

Date September 24, 2018

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF 12TH STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1157 12TH STREET AND CONVEYANCE TO LARS VINZ FOR \$150.00

WHEREAS, on September 10, 2018, by Roll Call No. 18-1500, the City Council of the City of Des Moines, Iowa voted to approve a request from Lars Vinz, owner of 1157 12th Street, to vacate the east 7 feet of 12th Street right-of-way adjoining 1157 12th Street, Des Moines, Iowa, subject to the following conditions:

1. Retention of adequate right-of-way to satisfy the City Engineer.
2. Reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or relocated.
3. A sidewalk shall be provided within the remaining 12th Street right-of-way at any time that the adjoining property is redeveloped; and

WHEREAS, Lars Vinz, owner of 1157 12th Street, has offered to the City of Des Moines (“City”) the purchase price of \$150.00 for the purchase of the vacated east 7 feet of 12th Street right-of-way lying west of and adjoining 1157 12th Street (hereinafter “Property”), for assemblage with the adjoining parcels, which price reflects the fair market value of the 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 reservation of a restrictive covenant requiring a sidewalk to be provided within the remaining 12th Street right-of-way at any time that the adjoining property is redeveloped, 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 the east 7 feet of 12th Street right-of-way adjoining 1157 12th Street, Des Moines, Iowa legally described as follows:

THE EAST 7 FEET OF 12TH STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 15 COGGESHALL AND HUNTS ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND CONTAINING APPROXIMATELY 910 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated street 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 the condition that a sidewalk shall be provided within the remaining 12th Street right-of-way at such time in the future that the adjoining property is redeveloped:

Date September 24, 2018

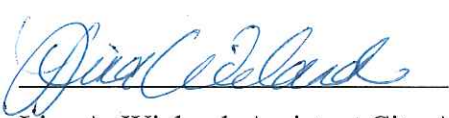
Grantee: Lars Vinz
Consideration: \$150.00

Legal Description: THE VACATED EAST 7 FEET OF 12TH STREET RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 15 COGGESHALL AND HUNTS ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND CONTAINING APPROXIMATELY 910 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 October 8, 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

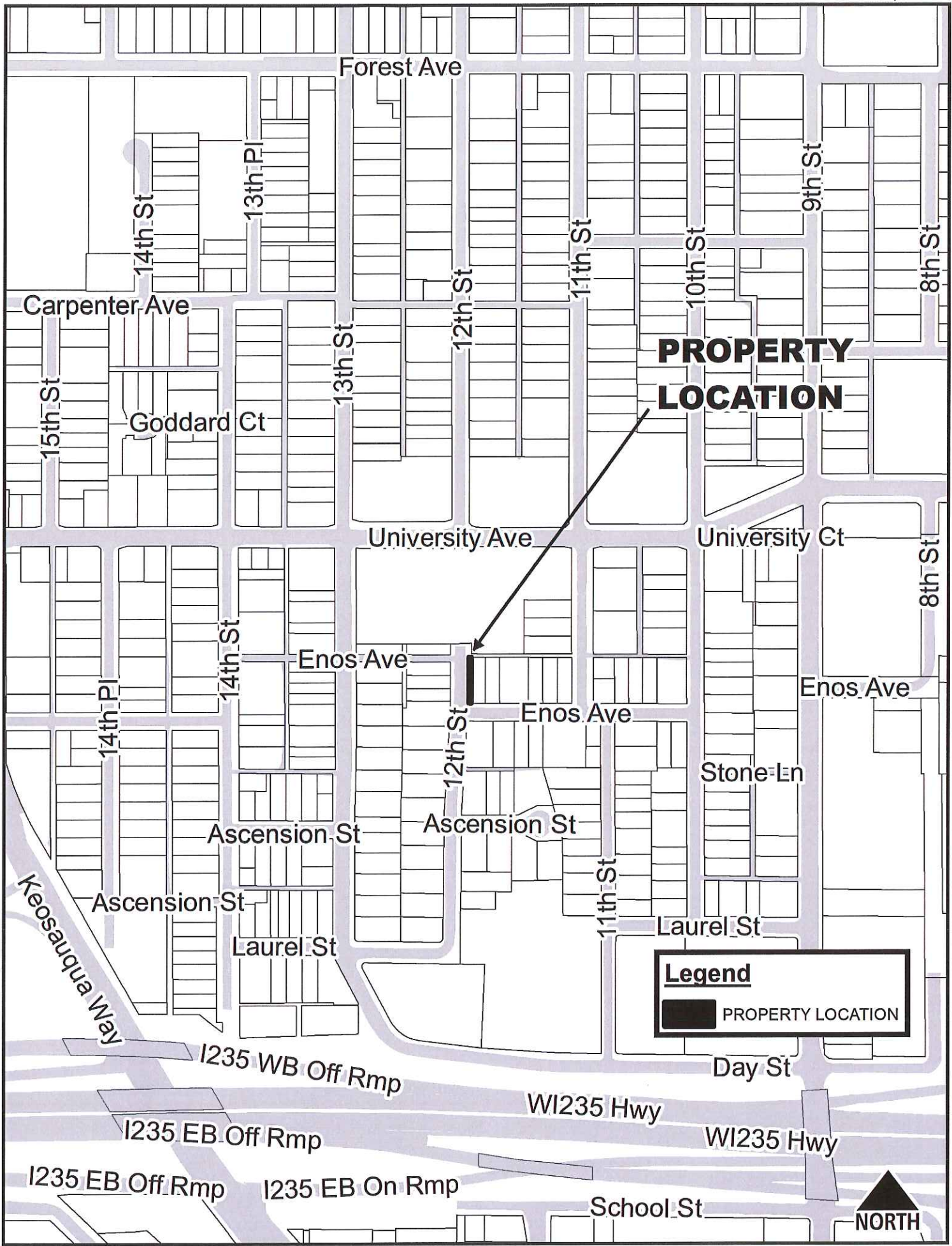
Mayor

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.

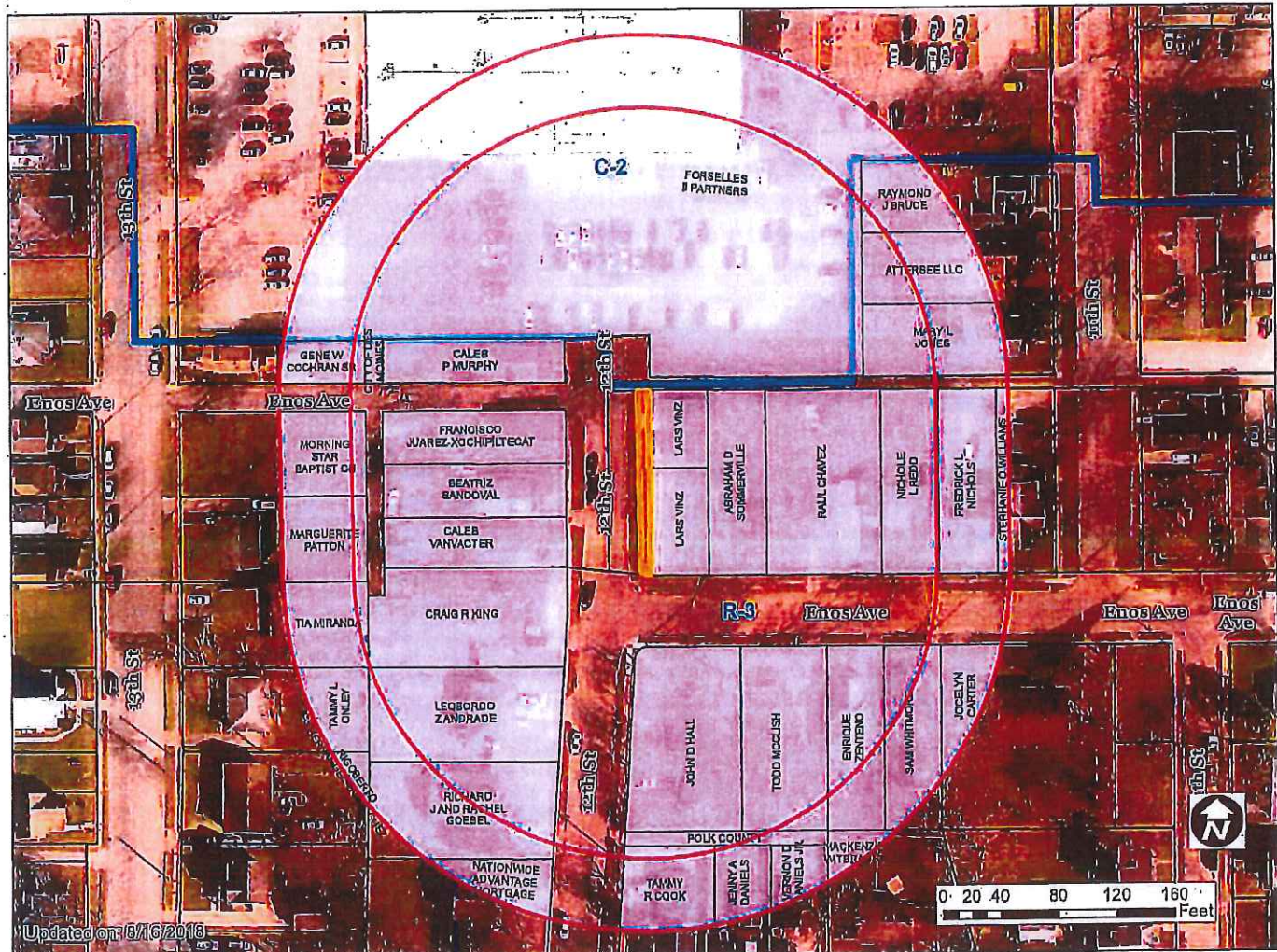
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

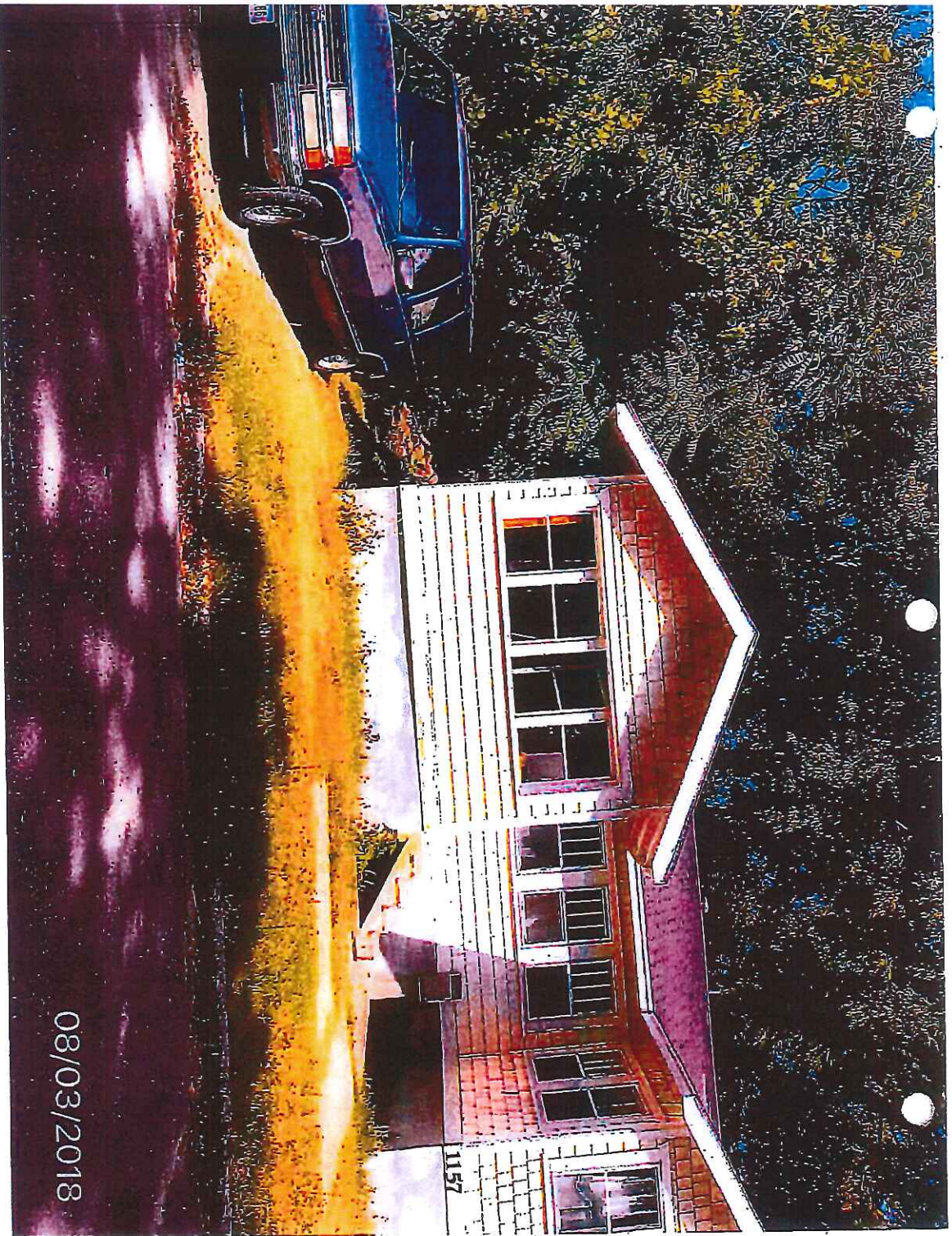


Lars Vinz, 1161 Enos Avenue and 1157 12th Street

11-2018-1.19



1 Inch = 88 feet



08/03/2018



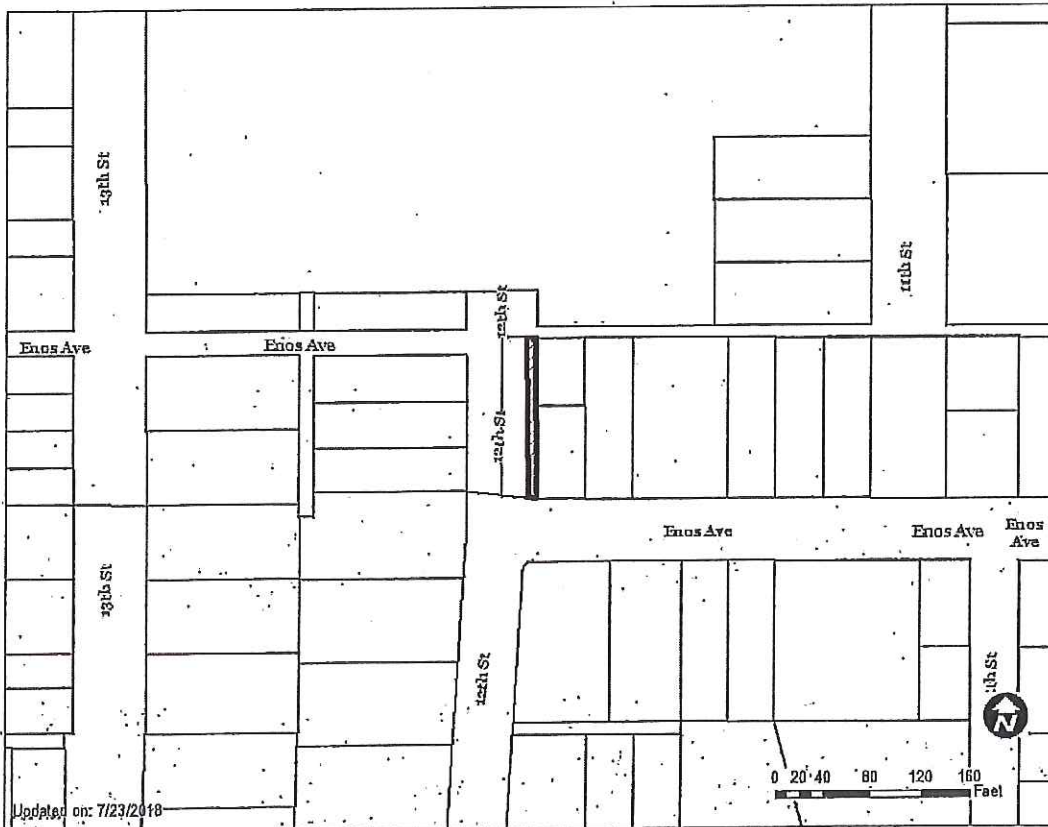




| | | | | |
|---|--|--------------|---------------------------------------|--------------|
| Lars Vinz (owner), 1161 Enos Avenue and 1157 12th Street. | | File # | | |
| | | 11-2018-1.19 | | |
| Description of Action | Vacation of the east 7 feet of 12th Street Right-Of-Way adjoining the subject properties. | | | |
| PlanDSM Future Land Use | Current: Low Density Residential within a Community Node. Proposed: N/A. | | | |
| Mobilizing Tomorrow Transportation Plan | No planned improvements. | | | |
| Current Zoning District | "R-3" Multiple-Family Residential 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 | 0 | 0 | | |
| Outside Area (200 feet) | | | | |
| Plan and Zoning Commission Action | Approval | X | Required 6/7 Vote of the City Council | Yes |
| | Denial | | | No |

Lars Vinz, 1161 Enos Avenue and 1157 12th Street

11-2018-1.19



1 inch = 80 feet

17 15



September 4, 2018

Date _____

Agenda Item _____

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 August 2, 2018 meeting, the following action was taken regarding a request from Lars Vinz (owner), 1161 Enos Avenue and 1157 12th Street, for vacation of the east 7 feet of 12th Street Right-Of-Way adjoining the subject properties.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 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 subject to the following conditions:

1. Retention of adequate Right-of-Way for 12th Street to the satisfaction of the City Engineer.
2. Reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or are relocated.

3. A sidewalk shall be provided within the remaining 12th Street Right-of-Way at any time that the adjoining property is redeveloped.

(11-2018-1.19)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

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

1. Retention of adequate Right-of-Way for 12th Street to the satisfaction of the City Engineer.
2. Reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or are relocated.
3. A sidewalk shall be provided within the remaining 12th Street Right-of-Way at any time that the adjoining property is redeveloped.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation would allow a 7-foot wide strip of Right-of-Way to be assembled with the adjoining parcels. The house on the parcel at 1157 12th Street is constructed to the current property line so the requested Right-of-Way would provide for a yard in between the house and the property line.
2. **Size of Site:** 7 feet by 130 feet (910 square feet).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District, "FSO" Freestanding Signs Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** 12th Street Right-of-Way.
5. **Adjacent Land Use and Zoning:**

 East – "R-3"; Uses are a single-family dwelling and a vacant lot.

 West – "R-3"; Uses are 12th Street and single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The site is in a predominantly low-density residential area to the south of the University Avenue commercial corridor.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Cheatom Park Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on July 27, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on August 6, 2018 (10 days prior to the

hearing) to the Cheatom Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject Right-of-Way. A final agenda was mailed on August 10, 2018.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Highland Park Neighborhood Association notices were mailed to Susan Wells, 1157 14th Place, Des Moines, IA 50314.

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

9. **PlanDSM Land Use Plan Designation:** The proposed project area is designated as "Low Density Residential" on the Future Land Use Map.

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. **Traffic & Transportation:** The requested vacation would retain 8 feet of Right-of-Way in between the existing eastern curb along 12th Street and the resulting property line. The requested vacation must provide adequate area for a public sidewalk should one be constructed in the future, to the satisfaction of the City Engineer.

2. **Utilities:** No utilities have been identified within the requested Right-of-Way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.

SUMMARY OF DISCUSSION

Jan Freed 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 following conditions:

1. Retention of adequate Right-of-Way for 12th Street to the satisfaction of the City Engineer.
2. Reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or are relocated.
3. A sidewalk shall be provided within the remaining 12th Street Right-of-Way at any time that the adjoining property is redeveloped.

Motion passed: 9-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments