

★ **Roll Call Number**

Agenda Item Number

16

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 subject to reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated:

- A) A 27.34-foot dead end segment of the north/south alley between Southeast 14<sup>th</sup> Street and Southeast 14<sup>th</sup> Court south of East Market Street.
- B) A 58.92-foot segment of Southeast 14<sup>th</sup> Court south of East Market Street and north of Scott Avenue.
- C) A 58.97-foot segment of the north/south alley between Southeast 14<sup>th</sup> Court and Southeast 15<sup>th</sup> Street south of East Market Street.
- D) A 59.02-foot segment of Southeast 15<sup>th</sup> Street south of East Market and north of vacated Raccoon Street

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(11-2012-1.16)

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.

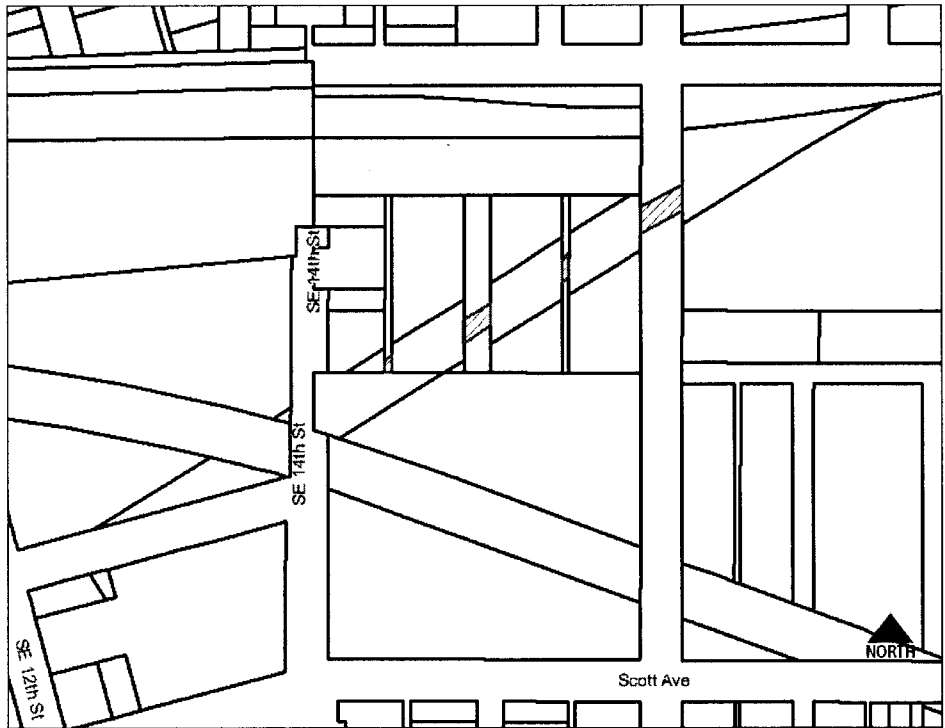
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

City Council initiated request for vacation of the following segments of right-of-way to allow for the relocation of a spur line for the Norfolk Southern Railroad as part of the Southeast Connector Project authorization.		<b>File #</b> 11-2012-1.16			
<b>Description of Action</b>	Approval for vacation of the following segments of right-of-way to allow for the relocation of a spur line for the Norfolk Southern Railroad as part of the Southeast Connector Project authorization subject reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated: A) A 27.34-foot dead end segment of the north/south alley between Southeast 14 <sup>th</sup> Street and Southeast 14 <sup>th</sup> Court south of East Market Street. B) A 58.92-foot segment of Southeast 14 <sup>th</sup> Court south of East Market Street and north of Scott Avenue. C) A 58.97-foot segment of the north/south alley between Southeast 14 <sup>th</sup> Court and Southeast 15 <sup>th</sup> Street south of East Market Street. D) A 59.02-foot segment of Southeast 15 <sup>th</sup> Street south of East Market and north of vacated Raccoon Street				
<b>2020 Community Character Plan</b>	Downtown: Retail/Office Core/Core Fringe				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"M-1" Light Industrial District				
<b>Proposed Zoning District</b>	"M-1" Light Industrial 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 SE 15th Street & Scott Avenue 11-2012-1.16



October 16, 2012

Agenda Item 16

Roll 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 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 allow for the relocation of a spur line for the Norfolk Southern Railroad as part of the Southeast Connector Project authorization

- A) A 27.34-foot dead end segment of the north/south alley between Southeast 14<sup>th</sup> Street and Southeast 14<sup>th</sup> Court south of East Market Street.
- B) A 58.92-foot segment of Southeast 14<sup>th</sup> Court south of East Market Street and north of Scott Avenue.
- C) A 58.97-foot segment of the north/south alley between Southeast 14<sup>th</sup> Court and Southeast 15<sup>th</sup> Street south of East Market Street.
- D) A 59.02-foot segment of Southeast 15<sup>th</sup> Street south of East Market and north of vacated Raccoon 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 reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated. (11-2012-1.16)



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 reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.

### **STAFF REPORT**

#### **I. GENERAL INFORMATION**

- 1. Purpose of Request:** The proposed vacation will allow the rights-of-way to be conveyed as part of a rail spur for Norfolk Southern railroad in association with the Southeast Connector project.
- 2. Existing Zoning (site):** "M-1" Light Industrial District.
- 3. Existing Land Use (site):** Undeveloped street and alley rights-of-ways.
- 4. General Neighborhood/Area Land Uses:** The surrounding area is generally vacant open space and is adjacent to the southeast industrial area and the Southeast 14<sup>th</sup> Street commercial corridor.
- 5. Applicable Recognized Neighborhood(s):** The subject property is not located within a recognized neighborhood. Separate notifications of the hearing for this item were mailed to the primary titleholder on file with the Polk County Assessor for each property adjoining the subject rights-of-way on September 24, 2012.
- 6. Relevant Zoning History:** N/A.
- 7. 2020 Community Character Land Use Plan Designation:** General Industrial.
- 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 Engineering Department is in the process of assembling land for the Southeast Connector project. The subject street and alley rights-of-way are undeveloped and not accessible to traffic. The Engineering Department is working to place a spur rail line for the Norfolk Southern across the rights-of-way in association with the Southeast Connector project.
- 3. Access:** The propose vacation does not affect any existing public access or access to any private properties.

**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 vacate the subject reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.

Motion passed 11-0.

Respectfully submitted,

  
Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment