

COMMISSION ACTION FORM

DATE PREPARED: September 20, 2012

REQUEST: Revisions to the Approved Preliminary Plat and Master Plan for Sunset Ridge Subdivision

MEETING DATE: October 3, 2012

PROPERTY OWNER: Hunziker Land Development Co., LLC

LOCATION: Generally bounded by Municipal Boundary to the North, Lincoln Way to the South, CR 38 to the West and Hartford Road to the East. A Location Map is found on Attachment A.

LAND USE POLICY PLAN: Village/Suburban Residential

ZONING: Suburban Residential Low Density (FS-RL)

BACKGROUND:

This is a proposal to revise the Preliminary Plat and Master Plan for Sunset Ridge Subdivision, originally approved by the City Council on June 8, 2004 and later amended on October 24, 2006. The submitted document suffices for both the Preliminary Plat and Master Plan.

Sunset Ridge Subdivision is a residential development of approximately 106 acres. It was configured to allow for single-family detached homes, and commercial development along the south border of the development abutting Lincoln Way. Concurrent with the Preliminary Plat amendment in 2006, the City Council also approved a reduction in the total area of CVCN Convenience Commercial zoned land and rezoned a portion of the property from RH to FS-RL Suburban Low-Density Residential for the property.

The land use and zoning will continue as it is currently designated, CVCN Convenience Commercial Node along Lincoln Way and FS-RL Suburban Low Density Residential as intended for single-family detached homes.

Four final plats have been finalized consistent with the approved preliminary plat, which includes a total of 103 single family detached residential lots, two lots for commercial development and 15 outlots designated for public utility, storm sewer and surface water flowage easements. Based on the submitted revised Preliminary Plat and Master Plan the development at completion will encompass a total of 235 residential units, 2 commercial lots, and 19.37 acres of open space.

Proposed Changes to the Approved Preliminary Plat. The Preliminary Plat and Master Plan amendments include the addition of four (4) lots for the construction of single-family detached residential dwellings. The applicant is proposing to shift Westfield Road south to allow for a row of single family lots on the north side of Westfield, remove Glenwood Street and Bedford Avenue, extend Ellstone and Wilder Avenue to the north boundary of the subdivision, to end Allerton Drive at Wilder Avenue, and to extend Springbrook Drive across Westfield Road into a cul-de-sac at Springbrook Circle. (See Attachment B)

Density Requirements. These changes are in conformance with the minimum density requirement of 3.75 dwelling units per net acre for the FS-RL zoned area as outlined in the City's Zoning Ordinance (Table 29.1202(6)). The overall net density for the area zoned as "FS-RL" is 4.16 dwelling units per net acre.

Utilities, Easements, and Sidewalks. Public improvements are proposed to serve the subdivision and will be available to all lots. In accordance with City policies, it is anticipated that most public infrastructure will be constructed and inspected prior to submitting a final plat for new lots.

Standard procedures in the subdivision code for sidewalks require installation of sidewalks prior to final plat approval unless the Council approves deferral of installation subject to the provision of financial security. Standard *practice* has been to defer sidewalk installation under the provisions of a developer's agreement that requires sidewalk installation prior to occupancy of each fronting lot. That allows for construction activity to occur between the lot and fronting street without damage to newly installed sidewalks. The City Council will have to determine, as part of its Preliminary Plat decision, if installation will be required prior to Final Plat approval, or if it should be deferred under either a financial guarantee or occupancy provision in the developer's agreement.

Storm Water Management. A storm water management plan has been prepared for the site. The site generally drains from the west to the east. The storm water will be detained in the proposed detention ponds and then conveyed through to Clear Creek located to the north and east of the subject site. The rate of storm water run-off will not be increased above the pre-development rate of run-off. The Public Works Department has reviewed and approved the submitted Storm Water Management Plan.

Street Tree Planting Plan. The developer has submitted a Street Tree Plan, as required by the Subdivision Ordinance for residential subdivisions. A combination of Norway, Sugar, or Black Maple, and American, American Sentry or Greenspire Linden trees are proposed within this development. These trees will be planted approximately 50 feet on center with adjustment for driveways and intersection sight distances. All of the proposed trees are on the list of recommended trees to be planted in the public right-of way. The revised Street Tree Plan includes the same tree species on the streets that were approved as part of the previously approved Street Tree Plan. The only difference between the approved Street Tree Plan and the proposed plan is the

change in street layout.

Sunset Ridge Subdivision Development Agreement. A Development Agreement was part of the original approval of Sunset Ridge Subdivision, dated June 14, 2005. Most of the provisions of the Development Agreement remain in force, however the following items should be noted as required amendments:

1. Section IV(A)(3), the provision regarding the number of street connection will need to be amended to address the new proposed street layout for the revised Preliminary Plat.
2. Section IV(A)(9), the provision regarding when the city shall let a contract for bid for the Westfield Road and Wilder Avenue work. Updated legal language may be required for this provision.

Applicable Law. Laws pertinent to the proposal are described on Attachments C and D. Pertinent for the Planning and Zoning Commission is Sections 23.302(3) and 23.302(4) as described in Attachment C.

Stipulations. The following stipulation should be placed on the approval of the revised Preliminary Plat and Master Plan for Sunset Ridge Subdivision to assure that it will be developed consistent with the intent of the Zoning Ordinance, Subdivision Regulations, and other adopted plans and policies of the City of Ames.

1. Placing a revised Development Agreement before the City Council prior to action on this revised Preliminary Plat and Master Plan to address the noted amendments required.
2. Prior to City Council approval of the Preliminary Plat, the plans be amended to include the total lot area in square feet for each of the lots on sheets 3 and 4 as required by the Assessor's Office.
3. Prior to City Council approval of the Preliminary Plat, Note #3 on sheets 3 & 4 for Outlot L be amended to address the shared use path as a use for Outlot L along with landscaping and signage as noted.
4. All easement documents will be reviewed prior to final plat approval.

FINDINGS OF FACT & CONCLUSIONS:

Based upon an analysis of the proposed development, laws pertinent to the proposed development, and conditions and improvements abutting and serving the plat, the staff finds as follows:

1. The proposed amended portion of Sunset Ridge Subdivision is entirely designated as "Village/Suburban Residential" on the Land Use Policy Plan Map and on the Zoning Map as "Suburban Residential Low Density". Based on the lot layouts and proposed dimensions the single-family detached homes can meet the design requirements that are prescribed by the Zoning Ordinance. The minimum standard for lot frontage in the FS-RL district is 35 feet at the street line and 50 feet at the building line.

2. The developers are intending to continue to develop this 106.1-acre site with single-family detached housing as the sole type of residential dwelling, and with commercial in the "CVCN" zone adjacent to Lincoln Way and Wilder Avenue. The developers have submitted a revised Master Plan and Preliminary Plat that represent an efficient subdivision design that allows for larger and smaller lots for single-family detached residential units.
3. The developers have submitted a revised Storm Water Management Plan for the revised Preliminary Plat which is consistent with the previously approved Preliminary Plat for Sunset Ridge.
4. The developer is proposing a revision to the street layout for Sunset Ridge to shift Westfield Road south allowing a row of lots along the northern boundary of the property. In the proposed revision the developer is also proposing to eliminate three of the street extensions to the north that were previously approved under the Preliminary Plat and Development Agreement for Sunset Ridge.
5. The Parks and Recreation Department has initiated discussions regarding the possible future extension of the shared use path located along the west side of Wilder Avenue for connection to the properties to the north of Sunset Ridge. The submitted plan does indicate the installation of a shared use path to the north boundary of Outlot P along the west side of Wilder Avenue.

Based upon the above facts and analysis, staff makes the following conclusions:

1. The proposed preliminary plat is consistent with the Land Use Policy Plan and the associated Land Use Policy Plan Map designation of the site. Staff is not aware of any other inconsistencies with the Land Use Policy Plan. Therefore, staff concludes that Code of Iowa Chapter 354, Section 8 has been satisfied.
2. Staff further concludes that the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to other City ordinances and standards, and to the City's Land Use Policy Plan, subject to an amendment to the Development Agreement prior to approval of the Preliminary Plat and Master Plan to allow for a change in the street layout to reduce the number of street connections to the property to the north of the Sunset Ridge Subdivision.
3. The proposed preliminary plat indicates the proposed shared use path extending to Outlot P then continuing north as a 4 foot sidewalk to the north boundary of the property. While the Parks Department has not initiated a need at this time to extend the full shared use path to the north boundary there is room within the right of way to widen the proposed sidewalk to the full 8 foot width in the future for connection of the shared use path to the properties to the north.

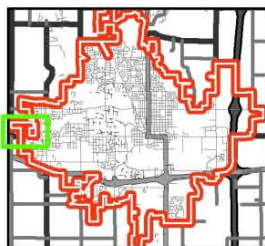
ALTERNATIVES:

1. The Planning & Zoning Commission can recommend that the City Council approve the revised Preliminary Plat and Master Plan for Sunset Ridge Subdivision, with the stipulation noted in this report.
2. The Planning & Zoning Commission can recommend that the City Council not approve the revised Preliminary Plat and Master Plan for Sunset Ridge Subdivision.
3. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.

RECOMMENDED ACTION:

The revised Preliminary Plat and Master Plan is consistent with the Zoning Ordinance, Subdivision Ordinance standards, and the Land Use Policy Plan. Therefore, it is recommended that Alternative #1 be adopted. This is a recommendation to approve the revised Preliminary Plat and Master Plan for Sunset Ridge Subdivision, with the stipulation that the conditions and requirements of the previously approved Development Agreement still apply.

ATTACHMENT A



Location Map Sunset Ridge Subdivision



0 375 750 1,500 Feet

ATTACHMENT B

See separate PDF attached document

(Sheet #2: Overall Subdivision Map)

ATTACHMENT C

Applicable Subdivision Law

The laws applicable to this revision to the Preliminary Plat for Sunset Ridge Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

Ames Municipal Code Section 23.302(3):

(3) Planning and Zoning Commission Review:

- (a) The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
- (b) Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted Plans.*

Ames Municipal Code Section 23.302(4):

- (4) Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Section 23.302(5):

- (5) City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.*

Ames Municipal Code Section 23.302(6):

(6) *City Council Action on Preliminary Plat:*

- (a) *Based upon such examination, the City Council shall determine whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.*
- (b) *Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Chapter 23, Subdivisions, Division III, provides the procedures for the subdivision of property; specifically Section 23.302 discusses Major Subdivisions.

Ames Municipal Code Chapter 23, Subdivisions, Division IV, identifies design and improvement standards for subdivisions.

Ames Municipal Code Section 23.403(14) & (15) requires installation of sidewalks and walkways and bikeways in subdivisions.

Ames Municipal Code Chapter 29, Zoning, Section 29.1202, includes standards for the Suburban Residential zone.

Ames Municipal Code Chapter 29, Zoning, Table 29.1202(5)-2 includes Residential Medium Density (FS-RM) Supplemental Development Standards.

Ames Municipal Code Chapter 29, Zoning, Table 29.1202(6) includes Suburban Residential Floating Zone Suburban Regulations.

Ames Municipal Code Section 23.107 reads as follows:

In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete

list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances:

- (1) Land Use Policy Plan*
- (2) Zoning Ordinance*
- (3) Historic Preservation Ordinance*
- (4) Flood Plain Ordinance*
- (5) Building, Sign and House Moving Code*
- (6) Rental Housing Code*
- (7) Transportation Plan*
- (8) Parks Master Plan*
- (9) Bicycle Route Master Plan*

Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.

ATTACHMENT D

Applicable Master Plan Law

The laws applicable to this revision to the Master Plan for Sunset Ridge include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Ames Municipal Code, Chapter 29, Section 29.1202, provides the zoning provisions for “Suburban Residential” development in the “FS-RL” and in the “FS-RM” zones. Suburban Residential development principles, permitted uses, supplemental development standards, and regulations for minimum required densities, requirements for lot and block design requirements, open space, landscape buffers and parking are provided.

Ames Municipal Code, Chapter 29, Section 29.1502(5), provides submittal requirements and procedures for processing a “Master Plan.”

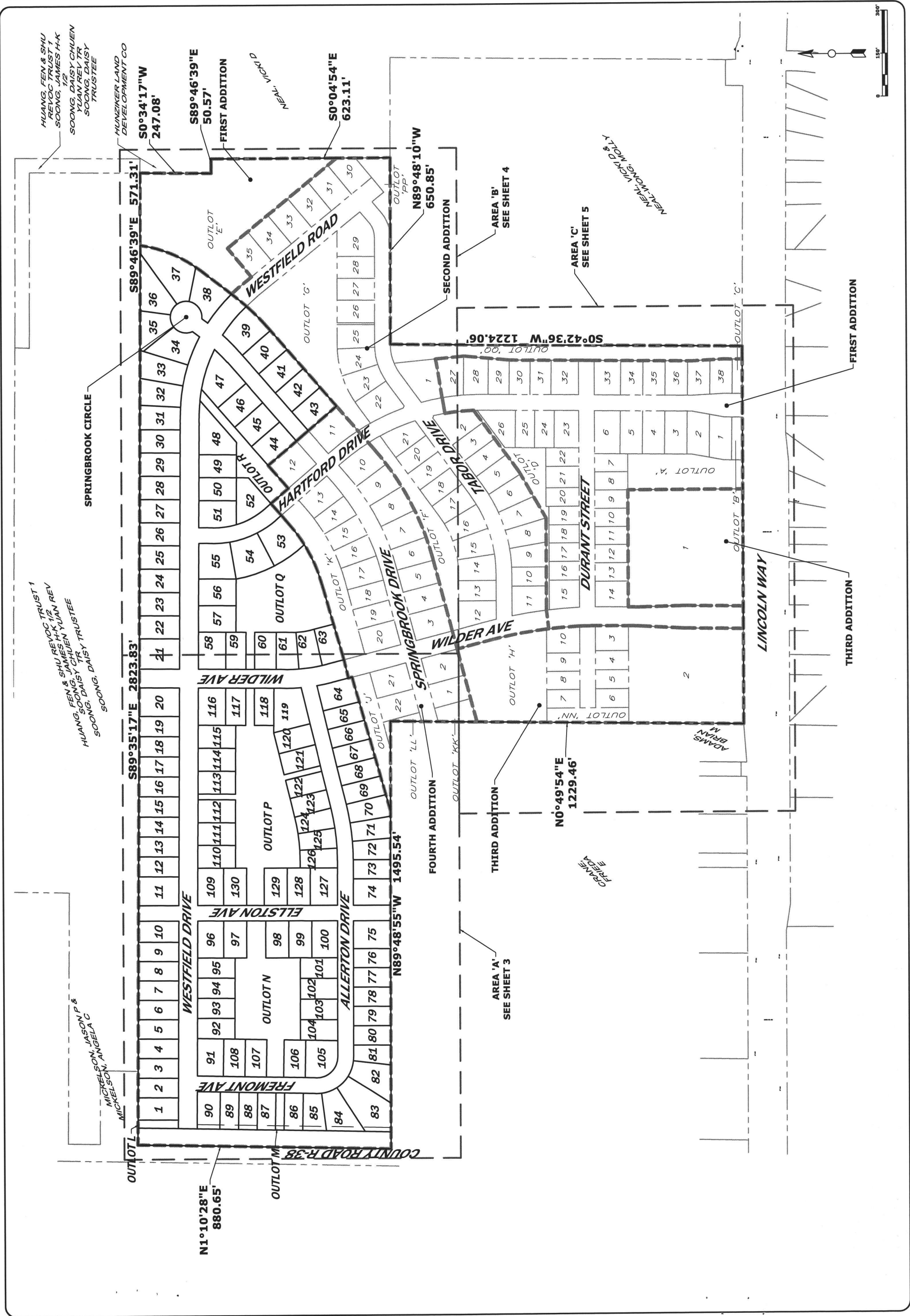
ATTACHMENT E

See separate PDF attached document

(Original Development Agreement, Dated June 14th, 2005)

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LAST UPDATE: 08/23/12				



RETURN TO:

ATTN: JILL GRIMSLEY
NYEMASTER LAW FIRM
1416 BUCKEYE AVE STE 200
AMES IA 50010

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Instrument: 2005- 00012720
Date: Oct 10, 2005 01:12:55P
Rec Fee: 40.00 E-Com Fee: 1.00
Aud Fee: .00 Trans Tax: .00
Rec Management Fee: 1.00
Non-Standard Page Fee: .00
Filed for record in Story County, Iowa
Susan L. Vande Kamp, County Recorder

