City Council Communication

Department: Community Development Department Case #MIS-23-010 Applicants: City of Council Bluffs 209 Pearl Street Council Bluffs, Iowa 51503 Kelly Hassler 20387 Cardinal Lane Council Bluffs, IA 51503	Resolution No. _____	City Council: 11/13/2023

Subject/Title

Request: A resolution authorizing the Mayor to execute an agreement for the consent to subdivision and petition for voluntary annexation of parcel number 744309326001 otherwise identified as 20387 Cardinal Lane.

Location: 20387 Cardinal Lane, Council Bluffs, Iowa

Background/Discussion

The applicant, Kelly Hassler, submitted a sketch-plat application to the Pottawattamie County Planning Department and the City of Council Bluffs requesting approval to subdivide her property at 20387 Cardinal Lane, being legally described as the West 34 acres of the NE ¼ SW1/4 of Section 9-74-43, except part to Pottawattamie County, Iowa in Book 660 Page 400, Pottawattamie County, Iowa, into two parcels (see Attachment A). Proposed parcel #23124 will consist of 2.00 net acres and proposed Parcel #23125 will consist of 27.421 net acres. The purpose of this parcel split request is to allow the applicant to sell their existing home on proposed parcel #23125 and to build a new home on proposed parcel #23124. The subject property is located within the City's two-mile extraterritorial limit and is designated as a City Growth Area II, as per the recently adopted Joint City-County Land Use Study/28E agreement.

Per the City Growth Area II policies, as stated in the adopted Joint City-County Land Use Study, "*parcel splits are allowed within a City Growth Area II as a one-time action provided the remainder of the parcel to be split is 20 acres or greater and retains a potential for development at urban standards. Annexation of property within a City Growth Area II is anticipated to be concurrent with individual subdivision activity and with the extension of utility systems. In the event that it is not practicable to complete an annexation at the time of development, the subdivider of property shall enter into an agreement with the City providing assurances that when it becomes practicable to be annexed they, along with any successors and assigns, will cooperate with the process on a voluntary basis."* The proposed parcel split complies with all applicable City Growth Area II policies; however, immediate annexation is not practicable as the subject property is located approximately 3,000 linear feet from the closest point of the City's municipal boundary (see Attachment B). For this reason, the City and the property owner negotiated an agreement that allows the parcel split to be approved in exchange for their cooperation for voluntary annexation at a future date and compliance with the terms of the agreement (see Attachments C & D). The agreement is applicable

to the current property owner and all future successor's and/or assigns associated with the property. Once the agreement is signed by all parties, the City will record the document with Pottawattamie County office so that it follows the chain of title of the subject property in perpetuity.

Recommendation

The Community Development Department recommends approval to execute an agreement for the consent to subdivision and petition for voluntary annexation of parcel number 744309326001 otherwise known as 20387 Cardinal Lane, as shown in Attachments 'C' and 'D'.

Attachments

Attachment A – Sketch plat/plat of survey for proposed parcel split
Attachment B - Location map
Attachment C – Proposed voluntary annexation agreement
Attachment D – Voluntary annexation petition

Prepared by: Christopher Gibbons, AICP, Planning Manager