

Date June 10, 2013

Page 1

**HEARING FOR VACATION OF SEGMENTS OF STREET RIGHT-OF-WAY
ADJOINING SOUTHWEST 17TH STREET BETWEEN
AMOS AVENUE AND HAVENS AVENUE**

WHEREAS, on May 20, 2013, by Roll Call No. 13-0791, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission that vacation of the following undeveloped segments of City-owned street right-of-way be approved, subject to reservation of easement for all existing utilities until such time as 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; (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; and (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; and

WHEREAS, the City Engineer is requesting the vacation of the aforementioned segments of street right-of-way in order for the City to lease the segments to adjoining property owners to reduce the City's maintenance responsibilities; and

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

WHEREAS, on May 20, 2013, by Roll Call No. 13-0792, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on June 10, 2013, 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 segments of street right-of-way

Date June 10, 2013

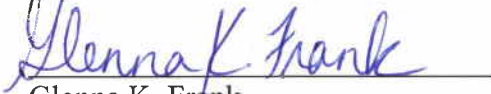
adjoining Southwest 17th Street between Amos Avenue and Havens Avenue, locally described above and legally described as follows, subject to reservation of easements for all utilities in place until such time as said utilities are relocated:

ALL OF LOTS F AND G, AND THAT PORTION OF LOT A LYING NORTH OF AND ADJOINING LOT 79, ALL IN HIGHLAND HILLS PLAT 5, AN OFFICIAL PLAT; AND THAT PORTION OF LOT E LYING SOUTH OF AND ADJOINING LOT 12, IN HIGHLAND HILLS PLAT 3, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

rn

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

EXHIBIT A

HIGHLAND HILLS PLAT 3

LOT 12

LOT E

Amos Ave

LOT 79

LOT A

SW 16th St

SW 15th St

HIGHLAND HILLS PLAT 5

SW 17th St

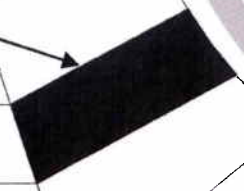
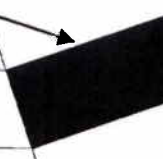
LOT F

LOT G

Legend

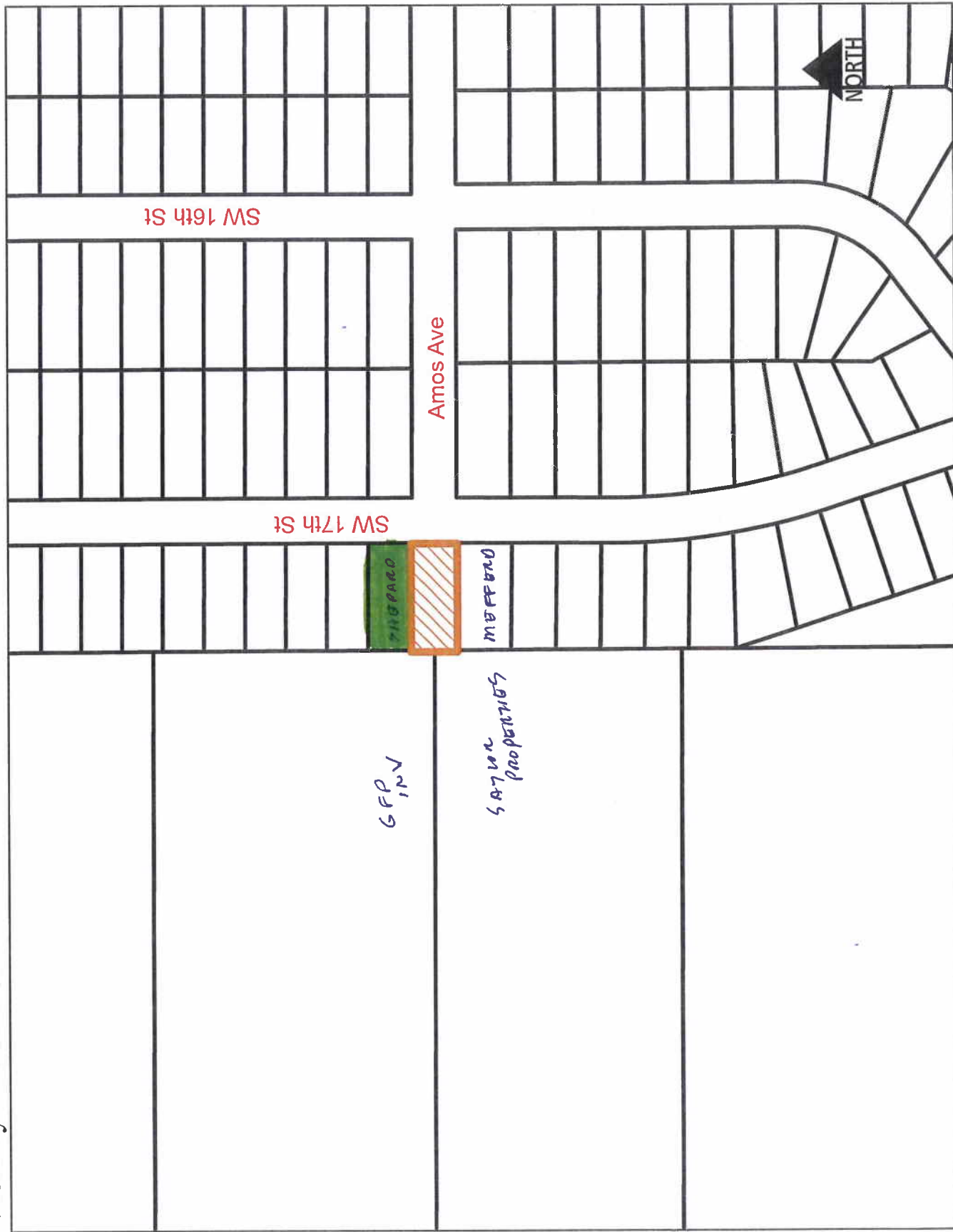
■ AREAS TO BE VACATED AND LEASED

Havens Ave



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

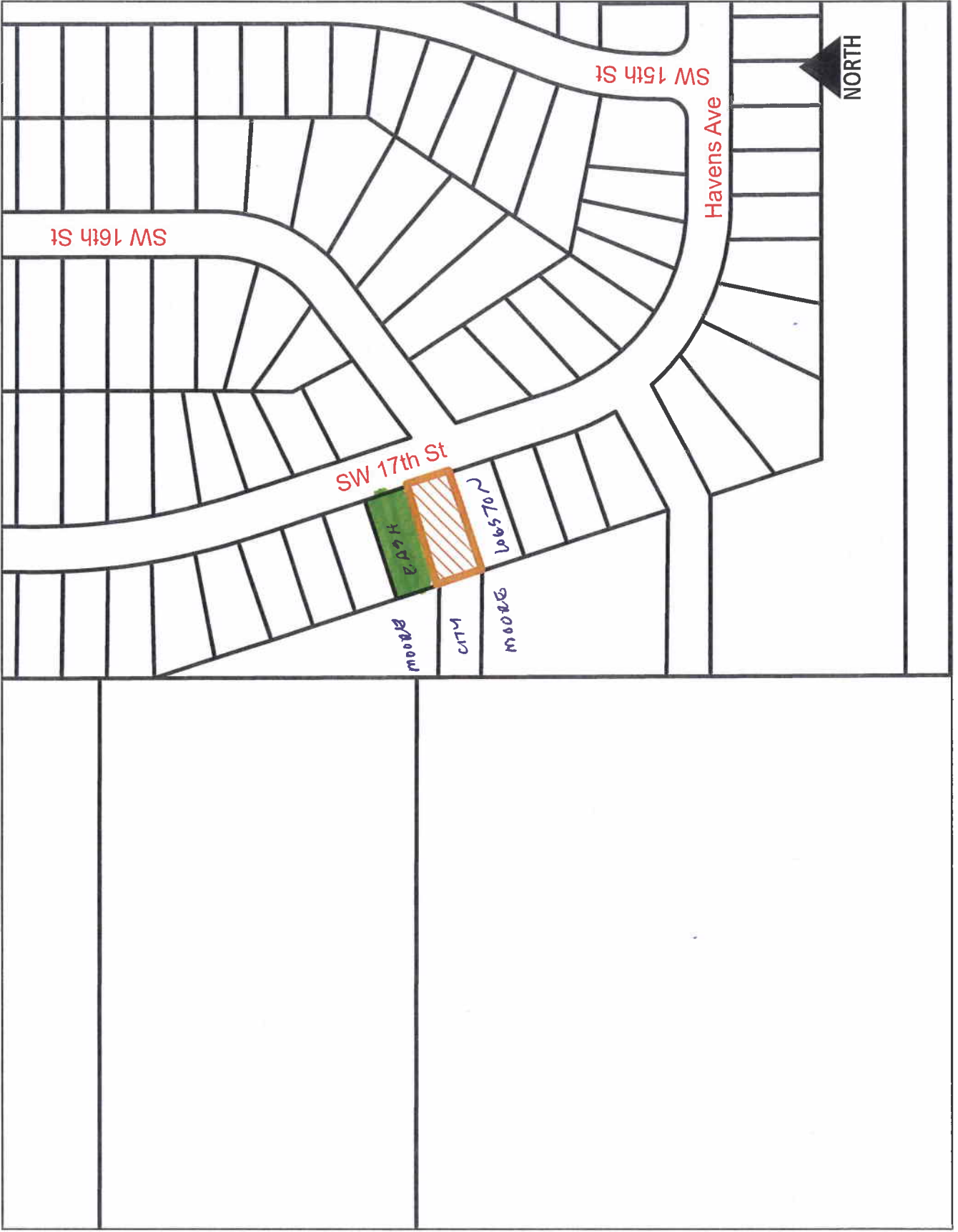
11-2013-1.04



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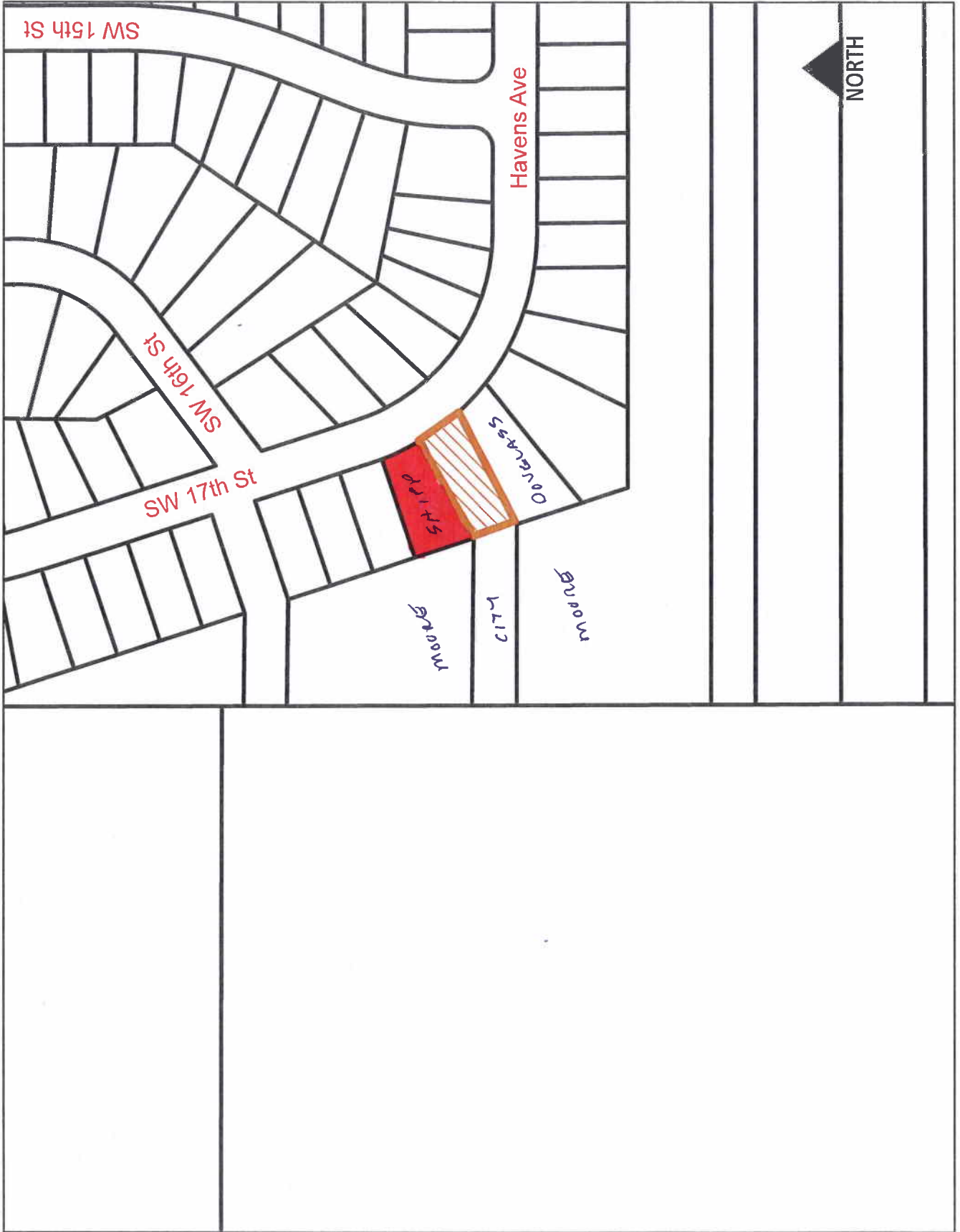
City of Des Moines Engineering Department -
Vicinity of 7402 & 7404 SW 17th Street

11-2013-1.05



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

11-2013-1.06



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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

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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.

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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	N/A
	Denial			No	

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

11-2013-1.04

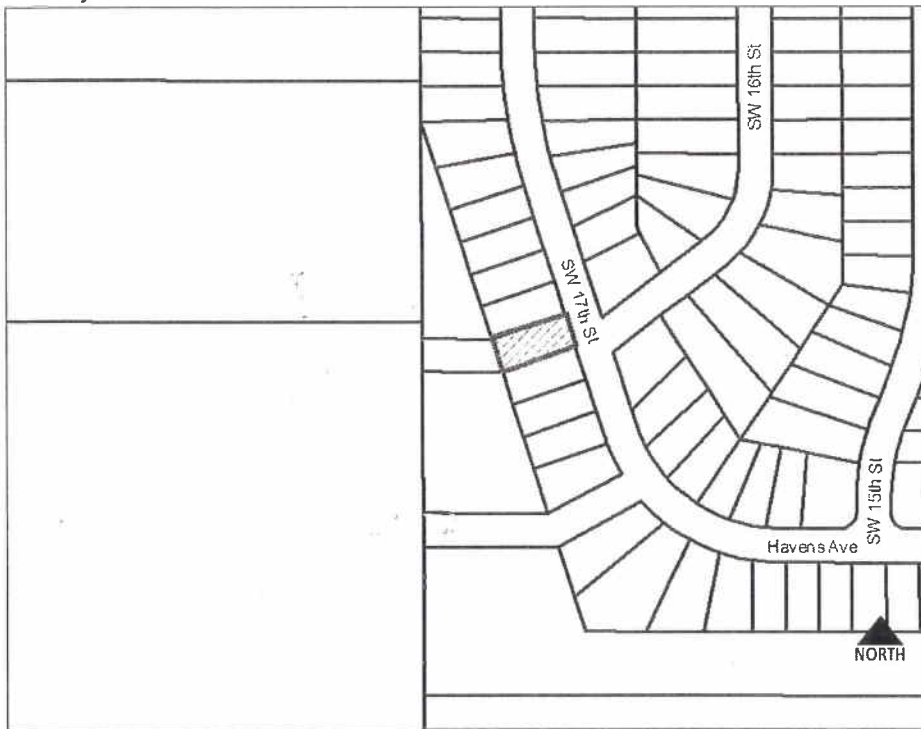


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Request from City Engineer Jeb Brewer for vacation of undeveloped street right-of-way.			File #		
			11-2013-1.05		
Description of Action	Approval for vacation of a segment west of Southwest 17 th Street north of where it intersects with Southwest 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

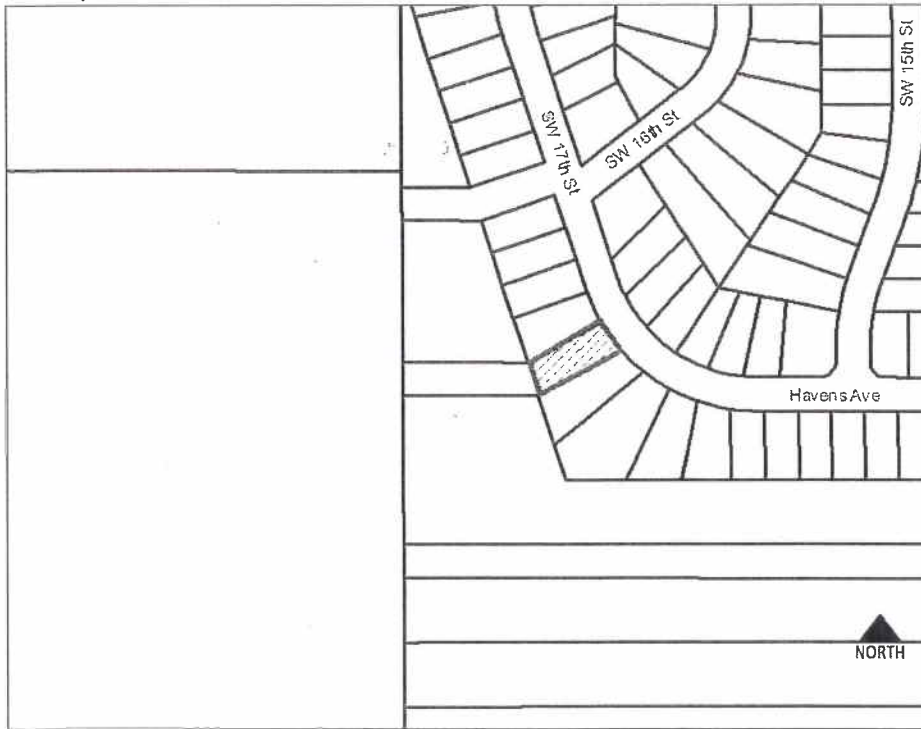


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Request from City Engineer Jeb Brewer for vacation of undeveloped street right-of-way.		File #			
		11-2013-1.06			
Description of Action	Approval for vacation of a segment west of Southwest 17 th Street north of where it intersects with Havens Avenue 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



Item 11-2013-1.06 Date 4/20/13

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

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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 7462 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 over grown - losing a lot of limbs.