

Date August 8, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF NORTH-SOUTH ALLEY RIGHT-OF-WAY EAST OF AND ADJOINING 413 EUCLID AVENUE AND CONVEYANCE TO EUCLID FORESIGHT, LLC FOR \$800

WHEREAS, on July 18, 2022, by Roll Call No. 22-1136, 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 Euclid Foresight, LLC to vacate a portion of the north-south alley right-of-way located east of and adjoining 413 Euclid Avenue, Des Moines, Iowa, subject to the reservation of any necessary easements for all existing utilities in place until abandoned or relocated at the applicant’s expense; and

WHEREAS, Euclid Foresight, LLC, owner of 413 Euclid Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$800.00 for the purchase of the vacated alley right-of-way (hereinafter “Property”), for assemblage with its adjoining property, subject to the reservation of any necessary 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 City Property as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of the north-south alley right-of-way located east and adjoining 413 Euclid Avenue, legally described as follows:

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.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the vacated alley right-of-way adjoining 413 Euclid Avenue, as legally described, to the grantee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: Euclid Foresight, LLC
Consideration: \$800.00

.....
Date August 8, 2022

Legal Description:

THE EAST 0.58 FEET OF THE WEST 4.25 FEET OF THE SOUTH 172.94 FEET OF THE VACATED 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.

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 22, 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 18, 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 22, 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. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 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

30

Date August 8, 2022

Moved by _____ to adopt.

APPROVED AS TO FORM:

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

04

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

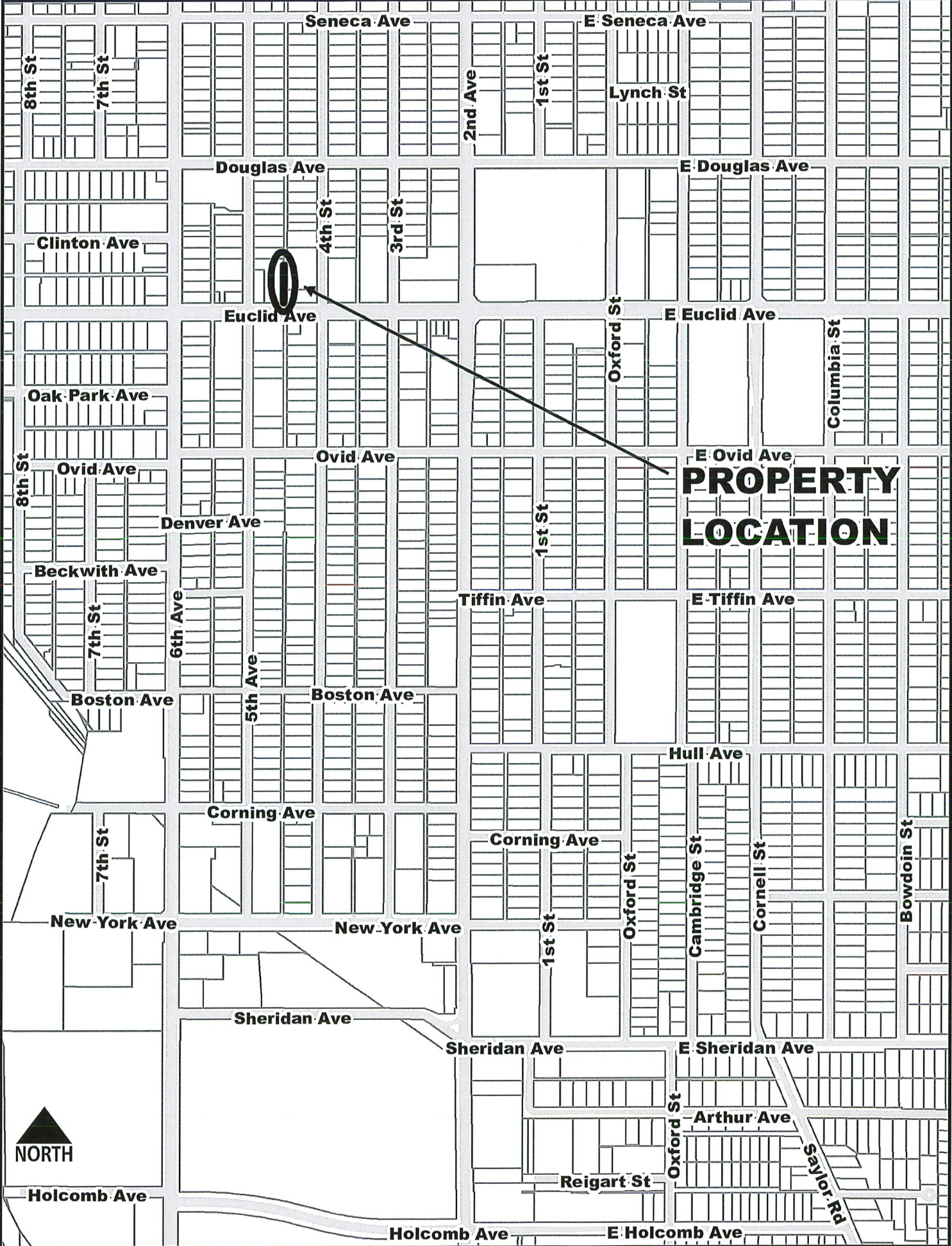
CERTIFICATE

I, LAURA BAUMGARTNER, 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

Laura Baumgartner, City Clerk



Date August 8, 2022
 Agenda Item 30
 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

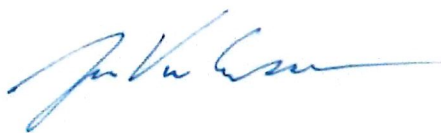
Abby Chungath asked if any member of the public or commission desired to speak on the item. No one requested to speak.

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.

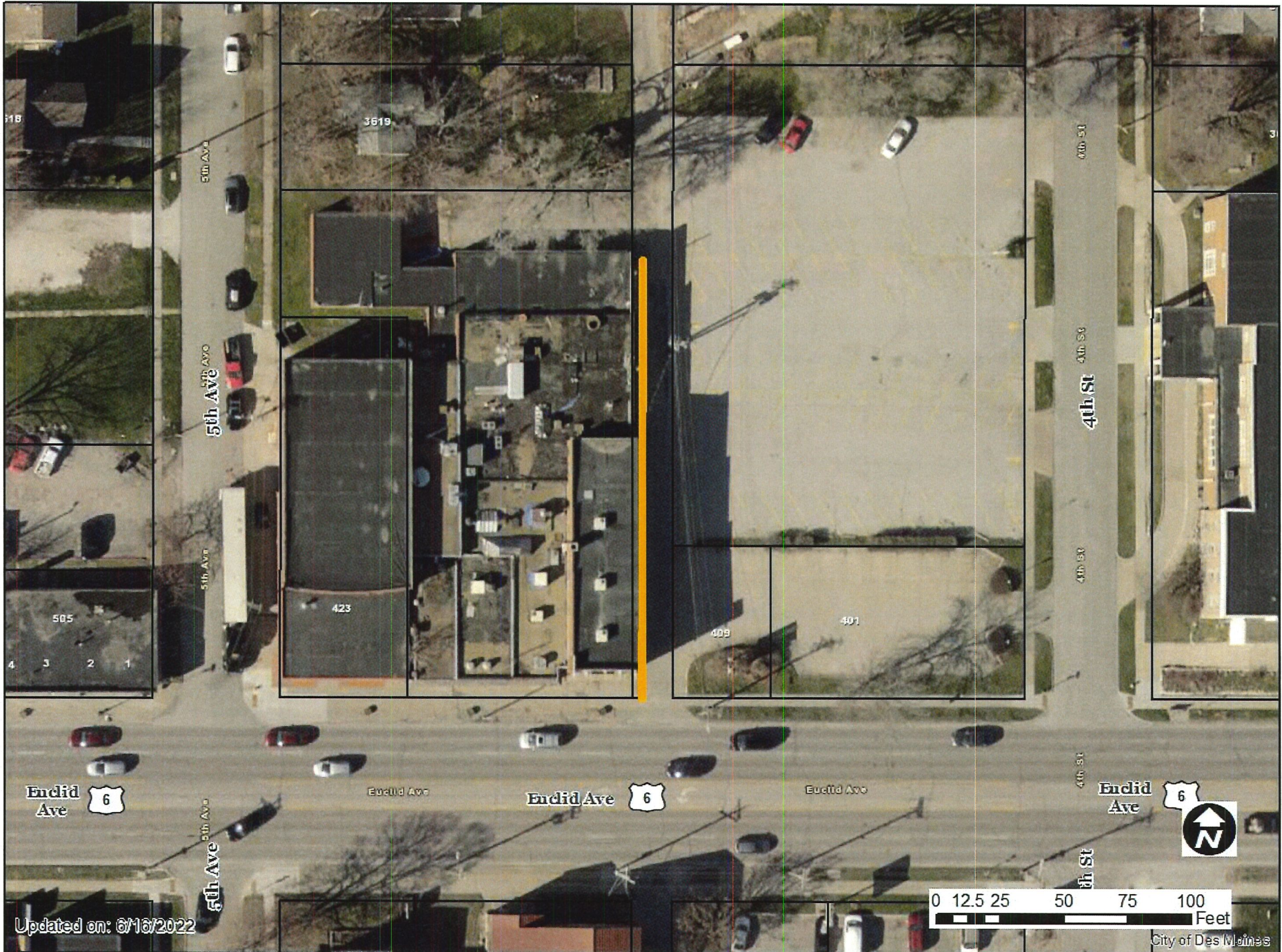
Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

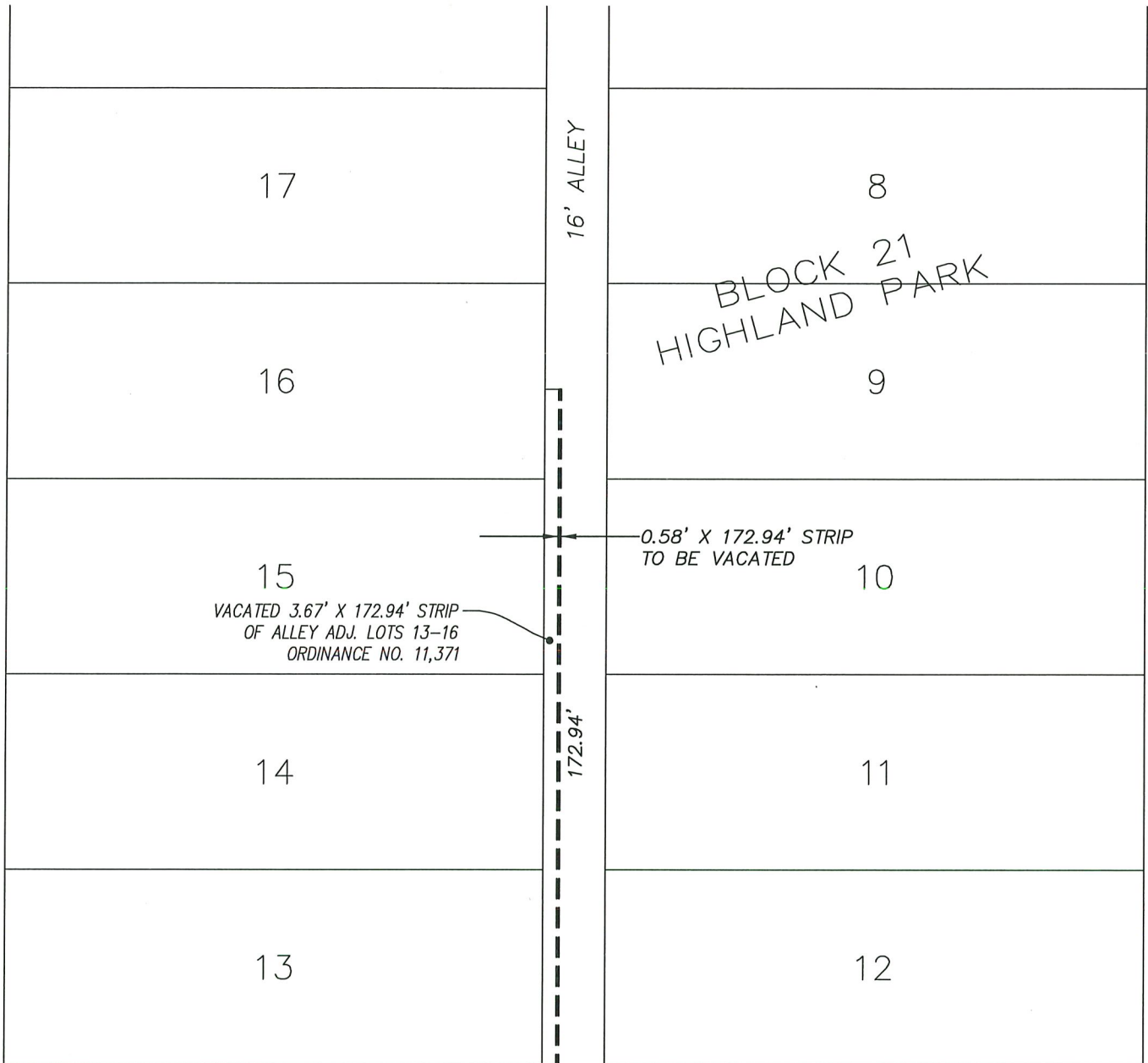
JMV:tjh



Updated on: 6/16/2022

1 inch = 50 feet

VACATION EXHIBIT ALLEY IN BLOCK 21 OF HIGHLAND PARK



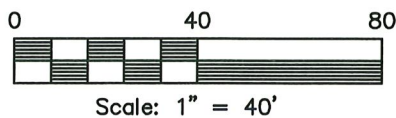
VACATION DESCRIPTION

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



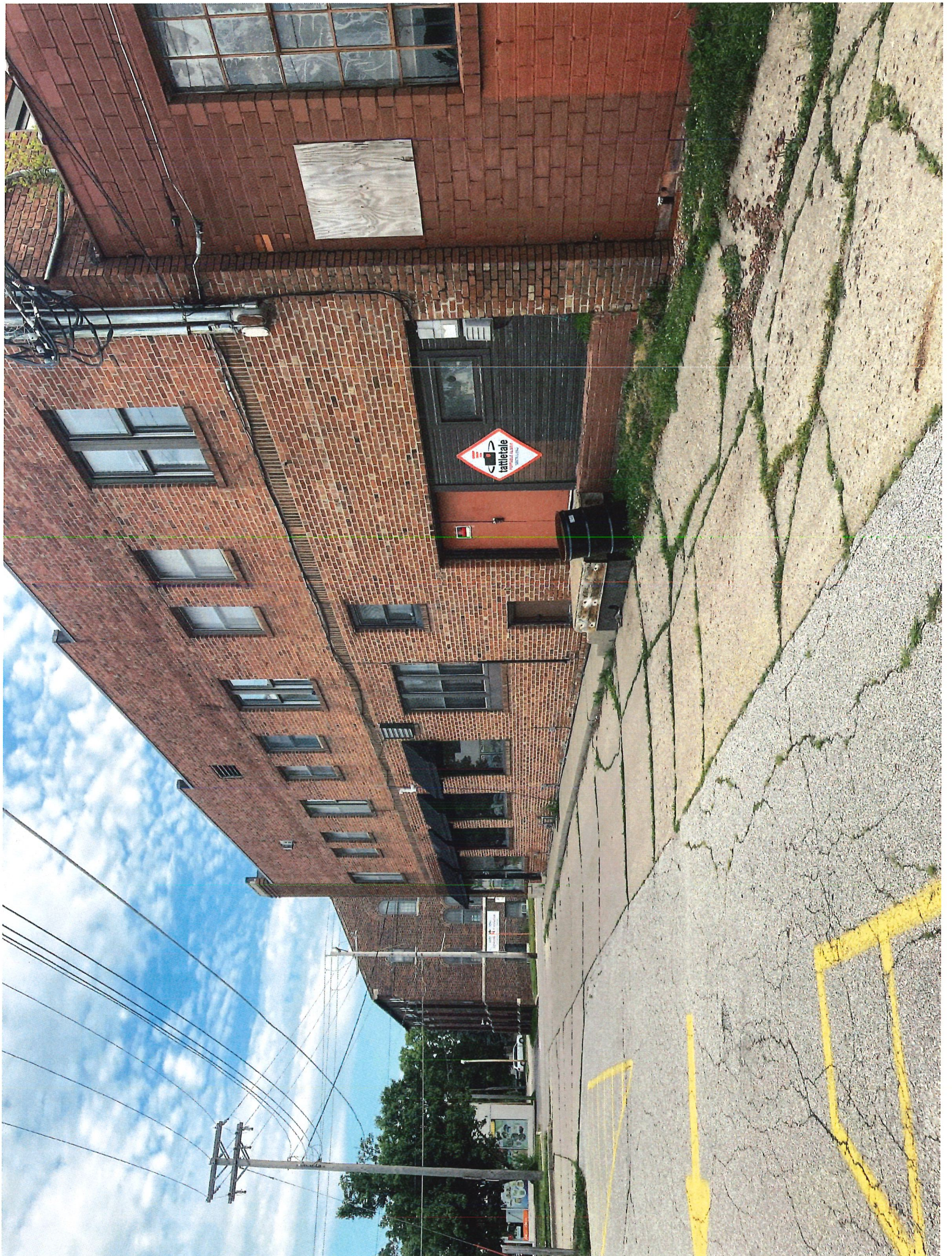
ERG	Engineering Resource Group, Inc. 2413 GRAND AVENUE DES MOINES, IOWA 50312 (515) 288-4823	
	VACATION EXHIBIT	
DATE: 5/18/2022	PROJ. NO.: 21-014	
DWG: 21-014-BOUNDARY-2.DWG		

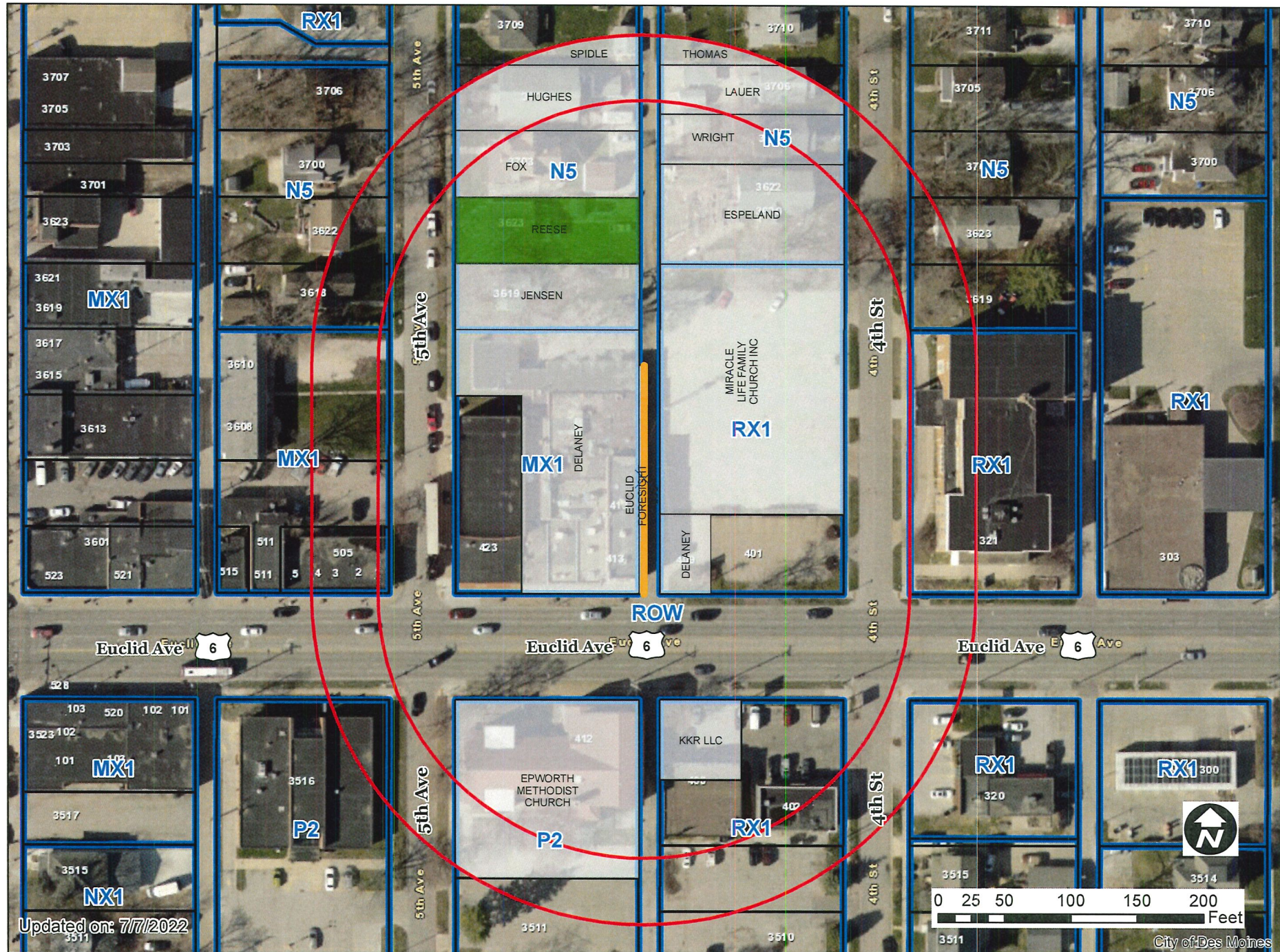






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Updated on: 7/7/2022

City of Des Moines

1 inch = 96 feet

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

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
JUL 07 2022

Signature: Thomas J Reese

Name: Thomas J Reese

Address: 3623 5th Ave DGM

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