



## Roll Call Number

## Agenda Item Number

19

Date September 28, 2015

**SET HEARING FOR THE VACATION OF A SEGMENT OF WEST MARTIN  
LUTHER KING, JR. PARKWAY (ALSO KNOWN AS ELM STREET) ADJOINING 300  
WEST MARTIN LUTHER KING, JR. PARKWAY, AND VACATION AND  
CONVEYANCE OF A PORTION OF SOUTHWEST 4<sup>TH</sup> STREET LYING SOUTH OF  
WEST MARTIN LUTHER KING, JR. PARKWAY TO EYCHANER HOLDINGS, INC.  
FOR \$45,000.00**

**WHEREAS**, on July 27, 2015, by Roll Call No. 15-1237, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission that a 46-foot by 112.5-foot segment of SW 4th Street, hereinafter more fully described, be vacated, 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 relocated; and

**WHEREAS**, on July 27, 2015, by Roll Call No. 15-1238, the City Council of the City of Des Moines, Iowa, requested that a segment of SW 4th Street lying south of West Martin Luther King, Jr. Parkway and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway, hereinafter more fully described, be vacated, subject to prior review and recommendation of the City's Plan and Zoning Commission; and

**WHEREAS**, on September 14, 2015, by Roll Call No. 15-1506, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission that a segment of SW 4th Street lying south of West Martin Luther King, Jr. Parkway and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway, hereinafter more fully described, be vacated, subject to the following:

1. 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.
2. Provision of private drive connections to West Martin Luther King, Jr. Parkway and Southwest 5<sup>th</sup> Street from 300 West Martin Luther King, Jr. Parkway, if determined necessary following further discussion with the City Traffic Engineer regarding the need and requirements for provision of private access easements for separately owned private properties adjoining to the west.
3. The access from remaining Elm Street to the west shall be closed with a permanent barrier, including a curb and a landscaped berm.
4. Restoration of the vacated Elm Street right-of-way by the purchaser in accordance with an administratively approved site plan; and



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**WHEREAS**, Eychaner Holdings, Inc., owner of the adjoining property, has offered to the City of Des Moines the purchase price of \$45,000.00 for the vacation and purchase of the 46-foot by 112.5-foot segment of SW 4th Street right-of-way, and a segment of SW 4th Street right-of-way lying south of West Martin Luther King, Jr. Parkway, and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway (herein "City Right-of-Way"), in order to create direct access to both West Martin Luther King, Jr. Parkway and Southwest 5<sup>th</sup> Street as part of the redevelopment of their adjoining property, which price reflects the fair market value of the City Right-of-Way as currently estimated by the City's Real Estate Division; and

**WHEREAS**, there is no known current or future public need or benefit for the portion of the City Right-of-Way proposed to be vacated, or for the City Right-of-Way proposed to be sold, and the City will not be inconvenienced by the vacation and sale of said property.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a 46-foot by 112.5-foot segment of SW 4th Street right-of-way, and a segment of SW 4th Street right-of-way lying south of West Martin Luther King, Jr. Parkway, and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway, legally described as follows:

All that part of SW 4th Street lying East of and adjoining Lots 54 through 63 inclusive in Railroad Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa,

And

That part of West Martin Luther King Jr. Parkway (former Elm Street) right-of-way being more particularly described as follows:

Beginning at the Northeast corner of Lot 54 in Railroad Addition, an Official Plat; thence North 15°(degrees) 19'(minutes) 11"(seconds) West, 54.40 feet along the northerly extension of the West right-of-way line of SW 4th Street; thence North 80°01'27" East, 122.41 feet; thence South 15°44'55" East, 32.08 feet to the North line of that 10 foot strip of right-of-way previously vacated by Ordinance No. 15,378 and conveyed to Green Ltd., L.C. by that Quit Claim Deed filed in Book 15636, Page 653 in the Office of the Recorder for Polk County, Iowa; thence South 74°15'05" West, 76.13 feet along the North line of said previously vacated right-of-way to the northerly extension of the East right-of-way line of SW 4th Street; thence South 15°19'11" East, 10.00 feet along the northerly extension of the East right-of-way line of SW 4th Street to the Northwest corner of Lot 1 in Green Colonial Place



