City Council Communication

Department: Community Development CASE #SAV-24-002 Applicant: Alexander Giron Rivera 1704 Avenue P Council Bluffs, IA 51501	Reso. of Intent No. _____ Reso. to Dispose No. _____	Resolution of Intent: 1/13/2025 Resolution to Dispose: 1/27/2025 Planning Commission: 12/10/2024

Subject/Title

Request: Public hearing on the request of Alexander Giron Rivera to vacate and dispose of the east/west alley abutting Lots 19 through 23, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa

Location: Alley abutting properties commonly addressed as 1704, 1708, 1714, and 1720 Avenue P

Background

The Community Development Department has received a request from Alexander Giron Rivera to vacate and dispose of the east/west alley abutting Lots 19 through 23, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa. The subject alley measures approximately 10 feet in width by 231.52 feet in length. The applicant owns the adjacent property at 1704 Avenue P and is proposing to vacate the alley to incorporate additional land area into his residential property for off-street parking of vehicles and trailers. The subject alley dead-ends into Bahnsen Park to the west and is not improved or utilized by any adjacent property for access purposes.

On August 25, 2003, the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations.* The objectives of the amended Policy are as follows:

A. To provide due process and citizen participation in the application and review process for vacations.
Property owners with land that abuts the subject alley are as follows:

North: Railroad right-of-way
South:

- Residential property owned by Alexander Giron Rivera (1704 Avenue P)
- Residential property owned by Georgeen Lynne Richardson (1708 Avenue P)
- Residential property owned by Larry Wayne Wohlers Trust (1714 Avenue P)
- Residential property owned by Debra Hammer (1720 Avenue P)

East: N. 17th Street right-of-way
West: City-owned Bahnsen Park

All abutting property owners were mailed petitions asking if they are in favor of/opposed to the vacation request and if they were willing to/not willing to acquire the portion of the alley adjacent to their property, if vacated. Responses to the petitions are summarized in Item J below.

B. To ensure that no property owner is deprived of required and reasonable access.
The subject alley abuts four parcels of land, which are comprised of multiple existing lots of record. All abutting parcels have frontage along Avenue P, which is the primary point of access for each lot. The

subject alleyway is unimproved and is not utilized by any adjacent property for access purposes. All lots will continue to have access off Avenue P, if the vacation is approved.

C. To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.
The subject request is to vacate the entirety of a dead-end alley.

D. To reduce or eliminate hazardous and dangerous traffic conditions.
The subject dead-end alley is not improved and is not utilized for public vehicular and/or pedestrian traffic circulation.

E. To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.
All City Departments and utilities were notified of the request. The following responses were received:

- The Council Bluffs Public Works Department stated they are not in favor of vacating the alley as requested.
- The Council Bluffs Police Department stated they have no comments or objections to the request.
- The Council Bluffs Parks and Recreation Department stated they have no comment on the request.
- The Council Bluffs Fire Department stated they have no comment on the request.
- Council Bluffs Water Works stated they have no comment on the request.
- Black Hills Energy stated they have no concerns regarding the request.
- MidAmerican Energy stated they operate overhead electric distribution facilities within the boundaries of the subject alley. Due to the need to maintain reasonable and safe access to these facilities, MidAmerican Energy opposes the request.

Based on the responses above, the requested vacation would be contrary to protecting access to existing utilities located within the subject alleyway.

F. To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained. Not applicable.

G. To discourage the vacation of a portion of an existing alley, street or other right-of-way.
The subject request is to vacate the entirety of the dead-end east/west alley.

H. To assist in the implementation of the goals and objectives of the Comprehensive Plan.
The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).

I. To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.
Not applicable.

J. To establish an equitable price for surplus public property.
There are four property owners with land that abut the subject alley. All abutting property owners were notified of the vacation request. Each abutting property owner is eligible to receive their portion of the alley in consideration of the vacation application fee, which has already been paid. The following responses have been received:

1. Larry Wayne Wohlners Trust, represented by Larry Wohlner, stated he is in favor of the request and is willing to acquire the portion of alley adjacent to their property at 1714 Avenue P.
2. Debra Hammer stated she is in favor of the request and is willing to acquire the portion of alley adjacent to their property at 1720 Avenue P.
3. No response was received from the following property owners as of the date of this report:
    a. Alexander Giron Rivera, 1704 Avenue P (applicant)
    b. Georgeen Lynne Richardson, 1708 Avenue P

Recommendation

The Community Development Department recommends denial of the request to vacate and dispose of the east/west abutting Lots 19 through 23, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa, as the alley contains significant above-ground utilities which would be difficult to access for maintenance purposes.

Public Hearing

Staff speakers for the request:

1. Haley Weber, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

The Planning Commission recommended denial to vacate and dispose of the east/west alley abutting Lots 19 through 23, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa, as the alley contains significant above-ground utilities which would be difficult to access for maintenance purposes.

VOTE: AYE – Freund, Hutcheson, Rater, Rew, Stroebele, and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Knauss and Watson. VACANT - Three Motion: Carried.

Attachments

Attachment A: Location/Zoning Map

Prepared by: Haley Weber, Planner, Community Development Department