

Date June 25, 2012

**HOLD HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY
ADJOINING 815 HIGH STREET TO THE CATHEDRAL CHURCH OF ST. PAUL OF THE
CITY OF DES MOINES, IOWA FOR \$1,000**

WHEREAS, on June 11, 2012, by Roll Call No. 12-0881, the City Council received the recommendation from the Plan and Zoning Commission to vacate the north/south alley adjoining 815 High Street between 8th Street and 9th Street from High Street to Pleasant Street (“Property”), subject to provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by City Council, and further subject to reservation of an easement for utilities currently in place until such time as they are abandoned or relocated at the applicant’s expense; and

WHEREAS, The Cathedral Church of St. Paul of the City of Des Moines, Iowa is the owner of the real property locally known as 815 High Street that abuts such Property and has offered to the City of Des Moines the purchase price of \$1,000.00 for the vacation and purchase of the Property as legally described below, for the purpose of developing a pedestrian plaza on the east side of the existing cathedral, which purchase price reflects the restricted use fair market value of the Property as currently estimated by the City’s Real Estate Division; and

WHEREAS, The Cathedral Church of St. Paul of the City of Des Moines, Iowa and City staff have negotiated the terms of an offer to purchase the Property, subject to the Plan and Zoning Commission requirements and other terms including proposed deed restrictions that the Property be used for greenspace and public pedestrianway only; that structures and improvements cannot be constructed upon the Property except as shown in a conceptual plan to be provided by the buyer; and requirements in the event of requested future release of the no-build restriction; and further subject to closing being conditional upon receipt by the buyer of an Open Spaces Sacred Places grant to fund construction of the pedestrian plaza and greenspace within the Property, with the Property to be retained and rededicated as public right-of-way by the City in the event that closing does not occur; and

WHEREAS, there is no known current or future public need or benefit for the Property proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property interests, subject to the use of said Property as a greenspace and public pedestrianway; and

WHEREAS, on June 11, 2012, by Roll Call No. 12-0882, 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 June 25, 2012, at 5:00 p.m., in the Council Chamber; 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

.....
Date..... June 25, 2012.....

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 or benefit for the right-of-way proposed to be vacated, subject to the use of said property as a greenspace and public pedestrianway, and the public would not be inconvenienced by reason of the vacation of the north/south alley adjoining 815 High Street between 8th Street and 9th Street from High Street to Pleasant Street, more specifically described as follows:

ALL OF THE NORTH/SOUTH ALLEY IN BLOCK 1 OF HOLCOMBS ADDITION TO FORT DES MOINES, 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 the Cathedral Church of St. Paul of the City of Des Moines, Iowa for \$1,000, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved, subject to the Plan and Zoning Commission recommendations and the use restrictions and closing conditions set forth herein above and in the Offer to Purchase:

ALL OF THE VACATED NORTH/SOUTH ALLEY IN BLOCK 1 OF HOLCOMBS ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

4. The Mayor is authorized and directed to sign the Offer to Purchase and 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 and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, 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 following closing.

Date June 25, 2012

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 following closing.

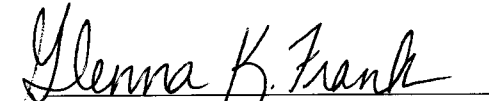
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantees.

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

(Council Communication No.12- 341)

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.

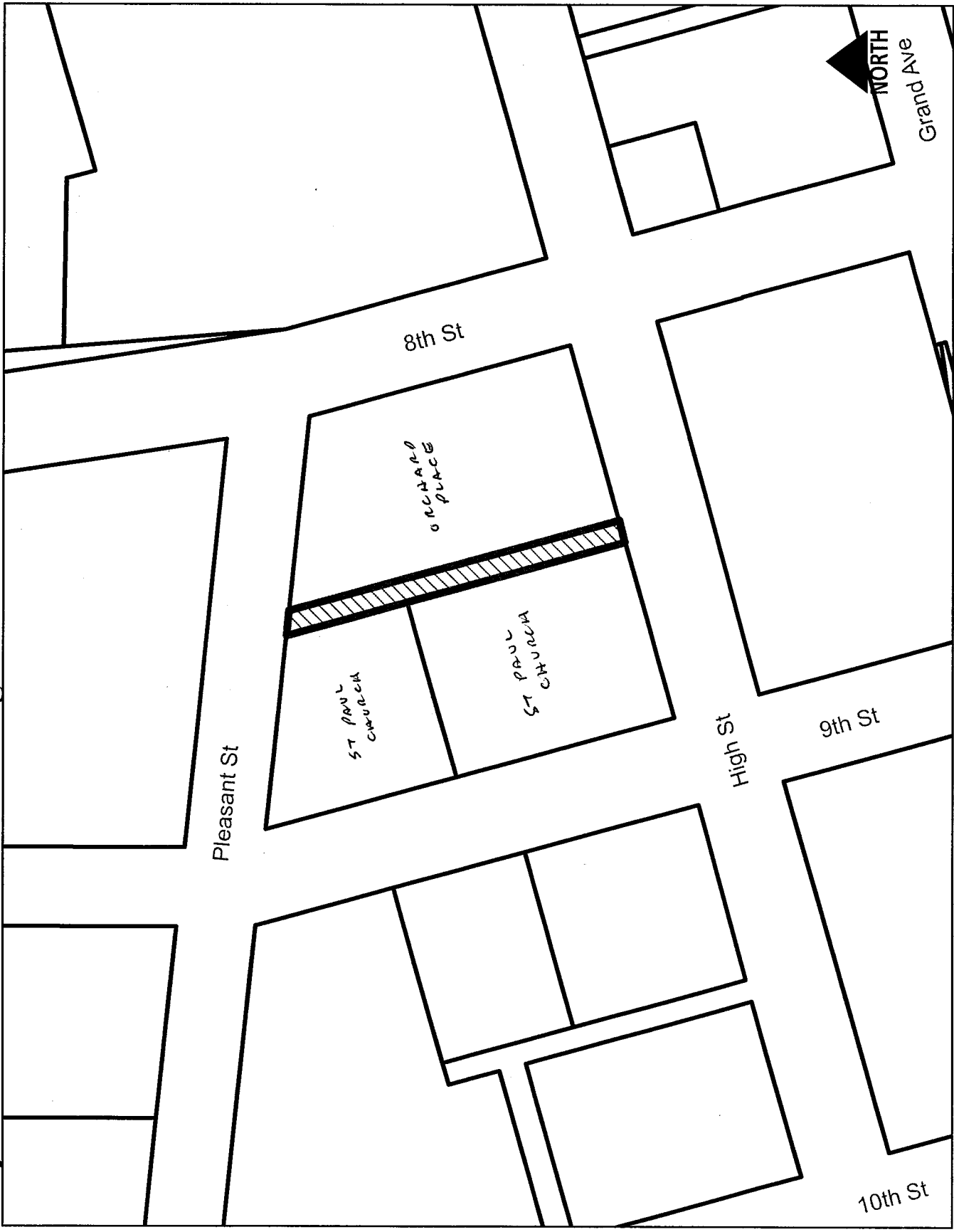
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

The Cathedral Church of St Paul -
Alley vacation 8th to 9th Streets & High to Pleasant Streets

11-2012-1.07

58



Date _____

June 8, 2012

Agenda Item 58 ✓

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 June 7, 2012, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 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
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdill				X

APPROVAL of a request from the Cathedral Church of St. Paul of the City of Des Moines, Iowa (owner), 815 High Street, represented by Al Geiger (officer), for vacation of the north/south alley between 8th Street and 9th Street from High Street to Pleasant Street, to allow development of a pedestrian plaza on the east side of the existing cathedral, subject to the following conditions: (11-2012-1.07)

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by the City Council.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested alley right-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. Provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by the City Council.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation would allow development of a pedestrian plaza on the east side of the existing cathedral. The submitted site sketch demonstrates that this plaza would be constructed on the southern portion of the requested alley right-of-way and on a portion of the adjacent parcel (807 High Street) owned by Orchard Place. The submitted site sketch also demonstrates that the northern portion of the requested alley right-of-way would continue to provide access to the church's parking lot from Pleasant Street.
2. **Size of Site:** The requested right-of-way generally measures 16 feet by 260 feet (4,000 square feet).
3. **Existing Zoning (site):** "C-3" Central Business District Commercial District.
4. **Existing Land Use (site):** Paved alley right-of-way.
5. **Adjacent Land Use and Zoning:**

 East – "C-3", Uses are the St. Paul's Episcopal Church and an off-street parking lot.

 West – "C-3", Uses are an office building occupied by Orchard Place and an off-street parking lot.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the northern portion of downtown to the north of the High Street.
7. **Applicable Recognized Neighborhood(s):** Downtown Des Moines Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Downtown High Amenity Office/Institutional.
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 maintained for any utilities in place unless other arrangements are approved by the affected utility.
- 2. Access/Traffic:** The only use that utilizes the alley for access is the parking lot owned by St. Paul's Cathedral that is west of the alley and north of the church. The submitted site sketch demonstrates that that northern portion of the requested alley right-of-way would continue to provide access to this parking lot from Pleasant Street.
- 3. Future Development:** The importance of the site within the downtown area warrants additional review of any future development on the requested right-of-way and adjoining properties. Staff recommends that any interim or permanent use on the requested right-of-way or adjoining properties shall be in conformance with a development plan approved by the City Council.

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

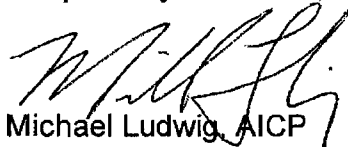
COMMISSION ACTION:

Ted Irvine moved staff recommendation for vacation of the requested alley right-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. Provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by the City Council.

Motion passed 9-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment