Roll Call Number	Agenda Item Number
Date May 20, 2013	Page 1

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.

APPROVED AS TO FORM: Council Communication 13-239	APPROVED AS TO FORM: Council Communication 13- 239	Roll Call N					Agenda Item Number
(Council Communication 13-239) Moved by	APPROVED AS TO FORM: Moved by					Page 2	
Moved by	Moved by						
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Glenna K. Frank, Assistant City Attorney COUNCIL ACTION YEAS NAYS PASS ABSENT COWNIE COLEMAN GRIESS HENSLEY MAHAFFEY MEYER GRIESS HIN WITNESS WHEREOF, I have hereunto set m hand and affixed my seal the day and year fire.	Glenna K. Frank, Assistant City Attorney COUNCIL ACTION YEAS NAYS PASS ABSENT COWNIE COLEMAN GRIESS GRIESS HENSLEY MAHAFFEY MEYER MOORE TOTAL GRIENS MOORE TOTAL CERTIFICATE CERTIFICATE CERTIFICATE CERTIFICATE I, DIANE RAUH, City Clerk of said City herel certify that at a meeting of the City Council said City of Des Moines, held on the above dat among other proceedings the above was adopted IN WITNESS WHEREOF, I have hereunto set in hand and affixed my seal the day and year fir above written.			Mov	ed by		to adopt.
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