



63

Date December 8, 2014

**HOLD HEARING FOR VACATION OF THE SOUTH 10 FEET OF OAK PARK AVENUE FROM 8<sup>TH</sup> STREET TO A POINT 400 FEET TO THE WEST TO ALLOW FOR DEDICATED PARKING ALONG THE STREET FOR SENIOR RESIDENTS OF OAK PARK MANOR**

**WHEREAS**, the Des Moines Municipal Housing Agency initiated a request for vacation of the south 10 feet of Oak Park Avenue from 8th Street to a point 400 feet to the west to allow for dedicated parking along the street for senior residents of Oak Park Manor; and

**WHEREAS**, on November 3, 2014, by Roll Call No. 14-1698, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission to approve the proposal to vacate the right-of-way identified above, subject to the following requirements:

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. Maintenance of the proposed segment by the Des Moines Municipal Housing Agency, including snow removal.

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

**WHEREAS**, on November 17, 2014, by Roll Call No. 14-1765, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on December 8, 2014, 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, any 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 the vacation of Oak Park Avenue from 8th Street to a point 400 feet to the west, all as legally described below, to allow for dedicated parking along the street for senior residents of Oak Park Manor, and said vacation is hereby approved subject to reservation of easements for all existing utilities currently located therein until such time as they are abandoned or relocated, and

Date December 8, 2014

further subject to the requirement that all maintenance of the vacated right-of-way, including snow removal, shall be the responsibility of Des Moines Municipal Housing Agency:

A PART OF THE OAK PARK AVENUE RIGHT OF WAY IN OAK PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF BLOCK 18 IN SAID OAK PARK; THENCE NORTH AND PERPENDICULAR TO NORTH LINE OF SAID BLOCK, 5 FEET TO THE POINT OF BEGINNING; THENCE WEST AND PARALLEL TO SAID NORTH LINE, 400 FEET; THENCE NORTH AND PERPENDICULAR TO SAID NORTH LINE, 10 FEET; THENCE EAST AND PARALLEL TO SAID NORTH LINE, 400 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID NORTH LINE, 10 FEET TO THE POINT OF BEGINNING, AND CONTAINING APROXIMATELY 4000 SQUARE FEET.

3. Upon final passage of an ordinance vacating said right-of-way and approval by resolution of this City Council, 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:

  
 \_\_\_\_\_  
 Cori Kuhn Coleman, Assistant City Attorney

*BSW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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**

Euclid Ave

10 FT

Oak Park Ave

5 FT

400 FT

NE CORNER OF LOT 1

**BLOCK 18  
OAK PARK**

LOT 4

LOT 3

LOT 2

LOT 1

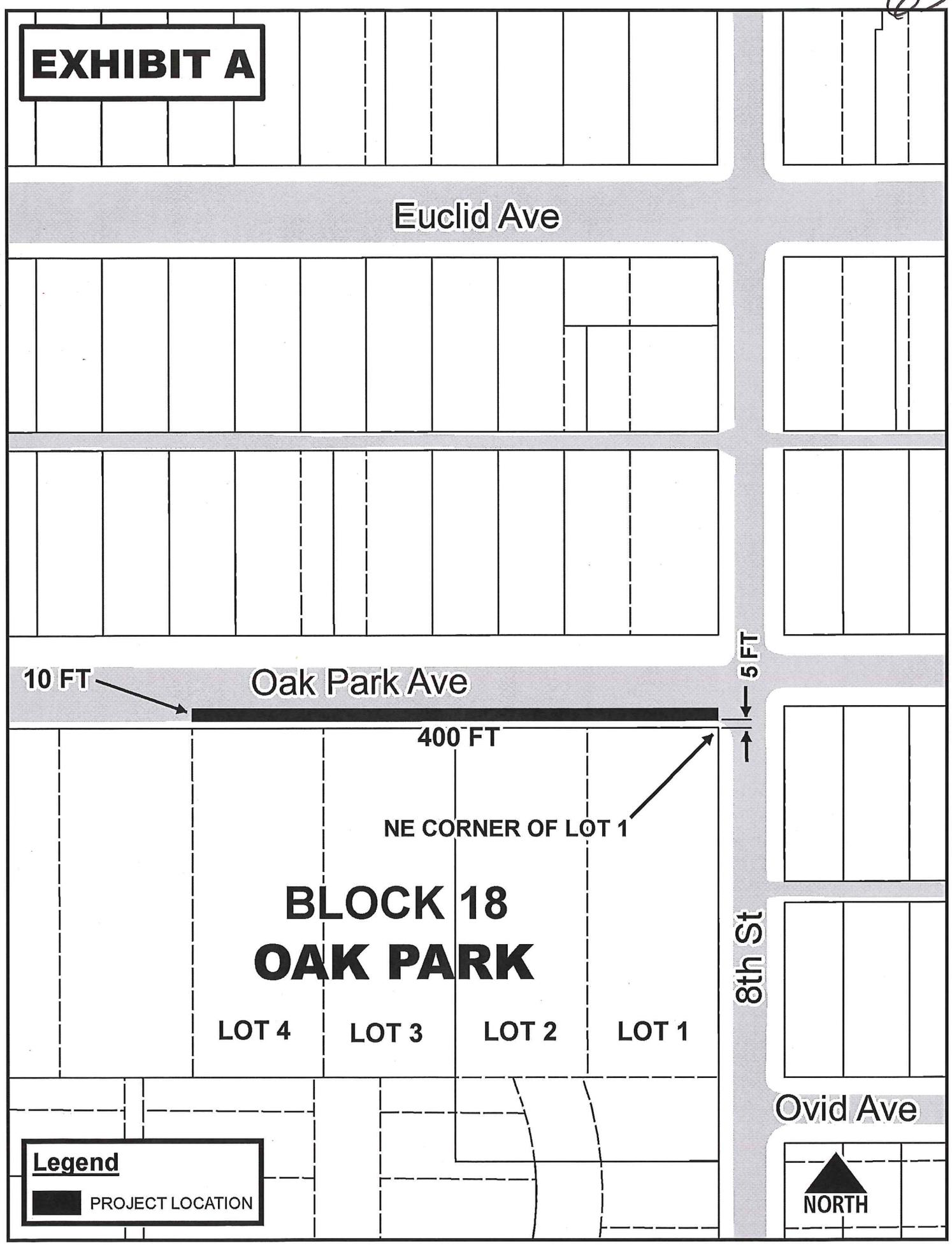
8th St

Ovid Ave

**Legend**

PROJECT LOCATION

NORTH





October 24, 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 October 16, 2014, the following action was taken regarding a request from Des Moines Municipal Housing Agency (owner) 3400 8th Street represented by Doug Romig (Director) for vacation of the south 10 feet of Oak Park Avenue from 8th Street to a point 400 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 subject to the following conditions: (11-2014-1.10)

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. Maintenance of the proposed segment by the Des Moines Municipal Housing Agency, including snow removal.

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. Maintenance of the proposed segment by the Des Moines Municipal Housing Agency, including snow removal.

### Written Responses

- 1 In Favor
- 2 In Opposition

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow Des Moines Municipal Housing Agency to provide additional tenant parking for senior residents of Oak Park Manor at 3400 8<sup>th</sup> Street.
2. **Size of Site:** Ten (10) feet by 400 feet (4,000 square feet).
3. **Existing Zoning (site):** "R1-60", One-Family Low-Density Residential District, "GGP", Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Developed City right-of-way.
5. **Adjacent Land Use and Zoning:**  
*North* – "R1-60"; Uses include Oak Park Avenue and single-family dwellings.  
*East* – "R1-60"; Uses include 8<sup>th</sup> Street and single-family dwellings.  
*South* – "R1-60"; Uses include McHenry Park and Oak Park Manor.  
*West* – "R1-60"; Use is Oak Park Avenue.
6. **General Neighborhood/Area Land Uses:** The subject segment of right-of-way is located north of Des Moines River and south of Euclid Avenue. The surrounding area is a single-family residential neighborhood.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Oak Park Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on September 26, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on October 6, 2014 (10 days prior to the hearing) to the Oak Park Neighborhood Association and to the primary titleholder on file with the Polk County

Assessor for each property adjacent to the requested right-of-way. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on October 10, 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 Oak Park Neighborhood notices were mailed to Viola Christenson, 3615 8<sup>th</sup> Street, Des Moines, IA 50313.

**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:** Easements must be provided for any existing utilities in place until such time that they may be abandoned or are relocated. No utilities have been identified at this time.
- 2. Street System/Access:** The requested vacation of undeveloped right-of-way would not adversely impact the existing surrounding street network.
- 3. Parking:** The vacation would allow senior residents of Oak Park Manor to park along Oak Park Avenue during snow events. Oak Park Avenue is a designated snow route maintained by the City. Any vacation would be subject to maintenance of the proposed segment by the Des Moines Municipal Housing Agency.

## **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:**

Will Page moved staff recommendation to approve the requested vacation subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

2. Maintenance of the proposed segment by the Des Moines Municipal Housing Agency, including snow removal.

Motion passed 11-0. (Tim Fitzgerald was not yet in attendance)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

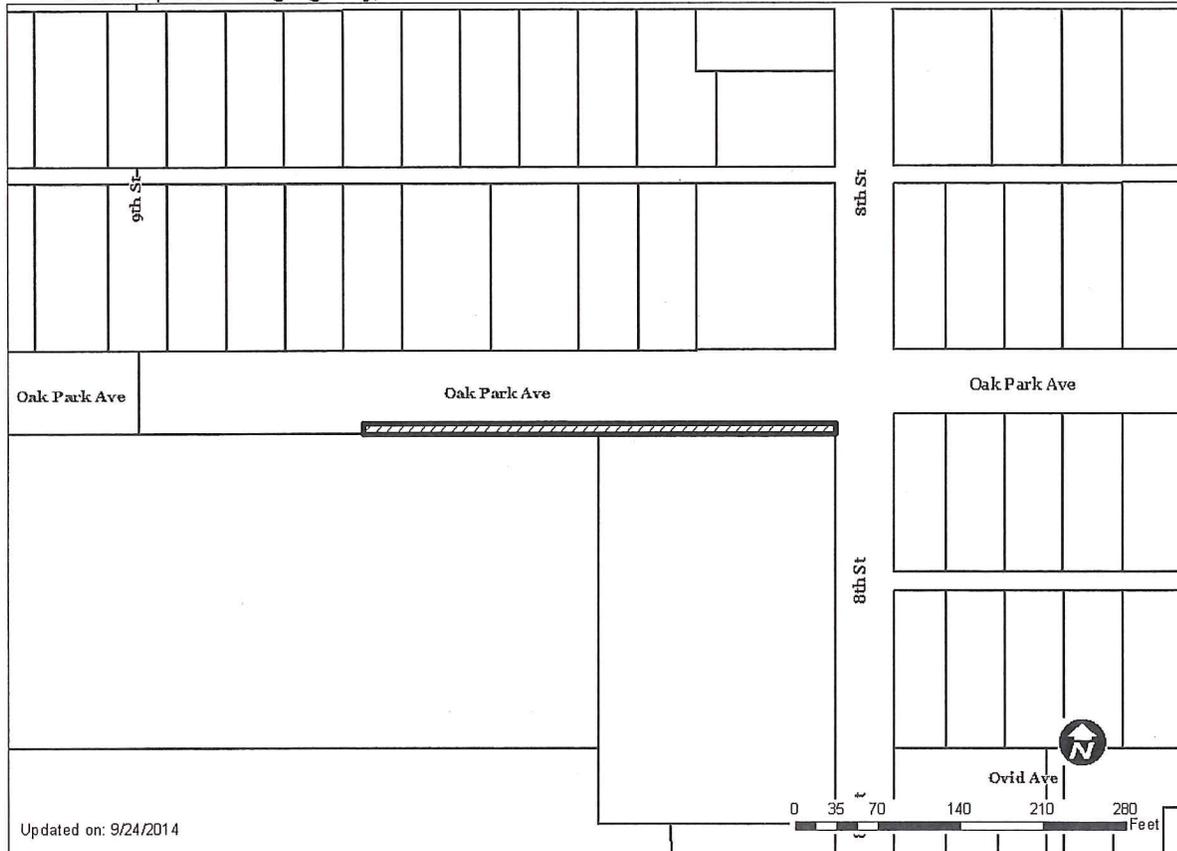
MGL:clw

Attachment

Des Moines Municipal Housing Agency (owner) 3400 8th Street represented by Doug Romig (Director).		<b>File #</b>		
		11-2014-1.10		
<b>Description of Action</b>	Approval of the requested vacation of the south 10 feet of Oak Park Avenue from 8th Street to a point 400 feet to the west, to allow for dedicated parking along the street for senior residents of Oak Park Manor subject to conditions.			
<b>2020 Community Character Plan</b>	Current: Low Density Residential, Park/Open Space. Proposed: N/A.			
<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>	N/A.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	2		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

DM Municipal Housing Agency, 3400 8th Street

11-2014-1.10



1 inch = 94 feet

Item 11-2014-1.10

Date 10-9-14

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

**RECEIVED**  
**COMMUNITY DEVELOPMENT**

OCT 14 2014

DEPARTMENT

Print Name DAN NELSON

Signature [Handwritten Signature]

Address 829 OAK PARK DR

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2014-1.10

Date 10-9-14

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

**RECEIVED**  
**COMMUNITY DEVELOPMENT**

OCT 15 2014

DEPARTMENT

Print Name Diane Erickson

Signature [Handwritten Signature]

Address 807 OAK PARK AVE

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

I don't like idea that  
trees are going to be  
cut down.  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2014-1.10

Date 10/16/2014

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

*Approved after PSD 10/16*

**RECEIVED**  
**COMMUNITY DEVELOPMENT**

(Circle One)

Print Name

David Beyer

Signature

*David Beyer*

OCT 20 2014

Address

819 Oak Park Ave

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

I don't want cars constantly parked out on  
the street, especially during the winter months b/c  
snow removal on the street will be delayed b/c  
cars won't always get moved in time.

