Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 – Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 890-5350

RESOLUTION NO. 24-21

A RESOLUTION TO VACATE AND DISPOSE OF THE SOUTH 27.57 FEET OF 24TH AVENUE RIGHT-OF-WAY LYING EAST OF THE WEST RIGHT-OF-WAY LINE OF 21ST STREET AND WEST OF THE WEST LINE OF LOT 7, BEACON PLACE SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, THAT PART OF 25TH AVENUE RIGHT-OF-WAY LYING EAST OF SOUTH 21ST STREET AND WEST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 20TH STREET, THAT PART OF 26TH AVENUE RIGHT-OF-WAY LYING WEST OF SOUTH 19TH STREET AND EAST OF THE WEST LINE OF VACATED 20TH STREET EXTENDED NORTHERLY TO THE SOUTH LINE OF LOT 1, BEACON PLACE 2, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, THAT PART OF SOUTH 20TH STREET RIGHT-OF-WAY LYING NORTH OF 25TH AVENUE AND SOUTH OF THE SOUTH LINE OF LOT 7 OF BEACON PLACE SUBDIVISION, AND THAT PART OF SOUTH 21ST STREET RIGHT-OF-WAY LYING BETWEEN 24TH AVENUE AND 25TH AVENUE.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: the South 27.57 feet of 24th Avenue right-of-way lying east of the West right-of-way line of 21st Street and west of the West line of Lot 7, Beacon Place Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, that part of 25th Avenue right-of-way lying east of South 21st Street and west of the East right-of-way line of South 20th Street, that part of 26th Avenue right-of-way lying west of South 19th Street and east of the West line of vacated 20th Street extended northerly to the South line of Lot 1, Beacon Place 2, City of Council Bluffs, Pottawattamie County, Iowa, that part of South 20th Street right-of-way lying north of 25th Avenue and south of the South line of Lot 7 of Beacon Place Subdivision, and that part of South 21st Street right-of-way lying between 24th Avenue and 25th Avenue, is of no benefit to the public and should be vacated; and

WHEREAS, a public meeting was held on this matter on the 22nd day of January, 2024; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying all of its right, title, and interest in it to the abutting property owner(s); and

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the above-described city right-of-way is hereby vacated and conveyed as follows:

Gregory Poor: The South ½ of 25th Avenue right-of-way lying east of South 21st Street and west of the East right-of-way line of South 20th Street; the entirety of 26th Avenue right-of-way lying west of South 19th Street and east of the West line of vacated 20th Street extended northerly to the South line of Lot 1, Beacon Place 2, City of Council Bluffs, Pottawattamie County, Iowa; and the

East ½ of South 20th Street right-of-way lying north of 25th Avenue and south of the South line of Lot 7 of Beacon Place Subdivision for a total sum of $20,604.50 to be forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed multifamily residential structure on Lot 1, Union at Bluffs Run.

G-A Properties LLC: the South 27.57 feet of 24th Avenue right-of-way lying east of the West right-of-way line of 21st Street and west of the West line of Lot 7, Beacon Place Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; the North ½ of 25th Avenue right-of-way lying east of South 21st Street and west of the East right-of-way line of South 20th Street; the West ½ of South 20th Street right-of-way lying north of 25th Avenue and south of the South line of Lot 7 of Beacon Place Subdivision; and the entirety of South 21st Street right-of-way lying between 24th Avenue and 25th Avenue for a total sum of $22,415.33 to be forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed multifamily residential structure on Lot 1, Union at Bluffs Run.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described right-of-way; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code Section 354.23.

ADOPTED AND APPROVED: January 22, 2024

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of January, 2024, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

_____
Notary Public in and for said State