

Date July 25, 2016

HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF EAST/WEST ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 810 26TH STREET TO RALLY CAP PROPERTIES, LLC FOR \$100.00

WHEREAS, on June 13, 2016, by Roll Call No. 16-0939, 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 an east/west segment of alley between Rollins Avenue and Center Street from 26th Street to a point 79.4 feet to the west, adjoining the south property line of 810 26th Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Rally Cap Properties, LLC, the owner of 810 26th Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$100.00 for the purchase of the east/west segment of alley between Rollins Avenue and Center Street, adjoining the south property line of 810 26th Street for incorporation into their adjoining property in order to mitigate existing gravel driveway and garage encroachments, 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 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 July 11, 2016, by Roll Call No. 16-1116, 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/west segment of alley between Rollins Avenue and Center Street, adjoining the south property line of 810 26th Street, 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 segment of alley between

Date July 25, 2016

Rollins Avenue and Center Street, adjoining the south property line of 810 26th Street, legally described as follows, and said vacation is hereby approved:

ALL OF THE EAST/WEST ALLEY LYING SOUTH OF AND ADJOINING THE EAST 79.4 FEET OF LOT 16, SAUCERMAN'S WOODLAWN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 794 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: Rally Cap Properties, LLC

Consideration: \$100.00

Legal Description:

ALL OF THE VACATED EAST/WEST ALLEY LYING SOUTH OF AND ADJOINING THE EAST 79.4 FEET OF LOT 16, SAUCERMAN'S WOODLAWN PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 794 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

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(Council Communication No. 16-410)

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

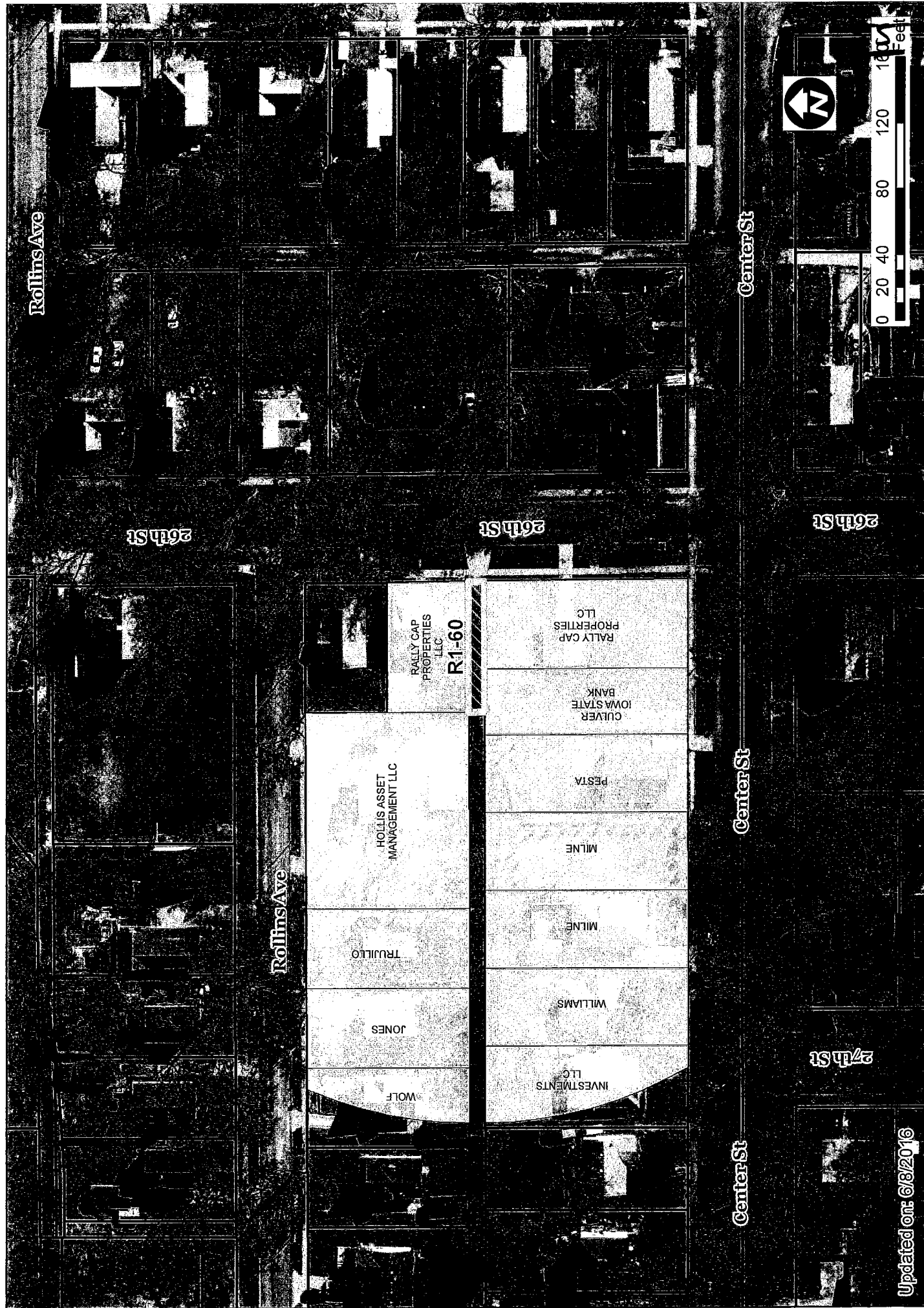
Mayor

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



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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 Rally Cap Properties, LLC (owner), 810 26th Street, represented by Ryan Francois (officer) 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.

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 segment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated. (11-2016-1.12)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested 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 applicant wishes to acquire the alley segment adjoining the rear (south) property line and combine it with the property addressed 810 26th Street. The proposed vacation will allow the applicant to mitigate existing gravel driveway and garage encroachments into the alley right-of-way.
2. **Size of Site:** 50 feet by 10 feet (500 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District, "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Gravel driveway and garage encroachments within alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60", Use is single-family residential.
 - South** – "R1-60", Use is alley right-of-way and single-family residential.
 - East** – "R1-60", Use is 26th Street right-of-way and single-family residential.
 - West** – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located west of 26th Street between Rollins Ave and Center Street. The area consists of single-family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Woodland Heights 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 primary titleholder on file with the Polk County Assessor for each property adjoining or directly across the subject segment of alley 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 Woodland Heights Neighborhood Association notices were mailed to Laura Tofteland, 2723 High Street, Des Moines, IA 50312.

8. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as Low Density Residential in the PlanDSM future land use map. The plan defines this category as "areas developed with primarily single-family and two-family units with up to 6 dwelling units per net acre."
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 subject alley segment does not serve as access way for the adjoining properties. The requested vacation would not impact the existing street system, or the vehicular or pedestrian flow in the area.

SUMMARY OF DISCUSSION

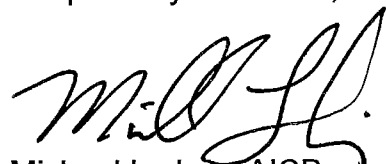
Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation for approval for vacation of the requested 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,



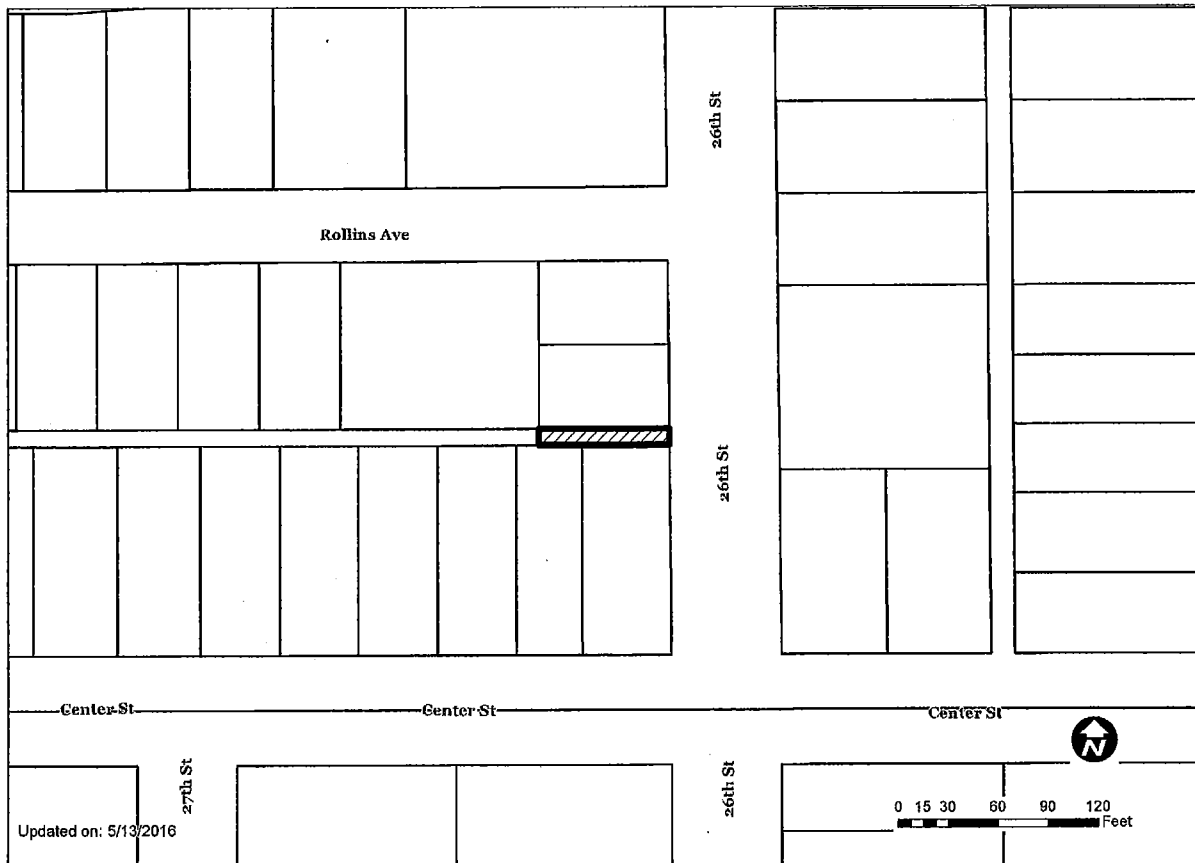
Michael Ludwig, AICP
Planning Administrator

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.				
Plan/DSM 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



1 inch = 68 feet