



**Roll Call Number**

19-0464

**Agenda Item Number**

16

**Date** March 25, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING  
COMMISSION REGARDING REQUEST FROM ROLL-OFFS DES MOINES, INC. FOR  
VACATION OF RIGHT-OF-WAY IN THE VICINITY OF THE  
100 BLOCK OF SOUTHEAST 15<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2019, its members voted 11-0 to recommend **APPROVAL** of a request from Roll-Offs Des Moines, Inc. (owner), represented by Anthony Holt (officer), to vacate the following segments of right-of-way adjoining in the vicinity of the 100 block of Southeast 15<sup>th</sup> Street, to allow for assemblage and redevelopment with the adjoining property

- (1) Johnson Court from a point 472 feet south of East Vine Street to the Iowa Interstate Railroad;
- (2) Southeast 14<sup>th</sup> Court from a point 270 feet south of East Vine Street to the Iowa Interstate Railroad;
- (3) Southeast 15<sup>th</sup> Street from a point 360 feet south of East Vine Street to the Iowa Interstate Railroad;
- (4) Southeast 15<sup>th</sup> Court from a point 360 feet south of East Vine Street to the Iowa Interstate Railroad;
- (5) Southeast Astor Street from a point 225 feet south of East Vine Street to the Iowa Interstate Railroad;
- (6) Southeast 16<sup>th</sup> Street from a point 180 feet south of East Vine Street to the Iowa Interstate Railroad;
- (7) Southeast 16<sup>th</sup> Court from a point 132 feet south of East Vine Street to the Iowa Interstate Railroad;
- (8) East Vine Street from Southeast 16<sup>th</sup> Court to East 18<sup>th</sup> Street; and
- (9) An alley in the block bounded by East Court Avenue to the north and East Vine Street to the south, from Southeast 16<sup>th</sup> Court to a point 220 feet to the east; and

**WHEREAS**, said recommendation for vacation is subject to the following conditions:

- (1) A sufficient portion of the easternmost 200 feet of requested East Vine Street Right-of-Way (part H), as determined to the satisfaction of the City Engineer, shall be excluded from the vacation due to the existing railroad activity.
- (2) Conveyance of any of the requested right-of-way shall only occur in accordance with a redevelopment plan that is approved by City Council.
- (3) Easements for any existing utilities shall be provided until such time that they are abandoned or relocated at the applicant's expense.
- (4) Any development that incorporates the subject right-of-way shall comply with all Zoning and Site Plan requirements.
- (5) Any development that incorporates the subject right-of-way shall comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42 Article X of the City Code.

★ Roll Call Number  
19-0464

Agenda Item Number  
16

Date March 25, 2019

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

FORM APPROVED:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

(11-2019-1.03)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			2
MOTION CARRIED				

J. M. Franklin Cownie  
 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