

Date..... April 24, 2006

RESOLUTION APPROVING VACATION OF A DEAD-END SEGMENT OF
SE 27th COURT EXTENDING SOUTH FROM E. RAILROAD AVENUE

WHEREAS, on March 20, 2006, by Roll Call No. 06-522, the City Council adopted a recommendation from the City Plan and Zoning Commission that the dead-end segment of SE 27th Court extending south from E. Railroad Avenue, hereinafter more fully described, be vacated; and,

WHEREAS, on April 10, 2006, by Roll Call No. 06- 626, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on April 24, 2006, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to vacate public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation of public right-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the dead-end segment of SE 27th Court extending south from E. Railroad Avenue, more specifically described as follows:

All the SE 27th Court right-of-way lying West of and adjoining Lots 21 through 34, Block 15, in Larison Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(continued)

51

Date..... April 24, 2006

MOVED by _____ to adopt and approve the vacation, subject to final passage of the vacation ordinance.

FORM APPROVED:

Roger K. Brown

Roger K. Brown
 Assistant City Attorney
 G:\SHARED\LEGAL\BROWN\WORK\W&C\SE 27th St.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
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

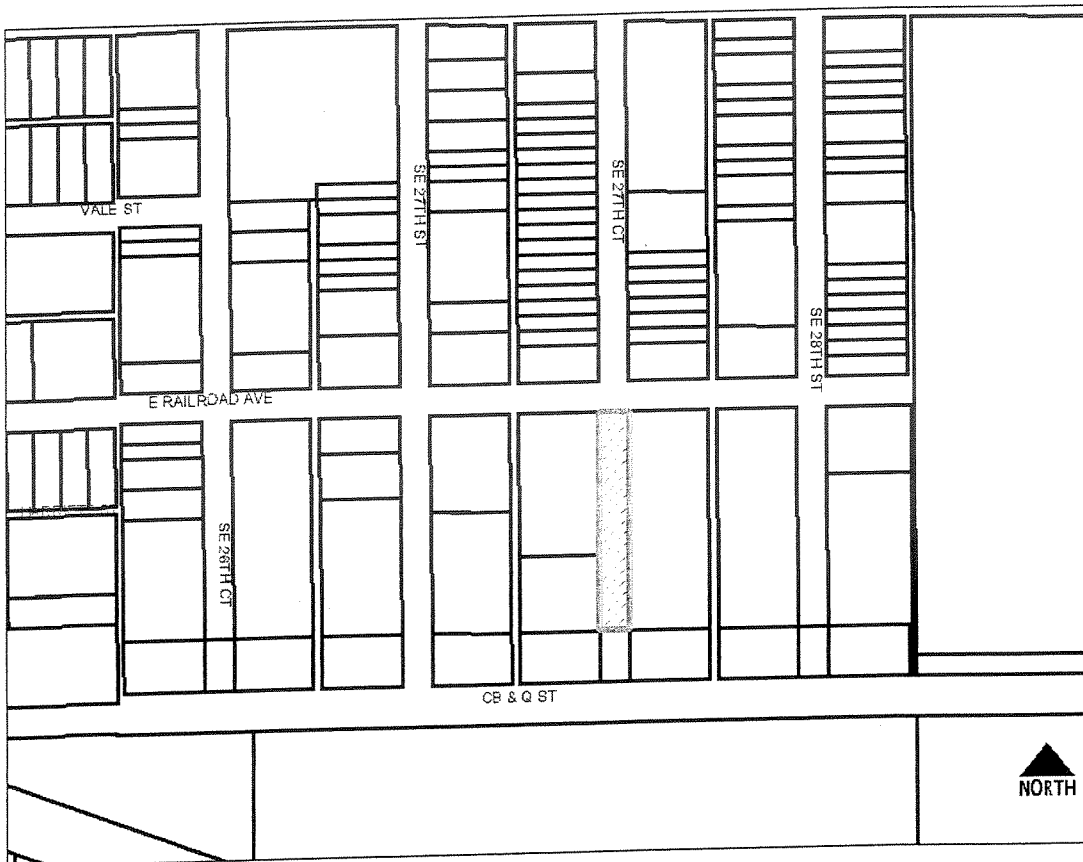
 City Clerk

06-10-14
23
SI

City initiated request to vacate a segment of Southeast 27 th Court between East Railroad Avenue and the Norfolk Southern Railway.			File # 11-2006-1.03	
Description of Action	Vacate and convey a segment of Southeast 27 th Court between East Railroad Avenue and the Norfolk Southern Railway.			
2020 Community Character Plan	General Industrial.			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"R-2" One and Two-Family Residential			
Proposed Zoning District	N/A			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				N/A
Outside Area	0	0	0	N/A
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

City Initiated - SE 27th Court from Railroad Ave south to RR

11-2006-1.03



2351
00-1026

March 20, 2006

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 March 2, 2006 the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson				X
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a City initiated request to vacate a segment of Southeast 27th Court between East Railroad Avenue and the Norfolk Southern Railway. (11-2006-1.03)

Written Responses

0 In Favor
0 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the City initiated vacation subject to reservation of easements for protection and maintenance for all utilities in place. No conveyance of the property is recommended at this time.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** This request is in response to proposed development of a church on property located at 1002 SE 27th Court. Vacation of the public right-of-way allows more building and parking setback flexibility for development of the church.



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

2. **Size of Site:** 50' x 360' segment of right-of-way or 18,000 square feet (0.41 acres)
3. **Existing Zoning (site):** "R-2" One and Two-Family Residential District
4. **Existing Land Use (site):** Vacant land
5. **Adjacent Land Use and Zoning:**
 - South* – "R-2", Use is railroad road property within the proposed study corridor for the future southeast connector.
 - East* – "R-2", Use is vacant land.
 - West* – "R-2", Use is vacant land proposed for church site.
6. **General Neighborhood/Area Land Uses:** The surrounding neighborhood known generally as the Chesterfield area contains a mix of residential and industrial uses.
7. **Applicable Recognized Neighborhood(s):** N/A
8. **Relevant Zoning History:** On February 22, 2006 the Zoning Board of Adjustment granted various zoning appeal relief for required setbacks of parking and buildings for a proposed new Bread of Life Church of God and Christ on the adjoining property at 1002 SE 27th Court. This relief was granted contingent on vacation of the subject right-of-way.
9. **2020 Community Character Land Use Plan Designation:** General Industrial
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. **Utilities:** There is an existing sanitary sewer within the subject segment of street right-of-way. There are no active services on this line at this time, however easements should be maintained until the sewer is abandoned.
2. **Traffic/Street System:** The segment of street right-of-way is currently undeveloped and terminates to the south at property owned by the Norfolk Southern Railway. The City owns vacant land that would require a portion of the subject right-of-way for access to an open public street. Although there are no specific requests for conveyance at this time, access for this property should be maintained when looking at conveyance of any portion of the subject right-of-way in the future.

SUMMARY OF DISCUSSION

There was no discussion on this item.

Kent Sovern moved to approve staff recommendation; motion passed 13-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike L.", written in a cursive style.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment