

Date November 10, 2008

E. Granger vacation ordinance: Page 1

**HOLD HEARING FOR THE VACATION OF EAST GRANGER AVENUE RIGHT-OF-WAY BETWEEN VANDALIA ROAD AND THE BURLINGTON NORTHERN SANTA FE RAILROAD FROM SE 35<sup>TH</sup> STREET TO SE 36<sup>TH</sup> STREET**

**WHEREAS**, on October 13, 2008, by Roll Call No. 08-1747, the City Council received a recommendation from the City Plan and Zoning Commission to vacate East Granger Avenue right-of-way between Vandalia Road and the Burlington Northern Santa Fe Railroad from Southeast 35<sup>th</sup> Street to Southeast 36<sup>th</sup> Street, adjoining property located at 1602 Southeast 36<sup>th</sup> Street and 1601 Southeast 35<sup>th</sup> Street, pursuant to the Second Amendment of the SE AgriBusiness Urban Renewal Plan; and

**WHEREAS**, on October 27, 2008, by Roll Call No. 08-1843, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on November 10, 2008, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate 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, 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 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 East Granger Avenue between Vandalia Road and the Burlington Northern Santa Fe Railroad from SE 35<sup>th</sup> Street to SE 36<sup>th</sup> Street, more specifically described as follows:

All that part of Lot D, (Granger Avenue), Vandalia Acres, Plat No. 2, an Official Plat, lying East of the northerly extension of the East line of vacated Lot B, ( Southeast 35<sup>th</sup> Street) of said Vandalia Acres Plat No. 2, vacated by Ordinance 14,644, and lying North of and adjoining Lots 67 and 86, of said Vandalia Acres Plat No. 2, and West of the northerly extension of the West line of said Lot 67, 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 Real Estate Division of the Engineering Department,

DESCRIPTION REVIEWED  
*[Signature]*  
10/29/08

★ **Roll Call Number**

**Agenda Item Number**

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for the purpose of the Real Estate Division causing said documents to be recorded in the office of the Polk County Recorder.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*  
 Glenna K. Frank,  
 Assistant City Attorney

*632*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				
MOTION CARRIED		APPROVED		
_____ Mayor Pro Tem				

**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