

Date September 14, 2015

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE EAST/WEST ALLEY BETWEEN FRANKLIN AVENUE AND ALLISON AVENUE, EAST OF 18<sup>TH</sup> STREET TO SIMON ROJAS FOR \$50.00**

**WHEREAS**, on August 24, 2015, by Roll Call No. 15-1425, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission approving a request from Simon Rojas for the vacation of the east/west alley right-of-way adjoining 1619 Franklin Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and reservation of right of entry for servicing same; and

**WHEREAS**, Simon Rojas, owner of 1619 Franklin Avenue, has offered to the City of Des Moines the purchase price of \$50.00 for the purchase of the portion of the vacated alley right-of-way adjoining 1619 Franklin Avenue for incorporation into his residential property, which price reflects the fair market value of said portion of vacated alley right-of-way as currently estimated by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the vacated alley right-of-way proposed to be sold and the City will not be inconvenienced by the sale of said property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating a portion of the east/west alley right-of-way adjoining 1619 Franklin Avenue, legally described as follows:

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 13, BLOCK 8, NORWOOD PARK ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 795 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of the east/west alley right-of-way adjoining 1619 Franklin Avenue, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

To: Simon Rojas  
For: \$50.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 13, BLOCK 8, NORWOOD PARK ADDITION TO

Date September 14, 2015

NORTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 795 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on September 28, 2015, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
Assistant City Attorney

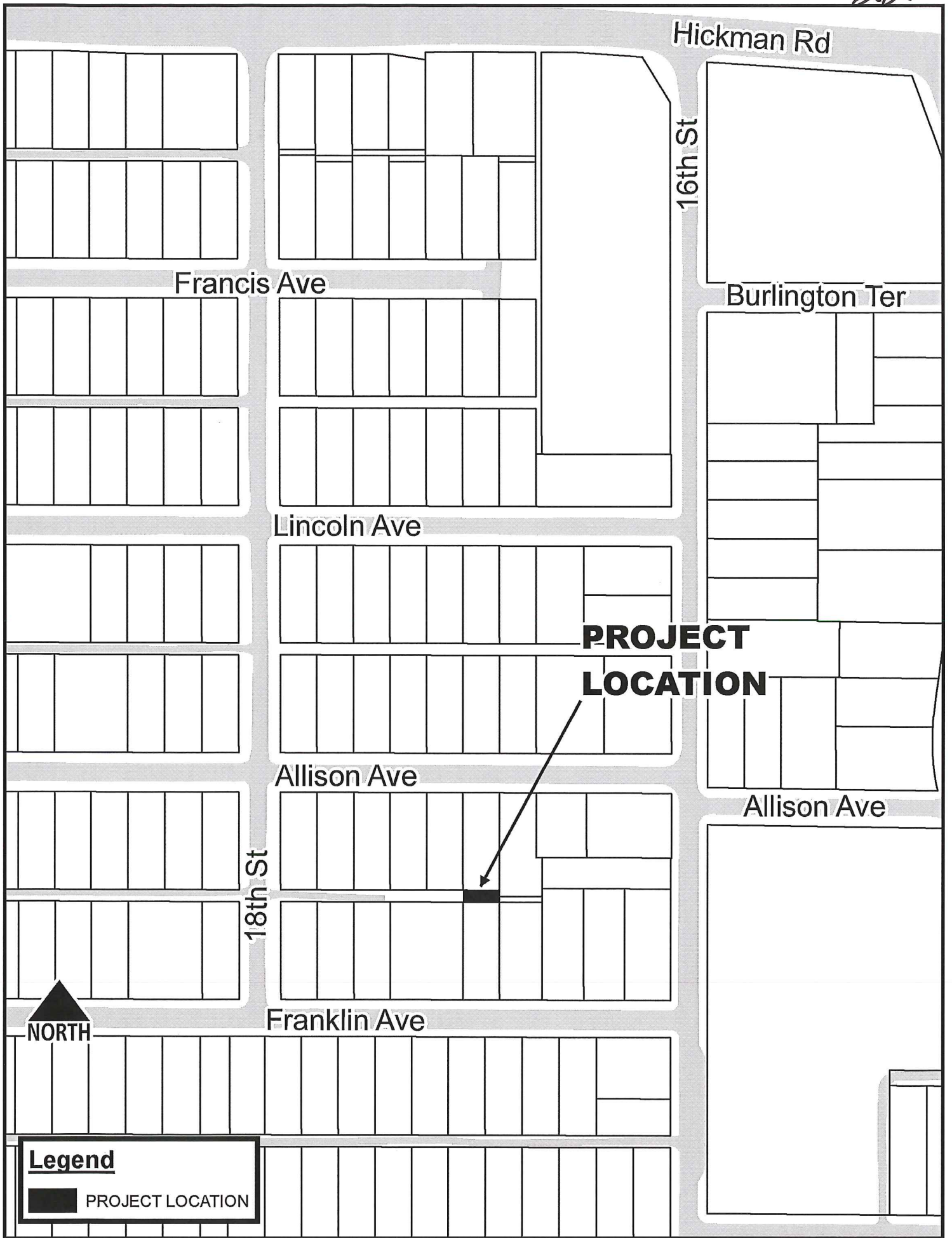
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, Laura Baumgartner, Chief Deputy 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.

\_\_\_\_\_  
Chief Deputy City Clerk



**Legend**  
PROJECT LOCATION

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 request from Simon Rojas (owner) 1619 Franklin Avenue for vacation of the dead-end east/west alley segment between Franklin Avenue and Allison Avenue from a point 300 feet east of 18th Street to a point 250 feet east of 18th 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			
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. (11-2015-1.11)

## 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 applicant wishes to acquire the alley segment adjoining the rear (north) property line and combine it with the property addressed 1615 Franklin Avenue. The submitted application includes consent information from the property owner abutting north of the alley at 1620 Allison Avenue.
2. **Size of Site:** 50 foot by 16 foot (800 square feet) alley segment.
3. **Existing Zoning (site):** "R1-60" One-Family, Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Free Standing Sign Overlay District.
4. **Existing Land Use (site):** Gravel, semi-improved alley.
5. **Adjacent Land Use and Zoning:**
  - North** – "R1-60" Use is single-family residential.
  - East** – "R1-60", Use is single-family residential.
  - South** – "R1-60", Use is single-family residential.
  - West** – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located near Casady Elementary School in an area that consists predominantly of single-family dwellings.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in Mondamin Presidential Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations 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 alley segment.

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 Mondamin Presidential Neighborhood Association mailings were sent to Valerie Allen, 1934 Jefferson Avenue, Des Moines, IA 50314.
8. **Relevant Zoning History:** None.

9. **2020 Community Character Land Use Plan Designation: Mixed-Use and 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, 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. No utilities have been identified at this time.
- 2. **Street System/Access:** The requested vacation would not impact the surrounding street network. The subject dead-end alley segment does not serve as access way for the adjoining properties. The alley segment to the east of the subject site was previously vacated and conveyed to the adjoining properties.

**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 of street and alley rights-of-way subject to the reservation of any necessary easements for all existing utilities in place, including known water and sanitary sewer mains, until such time that they are abandoned or are relocated.

Motion passed 11-0.

Respectfully submitted,

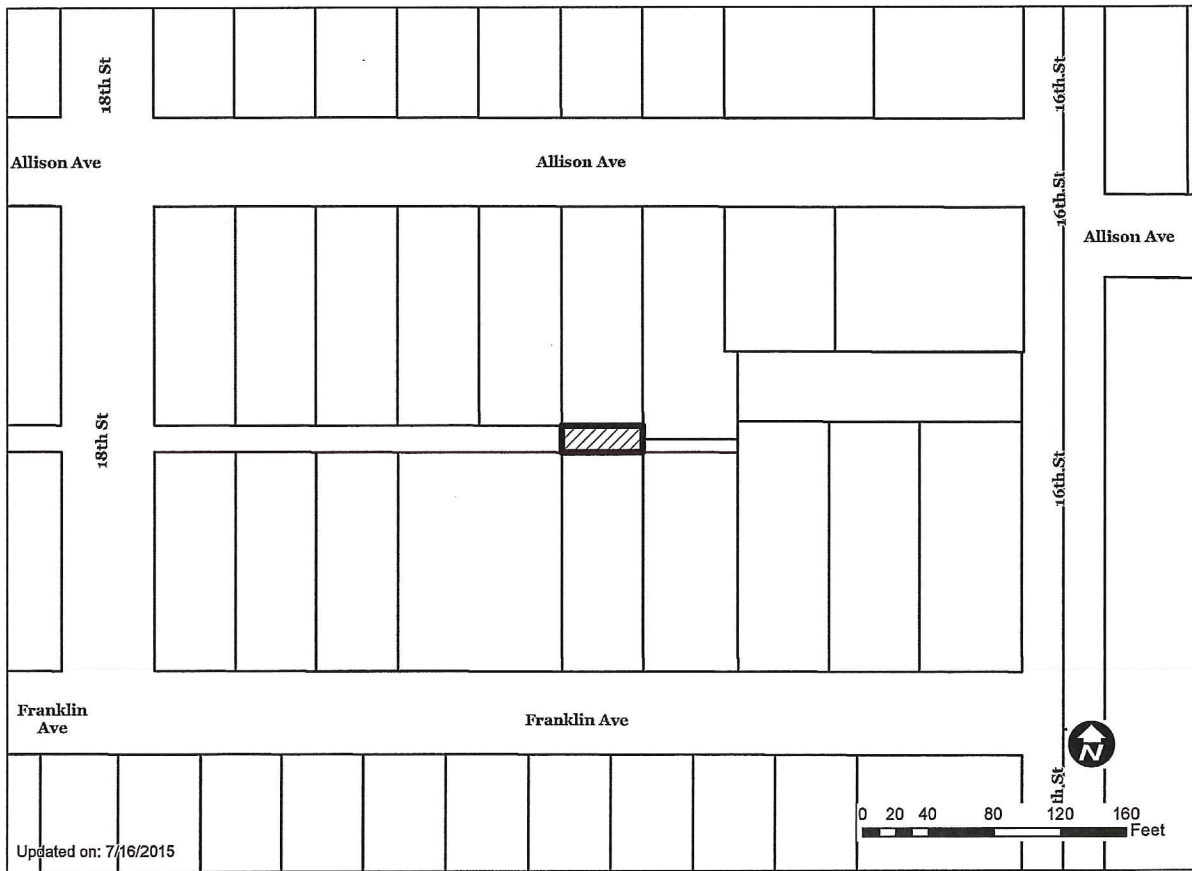
Michael Ludwig, AICP  
Planning Administrator

MGL:clw  
Attachment

Simon Rojas (owner) for property at 1619 Franklin Avenue.		File #		
		11-2015-1.11		
<b>Description of Action</b>	Approval of Vacation of the dead-end east/west alley segment between Franklin Avenue and Allison Avenue from a point 300 feet east of 18th Street to a point 250 feet east of 18th Street subject to provision of any necessary easements for all existing utilities until such time that they are abandoned or relocated.			
<b>2020 Community Character Plan</b>	Current: Low Density Residential. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.			
<b>Proposed Zoning District</b>	N/A.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
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

Rojas, 1615 Franklin Avenue

11-2015-1.11



1 inch = 68 feet



0 20 40 80 120 160 Feet

