

★ **Roll Call Number**

Agenda Item Number

26


Date July 24, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held July 6, 2006, the members recommended by a vote of 12-0 for **APPROVAL** of a request from Ricky Haines (owner) 1920 Washington Avenue, for vacation and conveyance of a portion of Martin Luther King Jr. Parkway east of and abutting the developed street lanes between Washington Avenue and Mondamin Avenue subject to the following conditions:

- 1) Only the portion of right-of-way outside of the existing 115'-wide right-of-way shall be vacated.
- 2) No structures shall be permitted within the vacated right-of-way.
- 3) Exclusion of the right-of-way necessary for the future storm sewer construction project.
- 4) Provision of necessary easements for all existing and future utilities.
- 5) Prohibition of driveway approaches along Martin Luther King, Jr. Parkway.

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

(11-2006-1.16)

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

July 24, 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 July 6, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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 Ricky Haines (owner) 1920 Washington Avenue, for vacation and conveyance of a portion of Martin Luther King Jr. Parkway east of and abutting the developed street lanes between Washington Avenue and Mondamin Avenue subject to the following conditions: (11-2006-1.16)

- 1) Only the portion of right-of-way outside of the existing 115'-wide right-of-way shall be vacated.
- 2) No structures shall be permitted within the vacated right-of-way.
- 3) Exclusion of the right-of-way necessary for the future storm sewer construction project.
- 4) Provision of necessary easements for all existing and future utilities.
- 5) Prohibition of driveway approaches along Martin Luther King, Jr. Parkway.

Written Responses

0 In Favor
 0 In Opposition



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

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Staff recommends approval of the requested vacation subject to the following conditions:

- 1) Only the portion of right-of-way outside of the existing 115'-wide right-of-way shall be vacated.
- 2) No structures shall be permitted within the right-of-way.
- 3) Exclusion of the right-of-way necessary for the future storm sewer construction project.
- 4) Provision of necessary easements for all existing and future utilities.
- 5) Prohibition of driveway approaches along Martin Luther King, Jr. Parkway.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting vacation of the excess right-of-way in order to acquire additional property to increase the size of their yard. The applicant's existing property at 1920 Washington Street measures only 60' x' 50' (3,000 square feet) and has very little open space.

The requested right-of-way is along a segment of Martin Luther King, Jr. Parkway that may be widened in the future. Such a project would likely require a significant portion of the requested right-of-way since the project would require a 115'-wide right-of-way. Therefore, only the portion of right-of-way outside of the existing 115'-wide right-of-way can be vacated.

2. **Size of Site:** The "L"-shaped segment includes approximately 5,000 square feet.
3. **Existing Zoning (site):** "C-0" Commercial-Residential District.
4. **Existing Land Use (site):** Undeveloped right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-0", Uses include single-family residential and Washington Avenue.
 - South* – "C-0", Use is single-family residential.
 - East* – "R1-60", Use is single-family residential.
 - West* – "C-0", Use is Martin Luther King, Jr. Parkway.
6. **General Neighborhood/Area Land Uses:** The subject property is located immediately east of north/south Martin Luther King, Jr. Parkway in a predominantly single-family residential neighborhood.
7. **Applicable Recognized Neighborhood:** Mondamin-Presidential Neighborhood Association.
8. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
9. **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.

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II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** Easements must be provided for all existing and future public utilities in place. Comments received indicate that there are overhead electric cables, a water main, a public sanitary sewer main, and a public storm sewer main along within the subject right-of-way along Martin Luther King, Jr. Parkway. In addition, there is a planned storm sewer improvement project that will be constructed within the western portion of the requested right-of-way.
2. **Traffic/Street System:** The requested right-of-way is along a segment of Martin Luther King, Jr. Parkway that may be widened in the future. Such a project would likely require a significant portion of the requested right-of-way since the project would require a 115'-wide right-of-way. Therefore, only the portion of right-of-way outside of the existing 115'-wide right-of-way can be vacated.
3. **Access/Parking:** The City's Traffic and Transportation Division has indicated that future driveway approaches would not be permitted along Martin Luther King, Jr. Parkway. Access must be from Washington Avenue.

SUMMARY OF DISCUSSION

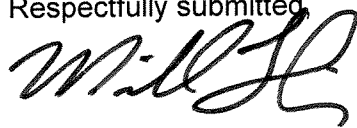
There was no discussion on this item.

Tim Urban moved for approval of the requested vacation subject to the following conditions:

- 1) Only the portion of right-of-way outside of the existing 115'-wide right-of-way shall be vacated.
- 2) No structures shall be permitted within the right-of-way.
- 3) Exclusion of the right-of-way necessary for the future storm sewer construction project.
- 4) Provision of necessary easements for all existing and future utilities.
- 5) Prohibition of driveway approaches along Martin Luther King, Jr. Parkway.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

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Request from Ricky Haines (owner) 1920 Washington Avenue for vacation and conveyance.			File #		
			11-2006-1.16		
Description of Action	Vacate and convey a portion of Martin Luther King Jr. Parkway east of and abutting the developed street lanes between Washington Avenue and Mondamin Avenue.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2025 Transportation Plan	M.L. King Jr. Parkway widen from 4 lanes undivided to 4 lanes divided from 19 th Street to Euclid Avenue.				
Current Zoning District	"C-0" Commercial-Residential District.				
Proposed Zoning District	"C-0" Commercial-Residential District.				
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

Ricky Haines - 1920 Washington Avenue

11-2006-1.16

