



Date January 13, 2020

**SET HEARING FOR VACATION OF ALLEY RIGHT-OF-WAYS LOCATED NORTH OF
AND ADJOINING 100 EAST 2ND STREET**

WHEREAS, on December 16, 2019, by Roll Call No. 19-2002, the City Council of the City of Des Moines voted to receive and file a communication from the Plan and Zoning Commission regarding a City of Des Moines initiated request to vacate the following segments of alley right-of-way adjoining 100 East 2nd Street, Des Moines, Iowa, as legally described below, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

- A) The east/west alley between East Court Avenue and vacated East Vine Street from East 1st Street to East 2nd Street.
- B) The north/south alley between East 1st Street and East 2nd Street from the east/west alley north 66 feet to a dead end; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the following segments of alley right-of-way adjoining the property at 100 East 2nd Street, Des Moines, Iowa, legally described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

- A) The east/west alley right-of-way between East Court Avenue and vacated East Vine Street from East 1st Street to East 2nd Street.
- B) The north/south alley right-of-way between East 1st Street and East 2nd Street from the east/west alley north 66 feet to a dead end:

Legal Description

THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK D LYING WEST OF AND ADJOINING LOT 12 IN BLOCK D, AND ALL OF THE SOUTHERN EAST/WEST ALLEY RIGHT OF WAY IN SAID BLOCK D, ALL IN SCOTT AND DEAN'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.13 ACRES (5,531 SQUARE FEET).

2. That the meeting of the City Council at which the proposed vacation of said right-of-way and adoption of said ordinance are to be considered shall be on January 27, 2020, said hearing to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.



Roll Call Number

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3. 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.

Moved by _____ to adopt.

APPROVED AS TO FORM:


Lisa A. Wieland, Assistant City Attorney

PJW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
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



December 10, 2019

Date _____

Agenda Item _____

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 the following segments of alley Right-Of-Way adjoining the property at 100 East 2nd Street to allow the Police Department to restrict public access:

- A) The east/west alley between East Court Avenue and vacated East Vine Street from East 1st Street to East 2nd Street.
- B) The north/south alley between East 1st Street and East 2nd Street from the east/west alley north 66 feet to a dead end.

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 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. (11-2019-1.25)

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 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.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The City has requested vacation of an irregularly-shaped portion of public right-of-way (ROW) south of the Des Moines Police Station. The subject property is proposed to be utilized for off-street parking. The proposed vacation would allow the Des Moines Police to restrict access.
2. **Size of Site:** 5,531 square feet.
3. **Existing Zoning (site):** "D-R" Downtown Riverfront District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Public right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "D-R"; Uses are surface parking lot and Des Moines Police Station.
 - South** – "D-R"; Use is a temporary city-owned parking lot.
 - East** – "M-1"; Uses are Norfolk Southern Railway property and city-owned building.
 - West** – "D-R"; Uses are city-owned off-street parking and the Des Moines River.
6. **General Neighborhood/Area Land Uses:** The ROW is located east of the Des Moines River and south of East Court Avenue in an area that predominantly consists of public, commercial, and industrial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in 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 8, 2019 (13 days prior to the hearing) to the Historic East Village 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 Association notices were mailed to Taylor Frame, PO Box 93904, Des Moines, IA 50393.

8. Zoning History: N/A.

9. PlanDSM Land Use Plan Designation: Public/Semi-Public and Downtown Mixed Use.

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:** While no utilities have been identified within the requested ROW, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
- 2. Streets/Sidewalk:** There are no structures or individual property owners that would be impacted by the proposed vacation and restricted access. Any future use of the property is subject to compliance with zoning, site plan, and building regulations.

SUMMARY OF DISCUSSION

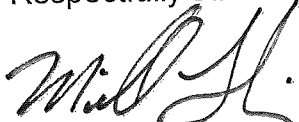
Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

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 the property at 100 East 2nd Street.				File #	
				11-2019-1.25	
Description of Action	Vacate the following segments of alley Right-Of-Way adjoining the property at 100 East 2nd Street to allow the Police Department to restrict public access: A) The east/west alley between East Court Avenue and vacated East Vine Street from East 1st Street to East 2nd Street. B) The north/south alley between East 1st Street and East 2nd Street from the east/west alley north 66 feet to a dead end.				
PlanDSM Future Land Use	Current: Public/Semi-Public. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"D-R" Downtown Riverfront District, "CDO" Capitol Dominance Overlay 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)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City initiated, 100 East 2nd Street

11-2019-1.25



