City Council Communication

Department: Community Development Department Case #MIS-24-003 Applicants: City of Council Bluffs 209 Pearl Street Council Bluffs, Iowa 51503 Julia Asmus Johnson 2017 Trust c/o Steven Bloch 444 Regency Parkway Drive, Ste.100 Omaha, NE 68114	Resolution No. _____	City Council: 7/08/2024

Subject/Title

Request: Resolution authorizing the Mayor to execute an agreement for the consent to subdivision and petition for voluntary annexation of properties located in part of the NE1/4 NE1/4 of Section 10-74-43 and part of the NW1/4 NW1/4 of Section 11-74-33, Pottawattamie County, Iowa and being more particularly described in Attachment 'A'.

Location: 14887 Canoe Lane and 34.97 acres of undeveloped land to the immediate east.

Background/Discussion

The applicant, Julia Asmus Johnson 2017 Trust, represented by Amy Chesnut of Midwest Trust, has submitted a sketch-plat application to the Pottawattamie County Planning Department and the City of Council Bluffs requesting approval to complete a lot line adjustment between two adjoining properties of the Julia Asmus Johnson 2017 Trust Estate, as legally described in Attachment 'A'. The first property is located at 14887 Canoe Lane and is developed with a single-family residential dwelling on 7.22 acres of land. The second property is located to the immediate east and contains 34.97 acres of agricultural farmland. The purpose of this request is to modify the lot lines between the two properties so that the residential dwelling is located on 3.17 acres and the remaining 4.05 acres is combined with the farmland to the east to create a 38.64 acre parcel. Both properties are located within the City's two-mile extraterritorial limit and are designated as a City Growth Area II, as per the adopted Joint City-County Land Use Study/28E Agreement.

As per the adopted Joint City-County Land Use Study/28E agreement, the City Growth Area II is described as *"land located within the three-mile study area that lies between areas that will likely be developed to urban densities and areas that will remain rural in character. It is possible that some areas may be serviced to the extent that urban densities could be achieved, but the timing of extension of services is uncertain and a level of development should still be allowed in the transitional time. In specific instances development could occur prior to the extension of services provided an agreement is reached that ensures connection would be made when available. Areas should be developed to City standards, such that annexation and absorption into the City is possible in the future as infrastructure arrives and becomes adjacent to City limits. Upon annexation, property would be reclassified into the appropriate City zoning district. This area may also be suitable for transitional areas where some level of development is possible, provided it does not hinder the full development of the parcel at a later date".* Lot line adjustments within the City Growth Area II are allowed with approval from the City provided the request does not create an additional buildable lot and the property owner(s) either immediately annex into the City or enter

into a voluntary annexation agreement, if immediate annexation is not practicable at the time of request.

At this time, immediate annexation is not practicable as the subject properties are located approximately 4,226 feet from the nearest 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 lot line adjustment 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 landowner and all future successor's and/or assigns associated with the subject properties. Once the agreement is signed by all parties, the City will record the document with Pottawattamie County Recorder's office so that it follows the chain of title for both properties in perpetuity.

Recommendation

The Community Development Department recommends approval to execute an agreement for the consent to subdivision and petition for voluntary annexation of properties located in part of the NE1/4 NE1/4 of Section 10-74-43 and part of the NW1/4 NW1/4 of Section 11-74-33, Pottawattamie County, Iowa and being more particularly described in Attachment 'A', subject to the terms of the agreement and petition stated in Attachments 'C' and 'D'.

Attachments

Attachment A – Plat of survey
Attachment B - Location map
Attachment C – Proposed voluntary annexation agreement
Attachment D – Voluntary annexation petition

Prepared by: Christopher Gibbons, AICP, Planning Manager