City Council Communication

Department: Community Development CASE #SAV-89-013 Applicant: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Reso of Intent No. _____ Reso to Dispose No. _____	Set Public Hearing: 9/26/2022 Public Hearing: 10/10/2022

Subject/Title

Request: Public hearing on the request of the Community Development Department to dispose of the vacated east/west alley adjoining Lots 53 through 63 and 73 through 83, all in Twin City Gardens Addition, Council Bluffs, Pottawattamie County, Iowa.

Location: Between Avenue 'D' and Avenue 'E', west of North 40th Street and east of North 41st Street

Background/Discussion

On November 27, 1989, City Council passed an ordinance to vacate and dispose of the east/west alley adjoining Lots 53 through 63 and 73 through 83, all in Twin City Gardens Addition (refer to Ordinance No. 4925). As of the date of this report, the following portions of the vacated alley have been conveyed to the abutting property owner:

1. The South ½ of the vacated east/west alley abutting 4046 Avenue 'D', which is currently a vacant parcel of land owned by the City of Council Bluffs; and
2. The South ½ of the vacated east/west alley abutting 4054 Avenue 'D', which is owned by Barry and Cheryl Elswick.

The majority of the vacated alley remains unclaimed by the abutting property owners. Steve Wyldes, owner of 4031 Avenue 'E', recently contacted the Community Development Department to inquire about acquiring the portion of the subject alley abutting his property. The Community Development Department has determined this would be an appropriate time to dispose of the remnant alley to the abutting property owners who have yet to acquire their respective portion.

The subject alley is 12 feet wide by 484 feet long, and is unimproved. An easement was retained over the alley for utility access and maintenance purposes as part of Ordinance No. 4925.

There are twelve property owners that abut the subject alley, as follows:

North: Residential property owned by Ralph E. and Deborah J. Mericle (4015 Avenue 'E')
Residential property owned by Lasana D. and Melissa Jo Jones (4025 Avenue 'E')
Residential property owned by Steven and Colleen Wyldes (4031 Avenue 'E')
Residential property owned by Debra L. Tague (4063 Avenue 'E')

South: Residential property owned by J. Rosario Morales Lemus (4018 Avenue 'D')
Residential property owned by Larry J. and Marie E. Gascoigne (4032 Avenue 'D')
Residential property owned by Lee and Arlene Kay Forbes (4040 Avenue 'D')
Residential property owned by Sherri Wilkinson (4048 Avenue 'D')

Residential property owned by MAC Investments Inc. (4050 Avenue 'D')
Residential property owned by Barry and Cheryl Elswick (4054 Avenue 'D')
Residential property owned by Patrick Halligan (4060 Avenue 'D')
Vacant land owned by the City of Council Bluffs (formerly addressed at 4024 and 4046 Avenue 'D').

All abutting property owners, with the exception of the owner of 4054 Avenue 'D', were mailed petitions asking if they were willing to/not willing to acquire their respective portion of the subject alley. Typically, property owners are eligible to receive the portion of a public alley abutting their property at no cost beyond the application fee. However, the subject alley was previously vacated via an ordinance that established the cost of acquisition at $0.10 per square foot. As such, the abutting property owners shall acquire their respective portion of the subject alley at that cost. The following responses were received:

1. Lasana D. and Melissa Jo Jones, owners of property addressed at 4025 Avenue 'E' and legally described as Lots 54 through 56, Twin City Gardens Addition, stated they are willing to acquire the portion of the alley adjacent to their property for the total sum of $79.20.
2. Steve and Colleen Wyldes, owners of property addressed at 4031 Avenue 'E' and legally described as Lots 57 and 58, Twin City Gardens Addition, stated they are willing to acquire the portion of the alley adjacent to their property for the total sum of $52.80.
3. J. Rosario Morales Lemus, owner of property addressed at 4018 Avenue 'D' and legally described as the East 6 feet of Lot 82 and all of Lot 83, Twin City Gardens Addition, stated he is willing to acquire the portion of the alley adjacent to his property for the total sum of $30.00.
4. Larry J. and Marie E. Gascoigne, owners of property addressed at 4032 Avenue 'D' and legally described as the East 19 feet of Lot 79, all of Lot 80 and the West 22 feet of Lot 81, Twin City Gardens Addition, stated they are not willing to acquire the portion of the alley adjacent to their property.
5. MAC Investments, owners of property addressed at 4050 Avenue 'D' and legally described as Lot 75, Twin City Gardens Addition, stated they are willing to acquire the portion of the alley adjacent to their property for the total sum of $26.40.

As of the date of this report, the Community Development Department has not yet received a response from the property owners of 4015 Avenue 'E', 4063 Avenue 'E', 4040 Avenue 'D', 4048 Avenue 'D' and 4060 Avenue 'D'. The Community Development Department will continue to attempt to contact these property owners after the resolution to dispose the subject alley is passed by City Council.

Several existing structures currently encroach the vacated alley. The subject alley will be conveyed to abutting property owners in its current condition. Any conflicts that result from the disposal of the subject alley shall be resolved privately between property owners.

Recommendation

The Community Development Department recommends approval of the request to dispose of the vacated east/west alley adjoining Lots 53 through 63 and 73 through 83, all in Twin City Gardens Addition, Council Bluffs, Pottawattamie County, Iowa, subject to the following condition:

1. All portions of the subject right-of-way shall be disposed of to an abutting property owner(s).

Attachments

Attachment A: Location/Zoning Map
Attachment B: Ordinance No. 4925

Prepared By: Moises Monrroy, Planner, Community Development Department