

December 3, 2007

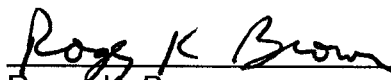
Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 15, 2007, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Principal Life Insurance Company (owner) represented by Ted Brackett (officer) for vacation and conveyance of the following rights-of-way related to the planned parking structure at 707 8th Street, subject to reservation of easements for all utilities located within the requested rights-of-way:

- A) Air rights within the south four (4) feet of Center Street between 7th Street and 8th Street.
- B) Air rights within the west five (5) feet of 7th Street between Center Street and Park Street.
- C) Subsurface rights within the west two (2) feet of 7th Street between Center Street and Park Street.
- D) Subsurface rights within the north three (3) feet of Park Street between 7th Street and 8th Street.
- E) Air rights within the north five (5) feet of Park Street between 7th Street and 8th Street.

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
 Assistant City Attorney

(11-2007-1.21)

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

Date _____

Agenda Item 13

Roll Call # _____

December 3, 2007

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 15, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
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
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a request from Principal Life Insurance Company (owner) represented by Ted Brackett (officer) for vacation and conveyance of the following rights-of-way related to the planned parking structure at 707 8th Street, subject to reservation of easements for all utilities located within the requested rights-of-way:
(11-2007-1.21)

- A) Air rights within the south four (4) feet of Center Street between 7th Street and 8th Street.
- B) Air rights within the west five (5) feet of 7th Street between Center Street and Park Street.
- C) Subsurface rights within the west two (2) feet of 7th Street between Center Street and Park Street.
- D) Subsurface rights within the north three (3) feet of Park Street between 7th Street and 8th Street.
- E) Air rights within the north five (5) feet of Park Street between 7th Street and 8th Street.

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

Staff recommends approval of the requested vacations and conveyances in parts A – E subject to reservation of easements for all utilities located within the requested rights-of-way.

STAFF REPORT

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to clear the subject site and construct a 9-story parking garage to support the Principal Financial Group office buildings to the south. The requested vacation and conveyance of air rights over Park Street would allow for a pedestrian sky bridge to connect the parking garage to the “Corporate 4” office building.
- 2. Size of Site:** The site proposed for redevelopment measures 264’ x 330’ or 87,120 square feet (2 acres).
- 3. Existing Zoning (site):** “C-3” Central Business District Commercial District and “GGP” Gambling Games Prohibition Overlay District.
- 4. Existing Land Use (site):** Surface parking lot.
- 5. Adjacent Land Use and Zoning:**
 - North** – “Hillside PUD”; Uses are Center Street and a surface parking lot.
 - South** – “C-3”; Uses are Park Street and the 8-story “Corporate 4” office building for Principal Financial Group.
 - East** – “C-3” & “C-2”; Uses include 7th Street, the 16-story Park Place condominium tower, and a Banker’s Trust bank.
 - West** – “C-3A”; Uses are vacated 8th Street right-of-way and a surface parking lot to be redeveloped with a daycare center.
- 6. General Neighborhood/Area Land Uses:** The subject property is located at the northern edge of the downtown central business district.
- 7. Applicable Recognized Neighborhood(s):** Downtown Neighborhood.
- 8. 2020 Community Character Land Use Plan Designation:** Downtown: Intensive, Mixed Use Office/Residential.
- 9. Applicable Regulations:** The Commission reviews all proposals to vacate land or air rights dedicated for a specific public purpose, such as for streets and parks, to determine whether the land or air rights are 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 has maintenance portals and buried conduit in the center of the west lane of 7th Street. These facilities should not be affected by the vacation of two feet of subsurface rights on the west side of 7th Street. MidAmerician Energy has indicated that there are

underground electric conduit and switching gear impacting the south edge of the Center Street right-of-way. These facilities should not be impacted by the cornice encroaching into the air within the south four feet of Center Street. It is anticipated that the switching gear will be relocated as part of the parking structure project. There are also aerial light fixtures located within the sidewalk area on both the north side of Park Street and 7th Street. MidAmerican has requested easements be reserved in the affected rights-of-way.

- 2. **Street System:** None of the requested vacations will impact the traveled portion of the street. The City Council previously vacated 8th Street from Center Street to Park Street for the proposed project. Other than that segment of street being removed, there are no anticipated changes to the surrounding street network, other than temporarily closures during construction of the proposed parking structure.

On April 19, 2007, the Plan and Zoning Commission recommended vacation and conveyance of adjoining 8th Street between Park Street and Center Street. On May 7, 2007, the City Council approved this vacation and conveyance. On July 19, 2007 the Plan & Zoning Commission recommended the vacation and conveyance of the air rights over Park Street for the sky bridge proposed to connect the proposed parking structure to Corporate 4 on the Principal Life Insurance campus.

SUMMARY OF DISCUSSION

Fran Koontz: Moved approval of the requested vacations and conveyances in parts A – E subject to reservation of easements for all utilities located within the requested rights-of-way.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Request from Principal Life Insurance Company (owner) represented by Ted Brackett (officer) for vacation and conveyance.		File #		
		11-2007-1.21		
Description of Action	Vacate and convey the following rights-of-way related to the planned parking structure at 707 8 th Street: A) Air rights within the south four (4) feet of Center Street between 7 th Street and 8 th Street. B) Air rights within the west five (5) feet of 7 th Street between Center Street and Park Street. C) Subsurface rights within the west two (2) feet of 7 th Street between Center Street and Park Street. D) Subsurface rights within the north three (3) feet of Park Street between 7 th Street and 8 th Street. E) Air rights within the north five (5) feet of Park Street between 7 th Street and 8 th Street.			
2020 Community Character Plan	Downtown: Intensive, Mixed Use Office/Residential			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"C-2" General Retail and Highway-Oriented 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	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

Principal Life Insurance Company - 7th St & Park St & Center St

11-2007-1.21



----- Air Rights and Subsurface Rights to be vacated