. Boone and Story County shall have a limited paving program and generally will not pave roads or add new roads in this area unless and until traffic volume increases indicate the need to improve the system in order to provide safe roads. However, developer-funded additions to the road system are probable in keeping with city and county subdivision improvement standards. System expansions must be done within the fiscal means of the county and should provide flexibility to evolve as needs and technology change. The location and design of new facilities should be compatible with the Cities of Ames and Gilbert street networks and transportation plans. Street systems shall protect the character of existing areas. Transportation system planning is an on-going process that should be flexible, but comprehensive, open to public participation, and long-term focused.

Public Facilities and Services

Development within the Rural/Urban Transition Area should not expect the same level of public facilities and services as the urban growth areas of the City of Ames and City of Gilbert. New public facilities and services are likely to be built and provided in the urban growth areas as the cities develop. Services shall be provided as the density of population increases, making the provision for services efficient and cost-effective. In rural areas, the affected county will maintain its existing levels of law enforcement and emergency services.

In addition to the goals stated above for all areas, the following goals guide planning and management of land use in the Rural/Urban Transition Area.

RUTA Goal 3.1

Provide for strategically located development in portions of the Urban Fringe that will not be served by the City of Ames or City of Gilbert in the time horizon of the Ames Urban Fringe Plan.

RUTA Goal 3.2

To prepare non-agricultural development for efficient rural-to-urban transition.

RUTA Goal 3.3

To ensure that new development has safe and adequate water and wastewater service and other adequate facilities and that there is sufficient space for these facilities to be improved so that they may become public facilities.

RUTA Goal 3.4

To maintain the rural character of the surrounding countryside.

RUTA Goal 3.5

To maintain the county road system and effectively incorporate new subdivision roads and other system expansions in the existing and planned road system.

Urban Service Area

The Urban Service Area contains the lands into which Ames and Gilbert may expand its municipal boundaries as development occurs. This area is adjacent to city limits and should be planned for urban development, with urban development standards, such as centralized water and wastewater services. These areas should be protected from any form of development that would constrain the efficient growth of the communities. Inappropriate development includes low-density residential lots served by on-site wastewater treatment systems and other forms of rural development. This will enable Ames and Gilbert to grow in unison with the growth in the Ames Urban Fringe, in an orderly manner where there is coordination of annexation with the timely and efficient extension of public facilities and services.

Key Issues and Goals for Urban Service Area

Balanced, Smart Growth

Rural and city residents are affected by large lot, scattered development in the Urban Fringe. Development that occurs in a disorderly, unplanned pattern can create barriers to planned expansion of infrastructure and city boundaries. Infrastructure is expensive and barriers add unnecessary costs to the expansion and extension of services. Expansion of infrastructure is critical to the physical and economic health of each county, Gilbert, and Ames. Unplanned, sporadic residential growth also consumes areas ideal for agricultural uses. There are areas within the Urban Fringe where high value agricultural land needs to be preserved. There are also natural areas that are negatively affected by residential development. Sprawling development increases the area of conflict between agricultural uses and residential development. It is critical that the Ames Urban Fringe Plan provide better guidance for the timing and intensity of land use and development decisions.

Utility Capacity and Service Area Definition

Ames and Gilbert expect to grow beyond their current boundaries. Both communities have identified areas where infrastructure can be efficiently extended in the next 30 years. Property owners in the Urban Fringe have reasonable expectations for the extension of centralized water and sewer service in the future. Developed rural water suppliers provide rural levels of service; however, limited capacity for adequate fire protection exists.

On-site wastewater treatment systems can be used successfully by certain levels of non-urban development. These systems, however, are not ideal for suburban and urban-intensity development and are very costly when they fail. When these areas are annexed, conversion to urban-type wastewater treatment system is also very costly, for property owners as well as taxpayers. Requiring up-front installation of infrastructure or agreements for the development of infrastructure in order to install municipal water and sewer service will be required for development within the identified growth areas. When on-site systems are requested for planned areas outside of the growth area, these areas will be reviewed by their proximity or affect on the municipalities. Additional requirements for water and sewer services, both on-site and off-site, may be required in some locations.

