

★ **Roll Call Number**

**Agenda Item Number**

24

Date: February 26, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 15, 2007, its members voted 14-0 in support of a motion to recommend approval of a request from the City Engineer for vacation and conveyance of the west 16.5 feet of South Union Street east of and adjoining 5 Park Avenue, owned by John and Paul Eidbo, subject to the retention of all necessary easements for utilities in place.

MOVED by \_\_\_\_\_ to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures.

FORM APPROVED:

\_\_\_\_\_  
Roger K. Brown  
Assistant City Attorney

(11-2007-1.03)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| HENSLEY        |      |      |      |        |
| KIERNAN        |      |      |      |        |
| MAHAFFEY       |      |      |      |        |
| MEYER          |      |      |      |        |
| VLASSIS        |      |      |      |        |
| TOTAL          |      |      |      |        |

**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.

MOTION CARRIED APPROVED

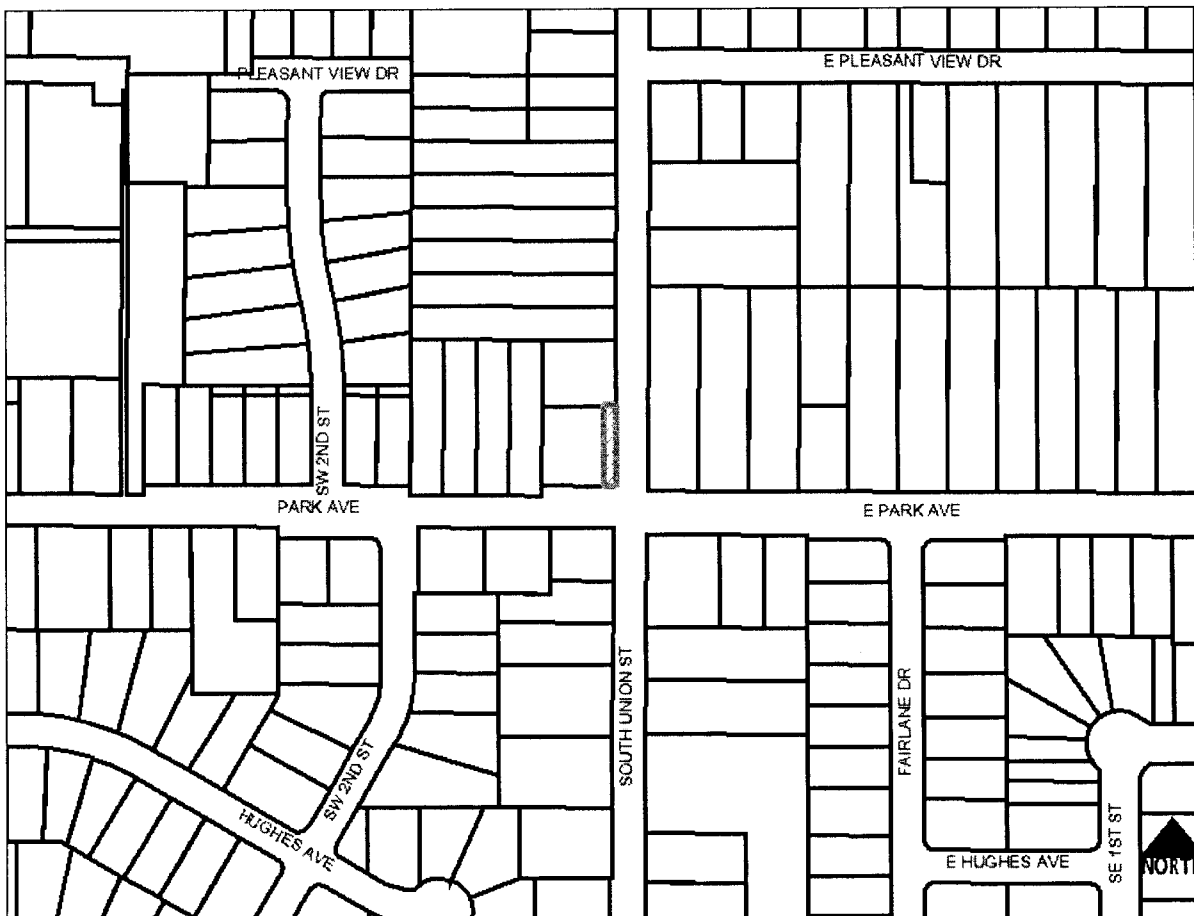
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

|   |   |              |  |              |
|---|---|--------------|--|--------------|
| Request from the City Engineer for vacation and conveyance. |   |              | <b>File #</b>                                |              |
|   |   |              | 11-2007-1.03                                 |              |
| <b>Description of Action</b>                                | Vacate and convey the west 16.5 feet of South Union Street east of and adjoining 5 Park Avenue, owned by John and Paul Eidbo. |              |  |              |
| <b>2020 Community Character Plan</b>                        | Low-Density Residential   |              |  |              |
| <b>Horizon 2025 Transportation Plan</b>                     | Park Avenue from Valley Drive to SE 14 <sup>th</sup> to widen from 2 lane undivided to 3 lane undivided                       |              |  |              |
| <b>Current Zoning District</b>                              | "R1-60" One-Family Low-Density Residential District   |              |  |              |
| <b>Proposed Zoning District</b>                             | N/A   |              |  |              |
| <b>Consent Card Responses</b>                               | In Favor  | Not In Favor | Undetermined                                 | % Opposition |
| Inside Area   |   |              |  |              |
| Outside Area  | 2   | 0            | 0  | N/A          |
| <b>Plan and Zoning Commission Action</b>                    | <b>Approval</b>   | 14-0         | <b>Required 6/7 Vote of the City Council</b> | Yes          |
|   | <b>Denial</b>   |              |  | No           |

City Initiated - S Union Street & Park Avenue

11-2007-1.03



February 26, 2007

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held February 15, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 14-0 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| David Cupp         |     |      |      | X      |
| Shirley Daniels    | X   |      |      |        |
| Dann Flaherty      | X   |      |      |        |
| Bruce Heilman      | X   |      |      |        |
| Jeffrey Johannsen  | X   |      |      |        |
| Greg Jones         | X   |      |      |        |
| Frances Koontz     | X   |      |      |        |
| Kaye Lozier        | X   |      |      |        |
| Jim Martin         | X   |      |      |        |
| Brian Millard      | X   |      |      |        |
| Brook Rosenberg    | X   |      |      |        |
| Mike Simonson      | X   |      |      |        |
| Kent Sovern        | X   |      |      |        |
| Tim Urban          | X   |      |      |        |
| Marc Wallace       | X   |      |      |        |



CITY PLAN AND ZONING COMMISSION  
 ARMORY BUILDING  
 602 ROBERT D. RAY DRIVE  
 DES MOINES, IOWA 50309 -1881  
 (515) 283-4182

ALL-AMERICA CITY  
 1949, 1976, 1981  
 2003

in support of a motion to recommend approval of a request from the City Engineer for vacation and conveyance of the west 16.5 feet of South Union Street east of and adjoining 5 Park Avenue, owned by John and Paul Eidbo, subject to the retention of all necessary easements for utilities in place. (11-2007-1.03)

Written Responses

2 In Favor  
0 In Opposition

*This item would not require a 6/7 vote at City Council.*

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Staff recommends approval of the requested vacation and conveyance subject to retention of all necessary easements for utilities in place.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The City Engineer is seeking to assemble excess portion of South Union Street with vacant property located a 5 Park Avenue. This is in response to efforts to acquire a permanent easement through the western portion of 5 Park Avenue for an approved public storm sewer project in the Crawford Creek watershed.
2. **Size of Site:** 16.5' x 120' (1,980 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Vacant undeveloped right-of-way.
5. **Adjacent Land Use and Zoning:**
  - East* - "R1-60", Use is South Union Street public right-of-way.
  - West* – "R1-60", Use is vacant residential land.
6. **General Neighborhood/Area Land Uses:** The subject property is located within a primarily low-density residential area.
7. **Applicable Recognized Neighborhood(s):** Indianola Hills Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.
10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

### II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** There is a significant timbered drainage swale running generally north and south on the western portion of 5 Park Avenue west of the subject segment of South Union Street.
2. **Drainage/Grading:** The proposed storm sewer improvement is sought through the western portion of 5 Park Avenue to improve drainage in the local surrounding area. There is an approximately 30 foot wide permanent easement being acquired on the western half of the existing parcel at 5 Park Avenue. The additional 16.5 of excess South Union Street right-of-way will improve the developability of the remaining property once the easement and storm sewer are in place.
3. **Utilities:** There are no known utilities within the subject right-of-way requested for vacation. There is a gas regulator on the property located at 5 Park Avenue. It is possible that this would need to be relocated at the private property owners expense in order to develop the property for a single-family use.
4. **Traffic/Street System:** Traffic and Transportation Engineering staff has indicated that the proposed right-of-way can be vacated without impacting the functionality of the public street

network. Additional right-of-way previously acquired along Park Avenue must be retained however for the potential future widening of that street.

24

**SUMMARY OF DISCUSSION**

*There was no one in the audience to speak on this item.*

*Kaye Lozier moved to approve the staff recommendation.*

*Motion passed 14-0.*

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

24

Item 11-2007-1.03

Date 2-8-07

I  (am) ( am not ) in favor of the request.  
(Circle One)

**RECEIVED**

FEB 13 2007

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name Charles V. Amodio Estate

Signature Paul Lewis, Executor

Address 2811 SE 22<sup>nd</sup> St Unit # 640  
Deerfield, Ia. 50320

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2007-1.03

Date 2-6-07

I  (am) ( am not ) in favor of the request.  
(Circle One)

**RECEIVED**

FEB 07 2007

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name Nancy L. Newell

Signature Nancy L. Newell

Address 3134 S. Union, P.O. Box 35052  
D.M., IA 50315

Reason for opposing or approving this request may be listed below:

My property is the main focus of this Crawford Creek Project scheduled for Spring of 2007. A new storm sewer drain (that is what I was told this was when I called the city today) can only be a good thing. Thanks! Nancy Newell