Council Communication

Department: Community Development Case #SAV-19-006 Property Owner/Applicant: Crystal Slason 1702 Avenue G Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Planning Commission: 7/9/2019 Set Public Hearing: 7/22/2019 Public Hearing: 8/12/2019

Subject/Title

Request: Public hearing on the request of Crystal Slason to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition.

Location: West of North 17th Street, between Avenue G and Avenue H

Background/Discussion

The Community Development Department has received an application from Crystal Slason to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition. The subject east/west alley is unimproved and measures 10 feet in width by 204 feet in length. As per the applicant, a fire was started in the alley that burned down several structures located nearby. If vacated, the applicant intends to acquire the portion adjoining her property to restrict access and increase safety.

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 eight property owners with land that abuts the subject alleyway. The owners of these properties are as follows:

   North – Residential property owned by Martin and Rosario Espinoza (1717 Avenue H)
   Residential property owned by Vicki L. Jones (1715 Avenue H)
   Residential property owned by Tamara A. Donney (1705 Avenue H)
   Residential property owned by Jacob A. Brandt (716 North 17th Street)
   South – Residential property owned by Dixie D. Shaffar (1700 Avenue G)
   Residential property owned by Crystal C. Slason (1702 Avenue G)
   Residential property owned by Wayne Rasmussen (1704 Avenue G)
   Residential property owned by Michael S. Knotek (1714 Avenue G)

   All abutting property owners were mailed petitions asking if they are in favor of/opposed to the vacation request and if they were willing to/not willing to acquire the portion of the alley adjacent to 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*.
   All abutting properties have frontage on either Avenue G or Avenue H, except the property at 716 North 17th Street, which has frontage on North 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 eliminate an existing dead-end alley, as the subject east/west alley dead-ends at the eastern boundary of Woodrow Wilson Junior High School.

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:

- The Fire Department stated they have no comments on the vacation.
- The Public Works Department stated they have no concerns with the vacation.
- Council Bluffs Water Works stated they have no public facilities located within the subject east/west alley.
- MidAmerican Energy Company stated they have existing overhead distribution facilities within the subject east/west alley. They noted that since these facilities supply electric service to multiple residences, they would like to retain an easement over the alley to maintain accessibility for maintenance and reliability.
- Cox Communications stated they have utilities in the alley on the MidAmerican poles. They also stated they would to retain an easement over the alley for access.
- Black Hills Energy stated they had no objections to the vacation and noted they do not have facilities within the subject alley and have no plans to use it in the future.

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 subject east/west alley.

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:

- Crystal Slason stated she is in favor of the request and willing to acquire the portion of the east/west alley adjacent to her property at no cost.
- Wayne Rasmussen stated he is in favor of the request and willing to acquire the portion of the east/west alley adjacent to his property at no cost.
- Vicki L. Jones stated she is in favor of the request and willing to acquire the portion of the east/west alley adjacent to her property at no cost.
- Dixie D. Shaffar stated she is in favor of the request and willing to acquire the portion of the east/west alley adjacent to her property at no cost.
- Tamara A. Donney stated she is opposed to the request, but is willing to acquire the portion of the east/west alley adjacent to her property at no cost if vacated.

- There has been no reply from Martin and Rosario Espinoza, Jacob A. Brandt or Michael S. Knotek regarding the vacation request.

Recommendation

The Community Development Department recommends approval to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition, lying west of North 17th Street, between Avenue G and Avenue H, subject to an easement being retained for utility access and maintenance purposes and all portions of the right of way being disposed of to an abutting property owner(s).

Public Hearing

Staff speaker on behalf of request:

1. Moises Monnroy, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503.

Speakers in favor:

1. Crystal Slason, 1702 Avenue G, Council Bluffs, IA 51501
2. Ron Rasmussen, 1704 Avenue G, Council Bluffs, IA 51501
3. Wayne Rasmussen, 2503 Lockwood Place, Council Bluffs, IA 51503

Speakers against:

1. Tamara Donney, 1705 Avenue H, Council Bluffs, IA 51501

Planning Commission Recommendation

The Planning Commission recommends approval to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition, subject to an easement being retained for utility access and maintenance purposes and all portions of the right of way being disposed of to an abutting property owner(s).

VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 4 VACANT 0 Motion: Carried

Attachment

Attachment A: Location and Zoning Map

Prepared by: Moises Monrroy, Planner, Community Development Department