

.....
Date..... January 10, 2011.....

HOLD HEARING FOR THE VACATION OF VARIOUS CITY-OWNED RIGHT-OF-WAY PARCELS AND CONVEYANCE OF SAID PARCELS AND ADDITIONAL EXCESS CITY-OWNED PROPERTY LOCATED NEAR I-235 AND MARTIN LUTHER KING JR PARKWAY TO HATCH DEVELOPMENT GROUP LLC FOR \$51,500

WHEREAS, on November 8, 2010, by Roll Call No. 10-1834, the City Council of the City of Des Moines received a letter and Memo from Hatch Development Group LLC requesting that the City Council initiate the vacation of various City-owned right-of-way parcels, located near I-235 and Martin Luther King Jr. Parkway, to be used for infill development of single-family affordable housing, and City Council further referred this request to the City Plan and Zoning Commission and staff for review and recommendation; and

WHEREAS, on December 20, 2010, by Roll Call Nos. 10-2071, 10-2072, 10-2073, 10-2074 and 10-2076, the City Council received the recommendations from the Plan and Zoning Commission that said right-of-way parcels, hereinafter listed and more fully described, be vacated and sold subject to certain conditions including reservation of adequate right-of-way for street and sidewalk usage and of easement for existing utilities, and provision of one street tree per dwelling unit constructed; and

WHEREAS, Hatch Development Group LLC has offered to the City of Des Moines the total purchase price of \$51,500 for the vacation and conveyance of the City-owned right-of-way parcels and conveyance of an excess City-owned parcel, all as described below, which price reflects the total fair market value of the properties as appraised by an independent appraiser; and

WHEREAS, Hatch Development Group LLC, the City Real Estate Division and Legal Department have negotiated the Offer to Purchase Real Estate from the City of Des Moines and Acceptance ("Offer") on file in the office of the City Clerk, which includes, among other terms, provisions that (1) the sale of these properties shall close on or before December 31, 2011, subject to the due diligence period of the Buyer and Zoning Board of Adjustment and Iowa Finance Authority review and approval, and (2) that the Buyer shall be required to obtain and provide to City surveys for those parcels listed below that include street and pedestrian right-of-way, of which parcels a portion of the full parcel shall be conveyed to the buyer for development and the remainder shall be retained by the City and rededicated for right-of-way usage; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way and excess property proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said properties; and

WHEREAS, on December 20, 2010, by Roll Call No. 10-2077, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way and conveyance of said excess property be set down for hearing on January 10, 2011, at 5:00 p.m., in the Council Chamber; and

Date January 10, 2011

WHEREAS, due notice of said proposal to vacate and convey public right-of-way and convey excess City-owned property 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 and conveyance of excess City-owned property, all as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City-owned right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of said right-of-way parcels, more specifically described as follows:

Property I:

1120 Martin Luther King Jr. Parkway, Polk County Assessor District/Parcel No. 030/00763-001-000

Legally Described as: Lot 27 of T.K. Clarkes Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

Property II:

No Address Assigned, Polk County Assessor District/Parcel No. 030/00768-001-000

Legally Described as: Lots 32 and 33 of T.K. Clarkes Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

Property III:

1055 Martin Luther King Jr. Parkway, Polk County Assessor District/Parcel No. 030/04836-001-000

Legally Described as: Lot 37 of Tidricks Addition, an Official Plat, in and forming a part of the City of Des Moines, Polk County, Iowa

AND

No Address Assigned, Polk County Assessor District/Parcel No. 030/04837-000-000

Legally Described as: A portion of Lot 38 Tidricks Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

Property IV:

1037 18th Street, Polk County Assessor District/Parcel No. 030/01668-001-000

.....
Date January 10, 2011

Legally Described as: Lots 31 and 32 of Block 2, Glendale, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

AND

No Address Assigned, Polk County Assessor District/Parcel No. 030/01666-001-000

Legally Described as: A portion of Lot 30 of Block 2, Glendale, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

Property V:

No Address Assigned, Polk County Assessor District/Parcel No. 030/00986-000-000

Legally Described as: A portion of Lots 28 and 29 and the South 10 feet of Lot 27 of Curl and Smouses Addition, an Official Plat, 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 parcels and of excess City-owned property as described below to Hatch Development Group LLC for total consideration of \$51,500.00, for the consideration set forth below per parcel, together with payment by such grantee of the estimated publication and recording costs for this transaction and all in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the Offer on file with the City Clerk, be and is hereby approved:

Property I:

1120 Martin Luther King Jr. Parkway, Polk County Assessor District/Parcel No. 030/00763-001-000

Legally Described as: Lot 27 of T.K. Clarkes Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

Portion of Purchase Price for this Parcel: \$6,000.00

Property II:

No Address Assigned, Polk County Assessor District/Parcel No. 030/00768-001-000

Legally Described as: Lots 32 and 33 of T.K. Clarkes Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

(Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)

Portion of Purchase Price for this Parcel: \$6,500.00

Property III:

1055 Martin Luther King Jr. Parkway, Polk County Assessor District/Parcel No. 030/04836-001-000

Legally Described as: Lot 37 of Tidricks Addition, an Official Plat, in and forming a part of the City of Des Moines, Polk County, Iowa

AND

Date January 10, 2011

No Address Assigned, Polk County Assessor District/Parcel No. 030/04837-000-000
Legally Described as: A portion of Lot 38 Tidricks Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
(Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)
Portion of Purchase Price for this Parcel: \$7,500.00

Property IV:

1037 18th Street, Polk County Assessor District/Parcel No. 030/01668-001-000
Legally Described as: Lots 31 and 32 of Block 2, Glendale, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
AND

No Address Assigned, Polk County Assessor District/Parcel No. 030/01666-001-000
Legally Described as: A portion of Lot 30 of Block 2, Glendale, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
(Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)
Portion of Purchase Price for this Parcel: \$7,500.00

Property V:

No Address Assigned, Polk County Assessor District/Parcel No. 030/00986-000-000
Legally Described as: A portion of Lots 28 and 29 and the South 10 feet of Lot 27 of Curl and Smouses Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa
(Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)
Portion of Purchase Price for this Parcel: \$7,500.00

