

Date August 8, 2022

**HOLD HEARING FOR VACATION OF EXCESS EAST-WEST ALLEY RIGHT-OF-WAY
LOCATED SOUTH OF EAST RAILROAD AVENUE, NORTH OF HARRIET STREET AND
EAST OF SOUTHEAST 15TH STREET**

WHEREAS, on July 18, 2022, by Roll Call No. 22-1137 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 the City Engineer to vacate an undeveloped east/west alley right-of-way in the vicinity of SE 15th Street and E. Railroad Avenue to allow assembly of parcels for the City of Des Moines' solar field, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated; and

WHEREAS, on July 18, 2022, by Roll Call No. 22-1140, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the right-of-way be set for hearing on August 8, 2022 at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate the east-west alley right-of-way located south of East Railroad Avenue, north of Harriet Street and east of Southeast 15th Street, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of the east-west alley right-of-way located south of East Railroad Avenue, north of Harriet Street and east of Southeast 15th Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

ALL OF THE ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 32 THROUGH 49, T.M. WALKER'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN

Date August 8, 2022

AND FORMING A PART OF POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.25 ACRES (10,800 SQUARE FEET).

- Upon final passage of an ordinance vacating said right-of-way and approval by resolution of this City Council, the City Clerk is authorized and directed to forward a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

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

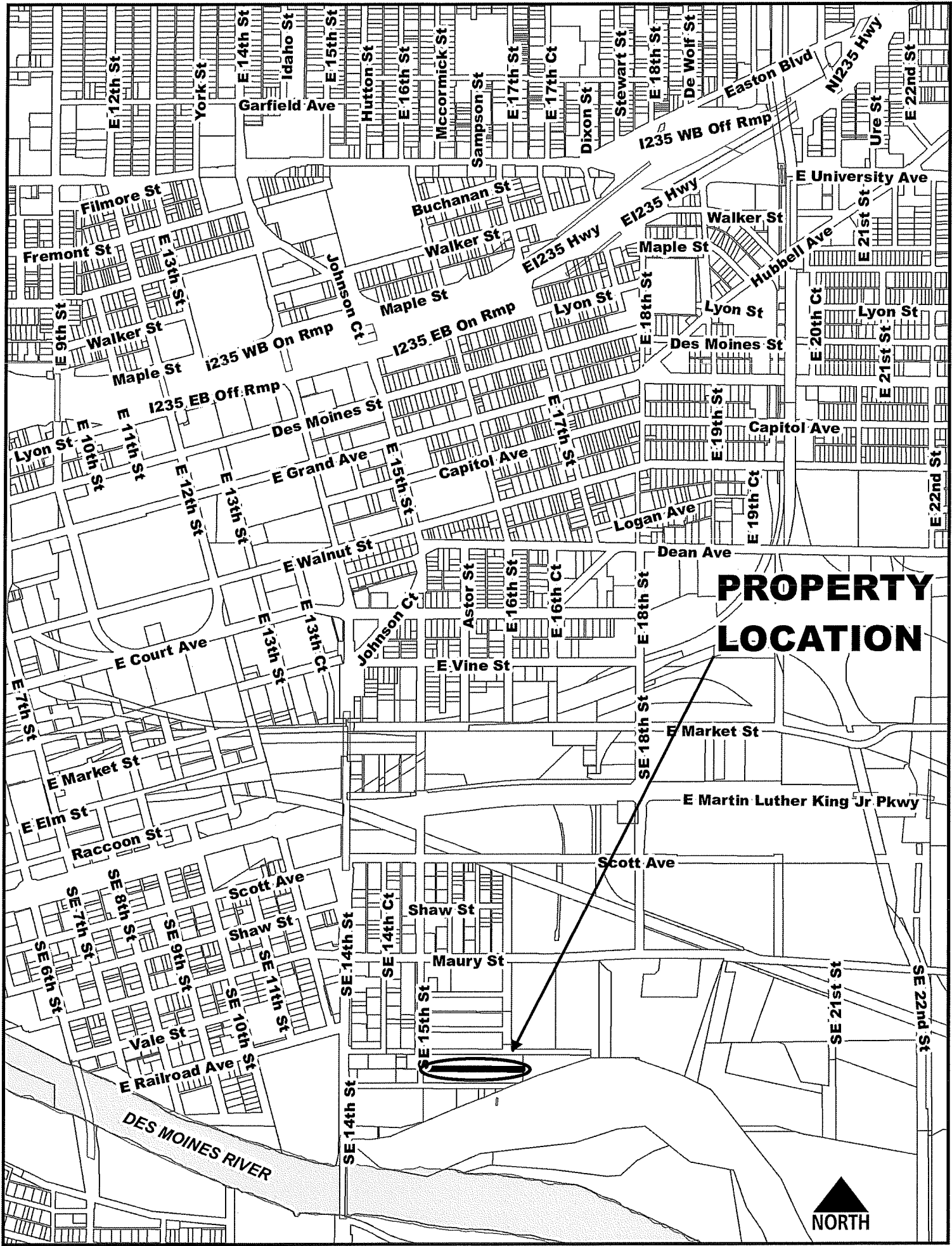
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

