

24A

Date July 13, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST TO VACATE STREET AND ALLEY RIGHTS-OF-WAY AS EXCESS FROM THE SOUTHEAST CONNECTOR PROJECT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 18, 2015, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to vacate the following segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated:

- A) The north/south alley between Southeast 9th Street and Southeast 10th Street from Raccoon Street to East M.L. King Jr. Parkway.
- B) Southeast 11th Street from Raccoon Street to East M.L. King Jr. Parkway.
- C) Southeast 12th Street from the Burlington Northern Santa Fe Railroad to East M.L. King Jr. Parkway.
- D) The south approximately 50 feet of Allen Street from Southeast 10th Street to east side of Southeast 11th Street.
- E) The north/south alley between Southeast 10th Street and Southeast 11th Street from Allen Street to Scott Avenue.
- F) Southeast 11th Street from Allen Street to a point approximately 112 feet to the south.
- G) The north/south alley between Southeast 11th Street and Southeast 12th Street from Allen Street to a point approximately 168 feet to the south.
- H) The north/south alley between Southeast 14th Street and Southeast 14th Court from East M.L. King Jr. Parkway to a point approximately 327 feet to the north.
- I) Southeast 14th Court from East M. L. King Jr. Parkway to a point approximately 330 feet to the north.
- J) The north/south alley between Southeast 14th Court and Southeast 15th Street from East M. L. King Jr. Parkway to a point approximately 333 feet to the north.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED


 Glenna K. Frank, Assistant City Attorney

(11-2015-1.09)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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 July 13, 2015

Agenda Item 24A

Call # _____



24A

July 2, 2015

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 June 18, 2015, the following action was taken regarding a City initiated request to vacate street and alley rights-of-way as excess from the southeast connector project.

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			
Jann Freed				X
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper				X
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of the requested vacation of the following segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

(11-2015-1.09)

- A) The north/south alley between Southeast 9th Street and Southeast 10th Street from Raccoon Street to East M.L. King Jr. Parkway.
- B) Southeast 11th Street from Raccoon Street to East M.L. King Jr. Parkway.

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- C) Southeast 12th Street from the Burlington Northern Santa Fe Railroad to East M.L. King Jr. Parkway.
- D) The south approximately 50 feet of Allen Street from Southeast 10th Street to east side of Southeast 11th Street.
- E) The north/south alley between Southeast 10th Street and Southeast 11th Street from Allen Street to Scott Avenue.
- F) Southeast 11th Street from Allen Street to a point approximately 112 feet to the south.
- G) The north/south alley between Southeast 11th Street and Southeast 12th Street from Allen Street to a point approximately 168 feet to the south.
- H) The north/south alley between Southeast 14th Street and Southeast 14th Court from East M.L. King Jr. Parkway to a point approximately 327 feet to the north.:
- I) Southeast 14th Court from East M. L. King Jr. Parkway to a point approximately 330 feet to the north.
- J) The north/south alley between Southeast 14th Court and Southeast 15th Street from East M. L. King Jr. Parkway to a point approximately 333 feet to the north.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of street and alley rights-of-way subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed vacation of various street and alley right-of-ways adjoining the Southeast Connector between Southeast 9th Street and Southeast 15th Street would allow dedication of the next segment of the East Martin Luther King, Jr. Parkway. The vacation would also allow assembly of excess parcels for future redevelopment use.

2. Existing Zoning (site): Part A, D, F, G – “R-2A”. General Residential District, “CDO”, Capitol Dominance Overlay District, “D-O”, Downtown Overlay District, “GGP”, Gambling Games Prohibition and “FSO”, Free-Standing Sign Overlay District.

Part B, C – “M-1”. Light Industrial District, “CDO”, Capitol Dominance Overlay District, “D-O”, Downtown Overlay District, “GGP”, Gambling Games Prohibition and “FSO”, Free-Standing Sign Overlay District.

Part E – “R-2A”. General Residential District, “D-O”, Downtown Overlay District, “GGP”, Gambling Games Prohibition and “FSO”, Free-Standing Sign Overlay District.

Part H, I, J – “M-1”. Light Industrial District and “FSO”, Free-Standing Sign Overlay District

3. Existing Land Use (site): Part A, E, G, H, J – Undeveloped alley.
Part B, C, D, F, I - Undeveloped street right-of-way.

4. General Neighborhood/Area Land Uses: The surrounding area is generally vacant open space and is near the east end of East Martin Luther King, Jr. Parkway. It is

adjacent to the southeast industrial area and the Southeast 14th Street commercial corridor.

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- 5. Applicable Recognized Neighborhood(s):** The subject property for segments A - G are located in Historic East Village Neighborhood. The subject property for segments H - J are not located in a recognized neighborhood. The Historic East Village neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on June 1, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on June 8, 2015 (10 days prior) to the Historic East Village neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested segments of right-of-way. A Final Agenda was mailed to all recognized neighborhood associations on June 12, 2015.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Village Neighborhood Association notices were mailed to Colleen MacRae, PO Box 93904, Des Moines, IA 50393.

- 6. Relevant Zoning History:** None.

- 7. 2020 Community Character Land Use Plan Designation:** General Industrial and Support Commercial.

- 8. Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, in consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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 rights-of-way described in parts A, C, E, G, H, I, J have no identified utilities at this time. The subject rights-of-way described in part B and part F contain a 16-inch Des Moines Water Works (DMWW) water main. The subject right-of-way described in part D contains both a 6-inch DMWW water main and a 10-inch public sanitary sewer main. The subject right-of-ways also contain overhead utilities in some places. Easements must be reserved for any existing utilities until such time that they may be abandoned or are relocated.
- 2. Street System/Access:** The Engineering Department is in the process of assembling land for the construction of the next segment of East Martin Luther King, Jr. Parkway east of Southeast 15th Street. The subject request will allow for the finalization and dedication of the Southeast Connector project from Southeast 8th Street to Southeast 15th Street. The subject segments of street and alley rights-of-way are largely undeveloped and generally not accessible to regular vehicular traffic.
- 3. Access:** The proposed vacation does not affect or impede any existing public vehicular access or access to any private properties.
- 4. Future Use:** The proposed segments of street and alley right-of-way segments will be dedicated for the next segment of Martin Luther King, Jr. Parkway. The excess land is

proposed to be assembled with excess parcels for future redevelopment and will require an approved development/Site Plan by the Engineering Department prior to conveyance of the disposition parcels.

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SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Greg Wattier moved staff recommendation for approval of the requested vacation of street and alley rights-of-way subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Motion passed 11-0.

Respectfully submitted,



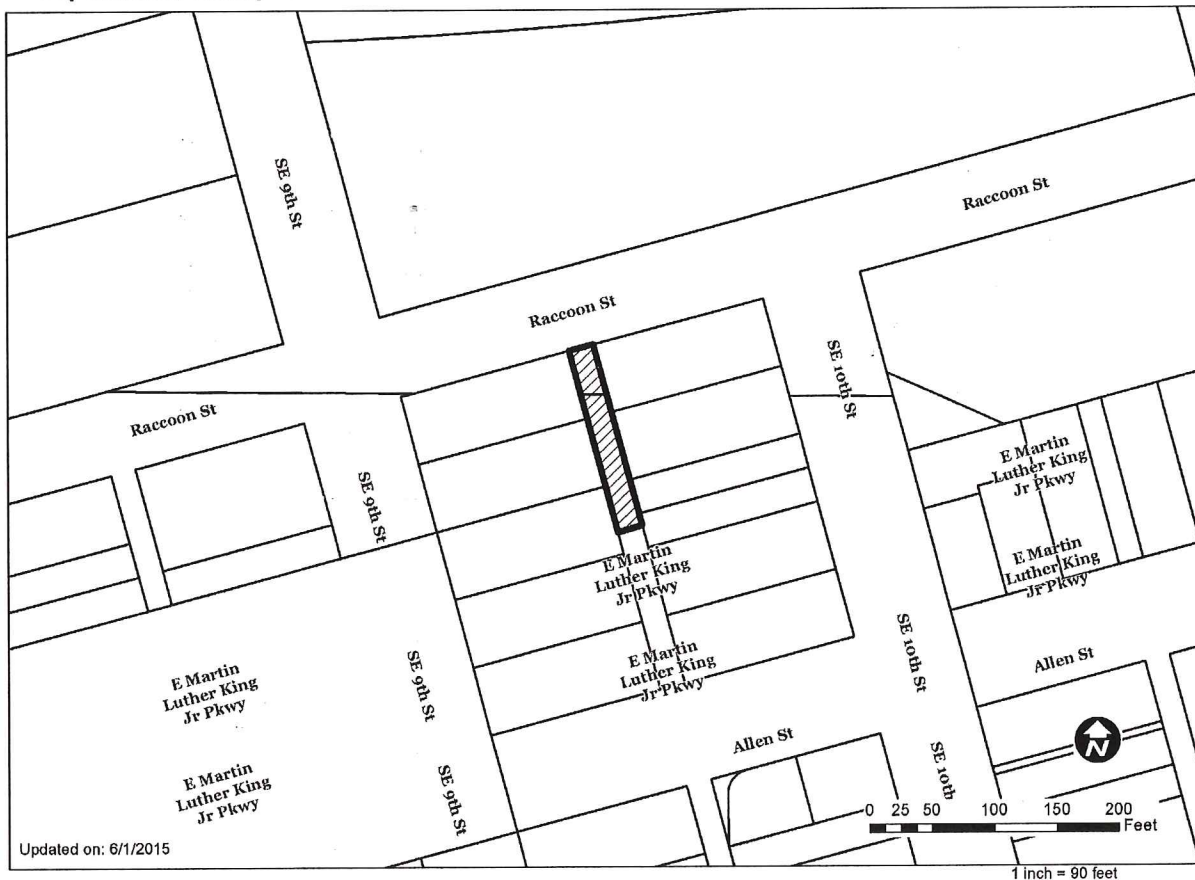
Michael G. Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

City initiated.		File #		
		11-2015-1.09		
Description of Action	Approval of request to Vacate segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
2020 Community Character Plan	Current: General Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	SE Connector: New Roadway Connection.			
Current Zoning District	"R-2A" General Residential District, "GGP" Gambling Games Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

City Initiated, Vicinity of Southeast Connector

11-2015-1.09A



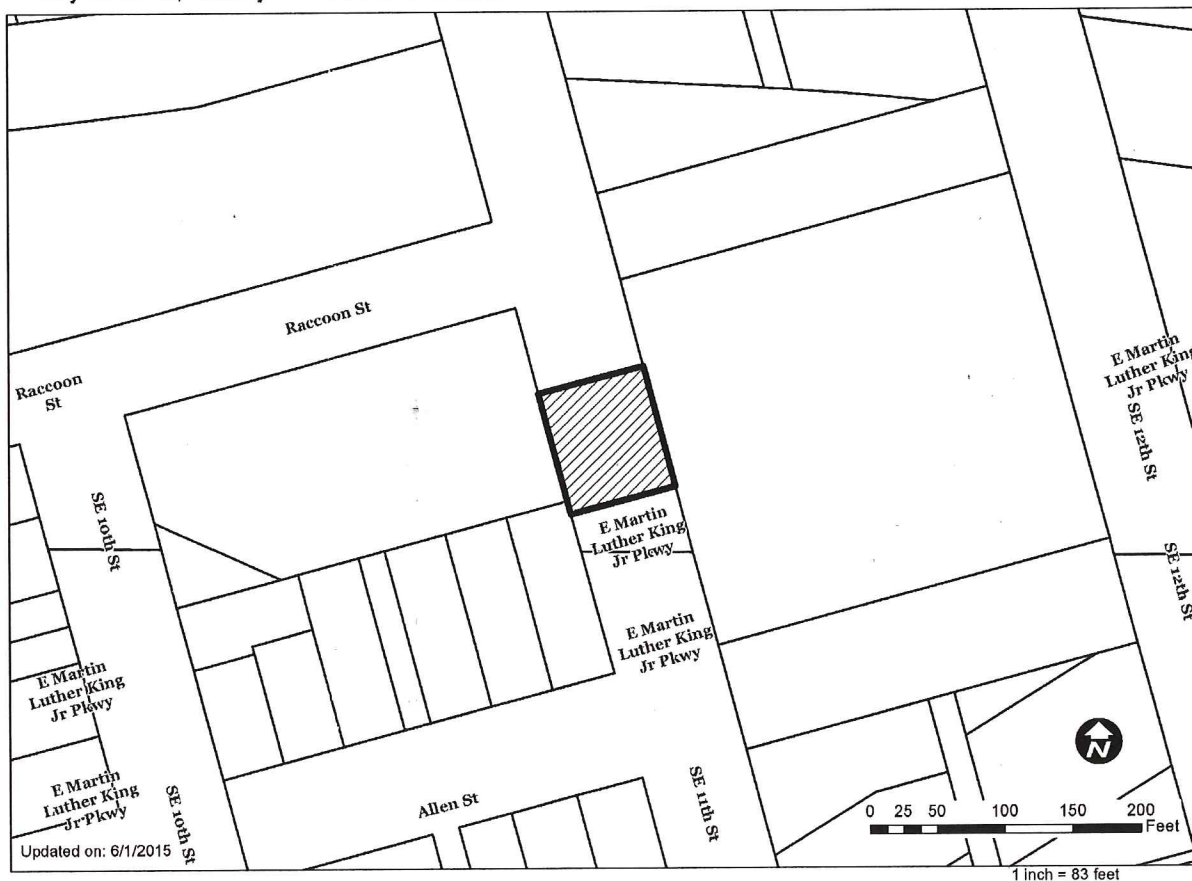
1 inch = 90 feet

24A

City initiated.		File #		
		11-2015-1.09		
Description of Action	Approval of request to Vacate segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
2020 Community Character Plan	Current: Downtown Support Commercial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	SE Connector: New Roadway Connection			
Current Zoning District	"M-1" Light Industrial District, "GGP" Gambling Games Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

City Initiated, Vicinity of Southeast Connector

11-2015-1.09B



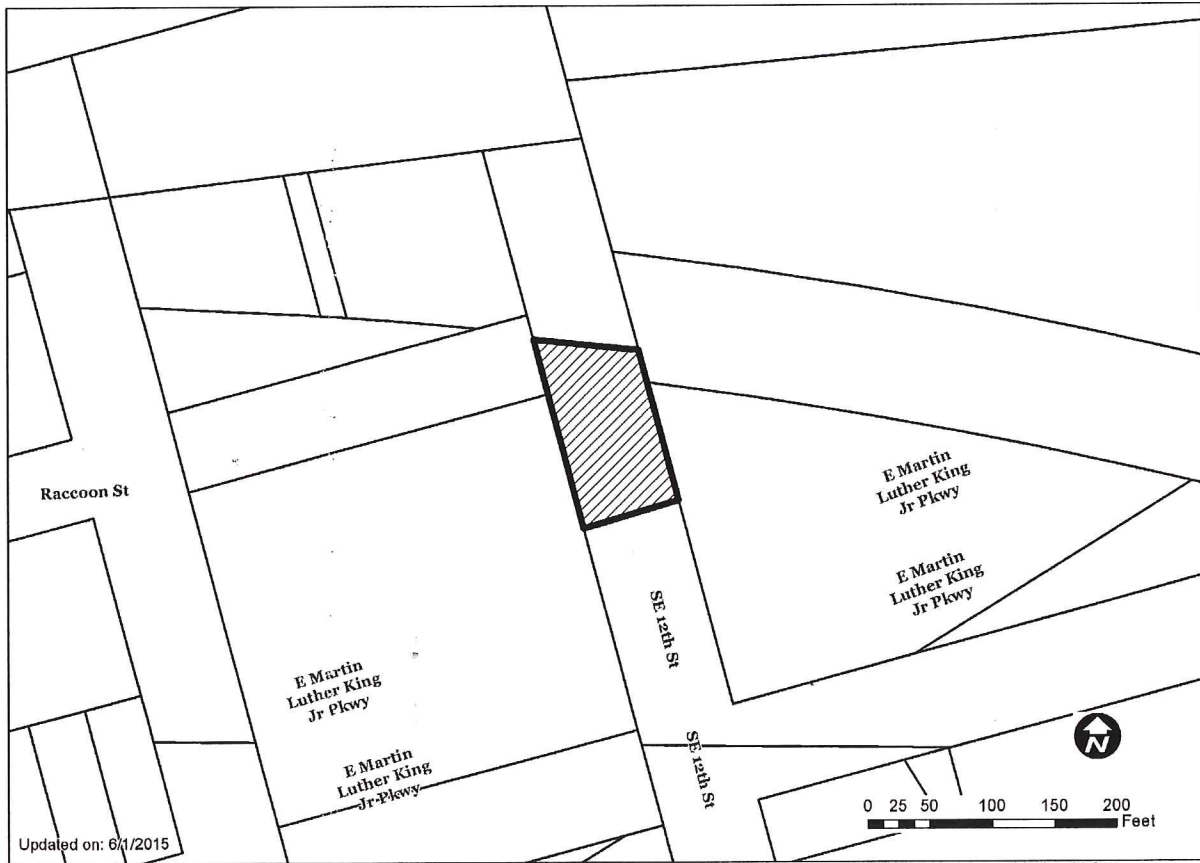
1 inch = 83 feet

24A

City initiated.		File #			
		11-2015-1.09			
Description of Action	Approval of request to Vacate segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.				
2020 Community Character Plan	Current: Downtown Support Commercial. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	SE Connector: New Roadway Connection				
Current Zoning District	"M-1" Light Industrial District, "GGP" Gambling Games Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Initiated, Vicinity of Southeast Connector

11-2015-1.09C



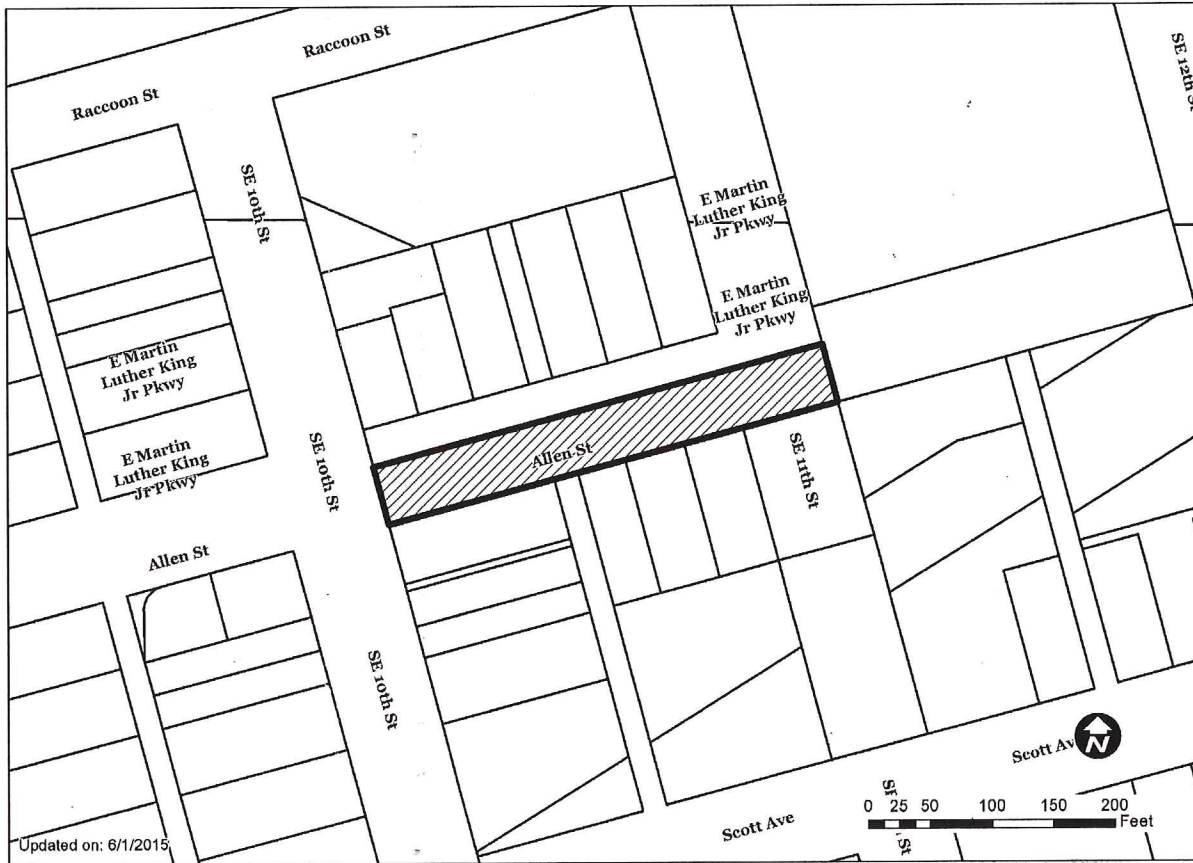
1 inch = 91 feet

24A

City initiated.		File #		
		11-2015-1.09		
Description of Action	Approval of request to Vacate segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
2020 Community Character Plan	Current: General Industrial and Downtown Support Commercial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	SE Connector: New Roadway Connection			
Current Zoning District	"R-2A" General Residential District, "M-1" Light Industrial District, "GGP" Gambling Games Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

City Initiated, Vicinity of Southeast Connector

11-2015-1.09D



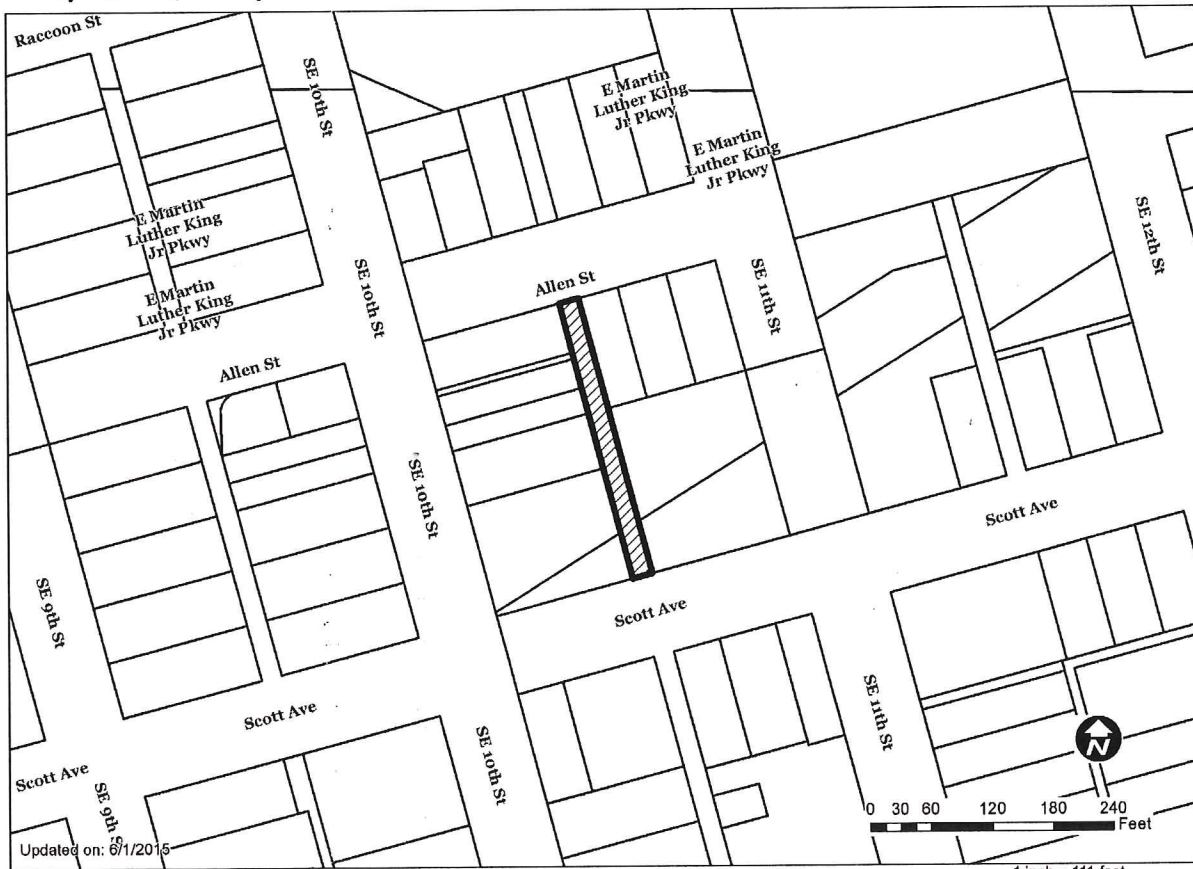
1 inch = 92 feet

24A

City initiated.		File #		
		11-2015-1.09		
Description of Action	Approval of request to Vacate segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
2020 Community Character Plan	Current: General Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	SE Connector: New Roadway Connection			
Current Zoning District	"R-2A" General Residential District, "GGP" Gambling Games Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

City Initiated, Vicinity of Southeast Connector

11-2015-1.09E

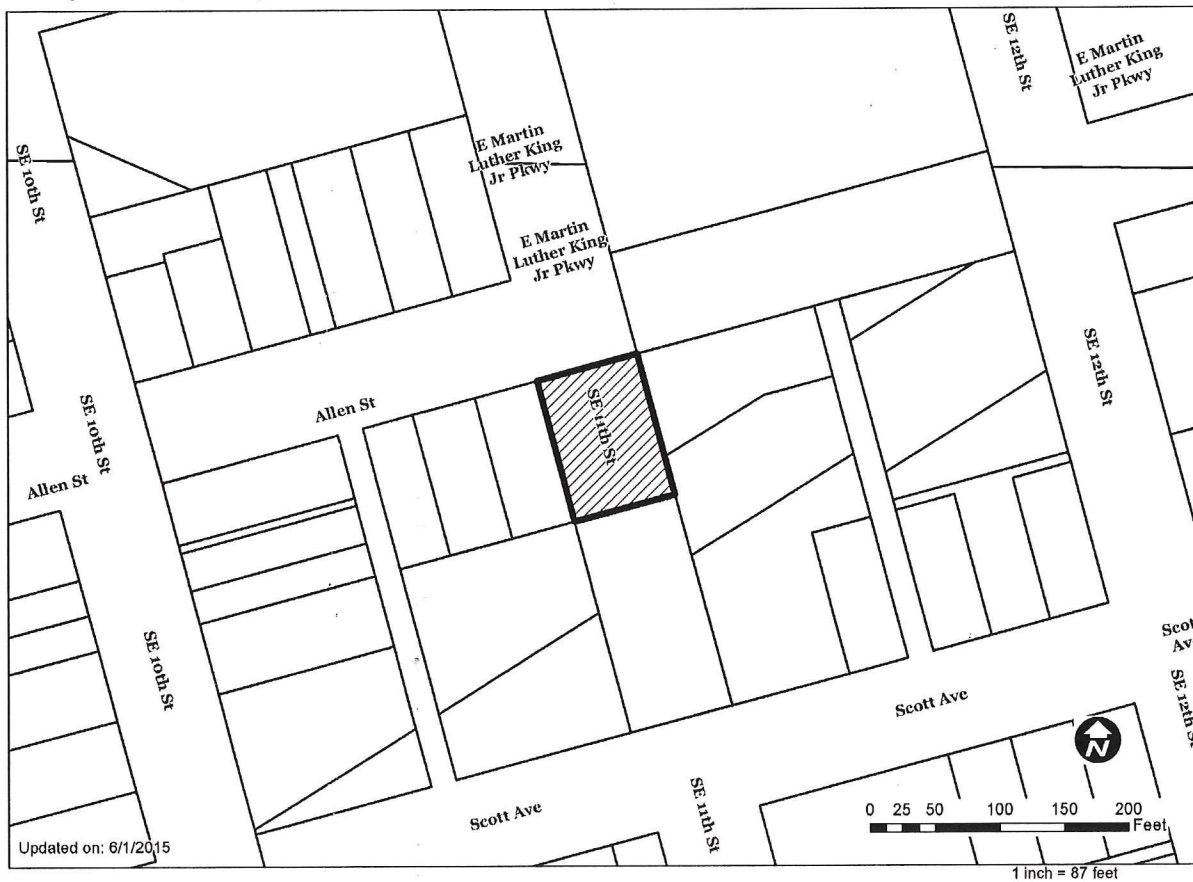


1 Inch = 111 feet

City initiated.		File #		
		11-2015-1.09		
Description of Action	Approval of request to Vacate segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
2020 Community Character Plan	Current: General Industrial and Downtown Support Commercial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	SE Connector: New Roadway Connection			
Current Zoning District	"R2-A" General Residential District, "GGP" Gambling Games Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

City Initiated, Vicinity of Southeast Connector

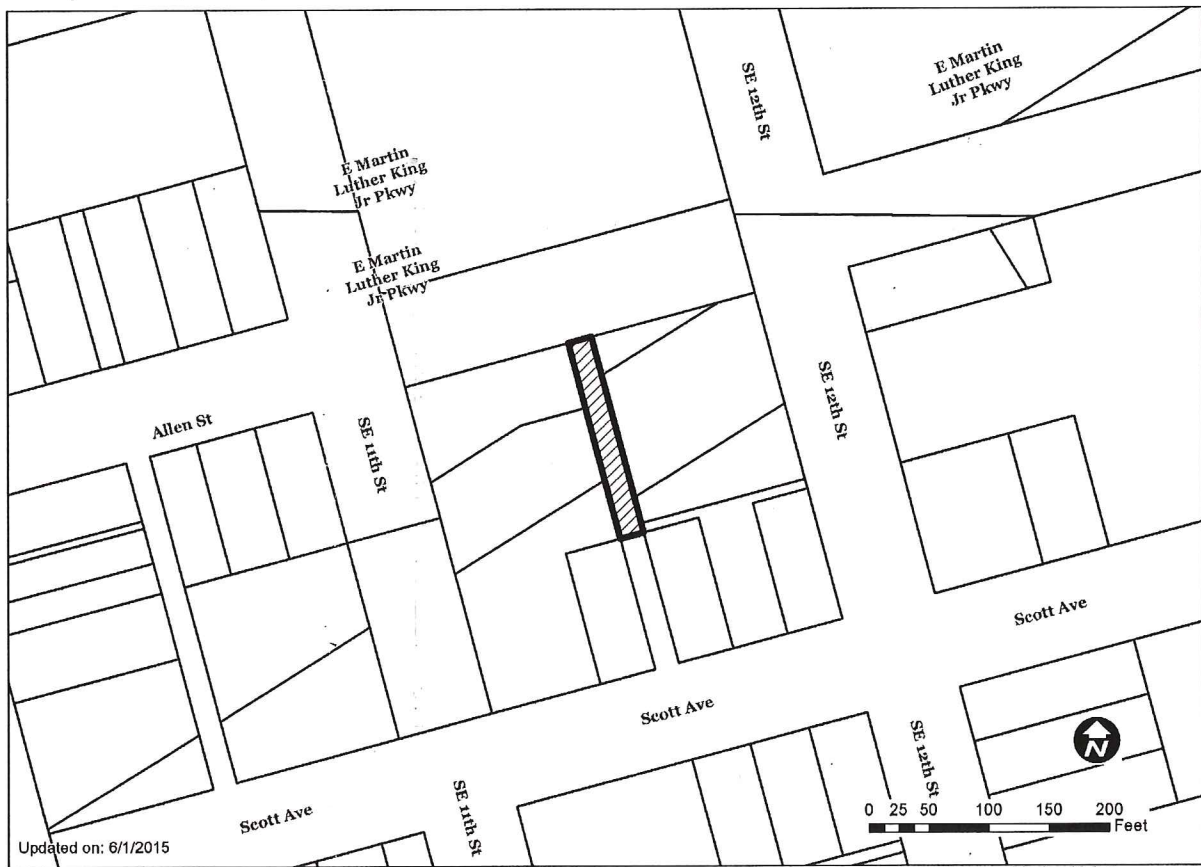
11-2015-1.09F



City initiated.		File #		
		11-2015-1.09		
Description of Action	Approval of request to Vacate segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
2020 Community Character Plan	Current: Downtown Support Commercial and General Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	SE Connector: New Roadway Connection			
Current Zoning District	"R-2A" General Residential District, "GGP" Gambling Games Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

City Initiated, Vicinity of Southeast Connector

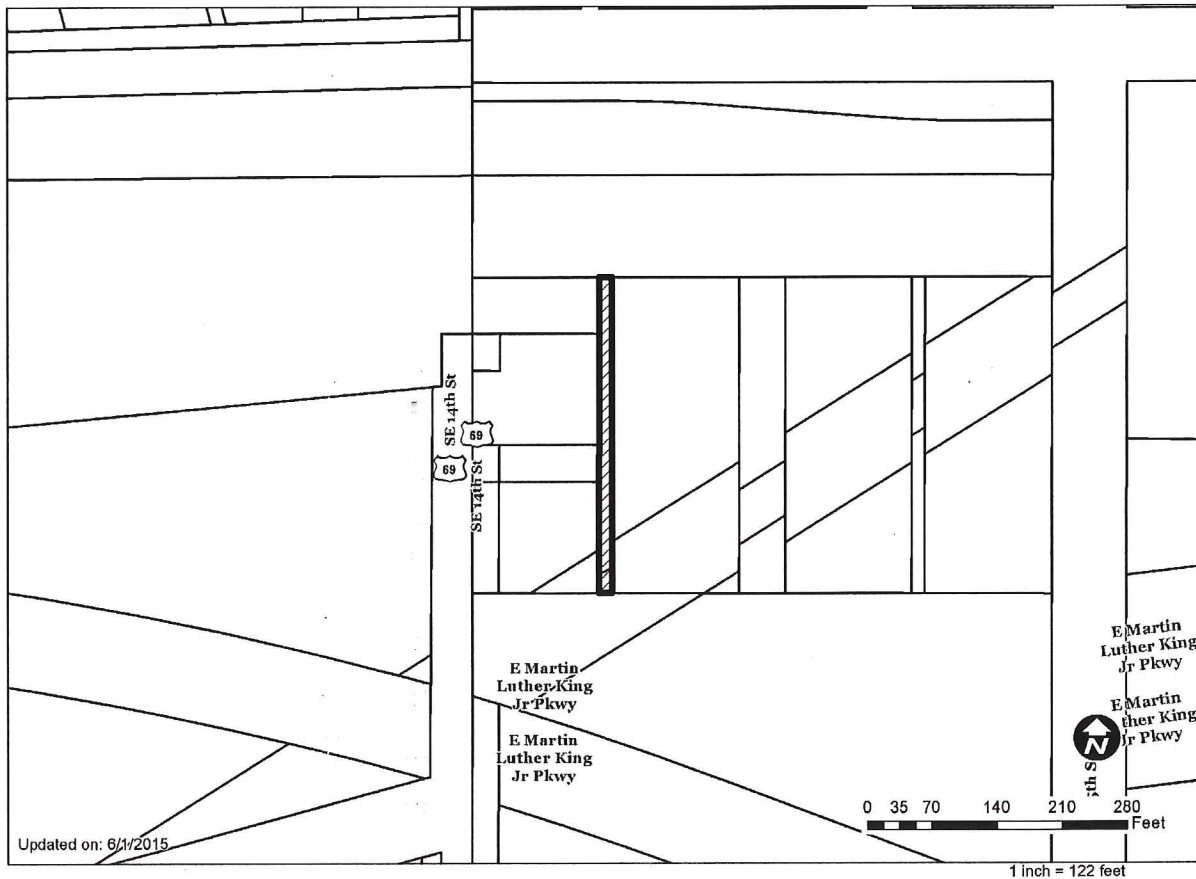
11-2015-1.09G



City initiated.		File #		
		11-2015-1.09		
Description of Action	Approval of request to Vacate segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated			
2020 Community Character Plan	Current: General Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	SE Connector: Widen 2 to 4 Lanes			
Current Zoning District	"M-1" Light Industrial District and "FSO" Freestanding Sign Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

City Initiated, Vicinity of Southeast Connector

11-2015-1.09H

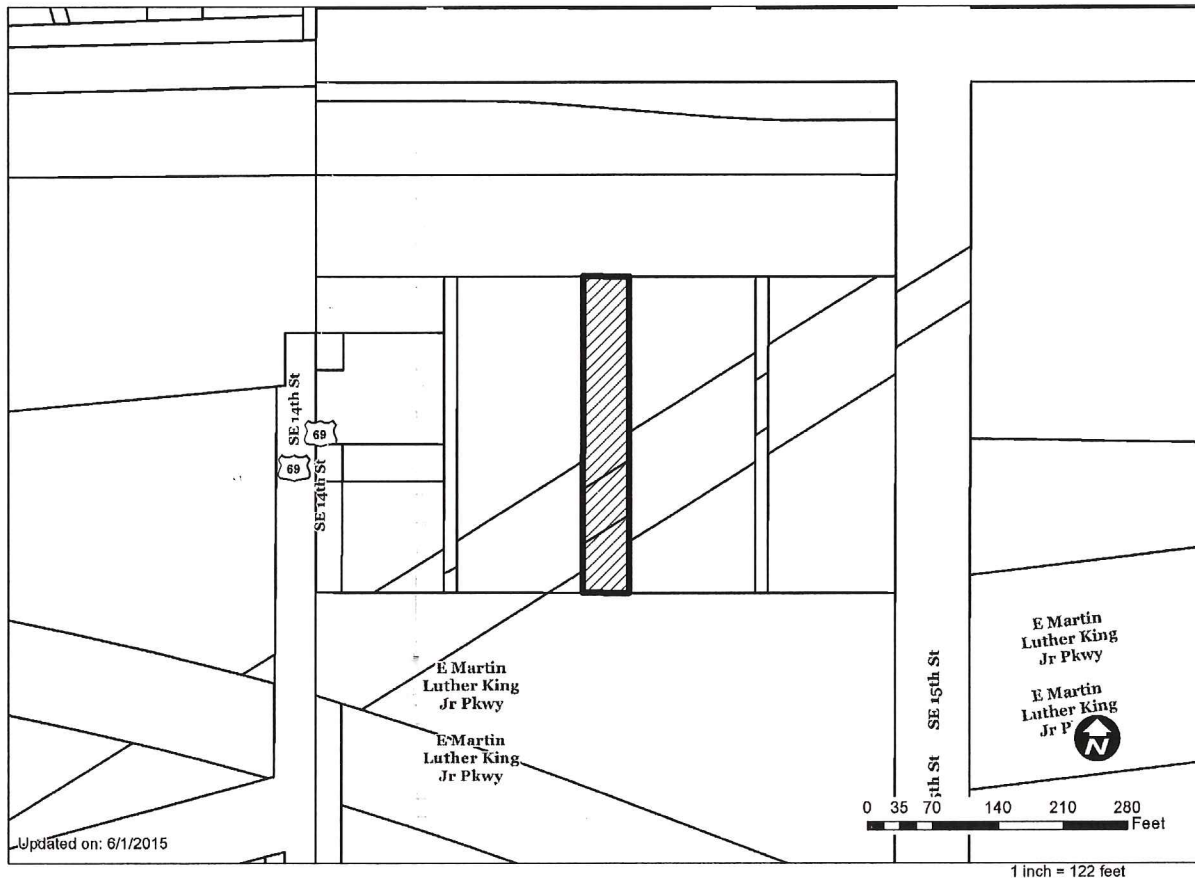


1 inch = 122 feet

City initiated.		File #		
		11-2015-1.09		
Description of Action	Approval of request to Vacate segments of right-of-way as excess from the Southeast Connector project, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
2020 Community Character Plan	Current: General Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	SE Connector: Widen 2 to 4 Lanes			
Current Zoning District	"M-1" Light Industrial District and "FSO" Freestanding Sign Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

City Initiated, Vicinity of Southeast Connector

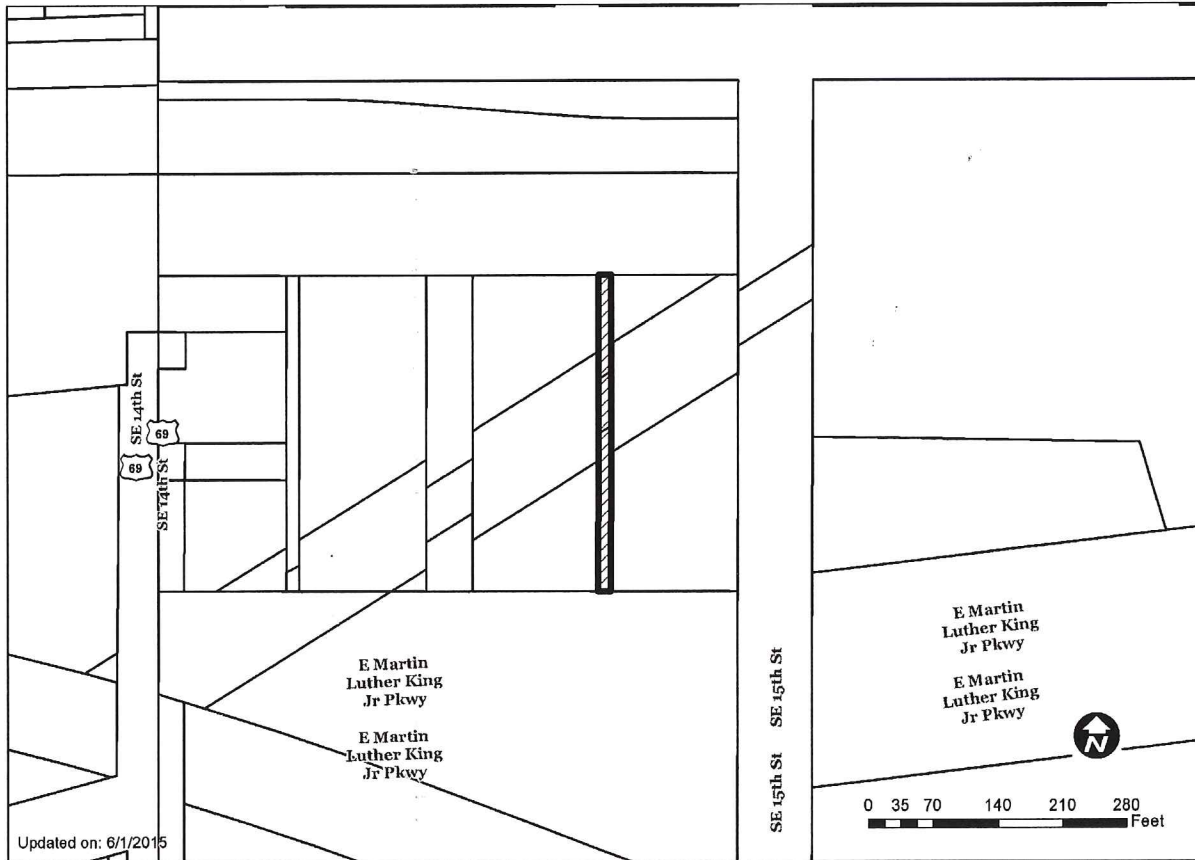
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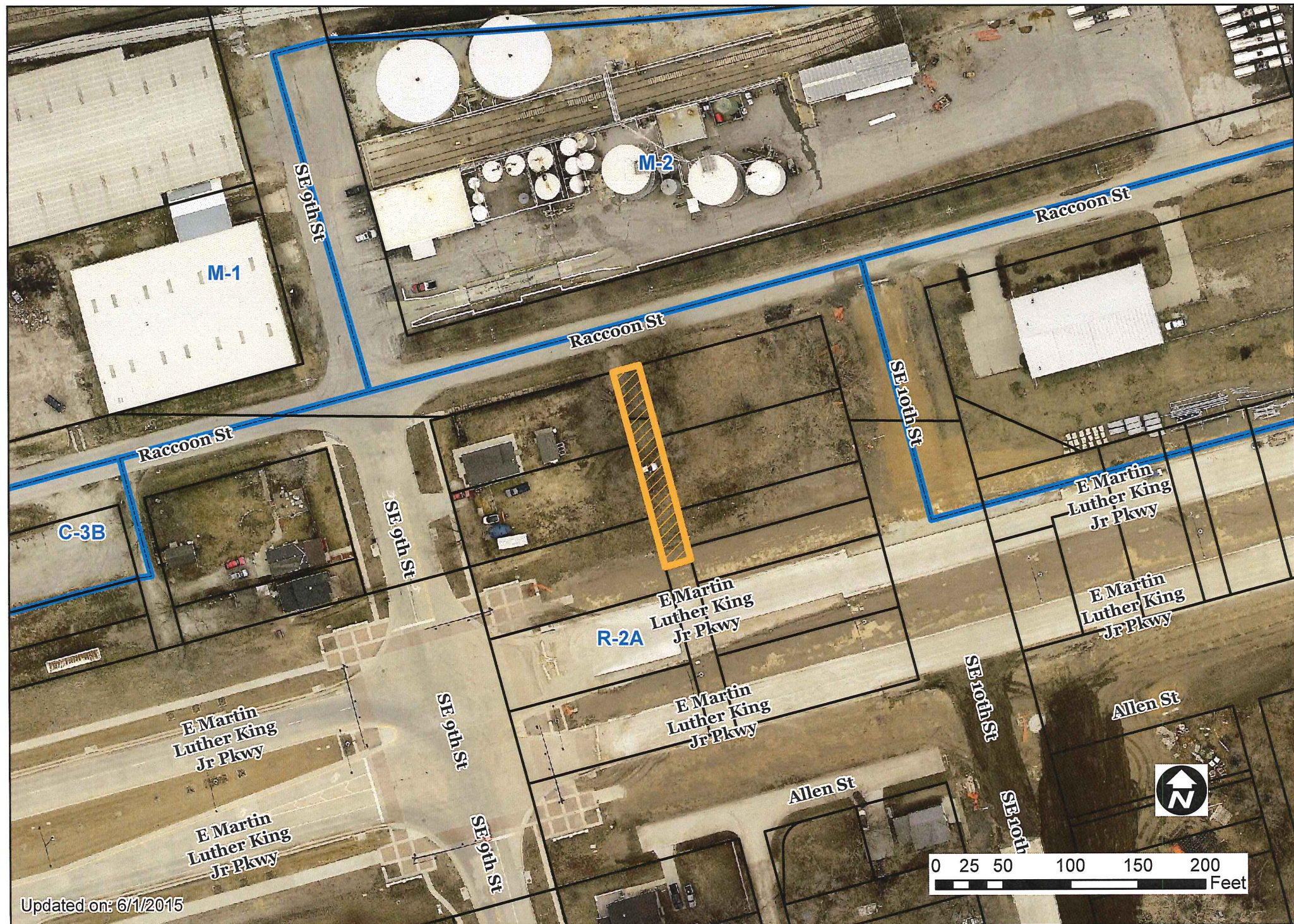
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Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

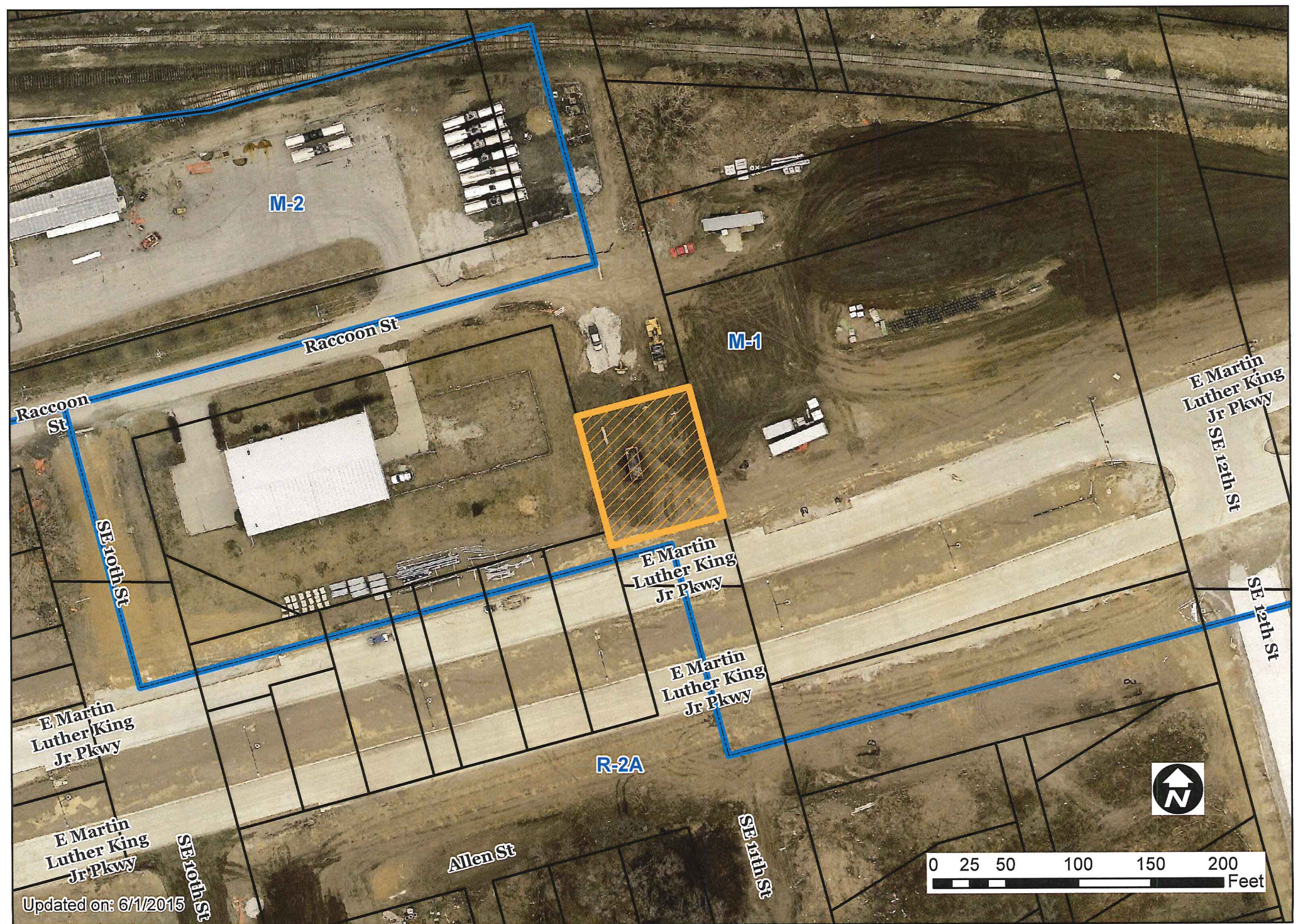
City Initiated, Vicinity of Southeast Connector

