

Date March 26, 2012

SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF SE 21ST COURT AND A PORTION OF SHAW STREET RIGHT-OF-WAY ADJOINING 607 SE 21ST COURT TO AVAILABLE MATERIAL HANDLING LLC (AMH) FOR \$3,500

WHEREAS, on February 27, 2012, by Roll Call No. 12-0278, the City Council received the recommendation from the Plan and Zoning Commission that a portion of SE 21st Court from Scott Avenue to the Union Pacific Railroad and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court from the Union Pacific Railroad to the north/south alley, hereinafter more fully described, be vacated and conveyed to Available Material Handling LLC, (AMH) subject to reservation of easements for all public utilities in place and subject to conformance with an approved Site Plan for the existing non-conforming contractor's storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements; and

WHEREAS, AMH is the owner of 607 SE 21st Court, and has offered to the City of Des Moines the purchase price of \$3,500 for the purchase of the City right-of-way more specifically described below for incorporation with the adjoining property, subject to the Plan and Zoning Commission recommendations as stated above, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and conveyed, and the City will not be inconvenienced by the vacation and conveyance of said property.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a portion of SE 21st Court from Scott Avenue to the Union Pacific Railroad and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court from the Union Pacific Railroad to the north/south alley, more specifically described as follows:

ALL THAT PART OF THE SHAW STREET LYING WEST OF THE SOUTHERLY EXTENSION OF THE NORTH-SOUTH ALLEY IN BLOCK 7, JACK'S PLAT, AN OFFICIAL PLAT, AND EAST OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

ALL THAT PART OF THE SOUTHEAST 21ST COURT LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF SCOTT STREET (AVENUE), AND NORTH OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to convey such vacated right-of-way to the Available Material Handling LLC for \$3,500, subject to the Plan and Zoning Commission recommendations as stated above.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such real estate is to be considered shall be on April 9, 2012, said meeting to be held at 5:00 p.m., in the Council Chamber.

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Date March 26, 2012

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.

5. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

rw

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

MOTION CARRIED APPROVED

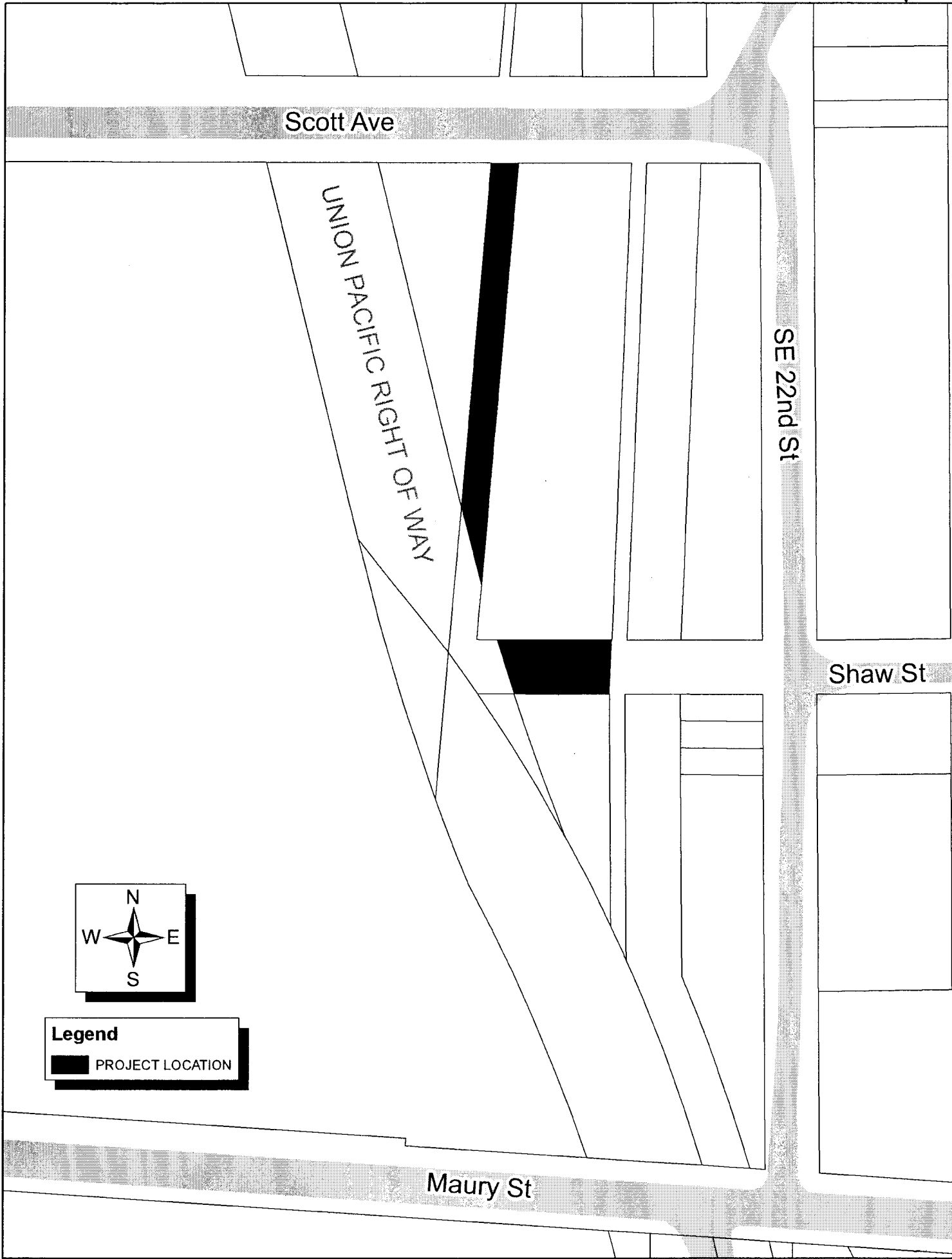
 Mayor

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



Scott Ave

UNION PACIFIC RIGHT OF WAY

SE 22nd St

Shaw St

Maury St



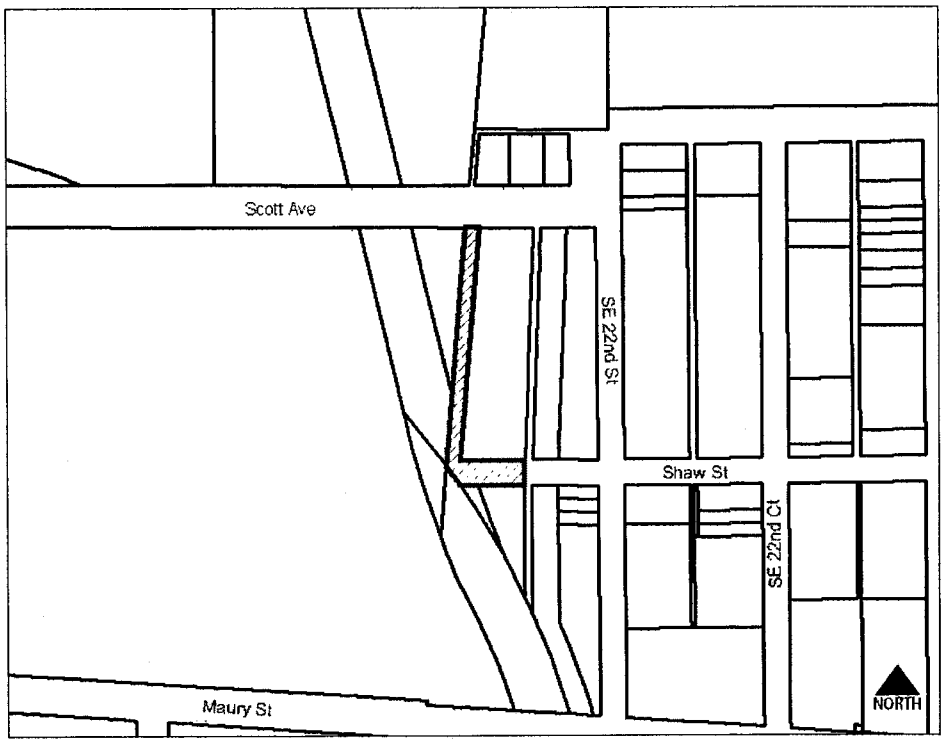
Legend

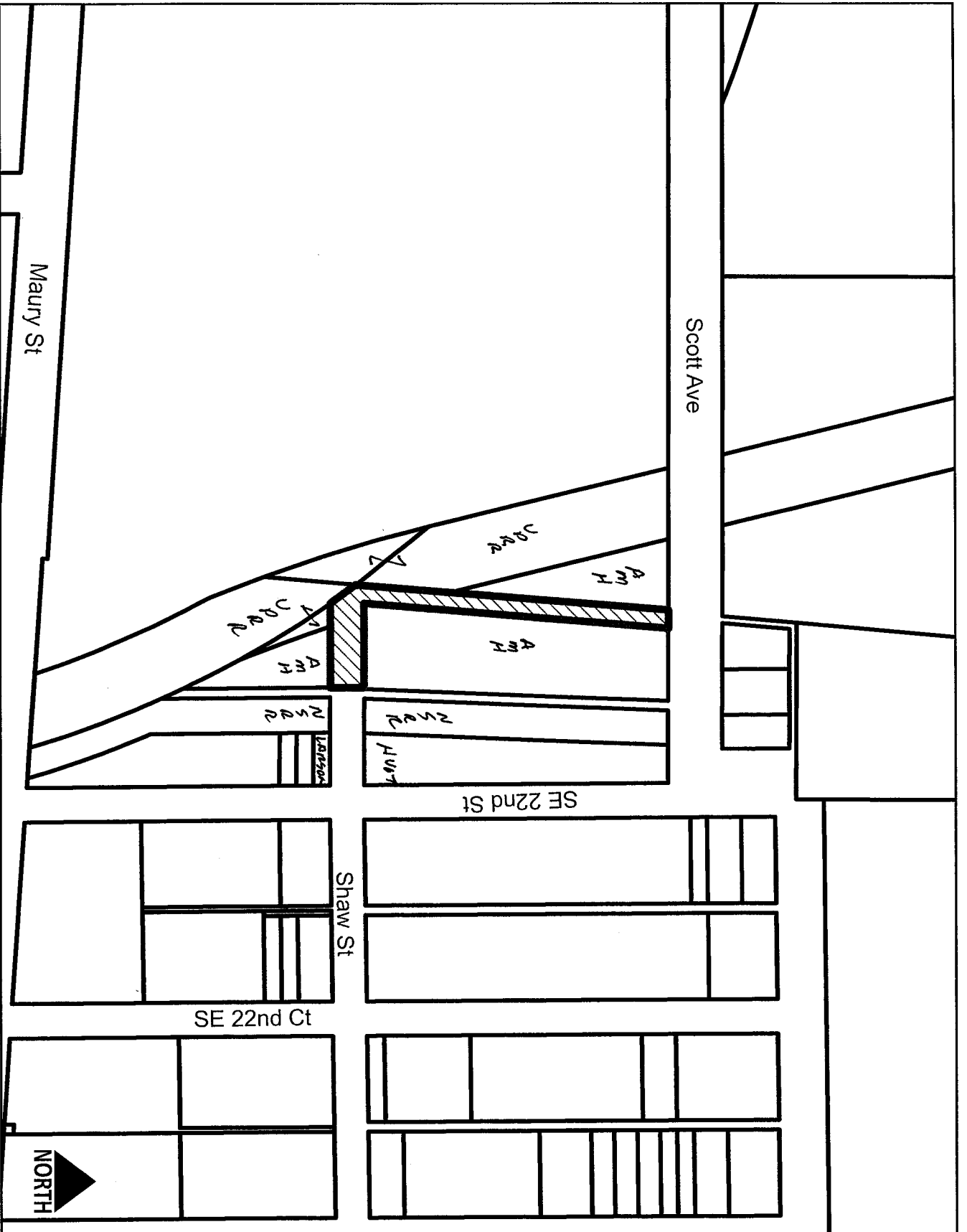
PROJECT LOCATION

Request from Available Material Handling, LLC (owner) 607 Southeast 27 th Court, represented by Anthony Holt (officer) for vacation of public street segments		File #			
		11-2012-1.01			
Description of Action	Review and approval for vacation of the following public street segments to assemble with adjoining property for site development: A) Shaw Street from the Norfolk Southern Railroad to the north/south alley. B) Southeast 21 st Court from Scott Avenue to the Norfolk Southern Railroad.				
2020 Community Character Plan	General Industrial				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"M-1" Light Industrial District				
Proposed Zoning District	"M-1" Light Industrial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Available Material Handling LLC - 20 E 18th Street

11-2012-1.01





Date _____

Agenda Item 19

Call # _____

February 14, 2012

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 February 2, 2012, 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
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			
CJ Stephens				X

APPROVAL of a request from Available Material Handling, LLC (owner) 607 Southeast 27th Court, represented by Anthony Holt (officer), for the requested vacation subject to the following conditions: (11-2012-1.01)

1. Provision of necessary easements for any existing utilities that are in place.
2. Any conveyance of the property be made subject to conformance with an approved Site Plan for the existing non-conforming contractor's storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

1. Provision of necessary easements for any existing utilities that are in place.
2. Any conveyance of the property be made subject to conformance with an approved Site Plan for the existing non-conforming contractor's storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to assemble land to allow the Site to be developed for outdoor storage of contractor equipment. The applicant purchased the property in December of 2010 with an order by the Iowa DNR to clean up debris and dumping that had occurred under previous ownership. Since that time the applicant has worked to legally dispose of the material.
2. **Size of Site:** Approximately 13,900 square feet.
3. **Existing Zoning (site):** "M-1" Light Industrial District.
4. **Existing Land Use (site):** Vacant undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North* – "M-1", Uses are vacant land, the Norfolk Southern Railroad and the Union Pacific Railroad.
 - South* – "M-1", Uses are vacant land, the Norfolk Southern Railroad and the Union Pacific Railroad.
 - East* – "M-1", Uses are vacant land and the Norfolk Southern Railroad.
 - West* – "M-2"; Use is the Kemin Industries campus and the Union Pacific Railroad.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is within the southeast industrial complex of Des Moines.
7. **Applicable Recognized Neighborhood(s):** None.
8. **Relevant Zoning History:** The property is currently subject to a Zoning code enforcement case for conducting activity as a contractor's storage yard without meeting site development requirements under the Site Plan Ordinance. This request is a first step to bring the Site into conformance. Staff recommends that any conveyance of the right-of-way for lease or for sale be subject to conformance with zoning enforcement.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.
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:** At this time no public utilities have been identified within the requested rights-of way. Easements must be provided for any existing public utilities as part of any conveyance.

2. **Street System/ Access:** Both segments of right-of-way are undeveloped and are not determined by Traffic Engineering to be essential to the current or proposed circulation of traffic on the surrounding public street system. The site proposed to be assembled with the requested right-of-way will continue to have access from Scott Avenue, an improved public street abutting to the north. Scott Avenue will dead end west of the Union Pacific Railroad. That portion of Scott Avenue west of the proposed turnaround is proposed for vacation and conveyance to Kemin Industries.
3. **Development Requirements:** Any future development of the right-of-way onto the requested right-of-way must be in compliance with a Site Plan approved by the City's Permit & Development Center. This includes such standards as paved access and maneuvering; dustless surfaces and street setbacks for storage areas; and landscaping requirements.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation to approve the requested vacation subject to the following conditions:

1. Provision of necessary easements for any existing utilities that are in place.
2. Any conveyance of the property be made subject to conformance with an approved Site Plan for the existing non-conforming contractor's storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment