City Council Communication

Department: Community Development Department Case #MIS-19-001 Owner/Applicant: General Property MGT, LLC Attn: Larry Hansen P.O. Box 492 Council Bluffs, IA 51502 Surveyor: Rogers Surveying Attn: Carl Rogers 1688 Rolling Hills Loop Council Bluffs, IA 51503	Resolution of Intent No. _____ Resolution to Dispose No._____	City Council: 3/11/2019 Public Hearing: 3/25/2019

Subject/Title

Request for the release of the South 48.5 feet of a perpetual and permanent utility easement located across the East 252 feet of the vacated 26th Avenue located West of South 13th Street, as is platted in Block 59, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: West of South 13th Street

Background/Discussion

On October 8, 2018, the Council Bluffs City Council approved Resolution No. 18-286, which vacated the 66' by 252' section of 26th Avenue right-of-way extending from the West right-of-way line of South 13th Street. The conveyance was subject to a permanent and perpetual utilities easement being maintained for any and all utilities easement in place at that time. On February 25, 2019, the Council Bluffs City Council approved Resolution No. 19-47, which granted final plat approval for a 5 lot subdivision to be known as Stella Burk Subdivision. The proposed Stella Burk Subdivision features a part of a residential lot (Lot 1) to be placed over the South 48.5 feet of the former 26th Avenue right-of-way, and the developer has asked that the utility easement over the South 48.5 feet be released, while still maintaining a utility easement over the North 17.5 feet of the former 26th Avenue right-of-way (Outlot 1).

Comments

All City departments and local utility companies were notified of the proposed request and were specifically asked if they oppose the release of these easements. The following comments were received:

1. Council Bluffs Fire Department stated they have no comments on the request.
2. Council Bluffs Permits and Inspections Division stated they have no comments on the request.
3. Council Bluffs Public Works Department stated they have no comments on the request.
4. Mid-American Energy Company stated they have facilities in the North 17.5 of the former 26th Avenue right-of-way, though are not opposed to the release of the easement over the South 48.5 feet.
5. Centurylink stated in an email that there are no facilities in the former 26th Avenue right-of-way, and is not opposed to the release of the easement. The signed petition is pending.
6. Signed authorization forms to release the easement over the South 48.5 feet of the former right-of-way from Black Hills Energy, Council Bluffs Water Works, Cox Communications, and MidAmerican Energy have been received at the time of this report.

Recommendation

The Community Development Department recommends approval to release the South 48.5 feet of the perpetual and permanent easement granted for utility purposes across previously vacated 26th Avenue right-of-way, extended 252 feet from the West right-of-way line of South 13th Street, and platted North of Block 59, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following condition:

1. The release of the perpetual and permanent utility easements across said vacated 26th Avenue right-of-way, as legally described above, shall become effective once all local utility providers submit a signed authorization form, which releases their interest(s) in said utility easements, to the City of Council Bluffs.

Attachments

Attachment A – Stella Burk Subdivision Final Plat
Attachment B – Copy of Resolution No. 18-286
Attachment C – Signed authorization form from Black Hills Energy
Attachment D – Signed authorization form from Council Bluffs Water Works
Attachment E –Authorization Email from Centurylink
Attachment F –Signed authorization form from Cox Communications
Attachment G –Signed authorization form from MidAmerican Energy

Prepared by: Chris Meeks, Planner