Council Communication

Department: Community Development Case #SAV-18-010 Applicant: JLS Investments, LLC Attn: Matt Sain 1401 S. 16th Street Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	City Council: 06/25/18 Public Hearing:07/09/18 Planning Commission: 06/12/18

Subject/Title

Request: Public hearing on the request of JLS Investments, LLC, represented by Matt Sain, to vacate and dispose of the east/west alley located in Block 31, Fleming and Davis Addition.

Location: Lying south of 14th Avenue between South 15th and South 16th Streets.

Background

The Community Development Department has received an application from JLS Investments, LLC, represented by Matt Sain, to vacate and dispose of a section of undeveloped east/west alleyway running between South 16th Street and the undeveloped South 15th Street, as is platted in Block 31, Fleming and Davis Addition. The subject alleyway is unimproved. The applicant wishes to acquire their portion of alleyway to allow them the additional setback space required for a future expansion of their building.

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 separate property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:
   North – Commercial Building owned by JLS Investments, LLC (1401 S. 16th Street)
   South – Single Family Dwelling owned by Jason D. Hannah (1508 15th Avenue)
   Single Family Dwelling owned by Rosa D. Orellana (1512 15th Avenue)
   Single Family Dwelling owned by Edwin A. Atherton III (1516 15th Avenue)
   Single Family Dwelling owned by Gregory J. Smith Jr. (1520 15th Avenue)

   All abutting property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to acquire the portion of the alley 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.*
   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 alley.

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 Marshall stated he has 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, though they have existing overhead facilities, so a utility easement must remain.

   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:
    - Rosa D. Orellana, who owns the property addressed as 1512 15th Avenue, stated she is in favor of the request and willing to acquire her portion of right-of-way.
    - Erwin Atherton, who owns the property addressed as 1516 15th Avenue, stated he is in favor of the request and willing to acquire his portion of right-of-way.
    - JLS Investments, who own property addressed as 1401 S. 16th Street, 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 the east/west alley located in Block 31, Fleming and Davis Addition, with the owners of 1512 15th Avenue and 1516 15th Avenue each acquiring the southern ½ of the former alleyway adjacent to their property, and JLS Investments acquiring the remainder. The approval is subject to the following conditions:

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

Public Hearing

Speakers in favor:

1. Christopher Gibbons, Community Development Department, presented the request on behalf of the applicant.

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval of the request to vacate and dispose of the east/west alley located in Block 31, Fleming and Davis Addition, with the owners of 1512 15th Avenue and 1516 15th Avenue each acquiring the southern ½ of the former alleyway adjacent to their property, and JLS Investments acquiring the remainder. The approval is subject to the following conditions:

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

VOTE: AYE 6 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 4 Motion: Carried

Attachment A – Location and Zoning Map
Attachment B – Site Photos

Prepared By: Chris Meeks, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION
CASE #SAV-18-010 LOCATION AND ZONING MAP

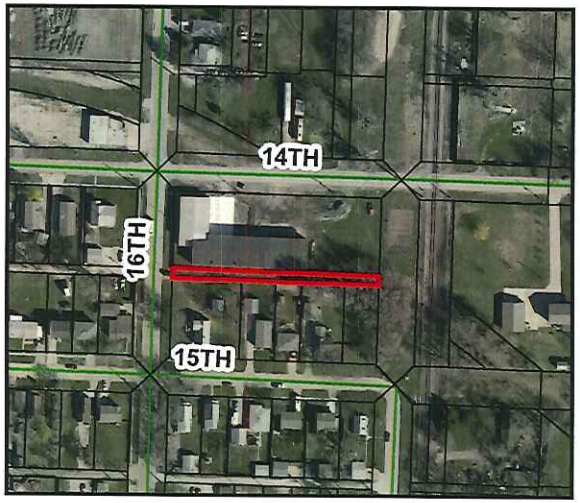
Map Legend

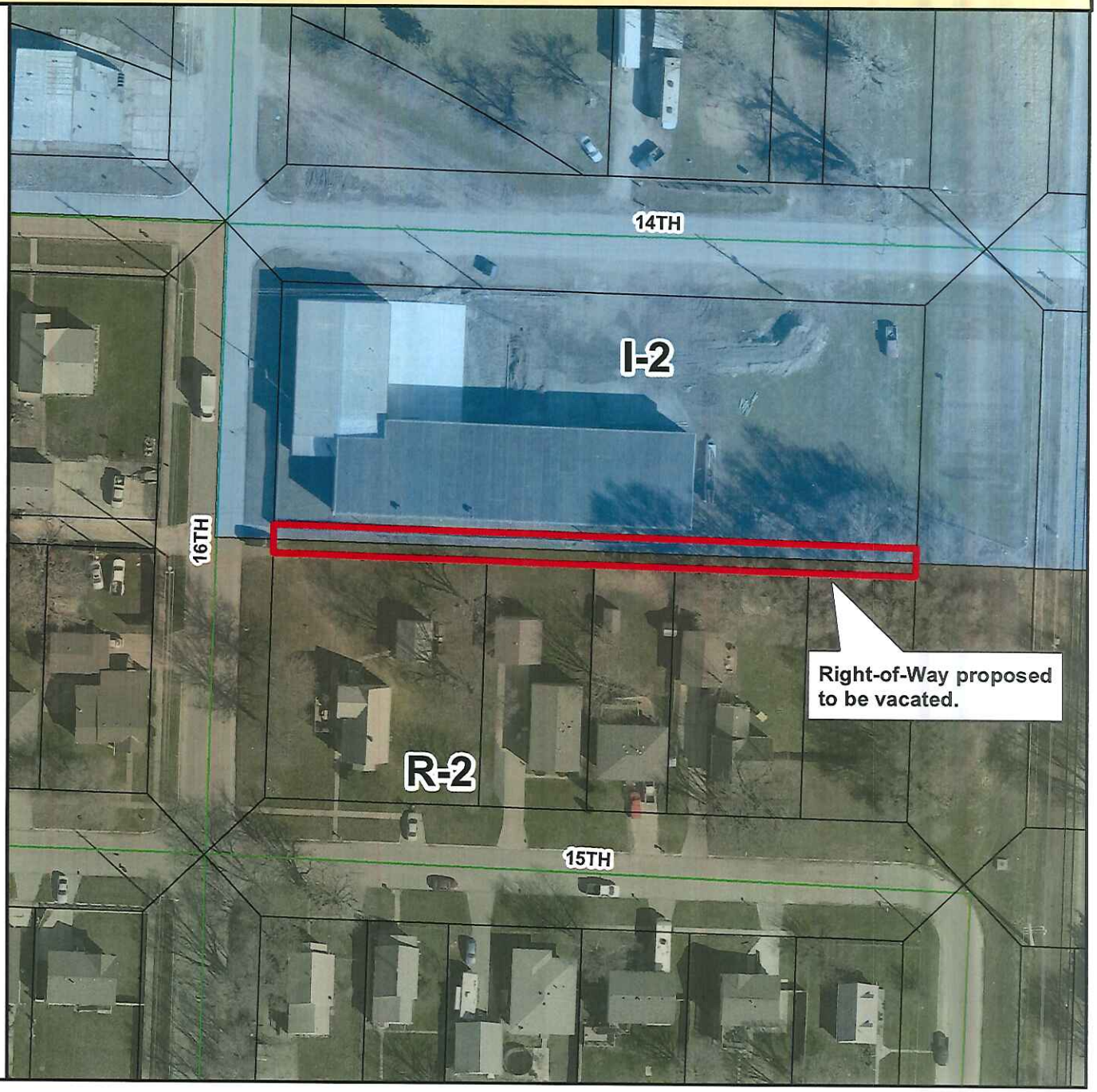
Subject Right-of-Way

Parcels

0 40 80

1 Inch = 86 Feet





Last Amended: 5/18/18

Council Bluffs Community Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

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Attachment B:

Site Photos



Above: Aerial Photo of subject alleyway. Approximate location of alleyway is highlighted in red.

Below: Ground level photo of subject alleyway (from Google Street View).

