Council Communication

Department: Community Development Case #SAV-19-003 Property Owner/Applicant: Christopher Brokman 2403 South 17th Street 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 Christopher Brokman to vacate and dispose of the east/west alley platted in Block 5, Fleming and Davis Addition, lying West of South 17th Street and between 9th Avenue and 10th Avenue.

Location: North of 920 South 17th Street.

Background/Discussion

The Community Development Department has received an application from Christopher Brokman to vacate and dispose of the east/west alley platted in Block 5, Fleming and Davis Addition. The subject east/west alley is unimproved and measures 16 feet in width by 180 feet in length. If vacated, the applicant intends to acquire the entire alley to expand his industrial operation, Advanced Machine, LLC, located at 920 South 17th Street.

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 both parcels of land which abut the subject east/west alley. The Community Development Department mailed Mr. Brokman a petition asking if he was in favor of/opposed to the vacation request and if he was willing to/not willing to acquire the east/west 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*.
   Both abutting properties have frontage on South 17th Street and will not be landlocked or have their access negatively impacted if the subject east/west 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 east/west alley located west of South 17th Street, between 9th and 10th Avenue.

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:

   - Cox Communications stated they have no issues with the vacation. They noted they have no network in the alley.
   - The Fire Department stated they have no comments on the vacation.
   - MidAmerican Energy Company stated they do not object to the vacation.

- Council Bluffs Water Works stated they have no comments on the vacation. They noted they have no public facilities located within the subject east/west alley.
- The Public Works Department stated they have no concerns with the 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 request is to vacate the entirety of the east/west alley platted in Block 5, 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 a petition 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 east/west alley at no cost. Mr. Brokman stated he is in favor of the request and willing to acquire the east/west alley adjacent to his properties at no cost.

Recommendation

The Community Development Department recommends approval to vacate and dispose of the east/west alley platted in Block 5, Fleming and Davis Addition, lying West of South 17th Street and between 9th Avenue and 10th 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 east/west alley platted in Block 5, Fleming and Davis Addition, lying West of South 17th Street and between 9th Avenue and 10th Avenue.

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

Attachments

Attachment A: Location and Zoning Map

Prepared by: Moises Monrroy, Planner, Community Development Department