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Date May 20, 2013

**RESOLUTION REDEDICATING THE NORTH/SOUTH ALLEY ADJOINING
815 HIGH STREET FOR RIGHT-OF-WAY PURPOSES**

WHEREAS, on June 11, 2012, by Roll Call No. 12-0881, the City Council received the recommendation from the Plan and Zoning Commission to vacate the north/south alley adjoining 815 High Street between 8th Street and 9th Street from High Street to Pleasant Street ("City Right-of-Way"), hereinafter more fully described, subject to various conditions, restrictions and reservations; and

WHEREAS, on July 23, 2012, by Roll Call No. 12-1194, the City Council held a public hearing at which it approved the vacation and conveyance of the City Right-of-Way to adjoining owner Cathedral Church of St. Paul of the City of Moines, Iowa for \$1,000, subject to closing being conditional upon receipt by the buyer of an Open Spaces Sacred Places grant to fund construction of the pedestrian plaza and greenspace within the City Right-of-Way, with the City Right-of-Way to be retained and rededicated as public right-of-way by the City in the event that closing does not occur; and

WHEREAS, on July 23, 2012, by Roll Call No. 12-1196, the City Council passed Ordinance No. 15,123, vacating the City Right-of-Way; and

WHEREAS, The Cathedral Church of St. Paul of the City of Des Moines, Iowa, has submitted a letter, on file in the office of the City Clerk, representing that it did not receive the Open Spaces Sacred Places grant and thus this closing condition cannot be met and the sale of the City Right-of-Way will not be completed, and requesting that the City retain and rededicate the City Right-of-Way; and

WHEREAS, pursuant to Roll Call No. 12-1194, the City Right-of-Way requires rededication as public right-of-way for continued use as a public alley.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The communication from The Cathedral Church of St. Paul of the City of Des Moines, Iowa, as on file in the office of the City Clerk, is hereby received and filed.
2. The north/south alley adjoining 815 High Street between 8th Street and 9th Street from High Street to Pleasant Street, legally described as follows, is hereby rededicated as public right-of-way:

ALL OF THE NORTH/SOUTH ALLEY IN BLOCK 1 OF HOLCOMBS ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Real Estate Division.

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4. The Real Estate Division is authorized and directed to forward the certified copy of this resolution to the Polk County Recorder for the purpose of causing said document to be recorded.

(Council Communication 13-239)

Moved by _____ to adopt.

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, 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