

24

Date May 20, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 2, 2013, its members voted 9-0 in support of a motion to recommend **APPROVAL** of the following requests from the City Engineer Jeb Brewer for vacation of the following segments of right-of-way subject to provision of any necessary easements for all existing utilities until such time that they are relocated.

- A) A segment of Amos Avenue west of Southwest 17th Street between properties at 7112 Southwest 17th Street and 7200 Southwest 17th Street. (11-2013-1.04)
- B) A segment west of Southwest 17th Street north of where it intersects with Southwest 16th Street between properties at 7402 Southwest 17th Street and 7404 Southwest 17th Street. (11-2013-1.05)
- C) A segment west of Southwest 17th Street north of where it intersects with Havens Avenue between properties at 7500 Southwest 17th Street and 7502 Southwest 17th Street.

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

FORM APPROVED:



 Michael F. Kelley
 Assistant City Attorney

(11-2013-1.04, 11-2013-1.05 & 11-2013-1.06)

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

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May 7, 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 May 2, 2013, the following action was taken regarding a request from City Engineer Jeb Brewer for vacation of segments of undeveloped street right-of-way:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
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			
Greg Wattier				X

APPROVAL for vacation of the requested segments of right-of-way subject to provision of any necessary easements for all existing utilities until such time that they are relocated:

- A) A segment of Amos Avenue west of Southwest 17th Street between properties at 7112 Southwest 17th Street and 7200 Southwest 17th Street. (11-2013-1.04)
- B) A segment west of Southwest 17th Street north of where it intersects with Southwest 16th Street between properties at 7402 Southwest 17th Street and 7404 Southwest 17th Street. (11-2013-1.05)
- C) A segment west of Southwest 17th Street north of where it intersects with Havens Avenue between properties at 7500 Southwest 17th Street and 7502 Southwest 17th Street. (11-2013-1.06)



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 for vacation of the requested segment of right-of-way subject to provision of any necessary easements for all existing utilities until such time that they are relocated.

STAFF REPORT

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The proposed vacation would allow the undeveloped segments of right-of-way to be leased to adjoining property owners, which would reduce the City's maintenance responsibilities.
- 2. **Size of Site:** Part A) 66 feet by 157 feet (10,362 square feet).
Part B) 66 feet by 150 feet (9,900 square feet).
Part C) 66 feet by 160 feet (10,560 square feet).
- 3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
- 4. **Existing Land Use (site):** Undeveloped right-of-way.
- 5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60", Uses are single-family residential.
 - East* – "R1-60"; Use is Southwest 17th Street.
 - South* – "R1-60", Uses are single-family residential.
 - West* – "R1-60"; Use is undeveloped land.
- 6. **General Neighborhood/Area Land Uses:** The subject segments of right-of-way are within a predominantly single-family residential area.
- 7. **Applicable Recognized Neighborhood(s):** The subject property is not within 250 feet of any recognized neighborhood. Notifications of the hearing for this specific item were mailed on April 22, 2013 (10 days prior to the scheduled hearing) to the primary titleholder on file with the Polk County Assessor for each property adjoining the segments of right-of-way.
- 8. **Relevant Zoning History:** None.
- 9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.
- 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:** The segments of right-of-way all contain sanitary sewers and/or storm sewers. Easements must be provided for any existing utilities until such time that they are relocated.
- 2. **Street System/Access:** The requested vacation of undeveloped right-of-way would not adversely impact the existing surrounding street network. However, when the vacant land to the west of the segments of right-of-way is developed, the segments may need to be rededicated as right-of-way in order to allow the potential development to connect to the existing street network. Therefore, the City of Des Moines must retain ownership of the vacated right-of-way, but may lease the land to the adjoining property owners. The City Engineer indicates that they would give the leaseholders at least 90 days notice when the time comes to terminate any lease.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

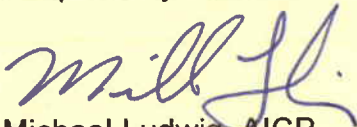
There was no one to speak in favor or in opposition of the applicant's request.

COMMISSION ACTION:

Ted Irvine moved to approve the vacation of the requested segments of right-of-way subject to provision of any necessary easements for all existing utilities until such time that they are relocated.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

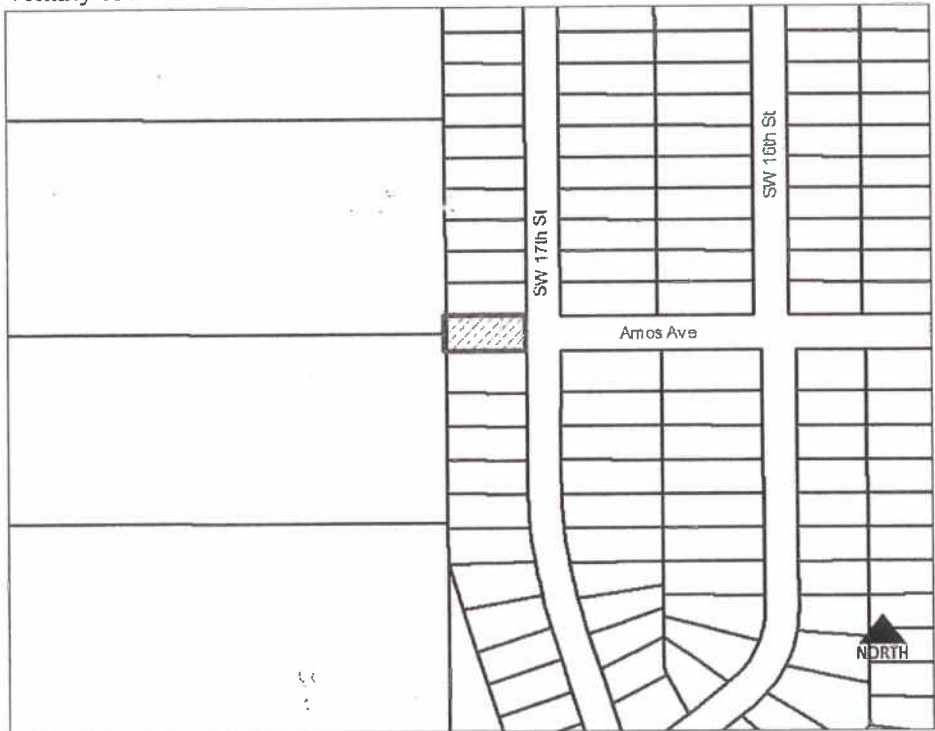
MGL:clw
Attachment

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Request from City Engineer Jeb Brewer for vacation of undeveloped street right-of-way.		File #		
		11-2013-1.04		
Description of Action	Approval for vacation of a segment of Amos Avenue west of Southwest 17 th Street between properties at 7112 Southwest 17 th Street and 7200 Southwest 17 th Street subject to provision of any necessary easements for all existing utilities until such time that they are relocated			
2020 Community Character Plan	Low- Density Residential (current & proposed)			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential District			
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1			
Outside Area				
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No
				N/A

City of Des Moines Engineering Department -
Vicinity of 7112 & 7200 SW 17th Street

11-2013-1.04



City of Des Moines Engineering Department -
Vicinity of 7112 & 7200 SW 17th Street

11-2013-1.04

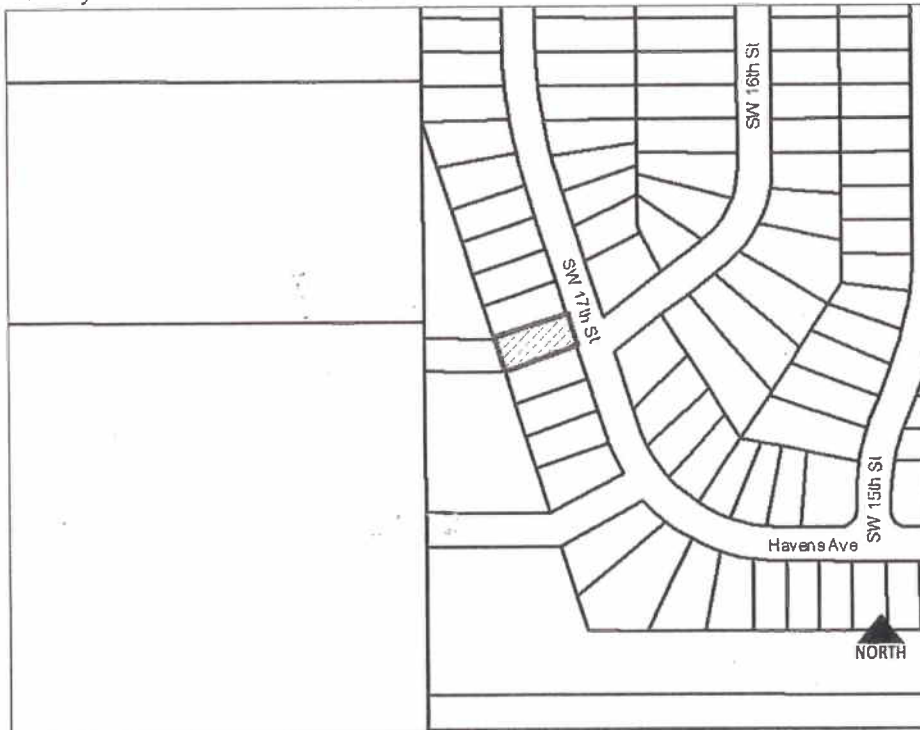


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Request from City Engineer Jeb Brewer for vacation of undeveloped street right-of-way.		File #			
		11-2013-1.05			
Description of Action	Approval for vacation of a segment west of Southwest 17 th Street north of where it intersects with Southwest 16 th Street between properties at 7402 Southwest 17 th Street and 7404 Southwest 17 th Street subject to provision of any necessary easements for all existing utilities until such time that they are relocated.				
2020 Community Character Plan	Low- Density Residential (current & proposed)				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1				
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

City of Des Moines Engineering Department -
Vicinity of 7402 & 7404 SW 17th Street

11-2013-1.05



City of Des Moines Engineering Department -
Vicinity of 7402 & 7404 SW 17th Street

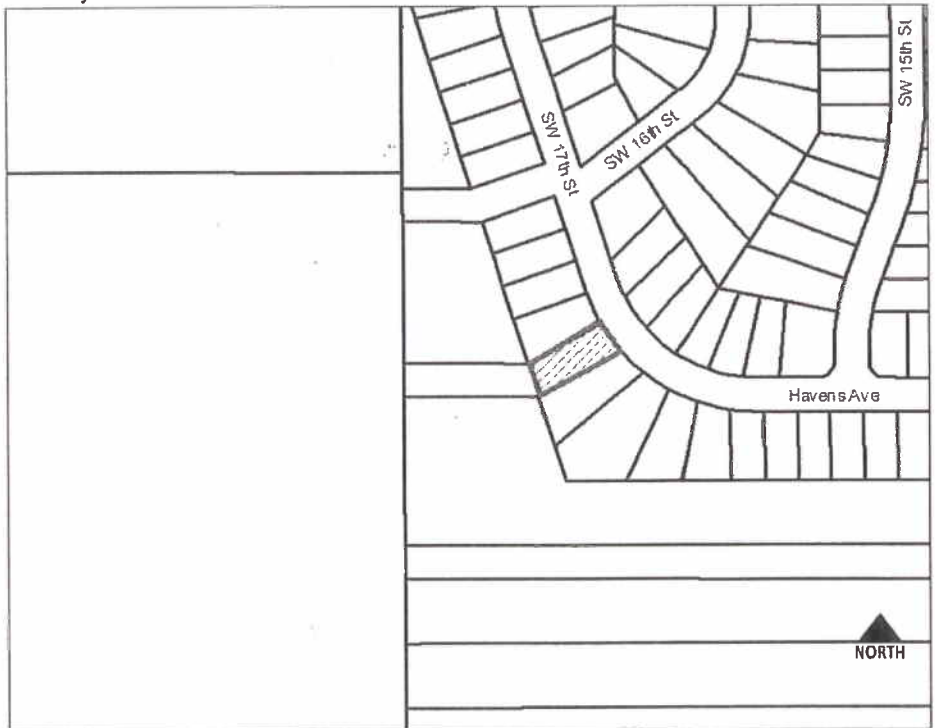
11-2013-1.05



Request from City Engineer Jeb Brewer for vacation of undeveloped street right-of-way.		File #			
		11-2013-1.06			
Description of Action	Approval for vacation of a segment west of Southwest 17 th Street north of where it intersects with Havens Avenue between properties at 7500 Southwest 17 th Street and 7502 Southwest 17 th Street subject to provision of any necessary easements for all existing utilities until such time that they are relocated.				
2020 Community Character Plan	Low- Density Residential (current & proposed)				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area		1			
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

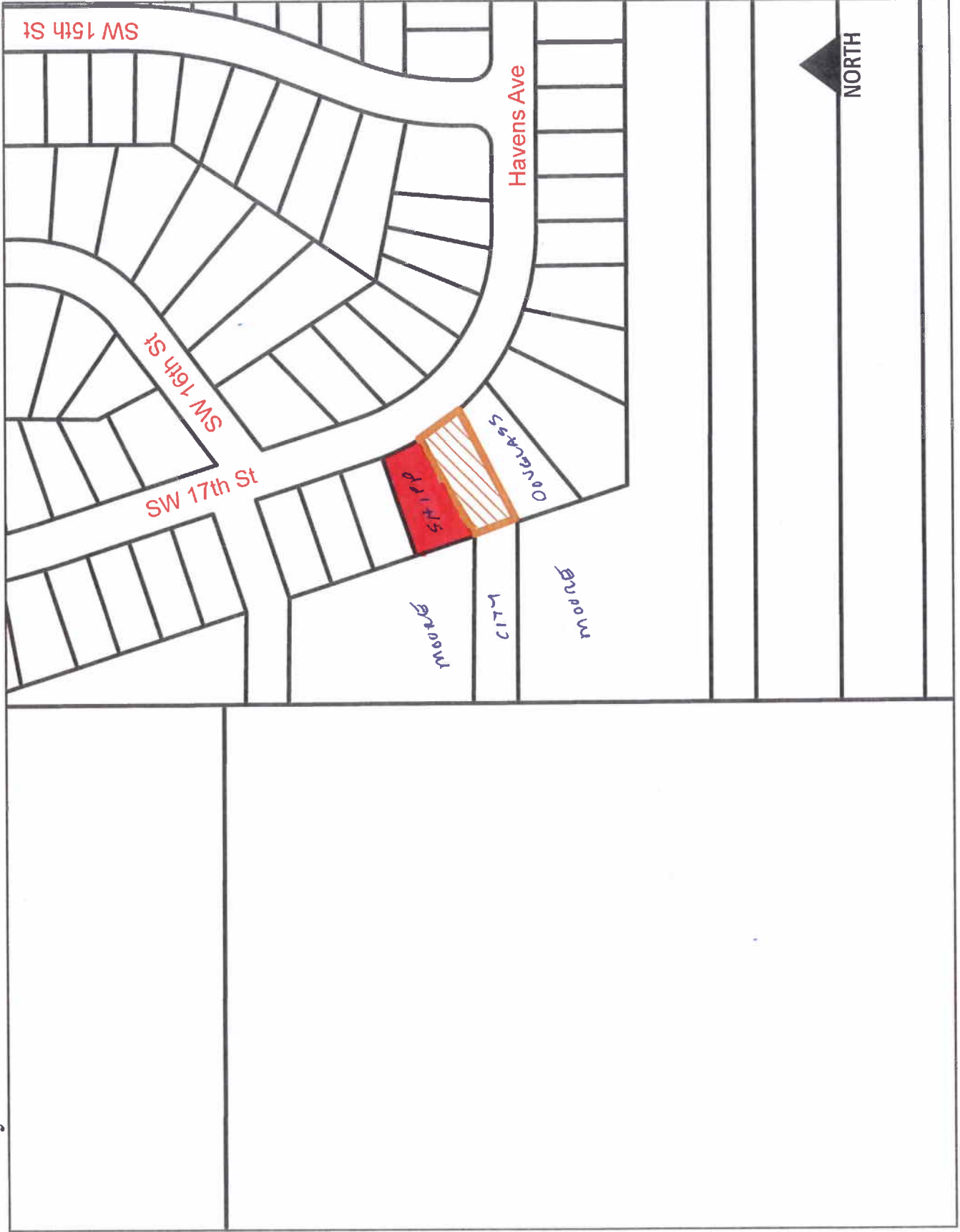
City of Des Moines Engineering Department -
Vicinity of 7500 & 7502 SW 17th Street

11-2013-1.06



City of Des Moines Engineering Department -
Vicinity of 7500 & 7502 SW 17th Street

11-2013-1.06



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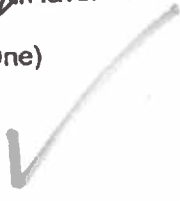
Item 11-2013-1.06

Date 4/20/13

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

(Circle One)



Print Name David Shipp

Signature David Shipp

Address 7500 SW 17th St

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

I think the city should maintain
the property.

Item 11-2013-1.04

Date 5/2/13 24

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

(Circle One)

Print Name Craig Shepherd

Signature Craig Shepherd

Address 7112 S.W. 17th St.

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

I would be in favor of buying the vacated property between my address and 7200 S.W. 17th St, if not buy then Leasing would also be O.K.

thanks
Craig Shepherd

Item 11-2013-1.05

Date 4-27-13

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

(Circle One)

Print Name Scott Eash

Signature Scott Eash

Address 7462 SW 17th St

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

We would like to lease the lot South of 7402 SW 17th St. We have been maintaining this lot for 15 yrs. We would like to keep maintaining this lot and clean it up. We would also like to see if the city will cut down 2 trees that are overgrown & losing a lot of limbs.