Property VI:

No Address Assigned, Polk County Assessor District/Parcel No. 030/03265-001-000
Legally Described as: Disposal Parcel 7, as Recorded in Book 12736, Page 582 in the office of the Polk County, Iowa Recorder.
Portion of Purchase Price for this Parcel: \$16,500.00

4. Upon final passage of an ordinance vacating the said right-of-way and upon proof of payment of the deposit plus \$113.00 for publication and recording costs, the Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed(s) for the conveyance as identified above, the City Clerk is authorized and directed to attest to the Mayor's signature and to forward the original of said Offer and Deed(s), 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 the

★ **Roll Call Number**

Agenda Item Number

53

Date January 10, 2011

Deed(s) to be recorded following closing, and the Real Estate Division Manager is authorized and directed to forward the Deed(s) following closing to the Polk County Recorder for recording.

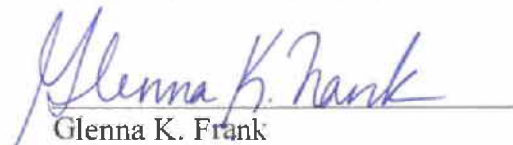
5. The City Manager and/or his designee is hereby authorized and directed to administer and monitor the Offer to Purchase; to approve and execute documents pertaining to any minor or unsubstantial changes to said Offer, following approval of the City Legal Department as to form; to proceed to closing in accordance with the terms of the Offer; and, if needed, to approve, proceed with and execute documents pertaining to termination of the Offer if Hatch Development Group LLC fails to fulfill the contract terms required, following approval of the City Legal Department.

6. The proceeds from the sale of this property shall be deposited into the following account: \$35,000 Property Maintenance Endowment Fund, SP767, ENG980500, and \$16,500 2010/11 CIP, Street Improvements, Fed Title-23 Land Sales, STR500, Page Street Improvements - 24.

(Council Communication No. 11-020)

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank
 Assistant City Attorney

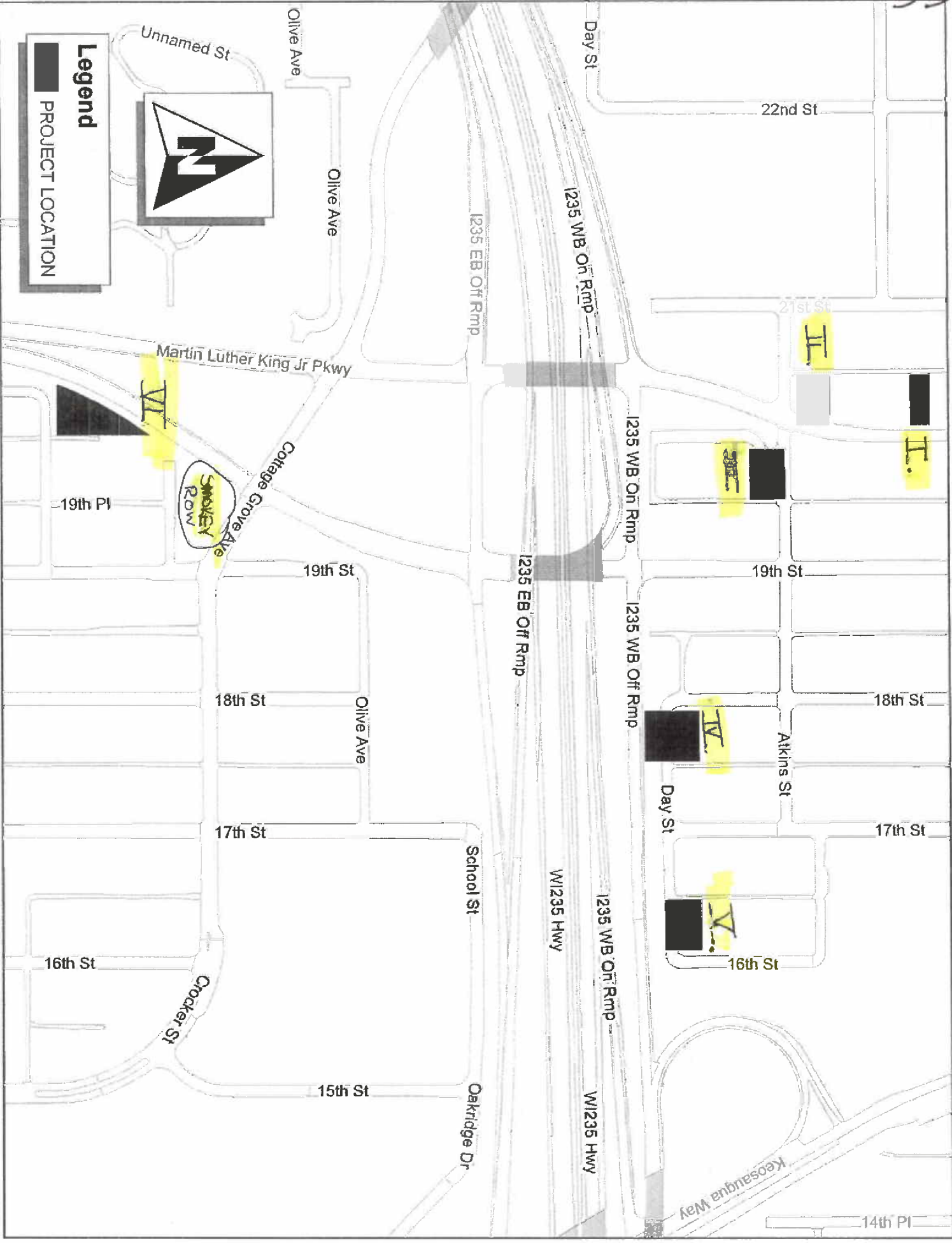
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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



53 - I

December 7, 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 December 2, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 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

