

GENERAL INFORMATION ON PURCHASING VACATED RIGHT-OF-WAY

In conjunction with submitting an Application for Vacation, many adjacent property owners often desire to purchase the vacated right-of-way. This memo provides general information regarding the procedure you must follow to make such a purchase and the factors the City Council considers when determining whether to accept your purchase offer and convey the vacated property to you.

In order for the City Council to consider conveying the vacated right-of-way to you, you must first submit a purchase offer to the City Attorney's office. This purchase offer is in addition to the Application for Vacation and will be considered separately. Once the City Attorney's office has received your offer, the City Council will consider a "Resolution of Intent to Convey" the vacated right-of-way. A public hearing on the offer and resolution will be set, ideally on a date that coincides with the Council's final reading of the proposed ordinance to vacate the property. If, after public hearing, the Council agrees that your offer reflects fair market value and the conveyance is in the public interest, it may pass a "Resolution Authorizing Conveyance." All of these steps are necessary for the City to pass clear title of the former right-of-way to a private party.

It is important to recognize that the City holds property "in trust" for the use and benefit of the public, and thus, City property can be disposed of only in accordance with the public interest. As "trustee" of public property, the City Council must dispose of such property in good faith, upon adequate consideration, and upon reasonable and lawful terms. Generally, "adequate consideration" has meant the City must obtain fair market value for the property to be conveyed, assuming the transaction does not entail other public benefit.

Determining "adequate consideration" or fair market value for parcels of public property, particularly former right-of-way property, can be difficult. The City Council considers the specific facts of each situation when determining the appropriate payment for conveyance of such property. In past conveyances, the amount of consideration has been based on the assessed value of neighboring property or recent sales of neighboring or comparable property (on a price per square foot basis). Although an appraisal is not necessary, when one is available, appraised value of neighboring property can also serve as a basis for determining the appropriate consideration. The existence of easements which limit the buildable area or use of the property may support a lower valuation.

These figures of course do not take into account any "public benefit" or other unique circumstances you may believe exist in relationship to your proposal to acquire the parcel from the City. Please take all of these factors into consideration when submitting your offer, as prospective purchasers are often asked to explain how their offer was arrived at and how this relates to the fair market value of the property.

For more information on making an offer to purchase a vacated right-of-way, please contact Assistant City Attorney Sara Greenwood Hektoen at (319)356-5030 or sara-hektoen@iowa-city.org.

2016 FEES FOR REVIEW OF APPLICATIONS

City of Iowa City
Planning & Zoning Commission
and
Board of Adjustment

<u>TYPE</u>	<u>FEE</u>
Subdivision	
Preliminary (Minor)	\$725
Preliminary (Major)	\$725 + \$20 per lot
Final	\$725
Combination: Preliminary/Final	\$795 + \$20 per lot
Planned Area Development (OPD)	
Preliminary	\$725 + \$20 per lot
Final administrative review Submit to Development Services – 2 nd Floor City Hall	\$265
Combination: OPD and Subdivision	
Preliminary	\$725 + \$20 per lot
Final	\$725
Combination: Preliminary/Final	\$795 + \$20 per lot
Rezoning	\$500
Comprehensive Plan Amendment	\$500
Voluntary Annexation	\$500
Street or Alley Vacation	\$200
Variance	\$425
Special Exception	\$425
Other BOA actions	\$425
Combination BOA actions	\$495

Submit completed form(s) and payment to City Clerk, 410 E Washington Street.

*These fees will be updated in February 2017 to reflect changes in the rate of inflation.

CITY OF IOWA CITY
Planning and Zoning Commission
2017 Application Deadline

APPLICATION DEADLINE

December 15
December 29

January 12
January 26

February 9
February 23

March 16
March 30

April 13
April 27

May 11
May 25

June 15
June 29

July 13
July 27

August 17
August 31

September 14
September 28

October 12
October 26

November 16
November 30

December 14
December 28

January 11, 2018
January 25, 2018

February 8, 2018
February 22, 2018

FORMAL MEETING

January 5 or January 19
January 19 or February 2

February 2 or February 16
February 16 or March 2

March 2 or March 16
March 16 or April 6

April 6 or April 20
April 20 or May 4

May 4 or May 18
May 18 or June 1

June 1 or June 15
June 15 or July 6

July 6 or July 20
July 20 or August 3

August 3 or August 17
August 17 or September 7

September 7 or September 21
September 21 or October 5

October 5 or October 19
October 19 or November 2

November 2 or November 16
November 16 or December 7

December 7 or December 21
December 21 or January 4, 2018

January 4 or January 18, 2018
January 18 or February 1, 2018

February 1 or February 15, 2018
February 15 or March 1, 2018

March 1 or March 15, 2018
March 15 or April 5, 2018

Submit Application by Noon to:
City Clerk's Office, City Hall, 410 E. Washington Street, Iowa City

Meeting time and location

Planning and Zoning formal meetings are scheduled for the first and third Thursday of every month at 7 p.m. in Emma Harvat Hall, City Hall, 410 East Washington Street. (If needed, Planning and Zoning informal meetings are held at 5:15 p.m. on the Monday preceding each formal meeting.) Attendees are advised to check the meeting agenda at www.icgov.org/p&z or contact the Department of Development Services at 319-356-5230 for any possible changes.

For more information contact Bob Miklo at 319-356-5240 or bob-miklo@iowa-city.org.

*Good Neighbor meetings are NOT required as part of the review process in Iowa City but they are strongly encouraged in most instances. If you state that you will or have participated in the program, **the following steps must be followed by the applicant:***

- **Meeting facilities located as close to the subject property and neighbors as possible.** The Neighborhood Outreach Coordinator can make suggestions and final arrangements in most cases.
- **Good Neighbor meeting notice reviewed by City staff prior to distribution.** The Neighborhood Outreach Coordinator will ensure that it is reviewed/approved and be responsible for sending it on to representatives of impacted neighborhood associations for their distribution.
- **Meeting notice sent by applicant to all property owners within 300' of the subject property by applicant and sent out not less than 7 days prior to Good Neighbor meeting date.**
- **Good Neighbor Meeting occurs no less than 7 days prior to the scheduled board/commission meeting** to enable adequate time to provide input.
- **Good Neighbor meeting attended by a City staff representative if necessary.** Staff will be available as a resource to respond to questions related to process, schedule, and zoning, etc. Staff can be arranged by the Neighborhood Outreach Coordinator.
- **Summary Report for Good Neighbor Meeting completed by applicant and submitted prior to board/commission review.** A fill-in form of the Summary Report is available at www.icgov.org/goodneighbor.



Neighborhood and
Development Services
410 E. Washington Street
Iowa City, IA 52240

Phone: 319-356-5230
Fax: 319-356-5217

Good Neighbor Program

www.icgov.org/goodneighbor

City of Iowa City
Neighborhood and
Development Services

The Office of Neighborhood Outreach is available to assist with the Good Neighbor Program by arranging meeting rooms, providing sample meeting notices, notifying neighborhood association contacts, and other information and advice.

Contact Marcia Bollinger, Neighborhood Outreach Coordinator

Phone: 319-356-5237

E-mail: Marcia-Bollinger@iowa-city.org

History and Background

Iowa City's Good Neighbor Program is part of an effort to make the development process run more smoothly between property owners and developers who seek zoning and related changes, and the neighborhoods that may be affected by those changes. The Good Neighbor Program is not a requirement, but rather a recommended approach that encourages proactive dialogue between property owners, developers, and neighbors that may help identify and resolve issues before the project is reviewed by the Planning and Zoning Commission or the Board of Adjustment.

For minor projects, such as a yard setback reduction, the approach may be as simple as knocking on neighbors' doors to discuss the proposed project with them. For a rezoning or subdivision, it may be appropriate to hold a neighborhood meeting or open house to present the project and invite questions and comments from your neighbors.

While the Good Neighbor Program does not guarantee specific outcomes, answering neighbors' questions and hearing their concerns or suggestions may provide the opportunity to developers/applicants to address concerns or objections before the project is reviewed in a public forum. This can minimize controversy and delays when a project is reviewed by the Board of Adjustment, Planning and Zoning Commission, or the City Council.

Helpful Tips for a Good Neighbor Meeting

▼ ***What information can you provide that neighbors will find useful?***

- Background information including a description of your project and the public process it must go through.
- Site plans, elevations, models, aerial photos, drawings, etc. This will help them visualize the changes you wish to make.
- Information or other resources that discuss the zoning or land development process. The Neighborhood Outreach Coordinator can provide you with this information or is available at www.icgov.org/goodneighbor

▼ ***View it from their perspective: How will neighbors see your project?***

- Put yourself in the place of the people who surround your property. Will they view your project as an enhancement or unexpected change?
- How might your project impact traffic or pedestrian safety in the area?
- Does your project enhance or complement existing

neighborhood character or does it contrast with what surrounds it?

- Will your project alter the natural landscape, impact views, etc.?
- Might your project reduce the sense of privacy for a neighboring property owner?

▼ ***Ways to respond to concerns***

- Listen and be respectful—give people the chance to be heard.
- Focus on identifying problems. This meeting is a chance for you to gather input that may be useful to you in getting your project through the review process. The issues that your neighbors raise are often the same issues that may be raised by the Planning and Zoning Commission or the Board of Adjustment.
- Be open to options that could be reasonable or affordable ways to alleviate or address problems.
- Resolving problems at the meeting is not necessary, but it may be helpful to identify areas where there is some flexibility in your plans.
- Know that you won't necessarily be able to please everyone, but that you are providing an opportunity for dialogue. The neighbors will appreciate your effort and the opportunity to share their views.