

Date February 7, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM IOWA POWER AND LIGHT COMPANY (OWNER) FOR VACATION OF A ROADWAY EASEMENT FOR UNDEVELOPED NORTH/SOUTH SOUTHEAST 25TH STREET ALONG THE EAST SIDE OF THE PROPERTY AT 2351 EAST COUNTY LINE ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 20, 2022, its members voted 12-0 to recommend **APPROVAL** of a request from Iowa Power and Light Company (owner), represented by Ryan Stansbury (officer), to vacate a roadway easement for undeveloped north/south Southeast 25th Street along the east side of the property at 2351 East County Line Road, subject to the reservation of easements for any existing utilities until such time that 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:



 Judy K. Parks-Kruse, Assistant City Attorney

(ROWV2021-000006)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
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

January 26, 2022

Communication from the City Plan and Zoning Commission advising that at their January 20, 2022 meeting, the following action was taken regarding a request from Iowa Power & Light Company (owner), represented by Ryan Stansbury (officer), for vacation of a roadway easement for undeveloped north/south Southeast 25th Street along the east side of the property at 2351 East County Line Road.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 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			
Andrew Lorentzen	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-2021-000006)

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 of an existing roadway easement will facilitate the expansion of the MidAmerican Facility.
2. **Size of Site:** The requested segment of right-of-way encompass a total 53,019 square feet of area.
3. **Existing Zoning (site):** "I2" Mixed Use District.
4. **Existing Land Use (site):** The subject areas consist of an undeveloped roadway easement.
5. **Adjacent Land Use and Zoning:**
 - North** – "EX and N2b"; Use is agricultural and vacant land.
 - South** – "ROW", Use is Highway 69 and Highway 5 interchange.
 - East** – "EX"; Use is agricultural.
 - West** – "EX-V", Use, adjacent to Highway 69, is single-family residential and vacant land.
6. **General Neighborhood/Area Land Uses:** The subject property is located near the intersection of Southridge Boulevard/U.S. Highway 69 and East County Line Road/Indianola Avenue. The area contains a mix of commercial, industrial, agricultural, and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject areas are not located within 250 feet of a recognized neighborhood association. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on December 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on January 10, 2022 (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 was mailed to recognized neighborhoods on January 14, 2022.
8. **Relevant Zoning History:** The subject property was zoned from "EXV" Mixed Use District to "I2" Industrial District, as part of a request by MidAmerican Energy, on October 18, 2021.

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 roadway easement, 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 commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Jann Freed 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.

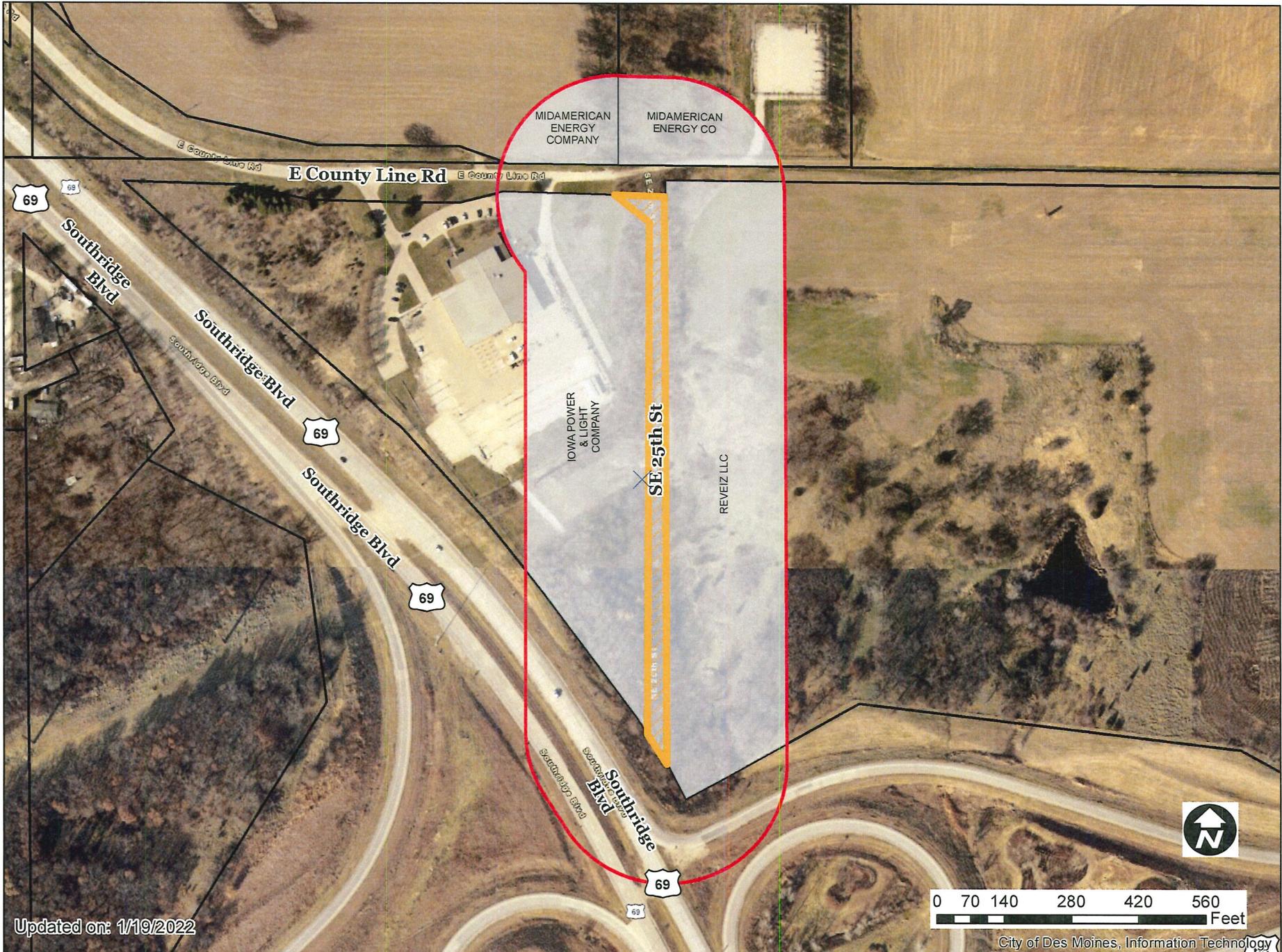
Motion passed: 14-0

Respectfully submitted,

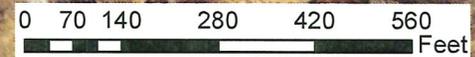


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 1/19/2022



City of Des Moines, Information Technology

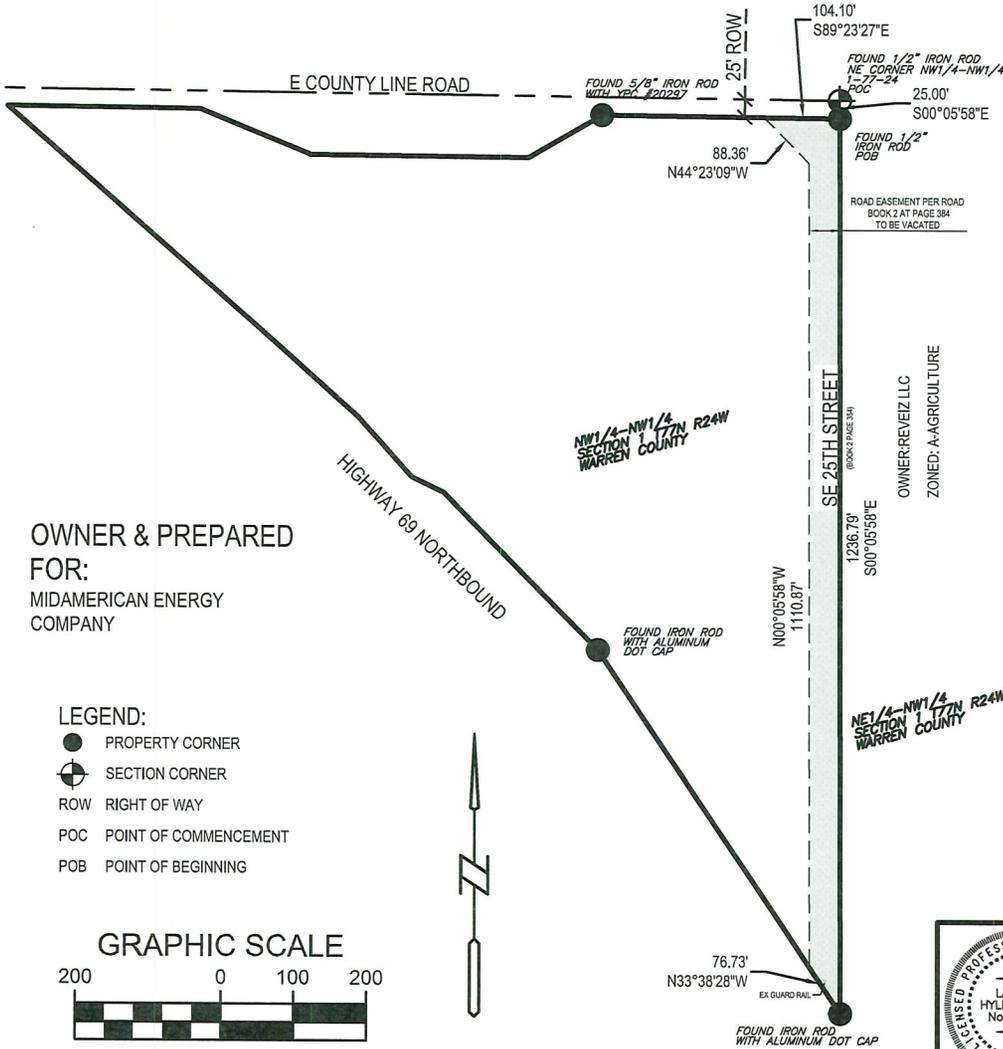
1 inch = 266 feet

VACATION PLAT

SE 25TH STREET IN NW 1/4 - NW 1/4
SECTION 1-T77N-R 24W

DESCRIPTION:

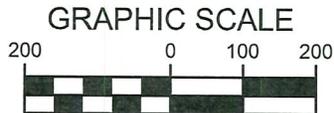
AN IRREGULAR SHAPED PORTION OF THE ROAD EASEMENT OVER AND ACROSS THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 01, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA AND RECORDED IN ROAD BOOK 2 AT PAGE 384, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°05'58"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°05'58"E ALONG SAID EAST LINE, A DISTANCE OF 1236.79 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY NUMBER 69; THENCE N33°38'28"W ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 76.73 FEET; THENCE N00°05'58"W, A DISTANCE OF 1110.87 FEET; THENCE N44°23'09"W, A DISTANCE OF 88.36 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY LINE ROAD; THENCE S89°23'27"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 104.10 FEET TO THE POINT OF BEGINNING.
CONTAINING 53,019 SQUARE FEET



OWNER & PREPARED
FOR:
MIDAMERICAN ENERGY
COMPANY

LEGEND:

- PROPERTY CORNER
- ⊕ SECTION CORNER
- ROW RIGHT OF WAY
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNED: PRELIMINARY DATE: _____
LARRY D. HYLER, P.L.S. 14775

LICENSE RENEWAL DATE: DEC. 31, 2022 SHEET 1 OF 1
PAGES OR SHEETS COVERED BY THIS SEAL: _____

Bishop Engineering
"Planning Your Successful Development"

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Civil Engineering & Land Surveying Established 1959

ROAD EASEMENT
VACATION PLAT
MIDAMERICAN ENERGY

REFERENCE NUMBER:
190653

DRAWN BY:
LDH

PROJECT NUMBER:
200144-3