



Date December 12, 2022

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR THE VACATION OF AN
UNDEVELOPED SEGMENT OF EAST FULTON DRIVE RIGHT-OF-WAY LOCATED
WITHIN STONE PARK AT 2100 SOUTHEAST 5TH STREET**

WHEREAS, on March 21, 2022, by Roll Call No. 22-0415, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from the City of Des Moines Parks and Recreation Department to vacate the east-west undeveloped segment of East Fulton Drive right-of-way within Stone Park, 2100 Southeast 5th Street, in order to convert the underutilized property to parkland, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east-west undeveloped segment of East Fulton Drive right-of-way within Stone Park, 2100 Southeast 5th Street, legally described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

-EXCEPT THE EAST 60 FEET- AND **-EXCEPT** THE WEST 60 FEET-, ALL THAT PART OF LOT E (EAST FULTON DRIVE) LYING NORTH OF AND ADJOINING LOT 46, CRAWFORD PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.23 ACRES (9,983 SQUARE FEET).

2. That the meeting of the City Council at which the adoption of said ordinance is to be considered shall be on January 9, 2023, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

Please check the posted agenda in advance of the January 9, 2023 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.



Roll Call Number

Agenda Item Number

20

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Date December 12, 2022

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno

Mackenzie L. Moreno, Assistant City Attorney

DM

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, Laura Baumgartner, 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.

Laura Baumgartner, City Clerk

AREA TO BE VACATED

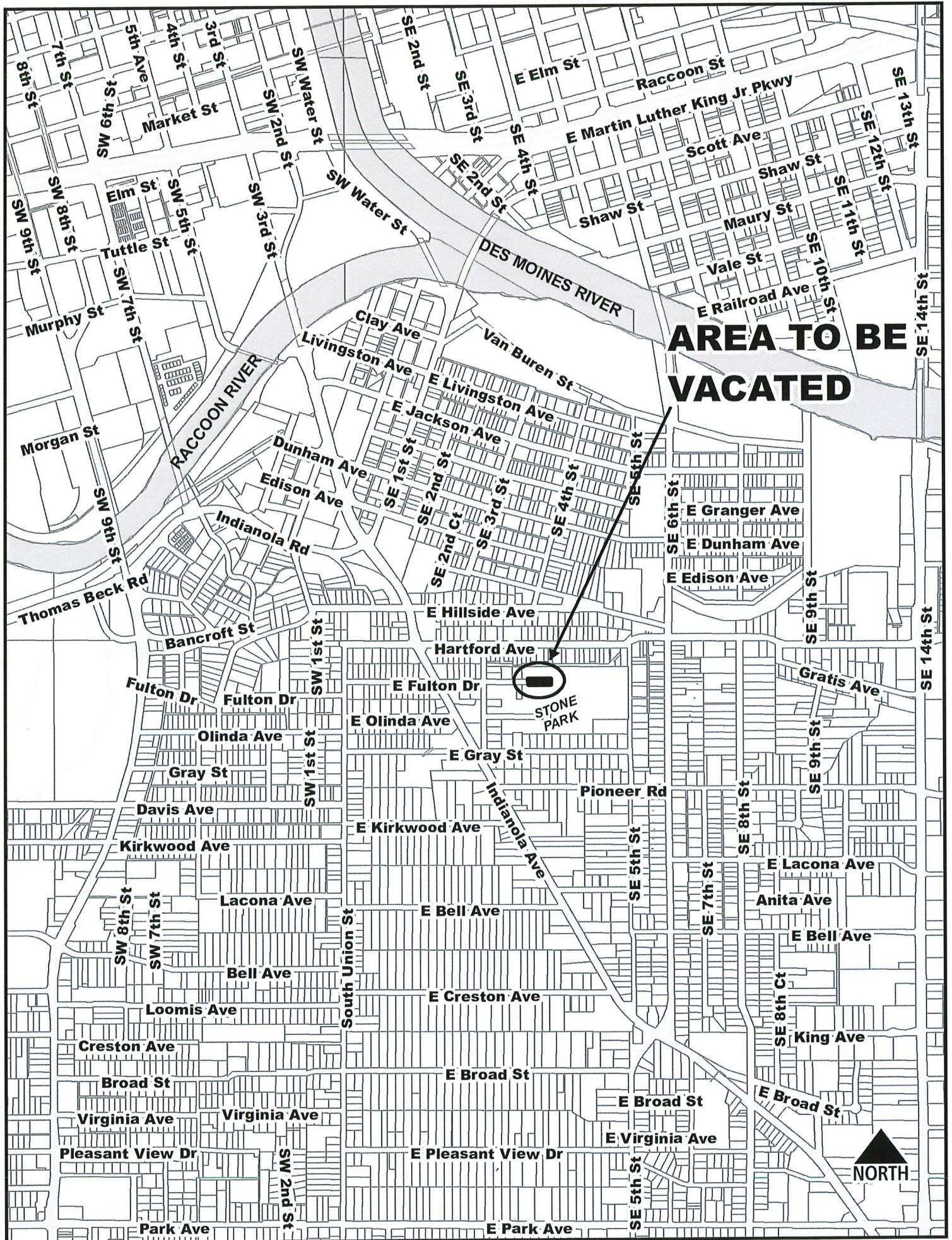
STONE PARK

NORTH

AREA TO BE VACATED

STONE PARK

NORTH



Date 12/12/22

Agenda Item 20

Roll Call # _____

March 15, 2022

Communication from the City Plan and Zoning Commission advising that at their March 3, 2022 meeting, the following action was taken regarding a City initiated request for vacation of undeveloped segments of right-of-way in the vicinity of Stone Park at 2100 SE 5th Street, including segments of East Fulton Street and a segment perpendicular to Southeast 3rd Street, for conversion to parkland.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	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 vacations, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated.
(ROWV-2022-000005)

Written Responses

3 in Favor

1 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacations, 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 requested vacation of undeveloped segments of right-of-way would allow conversion of underutilized segments of land to parkland.
2. **Size of Site:** 39,575 square feet.
3. **Existing Zoning (site):** "P2" Public, Civic, and Institutional District.
4. **Existing Land Use (site):** Dead-end segments of right-of-way used as open space in common with the adjoining parkland.
5. **Adjacent Land Use and Zoning:**
 - North** – "P2"; Use is a public park.
 - South** – "N3c"; Use is one household residential and a public park.
 - East** – "P2"; Use is a public park.
 - west** – "N3c"; Use is one-household residential.
6. **General Neighborhood/Area Land Uses:** The surrounding area contains a mix of public park and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within a designated Neighborhood but is within 250 feet of the Indianola Hills Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on February 21, 2022 and by mailing of the Final Agenda on February 21, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on February 11, 2022 (20 days prior to the public hearing) and February 21, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested Right-of-Way.

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 Indianola Hills Neighborhood Association mailings were sent to Matt Yegge, 339 Broad Street, Des Moines, IA 50315.
8. **Relevant Zoning History:** None.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Parks and Open Space.**

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 access to private properties or traffic patterns in the area. It is anticipated that the subject segment of East Fulton Street would accommodate turnaround space for a fire truck.
2. **Easements:** There are existing stormwater facilities within the southernmost segment of land to be vacated. All applicable easements must be maintained until such time that they are abandoned or relocated.

SUMMARY OF DISCUSSION

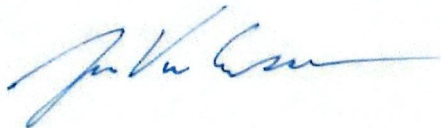
Emily Webb asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

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

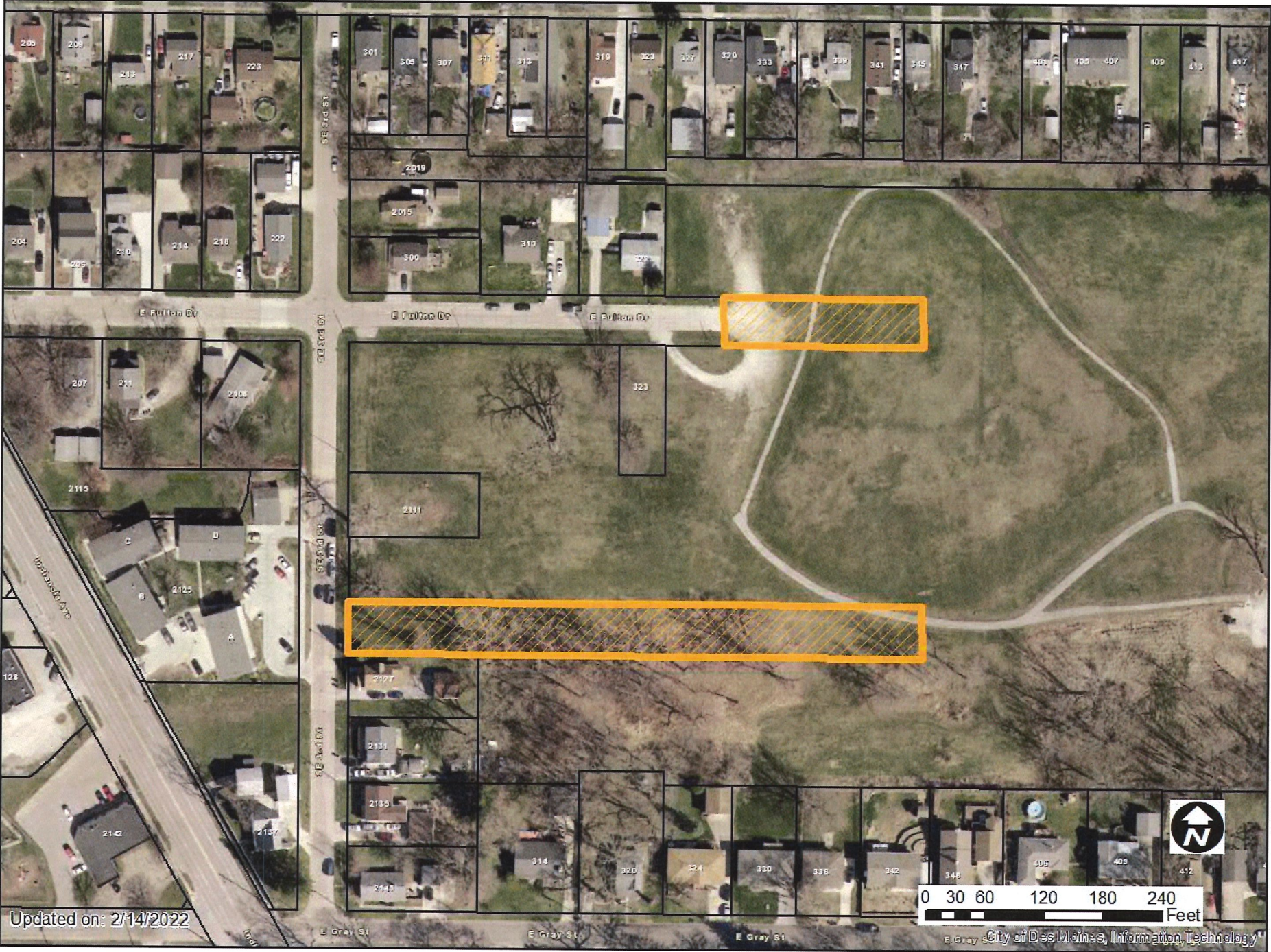
Motion passed: 13-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 2/14/2022

