CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: November 18, 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

ORDINANCE: Approval of Second Reading, Waive Third and Adopt Ordinance Vacating Public Right-of-Way

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:	6-0 with Commissioner Davis absent
Recommendation:	Approval of the Vacation

City Council First Reading:

Date: November 4, 2024

Vote: 5-0 for approval

Recommendation: Approve the Second Reading, Waive Third and Adopt Ordinance Vacating Public Right-of-Way

Lead Staff Member: Benjamin McAlister, P.E.

Approval Meeting Dates:

Plan & Zoning Commission	October 28, 2024
City Council: First Reading	November 4, 2024
City Council: Second Reading	November 18, 2024
City Council: Third Reading	November 18, 2024

Staff Report Reviews

Plan & Zoning Commission	☒ Development Coordinator/Director	☒ Legal Department
City Council	☒ Director ☒ Appropriations/Finance	☒ Legal Department ☒ 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	☐ Yes	☐ No	☐ 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: Conlin, Costa, Crowley, Hatfield, McCoy, Shaw

NAYS:

ABSTENTIONS:

ABSENT: Davis

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.). 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

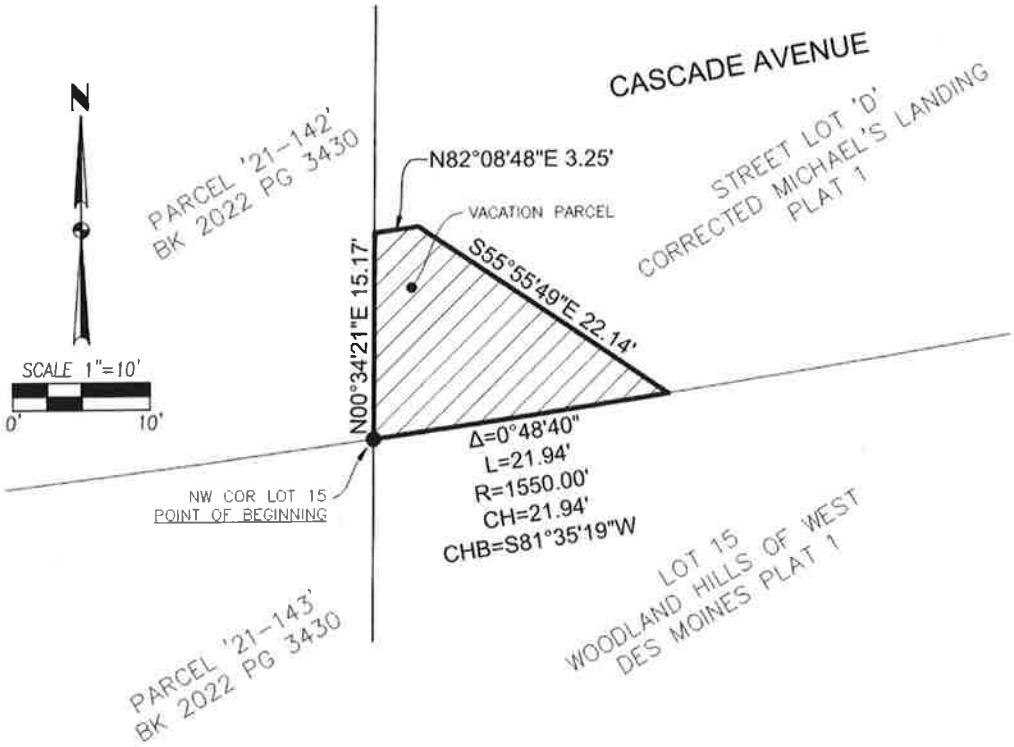
RIGHT-OF-WAY VACATION PLAT

DATE OF SURVEY
DECEMBER 18, 2023

RIGHT-OF-WAY VACATION DESCRIPTION

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.



LEGEND	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW PLASTIC CAP#15980 (UNLESS OTHERWISE NOTED)	●	○
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		

FILE: H:\2021\2110857\DWG\2110857-ROW VACATION.DWG
FILE DATE: 12/18/23 DATE PLOTTED: 12/18/2023 11:21 AM
PLOTTED BY: CARTER YOUNGBLOOD

1/1
2110.857

CASCADE AVENUE
R.O.W. VACATION PLAT
WEST DES MOINES, IOWA

CIVIL DESIGN ADVANTAGE

4121 NW URBANDALE DRIVE
URBANDALE, IA 50322
PH: (515) 369-4400