

Date..... September 12, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1 2011, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from the Wastewater Reclamation Authority (WRA), represented by William Stowe (officer), for vacation of the following segments of right-of-way to allow assembly of the properties owned by the City of Des Moines and/or WRA subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated.
2. The segment of undeveloped SE 27th Street right-of-way between the two properties owned by Eugene Peek (2705 East Railroad Avenue and Parcel Number 050/02621-001-000) should first be offered to Mr. Peek for purchase and conveyance.
 - A) East Railroad Avenue from SE 25th Court to SE 26th Court.
 - B) East/west alley between Vale Street and East Railroad Avenue from SE 25th Court to its east terminus.
 - C) East/west alley between East Railroad Avenue and Harriett Street from SE 25th Court to its east terminus.
 - D) Harriett Street from SE 25th Court to its east terminus.
 - E) North/south alley between SE 25th Court and SE 26th Court from Vale Street to C B & Q Street.
 - F) SE 26th Court from East Railroad Avenue to its south terminus.
 - G) North/south alley between SE 26th Court and SE 27th Street from East Railroad Avenue to C B & Q Street.
 - H) SE 27th Street from East Railroad Avenue to C B & Q Street.
 - I) North/south alley between SE 27th Street and SE 27th Court from East Railroad Avenue to C B & Q Street.
 - J) North/south alley between SE 27th Court and SE 28th Street from East Railroad Avenue to C B & Q Street.

MOVED by _____ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(11-2011-1.11)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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 20

Roll Call # _____

September 7, 2011

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 1, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
Kent Sovern	X			
CJ Stephens	X			

APPROVAL of a request from the Wastewater Reclamation Authority (WRA), represented by William Stowe (officer), for vacation of **A)** East Railroad Avenue from SE 25th Court to SE 26th Court; **B)** East/west alley between Vale Street and East Railroad Avenue from SE 25th Court to its east terminus; **C)** East/west alley between East Railroad Avenue and Harriett Street from SE 25th Court to its east terminus; **D)** Harriett Street from SE 25th Court to its east terminus; **E)** North/south alley between SE 25th Court and SE 26th Court from Vale Street to C B & Q Street; **F)** SE 26th Court from East Railroad Avenue to its south terminus; **G)** North/south alley between SE 26th Court and SE 27th Street from East Railroad Avenue to C B & Q Street; **H)** SE 27th Street from East Railroad Avenue to C B & Q Street; **I)** North/south alley between SE 27th Street and SE 27th Court from East Railroad Avenue to C B & Q Street; **J)** North/south alley between SE 27th Court and SE 28th Street from East Railroad Avenue to C B & Q Street of right-of-way to allow assembly of the properties owned by the City of Des Moines and/or WRA subject to the following conditions: 11-2011-1.11

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated.



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

2. The segment of undeveloped SE 27th Street right-of-way between the two properties owned by Eugene Peek (2705 East Railroad Avenue and Parcel Number 050/02621-001-000) should first be offered to Mr. Peek for purchase and conveyance.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested alley rights-of-way subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Reservation of a public access easement over the southern half of the vacated alley to allow use for access to adjoining loading and off-street parking.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow the undeveloped alley right-of-way to be assembled with the adjacent single-family residential properties.
2. **Size of Site:** 12 feet by 260 feet (3,120 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped alley right-of-way.
5. **Adjacent Land Use and Zoning:**

 East – "R1-60", Use is single-family residential.

 West – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject alley right-of-way is located in a low-density residential area.
7. **Applicable Recognized Neighborhood(s):** Grays Lake Neighborhood.
8. **Relevant Zoning History:** N/A.
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:** No utilities have been identified within the right-of-way at this time. However, easements must be provided for any existing utilities until such time they are relocated at the applicant's expense.
- 2. **Access/Traffic:** The requested vacation of undeveloped alley right-of-way would not adversely impact the surrounding street network.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

COMMISSION ACTION

Kent Sovern moved staff recommendation to approve the vacation of the requested alley rights-of-way subject to the following conditions:

- 1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
- 2. Reservation of a public access easement over the southern half of the vacated alley to allow use for access to adjoining loading and off-street parking.

Motion passed 14-0.

Respectfully submitted,


 Michael Ludwig, AICP
 Planning Administrator

MGL:clw

Attachment

Request from the Wastewater Reclamation Authority (WRA), represented by William Stowe (officer), for vacation of various segments of right-of-way to allow consolidation of the properties owned by the City of Des Moines and/or WRA.		File # 11-2011-1.11		
Description of Action	Review and approval for vacation of the following segments of right-of-way. A) East Railroad Avenue from SE 25 th Court to SE 26 th Court. B) East/west alley between Vale Street and East Railroad Avenue from SE 25 th Court to its east terminus. C) East/west alley between East Railroad Avenue and Harriett Street from SE 25 th Court to its east terminus. D) Harriett Street from SE 25 th Court to its east terminus. E) North/south alley between SE 25 th Court and SE 26 th Court from Vale Street to C B & Q Street. F) SE 26 th Court from East Railroad Avenue to its south terminus. G) North/south alley between SE 26 th Court and SE 27 th Street from East Railroad Avenue to C B & Q Street. H) SE 27 th Street from East Railroad Avenue to C B & Q Street. I) North/south alley between SE 27 th Street and SE 27 th Court from East Railroad Avenue to C B & Q Street. J) North/south alley between SE 27 th Court and SE 28 th Street from East Railroad Avenue to C B & Q Street.			
2020 Community Character Plan	Low-Density Residential and General Industrial			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "R-2" One and Two Family Residential District			
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District and "R-2" One and Two Family Residential District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	14-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Des Moines WRA - SE 25th Ct to SE 28th St and Vale St to CB & Q St 11-2011-1.11



