

Agenda Item Number

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:

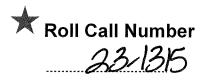
- 1. Reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
- 2. Reservation of an easement for access to the Polk County owned parcel #040/00033-000-000 from the adjoining public street network.
- 3. Provision 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.

SECOND BY

APPROVED AS TO FORM:

<u>/s/ Chas M. Cahill</u> Chas M. Cahill Assistant City Attorney

(ROWV-2023-000009)



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	~			
BOESEN	~			
GATTO	~			
MANDELBAUM	u			
VOSS	V			
WESTERGAARD	V			
TOTAL	6			٦
MOTION CARRIED	•	Δ	APP	ROVED
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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.

Raure Baungarthan

City Clerk