

Date October 11, 2010

**HOLD HEARING FOR VACATION OF A DEAD END SEGMENT OF MERCED DRIVE
AND A DEAD END SEGMENT OF 30TH STREET RUNNING SOUTH OF MERCED DRIVE**

WHEREAS, on September 13, 2010, by Roll Call No. 10-1451, the City Council received a recommendation from the City Plan and Zoning Commission that a dead end segment of Merced Drive and a dead end segment of 30th Street running south of Merced Drive, hereinafter more fully described, be vacated subject to reservation of easements for all utilities in place and reservation of a public access easement within the vacated portion of Merced Drive to allow for any future access to the adjoining Woodlawn Park to the west at such time as it may be developed, and for access to underground utilities; and

WHEREAS, on September 27, 2010, by Roll Call No. 10-1544, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on October 11, 2010, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation of public right-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation, subject to the easement reservations described above, of a dead end segment of Merced Drive and a dead end segment of 30th Street running south of Merced Drive, more specifically described as follows:

The west 64.00 feet of Street Lot D (Merced Drive) and all of Street Lot E (30th Street), Sawyer's Landing, Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. Upon final passage of an ordinance vacating the said right-of-way, the City Clerk is authorized and directed to forward a certified copy of this resolution and of the affidavit of publication of notice of this hearing to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

★ **Roll Call Number**

Agenda Item Number

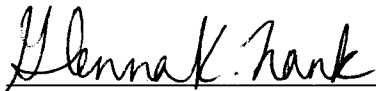
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Date October 11, 2010

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Moved by _____ to adopt.

APPROVED AS TO FORM:



 Glenna K. Frank
 Assistant City Attorney

RSV

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

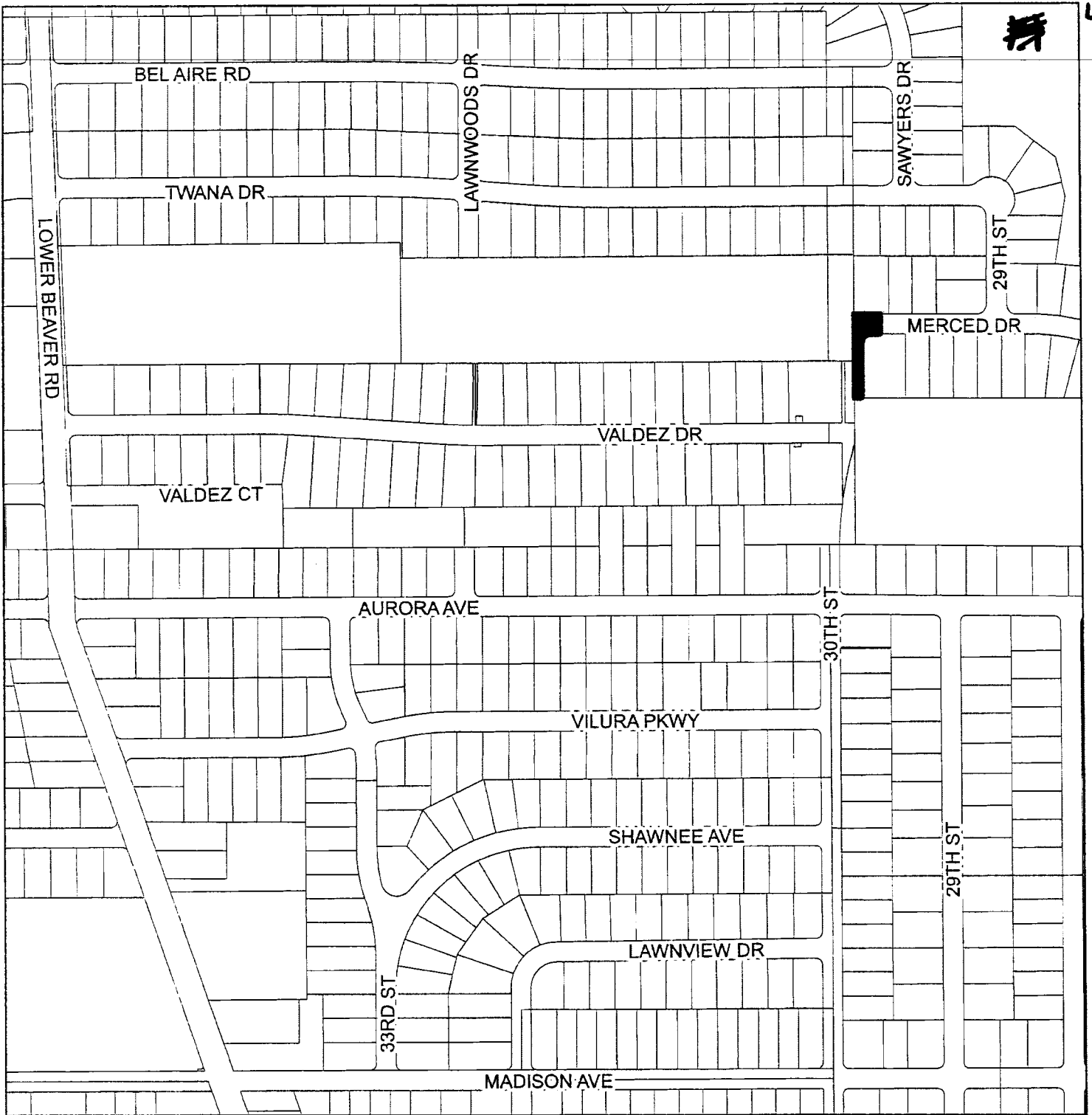
_____ Mayor

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.

_____ City Clerk



Legend

 PROJECT LOCATION

**VACATION OF MERCED DRIVE AND
30TH STREET RIGHT-OF-WAY**

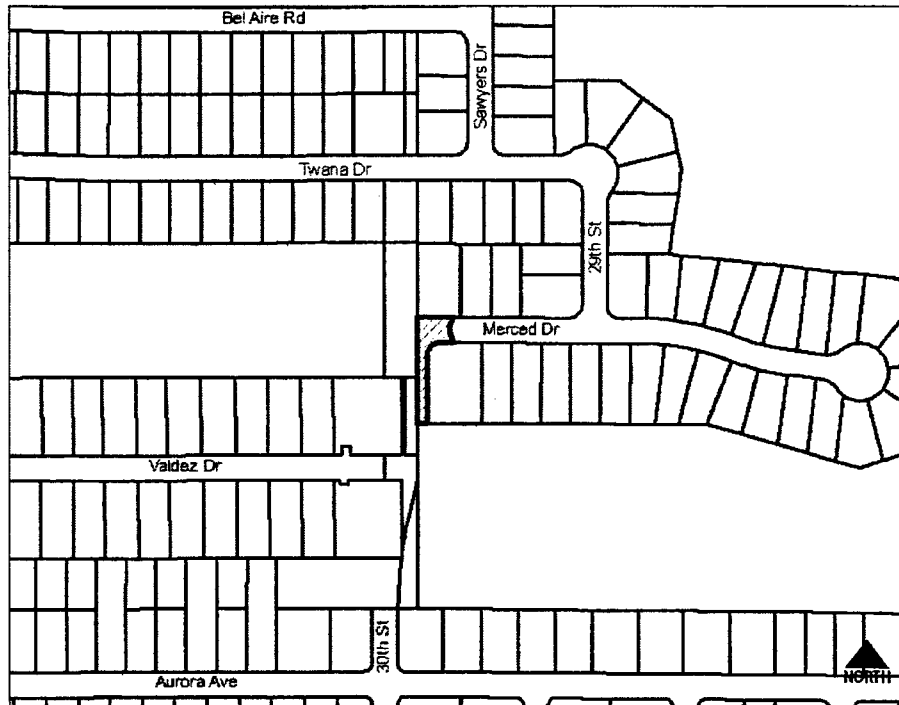


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City initiated request for vacation of a dead end segment of Merced Drive and a dead end segment of 30 th Street running south of Merced Drive. Both segments adjoin the property at 2996 Merced Drive and are determined to be right-of-way not necessary to maintain the developed cul-de-sac turnaround.				File # 11-2010-1.09	
Description of Action		Vacation of a dead end segment of Merced Drive and a dead end segment of 30 th Street running south of Merced Drive. Both segments adjoin the property at 2996 Merced Drive and are determined to be right-of-way not necessary to maintain the developed cul-de-sac turnaround.			
2020 Community Character Plan		Low-Density Residential			
Horizon 2035 Transportation Plan		No Planned Improvements			
Current Zoning District		"PUD" Planned Unit Development			
Proposed Zoning District		"PUD" Planned Unit Development			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Council Initiated - 30th Street & Merced Drive

11-2010-1.09



September 8, 2010

Date _____
Item 21 ~~18~~ 41
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 September 2, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty				X
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine				X
Greg Jones	X			
Jim Martin	X			
Brian Millard				X
William Page	X			
Mike Simonson				X
Kent Sovern				X



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

APPROVAL of a request from City Council for vacation of a dead end segment of Merced Drive and a dead end segment of 30th Street running south of Merced Drive subject to the following: (11-2010-1.09)

1. Reservation of easements for all utilities in place.
2. Reservation of a public access easement within the vacated portion of Merced Drive to allow for any future access to the adjoining Woodlawn Park to the west at such time as it may be developed and for access to underground utilities.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the following:

1. Reservation of easements for all utilities in place.
2. Reservation of a public access easement within the vacated portion of Merced Drive to allow for any future access to the adjoining Woodlawn

Park to the west at such time as it may be developed and for access to underground utilities.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** Vacate a portion of right-of-way that is determined to not be necessary to maintain the existing cul-de-sac turnaround.
2. **Size of Site:** Approximately 6,000 square feet.
3. **Existing Zoning (site):** "PUD" Planned Unit Development.
4. **Existing Land Use (site):** Undeveloped street and alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North* – "PUD"; Uses are single-family residential.
 - South* – "PUD"; Uses are single-family residential.
 - West* – "R1-60" Uses are Woodlawn City Park and single-family residential.
4. **General Neighborhood/Area Land Uses:** Undeveloped land.
5. **Applicable Recognized Neighborhood(s):** Adjacent to Lower Beaver Neighborhood Association.
6. **Relevant Zoning History:** The City Council approved the Sawyers Landing PUD Conceptual Plan on January 9, 2006. The plan provided for the future ability for the City to extend 30th Street to the south of Merced Drive. The future right-of-way necessary to allow for this phase was dedicated to the City with the Sawyer's Landing Plat 2 Final Plat approved on July 23, 2007.
7. **2020 Community Character Land Use Plan Designation:** Low Density Residential.
8. **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 Des Moines Waterworks and Mid-American Energy have identified underground utilities within the right-of-way. Public Works has indicated that there are sanitary and storm sewers located within the right-of-way. Easements must be reserved for any existing utilities in place.
2. **Street System:** The requested vacation of right-of-way will not adversely impact the surrounding street network. Traffic and Transportation staff have indicated that the trip

distribution from the Sawyer's Landing development does not necessitate the connection of 30th Street to Valdez Drive. The excess portion of right-of-way is furthermore not required to maintain the existing cul-de-sac turnaround on Merced Drive.

3. **Access:** Because Woodlawn Park adjoins the subject right-of-way on the west, staff would want to ensure public access is maintained through any vacated portion of Merced. This will keep the land so that it is not obstructed by structures or fencing thereby preventing the ability to develop future access to the park.
4. **Development Requirements:** With vacation of the requested right-of-way, the existing temporary easements for the cul-de-sac turnaround on properties located at 2989, 2992, 2993, 2996 and 2997 Merced Drive, become permanent by default. The developer would be released from obligation to restore the portions of the cul-de-sac that were not within the right-of-way in the event that the street was extended.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in opposition of applicant's request

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION

Leisha Barcus moved staff recommendation to approve the requested vacation subject to the following:

1. Reservation of easements for all utilities in place.
2. Reservation of a public access easement within the vacated portion of Merced Drive to allow for any future access to the adjoining Woodlawn Park to the west at such time as it may be developed and for access to underground utilities.

Motion passed 9-0.

Respectfully submitted,


Jason Van Essen, AICP
Senior Planner

JMV:clw

Attachment