Council Communication

Department: Community Development CASE #OTB-23-008 Applicant: City of Council Bluffs	Reso. of Intent No. _____ Reso. to Dispose No. _____	Public Hearing: 2/12/2024

Subject/Title

Request of the City of Council Bluffs to correct Resolution No. 23-321 for disposing of City 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

On November 27, 2023, the Council Bluffs City Council approved Resolution No. 23-321, which disposed of 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 to Mr. Jesse Franklin Griffis. The property is a trapezoid-shaped parcel containing 3,224 square feet and was part of the 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.

Mr. Griffis owns the abutting property at 1704 14th Avenue and stated he has maintained the former railroad ROW abutting his property for the last 20 years. 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 offered $513.60 and submitted a down payment of $51.36 plus a $50.00 nonrefundable administrative fee. The applicant requested a forgivable mortgage on the remaining balance ($462.24) but this condition was not included in the original resolution approved by Council. The property is eligible to be disposed of with a forgivable mortgage as the City has owned it for more than 20 years and it's considered a non-buildable remnant parcel.

Recommendation

The Community Development Department recommends disposing of 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, to Mr. Jesse Franklin Griffis, subject to the following conditions:

1. The purchase price for the subject property be $513.30 and the remaining balance ($462.24) being forgiven after two (2) years of satisfactory property maintenance.
2. The applicant shall close on the subject property within 60 days of the date of Council's decision; and
3. The applicant shall combine the subject property with the two parcels he currently owns at 1704 14th Avenue and shall sign an agreement not to sell the subject property separately.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Resolution No. 23-321 (original)

Prepared by: Christopher Gibbons, Planning Manager, Community Development Department