

COUNCIL ACTION FORM

**SUBJECT: PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 2130
McCARTHY ROAD**

BACKGROUND:

The City's subdivision regulations found in Chapter 23 of the Ames Municipal Code include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or conveyance parcels in order to create a parcel for development purposes. A Plat of Survey is allowed by Section 23.309 for the consolidation of conveyance parcels and for boundary line adjustments.

On November 12, 2012, the City Council approved a Plat of Survey that consolidated two conveyance parcels at 2122 and 2130 McCarthy Road into a single Parcel "B" (See *Attachment A: Location Map, and Attachment D: Approved Plat of Survey Establishing Parcel "B" (11/12/12)*) The reason for combining the two parcels in 2012 was to allow the two single-family dwellings to be joined into a single residential structure, addressed as 2130 McCarthy Road. A garage was added at that time to connect the two structures (See *Attachment C: Existing Parcel "B"/Original Platted Lots 20-22/Existing House*).

At this time, the property owner is actively seeking a buyer of the property, and is requesting that the City Council approve a Plat of Survey to divide the property once again into two parcels, to allow a single-family dwelling on each parcel in the RL (Residential Low-Density) zoning district (See *Attachment B: Proposed Plat of Survey Establishing Parcels "C" and "D"*). The location of the proposed dividing line between proposed Parcels "C" and "D" was determined so as to leave Parcel "D" with enough of a setback to allow for an additional garage stall to be added to the existing single-car garage. The original lot lines for Lots 20, 21, and 22 of Country Club Heights 1st Addition are still valid property lines, which allows the two proposed parcels to be approved through a boundary line adjustment of the boundaries for Lots 20, 21, and 22. Otherwise, the division of a single parcel into two parcels would require approval of a Final Plat.

The act of physically separating the house into two separate single-family dwellings must be completed prior to approval of the Plat of Survey by the City Council. The property owner has completed the work of partially demolishing the house at this time to meet Building Code and Fire Code requirements for separation. Since zoning regulations allow only one single-family dwelling on each lot/parcel, no electric service will be provided to one of the dwellings until such time that the Plat of Survey is

approved by the City Council, and a copy of the recorded Plat and resolution approving the Plat are filed with the City Clerk's Office (*See Attachment B: Proposed Plat of Survey*). No additional public improvements are necessitated by the Plat of Survey. Approval of the Plat of Survey does not create or exacerbate any new nonconforming lot conditions.

Approval of this Plat of Survey (*See Attachment B: Plat of Survey*.) 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 for recording in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed Plat of Survey, with the following stipulation:
 - A. Electric service will be provided to only one of the two new dwellings, until such time that the approved Plat of Survey is recorded with the Story County Recorder's Office, and copies of the recorded Plat and Resolution Approving the Plat of Survey are filed in the City Clerk's Office.
2. The City Council can deny the proposed Plat of Survey if the City Council finds that the requirements for Plats of Survey, as described in Section 23.309, have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed Plat of Survey satisfies all Subdivision Code requirements for a boundary line adjustment of existing parcels and has made a preliminary decision of approval. The boundary line adjustment does not result in new or exacerbated nonconforming conditions related to the current RL zoning and structures. There are no gaps in infrastructure requiring improvements with the Plat of Survey. Any future construction on the site will be reviewed by staff for compliance with zoning standards.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, with Stipulation A, adopting the resolution approving the proposed Plat of Survey.

**ADDENDUM
PLAT OF SURVEY FOR 2130 McCarthy Road**

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 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Property Owner: Shahbaz Ahmed Merchant

Existing Street Address: 2130 McCarthy Road

Assessor's Parcel #: 09-09-428-015

Survey Description-Parcels "C" & "D":

Survey Description-Parcel C:

Part of Parcel B, as shown on the Plat of Survey filed in Slide 456, Page 1, in Lots 20, 21 and 22 of First Addition Country Club Heights, City of Ames, Story County, Iowa, said part being more particularly described as follows: Beginning at the Southwest Corner of said Parcel B and said Lot 22; thence following the west line thereof N00°34'36"W, 175.34 feet; thence northeasterly, 39.01 feet along a curve, concave southeasterly, having a radius of 25.00 feet, a central angle of 89°23'56" and being subtended by a chord which bears N44°43'48"E, 35.17 feet; thence S89°58'42"E, 81.80 feet along the north line of said Parcel B and Lot 21; thence S00°05'28"W, 200.02 feet to the south line of said Lot 22; thence S89°51'00"W, 104.46 feet to the point of beginning, containing 0.48 acres.

Survey Description-Parcel D:

Part of Parcel B, as shown on the Plat of Survey filed in Slide 456, Page 1, in Lots 20, 21 and 22 of First Addition Country Club Heights, City of Ames, Story County, Iowa, said part being more particularly described as follows: Beginning at the Northeast Corner of said Parcel B and said Lot 20; thence S00°09'55"E, 184.94 feet to the Southeast Corner thereof; thence following the southerly line thereof S89°57'02"W, 88.47 feet; thence S00°26'59"E, 14.92 feet; thence S89°51'00"W, 15.49 feet along the south line of said Parcel B and Lot 22; thence N00°05'28"E, 200.02 to the north line of

said Parcel B and Lot 21; thence S89°58'42"E, 102.99 feet to the point of beginning, containing 0.44 acres.

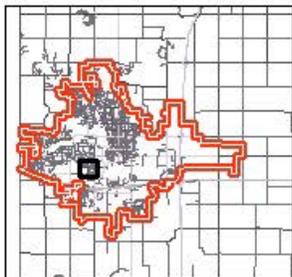
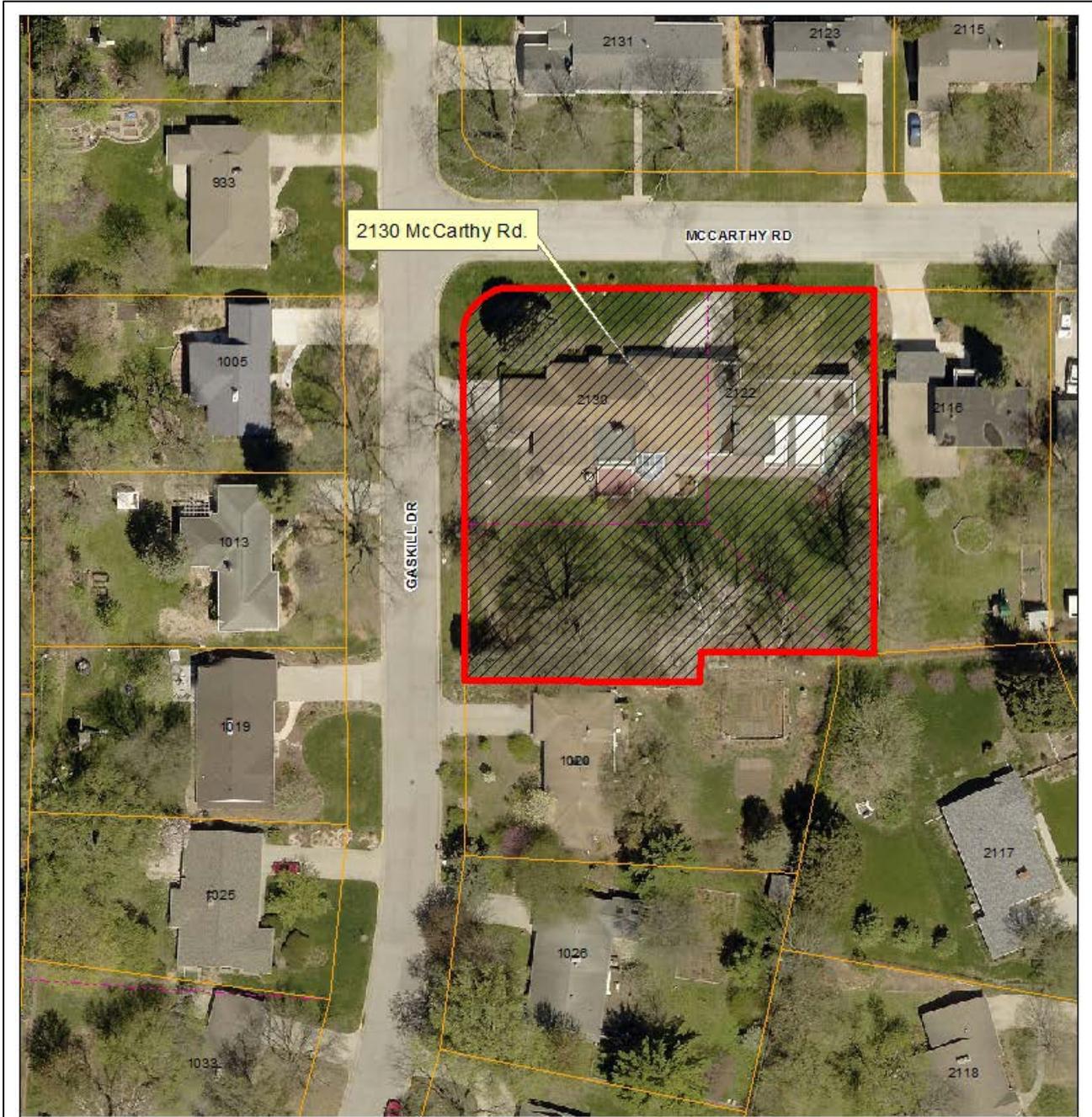
Public Improvements:

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:

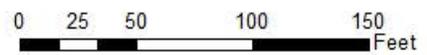
- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable. (no additional improvements required)

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.

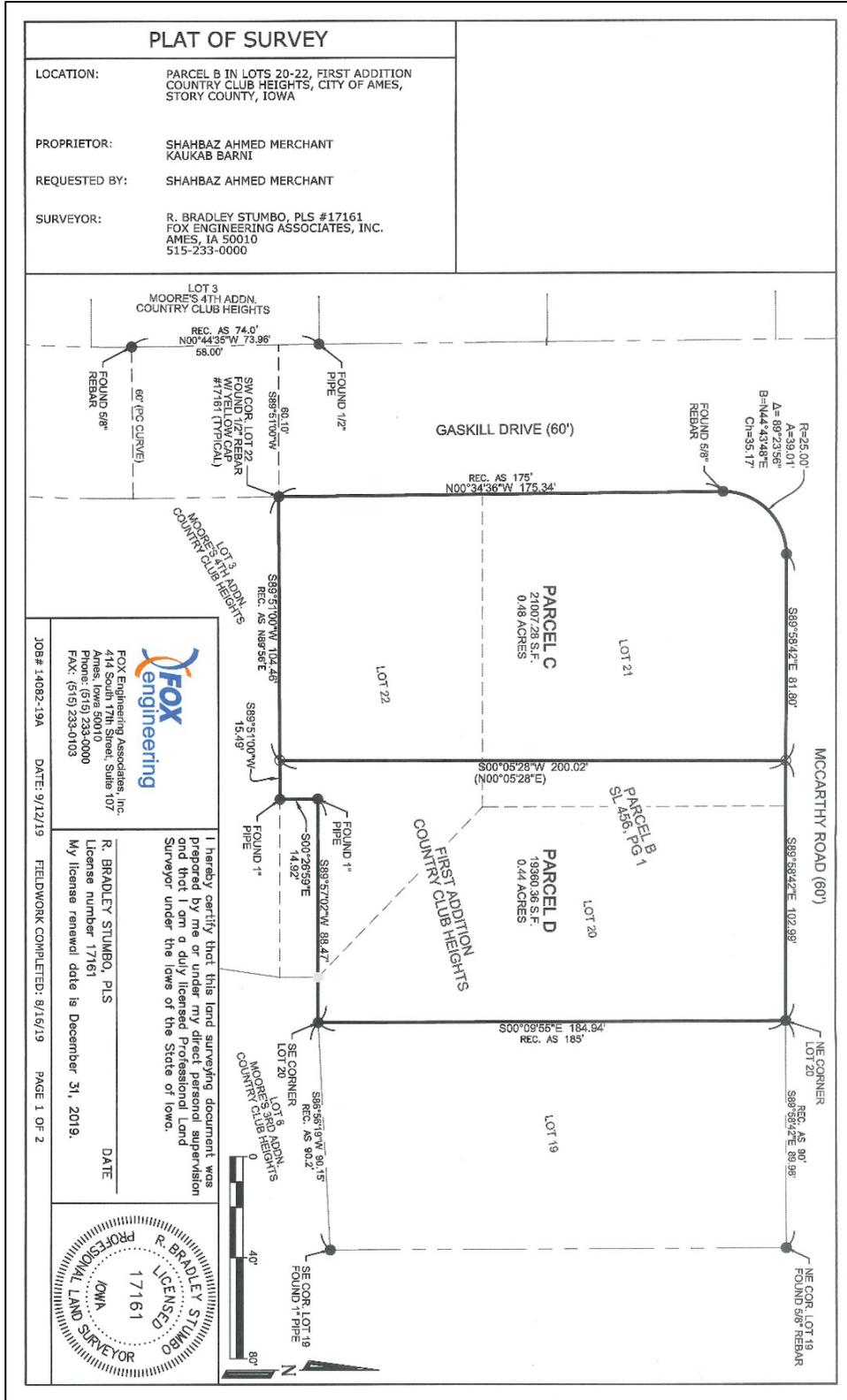
Attachment A: Location Map



Location Map 2130 McCarthy Road



Attachment B: Proposed Plat of Survey Establishing Parcels "C" and "D"



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Fax: (515) 233-0103

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

R. BRADLEY STUMBO, PLS
License number 17161
My license renewal date is December 31, 2019.

DATE _____

JOB# 14082-19A

DATE: 9/12/19

FIELDWORK COMPLETED: 8/15/19

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