



Roll Call Number

24-0042

Agenda Item Number

17

Date January 8, 2024

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORPORATION (OWNER), REPRESENTED BY ABBEY GILROY (OFFICER) FOR THE FOLLOWING REGARDING THE PROPERTY LOCATED AT 2211 UNIVERSITY AVENUE: VACATION OF APPROXIMATELY 40 SQUARE FEET OF AIR RIGHT-OF-WAY ON UNIVERSITY AVENUE TO ALLOW THE ENCROACHMENT OF A PROPOSED BUILDING AWNING; VACATION OF APPROXIMATELY 24 SQUARE FEET OF SURFACE RIGHT-OF-WAY ON 22ND STREET TO ALLOW THE ENCROACHMENT OF A PROPOSED BUILDING DOOR SWING; VACATION OF APPROXIMATELY 90 SQUARE FEET OF SURFACE RIGHT-OF-WAY ON THE WESTERN NORTH/SOUTH ALLEYWAY ADJOINING THE SUBJECT PROPERTY TO ALLOW THE ENCROACHMENT OF PROPOSED TRASH ENCLOSURE GATES; AND VACATION OF APPROXIMATELY 1,761 SQUARE FEET OF SUBSURFACE RIGHT-OF-WAY ON 22ND STREET, UNIVERSITY AVENUE TO ALLOW THE ENCROACHMENT OF PROPOSED BUILDING FOOTINGS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2023, its members voted 10-0 to recommend **APPROVAL** of a request from Neighborhood Development Corporation (owner), represented by Abbey Gilroy (officer) for review and approval of the following regarding property located at 2211 University Avenue: A) Vacation of approximately 40 square feet of air right-of-way on University Avenue to allow the encroachment of a proposed building awning, B) Vacation of approximately 24 square feet of surface right-of-way on 22nd Street to allow the encroachment of a proposed building door swing, C) Vacation of approximately 90 square feet of surface right-of-way on the western north/south alleyway adjoining the subject property to allow the encroachment of proposed trash enclosure gates, and D) Vacation of approximately 1,761 square feet of subsurface right-of-way on 22nd Street, University Avenue, and the adjoining western north/south alleyway to allow the encroachment of proposed building footings, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

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 Voss

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ROWV-2023-000013)



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

MOTION CARRIED

APPROVED

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.

Connie Boesen

Mayor

Laura Baumgartner

City Clerk