City Council Communication

Department: Community Development Case #SAV-21-001 Applicant/Property Owner: Pottawattamie County Development Corp. d/b/a The 712 Initiative 1228 South Main Street Council Bluffs, IA 51503 Represented by: Sheryl Garst 1228 South Main Street Council Bluffs, IA 51503	Resolution of Intent No. _____ Resolution to Dispose No. _____	Resolution of Intent: 03/22/21 Resolution to Dispose: 04/12/21 Planning Commission: 03/09/21

Subject/Title

Request: Public hearing on the request of Pottawattamie County Development Corporation d/b/a The 712 Initiative to vacate and dispose of the northwesterly/southeasterly alley abutting Lot N and Lots I through M, Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa

Location: Between 530 West Broadway and 12 Scott Street

Background

The Community Development Department has received a request from Pottawattamie County Development Corporation (PCDC) d/b/a The 712 Initiative to vacate and dispose of the northwesterly/southeasterly alley abutting Lot N and Lots I through M, Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss 1st Addition. The alley, which is open and improved, measures 11 feet wide and runs northwesterly from Scott Street for 100 feet where it dead-ends into previously vacated alley right-of-way. The applicant owns the abutting properties at 530 West Broadway and 12 Scott Street and has plans to adaptively re-use both buildings for mixed-use commercial/residential development. The applicant requests to vacate said alley in order to provide outdoor amenity space (e.g., patio, tables, chairs, etc.) for their future tenants.

The following attachments have been included for reference:
Attachment A: Location/zoning map
Attachment B: Topographic survey map

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 two property owners (PCDC and 535 West Broadway, LLC) that abut the subject alley. Both property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to acquire the portion of alley that abuts 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*.
   The subject alley does not provide required access to any abutting properties. All abutting properties are accessible via Scott Street, West Broadway, and/or alley north of 12 Scott Street.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way*.
   The alley, which is open and improved, measures 11 feet wide and runs northwesterly from Scott Street for 100 feet where it dead-ends into previously vacated alley right-of-way. The westerly half of the alley was

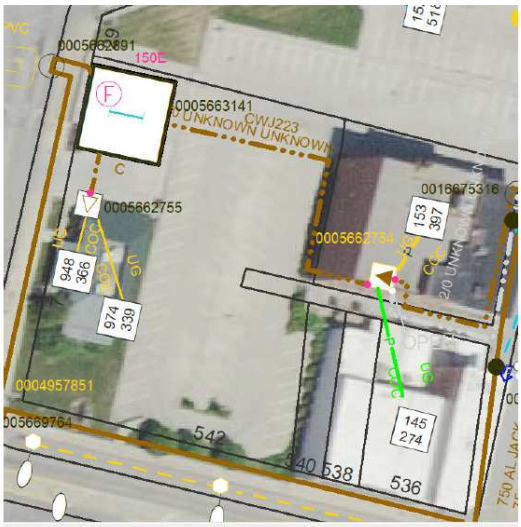
vacated on November 4, 1996 via Resolution No. 96-258. The proposed vacation request will eliminate a dead-end alley.

4. *To reduce or eliminate hazardous and dangerous traffic conditions*. Not applicable as the subject alley is not used for vehicular access purposes.

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 local utility providers were notified of the proposed alley vacation request. The following comments were received:
   - Council Bluffs Public Works stated there are components of a storm sewer system (e.g., inlet and pipe) within the subject alley. The storm sewer system components within the alley will be vacated from back of curb to the west alley boundary. If approved by City Council, the applicant will accept responsibility for upkeep and maintenance of this portion of storm sewer system and said portion will be deemed privately owned.



   - Council Bluffs Water Works stated they have no water utilities within the subject alley.
   - MidAmerican Energy Company stated they have underground electrical utilities in the subject alley they need to be able to access and service. If vacated, an easement over the alley must be retained. Any cost to relocate and/or remove said electrical utilities shall be the responsibility of the applicant and not MidAmerican Energy.



   - Cox Communications stated they have underground utilities on the easterly side of the alley near the entrance onto Scott Street.



- Black Hills Energy stated they have no concerns with the vacation request.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable as the subject alley is not utilized for pedestrian and/or vehicular circulation.

7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* The applicant's request is to vacate the easterly half of the subject alley. The westerly half was vacated on November 4, 1996 via Resolution No. 96-258. If approved, the entire alley will be vacated.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request has no impact on local access and circulation, and is consistent with the 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. Each abutting property owner is eligible to receive their portion of the alley in consideration of the vacation application fee, which has already been paid. The following responses were received:
    - 535 West Broadway, LLC, owners of property legally described as the North 72 feet of the East 7 feet of Lot E and all of Lots F, G, H, I, and O and all of the vacated alley abutting Lots G, H, and O, Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss 1st Addition, stated they are in favor of the alley vacation but are not willing to acquire their portion.
    - Pottawattamie County Development Corporation d/b/a The 712 Initiative, owners of property addressed as 530 West Broadway and 12 Scott Street, being legally described as Lots J, K, L, M, and N, Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss 1st Addition, stated they are in favor of the alley vacation request and are willing to acquire the entire alley section at no cost.

Recommendation

The Community Development Department recommends vacating and disposing of the northwesterly/southeasterly alley abutting Lot N and Lots I through M, Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss 1st Addition, subject to an easement being retained.

Public Hearing

Staff speakers for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Sheryl Garst, Pottawattamie County Development Corporation, 1228 South Main Street, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to vacate and dispose of the northwesterly/southeasterly alley abutting Lot N and Lots I through M, Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss 1st Addition, subject to an easement being retained.

VOTE: AYE – Bass, Danielsen, Halm, Haner, Hutcherson, Rater, Scott, Stroebele and Van Houten.
NAY - None ABSTAIN - Rew ABSENT – None. VACANT - One Motion: Carried.

Attachment A: Location/zoning map
Attachment B: Topographic survey map
Prepared by: Christopher Gibbons, AICP, Planning Manager, Community Development Department