



**Roll Call Number**

**Agenda Item Number**

18

**Date** April 4, 2022

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM THE SALVATION ARMY FOR VACATION OF A REMAINING EAST-TO-WEST ALLEY SEGMENT TO THE WEST OF EAST 3<sup>RD</sup> STREET IN THE BLOCK BETWEEN EAST COURT AVENUE AND EAST MARKET STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 17, 2022, its members voted 10-0 to recommend **APPROVAL** of a request from the Salvation Army (owner), represented by Bramwell E. Higgins (officer) to vacate a remaining east-to-west alley segment to the west of East 3<sup>rd</sup> Street between East Court Avenue and East Market Street, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense. The adjoining properties to the North, West, and South are owned by the Salvation Army.

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

MOVED BY \_\_\_\_\_ TO ADOPT, SECOND BY \_\_\_\_\_.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Judy K. Parks-Kruse  
Assistant City Attorney

(ROWV2022-000004)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
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

Date April 4, 2022  
 Agenda Item 18  
 Roll Call # \_\_\_\_\_

March 29, 2022

Communication from the City Plan and Zoning Commission advising that at their March 17, 2022 meeting, the following action was taken regarding a request from the Salvation Army (owner), represented by Bramwell E. Higgins (officer), for vacation of a remaining east-to-west alley segment to the west of East 3<sup>rd</sup> Street in the block between East Court Avenue and East Market Street. The adjoining properties to the North, West and South are owned by the Salvation Army.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	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
Emily Webb	X			

**APPROVAL** of the requested vacation, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated.  
 (ROWV-2022-000004)

Written Responses  
 0 in Favor  
 0 in opposition

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant has requested vacation of an east-to-west segment of alley Right-of-Way that extends from East 3<sup>rd</sup> Street. The applicant currently owns all parcels adjoining this Right-of-Way.
2. **Size of Site:** 16 feet by 214 feet (3,424 square feet).
3. **Existing Zoning (site):** “DX2” Downtown Mixed-Use District.
4. **Existing Land Use (site):** Alley right-of-way.
5. **Adjacent Land Use and Zoning:**
  - North – “DX2”; Uses are commercial retail.
  - South – “DX2”; Uses are commercial retail.
6. **General Neighborhood/Area Land Uses:** The surrounding area contains a mix of commercial, office, retail, and residential uses in the Historic East Village portion of the Downtown Core.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Historic East Village Neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on February 25, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on February 25, 2022 (20 days prior to the hearing) and March 7, 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 March 11, 2022.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Historic East Village Neighborhood Association mailings were sent to Luke Dickens.
8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan 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. **Streets/Sidewalks:** The requested vacation would not negatively impact traffic patterns in the area or impact access to private properties. The requested segment of alley Right-of-Way is a dead-end segment that extends to the west from East 3<sup>rd</sup> Street. The applicant currently owns all parcels adjoining this segment of Right-of-Way.
2. **Utilities:** Easements must be provided for any existing utilities until such time that they are abandoned or relocated.

## SUMMARY OF DISCUSSION

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

## COMMISSION ACTION:

Carolyn Jenison made a motion for approval of the requested vacation, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated.

Motion passed: 10-0

Respectfully submitted,

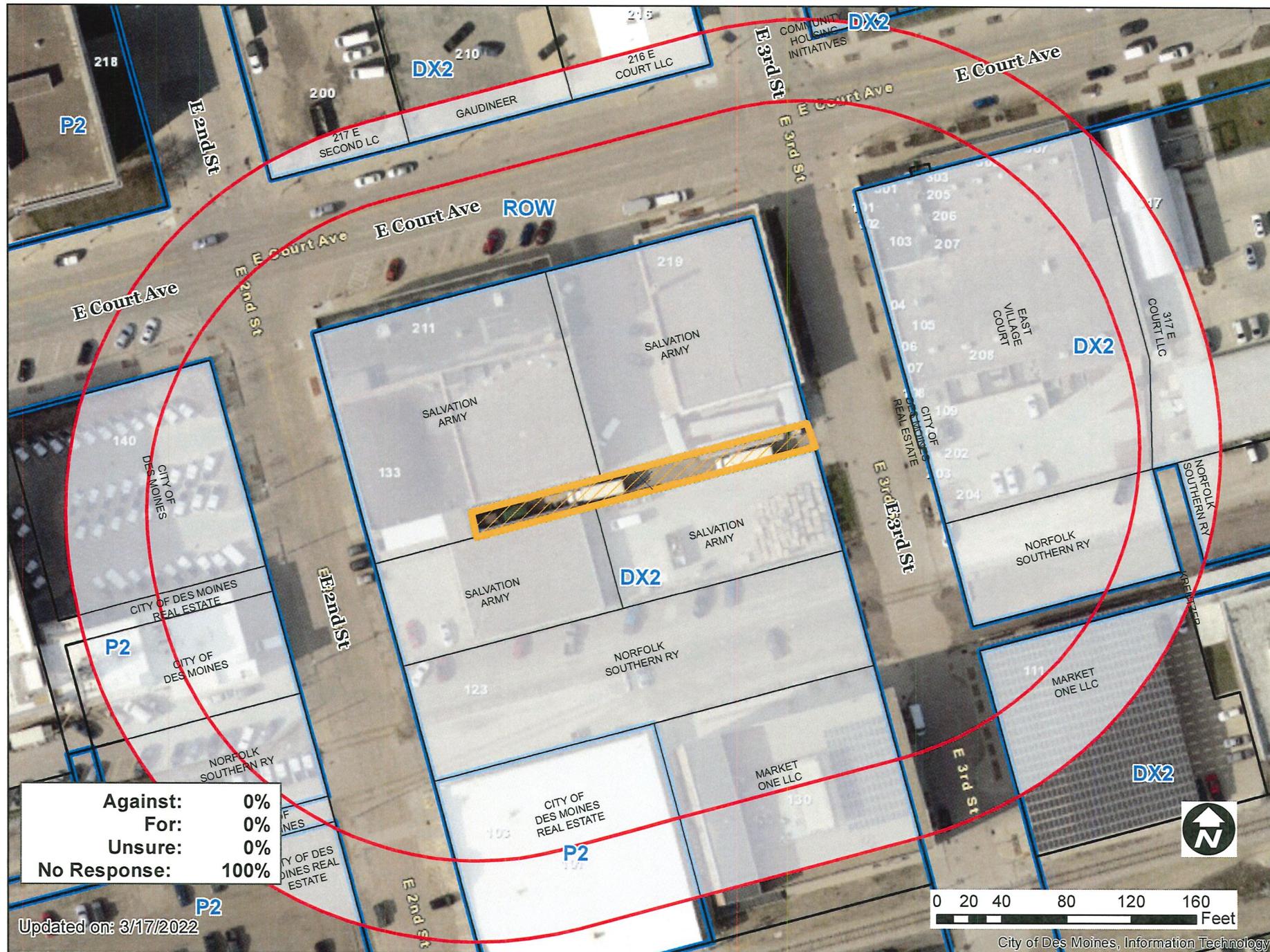


Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

# Salvation Army, Alley West of East 3rd Street

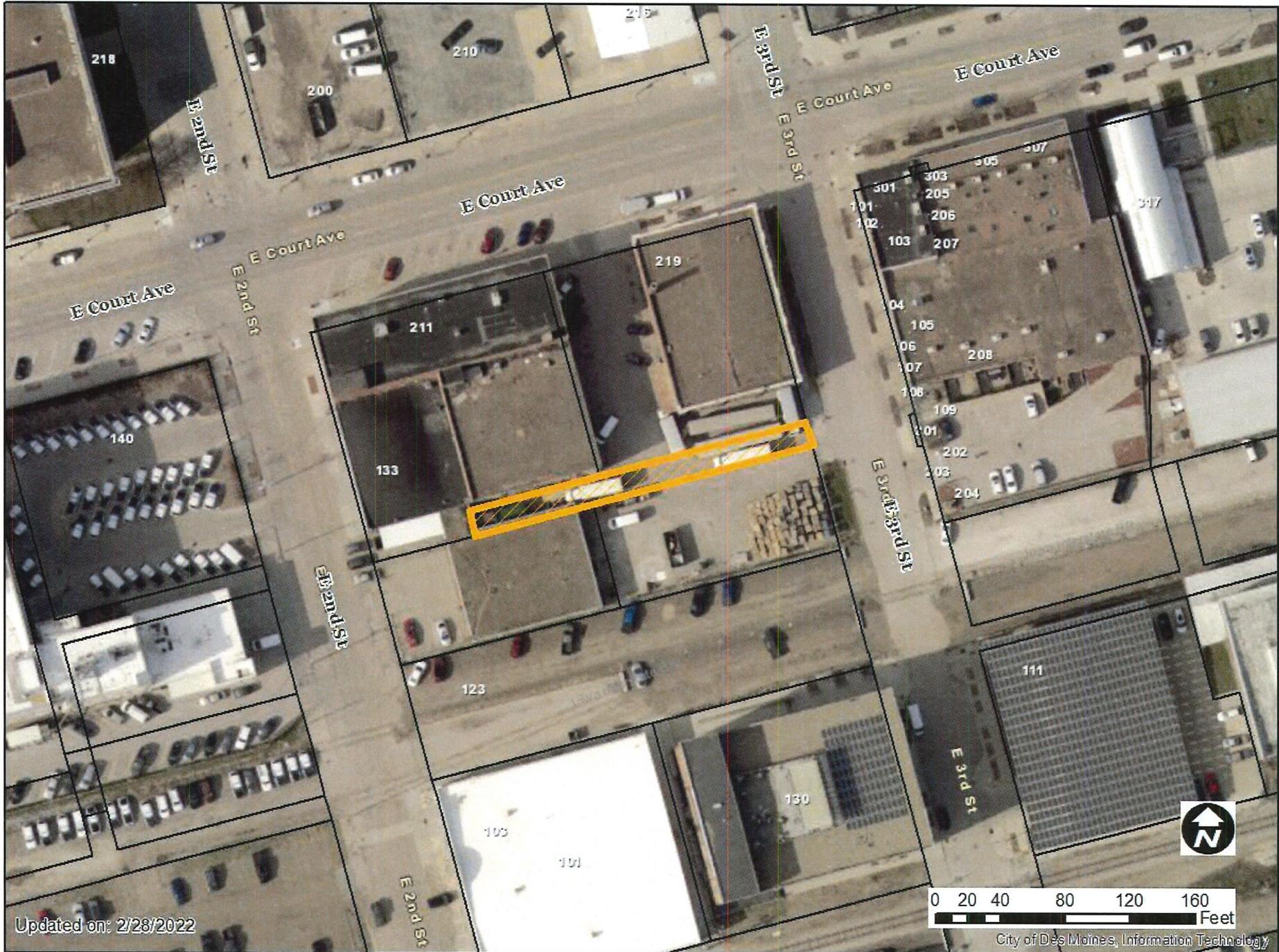
ROWV-2022-000004



1 inch = 78 feet

# Salvation Army, Alley West of East 3rd Street

ROWV-2022-000004



Updated on: 2/28/2022

City of Des Moines, Information Technology

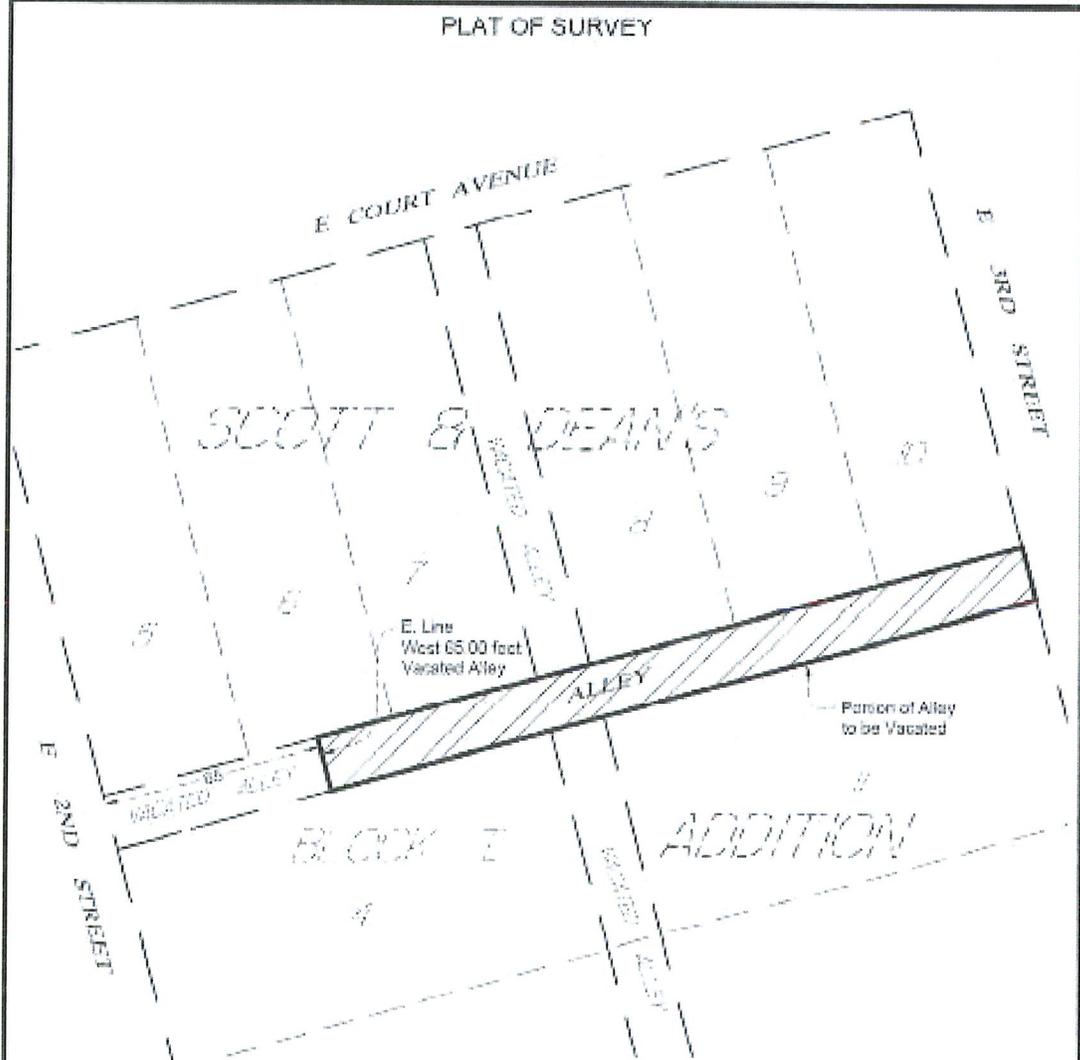
1 inch = 78 feet







INDEX LEGEND	
PLAT OF SURVEY	
CITY:	Des Moines
COUNTY:	Polk
PLAT NAME:	Scott & Dean's Addition - Block 1, Lot 4
PROPRIETOR:	City of Des Moines
PLAT PREPARED FOR:	Salvation Army
PLAT PREPARED BY:	Ryan Remling
COMPANY NAME:	ISG
OFFICE ADDRESS:	506 East Locust Street
PHONE:	515-243-9143



**DESCRIPTION:**

A VACATION OVER, UNDER AND ACROSS THAT PART OF THE ALLEY RIGHT OF WAY LOCATED IN BLOCK 1, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE EAST WEST ALLEY RIGHT OF WAY LOCATED IN SAID BLOCK 1, EXCEPT THE WEST 65.00 FEET OF THE VACATED ALLEY SOUTH OF AND ADJACENT TO LOTS 5 AND 6.

EXAMINANT AREA = 3,430 SQ. FT.

**BASIS OF BEARING:**

The orientation of the bearing system is based on IARCS Zone 8 (NAD83).



LEGEND OF SYMBOLS/ABBREVIATIONS	
	VACATION AREA

I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.



RYAN R. REMLING      Date: 01/05/22  
 License Number: 18766  
 My License renewal date is: 12/31/23  
 Pages covered by this seal: 1

ISG

No. 200202  
 Sheet 1 OF 1  
 Surveyed by: RRM  
 Survey Date: 1/5/22  
 Plot Date: 1/7/22