Council Communication

Department: Community Development CASE #OTB-18-032 Applicant: Doug Evans 1200 9th Avenue Council Bluffs, IA 51501 Carol Etherington 1203 8th Avenue Council Bluffs, IA 51501	Resolution to Dispose No. _____	Public Hearing: 3/25/2019

Subject/Title

Request of Doug Evans to purchase property described as the East 36 feet and 3 inches, Block 12 , McMahon, Cooper and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 1201 8th Avenue.

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and is 'non-buildable' independently. According to the adopted policy of April 23, 2018, the property should be priced at the value established by the most recent fee schedule for street/alley vacations, which on this property would be $742.80.

The original applicant, Doug Evans, owns the home on the East side of South 12th Street, addressed as 1133 8th Avenue, and owns the car lot South of the subject property (on the south side of the adjacent alley) that is addressed as 1200 9th Avenue. Mr. Evans wishes to acquire the property to clean and maintain the lot to improve the appearance of the neighborhood. Upon receiving the application from Mr. Evans, staff offered the property to Carol Etherington, owner of the adjacent property to the West that is addressed as 1203 8th Avenue, who indicated she would be interested in purchasing the property. Per the adopted policy of April 23, 2018, the first priority in the sale of non-buildable remnant parcels shall be to resolve the most non-conforming adjacent lot, which would be Ms. Etherington's property.

The following costs have been incurred by the City on the subject property:
Building Division: $12,055.00 for board-ups and demolition.

The Legal Department stated that awarding the right to purchase the property to the adjacent home, addressed as 1203 8th Avenue would correct a nonconforming lot size, which would be the best use at this time. If the property is awarded to the owner of 1203 8th Avenue, the adjacent property, the approval would be subject to a deed restriction that Lot 1, and the East 31'3" of Lot 2, Block 12, McMahon Cooper and Jefferis Addition remain as one parcel.

The Public Works Department is requesting that the approval to either property owner be subject to a deed restriction that no access to South 12th Street will be permitted. Access to the property will come from 8th Avenue to the North, or the alleyway to the South.

Due to the limited width of only 36.25 feet, the subject parcel would not be wide enough to allow the construction of a principal structure if it were to be sold as a standalone parcel, as would be the case if the property was sold to Doug Evans. Currently, the Street Side Yard Setback of 15 feet and the Interior Side Yard Setback of 5 feet would only allow a structure with a width of 16.25 feet, which is below the minimum allowable width of a principal structure of 20 feet. An accessory structure, such as a shed or a garage, would not be allowed on the parcel without a principal structure. Alternatively, if the subject property was sold to Carol Etherington, she could combine the property with her current parcel, and it would be able to be constructed upon, as there would be additional yard area to accommodate setbacks, as well as an existing principal structure. The most productive use of the parcel would be for it to be sold to Carol Etherington, the owner of the adjacent property.

Recommendation

The Community Development Department recommends disposing of the property described above to Carol Etherington for the purchase price of $742.80, subject to the following conditions:

1. The applicant shall have 60 days from the date of approval to pay the fee to purchase the parcel, a total of $742.80.
2. The deed shall have a restriction that no access be granted from the subject property to South 12th street. Access will come from 8th Avenue to the North or the alleyway to the South.

The deposit of $74.29, as paid by Doug Evans, shall be refunded, as the offer to buy submitted by Mr. Evans will not be accepted.

Attachment: Location map.
Prepared By: Chris Meeks, Planner, Community Development Department