

Date October 8, 2018

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF 12<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1157 12<sup>TH</sup> 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 12<sup>th</sup> Street, to vacate the east 7 feet of 12<sup>th</sup> Street right-of-way adjoining 1157 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> Street right-of-way lying west of and adjoining 1157 12<sup>th</sup> 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 12<sup>th</sup> 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.

**WHEREAS**, on September 24, 2018, by Roll Call No. 18-1575, 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 October 8, 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 the east 7 feet of 12th Street right-of-way adjoining 1157 12th Street, Des Moines, Iowa, 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:

Date October 8, 2018

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the east 7 feet of 12<sup>th</sup> Street right-of-way adjoining 1157 12<sup>th</sup> Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said street right-of-way, legally described as follows, and said vacation is hereby approved:

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.

3. The proposed sale of such vacated street right-of-way, as legally described below 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 12<sup>th</sup> Street right-of-way at such time in the future that the adjoining property is redeveloped, is hereby approved:

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.

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.

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Date October 8, 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

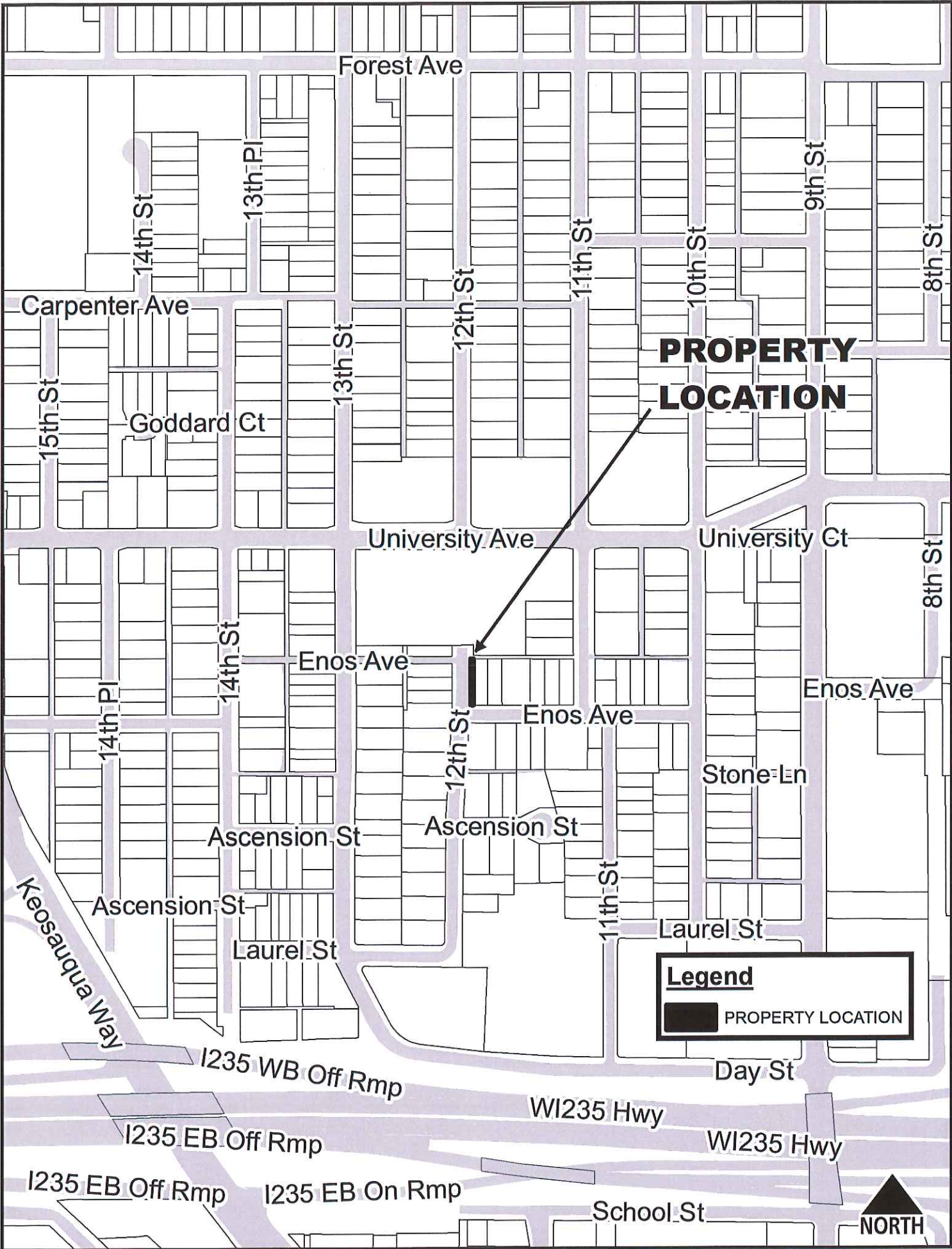
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

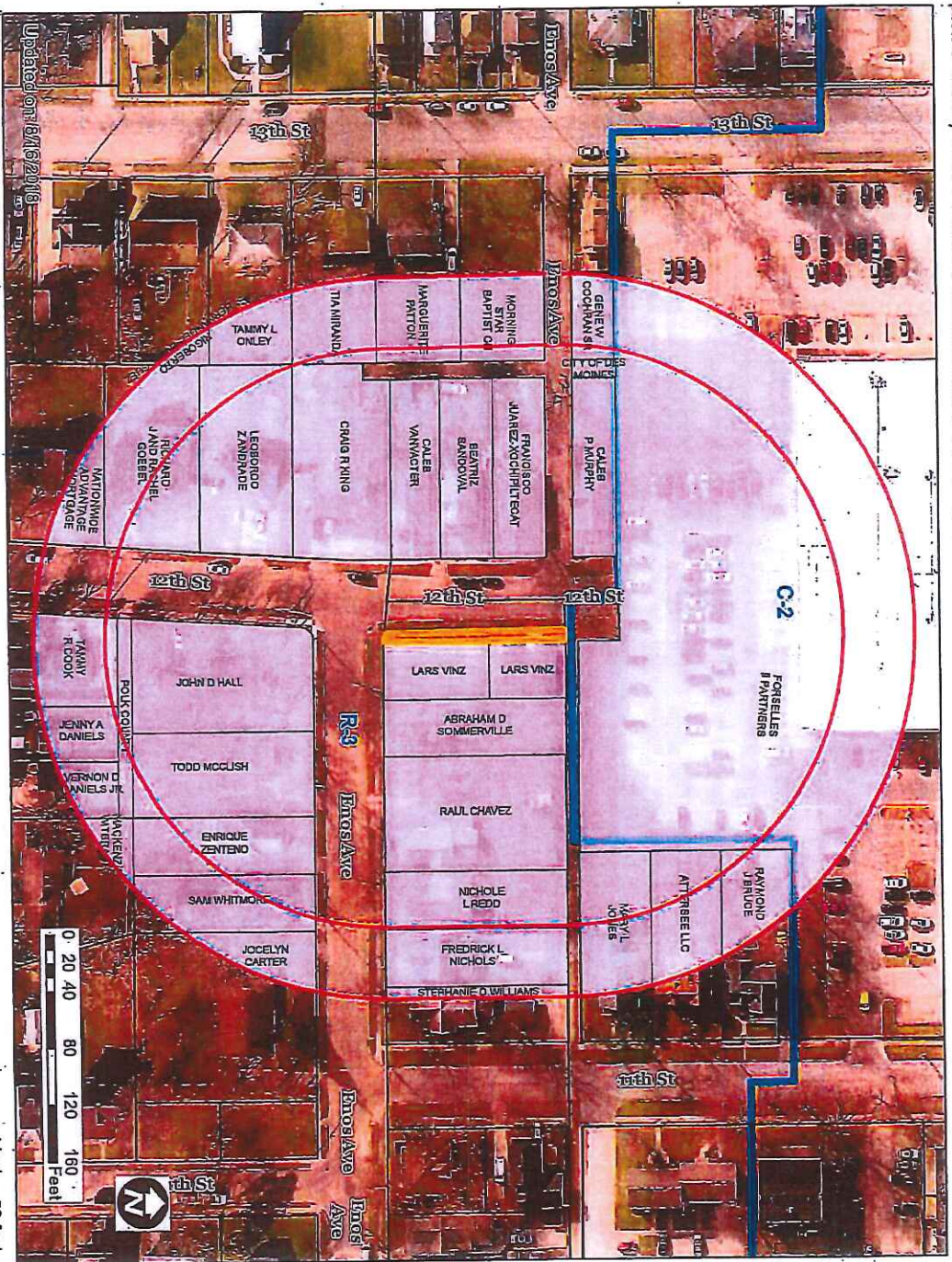
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk



Lars Vinz, 1161 Enos Avenue and 1157 12th Street

11-2018-1-19



1 inch = 88 feet



1157

08/03/2018





08/03/2018



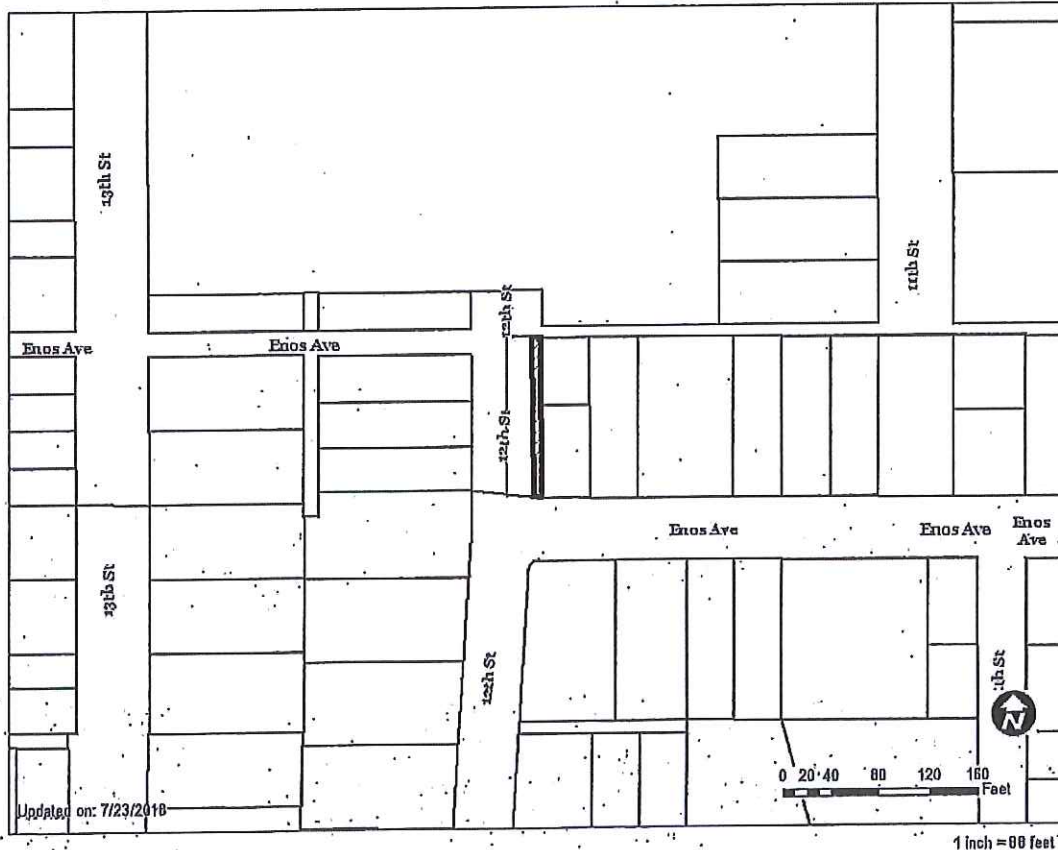


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Lars Vinz (owner), 1161 Enos Avenue and 1157 12th Street.				File #	
				11-2018-1.19	
Description of Action	Vacation of the east 7 feet of 12th Street Right-Of-Way adjoining the subject properties.				
PlanDSM Future Land Use	Current: Low Density 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	X

Lars Vinz, 1161 Enos Avenue and 1157 12th Street

11-2018-1.19



1 inch = 80 feet

42  
19



September 4, 2018

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 12<sup>th</sup> Street, for vacation of the east 7 feet of 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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):** 12<sup>th</sup> 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 12<sup>th</sup> 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 14<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> Street Right-of-Way at any time that the adjoining property is redeveloped.

Motion passed: 9-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments