



Date July 18, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM EUCLID FORESIGHT, LLC FOR VACATION OF WESTERNMOST .58 FEET OF AN EXISTING NORTH/SOUTH ALLEYWAY ADJOINING 413 EUCLID AVENUE.

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 7, 2022, its members voted 10-0 to recommend APPROVAL of a request from Euclid Foresight, LLC (owner), represented by Connor Delaney (officer), to vacate a segment of north/south alleyway adjoining 413 Euclid Avenue, to allow the right-of-way to be assembled with the adjoining parcel and previously-vacated segment of alley right-of-way to allow sufficient space to ensure proposed site improvements would not encroach into public space, subject to reservation of easements for any existing utilities until such time as they are abandoned or relocated at the applicant's expense.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

Second by _____

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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.

MOTION CARRIED APPROVED

Mayor

Acting City Clerk

Date 7/18/22

Agenda Item 23

Roll Call # _____

July 12, 2022

Communication from the City Plan and Zoning Commission advising that at their July 7, 2022 meeting, the following action was taken regarding a request from Euclid Foresight, LLC (owner), represented by Connor Delaney (officer), for vacation of the westernmost 0.58 feet of an existing north/south alleyway adjoining 413 Euclid Avenue.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel				X
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper				X
Todd Garner				X
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb				X

APPROVAL of the requested vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Written Responses

1 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing site improvements that would include portions of the eastern façade of the building at 413 Euclid Avenue. The requested segment of alley right-of-way would be assembled with the property at 413 Euclid Avenue and the previously vacated segment of the alley right-of-way to allow sufficient space to ensure the improvements do not encroach into the public space.
2. **Size of Site:** The requested right-of-way segment consists of approximately 100 square feet of area (172.94 feet by 0.58-foot).
3. **Existing Zoning (site):** “MX1” Mixed-Use District.
4. **Existing Land Use (site):** The subject area consists of public alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – “N5”, Use is low-density residential.
 - East** – “RX1”, Uses are public alley right-of-way and surface parking.
 - South** – “RX1” & “P2”; Uses are religious assembly and small commercial center.
 - West** – “MX1”; Uses are retail and auto repair.
6. **General Neighborhood/Area Land Uses:** The subject segment of alley right-of-way is located on the north side of Euclid Avenue between 4th Street and 5th Avenue. It is located within an area consisting of low-density residential, commercial, religious assembly, and institutional uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Highland Park Neighborhood Association. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on June 17, 2022, and by mailing of the Final Agenda on July 1, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on June 27, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.

All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Highland Park Neighborhood Association mailings were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA, 50313.
8. **Relevant Zoning History:** By Ordinance No. 11,371, the City Council approved vacation of a segment of alley right-of-way measuring approximately 635 square feet adjoining 413 Euclid Avenue.

9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation: Neighborhood Mixed Use.**

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:** While no utilities have been identified within the 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.

2. **Traffic/Access:** The requested vacation would not negatively impact access to the surrounding public and private properties or existing traffic patterns.

SUMMARY OF DISCUSSION


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

COMMISSION ACTION:

Kayla Berkson made a motion for approval of the requested vacation, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

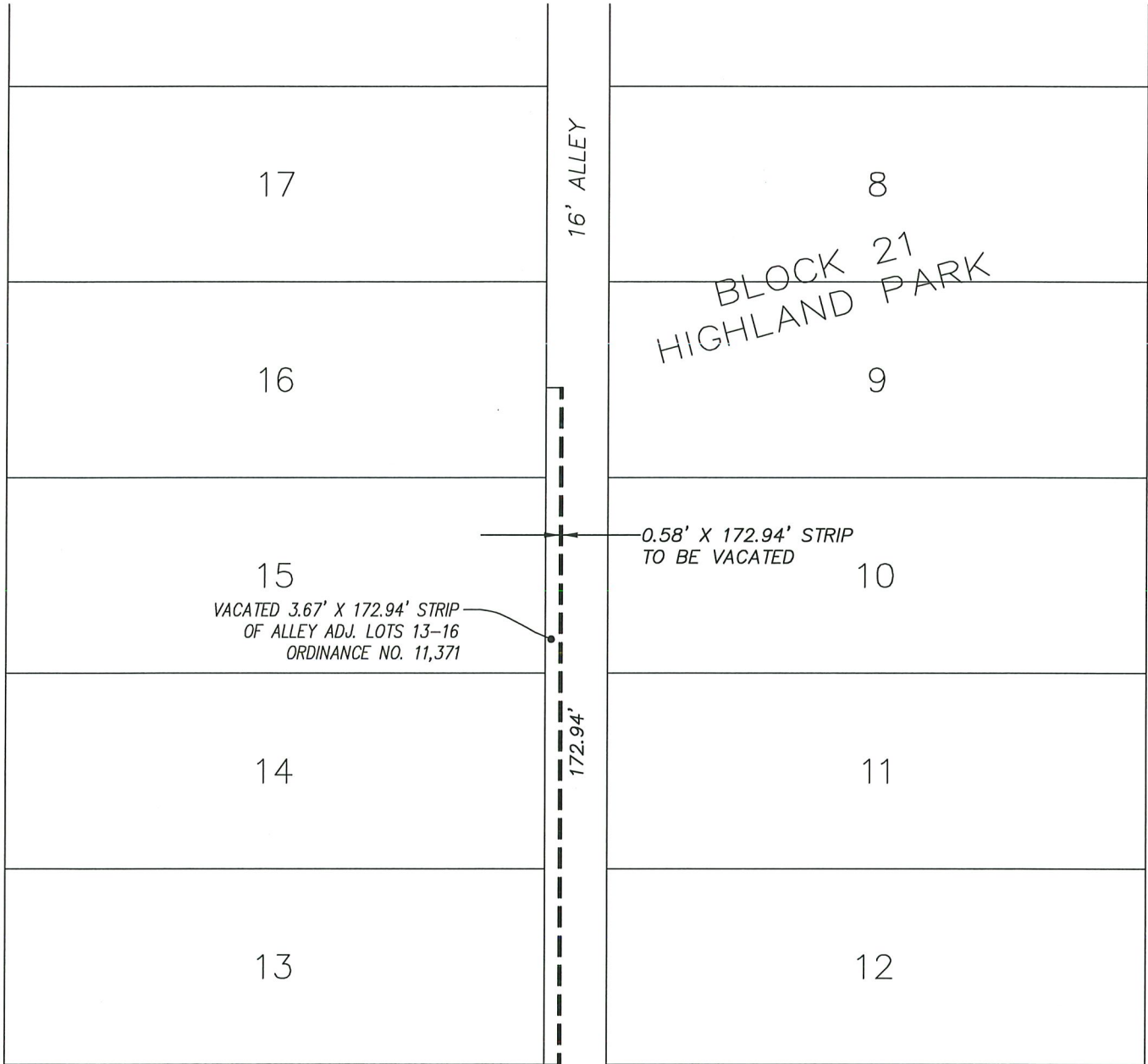


Updated on: 6/16/2022

1 inch = 50 feet

VACATION EXHIBIT

ALLEY IN BLOCK 21 OF HIGHLAND PARK



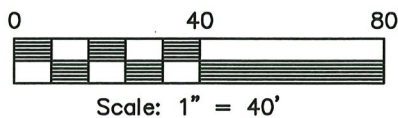
VACATION DESCRIPTION

The East 0.58 feet of the West 4.25 feet of the South 172.94 feet of the North/South alley right-of-way lying East of and adjoining Lots 13 through 16 in Block 21 of Highland Park, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Containing 100 square feet, more or less.



LEGEND

R.O.W. RIGHT OF WAY
P.O.B. POINT OF BEGINNING



ERG Engineering Resource Group, Inc.
2413 GRAND AVENUE
DES MOINES, IOWA 50312
(515) 288-4823

VACATION EXHIBIT

DATE: 5/18/2022

PROJ. NO.:

DWG: 21-014-BOUNDARY-2.DWG

21-014



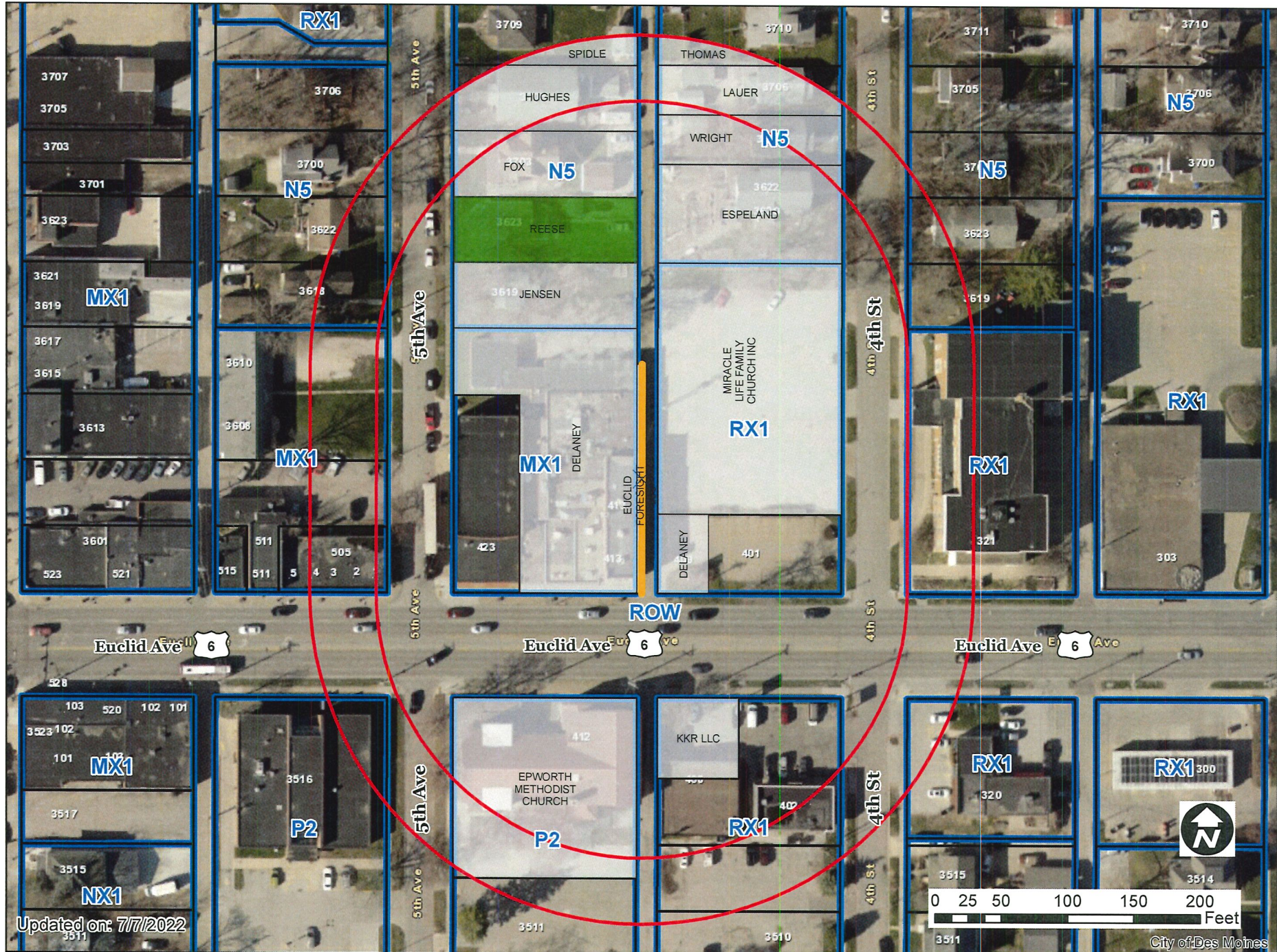




tattle tale
A SERVICE CENTER

1000
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Item: ROWV-2022-000014

Date: 7-5-22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Thomas J Reese

Name: _____

Thomas J Reese

Address: _____

3623 5th Ave DSM

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUL 07 2022

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