ATTACHMENT B

R FEE$ 20.00 RMA $ 1.00
A FEE$ 5.00 ECOM $ 1.00
T TAX$

DocId:8639064
Tx:5033203

2023-11750
RECORDER ANDREW MOATS
POTTAWATTAMIE COUNTY, IA
FILE TIME: 12/06/2023 03:13:58 PM

RECORDING FEE	20.00
AUDITOR FEE	5.00
RMA FEE	1.00
ECM FEE	1.00

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. 23-321

A RESOLUTION TO DISPOSE OF CITY PROPERTY 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.

WHEREAS, the City has previously expressed its intent to dispose 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.

WHEREAS, a public hearing has been held in this matter on November 27, 2023, at 7:00 p.m.

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

That the Mayor and City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Jesse Franklin Griffis: 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.

BE IT FURTHER RESOLVED

That the purchase price for the subject property be $513.60, with the remainder beyond the $51.36 down payment being due prior to conveyance of the property to the above-mentioned party. Property closing shall occur within sixty (60) days of the date of approval.

BE IT FURTHER RESOLVED

That the applicant shall submit a request to combine the subject property with property owned by the applicant at 1704 14th Avenue, legally described as Lots 7-10 excluding railroad right-of-way, Block 28, Fleming and Davis' Addition, City of Council Bluffs, Pottawattamie County, Iowa, within 30 days of title conveyance.

BE IT FURTHER RESOLVED

That the applicant shall not sell the subject property separately from the property legally described as Lots 7-10 excluding railroad right-of-way, Block 28, Fleming and Davis' Addition, City of Council Bluffs, Pottawattamie County, Iowa.

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder.

ADOPTED
AND
APPROVED: November 27, 2023.

Matthew J. Walsh Mayor

ATTEST:

Jodi Quakenbush City Clerk

Proof Of Publication

State of Iowa

Pottattwattamie County

NOTICE OF PUBLIC HEARING ON INTENT TO DISPOSE AND CONVEY CITY PROPERTY

TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Jesse Griffis to purchase City owned property legally described as former Wabash Railroad right-of-way across Lots 7 through 12, Block 28, Fleming and Davis' Addition, City of Council Bluffs, Pottawattamie County, Iowa.
You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 27th day of November, 2023, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.
Jodi Quakenbush, City Clerk
392211; 11/18 ZNEZ

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 18th day of November, 2023.

Billing Representative

Sworn to and subscribed before me this 18th day of November, A.D. 2023.

Notary Public

State of Virginia
County of Hanover
My Commission expires

Kimberly Kay Harris
NOTARY PUBLIC
Commonwealth of Virginia
Reg. No. 356753
Commission Exp. Jan. 31, 2026

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost:	$34.30
Customer Number:	1003258
Order Number:	0000392211

E-mail

jquakenbush@councilbluffs-ia.gov

Attachment A

CITY OF COUNCIL BLUFFS - CITY COUNCIL
CASE #OTB-23-008 LOCATION/ZONING MAP

Case #OTB-23-008 Subject Property

Parcels

0 30 60

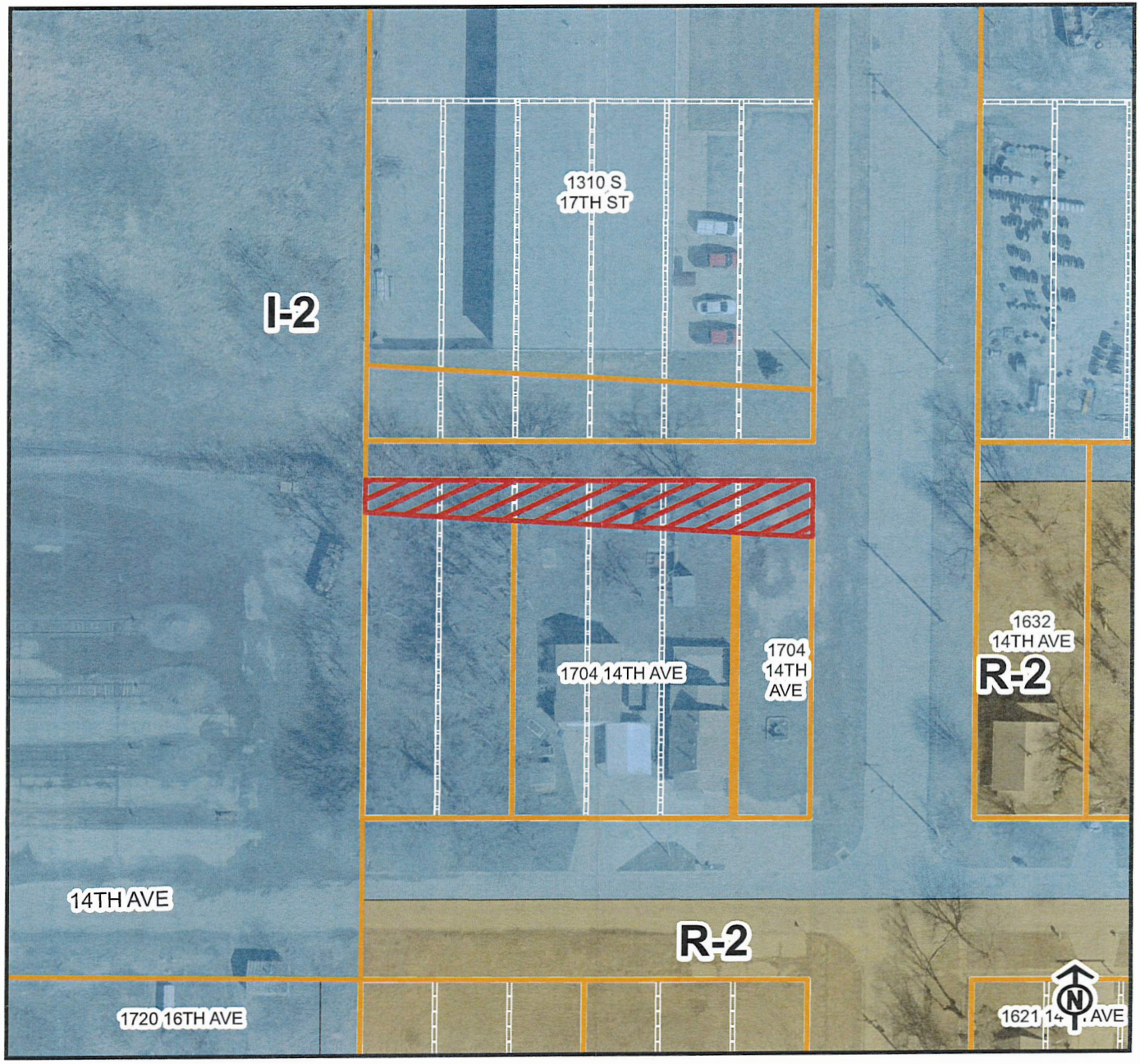
1 inch = 64 feet



Last Amended: 11/3/2023

Council Bluffs Community Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 890-5350

DISCLAIMER
This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map of the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



Council Communication

Department: Community Development
Case/Project No.: OTB-23-008
Submitted by: Brandon Siracuse, Planner

Resolution 23-321
ITEM 4.B.

Council Action: 11/27/2023

Description

Resolution to dispose of City property described as former Wabash Railroad right-of-way across Lots 7-12, Block 28, Fleming and Davis' Addition. Location: Former railroad right-of-way running adjacent to the north of 1704 14th Avenue. OTB-23-008

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	11/17/2023
Attachment A: Location/Zoning Map	Map	11/17/2023
Resolution 23-321	Resolution	11/20/2023

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 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, subject to the following conditions:

1. The price of the subject property, including the submitted $51.36 down payment, shall be $513.60;
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

Prepared by: Brandon Siracuse, Planner, Community Development Department