

**City Planning Commission**

<p>Department: Community Development</p> <p>Case #SAV-18-012</p> <p>Applicant: Mike Collins 26279 Idlewood Road McClelland, IA 51548</p> <p>Representative: Glen Vanderpool 1318 Avenue K Council Bluffs, IA 51501</p>	<p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. _____</p>	<p>Planning Commission: 07/10/18</p> <p>Set Public Hearing:</p> <p>Public Hearing:</p>
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**Subject/Title**

Request: Public Hearing on the request of Mike Collins to vacate and dispose of a portion of Hyde Avenue extending from the West right-of-way line of Logan Street, and abutting properties legally described Lot 31, excluding right-of-way, Johnson's Addition and the East 160 feet of Lot 1, Partition Subdivision of Part of the SE1/4 NE1/4 of Section 25-75-44, City of Council Bluffs, Pottawattamie County, Iowa.

Location: West of Logan Street

**Background**

The Community Development Department has received an application from Mike Collins, represented by Glen Vanderpool, to vacate and dispose of a section of unimproved section of Hyde Avenue located West of Logan Street. The applicant wishes to vacate this section of right-of-way to access his parcel which is legally described as the East 160 feet of Lot 1 South of Hyde Avenue, Partition Subdivision Part of SE ¼ of the NE ¼ of Section 25-75-44.

The following attachments have been included for reference:

**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 four separate property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:  
North – Undeveloped property owned by Edward and Natasha Gregory.  
    Undeveloped property owned by the State of Iowa  
South – Undeveloped property owned by Mike Collins  
    Undeveloped property owned by the State of Iowa  
  
All abutting property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to acquire the portion of the alley 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.*  
Access to the adjacent properties will not be changing as a result of this vacation.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* This request will create a dead-end right-of-way at Hyde Avenue North of 347 Hyde Avenue.
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 Department stated they are not opposed to the vacation request.
  - The Fire Marshall stated he has no comments.
  - The Permits and Inspections Division stated they have no comments.
  - The Planning Division is opposed to the vacation and disposal of this right-of-way, as taking away the Hyde Avenue frontage to the parcel currently owned by Mike Collins (Legally described as being the East 160 feet of Lot 1 South of Hyde Avenue, Partition Subdivision of Part of the SE ¼ of the NE ¼ of Section 25-75-44) will create a parcel that does not meet the required street frontage for a lot in the R-2/Two-Family Residential District of 50 feet. If vacated, the parcel owned by Mike Collins would only have 25 feet of frontage to a publically dedicated right-of-way.
  - Council Bluffs Water Works stated they have no utilities in the subject alleyway.
  - MidAmerican Energy stated they have no objections to the proposed vacation.
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 entire width of the right-of-way, but not the entire length of the right-of-way.
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:
  - Mike Collins stated he is in favor of the request and willing to acquire his portion of right-of-way for \$630.00.
  - Edward Gregory stated in a phone call that he is in favor of the request and willing to acquire his portion of right-of-way for \$630.00.
  - Community Development Staff has attempted to make contact with the department with the State of Iowa that maintains the ownership of this parcel, but has been unable formally determine the preference of vacation or willingness to acquire has been received. If the State of Iowa does not wish to acquire their portion of the vacated right-of-way, it will be offered to Mr. Collins and Mr. Edwards at an additional fee.

**Recommendation**

The Community Development Department recommends **denial** of the request to vacate and dispose of the section of Hyde Avenue West of Logan Street based on the fact that the vacation will be creating a dead-end right-of-way, and the fact that it will be creating a parcel that does not meet the required street frontage in the R-2/Two-Family Residential Zoning District.

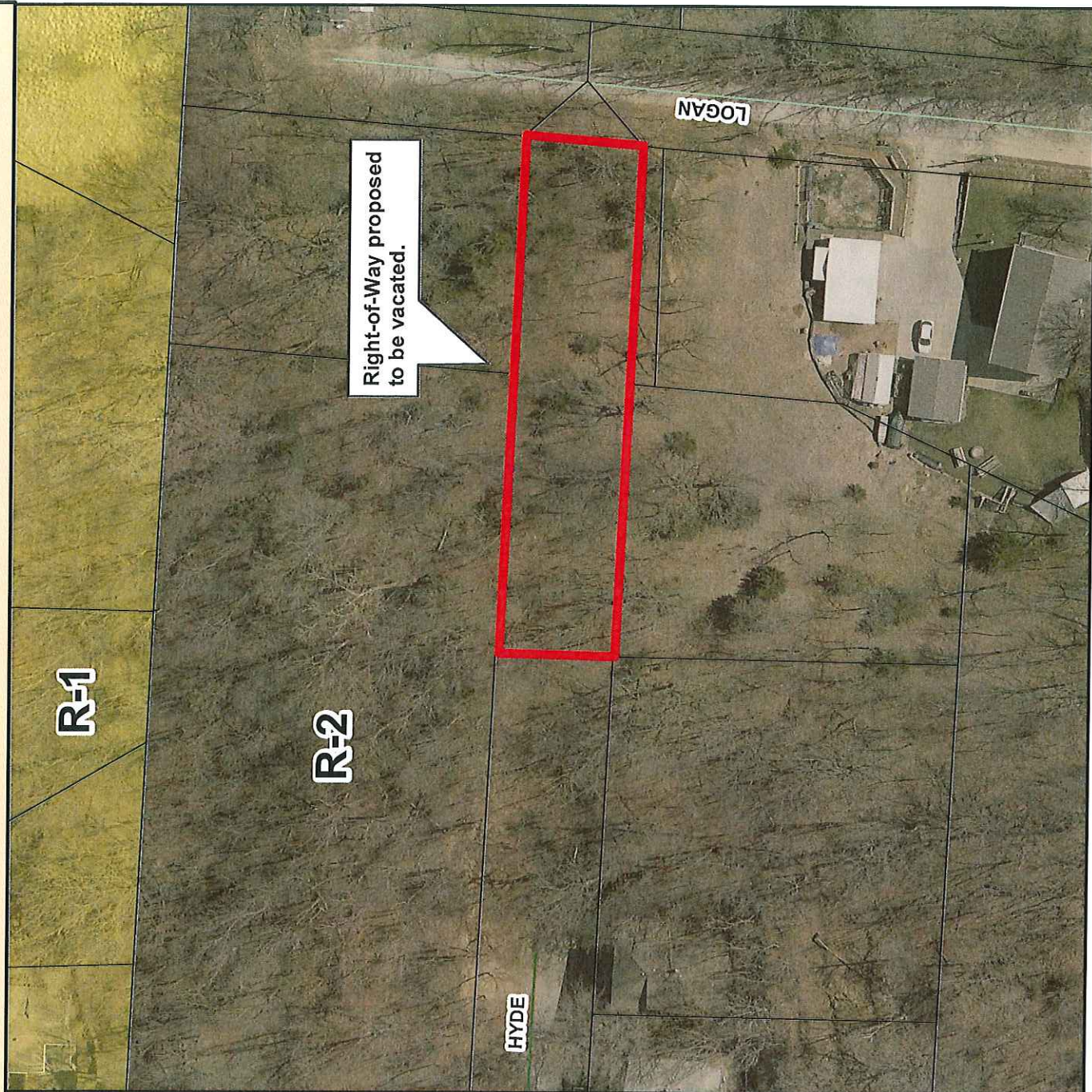
**Attachment A** – Location and Zoning Map

**Attachment B** – Site Photos

**Prepared By:** Chris Meeks, Planner, Community Development Department



# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SAV-18-012 LOCATION AND ZONING MAP



**Map Legend**

-  Subject Right-of-Way
-  Parcels



Last Amended: 6/18/18

**DISCLAIMER**  
This map is provided for informational purposes only. The City assumes no liability for any errors or omissions. The City assumes no responsibility for any damages, including consequential damages, arising from the use of this map. The City assumes no responsibility for any damages, including consequential damages, arising from the use of this map. The City assumes no responsibility for any damages, including consequential damages, arising from the use of this map.

**Council Bluffs Community Development Department**  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 328.4629



## Attachment B:

### Site Photos



Aerial Photo of Subject Right-of-Way (approximate location highlighted in red)

Ground-Level Photo of Subject Right-of-Way (Facing East)

Note: The area proposed to be vacated is approximately 100 feet East of the end of the pavement.



Ground-Level Photo of Subject Right-of-Way (Facing Northwest)

Note: The paved surface is the right-of-way of Logan Street.

