



Date June 14, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF VARIOUS SEGMENTS OF STREET AND ALLEY RIGHT-OF-WAY IN THE VICINITY OF SOUTHEAST ASTOR STREET AND SHAW STREET, AND THE VICINITY OF SOUTHEAST 16TH STREET AND VALE STREET TO ASSEMBLE LAND FOR MUNICIPAL SERVICES CENTER PHASE II PROJECT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 20, 2021, its members voted 12-0 to recommend APPROVAL of a City-initiated request for vacation of the following street and alley rights-of-way:

- 1. North/south alley between Southeast 15th Court and Southeast Astor Street from Maury Street to Scott Avenue;
2. Southeast Astor Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street;
3. North/south alley between Southeast Astor Street and vacated Southeast 16th Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street;
4. Shaw Street from vacated Southeast 16th Street to the north/south alley west of Southeast Astor Street;
5. Southeast 16th Street from the vacated east/west alley south of Vale Street to Maury Street; and
6. Vale Street from Southeast 15th Street to Southeast 16th Street;

to assemble land for the Municipal Services Center Phase II project, all subject to the provision of an access easement for fence maintenance purposes for 1520 Maury Street and 609 Southeast 15th Court, 613 Southeast 15th Court and 627 Southeast 15th Court.

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: [Signature]
Judy K. Parks-Kruse
Assistant City Attorney (11-2021-1.06)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and 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



June 8, 2021

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 May 20, 2021 meeting, the following action was taken regarding a City initiated request for the Vacation of the following segments of street and alley Right-Of-Way in the vicinity of Southeast Astor Street and Shaw Street and the vicinity of Southeast 16th Street and Vale Street, to assemble land for the Municipal Services Center Phase II project.

- A) North/south alley between Southeast 15th Court and Southeast Astor Street from Maury Street to Scott Avenue.
- B) Southeast Astor Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street.
- C) North/south alley between Southeast Astor Street and vacated Southeast 16th Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street.
- D) Shaw Street from vacated Southeast 16th Street to the north/south alley west of Southeast Astor Street.
- E) Southeast 16th Street from the vacated east/west alley south of Vales Street to Maury Street.
- F) Vale Street from Southeast 15th Street to Southeast 16th Street.

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			
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 subject to the provision of an access easement for fence maintenance purposes for 609 SE 15th Court, 613 SE 15th Court, 627 SE 15th Court and 1520 Maury Street. (11-2021-1.06)

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 subject to the provision of an access easement for fence maintenance purposes only for 1520 Maury Street.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject right-of-way would be assembled with land owned by the City of Des Moines into a single site. It would then be developed and occupied by the Municipal Services Center (MSC) Phase II project. The existing MSC is located to the north of this site.
2. **Size of Site:** 3.08 acres (134,517 square feet) of cumulative area.
3. **Existing Zoning (site):** "I1" Industrial District.
4. **Existing Land Use (site):** The affected areas consist of public street ROWs.
5. **Adjacent Land Use and Zoning:** Adjacent land uses include a mix of industrial uses and vacant land that is all zoned "I1" Industrial District.
6. **Applicable Recognized Neighborhood(s):** The subject rights-of-way are not within 250 feet of a recognized neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on April 16, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 26, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on April 30, 2021.

7. **Relevant Zoning History:** None.

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

9. **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 subject rights-of-way are undeveloped or minimally developed and not needed for vehicular circulation in the area. They are not needed as a primary form of access to property not owned by the City.

At the May 6, 2021 meeting the owner of 1520 Maury Street testified that he utilizes the north/south alley between Southeast 15th Court and Southeast Astor Street from Maury Street to Scott Avenue for access to his fencing for maintenance purposes. Planning staff has consultant with the Engineering Department and is recommending that an access easement be provided that would provide the neighbor the ability to maintain his fencing.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Dale Jones 3700 Kinsey Avenue stated the recommendation from the City sounds good but he does have a problem as he will still need to maintain the fences at 609 SE 15th Court, 615 SE 15th Court, 627 SE 15th Court. He is also concerned with the drop of grade coming up to his fence due to grading on the MSC phase 2 site.

Jason Van Essen stated the project has started and has an approved grading plan, so there is nothing for the commission or staff to discuss on the grading. Regarding the other parcels Dale owns, the commission could make those part of their recommendation to City Council.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Will Page asked what the address are for the properties in question.

Dale Jones stated 609 SE 15th Court, 613 SE 15th Court, 627 SE 15th Court and 1520 Maury Street.

COMMISSION ACTION:

Will Page made a motion approval of the requested right-of-way vacations subject to the provision of an access easement for fence maintenance purposes for 609 SE 15th Court, 613 SE 15th Court, 627 SE 15th Court and 1520 Maury Street.

Motion passed: 12-0

Respectfully submitted,

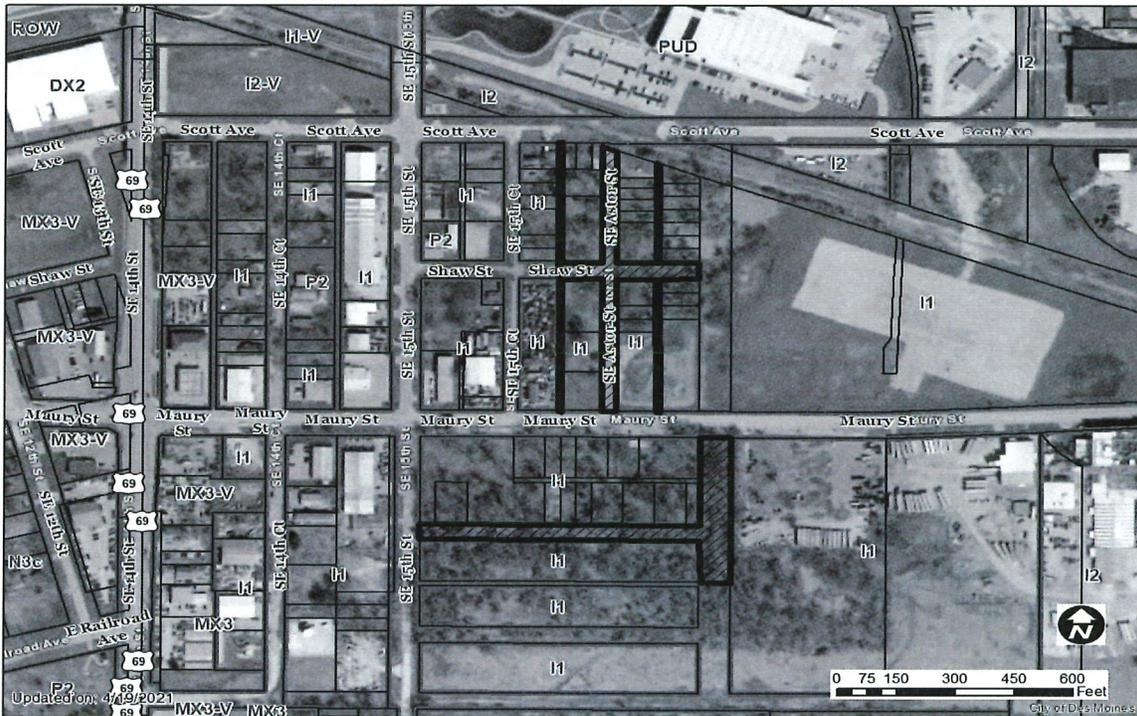


Jason Van Essen, AICP
Planning & Urban Design Administrator

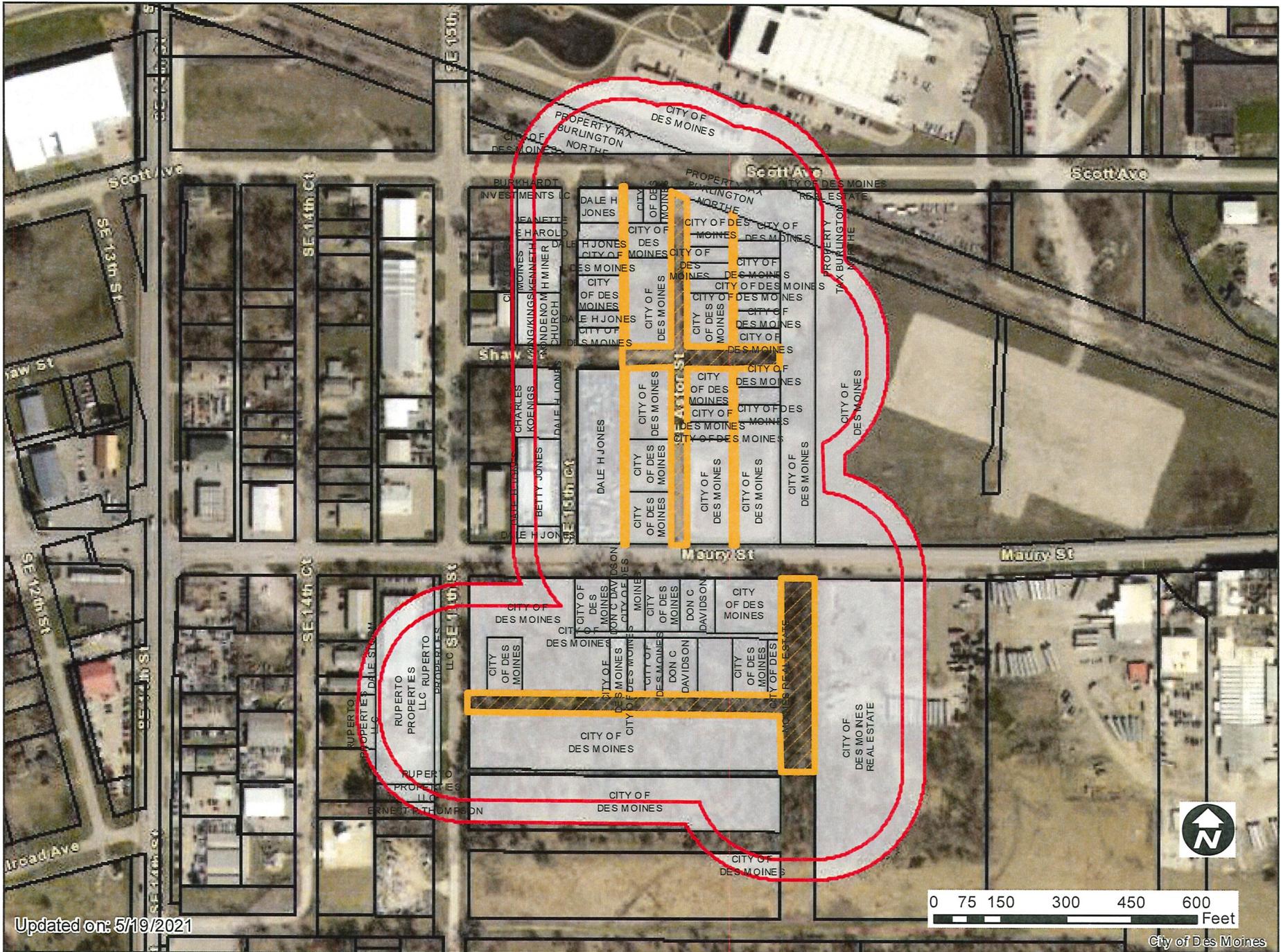
JMV:tjh

City initiated request for segments of street and alley Right-Of-Way in the vicinity of Southeast Astor Street and Shaw Street and the vicinity of Southeast 16th Street and Vale Street.		File # 11-2021-1.06	
Description of Action	Vacation of the following segments to assemble land for the Municipal Services Center Phase II project. A) North/south alley between Southeast 15 th Court and Southeast Astor Street from Maury Street to Scott Avenue. B) Southeast Astor Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street. C) North/south alley between Southeast Astor Street and vacated Southeast 16 th Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street. D) Shaw Street from vacated Southeast 16 th Street to the north/south alley west of Southeast Astor Street. E) Southeast 16 th Street from the vacated east/west alley south of Vales Street to Maury Street. F) Vale Street from Southeast 15 th Street to Southeast 16 th Street.		
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.		
Mobilizing Tomorrow Transportation Plan	No planned improvements.		
Current Zoning District	"I1" Industrial District.		
Proposed Zoning District	N/A.		
Consent Card Responses	In Favor	Not In Favor	Undetermined
Outside Area (200 feet)	0	0	
Within Subject Property			
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council
	Denial		
			Yes
			No
			X

City initiated, Vicinity of S.E. Astor St. & Shaw St. and S.E. 16th St. & Vale St. 11-2021-1.06



1 inch = 290 feet



Updated on: 5/19/2021

City of Des Moines

1 inch = 291 feet