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**Date** September 14, 2020

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**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE EAST/WEST ALLEY RIGHT-OF-WAY LOCATED BETWEEN VALE STREET AND EAST RAILROAD AVENUE FROM SOUTHEAST 7<sup>TH</sup> STREET TO SOUTHEAST 8<sup>TH</sup> STREET AND CONVEYANCE TO THE ADJOINING PROPERTY OWNERS FOR \$375.00**

**WHEREAS**, on July 13, 2020, by Roll Call No. 20-1106, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a City-initiated request to vacate the east/west alley right-of-way segment between Vale Street and East Railroad Avenue from Southeast 7<sup>th</sup> Street to Southeast 8<sup>th</sup> Street, subject to the reservation of easements for existing utilities in place until such time as they are abandoned or relocated at the purchaser's expense; and

**WHEREAS**, Anchor Investment Group, LLC, the owner of 901 Southeast 7<sup>th</sup> Street and 709 and 714 Vale Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$175.00 for the purchase of the portion of vacated alley adjoining its property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of alley right-of-way as determined by the City's Real Estate Division; and

**WHEREAS**, Thomas V. Ellis, Jr., the owner of 912 Southeast 8<sup>th</sup> Street and 712 East Railroad Avenue, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$125.00 for the purchase of the portion of vacated alley adjoining his property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of alley right-of-way as determined by the City's Real Estate Division; and

**WHEREAS**, David E. Johnson and Vicki Stark, the owners of 700 East Railroad Avenue, have offered to the City of Des Moines, Iowa ("City") the purchase price of \$75.00 for the purchase of the portion of vacated alley adjoining their property, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said portion of alley right-of-way as determined by the City's Real Estate Division; and

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

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

Date September 14, 2020

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1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the east/west alley right-of-way segment between Vale Street and East Railroad Avenue from Southeast 7th Street to Southeast 8th Street, legally described as follows:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 70, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.13 ACRES (5,724 SQUARE FEET).

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way, as legally described and to the grantees and for the consideration identified below, subject to reservation of easements therein:

Grantee: Anchor Investment Group, LLC

Consideration: \$175.00

Legal Description: ALL OF THE NORTH HALF (N 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 70, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.07 ACRES (2,862 SQUARE FEET).

Grantee: Thomas V. Ellis, Jr.

Consideration: \$125.00

Legal Description: THE SOUTH HALF (S 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 5 THROUGH 8 IN BLOCK 70, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.04 ACRES (1,908 SQUARE FEET).

Grantee: David E. Johnson and Vicki Stark

Consideration: \$75.00

Legal Description: THE SOUTH HALF (S 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 3 AND 4 IN BLOCK 70, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.02 ACRES (954 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on October 5, 2020, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and the

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City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available telephonically (details below):

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://dmgov-org.zoom.us/j/97951986555?pwd=L0Q4YWVmL1NXaGxKdzJWRzhJRjlGUT09>

Passcode: 642423

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 720 928 9299 or 877 853 5257 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 979 5198 6555

International numbers available: <https://dmgov-org.zoom.us/j/97951986555>

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

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

**★ Roll Call Number**

**Agenda Item Number**

*37*

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**Date** September 14, 2020

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

APPROVED AS TO FORM:

      /s/        
 Lisa A. Wieland, Assistant City Attorney

*RW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

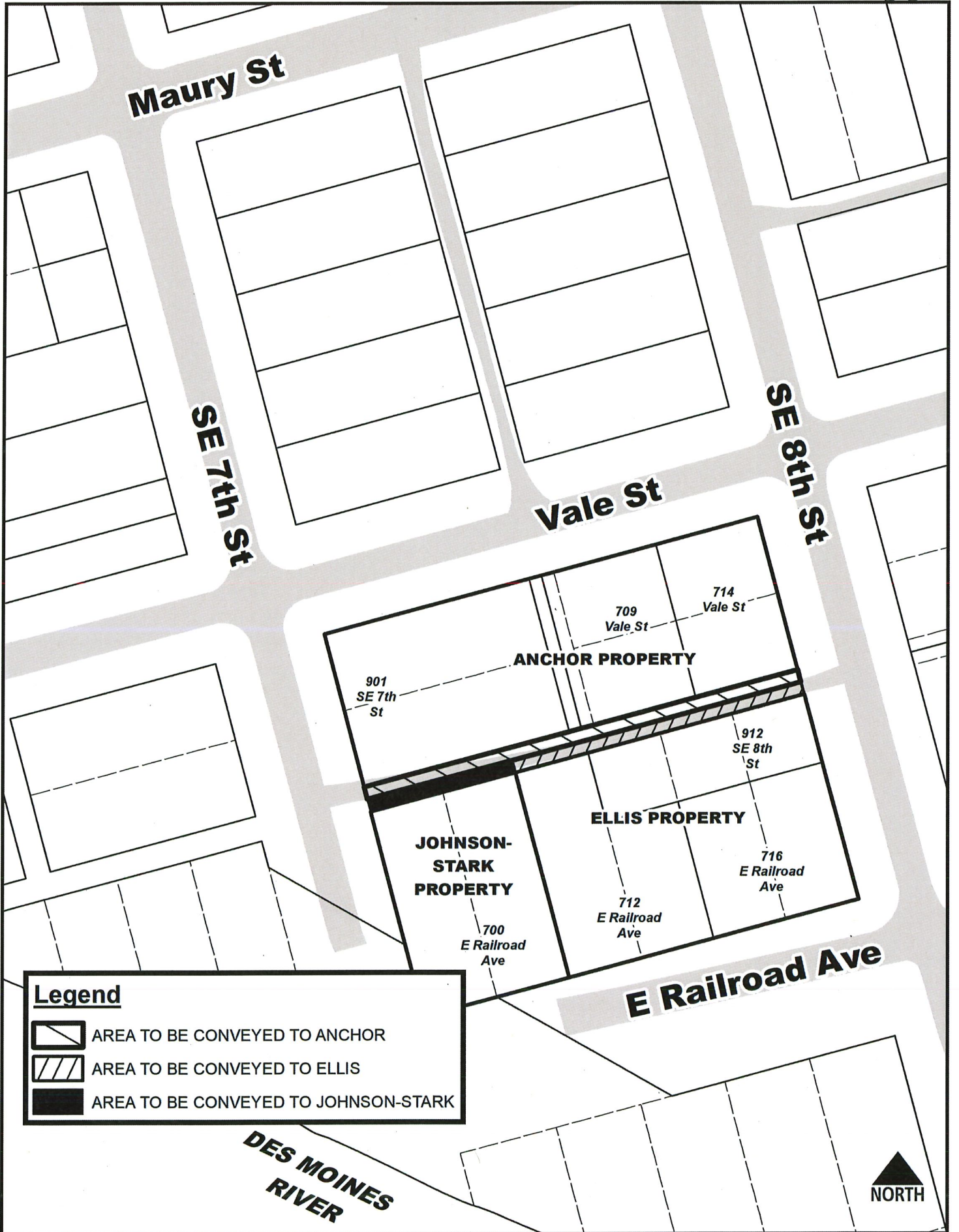
\_\_\_\_\_  
 Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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



Date September 14, 2020  
 Agenda Item 32  
 Roll Call # \_\_\_\_\_

July 7, 2020

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 2, 2020 meeting, the following action was taken regarding a City initiated request for vacation of the east/west alley segment between Vale Street and East Railroad Avenue from Southeast 7<sup>th</sup> Street to Southeast 8<sup>th</sup> Street in the vicinity of property at 901 Southeast 7<sup>th</sup> Street, 709 and 714 Vale Street.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley	X			
Jann Freed	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb				X

**RECOMMEND APPROVAL** of the City initiated vacation subject to the reservation of easements for any existing utility until such time that they are abandoned or relocated at the purchaser's expense.

(11-2020-1.07)

Written Responses

2 in Favor

0 in opposition

## RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the City initiated vacation subject to the reservation of easements for any existing utility until such time that they are abandoned or relocated at the purchaser's expense.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

- 1. Purpose of Request:** The subject alley is located within the city block that is bound by Vale Street to the north, Southeast 8<sup>th</sup> Street to the east, East Railroad Avenue to the south and Southeast 7<sup>th</sup> Street to the west. It divides this block into north and south halves. The northern half was rezoned from "N3c" District to a Conditional "NX2" District by the City Council on June 8, 2020 to allow it to be redeveloped with rowhouses. The Plan and Zoning Commission heard that request on April 16, 2020.

The City Council's action to approve the rezoning also initiated the vacation of the alley to allow all adjoining property owners to buy the half of the alley that abuts their property. This means that the property owner of the northern half of the block would have the opportunity to purchase the north half of the alley and that the two property owners that control the south half of the block would have the opportunity to purchase the portions of the south half of the alley that abut their properties. If a property owner elects to not purchase their half then it would be made available to the property owner on the other side of the alley for purchase pursuant to City policy.

- 2. Size of Site:** 18 feet by 318 feet (5,724 square feet).
- 3. Existing Zoning (site):** "NX2" Neighborhood Mix District and "N3c" Neighborhood District.
- 4. Existing Land Use (site):** Undeveloped alley right-of-way.
- 5. Adjacent Land Use and Zoning:**
  - North** – "NX2", Use is land intended to be cleared for a proposed rowhouse development.
  - South** – "N3c"; Uses are one household dwelling units.
- 6. General Neighborhood/Area Land Uses:** The subject property is located just east of the Des Moines River levee in an area that contains a mix of residential uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on June 12, 2020 and by mailing of the Final Agenda on June 26, 2020. Additionally, separate notification of the hearing for this specific item was mailed on June 12, 2020 (10 days prior to the public hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 on the date of the mailing. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** On June 8, 2020, by Ordinance No. 15,900, the City Council rezoned the adjoining property to the north from "N3c" Neighborhood District to "NX2" Neighborhood Mix District.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low/Medium Density Residential.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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 existing utilities located within the subject alley right-of-way. Easements must be reserved for any utilities that may exist until such time that they are abandoned or relocated at the purchaser's expense.
2. **Traffic/Access:** The alley is not developed or needed for circulation in the area. The property owner to the north has the ability to develop a private drive in place of the alley to serve any future rowhouse buildings.

## SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. None requested to speak.

## COMMISSION ACTION:

Greg Jones made a motion for approval of the City initiated vacation subject to the reservation of easements for any existing utility until such time that they are abandoned or relocated at the purchaser's expense.

Motion passed: 12-0

Respectfully submitted,



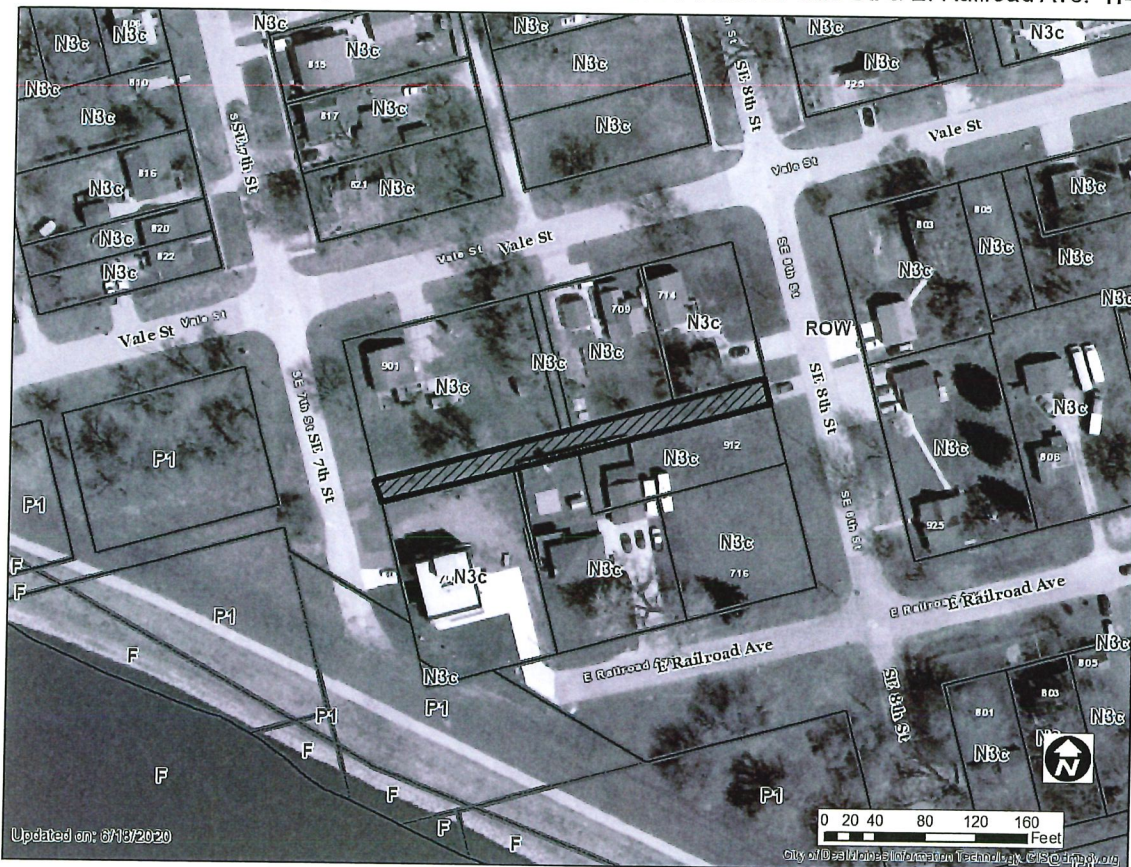
Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments

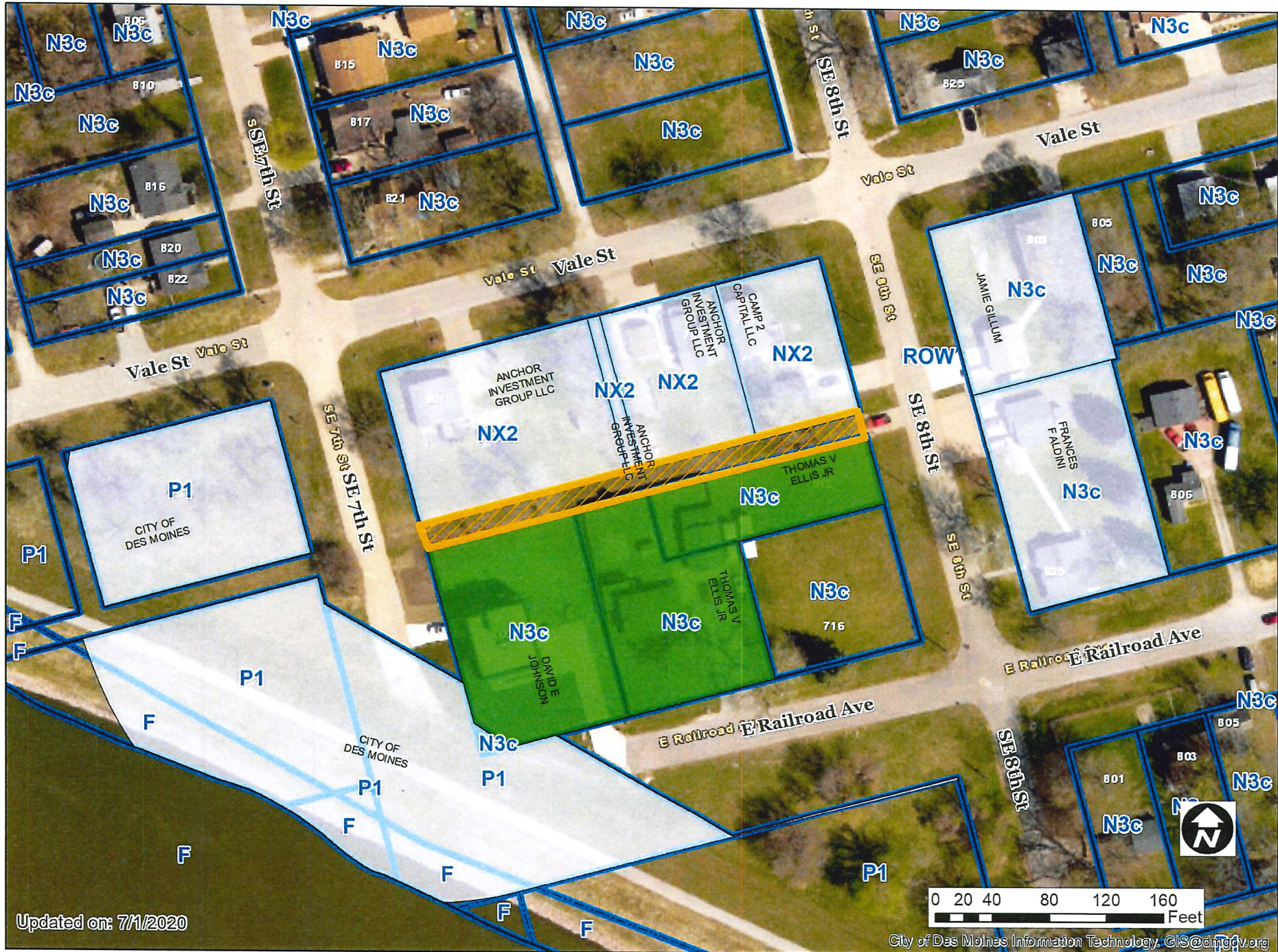


City initiated request in the vicinity of property at 901 Southeast 7th Street, 709 and 714 Vale Street.			File #	
			11-2020-1.07	
Description of Action	Vacation of the east/west alley segment between Vale Street and East Railroad Avenue from Southeast 7th Street to Southeast 8th Street.			
PlanDSM Future Land Use	Current: Low-Medium Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.			
Current Zoning District	"NX2" Neighborhood Mix District and "N3c" Neighborhood District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	2	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

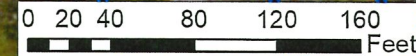
City initiated, East/west alley from S.E. 7th St. to S.E. 8th St. between Vale St. & E. Railroad Ave. 11-2020-1.07



City initiated, East/west alley from S.E. 7th St. to S.E. 8th St. between Vale St. & E. Railroad Ave 2020-1.07



Updated on: 7/1/2020



City of Des Moines Information Technology. GIS@dmia.org

1 inch = 89 feet

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Item: 11-2020-1.07 Date: 6/29/20

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

JUL 01 2020

Print Name: David E. Johnson

Signature: David E. Johnson

Address: 700 E. Railroad Ave.

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

We intend to purchase our half  
of the alley. A proposal has been  
submitted to the city.

Item: 11-2020-1.07 Date: \_\_\_\_\_

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

(Circle One)

Print Name: TOM ELLIS + JODY ELI

Signature: Tom Ellis

RECEIVED  
COMMUNITY DEVELOPMENT  
JUN 26 2020

Address: 712 E. RAILROAD AVE

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

WE plan on buying our HALF  
OF THE ALLEY