CERTIFICATE

I, LAURA BAUMGARTNER, 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, City Clerk



**PROPERTY
LOCATION**



Date August 8, 2022

Agenda Item 52

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 City of Des Moines (owner), represented by Ann Sobiech Munson (City Architect), for vacation of an undeveloped east/west alley Right-of-Way within the block bounded by Southeast 15th Street to the west, East Railroad Avenue to the north, and Harriett Street to the south, in order allow assembly of parcels for the City of Des Moines' solar field.

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 any necessary easements for any existing utilities until such time that they are abandoned or relocated.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

Written Responses

0 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The requested vacation of undeveloped segments of right-of-way would allow conversion of segments of an alley to be assembled and used for the City's Harriet Street Solar Field project.

The Harriet Street Solar Field project will construct solar arrays to provide solar-generated energy to two new City of Des Moines facilities currently under construction – the Animal Control Facility (1441 Harriet Street) and the Greenhouse Facility (1553 Maury Street). Arrays will be located on approximately four acres of City-owned property in the area east of Southeast 15th St, north of Harriet Street, and south of Maury Street.

- 2. Size of Site:** Approximately 4 acres.
- 3. Existing Zoning (site):** "I1" Industrial District.
- 4. Existing Land Use (site):** Undeveloped segments of right-of-way.
- 5. Adjacent Land Use and Zoning:**

North – "I1"; Use is undeveloped land.

South – "I1"; Use is undeveloped land.

East – "I1"; Use is SE Agri Business Park.

- 6. General Neighborhood/Area Land Uses:** The surrounding area contains a mix of various industrial uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is not within a designated Neighborhood Association and not within 250 feet of any other Neighborhood Associations. All 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 17, 2022 (20 days prior to the public hearing) and June 27, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested 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 Services Department on the date of the mailing.

- 8. Relevant Zoning History:** None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Industrial.

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. Traffic Circulation: The requested vacation would not negatively impact access to private properties or traffic patterns in the area.

SUMMARY OF DISCUSSION

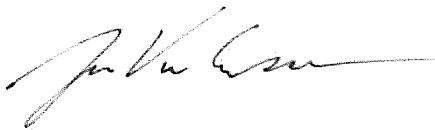
Abby Chungath asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

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

Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

City Initiated, East/West Alley in Proximity of Southeast 15th Street

ROWV-2022-000016



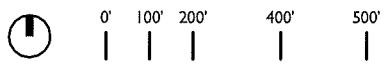
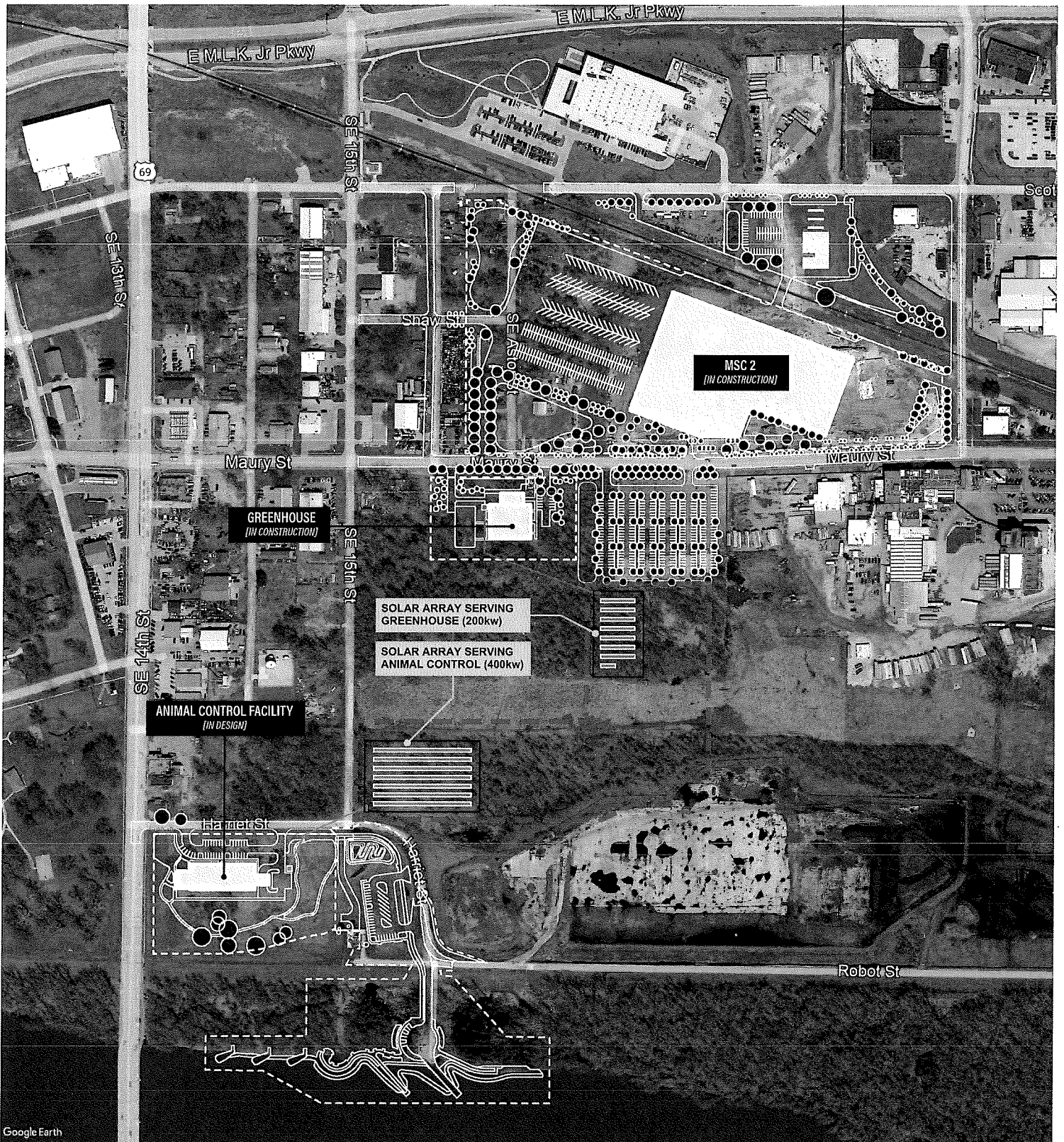
1 inch = 163 feet

52



CITY OF DES MOINES | HARRIET STREET SOLAR FIELD

6/27/2022



City Initiated, East/West Alley in Proximity of Southeast 15th Street

ROWV-2022-000016



1 inch = 163 feet