Council Communication

Department: Community Development CASE #OTB-22-006 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 23 and 24, Block 27, Fleming and David Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Former railroad right-of-way abutting 1632 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 he owns at 1632 14th Avenue. The applicant has no plans to build on the land at this time. The property at 1632 14th Avenue is zoned I-2/General Industrial District and contains a legal nonconforming residential land use (a single-family detached dwelling). Combining the adjacent right-of-way with this property would constitute expansion of a legal nonconforming use. However, expanding the property's land area will make the property more useful for industrial purposes upon abandonment or destruction of greater than 50% of the nonconforming use.

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 $279.60. The applicant has offered $279.60 and has submitted a down payment of $27.96 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 a trapezoid-shaped parcel containing 1,664 square feet, which does not meet the minimum lot size requirement for the I-2/General Industrial District. The applicant owns the adjacent property at 1632 14th Avenue. The applicant will use the subject property to expand and square off his existing abutting property. The subject property combined with the

applicant's abutting property will contain 9,884 square feet, which does not meet the minimum lot size for the I-2/General Industrial District. Additionally, the combined properties will measure 60' x 137', which does not conform to the minimum depth requirements for the I-2 District. However, the expansion of the land area at 1632 14th Avenue will decrease the degree of nonconformity in relation to site development regulations and will make the property more useful for industrial purposes upon abandonment or destruction of greater than 50% of the legal nonconforming use currently located at 1632 14th Avenue. 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 23 and 24, Block 27, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. The price of the subject property, including the submitted $27.96 down payment, shall be $279.60;
2. The applicant shall close on the subject property within 60 days of the date of Council's decision; and
3. The applicant shall combine their newly acquired property with the abutting parcel he currently owns at 1632 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