



Roll Call Number

Agenda Item Number

21

Date June 9, 2025

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING A CITY INITIATED RIGHT-OF-WAY VACATION OF APPROXIMATELY 36,000
SQUARE FEET OF THE SOUTHEAST 14TH COURT RIGHT-OF-WAY, WHICH IS TO THE NORTH
OF EAST EDISON AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 15, 2025, its members voted 13-0 to recommend **APPROVAL** of a City initiated right-of-way vacation of approximately 36,000 square feet of Southeast 14th Court right-of-way, which is to the north of the East Edison Avenue, 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 and subject to provision of any necessary no-build easements.

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

SECOND BY _____

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ROWV-2025-000005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED		APPROVED		

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.

Mayor

City Clerk

Date June 9, 2025

Agenda Item 21

Roll Call # _____

May 22, 2025

Communication from the City Plan and Zoning Commission advising that at their May 15, 2025 meeting, the following action was taken on a request from City initiated right-of-way vacation of approximately 36,000 square feet of the Southeast 14th Court right-of-way, which is to the north of East Edison Avenue.

COMMISSION RECOMMENDATION: 13-0

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				
Carolyn Jenison					X
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette					X
Rick Trower	X				
Jane Rongerude	X				
John Erpelding	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, as well as provision of any necessary no-build easements.

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 and 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 the segment of Southeast 14th Court located to the north of East Edison Avenue to be closed off to public access. This segment of street right-of-way and adjoining parcels have experienced illegal dumping activity, which has resulted in enforcement action by the City's Neighborhood Services Department. The City has barricaded this segment of street off as it goes through the required right-of-way processes.
2. **Size of Site:** 36,000 square feet.
3. **Existing Zoning (site):** "MX3-V" Mixed Use District, "I1" Industrial District, and "I1-V" Industrial District.
4. **Existing Land Use (site):** The subject area consists of undeveloped right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North* – "P1"; Uses are City of Des Moines facility building and open space.
 - South* – "I1", Uses are the remaining Southeast 14th Court right-of-way and a mix of residential, industrial, and outdoor storage uses.
 - East* – "I1"; Use is undeveloped land.
 - West* – "I1-V" & "MX3-V", Uses are light industrial and high-intensity commercial businesses.
6. **General Neighborhood/Area Land Uses:** The surrounding area consists of predominantly high-intensity auto-oriented businesses along the Southeast 14th Street corridor to the west of the proposed right-of-way. There is open space and undeveloped land immediately to the east, with higher intensity industrial uses further east.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within 250 feet of a designated Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on April 25, 2025, and of the Final Agenda on May 9, 2025. Additionally, separate notifications of the hearing for this specific item were mailed on April 25, 2025 (20 days prior to the public hearing) and May 5, 2025 (10 days prior to the public hearing) to the Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All 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 mailings.

8. **Relevant Zoning History:** None.

9. PlanDSM: Creating Our Tomorrow Land Use Plan Designation: 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:** There is an existing water line that runs north/south within the proposed vacation area. Because existing utilities have been identified within the 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

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

COMMISSION ACTION

Todd Garner 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 and provision of any necessary no-build easements.

THE VOTE: 13-0

Respectfully submitted,



Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

City of Des Moines, Vacation of SE 14th Court to East Edison Avenue

ROWV-2025-000005

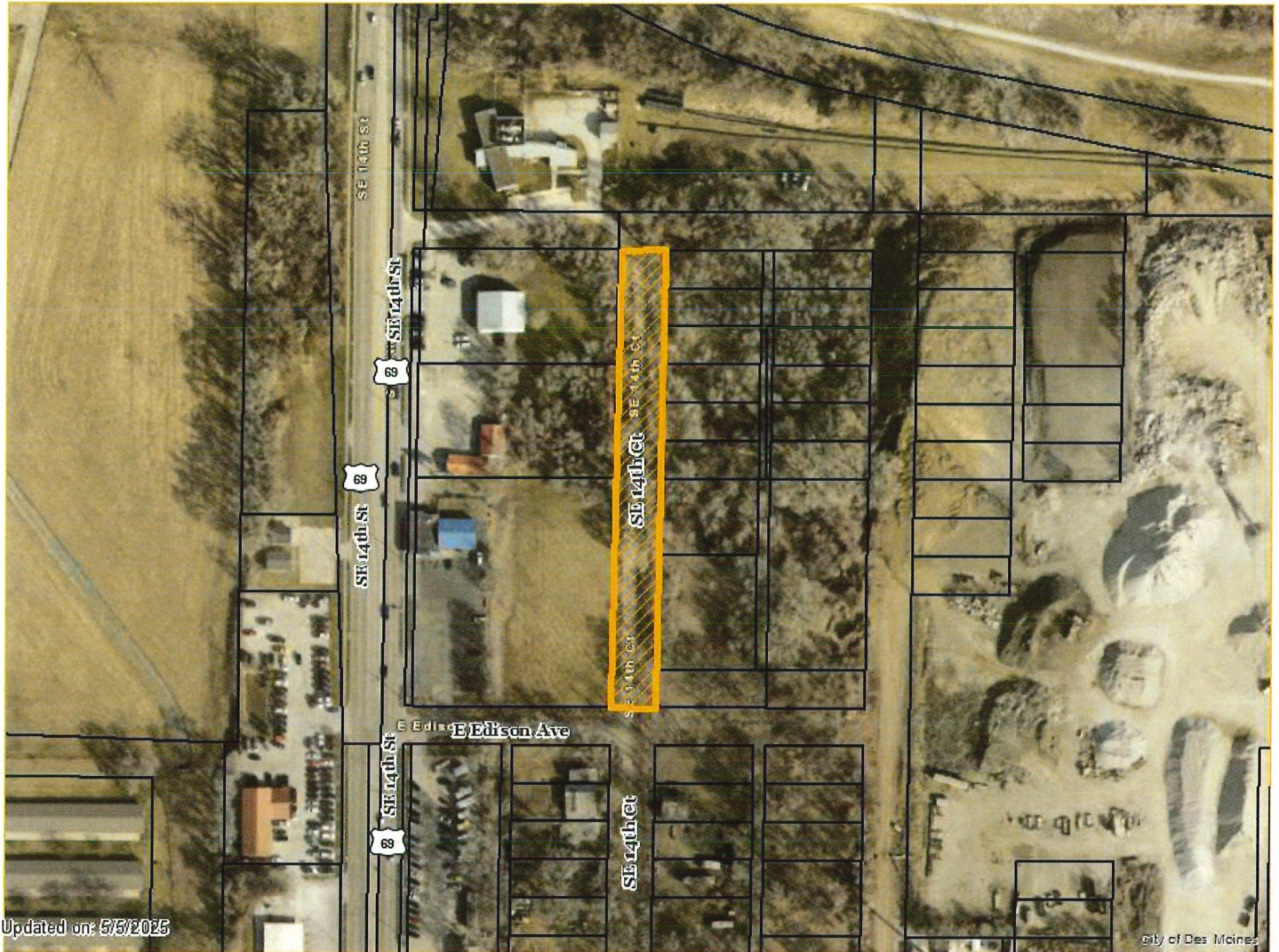
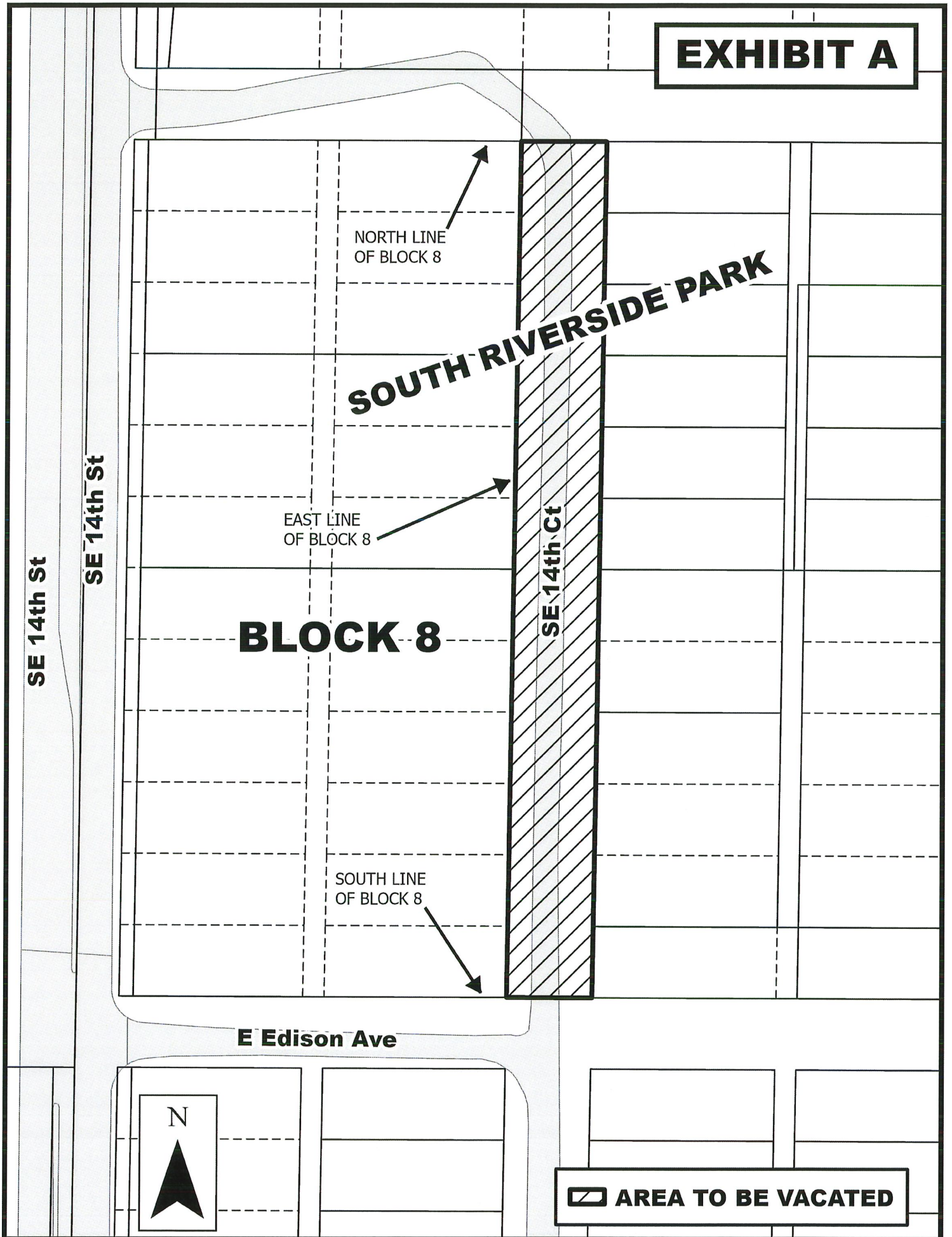






EXHIBIT A



City of Des Moines, Vacation of SE 14th Court to Edison Avenue

ROWV-2025-000005