APPROVAL of a City Council initiated request to vacate the following right-of-way parcel owned by the City of Des Moines located at 1120 Martin Luther King, Jr. Parkway subject to the following conditions: 11-2010-1.13

1. Reservation of adequate Right-of-Way for Martin Luther King, Jr. Parkway, including the public sidewalk along Martin Luther King, Jr. Parkway.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

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 TO THE P&Z COMMISSION

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

1. Reservation of adequate Right-of-Way for Martin Luther King, Jr. Parkway, including the public sidewalk along Martin Luther King, Jr. Parkway.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow for development of the site for residential use. A conceptual site layout has been submitted by Hatch Development Group that demonstrates future division of the requested Right-of-Way as two (2) 25-foot wide parcels for single-family residential development. Such a scenario would require the Zoning Board of Adjustment to grant multiple zoning appeals, including a Variance of 35 feet less than the minimum required 60 feet of lot width. Staff would not likely support such an appeal, as only 1 dwelling would be appropriate on this site given the character of the surrounding area. However, construction of 1 single-family dwelling would still require the Zoning Board of Adjustment to grant an Exception of 10 feet less than the minimum required 60 feet of lot width.
2. **Size of Site:** 50 feet by 125 feet (6,250 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped street Right-of-Way.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60"; Use is a single-family dwelling.
 - South** – "R1-60"; Use is a single-family dwelling.
 - East** – "R-3"; Uses are Martin Luther King, Jr. Parkway Right-of-Way and single-family dwellings.
 - West** – "R1-60"; Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject Right-of-Way is located along the west side of Martin Luther King, Jr. Parkway in a predominantly low-density residential area.

7. **Applicable Recognized Neighborhood(s):** Drake Park Neighborhood Association.
8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Low/Medium Density Residential.
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:** Easements must be provided for all existing utilities until such time they are relocated. MidAmerican Energy has indicated that there are utilities within the Right-of-Way, including over head electric poles, cable, gas main, and lighting.
2. **Street System/ Access:** The requested vacation of undeveloped Right-of-Way would not impact the surrounding street network so long as adequate Right-of-Way is retained for Martin Luther King, Jr. Parkway, including the public sidewalk along Martin Luther King, Jr. Parkway.
3. **Development Requirements:** Construction of any dwelling unit on the site shall be in conformance with all applicable building codes with issuance of all necessary permits by the City's Permit & Development Center.
4. **Landscaping:** Staff recommends that construction of any dwelling unit on the requested Right-of-Way be subject to provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

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.

COMMISSION ACTION

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

1. Reservation of adequate Right-of-Way for Martin Luther King, Jr. Parkway, including the public sidewalk along Martin Luther King, Jr. Parkway.
2. Provision of easements for all existing utilities until such time that they are relocated.

3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

Motion passed 11-0-1 (Mike Simonson abstained)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

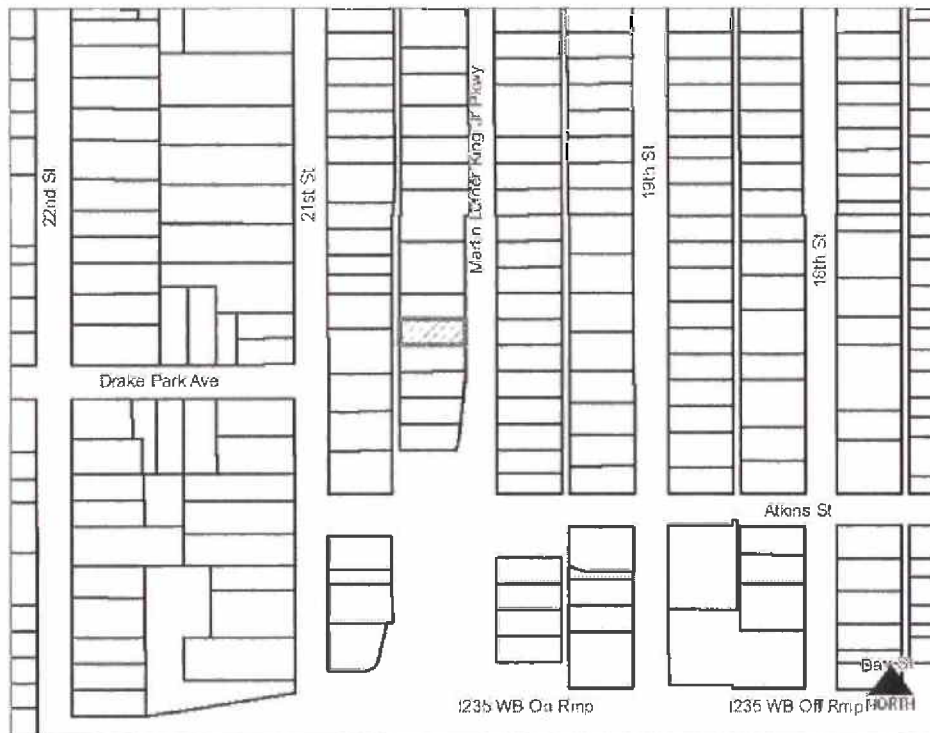
MGL:clw

Attachment

City Council initiated request for vacation of the following right-of-way parcels owned by the City of Des Moines in the vicinity of M.L. King Jr. Parkway and Interstate 235.		File # 11-2010-1.13		
Description of Action	Vacation of right-of-way parcels in vicinity of 1120 Martin Luther King Jr. Parkway			
2020 Community Character Plan	Low-Density Residential			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential			
Proposed Zoning District	"R1-60" One-Family Low-Density Residential			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
Plan and Zoning Commission Action	Approval	11-0-1	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

City Council Initiated ROW Vacation - Vicinity of 1120 MLK Jr Plavly

11-2010-1.13



Item 11-2010-1.13

Date November 24, 2010

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

(Circle One)

Print Name Michael Dooley

Signature Michael Dooley

Address P.O. Box 314 Martinsdale, Ia.
50160

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

December 7, 2010

53- II.

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 December 2, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 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

APPROVAL of a City Council initiated request to vacate the following right-of-way parcel owned by the City of Des Moines located in the vicinity of Martin Luther King, Jr. Parkway and Interstate 235 at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street subject to the following conditions: 11-2010-1.14

1. Reservation of adequate Right-of-Way for Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

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

December 7, 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 December 2, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 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

APPROVAL of a City Council initiated request to vacate the following right-of-way parcel owned by the City of Des Moines located in the vicinity of Martin Luther King, Jr. Parkway and Interstate 235 at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street subject to the following conditions: 11-2010-1.14

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3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.



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(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of adequate Right-of-Way for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow for development of the site for residential use. A conceptual site layout has been submitted by Hatch Development Group that demonstrates future division of the requested Right-of-Way into three (3) parcels for single-family residential development, including two 28-foot wide parcels and one 26-foot wide parcel. Such a scenario would require the Zoning Board of Adjustment to grant multiple zoning appeals, including a Variance of up to 32 feet less than the minimum required 60 feet of lot width. Staff would not likely support such an appeal, as no more than two dwellings would be appropriate on this site given the character of the surrounding area. However, division of the site into two 41-foot wide lots for single-family residential use would still require the Zoning Board of Adjustment to grant an Exception of 19 feet less than the minimum required 60 feet of lot width.
2. **Size of Site:** Up to 82 feet by 126 feet (10,332 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped excess Right-of-Way.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60"; Use is undeveloped land.
 - South* – "R1-60"; Use is undeveloped land.
 - East* – "R-3"; Uses are Martin Luther King, Jr. Parkway Right-of-Way and single-family dwellings.
 - West* – "R-3"; Use is a multiple-family residential dwelling.
6. **General Neighborhood/Area Land Uses:** The subject Right-of-Way is located at the northwest corner of Martin Luther King, Jr. Parkway and Atkins Street in a predominantly low-density residential area.

7. **Applicable Recognized Neighborhood(s):** Drake Park Neighborhood Association.
8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Low/Medium Density Residential.
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:** Easements must be provided for all existing utilities until such time they are relocated. MidAmerican Energy has indicated that there are electrical utilities located in the Right-of-Way, including overhead electric poles, cable, and lighting.
2. **Street System/ Access:** The requested vacation of undeveloped excess Right-of-Way will not impact the surrounding street network so long as adequate Right-of-Way is retained for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
3. **Development Requirements:** Construction of any dwelling unit on the site shall be in conformance with all applicable building codes with issuance of all necessary permits by the City's Permit & Development Center.
4. **Landscaping:** Staff recommends that construction of any single-family dwelling on the requested Right-of-Way be subject to provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

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.

COMMISSION ACTION

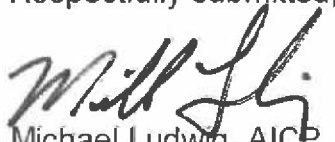
Greg Jones moved staff recommendation to approve the requested vacation subject to the following conditions:

1. Reservation of adequate Right-of-Way for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
2. Provision of easements for all existing utilities until such time that they are relocated.

3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

Motion passed 11-0-1 (Mike Simonson abstained)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

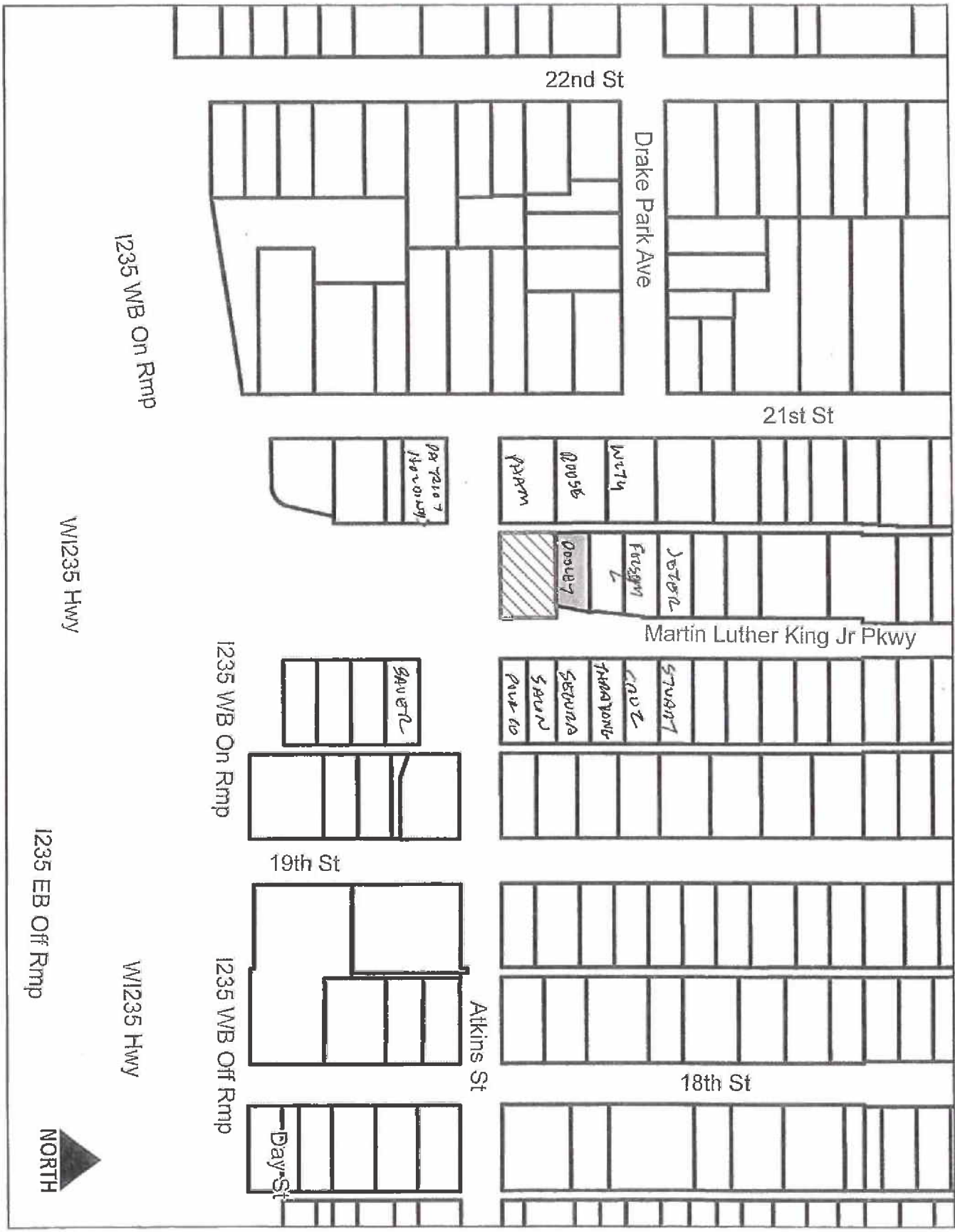
Attachment

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Description of Action	Vacation of right-of-way parcels in the vicinity of District Parcel Number 030/00768-001-000 (at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street)			
2020 Community Character Plan	Low-Density Residential			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential			
Proposed Zoning District	"R1-60" One-Family Low-Density Residential			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
Plan and Zoning Commission Action	Approval	11-0-1	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

City Council Initiated ROW Vacation - Vicinity of 1100 MLK, Jr Pkwy

11-2010-1.14





Item 11-2010-1.14

Date November 24, 2010

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

(Circle One)

Print Name Michael Dooley

Signature Michael Dooley

Address P.O. Box 314 Martensdale, Ia.
50160

RECEIVED
COMMUNITY DEVELOPMENT
NOV 26 2010

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

DEPARTMENT

December 7, 2010

53- III

Honorable Mayor and City Council
City of Des Moines, Iowa

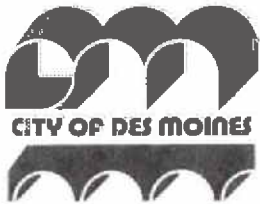
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held December 2, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 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 City Council initiated request to vacate the following right-of-way parcel owned by the City of Des Moines located in the vicinity of Martin Luther King, Jr. Parkway and Interstate 235 at the southeast corner of the intersection of Martin Luther King, Jr. Parkway and Atkins Street subject to the following conditions: 11-2010-1.15

1. Reservation of adequate Right-of-Way for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

Written Responses

- 1 In Favor
- 0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of adequate Right-of-Way for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow for development of the site for residential use. A conceptual site layout has been submitted by Hatch Development Group that demonstrates future division of the requested Right-of-Way as two (2) 25-foot wide parcels for single-family residential development. Such a scenario would require the Zoning Board of Adjustment to grant multiple zoning appeals, including a Variance of 35 feet less than the minimum required 60 feet of lot width. Staff would likely support amended appeals necessary to allow construction of two (2) single-family semi-detached dwelling units, which would allow for an increased future building setback along Atkins Street.
2. **Size of Site:** Up to 95 feet by 125 feet (11,875 square feet).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Undeveloped excess Right-of-Way.
5. **Adjacent Land Use and Zoning:**
 - North* – "R-3"; Use is Atkins Street Right-of-Way.
 - South* – "R-3"; Use is a single-family dwelling.
 - East* – "R-3"; Use is a single-family dwelling.
 - West* – "R1-60"; Use is Martin Luther King, Jr. Parkway Right-of-Way.
6. **General Neighborhood/Area Land Uses:** The subject Right-of-Way is located at the southeast corner of Martin Luther King, Jr. Parkway and Atkins Street in a predominantly low-density residential area.

7. **Applicable Recognized Neighborhood(s):** NA.

8. **Relevant Zoning History:** NA.

9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.

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:** Easements must be provided for all existing utilities until such time they are relocated. MidAmerican Energy has indicated that there are utilities located in the Right-of-Way, including overhead electric poles, cable, gas main, and lighting.

2. **Street System/ Access:** The requested vacation of undeveloped right-of-way would not impact the surrounding street network so long as adequate Right-of-Way is retained for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.

3. **Development Requirements:** Construction of any dwelling on the site shall be in conformance with all applicable building codes with issuance of all necessary permits by the City's Permit & Development Center.

4. **Landscaping:** Staff recommends that construction of any dwelling unit on the requested Right-of-Way be subject to provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

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.

COMMISSION ACTION

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

1. Reservation of adequate Right-of-Way for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
2. Provision of easements for all existing utilities until such time that they are relocated.

3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

Motion passed 11-0-1 (Mike Simonson abstained)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

City Council initiated request for vacation of the following right-of-way parcels owned by the City of Des Moines in the vicinity of M.L. King Jr. Parkway and Interstate 235.				File # 11-2010-1.15	
Description of Action	Vacation of right-of-way parcels in vicinity of C) 1055 Martin Luther King, Jr. Parkway and District Parcel Number 030-04837-000-000 (at the southeast corner of the intersection of Martin Luther King, Jr. Parkway and Atkins Street)				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R-3" Multiple-Family Residential				
Proposed Zoning District	"R-3" Multiple-Family Residential				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
	Inside Area 1	0			
Outside Area					
Plan and Zoning Commission Action	Approval	11-0-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Council Initiated ROW Vacation - Vicinity of 1055 & 1059 MLK Jr Pkwy 11-2010-1.15



Item 11-2010-1.15

Date November 24, 2010

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

(Circle One)

Print Name Michael Dooley

RECEIVED
COMMUNITY DEVELOPMENT
NOV 25 2010

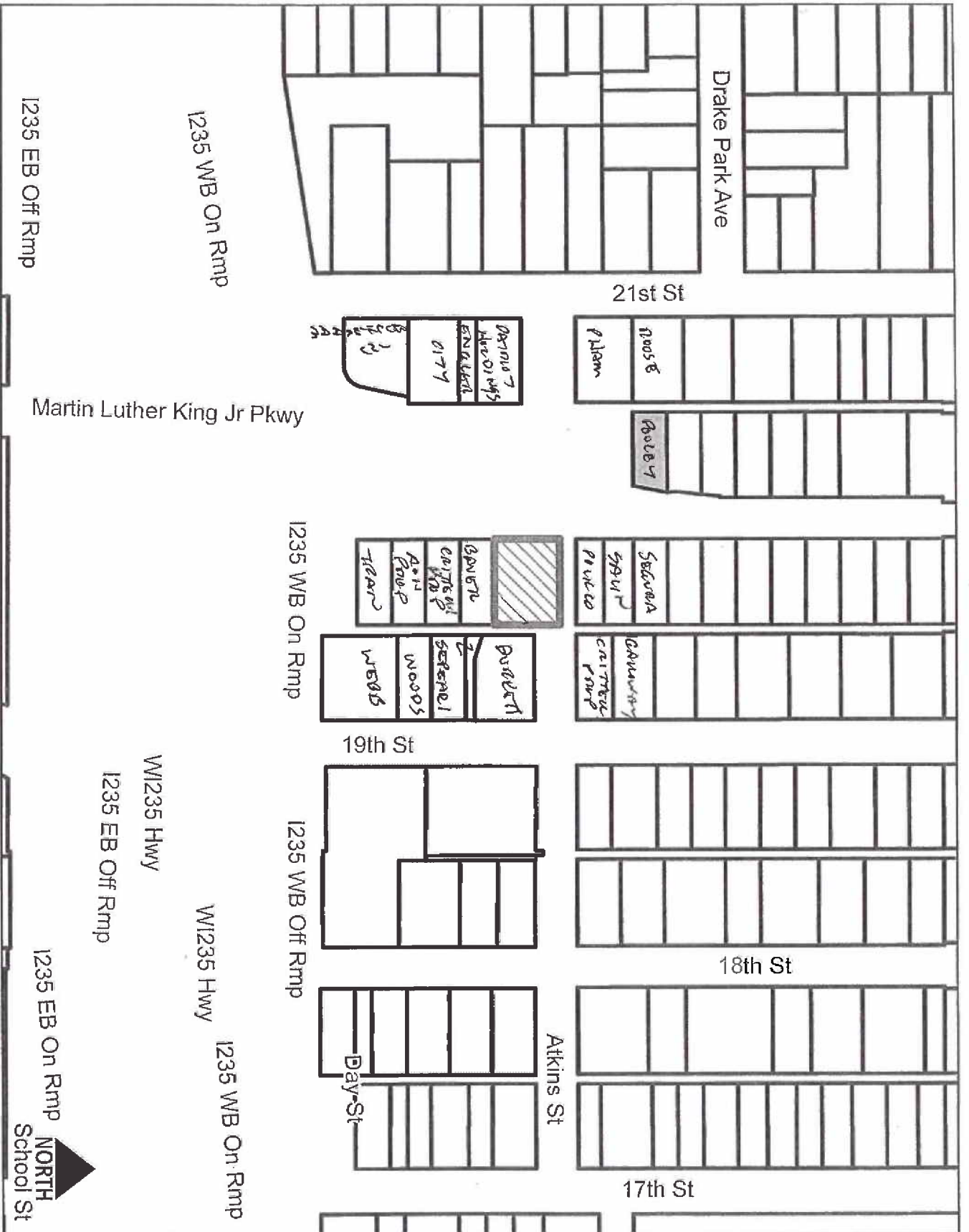
Signature Michael Dooley

Address P.O. Box 314 Martensdale, Ia
50160

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

DEPARTMENT

City Council Initiated ROW Vacation - Vicinity of 1055 & 1059 MLK Jr Pkwy 11-2010-1.15



December 7, 2010

53- IV

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 December 2, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 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

APPROVAL of a City Council initiated request to vacate the following right-of-way parcel owned by the City of Des Moines located in the vicinity of Martin Luther King, Jr. Parkway and Interstate 235 at the northeast corner of the intersection of 18th Street and Day Street subject to the following conditions: 11-2010-1.16

1. Reservation of adequate Right-of-Way for both 18th Street and Day Street, including the public sidewalks along both 18th Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along 18th Street for each dwelling unit constructed.



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1861
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of adequate Right-of-Way for both 18th Street and Day Street, including the public sidewalks along both 18th Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along 18th Street for each dwelling unit constructed.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow for development of the site for residential use. A conceptual site layout has been submitted by Hatch Development Group that demonstrates future division of the requested Right-of-Way as two (2) 25-foot wide parcels for single-family residential development. Such a scenario would require the Zoning Board of Adjustment to grant multiple zoning appeals, including a Variance of 35 feet less than the minimum required 60 feet of lot width. Staff would likely support amended appeals necessary to allow construction of two (2) single-family semi-detached dwelling units, which would allow for an increased future building setback along Day Street.
2. **Size of Site:** Up to 75 feet by 126 feet (9,450 square feet).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Undeveloped excess Right-of-Way.
5. **Adjacent Land Use and Zoning:**
 - North* – "R-3"; Use is a single-family dwelling.
 - South* – "R-3"; Uses is Day Street Right-of-Way.
 - East* – "R-3"; Use is a single-family dwelling.
 - West* – "NPC"; Uses is a multiple-family residential building.
6. **General Neighborhood/Area Land Uses:** The subject Right-of-Way is located at the northeast corner of 18th Street and Day Street in a residential area.
7. **Applicable Recognized Neighborhood(s):** NA.
8. **Relevant Zoning History:** NA.

9. 2020 Community Character Land Use Plan Designation: Low Density Residential.

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:** Easements must be provided for all existing utilities until such time they are relocated. MidAmerican Energy has indicated that there are utilities located in the Right-of-Way, including overhead electric poles, cable, gas main, and lighting. The Des Moines Water Works has indicated that there is an existing water main within the southern portion of the Right-of-Way for which a minimum 10-foot easement measured from the main must be provided. Depending on the exact location of this water main, the required easement may limit future development on the site.
- 2. Street System/ Access:** The requested vacation of undeveloped excess Right-of-Way would not impact the surrounding street network so long as adequate Right-of-Way is retained for both 18th Street and Day Street, including the public sidewalks along both 18th Street and Day Street.
- 3. Development Requirements:** Construction of any dwelling unit on the site shall be in conformance with all applicable building codes with issuance of all necessary permits by the City's Permit & Development Center.
- 4. Landscaping:** Staff recommends that construction of any dwelling unit on the requested Right-of-Way be subject to provision of one (1) street tree along 18th Street for each dwelling unit constructed.

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.

COMMISSION ACTION

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

1. Reservation of adequate Right-of-Way for both 18th Street and Day Street, including the public sidewalks along both 18th Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated.

3. Provision of one (1) street tree along 18th Street for each dwelling unit constructed.

Motion passed 11-0-1 (Mike Simonson abstained)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

City Council initiated request for vacation of the following right-of-way parcels owned by the City of Des Moines in the vicinity of M.L. King Jr. Parkway and Interstate 235.				File #	
				11-2010-1.16	
Description of Action	Vacation of right-of-way parcels in vicinity of D) 1037 18th Street and District Parcel Number 030/01666-001-000 (at the northeast corner of the intersection of 18th Street and Day Street)				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R-3" Multiple-Family Residential				
Proposed Zoning District	"R-3" Multiple-Family Residential				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	11-0-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Council Initiated ROW Vacation - Vicinity of 1037 18th Street

11-2010-1.16



December 7, 2010

53-V

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 December 2, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 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 City Council initiated request to vacate the following right-of-way parcel owned by the City of Des Moines located in the vicinity of Martin Luther King, Jr. Parkway and Interstate 235 at the northwest corner of the intersection of 16th Street and Day Street subject to the following conditions: 11-2010-1.18

1. Reservation of adequate Right-of-Way for both 16th Street and Day Street, including the public sidewalks along both 16th Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along 16th Street for each dwelling unit constructed.

Written Responses

0 In Favor

1 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of adequate Right-of-Way for both 16th Street and Day Street, including the public sidewalks along both 16th Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along 16th Street for each dwelling unit constructed.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow for development of the site for single-family residential use. A conceptual site layout has been submitted by Hatch Development Group that demonstrates a 41-foot wide parcel for single family residential development. Such a scenario would require the Zoning Board of Adjustment to grant multiple zoning appeals, including an Exception of 19 feet less than the minimum required 60 feet of lot width.
2. **Size of Site:** Up to 90 feet by 125 feet (11,250 square feet).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Undeveloped Right-of-Way.
5. **Adjacent Land Use and Zoning:**
 - North* – "R-3"; Use is a single-family dwelling.
 - South* – "R-3"; Uses are Day Street Right-of-Way and undeveloped land.
 - East* – "R-3"; Use is undeveloped land.
 - West* – "R-3"; Use is undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject Right-of-Way is located at the northwest corner of 16th Street and Day Street in a residential area.
7. **Applicable Recognized Neighborhood(s):** NA.
8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.

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:** Easements must be provided for all existing utilities until such time they are relocated. MidAmerican Energy has indicated that there are utilities located in the Right-of-Way, including overhead electric poles, cable, and lighting. The Des Moines Water Works has indicated that there is an existing water main within the southern portion of the Right-of-Way for which a minimum 10-foot easement measured from the main must be provided. Depending on the exact location of this water main, the required easement may limit future development on the site.
- 2. Street System/ Access:** The requested vacation of undeveloped Right-of-Way would not impact the surrounding street network so long as adequate Right-of-Way is retained for both 16th Street and Day Street, including the public sidewalks along both 16th Street and Day Street.
- 3. Development Requirements:** Construction of any dwelling unit on the site shall be in conformance with all applicable building codes with issuance of all necessary permits by the City's Permit & Development Center.
- 4. Landscaping:** Staff recommends that construction of any dwelling unit on the requested Right-of-Way be subject to provision of one (1) street tree along 16th Street.

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.

COMMISSION ACTION

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

1. Reservation of adequate Right-of-Way for both 16th Street and Day Street, including the public sidewalks along both 16th Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated:

3. Provision of one (1) street tree along 16th Street for each dwelling unit constructed.

Motion passed 11-0-1 (Mike Simonson abstained)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Ludwig".

Michael Ludwig, AICP
Planning Administrator

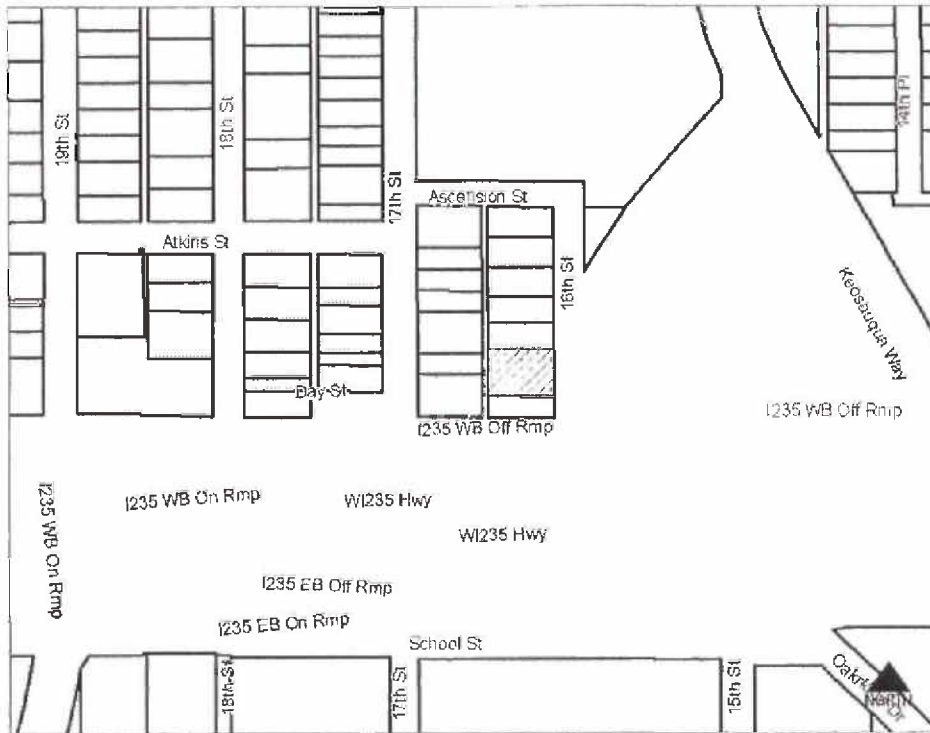
MGL:clw

Attachment

City Council initiated request for vacation of the following right-of-way parcels owned by the City of Des Moines in the vicinity of M.L. King Jr. Parkway and Interstate 235.				File #	
				11-2010-1.18	
Description of Action	Vacation of right-of-way parcels in vicinity of District Parcel Number 030/00986-000-000 (at the northwest corner of the intersection of 16th Street and Day Street)				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R-3" Multiple-Family Residential				
Proposed Zoning District	"R-3" Multiple-Family Residential				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	0	1			
Outside Area					
Plan and Zoning Commission Action	Approval	11-0-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Council Initiated ROW Vacation - Vicinity of 1050 16th Street

11-2010-1.18



Item 11-2010-1.18

Date 11.29.2010

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
NOV 30 2010
DEPARTMENT

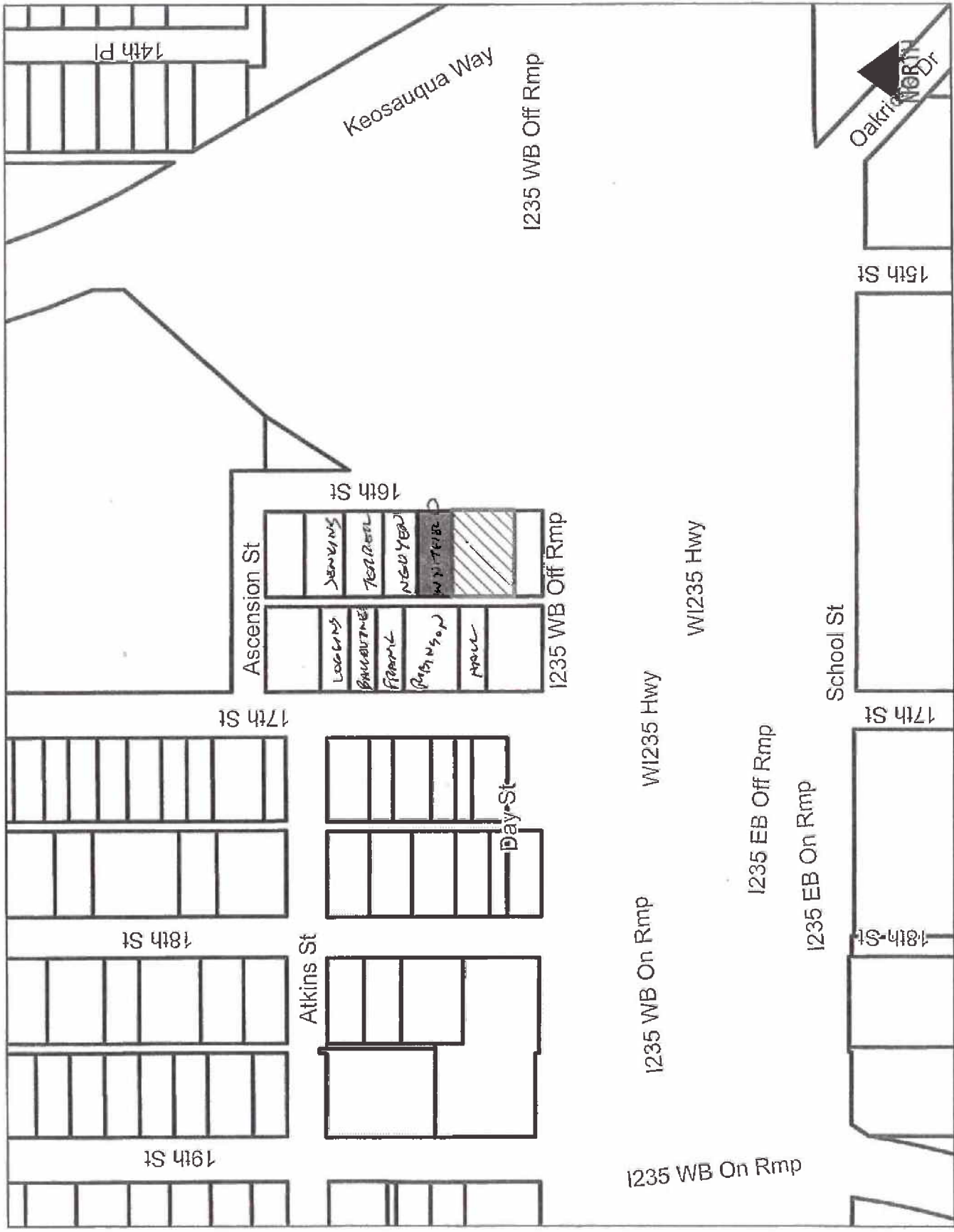
Print Name Mattie Whitfield

Signature MW

Address 1054 110th St.

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

I run a daycare in my home
and with apartments next door
it will cause too much traffic
and nonsense for the area. There
isn't enough room for this type
of project.



53-VI

Zoning Map



Zoning District Label	Airport	Lake	Cities
Conditional Zone	Parcel	River	Other Cities
Zoning PUD	ParcelCondo	County	Des Moines
			Polk Co. Aerial Photo 2010
			Red:Band_1
			Green:Band_2
			Blue:Band_3

Disclaimer

It is understood that while the City of Des Moines' Geographical Information Systems Division has no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the GIS personnel make no warranty or representation, either expressed or implied, with respect to the information, or data displayed.

Note: Public property represented on this map is not intended to be inclusive.

For information about Zoning data: please contact the City of Des Moines' Community Development Department.