City Council Communication

Department: Community Development CASES# MIS-21-001 Applicant/Owner: Richard Dick 2121 S. 7th Street Council Bluffs, IA 51501 Represented by: Steven H. Krohn 133 West Broadway Street Council Bluffs, IA 51503	Resolution No. _____	CASE #MIS-21-001 Resolution of Intent: 5/24/2021 Resolution to Dispose: 6/14/2021

Subject/Title

Request: Release permanent and perpetual utility easements reserved over vacated north/south alleys abutting Lots 4 through 11, Block 15, Hughes and Doniphan's addition, all in the City of Council Bluffs, Pottawattamie County, Iowa.

Location: 2121 South 7th Street

Background/Discussion

Ordinance No. 3603 adopted by City Council on January 3, 1961, vacated the two north/south alleys in Block 15, Hughes and Doniphan's Addition and reserved permanent and perpetual utility easements over said alleys. A portion of the north/south alleys lie under the existing building at 2121 S. 7th Street and have no utilities located within them. The current owner is in the process of selling the subject property and the title company has requested a release of easements for the portions of the alleys, legally described above.

The following attachments are included with this report for reference purposes:
Attachment A: Survey of Subject Property
Attachment B: Ordinance No. 3603

All local utility companies were notified of the proposed request and sent a petition to sign which releases their interest in the subject utility easements. The following comments were received:

1. Black Hills Energy signed and returned their authorization to release their interest in the subject utility easements to the Community Development Department on May 3, 2021.
2. Cox Communications signed and returned their authorization to release their interest in the subject utility easements to the Community Development Department on May 3, 2021.
3. Council Bluffs WaterWorks stated their company does not have any utilities in the portion of the alleys to be released and are not opposed to releasing the easements. Council Bluffs WaterWorks is scheduled to approve the authorization to release their interest in the easements at their May 2021 meeting.
4. MidAmerican Energy and CenturyLink stated they do not have any utilities within the subject portions of the alleys and are not opposed to releasing the easements. However, they have not yet provided the signed petition to release the permanent and perpetual easements over said alleys.

Recommendations

The Community Development Department recommends approval to release permanent and perpetual utility easements reserved over vacated north/south alleys abutting Lots 4 through 11, Block 15, Hughes and Doniphan's addition, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to the following

condition:

a. The release of the perpetual and permanent utility easements shall become effective once all local utility providers submit a signed authorization form, which releases their interest(s) in said utility easements, to the City of Council Bluffs.

Prepared by: Haley Weber, Planner