Attachment B

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. 20-282

A RESOLUTION TO DISPOSE OF CITY PROPERTY DESCRIBED AS THE WEST 45 FEET OF LOT 12, EXCEPT THE NORTH 6 FEET FOR THE EAST/WEST ALLEY ADJOINING, BLOCK 25, EVERETT'S 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 the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing has been held in this matter on November 23, 2020 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:

Wesley D. Franks, and all successors in interest: the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be $9,514.00, with the remaining balance beyond the submitted $951.40 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home within 2 years of the approval date. Property closing must occur within 60 days of the date of approval.

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 23, 2020.

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 to dispose of property described as West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's 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 23rd Day of November, 2020, 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
2020(11)15-1 Sunday

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS 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 15th day of November, 2020.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 15th day of November, A.D. 2020.

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 to dispose of property described as West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's 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 23rd Day of November, 2020, 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
2020(11)15-1 Sunday

Tom Schmitt
Daily Nonpareil Publisher

Jessica Boucher
Notary Public

Filed this 15th day of November, A.D. 2020.

Publication Cost: $15.60

NOTARIAL SEAL IOWA

JESSICA BOUCHER
Commission Number 826480
MY COMMISSION EXPIRES
SEPTEMBER 8, 2023

Customer Number: 1003258
Order Number: 0000190303

Council Communication

Department: Community Development
Case/Project No.: OTB-20-016
Submitted by: Moises Monroy, Planner

Resolution 20-282
ITEM 8.B.

Council Action: 11/23/2020

Description

Resolution to dispose of City property described as the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition. Location: 1618 7th Avenue. OTB-20-016

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #OTB-20-016	Other	11/13/2020
Attachment A - Case Map	Map	11/13/2020
Resolution 20-282	Resolution	11/18/2020

Council Communication

Department: Community Development CASES #OTB-20-016 Applicant: Wesley D. Franks 106 Brentwood Heights Council Bluffs, IA 51503	Reso. of Intent No. _____ Reso. to Dispose No. _____	Set Public Hearing: 11/9/2020 Public Hearing: 11/23/2020

Subject/Title

Request: Set public hearing on the request of Wesley D. Franks to purchase property described as the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property is generally addressed as 1618 7th Avenue.

Location: Northeast corner of the intersection of South 17th Street and 7th Avenue.

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable - restrictions.' The applicant wishes to acquire this property to construct a detached single-family dwelling. According to the *Inventory and Disposal Policy for Surplus City Property*, adopted by City Council on April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be $9,514.00. The applicant has offered $9,514.00 to purchase the property, and has submitted a $951.40 down payment.

The subject property was acquired by the City of Council Bluffs in May of 2010 via a 657A Petition through the Iowa District Courts. As is stated in the adopted *Inventory and Disposal Policy for Surplus City Policy*, the property would be eligible for a forgivable mortgage as it buildable and has been actively marketed on the Surplus Property list for more than the required 24 months.

The following costs have been incurred on the subject property:

Permits and Inspections Division – Legal fees:	$ 1,599.87
Permits and Inspections Division – Weed abatement/mowing:	$ 1,776.05
Permits and Inspections Division – Demolition:	$ 11,870.00
Total	**$ 15,245.92**

The subject property is 45 feet wide by 130 feet deep, and contains 5,850 square feet in area. The subject property does not meet the minimum required 55 feet in lot width for corner lots in the R-2/Two-Family Residential District, thus it is considered a nonconforming lot of record. As per Section 15.26.020 of the Municipal Code (Zoning Ordinance), "nonconforming lots of record existing at the effective date of the ordinance codified in this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any principal use allowed by the regulations for the district and must comply with all other density regulations set forth by this chapter." The subject property is large enough to accommodate a single-family structure with a floor area not less than five hundred (500) square feet and a minimum width of not less than twenty (20) feet that meets the minimum setback requirements in the R-2 District. The parcel is located within an AH flood zone, and as such, full compliance with floodplain regulations will be required. For this reason, the property is classified as 'buildable - restrictions.'

Recommendation

The Community Development Department recommends disposal of the property legally described as the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa to Wesley D. Franks, subject to the following conditions:

1. The purchase price shall be $9,514.00, with the remaining balance beyond the submitted $951.40 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home on the subject property.
2. Closing shall occur on the property within 60 days of the date of decision. The applicant shall have 2 years from the date of decision to construct a home on the subject property.

Attachments

Attachment A: Location/Zoning Map

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment A

CITY OF COUNCIL BLUFFS - CITY-OWNED PROPERTY GROUP
CASES #OTB-20-016 LOCATION/ZONING MAP

Legend

Subject Property

0 15 30

1 Inch = 33 Feet



Last Amended: 10/20/2020

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.

