Council Communication

Department: Community Development CASE #OTB-22-005 Applicant: John R. Rapaich P.O. Box 8244 Omaha, NE 68108	Reso. of Intent No. _____ Reso. to Dispose No. _____	Set Public Hearing: 4/25/2022 Public Hearing: 5/9/2022

Subject/Title

Request of John R. Rapaich to purchase property legally described as former Wabash Railroad right-of-way across Lots 13-22, Block 27, Fleming and David Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Former railroad right-of-way abutting 1608 14th Avenue

Background/Discussion

The Community Development Department has received an offer from John R. Rapaich to purchase the surplus city-owned property legally described above. The subject property is classified as 'transitional dispose'. This piece of land is part of former Wabash Railroad Right-of-way that the City acquired from the Iowa Natural Heritage Foundation in 2003. Part of the former railroad ROW was utilized for construction of a multi-use trail, and the rest, including the subject property, has remained undeveloped and unmaintained by the City. No future trails are planned on the remainder of the subject property. The subject property is therefore of no use to the city, and as such, it is a good candidate for disposal.

The applicant proposes to acquire the subject property to expand and square off the adjacent property they own at 1608 14th Avenue. The applicant has no plans to build on the land at this time. However, the applicant does plan to utilize the railroad right-of-way to expand the business located at 1608 14th Avenue. The Zoning Board of Adjustment approved a conditional use permit for the property at 1608 14th Avenue in 2019 (case #CU-19-003) to allow a contractor yard in an I-2/General Industrial District. Purchase of the railroad ROW for the purpose of expanding the business at 1608 14th Avenue will require a modification of the conditional use permit to allow an expansion of the contractor yard on the property. The applicant has submitted an application to modify the conditional use permit, and the Zoning Board of Adjustment will hold a public hearing for the case on May 17, 2022.

According to the adopted *Inventory and Disposal Policy for Surplus City Property*, dated April 23, 2018, the subject property shall be priced at a value established by the most recent fee schedule for street/alley vacations, which is $5,675.00. The applicant has offered $5,107.50 and has submitted a down payment of $567.50 plus a $50.00 nonrefundable administrative fee.

The City has not incurred any maintenance cost for this property.

The subject property is zoned I-2/General Industrial District and is an irregularly shaped parcel containing 14,790 square feet, which does not meet the minimum lot size requirement of 15,000 square feet for the I-

2/General Industrial District. The applicant owns the adjacent property located at 1608 14th Avenue. The applicant will use the subject property to expand and square off the property at 1608 14th Avenue. The subject property combined with the applicant's existing property at 1608 14th Avenue will contain 41,190 square feet, which exceeds the minimum lot size for the I-2/General Industrial District. The property will also conform to the minimum depth and width requirements of the I-2/General Industrial District. The subject property is located in Flood Hazard Zone X.

Recommendation

The Community Development Department recommends disposing of property legally described as former Wabash Railroad right-of-way across Lots 13-22, Block 27, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. The price for the subject property, including the submitted $567.50 down payment, shall be $5,675.00;
2. The applicant shall close on the subject property within 60 days of the date of Council's decision;
3. Closing shall not occur unless the applicant successfully amends the conditional use permit associated with 1608 14th Avenue to expand the contractor yard on the property; and
4. The applicant shall combine his newly acquired property with the abutting parcel he currently owns at 1608 14th Avenue, and shall sign an agreement not to sell the newly acquired property separately from the abutting parcel.

Attachments

Attachment A: Location/Zoning Map

Prepared by: Brandon Siracuse, Planner, Community Development Department