

.....
Date February 24, 2020

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF
FREMONT STREET RIGHT-OF-WAY BETWEEN EAST 14TH ST AND EAST 15TH
STREET, AND EAST 15TH STREET RIGHT-OF-WAY BETWEEN FREMONT
STREET AND EAST UNIVERSITY AVENUE AND CONVEYANCE TO DES
MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT**

WHEREAS, on August 5, 2019, by Roll Call No. 19-1204, 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 Des Moines Independent Community School District to vacate Fremont Street right-of-way between East 14th Street and East 15th Street, and East 15th Street right-of-way between Fremont Street and East University Avenue (hereinafter “Property”), to allow for assemblage with the adjoining properties to the north and south of said right-of-way for expansion of existing sports fields, subject to the following:

- Reservation of easements for all public utilities in place until such time they are abandoned or relocated;
- Reservation of any necessary easements for access as required by adjoining property owners; and
- All parcels in the vicinity owned by the applicant must be combined and recorded with Polk County; and

WHEREAS, Des Moines Independent Community School District, owner of multiple properties located north of and south of and adjoining the Property, wishes to acquire the Property for no consideration in accordance with Iowa Code §364.7(3), to allow for assemblage with their adjoining properties for expansion of existing sports fields; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be conveyed, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and conveyance of said Property; and

WHEREAS, on February 10, 2020, by Roll Call No. 20-0326, 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 February 24, 2024, 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 Fremont Street right-of-way between East 14th Street and East 15th Street, and East 15th Street right-of-way between Fremont Street and East University 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.

Date February 24, 2020

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 Fremont Street right-of-way between East 14th Street and East 15th Street, and East 15th Street right-of-way between Fremont Street and East University 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 FREMONT STREET RIGHT OF WAY AND A PART OF EAST 15TH STREET RIGHT OF WAY LYING WITHIN STEWART’S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, AND LYING WITHIN ASHBROOK, AN OFFICIAL PLAT, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH 20 FEET OF LOT 289 IN SAID ASHBROOK, SAID SOUTHWEST CORNER BEING ON THE EAST RIGHT OF WAY LINE OF EAST 15TH STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHEASTERLY EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF FREMONT STREET; THENCE SOUTHWESTERLY ALONG SAID NORTHEASTERLY EXTENSION AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 27, BLOCK 34, IN SAID STEWART’S ADDITION TO THE CITY OF DES MOINES; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE SOUTHERLY LINE OF LOT 1, BLOCK 33, IN SAID STEWART’S ADDITION TO THE CITY OF DES MOINES, SAID POINT BEING 37 FEET SOUTHWESTERLY FROM THE SOUTHEAST CORNER OF SAID LOT 1 ALONG THE SOUTHERLY LINE OF SAID LOT 1, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF FREMONT STREET; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF SAID EAST 15TH STREET; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE TO THE WEST EXTENSION OF THE SOUTH LINE OF THE NORTH 20 FEET OF SAID LOT 289; THENCE EAST ALONG SAID WEST EXTENSION TO THE POINT OF BEGINNING,

ALL NOW INCLUDED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.50 ACRES (65,182 SQUARE FEET).

3. The proposed conveyance of such vacated right-of-way, as legally described below to Des Moines Independent Community School District for no consideration in accordance with Iowa Code §364.7(3), subject to the reservation of easements for utilities therein, and further subject to the reservation of a Permanent Easement for Vehicular Ingress and Egress across a portion of the Property, which will be included in the Quit Claim Deed from City to Buyer, in order to allow the owner(s) of 1111 East 14th Street and 1414 Fremont Street Des Moines, Iowa continued access to their property:

Date February 24, 2020

A PART OF VACATED FREMONT STREET RIGHT OF WAY AND A PART OF VACATED EAST 15TH STREET RIGHT OF WAY LYING WITHIN STEWART'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, AND LYING WITHIN ASHBROOK, AN OFFICIAL PLAT, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH 20 FEET OF LOT 289 IN SAID ASHBROOK, SAID SOUTHWEST CORNER BEING ON THE EAST RIGHT OF WAY LINE OF VACATED EAST 15TH STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHEASTERLY EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF VACATED FREMONT STREET; THENCE SOUTHWESTERLY ALONG SAID NORTHEASTERLY EXTENSION AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 27, BLOCK 34, IN SAID STEWART'S ADDITION TO THE CITY OF DES MOINES; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE SOUTHERLY LINE OF LOT 1, BLOCK 33, IN SAID STEWART'S ADDITION TO THE CITY OF DES MOINES, SAID POINT BEING 37 FEET SOUTHWESTERLY FROM THE SOUTHEAST CORNER OF SAID LOT 1 ALONG THE SOUTHERLY LINE OF SAID LOT 1, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF VACATED FREMONT STREET; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF SAID EAST 15TH STREET; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE TO THE WEST EXTENSION OF THE SOUTH LINE OF THE NORTH 20 FEET OF SAID LOT 289; THENCE EAST ALONG SAID WEST EXTENSION TO THE POINT OF BEGINNING,

ALL NOW INCLUDED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.50 ACRES (65,182 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 \$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. There are no proceeds associated with this transaction.

48

.....
Date February 24, 2020

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

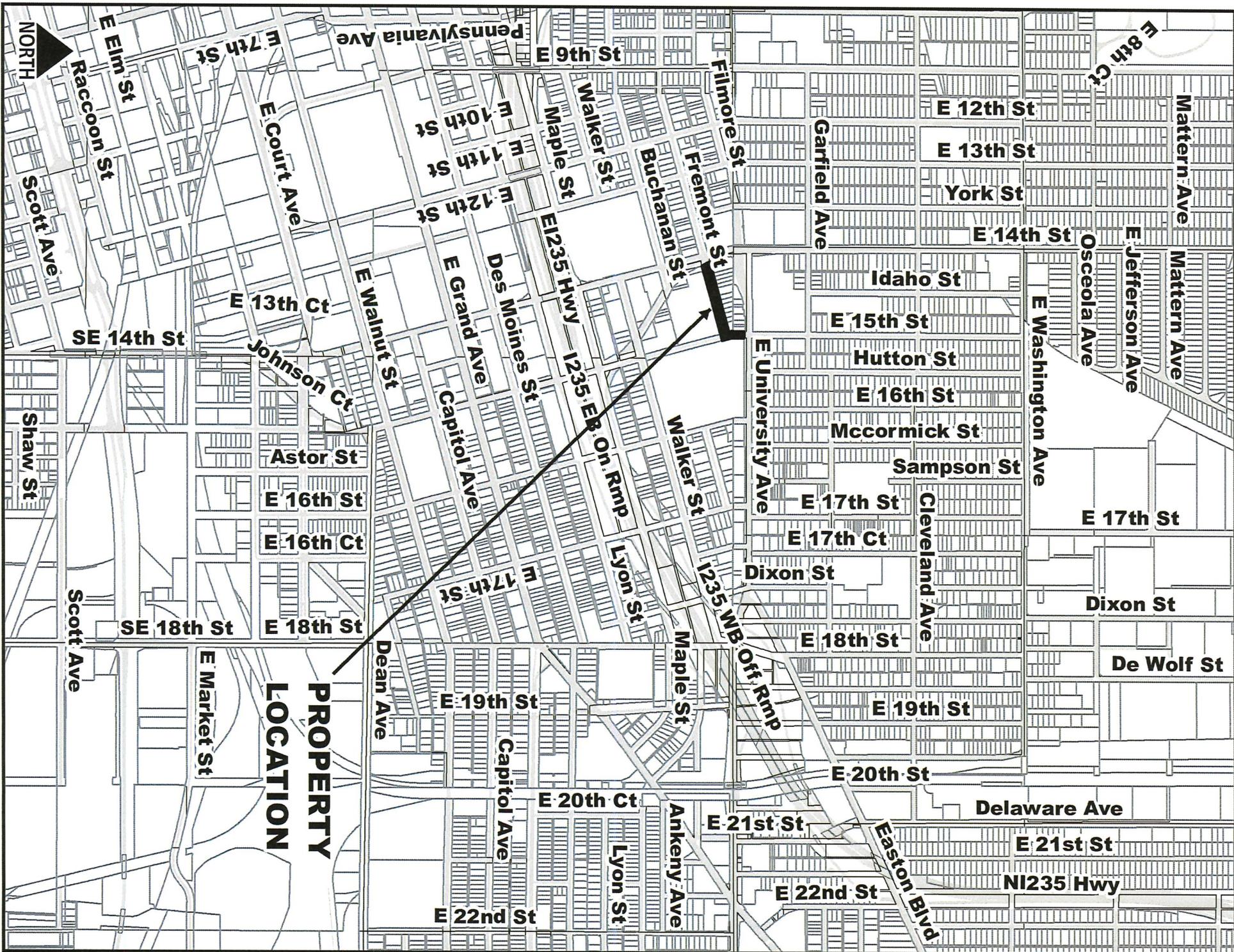
Mayor

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



NORTH

**PROPERTY
LOCATION**

E Elm St
Raccoon St
Scott Ave

E 7th St
E Court Ave

Pennsylvania Ave
E 6th St
E 10th St
E 11th St
E 12th St

Maple St
Walker St
Buchanan St
Fremont St
Filmore St

E 12th St
E 13th St
York St

E 8th Ct
Mattern Ave
Mattern Ave

SE 14th St

E 13th Ct
E Walnut St
Johnson Ct

E 12th St
E Grand Ave
Des Moines St

EI235 Hwy 1235 E.R. On Rmp

Idaho St
E 15th St
Hutton St
E 16th St

E 14th St
Osceola Ave
E Jefferson Ave
Mattern Ave

Shaw St
Astor St
E 16th St
E 16th Ct

E Capitol Ave
Capitol Ave

Walker St

E University Ave
E 17th St
McCormick St
Sampson St

E Washington Ave

E 17th St

SE 18th St
E 18th St

E 17th St
Lyon St

1235 WB. Of Rmp

E 17th Ct
Dixon St
E 18th St

E 17th St
Dixon St

De Wolf St

Scott Ave
SE 18th St
E Market St

Dean Ave
E 19th St
Capitol Ave

Maple St

E 18th St
E 19th St
E 20th St

E 18th St
E 19th St

E 20th Ct

E 21st St

Delaware Ave

E 21st St

E 22nd St

E 20th St
Lyon St

Ankeny Ave

E 22nd St

Easton Blvd

NI235 Hwy



July 30, 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 July 18, 2019 meeting, the following action was taken regarding a request from Des Moines Public Schools (owner) 1450 Fremont Street represented by Bill Good (officer) for vacation of Fremont Street from East 14th Street to East 15th Street and for vacation of East 15th Street from Fremont Street to East University Avenue to allow it to be assembled with adjoining property. Additional adjoining property owned by University Group, LLC.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	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			
Emily Webb	X			

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

1. Reservation of any necessary easements for all existing public utilities in place until such time that they are abandoned or are relocated at the applicant's expense.
2. Reservation of any necessary easements for access as required by adjoining property owners.

3. All parcels owned by the applicant must be combined and recorded with Polk County.

(11-2019-1.15)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of any necessary easements for all existing public utilities in place until such time that they are abandoned or are relocated at the applicant's expense.
2. Reservation of any necessary easements for access as required by adjoining property owners.
3. All parcels owned by the applicant must be combined and recorded with Polk County.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is interested in acquiring the subject right-of-way. The proposed vacation would allow the applicant to combine the subject right-of-way with the properties to the north and south of the subject right-of-way and expand their existing sports fields. The request requires the entire width and length of right-of-way be vacated.
2. **Size of Site:** Approximately 63,606 square feet.
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District, "R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Fremont Street right-of-way.
5. **Adjacent Land Use and Zoning:**

North – "R1-60", "C-2" & Limited "C-2", Uses are vacant land owned by DMPS and University Group LLC and a parking lot currently used by a food truck.

South – "R1-60", "C-2"; Uses are DMPS sports fields.

East – "R1-60", Uses are DMPS sports fields.

West – “C-2”; Uses are a office and retail building and parking lot, Fremont Street right-of-way, and a restaurant.

6. **General Neighborhood/Area Land Uses:** The subject right-of-way extends east from East 14th Street for approximately 675 feet and then turns north for approximately 160 feet to East University Avenue. The surrounding area contains a mix of uses including multiple-family and single-family residential, office and retail, commercial, and educational uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Martin Luther King Jr. Park Neighborhood and within 250 feet of Capitol Park Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on June 28, 2019. A Final Agenda was mailed to the neighborhood associations on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 (10 days prior to the hearing) to the Martin Luther King Jr. Park Neighborhood, the Capitol Park Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject 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 Martin Luther King Jr. Park Neighborhood notices were mailed to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316. The Capitol Park Neighborhood notices were mailed to Chelsea Lepley, PO Box 1993, Des Moines, IA 50305.

8. **Relevant Zoning History:** None.
9. **PlanDSM Land Use Plan Designation:** Public/Semi-Public.
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 properties fronting East 14th Street would require an access easement to ensure continued access from Fremont Street right-of-way.
2. **Utilities:** A water hydrant, a water feeder main, and an 8-inch water main are located in the requested right-of-way. Sanitary sewer and storm conduits are located in the requested right-of-way. 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:

David Courard-Hauri made a motion for approval of the requested vacation, subject to the following conditions:

1. Reservation of any necessary easements for all existing public utilities in place until such time that they are abandoned or are relocated at the applicant's expense.
2. Reservation of any necessary easements for access as required by adjoining property owners.
3. All parcels owned by the applicant must be combined and recorded with Polk County.

Motion passed: 13-0

Respectfully submitted,



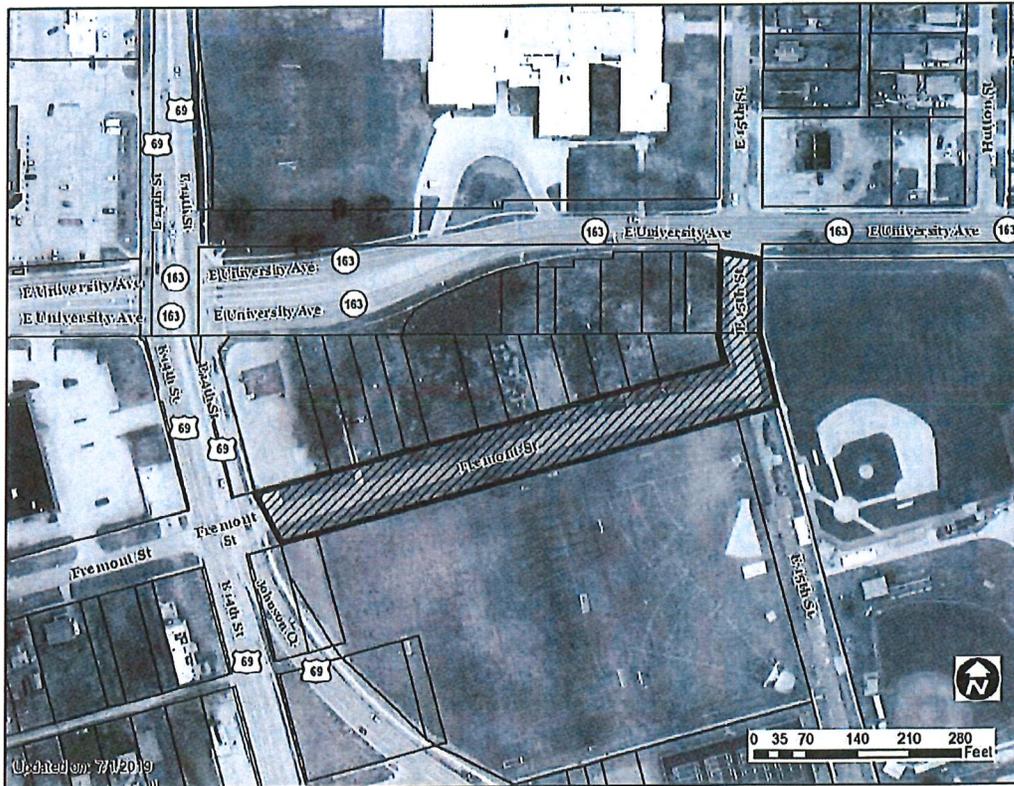
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Des Moines Public Schools (owner) 1450 Fremont Street represented by Bill Good (officer). Additional adjoining property owned by University Group, LLC.		File #		
		11-2019-1.15		
Description of Action	Vacation of Fremont Street from East 14th Street to East 15th Street and for vacation of East 15th Street from Fremont Street to East University Avenue to allow it to be assembled with adjoining property.			
PlanDSM Future Land Use	Current: Publi/Semi-Public, Regional Mixed Use, and Neighborhood Mixed Use within a Neighborhood Node. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District, "R1-60" One-Family Low-Density Residential District, "VDL" Vehicle Display Lot 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

Des Moines Public Schools, 1450 Fremont Street

11-2019-1.15



1 Inch = 141 feet