

★ Roll Call Number

Agenda Item Number
23

June 4, 2007

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 17, 2007, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Patricia Havel Trust, represented by Doyle Sanders (agent), as owner of the property in the vicinity of 4995 NE 39th Avenue, for vacation and abandonment of easement rights for portions of East Madison Avenue, NE 50th Street, and Seneca Avenue platted as Lots A (except the south 170 feet), B, and C of Capitol Heights Plat 3, originally in unincorporated Polk County and recently annexed into the City.

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

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

(11-2007-1.13)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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 23

Roll Call # _____

June 4, 2007

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 17, 2007, 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			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a request from Patricia Havel Trust (owner) 4995 NE 39th Avenue represented by Doyle Sanders (agent) for vacation and abandonment of easement rights for portions of East Madison Avenue, NE 50th Street, and Seneca Avenue platted as Lots A (except the south 170 feet), B, and C of Capitol Heights Plat 3 in Polk County. (11-2007-1.13)

Written Responses

0 In Favor

0 In Opposition

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested vacation and abandonment.

STAFF REPORT

I. GENERAL INFORMATION



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

1. **Purpose of Request:** The subject easements were platted county roads that were never developed. Staff believes they were vacated by the County, however no record can be found to verify this took place. The applicant is in the process of selling the site to a developer. The requested vacation and abandonment will allow the applicant to sell the site with a clear title.

2. **Existing Zoning (site):** "A-1" Agricultural District.

3. **Existing Land Use (site):** Agricultural production.

4. **Adjacent Land Use and Zoning:**

North – Light Business District and Suburban District (Polk County designations); Uses include vacant land and a light industrial business park.

South – Brook Run "PUD" and Suburban District (Polk County designation); Uses include single-family residential and townhomes.

East – Light Business District and Suburban District (Polk County designation); Use is undeveloped land and the Hwy 65 Bypass.

West – Suburban District (Polk County designation); Use is the single-family Capital Heights county subdivision.

5. **General Neighborhood/Area Land Uses:** The subject easements are located in the northeast portion of the City in an area that contains a mix of urban and rural residential development, agricultural land and commercial uses.

6. **Relevant Zoning History:** In 2006 the applicant requested the site be rezoned to the "Brook Run North PUD" allowing the construction of a mixed density residential development. The applicant withdrew this request from consideration.

7. **2020 Community Character Land Use Plan Designation:** The subject site is not designated on the Future Land Use Plan.

8. **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 were identified by any of the notified authorities.

2. **Street System:** The proposed vacation will have no impact on the existing street system. The dedication of streets that provided appropriate connectivity will be required during the development process.

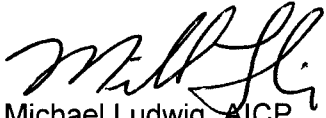
SUMMARY OF DISCUSSION

There was no one in the audience to speak on this item.

David Cupp: Moved for approval of the requested vacation and abandonment.

Motion passed 12-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Ludwig', written in a cursive style.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Request from Patricia. Havel Trust (owner) 4995 NE 39 th Avenue represented by Doyle Sanders (agent) for vacation and abandonment of easement rights.				File # 11-2007-1.13	
Description of Action	Vacate and abandon easement rights for portions of East Madison Avenue, NE 50 th Street, and Seneca Avenue platted as Lots A (except the south 170 feet), B, and C of Capitol Heights Plat 3 in Polk County.				
2020 Community Character Plan	Not Designated				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"A-1" Agricultural 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	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

Havel Trust - 4995 NE 39th Avenue

11-2007-1.13

