



Date August 6, 2018

**HOLD 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 any necessary easements 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, there is no known current or future public need for the street right-of-way proposed to be vacated and sold, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and sale of said Property; and

WHEREAS, on July 23, 2018, by Roll Call No. 18-1245, 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 August 6, 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 segment of City-owned alley right-of-way located south of and adjoining 1437 East 14th 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:



Roll Call Number

Agenda Item Number

50

Page 2

Date August 6, 2018

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of a segment of City-owned alley right-of-way located south of and adjoining 1437 East 14th 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 said alley right-of-way, legally described as follows, and said vacation is hereby approved:

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.

3. The proposed sale of such vacated alley right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein for utilities and further subject to an easement for public ingress/egress, is hereby approved:

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.

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.



Roll Call Number

Agenda Item Number

50

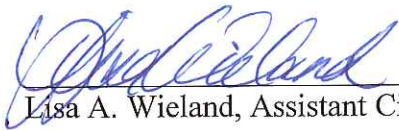
Page 3

Date August 6, 2018

8. 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.

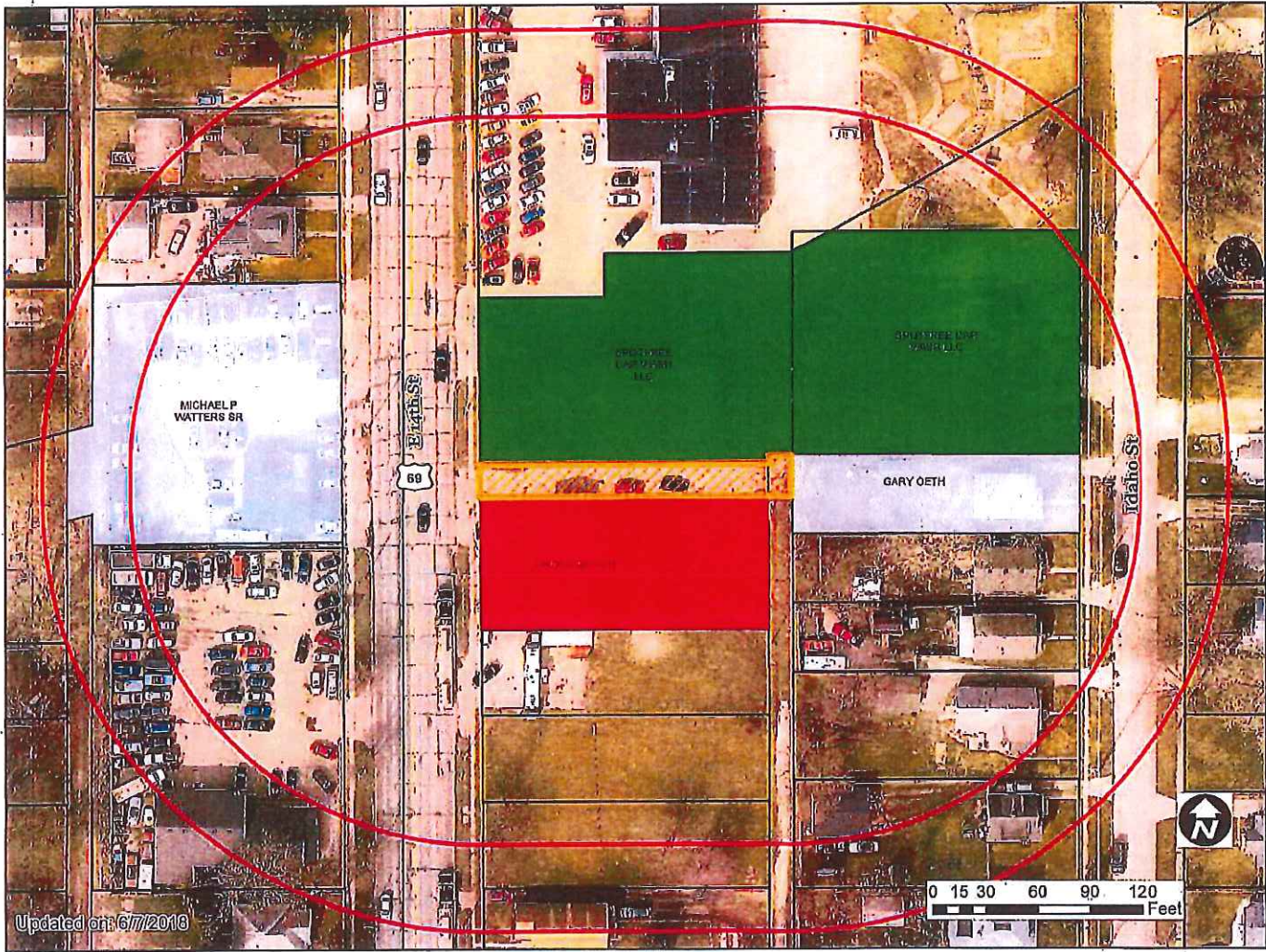
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

50

City Council initiated, 1437 East 14th Street

11-2018-1.13 ¹⁴



14

50

14



SPOTFREE CAR WASH

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





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 14th Street, to allow the property to be assembled with the adjoining car wash site for vehicle maneuvering. The adjoining subject properties are owned by Spofree 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 14th 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 14th 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 18th 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 14th 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 14th 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 14th 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.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Chris Pose, 317 6th 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

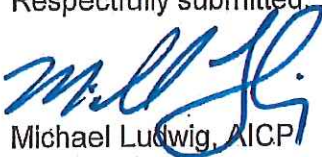
COMMISSION ACTION:

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,



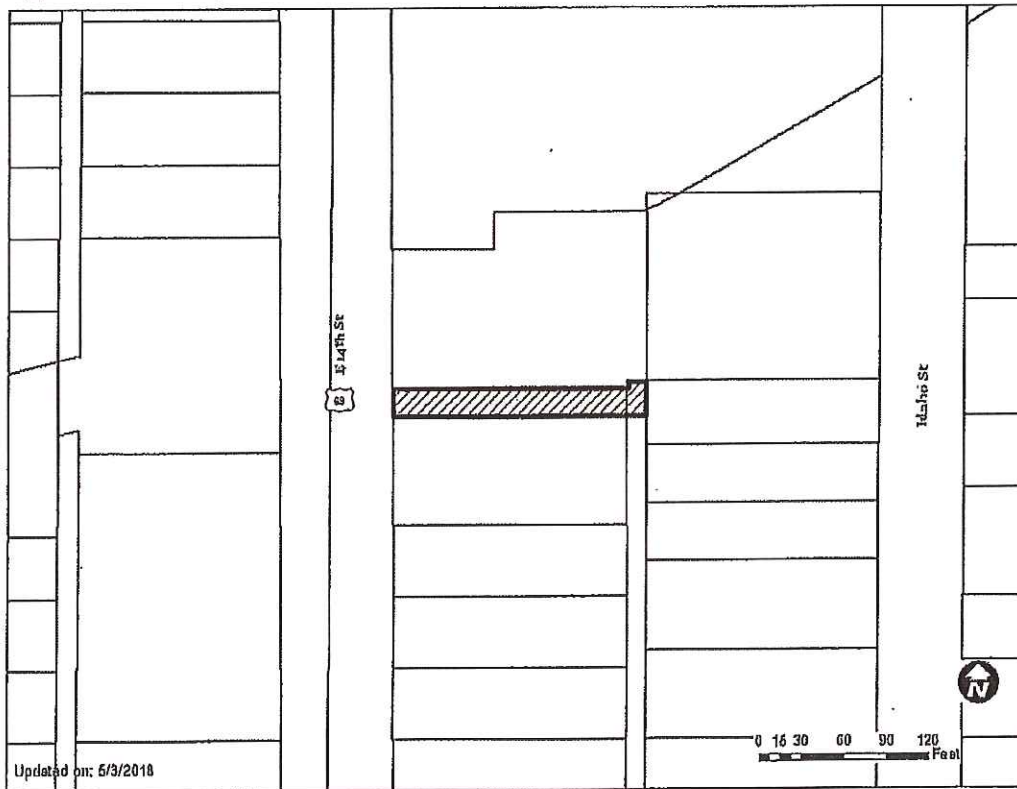
Michael Ludwig, AICP
Planning Administrator

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 th 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	% Opposition
Subject Property		1	1		
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Council Initiated, 1437 East 14th Street

11-2018-1.13



11-2018-1.13

Date

6/4/18

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name

ALLEN HANSEN DBA SPOTZKE

Signature

Allen Hansen

Address

1437 E. 14TH ST.

JUN 07 2018

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

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

Print Name

DONALD L. MOYER

Signature

Donald L. Moyer

Address

1433 E. 14TH ST.

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

SEE ATTACHMENT: