

Date October 22, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 4, 2012, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City Council initiated request for vacation of the following segments of public rights of way:

- A) Wagner Street from the north/south alley to 5<sup>th</sup> Avenue.
- B) A 132-foot segment of the north/south alley between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue north of Vine Street.

The proposed vacation is subject to the following:

1. Reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.
2. Reservation of an access easement for preservation of the existing access by the Thompson Trust for the off-street parking lot adjoining the west dead end of Wagner Street.
3. Any development of the property shall be approved by the Permit and Development Center under a Site Plan review in accordance with applicable design guidelines

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(11-2012-1.17)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				

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

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City Council initiated request for vacation of the following segments of right-of-way to exchange with Polk County for portions of land used for Southwest 6 <sup>th</sup> Street as part of the M.L. King Jr. Southern Loop Project authorization.			<b>File #</b> 11-2012-1.17		
<b>Description of Action</b>	Approval for vacation of the following segments of right-of-way to exchange with Polk County for portions of land used for Southwest 6 <sup>th</sup> Street as part of the M.L. King Jr. Southern Loop Project authorization subject to conditions: A) Wagner Street from the north/south alley to 5 <sup>th</sup> Avenue. B) A 132-foot segment of the north/south alley between 5 <sup>th</sup> Avenue and 6 <sup>th</sup> Avenue north of Vine Street.				
<b>2020 Community Character Plan</b>	Commercial: Auto-Oriented Small-Scale Strip Development				
<b>Horizon 2035 Transportation Plan</b>	Southeast 14 <sup>th</sup> Street from the East 15 <sup>th</sup> Extension to East Park Avenue to widen from 4 lanes divided to 6 lanes divided				
<b>Current Zoning District</b>	"C-3R" Central Business District Mixed-Residential District				
<b>Proposed Zoning District</b>	"C-3R" Central Business District Mixed-Residential District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	

City Engineering Department - Vicinity of SW 5th Street & Cherry Street 11-2012-1.17



October 16, 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 October 4, 2012, the following action was taken regarding a City Council initiated request for vacation of the following segments of right-of-way to exchange with Polk County for portions of land used for Southwest 6<sup>th</sup> Street as part of the M.L. King Jr. Southern Loop Project authorization:

- A) Wagner Street from the north/south alley to 5<sup>th</sup> Avenue.  
B) A 132-foot segment of the north/south alley between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue north of Vine Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 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			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			

**APPROVAL** of the requested vacation subject to the following:

(11-2012-1.17)

1. Reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.
2. Reservation of an access easement for preservation of the existing access by the Thompson Trust for the off-street parking lot adjoining the west dead end of Wagner Street.
3. Any development of the property shall be approved by the Permit and Development Center under a Site Plan review in accordance with applicable design guidelines.



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:

1. Reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.
2. Reservation of an access easement for preservation of the existing access by the Thompson Trust for the off-street parking lot adjoining the west dead end of Wagner Street.
3. Any development of the property shall be approved by the Permit and Development Center under a Site Plan review in accordance with applicable design guidelines.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation will allow a land exchange with Polk County. The County will be able to develop more efficient parking and the City will be able to acquire land already developed for public street use.
2. **Existing Zoning (site):** "C-3R" Central Business District Mixed-Residential District.
3. **Existing Land Use (site):** Developed street and alley rights-of-way. The Wagner Street segment is developed as a brick street. The north/south alley was developed as off-street parking in the past year.
4. **General Neighborhood/Area Land Uses:** The surrounding area is primarily used for off-street parking for the Polk County Courthouse area at the west end of the Court Avenue entertainment district. The DART hub facility is on the city block to the west.
5. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 14, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on September 24, 2012 (10 days prior) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject rights-of-way. A Final Agenda was mailed to the neighborhood association on September 28, 2012. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Jonathan Brendemuehl at 119 4th Street, #108, Des Moines, IA 50309.

6. **Relevant Zoning History:** N/A.
7. **2020 Community Character Land Use Plan Designation:** Downtown Retail/Office Core/Core Fringe.
8. **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:** There are not any identified public utilities within the requested rights-of-way. Easements must be provided for all utilities in place unless they are abandoned or relocated.
2. **Traffic/Street System:** The subject street and alley rights-of-way are used in conjunction with the surrounding public street network. They are used only for access to off-street parking. Staff recommends any vacation require the future development to be reviewed by the Permit and Development Center under a Site Plan review in accordance with applicable design guidelines.
3. **Access:** The proposed vacation will allow Polk County to develop additional off-street parking. There is an existing off-street parking lot owned by the Thompson Trust at the west end of the block that has a secondary access through a control gate off the west end of the Wagner Street. Staff recommends that an access easement for that property owner be reserved to maintain that access.

## 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.*

## COMMISSION ACTION:

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

1. Reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.
2. Reservation of an access easement for preservation of the existing access by the Thompson Trust for the off-street parking lot adjoining the west dead end of Wagner Street.

3. Any development of the property shall be approved by the Permit and Development Center under a Site Plan review in accordance with applicable design guidelines.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, ACP  
Planning Administrator

MGL:clw

Attachment

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City Engineering Department - Vicinity of SW 5th Street & Cherry Street 11-2012-1.17

