



Date July 28, 2014

COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING A REQUEST FROM ERICH J. RIESENBERG LIVING TRUST (OWNER), 1620 24TH STREET, FOR THE VACATION OF SEGMENTS OF RIGHT-OF WAY IN THE VICINITY OF 1620 24TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 17, 2014, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Erich J. Riesenber Living Trust (owner), 1620 24th Street, for vacation of the following segments of City right-of-way, subject to the reservation of any necessary easements for all existing public utilities until such time that they become abandoned or relocated:

- A) The west 15 feet of 24th Street east of and adjoining 1620 24th Street.
B) The west 15 feet of 24th Drive between vacated 24th Place and Washington Avenue.
C) Washington Avenue from 24th Drive to a point approximately 166 feet to the west.

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

FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

(11-2014-1.04)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, TOTAL, and MOTION CARRIED.

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



July 23, 2014

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 17, 2014, the following action was taken regarding a request from Erich J Riesenbergs Living Trust (owner) 1620 24th Street for vacation of the following segments of Right-of-Way:

- A) The west 15 feet of 24<sup>th</sup> Street east of and adjoining the subject property.
- B) The west 15 feet of 24<sup>th</sup> Drive between vacated 24<sup>th</sup> Place and Washington Avenue.
- C) Washington Avenue from 24<sup>th</sup> Drive to a point approximately 166 feet to the west.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty				X
Jann Freed	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** of the requested vacation of Right-of Way subject to the reservation of any necessary easements for all existing public utilities until such time that they become abandoned or relocated. (11-2014-1.04)

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

Staff recommends approval subject to the reservation of any necessary easements for all existing public utilities until such time that they become abandoned or relocated.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The subject segments of Right-of-Way are undeveloped. The applicant owns the properties to the north, south, and west and wishes to combine the Right-of-Way segment with their property.
2. **Size of Site:** Approximately 15-foot by 450-lineal feet (2,250-square feet) of street parkway and a 170-foot by 60-foot (10,200 square feet) segment of undeveloped street.
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 dwellings.
  - South* – "R1-60", Uses are single-family dwellings.
  - 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 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, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on July 7, 2014 (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 11, 2014.

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 sanitary sewer mains and a storm sewer line outlet. Easements must be provided for any existing utilities in place.

2. **Street System/Access:** The subject Right-of-Way is undeveloped is along a ravine that drops approximately 50 feet from the existing roadway. Vacation of the Right-of-Way would not adversely impact the surrounding public street network.

**SUMMARY OF DISCUSSION**

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

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

**COMMISSION ACTION:**

John "Jack" Hilmes moved staff recommendation to approve the requested vacation subject to the reservation of any necessary easements for all existing public utilities until such time that they become abandoned or relocated.

Motion passed 11-0.

Respectfully submitted,



Erik Lundy, AICP  
Senior City Planner

EML:clw

Attachment

Request from Erich J. Riesenber Living Trust (owner) in the vicinity of 1620 24th Street.		<b>File #</b> 11-2014-1.04		
<b>Description of Action</b>	Approval for Vacation of the following segments of Right-of Way: A) The west 15 feet of 24th Street east of and adjoining the subject property. B) The west 15 feet of 24th Drive between vacated 24th Place and Washington Avenue. C) Washington Avenue from 24th Drive to a point approximately 166 feet to the west subject to the reservation of any necessary easements for all existing public utilities until such time that they become abandoned or relocated.			
<b>2020 Community Character Plan</b>	Low Density Residential (current).			
<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				
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	<b>11-0</b>	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Erich J. Riesenber Living Trust, Vicinity of 1620 24th Street 11-2014-1.04



1 inch = 138 feet



Erich J. Riesenberg Living Trust, Vicinity of 1620 24th Street

11-2014-1.04

