



Roll Call Number

Agenda Item Number

58

Date April 21, 2025

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING REQUEST FROM JENELLE PATTERSON (OWNER, 1650 DEAN AVENUE) FOR
VACATION OF AN "L"-SHAPED ALLEY RIGHT-OF-WAY IN THE VICINITY OF 1650 DEAN
AVENUE, WHERE THE REQUESTED ALLEY RIGHT-OF-WAY IS BOUND BY EAST 17TH STREET TO
THE EAST AND AN EAST/WEST ALLEYWAY TO THE NORTH

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 3, 2025, its members voted 11-0 to recommend **DENIAL** of a request from [Jenelle Patterson (Owner, 1650 Dean Avenue) for vacation of an "L"-shaped alley right-of-way in the vicinity of 1650 Dean Avenue, where the requested alley right-of-way is bound by East 17th Street to the east and an east/west alleyway to the north, to allow the vacated area to be assembled with adjoining parcels and maintained for private use, 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.

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

ALTERNATIVE RESOLUTIONS
(Choose One)

- A. The City Council receive and file the attached communication from the Plan and Zoning Commission.
- B. The City Council 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 ALTERNATIVE _____.

SECOND BY _____.

APPROVED AS TO FORM:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ROWV-2024-000016)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	<div>CERTIFICATE</div> <div>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.</div> <div>IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.</div>
BOESEN					
SIMONSON					
VOSS					
COLEMAN					
WESTERGAARD					
MANDELBAUM					
GATTO					
TOTAL					
MOTION CARRIED					
APPROVED					
<div>_____ Mayor</div> <div>_____ City Clerk</div>					

April 10, 2025

Communication from the City Plan and Zoning Commission advising that at their April 3, 2025 meeting, the following action was taken on request from Jenelle Patterson (owner), for vacation of an "L"-shaped alley right-of-way in the vicinity of 1650 Dean Avenue, where the requested alley right-of-way is bound by East 17th Street to the east and an east/west alleyway to the north, to allow the vacated area to be assembled with adjoining parcels and maintained for private use. The requested segment of right-of-way measures approximately 4,396 square feet in area.

COMMISSION RECOMMENDATION: 11-0

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar					X
Justyn Lewis					X
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen					X
Emily Webb	X				
Katie Gillette	X				
Rick Trower					X
Jane Rongerude	X				

Denial of the of the requested alley Right-of-Way vacation.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested alley Right-of-Way vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated and subject to provision of any necessary no-build easements

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would enable property owners adjoining the requested right-of-way to acquire the vacated land for assemblage with their properties.

The applicant owns the property located to the south of a portion of the alley right-of-way. However, it is necessary to vacate the entire "L"-shaped alleyway since vacating only a portion of it would create a dead end segment right-of-way. Furthermore, the subject "L"-shaped alleyway is currently not being used for maintenance or access purposes by the City. Therefore, the City concurs with the applicant's request to consider the vacation of the entire "L"-shaped alley right-of-way bound by East 17th Street to the east and an east/west alleyway to the north.

2. **Size of Site:** Approximately 4,396 square feet.
3. **Existing Zoning (site):** "N3c" Neighborhood District.
4. **Existing Land Use (site):** The subject area consists of undeveloped alleyway right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "N3c"; Uses are one-household residential units.
 - South** – "N3c"; Uses are one- household residential units.
 - East** – "N3c"; Uses are one-household residential units.
 - West** – "N3c", Uses are one-household residential units.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is an undeveloped "L"-shaped segment alley right-of-way surrounded primarily by one-household residential uses. The right-of-way is within a block to the south of East Walnut Street and north of Dean Avenue.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Capitol East Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing the Preliminary Agenda on March 14, 2025, and of the Final Agenda on March 28, 2025. Additionally, an official public notice of the hearing for this specific item was mailed on March 24, 2025 (10 days before the hearing) to any Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested Right-of-Way.

All Neighborhood Association mailings are sent to the primary contact designated by the recognized Neighborhood Association on file with the City of Des Moines' Neighborhood Services Department.

8. Relevant Zoning History: Not applicable.

9. PlanDSM: Creating Our Tomorrow Land Use Plan Designation: Low Density Residential.

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: No existing utilities have been identified within the subject right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.

2. Traffic/Access: The requested vacation would not negatively impact access to private properties or traffic patterns.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented the staff report and recommendation.

Chris Draper asked how the alley would be divided up once it has been vacated.

Sreyoshi Chakraborty stated that once approved, the City Real Estate Division will work with all individual owners to see if they are wish to purchase the half of the alley that adjoins their property. If they decline, then other owners would have the opportunity to purchase it.

Chris Draper asked about the property owned by Eric McCann to the west wondering if he would be able to purchase the property that fully adjoins his property on the east property line. Also noting if the other three connecting properties chose not to purchase the property, he could own the whole portion of the alley.

Sreyoshi Chakraborty stated that is correct.

Emily Webb asked why this case was being heard in public hearing and was not a consent item.

Sreyoshi Chakraborty stated that a comment card and email had been received from a neighboring property owner expressing concern about the request. The applicant was also required to try get signatures from all connecting property owners and one owner expressed opposition to her.

Laura Kessel asked what the width of the alley right of way.

Sreyoshi Chakraborty stated it was around 15 feet in width.

CHAIRPERSON OPENED PUBLIC HEARING

Jenelle Patterson, a 40-year resident of 1650 Dean Avenue, expressed interest in obtaining the alleyway to create additional parking. She emphasized her long-term maintenance of the area and clarified that she does not intend to close it off, but rather to continue allowing access for other neighbors.

Carolyn Jenison asked why she had requested to vacate the alley.

Jenelle Patterson stated that they could use the extra parking space, and they have been maintaining it all for many years. Noted that her neighbor, Eric, had assisted with maintenance and had added gravel to the alley.

Chris Draper asked if she had ever been asked not to park in this area.

Jenelle Patterson stated she had never been asked not to park in this area, but she had received a letter from the City of Des Moines to mow it. She mowed the alley for her and two other neighbors along with a lot that was owned by Habitat for Humanity in the area.

Chris Draper questioned why she would need to take care of city owned land.

Jason Van Essen understands that undeveloped alley is consider boarder area that neighbors must maintain but did not know the exact code section this is based on.

Eric McCann, 1640 Dean Avenue, spoke in opposition to vacating the alleyway. His family has owned his property for over 75 years, and he uses the alleyway for access. He stated that he had been passive on not reporting the Patterson's parking vehicles in the alley but noted that they had torn it up and left vehicles in this area long term.

Chris Draper confirmed the location of the portion of alleyway that Mr. McCann is currently using to access his own property coming off of E. 17th Street. He questioned how vacating the alleyway and selling off portions will stop his access to this area.

Eric McCann confirmed that he does access his property with his truck through the alleyway access off of E. 17th Street and crosses past the three properties before he gets to his own backyard access.

Jason Van Essen noted that Eric McCann also has access to his property from his own driveway located on Dean Avenue.

Eric McCann discussed a text conversation he had with Jenelle Patterson regarding them completely blocking of the alley with a truck and trailer. He believed he had been polite and respectful, but then now she has come to try to vacate the alley.

Jason Van Essen asked Mr. McCann if he was able to access his backyard from his driveway off of Dean Avenue.

Eric McCann stated that he could, but it is not easy or convenient with his large truck and trailer.

Rebuttal

Jenelle Patterson stated that the picture that Eric McCann had showed of a truck and trailer was only there for one night and they had moved it the following day. She pointed out that Eric McCann would also be able to purchase the full length of his property on the east side, move his fence back, and use the main east-west alley to the north for an entrance. She only wished to get the land to have the extra space and noted it has been sitting vacant for years.

CHAIRPERSON CLOSED PUBLIC HEARING

COMMISSION ACTION

Jason Van Essen clarified that the Commission's role is to determine whether the alleyway is needed for public access or circulation. He reminded them that decisions regarding how the property is divided would be handled later by the Real Estate Division.

Chris Draper raised concerns about the potential impact of the alleyway request, questioning how many people constitute the "public" in this case, noting that up to five individuals might rely on it for access. He expressed his concern that approving the request could complicate the area further and lead to issues with blocked access.

Jason Van Essen stated that is a fair assessment and he was only noting that the Commission is not here to decide who gets what if it is vacated.

Jane Rongerude expressed concern that vacating the alleyway may not be beneficial.

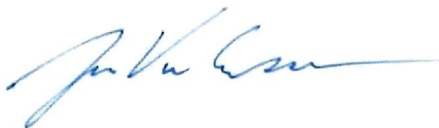
Emily Webb asked what would happen if the request was denied.

Jason Van Essen stated this is a recommendation for the City Council to consider.

Chris Draper made a motion for denial of the requested alley Right-of-Way vacation.

THE VOTE: 11-0

Respectfully submitted,



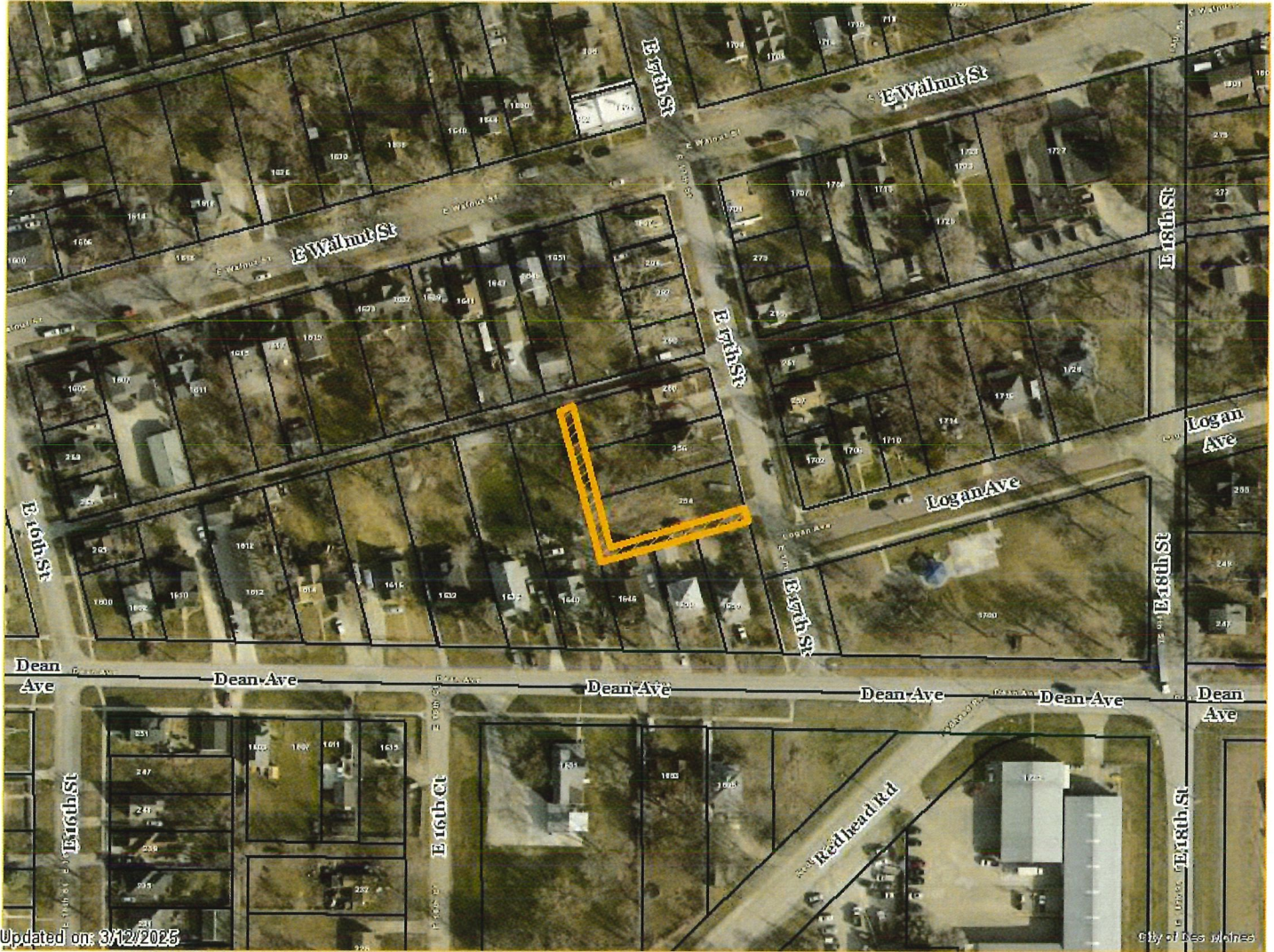
Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

