

#4

INST # 26574
RECORDING FEE 125.00
AUDITOR FEE _____
RMA FEE 1.00 ECOM 5.00

To Record

COMPARED

Council Member Walsh introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A SLUM AND BLIGHTED AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING THE 23RD AVENUE URBAN RENEWAL PLAN THEREFORE" and moved that the same be adopted.
Council Member Belt seconded the motion to adopt. The roll was called and the vote was,

AYES: Belt, Branigan, Primmer, Walsh.

NAYS: Tobias

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. 04 - III

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE SLUM AND BLIGHTED AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREFORE, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING THE 23rd AVENUE URBAN RENEWAL PLAN THEREFORE.

WHEREAS, this Council has reasonable cause to believe that the area described below satisfies the eligibility for designation as an urban renewal area under Iowa law; and

WHEREAS, a proposed 23rd Avenue Urban Renewal Plan for the area described below has been prepared, which proposed Plan is on file in the office of the City Clerk and which is incorporated herein by reference; and

WHEREAS, it is desirable that an urban renewal area be established for property legally described as:

All of Blocks 4 through 11, 18 through 21, 25, 32 through 39, 46 through 53, 60 through 67, 74 through 81, 88 through 95, Railroad Addition, Lots 1 through 32, Coy Subdivision, Lots 1 through 6, Thallas Subdivision, Lots 1 through 14, Wyatt Subdivision, and including all alleys and right-of-way located therein, City of Council Bluffs, Pottawattamie County, Iowa.

WHEREAS, the afore mentioned urban renewal area is north of Interstate 80/29, south of 23rd Avenue, west of Indian Creek, and east of South 22nd Street.

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said proposed Urban Renewal Plan to be known hereafter as the "23rd Avenue Urban Renewal Area"; and

WHEREAS, the Iowa statutes require the City Council to submit the Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for development of the City as a whole, prior to City Council approval of such urban renewal project and an urban renewal plan therefore; and

WHEREAS, creation of the 23rd Avenue Urban Renewal Plan Area and adoption of the 23rd Avenue Urban Renewal Plan therefore has been approved by the Planning and Zoning Commission for the City as being in conformity with the general plan for development of the City as a whole, as evidence by its written report filed herewith and incorporated herein by this reference; and

WHEREAS, by Resolution No. 04-97 adopted on April 26th, 2004, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed 23rd Avenue Urban Renewal Plan and the division of revenue described therein, and that notice of said consultation and a copy of the proposed 23rd Avenue Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Designated Representative filed herewith and incorporated herein by this reference, which report is in all respects approved; and

FILED FOR RECORD
POTTAWATTAMIE CO. I.A.
01 JUN -9 AM 10:20
JOHN SCIORTINO
RECORDER

858-1
828-1
876-1
699-1

WHEREAS, by said resolution this Council also set a public hearing on the adoption of the proposed 23rd Avenue Urban Renewal Plan for this meeting of the Council, and due proper notice of said public hearing was given, as provided by law, by timely publication in the Daily Nonpareil, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with said notice, all persons or organizations desiring to be heard on said proposed Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and said public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED,
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the findings and conclusions set forth or contained in the proposed "23rd Avenue Urban Renewal Plan" for the area of the City of Council Bluffs, Iowa legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "23rd Avenue Urban Renewal Plan Area"), be and the same are hereby adopted and approved as the findings of this Council for this area.

Section 2. This Council further finds;

- a. A feasible method exists for the location of families who will be displaced from the 23rd Avenue Urban Renewal Plan Area into decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
- b. The 23rd Avenue Urban Renewal Plan conforms to the general plan for the development of the City as a whole; and
- c. As to those areas of open land to be acquired by the City included within the 23rd Avenue Urban Renewal Plan Area:

With reference to those portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety, and sanitation exists with the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exists;

1. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.
2. That conditions of blight in the municipality and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.
3. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.
4. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.


With reference to those which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the 23rd Avenue Urban Renewal Plan Area is a slum and blighted area with the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety, or welfare of the residents of this City.

Section 4. That the 23rd Avenue Urban Renewal Plan, attached hereto as Exhibit A and incorporated herein by reference, be and the same is hereby approved and adopted as the "23rd Avenue Urban Renewal Plan for the 23rd Avenue Urban Renewal Plan Area"; the 23rd Avenue Urban Renewal Plan for such area is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of said 23rd Avenue Urban Renewal Plan with the proceedings of this meeting.

Section 5. That the 23rd Avenue Urban Renewal Plan for the 23rd Avenue Urban Renewal Area shall be in full force and effect from the date of this resolution until the later of the termination set forth in the 23rd Avenue Urban Renewal Plan or the date on which payment of all obligations issued or advances made to carry out the purposes thereof shall be fully provided to for. Said 23rd Avenue Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Pottawattamie County, Iowa, to be filed and recorded in the manner provided by law.


ADOPTED AND APPROVED this 24th day of May, 2004



THOMAS P. HANAFAN MAYOR

ATTEST: 

CHERYL PUNTENEV CITY CLERK

TO: Thomas P. Hanafan, Mayor 
and City Council Members

FROM: Donald D. Gross, Director
Community Development Department

DATE: May 14, 2004

RE: Case #URN-04-003 - 23rd Avenue Urban Renewal Plan

LOCATION: Indian Creek to South 22nd Street extending from one-half block north of 23rd Avenue to I-80/I-29 right-of-way.

A. STAFF REPORT

BACKGROUND

Section 403 of the Iowa Code allows a municipality to use urban renewal powers in locations that are declared either as a slum and blighted or economic development area. Once pronounced an urban renewal area, various actions are allowed to be undertaken in order to rehabilitate, conserve, redevelop or develop the affected property which will increase the area's viability.

The need exists for urban renewal actions directly north of the I-80/I-29 interstate system, directly south of the east-west collector 23rd Avenue, directly west of Indian Creek, and east of South 22nd Street. These actions are necessary in order to accommodate new residential development through the installation of a storm water sewer system and the removal of blighted structures. Assistance in the form of an urban renewal project area, conforming to Chapter 403 of the Iowa Code, is necessary to acquire land; remove blighted, incompatible or undesirable land uses; improve regulatory control; improve public infrastructure and facilities; and to allow for private development or redevelopment on cleared or vacant land. More specifically, this area has been declared a slum and blighted area, conforming to Section 403.2.1 of the Iowa Code. This project is to be called the 23rd Avenue Urban Renewal Plan.

DISCUSSION

The 23rd Avenue project area has been identified as one of ten development sub-areas in the 1994 Council Bluffs Comprehensive Plan. This section of the 23rd Avenue corridor was selected as a sub-area because of its development potential, but lack of adequate municipal infrastructure. The project area currently contains single-family homes scattered between South 15th Street and South 19th Street with vacant ground and a few agricultural uses throughout the remainder of the area. Several factors have limited the full development within the project area including the lack of adequate transportation and infrastructure systems. Once the overall lack of adequate infrastructure is addressed and overcome this area will be able to support viable development.

Generally residential development within the area has occurred haphazardly with the exception of recent developments such as the Coy and Wyatt Subdivisions. Given the large amounts of vacant ground, haphazard development is anticipated to continue. Without the benefit of adequate municipal infrastructure, such uncontrolled developments will contribute to the decline of the area.

Coy Subdivision is a 32 lot subdivision located at South 16th Street and 23rd Avenue. Infrastructure for the subdivision was installed in late 2000 with housing construction beginning in January of 2001 and being completed in August of 2002. Of the 29 single-family homes within the subdivision, 23 houses were sold to households at or below 80% of the median family income and 4 were sold to households between 80% and 110% of the median family income. Even though this substantial housing project was a success the additional cost to extend municipal utilities has deterred additional private development from occurring within the project area.

A second development known as Wyatt Subdivision has been initiated along the 2300 block of South 17th and 18th Streets directly east of Coy Subdivision. This development will result in the development of 20 new single family homes ranging in price from \$120,000 to \$130,000. Financing for this development is similar to that used for Coy Subdivision.

On April 26th, 2004, the City Council passed a resolution, which directed staff to initiate the process of establishing an urban renewal area and plan. The resolution also established the following actions and timeframes:

- May 10, 2004 Consultation hearing with affected taxing jurisdictions
- May 11, 2004 City Planning Commission hearing and review
- May 24, 2004 City Council public hearing

Any opinions or concerns noted at the consultation meeting will be made available to the City Planning Commission at its May 11th meeting. At that time, the Community Development Department will also share any written documentation either in support or against this plan. No one appeared at the consultation.

Iowa statues require the City Planning Commission to review the plan for conformity to the comprehensive plan and to forward a recommendation to City Council prior to public hearing. An urban renewal plan conforming to the requirements of Chapter 403 of the Iowa Code has been prepared. This plan also conforms to the general development plan of the City as a whole. The plan calls for establishing an area legally described as: All of Blocks 4 through 11, 18 through 21, 25, 32 through 39, 46 through 53, 60 through 67, 74 through 81, 88 through 95, Railroad Addition, Lots 1 through 32, Coy Subdivision, Lots 1 through 6, Thallas Subdivision, Lots 1 through 14, Wyatt Subdivision and including all alleys and rights-of-way located therein, City of Council Bluffs, Pottawattamie County, Iowa.

Tax Increment Financing (TIF) will not be used at this time for the 23rd Avenue Urban Renewal Area. The 23rd Avenue Urban Renewal Plan, showing these specific site boundaries and other supporting documentation, is enclosed for your review and consideration.

RECOMMENDATION

The Community Development Department recommends approval of the Plan as prepared.

B. PUBLIC HEARING

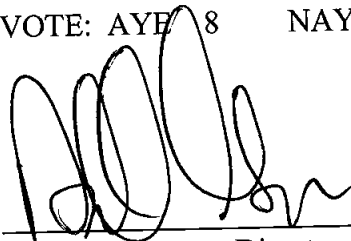
The following appeared before the Planning Commission in favor of the request:
Gayle Malmquist, Community Development Department

The following appeared before the Planning Commission in opposition to the request: None.

C. PLANNING COMMISSION RECOMMENDATION

Concur with the Community Development Department recommendation to create the 23rd Avenue Urban Renewal Area and adopt the required plan, as presented.

VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 3 Motion carried.



Donald D. Gross, Director
Community Development Department

DDG/GMM/KNL/cac

*To Record.
Proceeding with
Rico 04-1119*

CITY COUNCIL MEETING MINUTES

May 24, 2004

The City Council of the City of Council Bluffs, Iowa, met at 7:00 p.m., on above date in Council Chambers, City Hall. The meeting was called to order by the Honorable Mayor Thomas P. Hanafan. Council Members present: Belt, Branigan, Primmer, Tobias, Walsh. Staff present: City Attorney Dick Wade and City Clerk Cheryl Punteney.

Motion by Primmer, second by Branigan, to approve the minutes of previous Council Meeting held May 10, 2004, approve the agenda and the tape recording of this proceeding be incorporated into official minutes. Ayes: 5.

Held Public Hearing to determine an area of the City to be a slum and blighted area and the rehabilitation, conservation, redevelopment, development or a combination therefore, of such area is necessary in the interest of public health, safety, or welfare of the residents of the City designating such area as appropriate for an Urban Renewal Project; and adopting the 23rd Avenue Urban Renewal Plan. Motion by Walsh, second by Belt, to adopt Resolution determining same. Ayes: 4. Belt, Branigan, Primmer, Walsh. Nays: 1. Tobias.

Held Public Hearing to determine an area of the City to be slum and blighted area and the rehabilitation and blighted area and the rehabilitation, conservation, redevelopment, development, or a combination therefore, of such area is necessary in the interest of the public health, safety, or welfare of the residents of the City designating such area as appropriate for an Urban Renewal Project and adopting the Mid-City Corridor Urban Renewal Plan. Motion by Belt, second by Walsh, to adopt Resolution determining same. Ayes: 5.

Held Public Hearing to authorize the disposal of excess City property vacated by Ordinance 3744, March 7, 1966. Motion by Walsh, second by Belt, to adopt Resolution authorizing disposal of same. Ayes: 5.

Held Public Hearing on granting final plat approval for Wyatt 2nd Subdivision. Motion by Belt, second by Walsh, to adopt Resolution granting same. Ayes: 4. Belt, Branigan, Primmer, Walsh. Nays: 1. Tobias.

Held Public Hearing to reconfirm approval of the preliminary plan for the Hills of Cedar Creek Subdivision and extending the time for application for final plat approval. Motion by Belt, second by Branigan, to adopt Resolution approving same. Ayes: 5.

Motion by Belt, second by Branigan, to pass into law an Ordinance to amend the zoning map of the City as adopted by reference in Section 15.02.040 of the 2000 Municipal Code, by changing the district designation of certain grounds, premises and property located at 928 Valley View Drive from its present designation as A-2 Parks, Estates and Agricultural District to C-2/Commercial District as set forth and defined in Chapters 15.05 and 15.15 of the Municipal Code. Ayes: 5.

Motion by Belt, second by Walsh, to pass to 3rd consideration an Ordinance amending Title 9 "Traffic" of the 2000 Municipal Code by enacting a new Chapter 9.15, entitled "All-Terrain Vehicles". Ayes: 5.

Motion by Belt, second by Walsh, to pass to 3rd consideration an Ordinance amending Title 3 "Business Regulations and Licenses" of the 2000 Municipal Code by repealing Chapter 3.58 "Street Sales" and Chapter 3.62 "Transient Merchants" in their entirety and enacting a new Chapter 3.62 "Transient Merchants". Motion by Walsh, second by Primmer, to waive the rule of 3rd and pass into law. Ayes: 5.

Motion by Walsh, second by Belt, to adopt Resolution declaring the City's intent to use Eminent Domain to acquire certain properties identified in Exhibit A, attached hereto, for the Avenue G Viaduct Project. Ayes: 5.

Motion by Walsh, second by Branigan, to adopt Resolution authorizing the Mayor to execute an order accepting the Acknowledgement/Settlement Agreement from BWK, Inc., d/b/a Way's Jubilee Foods, 430 South 35th Street, for a violation of Iowa Code Section 453A.2 (1). Ayes: 4. Branigan, Primmer, Tobias, Walsh. Abstain: 1. Belt.

Motion by Belt, second by Walsh, to adopt a Resolution authorizing the Mayor and City Clerk to execute an agreement with HDR Engineering, Inc. for engineering services in connection with a modeling study for the Wastewater Treatment Plant. Ayes: 5.

Motion by Branigan, second by Primmer, to adopt a Resolution authorizing the City Clerk to publish notice and setting a Public Hearing for 7:00 p.m., June 14, 2004 on the plans, specifications, and form of contract for the site preparation for the firing range. Ayes: 5.

Motion by Primmer, second by Walsh, to concur with the Mayor's appointments of the following: A. Appoint John Liston to the Building Board of Appeals with a term expiring on July 1, 2007. B. Reappoint Tom Howard, Sharon Kramer, Kris Madson and Steve Krohn to the Parks, Recreation and Public Property Commission with a term expiring on May 1, 2007, C. Appoint Theresa Jacoby to the Civil Rights Commission with a term expiring on August 1, 2004, D. Appoint Ken Milford to the Enterprise Zone Commission with a term expiring on June 30, 2006. Ayes: 5.

Motion by Branigan, second by Belt, to receive and file items: 8A, 8B, 8D, and 8E. A. Offer To Buy - Beno/Wickham Site, Arun Agarwal, B. One Notice of Right of Redemption, D. List of Bills-April 30, 2004, E. Cash Balance Statement-April 30, 2004. Ayes: 5.

Motion by Branigan, second by Belt, to receive and file item 8C. 8C. Five Notices of Claim. Ayes: 4. Belt, Branigan, Tobias, Walsh. Abstain: 1. Primmer.

Motion by Walsh, second by Tobias, to adopt a Resolution setting a Public Hearing for 7:00 p.m., June 14, 2004 on the Planning Commission/Community Development Departments recommendation to deny a request of Debra L. Danielsen to rezone property generally described as an area including Bluff Street, Willow Avenue and Third Street from R-2/Two-Family Residential, R-3/Multi-Family Residential and A-P/Administrative Professional to R-1/Single Family Residential District. Ayes: 5.

Motion by Belt, second by Branigan to adopt a Resolution setting a Public Hearing for 7:00 p.m., June 14, 2004 on the Planning Commission/Community Development Departments recommendation of intent to vacate the east/west alleys located in Blocks 47, 48, 49, 50 and 51, of Riddle's Subdivision and the street rights-of-way of South 9th Street through South 12th Street, between 13th and 14th Avenues. Ayes: 5.

Motion by Belt, second by Branigan, to adopt Resolution repealing the 12th Avenue Urban Revitalization Plan. Ayes: 5.

Motion by Belt, second by Primmer, to pass to second consideration an Ordinance to repeal Ordinance No. 5400, which established the 12th Avenue Urban Revitalization Area within the City of Council Bluffs. Ayes: 5.

Motion by Belt, second by Branigan, to adopt Resolution repealing the Franklin Avenue Urban Revitalization Plan. Ayes: 5.

Motion by Belt, second by Walsh, to pass to second consideration an Ordinance to repeal Ordinance No. 5401 which established the Franklin Avenue Urban Revitalization area within the City of Council Bluffs. Ayes: 5.

Motion by Branigan, second by Belt, to adopt Resolution setting a Public Hearing for 7:00 p.m., June 14, 2004 on the Planning Commission/Community Development Departments recommendation of intent to vacate 17th Avenue right-of-way abutting Blocks 5 and 12, Howard's Addition and Lot 9, Malloy's Subdivision, except former Railroad right-of-way. Ayes: 5.

Motion by Branigan, second by Primmer, to pass to second consideration an Ordinance setting Public Hearing for 7:00 p.m., June 14, 2004 on the Planning Commission/Community Development Departments recommendation to amend the zoning map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2000 Municipal Code of Council Bluffs, Iowa, by changing the district designation of certain grounds, premises and property located between North 10th and North 11th Streets, from Creek Top to Avenue B, from its present designation as I-1/Light Industrial to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 15.20 and 15.05 of the Municipal Code of Council Bluffs, Iowa. Ayes: 5.

Heard Duane Bushman, Sr., 2316 Lockwood Place regarding the road on Lockwood Place.

Motion by Walsh, second by Primmer, to approve the applications for Permits and Cancellations as follows: CLASS "BC" BEER/WINE AND SUNDAY SALES: 1. Billy's, Inc., d/b/a Billy's 66, 2659 West Broadway, 2. Ja-Dan, Inc., d/b/a Broadway Conoco, 2020 West Broadway, 3. LES Corp., d/b/a D & S Express, 2924 North Broadway, 4. Kum & Go LC, d/b/a Kum & Go #220, 2024 5th Avenue, 5. Kum & Go LC, d/b/a Kum & Go #219, 154 Bennett Avenue, 6. Sinnott Ent. Inc., d/b/a Pump-N-Munch, 1220 North 25th Street, CLASS "LC" LIQUOR AND SUNDAY SALES: (Cancellation) 1. Bruce Brabec, d/b/a 4th Quarter Bar & Grill, 1322 North 16th Street. CIGARETTE PERMIT: 1. Billy's 66, 2659 West Broadway, 2. Pump-N-Munch Too, 1220 North 25th Street. Quik Trip #575, 1749 West Broadway. PERMIT FOR FIREWORKS: Fireworks J&M Displays-Playland Park Area. Ayes: 4. Branigan, Primmer, Tobias, Walsh. Abstain: 1. Belt.

Motion by Branigan, second by Primmer, to adopt Resolution directing the Clerk to publish notice and setting a Public Hearing for 7:00 p.m., June 14, 2004, on the plans, specifications, form of contract and cost estimate for the South 6th Street Improvements FY05-05E. Ayes: 5.

Motion by Branigan, second by Primmer, to adopt Resolution directing the City Clerk to publish notice and setting a Public Hearing for 7:00 p.m., June 14, 2004, on the plans, specifications, form of contract and cost estimate for the State Orchard Sanitary Sewer-Phase I. FY05-06C. Ayes: 5.

Motion by Walsh, second by Belt, to adopt a Resolution directing the City Clerk to advertise for bids and authorizing the IDOT to receive bids, and setting a Public Hearing for 7:00 p.m., June 14, 2004, on the plans, and specifications for the South 24th Street Improvements Project FY05-10. Ayes: 5.

Motion by Walsh, second by Branigan to adopt a Resolution accepting the work of R.D. Blue Construction, Inc. in connection with the emergency repair to Timbercrest/Graham Storm Sewer and authorizing the Finance Director to issue a City check in the amount of \$1,989.38. Ayes: 5.

Motion by Branigan, second by Walsh, to adopt a Resolution directing the City Clerk to publish notice and setting a Public Hearing for 7:00 p.m., June 14, 2004, on the plans, specifications, form of contract and cost estimate for the Greenview Road Pump Station Improvements FY05-06D. Ayes: 5.

Motion by Branigan, second by Primmer, to adopt a Resolution directing the City Clerk to publish notice and setting a Public Hearing for 7:00 p.m., June 14, 2004, on the plans, specifications, form of contract and cost estimate for the College Road Improvements FY05-07. Ayes: 5.

Motion by Primmer, second by Branigan, to adjourn. Ayes: 5.

Councilmember Tobias commented on how much he enjoyed participating in the Pride Week Parade.

The tape recording of this proceeding though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council Meeting as if they were transcribed herein."

/s/ Thomas P. Hanafan
Mayor

Attest: /s/ Cheryl Puntney
City Clerk

PROOF OF PUBLICATION

35700

STATE OF IOWA
POTTAWATTAMIE COUNTY

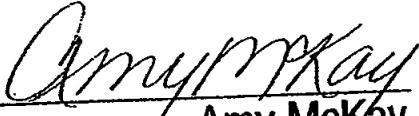
I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

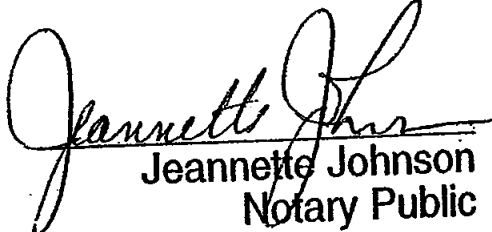
The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

began on the 9 day of May, 2004
the 2nd on the _____ day of _____, 2004
the 3rd on the _____ day of _____, 2004
the 4th on the _____ day of _____, 2004
the 5th on the _____ day of _____, 2004

Signed in my presence by the said Amy McKay and by her sworn to before me this 20 day of May, A.D. 2004.


Amy McKay
Daily Nonpareil Controller


Jeannette Johnson
Notary Public

Filed this _____ day of _____, A.D. 2004
Publication Cost: \$ 24.59
Proof of Publication Fee: \$ _____



**NOTICE OF PUBLIC HEARING TO CONSIDER
APPROVAL OF A PROPOSED URBAN
RENEWAL PLAN FOR THE 23RD AVENUE
URBAN RENEWAL PLAN FOR A PROPOSED
URBAN RENEWAL AREA IN THE
CITY OF COUNCIL BLUFFS, IOWA**

The City Council of the City of Council Bluffs, Iowa, will hold a public hearing before itself at its meeting, which commences at 7:00 o'clock p.m. on May 24th, 2004 in the Council Chambers, City Hall, Council Bluffs, Iowa to consider adoption of the 23rd Avenue Urban Renewal Plan (the "Plan") concerning an area in Council Bluffs, Iowa theretofore designated as the 23rd Avenue Urban Renewal Plan Area, currently described as follows:

All of Blocks 4 through 11, 18 through 21, 25, 32 through 39, 46 through 53, 60 through 67, 74 through 81, 88 through 95, Railroad Addition, Lots 1 through 32, Coy Subdivision, Lots 1 through 6, Thallas Subdivision, Lots 1 through 14, Wyatt Subdivision, and including all alleys and right-of-way located therein, City of Council Bluffs, Pottawattamie County, Iowa.

A copy of the 23rd Avenue Urban Renewal Plan is on file for public inspection in the office of the City Clerk, City Hall, Council Bluffs, Iowa. The City of Council Bluffs, Iowa is the local public agency, which if such Plan is approved, shall undertake the urban renewal activities described in such Plan.

The general scope of the urban renewal activities under consideration in the Plan is to rehabilitate, conserve and redevelop land, buildings and other improvements within such area so as to improve the community through the establishment of effective land use controls, through use of an effective program of rehabilitation of existing buildings and elimination of those structures which cannot be economically rehabilitated, with a limited amount of acquisition, clearance, resale and improvement of land for various purposes specified in the Plan. The City also may install, construct and reconstruct streets, parking facilities, open space areas and other substantial public improvements, and may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Plan provides that the City may issue bonds or use available funds for such purposes and that tax increment reimbursement of such costs will be sought if and to the extent incurred by the City.

This Notice is given by order of the City Council of Council Bluffs, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

Dated this 9th day of May, 2004

/s/ Cheryl Puntany, City Clerk
2004(5)9 - 1 Sunday

23RD AVENUE

URBAN RENEWAL PLAN

CITY OF COUNCIL BLUFFS, IOWA
MAY 2004

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CHAPTER I INTRODUCTION

In the past three decades the City of Council Bluffs has seen increased development pressure along the City's eastern boundary. The expansion of the City's corporate limits is not only desirable for new development but it is also necessary to meet projected growth figures that are anticipated for the next 20 years. However greenfield developments (a greenfield is land that is in its raw, natural state or in agricultural use) are often substantial undertakings from a resources standpoint, because of the necessary extension of services. This has led many developers to seek a more efficient method of building by turning their focus to infill development.

The development of infill lots and other vacant areas within the municipal boundaries is highly desirable for a number of reasons. First of all this type of development will allow for the managed growth of the City's housing stock and tax base. This can be done with less financial and procedural attention than is required of greenfield developments occurring immediately outside the corporate limits. Development within the municipal boundaries utilizes existing infrastructure or expands on the existing infrastructure, which in turn not only benefits the new subdivision but also the existing, adjacent neighborhoods as well.

The 23rd Avenue project area has been identified as one of ten development subareas in the 1994 Council Bluffs Comprehensive Plan. This section of the 23rd Avenue corridor was selected as a subarea because of its development potential, but lack of adequate municipal infrastructure. The project area currently contains single-family homes scattered between South 15th Street and South 19th Street with vacant ground and a few agricultural uses throughout the remainder of the area. Several factors have limited the full development within the project area including the lack of adequate transportation and infrastructure systems. Once these factors are addressed and overcome this area will be able to support viable development.

Generally residential development within the area has occurred haphazardly with exception of recent developments such as the Coy and Wyatt Subdivisions. Given the large amounts of vacant ground haphazard development is anticipated to continue. Without the benefit of municipal infrastructure such uncontrolled developments will contribute to the decline of the area.

It has been determined that the need exists for urban renewal actions in the area south of 23rd Avenue and just east of South 24th Street to the west right-of-way line of Indian Creek. These actions are necessary in order to accommodate new residential development through the installation of a storm water sewer system and the removal of blighted structures. Assistance in the form of an urban renewal project area, conforming to Chapter 403 of the Iowa Code, is necessary to acquire land; remove blighted, incompatible or undesirable land uses; improve regulatory control; improve public infrastructure and facilities; and to allow for private development or redevelopment on cleared or vacant land. More specifically, this area has been declared a slum and blighted area, conforming to Section 403.2.1 of the Iowa Code. This project is to be called the 23rd Avenue Urban Renewal Plan, and its purpose, objectives and project proposals are described within this document.

occasionally flooded for very brief periods on the wet side of levees, but in most areas it is protected. Permeability of Haynie soil is moderate and runoff is slow.

144 – Blake silty clay loam, 0 to 2 percent slopes. According to the SCS report, Blake soil is generally found in areas of recent deposition on bottom land. It is occasionally flooded for very brief periods on the wet side of levees, but in most areas it is protected. Permeability is moderate and runoff is slow for Blake soil.

146 – Onawa silty clay, 0 to 2 percent slopes. According to the SCS report, Onawa Silty Clay is a somewhat poorly drained soil found in nearly level, lower elevations in areas of recent deposition on bottom land. This soil type is subject to rare flooding. Permeability is slow in the upper part of the profile and moderate or moderately rapid in the lower part of the substratum. Runoff is slow, while available water capacity is high. The SCS report also states that the soil has a seasonally high water table.

156 – Albaton silty clay, 0 to 2 percent slopes. According to the SCS report, Albaton soil is generally found in swales and other low areas of recent deposition on bottom land. It is occasionally flooded for brief periods on the wet side of levees, but in most areas it is protected. Permeability of Albaton is very slow and runoff is slow.










514 – Grable silt loam, 0 to 2 percent slopes. The SCS report states that, Grable soil is found in low areas of recent deposition on bottom land. It is occasionally flooded on the wet side of levees, but in most areas it is protected. Permeability of Grable is moderate and runoff is slow.

515 – Percival silty clay, 0 to 2 percent slopes. According to the SCS report, Percival soil is generally found in depressional areas of recent deposition on bottom land. It is occasionally flooded for brief periods on the wet side of levees, but in most areas it is protected. Permeability is slow in the upper portion of the profile and rapid in the lower portion, while runoff remains slow.

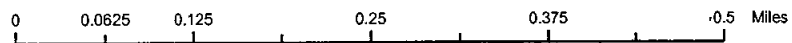
The SCS report notes that these soil types have moderate limitations for development, due to the seasonal high water table, poor drainage patterns, poor bearing capacity and a high shrink-swell potential. The report also notes that due to their close proximity to the Missouri River and Indian Creek, they tend to exhibit a high degree of flooding potential, depending upon the degree of flood protection measures installed. However, as noted earlier, the project area is protected by the levee system from the Missouri River and Indian Creek. Please refer to Illustration 3 on page 6, which shows where each specific soil types are found in relation to the boundaries of the project area.



Legend

-  Urban Renewal Area
-  Parcels
-  Highways
-  Streets
-  Railroad
-  Major Waterways
-  Floodway
-  100yr Floodplain
-  500yr Floodplain

**23rd Avenue
Urban Renewal Area
Flood Map**



Historic Properties - A review of the list of properties on the National Register of Historic Places and available historic surveys shows no historic properties, districts, or landmarks within the proposed boundaries. Based on field surveys of existing structures, no potential historic properties were identified. No known archeological resources are present in the area.

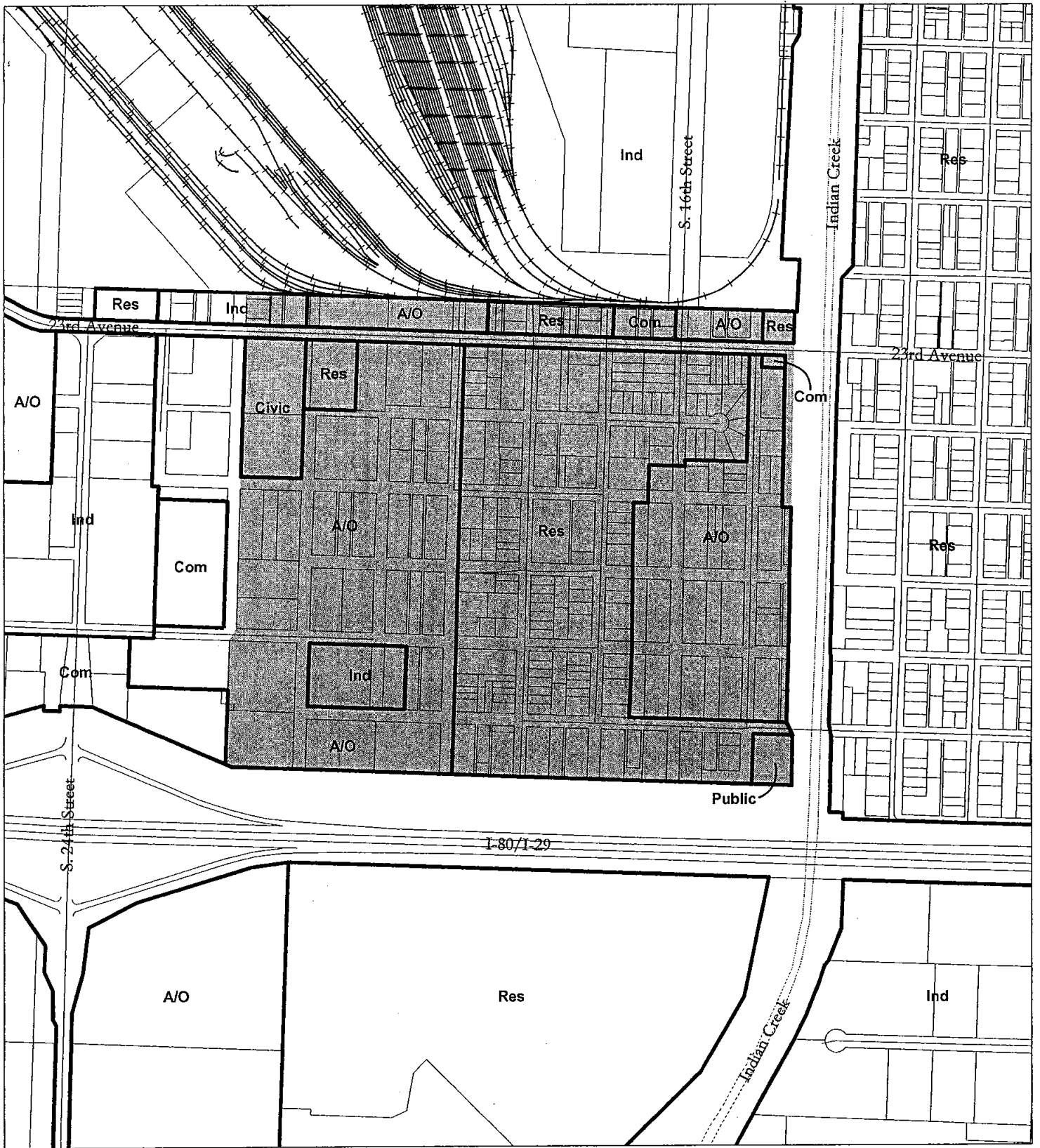
Noise - Due to its location, noise levels are likely to be low to moderate throughout the proposed urban renewal area depending on the time of day. During peak rush hour traffic, the noise level in areas closer to I-80/I-29 may be moderate due to the significant volume of traffic the interstate system carries. The east/west arterial 23rd Avenue also produces moderate traffic related noise in the northern portion of the project area. Additionally, the active rail lines immediately north of the project area carry a significant amount of train traffic on a daily basis. This train traffic is anticipated to contribute to the heightened noise levels within the northern portion of the project area. The project area lies outside of Omaha's Eppley Airfield noise corridor.

ZONING AND LAND USE








Existing Zoning – Currently there are five zoning districts within the proposed project area – C-2, I-1, I-2, R-2, and R-3. There are two separate areas zoned C-2 one being located between S. 16th Street and S. 18th Street north of 23rd Avenue. The other C-2 district is located between S. 19th Street and S. 22nd Street from 25th Avenue to 28th Avenue in the southwest portion of the proposed project area. The I-1 and I-2 zoning districts are found in the southwest and northwest corners respectively. The I-2 zone is located north of 23rd Avenue, while the I-1 district is located between S. 20th Street to S. 22nd Street south of 27th Avenue. The remainder of the proposed project area is zoned residentially in the form of R-2 and R-3 zoning districts. Land located west of Indian Creek to S. 19th Street from 23rd Avenue south to I-80/I-29 is currently zoned R-2. Please refer to Illustration 4 on page 8 for existing zoning classifications.

Existing Land Uses –The proposed project area consists primarily of open or vacant land with the majority of uses being single-family residences and a few commercial, industrial, and civic uses scattered throughout. In addition, the Council Bluffs Animal Shelter is located at 2821 S. 15th Street in the extreme southeast corner of the proposed project area. Please refer to Illustration 5 on page 9 for the existing land use map.

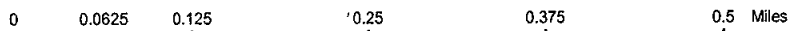
Adjacent Land Uses – The South 24th Street commercial/industrial corridor is located just west of the proposed project area and should have little effect on future residential development. Immediately east of the project area are the south end residential neighborhoods. Due to the presence of these established residential neighborhoods directly to the east, the project area has excellent potential for residential development.



Legend

-  Urban Renewal Area
-  Parcels
-  Land Use
-  Highways
-  Streets
-  Railroad
-  Major Waterways

**23rd Avenue
Urban Renewal Area
Land Use Map**



The 23rd Avenue Urban Renewal project area is primarily zoned R-2 and R-3, which allows for single-family, two-family, and low density multi-family uses. However, because of the overall lack of infrastructure the project area is currently unable to support such developments and is considered to be over zoned. Down zoning to an A-2 designation should be considered until adequate infrastructure can be installed. The project area also contains two separate C-2 commercial zoning districts, an I-1 light industrial zoning district, and an I-2 general industrial zoning district. These areas are also currently unserved by adequate infrastructure, which significantly limits the capacity of the parcel to serve a potential commercial or light industrial development. As with the residential portions of the project area, down zoning should be considered until adequate infrastructure can be installed.

b. Public Utilities and Services

As previously indicated no storm sewer infrastructure is currently in place within the proposed project area. In order for viable development to occur it is essential that storm sewer infrastructure be constructed. Sanitary sewer and municipal water facilities are in place within the proposed project area however will likely need to be extended to serve any new development. In addition, Aquila Networks has natural gas in the area available for extension to serve future development. MidAmerican Energy has a series of overhead electric lines that run along the west side of the Indian Creek levee, which is on the east side of the project area. A lineal park with a pedestrian/bicycle trail would be an appropriate use of the land adjacent to the Mid American Energy power corridor along the creek.

c. Environment

The area's flat topography, high water table and the lack of storm water sewer facilities leads to drainage problems. Although the project area is located within a 500-year floodplain, the problem of periodic flooding during heavy precipitation has limited development. This problem can be mitigated by establishing positive drainage for building sites and by constructing an adequate storm water sewer system. The project area contains a distinct area of wetlands along the western boundary. This area should be protected and preserved at all costs. The use of this area as additional storm water detention is a possibility as the development of adjacent parcels occurs.

d. Transportation

The Iowa Department of Transportation has identified the I-80/I-29 interstate system through Council Bluffs as a priority for reconstruction. The Council Bluffs Interstate System Improvements Project is currently in the planning stage with various studies underway. Reconstruction is likely to occur in the next ten years. However, to alleviate some of the immediate congestion problems IDOT will construct a third lane to eastbound I-80/I-29 from the west I-80/I-29 systems interchange to the east I-80/I-29 systems interchange. This project will extend the existing acceleration lane on eastbound I-80/I-29 creating three eastbound lanes and a ten foot inside shoulder. The proposed letting date for this project is fall 2005 and will likely be constructed in the summer of 2006.

Since the project area is located near the intersection of South 24th Street and 23rd Avenue, any development activity will likely have a moderate impact on traffic volumes of adjacent roadways. Therefore, appropriate traffic control measures will be necessary in order to accommodate any

CHAPTER III URBAN RENEWAL OBJECTIVES AND ACTIONS

URBAN RENEWAL POWERS

The proposed actions in the project area for the 23rd Avenue Urban Renewal Plan will consist of one or more of the following actions as outlined by Chapter 403 of the Iowa Code.

- a. To undertake and carry out urban renewal projects within its area of operation; to make and execute contracts and other instruments necessary or convenient to the exercise of its urban renewal powers; and to disseminate slum clearance and urban renewal information.
- b. To arrange or contract for the furnishing or repair by any person of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.
- c. To enter into any building or property in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property, or personal property for administrative purposes, together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this plan.
- d. To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this plan, and to give such security as may be required, and to enter into and carry out contracts in connection therewith. This may include in any contract, for financial assistance with the federal government for an urban renewal project, such conditions imposed pursuant to federal laws as the city may deem reasonable and appropriate and which are not inconsistent with the purposes of the plan.
- e. To make or have made all surveys and planning necessary to the carrying out of the purposes of this plan, and to contract with any person in making and carrying out of such planning, and to adopt or approve, modify and amend such planning. Such planning may include that outlined by Chapter 403 of the Iowa Code.
- f. To plan for the relocation of persons, including families, business concerns and others, displaced by the plan, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.

PROJECT AREA OBJECTIVES AND ACTIVITIES

The City intends to undertake several necessary actions to achieve the objectives of this plan. Specific actions to be undertaken include the following:

- a. Installation of Infrastructure – The City may remove or install public improvements and facilities in accordance with the objectives of this plan. Such improvements may include, but are not limited to the following: utilities, streets, sidewalks, transit stops, park and recreational facilities, parking, and landscaping. Specific streets have been identified as priority to receive infrastructure improvements. These streets include South 17th Street and South 18th Street from 23rd Avenue south to 28th Avenue, which would service existing and future residential developments. 28th Avenue has also been identified as a priority to receive infrastructure improvements. With the exception of the 2300 block of South 16th, 17th, and 18th Streets and the 1500 and 1600 blocks of 24th Avenue, streets do not meet current city standards. In addition, several portions of right-of-way within the project area remain platted but unimproved. Illustration 7, Street Map, illustrates the current condition of the platted street right-of-way within the project area.

Municipal Code requires that all building sites have direct access to an open city street that has been improved and maintained by the city and is regularly used by the general public. Public sidewalks are also required for building sites that abut a city street. Building sites are also required to have direct access to the municipal sanitary sewer system and adequately handle storm water run-off without adversely affecting abutting property owners with an increase in run-off. All sites must have direct access to city water or be serviced by a well in such a capacity to satisfy not only the needs of the structure, but also to provide fire protection.

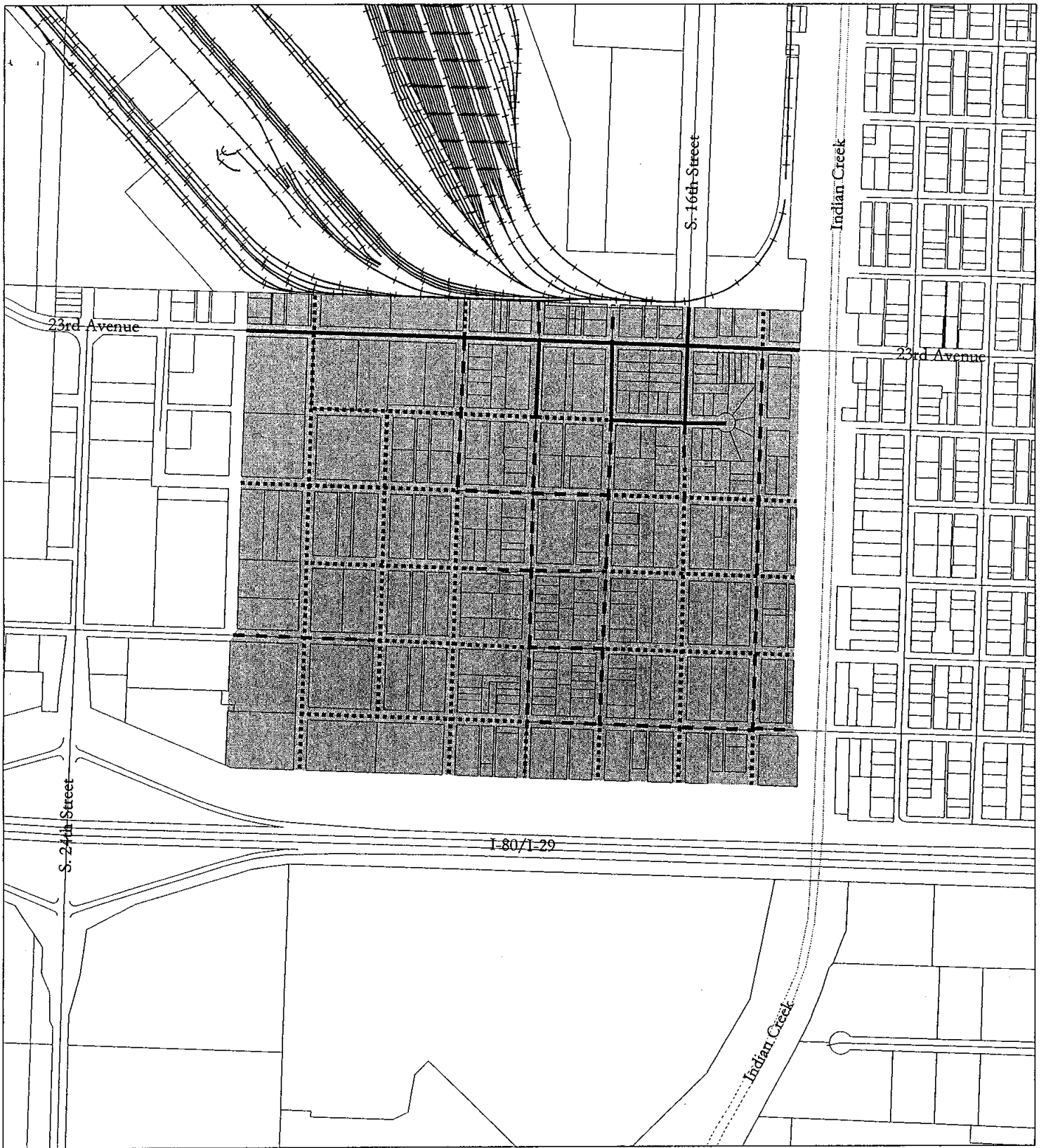
- b. Acquisition, Relocation, and Demolition of Property – It is anticipated that all property located on the north side of 23rd Avenue from Indian Creek to South 22nd Street will be acquired. In addition, property between South 15th Street and Indian Creek will also likely be acquired in the future. These parcels will then be cleared and maintained as parks/open space in anticipation of the future right-of-way expansion of 23rd Avenue or future connection with the City trail system. Acquisition on a spot basis is also anticipated in order to accommodate future redevelopment projects and activities.
- c. Rehabilitation of Structures – The City may participate in and support efforts to preserve and rehabilitate structures to achieve a long-term, sound condition. Determination of the City's effort in this area will be made based on an analysis of the historic, architectural, and/or cultural merit of the structure, its condition, the condition of surrounding structures, lot size, layout, accessibility, usefulness, and competing and conflicting land uses. The goal of property rehabilitation is to provide safe, sanitary, functional, and attractive conditions that are compatible with the intended use of the area and to eliminate blight.
- d. Subdivision and Vacation of Right-of-Way – The City may subdivide, vacate, resubdivide, or otherwise change the recorded arrangement of property in its control to accomplish the objectives of this plan.

provision of this contract requires that the developer construct 20 homes to be sold to low and moderate-income homebuyers. Public improvement costs for this phase have been estimated at \$152,000.










The second phase of the 23rd Avenue Project will involve the installation of infrastructure in 28th Avenue from South 15th to South 18th Street at an approximate cost of \$770,000. Phase II improvements include the installation of sanitary sewer, storm sewer, water, energy and communication utilities, street paving, grading, engineering and inspection. This phase of the project will involve the installation of a 36" to 60" diameter storm sewer main along 28th Avenue that will serve as the backbone of future development and ultimately serve a 25 block area. Upon completion of this phase, 30 residential lots will be created. Funding for this phase includes \$148,000 of EDI funds, \$200,000 in Iowa Trust Fund funds, \$100,000 of Community Development Block Grant (CDBG) funds, \$150,000 in G.O. Bonds funds, and \$172,000 to be determined. Please refer to Illustration 8, Development Plan, for a visual representation of the multi-phased development plan for the project area.

Local HOME consortium funds have also been committed to both phases of the project to subsidize part of the down payment assistance for eligible low and moderate income homebuyers. Land sale proceeds will also be used to assist with the financing of the project.

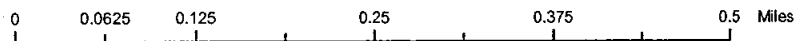
Future phases will include the development of remaining vacant ground along South 16th Street and South 19th Street to South 22nd Street. This will require the installation and extension of infrastructure to accommodate the future phases of development. In the future the City will continue to pursue various sources of funding to assist in the installation of infrastructure. Please refer to Illustration 8, Development Plan, for a visual representation of the multi-phased development plan for the project area.



Legend

-  Urban Renewal Area
-  Parcels
-  Standard Streets
-  Substandard Streets
-  Unimproved Streets
-  Highways
-  Streets
-  Railroad
-  Major Waterways

**23rd Avenue
Urban Renewal Area
Street Map**



CHAPTER IV LAND DISPOSITION SUPPLEMENTS

Land Use and Zoning – This plan may be amended to add additional land use controls and regulations for development of sub-areas within the project area. These additional land use controls and regulations will provide the basis for control by the City of Council Bluffs for any and all real property disposed of by the City for private development within the area and control of public projects and improvements.

**CHAPTER VI
PROCEDURES FOR AMENDMENT OF THE
URBAN RENEWAL PLAN**

In accordance with Chapter 403, Section 403.5 (5) of the 2003 Code of Iowa, this plan may be further amended or modified at any time: Provided, that if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable, and in any event such modification shall be subject to such rights at law or in equity as a lessee or purchaser, or a lessee's or purchaser's successor or successors in interest, may be entitled to assert. The municipality shall comply with the notification and consultation process provided in this section prior to the approval of any amendment or modification to an adopted urban renewal plan if such amendment or modification provides for refunding bonds or refinancing resulting in an increase in debt service or provides for the issuance of bonds or other indebtedness, to be funded primarily in the manner provided in section 403.19.

If the City desires to make any further change or modification of this plan, it may do so by resolution of the City Council of Council Bluffs, Iowa, upon review and recommendation by the City Planning Commission, and after notice and public hearing before the City Council, as required by Section 403.5 of the 2003 Code of Iowa, or any successor provision thereof.