

ITEM #:	<u>31</u>
DATE:	<u>11-12-24</u>
DEPT:	<u>P&H</u>

COUNCIL ACTION FORM

**SUBJECT: APPROVAL OF TWO PLAT OF SURVEYS FOR 6210 EAST LINCOLN WAY
& SECTION: 09 TOWNSHIP: 83 RANGE: 23 SE NE ALONG 590TH AVENUE
IN RURAL STORY COUNTY RESPECTIVELY**

BACKGROUND:

Property owners Randy Brekke and Dale & Bonnie Knutson are requesting approval of a Plat of Survey located at 6210 East Lincoln Way (Brekke) and 6196 East Lincoln Way (Knutson) (See Attachment A- Location Map). The Brekke property at 6210 East Lincoln Way is located within the Ames City limits. The Knutson property at 6196 East Lincoln Way is located in rural Story County. **There are separate Plat of Surveys for each property, but they are considered together in one report because the property owners intend to exchange property upon approval of the Plat of Surveys. The applicants did not propose a boundary line adjustment because the properties would be bisected by the city limits and no annexation was desired for the exchange.**

The applicants propose creating three new parcels, a non-surveyed remainder area, plus a right-of-way tract for conveyance of the East Lincoln Way right-of-way inside the City of Ames (See Attachment B). Proposed Parcels K and H are being created inside the City and proposed Parcel J with its remainder area is outside of the City in rural Story County. Parcel J will not have frontage on a public street. All of the proposed parcels are used for agriculture and the two new parcels are proposed to be restricted to agricultural use with no development potential, including construction of a house.

Normally, the creation of new parcels is classified as a Subdivision in Chapter 23 of the Ames Subdivision Code. However, the City Council can approve a Plat of Survey in lieu of a Subdivision within a rural area and within the City when there are no public improvements and a waiver of the process of a minor subdivision is approved as permitted by Chapter 23. The owners are requesting a waiver of the determination of a Subdivision and instead are requesting a Plat of Survey with a no-build restriction on all parcels until future platting process through a Subdivision would create additional buildable lots. The new parcel in Story County can be approved by Plat of Survey on its own with the no-build restriction.

The owners have no plans to further subdivide this land at this time. The boundary line adjustment reflects a planned real estate transaction in property between parcels H and J which conveys ownership of the parcels to the appropriate property owner. **The change in ownership is being done to correct a previous understanding of where the boundary between both properties exists in relation to a drainage channel that bisects each of their properties. Each owner thought they owned land on their side of the channel, when in fact that was not the case.**

The waiver request covers two areas of the Subdivision waiver standards. Section 23.103(1) allows City Council to waive the infrastructure installation standards in the Subdivision Ordinance when it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions. **In this case the no-build restriction as a rural condition ensures that the new parcels remain unbuilt and agricultural in nature and that infrastructure**

extension and other development standards are unnecessary to correct the property ownership situation.

With the no-build and the agricultural nature of the surrounding area, no infrastructure installation is necessary in the foreseeable future. Additionally, since East Lincoln Way right-of-way is being dedicated to the City, the dedication will adequately address any future street improvements if needed. The City has already installed water and sewer along East Lincoln Way.

Secondly, Section 23.103(2) allows Council to grant a waiver of the Minor Subdivision and accept a Plat of Survey when all substantive requirements and standards of the regulations are already met, and there is a clear and accurate description of the land. **In this case the parcels are being clearly described and are being kept for agricultural use with no development activity.**

ALTERNATIVES:

1. Approve the request to waive Ames Municipal Code Chapter 23 Subdivision and Development Standards for the two properties and approve:
 - a. Resolution approving a Plat of Survey for 6210 East Lincoln Way and acceptance of dedication of the Lincoln Way right-of-way
 - b. Resolution approving a Plat of Survey for 09 Township: 83 Range: 23 SE NE along 590th Avenue
2. Deny the request for a Plat of Survey and associated waiver requests based on a finding that the proposal does not meet City Subdivision Standards of Chapter 23.
3. Defer action on the item and request more information from staff or the applicant.

CITY MANAGER'S RECOMMENDED ACTION:

The request for a Plat of Survey in lieu of a Minor Subdivision Final Plat at 6196 & 6210 East Lincoln Way and requested waiver of infrastructure improvements can be supported by staff to address the unique issues related to the drainage channel bisecting their properties. Although a rural division for property abutting the City is expected to annex, in this case approving a plat of survey for a sliver of land as a continuing agriculture use with a no build restriction can be found to not conflict with Ames Plan 2040 policies and correct a property ownership question. Additionally, right-of-way is being conveyed to the City according to City standards within the City of Ames. Therefore, it is the recommendation of the City Manager that City Council approve Alternative #1.

ATTACHMENT(S):

[Attachment A- Location Map of Properties.pdf](#)

[Attachment B- Plat of Survey- Brekke](#)

[Attachment C-Applicable Standards.pdf](#)

[Attachment B- Plat of Survey- Knutson](#)