

Date December 16, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF AN IRREGULAR PARCEL OF EXCESS RIGHT-OF-WAY FROM THE EAST M.L. KING JR. PARKWAY PROJECT IN THE VICINITY OF 1422 SCOTT AVENUE ADJOINING SOUTHEAST 14<sup>TH</sup> STREET**


**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on November 21, 2019, its members voted 12-0 to recommend **APPROVAL** of a City-initiated request to vacate an irregular-shaped parcel of excess right-of-way from the East M.L. King Jr. Parkway project in the vicinity of 1422 Scott Avenue, adjoining Southeast 14<sup>th</sup> Street, to allow for assembly with adjoining City owned property, for redevelopment.

**WHEREAS**, said recommendation for vacation is subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant's expense; and
2. Preservation of adequate clear zone within the remaining public Right-of-way from the adjacent recreational trail in East Martin Luther King, Jr. Parkway to the satisfaction of the Parks and Recreation Director.

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

APPROVED AS TO FORM:

  
Judy K. Parks-Kruse  
Assistant City Attorney

(11-2019-1.26)

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

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

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



December 10, 2019

Date December 16, 2019  
 Agenda Item 18  
 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 November 21, 2019 meeting, the following action was taken regarding a City initiated request to vacate an irregular parcel of excess Right-Of-Way from the East M.L. King Jr. Parkway project in the vicinity of 1422 Scott Avenue adjoining Southeast 14<sup>th</sup> Street, to assemble with adjoining City owned property for redevelopment.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 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 of Right-of-Way, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant's expense.

2. Preservation of adequate clear zone within the remaining public Right-Of-Way from the adjacent recreational trail in East Martin Luther King, Jr. Parkway to the satisfaction of the Parks and Recreation Director.

(11-2019-1.26)

#### Written Responses

0 in Favor

0 in opposition

### **RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation of Right-of-Way, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant's expense.
2. Preservation of adequate clear zone within the remaining public Right-Of-Way from the adjacent recreational trail in East Martin Luther King, Jr. Parkway to the satisfaction of the Parks and Recreation Director.

### **STAFF REPORT TO THE PLANNING COMMISSION**

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The City has requested vacation of an irregular-shaped portion of excess Right-Of-Way (ROW) from the Southeast Connector project. It is intended that this would be assembled and made available for industrial redevelopment.
2. **Size of Site:** 16,113 square feet.
3. **Existing Zoning (site):** "M-2" Heavy Industrial District, "VDL" Vehicle Display Lot Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Vacant land.
5. **Adjacent Land Use and Zoning:**  
  
**North** – "M-1"; Uses are the Burlington Northern Santa Fe Railroad, Southeast Connector (with adjacent recreational trail) and vacant land.  
  
**South** – "M-2", Use is vacant land.
6. **General Neighborhood/Area Land Uses:** The ROW is in a primarily industrial area adjacent to the Southeast Connector.
7. **Applicable Recognized Neighborhood(s):** The subject property is not in a recognized neighborhood. It is within 250 feet of the Historic East Village Neighborhood. This neighborhood association was notified of the Commission meeting by mailing of Preliminary Agenda on November 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 11, 2019 (10 days prior to the

hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested Right-of-Way.

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 Historic East Village Neighborhood Association notices were mailed to Taylor Frame, PO Box 93904, Des Moines, IA 50393.

**8. Relevant Zoning History:** N/A.

**9. PlanDSM Land Use Plan Designation:** Industrial.

**10. Applicable Regulations:** The Plan and Zoning 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:** There are no identified public utilities within the requested ROW. There shall be an easement for any public utilities that may be in place.
- 2. Streets/Sidewalk:** The property abuts the Southeast Connector project including the recreational trail on the south side. The description of the vacation area takes into account approximately a 10-foot setback from the recreational trail improvement.

## **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:**

Jann Freed made a motion for approval of the requested vacation of right-of-way, subject to the following conditions subject to reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant's expense.

Motion passed: 12-0

Respectfully submitted,



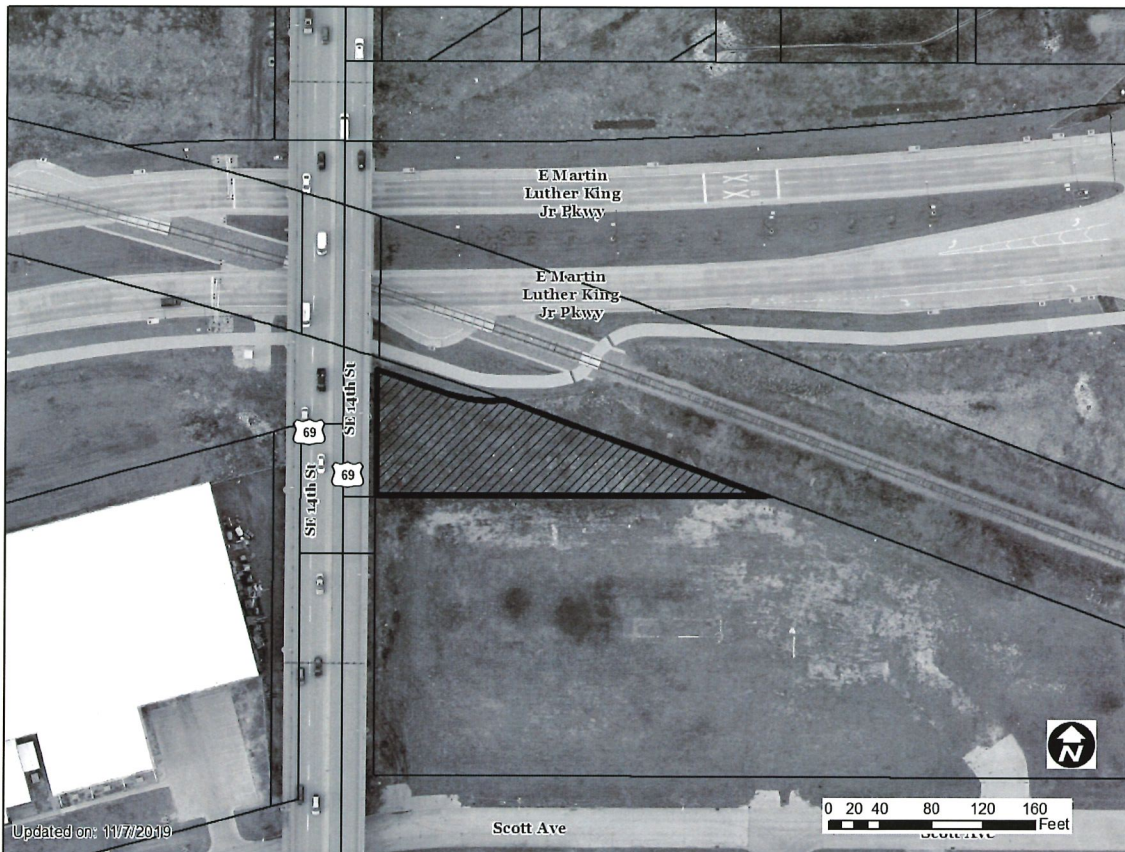
Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments

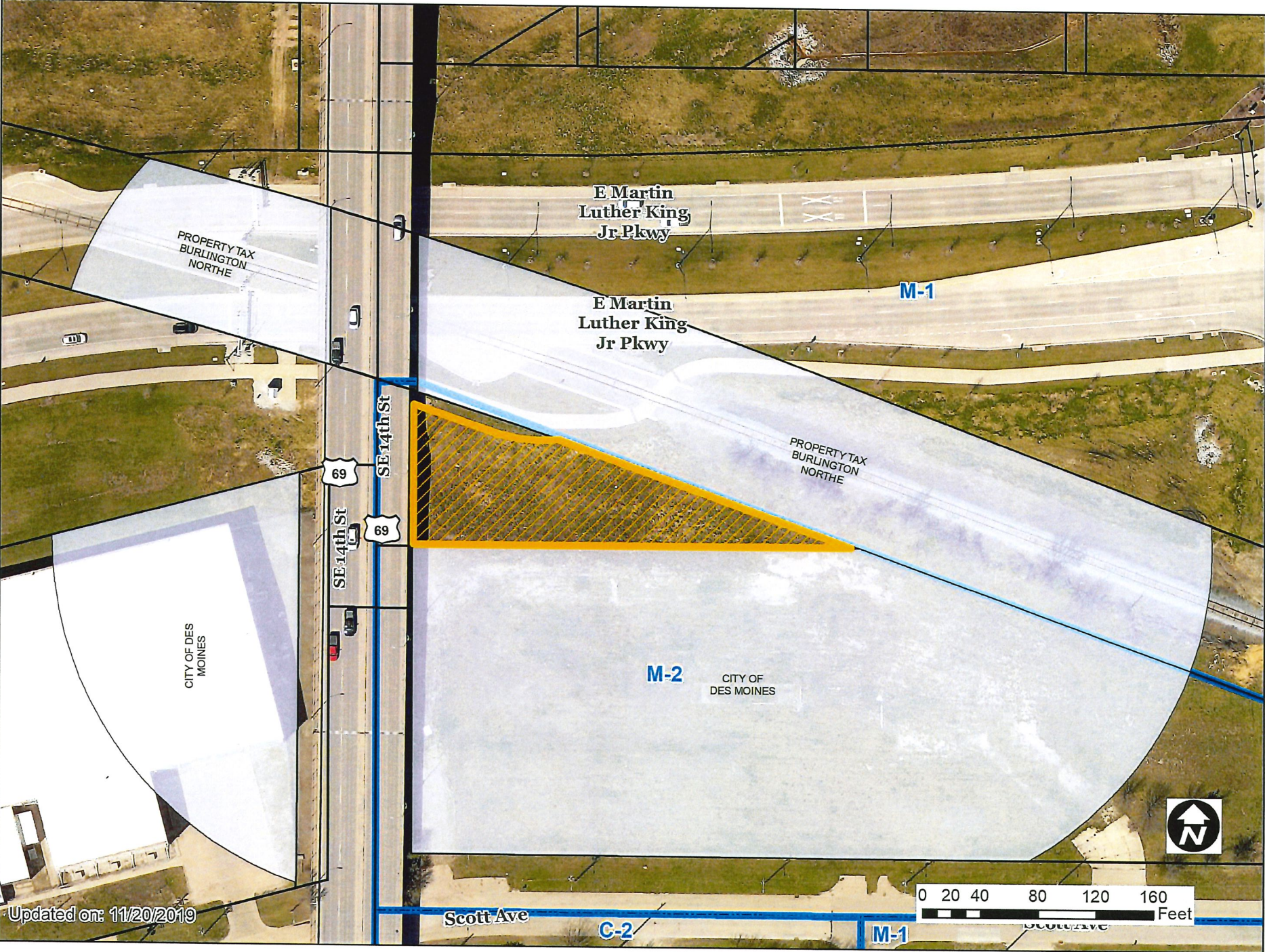
City initiated request for property in the vicinity of 1422 Scott Avenue.			File #	
			11-2019-1.26	
Description of Action	Vacate an irregular parcel of excess Right-Of-Way from the East M.L. King Jr. Parkway project adjoining Southeast 14th Street, to assemble with adjoining City owned property for redevelopment.			
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"M-2" Heavy Industrial District, "VDL" Vehicle Display Lot Overlay District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses Outside Area (200 feet)	In Favor	Not In Favor	Undetermined	% Opposition
Within Subject Property	0	0		
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

City initiated, Vicinity of 1422 Scott Avenue

11-2019-1.26



1 inch = 88 feet



Updated on: 11/20/2019

1 inch = 88 feet