

**COUNCIL ACTION FORM**

**SUBJECT: INTIATION OF APPLICATION FOR VOLUNTARY ANNEXATION OF LAND LOCATED ALONG NORTH 500<sup>TH</sup> AVENUE NORTH OF LINCOLN WAY**

**BACKGROUND:**

An application for 100% voluntary annexation has been filed on behalf of the property owners of land located along North 500<sup>th</sup> Avenue just north of the Sunset Ridge Subdivision. The subject property is located in unincorporated Story County on 28.43 acres of land immediately north of the Sunset Ridge subdivision in west Ames. (Attachment A)

The land is owned by the Fen & Shu Huang Revocable Trust and Daisy Chuen Yuan Soong and is under contract to sell the property to the Hunziker Development Group. The property owner is being represented by Justin Dodge of Hunziker Development Group, LLC. The majority of the property is currently in agricultural production.

**The Ames Urban Fringe Plan identifies the area as Urban Residential consistent with its Land Use Policy Plan designation as the Southwest Growth Area. (Attachment B) The Urban Residential classification is applied to land that is anticipated to be annexed and developed to urban standards with village of traditional residential development. The land is also identified as Tier 1 land by the Plan 2040 growth scenarios as a readily serviceable property for development.**

The property has 111 feet of frontage along North 500<sup>th</sup> Avenue, which is a paved county road. Additionally, Wilder Avenue and Ellston Avenue located inside the city and within the Sunset Ridge Subdivision are stubbed for future access to the property. The developer intends to develop single-family detached homes on this property within the next two years. Staff has not reviewed any preliminary subdivision plans for the site.

A very small portion of the east edge of the subject property is within the area designated by the Federal Emergency Management Agency flood map as having a one percent likelihood of flooding in any given year. If annexed, that portion of the property would be designated as a Floodplain Fringe Overlay district in Chapter 9 of the Ames Municipal Code and development would need to follow all the procedures and standards of that ordinance.

The proposed application is for 100% voluntary annexation that does not include any non-consenting property, will not create any jurisdictional islands, and is not located within two miles of another municipal jurisdiction. The property is 28.43 acres, not including right-of-way. However, the property has four abutting property owners to the east, west, and north (six parcels total) that are in Story County. **Three properties to the west could be**

**included as an 80/20 annexation to create uniform boundaries along North 500<sup>th</sup> Avenue. The other three properties could only be included in the annexation if they were consenting landowners.**

If City Council decided to pursue an 80/20 annexation, an additional total of 5.68 acres (An equivalent of 20% of the land total in the voluntary annexation) could be annexed as non-consenting. **The three neighboring properties to the west along North 500<sup>th</sup> Avenue total approximately 4.6 acres and could be included in an 80/20 to help create a more uniform boundary along North 500<sup>th</sup> Avenue.**

Staff has not gauged the interest of any of the neighboring property owners to be included in the annexation request. Staff could reach out to the four owners at this time and send out letters to neighboring properties abutting this site outside to inform them of the request and to gauge their interest in being included in the annexation. (Attachment C)

**ALTERNATIVES:**

1. Accept the Application for 100% Voluntary Annexation for only the property in the request and direct staff to initiate the process of annexation. (Applicant's Request)
2. Accept the Application for Voluntary Annexation and direct staff to initiate the process of annexation for an 80/20 annexation process to annex two abutting properties along North 500<sup>th</sup> Avenue.
3. Defer taking action regarding the Application for Voluntary Annexation and direct staff to send a letter out to the four owners of abutting properties to gauge interest in being included in the annexation. Staff would return to Council later this summer to receive direction regarding the scope of the annexation.
4. Decline to initiate the requested annexation.

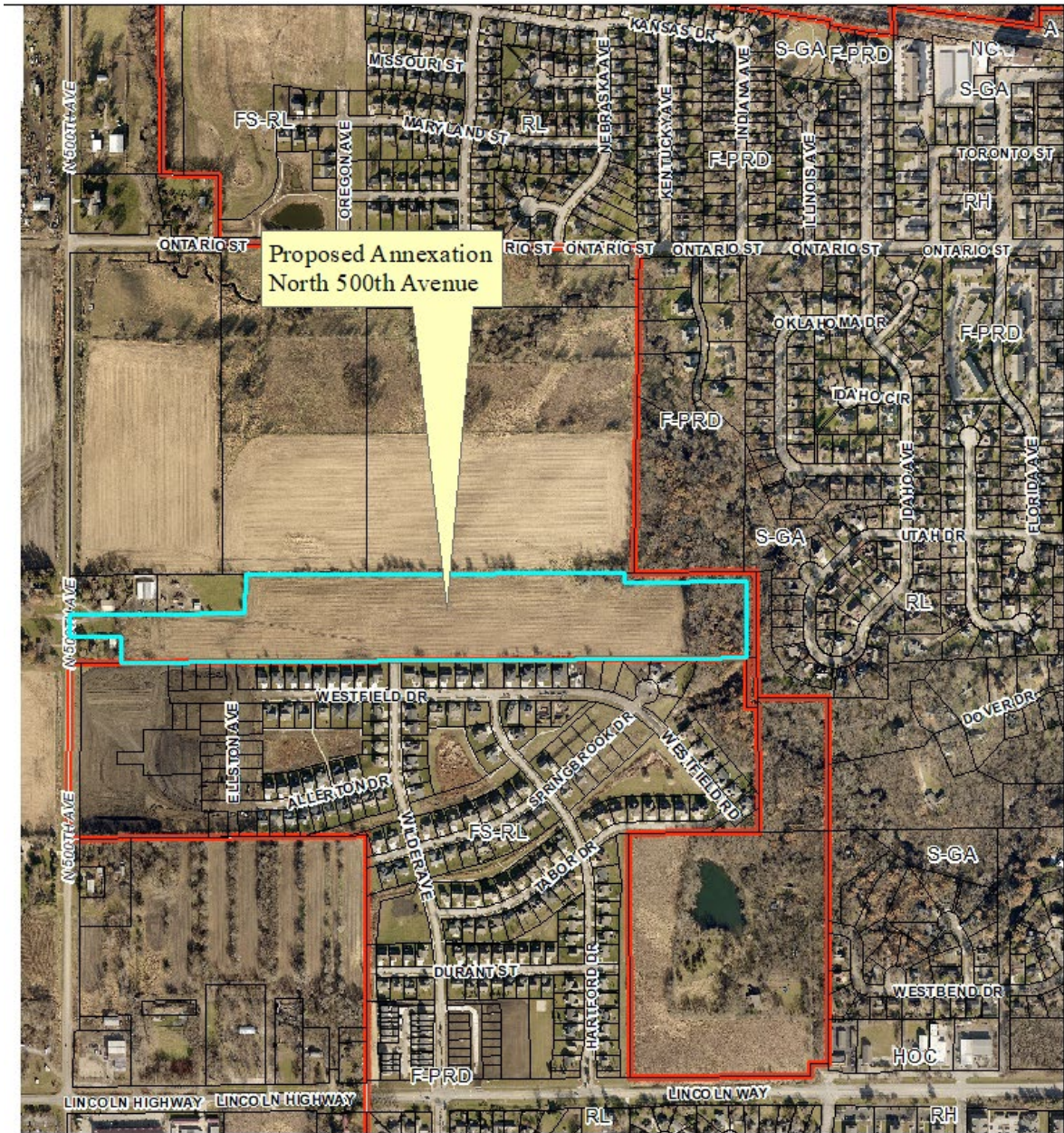
**CITY MANAGER'S RECOMMENDED ACTION:**

Staff has not reviewed development concepts from the property owner for this site, but believes that the site is readily developable for single-family homes based upon the current LUPP and Plan 2040 evaluations of this area. A trunk line sewer extension from Clear Creek to the west property line may potentially be needed to support future annexation to the west.

**At this time, staff prefers to learn more from the neighboring property owner interests to determine if they desire to voluntarily annex into the city or what concerns exist for them to consider doing so. This will provide staff a greater understanding of the potential for annexation beyond the property in this application to help create more uniform boundaries.**

**Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 3, as described above.**

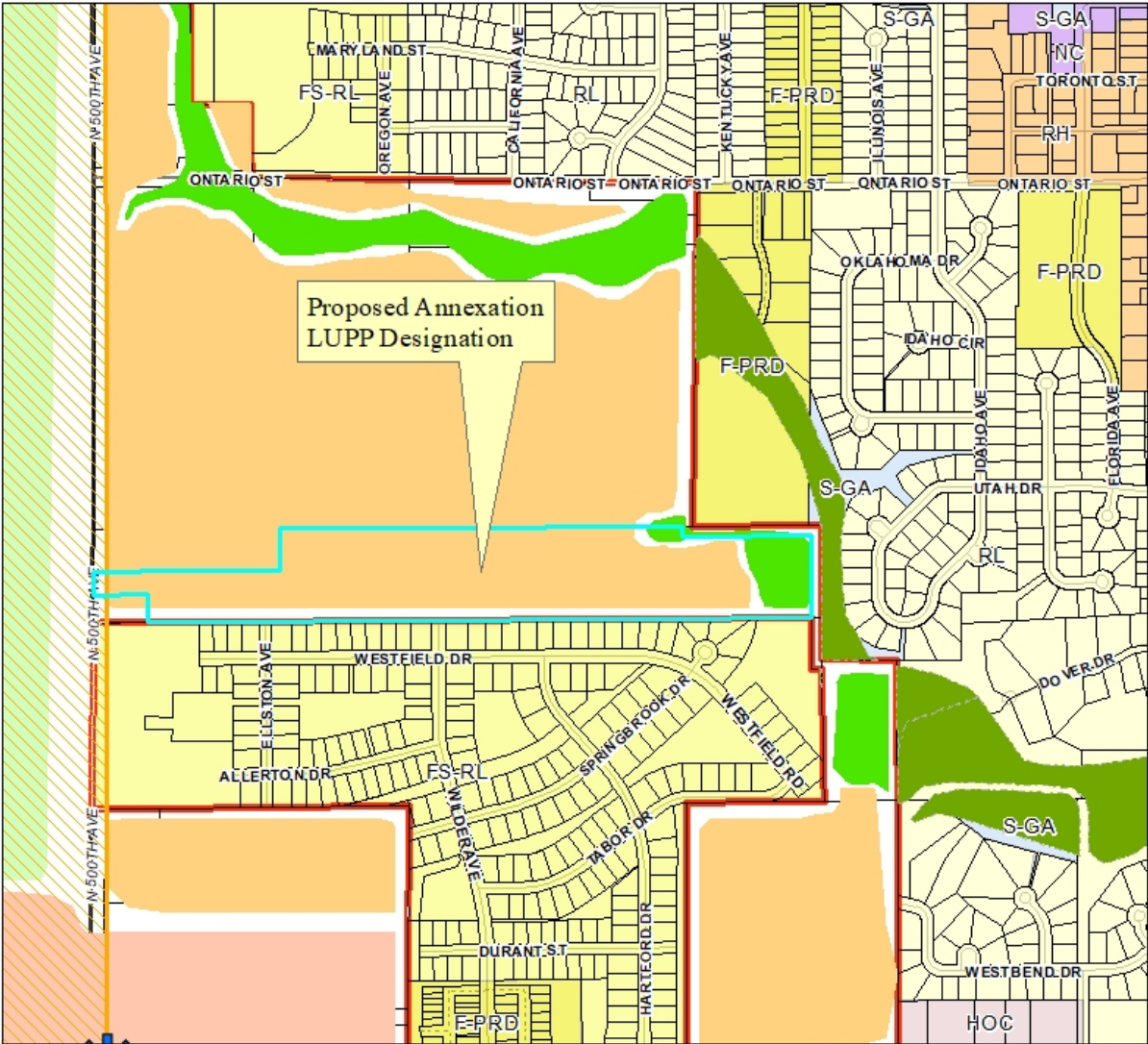
# Attachment A- Location Map



Proposed Annexation Location  
North 500th Avenue



# Attachment B- LUPP Designation



Proposed Annexation Location  
LUPP Urban Residential

- Legend**
- Greenway
  - General Industrial
  - Highway-Oriented Commercial
  - Industrial Reserve-Research Park
  - Industrial Reserve-Research Park
  - Agriculture and Farm Service
  - Mining Impacted
  - Natural Areas
  - Parks and Open Space
  - Planned Industrial
  - Priority Transitional Residential
  - Rural Residential
  - Rural Transitional Residential
  - Urban Residential
  - PARCELS
  - AMES INCORPORATED LIMITS



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JUN 08 2021

CITY OF AMES IA  
DEPT. OF PLANNING AND HOUSING

ANNEX-001227

Voluntary Annexation Petition  
Application Form

(This form must be filled out completely before your application will be accepted.)

1. **Property Address** for this Voluntary Annexation or a Description of the General Location if an Address has not been assigned: Property north of 768 N 500th Avenue (Property ID 09-06-300-120)

2. **Legal Description** (attach, if lengthy) Parcel N (see attached)

4. **Property Owner:** Fen & Shu Huang Revocable Trust and Daisy Chuen Yuan Soong

Business: \_\_\_\_\_

Address: 2109 Coneflower Court      Ames      IA      50014  
(Street)      (City)      (State)      (Zip)

Telephone: \_\_\_\_\_  
(Home)      (Business)      (Fax)

Please attach separate sheets for each Property Owner and Legal Description.

5. **Applicant:** Justin Dodge

Business: Hunziker Development Group LLC

Address: 105 S 16th Street      Ames      IA      50010  
(Street)      (City)      (State)      (Zip)

Telephone: \_\_\_\_\_  
(Home)      (Business)      (Fax)

6. **Contact Person:** same as applicant

Business: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street)      (City)      (State)      (Zip)

Telephone: \_\_\_\_\_  
(Home)      (Business)      (Fax)

E-mail address: justin.dodge@hunziker.com

### Signature Page

I (We) certify that I (we) am (are) familiar with applicable state and local codes and ordinances, the procedural requirements of the City of Ames and have submitted all the required information.

Legal Description: Parcel N (see attached)

Signed by: Shu Yuang Huang Date: June 8, 2021  
Property Owner(s)\*

Fen & Shu Huang Revocable Trust  
Print Name(s)

(Note: No other signature may be substituted for the Property Owner's Signature.)

State of Iowa

County of Story

Signed and sworn to (or affirmed) before me on June 8, 2021

by Shu Yuang Huang (name of person(s))

Marcia Krause (signature of Notary Public)

[Notary seal here]



Please attach additional Signature Pages for the notarized signature of all consenting Property Owner and Contract Buyer (if any). Original signatures for all consenting Property Owners and Contract Buyers (if any) must accompany this application

\* If a limited liability corporation, association, trust, non-profit organization, or any other legal entity owns the property proposed for voluntary annexation, an agent or agents responsible for the affairs of the legal entity must sign the application as the property owner(s). It must be noted that the assignee(s) is (are) acting on behalf of the legal entity. In addition, documentation, such as incorporation documents, must be included that show the assignee's (assignees') authority to act on behalf of the legal entity. If the property owner is a religious institution, a written explanation must be provided on the institution's letterhead that the person(s) signing the application can act on behalf of the institution. One or more established leaders of the religious congregation must also attest to the letter.

Signature Page

I (We) certify that I (we) am (are) familiar with applicable state and local codes and ordinances, the procedural requirements of the City of Ames and have submitted all the required information.

Legal Description: Parcel N (see attached)

Signed by: Shu Yuang Huang Date: June 8, 2021  
Property Owner(s)\*

Daisy Chuen Yuan Soong  
Print Name(s)

(Note: No other signature may be substituted for the Property Owner's Signature.)

State of Iowa

County of Story

Signed and sworn to (or affirmed) before me on June 8, 2021

by Shu Yuang Huang (name of person(s))

Marcia Krause (signature of Notary Public)

[Notary seal here]



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①

**Sellers**

The Fen & Shu Huang Revocable Trust

\*

By Shu Yuang Huang  
Shu Yuang Huang, Trustee

May 24, 2021  
Date

\*

Daisy Chuen Yuan Soong

By Shu Yuang Huang  
Shu Yuang Huang, Attorney-in-Fact

May 24, 2021  
Date

Shu Yuang Huang  
Shu Yuang Huang, Individually

May 24, 2021  
Date

**Buyer**

Hunziker Development Group, L.L.C.

By Charles E. Winkleblack  
Charles E. Winkleblack, Manager

May 24, 2021  
Date

By Justin R. Dodge  
Justin R. Dodge, Manager

5/24/2021  
Date



# Voluntary Annexation Petition

## Checklist

(This form must be filled out completely and the required information must be attached to this form before your application will be accepted.)

**The following information is required as part of the submittal of a Petition for Voluntary Annexation:**

- A **Legal Description** of the each property proposed for annexation, including the amount of land to be annexed. *(Please attach.)*
- A **Plat** that includes the following:
  - Boundaries of the property proposed for annexation, drawn to scale with North indicated. If the Voluntary Annexation request includes non-consenting owners needed to avoid creating an island or to create more uniform boundaries (as allowed by Chapter 368.7(1)(a) of the Code of Iowa), these must be included in the Plat. The Plat shall indicate which parcels are owned by consenting and which are owned by non-consenting owners.
  - The Plat must show the relationship of the subject property(ies) to the existing corporate limits. (For recording purposes, the County Recorder's office requires that the City of Ames corporate limits be clearly shown and labeled as "City of Ames Corporate Limits.")
  - The Plat must be prepared by a licensed professional surveyor. A previously prepared plat of survey or subdivision plat is acceptable.
- N/A  If the Voluntary Annexation request is within 2 miles of another city, the plat document must have the following notation on the Annexation Plat:  
"WITHIN TWO MILES OF \_\_\_\_\_".  
(City's name)

**Voluntary Annexation Petition**  
*Permission to Place a "Zoning Action Pending" Sign  
on Private Property*

(This form must be filled out completely before your application will be accepted.)

Section 29.1500(2)(d)(iii) of the Zoning Ordinance, requires that **notice shall be posted by the City on the subject property**. One notice sign shall be posted for each property. Required signs shall be posted along the perimeter of the subject property in locations that are highly visible from adjacent public streets **prior to the public hearing**.

The owner of property at \_\_\_\_\_ hereby grants the City of Ames permission to place "Zoning Action Pending" signs on the property for the purpose of informing interested persons of the request for action by the City of Ames.

*I understand that the signs will be placed on the property several days prior to action on the request by the Planning and Zoning Commission or the City Council, and may remain on the property until the request has been approved or denied by the City.*

Signed by: Shu Yuanyu Huang Date: June 8, 2021  
Property Owner  
(Note: No other signature may be substituted for the Property Owner's Signature.)

RECEIVED

JUN 08 2021

INST. NO. 03-24892

STORY COUNTY, IOWA  
FILED FOR RECORD

11:27 AM

DEC 15 2003 PM

CITY OF AMES IA  
DEPT. OF PLANNING AND HOUSING

SW

SUSAN L. VANDE KAMP, Recorder

REG. FEE \$21.02 AUD. FEE \$

PREPARED BY: BRIAN J. DIEHL LS 13644 WHKS & CO. 1412 6th ST. S.W. MASON CITY, IOWA 50401 --- (641) 423-8271

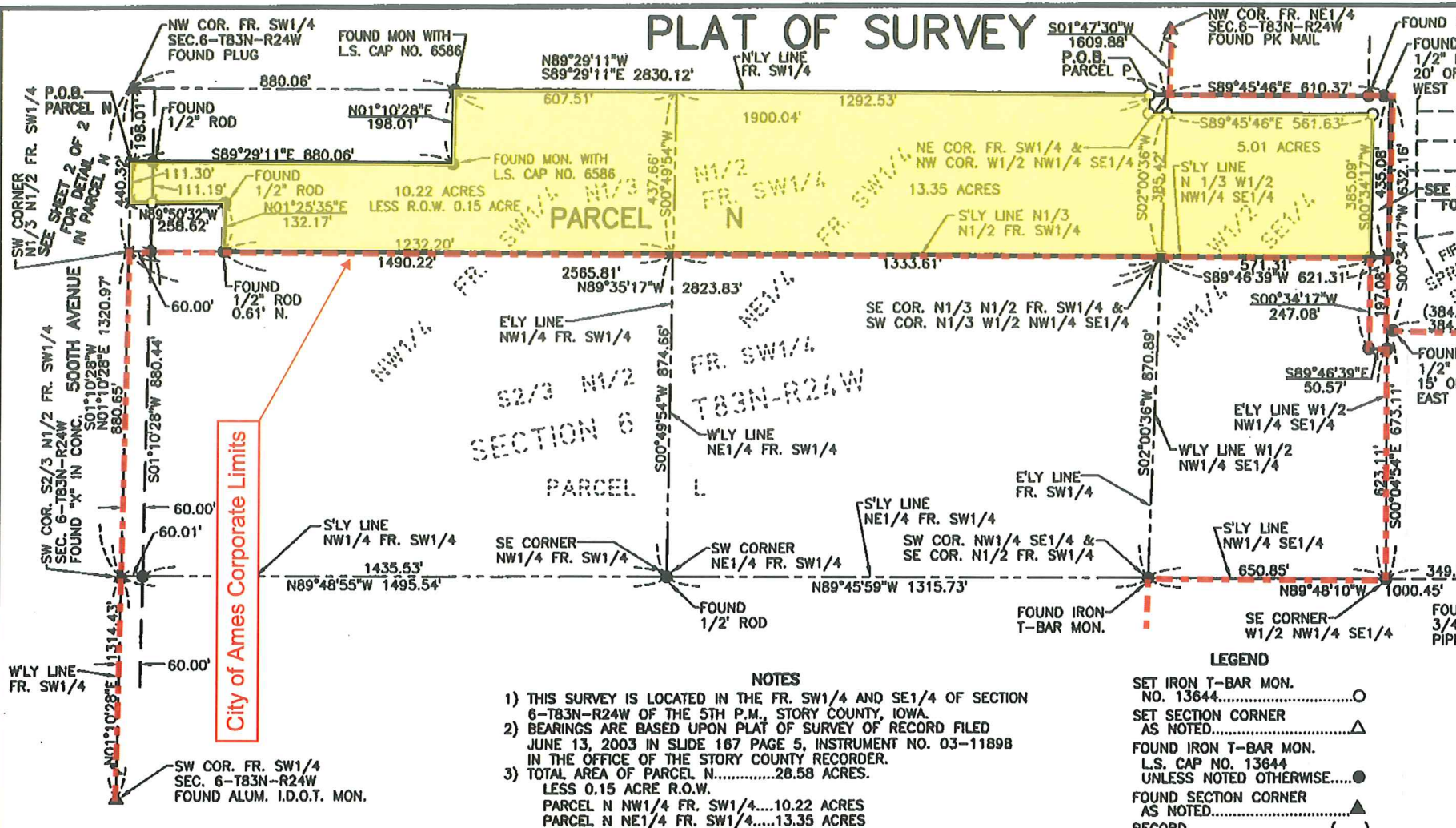
SURVEY REQUESTED BY:  
CHUCK WINKLEBLACK  
HUNZIKER & ASSOC.  
105 SOUTH 16TH STREET  
AMES, IOWA 50010

PROPRIETORS:  
TZAO-FEN HUANG AND SHU YUANG HUANG AS TRUSTEES OF  
FEN AND SHU HUANG REVOCABLE TRUST

**WHKS & CO.**

ENGINEERS PLANNERS LAND SURVEYORS

1421 SOUTH BELL AVE. SUITE 103 AMES, IOWA 50010  
515-663-9997



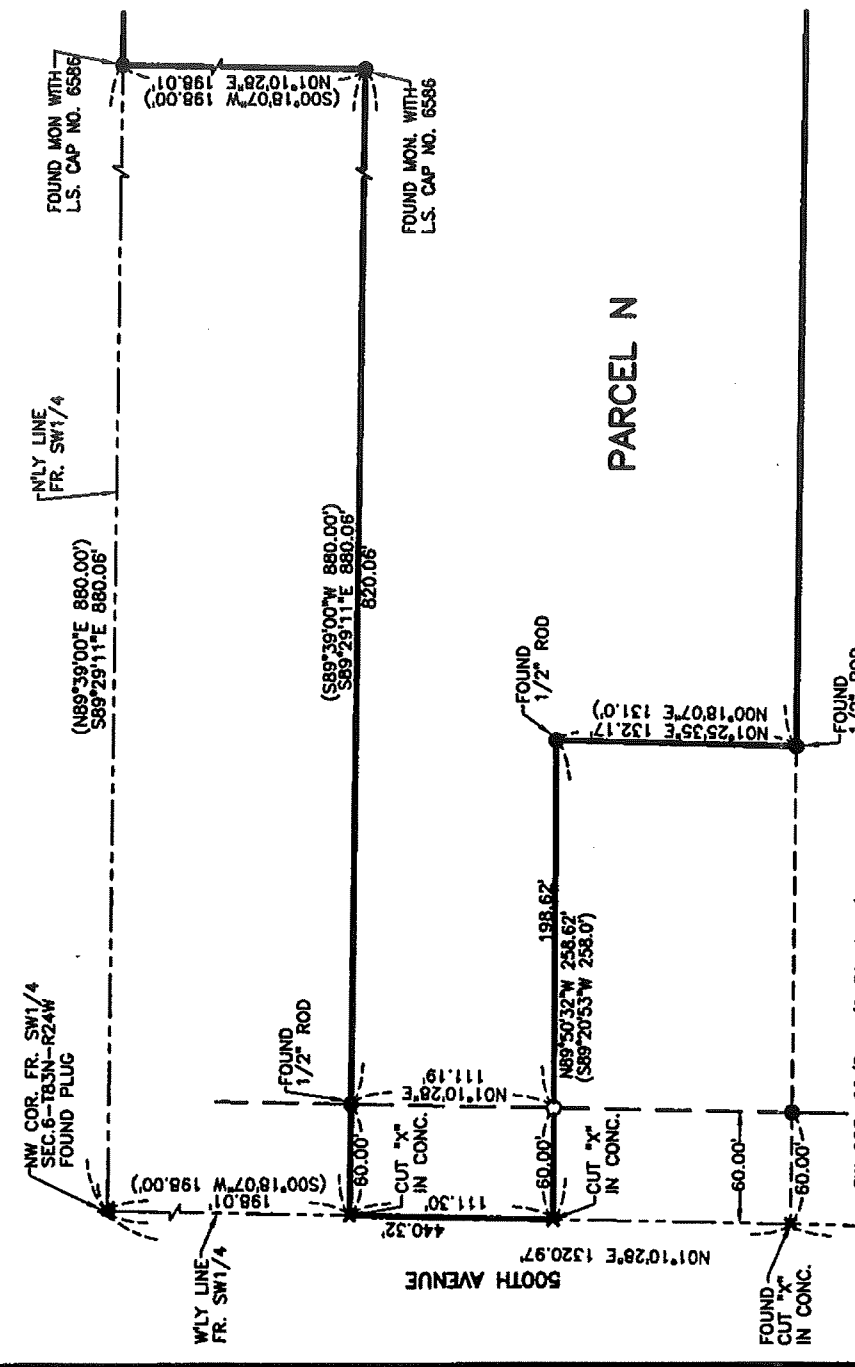
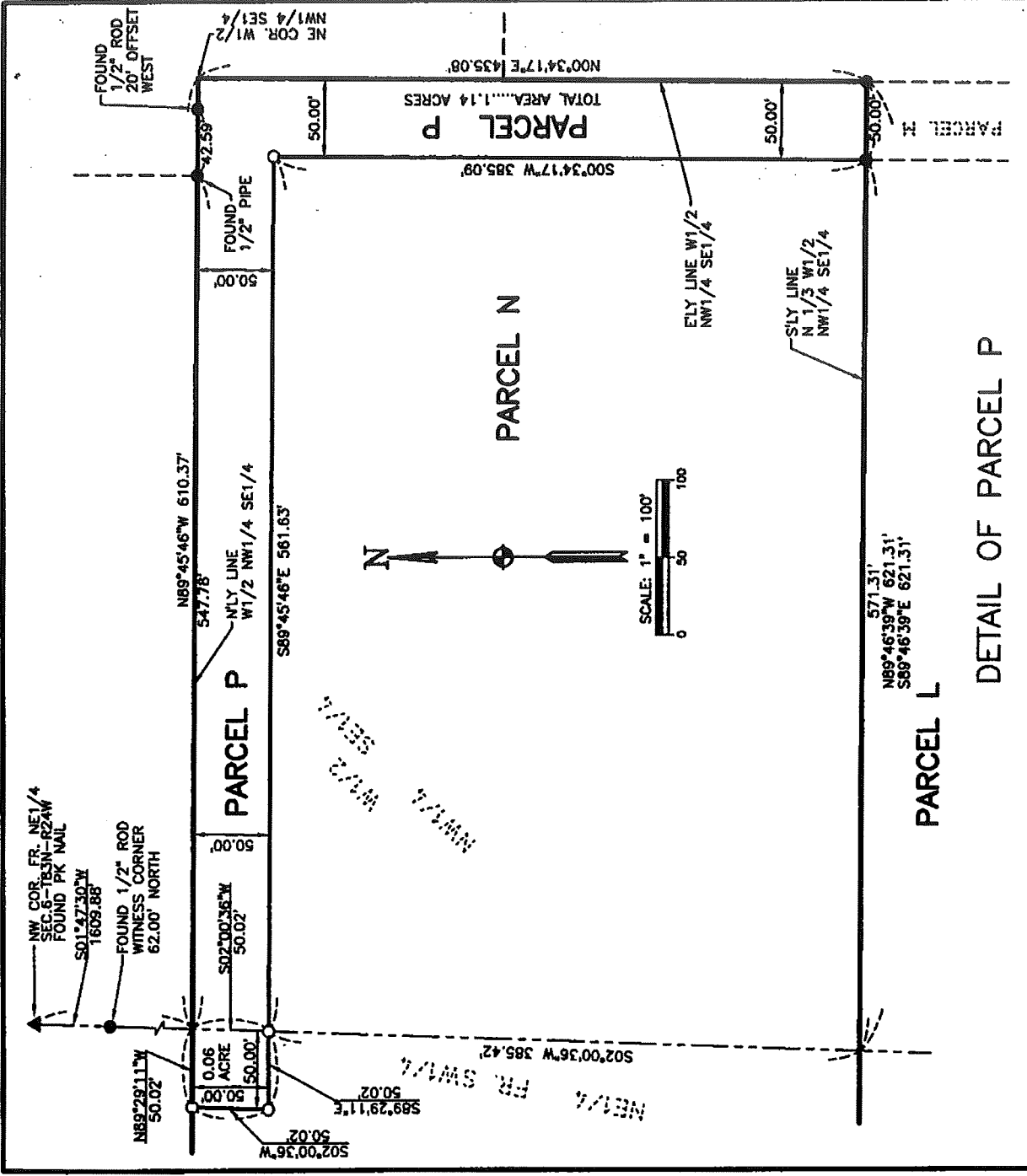
LICENSED LAND SURVEYOR

BRIAN J. DIEHL  
13644

IOWA

I hereby certify that this land surveying of the related survey work was performed by personal supervision and that I am a duly licensed under the laws of the State of Iowa.

Brian J. Diehl  
License number 13644.  
My license renewal date is December 31, 2003.  
Sheets covered by this seal: 3



#### DESCRIPTION OF PARCEL N

That part of the North One-Third of the North Half of the Fractional Southwest Quarter and that part of the North One-Third of the West Half of the Northwest Quarter of the Southeast Quarter, all in Section 6, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, described as follows: Commencing at the Northwest Corner of said Fractional Southwest Quarter; thence S 01° 10' 28" W, 198.01 feet (recorded as S 00° 18' 07" W, 198.00 feet) along the Westerly line of said Fractional Southwest Quarter to the Point of Beginning; thence S 89° 29' 11" E, 880.06 feet (recorded as S 89° 39' 00" W, 880.00 feet); thence N 01° 10' 28" E, 198.01 feet (recorded as S 00° 18' 07" W, 198.00 feet) to a point on the Northerly line of said Fractional Southwest Quarter; thence S 89° 29' 11" E, 1900.04 feet along said Northerly line to a point 50.00 feet Westerly, measured along said Northerly line, from the Northeast Corner of said Fractional Southwest Quarter; thence S 02° 00' 36" W, 50.02 feet along a line parallel with the Easterly line of said Fractional Southwest Quarter to a point 50.00 feet Southerly, measured at a right angle, from said Northerly line; thence S 89° 29' 11" E, 50.02 feet along a line parallel with said Northerly line to a point on said Easterly line, said point also being on the Westerly line of said West Half of the Northwest Quarter of the Southeast Quarter; thence S 89° 45' 46" E, 561.63 feet along a line parallel with the Northerly line of said West Half of the Northwest Quarter of the Southeast Quarter at a right angle, from the Easterly line of said West Half of the Northwest Quarter of the Southeast Quarter; thence S 00° 34' 17" W, 385.09 feet along a line parallel with said Easterly line to a point on the Southerly line of said North One-Third of the West Half of the Northwest Quarter of the Southeast Quarter; thence N 89° 46' 39" W, 571.51 feet along said Southerly line to the Southwest Corner of said North One-Third of the West Half of the Northwest Quarter of the Southeast Quarter, said point also being the Southeast Corner of said North One-Third of the North Half of the Fractional Southwest Quarter; thence N 89° 35' 17" W, 2565.81 feet along the Southerly line of said North One-Third of the North Half of the Fractional Southwest Quarter to a point 258.62 feet Easterly, measured along said Southerly line, from the Southwest Corner of said North One-Third of the North Half of the Fractional Southwest Quarter; thence N 01° 25' 35" E, 132.17 feet (recorded as N 00' 18' 07" E, 131.10 feet); thence S 89° 50' 32" W, 258.62 feet (recorded as S 89° 20' 53" W, 258.00 feet) to a point on said Westerly line; thence N 01° 10' 28" E, 111.30 feet along said Westerly line to the Point of Beginning; said Parcel N containing 28.58 acres subject to existing public road right of way across the Westerly 60.00 feet and also subject to any other easements of record.

#### DESCRIPTION OF PARCEL P

That part of the North One-Third of the North Half of the Fractional Southwest Quarter and that part of the North One-Third of the West Half of the Northwest Quarter of Southeast Quarter, all in Section 6, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, described as follows: Commencing at the Northwest Corner of said Fractional Southwest Quarter; thence S 01° 10' 28" W, 198.01 feet (recorded as S 00° 18' 07" W, 198.00 feet) along the Westerly line of said Fractional Southwest Quarter; thence S 89° 29' 11" E, 880.06 feet (recorded as S 00° 18' 07" W, 880.00 feet) to a point on the Northerly line of said Fractional Southwest Quarter; thence S 89° 29' 11" E, 1900.04 feet along said Northerly line to a point 50.00 feet Westerly, measured along said Northerly line, from the Northeast Corner of said Fractional Southwest Quarter, said point also being the Point of Beginning; thence S 02° 00' 36" W, 50.02 feet along a line parallel with the Easterly line of said Fractional Southwest Quarter to a point 50.00 feet Southerly, measured at a right angle, from said Northerly line; thence S 89° 29' 11" E, 50.02 feet along a line parallel with said Northerly line to a point on said Easterly line, said point also being on the Westerly line of the North One-Third of the West Half of the Northwest Quarter of said Southeast Quarter; thence S 89° 45' 46" E, 561.63 feet along a line parallel with the Northerly line of said West Half of the Northwest Quarter of the Southeast Quarter to a point 50.00 feet Westerly, measured at a right angle, from the Easterly line of said West Half of the Northwest Quarter of said Southeast Quarter; thence S 00° 34' 17" W, 385.09 feet along a line parallel with said Easterly line to a point on the Southerly line of said North One-Third of the North Half of the Fractional Southwest Quarter; thence N 89° 46' 39" E, 50.00 feet along said Southerly line to a point on said Easterly line; thence N 00° 34' 17" E, 435.08 feet along said Easterly line to the Northeast Corner of said West Half of the Northwest Quarter of the Southeast Quarter; thence N 89° 45' 46" W, 610.37 feet along said Northerly line to the Northwest corner of said West Half of the Northwest Quarter of the Southeast Quarter, said point also being the Northeast Corner of said Fractional Southwest Quarter; thence N 89° 29' 11" W, 50.02 feet along said Northerly line to the Point of Beginning; said Parcel P containing 1.20 acres subject to any easements of record.