

★ **Roll Call Number**

Agenda Item Number

20

.....
March 12, 2007

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 1, 2007, its members voted 10-0 in support of a motion to recommend approval of a City Council initiated request for vacation and conveyance of the following street rights-of-ways pursuant to the Second Amendment to the SE AgriBusiness Urban Renewal Plan:

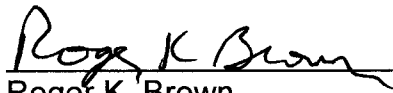
- A) East Granger Avenue from SE 34th Street to SE 37th Street.
- B) SE 34th Street from East Granger Avenue to Vandalia Road.
- C) SE 35th Street from East Granger Avenue to Vandalia Road.
- D) SE 37th Street from Vacated Wabash Railroad to Vandalia Road.

subject to the following conditions:

- 1. Reservation of easements for all existing utilities.
- 2. Prohibition of the vacation and conveyance of East Granger Avenue from SE 35th Street to SE 36th Street until the parcels located at 1601 and 1615 SE 35th Street are held in common ownership with an adjoining parcel that has frontage on a public street.

MOVED by _____ to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures.

FORM APPROVED:


Roger K. Brown
Assistant City Attorney

(11-2007-1.05)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

_____ Mayor

CERTIFICATE

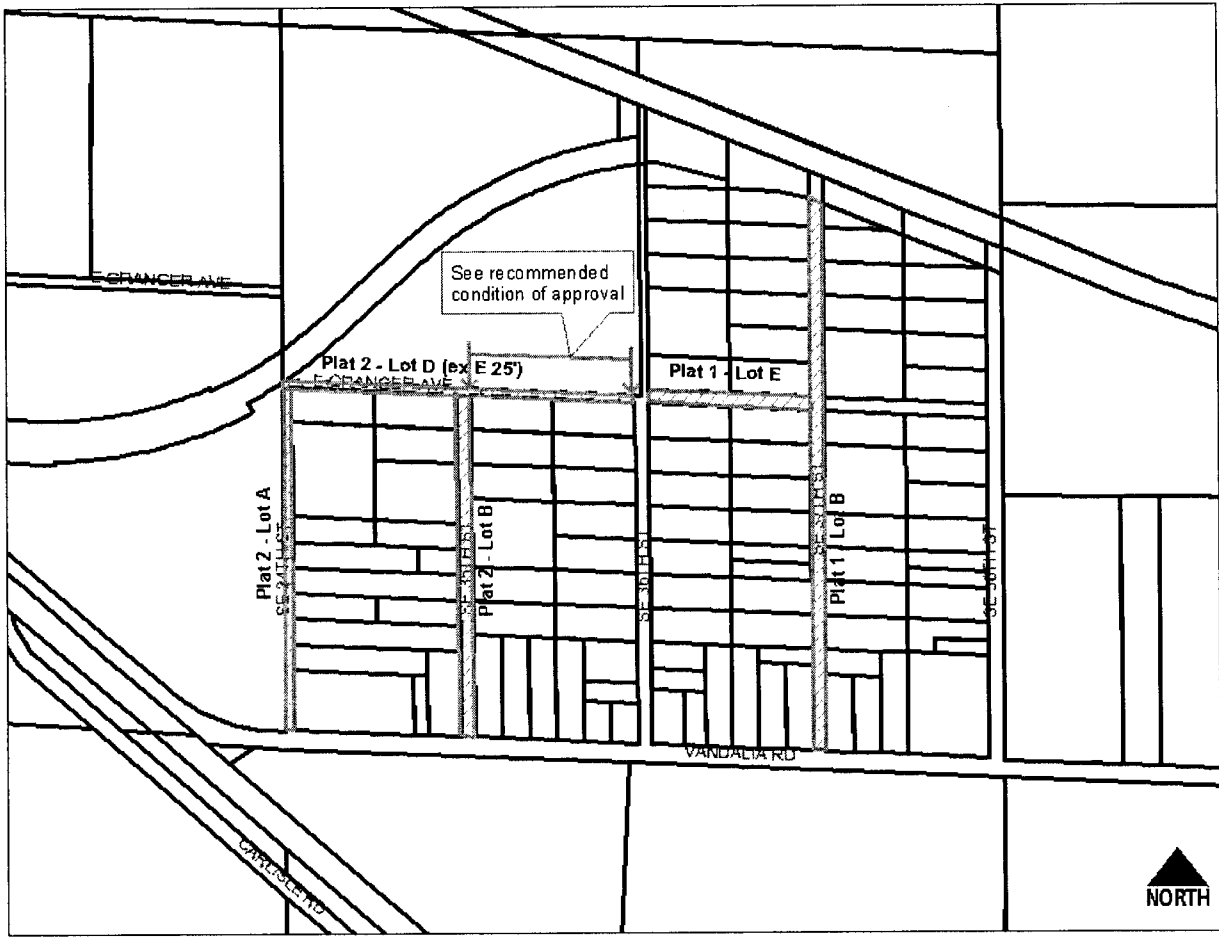
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

_____ City Clerk

City Council initiated request for vacation and conveyance.			File #	
			11-2007-1.05	
Description of Action	Vacate and convey the following street rights-of-way pursuant to the Second Amendment to the SE AgriBusiness Urban Renewal Plan: A) East Granger Avenue from SE 34 th Street to SE 37 th Street. B) SE 34 th Street from East Granger Avenue to Vandalia Road. C) SE 35 th Street from East Granger Avenue to Vandalia Road. D) SE 37 th Street from Vacated Wabash Railroad to Vandalia Road.			
2020 Community Character Plan	Planned Business Park.			
Horizon 2025 Transportation Plan	SE Diagonal From Scott Street to Relocated Hwy 65 to be built as a 4 lane undivided minor arterial.			
Current Zoning District	"M-1" Light Industrial & "M-2" Heavy Industrial District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	0	0	N/A
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

City Initiated - 2nd Amendment - SE AgriBusiness Urban Renewal Plan 11-2007-1.05



March 12, 2007

Agenda Item 20
Roll Call # _____

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 March 1, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones				X
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson				X
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



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

APPROVAL of a City Council initiated request for vacation and conveyance of the following street rights-of-ways pursuant to the Second Amendment to the SE AgriBusiness Urban Renewal Plan: (11-2007-1.05)

- A) East Granger Avenue from SE 34th Street to SE 37th Street.
- B) SE 34th Street from East Granger Avenue to Vandalia Road.
- C) SE 35th Street from East Granger Avenue to Vandalia Road.
- D) SE 37th Street from Vacated Wabash Railroad to Vandalia Road.

Vacation and conveyance is subject to the following conditions:

- 1. Reservation of easements for all existing utilities.
- 2. Prohibition of the vacation and conveyance of East Granger Avenue from SE 35th Street to SE 36th Street until the parcels located at 1601 and 1615 SE 35th Street are held in common ownership with an adjoining parcel that has frontage on a public street.

Written Responses

0 In Favor
0 In Opposition

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested vacation and conveyance subject to the following conditions:

1. Reservation of easements for all existing utilities.
2. Prohibition of the vacation and conveyance of East Granger Avenue from SE 35th Street to SE 36th Street until the parcels located at 1601 and 1615 SE 35th Street are held in common ownership with an adjoining parcel that has frontage on a public street.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The City is assembling land for redevelopment in accordance with the Second Amendment to the SE AgriBusiness Urban Renewal Plan. The subject right-of-ways are a part of this process. The proposed vacations will allow the City to barricade the subject streets to discourage illegal dumping until the area is redeveloped.
2. **Size of Site:** The subject right-of-ways are generally 1,300 feet in length.
3. **Existing Zoning (site):** "M-1" Light Industrial and "M-2" Heavy Industrial.
4. **Existing Land Use (site):** Semi-developed and undeveloped streets.
5. **Adjacent Land Use and Zoning:**
 - North* – "M-2" & "M-1", Uses are vacant land and salvage yards.
 - South* – "M-1" & "M-2", Uses are chemical company and vacant land.
 - East* – "M-1", Uses are vacant land and salvage yards.
 - West* – "M-1", Uses are vacant land and salvage yards.
6. **General Neighborhood/Area Land Uses:** This area is generally characterized by vacant land and salvage yards.
7. **Applicable Recognized Neighborhood(s):** None.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Planned Business Park.
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:** The subject segment of SE 34th Street contains two sanitary sewer lines and a water main. The subject segments of SE 35th Street and SE 37th Street contain water mains. Qwest has indicated they have buried facilities along the north side of Vandalia Road that will be impacted by the requested vacation of SE 34th Street, SE 35th Street and SE 37th Street.

Access easements must be maintained for all of these facilities. Staff is not aware of any other utilities in the subject right-of-ways.

- 2. Street System/ Access:** The City owns the majority of the parcels that have access to the subject segments of right-of-way. Two other owners control the remaining parcels. The first group of parcels is located along the west side of SE 37th Street and is owned by Dean Meyer. These parcels are used in common with parcels that will continue to have access to SE 36th Street. The second group of parcels is located at the southeast corner of SE 35th Street and East Granger Avenue and is owned by Donald & Fay Beals. The proposed street vacations would eliminate access to these parcels from a public street as required by the City Code. Staff recommends that the segment of East Granger Avenue between SE 35th Street and SE 36th Street not be vacated until the City purchases these parcels. The City's Real Estate Division is currently in negotiations to purchase these properties. The property owners have expressed their support of the proposed vacations to Real Estate Division staff as a way to limit illegal dumping.

SUMMARY OF DISCUSSION

There was no discussion on this item.

David Cupp moved to approve staff recommendation. Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment