City Council Communication

Department: Community Development Department Case #MIS-24-003 Applicants: City of Council Bluffs 209 Pearl Street Council Bluffs, Iowa 51503 John H. and Elaine A. Reid 19887 Old Lincoln Highway Council Bluffs, IA 51503 Representative: Byron Menke 124 E. Main Street P.O. Box 249 Treynor, IA 51575	Resolution No. _____	City Council: 7/22/24

Subject/Title

Request: Resolution authorizing the Mayor to execute an agreement for the consent to subdivision and petition for voluntary annexation of three parcels of land legally described as parcels #24028 and #24029 of the N1/2 of the NW1/4 of Section 18-75-43 along with the SE1/4 of the SW1/4 of Section 7-75-43, Pottawattamie County, Iowa.

Location: 19885 and 19887 Old Lincoln Highway along with the undeveloped 40 acres of land to the immediate north.

Background/Discussion

The applicant, John H. and Elaine A. Reid, represented by Byron Menke, are requesting approval to execute an agreement with the City for the consent to subdivision and petition for voluntary annexation of three parcels of land legally described as parcels #24028 and #24029 of the N1/2 of the NW1/4 of Section 18-75-43 along with the SE1/4 of the SW1/4 of Section 7-75-43, Pottawattamie County, Iowa (see Attachment A). The purpose of this request is to allow the applicants to complete a 5.68 acre homestead parcel split so they can retain their existing dwellings at 19885 and 19887 Old Lincoln Highway and then sell off the remaining acreage to pay for their assisted living needs. All properties included in this request are located within a within the City's two-mile extraterritorial limits and are designated as a City Growth Area 1A.

The submitted plat of survey shows the first parcel (#24029) is comprised of 5.68 acres of land and contains the applicants two existing residential dwellings at 19985 and 19887 Old Lincoln Highway. The second parcel (#24028) is comprised of 23.18 acres of undeveloped land. The third parcel is not included on the plat of survey but is comprised of a 40 acre tract of undeveloped land (legal description: SE1/4 of the SW1/4 of Section 7-75-43, Pottawattamie County, Iowa) that is located immediately north of parcel #24028. This parcel is also owned by the applicants and is only accessible via parcel #24028. Upon completion of the annexation agreement, the applicant will complete an administrative parcel combination with Pottawattamie County to join parcels #24028 and the undeveloped 40 acre tract into one parcel so that it does not remain landlocked. The proposed plat of survey also shows a 0.64 acre parcel of land (#24052) being created to allow the applicants to complete a lot line adjustment with their neighbors to the abutting south (Douglas A. and Shelley K. Kraniewski – 19789 Old Lincoln Highway).

This parcel is not included in the proposed annexation petition as lot line adjustments are exempt from annexation in a City Growth Area 1A, 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 IA is described as *"land located within the three-mile study area that is generally adjacent to City limits and is substantially developed with subdivisions and smaller lots in County jurisdiction and may or may not have access or planned access for services including: water, sanitary sewer, storm sewer, emergency services, power, natural gas, communications, and roadways. Property in this area is not expected to be further developed unless assembled into larger development projects and fully served to urban standards. This area is not a priority for future annexation unless it provides a contiguous connection to future development, but may be annexed as subdivision or development of individual sites occur"*. A homestead parcel split is allowed within a City Growth Area 1A upon the property owner(s) either immediately annexing into the City or entering 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 3,900 feet from the nearest point of the City's municipal boundary (see Attachment B). For this reason, the City and the applicants negotiated an agreement that allows the homestead parcel split 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 landowners 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 all 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 three parcels of land legally described as parcels #24028 and #24029 of the N1/2 of the NW1/4 of Section 18-75-43 along with the SE1/4 of the SW1/4 of Section 7-75-43, Pottawattamie County, Iowa, 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