City Council Communication

Department: Community Development Department Case #MIS-22-001 Applicant: Club Car Wash Council Bluffs, LLC 1215 Old Highway 63, Suite 101 Columbia, MO 65201 Representative/Surveyor: VJ Engineering c/o Matthew Kofta 1501 Technology Parkway, Suite 100 Cedar Falls, IA 50613	Resolution of Intent No. _____ Resolution to Dispose No._____	City Council: 2/14/2022 Public Hearing: 2/28/2022

Subject/Title

Request for the release of a permanent and perpetual easements granted for utility purposes across the previously vacated east/west alley abutting the south property line of Block 1, Street's Addition and the north property line of Block 3, Cochran's Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa.

Location: 2201 West Broadway Street, Council Bluffs, Iowa

Background/Discussion

On February 22, 2021, the Council Bluffs City Council approved Resolution No. 21-52, which granted final plat approval for a two-lot minor subdivision to be known as Club Carwash Addition (see Case #SUB-21-002). Included in the subdivision is a vacated east/west alley along the south property line of Block 1, Street's Addition and the north property line of Block 3, Cochran's Addition that has a permanent and perpetual easement reserved for an existing sanitary sewer line and other public utilities. This easement was established when said east/west alley was vacated by the City of Council Bluffs on August 16, 1965 via Ordinance No. 3723. The applicant, Club Car Wash Council Bluffs, LLC, has since capped and removed the sanitary sewer line from the vacated alley and is now requesting City Council approval to release the permanent and perpetual easement so that it does not hinder future development of proposed Lot 2, Club Carwash Addition, and so they can execute/record their Club Carwash Addition final plat.

The following attachments are included with this report for reference purposes:
Attachment A: Letter from applicant's engineer requesting to release the subject permanent and perpetual utility easement
Attachment B: Proposed Club Carwash Addition final plat
Attachment C: Copy of Ordinance No. 3723, dated 8/16/1965

Comments

All pertinent City departments and local utility providers were mailed petitions notifying them of the request and asking if they support releasing the subject permanent and perpetual utility easement. The following comments were received:

1. Council Bluffs Public Works stated the sanitary sewer line was capped and removed successfully completed and received a pass on their clean-hole inspection.
2. Council Bluffs Water Works stated they have no utilities within the subject vacated alley and support

releasing the subject permanent and perpetual easement. The Council Bluffs Water Works Board approved Resolution #01-02-22, dated January 18, 2022, which released their interest in the subject utility easement. A copy of said resolution is included with this report as Attachment 'D'.

3. MidAmerican Energy Company stated they have no utilities within the subject vacated alley and support releasing the subject permanent and perpetual easement. A copy of their signed petition releasing their interest in the subject utility easement is included with this report as Attachment 'E'.
4. Black Hills Energy stated they have no utilities within the subject vacated alley and support releasing the subject permanent and perpetual easement. A copy of their signed petition releasing their interest in the subject utility easement is included with this report as Attachment 'F'.
5. Cox Communications stated they have no utilities within the subject vacated alley and support releasing the subject permanent and perpetual easement. A copy of their signed petition releasing their interest in the subject utility easement is included with this report as Attachment 'G'.
6. CenturyLink/Lumen stated they have underground communication fiber that runs north/south through the easement and into proposed Lot 1, Club Carwash Addition. CenturyLink and the applicant are currently in discussions on how to best relocate the communication fiber. CenturyLink stated they are willing to release their interest in the easement once their communication fiber is successfully relocated by the developer.

Recommendation

The Community Development Department recommends approval to release the permanent and perpetual easement granted for utility purposes across the previously vacated east/west alley abutting the south property line of Block 1, Street's Addition and the north property line of Block 3, Cochran's Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to the following condition:

1. The release of the perpetual and permanent utility easements across said vacated alley, as legally described above, shall become effective once all local utility providers submit their signed petition form, which releases their interest(s) in said utility easement, to the City of Council Bluffs.

Attachments

Attachment A: Letter from applicant's engineer requesting to release the subject permanent and perpetual utility easement
Attachment B: Proposed Club Carwash Addition final plat
Attachment C: Copy of Ordinance No. 3723, dated 8/16/1965
Attachment D: Copy of CBWW Resolution No. 01-02-22, dated 1/18/2022
Attachment E: Signed easement release petition from MidAmerican Energy Company
Attachment F: Signed easement release petition from Black Hills Energy Company
Attachment G: Signed easement release petition from Cox Communications

Prepared by: Christopher N. Gibbons, AICP, Planning Manager