City Council Communication

Department: Community Development Case #SAV-21-004 Applicant(s)/Property Owner(s): Brian E. Heistand 1128 Tower Ridge Drive Council Bluffs, IA 51503	Reso. of Intent No. _____ Reso. to Dispose No. _____	Planning Commission: 9/14/2021 Set Public Hearing: 9/27/2021 Public Hearing: 10/11/2021

Subject/Title

Request: Public hearing on the request of Brian E. Heistand to vacate and dispose of part of Ridge Road right-of-way abutting Lot 14, Tower Ridge Estates, Phase II, Council Bluffs, Pottawattamie County, Iowa.

Location: Lying east of 1128 Tower Ridge Drive

Background/Discussion

The Community Development Department has received an application from Brian E. Heistand to vacate and dispose of part of Ridge Road right-of-way abutting Lot 14, Tower Ridge Estates, Phase II, Council Bluffs, Pottawattamie County, Iowa and legally described in Attachment 'B.' The portion of the subject right-of-way proposed to be vacated is unimproved and contains approximately 1,050 square feet of land. The applicant owns property located west of the subject right-of-way, which is addressed at 1128 Tower Ridge Drive and legally described as Lot 14, Tower Ridge Estates, Phase II, Council Bluffs, Pottawattamie County, Iowa. The purpose of this request is to allow the applicant to acquire the subject right-of-way in order to accommodate an accessory structure on their existing residence.

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*.
   The applicant is the sole property owner with land that abuts the subject right-of-way. Mr. Heistand was mailed a petition asking if he was in favor of/opposed to the vacation request and if he was willing to/not willing to acquire the entire section of Ridge Road adjacent to his property, if vacated. His response can be found in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access*.
   The proposed vacation will not deprive any property owner of required and reasonable access.

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.

4. *To reduce or eliminate hazardous and dangerous traffic conditions*.
   The portion of Ridge Road right-of-way 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 had an inquiry regarding access to the proposed accessory structure via Ridge Road. The Public Works Department stated that the applicant would be required to obtain a permit to work in the public right-of-way if he intends to install a driveway to access the proposed accessory structure via Ridge Road.
   - The Public Works Department stated they have storm sewer within the subject right-of-way which will require a 20-foot easement to be centered on the pipe.
   - 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 subject right-of-way. They also stated they have no objections to the request.
   - MidAmerican Energy Company stated they presently operate overhead electric distribution facilities adjacent to the subject right-of-way that may overhang the eastern edge of said right-of-way. They stated that they would not be opposed to this request provided they retain easement rights to operate, access, maintain and replace the existing facilities. They also stated that the owner must also maintain minimum code clearance between any proposed structures and MidAmerican Energy's electric facilities.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.*
   The width of Ridge Road right-of-way abutting 1128 Tower Ridge Drive varies between 68 and 88 feet, which exceeds minimum City right-of-way width standards. If the proposed vacation is approved, Ridge Road right-of-way will measure 66 feet in width, which would meet minimum City right-of-way width standards.

7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.*
   The request is to vacate part of Ridge Road right-of-way lying directly east of 1128 Tower Ridge Drive. Said portion of right-of-way is not improved nor used for traffic circulation.

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 applicant was notified about this vacation request. Their response is included below:

    - Brian E. Heistand stated he is in favor of the request and is willing to acquire the portion of right-of-way adjacent to his property for the sum of $187.50.

Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of part of Ridge Road right-of-way abutting Lot 14, Tower Ridge Estates, Phase II, Council Bluffs, Pottawattamie

County, Iowa and legally described in Attachment 'B,' subject to an easement being retained over the subject right-of-way for utility access and maintenance purposes.

Public Hearing

Staff speakers for the request:

1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to vacate and dispose of part of Ridge Road right-of-way abutting Lot 14, Tower Ridge Estates, Phase II, Council Bluffs, Pottawattamie County, Iowa and being legally described in Attachment 'B,' subject to an easement being retained over the subject right-of-way for utility access and maintenance purposes.

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

Attachments

Attachment A: Location and Zoning Map
Attachment B: Plat of Survey
Attachment C: Plot Plan

Prepared by: Moises Monrroy, Planner, Community Development Department