

★ **Roll Call Number**

Agenda Item Number

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November 6, 2006

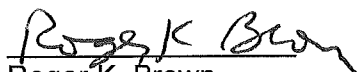
Date

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held October 19, 2006, the members recommended by a vote of 13-0 for **APPROVAL** of a request from State of Iowa represented by Mollie Anderson, Director of Administrative Services for vacation and conveyance of an irregular segment of E. Locust Street in the vicinity of 707 East Locust lying easterly of Pennsylvania Avenue and East 7th Street as part of the West Capitol Terrace project, subject to the following conditions:

1. Reservation of easements for all utilities in place.
2. Dedication of additional right-of-way to expand the East/West alley right-of-way lying south of and adjoining 707, 709 and 711 E. Locust Street to a total width of at least 30 feet to provide such properties with access to a public street, until such time that such properties are purchased by the State.

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

(11-2006-1.32)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
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.

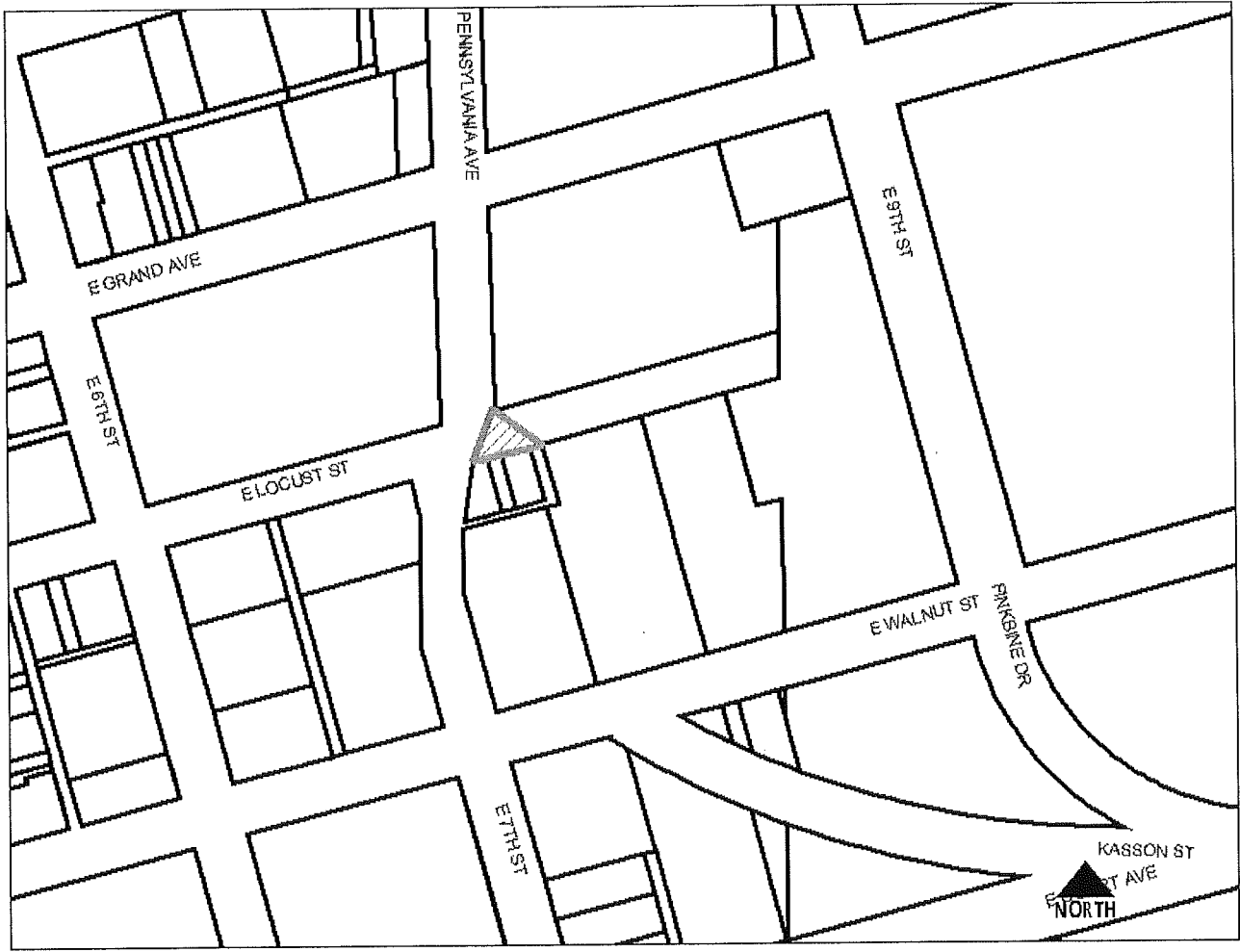
Mayor

City Clerk

Request from State of Iowa represented by Mollie Anderson, Director of Administrative Services for vacation and conveyance.				File #	
				11-2006-1.32	
Description of Action		Vacate and convey an irregular segment of East Locust Street in the vicinity of 707 East Locust lying easterly of Pennsylvania Avenue and East 7 th Street as part of the West Capitol Terrace project.			
2020 Community Character Plan		Public/Semi-Public.			
Horizon 2025 Transportation Plan		No Planned Improvements.			
Current Zoning District		"R-4" Multiple-Family Residential District & "C-3" Central Business District Commercial 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	13-0	Required 6/7 Vote of the City Council	Yes
		Denial			No
					N/A

