

Date July 23, 2007

HOLD HEARING FOR THE VACATION AND ABANDONMENT OF PUBLIC ROAD EASEMENTS FOR PORTIONS OF EAST MADISON AVENUE, NORTHEAST 50TH STREET AND SENECA AVENUE, LOCATED WITHIN THE PROPERTY AT 4995 NORTHEAST 39TH AVENUE

WHEREAS, on June 4, 2007, by Roll Call No. 07-1066, the City Council adopted a recommendation from the City Plan and Zoning Commission that public road easement rights for Portions of East Madison Avenue, Northeast 50th Street and Seneca Avenue, located within the property at 4995 NE 39th Avenue, hereinafter more fully described, be vacated and abandoned; and

WHEREAS, on July 9, 2007, by Roll Call No. 07- 1286 , it was duly resolved by the City Council that the proposed vacation and abandonment of such rights-of-way be set down for hearing on July 23, 2007, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and abandon public rights-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and abandonment, 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, the objections to said proposed vacation and abandonment of public rights-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the rights-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation and abandonment of public road easement rights for portions of East Madison Avenue, Northeast 50th Street and Seneca Avenue, located within the property at 4995 NE 39th Avenue, more specifically described as follows:

Lot A (except the South 170.0 feet) and Lots B and C, in Capitol Heights Plat 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION REVIEWED
[Signature]
6/23/07 1:06

★ Roll Call Number

Agenda Item Number

50

Date July 23, 2007

Vacation Ordinance – Havel Trust: Page 2

Moved by _____ to adopt.

APPROVED AS TO FORM:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

rau

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, 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.

_____ City Clerk