

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: October 28, 2024

ITEM: Cascade Avenue Vacation – Vacate 189 square feet of Cascade Avenue right-of-way west of S. 93rd Street – City of West Des Moines – VAC-006640-2024

RESOLUTION: Approval of Vacation Request

Background: The applicant and property owner, City of West Des Moines, requests approval of the vacation of that portion of Cascade Avenue situated west of S 93rd Street. The roadway segment subject of this request has been determined by City staff to no longer be necessary. The purpose of this action is to vacate a portion of the existing right-of-way to facilitate construction of a retaining wall to minimize impacts to the adjacent property due to the development of Woodland Estates Plat 2. Due to its size and location, it is unusable as stand-alone parcel, with the maintenance cost to the City exceeding its actual value. The City will dispose of the vacated right-of-way to Cathy and Carey Ross, adjacent property owner at 803 S 93rd Street, which is consistent with the City property disposition policy.

Staff Review & Comment:

- *History:* This segment of Cascade Avenue was originally dedicated to the City of West Des Moines as a public street with Michaels Landing Plat 1 in 2007. At that time Cascade Avenue was planned as a major collector with a 100-foot right-of-way. The adjacent property was developed in 2014 as part of Woodland Hills of West Des Moines Plat 1. During the subsequent development of Woodland Estates Plat 2 the necessary right-of-way for Cascade Avenue was determined to be 70-feet. Construction of the Cascade Avenue extension in Woodland Estates Plat 2 would affect an existing residential property and telecommunication facilities. The Developer proposed a more gradual transition between the existing and planned right-of-way that will allow for a retaining wall to limit disturbance. Staff does not support retaining walls in the right-of-way for liability reasons, so the Developer has requested to acquire a portion of the existing right-of-way to construct and maintain the retaining wall.
- *Disposition of the Property:* This action is for the vacation of right-of-way and disposition of the property. The property will be disposed of consistent with policy to the adjacent property owners, Cathy and Carey Ross via quit claim deed. The Ross's will be required to execute a lot tie agreement after the transfer to tie the vacated property to their lot.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date: October 28, 2024

Vote:

Recommendation:

City Council First Reading:

Date:

Vote:

Recommendation: Approve the Vacation Request

Recommendation: Approve the Vacation Request

Lead Staff Member: Benjamin McAlister, P.E.

Approval Meeting Dates:

Plan & Zoning Commission	October 28, 2024
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator/Director	<input type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

Publications

Published In	Des Moines Register
Date Published	October 23, 2024

Subcommittee Review (if applicable)

Committee	Development & Planning		
Date Reviewed	N/A		
Recommendation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Split

Location Illustration



**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-24-055**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, City of West Des Moines, requests approval of the vacation of Public street right-of-way for that portion of Cascade Avenue situated west of S 93rd Street and as highlighted on the included location map; and

WHEREAS, the request complies with the applicable provisions of the Comprehensive Plan and City Code.

NOW THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends the City Council approve the Vacation of Public Right-of-Way (VAC-006640-2024).

PASSED AND ADOPTED on October 28, 2024.

Tina Shaw, Chair
Plan and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on October 28, 2024, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: B. McAlister, City of West Des Moines, Engineering Services Dept., P.O. Box 65320,
West Des Moines, IA 50265-3620, 515-222-3675

When Recorded Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Pursuant to Title 7, Chapter 1, Section 10 of the West Des Moines Code of Ordinances, "VACATION AND DISPOSAL", it has been determined that the Public right-of-way legally described in attached Exhibit "A" and illustrated in Exhibit "B" is no longer necessary for public use and the vacation of the right-of-way will not deny access to abutting property.

Section 2. Savings Clause. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council on November 4, 2024.

Russ Trimble, Mayor

ATTEST:

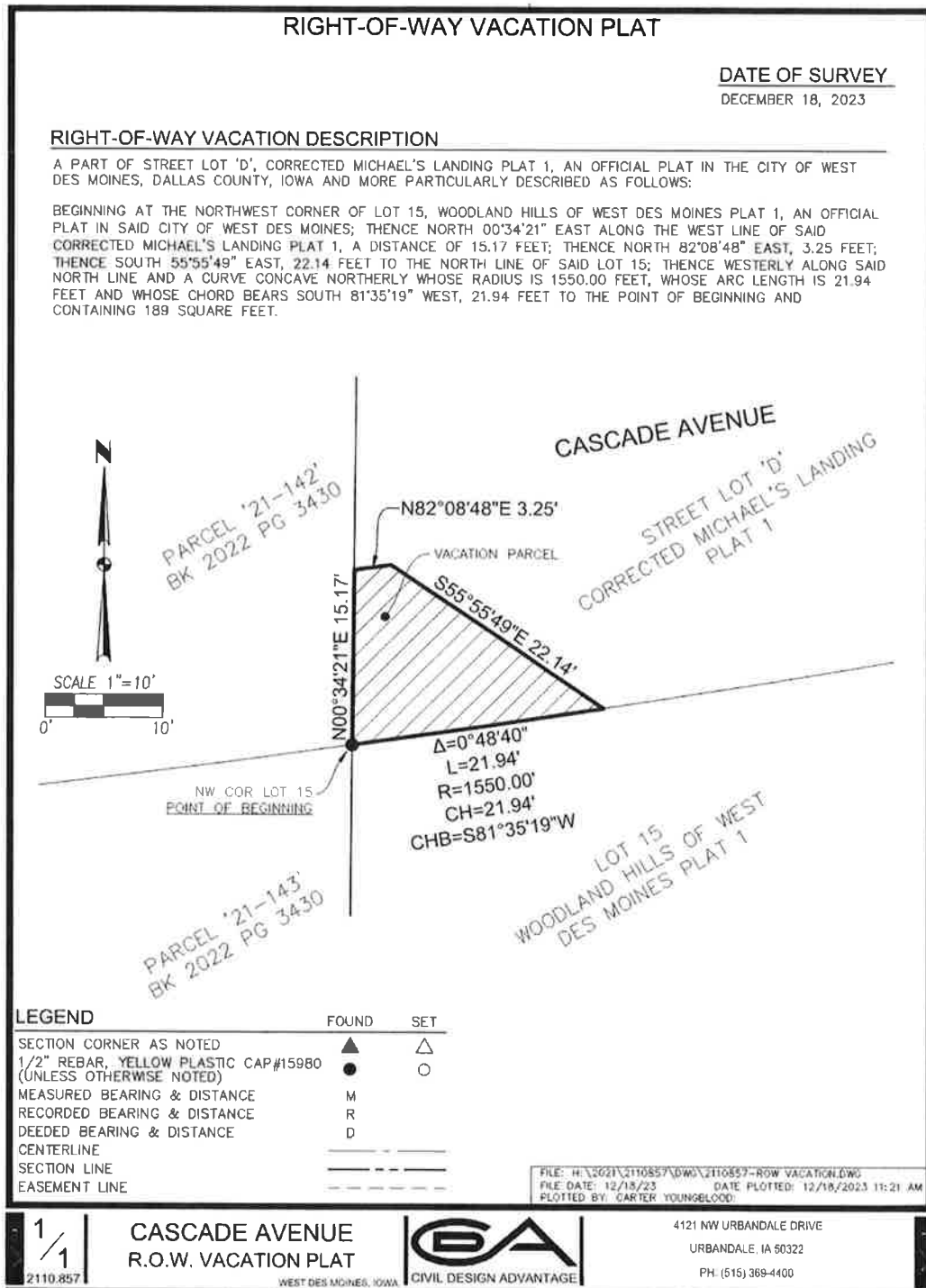
Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing was published as Ordinance No. _____ on the ____ day of _____, 2024.

Exhibit A: Legal Description of Right-of-Way To Be Vacated

A PART OF STREET LOT 'D', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 15, WOODLAND HILLS OF WEST DES MOINES PLAT 1, AN OFFICIAL PLAT IN SAID CITY OF WEST DES MOINES; THENCE NORTH 00°34'21" EAST ALONG THE WEST LINE OF SAID CORRECTED MICHAEL'S LANDING PLAT 1, A DISTANCE OF 15.17 FEET; THENCE NORTH 82°08'48" EAST, 3.25 FEET; THENCE SOUTH 55°55'49" EAST, 22.14 FEET TO THE NORTH LINE OF SAID LOT 15; THENCE WESTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1550.00 FEET, WHOSE ARC LENGTH IS 21.94 FEET AND WHOSE CHORD BEARS SOUTH 81°35'19" WEST, 21.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 189 SQUARE FEET.

Exhibit B: Illustration of Right-of-Way To Be Vacated



RESOLUTION NO. ____

**RESOLUTION OPENING AND CLOSING PUBLIC HEARING AND APPROVING
CONVEYANCE OF PROPERTY TO CATHY AND CAREY ROSS**

WHEREAS, the City of West Des Moines, Iowa has vacated as public right-of-way a portion of Cascade Avenue legally-described on the attached Exhibit "A"; and

WHEREAS, this Property is no longer needed by the City; and

WHEREAS, due to the size and location of the property, City maintenance obligations exceed the value of the property; and

WHEREAS, the City property disposition policy provides the adjacent owner priority in acquiring excess property; and

WHEREAS, Cathy and Carey Ross, as adjacent owners, have indicated their interest in obtaining the property; and

WHEREAS, pursuant to Code of Iowa Sections 362.3 and 364.7, publication of notice regarding conveyance of the Property legally-described on the attached Exhibit "A" has been made; and

WHEREAS, this being the time and place for a public hearing regarding conveyance of the Property; and

WHEREAS, the City Council of the City of West Des Moines, Iowa finds that the conveyance of the property, legally described on the attached Exhibit "A", at no cost to Cathy and Carey Ross is in the best interest of the City of West Des Moines, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:

1. Pursuant to Code of Iowa Section 364.7, publication of notice regarding conveyance of the Property on the attached Exhibit "A" has been properly made.
2. The public hearing regarding conveyance of the above legally-described Property is closed and conveyance of the property legally described on the attached Exhibit "A" is hereby closed.
3. Conveyance by Quit Claim Deed of the legally-described Property to Cathy and Carey Ross is hereby approved.
4. The Mayor is authorized to sign the Quit Claim Deed conveying the Property and the City Clerk is directed to attest to the Mayor's signature. The documents shall be filed with the county recorder by the Grantee(s) as appropriate.

PASSED AND APPROVED this ____ day of _____, 2024.

Russ Trimble, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk

Exhibit "A"

A PART OF STREET LOT 'D', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 15, WOODLAND HILLS OF WEST DES MOINES PLAT 1, AN OFFICIAL PLAT IN SAID CITY OF WEST DES MOINES; THENCE NORTH 00°34'21" EAST ALONG THE WEST LINE OF SAID CORRECTED MICHAEL'S LANDING PLAT 1, A DISTANCE OF 15.17 FEET; THENCE NORTH 82°08'48" EAST, 3.25 FEET; THENCE SOUTH 55°55'49" EAST, 22.14 FEET TO THE NORTH LINE OF SAID LOT 15; THENCE WESTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1550.00 FEET, WHOSE ARC LENGTH IS 21.94 FEET AND WHOSE CHORD BEARS SOUTH 81°35'19" WEST, 21.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 189 SQUARE FEET.