

January 5, 2015

To: Mayor Bemrich and City Council

From: David Fierke, City Manager

Subject: Voluntary Annexation Request – Knupp Storage Unit Property



ACTION: Set Public Hearing for January 26th, 2015

Brief History

Clyde and Diane Knupp submitted to the City a petition for voluntary annexation of their property into City Limits. Please see the attached map. These two parcels consist of a combined 1.40 acres of land and are situated between Nelson Avenue on the west, city limits to the north and east, and Cardinal Avenue to the south. This annexation will also include portions of the adjacent rights-of-way, both Cardinal Avenue and Nelson Avenue, as the City's Annexation Policy states that City Limits shall follow street centerlines wherever possible.

The Knupps submitted their annexation petition to the City to allow for the development of their land into self-storage units, as this development would not have been permitted as proposed under County setback requirements. City Council adopted a Storage Unit Development Agreement on September 22, 2014. This agreement set forth provisions of this specific development. Please see that attached Agreement. City Staff finds this annexation request to be consistent with the goals and policies set forth in the City's Annexation Policy.

Analysis of Issue

City Staff considers the City's adopted Annexation Policy when analyzing annexation requests. Further, specific considerations regarding utilities/streets, land use, development requirements, and taxes are discussed in the subsequent paragraphs of this section.

City Utilities/Streets

The Knupp Storage Unit Property has access to City Street right-of-way (Cardinal Avenue to South). City utilities, including water, sanitary sewer, and storm sewer, are available to this area proposed for annexation. The applicant has connected the property proposed for annexation to City water. Until the property is annexed, the applicant will be paying extraterritorial water rates.

As included in the Storage Unit Development Agreement, the City has agreed to waive the sanitary sewer service connection fee, in exchange for a water utility easement for the existing City fire hydrant, manhole, and water line mistakenly located on the property owner's land. This will protect the City from having to spend the funds necessary to relocate these describe utilities.

Land Use

All newly-annexed land into the City is automatically classified as being part of the Agricultural (AG) District. However, the City's Land Use Plan identifies this described area for industrial use. As part of the Development Agreement for Storage Units, the City supports rezoning of this land to Light Industrial. Storage units are an allowable use within the LI District.

Development Requirements

Development upon this property described in the Agreement will require that the Property Owners obtain and be responsible for any necessary permits, easements, or other approvals. Upon annexation of the property into the City, any new development that occurs shall require City approvals, including, but not limited to, Site Plan Review, Building Permits, and Right-of-Way Excavation Permits.

Taxes

As part of the Storage Unit Development Agreement, it has been established that there will be a 10-year phase-in of City taxes on this area to be annexed.

Budget Impact

The annexation would impact the budget, as City taxes will be collected for the annexed territory as adopted in the Storage Unit Development Agreement. When taking into account the proposed improvements on site, it is anticipated that, with no changes in tax levies, the annexation will result in over \$9,000 per year in City taxes during the post-abatement period. This property will also become subject to utility fees.

Strategic Plan Impact

This action relates to the following Policy:

Policy D.7.1: The city shall participate and support on-going intergovernmental sharing of information and services, planning on issues of common concern, including land use and development, housing, transportation, utilities, environmental management, economic development, law enforcement, emergency management, education, and recreation and tourism, among others.

Existing Plan Impact

This action is consistent with Resolution 08-05-102, the 2008 Annexation Policy adopted by the City Council on May 19, 2008.

Subcommittee or Commission Review / Recommendation

The Plan & Zoning Commission reviewed this annexation request at their December 23rd, 2014 meeting and unanimously recommended approval of said request.

Staff Conclusions / Recommendations

Subject to comments from the public at the Public Hearing, Staff recommends approval of the attached resolution assenting to voluntary annexation of property owned by Clyde and Diane Knupp, as well as the adjacent portions of Cardinal Avenue and Nelson Avenue.

Alternatives

The alternative would be to not approve resolution. This action is not recommended because the territory would not be annexed into the City. This annexation request was made because the development, as proposed, would not have been allowed under County setback requirements.

Implementation and Accountability

If the Council approves the annexation request, City staff will complete the necessary steps required by the Iowa State Code to complete the annexation.

Signed



Maggie Carlin
Associate Planner
Department of Business Affairs &
Community Growth

Approved

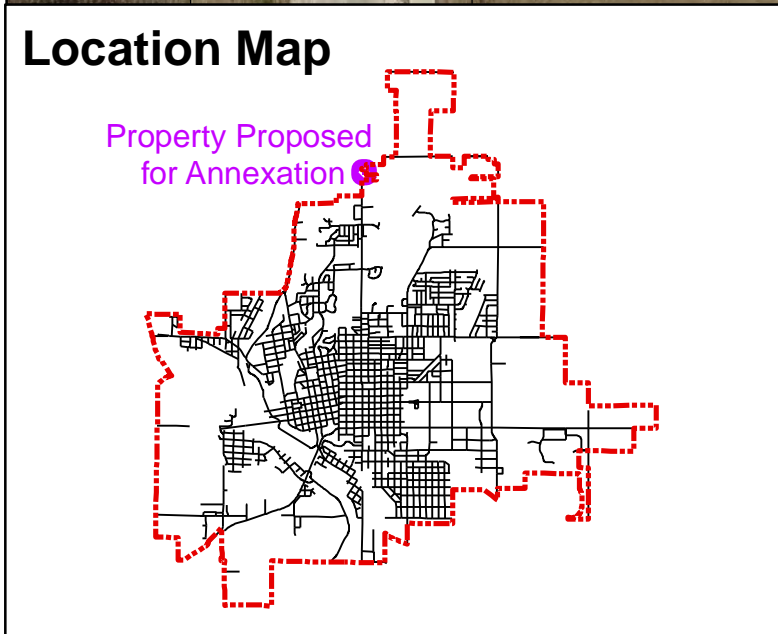
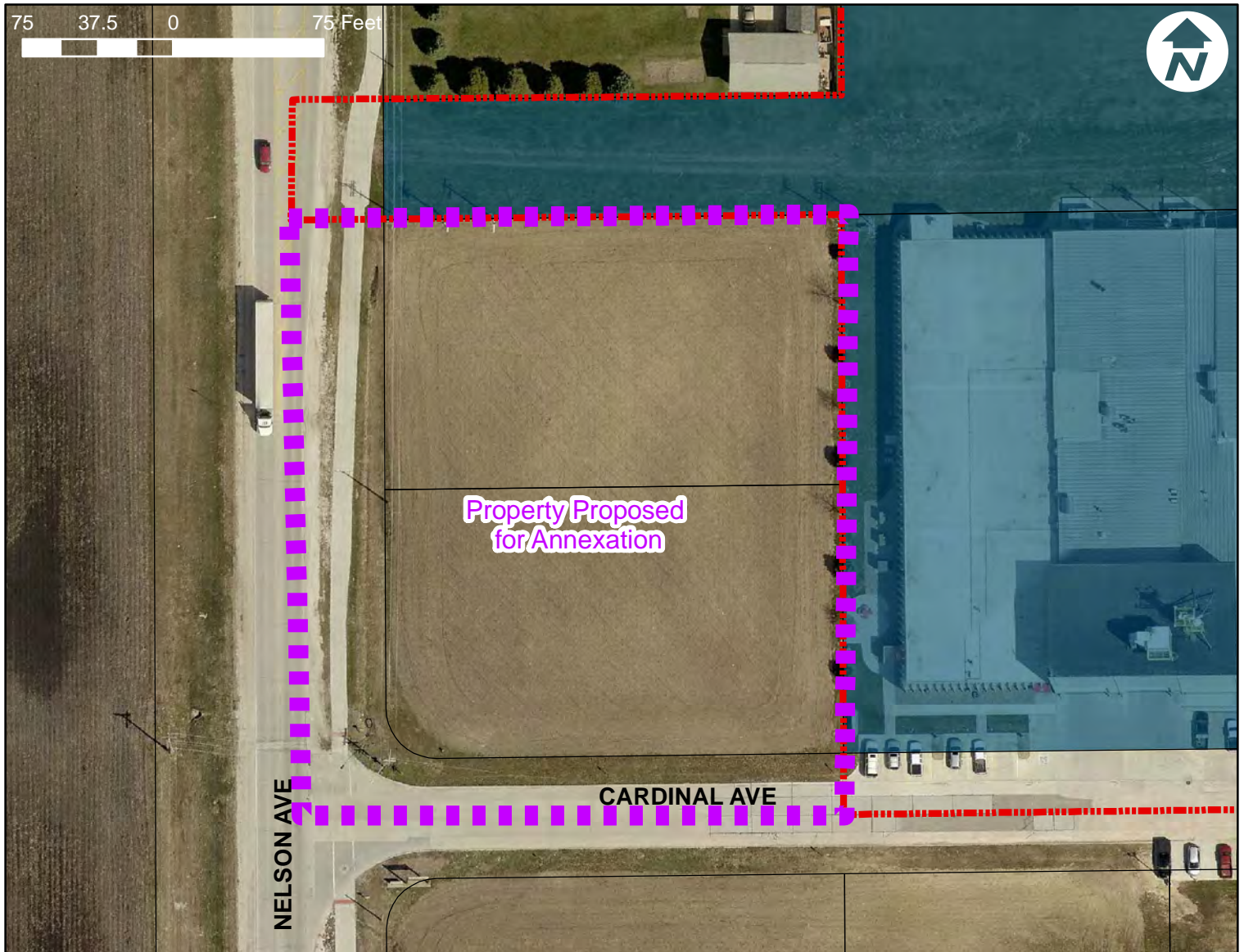


David R. Fierke
City Manager

Voluntary Annexation Petition: Case #4401.14



Legal Description: Lots 1 and 2 of the Official Plat for the Airport Industrial Development in Webster County, Iowa; as described in Book 45 at Page 451 Deed Record of the Webster County Recorder's Office; together with the east 50 feet of Nelson Avenue lying adjacent to said Lots 1 and 2 and lying north of the centerline of Cardinal Avenue AND the north 30 feet of Cardinal Avenue adjacent to said Lot 2 lying east of Nelson Avenue.



Legend

- Property Proposed for Annexation
- City Limits
- Parcels

ZONING

- HI: Heavy Industrial

Map created 1/5/14
All locations are approximate.

1.00
Webster County
Judy R. Cosgrove, Recorder
Instrument #2014-05772
12/01/2014 @12:04 PM
MISC MISCELLANEOUS
Total Fees: \$37.00 # Pages: 7

Prepared by Carissa Miller, Associate Planner, Business Affairs & Community Growth, 819 1st Avenue South, Fort Dodge, IA 50501 (515) 573-8321 Return recorded document to: Business Affairs & Community Growth, 819 1st Avenue South, Fort Dodge, IA 50501

**AGREEMENT BY AND BETWEEN
THE CITY OF FORT DODGE, IOWA
AND
CLYDE AND DIANE KNUPP
(Storage Units)**

THIS AGREEMENT, made and entered into this 22 day of September 2014, by and between the City of Fort Dodge, Iowa, an Iowa Municipal Corporation (The "City") and Clyde and Diane Knupp (The "Property Owners").

WITNESSETH

- WHEREAS, the City has constructed a water main, sanitary sewer main and storm sewer main which extend from the City of Fort Dodge past the Airport Industrial Development; and,
- WHEREAS, the water, sanitary sewer and storm sewer mains are capable of providing service to certain owners of property along the route of said mains, as determined by the City Engineer; and,
- WHEREAS, the property described in Exhibit A is currently located outside the corporate limits of the City of Fort Dodge and within the City's extraterritorial area; and,
- WHEREAS, the Property Owners desire to connect to and receive City water, sanitary sewer and storm sewer service at their property as described in attached Exhibit A; and,
- WHEREAS, per the City's Annexation Policy, adopted in 2008, the City requires any property owner within the City's extraterritorial area desirous of connecting to the City's utility infrastructure or expanding an existing service already connected to the City's utility infrastructure to agree to voluntary annexation at a time of the City's choosing; and,
- WHEREAS, the property served by the connection to City water, sanitary sewer and storm sewer service is limited to the property described in Exhibit A; and,
- WHEREAS, a desire to expand service beyond property described in Exhibit A would require approval by the City and an additional agreement between the City and the Property Owners; and,
- WHEREAS, the Property Owners desire to annex their property into the City as described in attached Exhibit A; and,
- WHEREAS, both parties are mutually benefited through their efforts that are identified by the following mutually acceptable stipulations.
- NOW THEREFORE, the parties agree and stipulate as follows:

The City agrees to:

1. Allow the Property Owners to receive City water service for the property described in Exhibit A.

2. Allow the Property Owners to receive City sanitary sewer service for the property described in Exhibit A.
3. Allow the Property Owners to connect to the City's storm sewer service for the property described in Exhibit A.
4. Support the voluntary annexation of property described in Exhibit A.
5. As a condition of voluntary annexation, support the rezoning of property described in Exhibit A to Light Industrial.
6. Waive the connection fee for property described in Exhibit A, which is required by the Airport Area Sanitary Sewer Main Extension Policy Statement in exchange for a water utility easement for the existing City fire hydrant, manhole and water line located on the southwest corner of the Property Owners' property described in Exhibit A.
7. At the time lands described in Exhibit A are annexed into the City, allow for an exemption for said lands from city taxation of the following percentages of assessed valuation according to the following schedule (per Iowa Code §368.7):
 - a. For years one and two, seventy five percent
 - b. For years three and four, sixty percent
 - c. For years five and six, forty-five percent
 - d. For years seven and eight, thirty percent
 - e. For years nine and ten, fifteen percent

Said city tax exemption shall be contingent on the Property Owners meeting the following conditions:

- a. The façade of the westerly-most and southerly-most buildings shall provide a brick facing as provided for in building elevations submitted to the City on Monday, September 15, 2014 (see Exhibit C);
- b. a decorative black fence as outlined in the City's Site Plan Ordinance shall be provided along the frontage of the property where fencing is desired; and
- c. the site shall provide the specified amount of greenspace, trees and shrubs per the City's Site Plan Ordinance.

The Property Owners acknowledge that what is currently constructed on the Site described in Exhibit A has been completed per City regulations.

Further, the Property Owners agree to:

1. At the time of connection to the City's sanitary sewer or water main, construct one service line per utility, per building, receiving service as allowed by City regulations; said connection may occur at the time of the property owner's choosing.
2. Assume all responsibility for the construction and/or maintenance of utility service lines, acquisition of any necessary easements, property, or approvals from any other entity to facilitate construction and/or maintenance of utility service lines.
3. Assume all responsibility for any other permits from or agreements with any other authorities, associations, or districts of interest.
4. Maintain all service lines connecting the property described in Exhibit A to the City's infrastructure, either directly or indirectly, in compliance with City standards.
5. Submit a signed voluntary annexation petition to the City Council for property described in Exhibit A at a time of the City's choosing.
6. Submit a signed Annexation Agreement, approved by the City, for property described in Exhibit B.
7. Pay the City's extraterritorial rates for service, as periodically determined by the City, up to and until the date of annexation.
8. Upon annexation develop in accordance with all City requirements and obtain all required City approvals prior to development, including, but not limited to, Site Plan review and City Right-of-Way Excavation Permits.
9. Prior to annexation connect all drainage ways to the City's Storm Sewer System, in the manner approved by the City Engineer.

10. Provide a water utility easement to the City for the existing fire hydrant, manhole and water line located on the southwest corner of the Property Owners' property described in Exhibit A.
11. In addition to meeting all Light Industrial District setback requirements, the Property Owner's shall provide a 25' front yard setback along Cardinal Avenue and Nelson Avenue, meaning no structures shall be constructed within 25' of the front property lines.
12. Provide a building setback of 15' off the east property line.

This agreement shall be binding upon the heirs, successors in interest and assigns to all signatories to this agreement.

All parties of this agreement hereby and herewith agree to hold harmless and indemnify each of the other parties, their employees or representatives, from any and all liability to which they may be subject, arising out of the execution of this agreement.

This is the complete and final agreement of the parties and no statement not herein contained has been relied upon by any party in affixing their signature hereto.

All parties warrant that they have full and sufficient authority to execute this agreement and each party will sign whatever document is necessary to effectuate this agreement.

Failure by either party to perform the above-described stipulations would allow the other party to terminate this agreement.

IN WITNESS WHEREOF, we have affixed our signatures hereto.

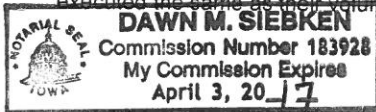
PROPERTY OWNER:

Clyde Knupp
Clyde Knupp

Diane Knupp
Diane Knupp

STATE OF Iowa,
Webster COUNTY, ss:

On this 23rd day of September, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Clyde & Diane Knupp, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



Dawn M. Siebken
Notary Public

CITY OF FORT DODGE, IOWA

ATTEST:

By Matt Bemrich
Matt Bemrich, Mayor

Jeff Nemmers
Jeff Nemmers, City Clerk

STATE OF IOWA, WEBSTER COUNTY, ss:

On this 24th day of September, 2014 before me, the undersigned, a Notary Public in and for said State, personally appeared Matt Bemrich and Jeff Nemmers to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its City

Council; and that the said Mayor and City Clerk as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Subscribed and sworn to before me this 29th day of September, 2014.

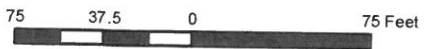
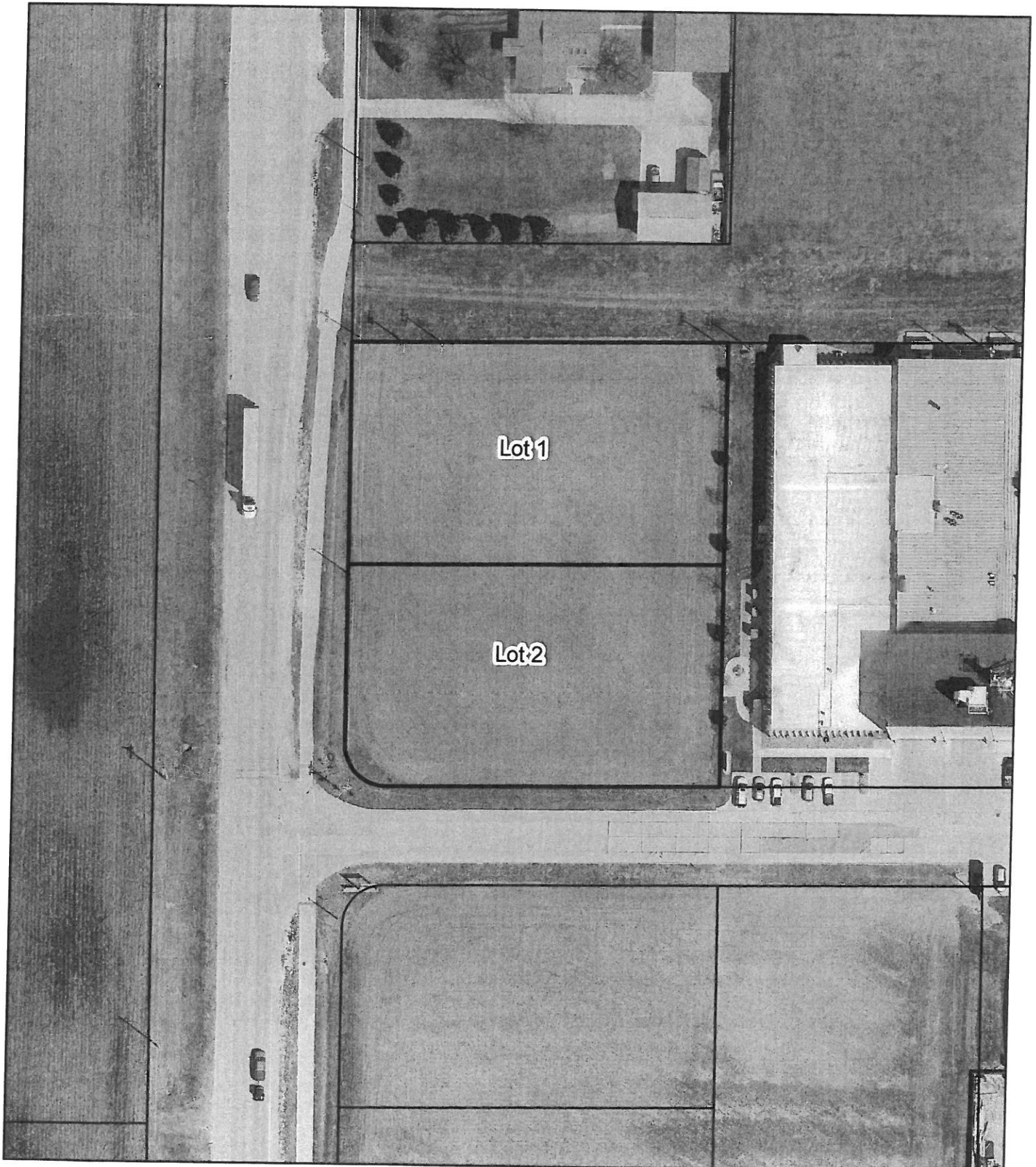
Dawn M. Siebken

Notary Public



Exhibit A - Knupp Property

Legal Description: Lots 1 and 2 of the Official Plat for the Airport Industrial Development in Webster County, Iowa; as described in Book 45 at Page 451 Deed Record of the Webster County Recorder's Office.



Map created 8/1/14

Exhibit B - Knupp Property

Legal Description: Lots 3, 4 and 6 of the Official Plat for the Airport Industrial Development in Webster County, Iowa; as described in Book 45 at Page 451 Deed Record of the Webster County Recorder's Office.

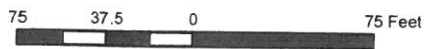
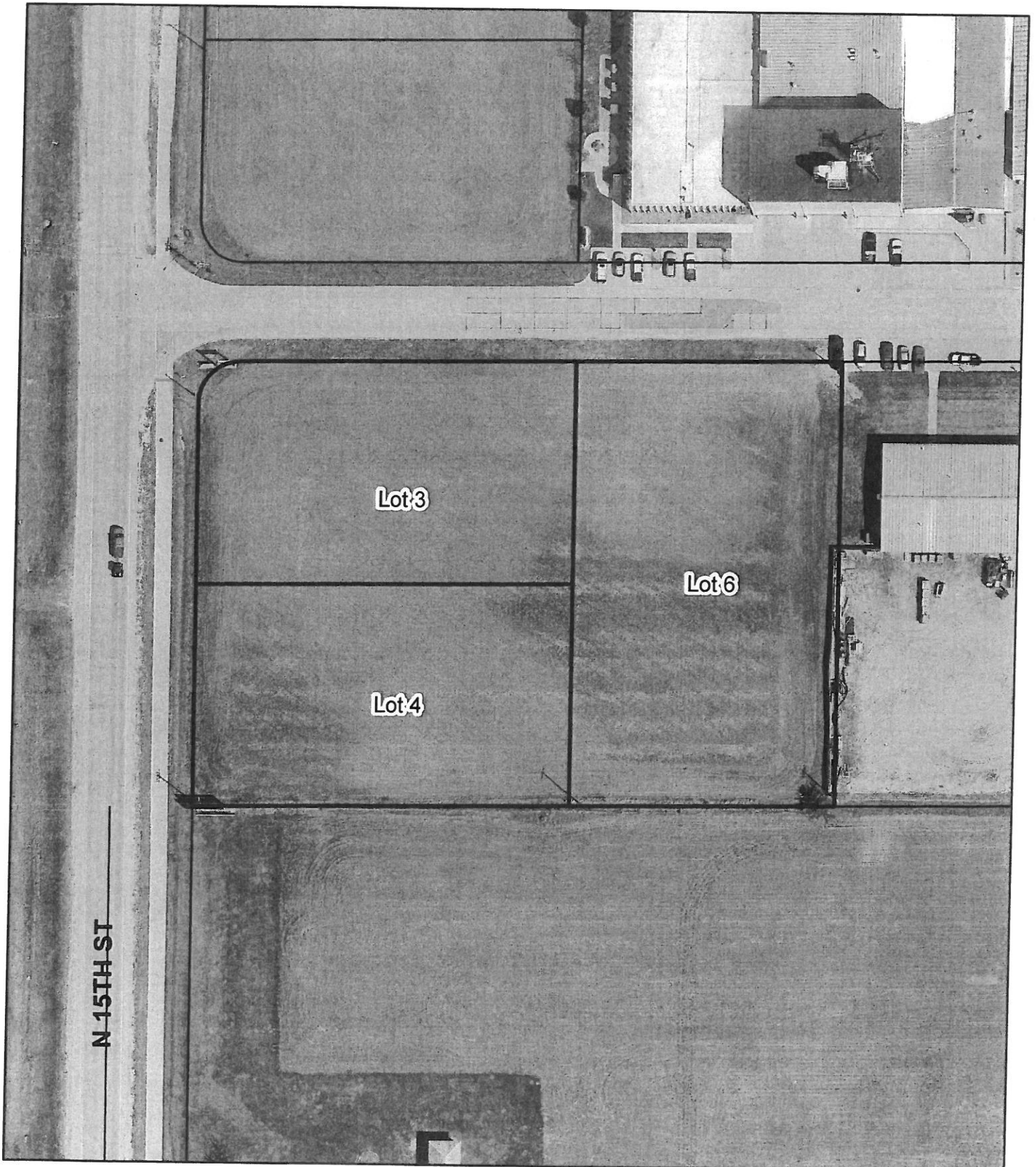
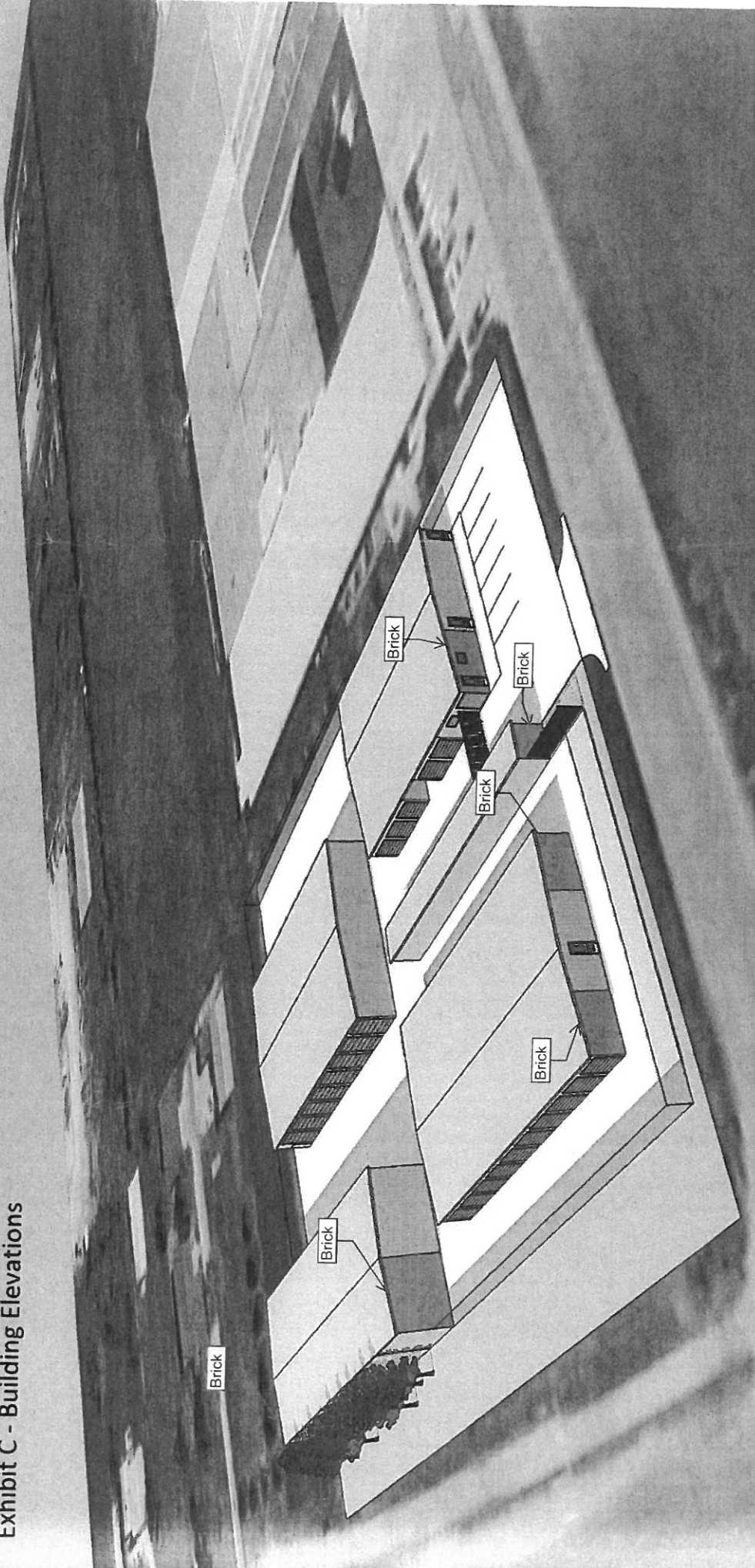


Exhibit C - Building Elevations



RESOLUTION NO. _____

RESOLUTION ASSENTING TO THE ANNEXATION OF CERTAIN REAL ESTATE TO THE CITY OF FORT DODGE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA:

The City Council of the City of Fort Dodge, Iowa, hereby proposes annex the following property located in Webster County, Iowa, and described as follows:

LOTS 1 AND 2 OF THE OFFICIAL PLAT FOR THE AIRPORT INDUSTRIAL DEVELOPMENT IN WEBSTER COUNTY, IOWA; AS DESCRIBED IN BOOK 45 AT PAGE 451 DEED RECORD OF THE WEBSTER COUNTY RECORDER'S OFFICE; TOGETHER WITH THE EAST 50 FEET OF NELSON AVENUE LYING ADJACENT TO SAID LOTS 1 AND 2 AND LYING NORTH OF THE CENTERLINE OF CARDINAL AVENUE; AND THE NORTH 30 FEET OF CARDINAL AVENUE ADJACENT TO SAID LOT 2 LYING EAST OF NELSON AVENUE.

A public hearing will be held on the 26th day of January, 2015, AD, at 6:00 p.m. in the Council Chambers of the Municipal Building located at 819 1st Avenue South in Fort Dodge, Iowa, at which time the Council will hear objections to annexation of said property.

The City Clerk is hereby directed to publish notice of said hearing, as by law required.

Passed and approved by the City Council of the City of Fort Dodge, Iowa, this 12th day of January, 2015, AD.

Ayes: _____

Nays: _____

Other: _____

CITY OF FORT DODGE

BY: _____

Matt Bemrich, Mayor

ATTEST:

Jeff Nemmers, City Clerk

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

The City Council of the City of Fort Dodge, Iowa, hereby proposes annex the following property located in Webster County, Iowa, and described as follows:

LOTS 1 AND 2 OF THE OFFICIAL PLAT FOR THE AIRPORT INDUSTRIAL DEVELOPMENT IN WEBSTER COUNTY, IOWA; AS DESCRIBED IN BOOK 45 AT PAGE 451 DEED RECORD OF THE WEBSTER COUNTY RECORDER'S OFFICE; TOGETHER WITH THE EAST 50 FEET OF NELSON AVENUE LYING ADJACENT TO SAID LOTS 1 AND 2 AND LYING NORTH OF THE CENTERLINE OF CARDINAL AVENUE; AND THE NORTH 30 FEET OF CARDINAL AVENUE ADJACENT TO SAID LOT 2 LYING EAST OF NELSON AVENUE.

A public hearing will be held on the 26th day of January, 2015, AD, at 6:00 p.m. in the Council Chambers of the Municipal Building located at 819 1st Avenue South in Fort Dodge, Iowa, at which time the Council will hear objections to annexation of said property.

JEFF NEMMERS,
CITY CLERK

Published in the Fort Dodge Messenger this _____ day of _____,
2015.

Prepared by Maggie Carlin, Business Affairs & Community Growth, 819 1st Ave. South, Fort Dodge, Iowa 50501, 515-573-8321.
Return to Business Affairs & Community Growth, 819 1st Ave. South, Fort Dodge, Iowa 50501

RESOLUTION NO. _____

**RESOLUTION ASSENTING TO THE ANNEXATION OF CERTAIN REAL ESTATE
TO THE CITY OF FORT DODGE**

WHEREAS, Clyde and Diane Knupp, as owner, has filed with the City Clerk of Fort Dodge, Iowa, application in writing, under the provisions of Section 368.7, Code of Iowa, for the annexation by the City of Fort Dodge, Iowa of the property hereafter described; and

WHEREAS, the City and the Knupps have previously entered into an agreement regarding the development of said property; and

WHEREAS, said owner has requested this City Council to annex said property as required in the agreement; and

WHEREAS, said City will also annex the adjacent portions of Cardinal Avenue and Nelson Avenue, currently Webster County right-of-way, to the roadway centerlines; and,

WHEREAS, it appears from an examination of said documents that the properties hereafter described adjoin the existing City limits, and that the owner has in all respects complied with the requirements of law relating to the annexation of property which adjoins the City, and this City Council deems its annexation of said property to be in the public interest; and

WHEREAS, the City shall provide for the ten-year phase in of City taxes as provided for in Chapter 368 of the Code of Iowa; and

WHEREAS, the cost of the building permits shall be at the rate of the jurisdiction at the time of permit application.

BE IT THEREFORE RESOLVED that the application from Clyde and Diane Knupp, made pursuant to Section 368.7, Code of Iowa for the annexation to the City of Fort Dodge, Iowa, of the territory adjoining said City is described as follows:

LOTS 1 AND 2 OF THE OFFICIAL PLAT FOR THE AIRPORT INDUSTRIAL DEVELOPMENT IN WEBSTER COUNTY, IOWA; AS DESCRIBED IN BOOK 45 AT PAGE 451 DEED RECORD OF THE WEBSTER COUNTY RECORDER'S OFFICE; TOGETHER WITH THE EAST 50 FEET OF NELSON AVENUE LYING ADJACENT TO SAID LOTS 1 AND 2 AND LYING NORTH OF THE CENTERLINE OF CARDINAL AVENUE; AND THE NORTH 30 FEET OF CARDINAL AVENUE ADJACENT TO SAID LOT 2 LYING EAST OF NELSON AVENUE.

ALSO BE IT THEREFORE RESOLVED that the annexation of this property to the City of Fort Dodge, Iowa is hereby approved, and that upon passage of this resolution, this territory shall thereafter be and become a part of the City of Fort Dodge, Iowa and that the City Clerk shall forthwith cause this resolution and that attached exhibit to be filed with all appropriate persons and agencies as required by section 368.7, Code of Iowa.

PASSED AND APPROVED this _____ day of _____, 2015.

Ayes: _____

Nays: _____

Other: _____

CITY OF FORT DODGE

BY: _____
Matt Bemrich, Mayor

ATTEST:

Jeff Nemmers, City Clerk

STATE OF IOWA, WEBSTER COUNTY, ss:

On this _____ day of _____, 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared Matt Bemrich and Jeff Nemmers to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of said corporation, that the seal affixed thereto is the seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its City Council; and that the said Mayor and City Clerk as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Dawn M. Siebken, Notary Public