City Council Communication

Department: Community Development Department CASE #MIS-19-003	Resolution No. _____	City Council: 10/07/2019

Subject/Title

Request for the release of perpetual and permanent sanitary sewer easement across a parcel of land legally described as a portion of Parcel 'A' in the SE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly described on Attachment 'B.

Location: Lying West of Interstate 29, East of River Road, and South of Nebraska Avenue.

Background/Discussion

On August 26, 2019, the Council Bluffs City Council approved Resolution No. 19-203, which granted final plat approval for a two-lot industrial subdivision known as River Road Subdivision (see Attachment A). After Council approved the final plat, the Community Development Department became aware that a 48-inch capped and abandoned sanitary sewer line exists beneath portions of subdivision, and is protected by an exclusive 20 foot-wide easement (as shown on Attachment B). The sewer line functioned as an outfall that ran from the City's original wastewater treatment plant (formerly located at the intersection of 23rd Avenue/South 35th Street) to the Missouri River. The line has been inoperable since 1999 when the City relocated sanitary sewer across Interstate 29. In 1994, the City Council approved Resolution No. 94-290 which released an easement over a section of said sewer line that extended west of River Road to the Missouri River. This request is similar to the approval granted by Council in 1994.

Lots 1 and 2, River Road Subdivision are planned to be sold to private entities (Warren Distribution and OPUS) for new industrial development. The diagonal alignment of this sewer line easement creates a challenge for placing buildings on said lots, and should be released in order to provide better site design flexibly. The new property owners will need to conduct their own assessment to determine whether any buildings and/or parking lots can be constructed on top of the abandoned sewer line. Any cost to remove the sewer line will be the responsibility of the developer, and not the City of Council Bluffs.

Recommendation

The Community Development Department recommends approval to release a perpetual and permanent sanitary sewer easement across a parcel of land legally described as a being a portion of Parcel 'A' in the SE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly described on Attachment 'B, based on reasons stated above.

Attachments

Attachment A – River Road Subdivision final plat
Attachment B - Sanitary sewer line easement exhibit

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