

Date May 4, 2009

**SET HEARING FOR THE VACATION AND CONVEYANCE OF SEGMENTS OF UNDEVELOPED SE 24<sup>TH</sup> COURT AND C B & Q STREET RIGHTS-OF-WAY TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

**WHEREAS**, on April 20, 2009, by Roll Call No. 09-623, the City Council received a recommendation from the City Plan and Zoning Commission that Southeast 24<sup>th</sup> Court from C B & Q Street north to Burlington Northern and Santa Fe Railroad and C B & Q Street from SE 24<sup>th</sup> Court east to Burlington Northern and Santa Fe Railroad, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, the Des Moines Metropolitan Wastewater Authority (WRA), a political subdivision organized under Chapters 28E and 28F of the Iowa Code, is the owner of 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 public purpose of construction of the Combined Sewer Solids Separation Facility.

**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 segments of undeveloped SE 24<sup>th</sup> Court and C B & Q Street, more specifically described as follows:

All that part of Southeast 24<sup>th</sup> Court lying South of the South right-of-way line of Chicago, Burlington & Quincy Railroad in the Southeast ¼ of the Northwest ¼ of Section 12, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., and lying North of the westerly extension of the South right-of-way line of C B & Q Street (Old Bennett Road)

And

All that part of C B & Q Street right-of-way (Old Bennett Road) lying East of the Southerly extension of the East right-of-way line of Southeast 24<sup>th</sup> Court and lying West of the South right-of-way line of Chicago, Burlington & Quincy Railroad, all now included in and forming 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 right-of-way, as described below to the grantee and for the consideration identified below:

To: The Des Moines Metropolitan Wastewater Reclamation Authority for \$1

Date May 4, 2009

All that part of the vacated Southeast 24<sup>th</sup> Court lying South of the South right-of-way line of Chicago, Burlington & Quincy Railroad in the Southeast ¼ of the Northwest ¼ of Section 12, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., and lying North of the westerly extension of the South right-of-way line of C B & Q Street (Old Bennett Road)

And

All that part of the vacated C B & Q Street right-of-way (Old Bennett Road) lying East of the Southerly extension of the East right-of-way line of Southeast 24<sup>th</sup> Court and lying West of the South right-of-way line of Chicago, Burlington & Quincy Railroad, all now included in and forming 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 May 18, 2009, said meeting to be held at 5:00 p.m., in the Council Chamber.

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. There are no proceeds from the sale of this property and associated costs shall be expended from the following account: WRA Combined Sewer Solids Separation Facility, AG267, WRA99000, WRA087.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

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

MOTION CARRIED

APPROVED

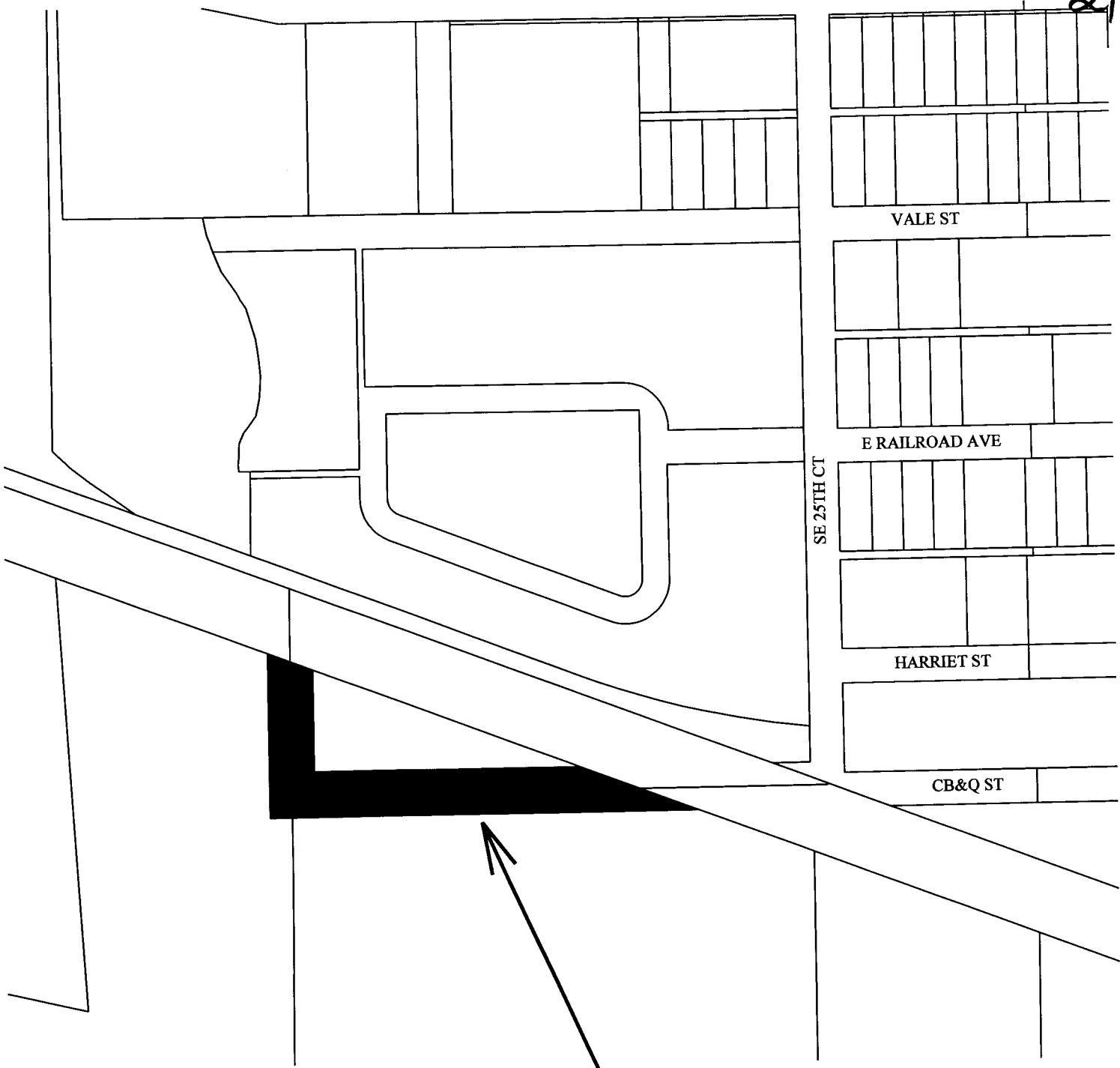
\_\_\_\_\_  
Mayor

**CERTIFICATE**

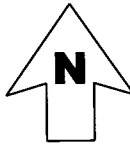
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

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



PROJECT LOCATION



DISPOSITION -  
SEGMENTS OF UNDEVELOPED PORTIONS  
OF SE 24TH COURT AND C.B.&Q. STREET  
TO THE WRA

April 15, 2009

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 April 2, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

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



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

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

**APPROVAL** of a City Council initiated request from the Wastewater Reclamation Authority (operator), represented by William Stowe (officer) for vacation of the following segments of undeveloped street right-of-way for development of the proposed Combined Sewer Solids Separation Facility subject to provision of easements for any existing utilities until such time that they are relocated.  
(11-2009-1.03)

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

Staff recommends approval of the requested vacation subject to provision of easements for any existing utilities until such time that they are relocated.

**STAFF REPORT**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The Wastewater Reclamation Authority (WRA) is assembling land for the proposed Combined Sewer Solids Separation Facility to be constructed to the west of the WRA's existing storage facility. The acquisition of land for the proposed facility was approved by the WRA Board on December 16, 2008.

- 2. **Size of Site:** The SE 24<sup>th</sup> Court right-of-way measures 66 feet by 126 feet (8,316 square feet) and the C B & Q Street right-of-way measures 66 feet by 228 feet (15,048 square feet).
- 3. **Existing Zoning (site):** "U-1" Floodplain District.
- 4. **Existing Land Use (site):** Undeveloped street right-of-way.
- 5. **Adjacent Land Use and Zoning:** "U-1", Surrounding land is all undeveloped.
- 6. **General Neighborhood/Area Land Uses:** This area is generally characterized by vacant land just west of an existing WRA storage facility.
- 7. **Applicable Recognized Neighborhood(s):** N/A.
- 8. **Relevant Zoning History:** N/A.
- 9. **2020 Community Character Land Use Plan Designation:** Park/Open Space.
- 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:** No existing utilities have been identified at this time. Easements must be provided for any existing utilities until such time that they are relocated.
- 2. **Street System/ Access:** The requested vacation of right-of-way will not impact the surrounding street network since the undeveloped segments of right-of-way do not adjoin any developed streets. The requested right-of-way is not needed for the proposed SE Connector, though one of the potential routes passes approximately 150 feet to the north.

**SUMMARY OF DISCUSSION**

**CHAIRPERSON OPENED THE PUBLIC HEARING**

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

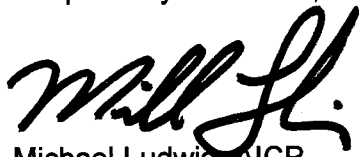
**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION**

Shirley Daniels moved staff recommendation to approve the requested vacation subject to provision of easements for any existing utilities until such time that they are relocated.

Motion passed 10-0

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Ludwig". The signature is stylized and cursive.

Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

City Council initiated request from the Wastewater Reclamation Authority (operator), represented by William Stowe (officer) for vacation of the following segments of undeveloped street right-of-way for development of the proposed Combined Sewer Solids Separation Facility. A) Southeast 24 <sup>th</sup> Court from C B & Q Street north to Burlington Northern and Santa Fe Railroad. B) C B & Q Street from Southeast 24 <sup>th</sup> Court east to Burlington Northern and Santa Fe Railroad.			<b>File #</b> 11-2009-1.03	
<b>Description of Action</b>	Vacation of the following segments of undeveloped street right-of-way for development of the proposed Combined Sewer Solids Separation Facility. A) Southeast 24 <sup>th</sup> Court from C B & Q Street north to Burlington Northern and Santa Fe Railroad. B) C B & Q Street from Southeast 24 <sup>th</sup> Court east to Burlington Northern and Santa Fe Railroad.			
<b>2020 Community Character Plan</b>	Park/Open Space			
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements			
<b>Current Zoning District</b>	"U-1" Floodplain District			
<b>Proposed Zoning District</b>	"U-1" Floodplain District			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				N/A
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	10-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No
				N/A
				N/A

Wastewater Reclamation Authority - CB & Q Street & SE 24th Court 11-2009-1.03

