

Date July 10, 2017

**SET HEARING FOR VACATION AND CONVEYANCE OF A DEAD-END SEGMENT OF SOUTHWEST 19<sup>TH</sup> STREET ADJOINING 1821 FRAZIER AVENUE TO LARRY J. BUTLER AND MARY E. BUTLER FOR \$300.00**

**WHEREAS**, on June 12, 2017, by Roll Call No. 17-0969, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission whose members voted 11-0 to recommend approval of a request from Larry Butler for vacation of a dead-end segment of Southwest 19<sup>th</sup> Street adjoining 1821 Frazier Avenue, subject to reservation of easements for all utilities in place until such time that they are abandoned or are relocated; and

**WHEREAS**, Larry J. Butler and Mary E. Butler, owner of adjoining property located at 1821 Frazier Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$300.00 for the purchase of the dead-end segment of Southwest 19<sup>th</sup> Street adjoining 1821 Frazier Avenue for incorporation into his adjoining residential property, subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated and further subject to a no-build easement, which price reflects the restricted-use fair market value of the 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 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.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a dead-end segment of Southwest 19<sup>th</sup> Street adjoining 1821 Frazier Avenue, legally described as follows:

ALL OF THE SOUTHWEST 19<sup>TH</sup> STREET RIGHT-OF-WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 99 AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 99, ALL IN WAKONDA MANOR PLAT No.5, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5915 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the dead-end segment of Southwest 19<sup>th</sup> Street adjoining 1821 Frazier Avenue, as legally described, to the grantee, and for the consideration identified below, subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated and further subject to a no-build easement:

Date July 10, 2017

Grantee: Larry J. Butler & Mary E. Butler  
 Consideration: \$300.00  
 Legal Description:

ALL OF THE VACATED SOUTHWEST 19<sup>TH</sup> STREET RIGHT-OF-WAY LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 99 AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 99, ALL IN WAKONDA MANOR PLAT No.5, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 5915 SQUARE FEET.

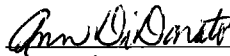
3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such street right-of-way is to be considered shall be on July 24, 2017, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa.

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 §362.3 of the Iowa Code.

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

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

APPROVED AS TO FORM:

  
 Ann DiDonato  
 Assistant City Attorney

*rau*

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

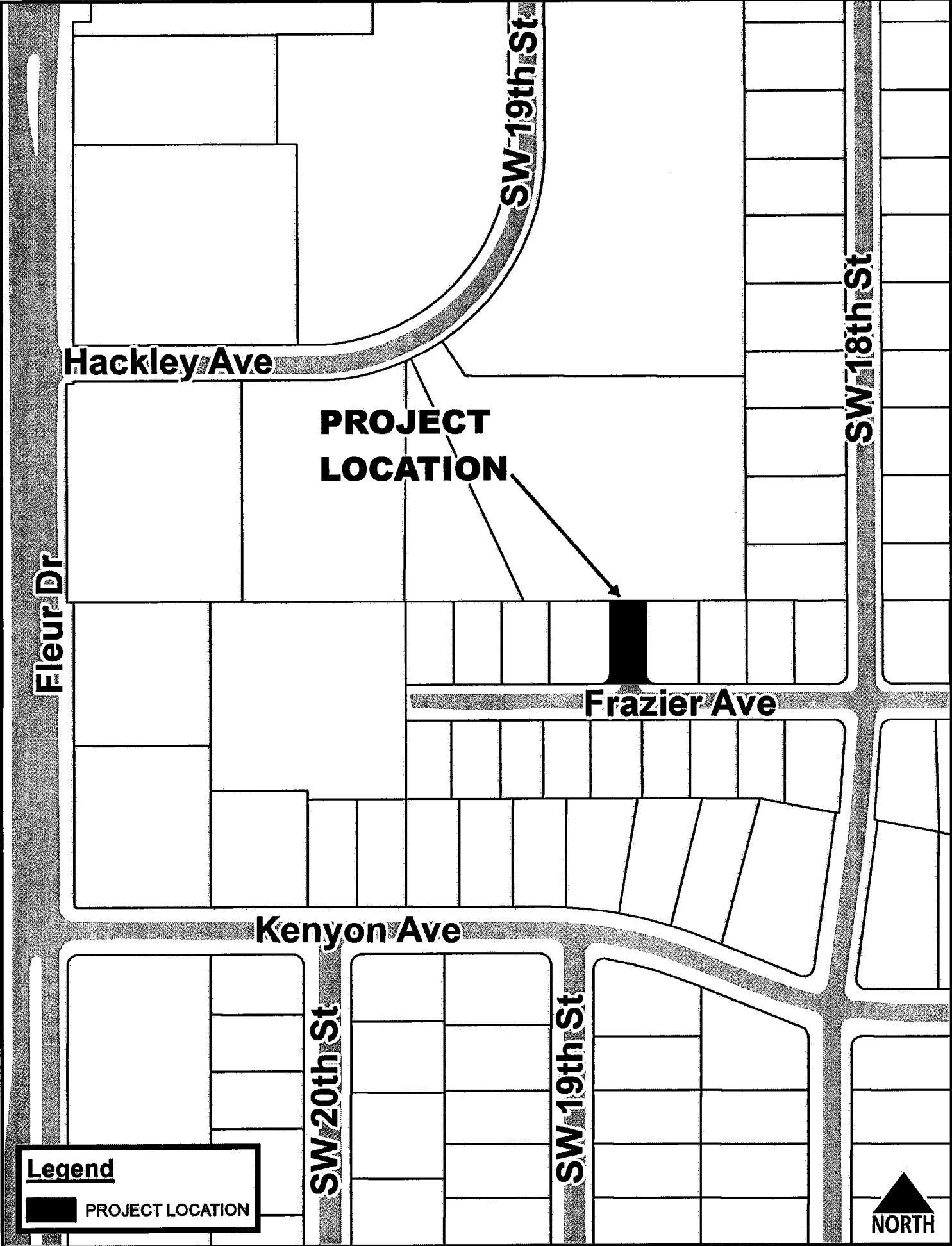
MOTION CARRIED APPROVED  
 \_\_\_\_\_ Mayor

**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



**PROJECT  
LOCATION**

**Frazier Ave**

**Kenyon Ave**

**SW 19th St**

**SW 18th St**

**Fleur Dr**

**SW 20th St**

**SW 19th St**

**Legend**  
[Black Rectangle] PROJECT LOCATION





Date July 10, 2017

Agenda Item 17

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

June 5, 2017

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 1, 2017, the following action was taken regarding a request from Larry Butler (owner) 1821 Frazier Avenue for vacation of a dead-end segment of Southwest 19th Street adjoining the subject property from Frazier Avenue to a point 116.3 feet to the north.

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

(11-2017-1.06)

**RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation 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 would allow the property owner unfettered private access to their garage which fronts Southwest 19<sup>th</sup> Street. Currently, as public right-of-way, this segment is utilized for storage and parking by others and frequently blocks the applicant's access to his garage.
2. **Size of Site:** 5,906 square feet (0.14 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Abandoned right-of-way for Southwest 19<sup>th</sup> Street at the intersection with Frazier Avenue.
5. **Adjacent Land Use and Zoning:**
  - North* – "C-4". Use is mini-warehouse storage.
  - South* - "R1-60": Use is single family residential properties.
  - East* – "R1-60": Use is single family residential properties.
  - West* - "R1-60": Use is single family residential properties.
6. **General Neighborhood/Area Land Uses:** The subject site is located approximately 330 feet west on Frazier Avenue from the intersection of Frazier Avenue and Southwest 18<sup>th</sup> Street. The surrounding area is predominantly one-family residential uses and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Watrous South Neighborhood area. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on May 12, 2017 and by mailing of the Final Agenda on May 26, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on May 22, 2017 (10 days prior to the public hearing) to the neighborhood associations and 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 associations to the City of Des Moines Neighborhood Development Division. The Watrous South Neighborhood Association notices were mailed to Mitch Harris, 1508 McKinley Avenue, Des Moines, IA 50315.
8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject right-of-way is designated Low Density Residential on the PlanDSM future land use map. The plan defines this category as "primarily single family and two family residential units with up to 6 dwelling units per net acre."

**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:** A utility easement for water facilities is within the 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 right-of-way serves as an access way for the applicant; it does not serve as an access way for the adjacent neighbors. The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area.

## **SUMMARY OF DISCUSSION**

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

## **COMMISSION ACTION:**

Greg Jones moved staff recommendation for approval of the requested vacation 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,



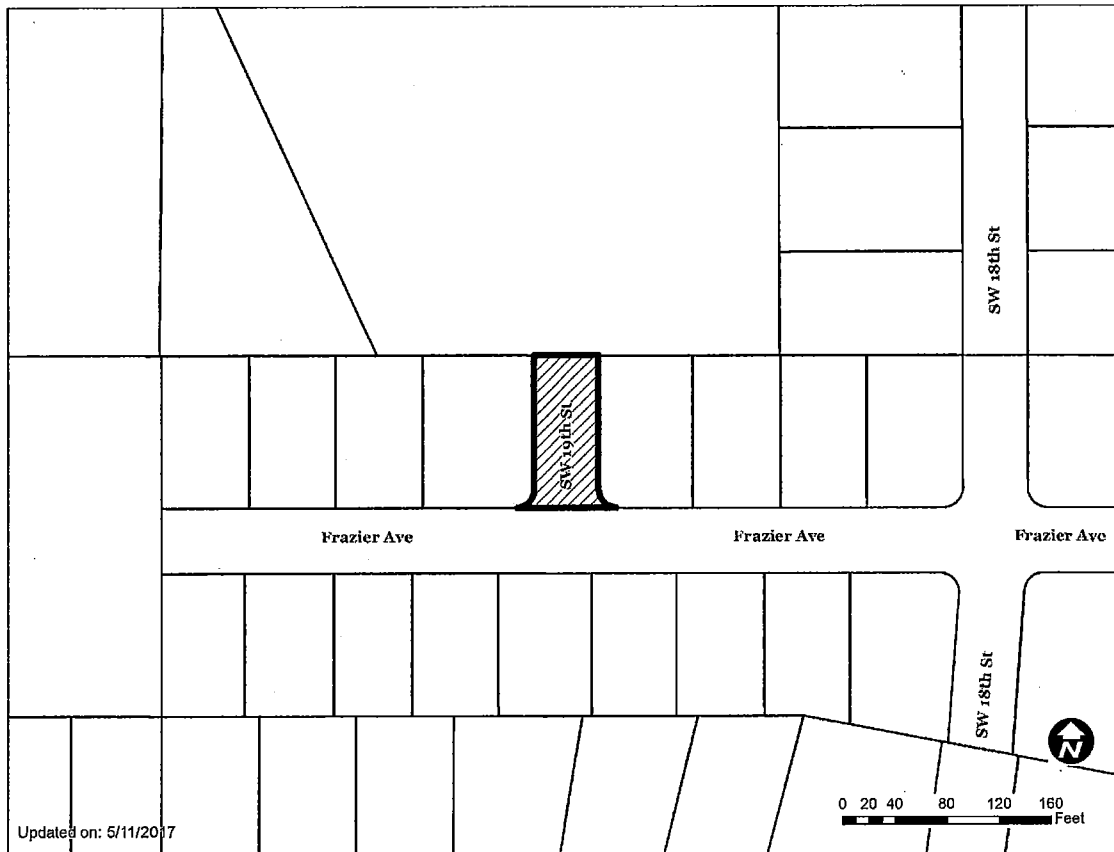
Michael Ludwig, AICP  
Planning Administrator

MGL:clw  
Attachment

Larry Butler (owner) 1821 Frazier Avenue.		File #		
		11-2017-1.06		
<b>Description of Action</b>	Approval of vacation of a dead-end segment of Southwest 19th Street adjoining the subject property from Frazier Avenue to a point 116.3 feet to the north, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
<b>PlanDSM Future Land Use</b>	Current: Low-Density Residential. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District, and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>	N/A.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
<b>Subject Property</b>				
<b>Outside Area (200 feet)</b>				
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Larry Butler, 1821 Frazier Avenue

11-2017-1.06



Updated on: 5/11/2017

1 inch = 87 feet