State of Iowa - Street Vacation - E Locust St at E 7th St

11-2006-1.32



November 6, 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 October 19, 2006, 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			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace				X

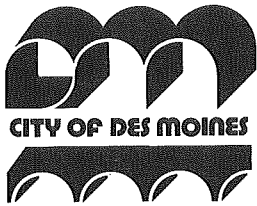
APPROVAL of a request from State of Iowa represented by Mollie Anderson, Director of Administrative Services for vacation and conveyance of an irregular segment of E. Locust Street in the vicinity of 707 East Locust lying easterly of Pennsylvania Avenue and East 7th Street as part of the West Capitol Terrace project, subject to the following conditions: (11-2006-1.32)

1. Reservation of easements for all utilities in place.
2. Dedication of additional right-of-way to expand the East/West alley right-of-way lying south of and adjoining 707, 709 and 711 E. Locust Street to a total width of at least 30 feet to provide such properties with access to a public street, until such time that such properties are purchased by the State.

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

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STAFF RECOMMENDATION AND BASIS FOR APPROVAL

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

- 1. Reservation of easements for all utilities in place.
- 2. Purchase of the properties at 707, 709 and 711 East Locust Street.
- 3. Vacation and Conveyance of the alley that adjoins 707, 709 and 711 East Locust Street to the south and 711 East Locust Street to the east.

STAFF REPORT

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The applicant is seeking to vacate the subject portion of right-of-way to incorporate it into the West Capitol Terrace project.
- 2. **Size of Site:** The subject right-of-way is irregularly shaped. It has a maximum depth of 104' and a maximum width of 65'.
- 3. **Existing Zoning (site):** "C-3" General Retail and Highway-Oriented Commercial District and "R-4" Multiple-Family Residential District.
- 4. **Existing Land Use (site):** Developed public right-of-way.
- 5. **Adjacent Land Use and Zoning:**
 - North* – "R-4", Use is the State Capitol grounds.
 - South* – "C-3", Uses are two commercial buildings and one residence.
- 6. **General Neighborhood/Area Land Uses:** The subject property is located in the east side of the downtown in a mixed-use area known as East Village.
- 7. **Applicable Recognized Neighborhood(s):** East Village Neighborhood Association/ Historic East Village Association.
- 8. **Relevant Zoning History:** N/A.
- 9. **2020 Community Character Land Use Plan Designation:** Public/ Semi Public.
- 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:** The subject right-of-way contains both storm and sanitary sewer lines and a 6" water main. Easements must be provided for all existing public utilities in place until such time they are relocated at the applicant's expense.

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2. **Access/Street System:** The subject segment of street provides access to the west parking lot on the Capitol grounds and to three adjoining properties, which the State is negotiating to purchase. It also provides access to an undeveloped alley that runs along the east and south of the properties on the south side of the subject right-of-way. The submitted application indicates the State will request the vacation and conveyance of the alley once they have purchased the three properties on the south side of East Locust Street. The alley is bounded by State owned property to the south and east.

Staff is concerned that this will create a dead-end alley with no timetable for its vacation and conveyance. Staff recommends that approval of the request be subject to the State's purchase of 707, 709 and 711 East Locust Street and the vacation and conveyance of the adjoining alley. These conditions will also insure that 709 and 711 East Locust Street have frontage on a public street until they can be combined with Capitol grounds. The property at 707 East Locust has frontage on Pennsylvania Avenue.

SUMMARY OF DISCUSSION

Mike Ludwig: Noted the staff recommendations have changed and explained a 20' wide section will be dedicated to the City and the City will dedicate it as public right-of-way for public access.

Brian Millard: Asked about the parking ramp and getting rid of gravel lots on the northeast corner of the complex. The representatives will get back to him, as they did not have an answer at the time.

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

Kent Sovern: Moved for approval of the requested vacation and conveyance subject to the following conditions:

1. Reservation of easements for all utilities in place.
2. Dedication of additional right-of-way to expand the East/West alley right-of-way lying south of and adjoining 707, 709 and 711 E. Locust Street to a total width of at least 30 feet to provide such properties with access to a public street, until such time that such properties are purchased by the State.

Motion passed 13-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment