City Council Communication

Department: Community Development Case #SAV-23-001 Applicant/Property Owner: Pottawattamie County 227 South 6th Street Council Bluffs, IA 51503	Reso. of Intent No. _____ Reso. to Dispose No. _____	Set Public Hearing: 3/27/2023 Public Hearing: 4/10/2023 Planning Commission: 3/14/2023

Subject/Title

Request: Public hearing on the request of Pottawattamie County to vacate and dispose of the north/south alley abutting Lot 6 and Court House Lot, Block 2, Larimer's Subdivision, and the east/west alley abutting Lots 6, 7, 10, and Court House Lot, Block 2, Larimer's Subdivision and Lots B and C, Bayliss Strip, all in the City of Council Bluffs, Pottawattamie County, Iowa, as further described in Attachment 'A'.

Location: 227 South 6th Street

Background/Discussion

The Community Development Department has received an application from Pottawattamie County to vacate and dispose of the north/south alley abutting Lot 6 and Court House Lot, Block 2, Larimer's Subdivision, and the east/west alley abutting Lots 6, 7, 10, and Court House Lot, Block 2, Larimer's Subdivision and Lots B and C, Bayliss Strip, all in the City of Council Bluffs, Pottawattamie County, Iowa, located on property addressed as 227 South 6th Street. The subject right-of-way runs underneath the building located at 227 South 6th Street and measures approximately 12 feet in width by 332 feet in length.

The applicant owns the property located at 227 South 6th Street, commonly known as the Pottawattamie County Courthouse. The courthouse building was constructed in 1977 and has recently been undergoing expansion and renovation. A title search of the property, performed in preparation for a lot line adjustment between the courthouse property and the neighboring Squirrel Cage Jail property, revealed that the subject alleys run through the courthouse property. There is no evidence that the subject alleyways were vacated either prior to or after construction of the courthouse. The purpose of the this request is to clean up the title of the land containing the courthouse by vacating and disposing of the subject alleys and releasing any easements that exist within them.

On August 25, 2003, the City Council amended the adopted Policy and Procedures for Alley, Street and Right-of-way Vacations. The objectives of the amended Policy are as follows:

1. *To provide due process and citizen participation in the application and review process for vacations.* There is one property owner with land that abuts the subject right-of-way. The owner is Pottawattamie County, 227 South 6th Street, Council Bluffs, Iowa 51503.

   The abutting property owner was mailed a petition asking if they are in favor of/opposed to the vacation request and if they are willing/not willing to acquire the subject alley, if vacated. The response to this petition is contained in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access*. The Pottawattamie County Courthouse sits atop the subject alleys. The alleys, therefore, are not currently providing access. The courthouse property has existing access points along South 6th Street, 5th Avenue, and Pearl Street.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way*. The proposal is to vacate the entirety of the subject alleyway. The existing alleys were functionally dead-ended when the building was constructed in 1977, and vacating the alley would eliminate this situation.

4. *To reduce or eliminate hazardous and dangerous traffic conditions*. Not applicable

5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.* All City Departments and utilities were notified of the request. The following responses were received:
   - The Permits and Inspections Division approves of the request.
   - The Public Works Department stated they have no infrastructure in the subject alleys and therefore have no issues with the request.
   - The Parks and Recreation Department stated they have no comments.
   - The Fire Department stated they have no comments.
   - Council Bluffs Water Works stated they have no comments.
   - Black Hills Energy stated they have no concerns with the proposed vacation.
   - MidAmerican Energy stated they have no conflicts with the request.

   Based on the responses received as of the writing of this report, no utility easements will need to be reserved over the subject alleys upon their vacation.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable.

7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* The proposal is to vacate the entirety of the subject alleyway.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* Chapter 6, Transportation, of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) states the following:

   The City should support effective access management on key corridors through the following techniques:
   - *The consolidation of redundant curb cuts, especially along primary streets;*
   - ***The increased reliance on side streets and alleys as primary means of access to a site****; and*
   - *Cross-access easements between adjacent owners that would enhance on-site circulation and reduce the need to enter a public street for trips to nearby destinations.*

   The proposed request does not conflict with the goals and objectives stated in the Comprehensive Plan, as the building located on top of the subject alleys prevents the alleys' use for site access. The courthouse property currently has adequate means of access via Pearl Street, 5th Avenue, and South 6th Street.

9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* The subject alleys exist within a parcel containing multiple platted lots of record, in addition to the subject alleys. The land was combined into one parcel for the purpose of constructing a county government building, and it is no longer in the City's best interest to maintain any degree of responsibility for the subject alleys' maintenance.

10. *To establish an equitable price for surplus public property.* There is one property owner with land that abuts the subject right-of-way. The abutting property owner was notified of the vacation request. The abutting property owner is eligible to receive the entirety of the subject alleys in consideration of the vacation application fee, which has already been paid. The following responses were received:

    - Pottawattamie County stated they are in favor of the request and are willing to acquire the portion of right-of-way adjacent to their property at 227 South 6th Street at no cost.

Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of the north/south alley abutting Lot 6 and Court House Lot, Block 2, Larimer's Subdivision, and the east/west alley abutting Lots 6, 7, 10, and Court House Lot, Block 2, Larimer's Subdivision and Lots B and C, Bayliss Strip, all in the City of Council Bluffs, Pottawattamie County, Iowa.

Public Hearing

Staff speaker for the request:
1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

The City Planning Commission recommended approval to vacate and dispose of the north/south alley abutting Lot 6 and Court House Lot, Block 2, Larimer's Subdivision, and the east/west alley abutting Lots 6, 7, 10, and Court House Lot, Block 2, Larimer's Subdivision and Lots B and C, Bayliss Strip, all in the City of Council Bluffs, Pottawattamie County, Iowa.

VOTE: AYE – Bass, Halm, Hutcheson, Knauss, Opperman, Rater, Rew, Scott, and Van Houten. NAY - None ABSTAIN – None. ABSENT – Bailey and Stroebele. VACANT - None Motion: Carried.

Attachments

Attachment A: Alley Legal Descriptions
Attachment B: Alley Exhibit
Attachment C: Location and Zoning Map

Prepared by: Brandon Siracuse, Planner, Community Development Department