

Date May 18, 2009

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF SEGMENTS OF UNDEVELOPED SE 24TH COURT AND C B & Q STREET RIGHTS-OF-WAY TO THE DES MOINES METROPOLITAN WASTERWATER RECLAMATION AUTHORITY

WHEREAS, on April 20th, by Roll Call No. 09-623, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of Southeast 24th Court from C B & Q Street north to Burlington Northern and Santa Fe Railroad and a portion of C B & Q Street from Southeast 24th 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; and

WHEREAS, on May 4, 2009, by Roll Call No. 09-729, it was duly resolved by the City Council that the proposed vacation and conveyance of such rights-of-way be set down for hearing on May 18, 2009, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public rights-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public rights-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for the rights-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of segments of undeveloped SE 24th Court and C B & Q Street, more specifically described as follows:

All that part of Southeast 24th 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 5th

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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 24th 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 sale and conveyance of such vacated rights-of-way, as described below, to the Des Moines Metropolitan Wastewater Reclamation Authority for \$1.00 together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

All that part of the vacated Southeast 24th 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 5th 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 24th 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.

4. The Mayor Pro Tem is authorized and directed to sign the Quit Claim Deed for the conveyance identified above, and the Chief Deputy City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said rights-of-way, the City Clerk is authorized and directed to forward the original of the said Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

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7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantees.

8. 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

rsu

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
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

Date _____ ~~21~~

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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:

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.



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

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2. **Size of Site:** The SE 24th 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

09-729 21
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Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment