



Roll Call Number

Agenda Item Number

26A

Date June 13, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM THE CITY OF DES MOINES (OWNER) FOR VACATION OF ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 2601 EAST MARKET STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 19, 2022, its members voted 11-0 with one abstention to recommend **APPROVAL** of a request from the City of Des Moines (owner), for vacation of alley right-of-way located south of and adjoining 2601 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, to allow the adjoining property owner to assemble the alley right-of-way with their property.

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:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

(ROWV-2022-000011)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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

Acting City Clerk

Date 6/13/22
Agenda Item 26A
Roll Call # _____

May 24, 2022

Communication from the City Plan and Zoning Commission advising that at their May 19, 2022 meeting, the following action was taken regarding a request from the City of Des Moines, for vacation of alley right-of-way located south of and adjoining 2601 East Market Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 as follows

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi			X	
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner				X
Johnny Alcivar	X			
Justyn Lewis				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	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.

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.

Written Responses

0 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would enable the property owner at 2601 East Market Street to assemble the alley Right-of-Way behind the property with their property. The owner of this property indicates that they currently maintain this Right-of-Way.
2. **Size of Site:** The requested segment of Right-of-Way encompasses a total 2,436 square feet of area.
3. **Existing Zoning (site):** "I1" Industrial District.
4. **Existing Land Use (site):** The subject area consists of an alley Right-of-Way.
5. **Adjacent Land Use and Zoning:**

 North – "I1", Use is a one-household residential and vacant land.

 South – "I1"; Uses are two (2) one-household residential properties and a vacant lot.
6. **General Neighborhood/Area Land Uses:** The applicant's property consists of a one-household residential lot fronting East Market Street to the north of the Right-of-Way and a couple single-family residential lots and a vacant lot fronting East Elm Street to the south of the Right-of-Way. The surrounding area consists of a mix of industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within 250 feet of a designated neighborhood association. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on April 29, 2022, and by mailing of the Final Agenda on May 13, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on May 9, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.

All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Business Park and 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 Right-of-Way, 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


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

COMMISSION ACTION:

Abby Chungath 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: 11-0-1

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

City Initiated, Vacation of Alley Located South of and Adjoining 2601 East Market Street ROWV-2022-000011



Updated on: 4/29/2022

1 inch = 72 feet

SE 26th St

EXHIBIT A

E Market St

BLOCK 3

Vac SE 26th St

2601
E Market St

LOT 6

LOT 5

LOT 4

WESTLINE
OF LOT 6

EASTLINE
OF LOT 4

ALLEY

ALLEY

**ESHBAUGHS AND WESTS ADDITION
TO THE TOWN OF CHESTERFIELD**

Legend
AREA TO BE VACATED

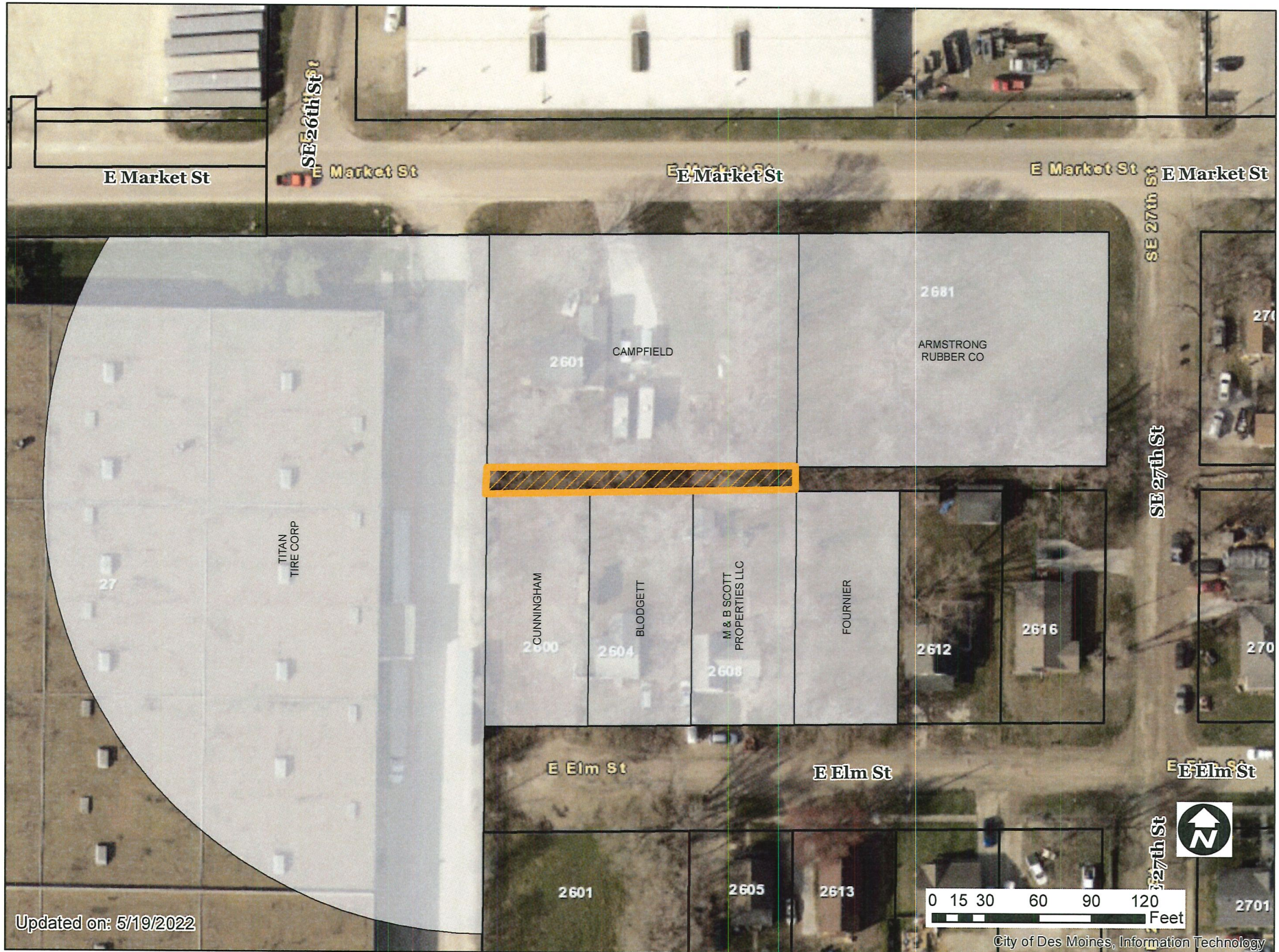


E Elm St

24



City Initiated, Vacation of Alley Located South of and Adjoining 2601 East Market Street ROWV-2022-000011



Updated on: 5/19/2022

City of Des Moines, Information Technology

1 inch = 72 feet