



Roll Call Number

Agenda Item Number

18

Date June 14, 2021

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING REQUEST FROM STATE OF IOWA FOR VACATION OF SURFACE AND
SUBSURFACE SEGMENTS OF WATSON POWELL JR. RIGHT-OF-WAY
IN THE VICINITY OF 524 4TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 3, 2021, its members voted 10-0 to recommend **APPROVAL** of a request from State of Iowa (owner), represented by Cheri Myers (officer), to vacate the following segments of street right-of-way in the vicinity of 524 4th Street to allow for an existing basement encroachment and repairs to an existing accessible ramp and stairs in the building occupied by the Iowa Department of the Blind offices:

- A 6.5-foot by 43.0-foot segment of surface rights from the south edge of Watson Powell Jr. Way;
- An 11.0-foot by 9.75-foot segment of subsurface rights from the south edge of Watson Powell Jr. Way.

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

FORM APPROVED:

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

(11-2021-1.07)

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

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.

Mayor

City Clerk



June 8, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 3, 2021 meeting, the following action was taken regarding a request from State of Iowa (owner) represented by Cheri Myers (officer) for vacation of the following segments of street Right-Of-Way adjoining property located at 524 4th Street occupied by of the Iowa Department for the Blind.

- A) A 6.5-foot by 43.0-foot segment of surface rights from the south edge of Watson Powell Jr. Way to allow for accessible entrance ramp to the north entrance of the building.
- B) An 11.0-foot by 9.75-foot segment of subsurface rights from the south edge of Watson Powell, Jr. Way to allow for existing basement encroachment.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				X
Abby Chungath	X			
Kayla Berkson				X
Jann Freed				X
Johnny Alcivar	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			

APPROVAL of the requested right-of-way vacations.

(11-2021-1.07)

Written Responses

0 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested right-of-way vacations.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject right-of-way would allow for an existing basement encroachment and would allow the applicant to make repairs to an existing handicap accessible ramp and stairs that lead to the offices of the Iowa Department of the Blind.
2. **Size of Site:** 387 square feet of cumulative area.
3. **Existing Zoning (site):** "DX1" Downtown District.
4. **Existing Land Use (site):** The affected areas consist of public street ROWs with existing ramp and stairs and a basement encroachment.
5. **Adjacent Land Use and Zoning:** Adjacent land uses include a mix of public and commercial uses.

North – DX2; use is Watson Powell, Jr. Way.

South – DX1; use is the Iowa Department of the Blind.
6. **General Neighborhood/Area Land Uses:** The subject area is located along the south side of Watson Powell, Jr Way between 4th Street and 5th Avenue in the downtown. The area contains a mix of public and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject rights-of-way are in the Downtown Des Moines Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary on May 14, 2021 and by mailing of the Final Agenda on May 28, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on May 24, 2021 (10 days prior to the public hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood mailings were sent to Sebastian Hamirani, 1400 Walnut Street, #413, Des Moines, IA 50309.

8. **Relevant Zoning History:** None.

9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Downtown Mixed Use.

10. **Applicable Regulations:** Taking into consideration 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/Access:** The requested ROW contains an existing ramp and stairs leading to the offices of the Iowa Department of the Blind, and an existing basement encroachment. Neither of these areas are needed for vehicular or pedestrian circulation in the area. The vacation would allow the applicant to make needed repairs.

SUMMARY OF DISCUSSION

Emily Webb asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Carolyn Jension made a motion for approval of the requested right-of-way vacations.

Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

State of Iowa (owner) represented by Cheri Myers (officer) for property located at 524 4th Street occupied by of the Iowa Department for the Blind.		File # 11-2021-1.07		
Description of Action	Vacation of the following segments of street Right-Of-Way: Part A) A 6.5-foot by 43.0-foot segment of surface rights from the south edge of Watson Powell Jr. Way to allow for accessible entrance ramp to the north entrance of the building. Part B).An 11.0-foot by 9.75-foot segment of subsurface rights from the south edge of Watson Powell, Jr. Way to allow for existing basement encroachment.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"DX1" Downtown 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

State of Iowa, Vicinity of 524 4th Street

11-2021-1.07



1 inch = 69 feet



Updated on: 6/3/2021
P2

1 inch = 69 feet