1 inch = 128 feet





323 E Fulton Dr
Des Moines, Iowa



Street View - May 2021



Google

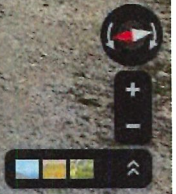
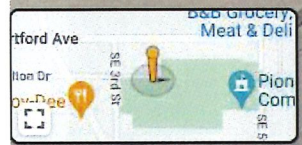
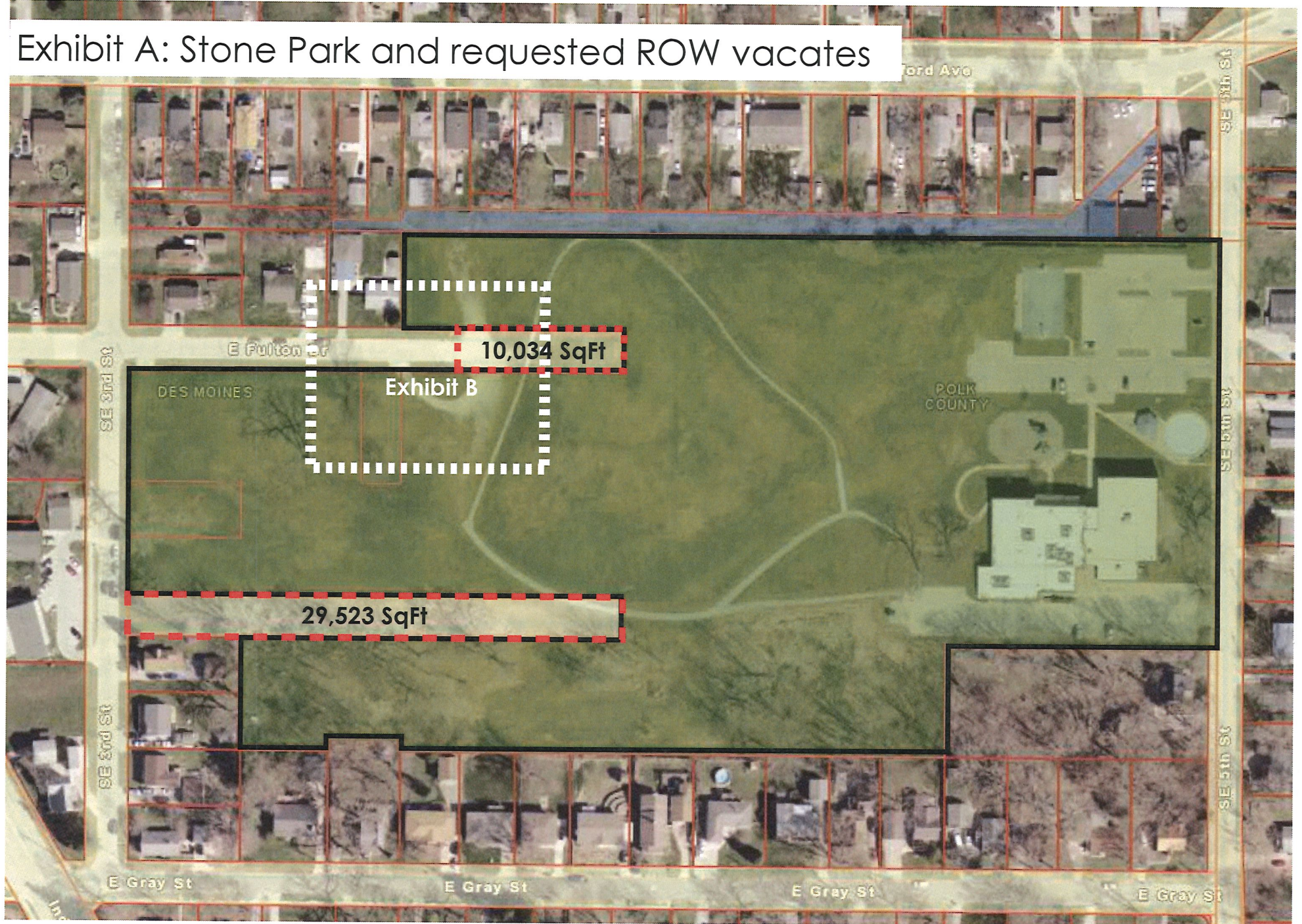


Exhibit A: Stone Park and requested ROW vacates



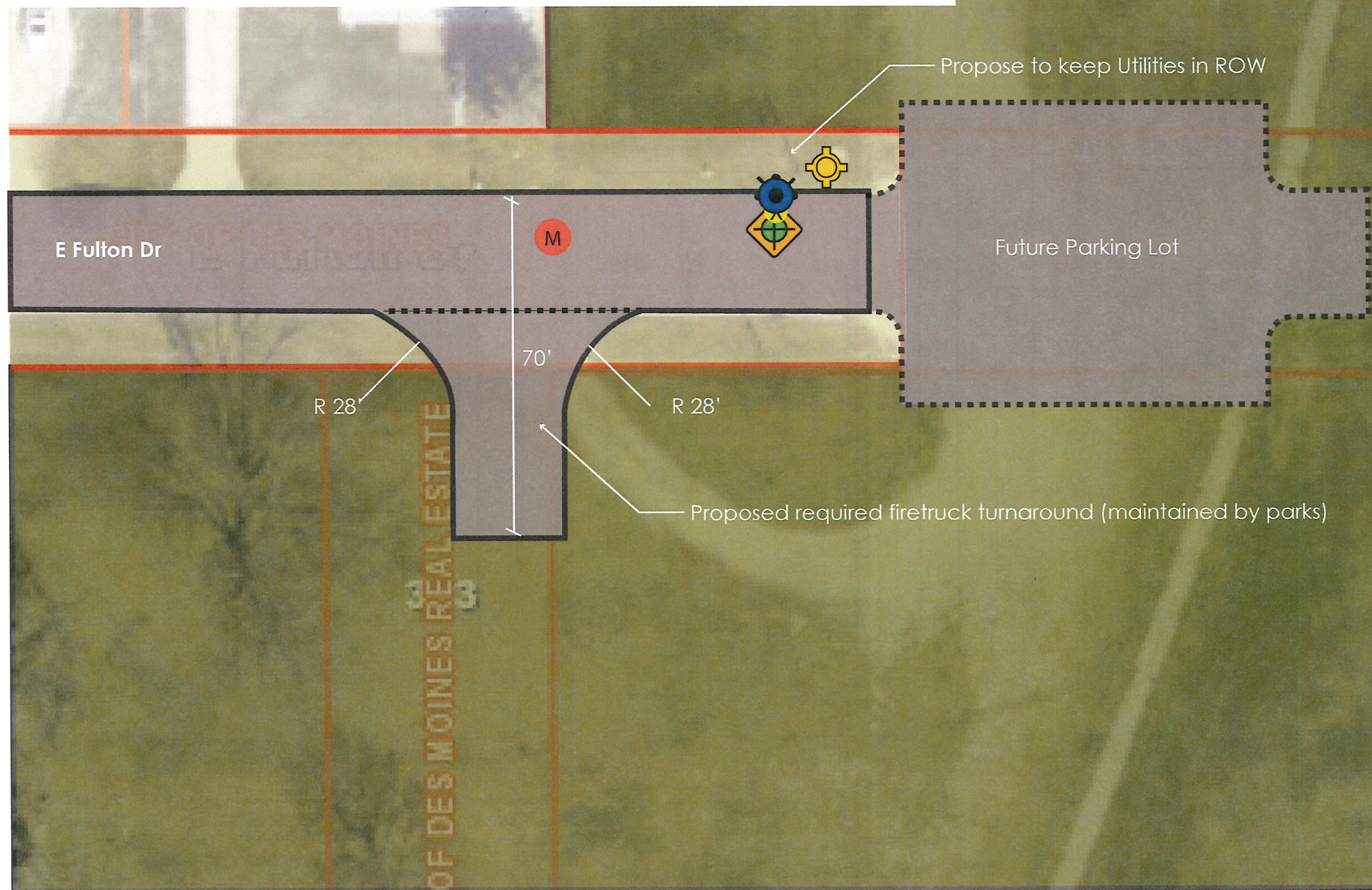
Requested ROW vacates



Stone Park

39,557 SqFt Total

Exhibit B: Stone Park Future Improvements



ROW



Stone Park

Item: ROWV-2022-000005

Date: 2-24-2022 20

Please mark one of the following

☒ I am in favor of the request

☐ I am not in favor of the request

Signature: Edward Zalel

Name: Edward Zalel

Address: 348-East May St.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAR 04 2022

Reason for opposing or approving this request may be listed below:

Item: ROWV-2022-000005

Date: February 28th, 2022

Please mark one of the following

☒ I am in favor of the request

☐ I am not in favor of the request

Signature: Rose M. Leonetti

Address: 330-E. Gray St.

Name: Rose M. Leonetti

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAR 04 2022

Reason for opposing or approving this request may be listed below:

Simple as Pie
Covid is still around!

Item: ROWV-2022-000005

Date: 2-23-22

Please mark one of the following



I am in favor of the request



I am not in favor of the request

Signature: Russell Garrison

Name: Russell Garrison

Address: 311 Hartford, DSM, IA 50315

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAR 04 2022

Reason for opposing or approving this request may be listed below:

Item: ROWV-2022-000005

Date: 2-28-22

Please mark one of the following



I am in favor of the request



I am not in favor of the request

Signature: Arnold Thraasher

Name: Arnold Thraasher

Address: 322 E Fulton Dr

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAR 04 2022

Reason for opposing or approving this request may be listed below:

opposing out Des Moines needs green space

