Council Communication

Department: Community Development CASES #OTB-20-016 Applicant: Wesley D. Franks 106 Brentwood Heights Council Bluffs, IA 51503	Reso. of Intent No. _____ Reso. to Dispose No. _____	Set Public Hearing: 11/9/2020 Public Hearing: 11/23/2020

Subject/Title

Request: Set public hearing on the request of Wesley D. Franks to purchase property described as the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property is generally addressed as 1618 7th Avenue.

Location: Northeast corner of the intersection of South 17th Street and 7th Avenue.

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable - restrictions.' The applicant wishes to acquire this property to construct a detached single-family dwelling. According to the *Inventory and Disposal Policy for Surplus City Property*, adopted by City Council on April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be $9,514.00. The applicant has offered $9,514.00 to purchase the property, and has submitted a $951.40 down payment.

The subject property was acquired by the City of Council Bluffs in May of 2010 via a 657A Petition through the Iowa District Courts. As is stated in the adopted *Inventory and Disposal Policy for Surplus City Policy*, the property would be eligible for a forgivable mortgage as it buildable and has been actively marketed on the Surplus Property list for more than the required 24 months.

The following costs have been incurred on the subject property:

Permits and Inspections Division – Legal fees:	$ 1,599.87
Permits and Inspections Division – Weed abatement/mowing:	$ 1,776.05
Permits and Inspections Division – Demolition:	$ 11,870.00
Total	**$ 15,245.92**

The subject property is 45 feet wide by 130 feet deep, and contains 5,850 square feet in area. The subject property does not meet the minimum required 55 feet in lot width for corner lots in the R-2/Two-Family Residential District, thus it is considered a nonconforming lot of record. As per Section 15.26.020 of the Municipal Code (Zoning Ordinance), "nonconforming lots of record existing at the effective date of the ordinance codified in this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any principal use allowed by the regulations for the district and must comply with all other density regulations set forth by this chapter." The subject property is large enough to accommodate a single-family structure with a floor area not less than five hundred (500) square feet and a minimum width of not less than twenty (20) feet that meets the minimum setback requirements in the R-2 District. The parcel is located within an AH flood zone, and as such, full compliance with floodplain regulations will be required. For this reason, the property is classified as 'buildable - restrictions.'

Recommendation

The Community Development Department recommends disposal of the property legally described as the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa to Wesley D. Franks, subject to the following conditions:

1. The purchase price shall be $9,514.00, with the remaining balance beyond the submitted $951.40 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home on the subject property.
2. Closing shall occur on the property within 60 days of the date of decision. The applicant shall have 2 years from the date of decision to construct a home on the subject property.

Attachments

Attachment A: Location/Zoning Map

Prepared by: Moises Monrroy, Planner, Community Development Department