

Date November 5, 2012

HOLD HEARING FOR VACATION OF VARIOUS STREET AND ALLEY RIGHTS-OF-WAY FOR THE SOUTHEAST CONNECTOR PROJECT

WHEREAS, the Engineering Department of the City of Des Moines has requested vacation of the following City-owned right-of-way for the Southeast Connector Project: a portion of the north/south alley between SE 14th Street and SE 14th Court, south of East Market Street; a portion of SE 14th Court south of East Market Street and north of Scott Avenue; a portion of the north/south alley between SE 14th Court and SE 15th Street, south of East Market Street; and a portion of SE 15th Street south of East Market and north of vacated Raccoon Street; and

WHEREAS, on October 22, 2012, by Roll Call No. 12-1613, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission that the requested vacation of such street and alley rights-of-way be approved, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated; and

WHEREAS, there is no known current or future public need for the rights-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said rights-of-way; and

WHEREAS, on October 22, 2012, by Roll Call No. 12-1614, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on November 5, 2012, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation, 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 of public right-of-way, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for or benefit from the right-of-way proposed to be vacated, and the City would not be inconvenienced by reason of, and hereby approves, the vacation of a portion of the following City-owned right-of-way for the Southeast Connector Project, subject to reservation of easements for all utilities in place until such time as said utilities are abandoned or relocated: the north/south alley between SE 14th Street and SE 14th Court, south of East Market Street; a portion of SE 14th Court south of East Market Street and north of Scott Avenue; a portion of the north/south alley between SE 14th Court and SE

Date November 5, 2012

15th Street, south of East Market Street; and a portion of SE 15th Street south of East Market and north of vacated Raccoon Street, all as more specifically described below:

LEGAL DESCRIPTION TRACT 1:

A PORTION OF THE NORTH/SOUTH ALLEY ADJOINING LOTS 24 AND 25, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 24; THENCE NORTH 89°(DEGREES) 46'(MINUTES) 39"(SECONDS) WEST, 14.00 FEET TO THE WEST LINE OF SAID NORTH/SOUTH ALLEY; THENCE NORTH 00°10'02" WEST, 20.28 FEET ON SAID WEST LINE; THENCE NORTHEAST 15.64 FEET ON A 453.34 FOOT RADIUS CURVE TO THE LEFT, WITH A CHORD LENGTH OF 15.64 FEET AND BEARS NORTH 63°23'02" EAST TO THE EAST LINE OF SAID ALLEY; THENCE SOUTH 00°10'02" EAST, 27.34 FEET ON SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING LESS THAN 0.01 ACRES (333 SQUARE FEET) MORE OR LESS.

LEGAL DESCRIPTION TRACT 2:

A PORTION OF SOUTHEAST 14TH COURT ADJOINING LOTS 11, 12, 22, AND 23, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BENNETT PLACE; THENCE NORTH 89°(DEGREES) 46'(MINUTES) 39"(SECONDS) WEST, 286.52 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 14TH COURT; THENCE NORTH 00°05'26" WEST, 83.97 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 57°58'31" WEST, 58.92 FEET TO THE WEST RIGHT OF WAY LINE OF SAID SOUTHEAST 14TH COURT; THENCE NORTH 00°05'26" WEST, 58.92 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 57°58'31" EAST, 58.92 FEET TO THE EAST RIGHT OF WAY LINE OF SAID SOUTHEAST 14TH COURT; THENCE SOUTH 00°05'26" EAST, 58.92 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES (2,946 SQUARE FEET) MORE OR LESS.

LEGAL DESCRIPTION TRACT 3:

A PORTION OF THE NORTH/SOUTH ALLEY ADJOINING LOTS 3, 4, 13, AND 14, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BENNETT PLACE; THENCE NORTH 89°(DEGREES) 46'(MINUTES) 39"(SECONDS) WEST, 136.26 FEET TO THE EAST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY; THENCE NORTH 00°00'48" WEST, 178.59 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 57°58'31" WEST, 16.51 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY; THENCE NORTH 00°00'48" WEST, 58.97 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 57°58'31" EAST, 16.51 FEET TO THE EAST RIGHT OF WAY LINE OF SAID NORTH/SOUTH ALLEY; THENCE SOUTH 00°00'48" EAST, 58.97 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES (826 SQUARE FEET) MORE OR LESS.

Date November 5, 2012

LEGAL DESCRIPTION TRACT 4:


A PORTION OF SOUTHEAST 15TH STREET ADJOINING LOTS 1 AND 2, BENNETT PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BENNETT PLACE; THENCE NORTH 00°(DEGREES) 03'(MINUTES) 46"(SECONDS) EAST, 264.55 FEET ON THE WEST RIGHT OF WAY LINE OF SAID SOUTHEAST 15TH STREET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°03'46" EAST, 59.02 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 57°58'31" EAST, 94.42 FEET TO THE EAST RIGHT OF WAY LINE OF SAID SOUTHEAST 15TH STREET; THENCE SOUTH 00°03'46" WEST, 59.02 FEET ON SAID EAST RIGHT OF WAY LINE; THENCE SOUTH 57°58'31" WEST, 94.42 FEET TO THE POINT OF BEGINNING, CONTAINING 0.11 ACRES (4,721 SQUARE FEET) MORE OR LESS.

3. Upon final passage of an ordinance vacating said right-of-way, the City Clerk is authorized and directed to forward 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 said documents to be recorded.

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

37

SE 14th St

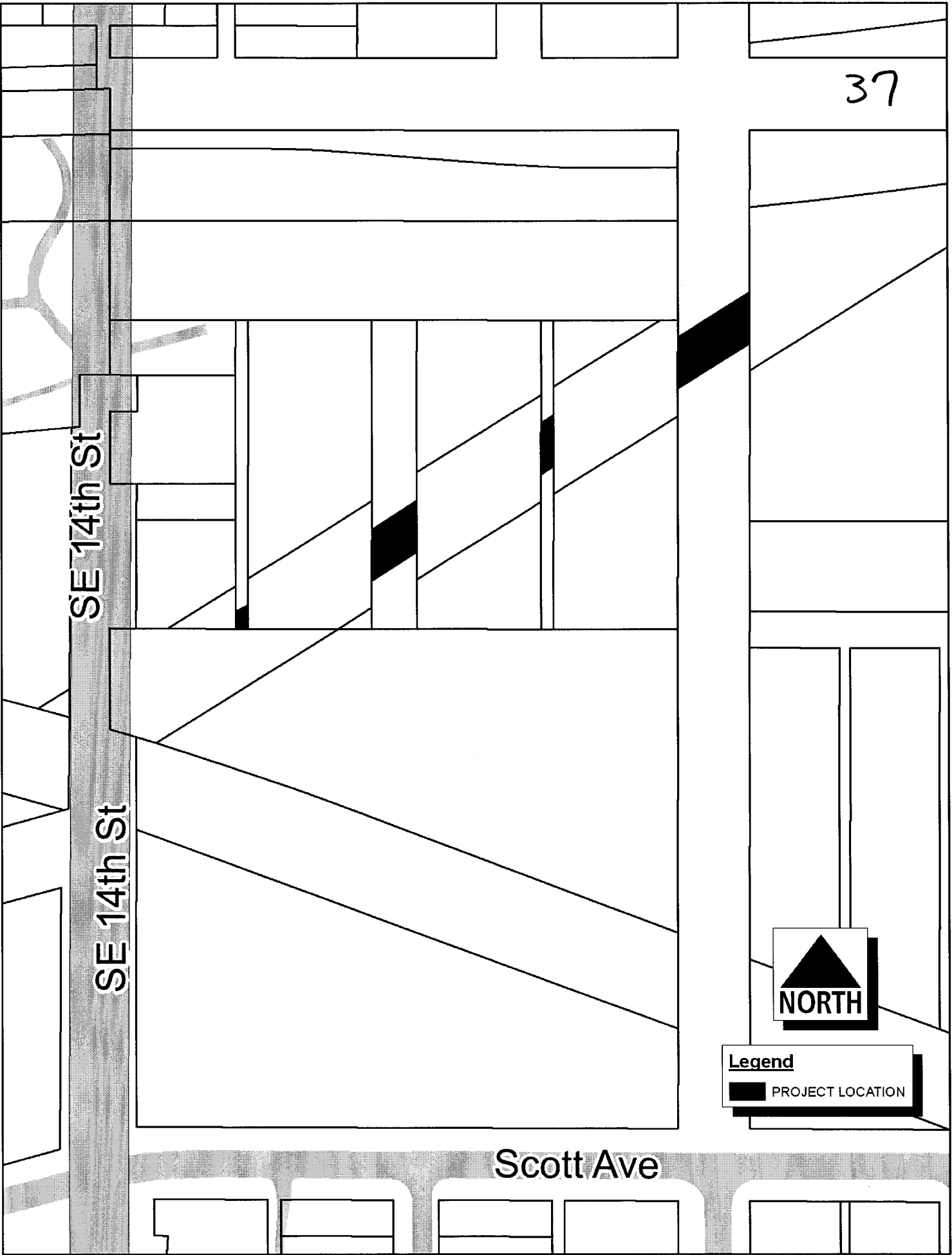
SE 14th St

Scott Ave



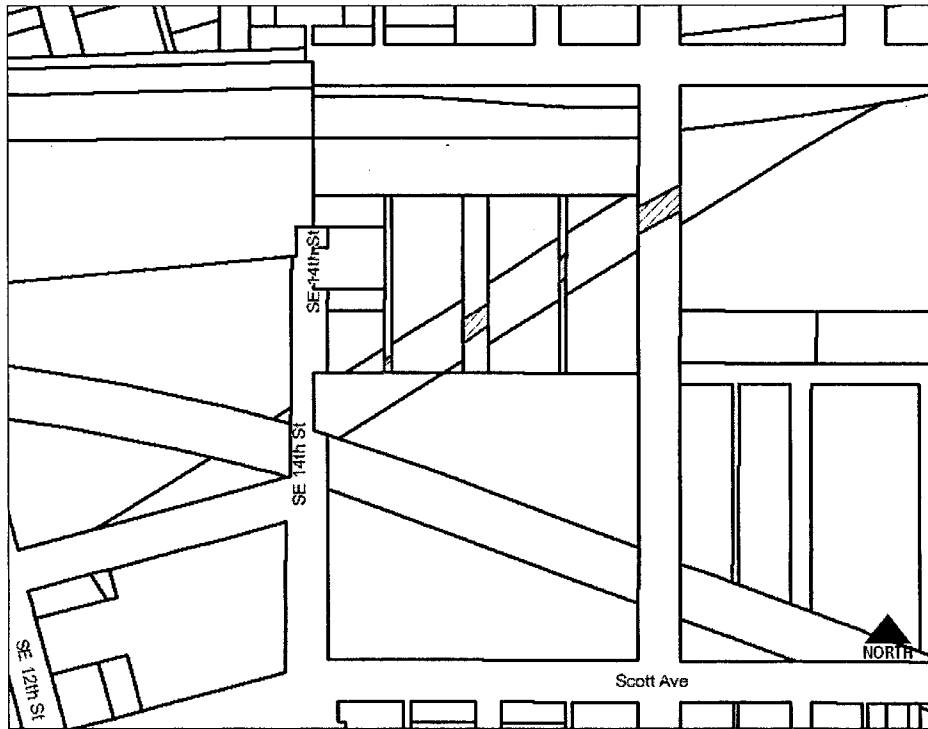
Legend

 PROJECT LOCATION



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.			File # 11-2012-1.16		
Description of Action	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 th Street and Southeast 14 th Court south of East Market Street. B) A 58.92-foot segment of Southeast 14 th 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 th Court and Southeast 15 th Street south of East Market Street. D) A 59.02-foot segment of Southeast 15 th Street south of East Market and north of vacated Raccoon Street				
2020 Community Character Plan	Downtown: Retail/Office Core/Core Fringe				
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	11-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

City Engineering Department - Vicinity of SE 15th Street & Scott Avenue 11-2012-1.16



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

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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 right-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 14th 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