

Date..... August 6, 2007

**HOLD HEARING FOR THE VACATION OF THE SW WATER STREET
RIGHT-OF-WAY SOUTH OF ELM STREET**

WHEREAS, on July 24, 2006, by Roll Call No. 06-1474, the City Council directed the temporary closing of SW Water Street south of Line Drive to the Water Street Bridge and restricted use of said street to pedestrian use and vehicular travel by emergency vehicles, City work vehicles, utility maintenance vehicles, construction vehicles, and Principal Park Stadium work vehicles, in order to provide for increased safety for Meredith Multi-Use Recreational Trail users; and

WHEREAS, SW Water Street south of Elm Street is a dead end street servicing Principal Park Stadium and providing access to the Meredith Multi-Use Recreational Trail; and

WHEREAS, Greater Des Moines Baseball Co. (“GDMBC”) operates Principal Park Stadium and is in the process of developing a master plan for enhanced use of the Meredith Multi-Use Recreational Trail which may incorporate portions of vacated SW Water Street, if it is vacated by the City Council; and

WHEREAS, on May 21, 2007, by Roll Call No. 07-966, the City Council adopted a recommendation from the City Plan and Zoning Commission that the SW Water Street between Elm Drive and Line Drive, hereinafter more fully described, be vacated subject to the reservation of easements for all existing utilities; and

WHEREAS, on July 23, 2007, by Roll Call No. 07-_____, it was duly resolved by the City Council that the proposed vacation and lease of such right-of-way be set down for hearing on August 6, 2007, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and lease public right-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 lease, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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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 of public right-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the SW Water Street right-of-way south of Elm Street, more specifically described as follows:

DESCRIBED APPROVED

Ann DiDonato
7/18/07

All that part of Southwest Water Street right-of-way formerly known as Riverside Drive (Park Road) lying South of the South line of Elm Street and North of the Raccoon River Bridge, all being in the Northeast ¼ of Section 9, Township 78 North, Range 24 West of the 5th P.M. and in the Northwest ¼ of Section 10, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. Upon final passage of an ordinance vacating the said right-of-way, 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.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

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

MOTION CARRIED APPROVED

.....
Mayor

