

ITEM #:	<u>30</u>
DATE:	<u>11-18-25</u>
DEPT:	<u>P & H</u>

COUNCIL ACTION FORM

SUBJECT: BOUNDARY LINE ADJUSTMENT AT 632 AND 634 N 500TH, 5507 LINCOLN HIGHWAY, AND 5815 LINCOLN HIGHWAY WITH ADJACENT UNADDRESSED LAND

BACKGROUND:

This Plat of Survey (see attached) is for a boundary line adjustment involving parcels zoned Agricultural in the Crestview Acres Subdivision, northeast of the intersection of Lincoln Way and N 500th Avenue (see attached Location Map).

The proposed Plat of Survey is subject to a Story County Auditor review process and the City's Subdivision Code in Chapter 23 of the Ames Municipal Code, which includes a process for creating or modifying property boundaries. Under the County process, the adjustment of multiple lots would require a Final Plat, even though the City's Code would allow for a plat of survey process. However, the County will accept a Plat of Survey, if the local jurisdiction waives the Final Plat requirement, as is proposed with this project.

This area was annexed in 2021. The Crestview Acres Subdivision is an old Auditor's Plat of a mostly undeveloped rural subdivision. The addendum to this report contains further discussion regarding these original lots. The intent of the plat is to combine the properties owned by Flummerfelt Quail Ridge into one large parcel for future subdivision and development once the site is rezoned.

Additionally, the project modifies the boundaries of property owned by John Crane along County Line Road with multiple properties owned by Flummerfelt Quail Ridge LLC. The changes to the Crane properties result in two parcels that meet minimum lot size requirements for a single-family dwelling in the Agricultural zone.

The Adams property at the southeast corner of the plat is increased by 16 feet to create a conforming setback. Both the Adams and the Crane properties remain non-conforming in other aspects, including multiple dwellings on a lot (Crane) and minimum lot size (Adams). See addendum for more information regarding the current land use of these and the other subject properties.

The proposed plat does not include three other Crestview Acres properties separately owned by Lemer Land Holdings/Brant Lemer, including one land locked parcel that is surrounded entirely by the Flummerfelt property.

The Plat of Survey includes a proposed cross access easement between this landlocked parcel and one of the other Lemer parcels to allow for access to the landlocked parcel. As understood by staff, the private property issue of Lemer's property access across Flummerfelt property is complicated by the lack of an existing formal easement and only the historic use and access of the properties from the time when it was primarily utilized for the now defunct Crestview Mobile Home Park.

The proposed Plat of Survey does not create any future development rights nor does it alter any other private access rights that may exist between the Lemer and Flummerfelt properties. Lemer would need to ascertain his legal access rights prior to any future development of his own land.

RIGHT-OF-WAY DEDICATION AND APPROVAL PROCESS:

The Flummerfelt property at 5815 Lincoln Highway property lacks right-of-way dedication along County Line Road. Dedication of right-of-way is a standard of Chapter 23 that has been applied to this plat of survey as would of have been required if it had been processed as a Minor Subdivision Final Plat.

The City Council is being asked to accept dedication of approximately 7,500 square feet of missing right-of-way along N 500th (see attached Acquisition Plat for graphical representation and legal description--the area is shown as Tract A on the survey). A deed conveying the right-of-way to the City of Ames is also included as an attachment.

The dedication of right-of-way requires acceptance by the City Council. Council is not acting on the Plat of Survey, but only the acceptance of the right-of-way.

Acceptance 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, the executed Warranty Deed, and certified resolutions accepting the right-of-way 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 resolutions to the City Clerk.

WAIVER OF FINAL PLAT REQUIREMENT PROCESS:

The Story County Auditor requires a waiver from the City Council to avoid Minor Subdivision Final Plat procedure. The Story County Auditor considers the Boundary Line Adjustment to be a subdivision under State Code due to the number of parcels involved. In lieu of a subdivision plat, they indicated they would accept a waiver.

Section 23.301 of the Ames Municipal Code indicates that a division is a Boundary Line Adjustment if "no more than the same number of lots, or fewer number of lots, exist after the adjustment" and as such is excepted from Minor and Major Subdivision requirements. Section 23.103 further permits City Council to waive requirements of the subdivision regulations, as long as the intent and purpose are not nullified. The Boundary Line Adjustment still provides a clear and accurate description of the land, upholding the purpose of Chapter 23 Subdivisions and no additional parcels are being created.

ALTERNATIVES:

1. Approve a resolution accepting the right-of-way dedication with the attached warranty deed and a resolution to waive the subdivision final plat requirement, thereby authorizing the Planning and Housing Director to approve the final Plat of Survey subject to receipt of the cross access easement and complying with Chapter 23 plat of survey requirements.

2. Deny the acceptance of the right-of-way on the basis that the City Council finds that the requirements for plats of survey, right-of-way dedication, and waiver of Minor Subdivision requirements as described in Section 23.308, 23.309, and 23.103 have not been satisfied.
3. Refer this request back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

The Plat of Survey will consolidate multiple Crestview Acres Subdivision lots into four parcels. It will facilitate future development and dedicate missing right-of-way along N 500th Avenue to ensure consistency of right-of-way in terms of ownership.

The Plat of Survey does not address Pre-annexation agreement requirements related to utility and street extensions. These requirements will be met through a future subdivision plat.

Staff has determined that the proposed Plat of Survey and dedication satisfies all Subdivision Code requirements and the resulting parcels conform to zoning and subdivision standards. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1.

ATTACHMENT(S):

[Location Map.pdf](#)

[Plat of Survey](#)

[Acquisition Plat for ROW Dedication](#)

[Warranty Deed \(Dedication\)](#)

[Addendum.pdf](#)