

★ Roll Call Number

17-0622

Agenda Item Number

47A

Date April 3, 2017

COMMUNICATION FROM THE CITY PLAN AND ZONING COMMISSION
REGARDING THE VACATION OF THE ALLEYS IN AND ADJOINING 422
WALNUT STREET

WHEREAS, on February 13, 2017, by Roll Call No. 17-0233, the City Council approved a competitive process and selection criteria for the sale and redevelopment of the parcel (the "Garage Parcel") containing the Fifth and Walnut Parking Garage at 422 Walnut Street; and,

WHEREAS, it was subsequently discovered the Garage Parcel contains portions of two east/west alleys that were intended to be vacated by Ordinance No. 7801 passed March 17, 1969, but such vacation ordinance incorrectly described the east/west alleys, and such ordinance also purports to dedicate the east 6.5 feet of the Garage Parcel as right-of-way for the widening of the north/south alley along the eastern line of the existing parking garage; and,

WHEREAS, on March 6, 2017, by Roll Call Nos. 17-0381 and 17-0382, the City Council scheduled public hearings to be held on March 20, 2016, at 5:00 p.m., to consider vacation of the two East/West alleys within the Garage Parcel, and vacation of the east 6.5 feet of the Garage Parcel that was purportedly dedicated as right-of-way; and,

WHEREAS, the City Plan and Zoning Commission considered the proposed vacation of the two East/West alleys within the Garage Parcel, and vacation of the alley right-of-way upon the east 6.5 feet of the Garage Parcel, at its meeting on March 16, 2017, and voted 13-0 in support of a motion to recommend approval of the alley vacations subject to the following conditions:

1. Determination by the City Engineer on the exact amount of the 6.5-foot wide portion of the north/south alley to be vacated based upon a comprehensive traffic study that investigates the impact on adjoining properties and the surrounding street network.
2. Reservation of any necessary easements for all existing utilities until such time that they are abandoned or are relocated, as well as consideration of the consolidation of existing dumpsters and grease containers into a space under the new development.

WHEREAS, on March 20, 2016, by Roll Call No. 17-0536, the City Council continued the public hearing on the vacation of the alleys, and on the sale of the Garage Parcel until April 3, 2017, at 5:00 p.m.

(Council Communication No. 17-346)

(continued)



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MOVED by Hensley to receive and filed the report and recommendation of the City Plan and Zoning Commission.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

MOTION CARRIED

APPROVED

T. M. Franklin Council Mayor

Diane Rauh City Clerk