

★ Roll Call Number

Agenda Item Number

22B

August 6, 2007

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 19, 2007, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Principal Life Insurance Company represented by Ted Bracket (officer), as owner of the adjoining property, for vacation and conveyance of an irregular shaped strip on the east edge of 8th Place between Center Street and Park Street, subject to provision of easements for any existing utilities until such time they are relocated at the applicant's expense.

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
Roger K. Brown
Assistant City Attorney

(11-2007-1.17)

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

August 6, 2007

Date _____
Agenda Item 22B
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 July 19, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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 Principal Life Insurance Company represented by Ted Bracket (officer), as owner of the adjoining property, for vacation and conveyance of an irregular shaped strip on the east edge of 8th Place between Center Street and Park Street, subject to provision of easements for any existing utilities until such time they are relocated at the applicant's expense. (11-2007-1.17)

Written Responses

1 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

Staff recommends approval of the requested vacation and conveyance subject to provision of easements for any existing utilities until such time they are relocated at the applicant's expense.

STAFF REPORT

1. **Purpose of Request:** The applicant is seeking vacation and conveyance of right-of-way for inclusion with the adjoining property to the east in order to construct a daycare center on the site. Any use of the vacated right-of-way in conjunction with the adjoining property would be subject to review and approval of a site plan by the City's Permit and Development Center.
2. **Size of Site:** Triangular-shaped segment containing 4,479 square feet (0.1 acre).
3. **Existing Zoning (site):** "C-3A" Central Business District Support Commercial and Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Undeveloped excess 9th Street right-of-way.
5. **Adjacent Land Use and Zoning:**
 - East* – "C-3A", Use is a surface parking lot to be redeveloped with a daycare center.
 - West* – "C-3A", Use is 9th Street.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is along 9th Street at the northern fringe of the downtown central business district.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Downtown: Intensive, Mixed Use Office/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:** Easements must be provided for any existing utilities in place until such time they are relocated at the applicant's expense. There is currently a storm sewer under a portion of the requested right-of-way.
2. **Traffic/Street System:** The City's Traffic and Transportation Division has indicated that the requested segment of right-of-way is excess and can be conveyed without having an impact on the adjoining street system.

SUMMARY OF DISCUSSION

Erik Lundy noted the item would go forward to Council as 8th Place instead of 9th Street.

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

Kent Sovern: Moved to approve the requested vacation and conveyance subject to provision of easements for any existing utilities until such time they are relocated at the applicant's expense.

Motion passed 11-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

22B

Request from Principal Life Insurance Company (owner) represented by Ted Bracket (officer) for vacation and conveyance.				File #	
				11-2007-1.17	
Description of Action	Vacate and Convey an irregular shaped strip on the east edge of 9 th Street between Center Street and Park Street.				
2020 Community Character Plan	Downtown: Intensive, Mixed-Use Office/Residential.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"C3A" Central Business District Support Commercial.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	1	0	0	N/A	
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

Principal Life Insurance Company - 707 8th Street

11-2007-1.17



22B

Item 11-2007-1.17

Date July 11, 2007

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

RECEIVED

JUL 13 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Terrus Real Estate Group

Signature Mason K White

Address 616 10th Street

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

22b

RIGHT - OF - WAY REQUEST

APPLICATION DUE ___ or ___ FOR THE ___ or ___ PLAN & ZONING COMMISSION MEETING

Case No. 11-2007-1 . 17

INSTRUCTIONS: Complete all the required information listed below for each application to be processed.

APPLICANT NAME: Principal Life Insurance Company

MAILING ADDRESS: c/o Terrus Real Estate Group, Attn: Shannon Holz
616 10th Street

Des Moines IA ZIP CODE: 50309
CITY STATE

TELEPHONE NUMBER: 515 / 471-4240
AREA CODE

DATE REQUESTED: 6/29/07 SIGNATURE: 

Shannon G. Holz
General Council

TYPE OF REQUEST: (Check Applicable Items Below)

- Vacation & Conveyance of Street or Alley (Provide all applicable items below)
- Vacation & Lease of Street or Alley (Provide all applicable items below)
 - Air Rights (Provide all applicable items below)
 - Surface Rights (Provide all applicable items below)
 - Subsurface Rights (Provide all applicable items below)
- Termination of Easement Rights (Provide all applicable items below)

ATTACHED REQUIRED INFORMATION: (Provide all applicable items below)

- Legal Description of Requested Street or Alley Property (Provide if legal requires metes and bounds survey description)
- Site Drawing (Provide if legal requires metes and bounds survey description)
- Elevational Drawings (Only for air rights request)
- Written Statement of Purpose for Request (Required for all requests)
- Written Consents of all Adjoining Property Owners (Must have their signature, address and date for all requests)

FILING FEE

- \$ 100.00 (RECEIPT FOR PAYMENT ATTACHED) (Filing Fee, does not include purchase price or lease payment)

SUBMIT REQUEST TO:

COMMUNITY DEVELOPMENT DEPARTMENT
Planning & Urban Design Division
602 Robert D Ray Drive
Des Moines, Iowa 50309
Phone: (515) 283 - 4182

SEARCHED
SERIALIZED
INDEXED
FILED
JUN 29 2007
DES MOINES, IOWA
CITY CLERK'S OFFICE

22B

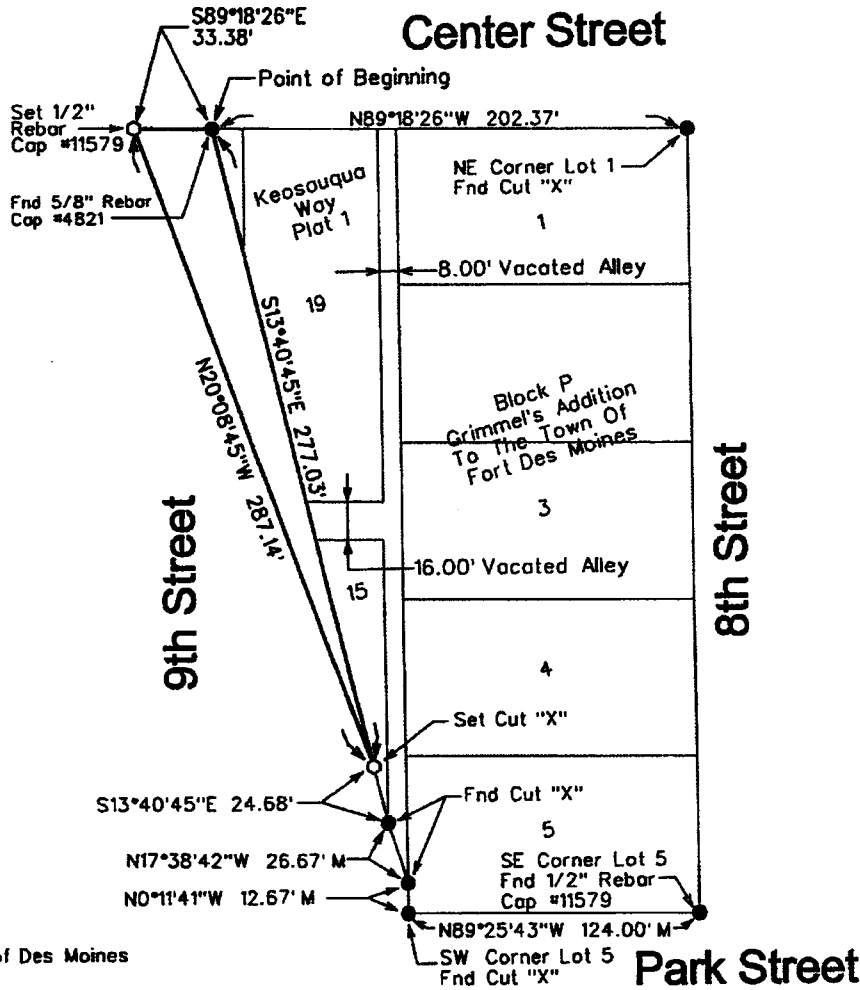
Written Statement of Purpose for Request

Principal Life Insurance Company is requesting the vacation of the right-of-way identified in this application in order to fully assemble the city block for purposes of new construction.

22B

PLAT OF SURVEY

FOR VACATION AND CONVEYANCE
BY THE CITY OF DES MOINES

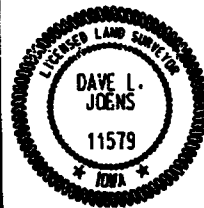
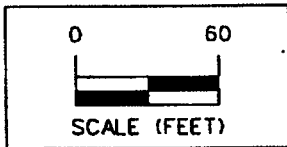


Owner: City of Des Moines

9TH STREET DESCRIPTION

THAT PART OF 9TH STREET RIGHT-OF-WAY BETWEEN CENTER AND PARK STREETS IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN BLOCK "P" OF GRIMMEL'S ADDITION TO THE TOWN OF FORT DES MOINES, BEING AN OFFICIAL PLAT; THENCE NORTH 89°(Degrees) 18'(Minutes) 26"(Seconds) WEST ALONG THE NORTH LINE OF SAID LOT 1 AND ALONG THE NORTH LINE OF KEOSAUQUA WAY PLAT 1, BEING AN OFFICIAL PLAT, 202.37 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 13°40'45" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 9TH STREET, 277.03 FEET; THENCE NORTH 20°08'45" WEST, 287.14 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CENTER STREET EXTENDED; THENCE SOUTH 89°18'26" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE EXTENDED, 33.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.10 ACRES (4,479 S.F.).



I hereby certify that this land surveying document was prepared and the related surveying work was performed by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Dave L. Joens 4/24/2007
Dove L. Joens, PLS Date

License Number 11579

My License Renewal Date is December 31, 2008

Pages or sheets covered by this seal:

Sheet 1 of 1

REQUESTED BY TERRUS REAL ESTATE GROUP
PLAT OF SURVEY - 9TH STREET

SHEET 1 OF 1

PN: 1070139

PN:

DATE: 04-24-07

TECH: JCC



SNYDER & ASSOCIATES
Engineers and Planners

2727 S.W. SNYDER BLVD.
ANKENY, IA 50023 (515) 964-2020

22B

Consent to Vacation and Sale of Alley or Street Right-of-Way

REGARDING the East/West | North/South alley or street right-of-way in the block bounded by the following Streets:

Triangular piece of property(*) located on the western edge of the block
bounded by Center - 8th - Park - 9th
approximately 4,479 square feet

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the alley or street described above and to the City offering such alley or street for sale to the owner(s) of the adjoining property(s).

The undersigned represent and warrant that they are the owners of property at the address identified below which adjoins such alley or street. *The adjacent properties are the applicants and a City Street (9th Street)

Date: 6/29/07

(Signature)

(Signature of 2nd Owner)

(Printed Name)

(Printed Name)

Address of adjoining Property:

MailingAddress-if different:

Des Moines, IA _____
(Zip Code)

Legal Description of Adjoining Property (if known):

✓ Check applicable line:

I/We are interested in purchasing the adjoining portion of the alley or street. This is not a commitment to purchase.

I/We are not interested in purchasing the adjoining portion of the alley or street and consent to the sale of the entire alley to the owner of the property on the other side of the alley or street.

*****Community Development Department Use Only *****

Case No. 11-20 - 1.

Received: _____

Applicant: _____