

★ **Roll Call Number**

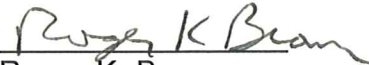
Agenda Item Number
24

.....
Date October 9, 2006
.....

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held September 21, 2006, the members recommended by a vote of 11-0 for **APPROVAL** of a City initiated proposal to vacate and convey that portion of Cherry Street between 12th Street and 13th Street, and that portion of 13th Street between Mulberry Street and Cherry Street, subject to reservation of easements for all utilities retained in place.

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

(11-2006-1.27)

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

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.

MOTION CARRIED APPROVED

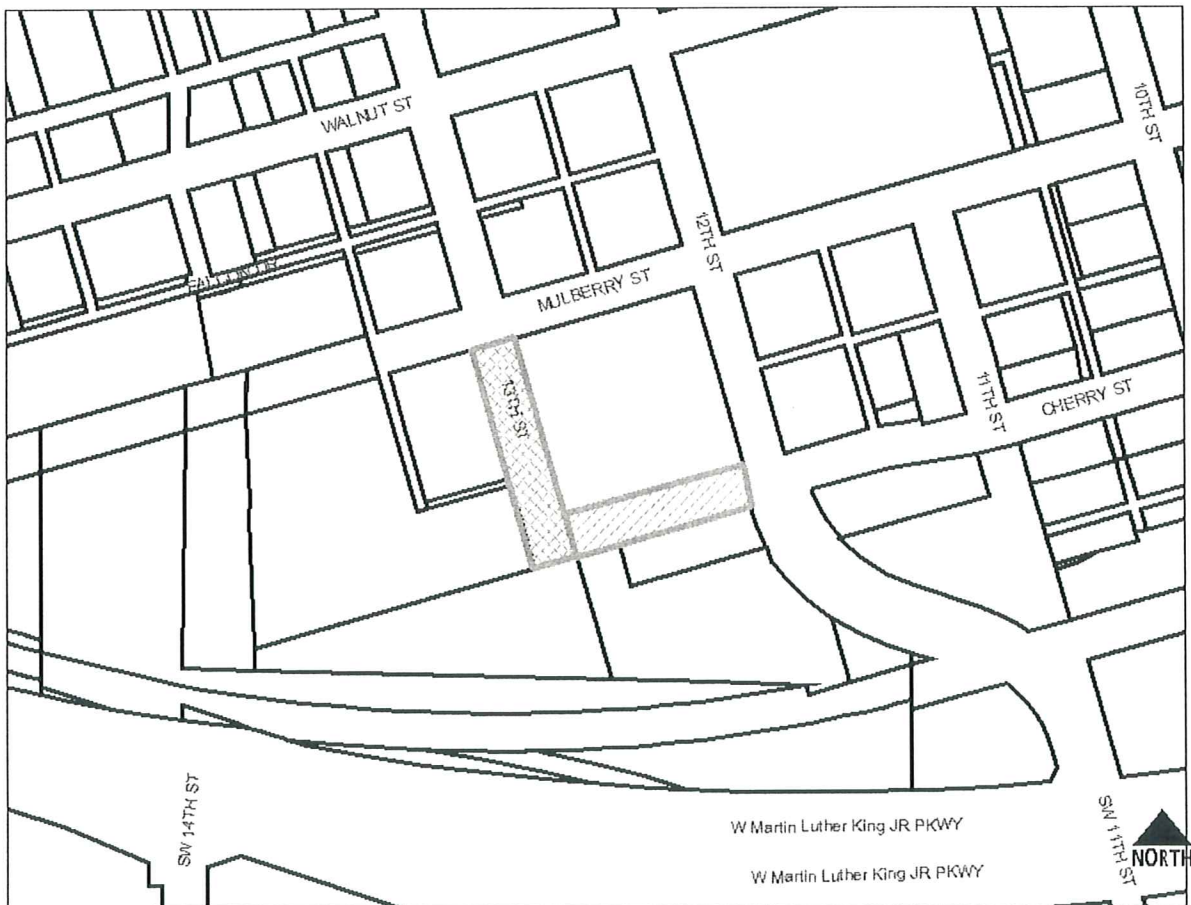
_____ Mayor

_____ City Clerk

City initiated request for vacation and conveyance.				File #	
				11-2006-1.27	
Description of Action	Vacate and convey a portion of Cherry Street between 12th Street and 13th Street, and a portion of 13th Street between Mulberry Street and Cherry Street.				
2020 Community Character Plan	Downtown: Support Commercial				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"C3-A" Central Business District Support Commercial and "C3-B" Central Business Mixed Use 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	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

City Initiated Request - Vicinity of 1206 Cherry Street

11-2006-1.27



October 9, 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 September 21, 2006, 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
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace				X

APPROVAL of a City initiated request for vacation and conveyance, in the vicinity of 1206 Mulberry Street, of that portion of Cherry Street between 12th Street and 13th Street, and that portion of 13th Street between Mulberry Street and Cherry Street subject to reservation of easements for all utilities retained in place. (11-2006-1.27)

Written Responses

0 In Favor
0 In Opposition

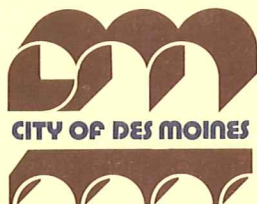
STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested vacation and conveyance subject to reservation of easements for all utilities retained in place.

STAFF REPORT

I. GENERAL INFORMATION

- Purpose of Request:** Assembly of a land for the development of the Nationwide Insurance expansion project to include additional offices and a parking structure.
- Size of Site:** 41,382 square feet of right-of-way.



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):** "C-3A" Central Business Support Commercial District, and "C-3B" Central Business Mixed Use District.
4. **Existing Land Use (site):** Developed public street.
5. **Adjacent Land Use and Zoning:**
 - North* and *East* - "C-3A", Uses are AmerUs graphic services and Intrust Home Medical offices.
 - South* and *West* - "C-3B", Uses are off-street parking and undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is located at the southwest periphery of the west downtown immediately north of the SW ML King Jr. Parkway southern loop and west of relocated 12th Street.
7. **Applicable Recognized Neighborhood(s):** Downtown Neighborhood Association.
8. **Relevant Zoning History:** N/A
9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial
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:** There is sanitary sewer in Cherry Street and storm sewer intakes at 12th Street and Cherry Street. There are also electrical utilities located in these rights-of-way. While most utilities in the 13th Street right-of-way will be relocated, Staff recommends that easements be reserved for all utilities that will be retained.
2. **Traffic/Street System:** The subject streets currently provide local level service only to the abutting property. Since those properties will be part of the redevelopment, access from these streets will no longer be necessary. Future access will be adequate from 12th Street and Mulberry Street.

SUMMARY OF DISCUSSION

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

Greg Jones moved to approve the requested vacation and conveyance subject to reservation of easements for all utilities retained in place.

Motion passed 11-0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

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