**Date** September 28, 2015

Plat 2, an Official Plat; thence South 74°15'05" West, 46.00 feet to the point of beginning. All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. That if the City Council of the City of Des Moines, Iowa, decides to vacate the above described right-of-way, the City of Des Moines further proposes to sell such vacated right-of-way, as legally described below, to Eychaner Holdings, Inc. for \$45,000.00, subject to the requirements of the Plan and Zoning Commission recommendation and the Offer to Purchase:

All that part of vacated SW 4th Street lying East of and adjoining Lots 54 through 63 inclusive in Railroad Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa,

And

That part of vacated West Martin Luther King Jr. Parkway (former Elm Street) right-of-way being more particularly described as follows:

Beginning at the Northeast corner of Lot 54 in Railroad Addition, an Official Plat; thence North 15°(degrees) 19'(minutes) 11"(seconds) West, 54.40 feet along the northerly extension of the West right-of-way line of SW 4th Street; thence North 80°01'27" East, 122.41 feet; thence South 15°44'55" East, 32.08 feet to the North line of that 10 foot strip of right-of-way previously vacated by Ordinance No. 15,378 and conveyed to Green Ltd., L.C. by that Quit Claim Deed filed in Book 15636, Page 653 in the Office of the Recorder for Polk County, Iowa; thence South 74°15'05" West, 76.13 feet along the North line of said previously vacated right-of-way to the northerly extension of the East right-of-way line of SW 4th Street; thence South 15°19'11" East, 10.00 feet along the northerly extension of the East right-of-way line of SW 4th Street to the Northwest corner of Lot 1 in Green Colonial Place Plat 2, an Official Plat; thence South 74°15'05" West, 46.00 feet to the point of beginning. All now included in and forming a part of the City of Des Moines, Polk County, Iowa, and containing 18,028 square feet.

3. A public hearing shall be held on October 12, 2015, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council of the City of Des Moines, Iowa, will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
4. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



**Roll Call Number**

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**Date** September 28, 2015

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

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PJW

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

\_\_\_\_\_  
Mayor

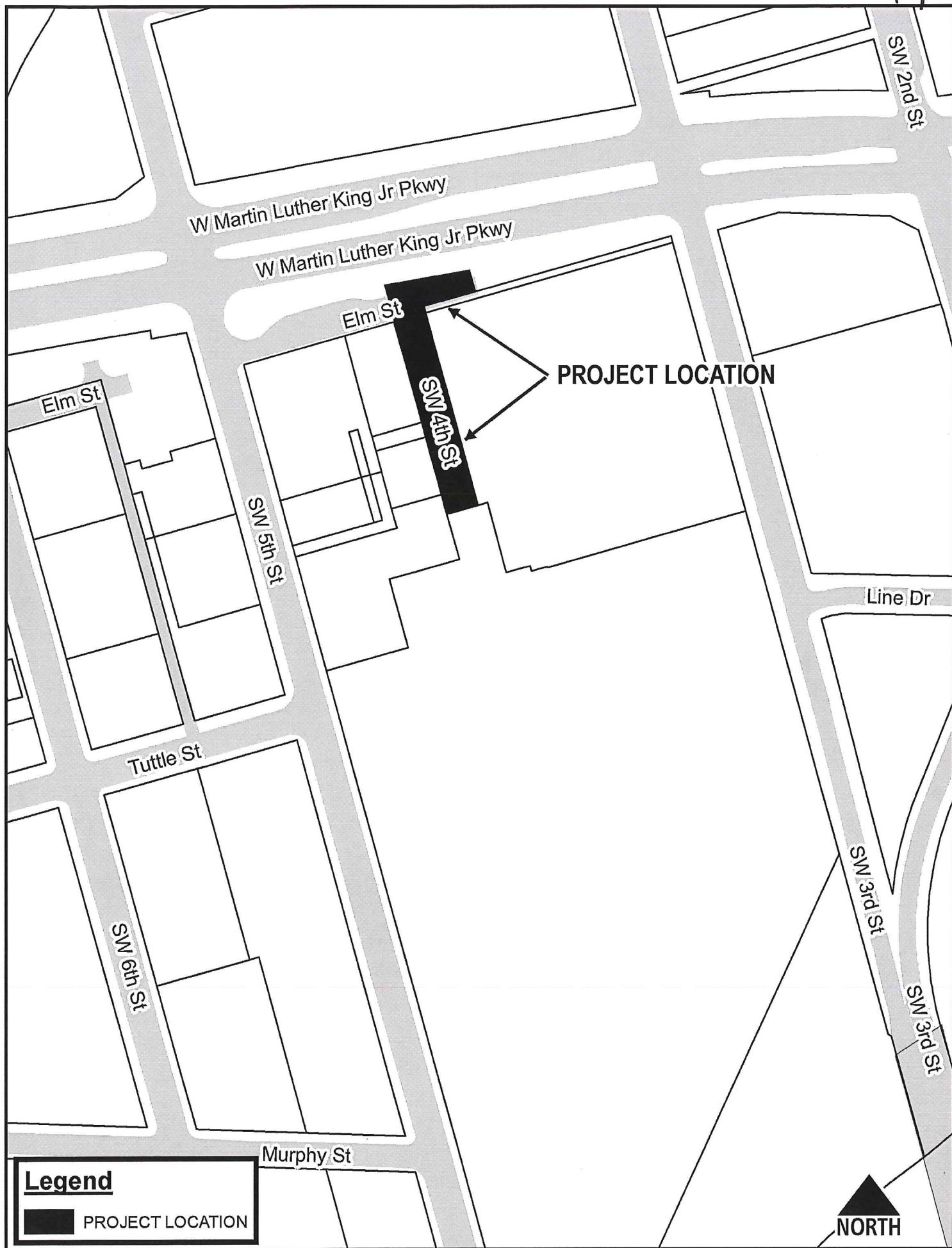
### CERTIFICATE

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





September 8, 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 September 3, 2015, the following action was taken regarding a City initiated request for vacation of Southwest 4th Street lying south of West Martin Luther King, Jr. Parkway and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between Southwest 3rd Street and Southwest 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway.

#### COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 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 request to vacate the street rights-of-way, subject to the following:  
(11-2015-1.14)

1. 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.

2. Provision of private drive connections to West Martin Luther King, Jr. Parkway and Southwest 5<sup>th</sup> Street from 300 West Martin Luther King, Jr. Parkway, with further discussion with Traffic Engineer and applicant for possible easements.
3. The access from remaining Elm Street to the west shall be closed with a permanent barrier, including a curb and a landscaped berm.
4. The right-of-way shall be restored in accordance with the approved site plan.

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

Staff recommends approval of the City initiated request for vacation of street rights-of-way, subject to the following:

1. 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.
2. Provision of private drive connections to West Martin Luther King, Jr. Parkway and Southwest 5<sup>th</sup> Street from 300 West Martin Luther King, Jr. Parkway, with provision of private access easements for separately owned private properties adjoining to the west.
3. The access from remaining Elm Street to the west shall be closed with a permanent barrier, including a curb and a landscaped berm.

