

Date February 9, 2015

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RESOLUTION DISMISSING PUBLIC HEARING FOR VACATION OF SW MCKINLEY AVENUE FROM SW 46TH STREET TO SW 56TH STREET

WHEREAS, the City of Des Moines Engineering Department initiated a request for vacation of all of the SW McKinley Avenue right-of-way between SW 46th Street and SW 56th Street due to the poor condition of the bridge located approximately 160 feet west of SW 46th Street; and

WHEREAS, on January 15, 2015, the City of Des Moines Plan and Zoning Commission voted to recommend approval of the proposal to vacate the right-of-way identified above, subject to conditions; and

WHEREAS, on January 21, 2015, by Roll Call No. 15-0104, the City Council of the City of Des Moines received and filed a recommendation from the City Plan and Zoning Commission to approve the proposal to vacate all of the SW McKinley Avenue right-of-way between SW 46th Street and SW 56th Street subject to the following conditions:

1. The Engineering Department to research the possibility of a temporary easement or other mechanism to allow continued access to and use of the bridge for bicycle and pedestrian recreational purposes.
2. Reservation of easements for all utilities in place until such time that they are abandoned or relocated.
3. Provision of restricted access for agricultural leaseholders of adjoining City property.

WHEREAS, on January 26, 2015, by Roll Call No. 15-0105, it was duly resolved by the City Council that the proposed vacation of such right-of-way be set down for hearing on February 9, 2015, 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 order to allow for continued limited access to the right-of-way for authorized motor vehicles, pedestrians, and bicycle traffic, as recommended by the Plan and Zoning Commission above, it is no longer necessary to vacate the right-of-way.

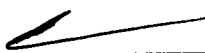
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts and because it is no longer necessary to vacate the right-of-way described above, Council hereby dismisses the public hearing for vacation of the SW McKinley Avenue right-of-way between SW 46th Street and SW 56th Street.

Date February 9, 2015

(Council Communication No. 15- 046)

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Cori Kuhn Coleman, Assistant City Attorney

RW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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.

 Mayor

 City Clerk

EXHIBIT A

Park Ave

Wolcott Ave

SW 61st St

SW 42nd St

SW 63rd St

SECTION 24-78-25

SW 46th St

BRIDGE

SW McKinley Ave

AREA TO BE RESTRICTED

HWY 28 HWY

SW 56th St

SECTION 25-78-25

SW 42nd St

HWY 28 HWY

Army Post Rd

Legend

 AREA TO BE VACATED

