



Date September 28, 2015

SET HEARING FOR THE VACATION AND CONVEYANCE OF A PORTION OF THE NORTH/SOUTH ALLEY BETWEEN SOUTHEAST 5TH STREET AND SOUTHEAST 6TH STREET FROM SCOTT AVENUE TO A POINT 112 FEET TO THE SOUTH, TO SE BOTTOMS, L.L.C. FOR \$2,900.00

WHEREAS, on September 14, 2015, by Roll Call No. 15-1505, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission that the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 112 feet south, hereinafter more fully described, be vacated, subject to a reservation of easements for all existing utilities in place until such time that they are abandoned or relocated; subject to a reservation of an easement for a no build restriction; and further subject to SE Bottoms, L.L.C. conveying a Permanent Easement for Public Ingress and Egress unto the City of Des Moines, Iowa, over an adjoining property (501 Scott Avenue) to connect a portion of the alley with Southeast 5th Street; and

WHEREAS, SE Bottoms, L.L.C., owner of all properties adjoining the subject property, has offered to the City of Des Moines, Iowa, the purchase price of \$2,900.00 for the vacation and purchase of the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 112 feet south (herein "City Right-of-Way"), for incorporation into 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 the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 112 feet south, legally described as follows:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 9 AND 10, BLOCK 55, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1,760 SQUARE FEET.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines, Iowa, further proposes to sell such vacated right-of-way, as legally described below, to SE Bottoms, L.L.C. for \$2,900.00, subject to the requirements of the Plan and Zoning Commission recommendation and the Offer to Purchase:

★ Roll Call Number

Agenda Item Number

21

Date September 28, 2015

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 9 AND 10, BLOCK 55, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 1,760 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 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.

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

RSW

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

MOTION CARRIED APPROVED

Mayor

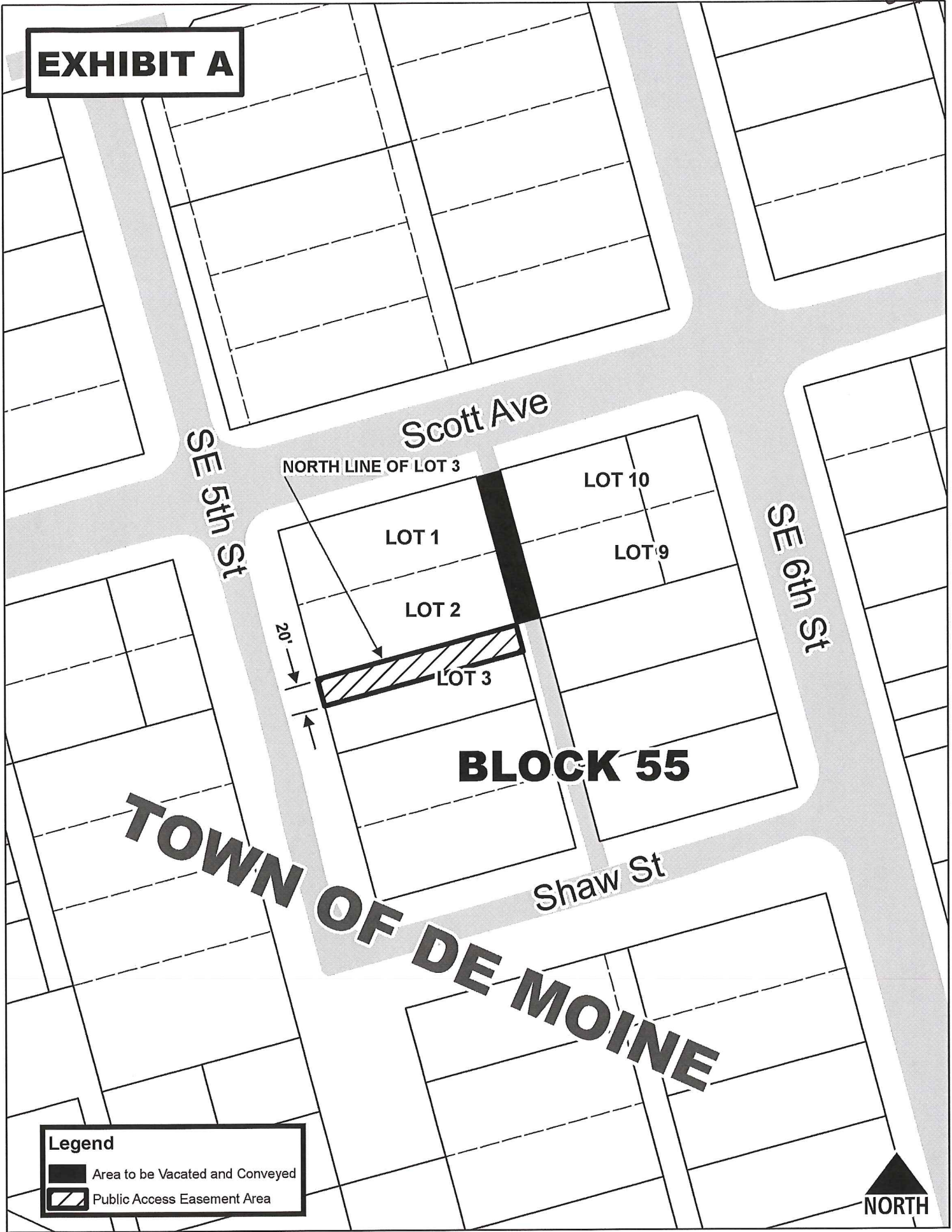
CERTIFICATE

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

EXHIBIT A



NORTH LINE OF LOT 3

LOT 1

LOT 2

LOT 3

LOT 10

LOT 9

BLOCK 55

TOWN OF DE MOINES

Legend

- Area to be Vacated and Conveyed
- Public Access Easement Area





Date September 28, 2015

Agenda Item 21

Roll Call # _____

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 request from SE Bottoms, LLC (owner), represented by Paul Groban, for vacation of the north/south alley between Southeast 5th Street and Southeast 6th Street from Scott Avenue to a point 110 feet to the south, to allow assembly with adjoining properties. The applicant has indicated that an egress easement to Southeast 5th Street through the parking lot on 501 Scott Avenue would be provided.

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 requested alley segment subject to the following conditions: (11-2015-1.15)

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

2. Provision of an east/west access easement over the adjoining property to the west (501 Scott Avenue) to connect the alley with Southeast 5th Street.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested alley segment subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Provision of an east/west access easement over the adjoining property to the west (501 Scott Avenue) to connect the alley with Southeast 5th Street.

Written Responses

1 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation will allow the applicant to assemble adjoining parcels with the alley segment and make site improvements. The applicant currently owns the parcels adjoining the requested alley segment for vacation.
2. **Size of Site:** 18 feet by 110 feet (1980 square feet).
3. **Existing Zoning (site):** "M-1" Light Industrial District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.
4. **Existing Land Use (site):** Unimproved alley.
5. **Adjacent Land Use and Zoning:**

North – "M-1", Uses are Scott Avenue and a warehouse and auto repair shop (Scotty's Body Shop).

South – "M-1" and "R1-60", Uses are Madhouse Brewery owned by the applicant, a warehouse and single-family residential.

East – "M-1" and "R1-60", Uses are an auto repair shop owned by the applicant and single-family residential.

West – "M-1", Uses are Madhouse Brewery owned by the applicant and a warehouse.
6. **General Neighborhood/Area Land Uses:** The subject property is located south of Martin Luther King Jr. Parkway and east of the Raccoon River. The surrounding area contains a mix of commercial, industrial and residential uses.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on August 14, 2015 and by mailing of the Final Agenda on August 28 2015. Additionally, separate notifications of the hearing for this specific item were mailed on August 24, 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 alley vacation.

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, P.O Box 93904, Des Moines, IA 50393.

- 8. 2020 Community Character Land Use Plan Designation:** General Industrial.
- 9. 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:** There are no existing sewer, water, and electrical facilities within the requested alley segment. 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 alley segment is part of an alley that connects Scott Avenue and Shaw Street between Southeast 5th and Southeast 6th Streets. The alley provides access to private properties located south of the subject site and adjoining the east side of the alley. Public access to these adjoining properties must be maintained via an east/west access easement across the adjoining property to the west (501 Scott Avenue) that connects the remaining portion of the alley with Southeast 5th Street.

The existing approach from Scott Avenue would need to be removed to prevent public access to the vacated segment of the alley from Scott Avenue.

SUMMARY OF DISCUSSION

Jacqueline Easley 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 vacation of the requested alley segment subject to the following conditions:

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

2. Provision of an east/west access easement over the adjoining property to the west (501 Scott Avenue) to connect the alley with Southeast 5th Street.

Motion passed 8-0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

SE Bottoms, LLC (owner), 501 Scott Avenue, represented by Paul Groban.		File #		
		11-2015-1.15		
Description of Action	Approval of a request to vacate the north/south alley between Southeast 5th Street and Southeast 6th Street from Scott Avenue to a point 110 feet to the south, to allow assembly with adjoining properties. The applicant has indicated that an egress easement to Southeast 5th Street through the parking lot on 501 Scott Avenue would be provided subject to conditions.			
2020 Community Character Plan	Current: General Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	N/A.			
Current Zoning District	"M-1" Light Industrial District, "GGP" Gambling Games Prohibition Overlay District, and "D-O" Downtown Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1			
Outside Area				
Plan and Zoning Commission Action	Approval	8	Required 6/7 Vote of the City Council	Yes
	Denial			No

SE Bottoms, LLC, 501 Scott Avenue

11-2015-1.15



Item 11-2015-1.15

Date 08/26/2015

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

(Circle One)

owner of
500 Scott
* 501-505 Allen

RECEIVED
COMMUNITY DEVELOPMENT

Print Name 42nd Street Investors LC

Signature Zane B. Smith Sole member

Address 1444 NW. 124th Ct

DEPARTMENT CLIDE IA 50325

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

We have No Problem with this &
We Approve of this request
42nd St. Investors LC
Zane B. Smith