Development in Identified Growth Areas

Identified growth areas delineate locations where the communities expect to support growth over the next 30 years. Development within these growth corridors will be required to provide the necessary infrastructure to support the expanding urbanized population. If interim development is allowed, it should not create a barrier to future infrastructure expansion and growth. Such development should entail explicit development and annexation agreements and may require the installation of “dry” sanitary and sewer systems – meaning installing the necessary water and sewer infrastructure that will eventually connect to municipal services. Since the growth areas provide undeveloped areas for planned growth for City of Ames and City of Gilbert development, these unincorporated areas should be reserved for annexation. Involuntary annexation should not occur unless it is determined that the affected community has sufficient capacity to serve the location with municipal infrastructure and services, including but not limited to public safety services, water, sewer, and road maintenance. However, reasonable availability of adequate municipal water and wastewater service does not mean that infrastructure will be extended to each vacant parcel. It means that the affected community, in review of the annexation, will provide for the extension of utilities to existing developed parcels in a reasonable time frame as specified in State of Iowa law.

Peripheral Development

There has been a proliferation of new parcels created through the plat of survey process. Historically, there has been little political resistance to these incremental, small subdivisions of land. This practice has created more intensive development without the consideration of the cumulative impacts. These developments form an obstacle to rational urban growth. Irregular platting of land becomes a prime motivation for defensive actions by the City of Ames because it provides obstacles to orderly city growth.

Rural Planning and Development Regulations

Rural residential development may consume valuable farmland, generate public services demands usually exceeding revenues from the development, often interfere with normal farm practices, and increases pressure on the conversion of farmland. Designated areas for rural development avoid creating barriers to the long-term growth of the City of Ames and City of Gilbert and the preservation of valuable farmland and farm economy.

Fiscal Planning

Development patterns impact the ability of Boone County, Story County, the City of Gilbert, and the City of Ames to provide public facilities and services generated by new development. The establishment of impact fees or “pay-as-you-grow” programs for new growth may be necessary to promote development in designated areas. Service and infrastructure capacity should be in place to serve designated growth areas. Development outside of service areas is costly and should be avoided or should be required to pay the expense of inefficient growth.

Development Review Process

Development review is the key implementation mechanism for the Ames Urban Fringe Plan. Defining a common and straightforward development review process for land use decisions in the Ames Urban Fringe, building on shared plan that identifies growth goals and objectives with specific growth policies, results in a common understanding of each other’s jurisdictions, goals, and objectives, and provides more streamlined and effective development decisions.

In addition to the goals stated above for all areas, the following goals guide planning and management of land use in the Urban Service Area.

USA Goal 4.1

Ensure that development and improvements in the Urban Fringe are consistent with Ames Urban Fringe Plan.

USA Goal 4.2

Ensure that new development has adequate public facilities.

USA Goal 4.3

Require new development to fund the cost of new improvements and services required by new development.

USA Goal 4.4

Coordinate infrastructure development and provision of services with applicable entities.

Highway-Oriented Commercial (HOC)

This designation applies to commercial land uses along arterial corridors that are primarily designed to accommodate the automobile. It is intended to provide for an orderly and efficient transition between existing or future urban areas and the rural, unincorporated areas.

HOC Policy 1: Highway-Oriented Commercial designation includes commercial uses that are more compatible with the characteristics of rural areas than with urban commercial corridors and centers.

HOC Policy 2: Strategically locate Highway-Oriented Commercial in targeted areas along high traffic transportation corridors. (Relates to RUTA Goal 3.2, 3.5)

HOC Policy 3: Give preference to clustering of uses in order to limit the short-term and long-term costs associated with infrastructure improvements and the distribution of public services. (Relates to RUTA Goal 3.2, 3.4)

HOC Policy 4: Require urban transportation infrastructure to meet the demands of high vehicular movement. (Relates to RUTA Goal 3.2, 3.3)

HOC Policy 5: Require full urban infrastructure standards under certain conditions such as location with respect to existing or planned urban infrastructure, intensity or size of development improvements, timing of development, development design, and commercial use, such as a restaurants, water intensive uses, or places designed for the gathering of people. Such urban infrastructure standards may include, but not be limited to, wastewater treatment and potable water distribution of sufficient size to support emergency services. If these improvements are not installed at the time of development, require infrastructure assessment agreements. (Relates to RUTA Goal 3.2, 3.3)

HOC Policy 6: Where the city does not require urban standards, require temporary common wastewater collection systems that meet IDNR and city specifications, and temporary common water distribution systems, such as wells or rural water services, that meet specifications of the City of Ames or City of Gilbert. Require agreements that if and when the property is annexed to a city, the land developer and/or landowner shall be responsible for the full cost of abandoning the rural systems and connecting to urban infrastructure. (Relates to RUTA Goal 3.2, 3.3)

HOC Policy 7: Make provisions to protect environmental resources, environmentally sensitive areas and adjacent Natural Areas. (Relates to RUTA Goal 3.4)

HOC Policy 8: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge according to IDNR, county and city standards. (Relates to RUTA Goal 3.4)

HOC Policy 9: Require annexation and development agreements to guide future transition of the subdivision/development into the City of Ames or City of Gilbert. (Relates to RUTA Goal 3.2)

HOC Policy 10: When Highway-Oriented Commercial property is within an Urban Service Area designation, a property may be annexed without a Land Use Framework Map Amendment. The intent of this option is to further the policies of the Convenience Commercial Node, specifically CVCN Policy 5.

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

Prepared by: City of Ames Legal Department, 515 Clark Avenue, Ames, IA 50010; Ph.: 515-239-5146

Return document to: City Clerk, City of Ames, 515 Clark Avenue, Ames, IA 50010

Legal Description: See Page 8.

PREANNEXATION AGREEMENT

Flummerfelt-Crane Annexation

WHEREAS this Pre-Annexation Agreement (the “Agreement”), dated for reference purposes, _____ day of _____, 2021, is made and entered into by and between the City of Ames, Iowa, and certain Consenting Property Owners (“Owners”) located in the vicinity of Lincoln Way and North 500th Avenue proposed to be annexed into the City of Ames, Iowa; and,

WHEREAS the Owners are titleholders of approximately 38.73 acres of real property, 34.69 without the right of way, shown in the attached Annexation Plat marked as Exhibit ‘A’ and hereafter described collectively as the “Real Estate;” and,

WHEREAS the Owners petitioned for annexation to the City of Ames and on March 23, 2021 the Ames City Council agreed to initiate the annexation subject to meeting certain conditions prior to approval of the annexation; and,

WHEREAS upon annexation to the City the properties will be rezoned to Agricultural zoning; and,

WHEREAS the Owners understand that for future development within the City that rezoning, and subdivision are necessary, and that certain public improvements will be required with development of the site; and,

WHEREAS, the City Council, after due and careful consideration, has concluded that the annexation of real estate described in Exhibit ‘A’ by the City on the terms and conditions hereinafter set forth would further the growth of the City, would provide for the harmonious development of the City, would enable the City to control the development of the area, and would serve the best interests of the City of Ames.

NOW THEREFORE, IN CONSIDERATION OF THE PROMISES AND THE MUTUAL COVENANTS AND AGREEMENTS HEREIN CONTAINED, IT IS HEREBY AGREED AS FOLLOWS:

SECTION 1. AGREEMENT PURSUANT TO IOWA CODE CHAPTER 368. This Agreement is made pursuant to and in accordance with the provisions of Iowa Code Chapter 368. The forgoing preambles and recitations are made a part of this Agreement.

SECTION 2. TERM. The term of this Agreement is from the date of the final approval of the annexation until the completion of rezoning and platting of the property.

SECTION 3. TRAFFIC STUDY. The Owners agree that a traffic study must be completed to analyze the impacts of development to the adjacent street system. The scope of the traffic study shall be defined by the City's Traffic Engineer, performed at the sole cost of the Owners and shall be completed prior to the rezoning of the property to a residential or commercial zoning district. Each Owner is individually and separately liable to the City for the cost of any all public improvements identified by the traffic study which are necessary to serve the development of the Owner's portion of the site.

SECTION 4. INFRASTRUCTURE EXTENSIONS. The Owners acknowledge that water and sewer lines must be extended into and through the site with the future development of the site. These extensions are at the sole expense of the Owners. Subdivision approval will determine the precise location and nature of these extensions, including the need for looping of a water main consistent with the City's Master Plan.

