

Date May 7, 2018

HOLD HEARING FOR VACATION AND CONVEYANCE OF EXCESS STREET RIGHT OF WAY LOCATED AT THE NORTHWEST CORNER OF 16TH STREET AND DAY STREET TO MADDEN CONSTRUCTION, INC. FOR \$4,000.00

WHEREAS, on April 5, 2018, the City Plan and Zoning Commission voted to recommend approval of a request from R. M. Madden Construction, Inc. (owner) for vacation of excess street right-of-way located at the northwest corner of 16th Street and Day Street (“Property”) to allow for re-development with a single family dwelling; and

WHEREAS, R. M. Madden Construction, Inc. has offered to the City of Des Moines, Iowa, the purchase price of \$4,000.00 for the purchase of said Property in order to construct a new, affordable single-family home on the Property, which price reflects the fair market value of said Property as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need for the excess 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; and

WHEREAS, on April 23, 2018, by Roll Call No. 18-0681, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the excess street right-of-way be set for hearing on May 7, 2018, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey a portion of the excess street right-of-way located at the northwest corner of 16th Street and Day Street was given to all necessary parties 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 a portion of excess street right-of-way located at the northwest corner of 16th Street and Day Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the excess street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said excess street right-of-way, legally described as follows, and said vacation is hereby approved:



Date May 7, 2018

ALL OF LOT 28, AND THE SOUTH 10 FEET OF LOT 27, CURL AND SMOUSE'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6250 SQUARE FEET.

3. The proposed sale of such vacated excess street right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, is hereby approved:

Grantee: R. M. Madden Construction, Inc.

Consideration: \$4,000.00

Legal Description:

ALL OF LOT 28, AND THE SOUTH 10 FEET OF LOT 27, CURL AND SMOUSE'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6250 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 grantees.

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

 **Roll Call Number**

Agenda Item Number

44

Page 3

Date May 7, 2018

(Council Communication No. 18- 226)

Moved by _____ to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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.

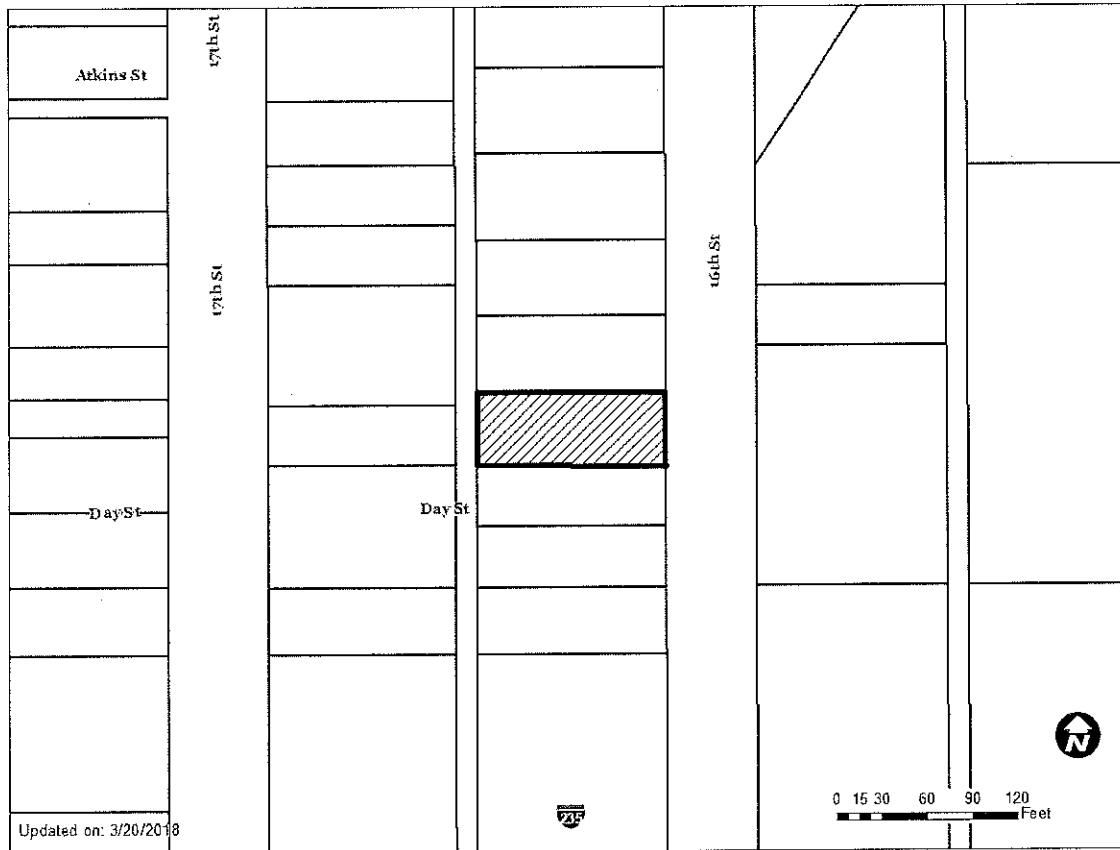
City Clerk

44

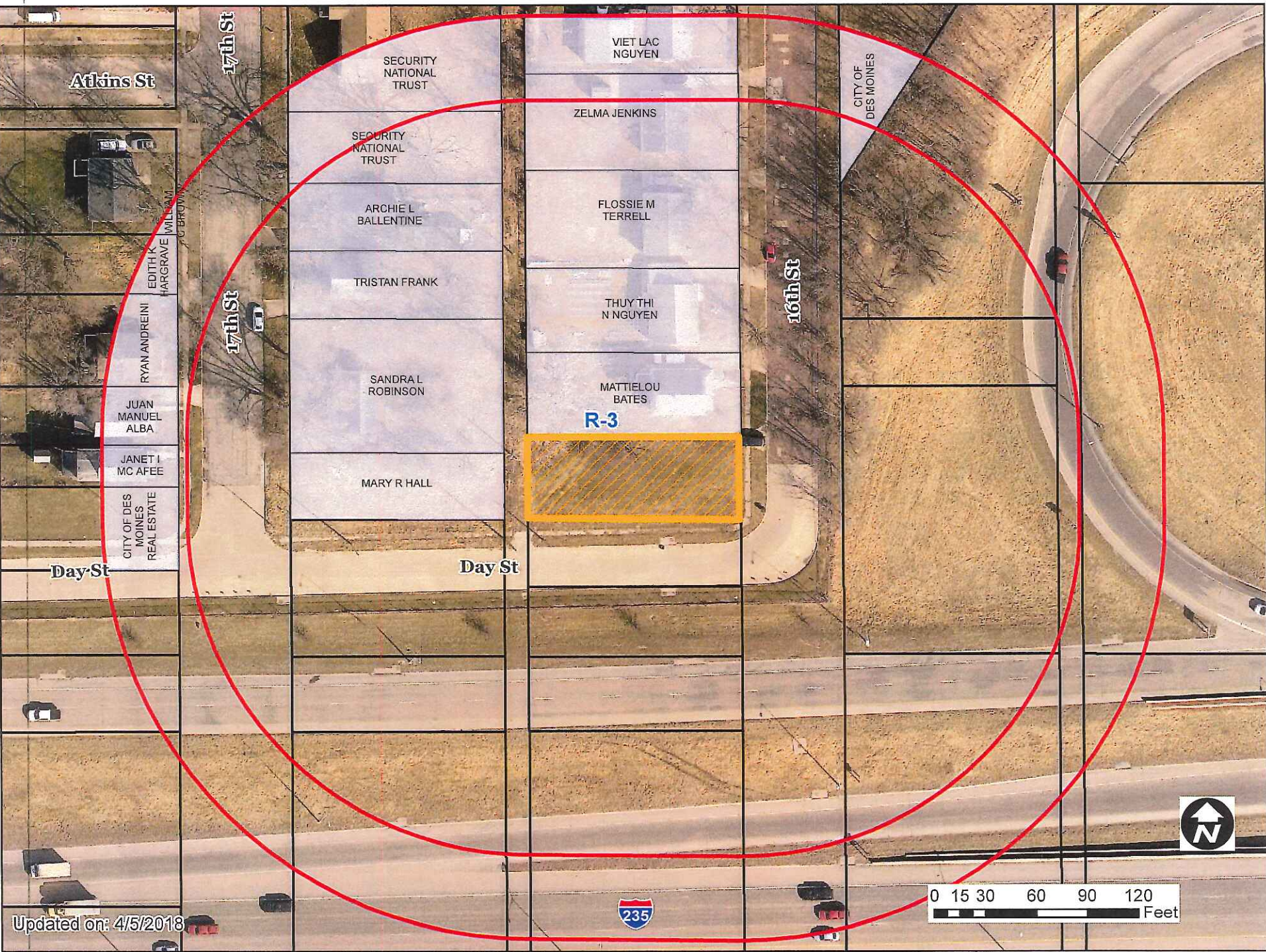
RM Madden Construction, Inc. (purchaser) represented by Rick Madden (officer) for located at 1050 16th Street.		File #		
		11-2018-1.05		
Description of Action	Vacation of a parcel acquired for purposes of Right-Of-Way, to allow redevelopment with a single-family dwelling.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

RM Madden Construction, Inc., 1050 16th Street

11-2018-1.05



1 inch = 75 feet



Updated on: 4/5/2018

hh

April 18, 2018

Date _____
 Agenda Item 44
 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 April 5, 2018 meeting, the following action was taken regarding a request from RM Madden Construction, Inc. (purchaser) represented by Rick Madden (officer) for vacation of a parcel acquired for purposes of Right-Of-Way located at 1050 16th Street, to allow redevelopment with a single-family dwelling.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				X
Chris Cutler	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 recording of covenants that require the following design standards for any dwelling constructed upon the property.

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Construction of any dwelling shall be in general compliance with building design and elevations as reviewed and approved by the Planning Administrator.

3. Provision of a full basement.
4. Provision of one of the following in the rear yard of each lot:
 - a. A detached garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space, where a paved driveway shall be provided for vehicular access to the garage; or
 - b. A storage shed measuring at least 10 feet by 10 feet (100 square feet) that is constructed with a foundation and with siding and shingles that match the single-family dwelling, where a paved driveway shall be provided to the required paved parking space located outside of the front yard setback.
5. Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board or other composite materials generally equal in quality to cement fiber board as approved by the Planning Administrator.
6. Any dwelling shall be constructed with either a covered front porch that is no less than 60 square feet in size or at least 1/3 of the front façade shall be clad with stone or brick masonry.
7. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4-inches wide.
8. The roof on any house constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.
10. Any design standards listed as conditions on the requested vacation are minimum design standards and do not supersede any higher standards required by any applicable regulations. (11-2018-1.05)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the recording of covenants that require the following design standards for any dwelling constructed upon the property.

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STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow redevelopment by RM Madden Construction, Inc. for a single-family dwelling.
2. **Size of Site:** The subject property measures 50 feet by 125 feet (6,250 square feet).

3. **Existing Zoning (site):** "R-3" Multiple Family Residential District.
4. **Existing Land Use (site):** Vacant land acquired for the Interstate 235 Right-of-Way project.

5. **Adjacent Land Use and Zoning:**

North – "R-3": Uses are single family dwellings.

South - "R-3": Uses are Day Street and Interstate 235 Right-of-Way.

East – "R-3": Use is Interstate 235 Right-of-Way.

West - "R-3": Uses are single family dwellings.

6. **General Neighborhood/Area Land Uses:** The surrounding neighborhood is primarily developed with single-family and multiple-family dwellings. The Interstate 235 and Keosauqua Way interchange is to the south and east.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Good Park Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on March 19, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on March 26, 2018 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested rezoning and to the Good Park Neighborhood Association. A Final Agenda was mailed to all the recognized neighborhood associations on March 30, 2018.

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 Good Park Neighborhood Association mailings were sent to Stacey Nichols, 1129 19th Street, Des Moines, IA 50314.

8. **Relevant Zoning History:** None.
9. **PlanDSM Land Use Plan Designation:** Low Density Residential.
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. **Utilities:** There are no identified utilities within the subject property. However, an easement must be reserved for any existing utilities until such time that they are abandoned or relocated.
2. **Street System/Access:** The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area. The subject property would be

accessed from Day Street or 16th Street. Undeveloped alley right-of-way remains to the west of the subject property.

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 made a motion for approval of the requested vacation subject to the recording of covenants that require the following design standards for any dwelling constructed upon the property.

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
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9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.
10. Any design standards listed as conditions on the requested vacation are minimum design standards and do not supersede any higher standards required by any applicable regulations.

Motion passed: 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments