City Council Communication

Department: Community Development Case #SAV-21-002 Applicant(s)/Property Owner(s): Kenneth J. and Corinne Peterson 118 Jordan Street Council Bluffs, IA 51503	Reso. of Intent No. _____ Reso. to Dispose No. _____	Resolution of Intent:7/26/21 Resolution to Dispose: 8/9/21 Planning Commission: 7/13/21

Subject/Title

Request: Public hearing on the request of Kenneth and Corinne Petersen to vacate and dispose of the Westerly 85 feet of Jordan Street right-of-way lying west of Harrison Street and between Blocks 13 and 18, Galesburg Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Unimproved right-of-way lying south/southwest of 118 Jordan Street

Background/Discussion

The Community Development Department has received an application from Kenneth J. and Corinne Peterson to vacate and dispose of the westerly 85 feet of unimproved Jordan Street right-of-way abutting Lots 11 and 12, Block 13, Galesburg Addition, along with the northerly 7.5 feet of vacated Jordan Street right-of-way adjoining, and Block 18, Galesburg Addition, along with the southerly 7.5 feet of vacated Jordan Street right-of-way adjoining, City of Council Bluffs, Pottawattamie County, Iowa. The portion of the subject right-of-way proposed to be vacated is unimproved and measures approximately 40 feet in width by 85 feet in length. The applicant owns property north of the subject right-of-way, which is addressed at 118 Jordan Street and legally described as Lots 11 and 12, Block 13, Galesburg Addition, along with the northerly 7.5 feet of vacated Jordan Street right-of-way adjoining.

The purpose of this request is to allow the applicants to acquire this unimproved section of Jordan Street right-of-way and consolidate it with their existing residential property for maintenance and future development purposes. For the purposes of determining minimum setback requirements, the required front yard for 118 Jordan Street shall be as shown in Attachment 'B,' if the proposed vacation is approved.

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 with land that abuts the subject right-of-way. The owners of these properties are as follows:

   North – Residential property owned by Kenneth J. and Corinne Peterson (118 Jordan Street)
   South – Prospect Park, which is owned by the City of Council Bluffs

   The City of Council Bluffs is not interested in acquiring their respective portion of the subject right-of-way. As such, the applicants were mailed a petition asking if they are in favor of/opposed to the vacation request and if they were willing to/not willing to acquire the entire section of Jordan Street adjacent to their property, if vacated. Their response can be found in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access*.
Both abutting properties will continue to have frontage along Jordan Street. However, one existing lot of record owned by the applicant—Lot 12, Block 13, Galesburg Addition—will be landlocked if the proposed vacation is approved. If Jordan Street is vacated, a final plat will need to be executed to combine the residential property owned by the applicant with the portion of Jordan Street right-of-way proposed to be vacated and create a one lot of record.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way*.
This request will not create a dead-end right-of-way as Jordan Street is already platted as a dead-end street.

4. *To reduce or eliminate hazardous and dangerous traffic conditions*.
The portion of Jordan Street proposed to be vacated is unimproved and is not used for vehicular and/or pedestrian traffic.

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 utilities were notified of the request. The following responses were received:

   - The Permits and Inspections Division stated they have no comments on the request.
   - The Fire Department stated they have no comments on the request.
   - The Parks and Recreation Department stated they have no comments on the request.
   - Council Bluffs Water Works stated they have no public mains or appurtenances within the section of right-of-way proposed to be vacated. They also stated they have no objections to the request.
   - MidAmerican Energy Company stated they are not opposed to the request. They also stated that an easement would have to be maintained in order for access and maintenance purposes as they have two poles and two spans of overhead secondary conductor within the subject right-of-way.
   - Lumen Technologies stated that they have aerial lines located within or near the subject right-of-way that service the applicant's dwelling.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.*
Not applicable.

7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.*
The request is to vacate the westerly 85 feet of Jordan Street right-of-way lying west of Harrison Street. Said right-of-way is platted as a dead end road and is not fully improved. Furthermore, this section of Jordan Street is not used for traffic circulation and does not provide direct access to any abutting property.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.*
The request is consistent with the local access and circulation 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.*
The applicants were notified about this vacation request. Their response is included below:

    - Kenneth J. and Corinne Peterson stated they are in favor of the request and are willing to acquire the portion of right-of-way adjacent to his property for the sum of $540.00.

Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of the Westerly 85 feet of Jordan Street right-of-way lying west of Harrison Street and between Blocks 13 and 18, Galesburg Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. An easement shall be retained over the subject right-of-way for utility access and maintenance purposes;
2. All portions of the subject right-of-way shall be disposed of to an abutting property owner(s); and
3. A final plat shall be executed by the City to combine the residential property owned by the applicant with the subject right-of-way and create a one lot of record prior to the disposal of the subject right-of-way.

Public Hearing

Staff speakers for the request:

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

Speakers in favor:

1. Kenneth Petersen, 118 Jordan Street, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to vacate and dispose of the Westerly 85 feet of Jordan Street right-of-way lying west of Harrison Street and between Blocks 13 and 18, Galesburg Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. An easement shall be retained over the subject right-of-way for utility access and maintenance purposes;
2. All portions of the subject right-of-way shall be disposed of to an abutting property owner(s); and
3. A final plat shall be executed by the City to combine the residential property owned by the applicant with the subject right-of-way and create a one lot of record prior to the disposal of the subject right-of-way.

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

Attachments

Attachment A: Location and Zoning Map
Attachment B: Front-Yard Setback Illustration

Prepared by: Moises Monrroy, Planner, Community Development Department