



Roll Call Number

Agenda Item Number

2

Date July 14, 2025

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING A CITY INITIATED REQUEST FOR VACATION OF MULTIPLE SEGMENTS OF
STREET RIGHT-OF-WAY IN THE VICINITY OF EAST 37TH STREET, MATTERN AVENUE, AND
EAST JEFFERSON AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 26, 2025, its members voted 13-0 to recommend **APPROVAL** of a City initiated request for vacation of multiple segments of street right-of-way in the vicinity of East 37th Street, Mattern Avenue, and East Jefferson Avenue, as listed below, for purposes of a project to remove the roadways and restore the area for incorporation into the Lower Fourmile Creek Greenway, 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;

- A. East 37th Street north of Easton Boulevard.
- B. East 38th Street between East Mattern Avenue and East Jefferson Avenue.
- C. East Jefferson Avenue, east of East 38th Street.
- D. Williams Street south of East Jefferson Avenue.

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-2025-000007)

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 July 14, 2025

Agenda Item 21

Roll Call # _____

June 30, 2025

Communication from the City Plan and Zoning Commission advising that at their June 26, 2025 meeting, the following action was taken on a City initiated request for vacation of the following segments of right-of-way, in the vicinity of East 37th Street, Mattern Avenue, and East Jefferson Avenue, for purposes of a project to remove the roadways and restore the area for incorporation into the Lower Fourmile Creek Greenway.

- A. East 37th Street north of Easton Boulevard.
- B. East 38th Street between East Mattern Avenue and East Jefferson Avenue.
- C. East Jefferson Avenue, east of East 38th Street.
- D. Williams Street south of East Jefferson 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 vacations, 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.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested right-of-way vacations, 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.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacations would accommodate expansion of the Lower Fourmile Creek Greenway, which would reduce flooding impacts on surrounding residential neighborhoods.
2. **Size of Site:** The requested segments of right-of-way comprise approximately 1.91 acres (83,620 square feet).
3. **Existing Zoning (site):** "F" Flood District.
4. **Existing Land Use (site):** The impacted area consists of public street rights-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "F"; Uses are floodplain and Lower Fourmile Creek Greenway.
 - South** – "F"; Uses are floodplain and Lower Fourmile Creek Greenway.
 - East** – "F"; Uses are floodplain and Lower Fourmile Creek Greenway.
 - West** – "F", Uses are floodplain and Lower Fourmile Creek Greenway.
6. **General Neighborhood/Area Land Uses:** The subject area consists of four (4) separate segments of street right-of-way. The first segment includes East 37th Street, north Easton Boulevard and vacated Arthur Avenue right-of-way. The second segment includes East 38th Street between Mattern Avenue and East Jefferson Avenue. The third segment includes a portion of East Jefferson Avenue to the east of East 38th Street. The final segment includes the remaining portion of Williams Street to the south of East Jefferson Avenue. The surrounding area consists of a mix of open space/parks and some scattered residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject properties are located within the Grays Woods Neighborhood Association and the Sheridan Gardens Neighborhood Association. All recognized neighborhood associations were notified of the meeting by emailing of the Preliminary Agenda on June 6, 2025, and by emailing of the Final Agenda on June 20, 2025. Additionally, separate notifications of the hearing for this specific item were mailed on June 16, 2025 (10 days prior) to the applicable neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public Right-of-Way.

- 8. Relevant Zoning History:** Over the past few years, multiple segments of street right-of-way in the surrounding neighborhood have been vacated for incorporation into the Lower Four Mile Greenway.

On March 22, 2021, by Roll Call No. 21-0503, the City Council approved a request, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense, to vacate the following segments of rights-of-way:

- A. East Sheridan Avenue from East 35th Street to East 36th Street.
- B. East 35th Street from Hull Avenue to Arthur Avenue.
- C. East 39th Street from East Jefferson Avenue to Four Mile Drive.
- D. Osceola Avenue from East 40th Street to East 41st Street.
- E. East 40th Street from Osceola Avenue to East Washington Avenue Right-of-Way developed with the Gay Lea Wilson Trail.
- F. East 41st Street from Osceola Avenue to Indianapolis Avenue.

On April 4, 2022, by Roll Call No. 22-0551, the City Council approved a request, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense, to vacate rights-of-way including:

- A. East 41st Street from Mattern Avenue to East Jefferson Avenue.
- B. East 41st Court from East Jefferson Avenue to Four Mile Drive.
- C. The South approximately 70 feet of East 40th Court north of Four Mile Drive.
- D. Four Mile Drive from East Jefferson Avenue to Williams Court.
- E. East 40th Street from East Jefferson Avenue to Four Mile Drive
- F. Hull Avenue connecting East 35th Street to East 35th Street.
- G. North approximately 200 feet of East 40th Street south of Washington Avenue.
- H. Easterly half of Colfax Avenue from East Aurora Avenue to East Shawnee Avenue.

On September 16, 2024, by Roll Call No. 24-1235, the City Council approved a request, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense, to vacate rights-of-way including:

- A. East 36th Street from East Sheridan Avenue to Arthur Avenue.
- B. East 36th Court from East Sheridan Avenue to Arthur Avenue.
- C. Arthur Avenue to the west of East 37th Street.
- D. East 40th Court to the south of East Jefferson Avenue.
- E. Lot Q between the vacated Four Mile Drive and the south line of Lot Q.

- 9. PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Parks and Open Space with Development Control Zone overlay.

- 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:** Identified utilities located in or near the impacted area include water valves, water hydrants, distribution water mains, sanitary sewer conduit, sanitary sewer manholes, and non-City-owned streetlights. 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 vacations would not negatively impact access to private properties or traffic patterns.

SUMMARY OF DISCUSSION

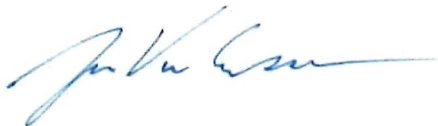
Leah Rudolphi asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION

Carolyn Jennison made a motion for approval of the requested right-of-way vacations, 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 VOTE: 13-0

Respectfully submitted,



Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

EXHIBIT A

SHT 1 of 4

Williams St

E Jefferson Ave

NORTH LINE
OF LOT 117

LOT 117

NE CORNER
OF LOT 117

EAST LINE
OF LOT M

NW CORNER
OF LOT 100 -- NORTH LINE
OF LOT 100

53.4'

LOT 100

LOT 99

Williams Ct

LOT 98

ELMWOOD PARK

WEST LINE
OF LOT M

Williams St

SW CORNER
OF LOT 98

POB
SE CORNER
OF LOT 126

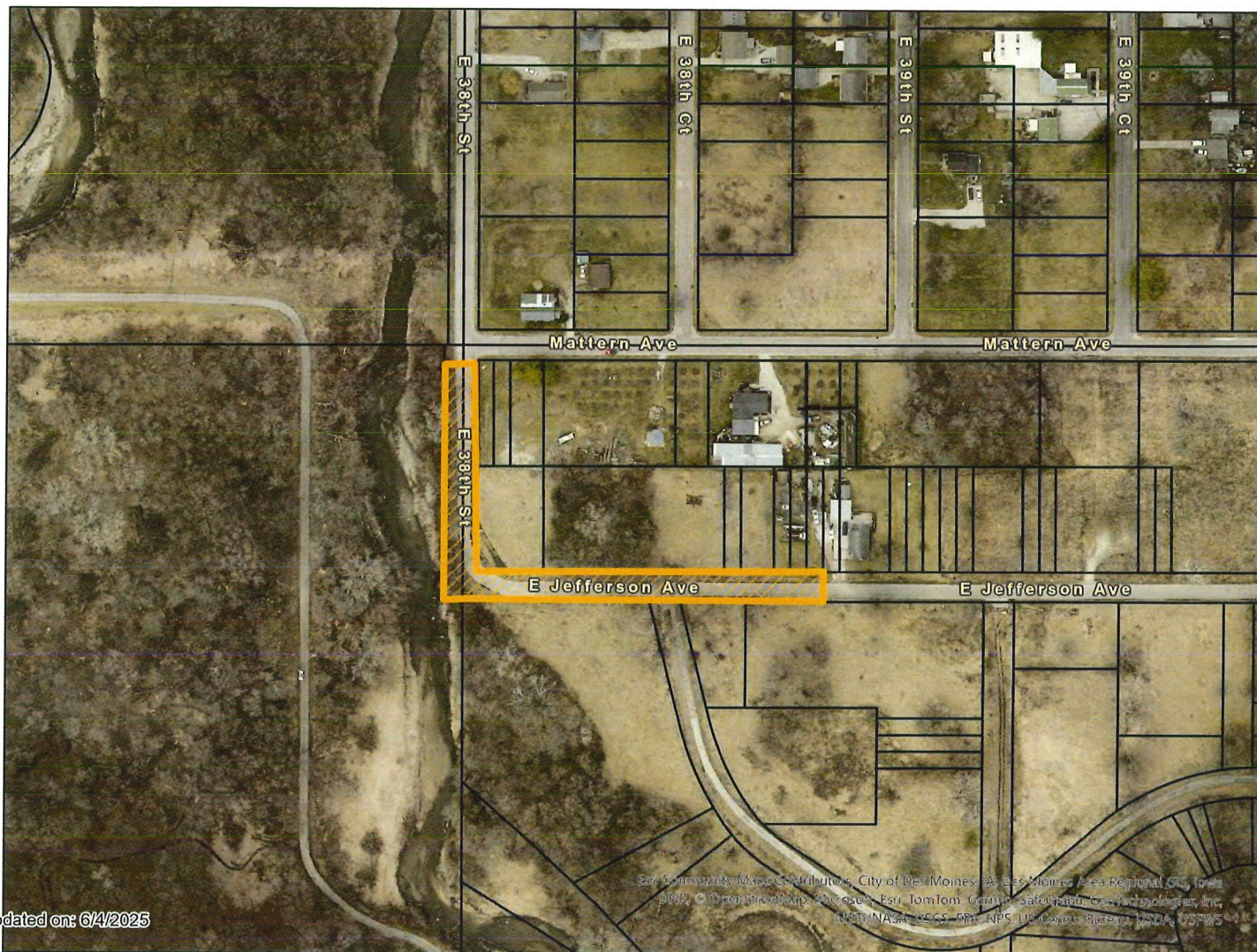
LOT 126

N

 AREA TO BE VACATED

City of Des Moines, Lower Four Mile Greenway

ROWV-2025-000007-B



Updated on: 6/4/2025

EXHIBIT A
SHT 2 of 4

E 38th Ct

E 39th St

E 38th St

NORTH LINE
OF LOT 402

Mattern Ave

NORTH LINE OF
SE 1/4 NE 1/4
SEC 32-79-23

WEST LINE
OF LOT P

**SE 1/4 NE 1/4
SEC 32-79-23**

SOUTH LINE
OF LOT P

LOT 402

WEST LINE
OF LOT 402

LOT P

LOT 403

EAST LINE
OF LOT P

NORTH LINE
OF LOT N

EAST LINE
OF LOT 423

POB
SE CORNER
OF LOT 423

LOT 423

LOT N

E Jefferson Ave

ELMWOOD PARK

25'

EAST LINE OF
SE 1/4 NE 1/4
SEC 32-79-23

SOUTH LINE
OF LOT N

N

 **AREA TO BE VACATED**

EXHIBIT A

SHT 3 of 4

LOT 808

SOUTH LINE
OF LOT 808
SW CORNER
OF LOT 808
POB

Vacated Arthur Ave

FOUR MILE

EAST LINE
OF LOT L

E 37th Ct

E 37th St

WEST LINE
OF LOT L

WEST LINE
OF LOT 793

EAST LINE
OF LOT 793

19.11'

24.08'

LOT 793

Easton Blvd

SW CORNER OF LOT 793

SE CORNER OF LOT 793

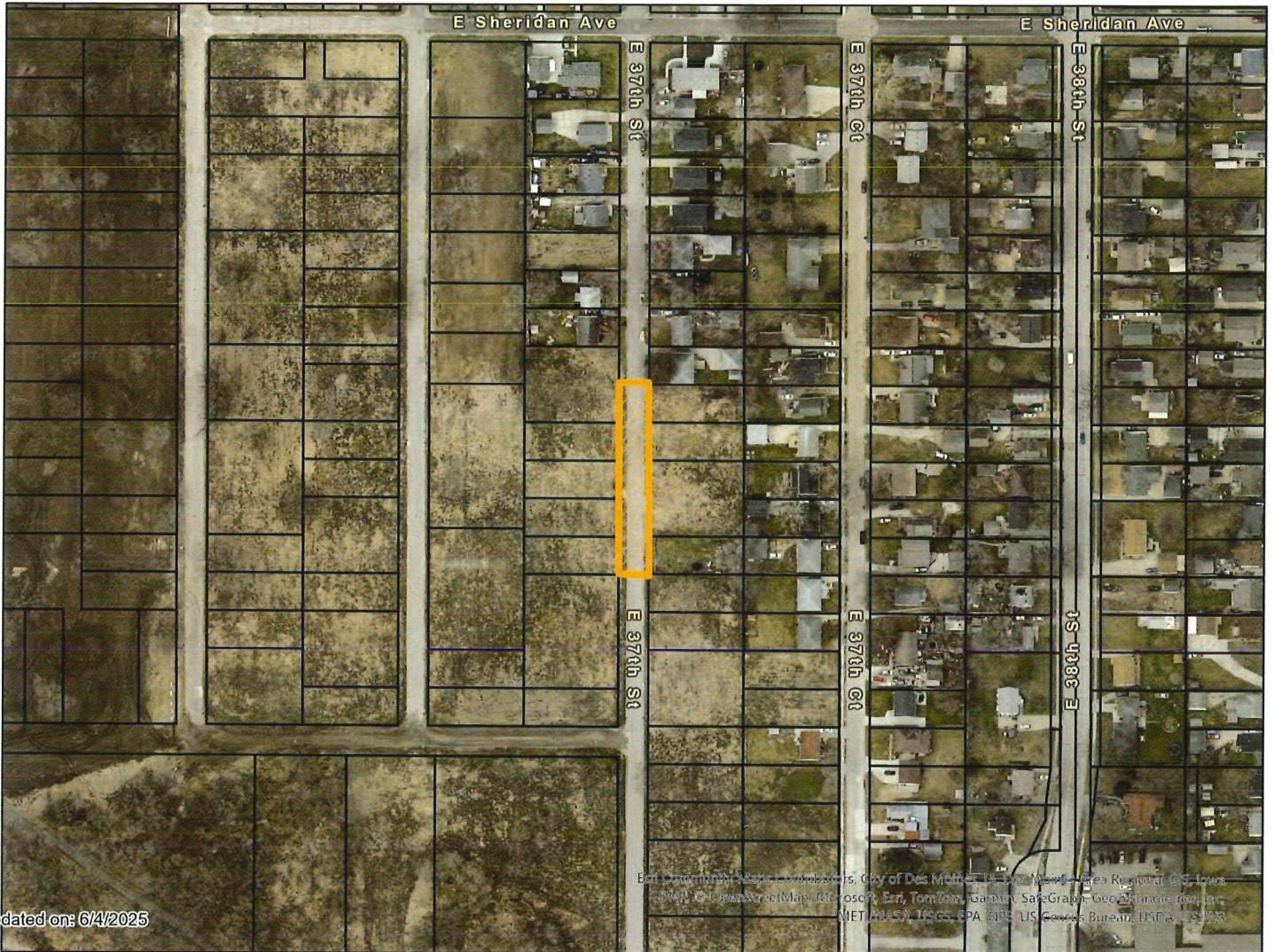
 AREA TO BE VACATED

N



City of Des Moines, Lower Four Mile Greenway

ROWV-2025-000007-D



Updated on: 6/4/2025

EXHIBIT A

SHT 4 of 4

SOUTH LINE
OF LOT 813

LOT 813

SW CORNER
OF LOT 813
POB

EAST LINE
OF LOT L

WEST LINE
OF LOT L

LOT L

E 37th St

FOUR MILE

LOT 808

SOUTH LINE
OF LOT 808

SW CORNER
OF LOT 808

LOT L

Vacated Arthur Ave

N

 **AREA TO BE VACATED**

City of Des Moines, Lower Fourmile Creek GreenWay

ROWV-2025-000007-A

