

Date July 13, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 18, 2009, its members voted 8-0 in support of a motion to recommend **APPROVAL** to allow the request from the City Engineer, Jeb Brewer, for vacation of a dead-end segment of the east/west alley between Elder Lane and Lewis Avenue from Southwest 10<sup>th</sup> Street to a point 162 feet east, to convey to adjoining property owners under the City Council policy subject to the provision of easements for any existing utilities.

MOVED by \_\_\_\_\_ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(11-2009-1.09)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| HENSLEY        |      |      |      |        |
| KIERNAN        |      |      |      |        |
| 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.

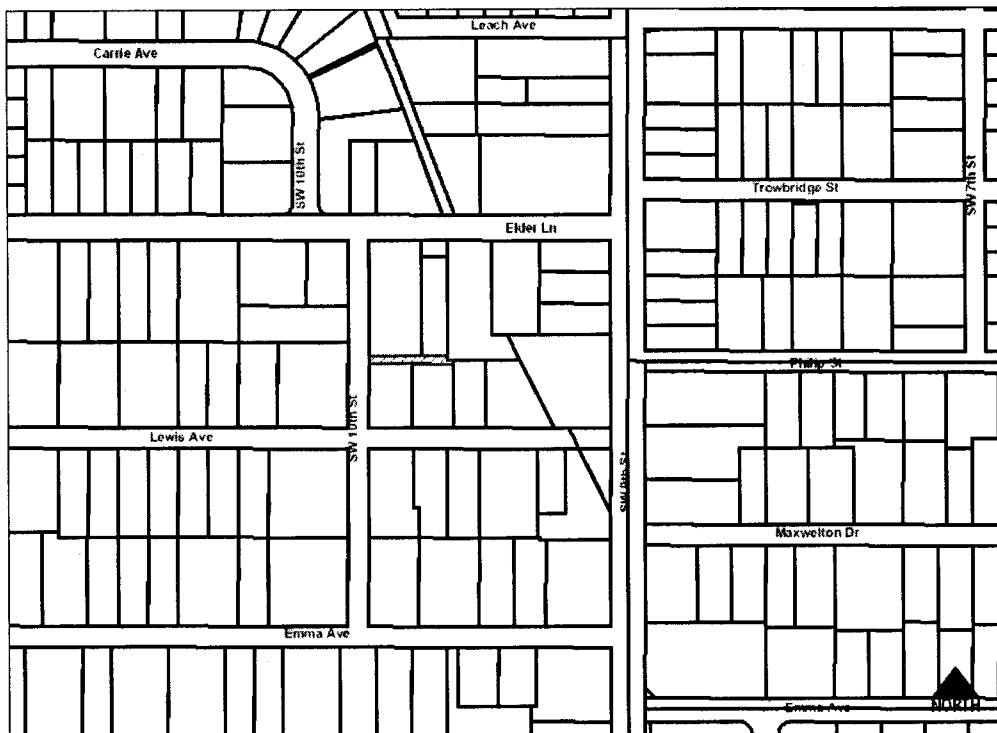
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

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

|  |  |              |  |                               |     |
|--|--|--------------|--|-------------------------------|-----|
| Request from the City Engineer, Jeb Brewer, for vacation of a dead-end segment of the east/west alley between Elder Lane and Lewis Avenue from Southwest 10 <sup>th</sup> Street to a point 162 feet east, to convey to adjoining property owners under the City Council policy. |  |              |  | <b>File #</b><br>11-2009-1.09 |     |
| <b>Description of Action</b>   | Vacation of a dead-end segment of the east/west alley between Elder Lane and Lewis Avenue from Southwest 10 <sup>th</sup> Street to a point 162 feet east, to convey to adjoining property owners under the City Council policy. |              |  |                               |     |
| <b>2020 Community Character Plan</b>   | Low-Density Residential  |              |  |                               |     |
| <b>Horizon 2025 Transportation Plan</b>  | No Planned Improvements  |              |  |                               |     |
| <b>Current Zoning District</b>   | "R1-60" One-Family Low-Density Residential District  |              |  |                               |     |
| <b>Proposed Zoning District</b>  | "R1-60" One-Family Low-Density Residential District  |              |  |                               |     |
| <b>Consent Card Responses</b>  | In Favor   | Not In Favor | Undetermined                                 | % Opposition                  |     |
| Inside Area  | 2  | 0            |  | N/A                           |     |
| Outside Area   |  |              |  |                               |     |
| <b>Plan and Zoning Commission Action</b>   | Approval   | 8-0          | <b>Required 6/7 Vote of the City Council</b> | Yes                           | N/A |
|  | Denial   |              |  | No                            | N/A |

City of Des Moines - City Engineer - E/W alley SW 10th & Elder Lane

11-2009-1.09



Date \_\_\_\_\_

June 25, 2009

Agenda Item 22

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

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 June 18, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0 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   |      |      |        |
| Frances Koontz     |     |      |      | X      |
| Jim Martin         | X   |      |      |        |
| Brian Millard      |     |      |      | X      |
| Mike Simonson      | X   |      |      |        |
| Kent Sovern        |     |      |      | X      |

**APPROVAL** of the request from the City Engineer, Jeb Brewer, for vacation of a dead-end segment of the east/west alley between Elder Lane and Lewis Avenue from Southwest 10<sup>th</sup> Street to a point 162 feet east, to convey to adjoining property owners under the City Council policy subject to the provision of easements for any existing utilities.  
11-2009-1.09

Written Responses

- 2 In Favor
- 0 In Opposition

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

Staff recommends approval of the requested vacation and conveyance subject to the provision of easements for any existing utilities.

**STAFF REPORT**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The Public Works Department has identified the subject portion of dead-end alley as unnecessary. Interest in acquiring the alley has been expressed by the adjoining property owners.
2. **Size of Site:** Approximately 160 feet in length.



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

- 3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
- 4. **Existing Land Use (site):** Unimproved alley right-of-way.
- 5. **Adjacent Land Use and Zoning:**
  - North** – "R1-60"; Uses are single-family dwellings.
  - South** – "R1-60"; Uses are single-family dwellings.
- 6. **General Neighborhood/Area Land Uses:** The subject alley is located in a low-density residential area to the west of the SW 9<sup>th</sup> Street commercial corridor.
- 7. **Applicable Recognized Neighborhood(s):** None.
- 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. **Utilities:** No existing utilities have been identified at this time. Easements must be provided any existing utilities should they be identified.
- 2. **Traffic/ Access:** The requested vacation of right-of-way will not impact the surrounding street network since the subject right-of-way is undeveloped and a dead-end.

**SUMMARY OF DISCUSSION**

**CHAIRPERSON OPENED THE PUBLIC HEARING**

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

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

*There was no discussion.*

**COMMISSION ACTION**

Leisha Barcus moved staff recommendation to approve the requested vacation and conveyance subject to the provision of easements for any existing utilities.

Motion passed 8-0.

Respectfully submitted,

A handwritten signature in black ink that reads "Erik M. Lundy". The signature is written in a cursive, flowing style.

Erik Lundy, AICP  
Sr. City Planner

EML:clw

Attachment

Item 11-2009-1.04 Date 6-12-09

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

N

**RECEIVED**  
COMMUNITY DEVELOPMENT  
Benefit Name Monica and Trent Morrison

JUN 15 2009

Signature

Monica Morrison

Address

912 Elder Lane

DEPARTMENT

Reason for opposing or approving this request may be listed below:

I'd approve the request that the  
city vote the alley behind the  
park.

Reason **DEPARTMENT** approving this request may be listed below:

JUN 19 2009

COMMUNITY DEVELOPMENT

Print Name Myrna Agan

(Circle One)

**RECEIVED**

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

Date 6-10-09

Item 11-2009-1.04