

ITEM #: 33  
DATE: 02-14-23  
DEPT: P&H

**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY FOR 4100 DAWES DRIVE (CONVEYANCE PARCEL) AND ACCEPTANCE OF RIGHT-OF-WAY DEDICATION**

**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. **The proposed plat of survey includes a dedication of right-of-way that requires acceptance by the City Council to allow for the Planning Director to approve the final plat of survey.**

This proposed plat of survey is for a parcel that was not previously platted and is considered a conforming conveyance parcel. The parcel is zoned Residential Low Density (RL) and was formerly the site of a single-family residence that was destroyed by fire. The remaining structure has been cleared from the site, leaving the site vacant.

**The purpose of the plat is to create a legal parcel for purposes of allowing building and zoning permits to be issued for the use of the site. All new construction would also be subject to meeting current zoning standards for setbacks and coverage.**

The proposed survey is composed of Parcel ‘AB’ and Tract ‘C’. Parcel ‘AB’ includes 19,248 sq. ft. (0.442 acres) and Tract ‘C’ includes 6,936 sq. ft. (0.16 acres). Tract ‘C’ is described for the purpose of the dedication of the right-of-way to the City (see Attachment B – Proposed Plat of Survey). The legal description is included in the Addendum. Dedication of the right-of-way prior to the recording of the plat of survey and prior to issuance of zoning or building permits is required to comply with the City’s Subdivision Code.

Parcel ‘AB’ was reviewed to ensure that the proposed lot dimensions and setbacks comply with the requirements found in the zone development standards of the Residential Low Density (RL). A graphical representation as well as a complete and accurate description of the parcel and right-of-way tract is included.

Plats of Survey for conveyance parcels are subject to review of needed infrastructure and dedication of right-of-way. The City reconstructed Dawes Drive in 2019 and did not construct a sidewalk on the west side of this street along this site’s frontage. There is an integrated sidewalk on the east side of Dawes and a trail to the rear of the site adjacent to Highway 69. With the reconstruction of Dawes and the limitations of right-of-way and topography along Dawes there are no additional improvements expected for this site.

Although the Planning and Housing Director is authorized to make a final decision of approval in writing for a conveyance parcel Plat of Survey, the dedication of the Dawes Drive right-of-way requires City Council approval. Approval of this Plat of Survey (Attachment B) will allow the Planning and Housing Director to sign the Plat, 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 the executed Warranty Deed, signed Plat of Survey, and certified resolution for recording in the office of the Story County Recorder. The applicant shall provide a copy of the recorded Warranty Deed, Plat of Survey, and certified resolution to the City Clerk. Once it is recorded, the property owner can proceed with obtaining building and zoning permits.

**ALTERNATIVES:**

1. Approve a resolution for the proposed plat of survey for 4100 Dawes Drive and accept the dedication of right-of-way with the attached warranty deed, thereby authorizing the Planning and Housing Director to approve the final Plat of Survey.
2. Deny the plat of survey on the basis that the requirements for plats of survey and dedication of right-of-way as described in Section 23.308 have not been satisfied.
3. Refer this back to staff for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

The conveyance parcel process was established in 2009 to create a means for property owners to bring parcels of land into compliance with the City's permitting processes. The goal was to establish usable and buildable parcels with a recorded survey in order to have measurable property lines. **Approving this proposed plat of survey will recognize the current parcel as a legal lot for permitting purposes. Approving the plat of survey as a conveyance parcel will not exempt the parcel from meeting zoning development standards for building, such as setbacks and coverage.**

Staff has determined that the proposed plat of survey satisfies all Subdivision Code requirements and has made a preliminary decision of approval. Parcel 'AB' conforms to the underlying zoning standards for lot requirements. Currently, the property owner has ownership to the middle of Dawes Drive. Tract 'C' identifies the right-of-way that will be dedicated to the City as part of 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.

**ADDENDUM  
PLAT OF SURVEY FOR 4100 DAWES DRIVE**

**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 23.311)
- Auditor's plat (per Code of Iowa Section 354.15)

**Owners:** Larissa Leigh Boeck & Katherine Elaine Farlow

**Existing Street Address:** 2021 Ferndale Avenue, Ames, IA 50010

**Assessor's Parcel #:** 05-2722-6060

**Legal Description:**

PARCEL 'AB' DESCRIPTION:

A PART OF LOT 6 LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 84 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF AMES, STORY COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 6 AND THE CENTERLINE OF DAWES DRIVE (OLD U.S. #69); THENCE N31°38'35"W, 148.70 FEET ALONG SAID CENTERLINE TO THE BEGINNING OF A 1199.28 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY 159.10 FEET ALONG SAID CENTERLINE AND SAID CURVE, WITH A DELTA OF 7°36'04"; THENCE N67°46'24"E, 33.00 FEET TO THE POINT OF BEGINNING AND TO THE BEGINNING OF A 1166.28 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY 204.15 FEET, WITH A DELTA OF 10°01'46" TO THE NORTH LINE OF SAID LOT 6; THENCE N88°31'45"E, 7.98 FEET ALONG SAID NORTH LINE TO THE WESTERLY CORNER OF PARCEL 'V' AS SHOWN IN INST. #2004-13159 IN THE STORY COUNTY RECORDER'S OFFICE; THENCE S59°49'04"E, 252.90 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL 'V'; THENCE S67°46'24"W, 178.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 19,248 SQ FT (0.442 ACRES).

TRACT 'C' DESCRIPTION:

A PART OF LOT 6 LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 84 NORTH, RANGE 24 WEST OF THE 5TH P.M.,

CITY OF AMES, STORY COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 6 AND THE CENTERLINE OF DAWES DRIVE (OLD U.S. #69); THENCE N31°38'35"W, 148.70 FEET ALONG SAID CENTERLINE TO THE BEGINNING OF A 1199.28 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY 159.10 FEET ALONG SAID CENTERLINE AND SAID CURVE, WITH A DELTA OF 7°36'04" TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWESTERLY 216.18 FEET ALONG SAID CURVE AND CENTERLINE, WITH A DELTA OF 10°19'42" TO THE NORTH LINE OF LOT 6; THENCE N88°31'45"E, 33.61 FEET ALONG SAID NORTH LINE TO THE BEGINNING OF A 1166.28 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY 204.15 FEET ALONG SAID CURVE, WITH A DELTA OF 10°01'46"; THENCE S67°46'24"W, 33.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6936 SQ FT (0.16 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. (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.

# Attachment A- Existing Conditions



**EXISTING LEGAL DESCRIPTION FROM INST. #2018-11055:**

PART OF LOT SIX (6) IN THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP EIGHTY-FOUR (84) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE THIRD RANGE, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF LOT 6 AND THE CENTERLINE OF DAWES DRIVE (OLD U.S. 69), THENCE NORTHWESTERLY 307.8 FEET ALONG THE CENTERLINE OF SAID DAWES DRIVE TO POINT OF BEGINNING; THENCE N 69°12' E 213.3 FEET; THENCE WEST 42.9 FEET ALONG THE NORTH LINE OF SAID LOT 6; THENCE WEST 42.9 FEET ALONG THE NORTH LINE OF SAID LOT 6 TO THE CENTERLINE OF DAWES DRIVE; THENCE WEST ALONG THE CENTERLINE OF DAWES DRIVE TO POINT OF BEGINNING AND CONTAINING 0.58 ACRES, MORE OR LESS, INCLUDING EXISTING ESTABLISH RIGHT-OF-WAY.

**EXISTING CONDITIONS**

PART OF LOT 6, NE1/4 NE1/4, SEC. 27, T84N, R24W IN THE CITY OF AMES, STORY COUNTY, IOWA

**BOLTON & MENK**

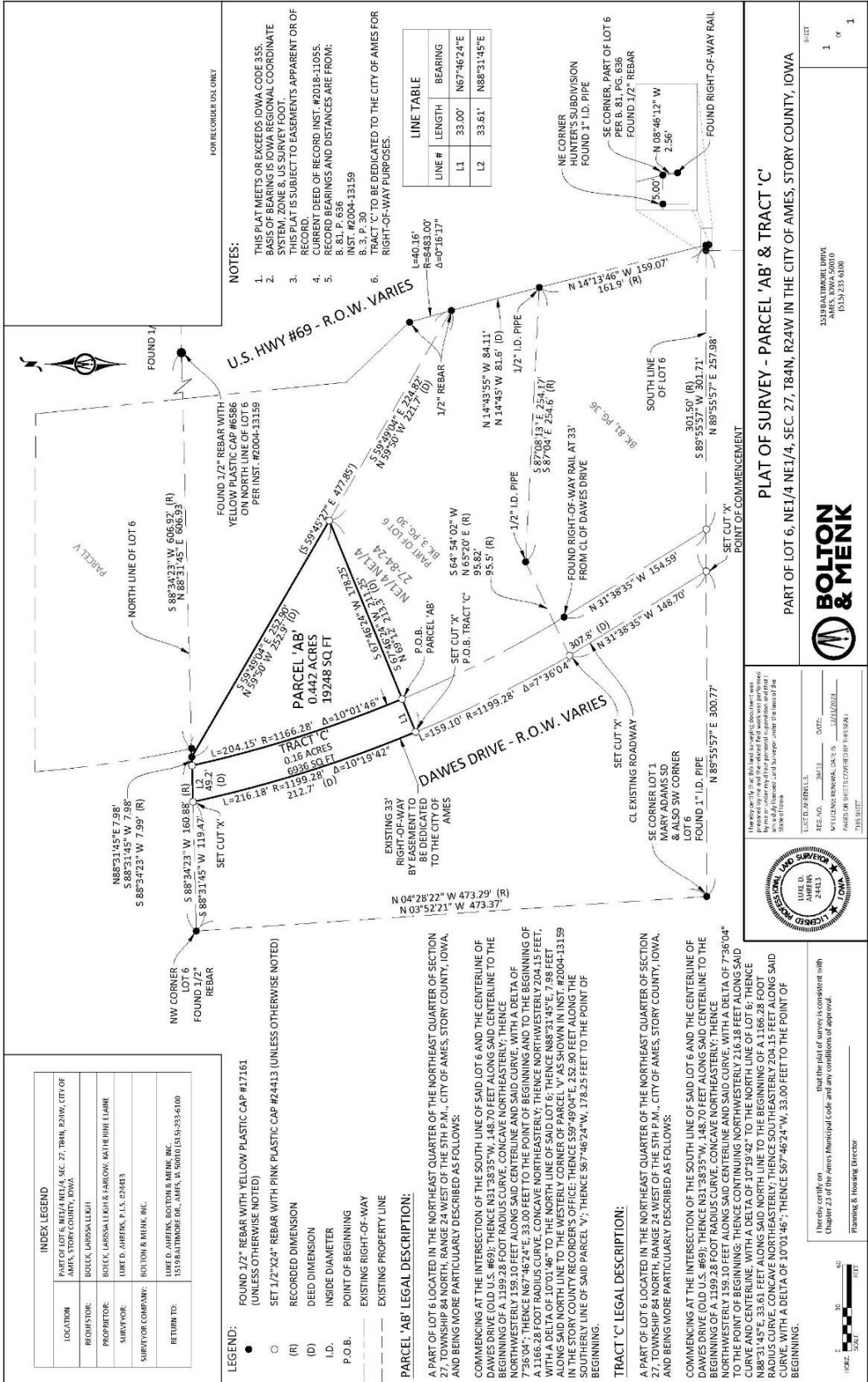
1519 BALTIMORE DRIVE  
AMES, IOWA 50010  
(515) 233-6300

0 30 60  
FOOT  
SCALE

0 30 60  
FEET  
SCALE

1519 BALTIMORE DRIVE  
AMES, IOWA 50010  
(515) 233-6300

# Attachment B: Plat of Survey





**Attachment C: Warranty Deed**

<b>INSTRUMENT PREPARED BY:</b>	Brian D. Torresi, 120 S 16 <sup>th</sup> St., Ames, IA 50010
<b>RETURN TO:</b>	City Clerk, City of Ames, Iowa, 515 Clark Ave., Ames, IA 50010
<b>MAIL TAX STATEMENT TO:</b>	City Clerk, City of Ames, Iowa, 515 Clark Ave., Ames, IA 50010
<b>EXEMPTION CLAIMED:</b>	Iowa Code § 428A.2(6)

**WARRANTY DEED**

KNOW ALL PERSONS BY THIS INSTRUMENT: That **LARISSA LEIGH BOECK and KATHERINE ELAINE FARLOW**, a married couple (collectively, the “Grantors”), for valuable consideration, convey unto **CITY OF AMES, IOWA** (the “Grantee”), the real property situated in Story County, Iowa, described as follows:

Tract “C” a part of Lot Six (6) of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Twenty-seven (27), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., Ames, Story County, Iowa, as shown on the Plat of Survey recorded in the office of the Recorder of Story County, Iowa, on \_\_\_\_\_, 2023, as Instrument No. 2023-\_\_\_\_\_

This transfer is exempt from the Iowa Real Estate Transfer Tax pursuant to Iowa Code Section 428A.2(6) as the Grantee is a governmental agency.

The undersigned Grantors covenant with the above named Grantee and successors in interest that Grantors hold the real property by title in fee simple; that they have good and lawful authority to sell and convey the same; that the real property is free and clear of all liens and encumbrances whatsoever except as may be above stated; and the Grantors covenant to warrant and defend the real property against the lawful claims of all persons whomsoever, except as may be above stated. Each of the undersigned hereby relinquishes all rights of downer, homestead and distributive share in and to the real estate. Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in Iowa Code § 558.69, and therefore the transaction is exempt from the requirement to submit a Groundwater Hazard Statement.

Dated this 8<sup>th</sup> day of February, 2023.

**(SIGNATURE PAGE FOLLOWS)**

**Attachment C: Warranty Deed, continued**

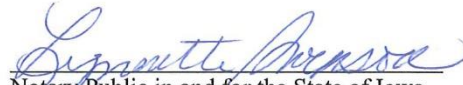
**SIGNATURE PAGE OF  
WARRANTY DEED**

  
\_\_\_\_\_  
**LARISSA LEIGH BOECK**, Grantor

  
\_\_\_\_\_  
**KATHERINE ELAINE FARLOW**, Grantor

SATE OF IOWA, STORY COUNTY, SS:

This instrument was acknowledged before me on this 8<sup>th</sup> day of February, 2023, by Larissa Leigh Boeck and Katherine Elaine Farlow, a married couple.

  
\_\_\_\_\_  
Notary Public in and for the State of Iowa  
My commission expires 8-15-24

