Council Communication

Department: Community Development Case #SAV-19-002 Property Owner/Applicant: Richard Swanger 1324 22nd Avenue Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Planning Commission: 2/12/19 Set Public Hearing: 2/25/19 Public Hearing: 3/11/19

Subject/Title

Request: Public hearing on the request of Richard Swanger to vacate and dispose of the West north/south alley platted in Block 10, Burns Addition, lying East of Indian Creek and between 21st Avenue and 22nd Avenue.

Location: West of 1321 21st Street.

Background/Discussion

The Community Development Department has received an application from Richard Swanger to vacate and dispose of the west north/south alley platted in Block 10, Burns Addition. If vacated, the applicant wishes to acquire the entire alley to expand his residential lots.

The subject north/south alley measures 12 feet wide by 330 feet long and is unimproved. A single-family detached dwelling, an accessory structure and a fence located at 1321 21st Avenue and a single-family detached dwelling located at 1324 22nd Avenue, all owned by Mr. Swanger, encroach the subject alley. The request would bring these structures into conformance with the City's Municipal Code.

Mr. Swanger also expressed interest in acquiring the east north/south alley platted in Block 10, Burns Addition. As per Ordinance No. 4723, the east north/south alley was vacated by City Council on December 22, 1986. An easement was retained over the alley for utility access and maintenance purposes. Only the portion of the east north/south alley abutting the property addressed as 2118 South 13th Street was disposed of by City Council. The portion of said alley adjoining property owned by the applicant is available for acquisition upon request.

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*.
   The applicant owns all of the land which abuts the subject north/south alley. The Community Development Department mailed Mr. Swanger petitions asking if he was in favor of/opposed to the vacation request and if he was willing to/not willing to acquire the north/south alley, if vacated. The response to this petition is summarized in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access*.
   All abutting properties have frontage on either 21st Avenue or 22nd Avenue and will not be landlocked or have their access negatively impacted if the subject north/south alley is vacated.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way*.
   This request will not create a dead-end right-of-way, as the request is to vacate the entirety of the west north/south alley located west of South 13th Street, between 21st Avenue and 22nd Avenue.

4. *To reduce or eliminate hazardous and dangerous traffic conditions*.
   The subject north/south alley 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:
   - Cox Communications stated they had no issues with the vacation. They noted they had network on the MidAmerican power poles erected on the east north/south alley, but none in the subject north/south alley.
   - The Permits and Inspections Division stated they have no comments on the vacation.
   - The Fire Department stated they have no comments on the vacation.
   - Black Hills Energy stated they have no concerns with the vacation.
   - MidAmerican Energy Company stated they have no conflict with the vacation.
   - The Public Works Department stated they have no infrastructure within the subject north/south alley and have no comments concerning the vacation.
   - Council Bluffs Water Works stated they do not have comments on the vacation and have no public facilities located within the north/south alley to be vacated.

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 request is to vacate the entirety of the west north/south alley platted in Block 10, Burns Addition.

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.*
    The Community Development Department mailed the applicant petitions to sign stating if he was in favor of/opposed to the vacation request and if he is willing to/not willing to acquire the north/south alley at no cost. Mr. Swanger stated he is in favor of the request and willing to acquire the north/south alley adjacent to his properties at no cost.

Recommendation

The Community Development Department recommends approval to vacate and dispose of the West north/south alley platted in Block 10, Burns Addition, lying East of Indian Creek and between 21st Avenue and 22nd Avenue.

Public Hearing

Staff speaker for the request:

1. Moises Monrroy Castillo, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA

Speakers in favor: None
Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval to vacate and dispose of the West north/south alley in Block 10, Burns Addition, lying East of Indian Creek and between 21st and 22nd Avenues.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 1 Motion: Carried

Attachment

Attachment A: Location and Zoning Map

Prepared by: Moises Monrroy, Planner, Community Development Department