

Date June 23, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 5, 2008, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from Nationwide Mutual Insurance Company (purchaser) 204 12<sup>th</sup> Street, represented by Donald Friert (officer) for vacation and conveyance of a segment of east/west alley between Walnut Street and Mulberry Street from 12<sup>th</sup> Street to the north/south alley, to allow for a loading dock addition on the north side of the subject three story building, subject to the following conditions:

1. Provision of easements for all utilities in place until they are removed or relocated at the owner's expense.
2. Any use of the right-of-way in common with an adjoining property shall be in conformance with a site plan as approved by the Permit and Development Center.

The subject adjoining property is owned by K.C. Real Estate, L.C. and Graham Group, Inc.

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(11-2008-1.10)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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 Nationwide Mutual Insurance Company (purchaser) 204 12 <sup>th</sup> Street, represented by Donald Friert (officer) for vacation and conveyance of a segment of east/west alley between Walnut Street and Mulberry Street from 12 <sup>th</sup> Street to the north/south alley. The subject adjoining property is owned by K.C. Real Estate, L.C. and Graham Group, Inc.				<b>File #</b> 11-2008-1.10	
<b>Description of Action</b>	Vacate and convey a segment of east/west alley between Walnut Street and Mulberry Street from 12 <sup>th</sup> Street to the north/south alley, to allow for a loading dock addition to the north of the subject three story building.				
<b>2020 Community Character Plan</b>	Downtown: Support Commercial				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"C-3A" Central Business District Support Commercial District				
<b>Proposed Zoning District</b>	N/A				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	0	0	1	N/A	
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	12-0-1	<b>Required 6/7 Vote of the City Council</b>	Yes	
	<b>Denial</b>			No	N/A

Nationwide Insurance Company - 204 12th Street

11-2008-1.10



June 23, 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 12-0-1 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			



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

**APPROVAL** of a request from Nationwide Mutual Insurance Company (purchaser) 204 12<sup>th</sup> Street, represented by Donald Freiart (officer) for vacation and conveyance of a segment of east/west alley between Walnut Street and Mulberry Street from 12<sup>th</sup> Street to the north/south alley, to allow for a loading dock addition on the north side of the subject three story building subject to the following conditions:

(11-2008-1.10)

1. Provision of easements for all utilities in place until they are removed or relocated at the owner's expense.
2. Any use of the right-of-way in common with an adjoining property shall be in conformance with a site plan as approved by the Permit and Development Center.

The subject adjoining property is owned by K.C. Real Estate, L.C. and Graham Group, Inc.

Written Responses

- 0 In Favor
- 0 In Opposition
- 1 Undetermined

## 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 all utilities in place until they are removed or relocated at the owner's expense.
2. Any use of the right-of-way in common with an adjoining property shall be in conformance with a site plan as approved by the Permit and Development Center.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant has a purchase agreement to buy the property adjoining to the south that is subject to acquiring the requested right-of-way. The applicant is seeking to assemble the right-of-way with the adjoining property in order to construct a loading dock onto the north side of the existing structure that is built up to the north property line. According to the submitted site sketch, the loading dock would require delivery vehicles to back-up into the driveway from 12<sup>th</sup> Street. Construction of such a dock would require compliance with a site plan as approved by the City's Permit and Development Center.
2. **Size of Site:** 16 feet by 133 feet or 2,128 square feet (0.05 acre).
3. **Existing Zoning (site):** "C-3A" Central Business District Support Commercial District.
4. **Existing Land Use (site):** East/west alley with underground gas main.
5. **Adjacent Land Use and Zoning:**
  - North* – "C-3A", Use is a surface parking lot.
  - South* - "C-3A", Use is a 3-story commercial structure.
6. **General Neighborhood/Area Land Uses:** The property is located in the southwestern fringe of the west Downtown central business district.
7. **Applicable Recognized Neighborhood(s):** Downtown Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Downtown: Support Commercial.
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 all utilities in place until they are removed or relocated at the owner's expense. MidAmerican has indicated there is an underground gas

main within the easternmost portion of the requested right-of-way. Construction of a loading dock would not be permitted to occur above the buried gas main so it must be constructed at the west terminus of the requested right-of-way to avoid the gas main unless the gas main is relocated at the owner's expense.

- 2. **Traffic/Street System:** Traffic engineering staff has indicated that the requested vacation would not negatively impact the surrounding street system since no properties require access from the subject alley. The other remaining alleys forming a "T" within the subject block would remain.

**SUMMARY OF DISCUSSION**

*Brian Millard abstained from voting on this item.*

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

Kent Sovern: Moved to approve the requested vacation and conveyance subject to conditions.

Motion passed 12-0-1 (Brian Millard abstained).

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Item 11-2008-1.10 Date 5-27.08

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

(Circle One) **RECEIVED** Print Name ALFRED Leiserowitz  
 ? MAY 28 2008 Signature [Signature]  
 COMMUNITY DEVELOPMENT DEPARTMENT Address 213-13th

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

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