Council Communication

Department: Community Development Case #SAV-18-007 Applicant: Jimmy Steinbach 1405 15th 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 Jimmy Steinbach to vacate and dispose of a section of undeveloped east/west alleyway extending east of South 15th Street in the block north of 16th Avenue. The section of right-of-way is platted as a part of Block 33, Fleming and Davis Addition, and Block I, Riddle's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

Location: South of 1405 15th Avenue, and North of 1400 16th Avenue.

Background

The Community Development Department has received an application from Jimmy Steinbach to vacate and dispose of a section of east/west alleyway that is located east of South 15th Street, in the block between 15th Avenue and 16th Avenue. If vacated, the applicant wishes to acquire his portion of the alleyway to install a fence and expand his yard. The subject alleyway has never been developed, and dead-ends at the western right-of-way of Indian Creek.

The following attachments have been included for reference:
Attachment A: Location and Zoning Map
Attachment B: Site Photos
Attachment C: Letter from the St. James Investment Company

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 separate property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:
   North – Single Family Dwelling owned by Jimmy Steinbach (1405 15th Avenue)
   South – Undeveloped land owned by St. James Investment Company, LLC
   Property that is split by the alley – Land owned by the Chicago Northwestern Railroad that contains tracks
   Single Family Dwelling owned by Angelina Torrez Ramirez (1400 16th 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, which would not create any dead-end.

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.
   - The Council Bluffs Building Division stated they have no comments.
   - Council Bluffs Water Works stated they have no utilities in the subject alleyway, but would like the applicant and adjacent property owner to the south be aware that this is a private water line that runs through both properties. This water line will not be affected by the proposed vacation.
   - MidAmerican Energy stated they have no objections to the proposed vacation, with the condition that a utility easement remain over the former right-of-way.

   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:
    - Jim Steinbach stated he is in favor of the vacation of the right-of-way, and is willing to acquire the portion adjacent to his property.
    - The St. James Investment Company stated in a letter (Attachment C) that they are opposed to the vacation of the right-of-way, but if an easement was maintained over the entirety of the former right-of-way, and if the City Council finds it necessary to vacate the right-of-way, they would acquire the southern portion of the right-of-way adjacent to their property.
    - Angelina Torrez Ramirez Stafford stated she is in favor of the vacation of the right-of-way, and is willing to acquire the portion adjacent to her property.
    - No response was received from the Chicago Northwestern Railroad.

Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of a section of undeveloped east/west alleyway extending east of South 15th Street in the block north of 16th Avenue, as is platted as a part of Block 33, Fleming and Davis Addition, and Block I, Riddle's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, with each adjacent property owner receiving the half of right-of-way that is adjacent to their properties, subject to the following condition:

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

Public Hearing

Speakers in favor:

1. Jim Steinbach, 1405 15th Avenue, Council Bluffs, IA 51503

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval of the request to vacate and dispose of a section of undeveloped east/west alleyway extending east of South 15th Street in the block north of 16th Avenue, as is platted as a part of Block 33, Fleming and Davis Addition, and Block I, Riddle's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, with each adjacent property owner receiving the half of right-of-way that is adjacent to their properties, subject to the following condition:

1. A permanent utilities easement must 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
Attachment C – Letter from the St. James Investment Company

Prepared By: Chris Meeks, Planner, Community Development Department