SECTION 5. STUBBED STREETS FROM SUNSET RIDGE SUBDIVISION. The Owners acknowledge that future development shall include the extension of stub streets from Sunset Ridge (Ellston Avenue, Springbrook Street, and Durant Street) into the development consistent with City standards. The extension of streets and their design will be determined with subdivision approval.

SECTION 6. PREVIOUSLY PLATTED COUNTY LOTS. The Owners agree that they will not seek approval of a building/zoning permit for any building on any lot within the Crestview Acres Subdivision and will instead replat the property in conformance with City zoning and subdivision standards.

SECTION 7. EFFECT OF NON-APPROVAL OF ANNEXATION. If the annexation is not approved, this agreement expires and becomes null and void.

SECTION 8. BINDING AGREEMENT. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns and shall be recorded and will apply to any subsequent plats and/or subdivisions of the Real Estate. This Agreement shall constitute a covenant running with the land and may be extended by any of the parties to the Agreement, including the City, by the filing of a verified claim. Upon the City's approval of a rezoning and replatting of the property, this agreement is considered complete and fully satisfied.

SECTION 9. EFFECT OF INVALID PROVISION. If any provision of the Agreement is held invalid, such invalidity shall not affect any of the other provisions contained herein.

SECTION 10. ENTIRE AGREEMENT. This instrument constitutes the entire agreement between the parties with respect to the subject matter thereof and supersedes all prior oral or written agreements, statements, representations, and promises. No addition to or change in the terms of this

Agreement shall be binding upon the parties unless it is expressed in a writing signed and approved by the parties.

SECTION 11. THIRD PARTY RELIANCE. Except as it may be expressly stated, nothing in this Agreement shall be construed as giving any person or entity, other than the parties hereto and their successors and permitted assigns, any right, remedy or claim under or in respect of this Agreement or any provision hereof.

SECTION 12. DEVELOPMENT STANDARDS. This Agreement does not anticipate all requirements or standards related to development of property and each Owner recognizes that rezoning and development of property is subject to city ordinances, policies and standards in effect at the time.

S I G N A T U R E P A G E S F O L L O W

Passed and approved on _____, 2021, by Resolution No. 21-_____
adopted by the City Council of the City of Ames, Iowa.

CITY OF AMES, IOWA

By:

John A. Haila, Mayor

Attest:

Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2021, by John A. Haila and Diane R. Voss, as Mayor and City Clerk, respectively, of the City of Ames, Iowa.

NOTARY PUBLIC

FLUMMERFELT QUAIL RIDGE, LLC

By **Flummerfelt's Pleasant Valley M.H.C., L.C.**, sole Member

By:

MICHAEL D. FLUMMFELT, Manager

By:

DIANE M. FLUMMERFELT, Manager

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2021, by Michael D. Flummerfelt and Diane M. Flummerfelt, as Managers of Flummerfelt's Pleasant Valley M.H.C., L.C., the sole Member of Flummerfelt Quail Ridge, LLC.

NOTARY PUBLIC

Dated _____, 2021.

JOHN R. CRANE

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2021, by
John R. Crane.

NOTARY PUBLIC

LEGAL DESCRIPTION – Exhibit ‘A’

Consenting Owners: (38.73 total acres)

Tract A: John R. Crane, 632 N. 500th Ave. Ames, IA 50014

Lots 39-44, except the West 27 feet thereof, and Lots 45-50, of Crestview Acres Subdivision, Story County, Iowa, containing 2.63 acres.

Tract B: Flummerfelt Quail Ridge, LLC, 113 Robin St. Ames, IA 50010

Lot A, except the South 90 feet thereof, Lots B, C and D, except the South 20 feet thereof, Lots 1 and 28-31, except the South 20 feet thereof, Lots 32-38, except the West 27 feet thereof, Lots 51-58, 60-81, 83, 87-106, 112-135 and 138-151 of Crestview Acres Subdivision, Story County, Iowa, containing 32.06 acres.

Non-Consenting Owners: (6.42 total acres)

Tract C: Brian M. Adams, 5507 Lincoln Hwy Ames, IA 50014

Lot 136, except the South 20 feet thereof, and Lot 137, Crestview Acres Subdivision, Story County, Iowa, containing 0.70 acres.

Tract D: Brant Lemer, 5615 Lincoln Hwy Ames, IA 50014

Lot 2, except the South 20 feet thereof, and Lots 110 and 111, Crestview Acres Subdivision, Story County, Iowa, containing 1.46 acres.

Tract E: Lemer Land Holdings, LLC, 5615 Lincoln Hwy, Ames, IA 50014

Lots 27 and E, except the South 20 feet thereof, Lots F and G, Lots 3-26 and the alleys lying between said Lots 3-8 and 9-14 and between Lots 15-20 and 21-26, all of Lots 84-86 and 107-109, Crestview Acres Subdivision, Story County, Iowa, containing 3.76 acres total.

Tract F: Lemer Land Holdings, LLC, 5615 Lincoln Hwy Ames, IA 50014

Lots 59 and 82, Crestview Acres Subdivision, Story County, Iowa, containing 0.50 acres total.

Right of Way: Story County, Iowa (4.04 acres)

The South 90 feet of Lot A in Crestview Acres Subdivision, the North 973.7 feet of the West 60 feet and the North 280 feet of the South 350 feet of the West 33 feet, and the South 70.00 feet, all in the Southwest Quarter of the Southwest Quarter of Section 6, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, containing 4.04 acres.

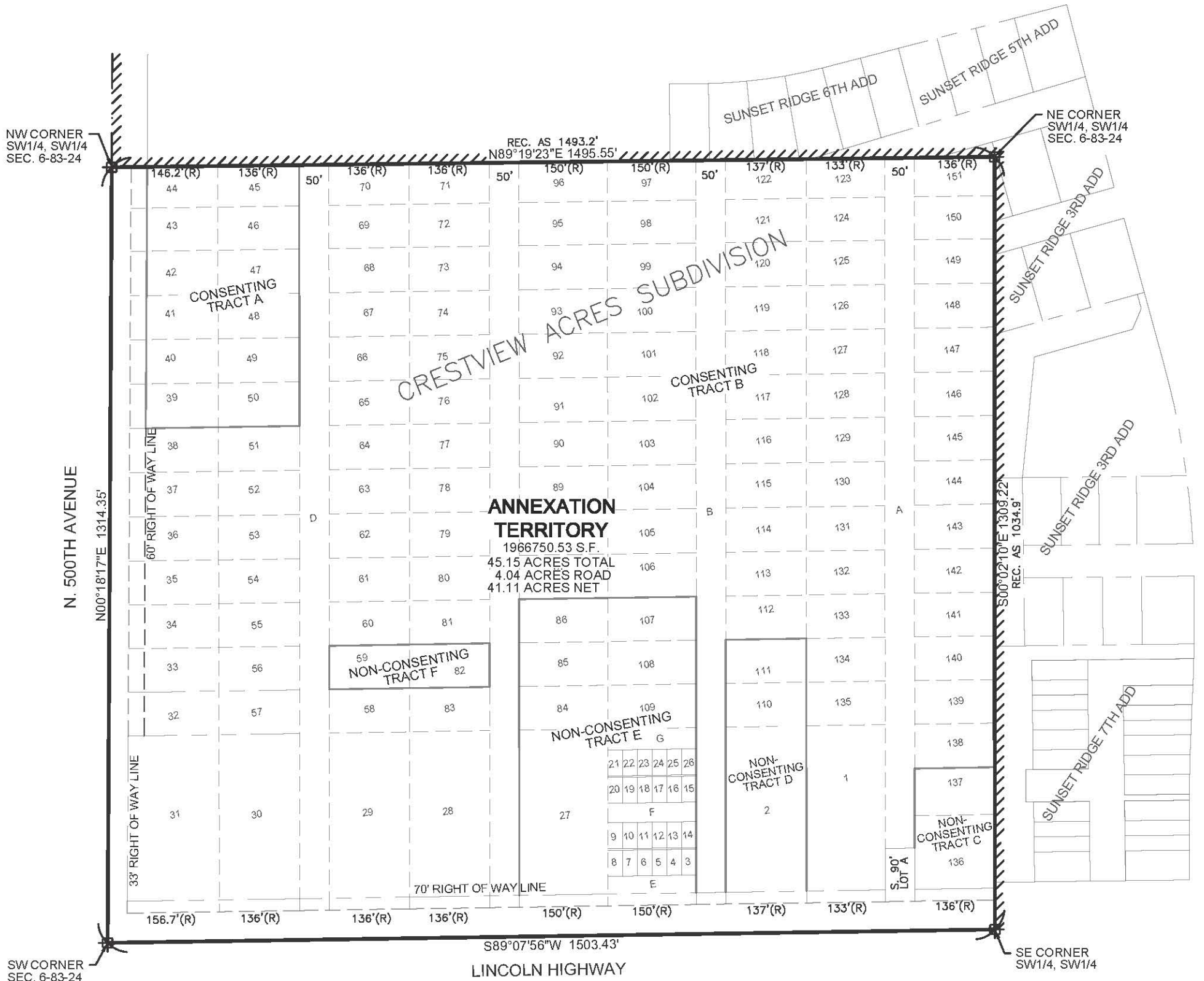
ANNEXATION PLAT (Attached)

