Council Communication

Department: Community Development CASE #SAV-86-014 Applicant: City of Council Bluffs Community Development Department 209 Pearl Street Council Bluffs, IA 51503	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 8/24/2020 Public Hearing: 9/14/2020

Subject/Title

Request: Public hearing on the request of the Community Development Department to dispose of the east north/south vacated alley platted in Block 10, Burns Addition, lying east of Indian Creek, west of South 13th Street and between 21st Avenue and 22nd Avenue.

Location: East of 1324 22nd Avenue

Background/Discussion

On March 11, 2019, the City Council approved the request of Richard Swanger to vacate and dispose of the west north/south alley platted in Block 10, Burns Addition (see Resolution No. 19-71, Case #SAV-19-002). Mr. Swanger had originally requested to vacate both north/south alleys platted in Block 10, Burns Addition. After researching City records, the Community Development Department discovered that the east north/south alley platted in Block 10, Burns Addition had been vacated by the City Council on December 22, 1986 (see Ordinance No. 4723). However, only the portion of the subject alleyway which abuts property addressed as 2118 South 13th Street was disposed of by the City Council; the remaining portion of the subject alleyway has yet to be acquired by the abutting property owners.

The subject alleyway is 12 feet wide by 330 feet long, and is unimproved. An easement was retained over the alley for utility access and maintenance purposes.

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

East: Residential property owned by John C. Dorsett (2100 South 13th Street)
Residential property owned by Gregory McCubbin (2112 South 13th Street)
Residential property owned by James L. Moss, Jr. (2114 South 13th Street)
Residential property owned by Beverly B. Dawson (2118 South 13th Street)
Residential property owned by Debra D. Yochum (2128 South 13th Street)
West: Residential property owned by Richard Swanger (1324 22nd Avenue)

All abutting property owners, with the exception of the owner of 2118 South 13th Avenue, were mailed petitions asking they were willing to/not willing to acquire their respective portion of the subject alleyway. Typically, a property owner is eligible to receive the portion of a public alley abutting their property in consideration of the vacation application fee. However, since the subject alleyway was vacated via an ordinance in 1986, as opposed to a resolution in accordance with the current *Policy and Procedures for Alley, Street and Right-of-way Vacations*, the cost to acquire it shall be based on the fee

schedule established in 1986, which valued the cost of a public alley at $0.10 per square foot. The following responses were received:

1. John C. Dorsett stated he is willing to acquire the portion of the alley adjacent to his property for the total sum of $59.40.
2. Gregory McCubbin stated he is willing to acquire the portion of the alley adjacent to his property for the total sum of $39.60.
3. James L. Moss, Jr. stated he is willing to acquire the portion of the alley adjacent to his property for the total sum of $29.70.
4. Debra D. Yochum stated she is willing to acquire the portion of the alley adjacent to her property for the total sum of $39.60.
5. Richard Swanger stated he is willing to acquire the portion of the alley adjacent to his property for the total sum of $198.00.

Recommendation

The Community Development Department recommends approval to dispose of the east north/south alley platted in Block 10, Burns Addition, lying east of Indian Creek and between 21st Avenue and 22nd Avenue, City of Council Bluffs, Pottawattamie County, Iowa, subject to all portions of the subject alley being disposed of to an abutting property owner(s).

Attachments

Attachment A: Location/Zoning Map
Attachment B: Ordinance No. 4723

Prepared By: Moises Monrroy, Planner, Community Development Department