

★ Roll Call Number
19-0793

Agenda Item Number
20

Date May 20, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
 REGARDING CITY-INITIATED REQUEST FOR VACATION OF NORTH/SOUTH ALLEY
 RIGHT-OF-WAY BETWEEN SOUTHEAST 10TH STREET AND SOUTHEAST 11TH STREET
 FROM SCOTT AVENUE TO SHAW STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 2, 2019, its members voted 9-2 to recommend **DENIAL** of a City-initiated request to vacate the north/south alley right-of-way located in the vicinity of 1013 Scott Avenue, between Southeast 10th Street and Southeast 11th Street from Scott Avenue to Shaw Street, to allow the alley to provide a paved driveway to access a proposed garage upon the rear yard area of 1013 Scott Avenue; and

WHEREAS, said recommendation was based upon the determination by the Commission that said north/south alley is currently required for public vehicular access; and

WHEREAS, the City Plan and Zoning Commission further recommended, as part of the 9-2 vote of its members to recommend denial, that in the event that the City Council decides to vacate said north/south alley right-of-way, that such vacation would be subject to the following conditions:

- (1) Reservation of easements for any existing utilities; and
- (2) Reservation of a 16-foot wide easement, running the full length of the vacated north/south alley, to provide vehicular access from the adjoining public street network to 1003 Scott Avenue, 1013 Scott Avenue and to Polk County District/Parcel No. #040/00033-000-000.

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

(11-2019-1.07)

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

MOTION CARRIED APPROVED

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