

★ **Roll Call Number**

Agenda Item Number

.....
November 6, 2006

Date

14

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held October 19, 2006, the members recommended by a vote of 13-0 for **APPROVAL** of a request from the State of Iowa represented by Mollie Anderson, Director of Administrative Services for vacation and conveyance of the following street and alley rights-of-way in the vicinity of the State Judicial Building, subject to the reservation of easements for all utilities in place:

- A) The remaining portion of East 12th Street right-of-way extending south from East Court Avenue to the Norfolk Southern Railway.
- B) The remaining portion of north/south alley right-of-way between East 12th Street and East 13th Street extending south from East Court Avenue to the Norfolk Southern Railway.
- C) The remaining portion of East 13th Street right-of-way extending south from East Court Avenue to the Norfolk Southern Railway.
- D) The remaining portion of the north/south alley right-of-way between East 13th Street and vacated East 13th Court extending south from East Court Avenue to the Norfolk Southern Railway.

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

(11-2006-1.33)

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

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Request from State of Iowa represented by Mollie Anderson, Director of Administrative Services for vacation and conveyance.				File #	
				11-2006-1.33	
Description of Action	Vacate and convey the following in the vicinity of the State Judicial Building:				
	A) That remaining portion of East 12 th Street right-of-way south of East Court Avenue to the Norfolk Southern Railway.				
	B) That remaining portion of north/south alley right-of-way between East 12 th Street and East 13 th Street from south of East Court Avenue to the Norfolk Southern Railway.				
	C) That remaining portion of East 13 th Street right-of-way south of East Court Avenue to the Norfolk Southern Railway.				
D) That remaining portion of the north/south alley right-of-way between East 13 th Street and vacated East 13 th Court from south of East Court Avenue to the Norfolk Southern Railway.					
2020 Community Character Plan	Public/Semi-Public.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R-4" Multiple-Family Residential District & "M-1" Light Industrial District.				
Proposed Zoning District	N/A				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	0	0	0	N/A	
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

State of Iowa - Street Vacation - Various ROW South of E Court Ave 11-2006-1.33



November 6, 2006

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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 October 19, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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 the State of Iowa represented by Mollie Anderson, Director of Administrative Services for vacation and conveyance of the following street and alley rights-of-way in the vicinity of the State Judicial Building, subject to the reservation of easements for all utilities in place: (11-2006-1.33)

- A) The remaining portion of East 12th Street right-of-way extending south from East Court Avenue to the Norfolk Southern Railway.
- B) The remaining portion of north/south alley right-of-way between East 12th Street and East 13th Street extending south from East Court Avenue to the Norfolk Southern Railway.
- C) The remaining portion of East 13th Street right-of-way extending south from East Court Avenue to the Norfolk Southern Railway.
- D) The remaining portion of the north/south alley right-of-way between East 13th Street and vacated East 13th Court extending south from East Court Avenue to the Norfolk Southern Railway.

Written Responses

0 In Favor
0 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 reservation of easement for all utilities in place.

STAFF REPORT

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The applicant is seeking to acquire the above-mentioned segments of undeveloped streets and alleys to assemble with the State Judicial Building grounds.
- 2. **Size of Site:** The subject right-of-ways range in length from 100' to 145'.
- 3. **Existing Zoning (site):** "R-4" Multiple-Family Residential District.
- 4. **Existing Land Use (site):** Undeveloped north/south oriented right-of-way.
- 5. **Adjacent Land Use and Zoning:**
 - North* – "R-4", Use is the State Judicial Building grounds.
 - South* – "M-1", Use is a railroad line.
 - East* – "R-4", Use is the State Judicial Building grounds.
 - West* – "R-4", Use is the State Judicial Building grounds.
- 6. **General Neighborhood/Area Land Uses:** The subject property is located in the east side of the downtown in a mixed-use area known as the East Village.
- 7. **Applicable Recognized Neighborhood(s):** East Village Neighborhood Association/ Historic East Village 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:** Staff is not aware of any utilities in the subject right-of-ways. An easement will need to be provided for any identified utilities.
- 2. **Traffic/Street System:** The subject right-of-ways are undeveloped and do not adjoin any developed properties or streets. The vacations will have no impact on traffic or future street system needs.
- 3. **Access:** A significant portion of the properties surrounding the subject right-of-ways is owned by the Union Pacific Railroad Company. It is staff's understanding that the State

may purchase these properties. These parcels will continue to have access from the railroad line if not acquired by the State.

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SUMMARY OF DISCUSSION

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

Kent Sovern: Moved for approval of the requested vacation and conveyance subject to the reservation of easement for all utilities in place.

Motion passed 13-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment