

Date July 23, 2018

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 1437 EAST 14TH STREET AND CONVEYANCE TO SPOTFREE CAR WASH, L.L.C. FOR \$1,000.00

WHEREAS, on July 9, 2018, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission to approve a City-initiated request for vacation of a segment of City-owned alley right-of-way located south of and adjoining 1437 East 14th Street ("Property") to allow for assemblage with the adjoining car wash site for vehicle maneuvering subject to the following conditions:

- Reservation of an easement for all existing utilities in place until such time that they are abandoned or are relocated; and
• Reservation of a public ingress/egress easement, as part of any conveyance of the vacated right-of-way, for access to the north/south alley at any point in time that said alley is redeveloped and improved for vehicular use; and

WHEREAS, Spotfree Car Wash, L.L.C., owner of the Spotfree Car Wash on the adjoining property at 1437 East 14th Street, has offered to the City of Des Moines, Iowa, the purchase price of \$1,000.00 for the purchase of said Property in order to allow for assemblage with the adjoining car wash site for vehicle maneuvering entering and exiting the car wash bays, subject to the reservation of an easement for all existing utilities in place until such time that they are abandoned or relocated and further subject to a public ingress/egress easement, which price reflects the restricted-use fair market value of said Property as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold, subject to reservation of easements therein, 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 segment of City-owned alley right-of-way located south of and adjoining 1437 East 14th Street, Des Moines, Iowa legally described as follows:

THE SOUTH 20 FEET OF LOT 235, ASHBROOK, AN OFFICIAL PLAT, AND THE NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE SOUTH 20 FEET OF SAID LOT 235, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3,568 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements for utilities therein and further subject to a public ingress/egress easement:

Date July 23, 2018

Grantee: Spotfree Car Wash, L.L.C.  
 Consideration: \$1,000.00

Legal Description: THE VACATED SOUTH 20 FEET OF LOT 235, ASHBROOK, AN OFFICIAL PLAT, AND THE VACATED NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE VACATED SOUTH 20 FEET OF SAID LOT 235, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3,568 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such excess street right-of-way is to be considered shall be on August 6, 2018, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, 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:



Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

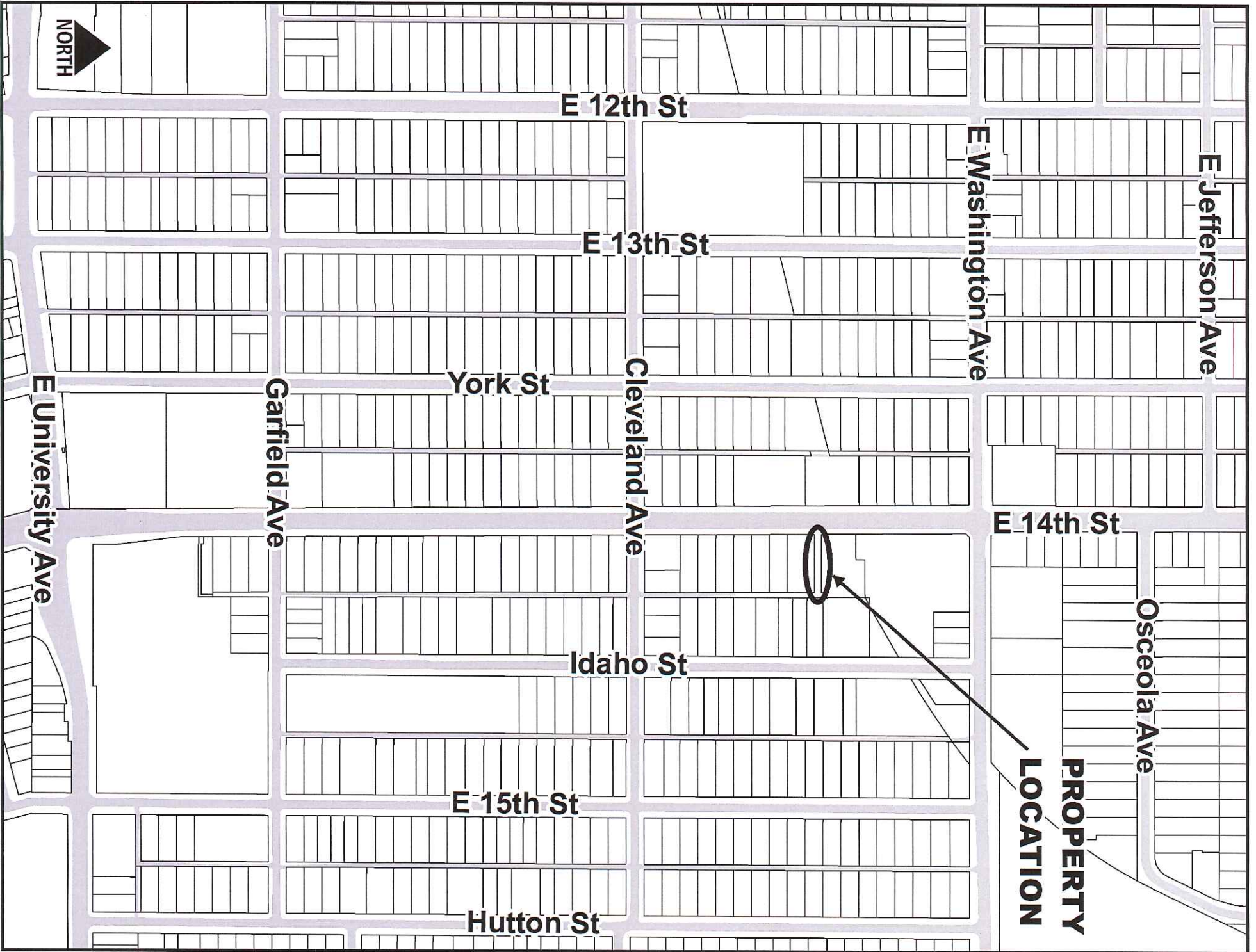
**CERTIFICATE**

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

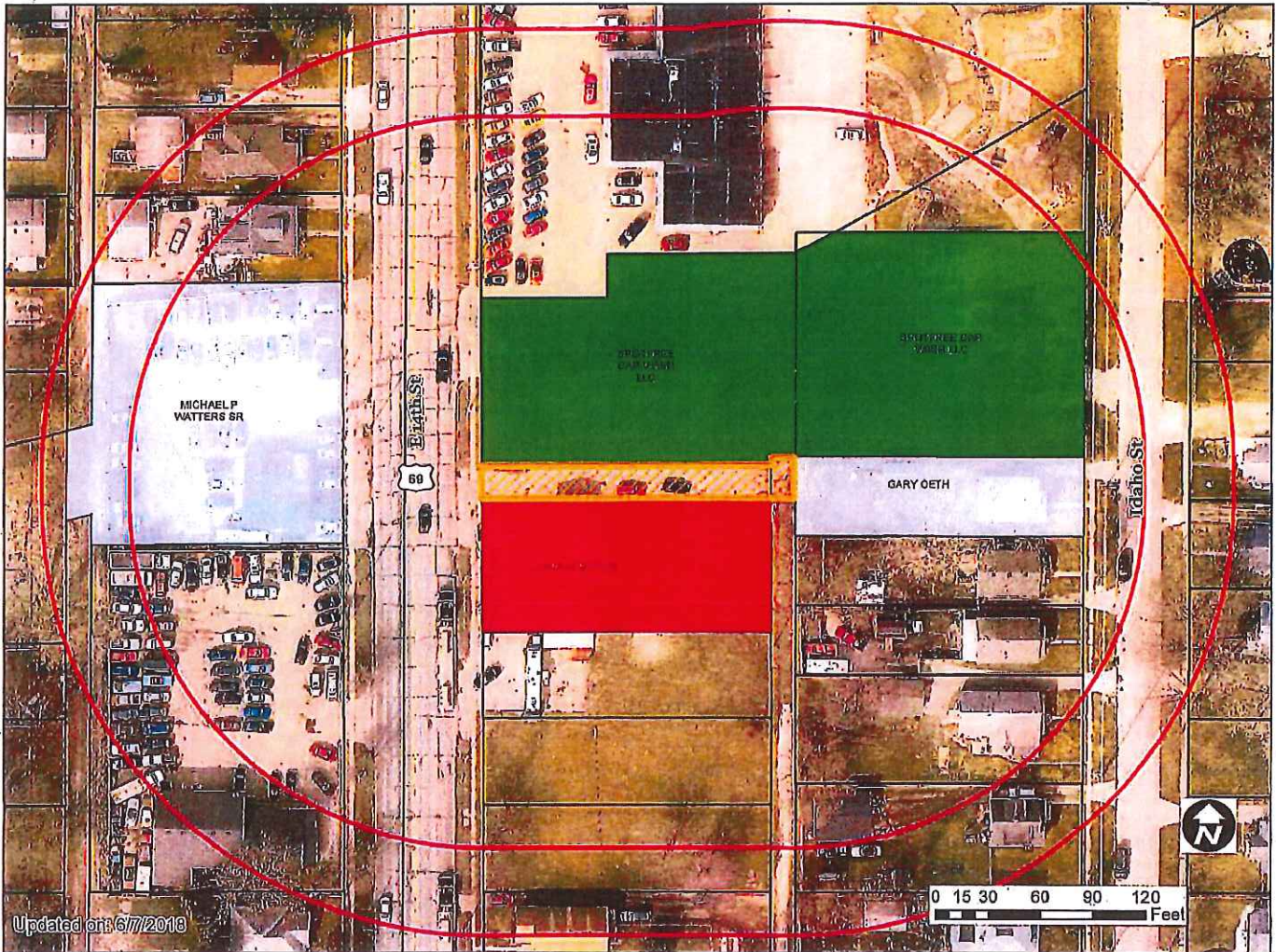






City Council initiated, 1437 East 14th Street

14  
11-2018-1.13



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# SPOTFREE CAR WASH

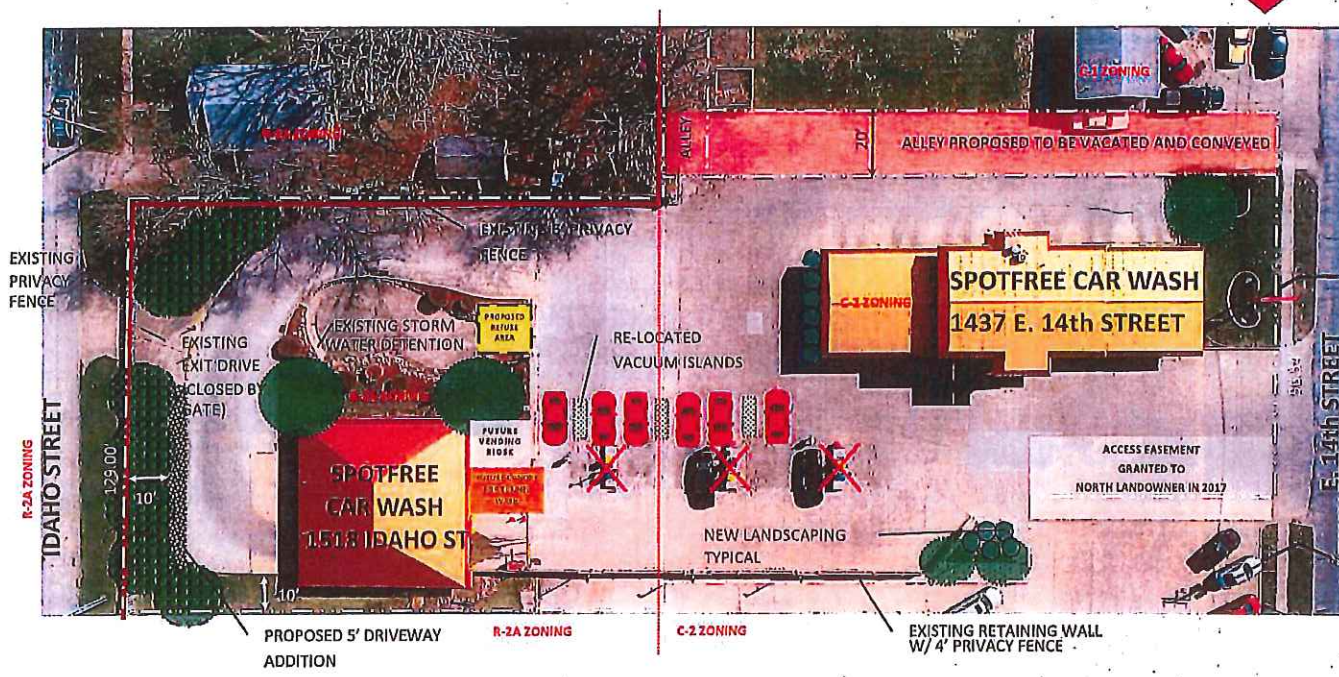
1437 E. 14th St.  
Des Moines, IA 50316

515-255-0110 Fax: 515-981-5178  
Email: sales@spotfreecarwash.com

## PRELIMINARY LAYOUT

Proposal to vacate and convey City of Des Moines alley south of car wash to Spotfree Car Wash

June 21, 2018



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### SPOTFREE CAR WASH

1437 E. 14th St.  
Des Moines, IA 50316  
515-255-0110 Fax: 515-981-5178  
Email: sales@spotfreecarwash.com





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July 3, 2018

Date July 9, 2018  
Agenda Item 14  
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 June 21, 2018 meeting, the following action was taken regarding a City Council initiated request for vacation of a segment of Right-Of-Way adjoining the south of property located at 1437 East 14<sup>th</sup> Street, to allow the property to be assembled with the adjoining car wash site for vehicle maneuvering. The adjoining subject properties are owned by Spotfree Car Wash, LLC, Donald and Gloria Moyer, and Gary Oeth.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 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 vacations subject to the following conditions:

1. Reservation of any necessary easements as part of any conveyance for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.

2. Reservation of a public ingress/egress easement as part of any conveyance for access to the north/south alley at any point in time that it is redeveloped and improved for vehicular use. (11-2018-1.13)

#### Written Responses

- 1 in Favor
- 1 in opposition

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

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

1. Reservation of any necessary easements as part of any conveyance for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Reservation of a public ingress/egress easement as part of any conveyance for access to the north/south alley at any point in time that it is redeveloped and improved for vehicular use.

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

##### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation would allow assembly of the existing Right-of-Way with the adjoining parcels for access and maneuvering.
2. **Size of Site:** 3,640 square feet (0.08 acres).
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District, "C-1" Neighborhood Retail Commercial District, "VDL" Vehicle Display Lot Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Developed Right-of-Way (ROW) dedicated for ingress/egress from the north/south alley to East 14<sup>th</sup> Street.
5. **Adjacent Land Use and Zoning:**  
  
North – "C-3A": Use is a car wash.  
South - "C-3A": Use is vehicle detailing.
6. **General Neighborhood/Area Land Uses:** The property is located on the U.S. Highway 69/East 14<sup>th</sup> Street major traffic corridor, with adjoining residential neighborhood areas.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Martin Luther King, Jr. Park Neighborhood and within 250 feet of the Capitol Park Neighborhood. All neighborhood associations were notified of the original June 7, 2018 meeting by mailing of the Preliminary Agenda on May 18, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on May 25, 2018 (13 days prior to original hearing due to Memorial Day holiday) to the neighborhood associations



and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject alley Right-of-Way. A Final Agenda for the June 21, 2018 meeting was mailed to all the recognized neighborhood associations on June 15, 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 Martin Luther King, Jr. Park Neighborhood Association mailings were sent to Charice Williams, 1434 East 18<sup>th</sup> Street, Des Moines, IA 50316. The Capitol Park Neighborhood Association mailings were sent to Todd McBride, 1363 Pennsylvania Avenue, Des Moines, IA 50316.

**8. Relevant Zoning History:** N/A.

**9. PlanDSM Land Use Plan Designation:** Low-Medium 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:** No utilities are identified within the subject alley segment. Easements should be reserved for any that may be in place.

**2. Street System/Access:** The requested vacation would not impact the existing public street system. The purpose for the ROW dedication was to provide ingress/egress for the north/south alley after a previous vacation of a segment of that alley to the north. The existing conditions indicate that the northern dead end of the north/south alley is currently impassible for vehicular traffic. Public Works Street Superintendent has indicated that the Department's operations do not include maintaining that portion of the alley for public vehicular use.

Traffic Engineering staff have indicated that the commercial property at 1433 East 14<sup>th</sup> Street would have the ability to improve the impassible segment of the north/south alley with any potential redevelopment. At such a time, the ability to ingress/egress would be necessary. Therefore, any conveyance of the requested segment of ROW should be conditioned upon reservation of a public ingress/egress easement to allow access at any point in time as the north/south alley would be improved for use by vehicular traffic.

**3. Additional Information:** The owner of the car wash property at 4137 East 14<sup>th</sup> Street was not able to secure consents of the remaining adjoining property owners to make application for the ROW vacation. Therefore, he petitioned the City Council and on May 7, 2018 by Roll Call No. 18-0795, a request was initiated for the Commission to consider the vacation of the ROW with the intent to convey the entire alley to the owner of the car wash at 4317 East 14<sup>th</sup> Street, Spot Free Car Wash, LLC. At the June 7, 2018 hearing, that owner further requested a continuance of the item to the June 21, 2018 meeting, which was approved by the Commission.

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**SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Chris Pose, 317 6<sup>th</sup> Ave, representing the applicant, noted that use of the alley for vehicle parking is creating access issues for his client who is the owner of the car wash. Vacating the alley and conveying it to his client subject to provision of an access easement would enable his client to grant an access easement but would allow private signage to be installed that prohibits vehicle parking on the area. He stated that creating the access easement will be good for everyone, not just the car wash.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

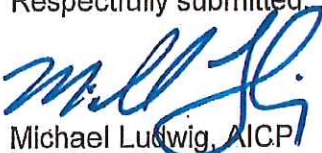
**COMMISSION ACTION:**

Greg Jones made motion for approval of the requested vacation subject to the following conditions:

1. Reservation of any necessary easements as part of any conveyance for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Reservation of a public ingress/egress easement as part of any conveyance for access to the north/south alley at any point in time that it is redeveloped and improved for vehicular use.

Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

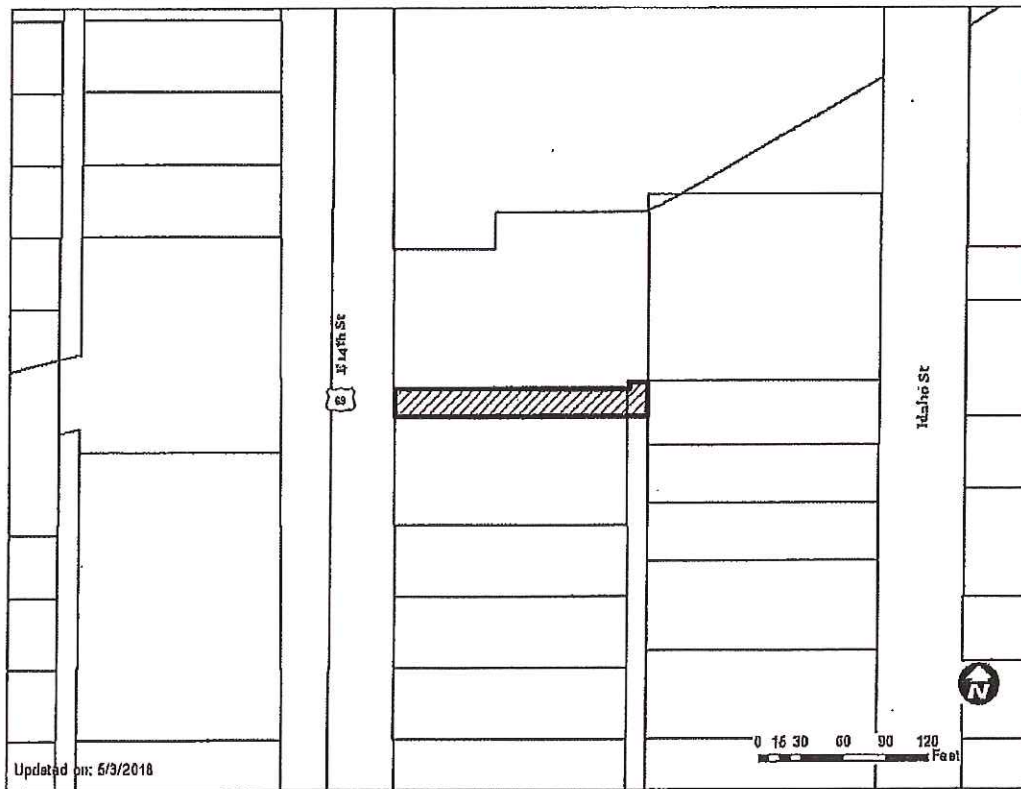
MGL:tjh  
Attachments



City Council initiated request. The adjoining properties are owned by Spotfree Car Wash, LLC, Donald and Gloria Moyer, and Gary Oeth.		File #	
		11-2018-1.13	
Description of Action	Vacation of a segment of Right-Of-Way adjoining the south of property located at 1437 East 14th Street, to allow the property to be assembled with the adjoining car wash site for vehicle maneuvering.		
PlanDSM Future Land Use	Current: Low-Medium Density Residential. Proposed: N/A.		
Mobilizing Tomorrow Transportation Plan	2025-2034 Widen US 69/East 14 <sup>th</sup> Street from 4 lanes to 5 lanes.		
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District, "C-1" Neighborhood Retail Commercial District, "VDL" Vehicle Display Lot Overlay District, and "FSO" Freestanding Signs Overlay District.		
Proposed Zoning District	N/A.		
Consent Card Responses	In Favor	Not In Favor	Undetermined
Subject Property	1	1	
Outside Area (200 feet)			
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council
	Denial		
			Yes
			No
			X

City Council initiated, 1437 East 14th Street

11-2018-1.13



1 Inch = 73 feet

Item 11-2018-1.13 Date 6/4/18 14

(am) (am not) in favor of the request.

(Circle One)  
RECEIVED  
COMMUNITY DEVELOPMENT  
JUN 07 2018  
Print Name: ALLEN HANSEN DBA SPOTWELL  
Signature: Allen Hansen  
Address: 1437 E. 14TH ST.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2018-1.13 Date 6-4-18

(am) (am not) in favor of the request.

(Circle One)  
RECEIVED  
JUN 07 2018  
CITY OF DES MOINES  
COMMUNITY DEVELOPMENT CENTER  
Print Name: DONALD L. MOYER  
Signature: [Signature]  
Address: 1433 E. 14TH ST.

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

\_\_\_\_\_  
SEE ATTACHMENT:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_