



Date November 15, 2021

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION  
REGARDING REQUEST FROM MIDAMERICAN ENERGY COMPANY FOR VACATION OF  
RIGHT-OF-WAY IN THE VICINITY OF 2399 EAST COUNTY LINE ROAD**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on November 4, 2021, its members voted 13-0 to recommend **APPROVAL** of a request from MidAmerican Energy Company (owner), represented by Ryan Stansbury (officer), to vacate a segment of east/west street right-of-way in the vicinity of 2399 East County Line Road, within the block bounded by East County Line Road on the north, SE 25<sup>th</sup> Street on the east, and Southridge Boulevard on the southwest, to allow the right-of-way to be assembled with the adjoining parcel to the north, subject to reservation of easements for any existing utilities until such time as they are abandoned or relocated at the applicant's expense.

**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

(ROWV-2021-000004)

| 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



CITY OF **DES MOINES**  
DEVELOPMENT SERVICES

Date 11-15-21

Agenda Item 17

Roll Call # \_\_\_\_\_

November 8, 2021

Communication from the City Plan and Zoning Commission advising that at their November 4, 2021 meeting, the following action was taken regarding a request from MidAmerican Energy Company (owner), represented by Ryan Stansbury (officer), for vacation of excess East County Line Road Right-of-Way so that it can be assembled with the adjoining the parcel in the vicinity of 2399 East County Line Road.

**COMMISSION RECOMMENDATION:**

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

| <u>Commission Action:</u> | <u>Yes</u> | <u>Nays</u> | <u>Pass</u> | <u>Absent</u> |
|---------------------------|------------|-------------|-------------|---------------|
| Francis Boggus            | X          |             |             |               |
| Dory Briles               | X          |             |             |               |
| Abby Chungath             | X          |             |             |               |
| Kayla Berkson             | X          |             |             |               |
| Chris Draper              | X          |             |             |               |
| Jann Freed                | X          |             |             |               |
| Todd Garner               | X          |             |             |               |
| Johnny Alcivar            | X          |             |             |               |
| Lisa Howard               | X          |             |             |               |
| Carolyn Jenison           | X          |             |             |               |
| William Page              | X          |             |             |               |
| Steve Wallace             | X          |             |             |               |
| Greg Wattier              | X          |             |             |               |
| Emily Webb                |            |             |             | X             |

**APPROVAL** of the requested Right-of-Way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense. (ROWV-2021-000004)

Written Responses

0 in Favor

0 in opposition

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Right-of-Way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow the requested Right-of-Way to be assembled with the adjoining parcel.
2. **Size of Site:** The requested segment of Right-of-Way encompass a total 11,019 square feet of area.
3. **Existing Zoning (site):** "I2" Industrial District.
4. **Existing Land Use (site):** The subject area consists of public street Rights-of-Way.
5. **Adjacent Land Use and Zoning:**  
  
    **North** – "N2b" & "EX"; Use is undeveloped land.  
  
    **South** – "I2", Use is MidAmerican Energy Company.
6. **General Neighborhood/Area Land Uses:** The requested Right-of-Way adjoins a property that is used by MidAmerican Energy Company. The surrounding area consists of a mix of residential, light industrial use, and agricultural production uses.
7. **Applicable Recognized Neighborhood(s):** The subject area is not located within 250 feet of any recognized neighborhood association. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on October 15, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on October 25, 2021 (10 days prior to the hearing) to the primary titleholder on file with the County Assessor for each property adjoining the requested Right-of-Way site. A Final Agenda was mailed to all recognized neighborhoods on October 29, 2021.  
  
All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines on the date of the mailing.
8. **Relevant Zoning History:** On October 18, 2021, the property adjacent to the south was rezoned from "EX-V" Mixed Use District to "I2" Industrial District by Ordinance 16,056.
9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Industrial.
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. 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. Traffic/Access:** The requested vacation would not negatively impact access to private properties or traffic patterns.

## **SUMMARY OF DISCUSSION**

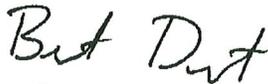
Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

## **COMMISSION ACTION:**

Chris Draper made a motion for approval of the requested Right-of-Way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

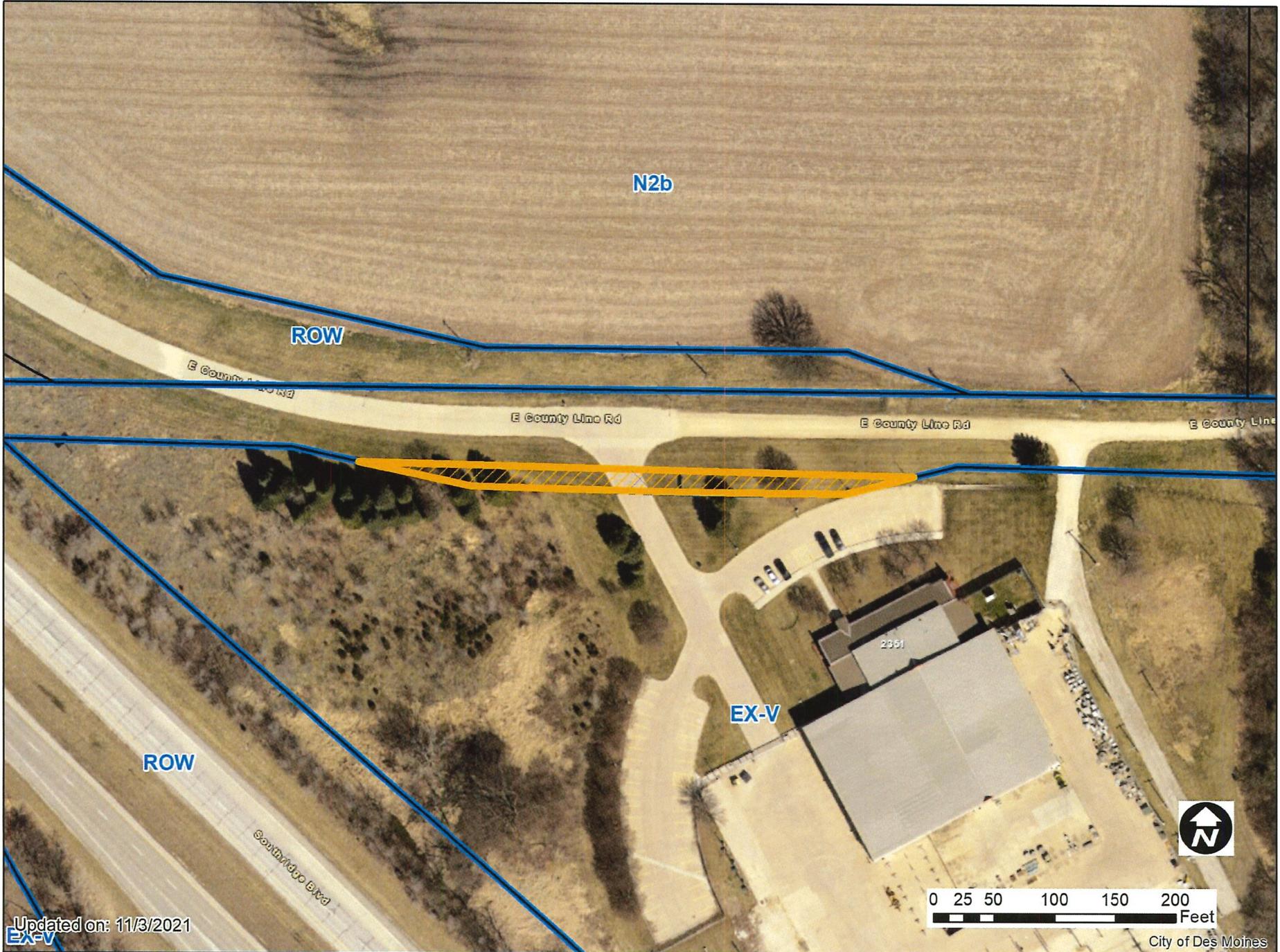
Motion passed: 13-0

Respectfully submitted,

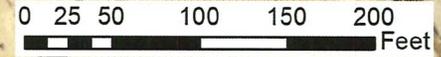


Bert Drost, AICP  
Planning & Urban Design Administrator

BAD:tjh



Updated on: 11/3/2021



City of Des Moines

1 inch = 105 feet