11-2015-1.09J

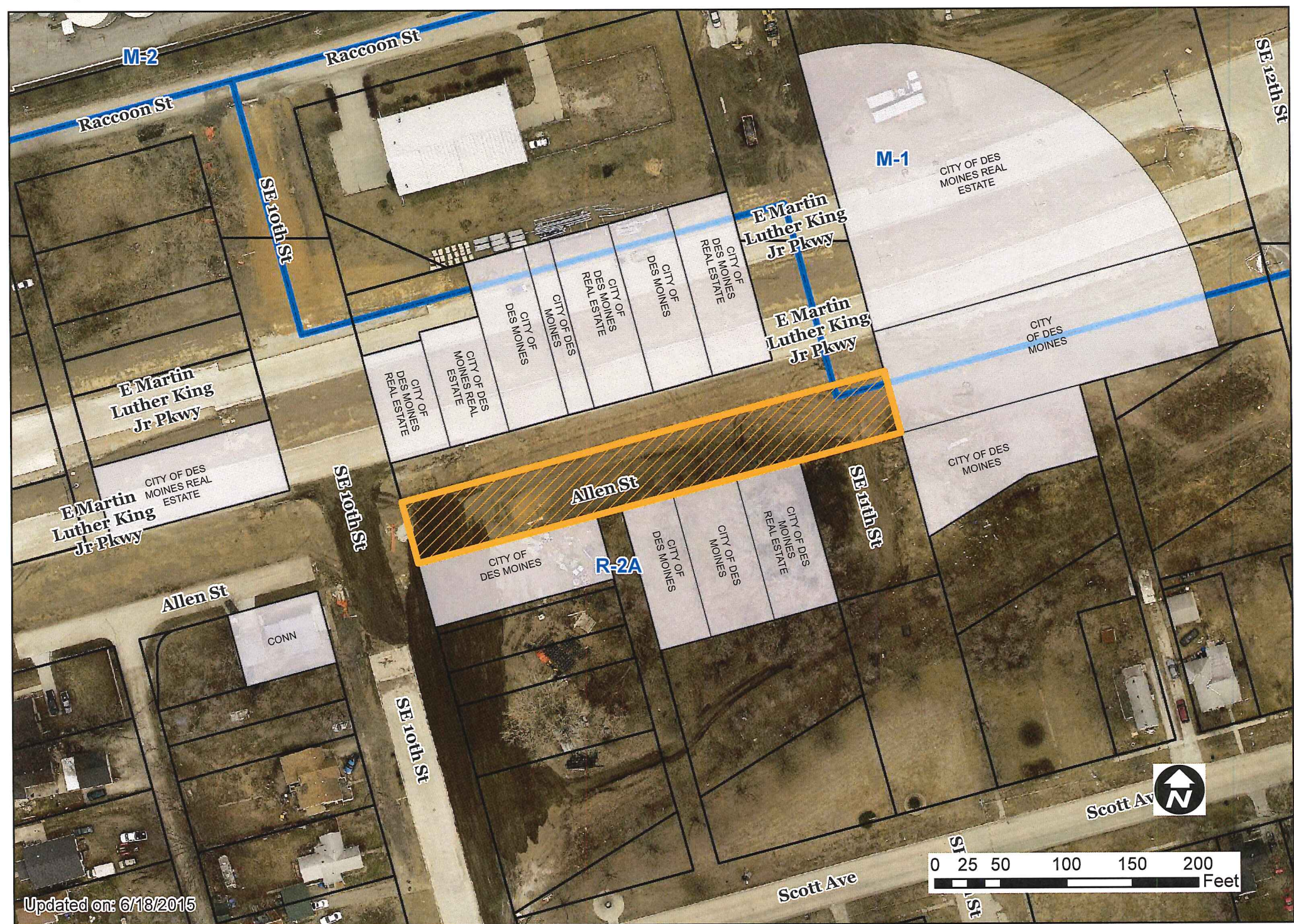


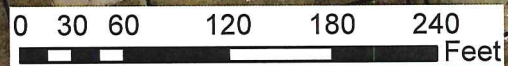
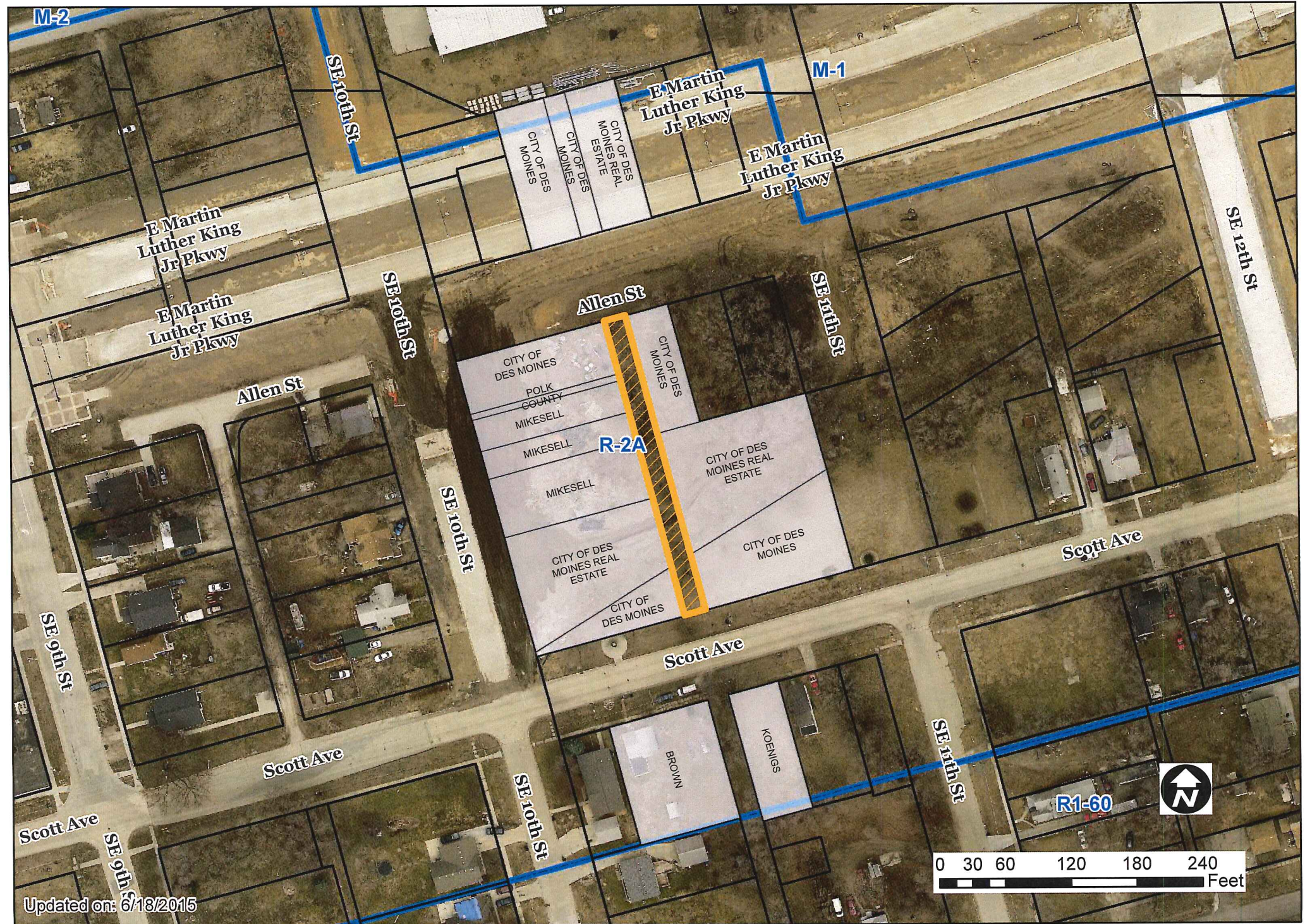
1 inch = 122 feet

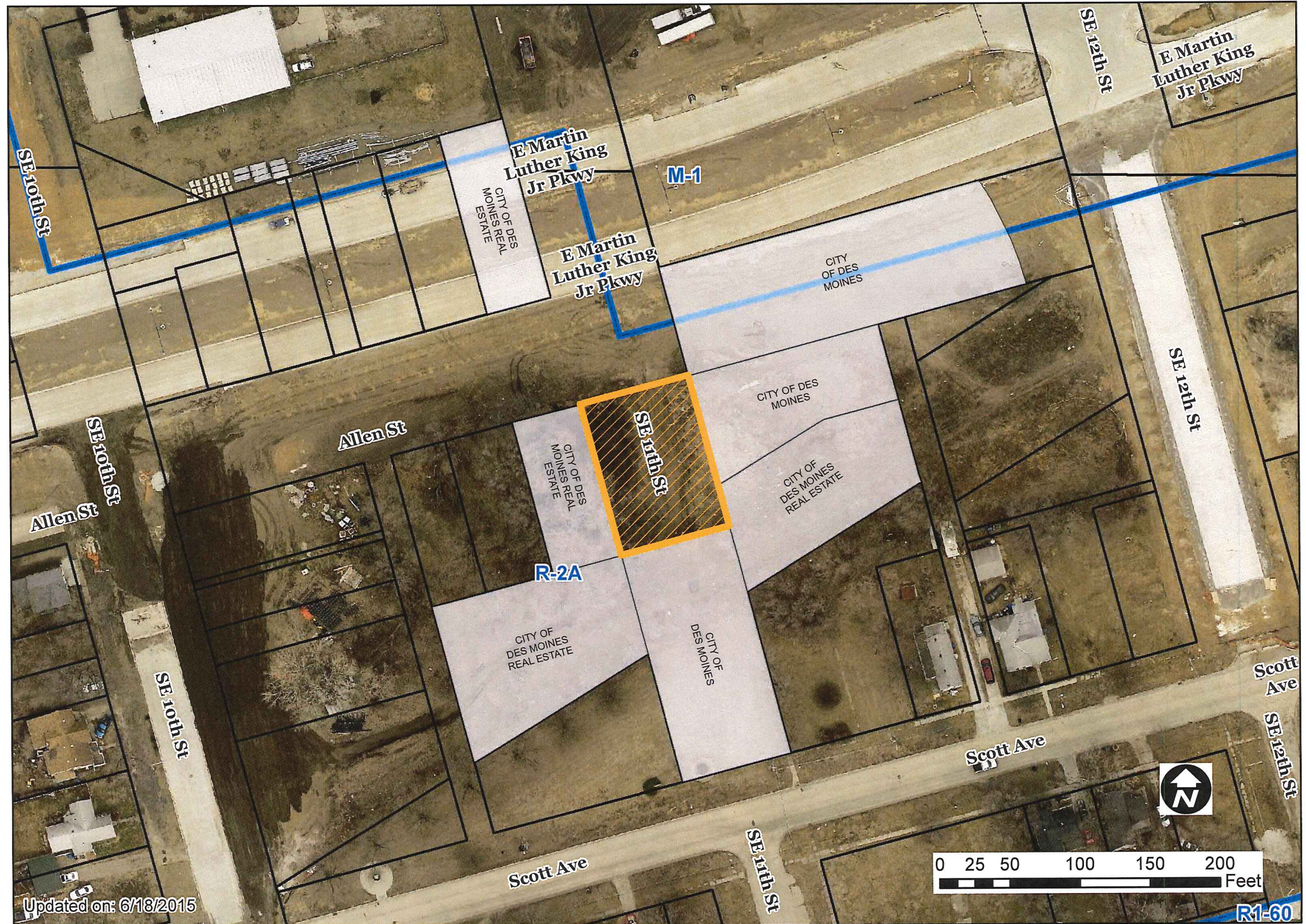


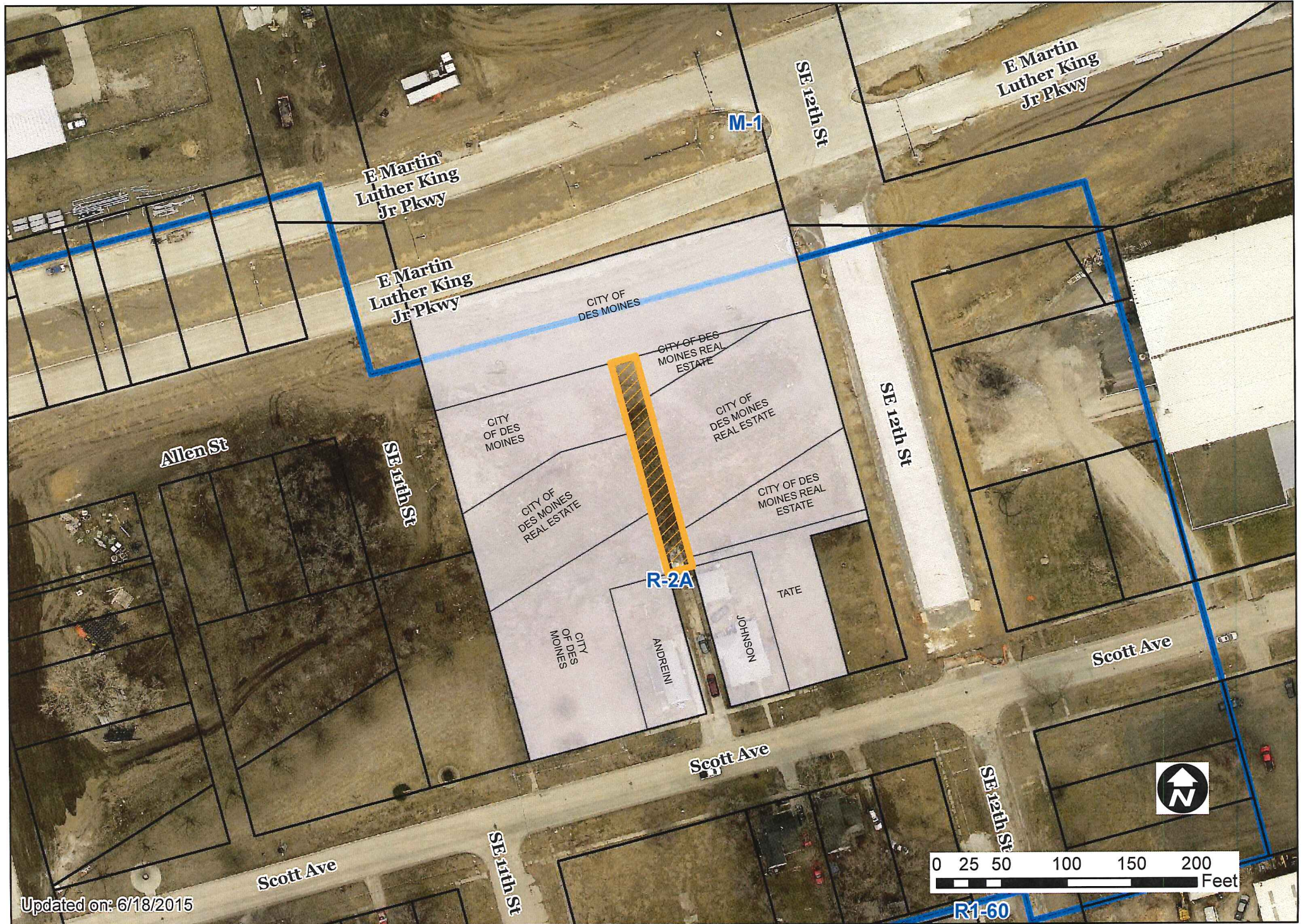


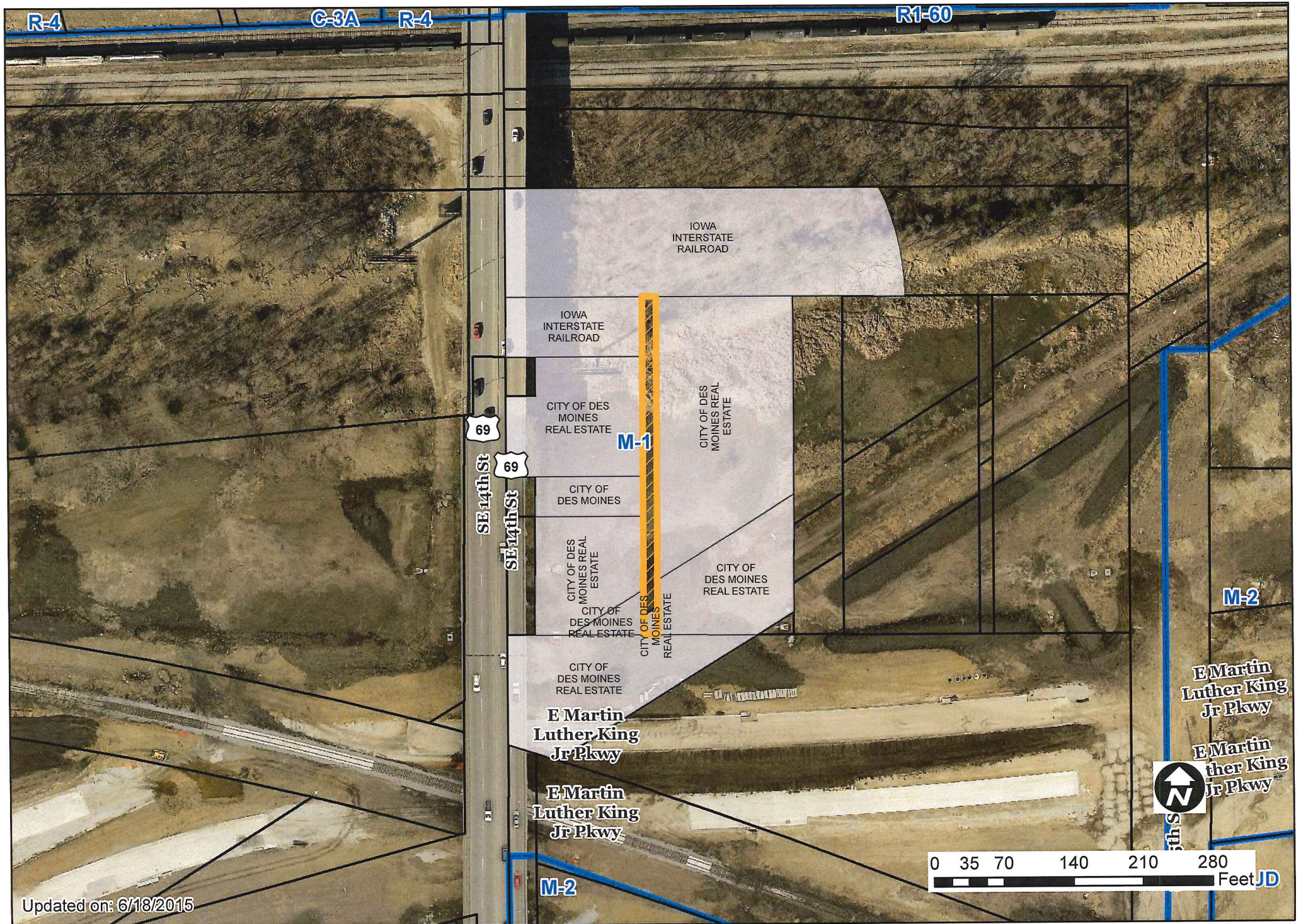


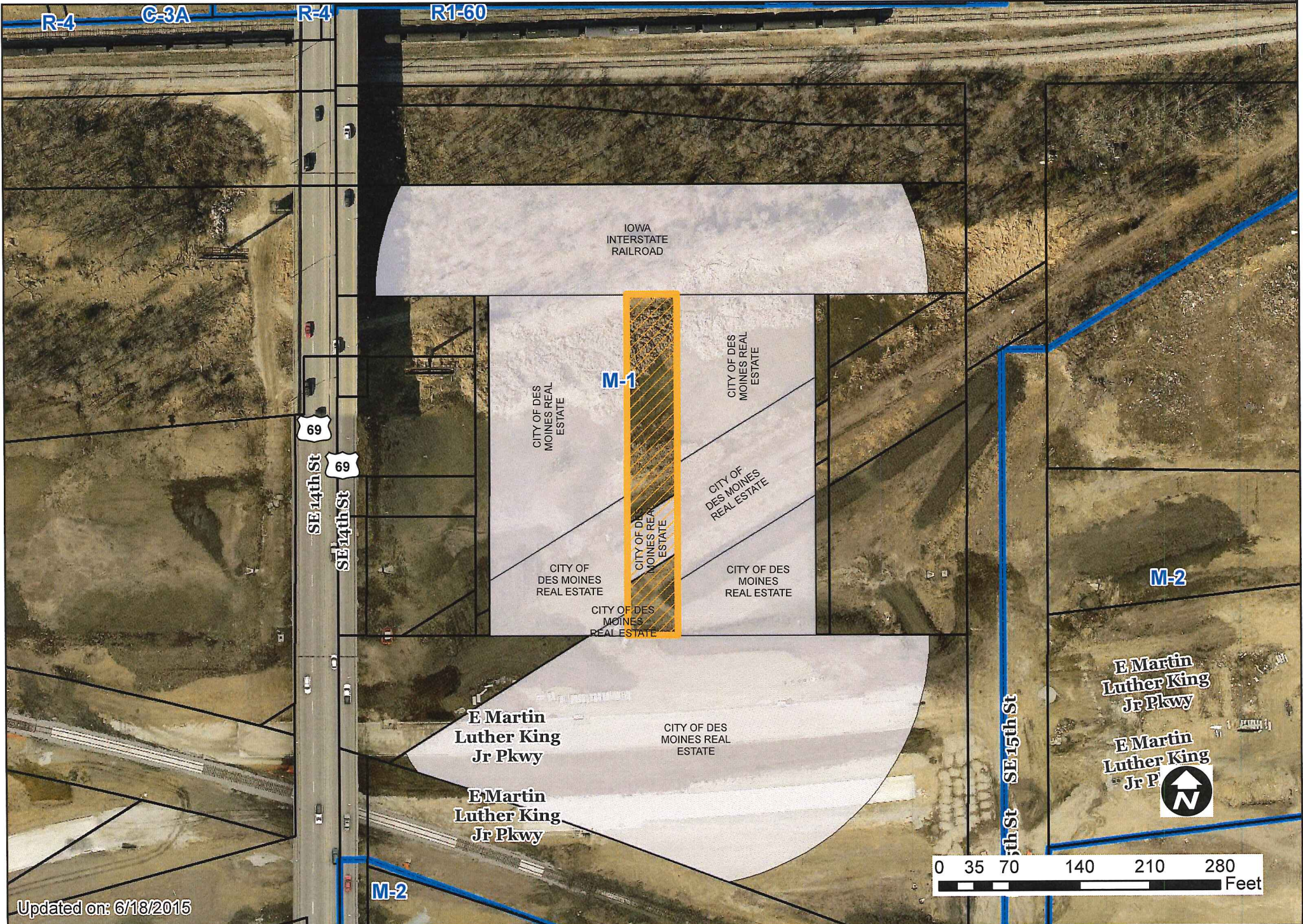












Updated on: 6/18/2015