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

#### Written Responses

3 In Favor

0 In Opposition

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation would allow the owner/developer of the subject property to provide direct access to both West Martin Luther King, Jr. Parkway and Southwest 5<sup>th</sup> Street.
2. **Size of Site:** Approximately 12,670 square feet.
3. **Existing Zoning (site):** "C-3R" Central Business District Mixed-Residential District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.
4. **Existing Land Use (site):** Semi-developed street right-of-way.
5. **Adjacent Land Use and Zoning:**

**North** – "C-3R". Uses are West Martin Luther King, Jr. Parkway and Science Center of Iowa.



**East** – “C-3R”. Use is a multi-tenant commercial center.

**South** – “C-3R” & “C-3A”. Uses are Southwest 4<sup>th</sup> Street, flex office, and light industrial.

**West** – “C-3R”, Uses are an electrical supply warehouse, a general warehouse building, and vacant properties.

6. **General Neighborhood/Area Land Uses:** The subject property is located south of the West Martin Luther King, Jr. Parkway corridor in the southern part of the central business district. The surrounding area contains a mix of residential, flex office space, light industrial, and warehouse uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on July 31, 2015 and by mailing of the Final Agenda on August 14, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on August 10, 2015 (10 days prior to the original public hearing) 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 and alley.

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 Downtown Neighborhood Association notices were mailed to Larry Bradshaw, 418 6<sup>th</sup> Avenue, Suite 902, Des Moines, IA 50309.

8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.
10. **Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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 Southwest 4<sup>th</sup> Street right-of-way contains a 6-inch water main and a 24-inch sanitary sewer main. The subject West Martin Luther King, Jr. Parkway (former Elm Street) right-of-way contains a 60-inch sanitary sewer, a 30-inch water main, and overhead electrical lines. Easements must be reserved for any existing utilities until such time that they may be abandoned or are relocated.
2. **Street System/Access:** The requested Southwest 4<sup>th</sup> Street right-of-way is a dead-end segment of semi-developed public street. A 110-foot long dead-end segment adjoining on the south was recently recommended for vacation by the Commission at their July 16, 2015 meeting. The subject segment also connects to a dead-end segment of Elm Street running east of Southwest 5<sup>th</sup> Street.

Traffic engineering staff have indicated that access to the private properties that adjoin the west side of Southwest 4<sup>th</sup> Street must be maintained and an access easement via private driveways to both West Martin Luther King, Jr. Parkway and Southwest 5<sup>th</sup> Street must be provided. The developer of the adjoining property at 300 West Martin Luther King, Jr. Parkway has provided a schematic drawing that demonstrates provision of this access. This access easement will be necessary until such time as these properties are redeveloped with alternate access to a public street. Traffic engineering staff have also indicated that any drive extending to West Martin Luther King, Jr. Parkway should not have access onto the remaining segment of Elm Street in order to prevent commercial traffic from using it as an exit in close proximity to the signal at Southwest 5<sup>th</sup> Street and Elm Street. Instead, the access to Southwest 5<sup>th</sup> Street will be located further south away from West Martin Luther King, Jr. Parkway.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation.

Jonathan Rosenbloom asked if the City of Des Moines is responsible for maintaining and installing the curb that is not on the property being conveyed.

Jason Van Essen stated this will be a private drive and driveways curb cuts within the public right-of-way are subject to permit. The width of the 4<sup>th</sup> Street right-of-way is wider than the drives, so additional curb will be installed.

Jonathan Rosenbloom reiterated that when coming down MLK heading east and turn right to the south at that point you will be on public land, but the land that is maintained or at least the curbs and the driveway will be maintained by the applicant.

Jason Van Essen stated once a car is behind the sidewalk it will be on private property.

Jonathan Rosenbloom asked if pedestrian options have been looked at and is the proposal the best for a walkable area.

Jason Van Essen stated staff tries to minimize driveways and driveway approaches so this is good in the sense that there will be one driveway approach that will serve the development on the side that will hopefully one day be developed. What is being shown tonight is a concept so staff has not looked at the site plan as to how everything will work with pedestrian activity within the site.

Mike Ludwig stated SW 3<sup>rd</sup> Street right-of-way will have a 17' wide sidewalk constructed along the front of the commercial center which will help to improve the pedestrian circulation and traffic that is coming from the baseball stadium.

Sasha Kamper asked about staff's concern with maintaining access for the two other tenants down to 5<sup>th</sup> Street.



Jason Van Essen stated the City must ensure that equal or alternate access is provided. He pointed out that this is just a recommendation going to the Council and there is an opportunity for Mr. Eychaner and his neighbors to discuss. If they are all comfortable with an alternate, they can talk to the Traffic and Transportation Engineer and City Council.

Dan Manning 317 6<sup>th</sup> Avenue, Suite 300 representing Crescent Electric neighbor to the west stated he appreciates the fact that Mr. Eychaner and group and the Commission was grateful enough to grant the continuance from the last meeting. They used the continuance to visit with neighbors about what they could do and what was needed. After meeting with the neighbors and Mr. Eychaner they believe they all have a better understanding. Crescent Electric semis currently enter off of SW 5<sup>th</sup> come down Elm Street, make a maneuver with their trucks causing them to be in the need of that 4<sup>th</sup> Street maneuverability. With the current plan and the discussion they had with Eychaner group and their neighbors they have come to an agreement. Access would come off of MLK directly onto former 4<sup>th</sup> Street. If there is no curb on the west edge of the private drive adjoining the Crescent and Funaro properties, then they are comfortable with having the access easements terminated at that location. That will give their truckers the ability to come in pull up the nose of their truck and back into the eastern edge of the property which is where their loading docks are. They support the applicant's request.

Jonathan Rosenbloom asked if he knows of any plans between Elm Street and MLK.

Dan Manning stated possibly vacating Elm Street and make improvements along that area.

Doug Saltsgaver stated he agrees with Mr. Manning regarding Elm Street and Traffic and Transportation would like for Elm Street to go away because it is so close to the intersection of SW 5<sup>th</sup> and MLK that it causes some traffic issues. Traffic and Transportation is very happy to see what they have done here. They are in agreement with staff recommendation except they would ask that they not be required to provide an access easement south down to SW 5<sup>th</sup>. The primary purpose of that was to serve the two adjacent properties Crescent and Funaro. Currently, Funaro is in agreement and the applicant is not going to put a gate or gate keeper to monitor anyone driving south. They do not want that land encumbered with an easement because at some point there could be a higher and better use for that property to the south and Mr. Eychaner doesn't want an easement holding a development up that everyone would be in favor of.

Mike Ludwig stated staff understands the concern about the easements. However, in the absence of a recommendation from the City Traffic Engineer to support that, he would recommend leaving the condition as is. If the Plan and Zoning wants to alter the wording to say "unless determined unnecessary by the City Traffic Engineer" the Commission can do so. He would not recommend eliminating the requirement at this time.

Sasha Kamper asked if the issue is the Traffic Engineer was out on leave and no one has been able to talk to her.

Mike Ludwig stated there is an Acting City Traffic Engineer. Staff found out today that the adjoining property owners were all in agreement but staff was not able to reach the Acting City Traffic Engineer before the Plan and Zoning meeting. He believes there will be a resolution on this matter before it goes to City Council for their action. He suggest leaving the condition as is or modifying the language. The right-of-way will not be vacated or conveyed unless there is a resolution.



Jonathan Rosenbloom stated if the property owners to the west can vacate their own property rights at any time and he does not believe the Commission needs to currently address it.

Rich Eychaner 300 Walnut Street stated all of the surrounding property owners are in agreement. He believes the City staff is asking they get four different property owners to provide access to the south via a written easement, forcing four different property owners to agree to something that the people who are supposedly being protected do not wish to have. He believes City staff is also saying that the person who owns 1,512 square feet of land will make the decision as to what will be developed because they have easement rights that they will then be able to sell or convey to someone else. It makes no sense. Therefore, they are respectfully saying it is not a reasonable expectation.

Mike Ludwig requested the Plan and Zoning leave the condition asking for the provision of private drive connections to West Martin Luther King Jr. Parkway and Southwest 5<sup>th</sup> Street from 300 West Martin Luther King Jr. Parkway, with provision of private access easements for separately owned private properties adjoining to the west. If the City Traffic Engineer wants to modify the condition he believes it could be addressed before the Council meeting.

