

★ **Roll Call Number**

Agenda Item Number

22

.....
Date August 21, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held August 3, 2006, the members recommended by a vote of 11-0 for **APPROVAL** of a request from Julia and Gerald Leverich (owner) 2057 Lyon Street for vacation and conveyance of an adjoining segment of dead-end alley running east/west between Lyon Street and Des Moines Street extending east from East 20th Street, subject to provision of necessary easements for all existing utilities.

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
 Roger K. Brown
 Assistant City Attorney

(11-2006-1.18)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

August 21, 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 August 3, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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			

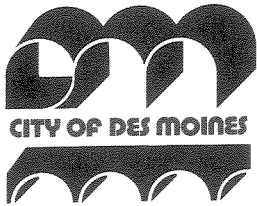
APPROVAL of a request from Julia and Gerald Leverich (owner) 2057 Lyon Street for vacation and conveyance of a segment of dead-end alley adjoining the subject property running east/west between Lyon Street and Des Moines Street extending from East 20th Street, subject to provision of necessary easements for all existing utilities. (11-2006-1.18)

Written Responses

- 1 In Favor
- 1 In Opposition

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested vacation subject to provision of necessary easements for all existing utilities.



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 REPORT

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I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting vacation of a dead-end segment of alley right-of-way that extends 24' from the "L"-shaped alley running east/west from 20th Street and north/south from Des Moines Street. The request would allow retention of an existing fence and garden located within the right-of-way. In accordance with the City's policy, the adjoining property to the south (2058 Des Moines Street) would have the first right of purchasing the half of the right-of-way adjoining their property. If they decline, the entire right-of-way could be conveyed to the applicant.
2. **Size of Site:** 24' x 14' or 30,000 square feet(0.69 acre).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped right-of-way currently used for a fenced-in private garden.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60", Use is single-family residential.
 - South* – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located within a block that contains single-family residential dwellings. Just east of the subject right-of-way is the site of the former Brooks Elementary School that was recently redeveloped as single-family residential.
7. **Applicable Recognized Neighborhood:** Fairground Neighborhood Association.
8. **2020 Community Character Land Use Plan Designation:** Pedestrian Oriented Commercial Corridor.
9. **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 existing public utilities in place. No utilities have been identified at this time.
2. **Traffic/Street System:** The requested right-of-way will not impact the traffic system, as it is a 24'-long stub that is impassible in its current state.
3. **Access/Parking:** No properties require access from the requested segment of undeveloped alley right-of-way.

SUMMARY OF DISCUSSION

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 subject to provision of necessary easements for all existing utilities.

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Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

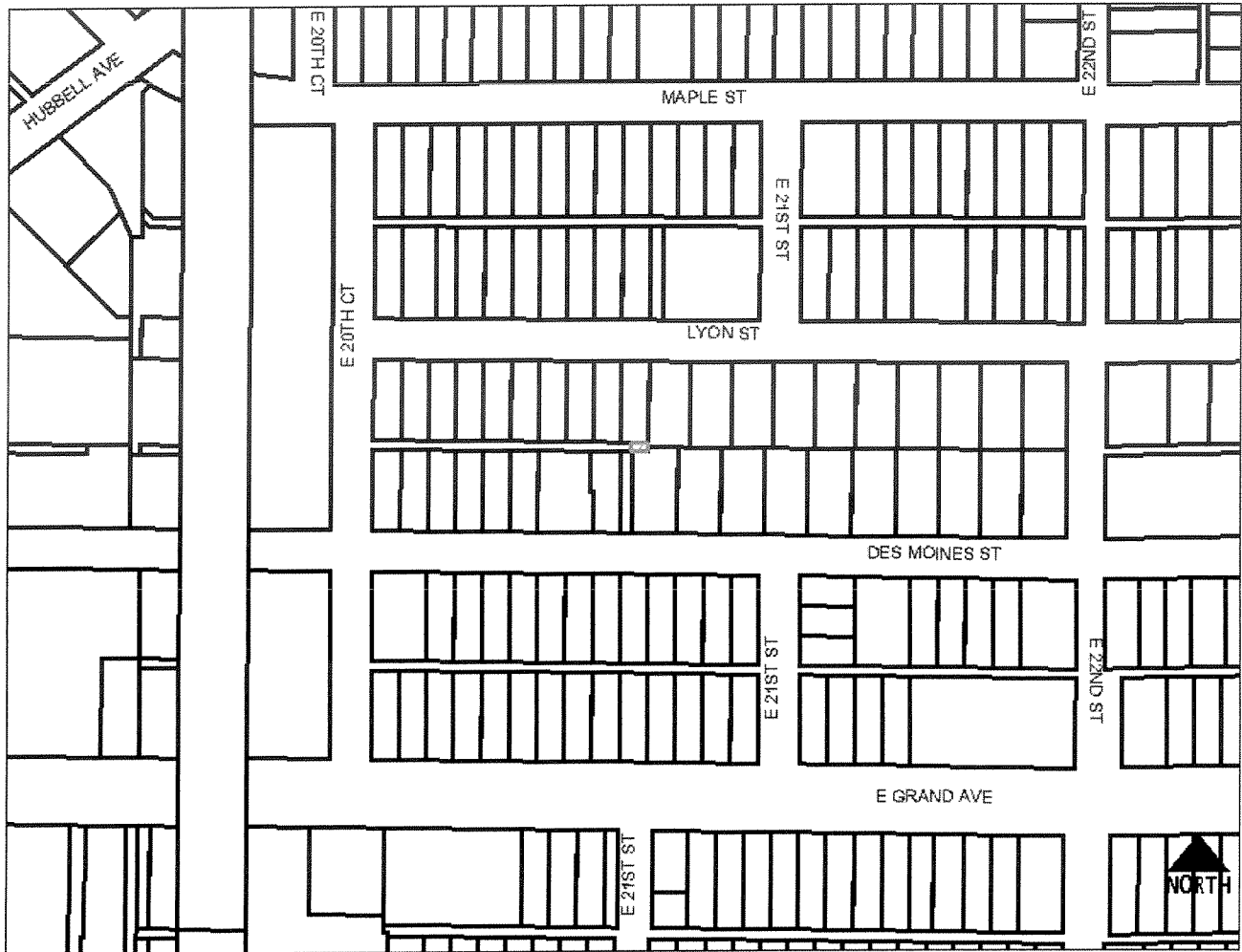
Attachment

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Request from Julia and Gerald Leverich (owner) 2057 Lyon Street for vacation and conveyance.			File #	
			11-2006-1.18	
Description of Action	Vacate and convey a segment of dead-end alley adjoining the subject property running east/west between Lyon Street and Des Moines Street extending from East 20 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 District.			
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	1	1	0	N/A
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Julia & Gerald Leverich - 2057 Lyon Street

11-2006-1.18



Item 11-2006-1.10

Date / /

22

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

(Circle One)

RECEIVED



AUG 01 2006

Print Name John Rickabaugh

COMMUNITY DEVELOPMENT DEPARTMENT

Signature John Rickabaugh

Address 2052 Des Moines ST

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

They don't take care of what they have now.

Item 11-2006-1.18

Date 9-3-06

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

(Circle One)

Print Name Shirley Gifford

Signature Shirley Gifford

Address 2009 Lyon

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

~~Shirley~~ Julie Fenerich has taken care of this section for years & Mrs Balis took care of it before & it was grandly in to this her property we have Mrs Balis own it & we have lived here for 46 years