



★ Roll Call Number

Agenda Item Number

10-1642

12

Date October 11, 2010

SET HEARING FOR CONVEYANCE OF THE REMAINING ALLEY RIGHT-OF-WAY ADJOINING 1051 19TH STREET TO RYAN GALLOWAY FOR \$100

WHEREAS, on May 4, 2009, by Roll Call No. 09-730, it was duly resolved by the City Council that the proposed vacation and conveyance of portions of excess street and alley rights-of-way located between 18th Street and 19th Street from Atkins Street to Day Street to Ryan Galloway for \$5,875 be set down for hearing on May 18, 2009, at 5:00 p.m., in the Council Chamber; and

WHEREAS, on May 18, 2009, by Roll Call No. 09-901, the City Council moved to receive and file a recommendation from the City Plan and Zoning Commission to allow Ryan Galloway (owner), 1039 19th Street to proceed with requested vacation ; and

WHEREAS, on May 18, 2009, by Roll Call No. 09-902, the City Council approved the vacation and conveyance of portions of excess street and alley rights-of-way located between 18th and 19th Street from Atkins Street to Day Street; and

WHEREAS, on September 16, 2010 the City Plan and Zoning Commission received a request from Hatch Development Group (developer), represented by Jack Hatch, for review and approval of a Site Plan “MLK Brickstone Apartments Phase 2” under design guidelines in NPC Districts and for Multiple-family Residential, on property located at 1051 19th Street, to allow construction of a three-story residential apartment building with 30 units; and

WHEREAS, thereafter the City Plan and Zoning Commission recommended approval of the submitted site plan under the “NPC” District Design Guidelines and design guidelines for multiple-family dwellings subject to the following conditions:

1. Compliance with all administrative review comments of the City’s Permit and Development Center including provision of an additional sheet to the plan entitled “Stormwater Management Facilities Plan”.
2. Provision of a pedestrian connection from the east side primary entrances to the public sidewalk in Atkins Street.
3. Provision of an additional two off-street parking spaces in order to comply with the Zoning condition of one space per unit.
4. Compliance with the City’s Tree Removal and Mitigation Ordinance.
5. Acquisition of the remaining east half of the vacated north/south alley to allow for planned retaining walls, paving, and necessary bufferyard fencing and plantings.



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- 6. Provision of a solid six-foot fence along the eastern boundary of the off-street parking lot where it abuts residential uses.
- 7. Provision of at least three evergreen tree plantings in lieu of two overstory tree plantings, where there is adequate depth for planting along the east property line.
- 8. Provision of an additional refuse container enclosure.

WHEREAS, Ryan Galloway is the owner of real property located at 1051 19th Street adjoining excess vacated alley right-of-way, hereinafter more fully described, and has offered to the City of Des Moines the purchase price identified below for the purchase of the portion of the vacated alley right-of-way described below; and

WHEREAS, there is no known current or future public need for the property proposed to be sold and the City will not be inconvenienced by the sale of said property.

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

- 1. The City Council of the City of Des Moines, Iowa proposes to sell the following described alley right-of-way adjoining 1051 19th Street, more specifically described and for the consideration identified below:

To: Ryan Galloway

For: \$100

Legal Description: The East ½ of the vacated North/South alley right of way lying West of and adjoining Lots 2, 3, and 4 of Butler’s Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Vacated by Ordinance No. 14,857, passed May 18, 2009)

- 2. A public hearing shall be held on October 25, 2010 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
- 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.

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4. The proceeds from the sale of this property shall be deposited into the following account:
 Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

psw

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh City Clerk