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Date August 5, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EXCESS CITY-OWNED RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF SOUTH UNION STREET AND HARTFORD AVENUE AND CONVEYANCE TO MARIA GONZALEZ FOR \$1,000.00

WHEREAS, on August 4, 2016 the City Plan and Zoning Commission voted to recommend approval of a request from Ronald and Melissa Oxford to vacate a portion of undeveloped Hartford Avenue right-of-way between Southwest 1st Street and South Union Street, Des Moines, Iowa, to allow for assemblage and continued access to the adjoining Oxford property at 24 Hillside Avenue, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated; and
2. Any vacated right-of-way shall be combined with the house and garage parcels; and

WHEREAS, August 22, 2016, by Roll Call No. 16-1399, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission recommending approval of the request from Ronald and Melissa Oxford to vacate said portion of undeveloped Hartford Avenue right-of-way, subject to the above conditions; and

WHEREAS, subsequent to the City Council vote, Ronald and Melissa Oxford withdrew their offer to purchase the vacated Hartford Avenue right-of-way thereby removing the need for the second Plan and Zoning Commission condition; and

WHEREAS, Maria Gonzalez, has now offered to the City of Des Moines ("City") the purchase price of \$1,000.00 for the purchase of a portion of undeveloped Hartford Avenue right-of-way between Southwest 1st Street and South Union Street (hereinafter "Property"), to allow for redevelopment with residential housing, 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 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 15, 2019, by Roll Call No. 19-1098, 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 5, 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 portion of undeveloped Hartford Avenue right-of-way between Southwest 1st Street and South Union 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

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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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the portion of undeveloped Hartford Avenue right-of-way between Southwest 1st Street and South Union Street, Des Moines, Iowa, 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:

THE WEST 210 FEET OF LOT 218, FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.24 ACRES (10,500 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, is hereby approved:

Grantee: Maria Gonzalez
Consideration: \$1,000.00

Legal Description: THE VACATED WEST 210 FEET OF LOT 218, FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.24 ACRES (10,500 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

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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 grantee.

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

BTW

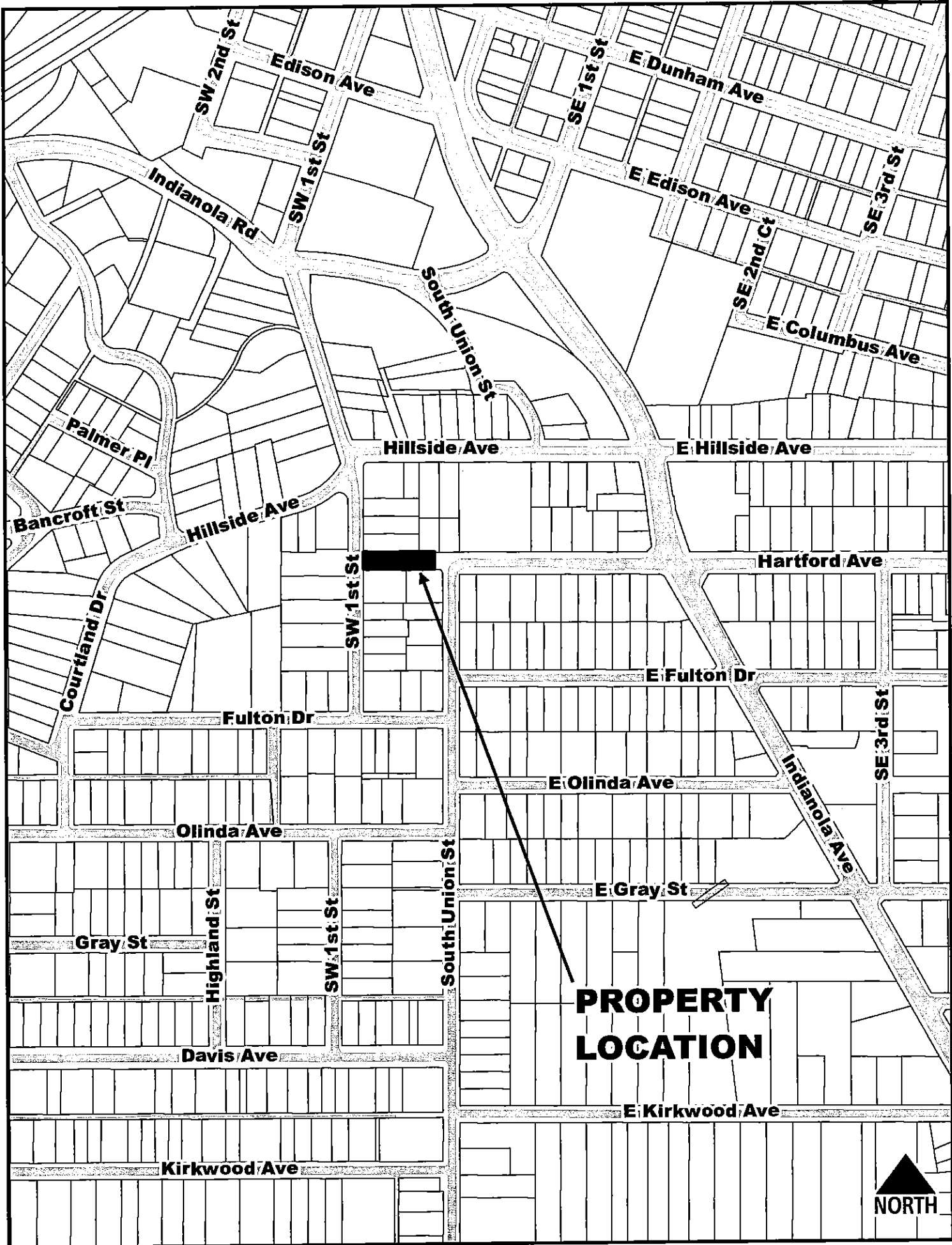
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
Mayor				

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



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August 9, 2016

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held August 4, 2016, the following action was taken regarding a request from Ronald and Melissa Oxford (owners), 24 Hillside Avenue, for vacation of the undeveloped Hartford Avenue Right-Of-Way from Southwest 1st Street to South Union Street.

COMMISSION RECOMMENDATION:

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri				X
Jacqueline Easley				X
Jann Freed				X
John "Jack" Hilmes				X
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
CJ Stephens	X			
Steve Wallace	X			
Greg Wattier	X			

APPROVAL of the vacation request subject to the following. (11-2016-1.16)

1. Reservation of any necessary easements for any existing utilities in place.
2. Any vacated ROW shall be combined with the house and garage parcels.

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the vacation request subject to the following:

1. Reservation of any necessary easements for any existing utilities in place.

2. Any vacated ROW shall be combined with the house and garage parcels.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow the applicants to control property that provides access to their property on Hillside Avenue. The applicants currently own 3 contiguous parcels. One parcel contains their home. Their detached garage straddle across the home parcel and a vacant parcel adjoining the subject ROW. These two parcels along with the ROW should be combined as part of any vacation.
2. **Size of Site:** 10,050 square feet (0.24 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low-density Residential District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Undeveloped street ROW.
5. **Adjacent Land Use and Zoning:**

North – "R1-60", Uses are single-family dwellings.

South – "R1-60", Uses are single-family dwellings.

East – "R1-60"; Use is Hartford Street.

West – "R1-60"; Uses are Southwest 1st Street and single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject ROW is located in a predominantly low-density residential area.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Indianola Hills Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on July 15, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on July 25, 2016 (10 days prior to the hearing) to the Indianola Hills Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjoining or across public streets from the subject street ROW. A Final Agenda was mailed to all recognized neighborhood associations on July 25, 2016.

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 Indianola Hills Neighborhood Association notices were mailed to Jeni Dooley, 712 Virginia Avenue, Des Moines, IA 50315.
8. **Relevant Zoning History:** N/A.

9. ~~PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:~~ The subject street Right-Of-Way is located in a Low Density Residential designated area.

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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. **Traffic/Street System:** The requested vacation would not impact the existing street network or traffic movement in the area. It would be a significant design challenge and expense given the grade of the land to connect Harford Avenue to Southwest 1st Street. It would provide little traffic benefit based on the expense. The ROW will allow the applicant to have control of the access drive to their home and garage.
2. **Utilities:** There are no identified utilities in the subject ROW. Easements must be reserved for any existing utilities that may exist until such time that they may be abandoned or are relocated.
3. **Future Use:** The proposed vacation would allow applicant to assemble the land with other property they own contiguously and maintain control of their access. Their garage is appears to be on two parcels that should be combined along with the subject ROW once it is vacated.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

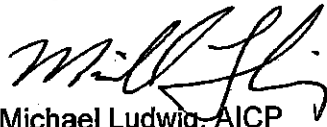
COMMISSION ACTION:

CJ Stephens moved staff recommendation for approval of the vacation request subject to the following:

1. Reservation of any necessary easements for any existing utilities in place.
2. Any vacated ROW shall be combined with the house and garage parcels.

Motion passed 10-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment