

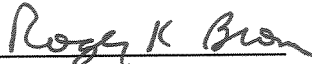
Date June 5, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held May 18, 2006, the members recommended by a vote of 10-0 for **APPROVAL** of a request from Denny Murray (owner) 2001 Hubbell Avenue, for vacation and conveyance of Maple Street between East 20<sup>th</sup> Court and the Union Pacific Railroad, subject to the following conditions:

- 1) Provision of easements for access, operation, and maintenance of all existing utilities in place; and
- 2) Provision of an access easement to provide access to adjoining parcels, unless waived by the owner of such parcels.

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

(11-2006-1.10)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

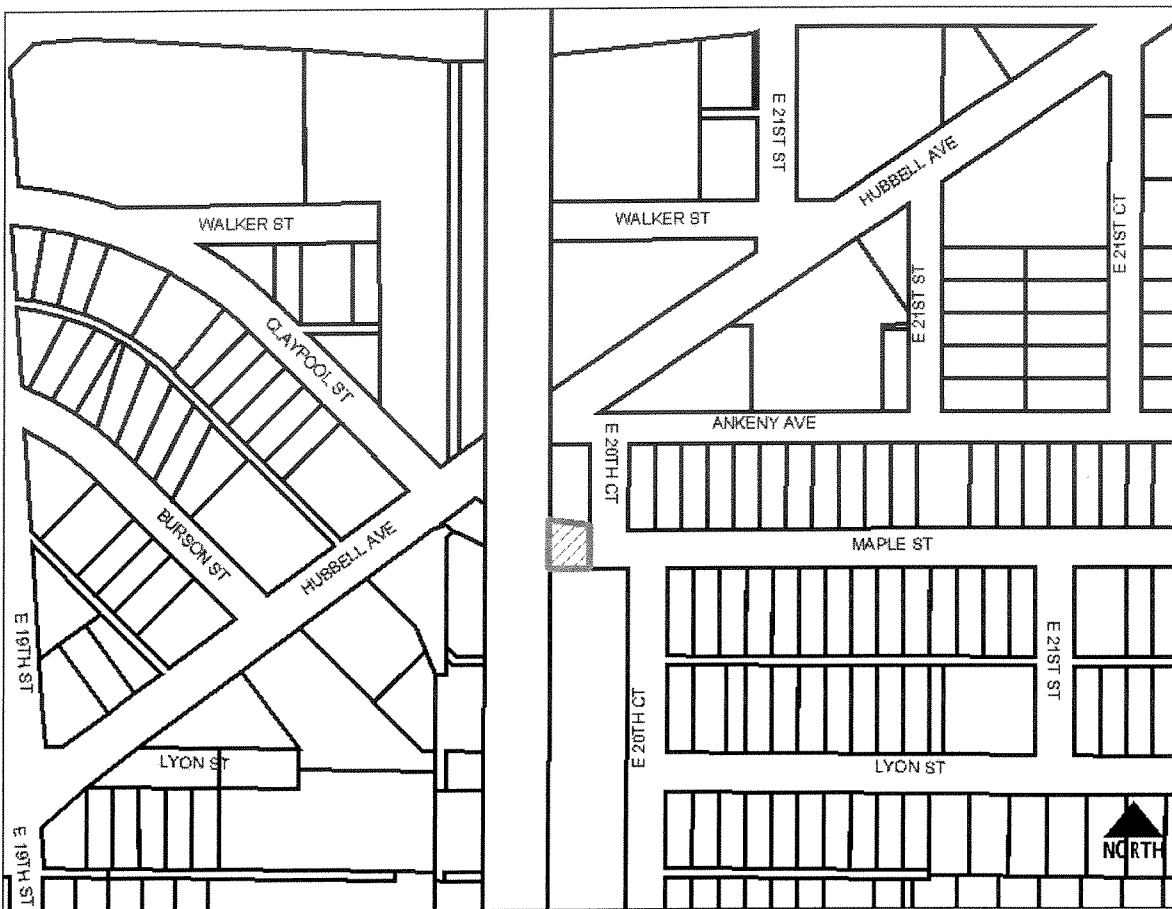
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

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

Request from Denny Murray (owner) 2001 Hubbell Avenue, for vacation and conveyance of public right-of-way.				<b>File #</b> 11-2006-1.10	
<b>Description of Action</b>	Vacate and convey Maple Street between East 20 <sup>th</sup> Court and the Union Pacific Railroad.				
<b>2020 Community Character Plan</b>	General Industrial.				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.				
<b>Current Zoning District</b>	"M-1" Light Industrial District.				
<b>Proposed Zoning District</b>	N/A.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	1	0	0	N/A	
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	10-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	<b>Denial</b>			No	N/A

Dennis Murray - Maple Street ROW West of E 20th Court

11-2006-1.10



June 5, 2006

Date \_\_\_\_\_

Agenda Item 22

Roll Call # \_\_\_\_\_

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 May 18, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 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 request from Denny Murray (owner) 2001 Hubbell Avenue, for vacation and conveyance of Maple Street between East 20<sup>th</sup> Court and the Union Pacific Railroad, subject to the following conditions: (11-2006-1.10)

- 1) Provision of easements for access, operation, and maintenance of all existing utilities in place; and
- 2) Provision of an access easement to provide access to adjoining parcels, unless waived by the owner of such parcels.

Written Responses

1 In Favor

0 In Opposition

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



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

## STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested vacation and conveyance subject to the following conditions:

- 1) Provision of easements for access, operation, and maintenance of all existing utilities in place; and
- 2) Provision of an access easement to provide access to adjoining parcels, unless waived by the owner of such parcels.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** Vacation of the street right-of-way would allow conveyance to the two adjoining properties. Any expansion of the adjoining vehicle display lot onto the subject right-of-way would be subject to review and approval of a site plan under design guidelines for vehicle display lots by the Plan and Zoning Commission.
2. **Size of Site:** Approximately 60' x 66' (3,960 square feet or 0.1 acre).
3. **Existing Land Use (site):** Dead-end segment of developed Maple Street.
4. **Existing Zoning (site):** "M-1" Light Industrial District.
5. **Adjacent Land Use and Zoning:**
  - North* - "M-1", Use is Denny Murray's Used Cars vehicle display lot.
  - South* - "R1-60", Use is a warehouse.
6. **General Neighborhood/Area Land Uses:** The right-of-way is located in an industrial area along the north/south railroad tracks. A low-density residential neighborhood is located to the east.
7. **Applicable Recognized Neighborhood(s):** Fairground Neighborhood.
8. **Relevant Zoning History:** N/A.
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:** No existing utilities have been identified within this right-of-way. Easements must be provided for any existing utilities.
2. **Access or Parking:** The two adjoining properties each have an access drive from the subject segment of Maple Street. Access easements should be provided to ensure access to adjoining parcels, unless waived by the owner of such parcel

**3. Traffic/Street System:** The requested vacation will not impact the street system, as the requested right-of-way is a dead-end segment of Maple Street from E. 20<sup>th</sup> Court to its terminus at a north/south railroad track.

**SUMMARY OF DISCUSSION**

*There was no discussion on this item.*

*Bruce Heilman moved for approval of the requested vacation and conveyance subject to the following conditions:*

- 1) Provision of easements for access, operation, and maintenance of all existing utilities in place; and*
- 2) Provision of an access easement to provide access to adjoining parcels, unless waived by the owner of such parcels.*

*Motion passed 10-0.*

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Item 11-2006-1-10

Date 5/17/06

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

(Circle One)

**RECEIVED**

Print Name ERIC PETERSON

MAY 22 2006

Signature E. Peterson

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Address 2001 MAPLE

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

IN FAVOR.

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