

★ Roll Call Number

23-1315

Agenda Item Number

25

Date October 2, 2023

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM THIKRA MADHAWI (OWNER), FOR VACATION OF APPROXIMATELY 160 LINEAL FEET OF THE REMAINING UNDEVELOPED NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED IN THE VICINITY OF 1013 SCOTT AVENUE IN THE BLOCK BOUNDED BY SHAW STREET TO THE SOUTH, SOUTHEAST 11TH STREET TO THE EAST, MAURY STREET TO THE NORTH, AND SOUTHEAST 10TH STREET TO THE WEST

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 21, 2023 its members voted 8-0 to recommend APPROVAL of a request from Thikra Madhawi (Owner) for vacation of approximately 160 lineal feet of the north/south alleyway located in the vicinity of 1013 Scott Avenue, and bounded by Shaw Street to the south, Southeast 11th Street to the east, and Southeast 10th Street to the west, to allow the vacated area to be assembled and maintained for private use, subject to the following conditions:

- 1. Reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Reservation of an easement for access to the Polk County owned parcel #040/00033-000-000 from the adjoining public street network.
3. Provision of a no-build easement for the benefit of the existing garage on the property at 625 SE 10th Street unless the owner of that property purchases an adjoining segment of the alley that is large enough to satisfy Building Code separation requirements. Should that owner purchase a segment of the alley then it must be joined with their existing lot to the satisfaction of the Permit and Development Administrator.

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.

SECOND BY Boesen

APPROVED AS TO FORM:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ROWV-2023-000009)

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, Laura Baumgartner, 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.

Laura Baumgartner

City Clerk