

Date July 14, 2025

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING REQUEST FROM GOLIATH PROPERTIES, LLC (OWNER), REPRESENTED BY
MICHAEL BARKLEY (OFFICER), FOR VACATION OF APPROXIMATELY 1,434 SQUARE FEET OF
AN EAST/WEST DEAD END ALLEY RIGHT-OF-WAY IN THE VICINITY OF 1924 CAPITOL
AVENUE, WHICH IS WITHIN THE BLOCK BOUNDED BY EAST 19TH STREET TO THE WEST AND
THE UNION PACIFIC RAILROAD RIGHT-OF-WAY TO THE EAST**

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 request from Goliath Properties, LLC (Owner), represented by Michael Barkley (Officer), for vacation of approximately 1,434 square feet of an east/west dead end alley right-of-way in the vicinity of 1924 Capitol Avenue, which is within the block bounded by East 19th Street to the west and the Union Pacific Railroad right-of-way to the east, to allow the vacated area to be assembled 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.

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-2025-000004)

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 22

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 request Goliath Properties, LLC (owner), represented by Michael Barkley (officer), for vacation of approximately 1,434 square feet of an east/west dead end alley right-of-way in the vicinity of 1924 Capitol Avenue, which is within the block bounded by East 19th Street to the west and the Union Pacific Railroad right-of-way to the east, to allow the vacated area to be assembled and maintained for private use.

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 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 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 the property owner to assemble a portion of the dead-end east/west alley right-of-way with their adjoining properties (multiple parcels). The applicant intends to combine the vacated right-of-way with their adjoining properties to be used for storage of work vehicles and gutter products for a contractor business.
2. **Size of Site:** 15 feet by 95.6 feet (1,434 square feet).
3. **Existing Zoning (site):** "N3c" Neighborhood District.
4. **Existing Land Use (site):** The subject area is undeveloped alley right-of-way.
5. **Adjacent Land Use and Zoning:**
North – "N3c"; Use is a vacant property.
South – "N3c" and "I2", Use is an industrial warehouse building and outdoor storage.
6. **General Neighborhood/Area Land Uses:** The applicant owns five (5) adjoining parcels containing an existing industrial use and undeveloped land. The existing alley dead ends into the applicant's property to the east. The surrounding area consists of predominantly heavy industrial uses to the east and low density residential to the west.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Capitol East Neighborhood Association and within 250 feet of the Fairground Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agendas on April 25, 2025, and June 6, 2025, and of the Final Agendas on May 9, 2025, and June 20, 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 May 15, 2025 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 mailing.
8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Low Density Residential 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:** 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. **Zoning and Land Use:** The current zoning of the adjoining property is "N3c" Neighborhood District and "I2" Industrial District. Any future industrial use of the area zoned "N3c" District would require a rezoning to an industrial district. A concurrent comprehensive land use plan amendment would be required in order find such a rezoning in conformance with the City's comprehensive land use plan.
3. **Traffic/Access:** The requested vacation would not negatively impact access to private properties or impact traffic patterns.

III. STAFF RECOMMENDATION

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.

SUMMARY OF DISCUSSION

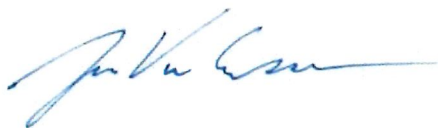
Leah Rudolphi asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION

Carolyn Jennison made a motion for approval of the requested 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.

THE VOTE: 13-0

Respectfully submitted,



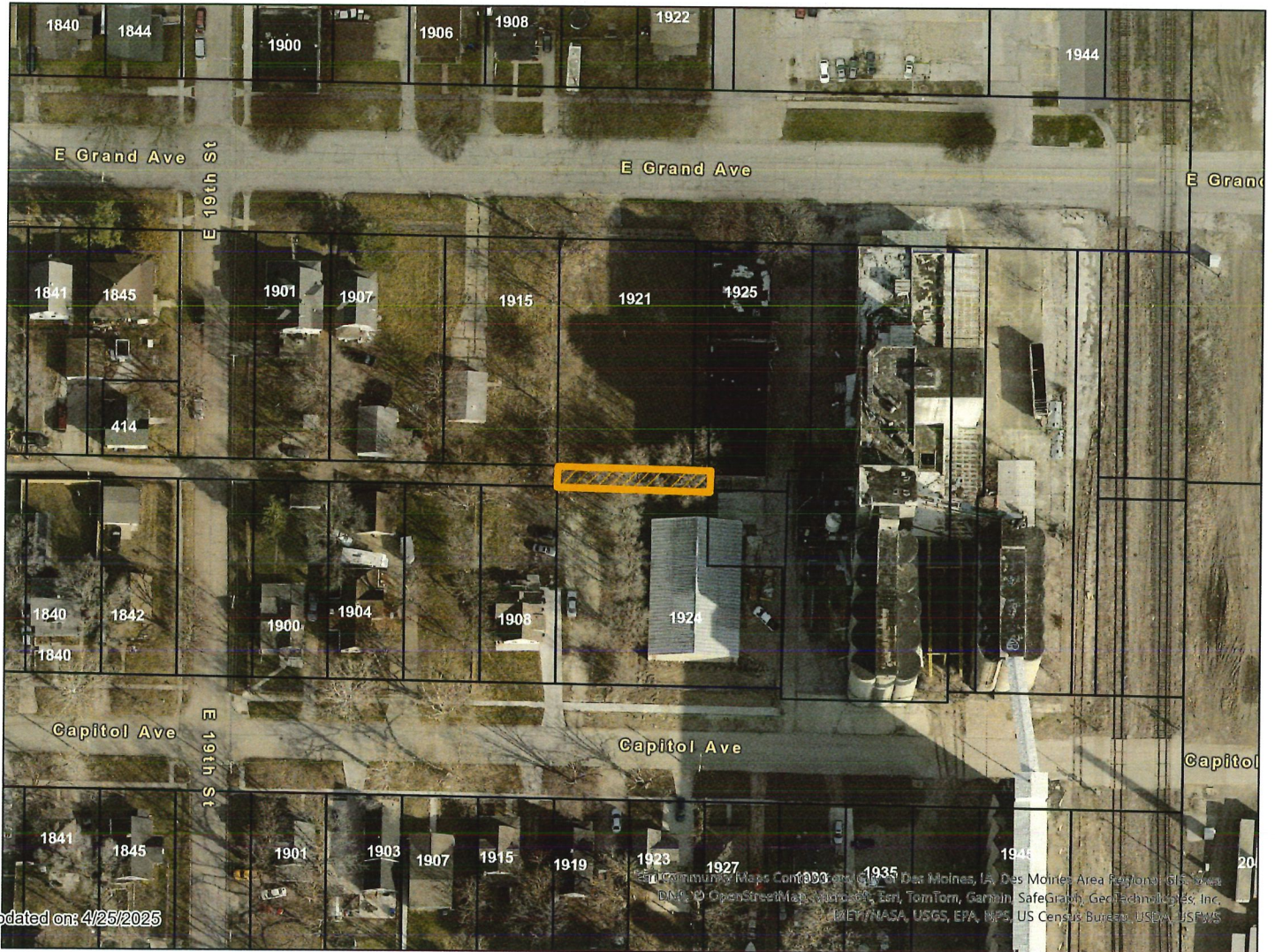
Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

Goliath Properties, LLC, 1924 Capitol Avenue

ROWV-2025-000004



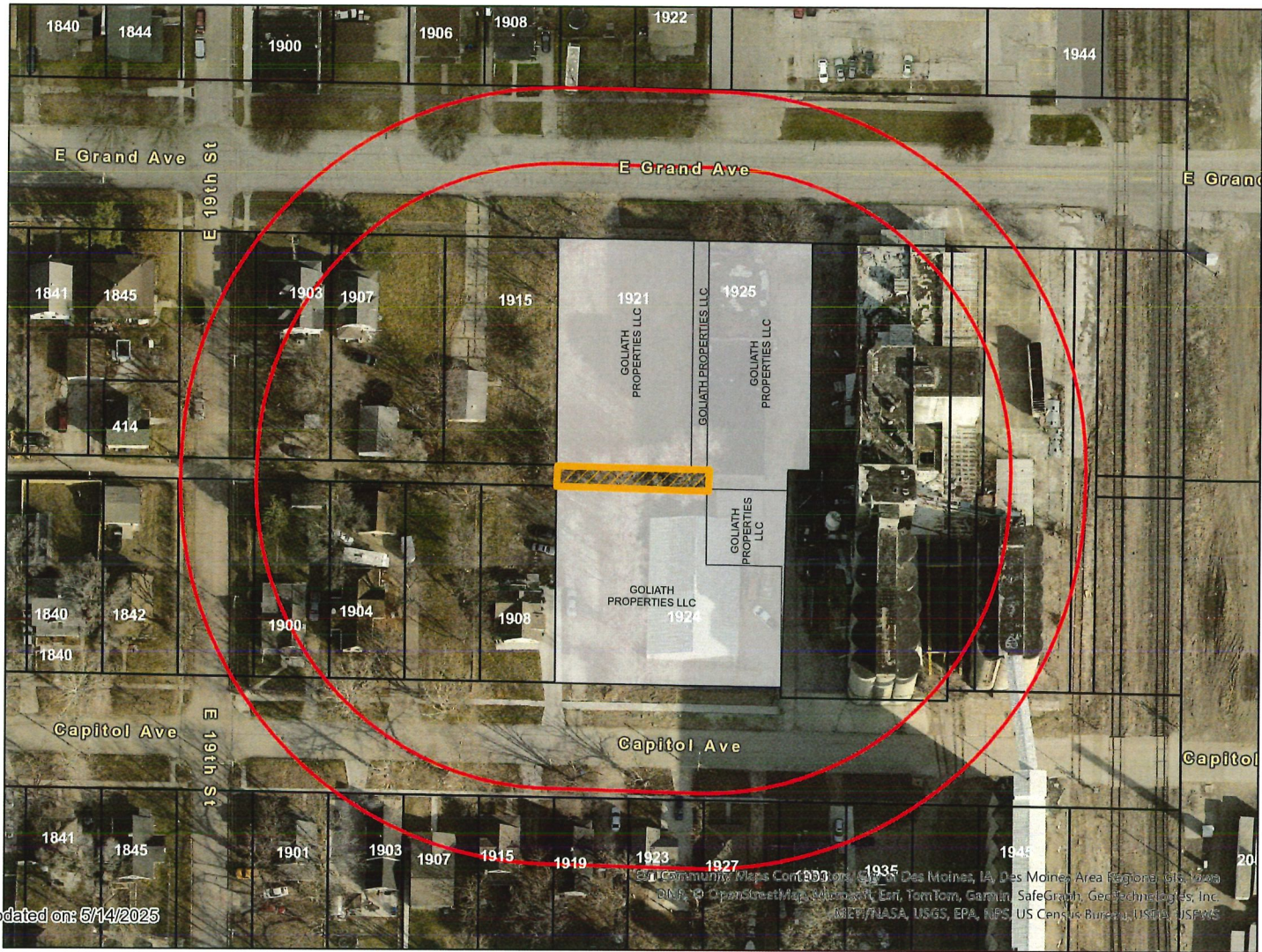
Updated on: 4/25/2025





Goliath Properties, LLC, 1924 Capitol Avenue

ROWV-2025-000004



Consent to Vacation and Sale of Alley or Street Right-of-Way

REGARDING the East/West North/South alley or street right-of-way in the block bounded by the following Streets:

E 19th St

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the alley or street described above and to the City offering such alley or street for sale to the owner(s) of the adjoining property(s).

The undersigned represent and warrant that they are the owners of property at the address identified below which adjoins such alley or street.

Date: 4/1/25

[Signature]
(Signature)

(Signature of 2nd Owner)

MICHAEL BARKLEY
(Printed Name)

(Printed Name)

Address of adjoining Property:

Mailing Address-if different:

1971 ELKLAND DES MOINES

Des Moines, IA 50316
(Zip Code)

Legal Description of Adjoining Property (if known):

✓ Check applicable line:

☒ I/We are interested in purchasing the adjoining portion of the alley or street. This is not a commitment to purchase.

☐ I/We are **not** interested in purchasing the adjoining portion of the alley or street and consent to the sale of the entire alley to the owner of the property on the other side of the alley or street.

*****Community Development Department Use Only*****

Case No. 11-20 - 1. ____

Received: _____

Applicant: _____

Consent to Vacation and Sale of Alley or Street Right-of-Way

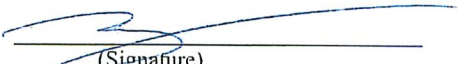
REGARDING the East West | North/South alley or street right-of-way in the block bounded by the following Streets:

E 19th ST DES MOINES

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the alley or street described above and to the City offering such alley or street for sale to the owner(s) of the adjoining property(s).

The undersigned represent and warrant that they are the owners of property at the address identified below which adjoins such alley or street.

Date: 4/1/25


(Signature)
MICHAEL GARLEY
(Printed Name)

(Signature of 2nd Owner)

(Printed Name)

Address of adjoining Property:

Mailing Address-if different:

1924 CAPITOL AVE DES MOINES

Des Moines, IA 50316
(Zip Code)

Legal Description of Adjoining Property (if known):

✓ Check applicable line:

X

I/We are interested in purchasing the adjoining portion of the alley or street. This is not a commitment to purchase.

____ I/We are **not** interested in purchasing the adjoining portion of the alley or street and consent to the sale of the entire alley to the owner of the property on the other side of the alley or street.

*****Community Development Department Use Only*****

Case No. 11-20 - 1.

Received: _____

Applicant: _____