Council Communication

Department: Community Development CASE #OTB-23-008 Applicant: Jesse Franklin Griffis 1704 14th Avenue Council Bluffs, IA 51501	Reso. of Intent No. _____ Reso. to Dispose No. _____	Set Public Hearing: 11/13/2023 Public Hearing: 11/27/2023

Subject/Title

Request of Jesse Franklin Griffis to purchase surplus City-owned property legally described as former Wabash Railroad right-of-way across Lots 7-12, Block 28, Fleming and Davis' Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Former railroad right-of-way running adjacent to the north of 1704 14th Avenue

Background/Discussion

The Community Development Department has received an offer from Jess Franklin Griffis to purchase the surplus city-owned property legally described above. Attachment 'A' contains a location/zoning map. The subject property is classified as 'transitional dispose'. This piece of land is part of former Wabash Railroad Right-of-way that the City acquired from the Iowa Natural Heritage Foundation in 2003. Part of the former railroad ROW was utilized for construction of a multi-use trail, and the rest, including the subject property, has remained undeveloped and unmaintained by the City. No future trails or other city projects are planned on the subject property. As such, disposal will reduce the City's liability for the subject property and is in the City's best interest.

The applicant proposes to acquire the subject property to expand the property he owns at 1704 14th Avenue. The applicant has no plans to build on the land at this time, and the applicant stated he has been maintaining the subject property for many years. The western 60 feet of the land that the applicant has offered to purchase abuts undeveloped property owned by the Union Pacific Railroad to the west of 1704 14th Avenue. The City has attempted to offer this land to Union Pacific by contacting them via regular mail at the tax address on file. The City sent letters to UPRR on January 25, 2022, and August 7, 2023. Both letters generated no response, and as such, the Community Development Department offered the land to Mr. Griffis along with the right-of-way that directly abuts his land.

According to the adopted *Inventory and Disposal Policy for Surplus City Property*, dated April 23, 2018, the subject property shall be priced at a value established by the most recent fee schedule for street/alley vacations, which is $513.60. The applicant has offered $513.60 and has submitted a down payment of $51.36 plus a $50.00 nonrefundable administrative fee.

The City has not incurred any maintenance cost for this property.

The subject property is zoned I-2/General Industrial District and is a trapezoid-shaped parcel containing 3,224 square feet, which does not meet the minimum 15,000 square foot lot size requirement for the I-2/General Industrial District. The applicant's adjacent property at 1704 14th Avenue contains 14,182 square feet, which also does not conform to the minimum size requirement. Once the applicant combines the subject property with his adjacent property, his total contiguous land holdings will contain 17,406 square feet, meaning the sale of the subject property will eliminate a nonconformity. Additionally, the combined properties will exceed the minimum

75-foot width requirement, but they will not meet the minimum 150-foot depth requirement (the property's depth will increase from approximately 115 to 137 feet). The property at 1704 14th Avenue is zoned I-2/General Industrial District and contains a legal nonconforming residential land use (single-family detached dwelling). Combining the adjacent right-of-way with the subject property would constitute expansion of a legal nonconforming use. However, expanding the property's land area will make the property more useful for industrial purposes upon abandonment or destruction of the nonconforming use. To ensure this outcome, the applicant shall be required to submit a parcel combination request to consolidate his land holdings in this location and shall sign an agreement prohibiting the sale of the subject property separately from 1704 14th Avenue.

Recommendation

The Community Development Department recommends setting a public hearing on the disposal of the property legally described former Wabash Railroad right-of-way across Lots 7-12, Block 28, Fleming and Davis' Addition, City of Council Bluffs, Pottawattamie County, Iowa on the November 27, 2023, City Council Meeting.

Attachments

Attachment A: Location/Zoning Map

Prepared by: Brandon Siracuse, Planner, Community Development Department