

Date January 28, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF BRIDAL ROW RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 1501 WOODLAND AVENUE AND CONVEYANCE TO HOYT SHERMAN PLACE FOUNDATION FOR \$3,175.00

WHEREAS, on December 3, 2018, by Roll Call No. 18-1989, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the Plan and Zoning Commission recommending approval of a request from Hoyt Sherman Place Foundation, owner of Hoyt Sherman Place located at 1501 Woodland Avenue, to vacate an irregular segment of Bridal Row right-of-way adjoining 1501 Woodland Avenue, Des Moines, Iowa, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place.
2. The provision by the owner of necessary public improvements for public street re-alignment and public sidewalks; and

WHEREAS, Hoyt Sherman Place Foundation, owner of 1501 Woodland Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$3,175.00 for the purchase of the irregular segment of Bridal Row right-of-way lying north of and adjoining 1501 Woodland Avenue (hereinafter “Property”), to allow for realignment of the driveway access to the adjoining parcel as part of a venue expansion and to facilitate pedestrian access to the property from Bridal Row, 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 provision by the owner of necessary public improvements for public street re-alignment and public sidewalks, and the City will not be inconvenienced by the vacation and sale of said Property; and

WHEREAS, on January 14, 2019, by Roll Call No. 19-0041, 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 January 28, 2019, 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 irregular segment of Bridal Row right-of-way lying north of and adjoining 1501 Woodland Avenue, 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 January 28, 2019

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the irregular segment of Bridal Row right-of-way lying north of and adjoining 1501 Woodland Avenue, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved:

A PART OF BRIDAL ROW RIGHT OF WAY LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 8 OF SHERMAN PLACE, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 7, SAID SHERMAN PLACE; THENCE NORTH 00°23'01" WEST ALONG SAID EAST LINE, 44.00 FEET TO THE SOUTHEAST CORNER OF THE NORTH 6.00 FEET OF SAID LOT 8; THENCE SOUTH 45°32'54" EAST, 62.05 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 7; THENCE SOUTH 89°17'12" WEST ALONG SAID EASTERLY EXTENSION OF THE NORTH LINE, 44.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (968 SQUARE FEET).

3. The proposed sale of such vacated 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 provision by the owner of necessary public improvements for public street re-alignment and public sidewalks, is hereby approved:

Grantee: Hoyt Sherman Place Foundation
Consideration: \$3,175.00

Legal Description: A PART OF VACATED BRIDAL ROW RIGHT OF WAY LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 8 OF SHERMAN PLACE, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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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

Date January 28, 2019

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.

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

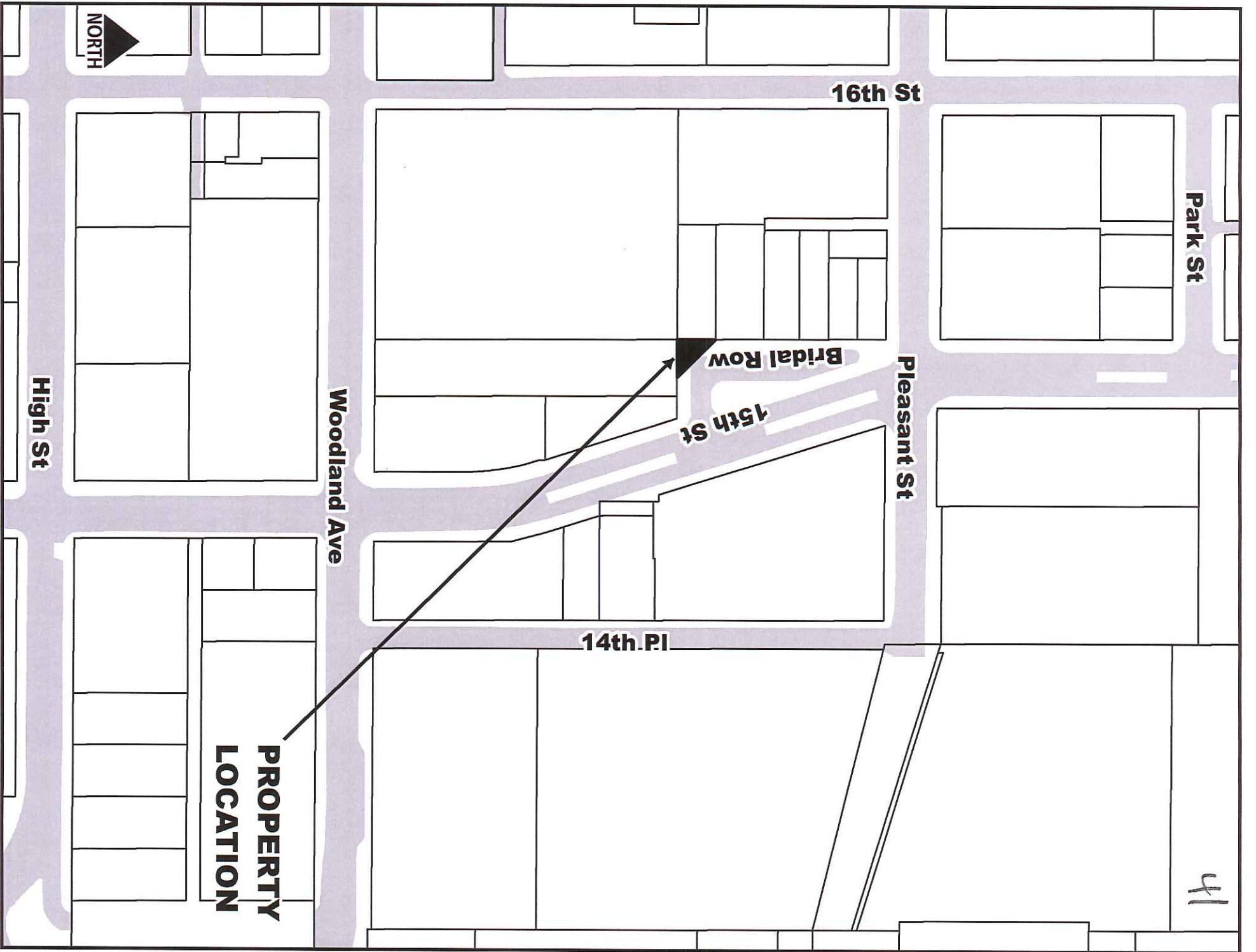
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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



