

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF ALLEY
RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 2513 HIGH STREET AND
CONVEYANCE TO ROBERT FULLER FOR \$75.00**

WHEREAS, on June 27, 2022, by Roll Call No. 22-0871 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 Robert Fuller, owner of 2513 High Street, to vacate the east-west alley right-of-way located north of and adjoining a portion of 2513 High Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Robert Fuller has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$75.00 for the purchase of the vacated east-west alley right-of-way located north of and adjoining 2513 High Street (hereinafter “Property”) for incorporation into his adjoining property for expanded rear yard, 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 the 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:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of the east-west alley right-of-way located north of and adjoining 2513 High Street, legally described as follows:

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 36, INGERSOLL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 800 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell such vacated right-of-way and previously vacated alley right-of-way located north of and adjoining 2513 High Street, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein:

Grantee: Robert Fuller
Consideration: \$75.00
Legal Description:

.....
Date July 18, 2022

.....
Page 2

THE SOUTH HALF (S 1/2) OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 35 OF INGERSOLL PLACE, AN OFFICIAL PLAT,
AND,

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOT 36 IN SAID INGERSOLL PLACE,

ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,200 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 August 8, 2022, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. Persons interested in the proposal will be given the opportunity to express their views at that 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. August 4, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the August 8, 2022 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

28

Date July 18, 2022

Page 3

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
 Mackenzie L. Moreno, Assistant City Attorney

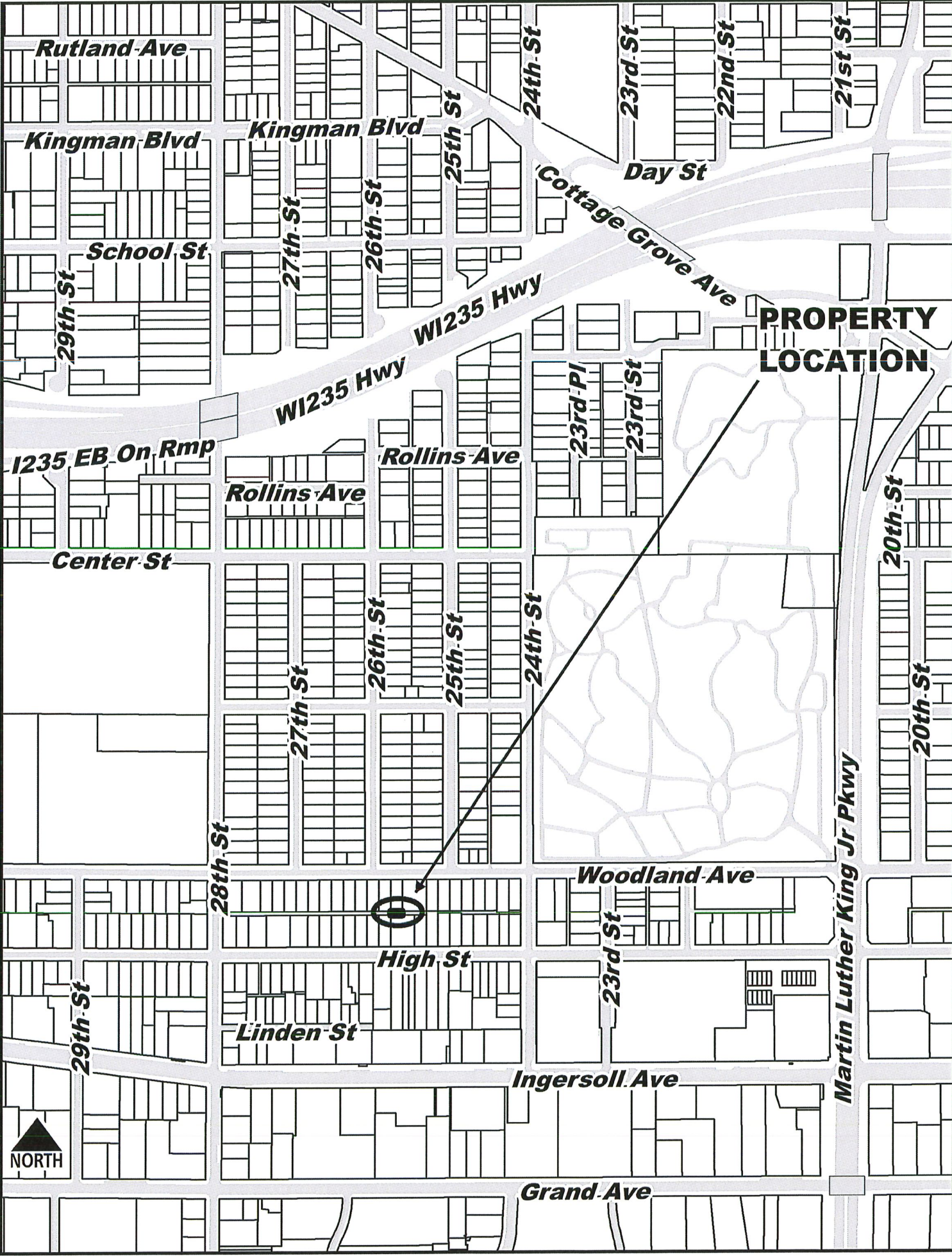
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

 Laura Baumgartner, Acting City Clerk



**PROPERTY
LOCATION**



Date 7/18/22

Agenda Item 28

Roll Call # _____

June 7, 2022

Communication from the City Plan and Zoning Commission advising that at their June 2, 2022 meeting, the following action was taken regarding a request from Robert Fuller (owner, 2513 High Street), for vacation of the easternmost 50 lineal feet of the east/west alley right-of-way within the block bounded by Woodland Avenue to the north, High Street to the south, 24th Street to the east, and 28th Street to the west.

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 right-of-way 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 and provision of any necessary no-build easements.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested right-of-way 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 and provision of any necessary no-build easements.

Written Responses

0 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed vacation would enable the property owner to assemble the alley right-of-way with their property located immediately to the south of the right-of-way.
- 2. Size of Site:** 50 feet by 16 feet (800 square feet).
- 3. Existing Zoning (site):** "N5" Neighborhood District.
- 4. Existing Land Use (site):** The subject area consists of an alley right-of-way.
- 5. Adjacent Land Use and Zoning:**
 - North** – "N5"; Use is one-household residential.
 - South** – "N5", Use is one-household residential.
 - East** – "N5"; Use is one-household residential.
 - West** – "N5", Use is one-household residential.
- 6. General Neighborhood/Area Land Uses:** The applicant's property consists of a one-household residential lot fronting High Street to the south of the Right-of-Way and a single-family residential lot fronting Woodland Street to the north of the Right-of-Way. The surrounding area consists of predominantly residential uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is within the Woodland Heights Organization Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 13, 2022, and by mailing of the Final Agenda on May 27, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on May 23, 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 Services Department by the recognized neighborhood association. The Woodland Heights Organization Neighborhood Association mailings were sent to Cameron Gale, 2520 Woodland Avenue, Des Moines, IA 50312.
- 8. Relevant Zoning History:** On April 21, 2022, the Commission recommended approval of a request to vacation the 100 feet of alley right-of-way immediately to the east of the current request.

9. **PlanDSM: Creating Our Tomorrow 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. **Utilities:** While no utilities have been identified within the requested ROW, 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 private properties or traffic patterns.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Todd Garner made a motion for approval of the requested right-of-way 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 and provision of any necessary no-build easements.

Motion passed: 10-0

Respectfully submitted,

Bert Drost

Bert Drost, AICP
Planning & Urban Design Administrator

BAD:tjh

Robert Fuller, In Vicinity of 2513 High Street

ROWV-2022-000007

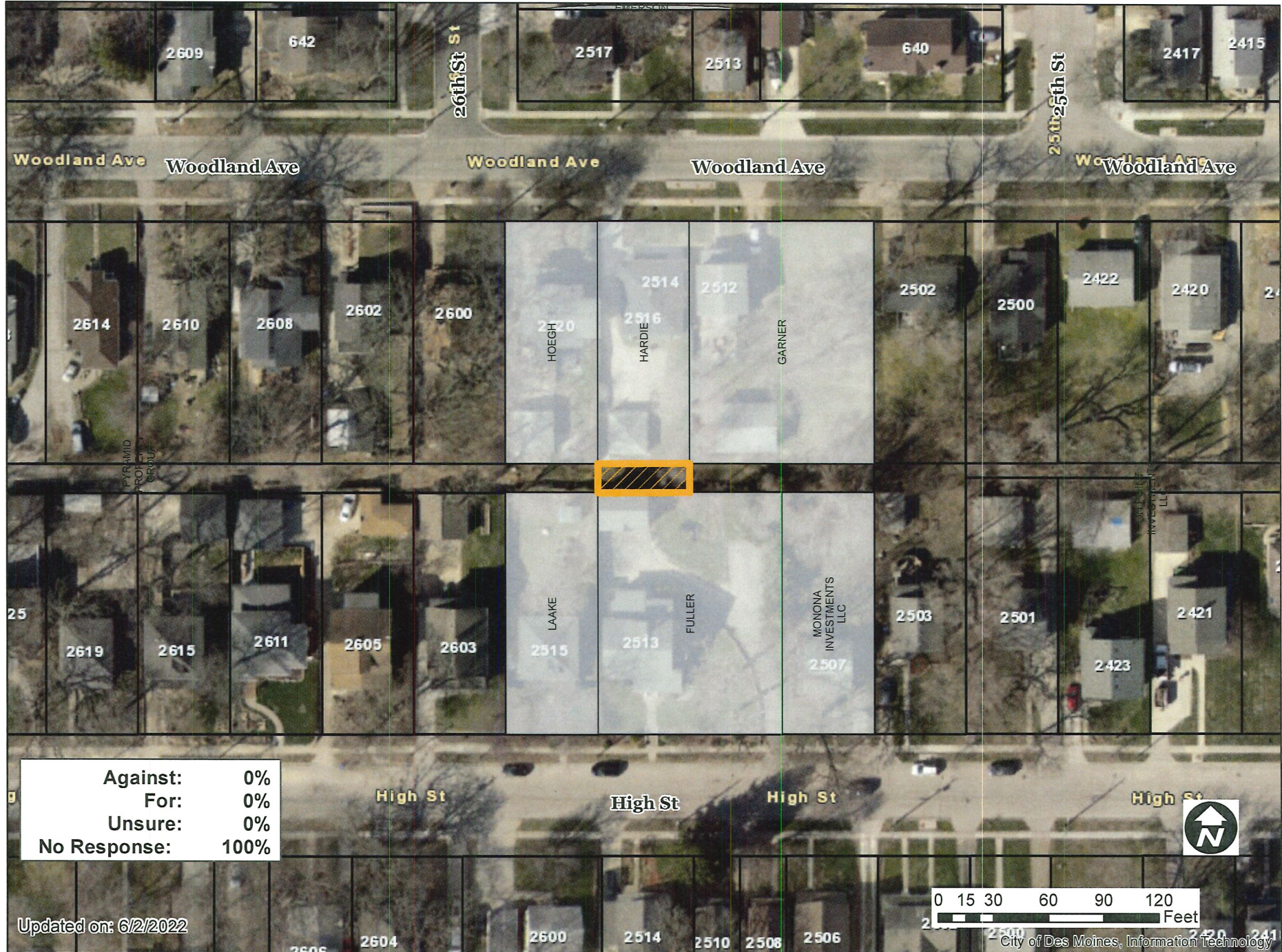


1 inch = 50 feet

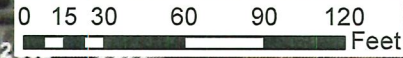


Robert Fuller, In Vicinity of 2513 High Street

ROWV-2022-000007



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%



Updated on: 6/2/2022

City of Des Moines, Information Technology

1 inch = 69 feet