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER

Prepared by: John R. Klaus, City of Ames Legal Department, 515 Clark Avenue, Ames, Iowa 50010 (Phone: 515-239-5146)

Return to Ames City Clerk, Box 811, Ames, IA 50010

**AN AGREEMENT PERTAINING TO THE
SUBDIVISION PLATTING AND DEVELOPMENT OF
LAND IN THE CITY OF AMES CALLED
SUNSET RIDGE SUBDIVISION**

THIS AGREEMENT, made and entered into this 14th day of June,
2005, by and between the **CITY OF AMES, IOWA** (hereinafter called "City"); and **Hunziker
Land Development Company, LLC** (hereinafter called "Developer"), their successors and assigns.

WITNESSETH THAT:

WHEREAS, the parties hereto desire the improvement and development of an area legally
described as set out on Appendix A, hereinafter called the Site; and,

WHEREAS, Developer has applied to the City for platting of subdivisions of the Site; and,

WHEREAS, an agreement between the Developer and the City with respect to public
improvements is required by the City as a condition to approval of subdivision plats pursuant to
Section 354.8 of the Code of Iowa, and Section 23.304 of the Ames Municipal Code.

NOW, THEREFORE, the parties hereto have agreed and do agree as follows:

**I
PURPOSE**

A. It is the purpose of this Agreement to:

1. Document, record, and give notice of, a certain plan of development, and the

public and private measures and undertakings essential to the implementation of that plan of development, for the Site.

2. Provide remedies to the City in the event the said plan of development is not adhered to or achieved by the Developer.

B. This Agreement does not create or vest in any person or organization other than the City any rights or cause of action with respect to any performance, obligation, plan, schedule, or undertaking stated in this Agreement with respect to the Developer. This Agreement does not prevent the City from amending, modifying, or releasing the Developer from some or all of the provisions of this Agreement. No person shall have any cause of action or recourse against the City or Developer by reason of any such amendment, modification, or release.

II CITY'S REMEDIES

A. In that the Developer seeks to persuade and induce the City to approve an official plat of the Site by presenting a plan for the development and improvement of the Site in its entirety, it is understood and agreed that the City shall not issue any building permits with respect to any place on the Site for which a final plat of subdivision has not been approved and filed for record.

B. The City shall not issue a building permit, zoning permit, or any other permit of the City with respect to any excavation, construction, reconstruction, or remodeling on the Site unless said work is undertaken in accordance with the provisions of this Agreement.

C. The City shall not approve any final plat of any phase of development on the Site unless said plat is in accordance with and meets the provisions and conditions of this Agreement.

D. All ordinances, regulations, and policies of the City now existing or as may hereafter be enacted shall apply to activity on the Site.

III PLATTING PROCESS

The Developer shall undertake the official platting of subdivisions of the Site pursuant to the procedures established by the statutes of the State of Iowa and the ordinances of the City. The City may establish specific requirements for improvements of the Site, and require a performance bond or other security for the performance of improvements by the Developer. The requirements for improvements relative to the approval of the official plat of the Site may reiterate the provisions of this Agreement; and, may state additional required improvements.

IV IMPROVEMENTS

A. Streets and Street Improvements.

1. The Developer shall, with respect to all streets as shown on the Site, convey fee title for the street land to the City at no charge or cost to the City, said conveyance to occur at the time of subdivision platting.

2. Hartford Drive shall be extended northward from Lincoln Way into the Site in accordance with City specifications at the Developer's sole cost and expense. Westfield Road shall be extended eastward from County Line Road into the Site in accordance with City specifications, the cost to be shared pursuant to paragraph IV, A-9. Wilder Avenue shall be extended northward from Lincoln Way into the Site in accordance with City specifications, the costs to be shared pursuant to paragraph IV, A-9. A series of City streets shall be constructed by the Developer in accordance with City specifications, at the Developer's sole cost and expense, within the Site to provide access to the single-family residential lots.

3. The Developer shall construct five street extensions to the north, three street extensions to the southeast, and two street extensions to the southwest to provide vehicular and pedestrian access to those new development areas as they develop in the future. The said street

extensions shall be constructed in accordance with City specifications at the Developer's sole cost and expense.

4. The City shall construct, at the Developer's sole cost and expense, to the specifications of the City, an eastbound left turn lane at the intersection of Wilder Avenue and Lincoln Way. In that regard, the Developer shall reimburse the City after construction for the actual costs pertaining to the taper and storage areas for the left turn lane as a percentage of the cost to the City of the West Lincoln Way Widening Project determined by the square foot area of the said lane area relative to the total square foot area of the West Lincoln Way Widening Project.

5. The Developer shall construct, at the Developer's sole cost and expense, to the specifications of the City, a westbound right turn lane at the intersection of Wilder Avenue and Lincoln Way.

6. The Developer shall construct, at the Developer's sole cost and expense, to the specifications of the City, a westbound right turn lane at the intersection of Hartford Drive and Lincoln Way.

7. The Developer shall construct, at the Developer's sole cost and expense, to the specifications of the City, a shared use pathway in the City right-of-way along Lincoln Way for the whole distance that the Site abuts on Lincoln Way. The Developer shall complete the construction of the said path not later than August 31, 2005. If the path is not completed by that date, the City may cause that work to be done and Developer shall reimburse the City for its costs in doing so.

8. Pathways established within the borders of the Site shall not be on City easements, shall not be the property of the City, and shall not be the maintenance responsibility of the City.

9. Westfield Road and Wilder Avenue shall be collector streets constructed to the extra width and extra thickness of paving specified by the City. The Developer shall construct

the said streets at the Developer's sole cost and expense, and City shall reimburse the Developer for the cost of the extra width and extra thickness, beyond that of a local street, if the costs to the City of said extra width and extra thickness is not more than \$50,000 for the portion of the street constructed within the scope of a final plat of subdivision pertaining to a phase in the development of the Site. If the cost to the City of said extra width and extra thickness is more than \$50,000 with respect to a final plat of subdivision pertaining to a phase in the development of the Site, the City shall let a contract for the Westfield Road and Wilder Avenue work, and the Developer shall then pay the cost of construction of those streets to the City, plus the City's engineering and inspection fees, except for the cost of the said extra width and extra thickness, before the award of the contract by the City. Any cost over the estimate shall be shared as indicated, and if the cost of construction is less than estimated, the City shall reimburse for the Developers share of the savings on the same basis.

All streets within this development shall be public streets, constructed to City of Ames' urban street standards, including curb, gutter, sidewalks, street lights, and street trees.

B. Water Main Improvements

1. The Developer shall extend 8-inch water lines northward from the 12-inch water main in Lincoln Way, within the Wilder Avenue and Hartford Drive right-of-way, to serve the Site. The Developer shall extend the water mains within the site to the limits of the Site to allow for connection to the water service for future developments. The Developer shall create a loop between the water service along Lincoln Way and County Line Road. All said improvements to be done in accordance with City specifications, at the Developer's sole cost and expense.

2. The Developer shall pay to the City as a condition precedent to the approval of the final plat, or any phase of the platting of the Site, a water main tapping fee with respect to the water main on Lincoln Way of \$10 x 1,318 linear feet for a total payment of \$13,180.

C. Sanitary Sewer Improvements

The Developer shall, at its sole cost and expense, extend the sanitary sewer from the existing 12-inch main adjacent to Clear Creek, within a 50-foot wide easement, to serve the Site, extending to a point on the most northerly and the most westerly borders of the Site, on a perpetual easement for the benefit of the City procured by the Developer at the sole cost and expense of the Developer.

D. Storm Sewers and Storm Water Management

1. On-site storm water detention areas shall be constructed on the Site by the Developer at the Developer's sole cost and expense. The storm water detention areas shall be located in accordance with the storm water management plan approved by the City and the State of Iowa. The storm water shall be detained in the said detention areas and then conveyed through drainage ways and swales to Clear Creek located to the north of the Site. The rate of storm water run-off shall not be increased above the pre-development rate of run-off.

2. A storm water pollution prevention plan for this Site is shown on Sheet 2 of the Preliminary Plat drawing. The storm water management plan and storm water pollution prevention plan proposed for the Site are attached as part of Appendix A and by this reference made a part of this Agreement.

3. Storm water detention basins shall be constructed to control the storm water runoff quantity and quality at the time of the final plat of the first Phase of Development for the Site in each drainage sub-basin as shown on the City approved preliminary plat for the Site. The detention basins shall be owned by the Developer, or by a home owners' association that is the grantee of the Developer. The Developer, or such homeowners' association, shall have the duty to mow the grass and perform routine maintenance of the storm water detention basins. The Developer shall grant to the City, at no charge or cost to the City, an access easement to each of the said storm water detention basins, and an easement for the detention of storm water in said basins, with the

right to excavate the basins as needed to restore or enhance the functional capacity of those storm water detention basins, such easements to be in a form acceptable to the City.

E. Street Tree Planting Plan. The Developer shall install, at its sole cost and expense, trees in the right-of-way along both sides of all public streets. A combination of Maple (Norway, Sugar, and Black) and Ash (White and Green) shall be used. These trees shall be planted approximately 50 feet on center with adjustment for driveways and intersection sight distances.

F. Sidewalks and Bike Path.

1. Developer shall cause sidewalks to be constructed to City specifications at the Developer's expense with respect to each platted lot as a principal building is completed on the lot, but not later than two years after approval of the plat of subdivision of the Site.

2. If not completed by the Developer prior to August 31, 2005, the Developer shall pay to the City 100% of the cost of installation of a shared use path to be located along the south property line of the Site adjacent to Lincoln Way. This shall be paid at the time that the bike path is installed by the City.

V SECURITY

The Developer shall install and dedicate to the City all public improvements required for approval of the plat of subdivision of the Site prior to approval of the final plat; or, execute an improvement agreement to guarantee the completion of all such required public improvements and provide to the City as security for the completion of that work an "improvement guaranty" as stated in Section 23.409 of the Ames Municipal Code.

VI COVENANT WITH THE LAND

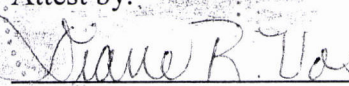
This Agreement shall run with the Site and shall be binding upon the Developer, its successors and assigns. However, this Agreement shall not be binding with respect to any officially platted lot for which a City building permit has been issued, except with respect to restrictions on

access to certain lots from certain streets and roadways. Each party hereto agrees to cooperate with the other in executing a Memorandum of Agreement that may be recorded in place of this document.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

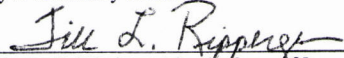
CITY OF AMES, IOWA

By: 
Ted Tedesco, Mayor

Attest by: 
Diane R. Voss, City Clerk

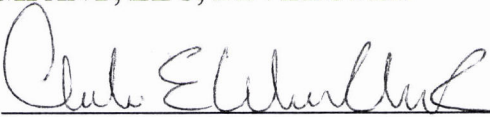
STATE OF IOWA, STORY COUNTY ss:

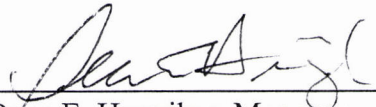
On this 14th day of June, 2004, before me, a Notary Public in and for the State of Iowa, personally appeared Ted Tedesco and Diane R. Voss, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. 05-249 adopted by the City Council on the 14th day of June, 2005, and that Ted Tedesco and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.


Notary Public in and for the State of Iowa

JILL L. RIPPERGER
COMMISSION # 145549
MY COMMISSION EXPIRES 3-17-06

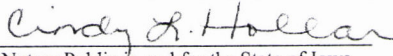
**HUNZIKER LAND DEVELOPMENT
COMPANY, LLC, DEVELOPER**

By: 
Charles E. Winkleblack, Manager

By: 
Dean E. Hunziker, Manager

STATE OF IOWA, STORY COUNTY ss:

On this 14 day of June, 2004, before me, a notary in and for the State of Iowa, personally appeared Charles E. Winkleblack and Dean E. Hunziker, to me personally known, who being by me duly sworn or affirmed did say that they are Managers of said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its managers and the said Charles E. Winkleblack and Dean E. Hunziker, acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.


Notary Public in and for the State of Iowa



Sunset Ridge Subdivision Agreement, 061804.wpd
rev. 08/25/04, 08/30/04, 09/02/04, 5/24/05

APPROVED AS TO FORM

BY: 
John F. Klaus
City Attorney