

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 4909 WEST 190TH STREET IN STORY COUNTY

BACKGROUND:

The City's subdivision regulations are found in Chapter 23 of the Ames Municipal Code. These regulations include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or adjusting the boundary lines of existing tracts. These regulations also apply to divisions of land or boundary line adjustments in unincorporated Story County, except where the Urban Fringe Plan's 28E agreement has delegated authority to the County. In this situation there is joint authority with Story County over the proposed Plat of Survey.

Land owner, Ells and Elizabeth Cackler, are seeking a boundary line adjustment for property currently identified as 4909 West 190th Street in rural Story County within 2 miles of the Ames City limits. The existing three parcels are located on 83.46 acres along the west side of Ioway Creek. The majority area of the parcels are within the flood plain of the Ioway Creek. (See Attachment A). The owners currently reside in a home on the middle parcel. (See Attachment B)

The City Council discussed options related to dividing the Cackler's property at its August 24th meeting. It was determined at that time by Council the owners should pursue a boundary line adjustment in conformance with the Ames Urban Fringe Plan.

The proposed plat of survey (Attachment C) creates two parcels from the existing three parcels. The new parcels will be under the same ownership. The proposed new north parcel has no direct street frontage. The creation of two parcels (Parcels H & G) out of the existing three parcels is being done in order to construct a home on the new north parcel (Parcel H) in the future. The owner is providing access easement from 190th street to the new north parcel (Parcel H) as it will otherwise have no street frontage. This approach is consistent with Story County lot standards for A-1 zoning within the County.

The Urban Fringe land use designation in this area is Natural Area. This land use applies to environmentally sensitive areas, significant natural habitat, parks and open spaces and greenways. Much of the land in question is within a designated floodplain with a mixture of nearby woodlands and grassland. The Natural Area designation policies prevent subdivisions for new non-farm residential development but may include farm and non-farm residences existing at the time of adoption of the Urban Fringe plan.

This proposal creates one less lot after the boundary line adjustment and as a result is not creating any new developed lots that were not already developable under County regulations. The reduction of parcels in this case is seen to be within the development rights that the property owner currently has according to the County. One additional home can be built on the south parcel of the existing

property now. The proposed Plat of Survey creates no net gain of new residences here and instead shifts the buildable area from the current south parcel of the property to the new north parcel.

Story County subdivision regulations would permit the creation of this parcel by a Plat of Survey as a result of it being created from a legally created parcel. **Staff has consulted with the Story County Planning Department and have been informed the proposed Plat of Survey meets Story County requirements.** Story County will act to approve the proposed Survey after City of Ames review and approval.

Staff finds that the proposed plat of survey does not permit for more residential lots than can already be developed currently and therefore does not conflict with the intent of the Natural Area designation in the Ames Urban Fringe Plan.

Additionally, as a Boundary Line adjustment there are no required public infrastructure improvements associated with the proposal per City of Ames Subdivision standards. No waivers of subdivision requirements are requested and no covenants for future annexation are required.

Approval of this plat of survey 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, along with the resolution of approval in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can approve the resolution approving the plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 and 23.309 have been satisfied.
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 and 23.309 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 Code requirements and meets the intent of the Ames Urban Fringe Plan in rural Story County and has made a preliminary decision of approval. No infrastructure improvements are required consistent with the Urban Fringe Plan as no additional residential lots are created.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1.

**ADDENDUM
PLAT OF SURVEY FOR 4909 WEST 190th STREET**

Application for a 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)
- Other. *County division to create a parcel for conservation purposes.*

The site is located at: 4909 West 190th Street in rural Story County in the Ames Urban Fringe

Owners: Ells & Elizabeth Cackler
Parcel ID: 0518400405
 0518400100
 0518200305

New Legal Descriptions:

Survey Description - Parcel G:

A part of the East Half of the Southeast Quarter and part of the Northwest Quarter of the Southeast Quarter, all in Section 18, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, and all together being more particularly described as follows: Beginning at the Southeast Corner of said Section 18; thence N89°41'10"W, 1120.82 feet along the south line of said Section 18 to the Southeast Corner of an existing tract; thence N00°11'08"E, 250.00 feet to the Northeast Corner thereof; thence N89°41'10"W, 185.00 feet to the Northwest Corner thereof, said point being on the west line of the Southeast Quarter of the Southeast Quarter of said Section 18; thence N00°11'08"E, 1071.13 feet to the Northwest Corner of said Southeast Quarter of the Southeast Quarter; thence S89°57'49"W, 1317.03 feet to the Southwest Corner of said Northwest Quarter of the Southeast Quarter; thence N00°17'16"E, 734.98 feet along the west line thereof; thence N89°46'57"E, 420.43 feet; thence S30°46'13"E, 31.31 feet; thence S38°49'49"E, 231.31 feet; thence southeasterly, 78.69 feet along a curve having a radius of 205.00 feet, concave southwesterly, a central angle of 21°59'39" and being subtended by a chord which bears S61°40'31"E, 78.21 feet; thence N89°46'57"E, 777.76 feet; thence S33°04'04"E, 2175.05 feet to the point of beginning, containing 46.30 acres, which includes 0.84 acres of existing public right of way.

Survey Description - Parcel H:

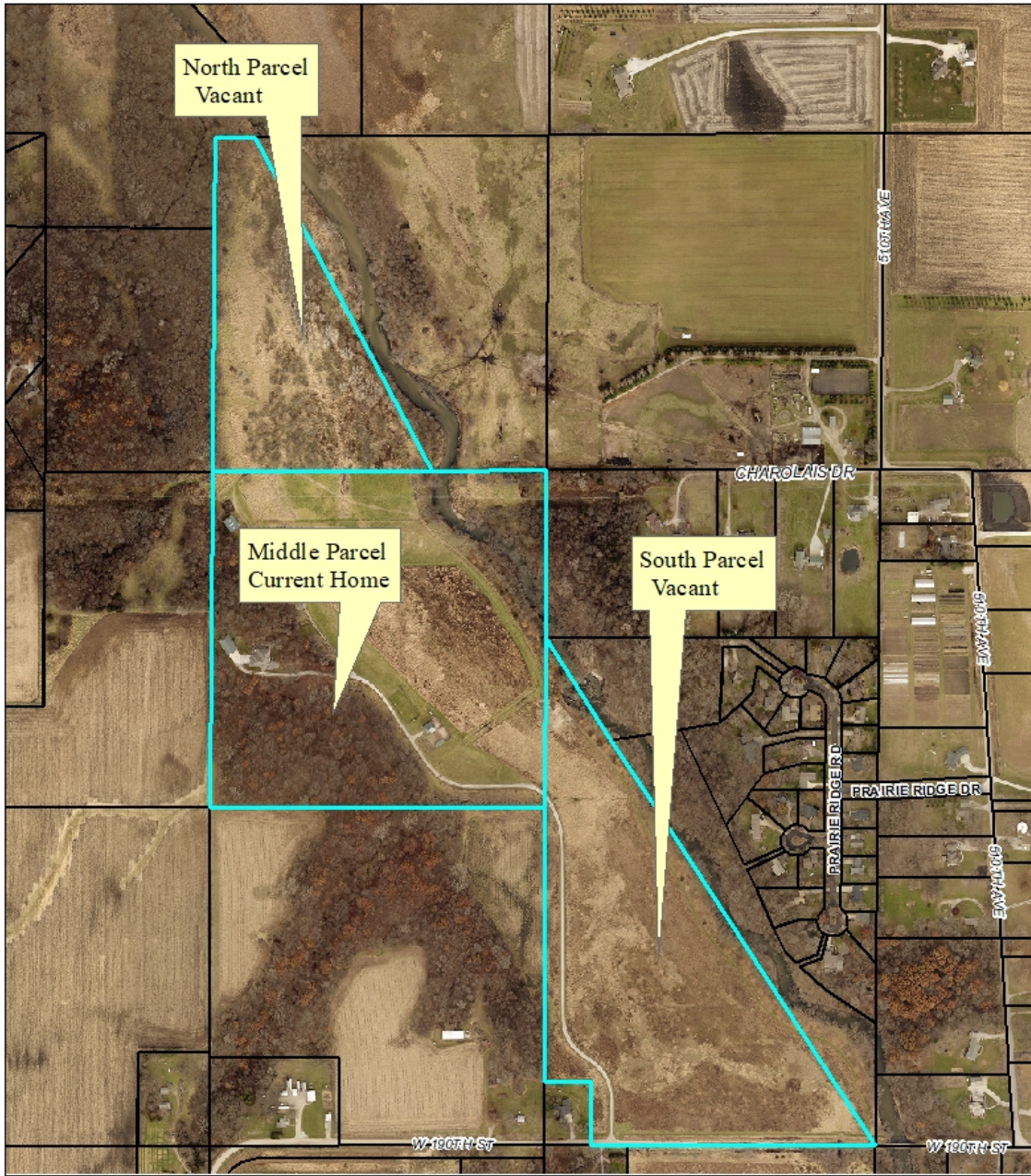
Parcel F in the Southwest Quarter of the Northeast Quarter, and part of the North Half of the Southeast Quarter, all in Section 18, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, and all together being more particularly described as follows: Commencing at the Southeast Corner of said Section 18; thence N33°04'04"W, 2175.05 feet to the point of beginning; thence S89°46'57"W, 777.76 feet; thence northwesterly, 78.69 feet along a curve having a radius of 205.00 feet, concave southwesterly, a central angle of 21°59'39" and being subtended by a chord which bears N61°40'31"W, 78.21 feet; thence N38°49'49"W, 231.31 feet; thence N30°46'13"W, 31.31 feet; thence S89°46'57"W, 420.43 feet to the west line of the Northwest Quarter of said Southeast Quarter; thence N00°17'16"E, 589.02 feet to the Center of said Section 18; thence N00°07'50"E, 1316.88 feet to the Northwest Corner of said Southwest Quarter of the Northeast Quarter; thence N89°33'50"E, 158.00 feet to the Northeast Corner of said Parcel F; thence S28°14'16"E, 1492.40 feet to the Southeast Corner thereof; thence N89°46'57"E, 447.59 feet to the Northeast Corner of said Northwest Quarter of the Southeast Quarter; thence S00°11'08"W, 660.76 feet to the Southwest Corner of Parcel A in the Northeast Quarter of said Southeast Quarter; thence S33°04'04"E, 206.33 feet to the point of beginning, containing 38.00 acres.

Public Improvements:

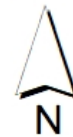
The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed plat of survey be:

- 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, as a boundary line adjustment

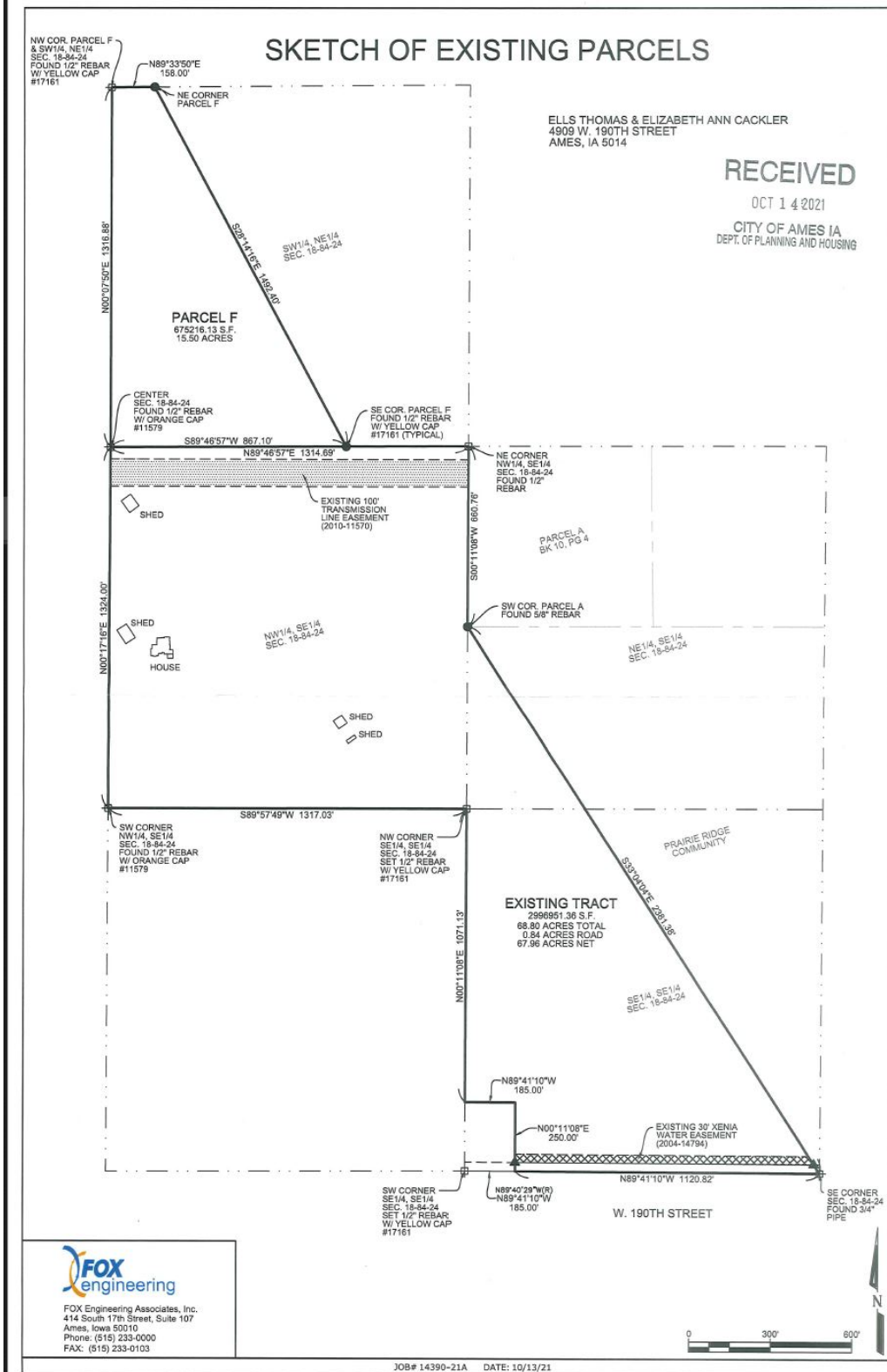
Attachment A- Location With Existing Parcels



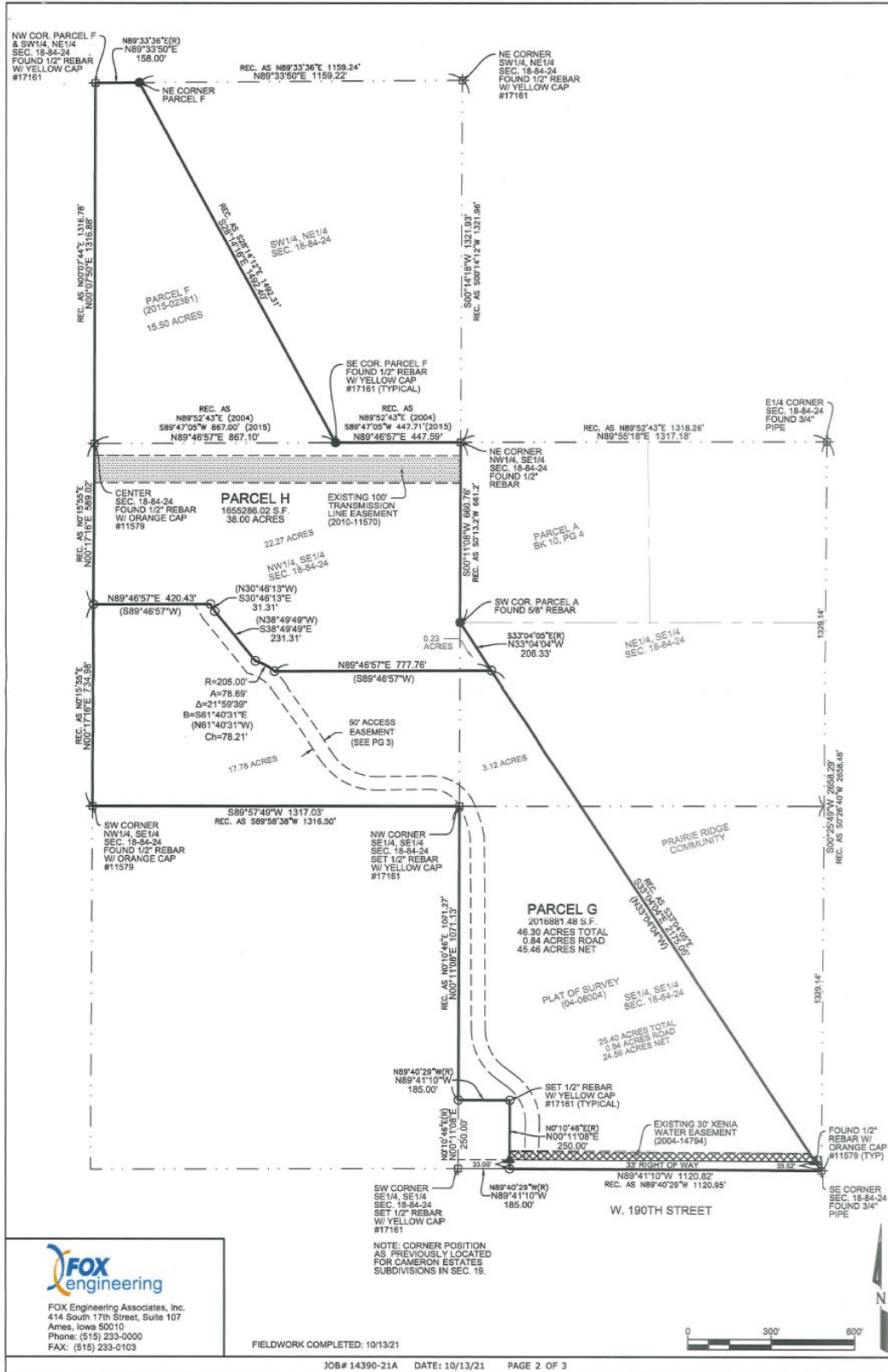
**Cackler Parcels
(Outlined in Blue)**



Attachment B- Existing Conditions



Attachment C- Plat of Survey



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