CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION
CASE #SAV-86-014 LOCATION/ZONING MAP

ATTACHMENT A

Legend

Vacated alley

0 30 60

1 Inch = 59 Feet



N

Last Amended: 7/27/20

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressedly denies any and all responsibilities for errors, if any, in the information contained on this mapof the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



Fee $ 7804

Return to: City Clerk
209 Pearl

COMPARED

ORDINANCE NO. 4723

AN ORDINANCE TO VACATE THE ENTIRE NORTH/SOUTH ALLEY EAST OF AND ADJACENT TO 1321-21st AVENUE, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

B E I T O R D A I N E D
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the City-owned right-of-way located in Council Bluffs, Pottawattamie County, Iowa, described as follows:

The 330 foot north/south alley abutting Lots 12 through 23, inclusive, Block 10, Burns Addition, Council Bluffs, Pottawattamie County, Iowa

be and the same is hereby vacated, subject to the reservation of easements.

SECTION 2. Repealer. That all other ordinances, rules and regulations, or portions thereof, in conflict herewith, be and the same are hereby repealed.

Section 3. Effective Date. That this ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED AND APPROVED December 22, 1986

William E. Venard
WILLIAM E. VENARD MAYOR

Attest: Olga Arellano
OLGA ARELLANO CITY CLERK

FIRST CONSIDERATION: Nov. 24, 1986

SECOND CONSIDERATION: Dec. 8, 1986

PUBLIC HEARING: Dec. 22, 1986

THIRD CONSIDERATION: Dec. 22, 1986

PLANNING CASE #SAV-86-014

STATE OF IOWA, Pottawattamie County
Filed for record the 26 day of Dec
1986 at 2:40 o'clock P M and recorded
in book 87 page 15877
John Sciortino Recorder
By Deputy

ATTACHMENT B

4-B

87 15877

Published Dec. 15, 1986

NOTICE OF PUBLIC HEARING

ON CITY PLANNING COMMISSION RECOMMENDATION

RELATIVE TO THE VACATION OF PUBLIC RIGHT-OF-WAY

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that at its City Council meeting held on the 8th day of December 1986, the City Council of the City of Council Bluffs, Iowa, received the written recommendation of the City Planning Commission relative to the request to vacate excess City property generally described as the entire north/south alley east of and adjacent to 1321-21st Avenue, all in Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 8:00 p.m. on the 22nd day of December, 1986, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa; at which time and place all persons interested in said matter will be given an opportunity to be heard.

Olga Arellano

OLGA ARELLANO CITY CLERK

CITY PLANNING CASE #SAV-86-014 Proof to Clerk by Dec. 19

TO: City Planning Commission/City Council
FROM: Community Development Department
DATE: October 22, 1986

RE: CASE #SAV-86-014
REQUEST: To vacate the entire north/south alley east of and adjacent to 1321 - 21st Avenue.
LEGAL DESCRIPTION: The 330 foot north/south alley abutting Lots 12 through 23, inclusive, Block 10, Burns Addition to Council Bluffs, Iowa.

APPLICANT: Raymond Fitzgerald
REPRESENTING: Himself and five (5) property owners within the block.

A. STAFF REPORT:

BACKGROUND INFORMATION -

The applicant and five (5) abutting property owners wish to have the eastern most north/south alley in the block vacated. There are two platted lots within this block, however the eastern most alley is the only opened alley. The subject alley is 330 feet in length and 12 feet in width.

There are seven (7) property owners within this block and adjacent to this subject alley. Only six have requested this proposed alley vacation. The contract holder of Lot 12 has not made their opinion known to staff whether or not it is their wish to vacate.

Ownerships of those lots adjacent to the subject alley are as follows:
(Also refer to attached map)
Lot 12 - Bucholz/Contract Holder - Cates
Lots 13 and 14 - Pike
Lots 15 thru 17 - Rhoades
Lots 18 and 19 - Hurt
Lots 20 thru 22 - McSorley
Lot 23 - Fitzgerald

EXISTING ZONING AND LAND USES -

North, East and South: R-2/Two-Family Residential District; Single family homes.
West: R-2/Two-Family Residential District; Single family homes, a tree service (zoning violation), platted South 14th Street and Indian Creek.

CITIZENS RESPONSE - None

UTILITIES AND OTHER CITY STAFF COMMENTS -

Northwestern Bell and Iowa Power and Light Company reports there are buried cables in the alley as well as overhead lines. Access easements must be retained.

STAFF COMMENTS:

1. No abutting property owners utilize this alley as a main means of ingress or egress. All property owners in the block are served by an improved public right-of-way.

2. The subject alley is in poor, but passible condition. Vacating this alley would be a legal and financial relief to the City.

3. The subject alley is not needed in the City's present nor future transportation/circulation system.

STAFF RECOMMENDATION -

Approval of this alley vacation request with retained easements.

4-B

B. PUBLIC HEARING:

Mr. Raymond Fitzgerald, 1321 - 21st Avenue, representing the owners within the subject block, stated that none of the property owners use this alley for access to their garages and all the owners would agree to the appropriate utility easements. In addition he would be willing to purchase his portion of the alley.

Mr. Fay Hurt, 2112 South 13th Street stated he too was in favor of the proposed alley vacation. He questioned if the tree business that was in operation at the southern portion of this alley [1324 - 22nd Avenue] was a proper use in this R-2 zoning district.

Chairman Olson stated this was a matter that City staff should look into.

Mr. Arthur Cates, 1324 - 22nd Avenue, stated he was in favor of this request and would be willing to buy the portion of the alley adjacent to his property.

C. PUBLIC HEARING:

Motion made by Knox and seconded by Morris to recommend to the City Council approval of this vacation request.

Finding of Facts and Reasons:

As per "Staff Comments".

Vote: (8 - 0)
Voice Vote - Motion carried

Bob Olson 11/19/86
Bob Olson, Chairman
City Planning Commisssion

Bruce G. Koprucki 11/19/86
Bruce G. Koprucki, Chief Planner
Community Development Department

BO/BGK/pah

4-B

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY } ss.

I, Carolyn Bell on my oath

do solemnly swear that I am the accountant
of the COUNCIL BLUFFS NONPAREIL, a newspaper issued DAILY, and printed in said county;

that the annexed notice was published in said newspaper for one

consecutive time as follows: The first publication thereof

being on the 15 day of December 19 86,

the second on the _____ day of _____ 19_____,

the third on the _____ day of _____ 19_____,

the fourth on the _____ day of _____ 19_____,

the fifth on the _____ day of _____ 19_____,

the sixth on the _____ day of _____ 19_____,

the _____

Carolyn Bell

Signed in my presence by the said Carolyn Bell

and by him sworn to before me this 16 day of December
A.D. 19 86.

Witness my hand and Notarial Seal.

NOTARIAL SEAL IOWA TONYA M. BARKER

Tonya M Barker
Notary Public.

NOTICE OF PUBLIC HEARING
ON CITY PLANNING COMMISSION
RECOMMENDATION
RELATIVE TO THE VACATION
OF PUBLIC RIGHT-OF-WAY

TO WHOM IT MAY CONCERN:

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You are further notified that a public hearing on said matter will be held by the City Council to the City of Council Bluffs, Iowa, at its regular meeting to be held at 8:00 p.m. on the 22nd day of December, 1986, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa; at which time and place all persons interested in said matter will be given an opportunity to be heard.

OLGA ARELLANO, CITY CLERK

1986(12)15-1 Monday

PROOF OF PUBLICATION

Filed this..... day

of ....A. D. 19 .....

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Publication fee, $....9.98.....

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PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY } ss.

ORDINANCE NO. 4723
AN ORDINANCE TO VACATE THE ENTIRE NORTH/SOUTH ALLEY EAST OF AND ADJACENT TO 1321-21st AVENUE, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.
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SECTION 2. REPEALER. That all other ordinances, rules and regulations, or portions thereof, in conflict herewith, be and the same are hereby repealed.
SECTION 3. EFFECTIVE DATE. That this ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.
PASSED AND APPROVED
December 22, 1986
WILLIAM E. VENARD
MAYOR
Attest:
OLGA ARELLANO
CITY CLERK
1987(1)5-1 Monday

I, CAROLYN BELL on my oath

do solemnly swear that I am the ACCOUNTANT of the COUNCIL BLUFFS NONPAREIL, a newspaper issued DAILY, and printed in said county;

that the annexed notice was published in said newspaper for 1

consecutive time as follows: The first publication thereof

being on the 5th day of JANUARY 19 87,

the second on the ____ day of ____ 19____,

the third on the ____ day of ____ 19____,

the fourth on the ____ day of ____ 19____,

the fifth on the ____ day of ____ 19____,

the sixth on the ____ day of ____ 19____,

the ____

Carolyn Bell

Signed in my presence by the said CAROLYN BELL

and by him sworn to before me this 9th day of JANUARY A.D. 19 87.

NOTARIAL SEAL IOWA TONYA M. BARKER

Witness my hand and Notarial Seal.

Tonya M Barker

Notary Public.

PROOF OF PUBLICATION

Filed this..... day

of ....A. D. 19 .....

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Publication fee, $.....8.93.....

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