City Council Communication

Department: Community Development CASE #OTB-23-005 Applicant: Avalos Construction LLC 1622 Avenue F Council Bluffs, IA 51501	Reso. of Intent No. _____ Reso. to Dispose No. _____	Set Public Hearing: 7/24/2023 Public Hearing: 8/14/2023

Subject/Title

Request: Set public hearing on the request of Avalos Construction LLC, represented by Adalberto Avalos, to purchase City owned property legally described as the East 48 feet of Lot 5, Block B, Curtis and Ramsey's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed at 908 5th Avenue.

Location: East of 910 5th Avenue.

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable.' The applicant wishes to acquire the subject property in order to construct a 'single-family dwelling, detached.' According to the *Inventory and Disposal Policy for Surplus City Property*, adopted by City Council on April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be $14,000.00. The applicant has offered $14,000.00 to purchase the property, and has submitted a $1,400.00 down payment.

The subject property was acquired by the City of Council Bluffs in January 10, 2018 via a 657a Petition through the Iowa District Courts. As is stated in the adopted *Inventory and Disposal Policy for Surplus City Policy*, the property would be eligible for a forgivable mortgage as it has been actively marketed on the Surplus Property list for more than the required 24 months.

The following costs have been incurred on the subject property:

Permits and Inspections Division – Board Up/Clean Up/Legal Fees:	$ 2,822.45
Permits and Inspections Division – Demolition:	$ 9,100.00
Total	**$ 11,922.45**

The subject property is 48 feet wide by 130 feet deep, and contains 6,240 square feet in area. Since the subject property does not meet the minimum lot width requirement in the R-2/Two-Family Residential District, it is considered a nonconforming lot of record. As per Section 15.26.020 of the Municipal Code (Zoning Ordinance), "*nonconforming lots of record existing at the effective date of the ordinance codified in this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any principal use allowed by the regulations for the district and must comply with all other density regulations set forth by this chapter*." As such, the subject property is still considered buildable as a single-family structure that meets all minimum R-2 District site development regulations can be constructed at this site.

Recommendation

The Community Development Department recommends disposal of property legally described as the East 48 feet of Lot 5, Block B, Curtis and Ramseys Addition, City of Council Bluffs, Pottawattamie County, Iowa to Avalos Construction LLC, subject to the following conditions:

A. The purchase price shall be $14,000.00, with the remaining balance beyond the submitted $1,400.00 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home on the subject property.

B. Closing shall occur on the property within 60 days of the date of decision. The applicant shall have 2 years from the date of decision to construct a home on the subject property and receive a Certificate of Occupancy for the completed home.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Plot Plan

Prepared by: Moises Monrroy, Planner, Community Development Department