

OFFICE OF THE CITY MANAGER  
DES MOINES, IOWA

CITY COUNCIL COMMUNICATION 96-307  
JULY 22, 1996 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
HEARING ON ENCROACHMENT REMOVAL APPEAL—EAST 14TH STREET AND SHAWNEE AVENUE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JIM THOMPSON TRAFFIC & TRANSPORTATION DIRECTOR

**SYNOPSIS —**

As part of the design process for the improvement that is to be constructed at the intersection of East 14th Street and Aurora Avenue by the Iowa Department of Transportation, the advertising sign for Mid-States RV, 4106 East 14th Street, was found to be located entirely within the existing Shawnee Street right-of-way, in violation of Section 23-41 of the Municipal Code.

The existing sign was installed in 1983, at which time a sign permit was issued by the City of Des Moines Building Department (No. S-8695). As part of this permit approval process, the applicant agreed to comply with all City ordinances regulating signs and billboards, which requires that these signs be placed on private property.

The City has notified the property owner that this sign is to be removed from the public right-of-way, in accordance with the requirements of Sections 23-41 and 23-42 of the Municipal Code. On June 13, 1996, the owner filed a written appeal requesting a hearing before the Des Moines City Council concerning this matter.

**FISCAL IMPACT —**

The City's cost to relocate the sign would be approximately \$2,500 if Council determines that the City should pay for this work.

**RECOMMENDATION —**

On the July 22, 1996 Council agenda is a roll call authorizing City Council to either (1) deny the owner's request and require that the owner remove the sign at their expense or (2) grant the owner's request and require that the City of Des Moines relocate the sign at City expense. **Based on the sign permit regulations as acknowledged by the owner on the original sign permit form, staff recommends that the property owner's request be denied and that they be required to remove and/or relocate this sign at their expense.**

**BACKGROUND —**

As part of the design process for the improvement that is to be constructed at the intersection of East 14th Street and Aurora Avenue by the Iowa Department of Transportation, a "sign" survey was completed in 1995 to identify existing advertising signs that would be affected by the project. During this survey, it was found that the advertising sign for Mid-States RV, 4106 East 14th Street, was located entirely within the existing Shawnee Street right-of-way, which is in violation of Section 23-41 of the Municipal Code. Although this sign does not currently overhang into the East 14th Street right-of-way, a minor amount of right-of-way on the west side of the street is required as part of the proposed project. This sign will encroach over the future East 14th Street right-of-way.

The existing sign was installed in 1983, at which time a sign permit was issued by the City of Des Moines Building Department (No. S-8695). As part of this permit approval process, the applicant agreed to comply with all City ordinances regulating signs and billboards, which requires that these signs be placed on private property. Although we cannot verify what took place at the time that the sign was installed in 1983, the City's current procedure is to conduct a field inspection of the proposed sign location prior to its installation. Therefore, the owner could argue that the City should have determined that the sign would encroach upon City property at that time.

Because the sign did encroach totally within public right-of-way, in April and December 1995, the Traffic and Transportation Department notified the property owner, Mr. Robert Verschuure of Mid-States RV, 4106 East 14th Street, to move the business sign from its present location back onto private property. No action was taken by the owner.

On June 3, 1996, the City once again sent a certified letter to the property owner, directing that this sign be removed from the public right-of-way in accordance with the requirements of Section 23-41 and 23-42 of the Municipal Code. On June 13, 1996, the owner filed a written appeal with the Traffic and Transportation Department in accordance with Section 23-41, requesting a hearing before the Des Moines City Council concerning this matter.