

City Planning Commission

Department: Community Development Case #SAV-18-004 Applicant: Prestige World Wide Enterprises Attn: Tyler Brunow 1326 Avenue K Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Planning Commission: 04/10/18 Set Public Hearing: Public Hearing:
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Subject/Title

Request: Public hearing on the request of Prestige World Wide Enterprises, represented by Tyler Brunow, to vacate and dispose of an east/west alleyway extending from the east right-of-way line of North 14th Street. The alleyway is platted as a part of Block 5, Thompson's Addition, and is adjacent to Lots 1-5, Block 5, Thompson's Addition and Lots 1-8, Block 2, Potter and Cobb's Addition.

Location: East of North 14th Street

Background

The Community Development Department has received an application from Prestige World Wide Enterprises, represented by Tyler Brunow, to vacate and dispose of the above described alleyway (see Attachment A). If vacated, the applicant intends to acquire their portion of the right-of-way to accommodate future construction. The applicant states that the right-of-way is currently maintained by him. The subject alleyway is unimproved and measures 5 feet in width by approximately 322 feet in length.

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 five separate parcels of land which abut the subject right-of-way, which are owned by three separate parties, as follows:
North – Land owned by Virgil Anderson and used for commercial purposes (1127 North 14th Street)
South – Vacant land owned by Prestige World Wide Enterprises (1326 Avenue K)
 Single family dwelling owned by Raylene Coffelt (1322 Avenue K)
 Land owned by Prestige World Wide Enterprises and used for commercial purposes (1318 Avenue K)

All abutting property owners 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 access to either Avenue K, or North 14th Street, and will not be landlocked. The alley is currently undeveloped and is surrounded by fence, so access to properties will not be altered.
3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.*
This request is to vacate the entirety of the alleyway, and will not create 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 utilities within the alley, and do not oppose the vacation.
- The Fire Department stated they have no comments.
- Council Bluffs Water Works stated they have no utilities in the subject alleyway.
- MidAmerican Energy stated they have electric facilities in the alleyway, and ask for the right-of-way to be maintained, or for an easement to be placed over the former alleyway to allow access to the facilities.

Based on the information above, if vacated, an easement over said right-of-way will 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 a full 5' x 322' foot segment of alleyway.

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:

- Tyler Brunow of Prestige World Wide Enterprises stated they are in favor of the request and are willing to acquire their portion of the alleyway.
- Raylene Coffelt stated she is opposed to the request, and is not willing to acquire her portion of the alleyway.
- No response was received from Virgil Anderson.

Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of an east/west alleyway extending from the east right-of-way line of North 14th Street, as is platted as a part of Block 5, Thompson's Addition, and adjacent to Lots 1-5, Block 5, Thompson's Addition and Lots 1-8, Block 2, Potter and Cobb's Addition, with Tyler Brunow and Prestige World Wide Enterprises acquiring the entirety of the alleyway with the following condition:

1. A permanent utilities easement will be maintained over the entirety of the former right-of-way.



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-18-004 LOCATION AND ZONING MAP

Map Legend

-  Subject Right-of-Way
-  Parcels



Last Amended: 3/19/18

DISCLAIMER
This map is prepared and compiled from the most current available data. Users of this map are advised that the City does not warrant the accuracy of the information contained on this map. The user should verify the information on this map with the City. The City assumes no liability for any errors or omissions on this map.

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Attachment B: Site Photos



Approximate location of subject alleyway (shown in red) facing north.



Photo of subject alleyway (facing east)



Photo of subject alleyway (facing west)