

★ **Roll Call Number**

Agenda Item Number

18

.....
November 20, 2006


Date

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held November 2, 2006, the members recommended by a vote of 12-0 for **APPROVAL** of a City initiated request for vacation and closure of the north/south alley between 22nd Street and 23rd Street, extending from University Avenue to Carpenter Avenue subject to the following conditions:

1. Reservation of easements for all utilities in place.
2. Reservation of cross access easements in favor all adjoining properties to allow access to University Avenue or Carpenter Avenue.
3. Conveyance of the entire right-of-way to adjoining property owners.

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

(11-2006-1.37)

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 closure of alley right-of-way.				File #	
				11-2006-1.37	
Description of Action	Vacate and close the north/south alley between 22 nd Street and 23 rd Street, from University Avenue to Carpenter Avenue.				
2020 Community Character Plan	Low/Medium Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R-3" Multiple-Family Residential District and "C-1" Neighborhood Retail Commercial District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	0	0	N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

City Initiated (Alley Vacation) - 22nd to 23rd St, University to Carpenter 11-2006-1.37



November 20, 2006

Date _____

Agenda Item 18

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 November 2, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

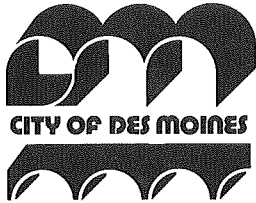
Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson	X			
Kent Sovern	X			
Tim Urban				X
Marc Wallace	X			

APPROVAL of a City initiated request for vacation and closure of the north/south alley between 22nd Street and 23rd Street, extending from University Avenue to Carpenter Avenue subject to the following conditions: (11-2006-1.37)

1. Reservation of easements for all utilities in place.
2. Reservation of cross access easements in favor all adjoining properties to allow access to University Avenue or Carpenter Avenue.
3. Conveyance of the entire right-of-way to adjoining property owners.

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 subject to the following conditions:

1. Reservation of easements for all utilities in place.
2. Reservation of cross access easements in favor all adjoining properties to allow access to University Avenue or Carpenter Avenue.
3. Conveyance of the entire right-of-way to adjoining property owners.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** Upon requests from adjoining property owners, the City Council has initiated consideration of placing a barricade at the midpoint of the subject alley in order to prevent through-traffic while still maintaining access to all adjoining properties. The proposed barricade would create two dead-end segments off alley, with one accessed from University Avenue and one accessed from Carpenter Avenue.

In order to place the barricade, one of two things must first occur:

- 1) The entire alley right-of-way is vacated, which relieves the City's Public Works Department of all maintenance and snow removal responsibilities.

OR

- 2) The alley remains as public right-of-way maintained by the City and turn-arounds are provided at each of the new alley termini for maintenance equipment and the public.

2. **Size of Site:** 16' x 420' or 6,720 square feet (0.15 acre).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District and "C-2" General Retail and Highway-Oriented Commercial District.
4. **Existing Land Use (site):** North/south graveled alley.
5. **Adjacent Land Use and Zoning:**
 - East* – "C-2" & "R-3", Uses include Kum & Go and four low-density residential properties.
 - West* – "C-2" & "R-3", Use is Professional Music Center and six low/medium-density residential properties.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way bisects a block located on the north side of University Avenue. The parcels fronting University Avenue are commercial while the balance of the block is residential.
7. **Applicable Recognized Neighborhood(s):** Carpenter Neighborhood.
8. **2020 Community Character Land Use Plan Designation:** Pedestrian-Oriented Commercial Corridor and Low/Medium-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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** Qwest and Mid-American Energy have both identified aerial lines and poles located in the subject alley that would require access for trucks and equipment to provide maintenance. Easements must be provided for all existing utilities in place unless they are relocated at the expense of the property owner to which the right-of-way is conveyed.
2. **Access/Parking:** Several properties utilize the alley for access to garages and off-street parking areas located in the rear yards of adjoining residential properties and Kum & Go has a drive approach from the alley. Should the alley be vacated, cross access easements must be provided to ensure access to all adjoining properties.
3. **Traffic/Street System:** According to area residents, the subject alley has been heavily traveled as a short-cut between University Avenue and Carpenter Avenue since nearby 22nd Street was closed off at University Avenue. Eliminating the north/south alley would likely shift traffic using the alley to 23rd Street. Staff believes that 23rd Street can adequately accommodate the additional traffic. 23rd Street is easily accessible and located 160' west of and parallel to the alley.
4. **Public Works Comments:** If the alley is not entirely vacated and conveyed, the City would still have maintenance responsibilities for this alley, including grading and snow removal. The City's Public Works Department has indicated that placing a barricade at the midpoint without vacating the right-of-way would create two dead end alleys and would make maintenance and snow removal activities very difficult.

SUMMARY OF DISCUSSION

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

Fran Koontz moved for approval of the requested vacation subject to the following conditions:

1. *Reservation of easements for all utilities in place.*
2. *Reservation of cross access easements in favor all adjoining properties to allow access to University Avenue or Carpenter Avenue.*
3. *Conveyance of the entire right-of-way to adjoining property owners*

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 11-2006-137 Date 10/25/06

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

(Circle One) RECEIVED

NOV 06 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Michael Betancourt
Leah Betancourt

Signature Leah Betancourt

Address 1230 22nd St, Des Moines IA

50311

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

We live on this alleyway, and it is a continuous problem. Closing the alley to through traffic is something we agree with.

