



Roll Call Number

20-0140

Agenda Item Number

15 A

Date January 27, 2020

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM ND DRAKE MULTIFAMILY, LLC FOR VACATION OF NORTH/SOUTH ALLEY RIGHT-OF-WAY AND AIR RIGHTS AND SUBSURFACE RIGHTS IN RIGHT-OF-WAY ADJOINING 2530 UNIVERSITY AVENUE AND 1157, 1159 AND 1161 26TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2020, its members voted 13-0 to recommend APPROVAL of a request from ND Drake Multifamily, LLC (owner), represented by Michael Nelson (officer), to vacate the following segments of right-of-way:

- 1. Adjoining north/south alley between 25th Street and 26th Street from University Avenue to a point 281 feet to the south;
2. Adjoining air rights in a 4-foot by 13-foot segment to the south side of University Avenue and a 2-foot by 28-foot segment to the east side of 26th Street; and
3. Adjoining subsurface rights in the south 2 feet of University Avenue and the east 4 feet of 26th Street;

Subject to the following conditions to vacation:

- 1. Reservation of any necessary easements to allow public access to the alley from 26th Street.
2. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
3. Any construction on the proposed vacated right-of-way shall be in accordance with all administrative comments from Traffic and Transportation as part of the Site Plan review.

MOVED by Mendelbaum to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Refer to the City Manager and Engineering Real Estate that necessary alley right-of-way and easements are provided for the Church next to the FORM APPROVED: alley.

Glenna K. Frank, Assistant City Attorney

(11-2019-1.30)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 yeas).

CERTIFICATE

I, P. KAY CMELIK, 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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk