City Council Communication

Department: Community Development CASE #OTB-21-011 Applicant/Owner: Arbutus Walker 928 3rd Avenue Council Bluffs, IA 51501	Reso. of Intent No. _____ Reso. to dispose No. _____	Set Public Hearing: 1/10/2022 Public Hearing: 1/24/2022

Subject/Title

Request: Public hearing on the request of Arbutus Walker to purchase property legally described as the North 51.5 Feet of Lot 6, Block 11, Bayliss 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property is generally addressed as 215 South 10th Street.

Location: North of 928 3rd Avenue

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable.' The applicant owns the property directly south of the subject lot, and wishes to acquire the subject property for additional yard space. 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 $8,900.00. The applicant has offered $8,900.00 to purchase the property, and has submitted an $890.00 down payment.

The subject property was acquired by the City of Council Bluffs in October of 2019 via a 657a Petition through the Iowa District Courts. The former multifamily residential dwelling on the property was demolished in January of 2020. 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 has been actively marketed on the Surplus Property list for more than the required 24 months.

In 2020, the applicant submitted an offer of $4,000.00 to purchase the subject property. At that time, the subject property was not eligible for a forgivable mortgage as it is buildable and had not been actively marketed on the Surplus Property list for the required 24 months. Since the amount offered by the applicant was significantly lower than the assessed value of the subject property at that time ($8,600.00), City Council rejected the offer. City Council recommended the applicant submit an offer once the property had been marketed on the Surplus Property for more than 24 months in order to be eligible for a forgivable mortgage.

The following costs have been incurred on the subject property:

Permits and Inspections Division: Board Up:	$ 1,910.00
Permits and Inspections Division: Demolition:	$ 29,500.00
Permits and Inspections Division: Miscellaneous:	$ 3,842.40
Total	$ 35,252.40

The subject property is 51.5 feet wide by 66 feet deep, and contains 3,432 square feet of land area. The subject property does not meet the minimum required lot area for a single-family dwelling (attached and detached), a two-family dwelling, a townhouse dwelling, or a multifamily dwelling in the R-3/Low Density Multifamily 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 all R-3 District site development regulations. For this reason, the property is classified as 'buildable.'

As stated above, the applicant intends to purchase the subject property for additional yard space, as well as to remedy an ongoing building/zoning violation relative to an accessory structure built without the necessary permit approval. The accessory structure encroaches over the common property line between the applicant's existing residence at 928 3rd Avenue and the subject city-owned property. Approval of the applicant's offer to purchase the subject property would help resolve the ongoing zoning/building violation as it would allow them to obtain a building permit for the illegal accessory structure.

Recommendation

The Community Development Department recommends disposal of the property legally described as the North 51.5 Feet of Lot 6, Block 11, Bayliss 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa to Arbutus Walker, subject to the following conditions:

1. The purchase price shall be $8,900.00, with the remaining balance beyond the submitted $890.00 down payment being forgiven by the City of Council Bluffs provided the applicant (1) owns and maintains the subject property for 24 months from the date of approval; and (2) obtains a building permit for the illegal accessory structure built on the subject property.
2. Closing shall occur on the property within 60 days of the date of decision.

Attachments

Attachment A: Zoning/Location Case Map

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