

June 9, 2008

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 15, 2008, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Samuel Fucaloro, owner of the adjoining property at 816 Virginia Avenue, to vacate and convey the westernmost 58 feet of the dead end segment of east/west alley between Virginia Avenue and Pleasant View Drive extending west from SW 7th Street, subject to the following conditions:

1. Provision of easements for any existing utilities until such time they are relocated at the applicant's expense.
2. Conveyance of the requested right-of-way shall not occur unless the 8-foot by 7.5-foot segment of previously vacated right-of-way adjacent to the west is also conveyed.
3. Construction of any accessory structure on the requested right-of-way and/or on an adjoining property shall be in accordance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

MOVED by _____ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

(11-2008-1.07)

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

MOTION CARRIED APPROVED

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.

_____ Mayor

_____ City Clerk

Date _____

Agenda Item 28

Roll Call # _____

June 9, 2008

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 15, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
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 Millard	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a request from Samuel Fucaloro, owner of the adjoining property at 816 Virginia Avenue, to vacate and convey the westernmost 58 feet of the dead end segment of east/west alley between Virginia Avenue and Pleasant View Drive extending west from SW 7th Street, subject to the following conditions:

(11-2008-1.07)

1. Provision of easements for any existing utilities until such time they are relocated at the applicant's expense.
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3. Construction of any accessory structure on the requested right-of-way and/or on an adjoining property shall be in accordance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

Written Responses

0 In Favor

3 In Opposition



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 any existing utilities until such time they are relocated at the applicant's expense.
2. Conveyance of the requested right-of-way shall not occur unless the 8-foot by 7.5-foot segment of previously vacated right-of-way adjacent to the west is also conveyed.
3. Construction of any accessory structure on the requested right-of-way and/or on an adjoining property shall be in accordance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to vacate the westernmost 58 feet of the undeveloped alley right-of-way that adjoins the properties known as 816 Virginia Avenue and 811 Pleasant View Drive.
2. **Size of Site:** 15 feet by 58 feet or 870 square feet (0.02 acre).
3. **Existing Zoning (site):** "R1-60" One-Family Low Density Residential District.
4. **Existing Land Use (site):** Undeveloped alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - East* – "R1-60", Use is undeveloped right-of-way.
 - West* – "R1-60", Uses are single-family dwellings and vacant land.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is within a block that predominately contains single-family residential dwellings with commercial properties oriented toward SW 9th Street.
7. **Applicable Recognized Neighborhood(s):** Indianola Hills Neighborhood Association.
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. **Utilities:** Easements must be provided for any existing utilities in place until such time they are relocated at the applicant's expense. No existing utilities have been identified at this time.
2. **Traffic/Street System:** The requested segment of right-of-way can be conveyed without having an impact on the adjoining street system. The subject right-of-way is a dead-end segment since the north/south alley right-of-way at the westerly terminus has already been vacated and conveyed to adjoining properties.

Only the easternmost 200 feet of the 425-foot long alley is developed. It is not anticipated that the requested dead-end segment of alley right-of-way will ever be developed due to the topography of the area.

3. **Additional Information:** There is a remnant 8-foot by 7.5-foot segment of previously vacated right-of-way at the west terminus of the requested right-of-way. Staff recommends that conveyance of the requested right-of-way be subject to an adjoining property owner also acquiring the 8-foot by 7.5-foot segment of previously vacated right-of-way so that an "island" of City-owned land is not created.

SUMMARY OF DISCUSSION

Mike Ludwig: Noted the two property owners who were opposed were concerned that they would lose access to their garages, but the portion of the alley adjoining those residences would remain open. There is no access needed from the end proposed for vacation.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Kent Sovern joined the meeting at 6:06 p.m.

Kaye Lozier: Moved for approval of the requested vacation and conveyance subject to conditions.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

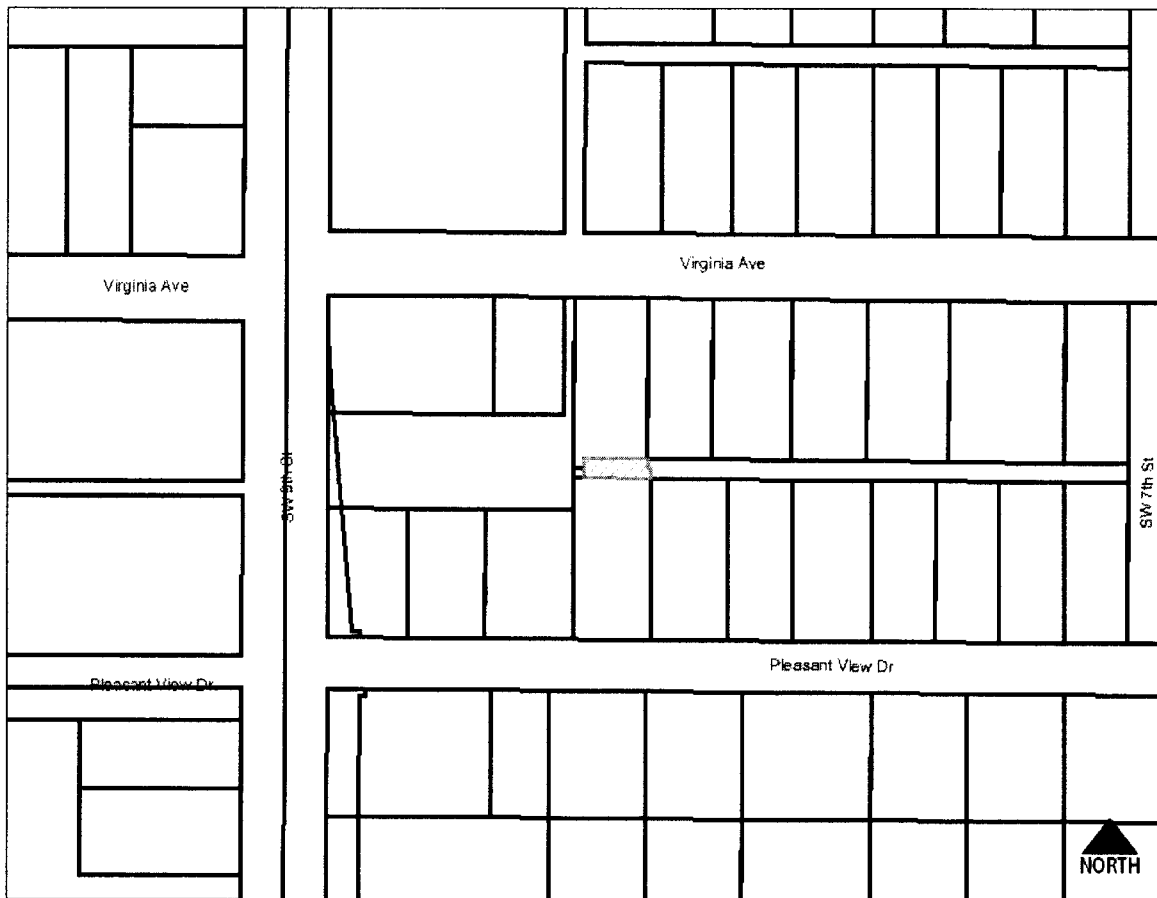
MGL:dfa

Attachment

Request from Samuel Fucaloro (owner) 816 Virginia Avenue for vacation and conveyance.				File # 11-2008-1.07	
Description of Action	Vacate and convey the westernmost 58 feet of a dead end segment of east/west alley between Virginia Avenue and Pleasant View Drive running west of SW 7 th Street.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential				
Proposed Zoning District	N/A				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	0	3	0	N/A	
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

Sam Fucaloro - 816 SW Virginia Avenue

11-2008-1.07



Item 11-2008-107 Date May 3, 2008

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

(Circle One)

RECEIVED
MAY 08 2008

Print Name JANICE A. JONES

Signature Janice A. Jones

Address 706 Virginia ave

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

COMMUNITY DEVELOPMENT DEPARTMENT
alley is my access to my driveway. I am elderly lady who need the alley open to be able to get my grocery into my house. There a garage facing out toward the alley. my children also uses the alley to access to my driveway.

Item 11-2008-107 Date 5/8/08

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

(Circle One)

RECEIVED
MAY 12 2008
COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Patricia Brerman

Signature Patricia Brerman

Address 701 Pleasant View Dr

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

Item 11-2008 107

Date 5-13-08

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

(Circle one) **RECEIVED**

MAY 16 2008

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Dale Krumbholz

Signature Dale Krumbholz

Address 705 Pleasantview Dr.

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

*The certainly are not interested in
any more property to take care of or
any additional taxes. And some people
use that alley to get to their homes
Check it out*