

9

Date July 29, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2013, its members voted 10-0-1 in support of a motion to recommend **APPROVAL** of a request from Erich Riesenber Trust (owner) represented by Erich Riesenber for vacation of a segment of undeveloped Franklin Avenue adjoining the owner's property from a point approximately 90 feet west of 24<sup>th</sup> Drive to a point approximately 25 feet east of 26<sup>th</sup> Street subject to the provision of any necessary easements for all existing utilities until such time that they are relocated.

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

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(11-2013-1.10)

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

Date \_\_\_\_\_

Agenda Item 19

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

July 24, 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 July 18, 2013, the following action was taken regarding a request from Erich Riesenber Trust (owner) represented by Erich Riesenber for vacation of a segment of undeveloped Franklin Avenue adjoining the owner's property from a point approximately 90 feet west of 24<sup>th</sup> Drive to a point approximately 25 feet east of 26<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 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			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** for vacation of a segment of undeveloped Franklin Avenue adjoining the owner's property from a point approximately 90 feet west of 24<sup>th</sup> Drive to a point approximately 25 feet east of 26<sup>th</sup> Street subject to the provision of any necessary easements for all existing utilities until such time that they are relocated. (11-2013-1.10)

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

Staff recommends approval subject to the provision of any necessary easements for all existing utilities until such time that they are relocated.

Written Responses

- 0 In Favor
- 1 In Opposition



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 REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The subject segment of right-of-way is undeveloped. The applicant owns the properties to the north and south and wishes to combine the right-of-way segment with their property.
2. **Size of Site:** 378 lineal 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", Use is undeveloped land.
  - East* – "R1-60"; Uses are single-family residential.
  - South* – "R1-60", Use is undeveloped land.
  - West* – "R1-60"; Uses are single-family residential.
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 located in the Drake Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on July 1, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2013 (10 days prior to the hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on July 12, 2013.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Drake Neighborhood notices were mailed to Deric Gourd, 2422 Drake Park Avenue, Des Moines, IA 50311.
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 subject of right-of-way contains a sanitary sewer line. Easements must be provided for any existing utilities until such time that they are relocated.
- 2. **Street System/Access:** The subject right-of-way is undeveloped and contains a ravine that drops approximately 50 feet from the existing roadway on either side. Its vacation would not adversely impact the street network.

**SUMMARY OF DISCUSSION**

*There was no discussion.*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

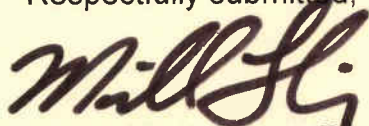
*There was no one to speak in favor or in opposition of the applicant's request.*

**COMMISSION ACTION:**

CJ Stephens moved staff recommendation to approve the vacation of a segment of undeveloped Franklin Avenue adjoining the owner's property from a point approximately 90 feet west of 24<sup>th</sup> Drive to a point approximately 25 feet east of 26<sup>th</sup> Street subject to the provision of any necessary easements for all existing utilities until such time that they are relocated.

Motion passed 10-0-1 (Greg Wattier abstained).

Respectfully submitted,

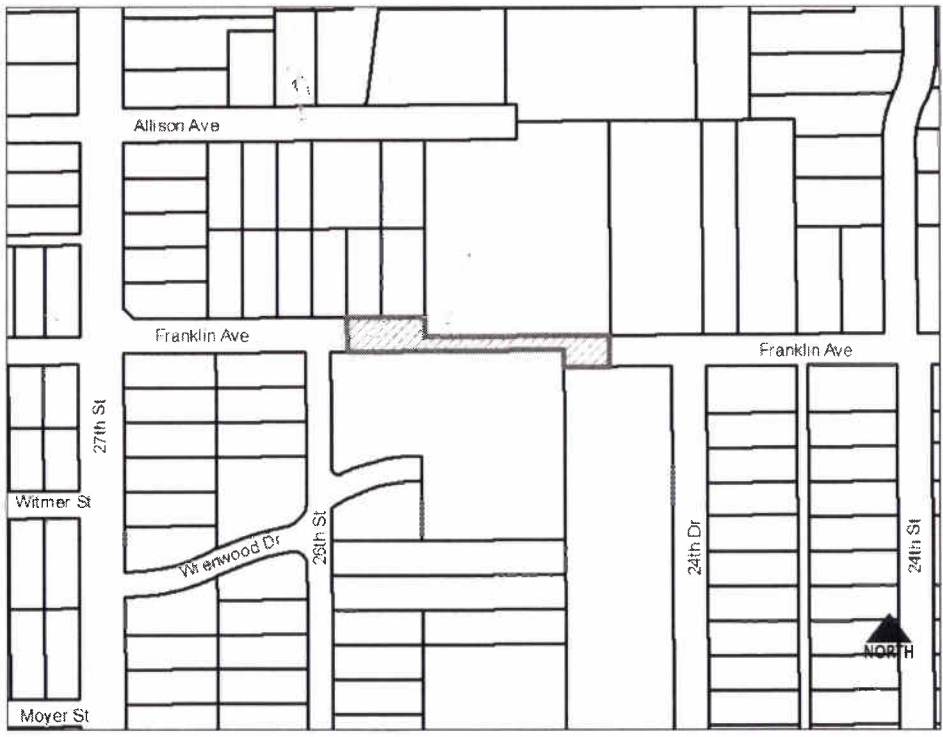


Michael Ludwig, AICP  
Planning Administrator

MGL:clw  
Attachment

Request from Erich Riesenber Trust (owner) represented by Erich Riesenber for vacation of a segment of undeveloped Franklin Avenue adjoining the owner's property from a point approximately 90 feet west of 24 <sup>th</sup> Drive to a point approximately 25 feet east of 26 <sup>th</sup> Street.				<b>File #</b> 11-2013-1.10	
<b>Description of Action</b>	Approval for vacation of a segment of undeveloped Franklin Avenue adjoining the owner's property from a point approximately 90 feet west of 24 <sup>th</sup> Drive to a point approximately 25 feet east of 26 <sup>th</sup> Street subject to the provision of any necessary easements for all existing utilities until such time that they are relocated.				
<b>2020 Community Character Plan</b>	Low-Density Residential (current & no change proposed)				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District				
<b>Proposed Zoning District</b>	"R1-60" One-Family Low-Density Residential District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	0	1			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	10-0-1	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	

Erich Riesenber - Vicinity of 2400 block of Franklin Avenue 11-2013-1.10



Item 11-2013-1.10

Date July 11 2013

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

**(RECEIVED)**  
**COMMUNITY DEVELOPMENT**

Print Name PETER C. COYLE

Signature Peter C. Coyle

JUL 15 2013

Address 2425 Franklin Ave

**DEPARTMENT**

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

See attached letter

---

---

---

---

---

2425 Franklin Avenue, Des Moines, Iowa 50310

7/11/13



Dear Sir or Madam,

Since I moved into my present address adjoining the undeveloped land which would otherwise be part of Franklin Avenue, between 24th Drive and 26th Street, in Des Moines, Iowa 50310, in 1983, I have been able to direct the regular stream of members of the public who walked into my yard, searching for a way to 26th Street or Harding Road, through the public right of way along the line of power poles to the other side of the ravine, which always seemed to satisfy them. When I have suggested the alternative route back along the way they have come, I always met with resistance and efforts to find some way through my property, against my wishes. My experience tells me that vacating this segment of undeveloped land would present me with a steady stream of determined trespassers which is why I do not give my consent to this request.

Peter C. Coyle.

c. Mayor Cownie.

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 15 2013  
DEPARTMENT

Erich Riesenbergr - Vicinity of 2400 block of Franklin Avenue

11-2013-1.10

