

Date January 11, 2016

HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF THE EAST/WEST ALLEY BETWEEN FRANKLIN AVENUE AND ALLISON AVENUE, EAST OF 18TH STREET TO BEVERLY L. WALLACE FOR \$100.00

WHEREAS, on December 7, 2015, by Roll Call No. 15-2050, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission recommending approval of a request from Beverly L. Wallace for the vacation of the east/west segment of alley between Allison Avenue and Franklin Avenue from a point 150 feet east of 18th Street to the dead end 250 feet east of 18th Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated, and reservation of right of entry for servicing same; and

WHEREAS, Beverly L. Wallace, owner of 1700 Allison Avenue, has offered to the City of Des Moines, Iowa, ("City") the purchase price of \$100.00 for the purchase of the portion of the alley right-of-way adjoining 1700 Allison Avenue and 1624 Allison Avenue for incorporation into her residential property, which price reflects the fair market value of said portion of vacated alley right-of-way as currently estimated by the City's Real Estate Division; and

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

WHEREAS, on December 21, 2015, by Roll Call No. 15-2117, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City alley right-of-way be set for hearing on January 11, 2016, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City alley 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.

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 east/west alley right-of-way between Franklin Avenue and Allison Avenue adjoining 1700 Allison Avenue and 1624 Allison Avenue, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the east/west alley right-of-way between Franklin Avenue and Allison Avenue adjoining 1700 Allison Avenue and 1624 Allison Avenue, legally described as follows, and said vacation is hereby approved:

Date January 11, 2016

ALL THAT PART OF THE EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 3 AND LOT 4, BLOCK 8, NORWOOD PARK ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,600 SQUARE FEET.

3. The proposed sale of such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

To: Beverly L. Wallace
For: \$100.00

ALL THAT PART OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOT 3 AND LOT 4, BLOCK 8, NORWOOD PARK ADDITION TO NORTH DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,600 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 Quit Claim 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.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim 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 Quit Claim Deed and a copy of the other documents to the grantee.

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

★ Roll Call Number

Agenda Item Number

42

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Date January 11, 2016

(Council Communication No. 16-019)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PSW

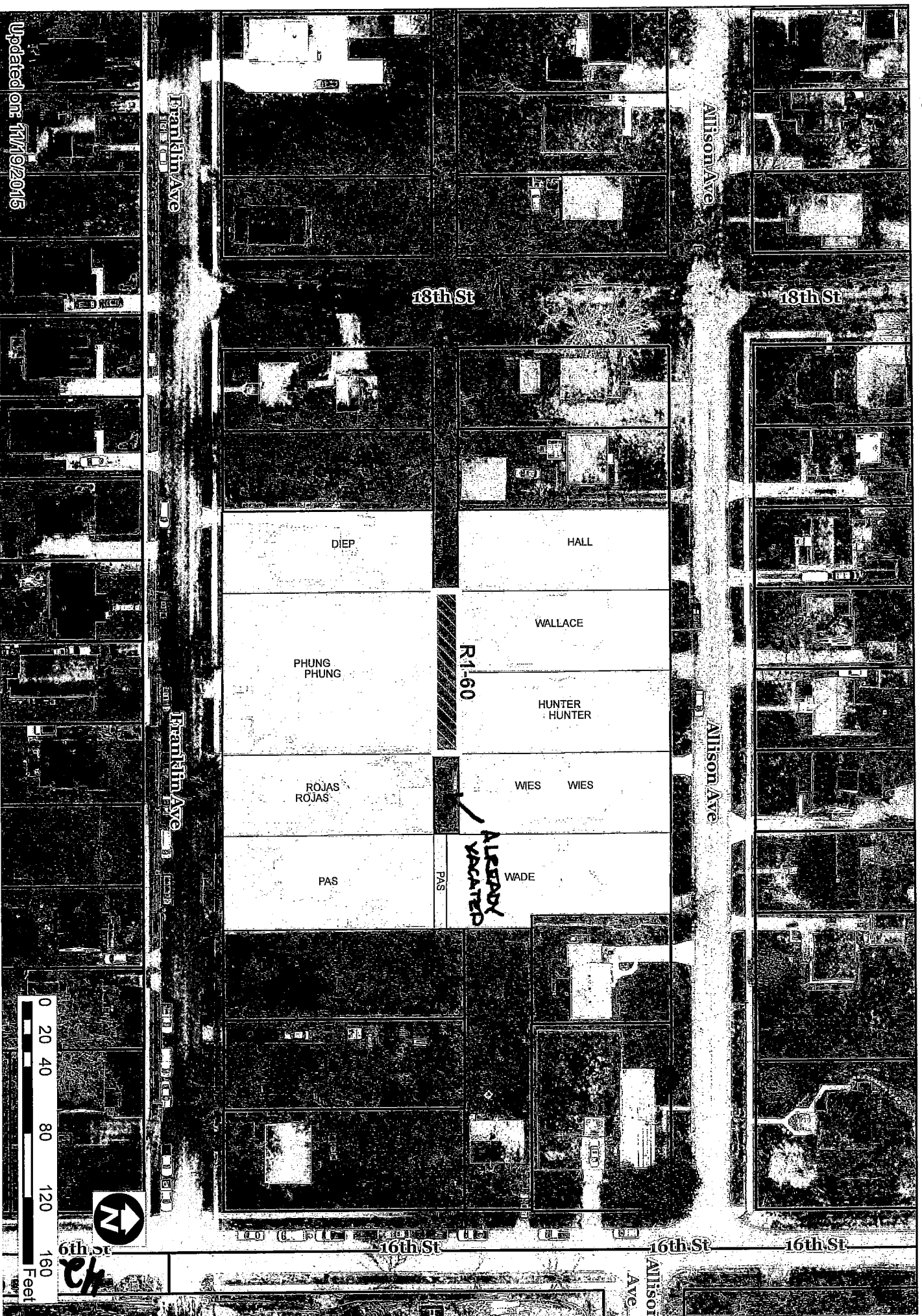
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



Updated on 11/19/2015

Brantford Ave

Allison Ave

18th St

18th St

DIEP

HALL

WALLACE

R1-60

PHUNG PHUNG

HUNTER HUNTER

ROJAS ROJAS

WIES WIES

ALREADY VACATED

PAS

PAS

WADE

Allison Ave

Brantford Ave

16th St

16th St

16th St

Allison Ave

0 20 40 80 120 160 Feet



6th St



December 1, 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 November 19, 2015, the following action was taken regarding a request from Beverly Wallace (owner), 1700 Allison Avenue, for vacation of the east/west segment of alley between Allison Avenue and Franklin Avenue from a point 150 feet east of 18th Street to the dead end 250 feet east of 18th 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 requested vacation subject to provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

(11-2015-1.25)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant wishes to acquire the alley segment adjoining the rear (south) property line and combine it with the property addressed 1700 Allison Avenue. The submitted application includes consent information from two property owners abutting the south side of the alley at 1625 and 1707 Franklin Avenue and at the north of the alley at 1624 Allison Avenue.
2. **Size of Site:** 100 feet by 16 feet (1,600 square feet) alley segment.
3. **Existing Zoning (site):** "R1-60" One-Family, Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Free standing Sign Overlay District.
4. **Existing Land Use (site):** Gravel, semi-improved alley.
5. **Adjacent Land Use and Zoning:**

 North – "R1-60" Use is single-family residential.

 South – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located near Casady Alternative School in an area that consists predominantly of single-family dwellings.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in Mondamin Presidential Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on October 30, 2015 and by mailing of the Final Agenda on November 13, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on November 9, 2015 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested alley segment.

 All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Mondamin Presidential Neighborhood Association mailings were sent to Valerie Allen, 1934 Jefferson Avenue, Des Moines, IA 50314.
8. **Relevant Zoning History:** On September 28, 2015 by Ordinance No. 15,414 the City Council vacated a portion of the east/west alley right-of-way adjoining 1619 Franklin Avenue, subject to reservation of an easement for the continued use of and maintenance of any utilities in place at the time of the vacation.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.
10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, in consideration of the criteria set forth in Chapter 18B of the Iowa Code, to determine whether the land

is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. **Utilities:** Easements must be provided for any existing utilities in place until such time that they may be abandoned or are relocated. No utilities have been identified at this time.
- 2. **Street System/Access:** The requested vacation would not impact the surrounding street network. The subject dead-end alley segment does not serve as access way for the adjoining properties. The alley segment to the east of the subject site was previously vacated.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

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

Motion passed 8-0 (Jacqueline Easley and John "Jack" Hilmes were not yet present).

Respectfully submitted,



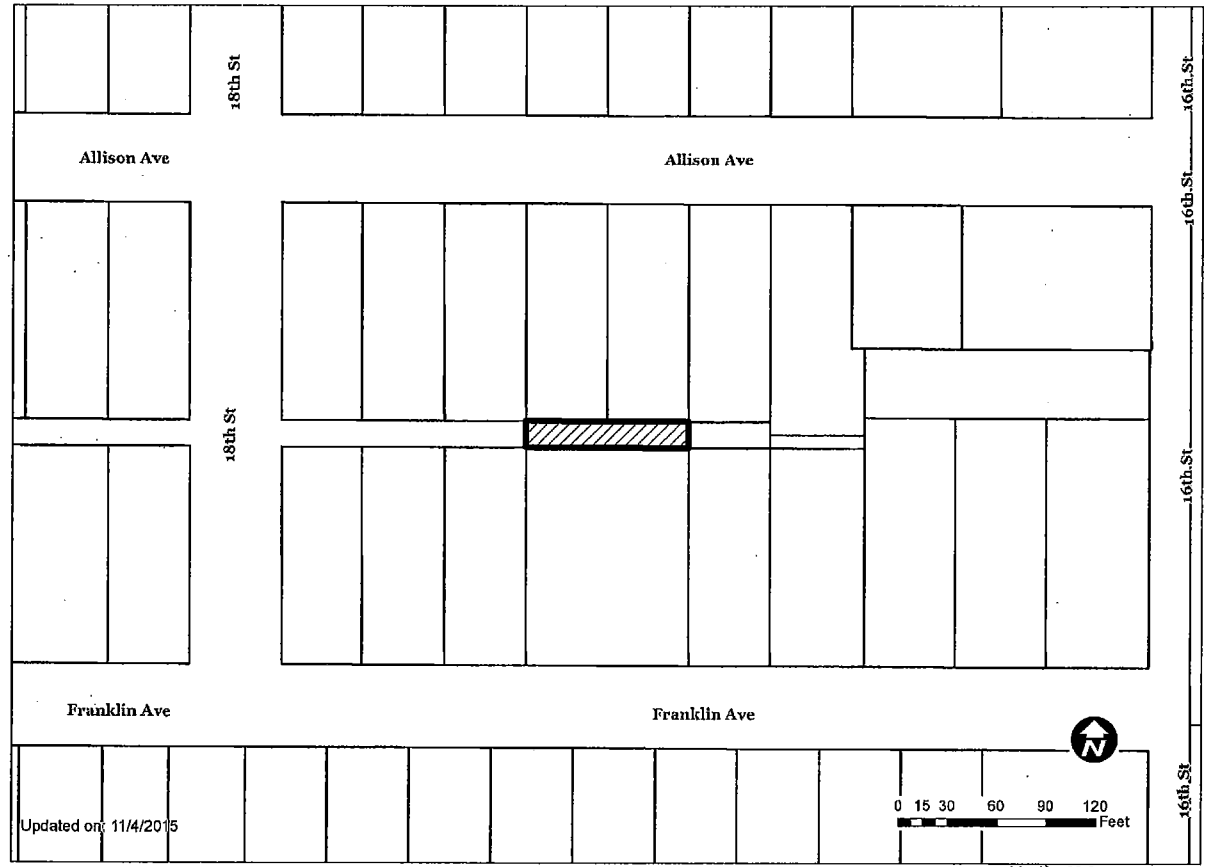
Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Beverly Wallace (owner) 1700 Allison Avenue.		File #		
		11-2015-1.25		
Description of Action	Approval of the requested vacation of the east/west segment of alley between Allison Avenue and Franklin Avenue from a point 150 feet east of 18th Street to the dead end 250 feet east of 18th Street subject to provision of any necessary easements for all existing utilities until such time that they are abandoned or they are relocated.			
2020 Community Character Plan	Current: Low Density Residential. Proposed: N/A/			
Mobilizing Tomorrow Transportation Plan	N/A.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	8-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Beverly Wallace, 1700 Allison Avenue

11-2015-1.25



1 inch = 68 feet