Janelle Patterson Vicinity of 1650 Dean Avenue

ROWV-2024-000016











From: [Eric McCann](#)
To: [Chakraborty, Sreyoshi](#)
Subject: ROW-2024-000016
Date: Friday, March 28, 2025 11:29:10 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

ROW-2024-000016

I am emailing to object to the request made by Jannelle Patterson for vacation of alley right-of-way in the vicinity of 1650 Dean Avenue. I own the property at 1640 Dean, which has been in my family for a couple generations. My grandfather worked with the City to obtain the alley easement. I use the alley to access my property. Specifically, I need to alley to get my dump trailer and a 3500 hd crew cab long bed in and out of my property. I have spent money and time to maintain and repair the alley. The alley benefits not just me, but my neighbors as well. If the alley is vacated, then I will lose access to my property. I request that the City deny the request.

- grandpa tried to buy back years ago. Also grandpa worked out plan with City for easement to Property for a vehicle entry gate
- Drain for a runoff is an alley. I feel that it may impede proper aggregate flow for neighboring houses.
- May 11, 24 got a load of rock to maintain broken alley. Got pictures. May 11, 24.
- May 19, 24 Backfield Broken Alley holes got pictures May 19, 24
- I would like to currently use that as everyone intends to use it still to this day. I feel like if my neighbors are eligible to purchase this I won't have easement to my property.
- Reasoning about two years ago, I bought a 10 K dump trailer and a 3500 hd crew cab long bed (big truck and trailer)

These are views from my side and reasons let me know if you think there valued

Thank you Eric McCann
1640 Dean ave
Des Moines Iowa 50316
5155872213

Item: ROWV-2024-000016 Date: 03/28/2025

Please mark one of the following:

☐ I support the request

☐ I am undecided

☒ I oppose the request

Staff Use Only
DEVELOPMENT SERVICES

APR 3 2025

Titleholder Signature: Eric McCann ERIC MLCANN

Name/Business: _____

Impacted Address: 1640 Dean Ave Des Moines IA 50316

Comments: I Sent Email to shaKraborty@dm.gov.org
about my concerns

Thank you

Jenelle Patterson, Vicinity of 1650 Dean Avenue

ROWV-2024-000016



1:1,000

OWNER AFFIDAVIT



The City of Des Moines requires Property Owners' Consent for each development application. A completed and signed copy of this form is required to be included with every application request. For property with more than one owner/holder, each owner/holder must sign a copy of this form. If the owner/holder of the property is an organization, proof of signature authority on behalf of the organization must be attached to this form.

I, Janelle Patterson, am the Titleholder/Owner(s) or authorized representative of the Titleholder(s)/Owner(s) of the property located at 1650 Dean Ave, Des Moines, IA 50316 in Des Moines, Iowa.

I hereby give consent to the submittal and consideration of the following application regarding my property:

- ☐ Zoning Map Amendment (Re-zoning)
- ☐ Land Use Plan Amendment
- ☐ PUD Amendment
- ☒ Right-of-Way Vacation
- ☐ Conditional Use Approval
- ☐ Zoning Exception
- ☐ Zoning Variance
- ☐ Site Plan
- ☐ Plat of Survey
- ☐ Preliminary Plat
- ☐ Large-Scale Development Plan
- ☐ Type 2 Design Alternative
- ☐ Other (written): _____

I am authorized to submit this application on behalf of the Titleholder/Owner. I certify under penalty of perjury and according to the laws of the State of Iowa that the foregoing is true and correct.

Signature: Janelle Patterson Date: 1-13-24
Address: 1650 Dean Ave, Des Moines, IA 50316

Signature: _____ Date: _____
Address: _____
(business or personal)