

Date April 3, 2017

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**HOLD HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED NORTH OF LAUREL STREET AND SOUTH OF ASCENSION STREET BETWEEN 6<sup>TH</sup> AVENUE AND 7<sup>TH</sup> STREET TO CATHOLIC HEALTH INITIATIVES – IOWA CORP., DBA MERCY MEDICAL CENTER – DES MOINES FOR \$40,700.00**

**WHEREAS**, on March 20, 2017, by Roll Call No. 17-0474, 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 from Catholic Health Initiatives – Iowa, Corp., DBA Mercy Medical Center – Des Moines, for the vacation of the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street (hereinafter “Property”), 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 at Buyer’s sole expense following written approval of the City or applicable utility.
2. To the extent possible, the brick pavers within the vacated alley right-of-way shall be salvaged for reuse in accordance with a salvage plan approved by the Planning Administrator of the City of Des Moines; and

**WHEREAS**, Catholic Health Initiatives – Iowa, Corp. DBA Mercy Medical Center – Des Moines, the owner of the vacant parcels located east of and adjoining the Property, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$40,760.00 for the purchase of the Property for incorporation into its adjoining commercial property for redevelopment as an improved and paved surface parking lot, subject to the conditions set forth above, which price reflects the fair market value of said portion of alley 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 alley right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of the Property.

**WHEREAS**, on March 20, 2017, by Roll Call No. 17-0473, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set for hearing on April 3, 2017, 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.



Date April 3, 2017

**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 north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6<sup>th</sup> Avenue and 7<sup>th</sup> 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 north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street, legally described as follows, and said vacation is hereby approved:

ALL THAT PART OF THE NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 1 THROUGH 4 IN BLOCK 4, WALNUT HILL ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL THAT PART OF LOT 74 LYING WEST OF AND ADJOINING LOTS 19 AND 20, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL QUARTER (1/4) OF THE NORTHWEST FRACTIONAL QUARTER (1/4) OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND CONTAINING APPROXIMATELY 5,435 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 conditions of the City Plan and Zoning Commission, and said conveyance is hereby approved:

Grantee: Catholic Health Initiatives – Iowa, Corp., DBA Mercy Medical Center – Des Moines

Consideration: \$40,760.00

Legal Description:

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 1 THROUGH 4 IN BLOCK 4, WALNUT HILL ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL THAT PART OF VACATED LOT 74 LYING WEST OF AND ADJOINING LOTS 19 AND 20, ALL IN THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL QUARTER (1/4) OF THE NORTHWEST FRACTIONAL QUARTER (1/4) OF SECTION 4, TOWNSHIP 78 NORTH,

**Date** April 3, 2017

RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., ALL NOW INCLUDED IN AND FORMING A PART OF  
THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND CONTAINING APPROXIMATELY 5,435 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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Date April 3, 2017

(Council Communication No. 17-331)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

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

March 9, 2017

Date April 3, 2017

Agenda Item 41

Roll Call # \_\_\_\_\_

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 March 2, 2017, the following action was taken regarding a request from Catholic Health Initiatives of Iowa Corporation d/b/a Mercy Medical Center of Des Moines (owner) adjoining property in the vicinity of 1116 6th Avenue, represented by Ronald Muecke (officer) for vacation of the north/south alley between 6th Avenue and 7th Street running from Ascension Street to Laurel Street. Additional adjoining property is owned by Flat Top Holding Corporation.

# **COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0-2 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri				X
Jacqueline Easley			X	
Jann Freed	X			
John "Jack" Hilmes			X	
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones				X
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X

**APPROVAL** of the requested vacation subject to the following conditions: (11-2017-1.02)

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

2. The brick pavers within the right-of-way shall be salvaged for reuse to the extent possible in accordance with a salvage plan approved by the Planning Administrator.

## **RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation 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.
2. The brick pavers within the right-of-way shall be salvaged for reuse to the extent possible in accordance with a salvage plan approved by the Planning Administrator.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to acquire the alley segment adjoining the west property lines and combine it with the adjoining property they own. The proposed vacation will allow the applicant to improve and pave the site for a new surface parking lot.
2. **Size of Site:** 16 feet by 350 feet (4,795 square feet or 0.11 acres).
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Brick alley that is partially covered by gravel from the adjoining parking lot.
5. **Adjacent Land Use and Zoning:**  
  
**North** – "C-2"; Uses are Ascension Street and Accounts Payable Mercy Medical Center –Des Moines office.  
  
**South** – "C-2"; Uses are Laurel Street right-of-way and the hotel parking.  
  
**East** – "PUD"; Uses are 6<sup>th</sup> Avenue and Mercy Medical Center.  
  
**West** – "R-4"; Use is the Des Moines Area Community College Urban Campus.
6. **General Neighborhood/Area Land Uses:** The subject property is located west of 6<sup>th</sup> Avenue between Ascension Street and Laurel Street. The area consists of a mix of commercial and institutional uses, including Mercy Medical Center and the Des Moines Area Community College.

**7. Applicable Recognized Neighborhood(s):** The subject property is located in the Cheatom Park Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on February 10, 2017 and by mailing of the Final Agenda on February 24, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on February 20, 2017 (10 days prior to the original public hearing) to the neighborhood association and 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 Cheatom Park Neighborhood Association notices were mailed to Susan Wells, 1157 14<sup>th</sup> Place, Des Moines, IA 50314.

**8. Relevant Zoning History:** None.

**9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as Neighborhood Mixed Use in the PlanDSM future land use map. The plan defines this category as "small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors."

**10. 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, or electrical facilities existing within the subject right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.
- 2. Street System/Access:** The subject alley does not serve as an 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.
- 3. Brick Salvage Policy:** On October 7, 2002, the City Council adopted the Brick Salvage Policy by Roll Call No. 02-2471. The goal of the policy promotes salvage of brick from city owned sidewalks, alleys, and streets for reuse in Des Moines' neighborhoods.

The subject alley is paved with brick. Much of the alley has suffered damage. However, Staff believes there is an opportunity for some of the brick to be salvaged for reuse. Staff recommends approval of the vacation be subject to the applicant working with staff to explore the potential for salvage.

## **SUMMARY OF DISCUSSION**

Jacqueline Easley 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 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.
2. The brick pavers within the right-of-way shall be salvaged for reuse to the extent possible in accordance with a salvage plan approved by the Planning Administrator.

Motion passed 10-0-2 (Jacqueline Easley and John "Jack" Hilmes recused themselves).

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

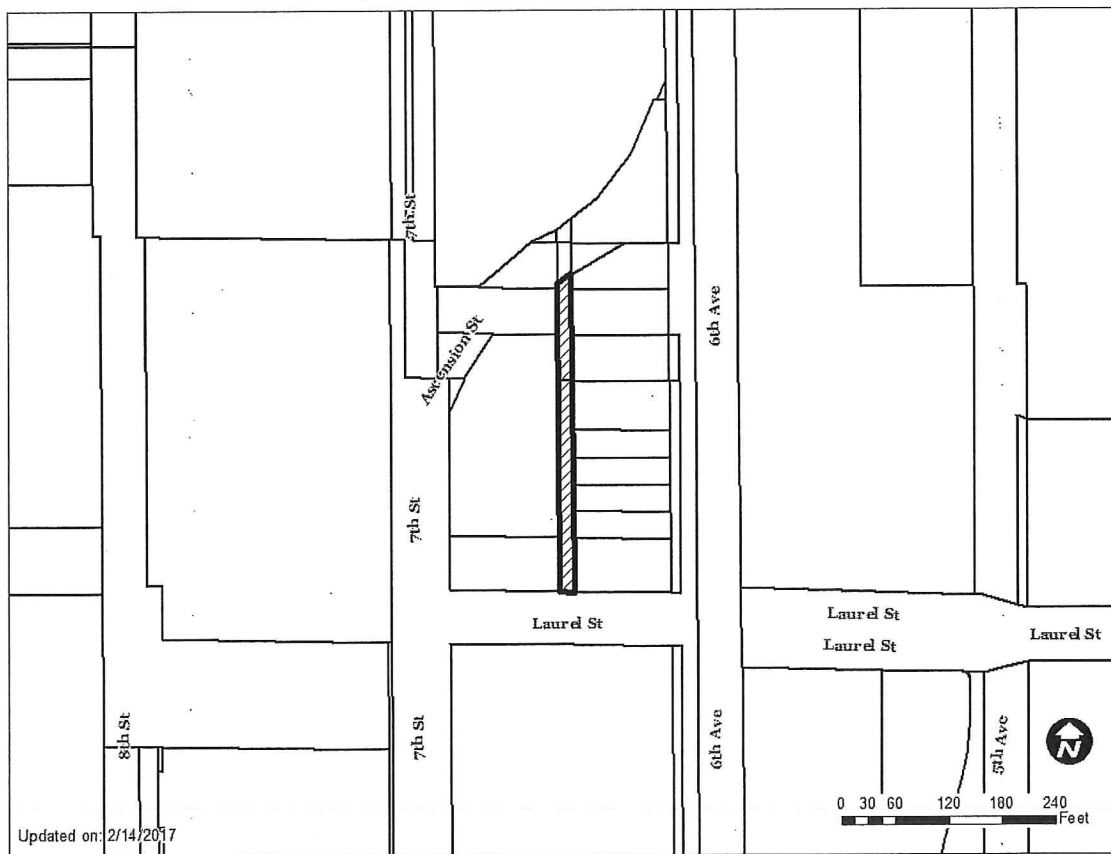
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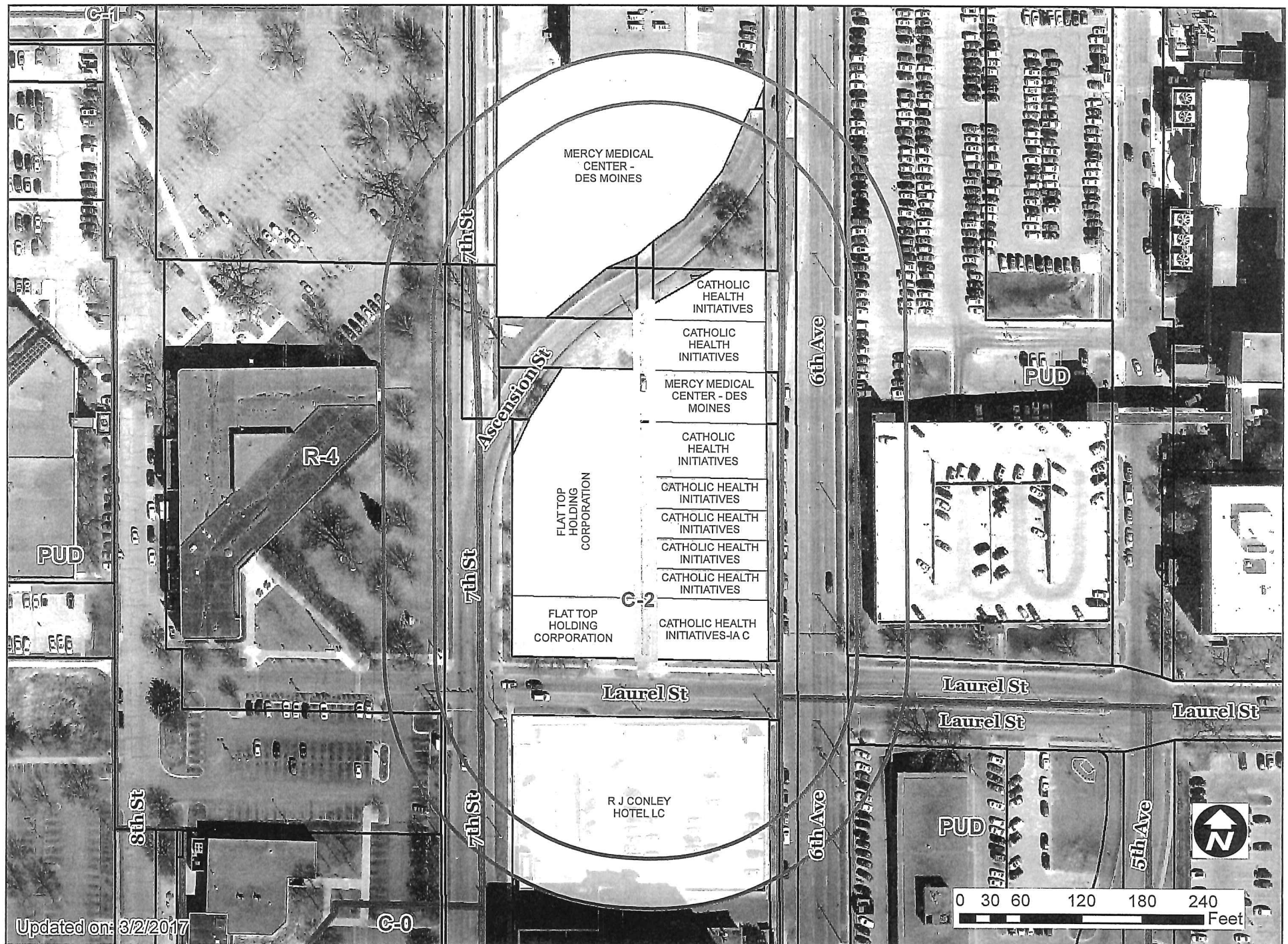
Catholic Health Initiatives of Iowa Corporation d/b/a Mercy Medical Center of Des Moines (owner) represented by Ronald Muecke (officer), for adjoining property in the vicinity of 1116 6th Avenue. Additional adjoining property is owned by Flat Top Holding Corporation.				File # 11-2017-1.02	
Description of Action	Approval of the request for vacation of the north/south alley between 6th Avenue and 7th Street running from Ascension Street to Laurel Street, subject to conditions.				
PlanDSM Future Land Use	Current: Proposed:				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial 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	
Subject Property					
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Catholic Health Initiatives of IA, 1116 6th Avenue

11-2017-1.02



1 inch = 127 feet



11-2017-1.02

Item

Date

3-1-2017

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

Print Name

Gene Calhoun - President

Signature

Gene Calhoun

MAR 06 2017

Address

HOLIDAY INN DOWNTOWN

1050 6TH AVE.

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

HOLIDAY INN DOWNTOWN IS IN FAVOR  
OF MERCY MEDICAL CENTER'S REQUEST!