



Date November 5, 2018

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF
SEGMENTS OF LOCUST STREET AND EAST-WEST ALLEY RIGHT-OF-WAY
ADJOINING 1416 LOCUST STREET, AND CONVEYANCE OF A PERMANENT
EASEMENT FOR BUILDING ENCROACHMENT – DOOR SWING TO SAGA
COMMUNICATIONS OF IOWA, LLC D/B/A DES MOINES RADIO GROUP FOR
\$1,320.00**

WHEREAS, Saga Communications of Iowa, LLC d/b/a Des Moines Radio Group, an Iowa limited liability company, owner of 1416 Locust Street, Des Moines, Iowa, has offered to the City the purchase price of \$1,320.00 for the purchase of a Permanent Easement for Building Encroachment – Door Swing (hereinafter “Easement”) upon portions of vacated Locust Street and east-west alley right-of-way adjoining 1416 Locust Street, hereinafter more fully described, to allow for the construction, repair, and maintenance of building door entrance stoops and door swing areas, with planters or other City-approved barriers on each side of each door, into and upon said right-of-way, which price reflects the fair market value of the Easement as determined by the City’s Real Estate Division; and

WHEREAS, there is no public need or benefit for the right-of-way proposed to be vacated and conveyed, and the public would not be inconvenienced by reason of vacation of said right-of-way and the conveyance of the Easement within said City Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a 12 square foot segment of the south side of Locust Street right-of-way and a 21 square foot segment of east-west alley right-of-way, both adjoining 1416 Locust Street, Des Moines, Iowa legally described as follows:

AREA A

THAT PART OF LOCUST STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 5 OF BLOCK 2 OF J.C. SAVERY'S PARK ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 74°09'55" EAST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 42.87 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°50'05" WEST, 2.00 FEET; THENCE NORTH 74°09'55" EAST, 6.00 FEET; THENCE SOUTH 15°50'05" EAST, 2.00 FEET TO SAID NORTH LINE; THENCE SOUTH 74°09'55" WEST ALONG SAID NORTH LINE, 6.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 12 S.F.

AREA B



Roll Call Number

Agenda Item Number

30

Page 2

Date November 5, 2018

THAT PART OF THE ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 5 OF BLOCK 2 OF J.C. SAVERY'S PARK ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING SOUTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 74°09'17" WEST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 13.89 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°50'43" EAST, 3.00 FEET; THENCE SOUTH 74°09'17" WEST, 7.00 FEET; THENCE NORTH 15°50'43" WEST, 3.00 FEET TO SAID SOUTH LINE; THENCE NORTH 74°09'17" EAST ALONG SAID SOUTH LINE, 7.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 21 S.F.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment – Door Swing in such vacated right-of-way, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein, and further subject to the requirement that bollards, planters or other City-approved barriers be placed on each side of each door:

Grantee: Saga Communications of Iowa, LLC d/b/a Des Moines Radio Group

Consideration: \$1,320.00

Legal Description:

AREA A

THAT PART OF THE VACATED LOCUST STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 5 OF BLOCK 2 OF J.C. SAVERY'S PARK ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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AREA B

THAT PART OF THE VACATED ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 5 OF BLOCK 2 OF J.C. SAVERY'S PARK ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Roll Call Number

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PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such Permanent Easement for Building Encroachment – Door Swing is to be considered shall be on November 19, 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.
- 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.
- 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

Lisa A. Wieland, Assistant City Attorney

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

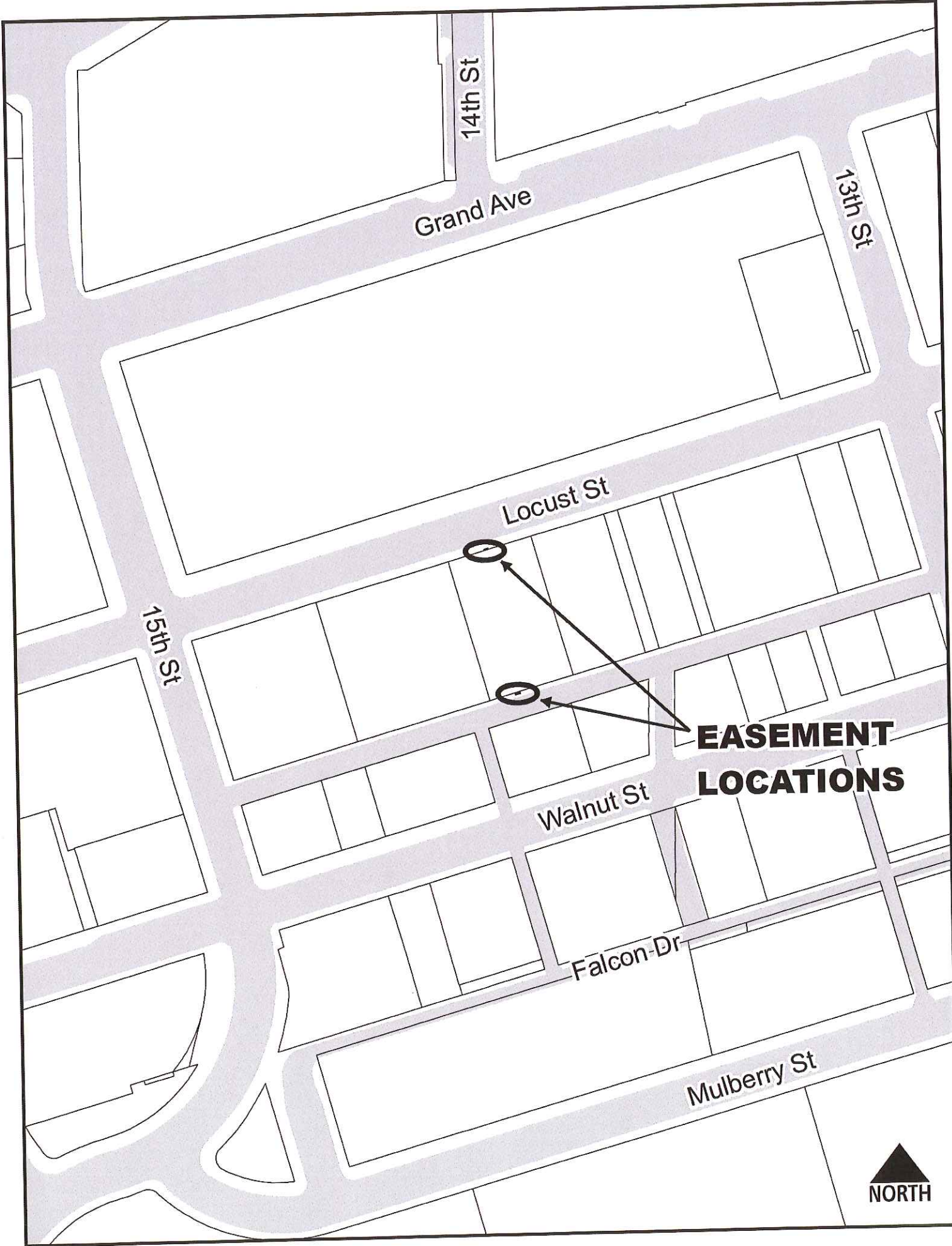
Mayor

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



**EASEMENT
LOCATIONS**



October 17, 2018

Date November 5, 2018

Agenda Item 20

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 October 4, 2018 meeting, the following action was taken regarding a request from Saga Communications of Iowa, LLC (owner) 1416 Locust Street, dba Des Moines Radio Group represented by Jeffery Delvaux (officer), for vacation of the following adjoining segments of Right-Of-Way to allow for existing door swing encroachments: A) A 6-foot by 2-foot (12 square feet) segment of Locust Street. B) A 7-foot by 3-foot (21 square feet) segment of the East/West Alley.

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 of rights-of-way subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.
(11-2018-1.22)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Parts A & B) Staff recommends approval of the requested vacation of rights-of-way subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is in the process of renovating the site and building. The proposed vacations would allow existing door swing encroachments to be retained. A copy of the applicant's site plan is included in the Commission's packet for reference. It is being reviewed through the administrative process by staff and is not subject to Commission review.
2. **Size of Site:** The applicant's property measures 100.5 feet by 167 feet (16,783.5 square feet). A total of 22 square feet of right-of-way is proposed to be vacated.
3. **Existing Zoning (site):** "C-3A" Central Business District Support Commercial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The adjoining parcel is occupied by a radio station use.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-3A"; Use is the Western Gateway Park.
 - South** – "C-3A"; Uses are an alley and surface parking.
 - East** – "C-3A"; Use is an office building.
 - West** – "C-3A"; Use is a commercial building with a restaurant and office tenants.
6. **General Neighborhood/Area Land Uses:** The site is located in the western portion of the downtown. The area contains a mix of office, restaurant and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 14, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on September 24, 2018 (10

days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on September 28, 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 Downtown Des Moines Neighborhood Association notices were mailed to Austin Lewis, 915 Mulberry Street, Unit 504, Des Moines, IA 50309.

8. **Relevant Zoning History:** On July 26, 2004, by Ordinance No. 14,361, the City Council rezoned the subject property with the "GGP" Gambling Games Prohibition Overlay District. On November 7, 2011, by Ordinance No. 15,060, the City Council rezoned the subject property with the "D-O" Downtown Overlay District.
9. **PlanDSM Land Use Plan Designation:** The subject property and rights-of-way are designated as "Downtown Mixed Use" on the Future Land Use Map. The Plan describes this category as an "area that allows mixed-use, high-density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections."
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. **Utilities:** No utilities have been identified that would be impacted by the proposed vacation. Staff recommends approval subject to the reservation of easements for any existing utilities.
2. **Street System/Access:** The proposed vacations would have a negligible impact on the function of the Locust Street sidewalk and the adjoining alley. Staff believes that bollards should be provided for the alley side door as a safety precaution. A canopy is proposed above the alley entrance, which will require an Areaway Permit from the City's Traffic and Transportation Division.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for approval of the requested vacation of rights-of-way subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

Motion passed: 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Saga Communications of Iowa, LLC (owner) 1416 Locust Street, dba Des Moines Radio Group represented by Jeffery Delvaux (officer).		File # 11-2018-1.22	
Description of Action	Vacation of the following adjoining segments of Right-Of-Way to allow for existing door swing encroachments: A) A 6-foot by 2-foot (12 square feet) segment of Locust Street. B) A 7-foot by 3-foot (21 square feet) segment of the East/West Alley.		
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.		
Mobilizing Tomorrow Transportation Plan	No planned improvements.		
Current Zoning District	"C-3A" Central Business District Support Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.		
Proposed Zoning District	N/A.		
Consent Card Responses	In Favor	Not In Favor	Undetermined
Subject Property	0	0	
Outside Area (200 feet)			
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council
	Denial		
			Yes
			No
			X

Saga Communications of Iowa, LLC, 1416 Locust Street

11-2018-1.22



1 Inch = 95 feet

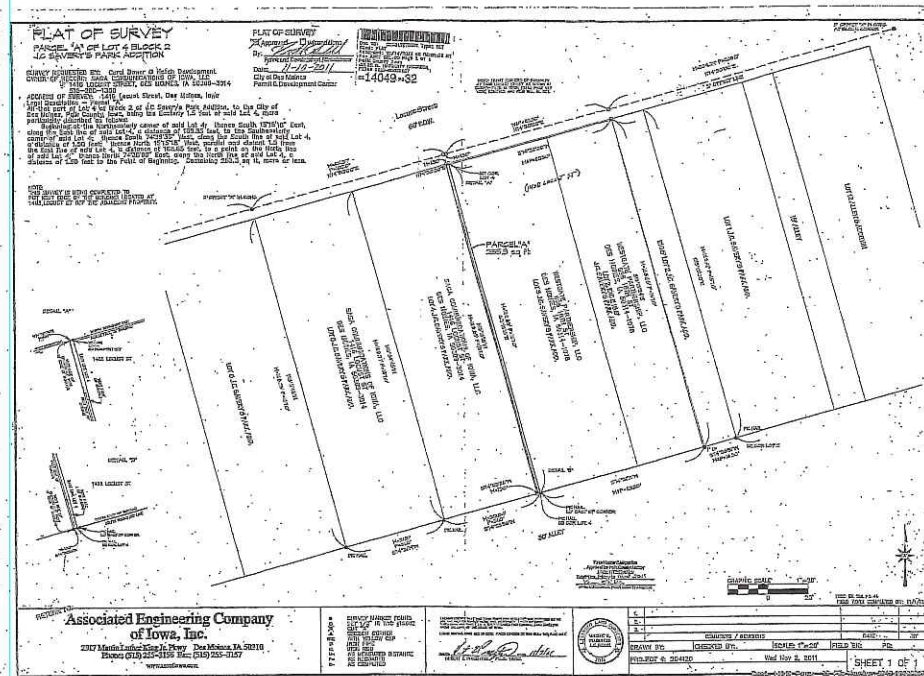
Saga Communications of Iowa, LLC, 1416 Locust Street

11-2018-1.22



1 inch = 95 feet

PROJECT: DES MOINES RADIO GROUP BUILDING REMODEL



PROJECT CONTACTS

Civil Engineer:

Michael A. Murphy, P.E.
 Larson Engineering, Inc.
 1001 Office Park Rd. Suite 120
 West Des Moines, IA 50265-2509
 Tel: 515.225.4377

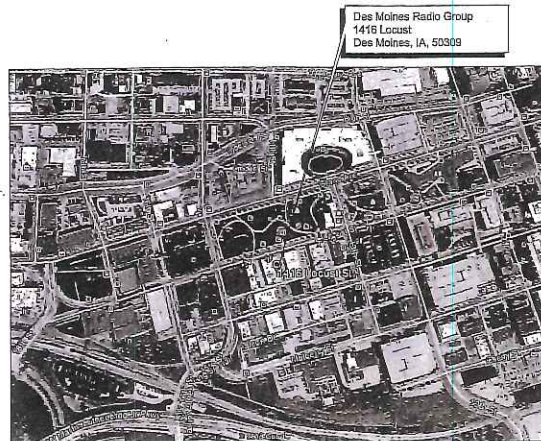
Architect:

Jamie Malloy, AIA, LEEDap
 Studio Melee
 1312 Locust, Suite 100z
 Des Moines, IA 50309
 Tel: 515.314.9852

Landscape Architect:

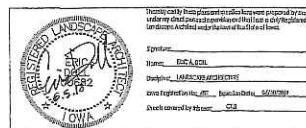
Eric Doll, PLA, ALSA
 Jeffrey L. Bruce & Company
 699 Walnut Street, Suite 400
 Des Moines, IA 50309

VICINITY MAP



INDEX OF DRAWINGS

C0.0	Title Sheet and Existing Conditions
C1.0	Dimensional Site Plan
C2.0	General Notes and Details
C3.0	General Notes and Details



DESIGNED BY: MICHAEL A. MURPHY, P.E.
 CHECKED BY: JAMIE MALLOY, AIA
 DATE: 11-18-2011
 SHEET NO. 1 OF 1



SITE PLAN

☐ APPROVED ☐ APPROVED WITH CONDITION
 SEE COMMENT "A" ATTACHED HEREIN.

IN ACCORDANCE WITH SECTION 62-207 (c) 2000 DES MOINES MUNICIPAL CODE, AS AMENDED.

NO CHANGES TO THIS PLAN UNLESS APPROVED IN WRITING FROM THE PLANNING DIRECTOR OR NEW AMENDED DATED PLAN.

DATE: _____ PLANNING DIRECTOR: _____

THIS APPROVAL IS FOR SHEET C0.0-C3.0



Rev. Date Description
 1.0 11/18/11 City Comments
 2.0 11/18/11 City Comments

Project #: 22188918.000
 Owner By: GLD
 Checked By: MAM
 Issue Date: 5.17.18
 Sheet Title

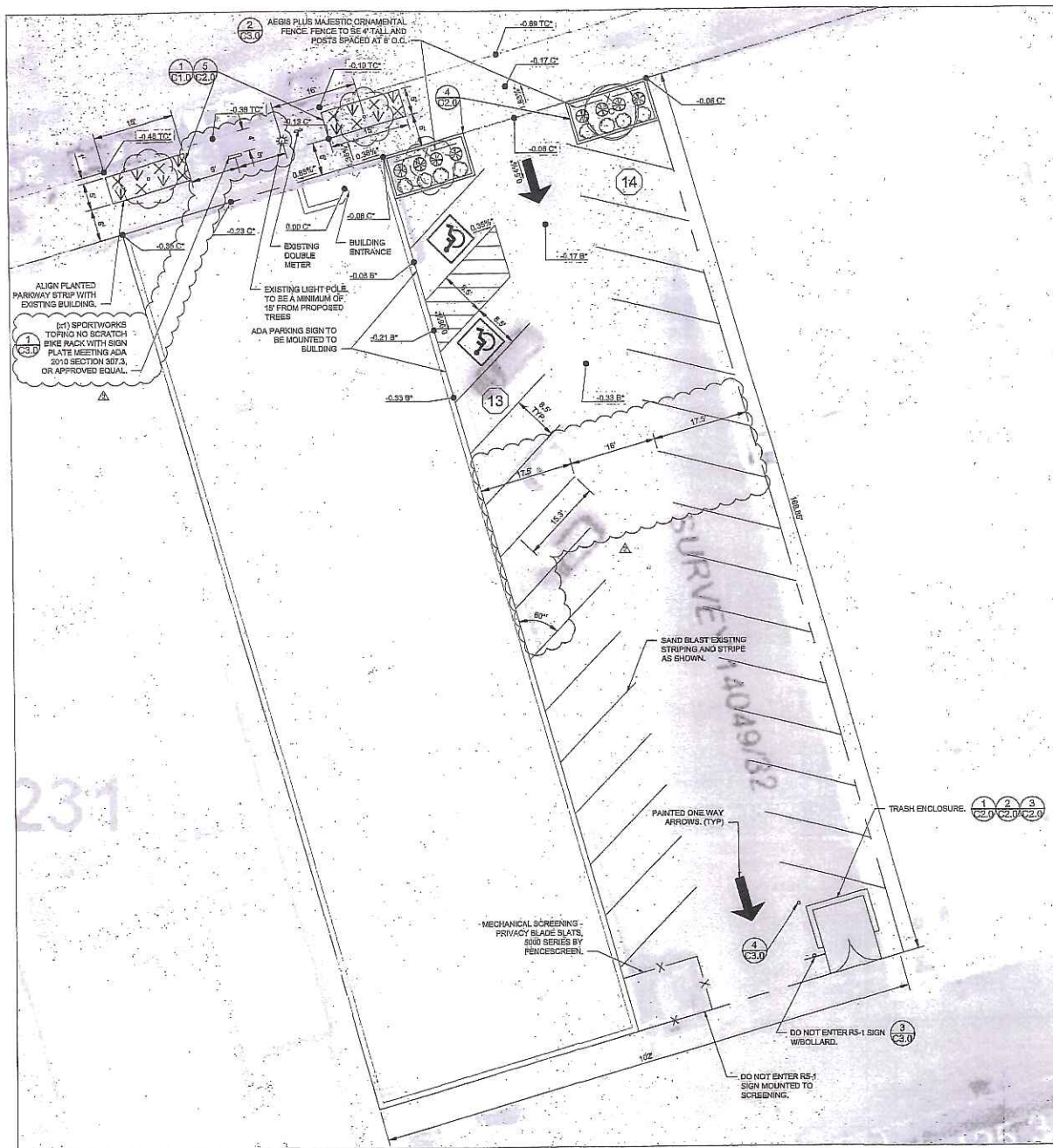
**TITLE SHEET
 AND EXISTING
 CONDITIONS**

C0.0

Larson Engineering, Inc.
 1001 Office Park Rd. Suite 120
 West Des Moines, IA 50265
 515.225.4377
 www.larsoneng.com

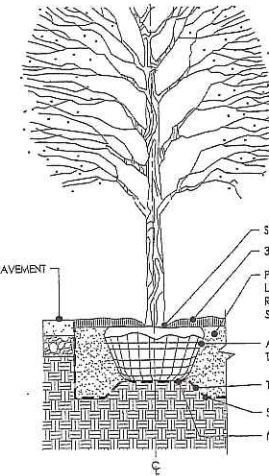
STUDIO MELEE
 1312 LOCUST ST. STE 100Z
 DES MOINES, IA 50309
 Item #1

DES MOINES RADIO GROUP BUILDING REMODEL
 1416 LOCUST ST.
 DES MOINES, IOWA



LEGEND

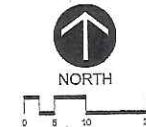
- HONEY LOCUST - STREET TREE
MINIMUM 1.5" CALIPER AND 8' IN HEIGHT AT INSTALLATION
- JAPANESE TREE LILAC - STREET TREE
MINIMUM 1.5" CALIPER AND 8' IN HEIGHT AT INSTALLATION
- GINKGO TREE (MALE ONLY) - STREET TREE
MINIMUM 1.5" CALIPER AND 8' IN HEIGHT AT INSTALLATION
- WINTERGEM BOXWOOD SHRUB
- PYGMY RUBY BARBERRY SHRUB
- WHORLED TICKSEED ORNAMENTAL FLOWER
- PRAIRIE DROPSSEED ORNAMENTAL GRASS



THE CITY ARBORIST SHALL BE CONTACTED AT 283-4950 TO AUTHORIZE PLANTING IN THE RIGHT-OF-WAY. CONTACT THE MUNICIPAL FORESTRY DIVISION PRIOR TO PLANTING IN THE PUBLIC R.O.W. AT 283-4950. NO STAKING OF TREES IS ALLOWED.

PARKWAY PLANTING ILLUSTRATION DETAIL

SCALE: 1/2" = 1'



NOTES:

- All elevations with an asterisk (*) shall be field verified. If elevations vary significantly, notify the Engineer for further instructions.
- Grades shown in paved areas represent finish elevation.
- All construction shall be performed in accordance with state and local standard specifications for construction.
- Where applicable, dimensions are from back of curb to back of curb or back of curb to end of stall line.

SPOT ABBREVIATIONS:
TC - TOP OF CURB
GL - GUTTER LINE
B - BITUMINOUS
C - CONCRETE
(*) - EXISTING TO BE VERIFIED

SHEET UPDATED PER CITY COMMENTS DATED 9/28/18

Larson Engineering, Inc.
1100 East 15th Street, Suite 120
West Des Moines, IA 50305
515.225.4377
www.larsonengr.com

STUDIO MELEE
1312 LOCUST ST., STE 100Z
DES MOINES, IA 50309

DES MOINES RADIO GROUP
BUILDING REMODEL
1416 LOCUST ST.
DES MOINES, IOWA

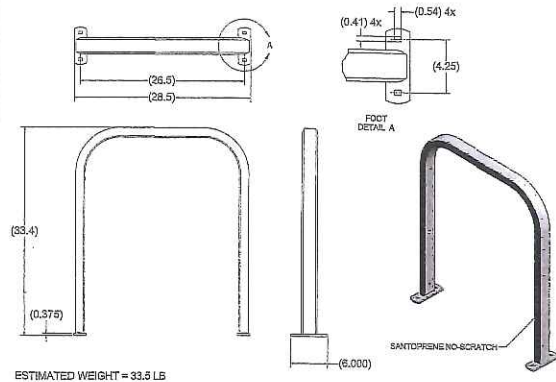
Rev.	Date	Description
1	8.4.18	City Comments
2	8.16.18	City Comments
3		
4		
5		
6		
7		
8		
9		
10		

Project #: 12186516.000
Drawn By: GLO
Checked By: JMM
Issue Date: 5.17.18
Sheet Title:

1416 LOCUST ST.
DES MOINES, IOWA

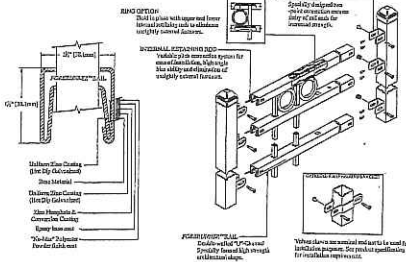
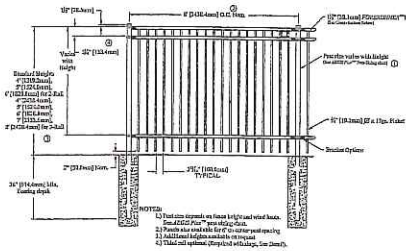
Sheet:

State



Sportworks Northwest, Inc. 15640 Wood Red Rd NE, Bldg A-200 | Woodinville, WA 98072 | www.sportworks.com
 Contact: Tel: 425-465-7030 | Fax: 425-489-4091 | sales@sportworks.com
 All dimensions in inches. All dimensions are for field application. Specifications are subject to change without notice. Copyright © 2011 Sportworks Northwest, Inc. All rights reserved.

1
C3.0
BIKE RACK DETAIL
NOT TO SCALE



COMMERCIAL STRENGTH STEEL

ARCHES PLUS MAJESTIC 2-RAIL W/RING OPTION

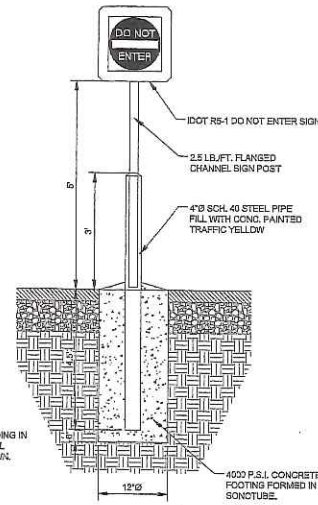
DES: KME SE: JLF SCALE: DO NOT SCALE

CHK: Date: 6/20/16 REV: 1



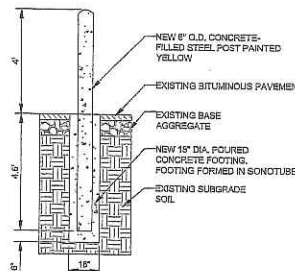
1553 N. Mingo
 Tulsa, OK 74116
 1-800-333-3422
 www.ameristarfence.com

2
C3.0
ORNAMENTAL FENCE DETAIL
NOT TO SCALE



NOTE:
 ANY SIGN FREE STANDING IN
 PAVED SURFACE SHALL
 BE MOUNTED AS SHOWN.

3
C3.0
DO NOT ENTER
POST DETAIL
NOT TO SCALE



4
C3.0
BOLLARD DETAIL
NOT TO SCALE

△ SHEET ADDED PER CITY
 COMMENTS DATED 6/20/16

Larson
 Engineering, Inc.
 1001 Office Park Rd, Suite 120
 Des Moines, IA 50319
 515.281.1200
 www.larsonengr.com

STUDIO MELEE
 1312 LOCUST ST, STE 100Z
 DES MOINES, IA 50309

**DES MOINES RADIO
 GROUP
 BUILDING REMODEL**
 1416 LOCUST ST.
 DES MOINES, IOWA

Rev.	Date	Description
△	6.4.16	City Comments
△	6.18.16	City Comments

Project #: 15186916.002
 Drawn By: GLO
 Checked By: MAM
 Issue Date: 5.17.16
 Sheet Title:

GENERAL
 NOTES AND
 DETAILS

C3.0
 Sheet