



Date September 28, 2015

**HOLD HEARING FOR VACATION AND CONVEYANCE OF VARIOUS STREET
AND ALLEY RIGHTS-OF-WAY BETWEEN JACKSON AVENUE AND DUNHAM
AVENUE AND BETWEEN INDIANOLA AVENUE AND SOUTH UNION STREET TO
NEIGHBORHOOD DEVELOPMENT CORPORATION (NDC) FOR \$83,260**

WHEREAS, on February 24, 2014, by Roll Call No. 14-0280, the City Council of the City of Des Moines, Iowa received a recommendation from the City Plan and Zoning Commission that the segment of Granger Avenue from Indianola Avenue to South Union Street, and a segment of Southwest 1st Street from Jackson Street to Indianola Avenue ("City Right-of-Way"), hereinafter more fully described, be vacated as requested by Neighborhood Development Corporation ("NDC"), subject to reservation of easements for utilities now in place and subject to reservation of access easements for all existing access drives serving existing uses; and

WHEREAS, on September 14, 2015, by Roll Call No. 15-1504, City Council received a recommendation from the City Plan and Zoning Commission that a segment of north/south alley between Southwest 1st Street and South Union Street from Jackson Avenue to a point 143 feet to the south adjoining 4 Jackson Avenue, and a segment of north/south alley between Indianola Avenue and South Union Street from Dunham Avenue to a point 82 feet to the north, ("City Right-of-Way"), hereinafter more fully described, be vacated as requested by Indy East, LLC, on behalf of NDC, subject to reservation of easements for utilities now in place and subject to reservation of access easements for all existing access drives serving existing uses; and

WHEREAS, NDC is the owner of the real property that abuts the City Right-of-Way and has requested the vacation and conveyance of such City Right-of-Way for the purpose of incorporation with surrounding properties and has offered to the City of Des Moines the purchase price of \$83,260.00 for the purchase of the City Right-of-Way to be used for incorporation in to NDC's property and redevelopment in accordance with the permitted zoning regulations for the property, which purchase 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 property proposed to be sold, and the City will not be inconvenienced by the vacation and sale of said property.

WHEREAS, on September 14, 2015, by Roll Call No. 15-1510, it was duly resolved by the City Council that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on September 28, 2015, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City Right-of-Way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.



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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street, as legally described below, and said vacation is hereby approved:

ALL THAT PART OF GRANGER AVENUE RIGHT-OF-WAY LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH UNION STREET AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE), ALL IN VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL THAT PART OF SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE WESTERLY EXTENTION OF THE NORTH LINE OF LOT 1 IN BLOCK 9 OF SAID VAN'S ADDITION TO SOUTH DES MOINES AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE); AND

ALL THAT PART OF SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF JACKSON AVENUE AND THE WESTERLY EXTENTION OF THE SOUTH LINE OF LOT 2 IN BLOCK 15 OF SOUTH FORT DES MOINES, AN OFFICIAL PLAT; AND

THE SOUTH 82 FEET OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 10, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

-EXCEPT THE SOUTH 121 FEET-, ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 9, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 15, SOUTH FORT DES MOINES, AN OFFICIAL PLAT;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 48,956 SQUARE FEET.

3. The proposed sale of such vacated right-of-way and City property, as legally described below, to Neighborhood Development Corporation for \$83,260.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, subject to the requirements of the Plan and Zoning Commission recommendation and the Offer to Purchase, which includes a provision that said sale



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is further subject to the execution of a purchase agreement between NDC and George Investments, L.L.C. for the conveyance of a shared alley right-of-way south of Jackson Avenue, is hereby approved:

ALL THAT PART OF THE VACATED GRANGER AVENUE RIGHT-OF-WAY LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH UNION STREET AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE), ALL IN VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND ALL THAT PART OF THE VACATED SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE WESTERLY EXTENTION OF THE NORTH LINE OF LOT 1 IN BLOCK 9 OF SAID VAN'S ADDITION TO SOUTH DES MOINES AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE); AND

ALL THAT PART OF THE VACATED SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF JACKSON AVENUE AND THE WESTERLY EXTENTION OF THE SOUTH LINE OF LOT 2 IN BLOCK 15 OF SOUTH FORT DES MOINES, AN OFFICIAL PLAT; AND

ALL THAT PART OF LOT 8 IN BLOCK 7 OF SAID VAN'S ADDITION TO SOUTH DES MOINES LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE); AND

THE VACATED SOUTH 82 FEET OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 10, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

-EXCEPT THE SOUTH 121 FEET-, ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 9, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 15, SOUTH FORT DES MOINES, AN OFFICIAL PLAT;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 48,956 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.



Roll Call Number

Agenda Item Number

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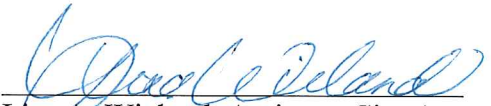
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6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantees.
8. The proceeds from the sale of this property shall be deposited as follows: Org: EG064090.

Moved by _____ to adopt.

APPROVED AS TO FORM:

(Council Communication No. 15-503)


Lisa A. Wieland, Assistant City Attorney

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

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 request from Indy East, LLC (owner) represented by Glenn Lyons (officer), for vacation of a segment of north/south alley between Southwest 1st Street and South Union Street from Jackson Avenue to a point 143 feet to the south adjoining 4 Jackson Avenue; and for vacation of a segment of north/south alley between Indianola Avenue and South Union Street from Dunham Avenue to a point 82 feet to the north adjoining 8 Dunham Avenue and 1714 South Union Street.

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 segments subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or are relocated (11-2015-1.13A & 11-2015-1.13B)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the requested vacation of alley right-of-way subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or are relocated.

Part B) Staff recommends approval of the requested vacation of alley right-of-way subject to the reservation of 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 applicant is proposing a multiple-family residential development consisting of three buildings with a total of 172 units. The site is generally bound by Jackson Avenue to the northeast, South Union Street to the southeast, Dunham Avenue to the southwest and Indianola Avenue to the southwest. The site includes vacated segments of Granger Avenue and SW 1st Street. The proposed alley vacations would allow the alley right-of-way to be incorporated into the site as well. The alley segment south of Jackson Street would be split with the owner to the east. The applicant owns the property on both sides of the alley segment to the north of Dunham Avenue. The site is split-zoned. The center line of the former Granger Avenue right-of-way is the dividing line between the "D-R" Downtown Riverfront District zoning to the north and the "NPC" Neighborhood Pedestrian Commercial District zoning to the south.
2. **Size of Site:** 193,804 square feet or 4.45 acres.
3. **Existing Zoning (site):** "D-R" Downtown Riverfront District, "NPC" Neighborhood Pedestrian Commercial District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay.
4. **Existing Land Use (site):** Undeveloped.
5. **Adjacent Land Use and Zoning:**
 - North* – "D-R": Uses are Baker Electric, undeveloped land and auto repair.
 - South* - "NPC" & "R-3": Uses are undeveloped land and single-family residential.
 - East* - "D-R" & "NPC": Uses are Graziano Brothers Italian Foods and single-family residential.
 - West* - "NPC" & "R-3": Uses are restaurant and undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject property is located to the south of the Raccoon River in an area that contains a mix of residential, light industrial and commercial uses. In 2006, a plan for the surrounding area (SE 1st Street to Indianola Road) was prepared. The 2 Rivers District Land Use and Redevelopment Plan envisions this predominately light-industrial area redeveloping as a mixed-use urban neighborhood. The Des Moines 2020 Community Character Plan Future Land Use Map and zoning in the area was amended to reflect the vision of this plan in 2011.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the McKinley School/Columbus Park Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on August 14, 2015. A Final Agenda was mailed to the neighborhood association on August 28, 2015. Additionally, separate notifications of the hearing for the site plan were mailed on August 24, 2015 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor to every owner of property or condominium within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The McKinley School/Columbus Park Neighborhood Association notices were mailed to Jim Post, 224 E. Livingston Avenue, Des Moines, IA 50315.

- 8. Relevant Zoning History:** On February 28, 2011 the City Council rezoned the subject property from "M-1" Light Industrial District to "D-R" Downtown Riverfront District and "NPC" Neighborhood Pedestrian Commercial District by Ordinance Number 14,997 as part of an area-wide rezoning in accordance with the 2 Rivers District Plan Land Use and Redevelopment Plan.
- 9. 2020 Community Character Land Use Plan Designation:** Mixed Use and Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor.
- 10. Applicable Regulations** In acting upon any Site Plan application for property located within an "NPC" Neighborhood Pedestrian Commercial District, the plan and zoning commission shall apply the design standards in section 82-213 of this article (the standards for all Site Plans) in consideration of the criteria set forth in Chapter 18B of the Iowa Code and the additional standards listed below. They were developed for the purpose of preserving the community character of the commercial corridor within the district. The design guidelines express the predominant character giving features along the commercial corridor. The commission may approve a Site Plan that does not comply with the design guidelines if it finds the overall development is in harmony with the commercial corridor, that the failure to comply with the design guidelines does not negatively impact the character of surrounding properties, and that the failure to comply with the design guidelines is due to the following:
1. An unusual lot shape, size, topography or double frontage. A lot over one acre in size shall always be considered to be of unusual size;
 2. A need to facilitate a smooth transition between existing developments in the vicinity;
 3. A need to accommodate existing development;
 4. A need to preserve an existing building; or
 5. A use with unique design requirements.

In acting upon any site plan application for property located within the D-R downtown riverfront district or C-3B central business mixed-use district, the plan and zoning commission shall apply the design regulations in section 82-213 of this article and the design guidelines in this section, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or an existing building is

expanded by more than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district. If a building is expanded by less than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district, then these guidelines shall apply only to the expansion of the building.

- 1) *Building Heights.* Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.

The development would consist of two, four-story buildings with a total height of 46 feet and one, two-story building with a total height of 25 feet. The two-story building would be located along South Union Street in an area that is zoned "NPC" District. The "NPC" District does not have minimum height requirements and the proposed two stories generally matches the height of the buildings across South Union Street. The portion of the site zoned "D-R" District complies with this guideline.

- 2) *Riverfront setbacks:* Riverfront setbacks for all new construction (that is not built integral to the levee and as part of a riverfront park) should be a minimum of 100 (horizontal) feet from the high water mark of the river. Redevelopment adjacent to a riverfront park (not part of the levee reconstruction) should front a continuous public right-of-way. This could be either a road built to an urban standard, or an alternative profile of a minimum 20' width that clearly delineates a public right-of-way between new private development and the riverfront park.

The site is 480 feet away from its closest point to the Racoon River and is separated from the river by right-of-way and other properties.

- 3) *Lighting:* All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.

The site plan indicates that "all lighting shall consist of low-glare, cut-off type fixtures." Staff believes that any pole mounted lighting along private walkways should not exceed 15 feet in height, that any pole mounted parking lot lighting should not exceed 20 feet in height, and that private light poles and light fixtures should be similar in style to a black KIM archetype or Autobahn LED Series ATBO light fixture.

- 4) *Residential building standards:* New residential buildings should also comply with the following guidelines:

- a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).

The northern four-story building would have an entrance oriented towards the Indianola Avenue and Jackson Avenue intersection. The southern four-story building would have an entrance oriented towards the Indianola Avenue and Dunham Avenue intersection. The two-story building would have two entrances fronting South Union Street.

The site consists of a super block and its frontage along Indianola Avenue is equal in distance to two city blocks. The street side entrances on the two

Indianola Avenue buildings are oriented towards the corners and recessed. In addition, the entrance at Indianola Avenue and Dunham Avenue would be obscured from view by a transformer. This layout, in combination with the length of the Indianola Avenue frontage, creates a situation where an entrance is not visible from much of the views along Indianola Avenue. Therefore, the buildings' engagement with the street is limited and does not comply with the intent of this guideline. Staff believes that each of the western buildings should have at least one entrance that directly faces Indianola Avenue. Staff anticipates these entrances would be controlled and only available to tenants. However, these entrances are necessary in finding a balance between the goals of the "D-R" District Design Guidelines and the desired building layout.

- b. At least one building entrance for the residential uses should directly access the street when located above street-level retail.

N/A.

- c. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
- d. Buildings should have a maximum setback of 15 feet from the public right-of-way.

The building setback from Jackson Avenue would range from zero to 22 feet and the building would occupy 35% of the 343 feet of the frontage. The building setback from South Union Street would range from zero to 11 feet and the buildings would occupy 47% of the frontage. These frontages do not comply with the building frontage design guideline. The block that includes the subject site includes a property at the southwest corner of the Jackson Avenue and South Union Street intersection. This property is under separate ownership. The proposed parking lot layout allows the site to be developed in the future with shared access points and opportunities for shared parking with the Dunham Square development. Staff believes the proposal is appropriate so long as an ornamental fence is provided along all street facing perimeters of the parking lot, given the future development opportunities for a building at the Jackson Avenue and South Union Street intersection.

The building setback from Dunham Avenue would range from 8 feet to 30 feet and the building would occupy 93% of the frontage. The building setback from Indianola predominately consist of 4 feet and the buildings would occupy 73% of the frontage.

- e. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.

A trash enclosure is proposed in the northeast portion of the parking lot. A design is not noted in the submitted information. Staff recommends approval subject to any enclosure being constructed of masonry walls that match the brick used on the buildings with solid steel gates and a separate pedestrian entrance and dedicated recycling area.

5) *Commercial building standards:* New commercial buildings should also comply with the following guidelines:

- a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
- b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
- c. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.
- d. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
- e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

N/A.

6) Storage of any and all materials and equipment should take place within completely enclosed buildings. All open areas should be paved or landscaped, properly maintained and kept free from refuse and debris. All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick, or masonry. The enclosure, including any gates for pedestrian and/or disposal truck access, should be constructed to provide at least a 75% opaque screen of the receptacle from any street.

A trash enclosure is proposed in the northeast portion of the parking lot. A design is not noted in the submitted information. Staff recommends approval subject to any enclosure being constructed of masonry walls that match the brick used on the buildings with solid steel gates and a separate pedestrian entrance and dedicated recycling area.

7) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards.

See subparagraph 5 of Section II for landscaping information.

8) Access doors for any warehouse use and any loading docks should not front on any public street. That portion of a building fronting on a public street should be used in an office or other commercial use.

N/A.

The Plan and Zoning Commission reviews and approves site plans for multiple family dwellings, boarding houses or rooming-houses in accordance with the design standards in section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions, or disapprove a proposed site plan shall be based upon the conformance of the site plan with the following design standards.

1) *Architectural character.* New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing

architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

The development would consist of two, four-story buildings with a total height of 46 feet and one, two-story building with a total height of 25 feet. The four-story buildings would have frontage along Jackson Avenue, Indianola Avenue and Dunham Avenue. The two-story building would front South Union Street and would be comparable in height to the building across the street. The ground level of the four-story buildings would be sided with brick and the upper floors would be sided with Nichiha fiber cement panels. The front and rear facades of the two-story building would predominately consist of brick with some Nichiha fiber cement panels. The end facades would have a brick base that would be in the range of two feet in height. The remainder of the end facades would consist of Nichiha fiber cement panels.

Staff believes that for the proposed development to be found in conformance with this guideline that the western buildings should each have at least one entrance that directly faces Indianola Avenue and that each ground floor unit that front South Union Street in the two-story building should have its own street facing entrance (walk-up units).

The site consists of a super block and its frontage along Indianola Avenue is equal in distance to two city blocks. The street side entrances on the two Indianola Avenue buildings are oriented towards the corners and recessed. In addition, the entrance at Indianola Avenue and Dunham Avenue would be obscured from view by a transformer. This layout, in combination with the length of the Indianola Avenue frontage, creates a situation where an entrance is not visible from much of the views along Indianola Avenue. Therefore, the buildings' engagement with the street is limited and does not comply with the intent of this guideline. Staff anticipates these entrances would be controlled and only available to tenants.

The building along the east side of South Union Street consist of traditional cottages and a double-house. While none of them are of high style, they speak to the rich history of the area. They also set a pattern of development in the area of narrow units with direct front door access to the public sidewalk that should be duplicated. Mixing the valuable traditional elements where they remain as a relatively complete collection with new development will give the 2 Rivers District the unique character and local flavor that is desired.

- 2) *Building height and mass.* Buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the

site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.

The development would consist of two, four-story buildings with a total height of 46 feet and one, two-story building with a total height of 25 feet. The proposed heights and massing are generally consistent with the vision of the 2 Rivers District Plan, the "D-R" District Design Guidelines, and the "NPC" District Design Guidelines.

- 3) *Building orientation.* To the maximum extent feasible, primary facades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.

Staff believes that for the proposed development to be found in conformance with this guideline that the western buildings should each have an entrance that directly faces Indianola Avenue and that each ground floor unit that front South Union Street in the two-story building should have its own street facing entrance (walk-up units).

The site consists of a super block and its frontage along Indianola Avenue is equal in distance to two city blocks. The street side entrances on the two Indianola Avenue buildings are oriented towards the corners and recessed. In addition, the entrance at Indianola Avenue and Dunham Avenue would be obscured from view by a transformer. This layout, in combination with the length of the Indianola Avenue frontage, creates a situation where an entrance is not visible from much of the views along Indianola Avenue. Therefore, the buildings' engagement with the street is limited and does not comply with the intent of this guideline. Staff anticipates these entrances would be controlled and only available to tenants.

The building along the east side of South Union Street consist of traditional cottages and a double-house. While none of them are of high style, they speak to the rich history of the area. They also set a pattern of development in the area of narrow units with direct front door access to the public sidewalk that should be duplicated. Mixing the valuable traditional elements where they remain as a relatively complete collection with new development will give the 2 Rivers District the unique character and local flavor that is desired.

- 4) *Garage access/location.* If the prominent character of garage access and/or location is located to the rear of the properties in the surrounding neighborhood, then new construction should be compatible with such character.

Garages are not proposed. The site would have an access drive to Jackson Avenue and South Union Street. The parking lot would have frontage on both of these streets. Staff believes an ornamental fence should be provided along all street facing perimeters of the parking lot.

- 5) *Rooftop/second story additions.* A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhang the front or sidewalls of the existing building.

N/A.

- 6) *Emergency egress.* All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.

All stairways and means of egress would be internal to the building.

- 7) *Parking.* Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district.

See subparagraph 5 of Section II for landscaping information.

II. ADDITIONAL APPLICABLE INFORMATION

1. **NPC Design Guidelines:** These additional design guidelines are applicable to review of any Site Plan within an “NPC” district.

1. Buildings should frame the street and maintain a minimal setback from the street.

The building setback from Jackson Ave. would range from zero to 22 feet. The building setback from South Union Street would range from zero to 11 feet. The building setback from Dunham Ave. would range from 8 feet to 30 feet. The building setback from Indianola Avenue would predominately consist of 4 feet. Staff believes the proposed development complies with this guideline.

2. The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.

The submitted information does not allow staff to develop a percent window calculation for the buildings. Staff believes the proposed amount of windows are appropriate to a residential development.

3. The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.

Staff believes that for the proposed development to be found in conformance with this guideline that the western buildings should each have an entrance that directly faces Indianola Avenue and that each ground floor unit that fronts South Union Street in the two-story building should have its own street facing entrance (walk-up units).

The site consists of a super block and its frontage along Indianola Avenue is equal in distance to two city blocks. The street side entrances on the two Indianola Avenue buildings are oriented towards the corners and recessed. In addition, the entrance at Indianola Avenue and Dunham Avenue would be obscured from view by a transformer. This layout, in combination with the length of the Indianola Avenue frontage, creates a situation where an entrance is not visible from much of the views along Indianola Avenue. Therefore, the buildings' engagement with the street is limited and does not comply with the intent of this guideline. Staff anticipates these entrances would be controlled and only available to tenants.

The building along the east side of South Union Street consist of traditional cottages and a double-house. While none of them are of high style, they speak to the rich history of the area. They also set a pattern of development in the area of narrow units with direct front door access to the public sidewalk that should be duplicated. Mixing the valuable traditional elements where they remain as a relatively complete collection with new development will give the 2 Rivers District the unique character and local flavor that is desired.

4. Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.

The proposed building would be constructed with brick and Nichiha fiber cement panel siding. The two western buildings would be four stories tall. The eastern building would be two stories tall.

5. Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.

N/A.

6. Building frontage should occupy at least 50 percent of the primary street frontage.

The building setback from Jackson Avenue would range from zero to 22 feet and the building would occupy 35% of the 343 feet of the frontage. The building setback from South Union Street would range from zero to 11 feet and the buildings would occupy 47% of the frontage. These frontages do not comply with the building frontage design guideline. The block that includes the subject site includes a property at the southwest corner of the Jackson Avenue and South Union Street intersection. This property is under separate ownership. The proposed parking lot layout allows the site to be developed in the future with shared access points and opportunities for shared parking with the Dunham Square development. Given the future development opportunities that would add additional building frontage along Jackson Avenue and South Union Street, staff believes the proposal is appropriate so long as an ornamental fence is provided along all street facing perimeters of the parking lot.

The building setback from Dunham Avenue would range from 8 feet to 30 feet and the building would occupy 93% of the frontage. The building setback from Indianola predominately consists of 4 feet and the buildings would occupy 73% of the frontage.

7. Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
 - a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).

The northern building is within the portion of the site zoned "D-R" District, which does not require parking. The "NPC" District allows on-street parking to be

counted towards meeting this requirement and reduces the typically required off-street parking by 40%.

In most zoning districts the Zoning Ordinance requires 1.5 off-street parking space per dwelling unit. This would require a total of 258 spaces for the proposed 172 units. A 40% reduction of this amount would equal 104 spaces. The site plan includes 237 off-street parking spaces and 15 on-street spaces along South Union Street.

- b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.

The proposed parking would not exceed the required off-street parking spaces typically required by Section 134-1377 of the Zoning Ordinance.

- c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.

The parking lot would mostly be internal to the development with some frontage along Jackson Avenue and South Union Street. Staff recommends approval subject to the provision of an ornamental fence along all street fronting perimeters of the parking lot.

- d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.

Shared parking is not proposed, nor required for the applicant to comply with the minimum parking requirements.

- e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.

On-street parking is allowed along the adjoining segments of South Union Street. However, it is not necessary for the development to comply with the minimum parking requirements.

- f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.

No tandem parking spaces are proposed.

- g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.

See subparagraph 5 of Section II for landscaping information.

8. The following bulk regulations should be observed:
 - a. Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.
 - b. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.

The site has a total area of 193,804 square feet. The northern half of the site is zoned "D-R" District, which does not have minimum lot area requirements. The development would consist of 172 units. This equates to one dwelling unit per 1,126.8 square feet of lot area. Therefore, the Commission must wave this standard to approve the site plan. Staff believes the proposed density is appropriate for the site and consistent with the vision of the 2 Rivers District Plan.

- c. Front yard: minimum of zero feet.
- d. Side yards: minimum of zero feet.
- e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
- f. Height: minimum of 15 feet, maximum of 45 feet.
- g. Number of stories:
 - Residential uses, a maximum of four stories.
 - All other permitted uses, a maximum of two stories.

The proposed development complies with these guidelines, except that the proposed four story buildings would have a total height of 46 feet, which exceeds the maximum by 1 foot. Therefore, the Commission must wave this standard to approve this site plan. Staff believes a 1 foot variation is inconsequential and that the proposed development complies with the intent of the maximum building height guideline.

- h. Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

All new signs must be installed by a licensed sign contractor in accordance with a sign permit issued by the Permit and Development Center.

- i. Any extension of parking into an adjoining residential district shall support the intent of the NPC neighborhood pedestrian commercial district and conform with the guidelines in this section.

N/A.

2. **Natural Features:** A tree protection and mitigation plan is required pursuant to Chapter 42, Article X of the City Code.
3. **Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. Two groundwater recharge pits are proposed under the parking lot pavement. A rain garden is proposed on the interior side of the northern building.
4. **Street System:** The subject alley segments are not needed for a public purpose. Both are dead-end segments. The alley south of Jackson Street is undeveloped and is

proposed to be split with the neighboring owner to the east. The applicant owns all of the properties adjoining the alley to the north of Dunham Avenue.

5. Site Design: The applicable landscaping standards include the following:

- 1 overstory street tree per 30 lineal feet of frontage.
- 1 overstory tree and 10 shrubs per 40 lineal feet of parking lot perimeter.
- 1 overstory tree and 3 shrubs per 25 parking stalls of parking lot interior.

Staff recommends approval subject to compliance with the City's Landscaping Standards. In addition, staff believes that foundation plantings should be provided around all buildings except where a side is proposed to abut the building and that all islands within the parking lot shall contain a tree and shrubs. Staff recognizes that some of the islands are shown above utility conflicts and will offer some flexibility in tree selection.

In addition, staff recommends that the transformer along South Union Street be moved to the west so that it is located between windows on the south side façade of the proposed two-story building. The site plan shows it placed at the back side of the sidewalk with no room for landscaping or visual separation from the front façade of the building. This would negatively impact the architectural character of the two-story building and the pedestrian environment along South Union Street. The two other identified transformers are setback from the sidewalks and the buildings. Heavy landscaping is proposed around these transformers. They are also near the four-story buildings and do not visually impact these buildings as much given the scale of the buildings in proportion to the transformers.

SUMMARY OF DISCUSSION

Jason Van Essen stated the applicant is requesting Part C (site plan) be continued to the September 17, 2015 Plan and Zoning Commission and Part A and B (right-of-way vacations) be heard and voted upon tonight. He presented the staff report and recommendation.

CJ Stephens asked if there has been any feedback from the neighborhood association.

Jason Van Essen stated yes, they had a neighborhood meeting earlier in the week and he will let Ms. Gilroy speak to that.

Sasha Kamper asked if the adjoining property owner is in favor of the applicant's request.

Jason Van Essen stated the neighbor would like to purchase some of the alley. What has not been determined is how much of it they would like to purchase. NDC is willing to share the alley with them so they will not be prohibited to use the alley.

Abbey Gilroy Neighborhood Development Corporation (NDC) 3209 Ingersoll stated they do own all of the surrounding property now, except for the storage facility on the corner. They will use one of the vacated alleys for parking setbacks which would give them a little more space and area to do some landscape buffer. The other alley vacation is to put a building on that property. They have met with the McKinley/Columbus Park Neighborhood Association and are following the Two Rivers District master plan.

Sasha Kamper asked if the neighbors expressed any concerns about density.

Abbey Gilroy stated no they did not talk about any concerns. They have talked about commercial at one time in the past that they would like some commercial activity there but not at this meeting. They have talked to the neighborhood association about bringing some density there to activate the Graziano area.

Jason Van Essen pointed out this property is split zoned. Everything south of the center line of Granger is zoned NPC which has the density standards, but the rest of the site is zoned DR which does not have that same density requirement and fits the Two Rivers District Plan.

Sasha Kamper asked if things moved southward with development would the density be increased.

Jason Van Essen yes, he sees South Union as a transition point as you go southeast.

Jonathan Rosenbloom stated this is a great project and asked staff if it is okay with the Commission's recommendation to the Council for Part A and Part B only.

Jason Van Essen stated yes.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Jonathan Rosenbloom moved staff recommendation for Part A and Part B. Jann Freed seconded.

Motion passed 8-0.

Respectfully submitted,



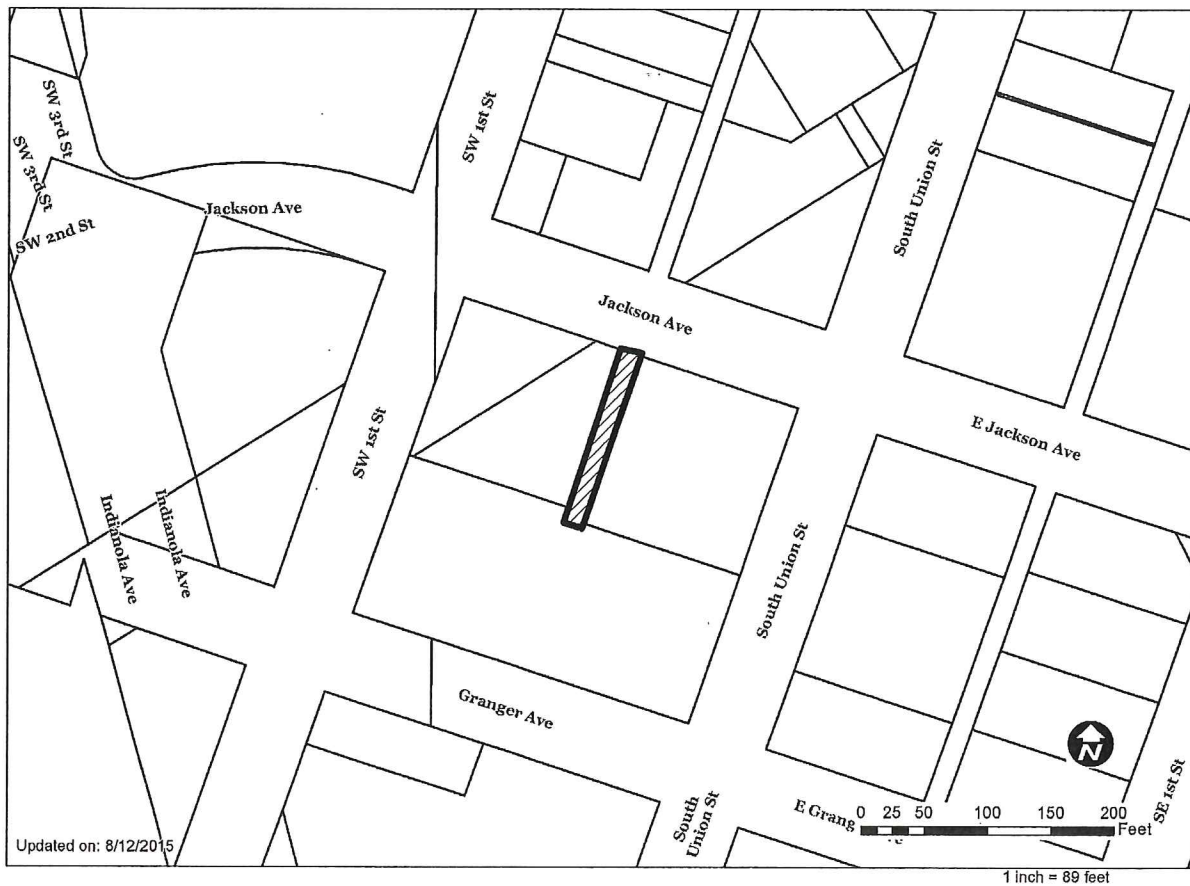
Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Indy East, LLC (owner) represented by Glenn Lyons (officer) in the vicinity of 1704 South Union Street.		File # 11-2015-1.13 A		
Description of Action	Approval of a request to vacate the segment of north/south alley between Southwest 1st Street and South Union Street from Jackson Avenue to a point 143 feet to the south adjoining 4 Jackson Avenue subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or are relocated.			
2020 Community Character Plan	Current: Mixed-Use and Density. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	N/A.			
Current Zoning District	"D-R" Downtown Riverfront District and "GGP" Gambling Games Prohibition 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	8-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

Indy East, LLC, Vicinity of 4 Jackson Street

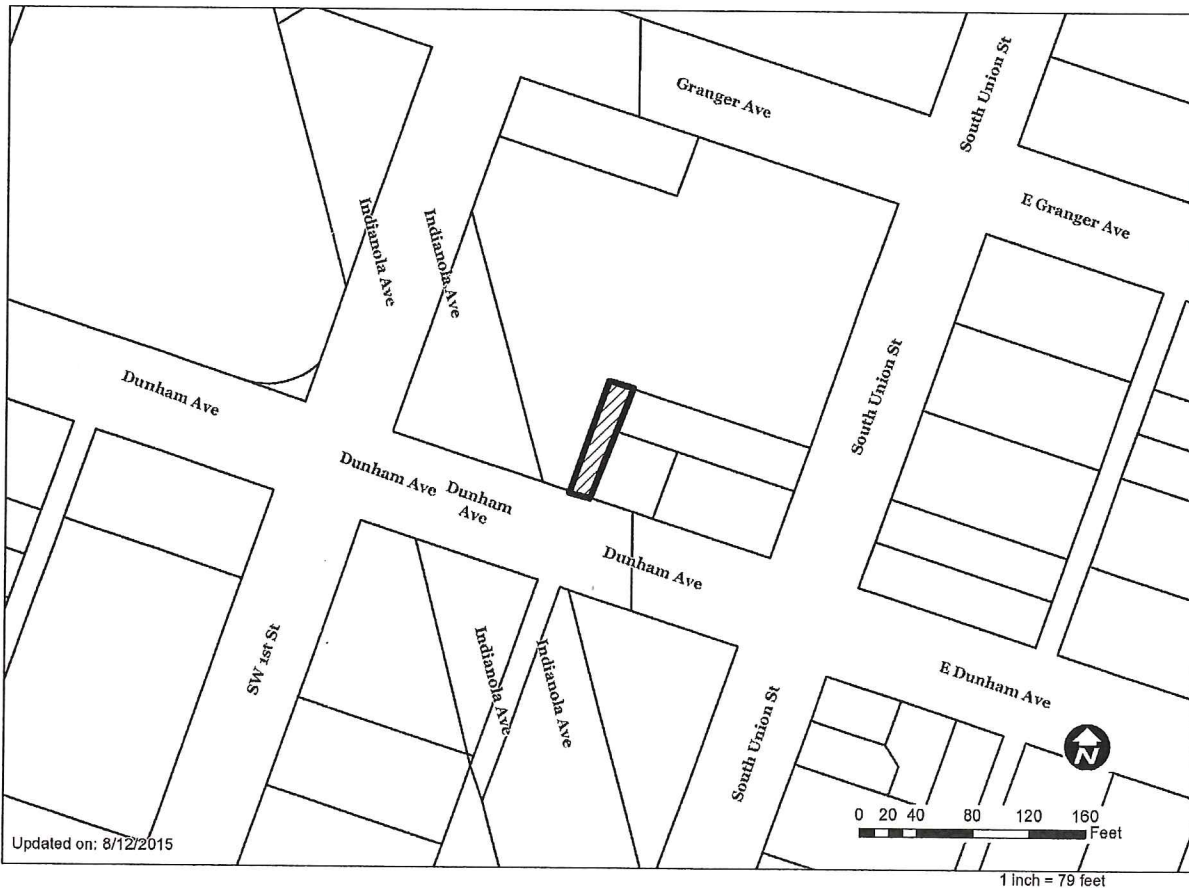
11-2015-1.13 A

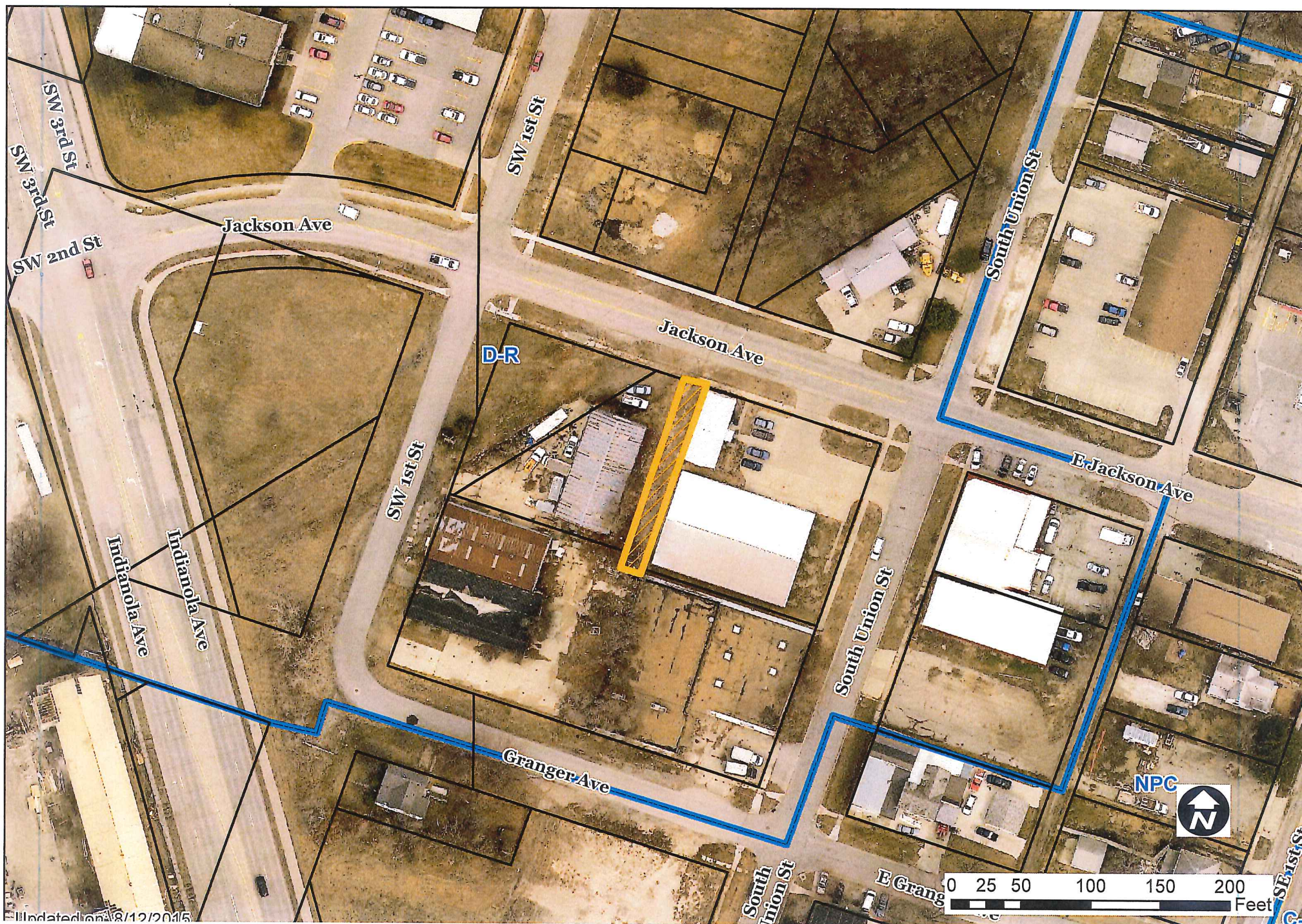


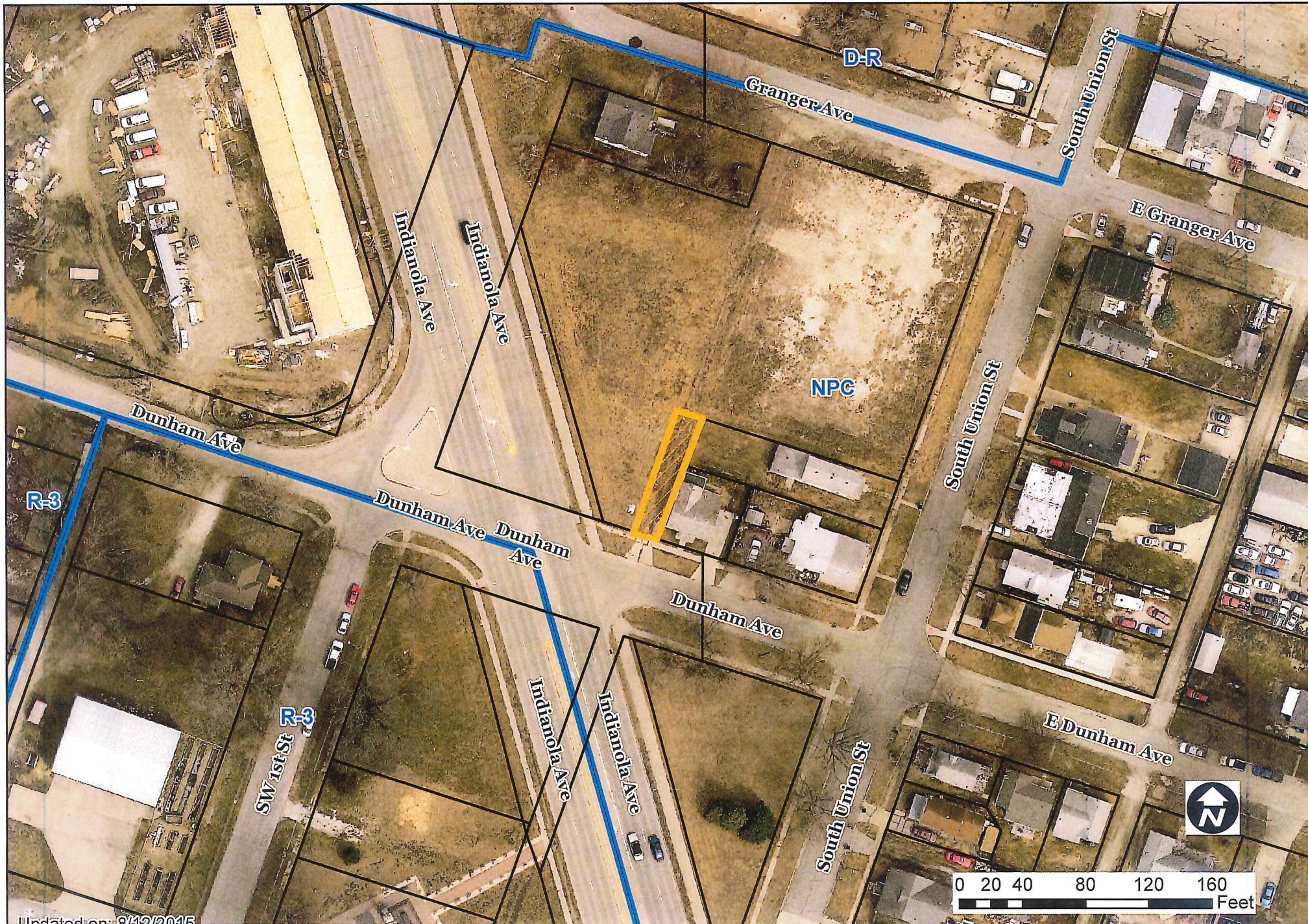
Indy East, LLC (owner) represented by Glenn Lyons (officer) in the vicinity of 1704 South Union Street.			File # 11-2015-1.13 B	
Description of Action	Approval of a request to vacate a segment of north/south alley between Indianola Avenue and South Union Street from Dunham Avenue to a point 82 feet to the north adjoining 8 Dunham Avenue and 1714 South Union Street subject to the reservation of easements for all existing utilities in place until such time that they are abandoned or are relocated.			
2020 Community Character Plan	Current: Pedestrian-Oriented Commercial Corridor. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	N/A.			
Current Zoning District	"NPC" Neighborhood Pedestrian Commercial District, and "GGP" Gambling Games Prohibition 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	8-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

Indy East, LLC, Vicinity of 8 Dunham Avenue

11-2015-1.13 B







15-1510
SEP 14 2015
24 50

REGISTER ORDER NO. 9348 ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF PROPOSAL TO VACATE AND CONVEY CITY-OWNED PROPERTY

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street, Des Moines, Iowa, legally described as follows:

ALL THAT PART OF GRANGER AVENUE RIGHT-OF-WAY LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH UNION STREET AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE), ALL IN VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL THAT PART OF SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE WESTERLY EXTENTION OF THE NORTH LINE OF LOT 1 IN BLOCK 9 OF SAID VAN'S ADDITION TO SOUTH DES MOINES AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE); AND

ALL THAT PART OF SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF JACKSON AVENUE AND THE WESTERLY EXTENTION OF THE SOUTH LINE OF LOT 2 IN BLOCK 15 OF SOUTH FORT DES MOINES, AN OFFICIAL PLAT; AND

THE SOUTH 82 FEET OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 10, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

-EXCEPT THE SOUTH 121 FEET-, ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 9, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 15, SOUTH FORT DES MOINES, AN OFFICIAL PLAT;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 48,956 SQUARE FEET.

NOTICE IS FURTHER GIVEN, that the City Council of the City of Des Moines, Iowa, has adopted a resolution setting a hearing relating to a proposal that if the City Council first decides to vacate the above-described right-of-way, then the City of Des Moines proposes to convey such vacated right-of-way, as legally described below and subject to reservation of utility and access easements, to Neighborhood Development Corporation for \$83,260.00:

ALL THAT PART OF THE VACATED GRANGER AVENUE RIGHT-OF-WAY LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH UNION STREET AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK

10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE), ALL IN VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL THAT PART OF THE VACATED SOUTHWEST 1ST STREET RIGHT-OF-WAY LYING BETWEEN THE WESTERLY EXTENTION OF THE NORTH LINE OF LOT 1 IN BLOCK 9 OF SAID VAN'S ADDITION TO SOUTH DES MOINES AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE); AND

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ALL THAT PART OF LOT 8 IN BLOCK 7 OF SAID VAN'S ADDITION TO SOUTH DES MOINES LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS CURRENTLY ESTABLISHED (SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS RECORDED IN BOOK 10252 PAGE 873 AT THE POLK COUNTY RECORDER'S OFFICE); AND

THE VACATED SOUTH 82 FEET OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 10, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

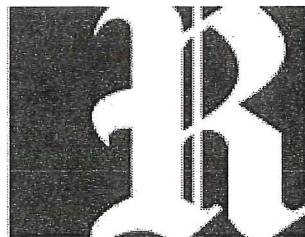
-EXCEPT THE SOUTH 121 FEET-, ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 9, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 15, SOUTH FORT DES MOINES, AN OFFICIAL PLAT;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 48,956 SQUARE FEET.

NOTICE IS FURTHER GIVEN that the City Council will consider the adoption of the proposed vacation ordinance and approval of the proposed conveyance after a public hearing to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, on September 28, 2015. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

PUBLISHED IN THE DES MOINES REGISTER ON SEPTEMBER 17, 2015.



**REGISTER
MEDIA**
A GANNETT COMPANY

AFFIDAVIT OF PUBLICATION

State of Iowa

County of Polk, ss.:

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:


Ad No.	Start Date:	Run Dates:	Cost:
0000723329	09/17/15	09/17/15	\$109.69

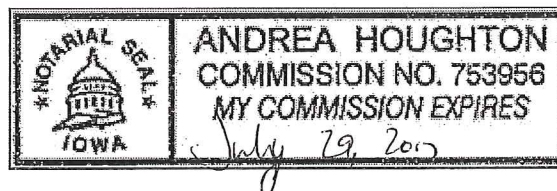
Copy of Advertisement
Exhibit "A"


VP/Registered Weekly Newspapers

Subscribed and sworn to before me by said affiant this

18th day of September, 2015


Notary Public in and for Polk County, Iowa



P09348; \$109.69

**NOTICE OF PROPOSAL TO
VACATE AND CONVEY
CITY-OWNED PROPERTY**

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street, Des Moines, Iowa, legally described as follows:

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-EXCEPT THE SOUTH 121 FEET-, ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 9, VAN'S ADDITION TO SOUTH DES MOINES, AN OFFICIAL PLAT; AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 15, SOUTH FORT DES MOINES, AN OFFICIAL PLAT;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; CONTAINING 40,256 SQUARE FEET

P09348; #109.69

40,750 SQUARE FEET.
NOTICE IS FURTHER GIVEN,
that the City Council of the City
of Des Moines, Iowa, has
adopted a resolution setting a
hearing relating to a proposal
that if the City Council first
decides to vacate the
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then the City of Des Moines
proposes to convey such vacated
right-of-way, as legally
described below and subject to
reservation of utility and access
easements, to Neighborhood
Development Corporation for
\$83,260.00:

ALL THAT PART OF THE
VACATED GRANGER
AVENUE RIGHT-OF-WAY
LYING BETWEEN THE WEST
RIGHT-OF-WAY LINE OF
SOUTH UNION STREET AND
THE NORTHEASTERLY
RIGHT-OF-WAY LINE OF
INDIANOLA AVENUE AS
CURRENTLY ESTABLISHED
(SAID NORTHEASTERLY
RIGHT-OF-WAY LINE OF
INDIANOLA AVENUE AS
RECORDED IN BOOK 10252
PAGE 873 AT THE POLK
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OFFICE), ALL IN VAN'S
ADDITION TO SOUTH DES
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AND

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WESTERLY EXTENTION OF
THE NORTH LINE OF LOT 1
IN BLOCK 9 OF SAID VAN'S
ADDITION TO SOUTH DES
MOINES AND THE
NORTHEASTERLY
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LYING BETWEEN THE
SOUTH RIGHT-OF-WAY LINE
OF JACKSON AVENUE AND
THE WESTERLY EXTENTION
OF THE SOUTH LINE OF LOT
2 IN BLOCK 15 OF SOUTH
FORT DES MOINES, AN
OFFICIAL PLAT; AND

ALL THAT PART OF LOT 8 IN
BLOCK 7 OF SAID VAN'S
ADDITION TO SOUTH DES
MOINES LYING
NORTHEASTERLY OF THE
NORTHEASTERLY
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INDIANOLA AVENUE AS
CURRENTLY ESTABLISHED
(SAID NORTHEASTERLY
RIGHT-OF-WAY LINE OF
INDIANOLA AVENUE AS
RECORDED IN BOOK 10252
PAGE 873 AT THE POLK
COUNTY RECORDER'S
OFFICE); AND

THE VACATED SOUTH 82 FEET
OF THE NORTH/SOUTH

P09348; \$109.69

ALLEY RIGHT OF WAY IN
BLOCK 10, VAN'S ADDITION
TO SOUTH DES MOINES, AN
OFFICIAL PLAT; AND
-EXCEPT THE SOUTH 121
FEET-, ALL OF THE
VACATED NORTH/SOUTH
ALLEY RIGHT OF WAY IN
BLOCK 9, VAN'S ADDITION
TO SOUTH DES MOINES, AN
OFFICIAL PLAT; AND
ALL OF THE VACATED
NORTH/SOUTH ALLEY RIGHT
OF WAY IN BLOCK 15, SOUTH
FORT DES MOINES, AN
OFFICIAL PLAT;
ALL NOW INCLUDED IN AND
FORMING A PART OF THE
CITY OF DES MOINES, POLK
COUNTY, IOWA; CONTAINING
48,956 SQUARE FEET.
NOTICE IS FURTHER GIVEN
that the City Council will
consider the adoption of the
proposed vacation ordinance
and approval of the proposed
conveyance after a public
hearing to be held at 5:00 p.m.,
in the City Council Chamber,
City Hall, 400 Robert D. Ray
Drive, Des Moines, Iowa, on
September 28, 2015. Persons
interested in the proposal will
be given the opportunity to
express their views at that
hearing.
PUBLISHED IN THE DES
MOINES REGISTER ON
SEPTEMBER 17, 2015.

P09348; \$109.69