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CITY ADMINISTRATOR'S OFFICE MEMO

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319-393-1515 ext.523

To: Mayor and City Council

From: City Administrator, Kim Downs

Date: March 9, 2017

RE: Vacation of the Boyson Road Detention Pond located at 665-695 Boyson Road

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Hiawatha Staff is requesting Council's approval to consider vacating the Boyson Road Detention Pond-665-695 Boyson Road (Legal Description-Lots 16,17, 18, Auditors Plat #372, Linn County, Iowa). Part of the process to vacate a city owned parcel the city council must request a review and receive a recommendation from the Planning and Zoning Commission as established in Ordinance 137.02. It is at this time we ask council to authorize a resolution for the purpose of a study and recommendation to the City Council for consideration.

When in the judgement of the City Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the City may do so in accordance with the following provisions of Section 364.7 of the Iowa Code.

364.7 DISPOSAL OF PROPERTY.
A city may not dispose of an interest in real property by sale, lease for a term of more than three years, or gift, except in accordance with the following procedure:

1. The council shall set forth its proposal in a resolution and shall publish notice as of a date, time and place of a public hearing on the proposal.

2. After the public hearing, the council may make a final determination on the proposal by resolution.

3. A city may not dispose of real property by gift except to a governmental body for a public purpose.

Today the Boyson Road detention pond is utilized for storm water runoff and would continue to be utilized in the same manner upon the sell of the property. There is interest from an adjacent property owner to purchase such lot utilizing the available green space.

The Boyson Road detention pond would continue to be used as a detention pond as it is utilized today. Additionally, the purchaser would be responsible to maintain and certify the Boyson Road detention pond as per our city code.

Thank you for your consideration of this matter.

City Detention Pond
City Kainz Park
AUDITOR'S PLAT
BOYSON RD
KAINZ DR
R-1
C-2
C-3
CPR-3
R-MH
MANLEY'S FIRST ADDITION
P.B.L. FIRST ADDITION
CEDAR VALLEY NATURE TRAIL
CAROL LN
PAPE AND MOOSE FIRST ADDITION

DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION REFERRING THE PROPOSAL TO VACATE DETENTION POND PROPERTY TO THE PLANNING AND ZONING COMMISSION FOR STUDY AND RECOMMENDATION TO CITY COUNCIL
665-695 Boyson Road, Lots 16-18 of Auditors Plat No. 372, Linn County, Iowa

WHEREAS, the City of Hiawatha desires to vacate the City owned detention pond property located at 665-695 Boyson Road and legally described as Lots 16-18 of Auditors Plat No. 372, Linn County, Iowa, for the purpose of selling the parcel of land through a bid process and removing City responsibility for maintenance, and

WHEREAS, as per Code of Ordinances Chapter 137 Vacation and Disposal of Streets, Section 137.02 Planning and Zoning Commission, "Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for a study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission," and

WHEREAS, with the passage of this resolution, City Council formally refers the proposal to vacate the City owned detention pond property to the Planning and Zoning Commission as directed in Section 137.02 of the Code of Ordinances, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to refer the request to vacate City owned detention pond property located at 665-695 Boyson Road and legally described as Lots 16-18 of Auditors Plat No. 372, Linn County, Iowa, as requested by the City of Hiawatha, to the Planning and Zoning Commission for a study and recommendation prior to further consideration by City Council. "The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission."

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 15th day of March, 2017.

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Bill Bennett, Mayor

ATTEST:

_____
Kari Graber, Deputy Clerk