

Date April 21, 2014

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 3, 2014, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City Council initiated request to vacate A) Maury Street from Southeast 6<sup>th</sup> Street to Des Moines River; B) Vale Street from Southeast 6<sup>th</sup> Street to Des Moines River; C) North/South alley in Block 66 Town of De Moine; D) Southeast 5<sup>th</sup> Street from Maury Street to Des Moines River; E) North/South alley in Block 58 Town of De Moine; F) Southeast 5<sup>th</sup> Street from Maury Street to Shaw Street; G) North/South alley in Block 57 Town of De Moine; H) Shaw Street from Southeast 2<sup>nd</sup> Street to East side of the North/South alley in Block 57 Town of De Moine; I) Southeast 4<sup>th</sup> Street from Shaw Street to Des Moines River; and J) Southeast 2<sup>nd</sup> Street from Shaw Street to Des Moines River; all subject to reservation of easements for any existing utilities currently located within the right-of-way and to receive and file the proposal from the City Park and Recreation Board to dedicate land in the vicinity of Southeast 5<sup>th</sup> Street and Maury Street for park land for a relocated Allen Park.

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

FORM APPROVED:



Glenna K. Frank  
Assistant City Attorney

(11-2014-1.01)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

**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.

\_\_\_\_\_  
Mayor

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



April 15, 2014

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 April 3, 2014, the following action was taken regarding a City Council initiated request to vacate the following segments of right of way:

- A) Maury Street from Southeast 6<sup>th</sup> Street to Des Moines River.
- B) Vale Street from Southeast 6<sup>th</sup> Street to Des Moines River.
- C) North/South alley in Block 66 Town of De Moine.
- D) Southeast 5<sup>th</sup> Street from Maury Street to Des Moines River.
- E) North/South alley in Block 58 Town of De Moine.
- F) Southeast 5<sup>th</sup> Street from Maury Street to Shaw Street.
- G) North/South alley in Block 57 Town of De Moine.
- H) Shaw Street from Southeast 2nd Street to East side of the North/South alley in Block 57 Town of De Moine.
- I) Southeast 4<sup>th</sup> Street from Shaw Street to Des Moines River.
- J) Southeast 2<sup>nd</sup> Street from Shaw Street to Des Moines River.

And a proposal from the Park and Recreation Board to dedicate land in the vicinity of East 5<sup>th</sup> Street and Maury Street for parkland for a relocated Allen Park.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty				X
Jann Freed	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** of the requested vacations subject to reservation of easements for any existing utilities currently located within the right-of-way and to receive and file the proposal from the Park and Recreation Board to dedicate land in the vicinity of East 5<sup>th</sup> Street and Maury Street for park land for a relocated Allen Park: (11-2014-1.01)

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

Part A-J) Staff recommends approval of the requested vacations subject to reservation of easements for any existing utilities currently located within the right-of-way.

Part K) Staff recommends that the Commission receive and file the proposal from the Park and Recreation Board to dedicate land in the vicinity of East 5<sup>th</sup> Street and Maury Street for park land for a relocated Allen Park.

**STAFF REPORT TO THE PLANNING COMMISSION**

1. **Purpose of Request:** The applicant is requesting to vacate the segments of right-of-way in the vicinity of Southeast 5<sup>th</sup> Street and Maury Street. The proposed vacation will allow assembly of the rights-of-way with adjoining City-owned land to be dedicated as park land for a relocated Allen Park.

If the Commission has concerns with regard to the dedication of land for a new relocated Allen Park, then staff recommends that separate communication be forwarded to the Park and Recreation Board.

2. **Size of Site:** Approximately 3.01 acres.

3. **Existing Zoning (site):** “M-1” Light Industrial District and “R1-60” One-Family, Low-Density Residential District.

4. **Existing Land Use (site):** Vacant lots and unimproved alleyway and right-of-way segments.

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

**North** – “R1-60”, One-Family, Low-Density Residential District. Uses include one privately-owned residential parcel and one vacant parcel owned by the City of Des Moines Real Estate Division. “M-1” Light Industrial District. Uses are industrial and vacant parcels owned by the City of Des Moines Real Estate Division and Des Moines Metropolitan Wastewater Reclamation Authority.

**South** – Raccoon River.

**East** – “R1-60”, One-Family, Low-Density Residential District. Uses include vacant parcels owned by the City of Des Moines Real Estate Division, Polk County and Des Moines Metropolitan Wastewater Reclamation Authority. “M-1” Light Industrial District. Uses are industrial.

**West** – Raccoon River.

6. **General Neighborhood/Area Land Uses:** The subject rights-of-way are within an area that contains a mix of light industrial and residential uses and city-owned vacant parcels. The John “Pat” Dorrian Trail runs along the south of the site, on the north shore of Raccoon river and continues south towards the Pete Crivaro Park.
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 March 14, 2014 and a Final Agenda on March 28, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on March 24, 2014 (10 days prior to the April 3, 2014 hearing) to Historic East Village Neighborhood 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 person designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Neighborhood notices were mailed to Josh Garrett, PO Box 1782, Des Moines, IA 50305.

8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Park/Open Space, General Industrial and Low/Medium 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:** Public storm and sanitary sewer mains and Des Moines Water Works mains have been identified within the requested rights-of-way. Easements must be reserved for any existing necessary utilities until such time that they are relocated or abandoned.
2. **Street System/Access:** The requested vacation would not adversely impact the surrounding street network, and allows for larger areas for redevelopment.

The rights-of-way considered for vacation are predominantly designated as Park/Open Space in the 2020 Community Character Land Use Plan and the vacation would allow the assembled land with adjoining parcels to be dedicated for future park space.

## **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:**

Ted Irvine moved staff recommendation and Jann Freed seconded for approval of the requested vacations subject to reservation of easements for any existing utilities currently located within the right-of-way and to receive and file the proposal from the Park and Recreation Board to dedicate land in the vicinity of East 5<sup>th</sup> Street and Maury Street for park land for a relocated Allen Park.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

City initiated.		<b>File #</b>		
		11-2014-1.01		
<b>Description of Action</b>	Approval of the requested vacations subject to reservation of easements for any existing utilities currently located within the right-of-way.			
<b>2020 Community Character Plan</b>	Park/Open Space, General Industrial, and Low/Medium Density Residential (current & no change proposed).			
<b>Horizon 2035 Transportation Plan</b>	2011-2015: Widen SE 6 <sup>th</sup> Street from E Court Avenue to Des Moines River from 2 lanes to 3 lanes.			
<b>Current Zoning District</b>	"M-1" Light Industrial District and "R1-60" One-Family Low-Density Residential District.			
<b>Proposed Zoning District</b>	N/A.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

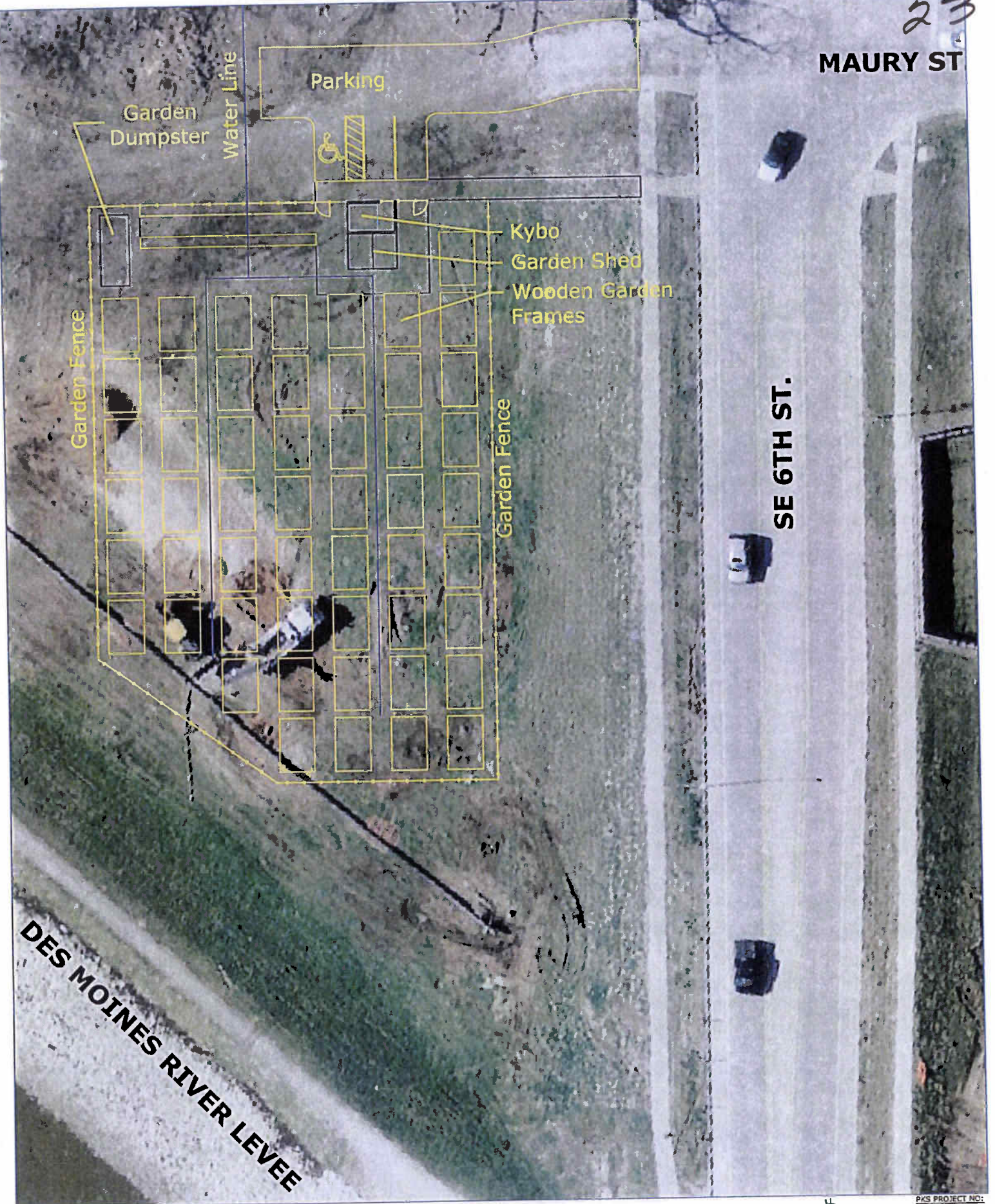
City Initiated Vicinity of SE 5th Street and Maury Street

11-2014-1.01



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MAURY ST



SE 6TH ST.

DES MOINES RIVER LEVEE






# Downtown Gardens Relocation Plan

Prepared by Des Moines Parks and Recreation Development and Planning Division



PKS PROJECT NO:  
PKS13700058  
DRAWN BY:  
LAW  
DATE:  
February 14, 2014

**Legend**

-  PROPOSED PARK AREA
-  PARCEL\_NOROW\_V
-  LOT LINES