Jonathan Rosenbloom asked how is the pedestrian playing a role in any of this and is there any improvement plans for the area between Elm and MLK and/or the buildings moving to the east and MLK.

Rich Eychaner stated there is a 17' sidewalk going in from the property line to the curb along SW 3rd. This project will be enhancing a pedestrian corridor.

Jonathan Rosenbloom asked that all involved work to make this area pleasant for pedestrian to walk by.

Rich Eychaner stated once Elm Street is cut off on the east it might as well be closed at 5<sup>th</sup> Street as well. Then there will be a nice chunk of land and they will be supportive of any efforts that the property or the City wanted to have for that area.

CJ Stephens asked if the utility is buried underground or is there a plan for underground utilities.

Mike Ludwig stated there is an approved site plan and they would have to double check and see.

Rich Eychaner stated his understanding during the site plan process they were told that the size, the voltage of those lines and the current they carry was not conducive to putting underground.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

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

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Will Page stated this proposal is an excellent one. This is a very confusing part of the City and it is a very important part of the City. What they are proposing makes sense and since there is an agreement among the property owners he believes the questions raised by the

applicant can be adequately addressed and answered by City staff. He proposes to moved staff recommendation but modify condition #2 to read provision of private drive connections to West Martin Luther King Jr. Parkway and Southwest 5<sup>th</sup> Street from 300 West Martin Luther King Jr. Parkway, with further discussion between Traffic Engineer and applicant regarding any possible easements. That would leave open to whatever negotiation could occur.

Jonathan Rosenbloom expressed concern regarding condition #3. He is concerned that the Elm Street portion will be a barrier for pedestrian.

Mike Ludwig stated that area is City public right-of-way so the City can maintain that area. If there are concerns about how it is being maintained or how it looks the Public Works department needs to be reached.

Jason Van Essen clarified that anytime a site is being developed or vacation of a right-of-way is requested it is an understood requirement that all of the asphalt and all the curb has to be removed and restored. If they want to use it as a driveway the site plan has to be amended.

Jonathan Rosenbloom asked then could this be added as a condition.

Jason Van Essen stated yes, they could wording that any unnecessary pavement needs to be removed and the area restored to grass/sod. Staff does have a site plan to go through.

CJ Stephens asked would the site plan be coming back to the Commission.

Jason Van Essen stated he believes the site plan is subject to administrative approval.

Mike Ludwig stated it is an administrative site plan. The only reason the site plan came to the Commission before was because of the request for a drop off lane for the previous tenant.

Jonathan Rosenbloom asked for a friendly amendment to request that the right-of-way shall be restored in accordance with the approved site plan.

Will Page accepted the friendly amendment.

### **COMMISSION ACTION:**

Will Page moved approval of the City initiated request for vacation of street rights-of-way, subject to the following:

1. 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.
2. Provision of private drive connections to West Martin Luther King, Jr. Parkway and Southwest 5<sup>th</sup> Street from 300 West Martin Luther King, Jr. Parkway, with further discussion with Traffic Engineer and applicant for possible easements.

3. The access from remaining Elm Street to the west shall be closed with a permanent barrier, including a curb and a landscaped berm.
4. The right-of-way shall be restored in accordance with the approved site plan.

Motion passed 8-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

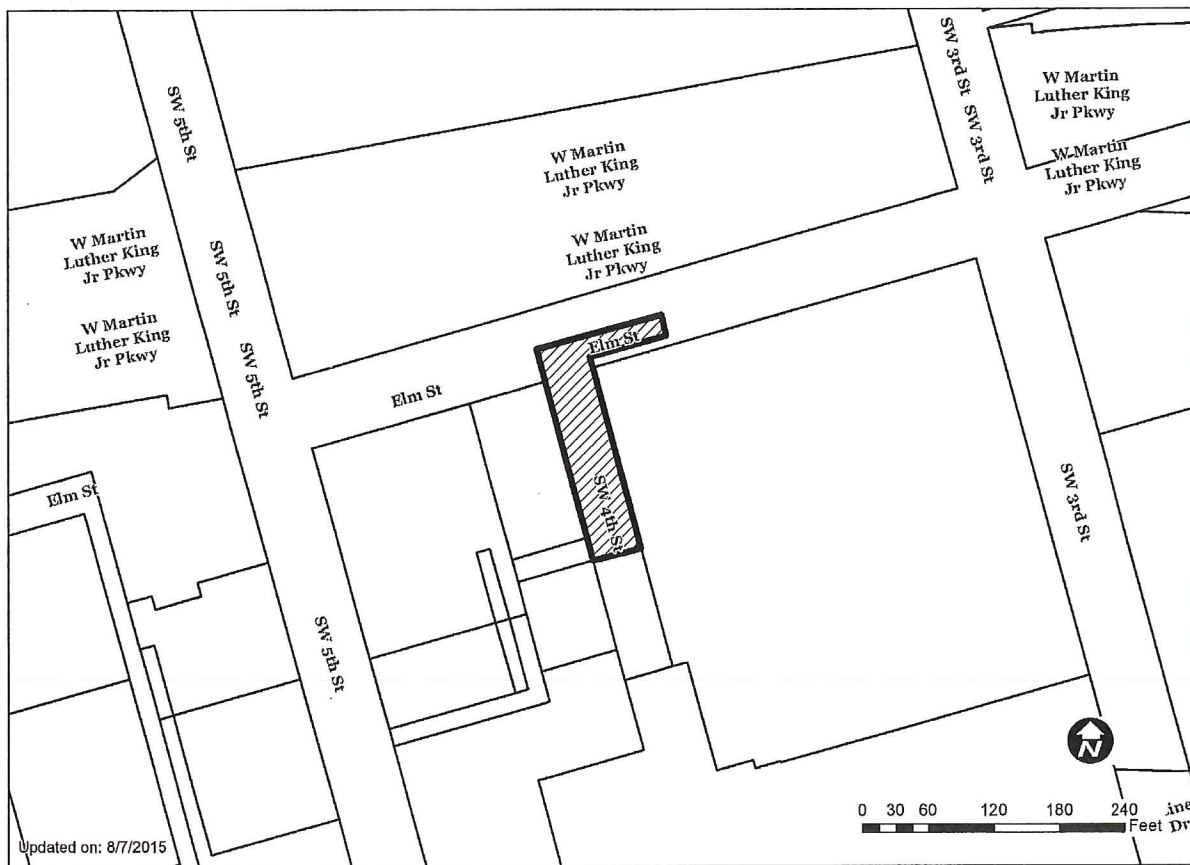
MGL:clw  
Attachment



City initiated request adjoining 300 West Martin Luther King Jr. Parkway				File #			
				11-2015-1.14			
Description of Action		Approval of a request to vacate the Southwest 4th Street lying south of West Martin Luther King, Jr. Parkway and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between Southwest 3rd Street and Southwest 4th Street subject to conditions.					
2020 Community Character Plan		Current: Downtown Support Commercial. Proposed: N/A.					
Mobilizing Tomorrow Transportation Plan		No planned improvements.					
Current Zoning District		"C-3R" Central Business District Mixed-Residential District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.					
Proposed Zoning District		N/A.					
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition		
Inside Area		3					
Outside Area							
Plan and Zoning Commission Action		Approval	8-0	Required 6/7 Vote of the City Council		Yes	
		Denial				No	X

City initiated, 300 Martin Luther King Jr. Parkway

11-2015-1.14



Item 11-2015-1.14

Date 8-18-2015

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

RECEIVED (Circle One)

COMMUNITY DEVELOPMENT

AUG 20 2015

Print Name RYAN EYCHAWER

Signature [Signature]

Address Lot 60, 61 & 62 MILWAUKEE

DEPARTMENT

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

WE SUPPORT VACATION OF 4TH STREET  
IN ORDER TO GET THE DRIVE PAVED AND  
IMPROVED AND PROVIDE US WITH DIRECT  
ACCESS TO MLK PARKWAY.

Item 11-2015-1.14

Date 8/19/2015

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

RECEIVED (Circle One)

COMMUNITY DEVELOPMENT

AUG 20

Print Name MICHAEL BOWSER

Signature [Signature]

Address 325 SW 5th STREET

DEPARTMENT

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

I AM IN FAVOR OF REDEVELOPMENT IN THE AREA  
AND THE OPPORTUNITY TO GET 4th STREET PAVED  
AND PROVIDE US WITH A MEANS FOR US TO GET  
TO MARTIN LUTHER KING.

**MLK River Park LLC  
525 S. W. 5<sup>th</sup> Street  
P. O. Box 1797  
Des Moines, Iowa 50305  
515-262-0000 x 102**

August 19, 2015

City of Des Moines  
City Plan and Zoning Commission  
602 Robert D. Ray Drive  
Des Moines, Iowa 50309-1881

Ref: 11-2015-1.14, vacating SW 4<sup>th</sup> Street and Elm east of 4<sup>th</sup> Street

I am writing on behalf of MLK River Park LLC, owner of property directly south of proposed vacation, and in support of the vacation by the City.

MLK River Park LLC objects to any effort to require an easement through our property to Southwest 5<sup>th</sup> Street as a condition to granting the vacation.

The two impacted properties on the west side of 4<sup>th</sup> Street will have increased access going directly north to Martin Luther King Jr. Parkway (the shortest route to a public street), and do not need a convoluted and lengthy route to the south to access Southwest 5<sup>th</sup> Street at Tuttle or further south. The larger parcel already has a direct curb cut onto Southwest 5<sup>th</sup> Street, and adding access from the former 4<sup>th</sup> Street to Martin Luther King Jr. Parkway also provides them with expanded access to public streets.

Thank you for your consideration.

Sincerely,

MLK River Park LLC



Andy Burton  
Vice President



**Lundy, Erik M.**

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**From:** Funaro, Patty [LEGIS] <patty.funaro@legis.iowa.gov>  
**Sent:** Wednesday, August 19, 2015 1:26 PM  
**To:** Lundy, Erik M.  
**Subject:** RE: 4th street property

Erik: My aunt and I just met with Mr. Eychaner and have a better understanding of his plans for the area. I told him that I had already responded to you with regard to the P and Z proposal regarding vacating 4<sup>th</sup> street. He asked if we would reconsider, remove the initial objection to vacating 4<sup>th</sup> street, and instead support, outright, the P and Z recommendation to vacate with the condition that access be maintained for adjoining private properties (condition #2). My aunt and I discussed it and we feel his request is fair. So, I'm writing to ask that you convey that we are now in support of the P and Z recommendation. Our overall concern is to continue to have access to our property, but we understand that both Mr. Eychaner and the city are trying to balance the interests of all involved and improve traffic flow in the area, so the P and Z recommendation with condition 2 would meet everyone's needs. Please let me know if this is unclear. Thanks for your assistance.


Patty Funaro


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**From:** Lundy, Erik M. [mailto:EMLundy@dmgov.org]  
**Sent:** Monday, August 17, 2015 11:42 AM  
**To:** Funaro, Patty [LEGIS]  
**Subject:** RE: 4th street property

I see what you are asking now. You are looking to oppose the vacation, but if they are inclined to recommend in favor of vacation then your back pocket input is wanting to make sure it includes condition 2.

ERIK M. LUNDY, AICP, CPM  
 SENIOR CITY PLANNER

  
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 BE GREEN Please don't print this e-mail unless necessary!

**From:** Funaro, Patty [LEGIS] [mailto:patty.funaro@legis.iowa.gov]  
**Sent:** Monday, August 17, 2015 10:43 AM  
**To:** Lundy, Erik M.



