

Attachment 'B'

ORDINANCE NO. 4925

AN ORDINANCE TO VACATE AND DISPOSE OF CITY RIGHT-OF-WAY CONSISTING OF THE ALLEY ADJOINING LOTS 53-63 AND 73-83, TWIN CITY GARDENS ADDITION. (THIS ALLEY IS LOCATED BETWEEN AVENUE "D" AND AVENUE "E", EAST OF 41ST STREET AND WEST OF 40TH STREET).

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the City-owned right-of-way located in Council Bluffs, Pottawattamie County, Iowa, described as follows:

The alley adjoining Lots 53-63 and 73-83, Twin City Gardens Addition, Council Bluffs, Pottawattamie County, Iowa,

be and the same is hereby vacated.

SECTION 2. That this City Council does hereby declare its intent and proposal to dispose of the above described city right-of-way by selling same to the abutting property owners, subject to reservation of easements.

SECTION 3. That the Mayor and City Clerk be and are hereby authorized, empowered and directed to execute City Deeds conveying the City's interest in said City property described above to the abutting property owners.

SECTION 4. Repealer. That all other ordinances, rules and regulations, or portions thereof, in conflict herewith, be and the same are hereby repealed.

SECTION 5. Effective Date. That this ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND  
APPROVED November 27, 1989

Thomas P. Hanafan  
THOMAS P. HANAFAN MAYOR

Attest: Olga Arellano-Anderson  
OLGA ARELLANO-ANDERSON CITY CLERK

FIRST CONSIDERATION: October 23, 1989  
SECOND CONSIDERATION: November 13, 1989  
PUBLIC HEARING: November 13, 1989  
THIRD CONSIDERATION: November 27, 1989

Planning Case No. SAV-89-013

STATE OF IOWA, Pottawattamie County  
Filed for record the 16 day of Dec  
1989 at 2:30 o'clock P M and recorded  
in book 90 page 12692  
John Hjortin  
Recorder

*Published  
Nov. 1, 1989*

NOTICE OF PUBLIC HEARING  
ON CITY PLANNING COMMISSION RECOMMENDATION  
RELATIVE TO THE VACATION AND DISPOSAL OF PUBLIC RIGHT-OF-WAY

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council has received the written recommendation of the City Planning Commission relative to the request to vacate City right-of-way consisting of the alley adjoining Lots 53-63 and 73-83, Twin City Gardens Addition. (This alley is located between Avenue "D" and Avenue "E", east of 41st Street and west of 40th Street).

It is the intent of the City Council of the City of Council Bluffs, Iowa, to dispose of this property by selling same to the abutting property owners, subject to the reservation of easements.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the 13 day of November, 1989, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa; at which time and place all persons interested in said matter will be given an opportunity to be heard.

*Olga Arellano-Anderson*  
OLGA ARELLANO-Anderson City Clerk

Case No. SAV-89-013 *Progs to Clerk by Nov. 10, 1989*

TO: City Council  
FROM: City Planning Commission/Community Development Department  
DATE: September 26, 1989  
  
SUBJECT: CASE #SAV-89-013  
REQUEST: To vacate the alley adjoining Lots 53-63 and 73-83 Twin City Gardens Addition. (This alley is located between Avenue 'D' and 'E' east of 41st Street and west of 40th Street.)  
  
APPLICANT: City of Council Bluffs  
REPRESENTED BY: Community Development Department

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A. STAFF REPORT:

GENERAL INFORMATION - The alley is 484 feet in length and is 12 feet wide for a total of 5,808 square feet. The alley is unopened, unimproved and not maintained by the City. The alley is currently a dead-end alley. There are already several structures located in the platted alley.

CURRENT ZONING -

The property surrounding the alley is zoned R-2/Two-Family Residential.

CURRENT LAND USE -

Land uses adjoining the alley are all residential in nature.

CITY DEPARTMENTS/PUBLIC UTILITIES -

Cablevision and Iowa Power have indicated that they have service lines located in the alley and request that an easement be retained for access.

NEIGHBORHOOD RESPONSE -

NAME	ADDRESS	POSITION	ACQUISITION
Connor	4063 Avenue E	In Favor	Interested
Gascoigne	4032 Avenue D	In Favor	Interested
Daeges	4032 Avenue D	In Favor	Interested
Forbes	4040 Avenue D	In Favor	Interested
Gardner	4052 Avenue D	In Favor	Interested
McKeever	4031 Avenue D	No Response	
	1418 Pleasant St.		
Dingman	4044 Avenue E	In Favor	Interested
Mericle	4015 Avenue E	No Response	
Clarence	4046 Avenue D	No Response	
Pinti	4048 Avenue D	No Response	
	15 Crestwood Drive		
Bailey	4050 Avenue D	No Response	
Cloonan	4060 Avenue D		
	8229 Lake, Omaha	No Response	

STAFF COMMENTS -

1. The alley is unopened and unimproved.
2. The alley is not maintained by the City.
3. The alley is platted as a dead-end alley.
4. There are existing structures in the alley.
5. There are enough property owners in favor and interested in acquiring the alley that the City could dispose of it in its entirety.

STAFF RECOMMENDATION -

Approval of the vacation subject to necessary easements being retained.

5-C

B. PUBLIC HEARING:

Don Gross, Development Services Coordinator presented the request on behalf of the City. He explained that staff has received complaints regarding structures in the alley. It was decided to try to resolve complaints by vacating the alley. The alley is not open or improved, there are no major utilities and there are enough owners agreeing to vacate and acquire to dispose of the entire alley. The alley is also a dead end.

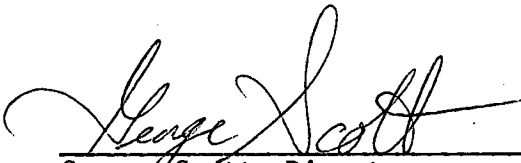
Knox stated that he'd seen various structures intruding into the alley.

Mrs. Donald Conner - 4063 Avenue E spoke in favor of the alley vacation.

C. CITY PLANNING COMMISSION ACTION:

Motion by Rocz and second by Starr to recommend that the alley be vacated subject to necessary easements and that the entire alley be disposed of. The motion passed by unanimous voice vote.

Findings of Fact - As per staff comments.

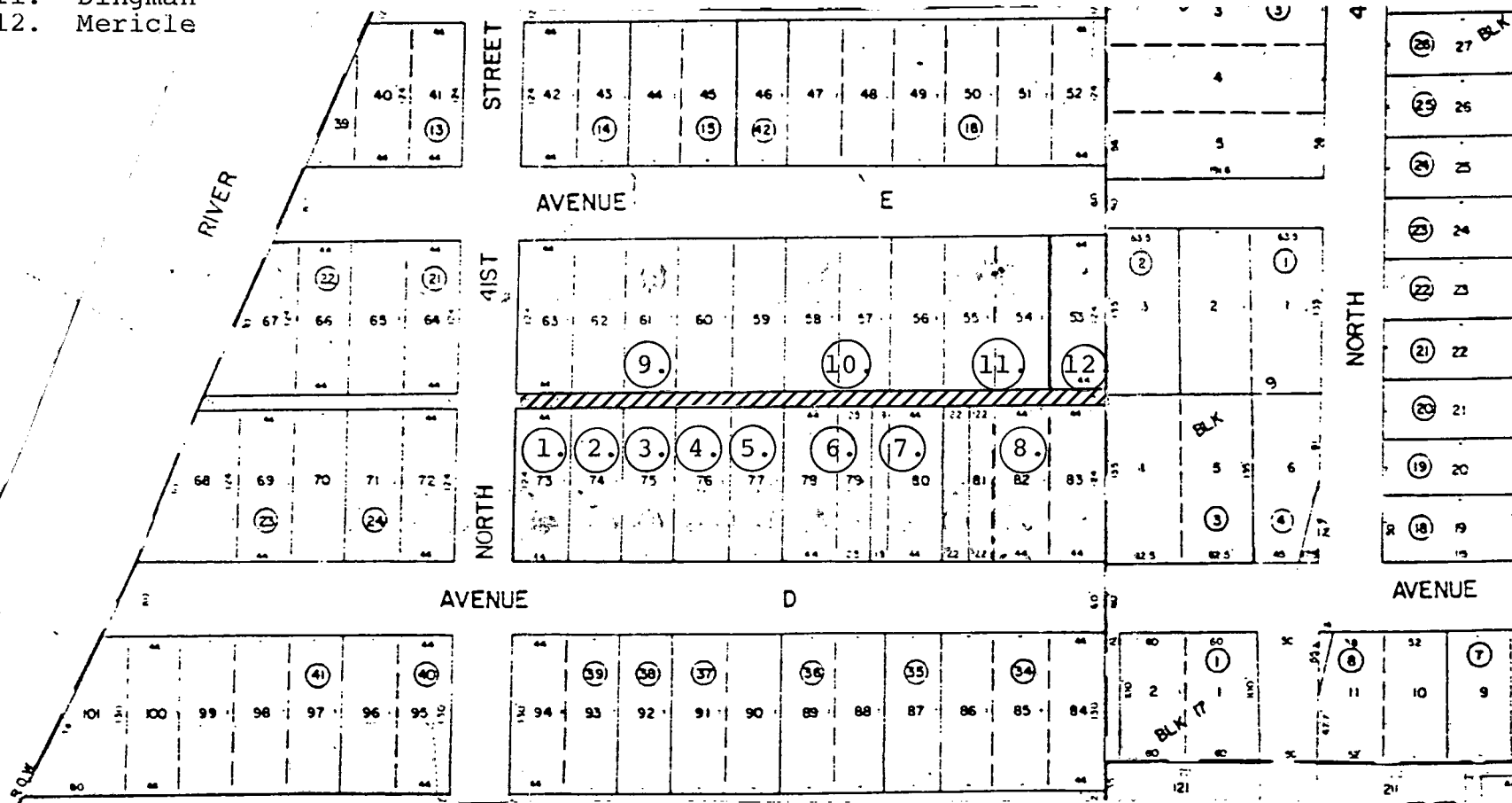
  
\_\_\_\_\_  
George Scott, Director  
Community Development Department

GS/DDG/CLR/pah

# NORTH

1. Cloonan
- ② Gardner
3. Bailey
4. Pinti
5. Clarence
- ⑥ Forbes
7. Gascoigne
8. Daeges
9. Connor
10. McKeever
11. Dingman
12. Mericle

90 12693



CASE #SAV-89-013

COMPARED

# PROOF OF PUBLICATION

STATE OF IOWA  
POTTAWATTAMIE COUNTY } ss.

I, Carolyn Bell on my oath

do solemnly swear that I am the Accountant  
of the COUNCIL BLUFFS NONPAREIL, a newspaper issued DAILY,  
and printed in said county;

the annexed notice was published in said newspaper for one

secutive time as follows: The first publication thereof

on the 1st day of November 19 89,

second on the        day of        19       ,

third on the        day of        19       ,

fourth on the        day of        19       ,

fifth on the        day of        19       ,

sixth on the        day of        19       ,

seventh on the        day of        19       ,

Carolyn Bell

Signed in my presence by the said Carolyn Bell

and by him sworn to before me this 8th day of November

A.D. 19 89

Witness my hand and Notarial Seal.

Jeannette Johnson  
Notary Public.



90 12694

NOTICE OF PUBLIC HEARING  
ON CITY PLANNING COMMISSION  
RECOMMENDATION  
RELATIVE TO THE VACATION AND  
DISPOSAL OF PUBLIC RIGHT-OF-WAY  
TO WHOM IT MAY CONCERN:

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tion. (This alley is located between Avenue  
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City of Council Bluffs, Iowa, to dispose of this  
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You are further notified that a public hear-  
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Council of the City of Council Bluffs, Iowa, at  
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Council Chambers in the City Hall building,  
209 Pearl Street, Council Bluffs, Iowa; at  
which time and place all persons interested  
in said matter will be given an opportunity to  
be heard.

OLGA ARELLANO-ANDERSON  
City Clerk

1989(11)1-1 Wednesday

**PROOF OF PUBLICATION**

Filed this.....day

of ..... A. D. 19 .....

Publication fee, \$.....1109.....

④ #4 CB City Clerk

# PROOF OF PUBLICATION

STATE OF IOWA  
POTTAWATTAMIE COUNTY } ss.

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do solemnly swear that I am the Accountant  
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being on the 15th day of December 19 89,

the second on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_,

the third on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_,

the fourth on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_,

the fifth on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_,

the sixth on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_,

the \_\_\_\_\_

*Carolyn Bell*

Signed in my presence by the said Carolyn Bell

and by him sworn to before me this 19th day of December

A.D. 19 89

Witness my hand and Notarial Seal

*Jeannette Johnson*  
Notary Public.

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AN ORDINANCE TO VACATE AND DIS-  
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SECTION 4. REPEALER. That all other  
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SECTION 5. EFFECTIVE DATE. That this  
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from and after its final passage, approval  
and publication, as by law provided.

PASSED AND APPROVED

November 27, 1989

THOMAS P. HANAFAN, MAYOR

Attest: OLGA ARELLANO-ANDERSON

CITY CLERK

1989(12)15-1 Friday



JEANNETTE JOHNSON



**PROOF OF PUBLICATION**

Filed this..... day

of ..... A. D. 19.....

Publication fee, \$.....

1/34