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Date..... March 22, 2010.....

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Page 1

SET HEARING FOR VACATION AND CONVEYANCE OF STATE AVENUE FROM SEARLE STREET TO EAST 23RD STREET AND SEARLE STREET FROM STATE AVENUE TO FREDERICK M. HUBBELL AVENUE TO ANDERSON ERICKSON DAIRY CO. FOR \$30,786

WHEREAS, on February 8, 2010, by Roll Call No. 10-182, the City Council received a recommendation from the City Plan and Zoning Commission that State Avenue from Searle Street to East 23rd Street and Searle Street from State Avenue to Frederick M. Hubbell Avenue, hereinafter more fully described, be vacated and sold; and

WHEREAS, the grantee identified below is the owner of the property abutting such rights-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of the portion of such rights-of-way described below, in order to use such rights-of-way for the expansion of and incorporation into their existing site, which conveyance will be subject to reservation of a public access easement over the eastern portion of vacated State Avenue for access to the north/south alley, and which purchase price reflects the restricted fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no know current or future public need for the rights-of-way proposed to be sold and the City will not be inconvenienced by the sale of this property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating State Avenue from Searle Street to East 23rd Street and Searle Street from State Avenue to Frederick M. Hubbell Avenue, more specifically described as follows:

All of Searle Street right-of-way lying West of and adjoining Lots 52 through 56, Allen Place, an Official Plat, and all of State Avenue right-of-way lying North of and adjoining Lots 1 through 6, Ostend, an Official Plat, and lying North of and adjoining vacated Searle Street (Vacated by Ordinance No. 7608, passed February 5, 1968), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to sell such rights-of-way, as described below, to the grantee and for the consideration identified below:

To: Anderson Erickson Dairy Co. for \$30,786

Date March 22, 2010

All of vacated Searle Street right-of-way lying West of and adjoining Lots 52 through 56, Allen Place, an Official Plat, and all of vacated State Avenue right-of-way lying North of and adjoining Lots 1 through 6, Ostend, an Official Plat, and lying North of and adjoining vacated Searle Street (Vacated by Ordinance No. 7608, passed February 5, 1968), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

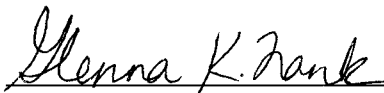
3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on April 12, 2010, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

5. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Glenna K. Frank
 Assistant City Attorney

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

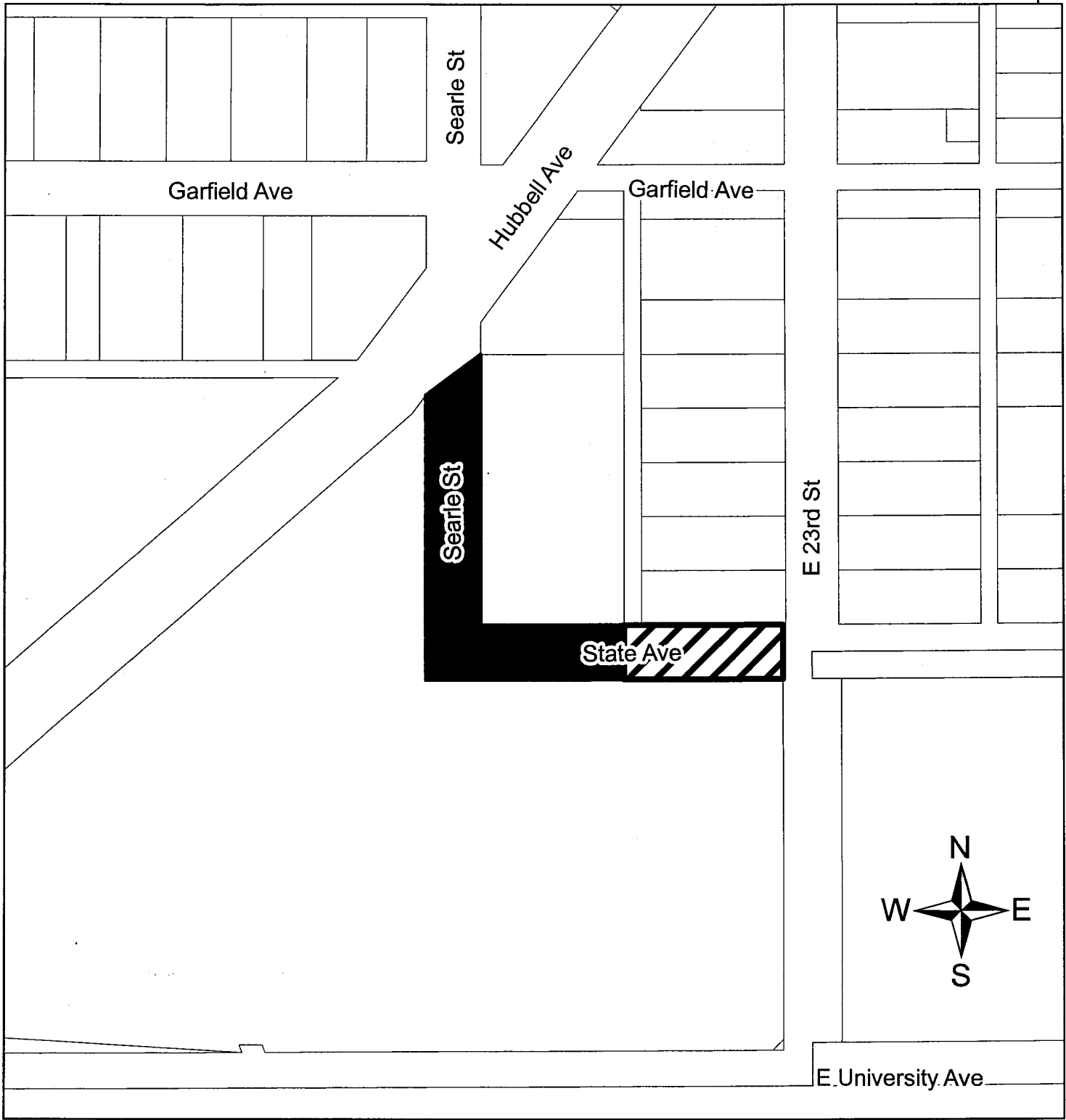
CERTIFICATE

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.

_____ Mayor

_____ City Clerk



Legend

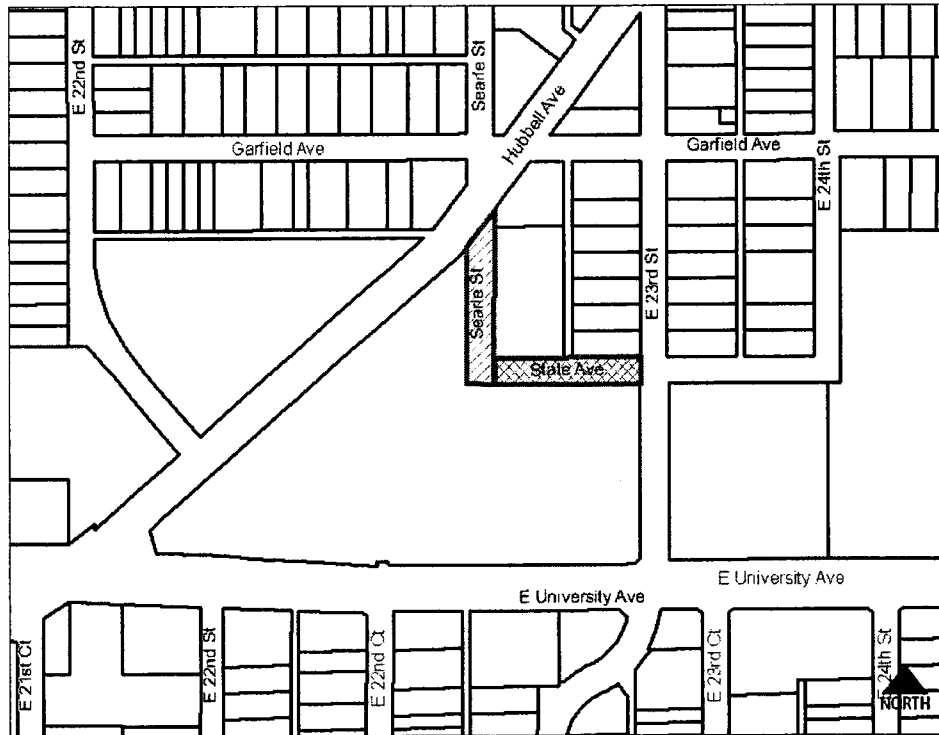
-  DISPOSITION WITH PUBLIC INGRESS-EGRESS
-  DISPOSITION

**DISPOSITION -
ANDERSON ERICKSON DAIRY COMPANY**

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

Anderson Erickson Dairy Co. - State & Searle Streets

11-2009-1.18



15
14

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			



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 the request from Anderson Erickson Dairy Company (owner), to vacate State Avenue from Searle Street to East 23rd 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.

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.

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 23rd 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

14

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

Anderson Erickson Dairy Co
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

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

Anderson Erickson Dairy Co
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:

