

Date.....January 14, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 3, 2013, its members voted 11-1-1 in support of a motion to recommend **APPROVAL** of a request from Eagle Iron Works (owner) represented by Gary Krantz, for property located at 129 East Holcomb to vacate the requested portions of the east/west segment of alley between Reigart Street and East Holcomb Avenue running west of Oxford Street subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense.

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(11-2012-1.25)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

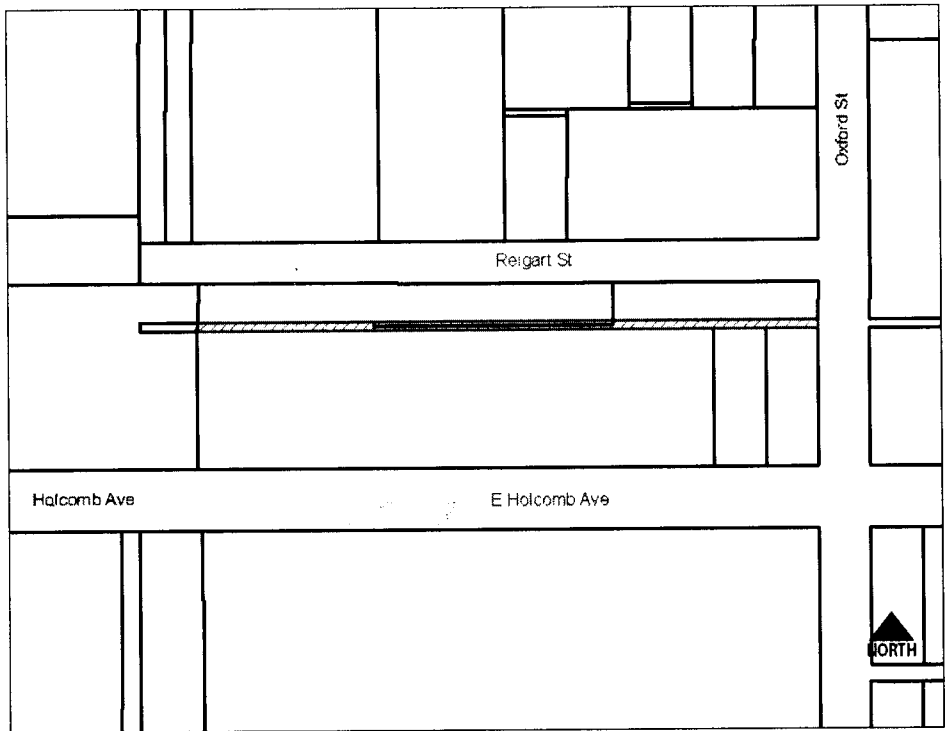
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

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

Request from Eagle Iron Works (owner) 129 East Holcomb, represented by Gary Krantz, for vacation of the remaining portions of the east/west segment of alley between Reigart Street and East Holcomb Avenue running west of Oxford Street.				<b>File #</b> 11-2012-1.25	
<b>Description of Action</b>	To approve the vacation of the remaining portions of the east/west segment of alley between Reigart Street and East Holcomb Avenue running west of Oxford Street subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense.				
<b>2020 Community Character Plan</b>	General Industrial				
<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	2				
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	11-1-1	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	

Eagle Iron Works - Vicinity of Oxford Street and Holcomb Avenue 11-2012-1.25



Date January 14, 2013

Agenda Item 16

Roll Call # \_\_\_\_\_

January 9, 2013

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 January 3, 2013, the following action was taken regarding a request from Eagle Iron Works (owner) represented by Gary Krantz, for property located at 129 East Holcomb to vacate the requested portions of the east/west segment of alley between Reigart Street and East Holcomb Avenue.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-1-1 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** for the vacation of the requested portions of the east/west segment of the alley between Reigart Street and East Holcomb Avenue running west of Oxford Street subject to provision of easements for any existing utilities until such time they are relocated at the applicant's expense.  
(11-2012-1.25)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval for vacation of the requested portions of the east/west segment of the alley between Reigart Street and East Holcomb Avenue running west of Oxford Street subject to provision of easements for any existing utilities until such time they are relocated at the applicant's expense.



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

Written Responses

2 In Favor

0 In Opposition

**STAFF REPORT**

**I. GENERAL INFORMATION**

- 1. Purpose of Request:** The applicant is seeking to acquire the remaining portions of east/west segment of alley in order to clear the title. The applicant owns all of the properties adjoining the north and south boundary of the undeveloped alley.
- 2. Size of Site:** 8 feet by 595 feet (4,760 square feet).
- 3. Existing Zoning (site):** "M-1" Light Industrial District and "GGP" Gambling Games Prohibition.
- 4. Existing Land Use (site):** Undeveloped alley.
- 5. Adjacent Land Use and Zoning:**  
  
    **North** – "M-1", Uses are Eagle Iron Works and undeveloped land.  
  
    **South** – "M-1", Uses are Eagle Iron Works and undeveloped land.
- 6. General Neighborhood/Area Land Uses:** The subject right-of-way is located in an industrial district.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Union Park Neighborhood. The Union Park Neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on November 30, 2012. Additionally, on December 10, 2012, separate notifications of the hearing were mailed to the neighborhood association contact and the primary titleholder on file with the Polk County Assessor for each property adjacent to the right-of-way. A Final Agenda was mailed to the neighborhood association on December 14, 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 Union Park Neighborhood Association notices were mailed to Marsha Steele, PO Box 16113, Des Moines, IA 50316.
- 8. Relevant Zoning History:** N/A.
- 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:** No utilities have been identified within the right-of-way at this time. However, easements must be provided for any existing utilities until such time they are relocated at the applicant's expense.
- 2. Access/Traffic:** The requested vacation of undeveloped alley would not adversely impact the surrounding street network. The vacation is necessary in order for the adjoining properties on the north and south to be combined.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the report and staff recommendation.

Dann Flaherty asked if this business had been sold.

Jason Van Essen stated that he was not 100% sure. His understanding is that they are putting the site together and it may be a part of a marketing plan and proposed change of ownership. The function of the site depends on the right of way that they do not own and that is why it is before the Commission tonight.

Dann Flaherty stated he believes the plant is closed and the employees have all been laid off.

Christopher Talcott, Davis Law Firm 215 10<sup>th</sup> Street, Suite 1300 representing Eagle Iron, LLC stated the property was sold. When the title examination was done they realized that the paper alley was never vacated properly. In order to have a clear title the applicant is asking for the vacation of the paper alley.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following spoke in opposition of the applicant's request*

John Morrissey 2913 Oxford Street stated he was in opposition because he believes that if the property will not be used for industrial purposes then it should be used for residential purposes, especially since the levee has been reconstructed. If another company wants to purchase the property and resume operation as an industrial use then the property could be conveyed subject to a temporary easement of 10 years or until such time the property is sold again. However, he believes the applicant should not be granted their request to vacate the property when no one knows the plan.

*Rebuttal*

Chris Talcott stated he do not know what the buyer plans to do with this property. He pointed out that whoever buys this land and if it were ever to be developed for any other purpose this issue would have to be cleared up.

Christine Pardee asked if the neighborhood association supports the applicant's request.

Chris Talcott stated that he do not believe that they have heard anything whether or not they are in favor or in opposition.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Mike Simonson moved staff recommendation to approve the vacation of the requested portions of the east/west segment of the alley between Reigart Street and East Holcomb Avenue running west of Oxford Street subject to provision of easements for any existing utilities until such time they are relocated at the applicant's expense.

Motion passed 11-1-1 (CJ Stephens voted in opposition and John "Jack" Hilmes abstained).

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw  
Attachment

Item 11-2012-1.25 Date 12/18/12

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I  (am) (am not) in favor of the request.

(Circle One)

Print Name EAGLE IRON WORKS  
TONY M. JAMES, TREASURER

Signature Tony M. James, TREASURER

Address 129 E. HOLCOMB AVE., DSM IA 50313

Reason for opposing or approving this request may be listed below:

HAS NOT BEEN AN ALLEY FOR 30+ YEARS AS EAGLE  
PURCHASED HOMES IN SAID AREA AND TORE THEM DOWN  
ADJACENT  
SUBJECT PROPERTY

Item 11-2012-1.25 Date Dec. 17, 2012

I  (am) (am not) in favor of the request.

(Circle One)

Print Name Paul Sadler UPNA Secretary

Signature Paul Sadler

Address PO Box 16113, DSM, IA 50316

Reason for opposing or approving this request may be listed below:

The Union Park Neighborhood does not see  
a detriment to the neighborhood if  
this action is completed. We are in  
favor of the request.  
NEIGHBORHOOD ASSOCIATION

Eagle Iron Works - Vicinity of Oxford Street and Holcomb Avenue 11-2012-1.25

