Council Communication

Department: Community Development Case #SAV-18-009 Applicant: Stanley Wills, Jr. 3325 4th Avenue Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	City Council: 05/21/18 Planning Commission: 05/08/18 Set Public Hearing: 05/21/18 Public Hearing: 06/11/18

Subject/Title

Request: Public hearing on the request of Stanley Wills, Jr. to vacate and dispose of a section of undeveloped north/south alleyway running between 4th Avenue and 5th Avenue, in the block between South 33rd and South 34th Street.

Location: Adjacent to 3325 4th Avenue, 3329 4th Avenue, 3330 5th Avenue, and 3340 5th Avenue.

Background

The Community Development Department has received an application from Stanley Wills, Jr. to vacate and dispose of a section of north/south alleyway that runs between 4th Avenue and 5th Avenue. The vacation and disposal of this section of alleyway would allow the applicant the necessary land on his eastern side yard to construct a home addition. The subject alleyway has never been developed, and is adjacent to Lot 6, Block 30, Bryant and Clark's Subdivision; Lot 3, Block 9, Ferry Addition; Lot 1, Block 1, Brown's Subdivision; and Lot 9, Block 6, Omaha Addition.

The following attachments have been included for reference:
Attachment A: Location and Zoning Map
Attachment B: Site Photos

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 are four seperate property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:
   East – Single Family Dwelling owned by Stanley Wills, Jr. (3325 4th Avenue)
   Single Family Dwelling owned by Craig Preston (3330 5th Avenue)
   West – Single Family Dwelling owned by T-G Inc. (3329 4th Avenue)
   Single Family Dwelling owned by Gerald and Linda Armbrust (3340 5th Avenue)

   All abutting property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to purchase the portion of the right-of-way that abuts their property, if vacated. Responses to these petitions are summarized in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access*.
   The direct access to the adjacent properties will not be changing as a result of this vacation.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way*.
   This request is to vacate the entirety of the right-of-way.

4. *To reduce or eliminate hazardous and dangerous traffic conditions*. The subject right-of-way is unimproved and is not used for vehicular and/or pedestrian traffic.

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:
   - Public Works Department stated they have no infrastructure within the subject right-of-way.
   - The Fire Department stated they have no comments.
   - Council Bluffs Water Works stated they have no utilities in the subject alleyway.
   - MidAmerican Energy stated they have no objections to the proposed vacation.

   Based on the information above, if vacated, a utility easement over said right-of-way will be retained.

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.* This request is to vacate the entirety of the alleyway.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).

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.* Not applicable.

10. *To establish an equitable price for surplus public property.* All abutting property owners were notified about this vacation request. The following responses were received:
    - Stanley Wills, Jr., who owns the property addressed as 3325 4th Avenue, stated he is in favor of the request and willing to acquire his portion of right-of-way.
    - Craig Preston, who owns the property addressed as 3330 5th Avenue, stated he is in favor of the request and willing to acquire his portion of right-of-way.
    - Gerald and Linda Armbrust, who own property addressed as 3340 5th Avenue, stated they are in favor of the request and willing to acquire their portion of right-of-way.

Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of a section of undeveloped north/south alleyway running between 4th Avenue and 5th Avenue, in the block between South 33rd and South 34th Street, with each adjacent property owner acquiring the half of the vacated alleyway adjacent to their properties. The approval is subject to the following conditions:

1. A permanent utilities easement will be maintained over the entirety of the former right-of-way.

Public Hearing

Speakers in favor:

1. Stan Willis, 3325 4th Avenue, Council Bluffs, IA 51501

Speakers against: none.

Planning Commission Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of a section of undeveloped north/south alleyway running between 4th Avenue and 5th Avenue, in the block between South 33rd and South 34th Street, with each adjacent property owner acquiring the half of the vacated alleyway adjacent to their properties. The approval is subject to the following conditions:

1. A permanent utilities easement will be maintained over the entirety of the former right-of-way.

VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 4 Motion: Carried

Attachment A – Right-of-way vacation map
Attachment B – Site Photos

Prepared By: Chris Meeks, Planner, Community Development Department