16th St

Park St

High St

Woodland Ave

Pleasant St

Bridal Row

15th St

14th Pl

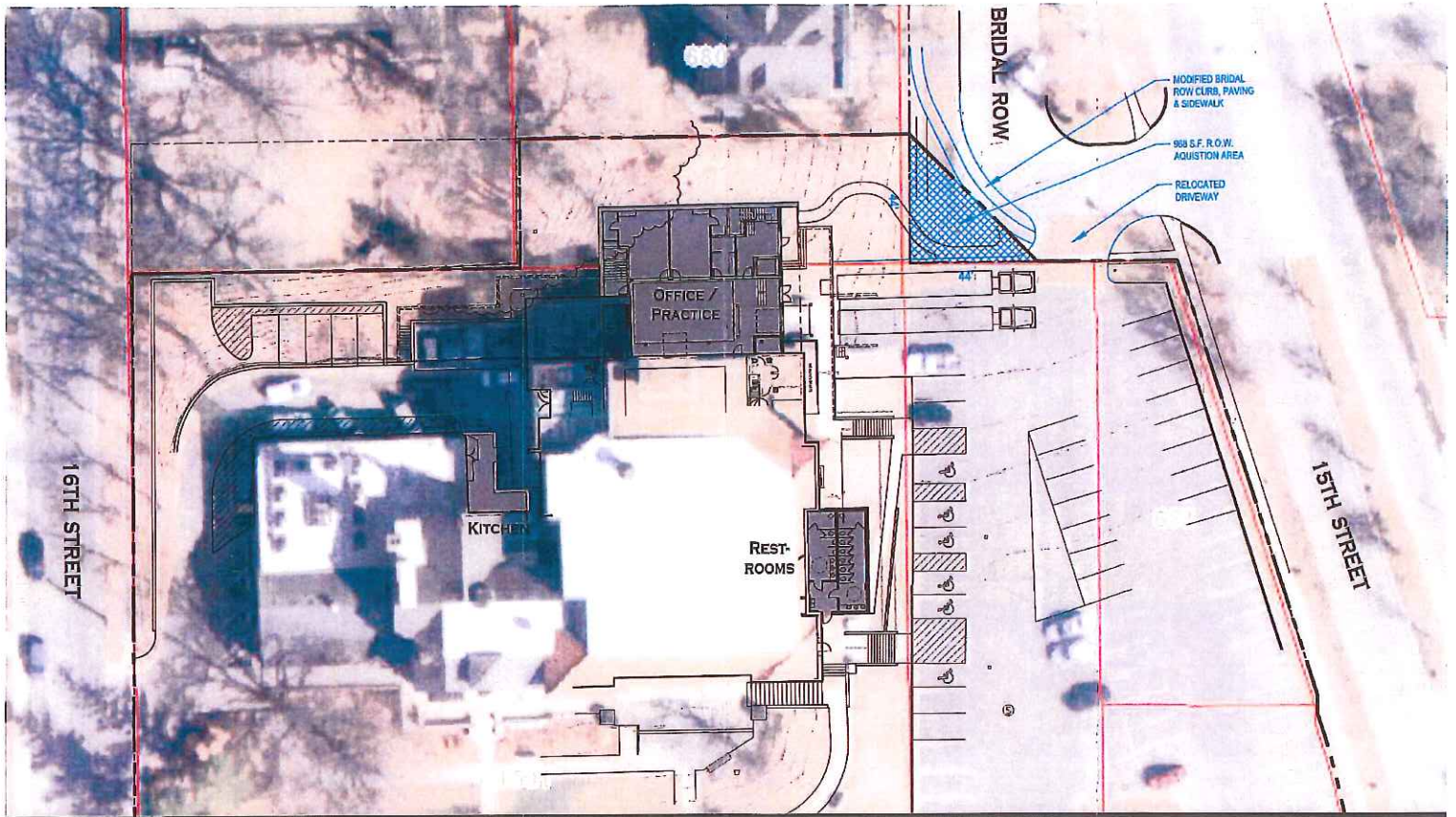
PROPERTY
LOCATION

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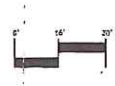
Hoyt Sherman PLACE

This drawing has been prepared by the Architect, or under the Architect's direct supervision. It is intended to be used for the construction of the building. It is not to be used for any other purpose. The Architect assumes no responsibility for the accuracy of the information shown on this drawing. The Architect's liability is limited to the professional services rendered. This drawing shall not be used for any other purpose without the written consent of the Architect. The Architect's liability is limited to the professional services rendered. This drawing shall not be used for any other purpose without the written consent of the Architect.

Hoyt Sherman Place
 Site Option #6
 1501 Woodland Avenue
 Des Moines, Iowa

September 17, 2018

NORTH
 1" = 30'-0" @ 11"x17" Sheet
 S&W 1816
 DRAWN BY: AVG

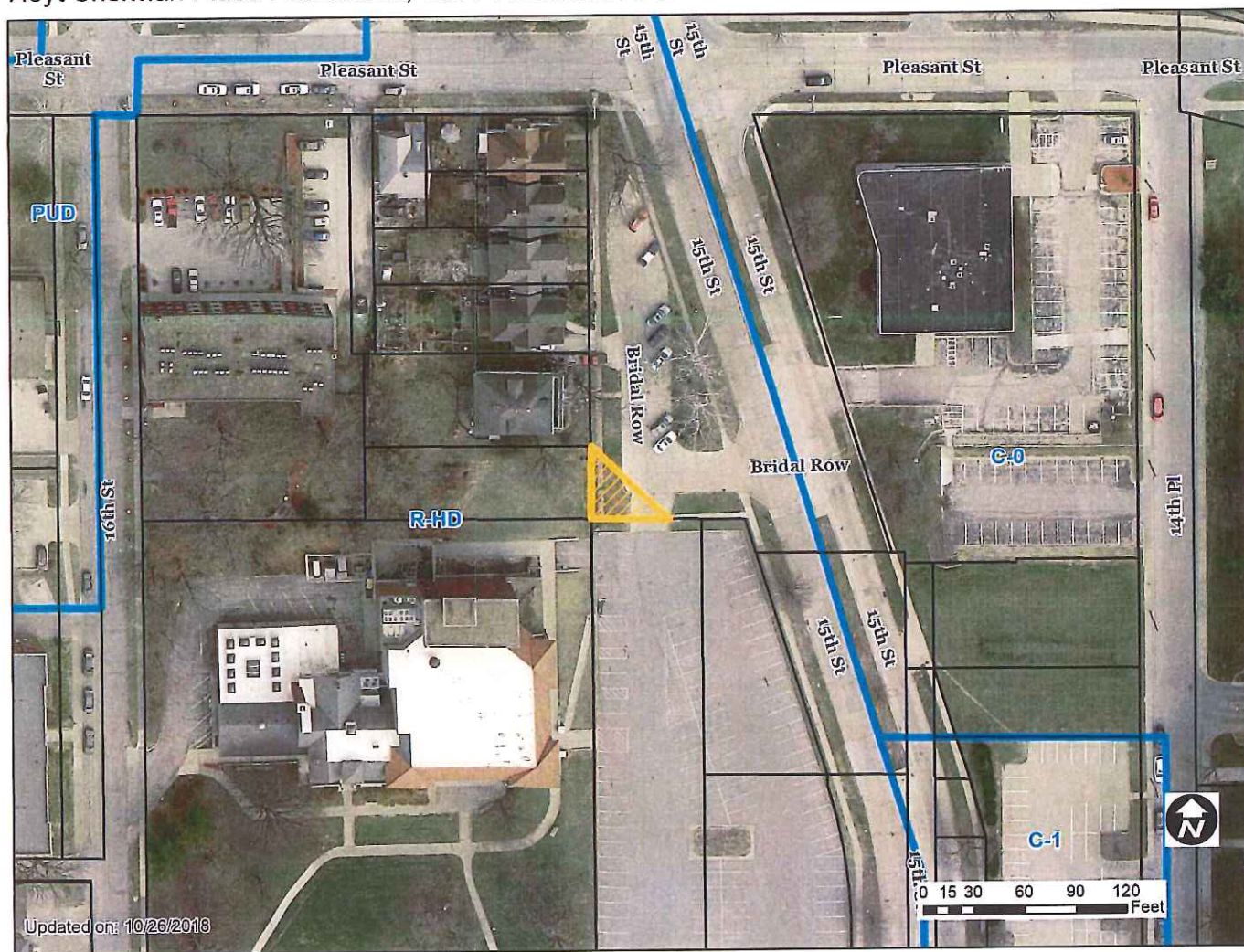


simonson

simonson & associates architects llc
 270 Ingalls square suite 100 des moines ia 50319
 515 444 8448 www.simonson.com

Hoyt Sherman Place Foundation, 1501 Woodland Avenue

11-2018-1.22



1 inch = 74 feet

November 28, 2018

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their November 15, 2018 meeting, the following action was taken regarding a request from Hoyt Sherman Place Foundation (owner), 1501 Woodland Avenue, represented by Robert Warren (officer) for vacation of an irregular segment of Bridal Row adjoining the subject property.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0-1 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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			

TO RECOMMEND APPROVAL of the requested vacation of ROW, subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of necessary public improvements for public street re-alignment and public sidewalks.

(11-2018-1.23)

Written Responses

1 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of easements for all public utilities in place.
2. Provision of necessary public improvements for public street re-alignment and public sidewalks.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The owner is in the process of expanding the venue to provide a larger back-of-stage area, including scenery loft, green room, and loading area. The proposed vacation would allow realignment of the driveway access to the the off-street parking lot and loading area to maximize this expansion. This will also facilitate pedestrian access to the site from Bridal Row.
2. **Size of Site:** Approximately 968 square feet of Right-Of-Way (ROW).
3. **Existing Zoning (site):** "R-HD" Residential Historic 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 the Hoyt Sherman Place auditorium and also serves as offices, meeting space, and a museum curated by the foundation.
5. **Adjacent Land Use and Zoning:**
 - North** – "R-HD"; Uses are single-family dwellings.
 - South** – "R-HD"; Use is surface parking and loading for Hoyt Sherman Place.
 - East** – "C-0" & "C-1"; Use is Unity Point Iowa Methodist Medical Center and Blank Children's Hospital.
 - West** – "R-HD"; Use is vacant land.
6. **General Neighborhood/Area Land Uses:** The site is located in the western portion of the downtown. The area contains a mix of institutional, office, retail and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Sherman Hill Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on October 26, 2018. Additionally, separate notifications of the

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hearing for this specific item were mailed on November 5, 2018 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on November 9, 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 Sherman Hill Association notices were mailed to David Schlarmann, 1503 Center Street, Des Moines, IA 50314.

- 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.

On September 19, 2018 by Docket No. 20-2019-5.11, the Historic District Commission issued a Certificate of Appropriateness to allow the applicant to complete the following exterior improvements to Hoyt Sherman Place:

- a) Construction of a 3-story addition to the north side of the auditorium.
- b) Construction of a 1-story addition to the east side of the building.
- c) Construction of a cooler and party addition to the east of the kitchen space along the north façade.
- d) Construction of a retaining wall along the perimeter of the northwest parking lot and a sidewalk connection to the rear of the north addition.
- e) Replacement of the sidewalk in the northeast portion of the site.
- f) Construction of a ramp along the east perimeter of the building.

- 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:** Des Moines Water Works has identified a 6-inch water main passing through the requested ROW. This main also continues south through the existing parking lot connecting into a main in Woodland Avenue and continues north through Bridal Row connecting into a main in Pleasant Street. It would be necessary to reserve an easement for this water main as part of any vacation of the ROW.

2. **Street System/Access:** The proposed vacation would involve the improvement of Bridal Row and the driveway access onto the public street from the off-street parking lot and loading area. In addition, the pedestrian walk between the venue and Bridal Row would be made accessible. Traffic Engineering Staff support the improvements.

SUMMARY OF DISCUSSION

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

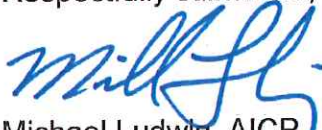
COMMISSION ACTION:

John "Jack" Hilmes made a motion for approval of the requested vacation of ROW, subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of necessary public improvements for public street re-alignment and public sidewalks.

Motion passed: 10-0-1 (Mike Simonson abstained)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

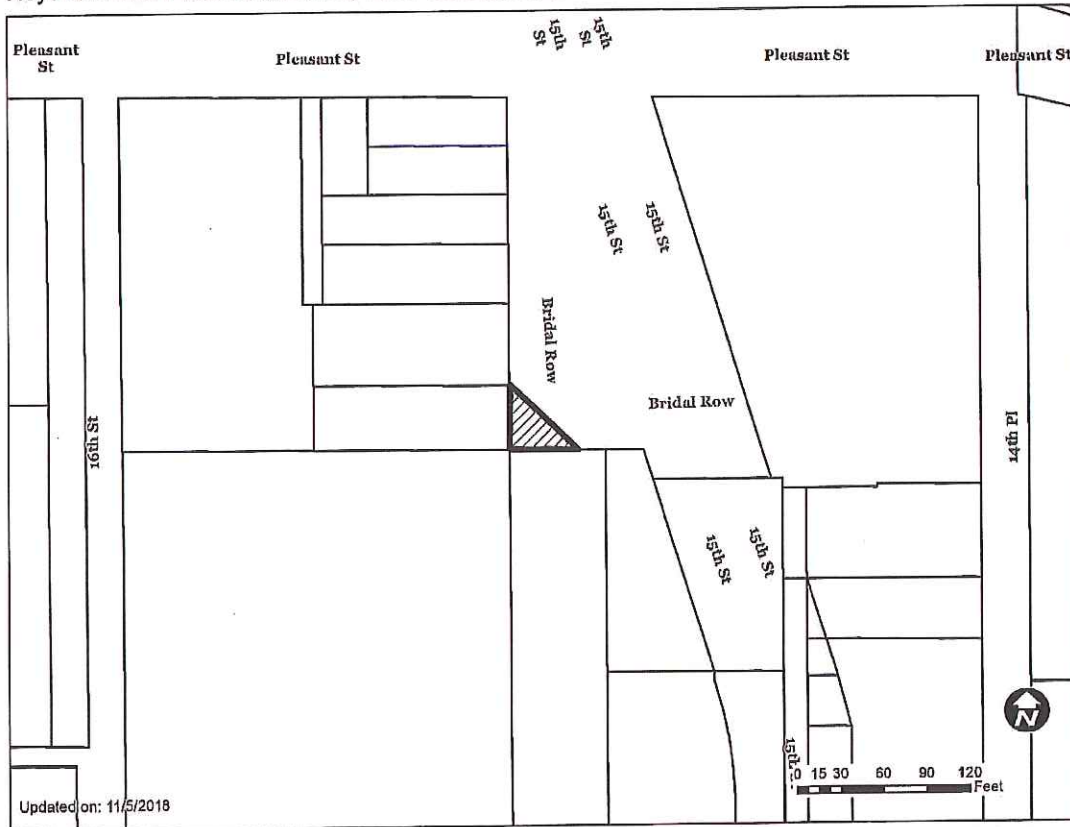
MGL:tjh
Attachments

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Hoyt Sherman Place Foundation (owner), 1501 Woodland Avenue, represented by Robert Warren (officer).			File #	
			11-2018-1.23	
Description of Action	Vacation of an irregular segment of Bridal Row adjoining the subject property.			
PlanDSM Future Land Use	Current: Neighborhood Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R-HD" Residential Historic District, "GGP" Gambling Game Prohibition Overlay District, "D-O" Downtown Overlay District, "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	1	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Hoyt Sherman Place Foundation, 1501 Woodland Avenue

11-2018-1.23



1 Inch = 74 feet

Item 11-2018-1.23 Date 11.8.18

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

(Circle One)

RECEIVED

Print Name Ric Frambach

COMMUNITY DEVELOPMENT Signature Ric

NOV 18 2018 Address 652 Bridal Row DM

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

I have seen the plan get forward by Hyatt's home
Foundation & support it.

