

.....  
Date ..... November 4, 2013 .....

**HEARING FOR VACATION OF A SEGMENT OF SOUTHEAST 4<sup>TH</sup> STREET ADJOINING  
626 SOUTHEAST 4<sup>TH</sup> STREET TO ALLOW FOR CONSTRUCTION OF THE SOUTHEAST 4<sup>TH</sup>  
AND SHAW STREETS STORM WATER PUMP STATION PROJECT**

**WHEREAS**, the Engineering Department of the City of Des Moines has requested vacation of a segment of Southeast 4<sup>th</sup> Street adjoining 626 Southeast 4<sup>th</sup> Street to allow for construction of the Southeast 4<sup>th</sup> and Shaw Streets Storm Water Pump Station Project; and

**WHEREAS**, on October 7, 2013, by Roll Call No. 13-1552, the City Council of the City of Des Moines received a recommendation from the City Plan and Zoning Commission that the requested vacation of a segment of Southeast 4<sup>th</sup> Street running 100 feet north of Shaw Street, east of and adjoining property located at 626 Southeast 4<sup>th</sup> Street be approved; and

**WHEREAS**, there is no known current or anticipated public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way; and

**WHEREAS**, on October 21, 2013, by Roll Call No. 13-1631, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on November 4, 2013, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed vacation of public right-of-way, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for or benefit from the right-of-way proposed to be vacated, and the City would not be inconvenienced by reason of the vacation of a segment of Southeast 4<sup>th</sup> Street running 100 feet north of Shaw Street, east of and adjoining property locally known as 626 Southeast 4<sup>th</sup> Street, more specifically described as follows, to allow for construction of the Southeast 4<sup>th</sup> and Shaw Streets Storm Water Pump Station Project, and said vacation is hereby approved:

ALL THAT PART OF SOUTHEAST 4<sup>TH</sup> STREET RIGHT-OF-WAY EAST OF AND ADJOINING LOTS 13 AND 14 IN BLOCK 80, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

★ **Roll Call Number**

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3. Upon final passage of an ordinance vacating said right-of-way, the City Clerk is authorized and directed to forward a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
 Glenna K. Frank  
 Assistant City Attorney

*rau*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
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

E Martin Luther King Jr Pkwy

Allen St

SE 4th St

SE 2nd St

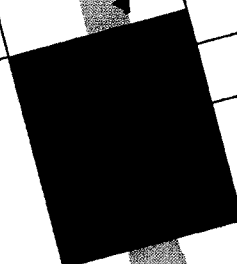
Scott Ave

**PROJECT  
LOCATION**

Des Moines River

Legend

PROJECT LOCATION



Date \_\_\_\_\_

Agenda Item 46

Public Call # \_\_\_\_\_

October 4, 2013

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 3, 2013, the following action was taken regarding a City initiated request represented by the City Engineer Jeb Brewer for vacation of a segment of Southeast 4<sup>th</sup> Street running 100 feet north of Shaw Street, east of and adjoining property located at 626 Southeast 4<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano				X
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** for vacation of the requested segment of right-of-way to allow construction of the South East Fourth Street Storm Pump Station project.  
(11-2013-1.16)

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

Staff recommends approval of the requested vacation of right-of-way.

**STAFF REPORT**

**I. GENERAL INFORMATION**

**1. Purpose of Request:** The proposed vacation is necessary to provide adequate space for the construction of a pump station along the east bank of the Des Moines River.



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

2. **Size of Site:** 85 feet by 100 feet (85,000 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District and "M-1" Light Industrial District.
4. **Existing Land Use (site):** Semi-developed right-of-way consisting of a narrow gravel drive path.

**5. Adjacent Land Use and Zoning:**

**North** – "M-1", Uses are automotive repair and vacant land.

**East** – "M-1"; Use is vacant land.

**South** – "R1-60", Uses are vacant land and the Des Moines River.

**West** – "R1-60"; Uses are vacant land and the Des Moines River.

6. **General Neighborhood/Area Land Uses:** The subject site is located near the southern perimeter of the downtown along the east bank of the Des Moines River. The area contains a mix of commercial, light industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on September 13, 2013 and a Final Agenda on September 27, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on September 23, 2013 (10 days prior to the hearing) to the Historic East Village Association and to the primary titleholder on file with the Polk County Assessor for each adjoining property.

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. The Historic East Village Association notices were mailed to Josh Garrett, P.O. Box 1782, Des Moines, IA 50305.

8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.
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**

**Street System/Access:** The requested vacation would not adversely impact the surrounding street network. The only parcels that rely on the subject right-of-way for access are City-owned parcels that will become a part of the pump station site.

**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.*

**COMMISSION ACTION:**

Greg Jones moved staff recommendation to approve the requested vacation of right-of-way.

Motion passed 13-0.

Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner

JMV:clw  
Attachment

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Request from the City Engineer Jeb Brewer for vacation of a segment of Southeast 4th Street running 100 feet north of Shaw Street, east of and adjoining property located at 626 Southeast 4th Street.		File #		
		11-2013-1.16		
Description of Action	Approval for vacation of a segment of Southeast 4th Street running 100 feet north of Shaw Street, east of and adjoining property located at 626 Southeast 4th Street to allow construction of the South East Fourth Street Storm Pump Station project.			
2020 Community Character Plan	Park/Open Space and General Industrial (current & no change proposed)			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "M-1" Light Industrial District			
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District and "M-1" Light Industrial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

City of Des Moines Engineering Department - vicinity of SE 4th Street and Shaw Avenue.

11-2013-1.16

