

ITEM #: 12  
DATE: 06-11-24  
DEPT: P&H

**COUNCIL ACTION FORM**

**SUBJECT: RESOLUTION APPROVING COVENANT RELATED TO FLOODPLAIN AREA UPON LOT 27, AND OUTLOT Z IN THE BAKER SUBDIVISION**

**BACKGROUND:**

As part of the administrative requirements of our CDBG and HOME Programs with the Department of Housing and Urban Development (HUD), all HUD-assisted project activities approved in our Annual Action Plans are subject to an Environmental Review Process. The goal of carrying out environmental assessments is to protect human health and the natural environment from the foreseeable, harmful effects of planned industrial facilities and infrastructure measures.

Staff completed the environmental review of the proposed new construction of 38 LIHTC multi-family units on Lot 27 in the Baker Subdivision and on Outlot Z (storm water detention Pond) and submitted the request for approval to HUD. HUD's review of the request indicated that a very small portion of Lot 27 along the southern boundary is located in the 500-year Floodplain, and a small portion of Outlot Z is in the 100-year floodplain along the south boundary. **In order to utilize our HOME funds towards the construction of the low-income units on Lot 27, and to cover the environmental review elements remaining for the entire subdivision, the City has to establish certain restrictions with respect to the use of the 500-year and 100-year floodplain areas of the entire subdivision.** The proposed restricted areas have no impact on the planned Creekside Townhome project or the City's storm water detention facility.

**Attached for your review and approval is a two Declaration of Restrictive Covenants Related to the Floodplain on Lot 27 and related to Outlot Z that have been prepared by our Legal Department. The Restrictive Covenant language for both lots have been approved by HUD.**

**ALTERNATIVES:**

1. The City Council can adopt a Resolution approving the Covenants related to Floodplain area on Lot 27 and Outlot Z (storm water detention pond) in the Baker Subdivision.
2. The City Council can deny the adoption of a Resolution approving the Covenants related to the Floodplain area upon Lot 27 and Outlot Z (storm water detention pond) in the Baker Subdivision.

**CITY MANAGER'S RECOMMENDED ACTION:**

In order for the City of Ames to receive approval to utilize its HOME Program funds to assist with the development of 38 LIHTC units on Lot 27 and cover Lot Z (storm water detention pond) in the Baker Subdivision, the adoption of the attached Covenants are required. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, as described above.

**ATTACHMENT(S):**

[Covenant Floodplain \(Lot 27\) \(2\).pdf](#)  
[Restrictive Covenant \(Outlot Z\) \(1\).pdf](#)