

**CITY COUNCIL
COMMUNICATION:**

03-440

AGENDA:

SEPTEMBER 8, 2003

SUBJECT:

VACATION OF DEAD
END STUB OF EAST
HUGHES AVENUE
RUNNING EAST OF
SE 8TH STREET

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

LARRY HULSE
COMMUNITY
DEVELOPMENT
DIRECTOR

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

Staff recommends approval of the ordinance vacating the dead end stub of East Hughes Avenue running east of SE 8th Street subject to the provisions specified in the deed.

FISCAL IMPACT —

None.

RECOMMENDATION —

Approval.

BACKGROUND —

On April 10, 2003, Harold Agee of 3219 SE 8th Street submitted a request to vacate the dead end stub of East Hughes Avenue running east of SE 8th Street.

There are existing driveways on properties addressed as 3219 SE 8th Street and 804 East Hughes Street that are accessed from this segment of East Hughes Avenue. In addition, the Des Moines Independent School District owns property adjoining the easterly terminus of the dead end stub of East Hughes Avenue.

The Des Moines Public School District attended the May 1, 2003 Plan and Zoning Commission hearing and indicated they may be building a school on an adjoining property and would like to acquire the vacated right-of-way for access in the event the school is constructed.

Former Community Development Director Jim Grant suggested that the right-of-way be vacated and conveyed to the Des Moines Independent School District subject to the school district granting access easements to 3219 SE 8th Street and 804 East Hughes and an encroachment easement to 3219 SE 8th Street (so a garage can be constructed).

The Plan and Zoning Commission concurred with Mr. Grant's solution by a vote of 12-0.

On August 25, 2003, the City Council voted to continue the public hearing and first reading of the ordinance vacating the dead end stub of East Hughes Avenue running east of SE 8th Street in order to verify that access was

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provided for adjoining property owners.

The Deed for the property specifies that conveyance of the subject property to the Des Moines Independent School District shall be subject to access for the benefit of the adjoining properties (804 East Hughes Street and 3219 SE 8th Street) and subject to a future easement being granted by the School District for the construction and placement of a garage serving the property at 3219 SE 8th Street. Therefore, all access issues are resolved.

The Des Moines Independent School District has been notified that they are responsible for preparing and executing the necessary encroachment easement as a separate and independent transaction.

