City Council Communication

Department: Community Development Case #MIS-23-013 Applicant: Corpus Christi Parish 3304 4th Avenue Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No._____	City Council: 12/18/2023 Public Hearing: 1/8/2024

Subject/Title

Request: Release a permanent and perpetual utility easement retained over a vacated east/west alley located in Block 19, Bryant and Clark's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 3304 4th Avenue

Background/Discussion

The Community Development Department has received a request from Corpus Christi Parish to release a permanent and perpetual utility easement over a vacated east/west alley located in Block 19, Bryant and Clark's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. The City of Council Bluffs vacated and released their interest in said alley on December 5, 1955 via Ordinance No. 3470. At the time of vacation, the City reserved a permanent and perpetual easement to allow utility providers access to their infrastructure. A location/zoning map is included as Attachment 'A.'

The applicants are requesting approval from the City to release the recorded easement over the previously vacated alley to allow for construction of a detached garage that will be partially located within said easement area, see Attachment 'B.' Part of the process to release any permanent and perpetual utility easement is for the City to receive consent from all local utility providers. On November 21, 2023, the Council Bluffs Community Development Department officially notified all local utility providers of the subject request. Included in the notification was a petition for each utility provider to sign and return back to the City which acknowledges their consent to release said easement. To date, the Community Development Department has received the following responses:

- Council Bluffs Water Works stated that the request will go before their Board on December 19th for review and approval.
- MidAmerican Energy stated internal approvals have been received and the petition has been routed to senior management for signature.
- Black Hills Energy has returned their signed petition.

City staff will continue to work with the remaining local utility providers to obtain their formal consent to release said easement.

Recommendation

The Community Development Department recommends approval to release the permanent and perpetual utility easement retained over a vacated east/west alley located in Block 19, Bryant and Clark's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following condition:

A. The release of the perpetual and permanent utility easements shall become effective once all local utility providers submit their signed petition form, which releases their interest(s) in said utility easement, to the City of Council Bluffs.

Attachments **Attachment A**: Location/zoning map **Attachment B**: Future Site Plan
Prepared by: Haley Weber, Planner, Community Development Department