



Date September 12, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM LIBERTY HOLDINGS INC (OWNER), REPRESENTED BY JEFF TUCKER (OFFICER), FOR VACATION OF THE EASTERNMOST 255 LINEAL FEET OF THE EAST/WEST RIGHT-OF-WAY OF EAST JEFFERSON AVENUE, LOCATED TO THE WEST OF DIXON STREET FOR ASSEMBLY WITH THE PROPERTY AT 1626 DIXON STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 18, 2022, its members voted 10-0 to recommend APPROVAL of a request from Liberty Holdings, Inc. (owner), represented by Jeff Tucker (officer), for vacation of the easternmost 255 lineal feet of the east/west right-of-way of East Jefferson Avenue, located to the West of Dixon Street, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

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

SECOND by \_\_\_\_\_.

FORM APPROVED:

/s/ Lisa A. Wieland
Lisa A. Wieland
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 September 12, 2022

Agenda Item 24

Roll Call # \_\_\_\_\_

August 29, 2022

Communication from the City Plan and Zoning Commission advising that at their August 18, 2022 meeting, the following action was taken regarding a request from Liberty Holdings Inc (owner, 1626 Dixon Street), represented by Jeff Tucker (officer), regarding the vacation of the easternmost 255 lineal feet of the east/west right-of-way of East Jefferson Avenue, located to the West of Dixon Street.

**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.

Written Responses

2 in Favor

0 in opposition

## 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.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to vacate this segment of the right-of-way to be able to acquire and maintain the area. This segment of the right-of-way has experienced vandalism and illegal trash disposal.
2. **Size of Site:** The requested right-of-way segment consists of approximately 12,871 square feet of area (255 feet by 50.4 feet).
3. **Existing Zoning (site):** "I2" Industrial District.
4. **Existing Land Use (site):** The subject area consists of undeveloped public right-of-way.
5. **Adjacent Land Use and Zoning:**

North – "I2"; Use is office and warehouse.

South – "I2"; Uses are industrial.
6. **General Neighborhood/Area Land Uses:** The subject segment of right-of-way is located to the west of the intersection of East Jefferson Avenue and Dixon Street. It is located within an area consisting of large scale industrial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within 250 feet of a designated Neighborhood Association. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on July 29, 2022, and by mailing of the Final Agenda on August 12, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on August 8, 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.
8. **Relevant Zoning History:** NA
9. **PlanDSM: Creating Our Tomorrow 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. **Utilities:** There is existing storm sewer conduit 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


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

## COMMISSION ACTION:

Abby Chungath 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: 7/28/2022

1 inch = 82 feet



**EXHIBIT A**

NORTHERLY  
EXTENSION OF  
CENTERLINE  
OF LOT G

**E Jefferson Ave**



LOT 12

EAST LINE  
OF LOT 12

**E 17th St**

**BLOCK 8**

**LOT G**

**Dixon St**

**BLOCK 7**

**BLOCK 6**

**T.E. BROWN'S OP  
OF NE 1/4 36-79-24  
-EX NE 40AC-**

**Dixon Ct**



**E Washington Ave**

**Kinsey Ave**

**Legend**

 AREA TO BE VACATED











Item: ROWV-2022-000020 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  
 AUG 17 2022

Signature: *Jack Houghton* 8/4/22

Name: Jack Houghton

Address: 12814 Cardinal Lane

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

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Item: ROWV-2022-000020 Date: 08/10/2022

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  
 AUG 17 2022

Signature: *Rob Woodman*

Name: Liberty Holdings Inc

Address: 12012 Ridgeman Drive Urbandale, IA 50323

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

Owner 1626 Dixon St

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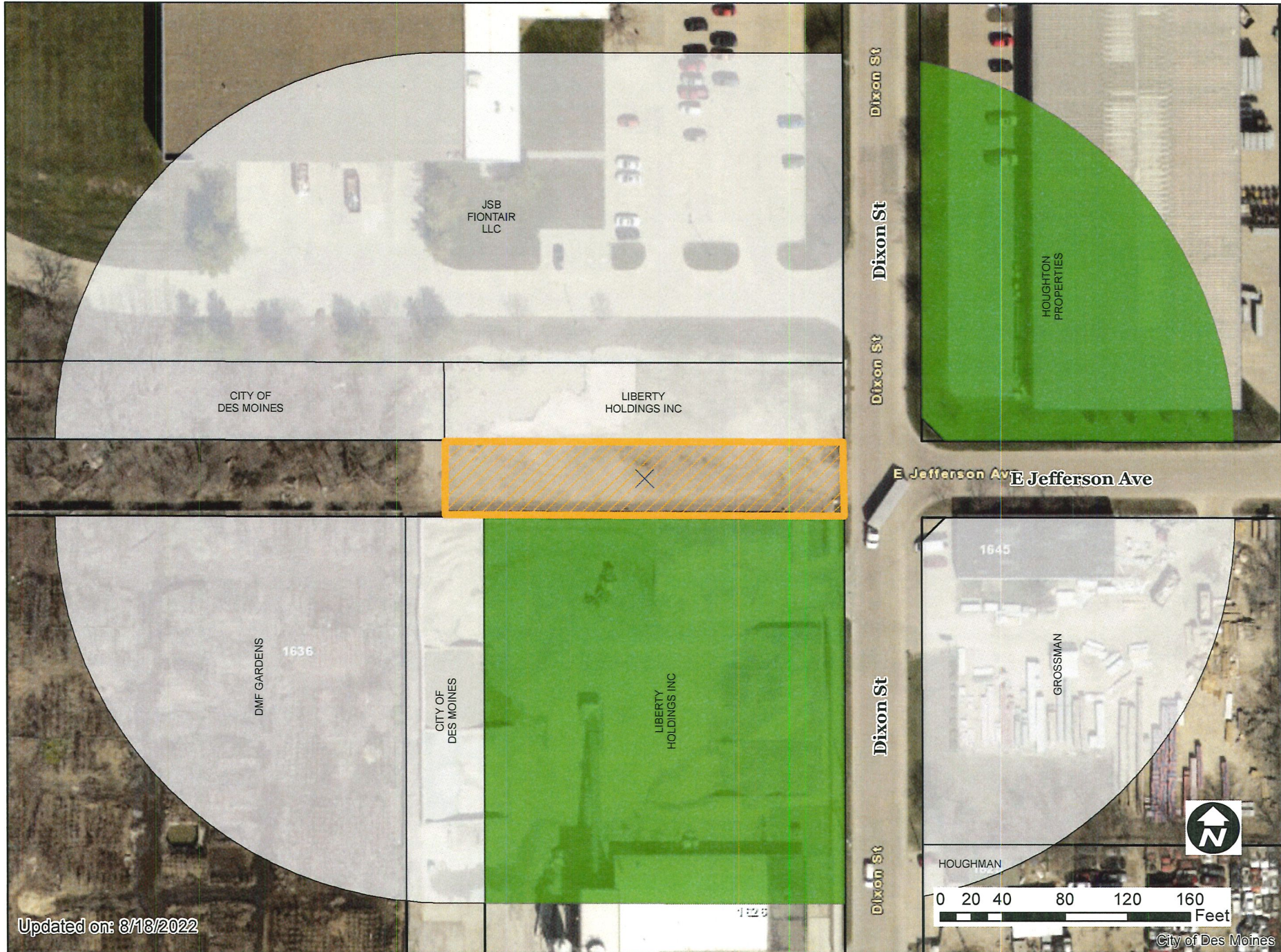


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Updated on: 8/18/2022

1 inch = 82 feet