ANNEXATION PLAT

LOCATION: THE SW1/4, SW1/4 OF SEC. 6-83-24
STORY COUNTY, IOWA

REQUESTED BY: CHUCK WINKLEBLACK

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



Legal Description - Annexation Territory:

The Southwest Quarter of the Southwest Quarter of Section 6, Township 83, Range 24 West of the 5th P.M., Story County, Iowa, containing 45.15 acres, which includes 4.04 acres of existing public right of way.

Note: This description includes all of Lots A-G and Lots 1-151, all in Crestview Acres Subdivision.

Property by Consenting Owners: (34.69 total acres in Tracts A & B)

Tract A: John R. Crane, 632 N. 500th Ave. Ames, IA 50014
Lots 39-44, except the West 27 feet thereof, and Lots 45-50, of Crestview Acres Subdivision, Story County, Iowa, containing 2.63 acres.

Tract B: Flummerfelt Quail Ridge, LLC, 113 Robin St. Ames, IA 50010
Lot A, except the South 90 feet thereof, Lots B, C and D, except the South 20 feet thereof, Lots 1 and 28-31, except the South 20 feet thereof, Lots 32-38, except the West 27 feet thereof, Lots 51-58, 60-81, 83, 87-106, 112-135 and 138-151 of Crestview Acres Subdivision, Story County, Iowa, containing 32.06 acres.

Right of Way: Story County, Iowa
The South 90 feet of Lot A in Crestview Acres Subdivision, the North 973.7 feet of the West 60 feet and the North 280 feet of the South 350 feet of the West 33 feet, and the South 70.00 feet, all in the Southwest Quarter of the Southwest Quarter of Section 6, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, containing 4.04 acres.

Property by Non-Consenting Owners: (6.42 total acres)

Tract C: Brian M. Adams, 5507 Lincoln Hwy Ames, IA 50014
Lot 136, except the South 20 feet thereof, and Lot 137, Crestview Acres Subdivision, Story County, Iowa, containing 0.70 acres.

Tract D: Brant Lemer, 5615 Lincoln Hwy Ames, IA 50014
Lot 2, except the South 20 feet thereof, and Lots 110 and 111, Crestview Acres Subdivision, Story County, Iowa, containing 1.46 acres.

Tract E: Lemer Land Holdings, LLC, 5615 Lincoln Hwy Ames, IA 50014
Lots 27 and E, except the South 20 feet thereof, Lots F and G, Lots 3-26 and the alleys lying between said Lots 3-8 and 9-14 and between Lots 15-20 and 21-26, all of Lots 84-86 and 107-109, Crestview Acres Subdivision, Story County, Iowa, containing 3.76 acres total.

Tract F: Lemer Land Holdings, LLC, 5615 Lincoln Hwy Ames, IA 50014
Lots 59 and 82, Crestview Acres Subdivision, Story County, Iowa, containing 0.50 acres total.



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.

5/19/21

DATE

