



Roll Call Number

Agenda Item Number

21

Date August 24, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING VACATION OF AN IRREGULAR-SHAPED SEGMENT OF THE EASTERN PORTION OF SOUTHEAST 40TH STREET ADJOINING PROPERTY LOCATED AT 4491 SOUTHEAST 40TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 6, 2015, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City-initiated request for vacation of an irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining property located at 4491 Southeast 40th Street, to allow removal of an existing building encroachment with conveyance to the adjoining property owner, subject to reservation of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

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

(11-2015-1.12)

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

MOTION CARRIED APPROVED

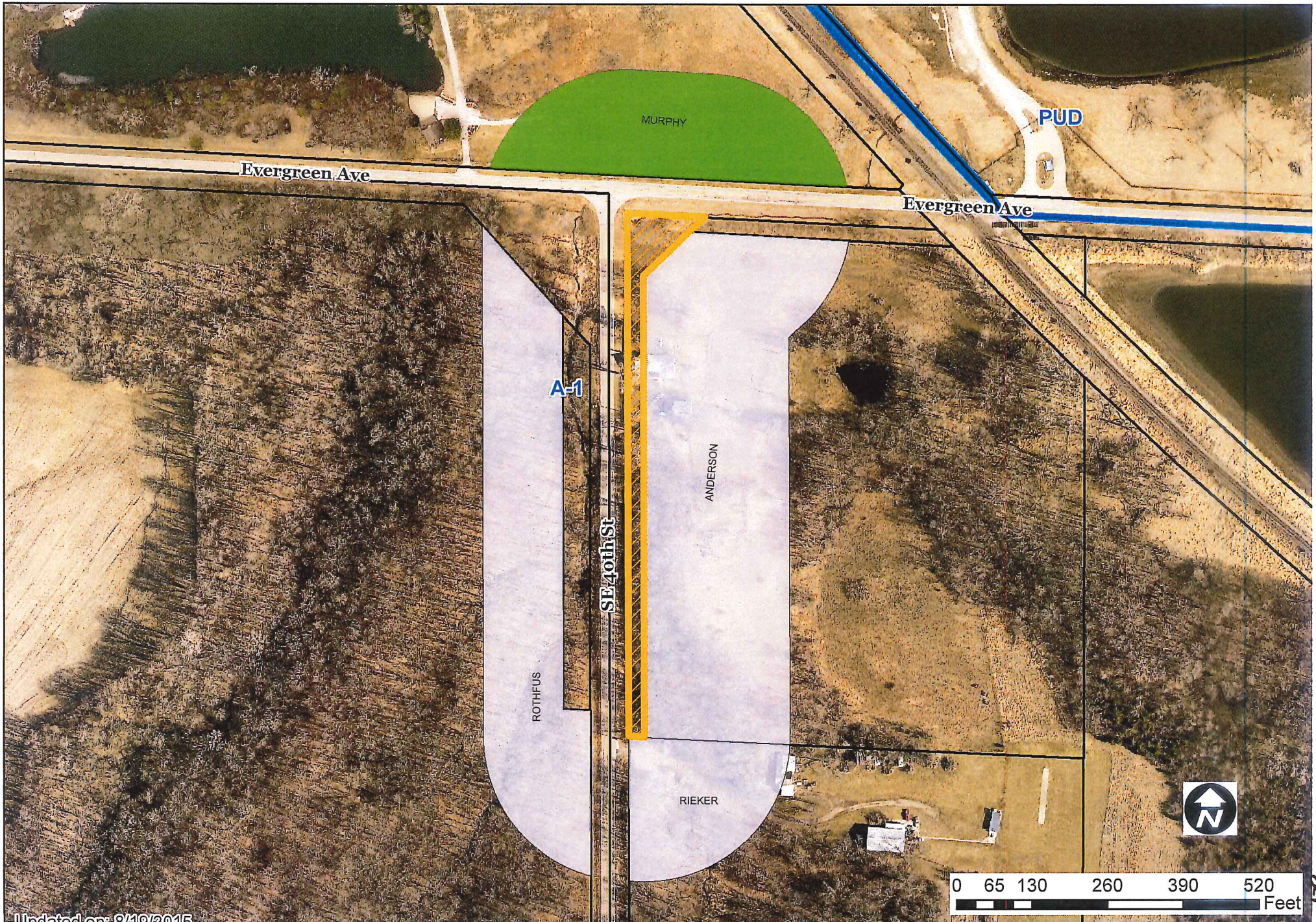
Mayor

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





August 18, 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 August 6, 2015, the following action was taken regarding a City initiated request for vacation of an irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining property located at 4491 Southeast 40th Street, to allow removal of an existing building encroachment with conveyance to the adjoining property owner. The subject adjoining property is owned by John and Emmie Anderson.

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			
Brian Millard	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens				X
Greg Wattier	X			

APPROVAL of the requested vacation subject to provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated. (11-2015-1.12)



STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The City is initiating a request for vacation of an irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining property located at 4491 Southeast 40th Street. The vacation would allow removal of an existing building encroachment with conveyance to the adjoining property owner. The adjoining property is owned by John and Emmie Anderson.
2. **Size of Site:** 30,221 square feet (0.69 acres).
3. **Existing Zoning (site):** "A-1" Agricultural District and "FSO" Free-Standing Sign Overlay District.
4. **Existing Land Use (site):** Single-family residential.
5. **Adjacent Land Use and Zoning:**
 - North** – "A-1" Use is vacant land.
 - East** – "A-1", Use is single-family residential.
 - South** – "A-1", Use is single-family residential.
 - West** – "A-1", Use is vacant land.
6. **General Neighborhood/Area Land Uses:** The subject property is located east of Easter Lake, in a largely undeveloped, agricultural area.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located in a recognized Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on July 17, 2015 and by mailing of the Final Agenda on July 31, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on July 27, 2015 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested right-of-way segment.
8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Agricultural.
10. **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:** Easements must be provided for any existing utilities in place until such time that they may be abandoned or are relocated. The submitted drawing indicates an irregular shaped easement to be reserved at the north corner of the requested vacation. This easement will allow access and maintenance of an existing storm water drain.
- 2. Street System/Access:** The requested vacation would not impact the surrounding street network. The vacated area would be conveyed to the adjoining property at 4491 SE 40th Street to resolve an existing building encroachment issue.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

CJ Stephens moved staff recommendation for approval of the requested vacation subject to provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

City initiated request for adjoining property located at 4491 Southeast 40th Street. The subject adjoining property is owned by John and Emmie Anderson.		File # 11-2015-1.12			
Description of Action	Approval of Vacation of an irregular-shaped segment of the eastern portion of Southeast 40th Street adjoining the subject property, to allow removal of an existing building encroachment with conveyance to the adjoining property owner subject to provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.				
2020 Community Character Plan	Current: Agricultural. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"A-1" Agricultural 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, 4491 Southeast 40th Street

11-2015-1.12

