

Date July 25, 2016

HOLD HEARING FOR VACATION AND CONVEYANCE OF THE EAST 4.5 FEET OF 9TH STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1429 9TH STREET TO SCOTT A. SLAUGHTER AND TODD D. SCHRODER FOR \$50.00

WHEREAS, on June 13, 2016, by Roll Call No. 16-0938, the City Council of the City of Des Moines, Iowa, received and filed a recommendation from the City Plan and Zoning Commission recommending approval of a request for the vacation of the east 4.5 feet of 9th Street right-of-way located west of and adjoining 1429 9th Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Scott A. Slaughter and Todd D. Schroder, the owners of 1429 9th Street, have offered to the City of Des Moines, Iowa ("City") the purchase price of \$50.00 for the purchase of the east 4.5 feet of 9th Street right-of-way adjoining their property for incorporation into the property in order to eliminate an existing fence encroachment, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of street 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 street 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 July 11, 2016, by Roll Call No. 16-1117, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City right-of-way be set for hearing on July 25, 2016, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; 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.

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 4.5 feet of 9th Street right-of-way located west of and adjoining 1429 9th Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the east 4.5 feet of 9th Street right-of-way located west of and adjoining 1429 9th Street, legally described as follows, and said vacation is hereby approved:

Date July 25, 2016

THE EAST 4.5 FEET OF 9TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 5, THOMPSON'S SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 315 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:

Grantee: Scott A. Slaughter and Todd D. Schroder

Consideration: \$50.00

Legal Description:

THE VACATED EAST 4.5 FEET OF 9TH STREET RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 5, THOMPSON'S SUBDIVISION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 315 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

54

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Date July 25, 2016

(Council Communication No. 16-411)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

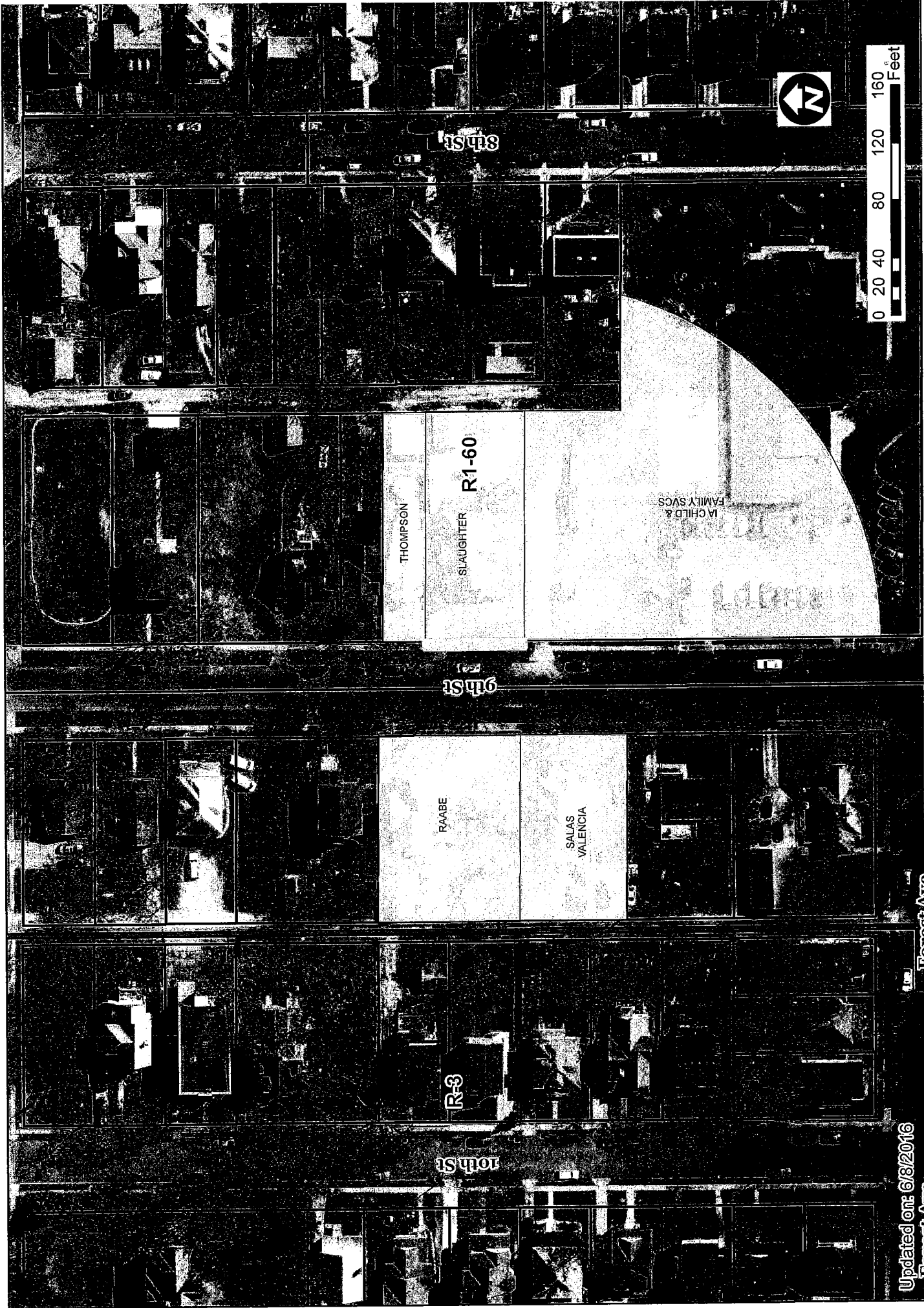
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk

Slaughter, 1429 9th Street

11-2016-1.11





June 8, 2016

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 June 2, 2016, the following action was taken regarding a request from Scott Slaughter & Todd Schroder (owners) 1429 9th Street, for vacation of the east 4.5 feet of 9th Street west of and adjoining the subject property, to accommodate an existing fence encroachment.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper	X			
William Page	X			
Mike Simonson				X
CJ Stephens	X			
Steve Wallace	X			
Greg Wattier				X

APPROVAL for vacation of the requested right-of-way segment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated. (11-2016-1.11)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested right-of-way segment subject to reservation of any necessary 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 proposed vacation will allow the applicant to mitigate an existing fence encroachment adjoining the west boundary of the property addressed as 1429 9th Street. The requested segment for vacation extends 4.5 feet from the west front property line into the 9th Street right-of-way.
2. **Size of Site:** 4.5 feet by 70 feet (315 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District, "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Fence encroachment.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60", Use is single-family residential.
 - South** – "R1-60", Use is Iowa Child and Family Services building.
 - East** – "R1-60", Use is alley right-of-way and single-family residential.
 - West** – "R1-60", Use is 9th Street right-of-way and single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located east of 9th Street between Forest Avenue and Clark Street. The area consists of single-family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the River Bend Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on May 13, 2016 and by mailing of the Final Agenda on May 27, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on May 23, 2016 (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 adjoining or directly across the subject segment of right-of-way.

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 River Bend Neighborhood Association notices were mailed to Breanne Barnum, 1510 9th Street, Des Moines, IA 50314.
8. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as Low/Medium Density Residential in the PlanDSM future land use map. The plan defines this category as "areas developed with a mix of single-

family, duplex and small multi-family units up to 12 units per net acre.” The subject property is also located within “Community Node Overlay District”, which is defined as “mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities occur.”

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 identified sewer, water, and electrical facilities existing within the requested segment for vacation. 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 segment extends 4.5 feet from the west property line of the property addressed as 1429 9th Street to the eastern side of 9th Street. The requested vacation would not impact the existing street system, or the vehicular or pedestrian flow in the area.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

John “Jack” Hilmes moved staff recommendation for approval for vacation of the requested right-of-way segment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AtCP
Planning Administrator

MGL:clw
Attachment

Rally Cap Properties, LLC (owner) represented by Ryan Francois (officer) for property located at 810 26th Street.				File #	
				11-2016-1.12	
Description of Action	Approval for vacation of an east/west segment of alley between Rollins Avenue and Center Street from 26th Street to a point 79.4 feet to the west subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential 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	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Rallycap Properties, LLC, 810 26th Street

11-2016-1.12



Updated on: 5/13/2016

1 Inch = 68 feet

Date 5.25.2016

Item

River Bend Neighborhood Assoc.

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

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Breanne D Barnum

Signature Breanne D Barnum

JUN 01 2016

Address 510 9th Street

DEPARTMENT

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

Feel it is in keeping with the traditional setbacks in the neighborhood and conforms with existing retaining walls and fences in the neighborhood.

Letter of Support

From : Breanne Barnum <Breanne@cfum.org>

Tue, May 17, 2016 10:17 PM

Subject : Letter of Support

To : toddNScott@q.com

To: Planning and Zoning Commission & Historic Preservation District Commission

From: Breanne Barnum, President River Bend Neighborhood Association

Re: Vacation of Right of Way for 1429 9th Street

The neighborhood association is supportive of the vacation of the right of way from the sidewalk east into the yard 4.5 feet at the property owned by Scott Slaughter and Todd Schroder at 1429 9th St, Des Moines.

We feel that this is in keeping with the traditional setbacks in the neighborhood and conforms with existing retaining walls and fences in the neighborhood. The vacation will also protect the historic character of this contributing historic property.

City staff has indicated there are no plans to further widen 9th Street thus eliminating the need for this additional right of way setback.

Please feel free to reach out to me with any questions.

Best regards,
Breanne D. Barnum, President
River Bend Neighborhood Association

Breanne D. Barnum
Director of Development



Children and Family Urban Movement
1548 8th Street
PO Box 41125
Des Moines, IA 50311

515-422-4920 (mobile)
www.cfum.org

Scott Slaughter & Todd Schroder (owners) for property located 1429 9th Street.		File #		
		11-2016-1.11		
Description of Action	Approval for Vacation of the east 4.5 feet of 9th Street west of and adjoining the subject property, to accommodate an existing fence encroachment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
PlanDSM Future Land Use	Current: Low/Medium Density Residential. Within Community Node. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
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	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

Slaughter, 1429 9th Street

11-2016-1.11

