

Date August 22, 2016

SET HEARING FOR VACATION AND CONVEYANCE OF AN IRREGULAR SEGMENT OF 15TH STREET RIGHT-OF-WAY LOCATED EAST OF AND ADJOINING 1514 WALNUT STREET TO EXILE BREWING COMPANY, LLC FOR \$2,184

WHEREAS, on July 25, 2016, by Roll Call No. 16-1195, the City Council of the City of Des Moines, Iowa, voted to receive and file a communication from the City Plan and Zoning Commission recommending approval of a request from Robert J. Tursi, Jr., for vacation of an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street (“City Right-of-Way”), hereinafter more fully described, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated; and

WHEREAS, Exile Brewing Company, LLC has offered to the City of Des Moines (“City”) \$2,184.00 for the purchase of City Right-of-Way to allow for acquisition and site expansion of Exile Brewing Company, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and further subject to a no-build easement which will be included in the deed, which price reflects the restricted-use fair market value of said portion of street right-of-way as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need for the City Right-of-Way proposed to be sold, and the City will not be inconvenienced by the vacation and conveyance of said property.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street, legally described as follows:

Part of 15th Street right-of-way being part of Lots 14, 15 and 17 in the Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon’s Addition to Fort Des Moines, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Commencing at the Northeast corner of Lot 1 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon’s Addition to Fort Des Moines; thence South 15°(degrees) 43’(minutes) 09”(seconds) East, 120.14 feet along the East lines of Lots 1, 17 and 16 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon’s Addition to Fort Des Moines; thence South 74°05’29” West, 77.90 feet to the Point of Beginning; thence continuing South 74°05’29” West, 19.00 feet to the present West right-of-way line of said 15th Street; thence northerly 71.72 feet along the arc of a curve in the present West right-of-way line of said 15th Street concave westerly and having a radius of 171.00 feet, a central angle of 24°01’55”, and a

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71.20 feet long chord that bears North 27°35'10" East; thence South 14°14'42" West, 59.73 feet to the point of beginning, containing 312 square feet.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street, as legally described, to the grantees, and for the consideration identified below, subject to the reservation of easements therein and further subject to a no-build easement:

Grantee: Exile Brewing Company, LLC

Consideration: \$2,184.00

Legal Description:

Part of Vacated 15th Street right-of-way being part of Lots 14, 15 and 17 in the Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon's Addition to Fort Des Moines, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Commencing at the Northeast corner of Lot 1 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon's Addition to Fort Des Moines; thence South 15°(degrees) 43'(minutes) 09"(seconds) East, 120.14 feet along the East lines of Lots 1, 17 and 16 in the said Official Plat of Lots 1, 2, 3 and 4 in Block 42 of Jonathan Lyon's Addition to Fort Des Moines; thence South 74°05'29" West, 77.90 feet to the Point of Beginning; thence continuing South 74°05'29" West, 19.00 feet to the present West right-of-way line of said 15th Street; thence northerly 71.72 feet along the arc of a curve in the present West right-of-way line of said 15th Street concave westerly and having a radius of 171.00 feet, a central angle of 24°01'55", and a 71.20 feet long chord that bears North 27°35'10" East; thence South 14°14'42" West, 59.73 feet to the point of beginning, containing 312 square feet.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on September 12, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

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

Date August 22, 2016

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Lisa A. Wieland, Assistant City Attorney

psw

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

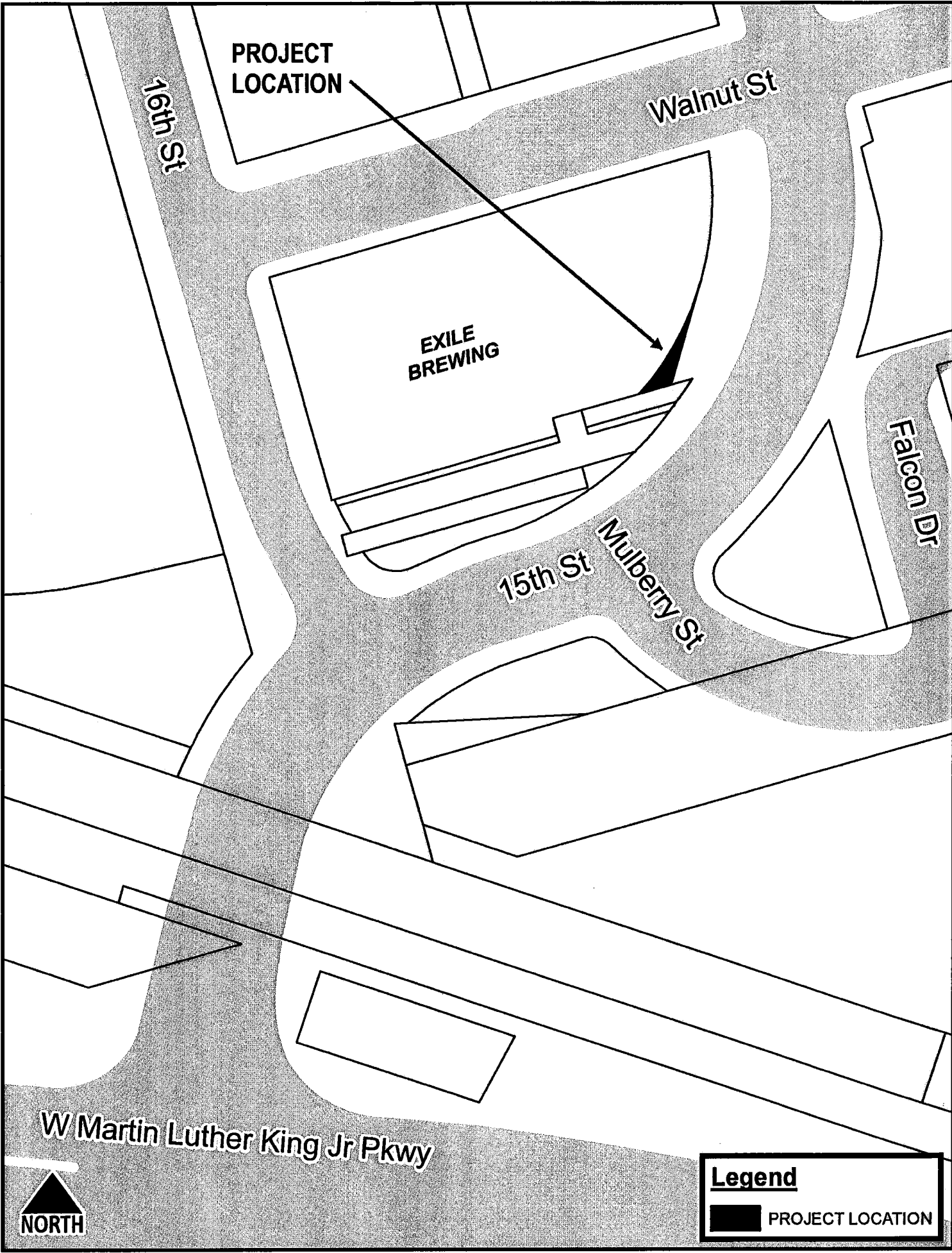
CERTIFICATE

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

MOTION CARRIED APPROVED
 _____ Mayor



PROJECT
LOCATION

Walnut St

16th St

EXILE
BREWING

Falcon Dr

15th St
Mulberry St

W Martin Luther King Jr Pkwy



Legend
PROJECT LOCATION



July 12, 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 July 7, 2016, the following action was taken regarding a request from Robert J. Tursi, Jr. (owner), 1514 Walnut Street, for vacation of an irregular segment of 15th Street Right-Of-Way (ROW) east of and adjoining the subject property, to allow conveyance for site expansion of Exile Brewing Company.

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 | | | |
| Carolyn Jenison | X | | | |
| Greg Jones | X | | | |
| William Page | X | | | |
| Mike Simonson | X | | | |
| CJ Stephens | | | | X |
| Steve Wallace | X | | | |
| Greg Wattier | | | | X |

APPROVAL of the vacation request subject to the following conditions. (11-2016-1.14)

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

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the vacation request subject to the following conditions:

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

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow Exile Brewing Company to assemble land required to expand the existing business on the property.
2. **Size of Site:** 312 square feet.
3. **Existing Zoning (site):** "C-3A" Central Business Support District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Open space in parking.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-3A"; Use is retail (Exile Brewing Company).
 - South* – "C-3A", Use is 15th Street ROW.
 - East* – "C-3A"; Use is 15th Street ROW.
 - West* – "C-3A"; Use is retail (Exile Brewing Company).
6. **General Neighborhood/Area Land Uses:** The site is located in the southwestern portion of the Downtown Central Business District along the West Martin Luther King Jr. Parkway loop.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on June 20, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on June 27, 2016 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjoining or across public streets from the subject ROW. A Final Agenda was mailed to all recognized neighborhood associations on July 1, 2016.

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 Downtown Des Moines Neighborhood Association notices were mailed to Jon Thompson, 1719 Grand Avenue, #330, Des Moines, IA 50309.
8. **Relevant Zoning History:** N/A.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is located within an area designated on the proposed PlanDSM future land use map as Downtown Mixed Use. The plan defines this category as "mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections."

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission 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. **Traffic/Street System:** The requested vacation would not impact the existing street network or traffic movement in the area.
- 2. **Utilities:** Fiber optic conduits are located at the east edge of the subject right-of-way along 15th Street. Easements must be reserved for any existing utilities until such time that they may be abandoned or are relocated.
- 3. **Future Use:** The proposed vacation would allow Exile Brewing Company to assemble land required to expand its existing business. The applicant has indicated that the vacated right-of-way would be contain portions of a future building.

SUMMARY OF DISCUSSION

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

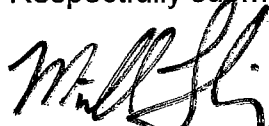
COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation for approval of the vacation request subject to the following condition:

- 1. 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

| | | | | |
|--|--|--------------|---------------------------------------|--------------|
| Robert J. Tursi, Jr. (owner) for property located at 1514 Walnut Street. | | File # | | |
| | | 11-2016-1.14 | | |
| Description of Action | Approval of request for vacation of an irregular segment of 15th Street Right-Of-Way (ROW) east of and adjoining the subject property, to allow conveyance for site expansion of Exile Brewing Company, subject to conditions. | | | |
| PlanDSM Future Land Use | Current: Downtown Mixed Use. Proposed: N/A. | | | |
| Mobilizing Tomorrow Transportation Plan | No planned improvements. | | | |
| Current Zoning District | "C-3A" Central Business District Support Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown 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 |

Tursi, Jr., 1514 Walnut Street

11-2016-1.14



1 inch = 61 feet