

Date February 11, 2013

SET HEARING FOR THE VACATION AND CONVEYANCE OF THE EAST 12 FEET OF EAST 33RD STREET RIGHT OF WAY FROM VACATED THOMPSON AVENUE TO A POINT 282 FEET TO THE NORTH, TO ST. JOSEPH'S CHURCH OF DES MOINES, POLK COUNTY, IOWA FOR \$350

WHEREAS, on December 3, 2012, by Roll Call No. 12-1832, the City Council received a recommendation from the City Plan and Zoning Commission that the east 12 feet of East 33rd Street from vacated Thompson Avenue to a point 282 feet north of said vacated Thompson Avenue, hereinafter more fully described, be vacated; and

WHEREAS, St. Joseph's Church Of Des Moines, Polk County, Iowa, is the owner of the real property abutting such right-of-way, and has offered to the City of Des Moines the purchase price of \$350.00 for the vacation and purchase of the fee simple interest in such excess right-of-way as legally described below, for expansion and construction of a parking lot, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said excess right-of-way.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the east 12 feet of East 33rd Street from vacated Thompson Avenue to a point 282 feet to the north, more specifically described as follows:

THE EAST 12 FEET OF EAST 33RD STREET RIGHT OF WAY LYING WEST OF AND ADJOINING VACATED THOMPSON AVENUE AND LYING WEST OF AND ADJOINING LOTS 1074-1077 IN FOUR MILE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 3855 SQUARE FEET.

- 2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to sell such vacated right-of-way, as described below, to St. Joseph's Church of Des Moines, Polk County, Iowa for \$350.00:

ALL THAT PART OF THE VACATED EAST 12 FEET OF EAST 33RD STREET RIGHT OF WAY LYING WEST OF AND ADJOINING VACATED THOMPSON AVENUE AND LYING WEST OF AND ADJOINING LOTS 1074-1077 IN FOUR MILE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING APROXIMATELY 3855 SQUARE FEET.

Date February 11, 2013

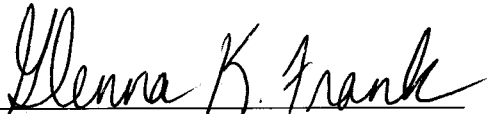
3. That a public hearing will be held on February 25, 2013, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposals and any other(s) submitted prior to or during the public hearing.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposals in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

5. The proceeds from the sale of this property shall be deposited into the following account: \$350 Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank, Assistant City Attorney

ADW

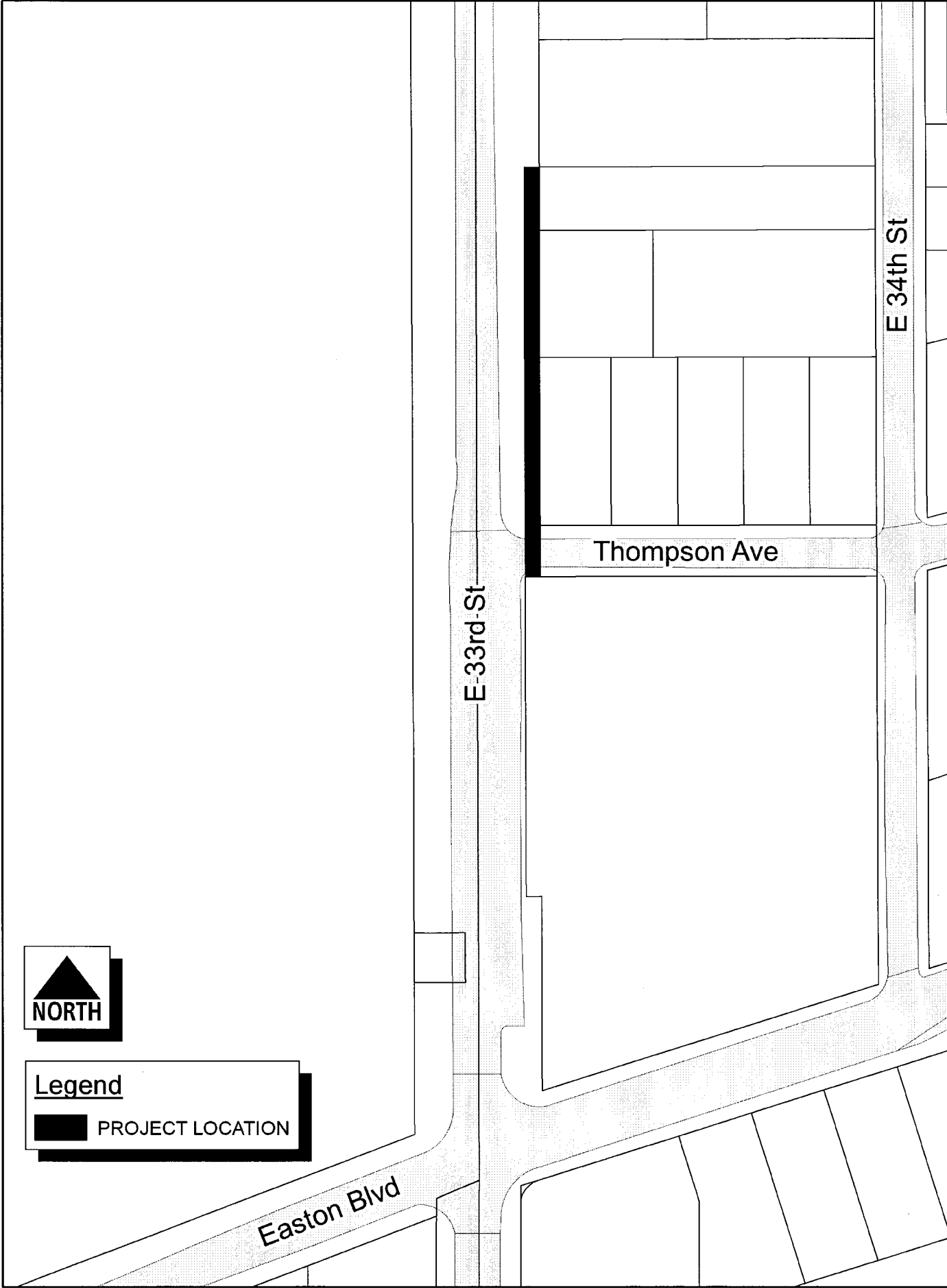
| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GRIESS | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| MOORE | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |
| _____ Mayor | | | | |

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



Legend
PROJECT LOCATION

Easton Blvd

E-33rd St

Thompson Ave

E 34th St

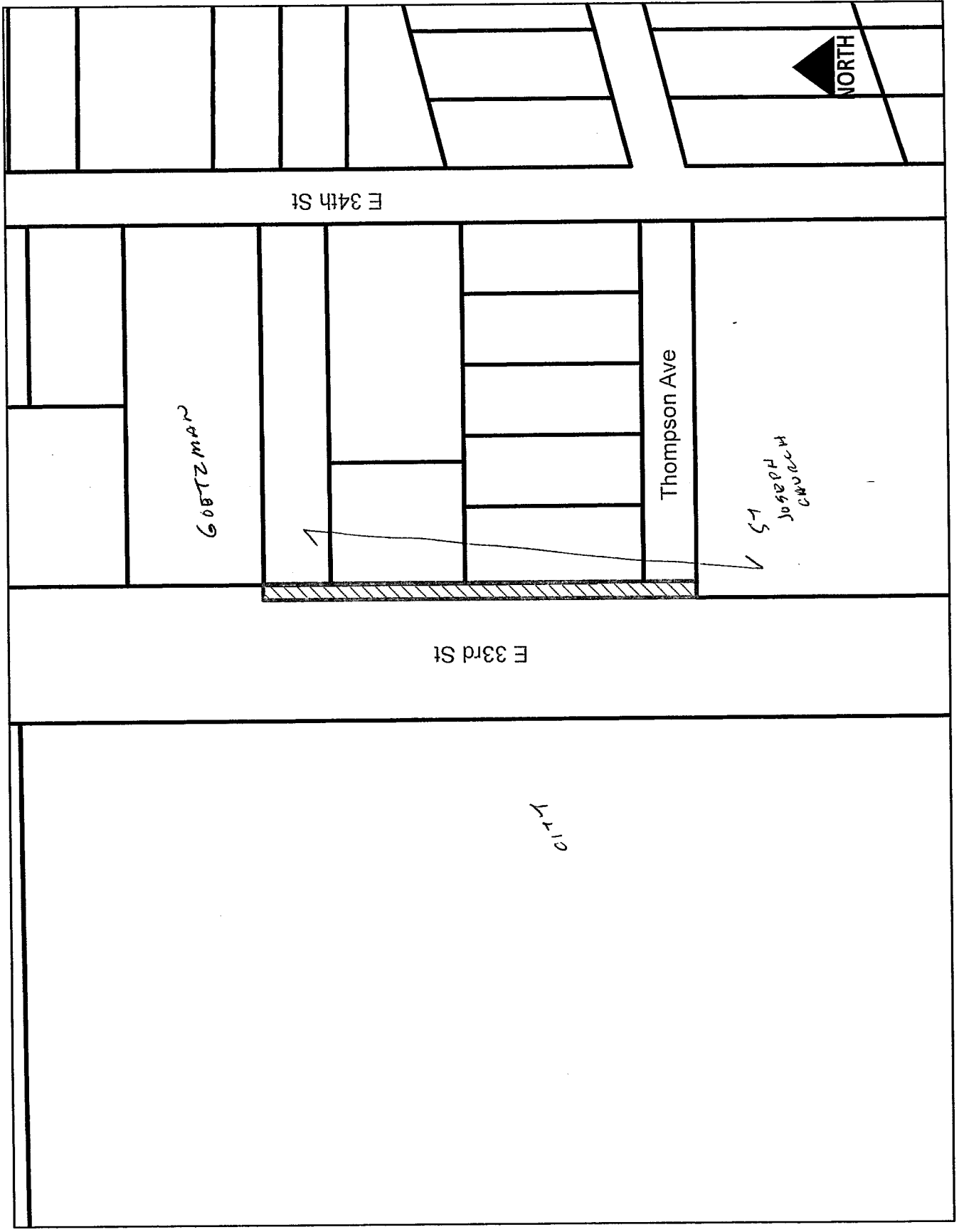
| | | | | | |
|---|--|--------------|--|-------------------------------|-----|
| Request from St. Joseph's Catholic Church (owner) 2214 East 34 th Street, represented by Bill Konnath (officer), for vacation of the east 12 feet of East 33 rd Street from vacated Thompson Avenue to a point 282 feet to the north. | | | | File # 11-2012-1.20 | |
| Description of Action | Approval of the requested vacation of undeveloped East 33 rd Street right-of-way subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense. | | | | |
| 2020 Community Character Plan | Low-Density Residential and Public/Semi-Public | | | | |
| Horizon 2035 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 | 1 | 0 | | | |
| Outside Area | | | | | |
| Plan and Zoning Commission Action | Approval | 12-0 | Required 6/7 Vote of the City Council | Yes | N/A |
| | Denial | | | No | |

St Joseph's Catholic Church - vicinity of 2214 E 34th Street 11-2012-1.20



11-2012-1.20

St Joseph's Catholic Church - vicinity of 2214 E 34th Street



November 21, 2012

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 November 15, 2012, the following action was taken regarding a request from St. Joseph's Catholic Church (owner) 2214 East 34th Street, represented by Bill Konnath (officer), for vacation of the east 12 feet of East 33rd Street from vacated Thompson Avenue to a point 282 feet to the north.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

| <u>Commission Action:</u> | <u>Yes</u> | <u>Nays</u> | <u>Pass</u> | <u>Absent</u> |
|---------------------------|------------|-------------|-------------|---------------|
| JoAnne Corigliano | X | | | |
| Shirley Daniels | X | | | |
| Jacqueline Easley | X | | | |
| Tim Fitzgerald | X | | | |
| Dann Flaherty | X | | | |
| John "Jack" Hilmes | | | | X |
| Ted Irvine | X | | | |
| Greg Jones | X | | | |
| William Page | X | | | |
| Christine Pardee | X | | | |
| Mike Simonson | X | | | |
| CJ Stephens | X | | | |
| Vicki Stogdill | X | | | |

APPROVAL of the requested vacation of undeveloped East 33rd Street right-of-way subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense. (11-2012-1.20)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested undeveloped East 33rd Street right-of-way subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense.

Written Responses

1 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 REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to acquire the undeveloped East 33rd Street right-of-way in order to construct a parking lot within the current undeveloped right-of-way and on the parcels adjacent to the east. The applicant owns all of the properties adjoining the east boundary of the undeveloped right-of-way.
2. **Size of Site:** 12 feet by 282 feet (3,384 square feet).
3. **Existing Zoning (site):** "R1-60" One-family Low-density Residential District.
4. **Existing Land Use (site):** Undeveloped East 33rd Street right-of-way.
5. **Adjacent Land Use and Zoning:**

East – "R1-60", Uses are a playground and undeveloped land all owned by St. Joseph's Roman Catholic Church.

West – "R1-60" & "R1-80", Uses are Grandview Park and East 33rd Street right-of-way.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is located in a predominantly low-density residential area immediately east of Grandview Park.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Sheridan Gardens Neighborhood. The Sheridan Gardens Neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on October 26, 2012. Additionally, on November 5, 2012, separate notifications of the hearing were mailed to the neighborhood association contact and the primary titleholder on file with the Polk County Assessor for each property adjacent to the right-of-way. A Final Agenda was mailed to the neighborhood association on November 9, 2012.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. All Sheridan Gardens Neighborhood Association mailings prior to November 9, 2012, were addressed to Christine Larson, PO Box 17127, Des Moines, IA 50317. The final agenda was mailed on November 9, 2012 to Kurt Lee, 3507 East 39th Court, Des Moines, IA 50317.
8. **Relevant Zoning History:** On March 23, 2009, by Roll Call No. 09-464, City Council approved the vacation of Thompson Avenue between East 33rd Street and East 34th Street, subject to working with staff to find the best possible parking configuration that balances safety and public access through the site.
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:** No utilities have been identified within the right-of-way at this time. However, easements must be provided for any existing utilities until such time they are relocated at the applicant's expense.
- 2. **Access/Traffic:** The requested vacation of undeveloped East 33rd Street right-of-way would not adversely impact the surrounding street network. The vacation is necessary in order for the adjoining properties on the east side of undeveloped East 33rd Street to be used for construction of an off-street parking lot.

SUMMARY OF DISCUSSION

There was no discussion

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request


CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Shirley Daniels moved staff recommendation to approve the vacation of the requested undeveloped East 33rd Street right-of-way subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense.

Motion passed 12-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Item 11-2012-1.20

Date Nov. 12, 2012

27-

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

(Circle One)

ST. JOSEPH PARISH

Print Name BILL KONNATH, BUS. MGR.

Signature Bill Konnath

Address 3300 EASTON BLVD. DES MOINES

50317

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