



Roll Call Number

Agenda Item Number

20

Date February 7, 2022

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING REQUEST FROM COMMUNITY FOUNDATION OF GREATER DES MOINES
FOR VACATION OF INGERSOLL AVANUE RIGHT-OF-WAY
ADJOINING 1910 INGERSOLL AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 20, 2022, its members voted 14-0 to recommend **APPROVAL** of a request from Community Foundation of Greater Des Moines (owner), represented by Karla Jones-Weber (officer), to vacate a portion of Ingersoll Avenue right-of-way adjoining 1910 Ingersoll Avenue, to allow the right-of-way to be assembled with the adjoining parcel due to the discovery of an encroachment of the existing building onto said right-of-way, 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-2021-000007)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
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



Date February 4, 2022

Agenda Item 20

Roll Call # _____

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 Community Foundation of Greater Des Moines (owner), represented by Karla Jones-Weber (officer), for vacation of a portion of the public right-of-way adjoining the property at 1910 Ingersoll Avenue and to grant easement for this vacated portion of the roadway.

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-2021-000007)

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 and easement is necessary due to the discovery of an encroachment of the existing building within the public right-of-way adjoining 1910 Ingersoll Avenue.
- 2. Size of Site:** The requested segment of right-of-way encompass a total 61 square feet of area.
- 3. Existing Zoning (site):** "MX2" Mixed Use District.
- 4. Existing Land Use (site):** The subject areas consist of public street right-of-way.
- 5. Adjacent Land Use and Zoning:**
 - North** – "MX2"; Use is multi-tenant commercial retail.
 - South** – "DX2", Use is an office building.
 - East** – "MX2"; Use is an office building.
 - West** – "MX2", Use is financial bank.
- 6. General Neighborhood/Area Land Uses:** The applicant's property consists of an existing building and parking lot fronting Ingersoll Avenue to the south of the right-of-way and an additional lot with an existing building and parking lot fronting Grand Avenue to the north of the right-of-way. The surrounding area consists of a mix of residential and commercial uses.
- 7. Applicable Recognized Neighborhood(s):** The subject areas is located within the recognized Sherman Hill 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 and to the Sherman Hill Association. A Final Agenda was mailed to recognized neighborhoods on January 14, 2022.

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. All agendas are mailed to the primary contact person designated to the City of

Des Moines Neighborhood Development Division by the recognized neighborhood association. The Sherman Hill Association mailings were sent to Ryan Howell, 831 16th Street, Des Moines, IA 50314.

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. **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 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

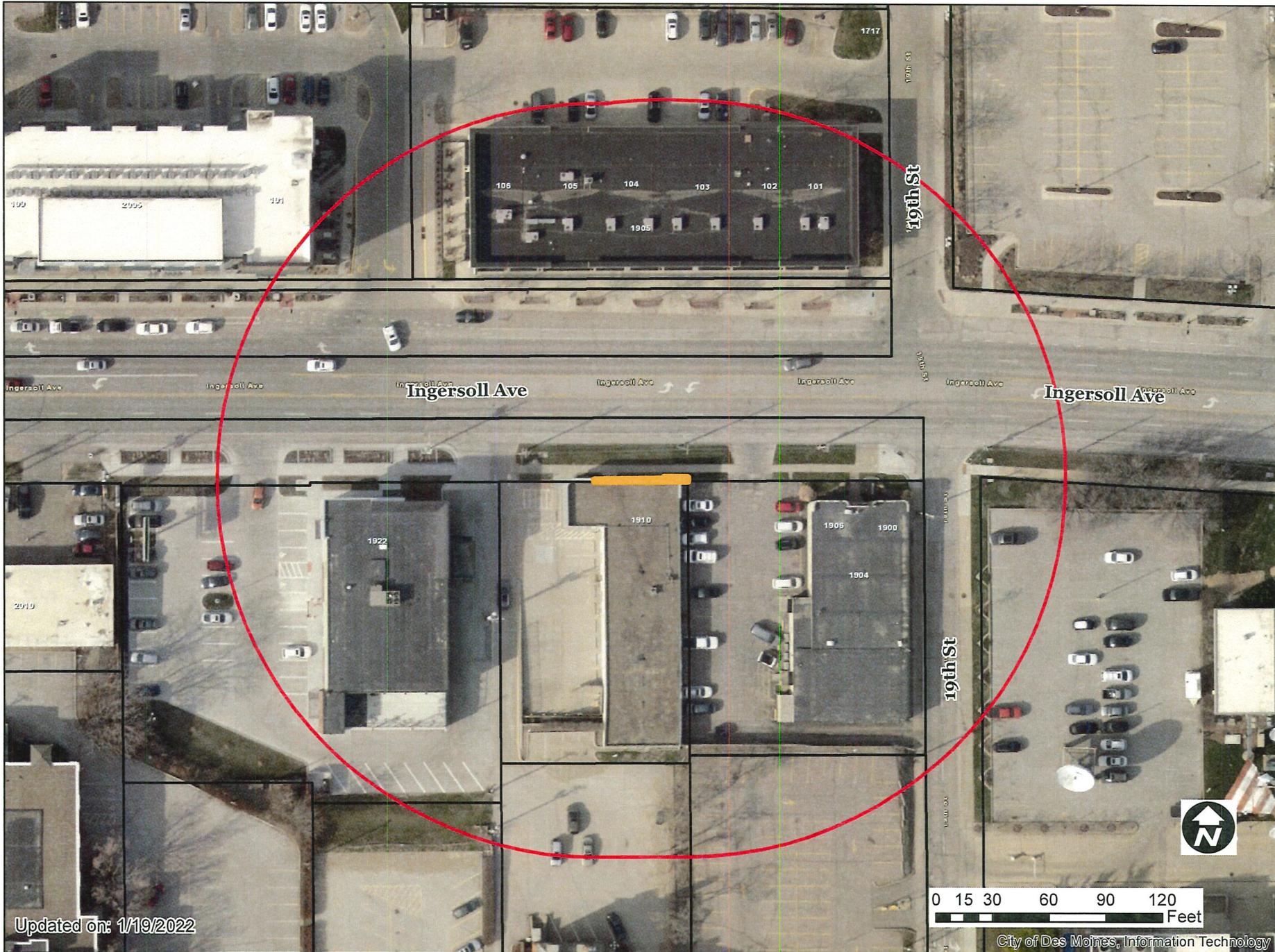
Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh





Updated on: 1/19/2022

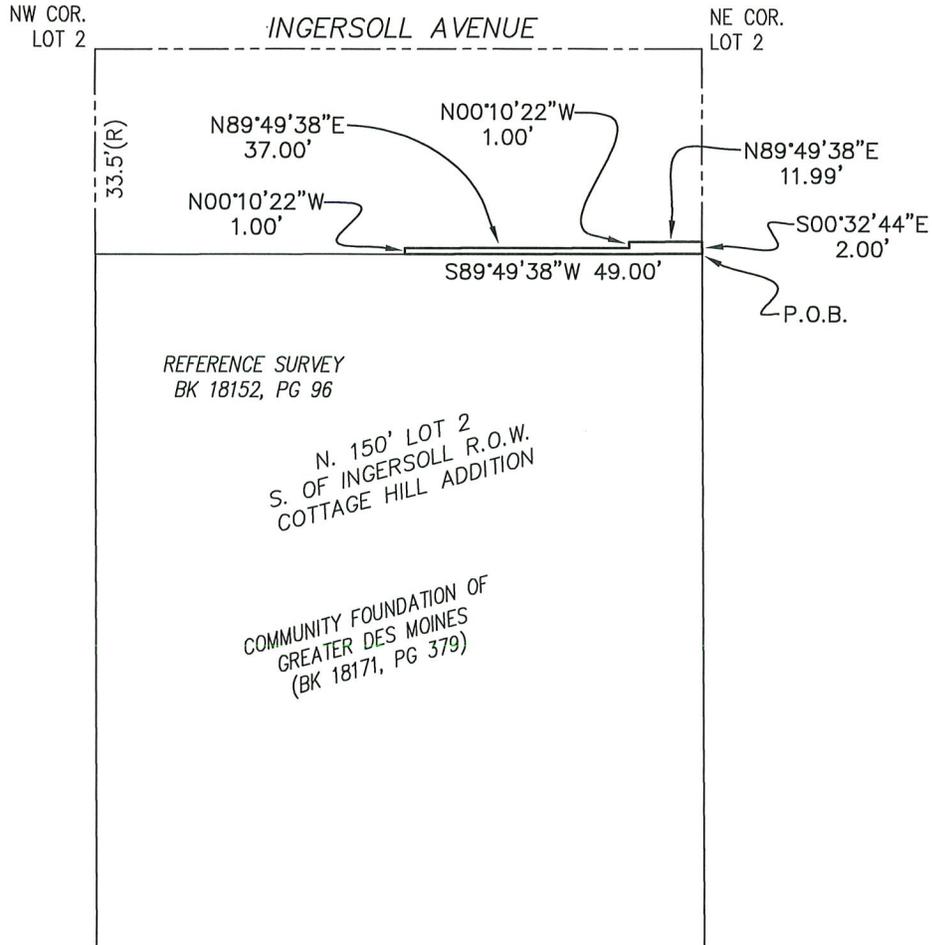
0 15 30 60 90 120 Feet

City of Des Moines, Information Technology

1 inch = 68 feet

EASEMENT EXHIBIT

BUILDING ENCROACHMENTS

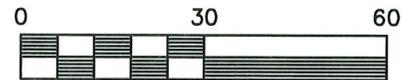


EASEMENT DESCRIPTION

Part of vacated Ingersoll Avenue right-of-way being a part of Lot 2 in Cottage Hill Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Beginning at the intersection of the East line of said Lot 2 and the South right-of-way line of Ingersoll Avenue, as it is presently established; thence South 89°(degrees) 49'(minutes) 38\"(seconds) West, 49.00 feet along the South right-of-way line of said Ingersoll Avenue; thence North 00°10'22\" West, 1.00 feet; thence North 89°49'38\" East, 37.00 feet; thence North 00°10'22\" West, 1.00 feet; thence North 89°49'38\" East, 11.99 feet to the East line of said Lot 2; thence South 00°32'44\" East, 2.00 feet along the East line of said Lot 2 to the point of beginning.

Containing 61.0 square feet, more or less.



Scale: 1" = 30'

ERG	Engineering Resource Group, Inc. 2413 GRAND AVENUE DES MOINES, IOWA 50312 (515) 288-4823
EASEMENT EXHIBIT	
DATE: 12/15/2021	PROJ. NO.:
21-016-ROW.DWG	21-016