Attachment B

Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 890-5350

RESOLUTION NO. 20-178

A RESOLUTION TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 5 EXCLUDING THE EAST 8.6 FEET THEREOF, THE EAST HALF OF LOT 6, AND THE WEST 44 FEET OF LOT 12, ALL IN BLOCK 8, MYNSTER'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

WHEREAS, the City has previously expressed its intent to dispose of City owned property legally described as Lot 5 excluding the East 8.6 feet thereof, the East half of Lot 6, and the West 44 feet of Lot 12, all in Block 8, Mynster's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing has been held in this matter on July 27, 2020 at 7:00 p.m.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Josephine Garrison, and all successors in interest: legally described as Lot 5 excluding the East 8.6 feet thereof, the East half of Lot 6, and the West 44 feet of Lot 12, all in Block 8, Mynster's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be $21,000.00, with the remaining balance beyond the submitted $2,100.00 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home within 12 Months of the approval date. Closing and the property closing must occur within 60 days of the date of approval. An extension of time to complete the new home construction may be granted by the City Council if requested prior to the expiration of the 12 month timeframe stated above.

BE IT FURTHER RESOLVED

The applicant shall sign an agreement to combine the subject properties under one parcel number, and to not sell the subject properties separately without prior City approval; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder.

ADOPTED
AND
APPROVED: July 27, 2020.

Matthew J. Walsh Mayor

ATTEST: Jodi Quakenbush City Clerk

Proof Of Publication

State of Iowa

Pottattwattamie County

NOTICE OF PUBLIC HEARING ON INTENT TO DISPOSE AND CONVEY CITY PROPERTY

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of three separate properties legally described as Lot 5 excluding the East 8.6 feet thereof, the East half of Lot 6, and the West 44 feet of Lot 12, all in Block 8, Mynster's Addition, City of 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 held at 7:00 p.m., on the 27th Day of July, 2020, in the City Council Chambers, 2nd Floor of City Hall, 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.

Jodi Quakenbush City Clerk
2020(7)19-1 Sunday

NOTICE OF PUBLIC HEARING ON INTENT TO DISPOSE AND CONVEY CITY PROPERTY

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You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of three separate properties legally described as Lot 5 excluding the East 8.6 feet thereof, the East half of Lot 6, and the West 44 feet of Lot 12, all in Block 8, Mynster's Addition, City of 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 held at 7:00 p.m., on the 27th Day of July, 2020, in the City Council Chambers, 2nd Floor of City Hall, 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.

Jodi Quakenbush City Clerk
2020(7)19-1 Sunday

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 19th day of July, 2020.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 19th day of July, A.D. 2020.

Tom Schmitt
Daily Nonpareil Publisher

Jeannette Johnson
Notary Public

Filed this 19th day of July, A.D. 2020.

Publication Cost: $16.10

NOTARIAL SEAL IOWA

JEANNETTE JOHNSON
Commission Number 144856
MY COMMISSION EXPIRES
OCTOBER 1, 2020

Customer Number: 1003258
Order Number: 0000158474

Council Communication

Department: Community Development
Case/Project No.: OTB-20-009
Submitted by: Chris Meeks, Planner

Resolution 20-178
ITEM 4.B.

Council Action: 7/27/2020

Description

Resolution to dispose of City property legally described as Lot 5, excluding the East 8.6 feet thereof, the East half of Lot 6, and the West 44 feet of Lot 12, all in Block 8, Mynster's Addition. Location: 617 Mill Street, 619 Mill Street, and 618 West Washington Avenue. OTB-20-009

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-20-009 Staff Report	Other	7/17/2020
Attachment A - Location Map	Map	7/17/2020
Resolution 20-178	Resolution	7/21/2020

Council Communication

Department: Community Development CASE #OTB-20-009 Applicant: Josephine Garrison 1812 Pueblo Road Council Bluffs, IA 51501	Resolution to Dispose No. _____	Public Hearing: 7/27/2020

Subject/Title

Request of Josephine Garrison to purchase three separate properties legally described as Lot 5 excluding the East 8.6 feet thereof, the East half of Lot 6, and the West 44 feet of Lot 12, all in Block 8, Mynster's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The properties are generally addressed as 617 Mill Street, 619 Mill Street, and 618 West Washington Avenue.

Background/Discussion

The City has received an offer to purchase the properties described above. The properties are classified as 'transitional dispose' and 'buildable'. The applicant wishes to acquire the lots to place a manufactured home on the property to be used as their personal dwelling. According to the adopted Inventory and Disposal Policy for Surplus City Property of April 23, 2018, the property should be priced at the most recent assessed value, with all three lot having a cumulative assessed value of $20,928.00. The applicant has offered a total value of $21,000.00 and have submitted a down payment of $2,100.00.

The applicant has requested that the remaining value beyond the $2,100.00 down payment be forgiven with the final certificate of occupancy on the home within one year. As is stated in the adopted Inventory and Disposal Policy for Surplus City Policy, any property that has been listed on the Disposal list for greater than 24 months is eligible to be sold using a forgivable mortgage. Because these properties were acquired by the City of Council Bluffs between May and July of 2010, the properties would be eligible for a forgivable mortgage.

The following Costs have been submitted by City Departments:

617 Mill Street:	
Permits and Inspections Division:	$ 2,196.66
619 Mill Street:	
Permits and Inspections Division:	$ 8,682.78
618 West Washington Avenue:	
Permits and Inspections Division:	$13,129.00
Total:	**$24,008.44**

The properties generally addressed as 617 Mill Street and 618 West Washington Ave do not individually meet the minimum size requirement of 5,000 square feet for a single-family residential property zoned R-3/Low Density Multifamily Residential District. All three properties are existing lots of record; however, only two of the three have sufficient dimensions to exclusively accommodate single-family dwellings. The property addressed as 619 Mill Street is only 25 feet in width, and therefore would not be able to exclusively accommodate the 20 foot minimum dwelling width and the

5 foot interior side yard setbacks on each side of the house, though would be buildable if combined with an adjacent parcel. If any two of the parcels are combined, all site development standards could be met for a single family dwelling in the R-3 District. Staff has included the recommendation that the applicant sign an agreement to combine Lot 5 excluding the East 8.6 feet thereof, the East half of Lot 6, Block 8, Mynster's Addition, and to not sell these properties separately without City permission to ensure that the East half of Lot 6 not be sold for the purpose of standalone development in the future, as there would not be enough space to adequately meet all required setbacks for a single family dwelling. Staff would consider allow a portion of the property to be sold to a neighboring property owner via a lot line adjustment assuming all site development standards and setbacks would remain in compliance. Staff will not require Lot 12, Block 8, Mynster's Addition to be included in this agreement, as it currently would support standalone development.

Per the adopted Inventory and Disposal Policy for Surplus City Policy, the City of Council Bluffs has the option to amend any offer to purchase surplus City property to offer a portion of property to an adjacent property owner if it were to correct any nonconformities in regards to building setbacks or lot size. The property located West of the subject properties, addressed as 621 Mill Street is only 25 feet in width and would therefore not be exclusively buildable. Staff has offered the owner of 621 Mill Street the opportunity to purchase a portion of the adjacent property to bring the lot closer to compliance with current R-3 District site development standards, and in order to ensure a new home could be constructed upon if the existing structure were to damaged or destroyed to greater than 50% of the last appraised value. At the time of this report, a response has not been received, therefore the applicant would be eligible to receive the entirety of the subject parcels.

Recommendation

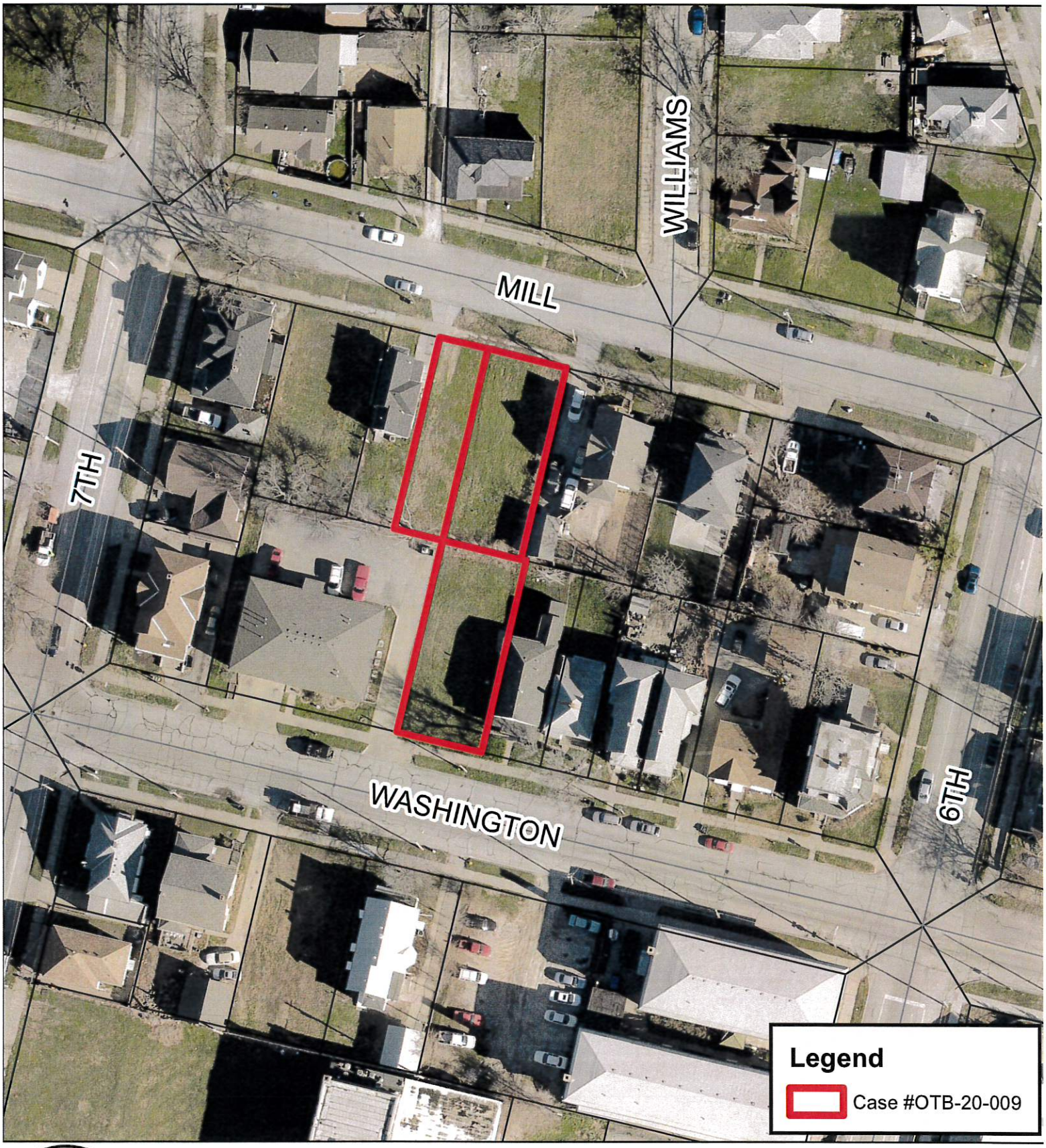
The Community Development Department recommends disposal of the property legally described as Lot 5 excluding the East 8.6 feet thereof, the East half of Lot 6, and the West 44 feet of Lot 12, all in Block 8, Mynster's Addition, City of Council Bluffs, Pottawattamie County, Iowa to Josephine Garrison to allow her to construct a home on the property, subject to the following conditions:

1. The purchase price shall be $21,000.00, with the remaining balance beyond the submitted $2,100.00 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home within 12 Months of the approval date. Closing and the property closing must occur within 60 days of the date of approval. An extension of time to complete the new home construction may be granted by the City Council if requested prior to the expiration of the 12 month timeframe stated above.
2. The applicant shall sign an agreement to combine Lot 5 excluding the East 8.6 feet thereof, the East half of Lot 6, Block 8, Mynster's Addition, and to not sell these properties separately without City permission.

Attachment A: Location map

Prepared By: Chris Meeks, Planner, Community Development Department

CASE #OTB-20-009



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Attachment A