

★ **Roll Call Number**

Agenda Item Number

20

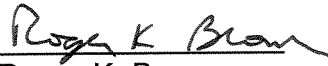
Date May 22, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held May 4, 2006, the members recommended by a vote of 13-0 for **APPROVAL** of a request from Rene Jones (owner) 2621 38<sup>th</sup> Street, for vacation and conveyance of the dead-end segment of Sheridan Street right-of-way extending 140' east from 38<sup>th</sup> Street, subject to the following conditions:

1. Reservation of easements for the access and maintenance of all public utilities in place.
2. Reservation of an easement providing that no structure be built on the subject property.

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

(11-2006-1.06)

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

Date \_\_\_\_\_

Agenda Item 20

Roll Call # \_\_\_\_\_

May 22, 2006

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 May 4, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 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
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

**APPROVAL** of a request from Rene Jones (owner) 2621 38<sup>th</sup> Street, for vacation and conveyance of the Sheridan Street right-of-way to a point 140' East of 38<sup>th</sup> Street for vacation and conveyance subject to the following conditions:

(11-2006-1.06)

1. Reservation of easements for the access and maintenance of all public utilities in place.
2. Reservation of an easement providing that no structure be built on the subject property.

Written Responses

0 In Favor

0 In Opposition

*This item would not require a 6/7 vote by City Council.*



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 RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested right-of-way subject to the following conditions:

1. Reservation of easements for the access and maintenance of all public utilities in place.
2. Reservation of an easement providing that no structure be built on the subject property.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting a to acquire and assemble an undeveloped segment of street right-of-way as part of the adjoining single-family residential property.
2. **Size of Site:** 24' x 140' (3,360 square feet)
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District
4. **Existing Land Use (site):** Undeveloped right-of-way.
5. **Adjacent Land Use and Zoning:**  
*North* – "R1-60" Use is single-family dwelling.  
*South* – "R1-60", Use is single-family dwelling.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is in a predominantly single-family neighborhood just south of Urbandale Avenue.
7. **Applicable Recognized Neighborhood(s):** Beaverdale Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.
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. **Natural Site Features:** The subject right-of-way is partially timbered and is located along a natural swale below the applicant's property.
2. **Utilities:** There are both sanitary and storm sewers within the subject right-of-way. Staff recommends that an easement be reserved for access to and maintenance of all utilities that might be in place. Because of the existing sanitary sewer, staff further recommends a condition that no structures be built on the subject right-of-way.
3. **Access or Parking:** The right-of-way is currently providing access to the applicant's property as an unimproved driveway.

### SUMMARY OF DISCUSSION

*Bruce Heilman moved approval of the staff recommendation.*

*Motion passed 13-0.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Erik M. Lundy".

Erik M. Lundy, AICP  
Senior City Planner

EML:dfa

Attachment

Request from Rene Jones (owner) for vacation and conveyance of public right-of-way.				File #	
				11-2006-1.06	
Description of Action	Vacate and convey the east/west right-of-way in the block between 2621 and 2625 38 <sup>th</sup> Street.				
2020 Community Character Plan	Low-Density Residential.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential.				
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	13-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

Rene Jones - 2621 38th Street

11-2006-1.06

