

Date December 2, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST/WEST ALLEY RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 1821 INGERSOLL AVENUE AND CONVEYANCE TO LUTHERAN CHURCH OF HOPE FOR \$28,000.00

WHEREAS, on September 23, 2019, by Roll Call No. 19-1481, the City Council of the City of Des Moines voted to receive and file a communication from the Plan and Zoning Commission regarding a request from Lutheran Church of Hope to vacate the segment of east/west alley between Ingersoll Avenue and High Street north of and adjoining, adjoining 1821 Ingersoll Avenue, to allow for assemblage with the adjoining property for future development, subject to the reservation of easements for all public utilities in place until such time they are abandoned or relocated; and

WHEREAS, Lutheran Church of Hope, owner of 1821 Ingersoll Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$28,000.00 for the purchase of the vacated east/west alley right-of-way located north of and adjoining 1821 Ingersoll Avenue, Des Moines, Iowa (hereinafter “Property”), to allow for assemblage with their adjoining property for redevelopment, 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 City will not be inconvenienced by the vacation and sale of said Property; and

WHEREAS, on November 18, 2019, by Roll Call No. 19-1823, 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 December 2, 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 east/west alley right-of-way located north of and adjoining 1821 Ingersoll 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:

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/west alley right-of-way located north of and adjoining 1821 Ingersoll Avenue, as described herein, are hereby overruled and the hearing is closed.

Date December 2, 2019

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 NORTH 16 FEET OF THE WEST 175 FEET OF LOT "C", J.C. SAVERY'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 2,800 SQUARE FEET.

3. The proposed sale of such vacated right-of-way, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements for utilities therein, is hereby approved:

Grantee: Lutheran Church of Hope

Consideration: \$28,000.00

Legal Description: THE VACATED NORTH 16 FEET OF THE WEST 175 FEET OF LOT "C", J.C. SAVERY'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 2,800 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 grantee.

8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Date December 2, 2019

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Lisa A. Wieland, Assistant City Attorney

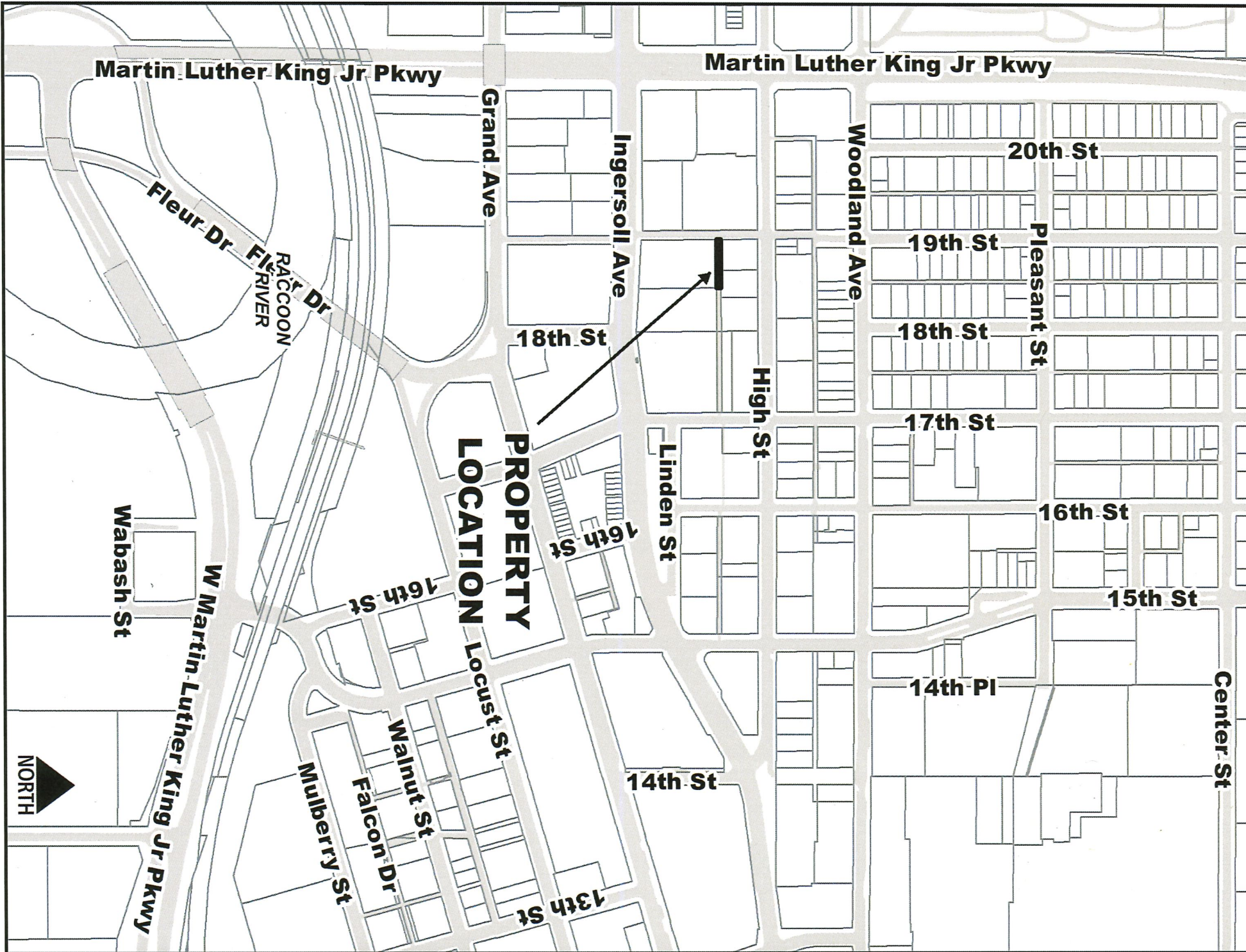
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, P. KAY CMELIK, 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



★ Roll Call Number
19-1481

Agenda Item Number
16

Date September 23, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM LUTHERAN CHURCH OF HOPE FOR VACATION OF A SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY NORTH OF AND ADJOINING 1821 INGERSOLL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2019, its members voted 11-0 to recommend **APPROVAL** of a request from Lutheran Church of Hope (owner), represented by Chris Gunnave (officer), to vacate the east/west segment of alley between Ingersoll Avenue and High Street, adjoining the north side of 1821 Ingersoll Avenue, to allow for assembly with the property for future redevelopment.

MOVED by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(11-2019-1.20)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED
J. M. Franklin Cownie 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.

Diane Rauh City Clerk



Updated on: 9/5/2019

1 inch = 73 feet

Handwritten initials
39



September 17, 2019

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their September 5, 2019 meeting, the following action was taken regarding a request from Lutheran Church of Hope (owner), 1821 Ingersoll Avenue represented by Chris Gunnave (officer) for vacation of the east/west segment of alley between Ingersoll Avenue and High Street adjoining the north side of the subject property, to allow the property to be assembled with the applicant's property.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				X
Abby Chungath	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			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

RECOMMEND APPROVAL of the requested vacation, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at the applicant's expense. (11-2019-1.20)

Written Responses

1 in Favor
0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at the applicant's expense.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation would allow the parcels to the north and south of the request right-of-way to be assembled for a future redevelopment. Any future redevelopment would require the use and ownership of the subject alley right-of-way. The applicant has requested the entire width of right-of-way be conveyed to them.
2. **Size of Site:** 16 feet by 175 feet (2,800 square feet).
3. **Existing Zoning (site):** "C-3A" Central Business District Support, "C-2" General Retail and Highway Oriented Commercial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-2" and "C-3A", Uses are office buildings and associated parking lots.
 - South** – "C-3A"; Use is religious assembly and parking lot for Lutheran Church of Hope.
6. **General Neighborhood/Area Land Uses:** The subject east/west alley right-of-way segment is located between Ingersoll Avenue and High Street to east of 19th Street. The surrounding area contains a mix of uses including single-family residential; multiple-family residential, office, commercial, and retail.
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 August 16, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 26, 2019 (10 days prior to the hearing) to the Sherman Hill Neighborhood 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 30, 2019.

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 Neighborhood notices were mailed to Ryan Howell, 831 16th Street, Des Moines, IA 50314.

8. **Relevant Zoning History:** None.
9. **PlanDSM Land Use Plan Designation:** Downtown Mixed Use.
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. **Street System/Access:** All adjoining property owners have consented to the proposed vacation. The parking lot on the adjoining property to the east utilizes a separate access from Ingersoll Avenue.
2. **Utilities:** A water main and hydrant are located in the requested right-of-way segment. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

SUMMARY OF DISCUSSION

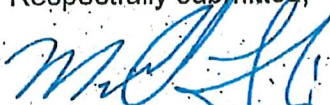
Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

Will Page made a motion for approval of the requested vacation, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at the applicant's expense.

Motion passed: 11-0.

Respectfully submitted,



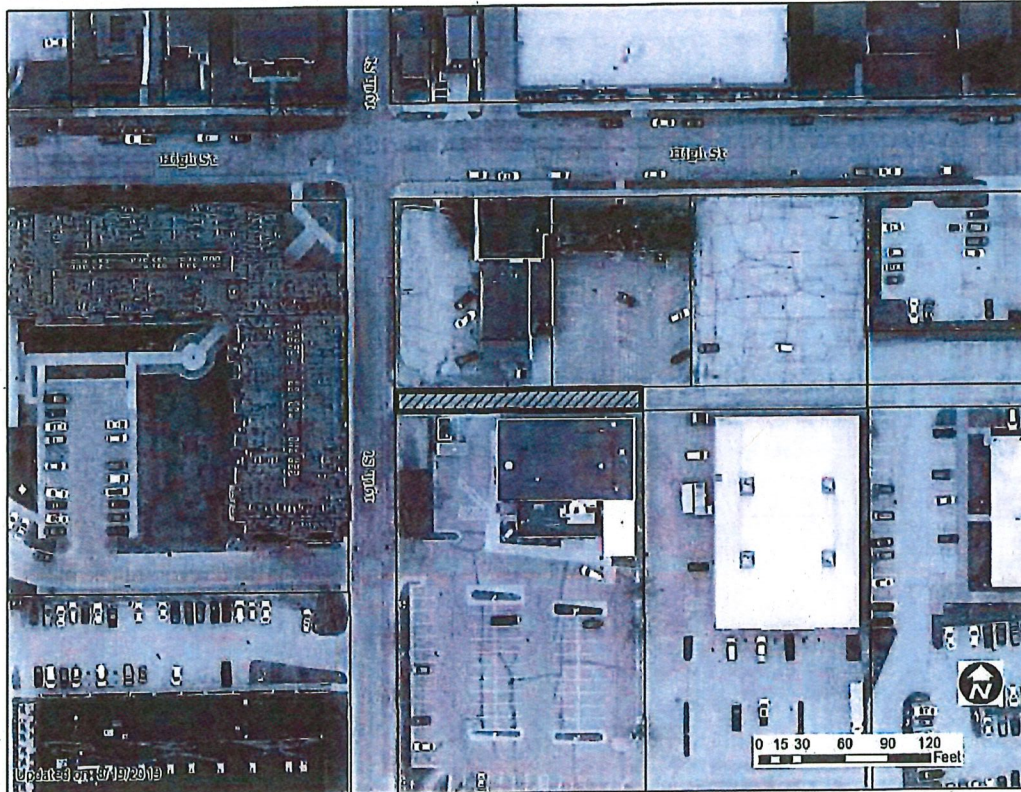
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Lutheran Church of Hope (owner) represented by Chris Gunnave (officer) for property located at 1821 Ingersoll Avenue.		File #		
		11-2019-1.20		
Description of Action	Vacation of the east/west segment of alley between Ingersoll Avenue and High Street adjoining the north side of the subject property, to allow the property to be assembled with the applicant's property.			
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 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	% Opposition
Outside Area (200 feet)	1	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council.	Yes
	Denial			No

Lutheran Church of Hope, 1821 Ingersoll Avenue

11-2019-1.20



1639

Item 11-2019-1.20 Date 8/28/19

(Item not) in favor of the request. Frank Marcovic
(Circle One)

RECEIVED Print Name East Argentinian LLC

COMMUNITY DEVELOPMENT Signature

SEP 09 2019 Address 1807 Elgerssoll Ave #

1812 West Jr

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

This is the last remaining public part of
the alley

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			0

MOTION CARRIED APPROVED
J. M. Francklin Cownie 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.

Diane Rauh City Clerk