

Date October 4, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1010 13<sup>TH</sup> STREET AND CONVEYANCE TO JOPPA CHEATOM PARK, LLC FOR \$25.00

WHEREAS, on June 28, 2021, by Roll Call No. 21-0965, 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 request from JOPPA Cheatom Park, LLC to vacate the north/south segment of alley right-of-way west of and adjoining, the property at 1010 13th Street, running north from Interstate 235/MacVicar Freeway to the east/west alley in the block bounded by Laurel Street on the north, Interstate 235/MacVicar Freeway on the south, 13th Street on the east, and 14<sup>th</sup> Street on the west, to allow the property to be assembled with adjoining parcels owned by the applicant; and

WHEREAS, JOPPA Cheatom Park, LLC, owner of 1010 13<sup>th</sup> Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$25.00 for the purchase of the north-south alley right-of-way located west of and adjoining 1010 13<sup>th</sup> Street, Des Moines, Iowa (hereinafter "Property"); and

WHEREAS, the City has no known current or anticipated public need for the Property 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:

- 1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the north-south alley right-of-way located west of and adjoining 1010 13<sup>th</sup> Street, Des Moines, Iowa, legally described as follows, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

A PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 4, BLOCK F, DAY'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST OF SAID LOT 4; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 82.78 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE EAST LINE OF LOT 5 IN SAID BLOCK F, SAID POINT BEING 83.22 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE NORTH ALONG SAID EAST LINE OF SAID LOT 5 TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE EAST ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF SAID LOT 4 AND THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.03 ACRES (1271 SQUARE FEET).

- 2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way located west of and adjoining 1010 13<sup>th</sup> Street, Des Moines, Iowa, as legally described and to the grantee and for the consideration identified below, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated:

.....  
**Date** October 4, 2021

Grantee: JOPPA Cheatom Park, LLC

Consideration: \$25.00

Legal Description: A PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 4, BLOCK F, DAY'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST OF SAID LOT 4; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 82.78 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO A POINT ON THE EAST LINE OF LOT 5 IN SAID BLOCK F, SAID POINT BEING 83.22 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 5; THENCE NORTH ALONG SAID EAST LINE OF SAID LOT 5 TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE EAST ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF SAID LOT 4 AND THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 0.03 ACRES (1271 SQUARE FEET).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such easement is to be considered shall be on October 18, 2021, 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 proposal and any other(s) submitted prior to or during the public hearing. In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. October 14, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the October 18, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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**

19

.....  
**Date** October 4, 2021

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

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

DM

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

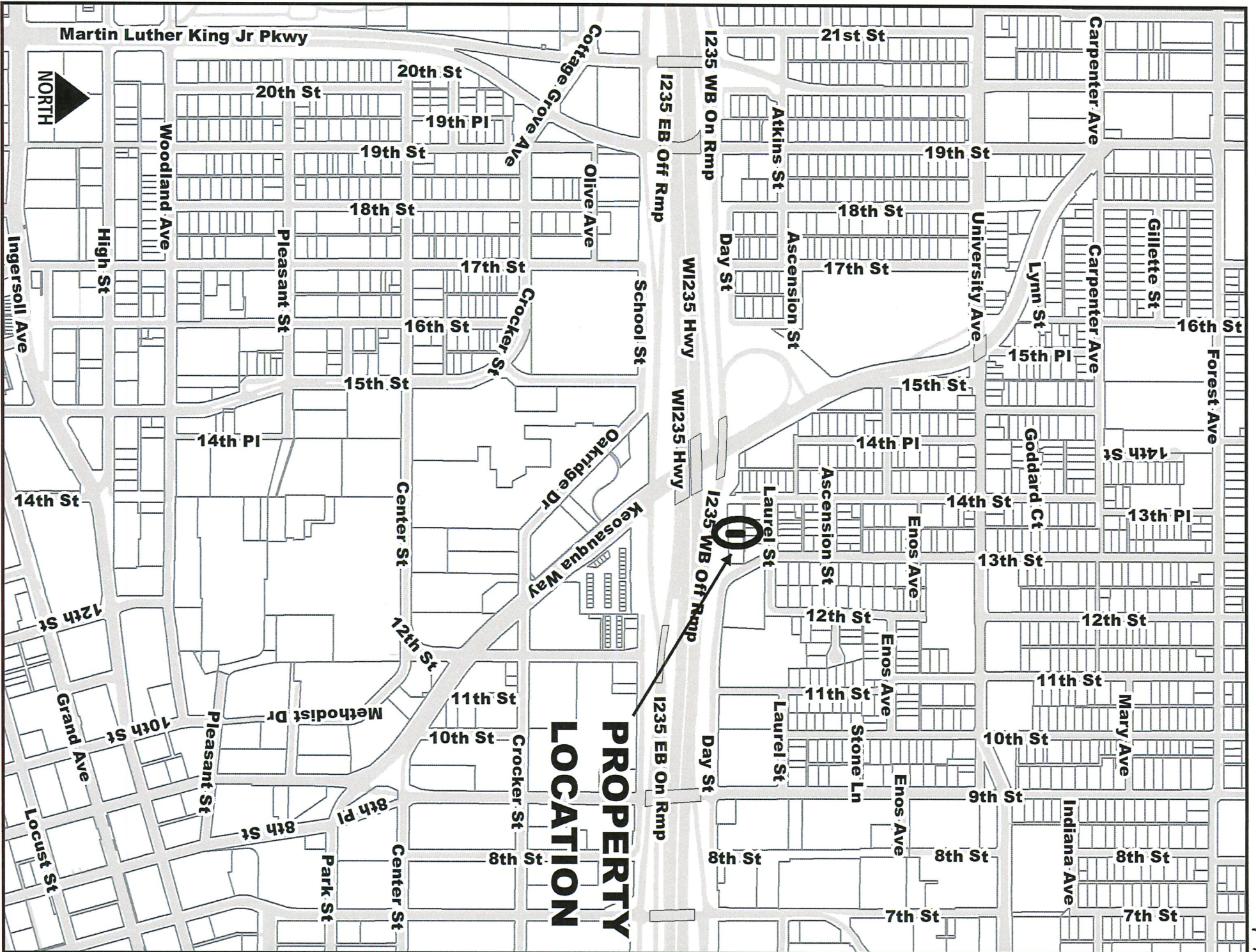
MOTION CARRIED APPROVED  
\_\_\_\_\_  
Mayor

**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



**PROPERTY  
LOCATION**



June 22, 2021

Date October 4, 2021  
 Agenda Item 19  
 Roll Call # \_\_\_\_\_

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 17, 2021 meeting, the following action was taken regarding a request from JOPPA Cheatom Park, LLC (owner), represented by Joe Stevens (officer), for vacation of the north/south segment of alley Right-of-Way west of, and adjoining, the property at 1010 13<sup>th</sup> Street, running north from Interstate 235/MacVicar Freeway to the east/west alley in the block bounded by Laurel Street on the north, Interstate 235/MacVicar Freeway on the south, 13<sup>th</sup> Street on the east, and 14<sup>th</sup> Street on the west, to allow the property to be assembled with adjoining parcels owned by the applicant.

**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			
Kayla Berkson	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			

**APPROVAL** of the requested vacation subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant's expense. (11-2021-1.11)

Written Responses

1 in Favor

0 in opposition

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

Jann Freed made a motion for approval of the requested vacation subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant's expense.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation would allow the 15-foot wide strip of Right-of-Way to be assembled with the adjacent properties, which are being developed by Joppa for community garden and two-household dwelling uses.

2. **Size of Site:** 15 feet by 83 feet (1,245 square feet).

3. **Existing Zoning (site):** "N5" Neighborhood District.

4. **Existing Land Use (site):** Undeveloped alley right-of-way.

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

**East** – "N5-2"; Use is a lot being developed with a two-household dwelling.

**West** – "N5"; Use is a community and urban garden.

6. **General Neighborhood/Area Land Uses:** The subject property is in a residential area immediately to the north of the freeway.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Cheatom Park Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 28, 2021 and by mailing of the Final Agenda on June 11, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on June 7, 2021 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public right-of-way.

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 Cheatom Neighborhood mailings were sent to Susan Wells, 1157 14<sup>th</sup> Place, Des Moines, IA 50314.

8. **Relevant Zoning History:** On February 22, 2021, the City Council adopted Ordinance 15,981 to rezone the property adjoining to the east from "N5" District to "N5-2" District in order to allow a two-household dwelling to be constructed on this site.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Low 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. **Streets/Sidewalk:** The requested vacation would have a minimal impact on the existing street network, as the right-of-way is undeveloped and is not required for access to any properties.
2. **Utilities:** There is an existing sanitary sewer that crosses requested right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

## SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

## COMMISSION ACTION:

Jann Freed made a motion for approval of the requested vacation subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant's expense.

Motion passed: 12-0

Respectfully submitted,



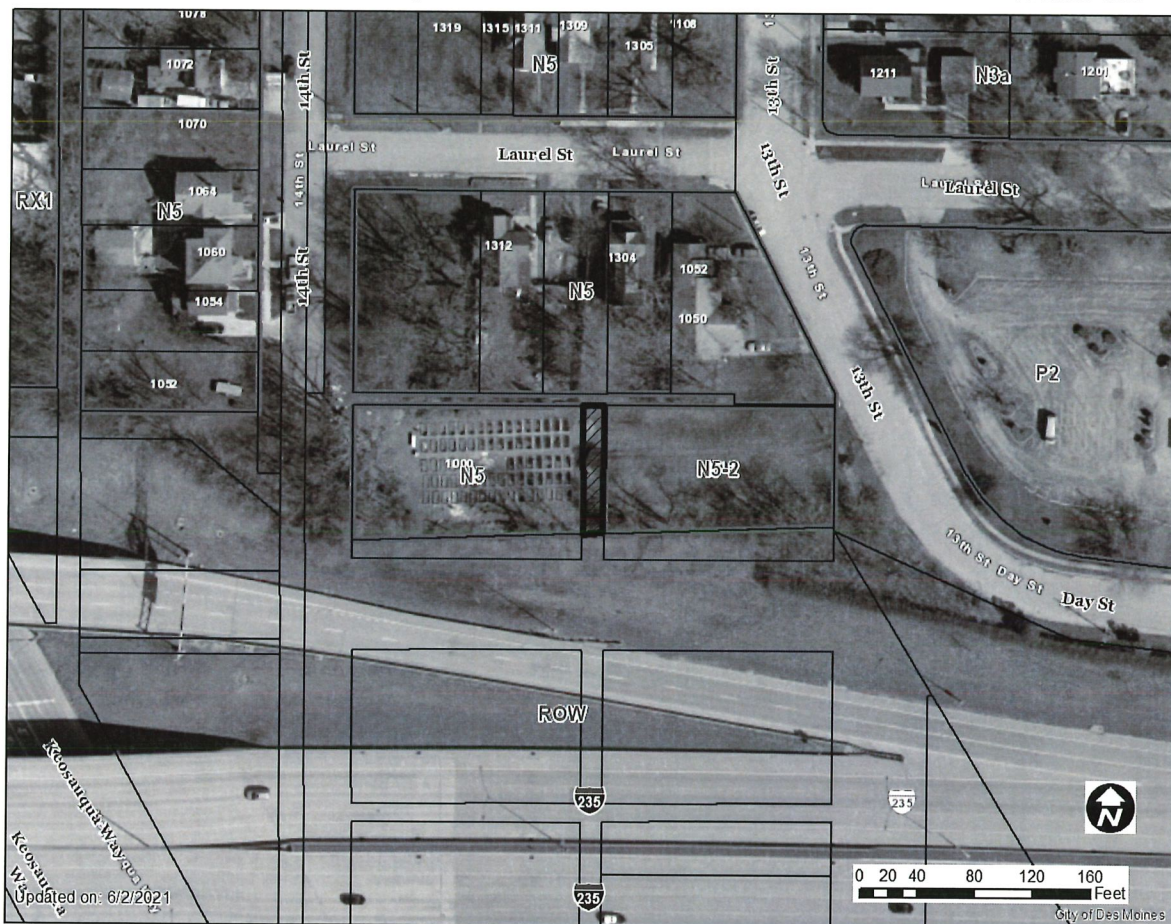
Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

Request from JOPPA Cheatom Park, LLC (owner), represented by Joe Stevens (officer), for the property at 1010 13 <sup>th</sup> Street, running north from Interstate 235/MacVicar Freeway to the east/west alley in the block bounded by Laurel Street on the north, Interstate 235/MacVicar Freeway on the south, 13 <sup>th</sup> Street on the east, and 14 <sup>th</sup> Street on the west				File # 11-2021-1.11	
Description of Action	Vacation of the north/south segment of alley Right-of-Way west of, and adjoining, to allow the property to be assembled with adjoining parcels owned by the applicant.				
PlanDSM Future Land Use	Low Density Residential				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N5" Neighborhood District				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	1	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

JOPPA Cheatom Park, LLC, Vicinity of 1010 13th Street

11-2021-1.11

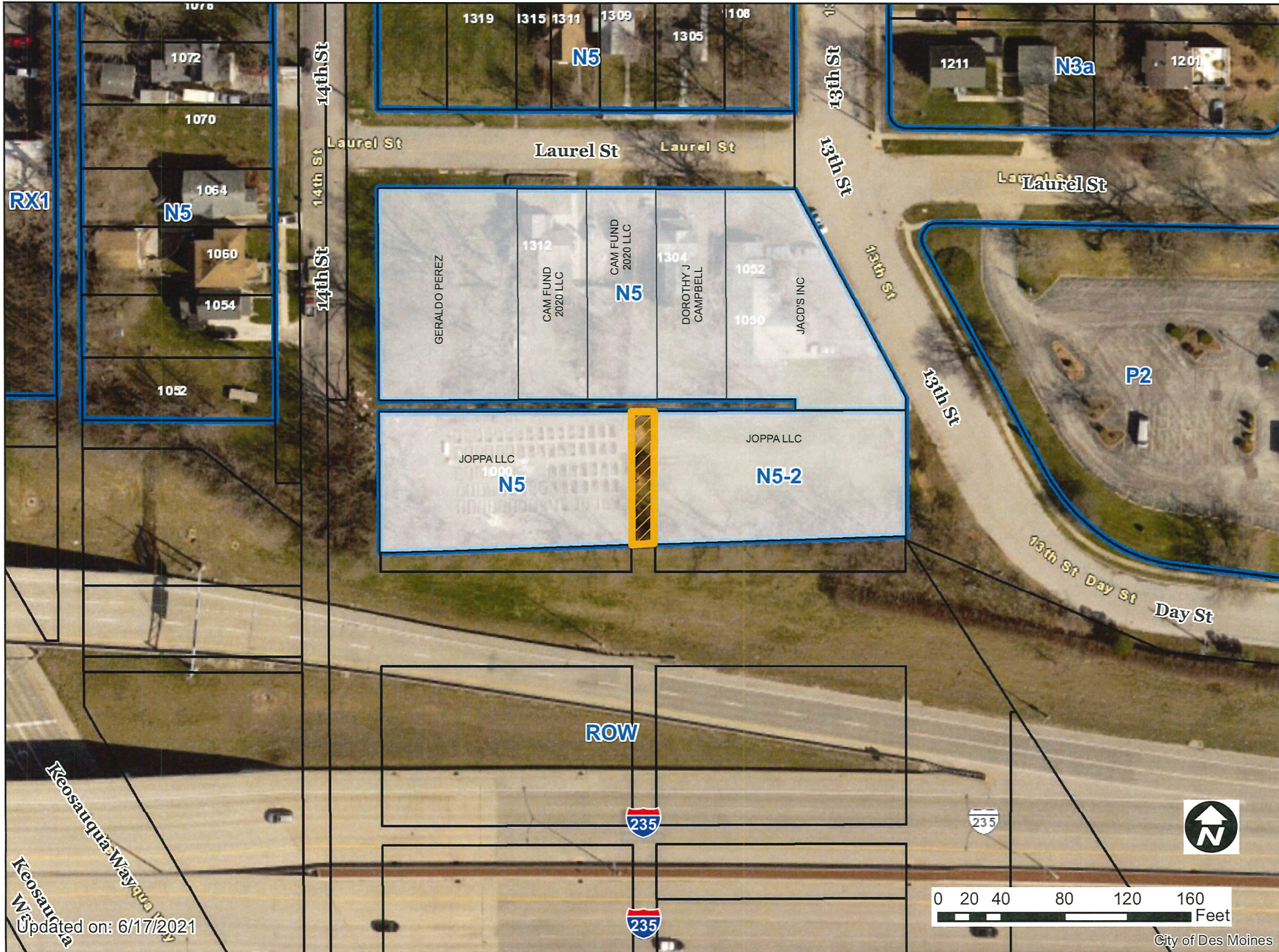


1 inch = 81 feet



JOPPA Cheatom Park, LLC, Vicinity of 1010 13th Street

11-2021-1.11



1 inch = 81 feet

19

Item: 11-2021-1.11 Date: \_\_\_\_\_

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
JUN 16 2021

Signature: \_\_\_\_\_

Name: Caleb Fritzler

Address: 1312 Laurel

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_