Pass to 2nd 7-15-74

Pass to 3rd 8-19-74

Public Hearing 4PM 8-19-74

COMPARED

Attachment C

Ju 450: 8460

STATE OF IOWA, Pottawattamie County
Filed for record the 9 day of September
1974 at 9:30 o'clock a M and recorded
In book 74 page 14347
Dorothy Letner
Recorder
By Wilma Larson
Deputy

CITY ORDINANCE NUMBER 4076

AN ORDINANCE to vacate that portion of platted Avenue "H" situated between North 15th and 16th Streets, in Council Bluffs, Iowa, and abutting the South Property Lines common to Lots 369 through 377, inclusive, and the North Property Lines common to Lots 406 through 414, inclusive, in Belmont Addition to the City of Council Bluffs, Iowa; providing for the conveyance thereof to the owners of the properties abutting thereon; and repealing all other Ordinances, Rules and Regulations, or portions thereof, in conflict herewith.

WHEREAS, the owners of the properties abutting the above described property have requested that the City vacate the same and that same be conveyed to them as abutting property owners; and

WHEREAS, the request of said property owners has been referred to the City's Planning Commission, and after study, consideration and public hearing held thereon, said Planning Commission has filed its written recommendation with this City Council pursuant to decision reached thereon; and

WHEREAS, after study and consideration, and being fully advised in the matter, this City Council deems said vacation and conveyance to be in the best interests of the City of Council Bluffs, Iowa, under the terms and conditions hereinafter prescribed:

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

SECTION 1. That that portion of platted Avenue "H", 60 feet in width, situated between North 15th and 16th Streets, in Council Bluffs, Iowa, and abutting the South Property Lines common to Lots 369 through 377, inclusive, and the North Property Lines common to Lots 406 through 414, inclusive, in Belmont Addition to the City of Council Bluffs, Iowa, be and the same is hereby vacated.

SECTION 2. That the property herein vacated shall be subject always to a permanent and perpetual easement of way being granted to and reserved in said City, its licensees and/or franchise grantees, for the maintenance of any and all public utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said City and its licensees and/or franchise grantees may in the future deem necessary and proper that the recreation area for private use of the surrounding properties to include a swimming pool and children's playground.

6-F

City Clerk.

COMPARED

SECTION 3. That following the final passage, approval and publication of this Ordinance, and payment of the sum of $875.80 in consideration therefor, the Mayor and City Clerk be and they are hereby authorized, empowered and directed to exeucte and deliver Quit Claim Deeds conveying the property herein vacated to the owners of the properties abutting thereon, in proportion to which their respective properties abut, said conveyances to be made under the terms and conditions herein prescribed.

SECTION 4. That all other Ordinances, Rules and REgulations, or portions thereof, in conflict herewith, be and the same are hereby repealed.

SECTION 5. 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 September 3 1974

Dorothy L. Strohbehn Mayor

Attest: Elmer F. Westphal City Clerk

74 14348

4-12

City Clerk

7-5-74 8-19-74 4PM 8-19-74

copied 9-9-74 ls.

CITY ORDINANCE NUMBER 4076

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6-F

SECTION 3. That following the final passage, approval and publication of this Ordinance, and payment of the sum of $ 875.80 in consideration therefor, the Mayor and City Clerk be and they are hereby authorized, empowered and directed to exeucte and deliver Quit Claim Deeds conveying the property herein vacated to the owners of the properties abutting thereon, in proportion to which their respective properties abut, said conveyances to be made under the terms and conditions herein prescribed.

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Passed and Approved September 3 1974

Dorothy L. Strohbehn
Dorothy L. Strohbehn Mayor

Attest: Elmer F. Westphal
Elmer F. Westphal City Clerk

4-1f

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY } ss.

I, Joe Mahoney on my oath

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

that the annexed notice was published in said newspaper for two consecutive Mondays as follows: The first publication thereof

being on the 22 day of July 19 74,

the second on the 29 day of July 19 74,

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 _____

Joe Mahoney

Signed in my presence by the said Joe Mahoney

and by him sworn to before me this 29 day of July

A. D. 1974.

Witness my hand and Notarial Seal.

Carol L. Jones
Notary Public.

NOTICE OF PUBLIC HEARING
ON PROPOSED VACATION AND
CONVEYANCE OF PUBLIC LAND
TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that there is now on file in the office of the City Clerk of Council Bluffs, Iowa a proposed Ordinance providing for the vacation and conveyance of certain City owned property in Council Bluffs, Iowa, described as follows, to-wit:
That portion of platted Avenue "H", 60 feet in width, situated between North 15th and 16th Streets, in Council Bluffs, Iowa, and abutting the South Property Lines common to Lots 406 through 414, inclusive, in Belmont Addition to the City of Council Bluffs, Iowa.
You are further notified that under and pursuant to the provisions of Section 368.39, 1973 Code of Iowa, public hearing on the vacation and conveyance of said property and the passage and approval of said Ordinance will be held at the adjourned meeting of the City Council of the City of Council Bluffs, Iowa, in the Council Chambers in the City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 4:00 o'clock P.M., on the 19th day of August, 1974, at which time and place interested persons will be given an opportunity to be heard regarding such vacation and conveyance and the final passage and approval of said ordinance.
ELMER F. WESTPHAL,
City Clerk
1974 (7) 22-29 — 2 Mon.

Bluffs Printing

PROOF OF PUBLICATION

Filed this .....day

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

.....

.....

Publication fee, $.....20.74.....

.....

.....

LAW OFFICES
POGGE, ROOT AND STEEGE

RAYMOND E. POGGE
THOMAS L. ROOT
DONALD T. STEEGE

TELEPHONE 322-2579
AREA CODE 712

306 FIRST FEDERAL SAVINGS & LOAN BLDG.
COUNCIL BLUFFS, IOWA 51501

July 10, 1974

Mayor and City Council
City of Council Bluffs
Council Bluffs, Iowa 51501

Dear Mayor and Members of the City Council:

On March 29, 1973, the City Planning Commission recommended to the City Council that Avenue H be vacated between 15th and 16th Streets as requested by Mr. Darrell Anderson on behalf of the Chalet Motor Lodge, Inc. The conditions of the Planning Commission recommendations were that 15th Street be curbed so that Avenue H would be completely closed from the east and that 16th Street have limited access as approved by the City Engineer. Further restriction would be that the ground be restricted to open-space uses.

The City Council has not passed a formal resolution vacating the street. Attached hereto is a plat of the improvements contemplated in this area, showing the park and garden area for the vacated street, which would include a swimming pool, small playground, picnic area and a mini golf course. Also enclosed is an ordinance drawn by Mr. High Finerty.

Mr. Anderson will place the curb on 15th Street in accordance with city specifications. It is recommended that the ordinance be passed into law at the meeting on July 15, 1974. Mr. Anderson is prepared to immediately install the curb as soon as he knows the street is vacated. In the event that the city desires to withhold the issuance of a quit claim deed until the curb is installed in accordance with city specifications, this would be satisfactory and would be a good solution. In any event, Mr. Anderson wants to proceed as quickly as possible in building additional apartment units and needs the street vacated for loan purposes. Therefore, it is requested that this matter be passed into law at the July 15th meeting. Thank you for your consideration.

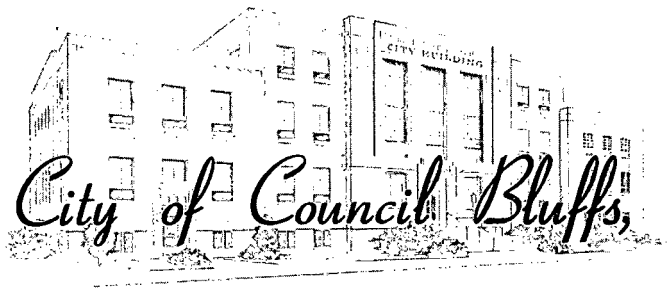
Very truly yours,

POGGE, ROOT AND STEEGE

BY John D. Lesley
John D. Lesley

JDL:pmw
Enc.

C6 TOUR
4-2-73



The City of Council Bluffs, Iowa

FROM THE OFFICE OF: PHONE 322-4061

City Planning Commission

March 29, 1973

Mayor and City Council
City of Council Bluffs
City Hall
Council Bluffs, Iowa 51501

Re: Street Vacation
Darrell Anderson
Case No. SAV-050

Members of the Council:

The City Planning Commission transmits for your consideration its recommendation to vacate Avenue H between 15th and 16th Streets as requested by Darrell Anderson.

The street proposed for vacation is presently opened, but does not have permanent pavement. Sixteenth Street is adjoining on the west and is a primary traffic carrier. Avenue H serves only three residential blocks between the railroad and Sixteenth Street. The vacation would have minimal effect on traffic circulation in the area.

Recommendations by the City Manager, the City Engineer, and the Planning Director were to approve the vacation.

After the Commission inspected the area prior to the meeting, the Thoroughfares, Traffic and Transportation Committee recommended approval. The Commission voted unanimously to recommend approval of the vacation

6-F

with the condition that Fifteenth Street be curbed, completely closing Avenue H from the east, that Sixteenth Street have limited access, approved by the City Engineer, and that the ground be restricted to open-space uses.

Respectively,

6-F5

James E. Scheer
jh

James E. Scheer, Chairman
City Planning Commission

GC:jh

cc: Hugh Finerty, City Attorney

4-2-73

The City of Council Bluffs, Iowa

FROM THE OFFICE OF: PHONE 322-4061

City Planning Commission

March 29, 1973

Mayor and City Council
City of Council Bluffs
City Hall
Council Bluffs, Iowa 51501

Re: Street Vacation
Darrell Anderson
Case No. SAV-050

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Recommendations by the City Manager, the City Engineer, and the Planning Director were to approve the vacation.

After the Commission inspected the area prior to the meeting, the Thoroughfares, Traffic and Transportation Committee recommended approval. The Commission voted unanimously to recommend approval of the vacation with the condition that Fifteenth Street be curbed, completely closing Avenue H from the east, that Sixteenth Street have limited access, approved by the City Engineer, and that the ground be restricted to open-space uses.

Respectively,

6-F

James E. Scheer

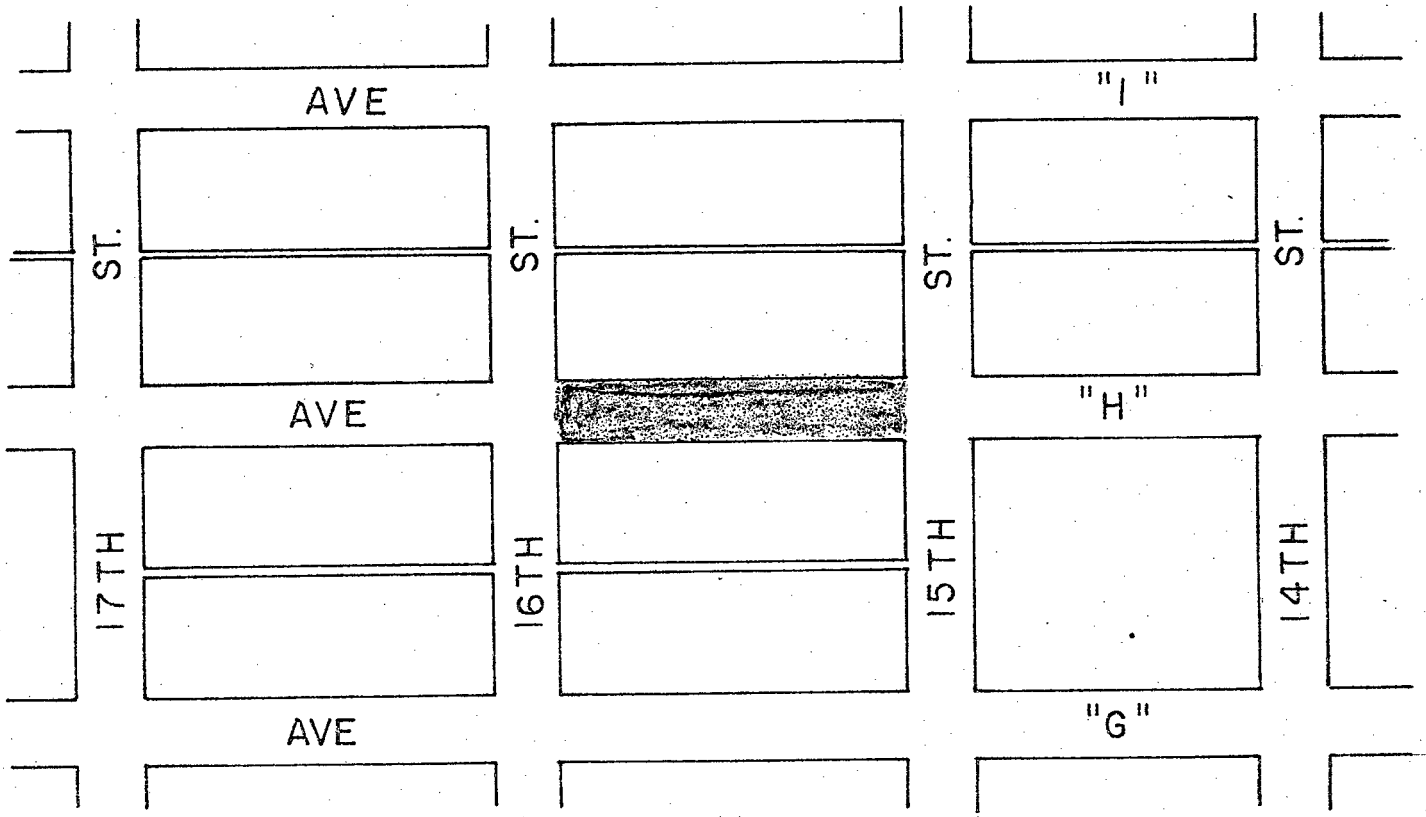
James E. Scheer, Chairman
City Planning Commission

GC:jh

cc: Hugh Finerty, City Attorney

CASE NO: SAV-050

APPLICANT: Darrell Anderson, REQUESTS to VACATE Avenue H between 15TH Street and 16TH Street. Area to be vacated is shaded.



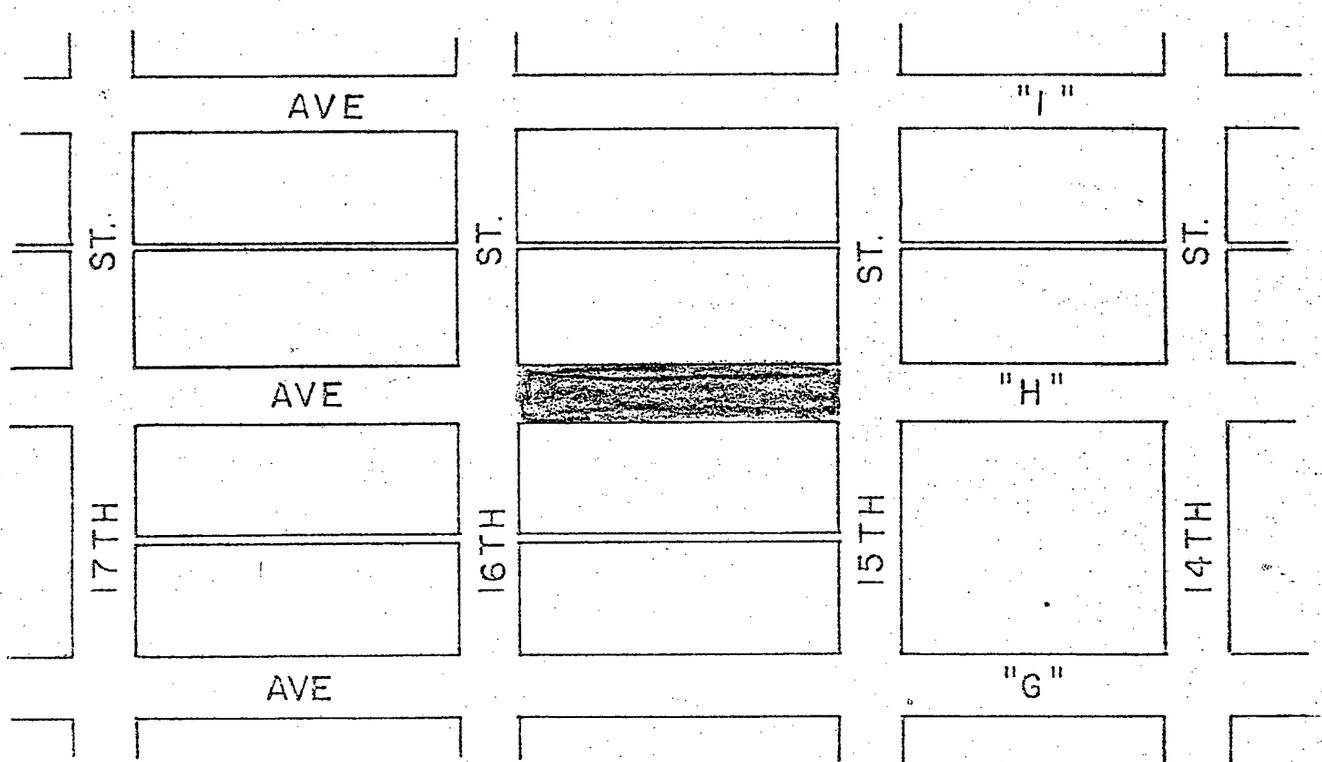
Scale: 1"=200'

PREPARED BY THE URBAN PLANNING DEPARTMENT, COUNCIL BLUFFS, IOWA

6-E

CASE NO: SAV-050

APPLICANT: Darrell Anderson, REQUESTS to VACATE Avenue H between 15TH Street and 16TH Street. Area to be vacated is shaded.



NORTH

Scale: 1"=200'

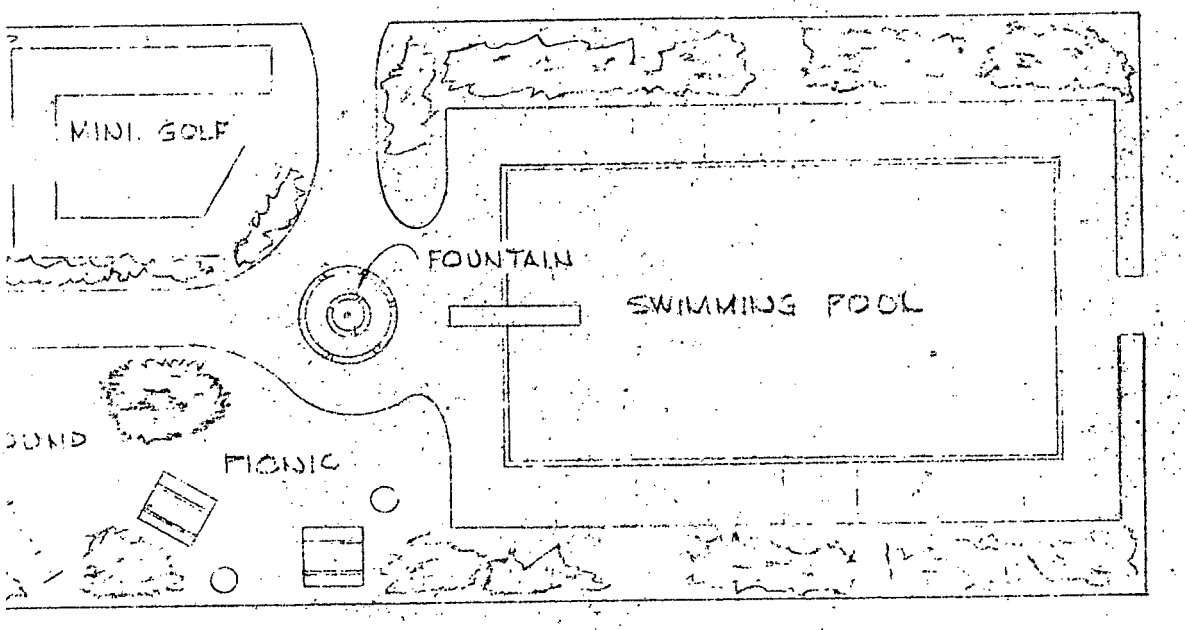
6-F

PREPARED BY THE URBAN PLANNING DEPARTMENT, COUNCIL BLUFFS, IOWA

The recreation area for private use of the surrounding properties to include a swimming pool and children's playground.

4076
Box 24

140.0'



JCK & GARDEN AREA DETAIL

SCALE: 1"=20.0"

REVISIONS		
NO.	DATE	BY
1	4-30-74	KW
2	5-10-74	KW.
3		
4		
5		

Weston Homes incorporated

ROTHSCHILD WISCONSIN
NEWNAN GEORGIA

32 - UNIT
EFFICIENCY APARTMENT

CHALET APTS.
COUNCIL BLUFFS, IOWA

DRAWN BY	SCALE	MATERIAL
KW	1"=30'-0"	
CHK'D	DATE 4-25-74	DRAWING NO. P-1
TRACED	APP'D	

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY } ss.

CITY ORDINANCE NUMBER 4076

AN ORDIANCE to vacate that portion of platted Avenue "H" situated between North 15th and 16th Streets, in Council Bluffs, Iowa, and abutting the South Property Lines common to Lots 369 through 377, inclusive, and the North Property Lines common to Lots 406 through 414, inclusive, in Belmont Addition to the City of Council Bluffs, Iowa; providing for the conveyance thereof to the owners of the properties abutting thereon; and repealing all other Ordinances, Rules and Regulations, or portions thereof, in conflict herewith.

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WHEREAS, after study and consideration, and being fully advised in the matter, this City Council deems said vacation and conveyance to be in the best interests of the City of Council Bluffs, Iowa, under the terms and conditions hereinafter prescribed:

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

SECTION 1. That that portion of platted Avenue "H", 60 feet in width, situated between North 15th and 16th Streets, in Council Bluffs, Iowa, and abutting the South Property Lines common Lots 369 through 377, inclusive, and the North Property Lines common to Lots 406 through 414, inclusive, in Belmont Addition to the City of Council Bluffs, Iowa, be and the same is hereby vacated.

SECTION 2. That the property herein vacated shall be subject always to a permanent and perpetual easement of way being granted to and reserved in said City, its licensees and-or franchise Ordinance, and payment of the sum of and all public utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said City and its licensees and-or franchise grantees may in the future deem necessary and proper that the recreation area for private use of the surrounding properties to include a swimming pool and children's playground.

SECTION 3. That following the final passage, approval and publication of this Ordinance, and payment of the sum of $875.80 in consideration therefor, the Mayor and City Clerk be and they are hereby authorized, empowered and directed to execute and deliver Quit Claim Deeds conveying the property herein vacated to the owners of the properties abutting thereon, in proportion to which their respective properties abut, said conveyances to be made under the terms and conditions herein prescribed.

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SECTION 5. 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,
September 3, 1974
DOROTHY L. STROHBEHN,
Mayor

ATTEST:
ELMER F. WESTPHAL,
City Clerk

1974 (9) 12 —1 Thurs.

I, Joe Mahoney on my oath do solemnly swear that I am the _____ of the COUNCIL BLUFFS NONPAREIL, a newspaper issued DAILY, and printed in said county;

that the annexed notice was published in said newspaper for one consecutive Thursday as follows: The first publication thereof being on the 12 day of September 19 74,

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 _____

Joe Mahoney

Signed in my presence by the said Joe Mahoney

and by him sworn to before me this 12 day of September A. D. 19 74.

Witness my hand and Notarial Seal.

Carol L. Doyle
Notary Public.

PROOF OF PUBLICATION

Filed this .....day

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

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Publication fee, $.....30.40.....

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