

★ **Roll Call Number**

Agenda Item Number

23A

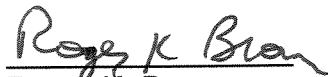
September 11, 2006

Date

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held August 17, 2006, the members recommended by a vote of 12-0 for **APPROVAL** of a request from Mark Barkley, owner of 4116 Maryland Pike, for vacation and conveyance of an irregular segment of the adjoining Maryland Pike right-of-way south of the traveled portion of the street, subject to reservation of easements for all utilities in place.

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

(11-2006-1.24)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

September 11, 2006

Date \_\_\_\_\_

Agenda Item 23A

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 August 17, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 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 Mark Barkley, owner of 4116 Maryland Pike, for vacation and conveyance of an irregular segment of the adjoining Maryland Pike right-of-way south of the traveled portion of the street, subject to reservation of easements for all utilities in place. (11-2006-1.24)

Written Responses

1 In Favor  
0 In Opposition

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Staff recommends approval of the requested vacation and conveyance subject to reservation of easements for all utilities in place.



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

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to acquire the excess street right-of-way to assemble it with the existing parcel developed with a single-family dwelling. The request proposes to preserve a 10' wide strip of right-of-way south of the existing curb.
2. **Size of Site:** Approximately 615 square feet
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Vacant open space.
5. **Adjacent Land Use and Zoning:**
  - North* – "R1-60", Uses are single-family dwellings.
  - South* – "R1-60", Use is single-family residential dwelling.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is just west of the Beaver Avenue mixed use arterial traffic corridor. The street connects to Beaver Avenue just north of the major intersection with Hickman Road, which serves as a minor commercial use node surrounded by primarily low-density residential use.
7. **Applicable Recognized Neighborhood(s):** Beaverdale 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:** There are buried Qwest Telecommunications cables in the southern portion of Maryland Pike. There is also Mid-American Energy buried gas main and overhead electric lines located in the southern portion of Maryland Pike. Staff recommends that easements be reserved for all utilities in place.
2. **Traffic/Street System:** There are no proposed modifications to the street network as part of this request. The removal of excess right-of-way will not affect the function of Maryland Pike with 10' of right-of-way to be preserved south of the existing curb.
3. **Access or Parking:** There are no proposed modifications to access or on-street parking as part of this request, and no changes would be necessary as a result of the requested vacation and conveyance.

### SUMMARY OF DISCUSSION

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

*Brian Millard moved to approve the requested vacation and conveyance subject to reservation of easements for all utilities in place.*

*Motion passed 12-0.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Ludwig".

Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Request from Mark Barkley (owner), 4116 Maryland Pike for vacation and conveyance.			File #	
			11-2006-1.24	
<b>Description of Action</b>	Vacate and convey an irregular segment of street right-of-way south of the traveled way of Maryland Pike adjoining the north side of the subject property.			
<b>2020 Community Character Plan</b>	Low-Density Residential.			
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.			
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District.			
<b>Proposed Zoning District</b>	"R1-60" One-Family Low-Density Residential District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	1	0	0	<20%
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	<b>Denial</b>			No

Mark Barkley - 4116 Maryland Pike

11-2006-1.24



Item 11-2006-1.24

Date August 13, 2006

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

(Circle One)

RECEIVED

Print Name Robert M. Railey

AUG 15 2006

Signature Robert M. Railey

COMMUNITY DEVELOPMENT  
DEPARTMENT

Address 4113 Maryland Pike, 50310

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

It appears that a significant part of 4116's  
front yard is part of Street Right of way.  
This is also true of our front at 4118, the  
adjacent property. If Mr. Barkley is successful  
we may follow asking for vacation & conveyance