

Date September 14, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 20, 2009, its members voted 9-0 in support of a motion to recommend **APPROVAL** for vacation of an irregular segment of East 14<sup>th</sup> Street right-of-way located west of the travelled portion of the street and running approximately 376 feet south of East Court Avenue subject to:

1. Reservation of easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Any redevelopment of the excess right-of-way in conjunction with the adjoining property shall be subject to review and approval of a site plan by the Permit and Development Center.

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

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(11-2009-1.12)

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

MOTION CARRIED

APPROVED

.....  
 Mayor

**CERTIFICATE**

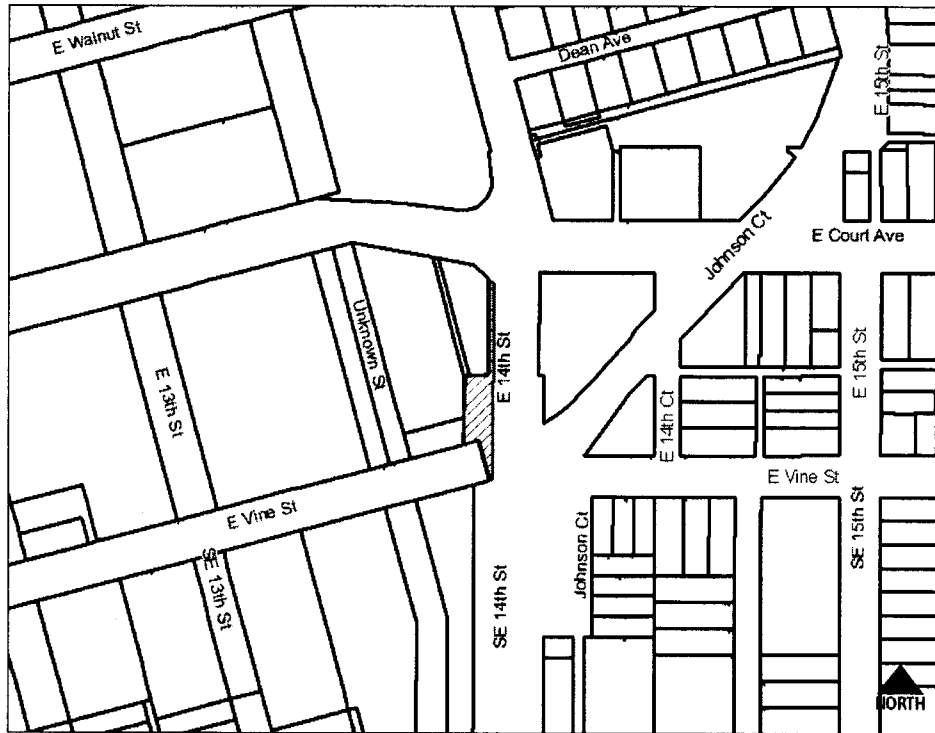
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

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

Request from State of Iowa (owner), 1301 block of East Court Avenue, represented by Raymond Walter (officer), for vacation of an irregular segment of East 14 <sup>th</sup> Street right-of-way located West of the travelled portion of the street and running approximately 376 feet south of East Court Avenue.				<b>File #</b> 11-2009-1.12	
<b>Description of Action</b>		Vacation of an irregular segment of East 14 <sup>th</sup> Street right-of-way located West of the travelled portion of the street and running approximately 376 feet south of East Court Avenue.			
<b>2020 Community Character Plan</b>		Public & Semi-Public			
<b>Horizon 2025 Transportation Plan</b>		No Planned Improvements			
<b>Current Zoning District</b>		"R-4" Multiple Family Residential District			
<b>Proposed Zoning District</b>		"R-4" Multiple Family Residential District			
<b>Consent Card Responses</b>		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area					N/A
Outside Area					
<b>Plan and Zoning Commission Action</b>		Approval	9-0	<b>Required 6/7 Vote of the City Council</b>	
		Denial		Yes	N/A
				No	N/A

Synder & Associates Inc. (on behalf of State of Iowa) - SE 14th St & Court Ave 11-2009-1.12



August 25, 2009

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 20, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Ted Irvine				X
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern				X

**APPROVAL** of the request from State of Iowa (owner), 1301 block of East Court Avenue, represented by Raymond Walter (officer), for vacation of an irregular segment of East 14<sup>th</sup> Street right-of-way located west of the travelled portion of the street and running approximately 376 feet south of East Court Avenue subject to:

11-2009-1.12

1. Reservation of easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Any redevelopment of the excess right-of-way in conjunction with the adjoining property shall be subject to review and approval of a site plan by the Permit and Development Center.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation subject to:

1. Reservation of easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Any redevelopment of the excess right-of-way in conjunction with the adjoining property shall be subject to review and approval of a site plan by the Permit and Development Center.



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 intends to assemble the right-of-way with the adjoining property to allow for development of the site with a new building for the Iowa Utilities Board and Office of the Consumer Advocate.
2. **Size of Site:** Approximately 10,541 square feet (0.24 acre).
3. **Existing Zoning (site):** "R-4" Multiple-Family Residential District. (The applicant intends to seek a rezoning to a "C" Commercial District prior to redevelopment of the site.)
4. **Existing Land Use (site):** Undeveloped excess right-of-way.
5. **Adjacent Land Use and Zoning:**  
  
    **West** – "R-4"; Use is undeveloped land owned by the State of Iowa.  
  
    **East** – "C-2"; Uses include East 14<sup>th</sup> Street and Burger King.
6. **General Neighborhood/Area Land Uses:** The subject excess right-of-way is located on the east fringe of the State of Iowa administrative campus on the west side of East 14<sup>th</sup> Street south of East Court Avenue.
7. **Applicable Recognized Neighborhood(s):** East Village Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Public/Semi-Public.
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 appears to be electrical utilities located in the excess right-of-way including electric line, poles and lighting. Easements must be provided for all existing utilities until such time they are relocated at the applicant's expense.
2. **Traffic/ Access:** The excess right-of-way is not developed or required for access by any of the adjoining properties.

## SUMMARY OF DISCUSSION

*There was no discussion.*

## CHAIRPERSON OPENED THE PUBLIC HEARING

*There was no one in the audience to speak in opposition.*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

*There was no discussion.*

**COMMISSION ACTION**

Greg Jones moved staff recommendation to approve the requested vacation subject to:

1. Reservation of easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Any redevelopment of the excess right-of-way in conjunction with the adjoining property shall be subject to review and approval of a site plan by the Permit and Development Center.

Motion passed 9-0.

Respectfully submitted,



Erik Lundy, AICP  
Senior Planner

EML:clw

Attachment