

Date October 25, 2010

HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING 2201 FOREST AVENUE TO ANAWIM HOUSING FOR \$1 FOR THE FOREST AVENUE URBAN RENEWAL PROJECT

WHEREAS, on October 24, 2005 by Roll Call No. 05-2584, the City Council of the City of Des Moines adopted the Forest Avenue Urban Renewal Plan; and

WHEREAS, on September 11, 2006 by Roll Call No. 06-1810, the City Council of the City of Des Moines adopted the Amended Forest Avenue Urban Renewal Plan; and

WHEREAS, the City Council of the City of Des Moines established fair market value and subsequently acquired the properties located at 2201 Forest Avenue, 2217 Forest Avenue and 1405 23rd Street; and

WHEREAS, on March 3, 2010 city staff sent notice requesting competitive Letters of Interest from developers for the site located on the north side of the 2200 block of Forest Avenue for development of rental units in a townhouse style; and

~~**WHEREAS**, a Letter of Interest and proposal was received from a partnership between Hubbell Realty and Anawim Housing by the submission deadline of May 28, 2010 to develop 16 units of rental housing on the site in (2) eight-unit buildings; and~~

WHEREAS, on June 28, 2010 by Roll Call No. 10-391, the City Council of the City of Des Moines approved a grant application to the Iowa Department of Economic Development (IDED) for Community Development Block Grant – Disaster Relief (CDBG-DR) funding for the construction of rental occupied units in response to a notice of funding distributed January 6, 2010; and

WHEREAS, Anawim Housing dba ANAWIM plans to enter into a Residential Development Agreement with the City of Des Moines and proposes and agrees to include Urban Renewal and Affordable Housing Covenants as part of the negotiated development agreement for the Forest Avenue Urban Renewal Project; and

WHEREAS, on September 13, 2010, by Roll Call No. 10-1454, it was duly resolved by the City Council that the proposed conveyance of real property at 2201 Forest Avenue, 2217 Forest Avenue and 1405 23rd Street, be set down for hearing on September 27, 2010, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, on September 27, 2010, by Roll Call No. 10-1601, the City Council approved the conveyance of City-owned property located on the North side of the 2200 Block of Forest Avenue to Anawim Housing and approved the residential development agreement; and

WHEREAS, on October 7, 2010, the City Plan and Zoning Commission recommended approving a request from Anawim Housing (developer) represented by Russ Frazier (officer) for vacation of a segment of north/ south alley adjoining the west of the property at 2201 Forest Avenue, with

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provision of an ingress/egress easement for traffic using the remaining portion of the alley to the north as required in the residential development agreement and to proceed with requested vacation and conveyance; and

WHEREAS, on October 11, 2010 , by Roll Call No. 10-1643, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on October 25, 2010, at 5:00 p.m., in the Council Chamber; and

WHEREAS, on October 11, 2010, by Roll Call No. 10-1644, the City Council adopted a recommendation from the City Plan and Zoning Commission that a segment of the north/south alley lying west of and adjoining 2201 Forest Avenue, hereinafter more fully described, be vacated and sold; and,

WHEREAS, the grantee identified below is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such right-of-way described below; and,

WHEREAS, due notice of said proposal to vacate and convey 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 and conveyance, 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 and conveyance of public right-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a segment of the north/south alley lying west of and adjoining 2201 Forest Avenue, more specifically described as follows:

The north/south alley lying west of and adjoining Lots 10 and 11, Block 2, Marquardt's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such right-of-way to Anawim Housing for \$1.00 be and is hereby approved:

Date October 25, 2010

4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said right-of-way, the City Clerk is authorized and directed to forward the original of the said Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantees.

8. There will be no proceeds from the sale of this property.

(Council Communication No. _____)

Moved by _____ to adopt.

APPROVED AS TO FORM:



Michael F. Kelley
Assistant City Attorney

Rau

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

October 8, 2010

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 7, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:



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

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			

APPROVAL of a request from Anawim Housing (developer) represented by Russ Frazier (officer) for vacation of a segment of north/south alley adjoining the west of the property at 2201 Forest Avenue, with provision of an ingress/egress easement for traffic using the remaining portion of alley to the north subject to the following conditions 11-2010-1.11

1. Reservation of easements for all existing public utilities in place.
2. Provision of an ingress/egress easement to allow public access from the remaining portion of the north/south alley through the adjoining property to 22nd Street and 23rd Street.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of easements for all existing public utilities in place.

2. Provision of an ingress/egress easement to allow public access from the remaining portion of the north/south alley through the adjoining property to 22nd Street and 23rd Street.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant proposes to assemble the requested alley right-of-way with the adjoining properties on the east and west. This will allow development of a 16 unit row house development fronting Forest Avenue, with off-street parking located to the north rear of the site. The applicant has agreed to provide an ingress-egress easement for traffic using the remaining portion of the alley to the north.
2. **Size of Site:** A 110.64 feet long segment of 16-foot wide segment of alley (1,770.24 square feet).
3. **Existing Zoning (site):** "NPC" Neighborhood Pedestrian Commercial District.
4. **Existing Land Use (site):** Unpaved semi-improved alley right-of-way.
5. **Adjacent Land Use and Zoning:**

West – "R1-60"; Use is vacant land.

East – "R1-60"; Use is vacant land.

6. **General Neighborhood/Area Land Uses:** The subject alley is located on the north side of the Forest Avenue mixed use corridor east of Drake University campus.
7. **Applicable Recognized Neighborhood(s):** Drake Park Neighborhood Association and Drake Neighborhood Association.
8. **Relevant Zoning History:** On July 14, 2003, the City Council approved Ordinance No. 14,252 to rezone the subject property from "C-2" General Retail and Highway Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Pedestrian-Oriented, Commercial Corridor.
10. **Applicable Regulations:** The Commission reviews all proposals to remove land from the public right-of-way that is dedicated for a specific public purpose, such as for streets, sidewalks and parks, to determine whether the land is still needed for such purpose or may be released for other use.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** No existing utilities have been identified at this time. Easements must be provided for any existing utilities.

- 2. **Street System:** The requested vacation of alley will not adversely impact the surrounding street network. Public Works staff has indicated that the proposed layout of the parking area would be adequate to accommodate the maintenance equipment.
- 3. **Access:** Because Amazing Grace Ministries church and other single-family residential properties access onto the alley to the north. Therefore the remaining portion of the subject alley must be kept open for public access purposes. In order to maintain the remaining portion of the alley, Public Works staff requires access through the applicant's site as a condition of any vacation. The applicant has agreed to provide ingress/egress easements through the site to 22nd and 23rd Streets.
- 4. **Development Requirements:** Any Site Plan for the proposed row house development must be reviewed and approved by the Plan and Zoning Commission under design guidelines in NPC Districts and design guidelines for multiple-family residential uses.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

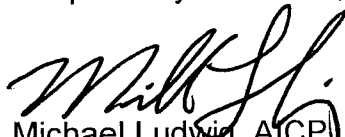
COMMISSION ACTION

Greg Jones moved staff recommendation to approve the requested vacation subject to the following conditions:

- 1. Reservation of easements for all existing public utilities in place.
- 2. Provision of an ingress/egress easement to allow public access from the remaining portion of the north/south alley through the adjoining property to 22nd Street and 23rd Street.

Motion passed 10-0

Respectfully submitted,


 Michael Ludwig, AICP
 Planning Administrator

MGL:clw

Attachment