

Date February 8, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 21, 2010, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request to vacate State Avenue from Searle Street to East 23<sup>rd</sup> Street and Searle Street from State Avenue to Frederick M. Hubbell Avenue subject to the following conditions:

1. Provision of easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Reservation of a public access easement for either a turnaround or egress for the north/south alley for the portion of the State Avenue right-of-way.

MOVED by \_\_\_\_\_ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:



Michael F. Kelley  
Assistant City Attorney

(11-2009-1.18)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

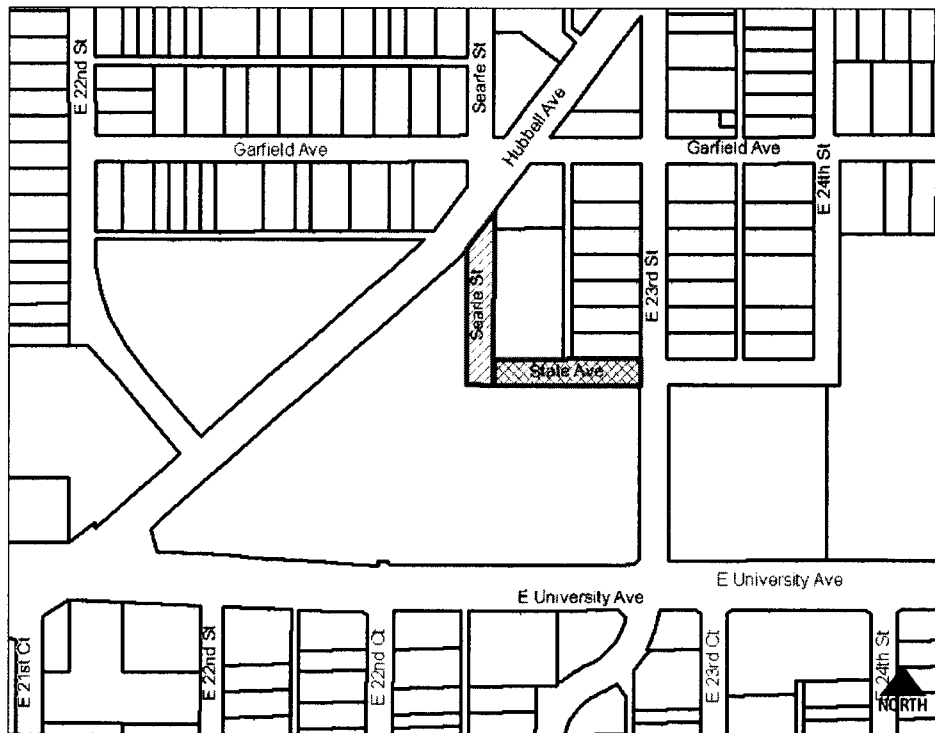
\_\_\_\_\_  
City Clerk

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Request from Anderson Erickson Dairy Company (owner), represented by Robert Mahaffey (officer), to vacate the following public street segments: A) State Avenue from Searle Street to the north/south alley lying west of East 23 <sup>rd</sup> Street. B) Searle Street from State Avenue to Frederick M. Hubbell Avenue.				<b>File #</b> 11-2009-1.18	
<b>Description of Action</b>	Vacate the following public street segments: A) State Avenue from Searle Street to the north/south alley lying west of East 23 <sup>rd</sup> Street. B) Searle Street from State Avenue to Frederick M. Hubbell Avenue.				
<b>2020 Community Character Plan</b>	General Industrial				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District, "C-2" General Retail and Highway-Oriented Commercial District, and "M-1" Light Industrial District				
<b>Proposed Zoning District</b>	"R1-60" One-Family Low-Density Residential District, "C-2" General Retail and Highway-Oriented Commercial District, and "M-1" Light Industrial District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1			N/A	
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	9-0	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	N/A

Anderson Erickson Dairy Co. - State & Searle Streets

11-2009-1.18



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January 27, 2010

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held January 21, 2010, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley				X
Dann Flaherty	X			
Ted Irvine				X
Jeffrey Johannsen	X			
Greg Jones	X			
Jim Martin	X			
Brian Millard	X			
William Page	X			
Mike Simonson	X			
Kent Sovern	X			

**APPROVAL** of the request from Anderson Erickson Dairy Company (owner), to vacate State Avenue from Searle Street to East 23<sup>rd</sup> Street and Searle Street from State Avenue to Frederick M. Hubbell Avenue subject to the following:

11-2009-1.18

1. Provision of easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Reservation of a public access easement for either a turnaround or egress for the north/south alley for the portion of the State Avenue right-of-way.

Written Responses

- 1 In Favor
- 0 In Opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation subject to:

1. Provision of easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Reservation of a public access easement for either a turnaround or egress for the north/south alley for the portion of the State Avenue right-of-way.



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant intends to assemble the developed street right-of-way with the adjoining property. The applicant owns all of the properties surrounding the segments of State Avenue and Searle Street right-of-way.
2. **Size of Site:** Approximately 28,959 square feet (0.66 acres).
3. **Existing Zoning (site):** "M-1" Light Industrial District and "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** State Avenue and Searle Street right-of-way.
5. **Adjacent Land Use and Zoning:**
  - North* – "R1-60" & M-1; Uses include a trailer storage/parking area and undeveloped land owned by Anderson Erickson Dairy Company.
  - South* – "M-1"; Use is the Anderson Erickson Dairy Company.
  - West* – "M-1"; Use is the Anderson Erickson Dairy Company.
  - East* – "M-1"; Use is a trailer storage/parking area owned by Anderson Erickson Dairy Company.
6. **General Neighborhood/Area Land Uses:** The subject street right-of-way is located in a predominantly industrial area immediately northeast of the Anderson Erickson Dairy Company.
7. **Applicable Recognized Neighborhood(s):** ACCENT Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.
10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

### II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** MidAmerican Energy has indicated that there are electrical utilities located along the east side of the Searle Street right-of-way including electric lines, poles, street lights, and transformers. There are gas mains along the east side of the Searle Street right-of-way and north side of the State Avenue right-of-way. Des Moines Waterworks has indicated that there is an 8-inch water main within the requested Searle Street right-of-way segment. Staff recommends that easements be reserved for these utilities until such time as they may be relocated at the expense of the applicant.
2. **Traffic/Street System:** There are six residential properties along the north/south alley west of East 23rd Street that utilize the requested segment of State Avenue for direct access to East 23rd Street, which is a collector street for the area. Staff has notified these property owners of the request and believes that the subject street right-of-way remains necessary for public purposes.

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Staff recommends that a public access easement be reserved for either a turnaround or egress for the north/south alley across the requested State Avenue right-of-way.

**SUMMARY OF DISCUSSION**

*There was no discussion.*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one in the audience to speak in opposition.*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION**

Greg Jones moved staff recommendation to approve the request to vacate State Avenue from Searle Street to East 23<sup>rd</sup> Street and Searle Street from State Avenue to Frederick M. Hubbell Avenue subject to the following conditions:

1. Provision of easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Reservation of a public access easement for either a turnaround or egress for the north/south alley for the portion of the State Avenue right-of-way.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Item 11-2009-1.18 Date 1/14/10

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(am)  (am not) in favor of the request.

**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT DEPARTMENT

Anderson Erickson Dawy Co  
Print Name Robert L. Mahaffey Treas

JAN 25 2010

Signature Robert L. Mahaffey

DEPARTMENT

Address 2420 E. University 50317

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2009-1.18 Date 1/14/10

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