



**AGENDA  
PLANNING COMMISSION  
COUNCIL BLUFFS PUBLIC LIBRARY,  
400 WILLOW AVENUE, COUNCIL BLUFFS, IA  
Tuesday, June 11, 2024 - 6:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ADOPTION OF AGENDA**
- 4. APPROVAL OF MINUTES**
- 5. PROOF OF PUBLICATION**
- 6. REVIEW OF MEETING PROCEDURES**
- 7. PUBLIC HEARINGS**

**A. CASE #SAV-24-001**

Public hearing on the request of Monte Wilson to vacate and dispose of the east/west alley abutting Lots 5 and 6, Block 2, Bayliss 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: Alley between 129 S. 8th Street, 732 Willow Avenue, and 734 Willow Avenue.

- 8. OTHER BUSINESS**
- 9. ADJOURNMENT**

If you plan to attend this meeting and require special assistance please contact the Community Development Department at (712) 890-5350 at least 48 hours before the meeting.

## Planning Commission Communication

Department: Community  
Development

Case/Project No.: SAV-24-001

CASE #SAV-24-001

Council Action: 6/11/2024

Submitted by: Christopher N.

Gibbons, AICP, Planning & Code

Compliance Manager

### Description

Public hearing on the request of Monte Wilson to vacate and dispose of the east/west alley abutting Lots 5 and 6, Block 2, Bayliss 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: Alley between 129 S. 8th Street, 732 Willow Avenue, and 734 Willow Avenue.

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description

Type

Upload Date

Staff Report & Attachments

Other

6/5/2024

**City Planning Commission Communication**

<p>Department: Community Development</p> <p>CASE #SAV-24-001</p> <p>Applicant: Monte Wilson 732 Willow Avenue Council Bluffs, IA 51501</p>	<p>Reso. of Intent No. _____</p> <p>Reso. to Dispose No. _____</p>	<p>Planning Commission: 6/11/24</p>
--	--	-------------------------------------

**Subject/Title**

**Request:** Public hearing on the request of Monte Wilson to vacate and dispose of the east/west alley abutting Lots 5 and 6, Block 2, Bayliss 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa

**Location:** Alley abutting properties commonly addressed as 129 S. 8th Street, 732 and 734 Willow Avenue

**Background**

The Community Development Department has received a request from Monte Wilson to vacate and dispose of the east/west alley abutting Lots 5 and 6, Block 2, Bayliss 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa. The subject alleyway measures approximately 8 feet in width by 120 feet in length. The applicant owns the adjacent properties at 732 Willow Avenue and 129 S. 8<sup>th</sup> Street and is looking to vacate the dead-end alley to restrict public access for security purposes. The subject alleyway has been paved and is maintained by the adjacent property owners.

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 – Residential property owned by Council Bluffs Finance Inc. (129 S. 8<sup>th</sup> Street)

South –

- Residential property owned by Monte Wilson (732 Willow Avenue)
- Residential property owned by Richard and Jeanette Adams (734 Willow Avenue)

East – Residential property owned by Monte Wilson (732 Willow Avenue)

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 three parcels of land, which are comprised of multiple existing lots of record. 129 S. 8<sup>th</sup> Street has access off S. 8<sup>th</sup> Street, 732 Willow Avenue has access off Willow Avenue, and 734 Willow Avenue has access off both S. 8<sup>th</sup> Street and Willow Avenue. All owners are interested in acquiring their portions of the subject alley, as summarized in Item J below. Therefore, an access easement shall be retained over the alley to ensure all owners have continued access.

- C. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.*  
The subject request is vacate the entirety of the alley, which currently dead-ends into the adjacent property at 732 Willow Avenue.
- D. *To reduce or eliminate hazardous and dangerous traffic conditions.*  
The subject dead-end alley is utilized by the adjacent property owners to access the rear portions of their property 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 opposed to the request.
  - 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.
  - Cox Communication stated they have no concerns regarding 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 have no conflict with the request.
- 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 three 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. Monte Wilson stated he is in favor of the request and is willing to acquire the portion of alley adjacent to his property at 732 Willow Avenue.
  2. Council Bluffs Finance Inc., represented by Monte Wilson, stated they are in favor of the request and are willing to acquire the portion of alley adjacent to their property at 129 South 8<sup>th</sup> Street.
  3. Richard and Jeanette Adams stated they are in favor of the request and are willing to acquire the portion of alley adjacent to their property at 734 Willow Avenue.

**Recommendation**

The Community Development Department recommends approval of the request to vacate and dispose of the east/west alley abutting Lots 5 and 6, Block 2, Bayliss 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following condition(s):

- A. An access easement shall be retained over the subject alley; and
- B. All portions of the subject alley shall be disposed of to an abutting property owner(s).

**Attachments**

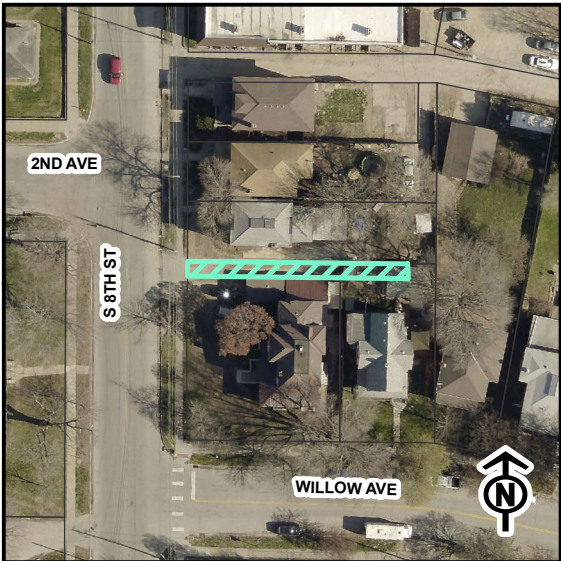
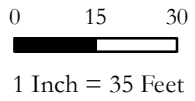
Attachment A: Location/Zoning Map

Prepared by: Christopher N. Gibbons, Planning Manager, Community Development Department

# CITY OF COUNCIL BLUFFS CASE #SAV-24-001 LOCATION/ZONING MAP

**Legend**

- Subject Alley Case #SAV-24-001
- Parcels



Last Amended: 5/13/2024



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 disclaims any and all responsibilities for errors, if any, in the information contained on this map or 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.

