Council Communication

Department: Community Development CASE #OTB-22-007 Applicant: Ernest L. Collier 1401 14th Avenue Council Bluffs, IA 51501	Reso. of Intent No. _____ Reso. to Dispose No. _____	Set Public Hearing: 5/9/2022 Public Hearing: 5/23/2022

Subject/Title

Request of Ernest L. Collier to purchase property legally described as former Wabash Railroad right-of-way across Lots 9-14, Block 32, Fleming and David Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Former railroad right-of-way abutting 1401 14th Avenue

Background/Discussion

The Community Development Department has received an offer from Ernest L. Collier 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 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 1401 14th Avenue. The applicant has no plans to build on the land at this time. The applicant has stated that he performs routine maintenance of the vegetation on the subject property and intends to continue doing so after purchasing the subject property.

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 $2,589.50. The applicant has offered $1,000.00 and has submitted a down payment of $258.95 plus a $50.00 nonrefundable administrative fee. The Community Development Department finds the applicant's offer acceptable due to the applicant's history of maintaining the property. Furthermore, the Community Development Department recommends selling the subject property to the applicant for a total of $2589.50, with the remainder beyond $1,000.00 (including the 10% down payment) being forgiven after two years of satisfactory maintenance on the property.

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

The subject property is zoned R-2/Two-Family Residential District and is a trapezoid-shaped parcel containing 8,619 square feet, which meets the minimum lot size requirement for the R-2/Two-Family Residential District. The applicant owns the abutting property at 1401 14th Avenue. The applicant will use the subject property to expand and square off his abutting property. The applicant's abutting property is zoned partially R-2/Two-Family

Residential District and partially I-2/General Industrial District, though the principal use is residential. All structures on the adjacent property lie fully within the portion zoned R-2. The subject property combined with the applicant's existing property will contain 77,922 square feet, which meets the minimum lot size requirements for both the R-2 and I-2 districts. Additionally, the combined properties will measure approximately 239' x 290', which greatly exceeds the minimum lot width and depth requirements for both districts. The subject property lies in Flood Zone X.

Recommendation

The Community Development Department recommends disposing of property legally described as former Wabash Railroad right-of-way across Lots 9-14, Block 32, 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 $258.95 down payment, shall be $2,589.50, with the remainder beyond $1,000.00 being forgiven after two (2) years of satisfactory property maintenance;
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 1401 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