

City Planning Commission

Department: Community Development Case #SAV-18-001 Applicant: Christopher B. Harris 1813 Avenue L Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Planning Commission: 4/10/18 Set Public Hearing: Public Hearing:
--	---	--

Subject/Title

Request: Public hearing on the request of Christopher B. Harris to vacate and dispose of Right-of-Way extending south of Avenue L to the property of the Council Bluffs Community School District Athletic Complex. The section of Right-of-Way is platted as a part of Westside 2nd Addition, and is located between Lots 12 and 13, Westside 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Between 1819 Avenue L and 1813 Avenue L.

Background

The Community Development Department has received an application from Christopher B. Harris to vacate and dispose of the above described section of right-of-way (see Attachment A). If vacated, the acquisition of the section of right-of-way would allow the applicant the required space to construct a desired room addition to their home. The subject right-of-way is unimproved and measures 10 feet in width by 110 feet in length.

For reference purposes, the following attachments have been included with this report:

Attachment A: Location and Zoning Map

Attachment B: Site Photos

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 three parcels of land which abut the subject right-of-way, as follows:

East – Single Family Dwelling that is owned by Christopher B. Harris (the applicant) and is addressed as 1813 Avenue L.

West – Single Family Dwelling that is owned by Caren C. Taylo and is address as 1819 Avenue L.

South- Council Bluffs Community Schools owned property.

Abutting property owners to the East and West were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to purchase the portion of the right-of-way that abuts their 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.*

All abutting properties have frontage on to Avenue L through other means, and will not be landlocked or have their access negatively impacted if the subject right-of-way is vacated. The properties owned by Christopher B. Harris and by Caren C. Taylo are addressed to and have access to Avenue L, and the Council Bluffs Community Schools property has gained access through the purchase of property approximately 100 feet to the East of the subject right-of-way, as well as frontage on multiple separate roadways.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* This subject right-of-way, while undeveloped, would dead end at the Council Bluffs Community Schools owned property. The proposal is to vacate the entirety of the subject right-of-way, therefore eliminating a dead-end right-of-way.
4. *To reduce or eliminate hazardous and dangerous traffic conditions.* The subject right-of-way 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:

- Public Works Departments stated they have no concerns with the vacation request, also noting they have no utilities in the subject right-of-way.
- The Fire Marshall has no comments regarding the request.
- Council Bluffs Water Works stated they have no utilities in the subject right-of-way.
- MidAmerican Energy stated they have no objection to the right-of-way vacation, also providing a map showing there are no electric utilities located within the subject right-of-way.

Based on the information above, there are no utilities within this segment of right-of-way to the best of the City's knowledge. If vacated, an easement over said right-of-way will not be retained.

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.* This request is to vacate the entirety of the platted 10' by 110' right-of-way. There would be no remnant remaining.
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.* All abutting property owners were notified about this vacation request. The following responses were received:
 - Christopher Harris stated he is in favor of the request and are willing to acquire his portion of the property.
 - Caren C. Taylo stated she is in favor of the request and are willing to acquire her portion of the property.

Recommendation

The Community Development Department recommends the approval of the request to vacate the right-of-way located between Lots 12 and 13, Westside 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa, with Christopher Harris and Caren C. Taylo each receiving the half of the 10 foot by 110 foot right-of-way adjacent to their properties.



Attachment A - Right-of-way vacation map

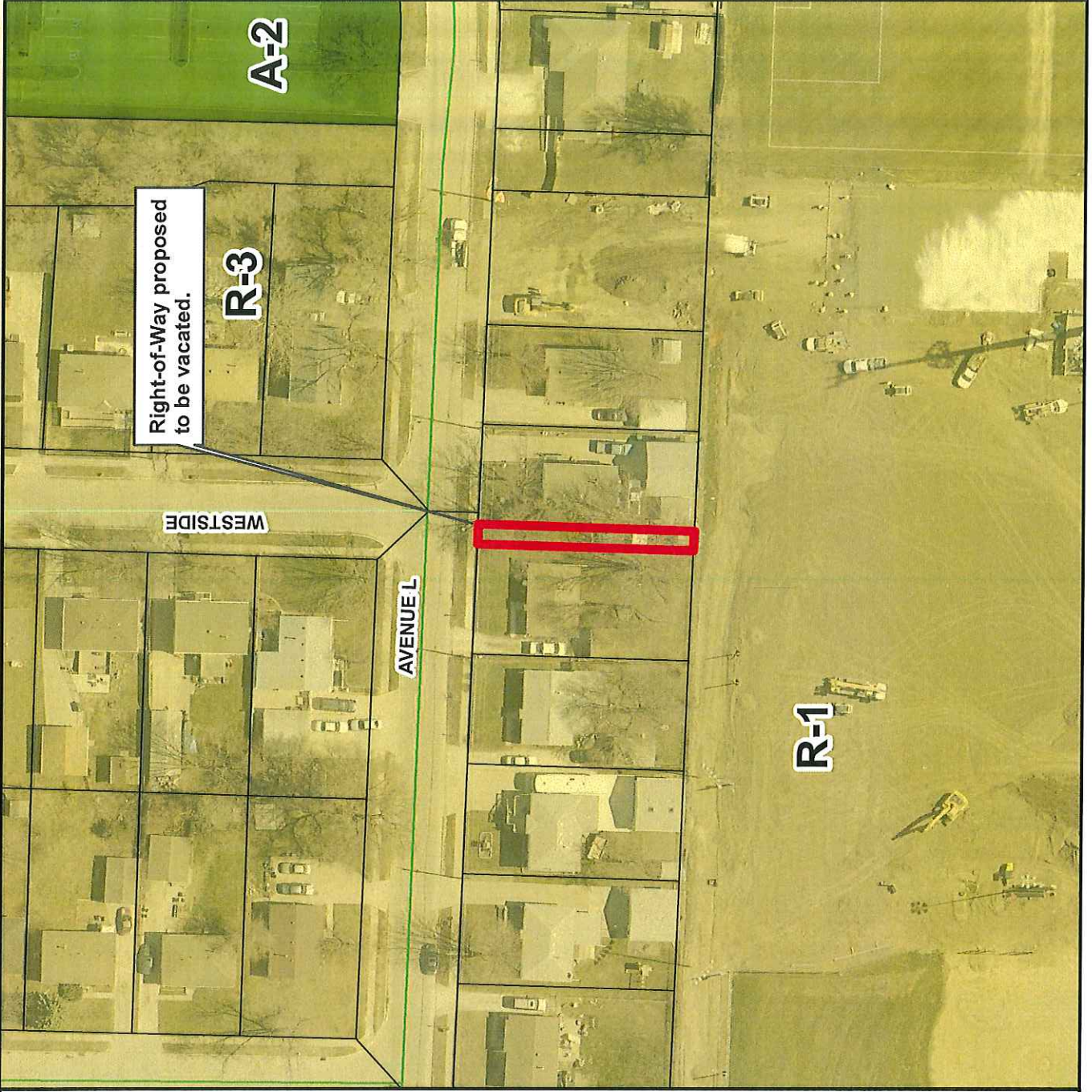
Attachment B - Site Photos

Prepared By: Chris Meeks, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SAV-18-001 LOCATION AND ZONING MAP

Map Legend

-  Subject Right-of-Way
-  Parcels



Last Amended: 3/2/18

DISCLAIMER
This map is prepared and compiled from information provided by the City of Council Bluffs, Iowa, and is not intended to be used for any purpose other than that for which it was prepared. The City of Council Bluffs, Iowa, and its officials do not warrant the accuracy of the information contained on this map, and the user should verify the accuracy of information shown on this map. The City of Council Bluffs, Iowa, and its officials accept no legal responsibility for the information contained on this map.

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328-4629

CASE #SAV-18-001

Attachment B: Site Photos



Above: Aerial Photo of the subject right-of-way (highlighted in red) facing South.

Below: Photo of the subject right-of-way facing South.



Note: The fence in the front yard has been temporarily removed for yard work.