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Date April 6, 2015

HOLD HEARING FOR VACATION OF PARKLAND IN PIONEER PARK AND DEDICATING IT AS PIONEER ROAD RIGHT-OF-WAY AND VACATION OF PIONEER ROAD RIGHT-OF-WAY WITHIN PIONEER PARK AND DEDICATING IT AS PARKLAND

WHEREAS, the City of Des Moines Parks and Recreation Department initiated a request for the vacation of parkland in Pioneer Park and its dedication as Pioneer Road right-of-way, and for the vacation of a portion of Pioneer Road right-of-way within Pioneer Park and its dedication as parkland; and

WHEREAS, there is no known current or future public need or benefit for the parkland nor for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way, subject to reservation of easements for any existing utilities currently located within the right-of-way.

WHEREAS, on March 23, 2105, by Roll Call No. 15-0494, it was duly resolved by the City Council that the proposed vacation of such right-of-way and parkland be set down for hearing on April 6, 2015, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate the public right-of-way and the public parkland 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 vacations, 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, any objections to said proposed vacation of public right-of-way and said vacation of public parkland, as described below, are hereby overruled and the hearing is closed.

2. The Pioneer Road right-of-way adjoining Pioneer Park will be vacated for the purpose of dedicating said portion of right-of-way as parkland; and the portion of parkland in Pioneer Park will be vacated for the purpose of dedicating said portion of right-of-way as parkland. The City will not be inconvenienced by reason of the vacation of the portion of parkland in Pioneer Park, nor by reason of the vacation of the portion of Pioneer Road right-of-way adjoining Pioneer Park, all as legally described below, and said vacation is hereby approved subject to reservation of easements for all existing utilities currently located therein until such time as they are abandoned or relocated:

Legal Description of Parkland to be Vacated as Parkland and to be Dedicated as Right-of-Way upon final passage and publication of said vacation ordinance:

ALL OF THE SOUTH 20 FEET OF THE NORTH 94.45 FEET OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. LYING



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Date April 6, 2015

BETWEEN THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 5, PIONEER PLACE, AN OFFICIAL PLAT, AND THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

Legal Description of Pioneer Road to be Vacated as Right-of-Way and to be Dedicated as Parkland upon final passage and publication of said vacation ordinance:

ALL OF THE SOUTH 20 FEET OF THE NORTH 114.45 FEET OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. LYING BETWEEN THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 5, PIONEER PLACE, AN OFFICIAL PLAT, AND THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14;

AND, ALL OF LOT "D" IN SAID PIONEER PLACE,

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 said right-of-way and approval by resolution of this City Council, 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

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

Mayor

Rauh, Diane I.

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From: website@dmgov.org
Sent: Wednesday, April 01, 2015 3:21 PM
To: CouncilSpeak
Cc: CityClerk
Subject: Request to Speak Before the City Council - form submission

First Name: Eugene

Last Name: Schmitt

Address: 1345 NE 72nd Avenue

City: Ankeny

State: IA

Zip: 50023

Phone: (515) 289-1679

Email: murffybrown@q.com

Speaker(s): Eugene J. Schmitt

Meeting Date: Monday, April 06, 2015

Regarding: Vacation of Pioneer Road right-of-way within Pioneer Park and dedicating it as park land. The vacation of this section of Pioneer Road will eliminate a vital street access to the future development of my 75 acre parcel located east of Pioneer Park.

Submitted: 4/1/2015 3:21:24 PM



Pioneer Park

Pioneer Park

Eugene Schmitt Property

Proposed 25' wide (paper only) ROW and Designate

Existing 60' wide ROW and pavement

E Kirkwood Ave

Existing 50' wide (paper only) ROW

E Bell Ave

1st St

S

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EXHIBIT A

**NE 1/4 NW 1/4
SECTION 14-78-24**

PIONEER PARK

NORTH LINE OF
SE 1/4 NW 1/4
SECTION 14-78-24

WEST LINE OF
SE 1/4 NW 1/4
SECTION 14-78-24

94.45'

WEST LINE OF LOT 5
PIONEER PLACE

Pioneer Rd

20'

LOT 5

**SE 1/4 NW 1/4
SECTION 14-78-24**

PIONEER PLACE

SE 17th Ct


E Kirkwood Ave

SE 17th St



E Lacona Ave

Legend

 PROJECT LOCATION

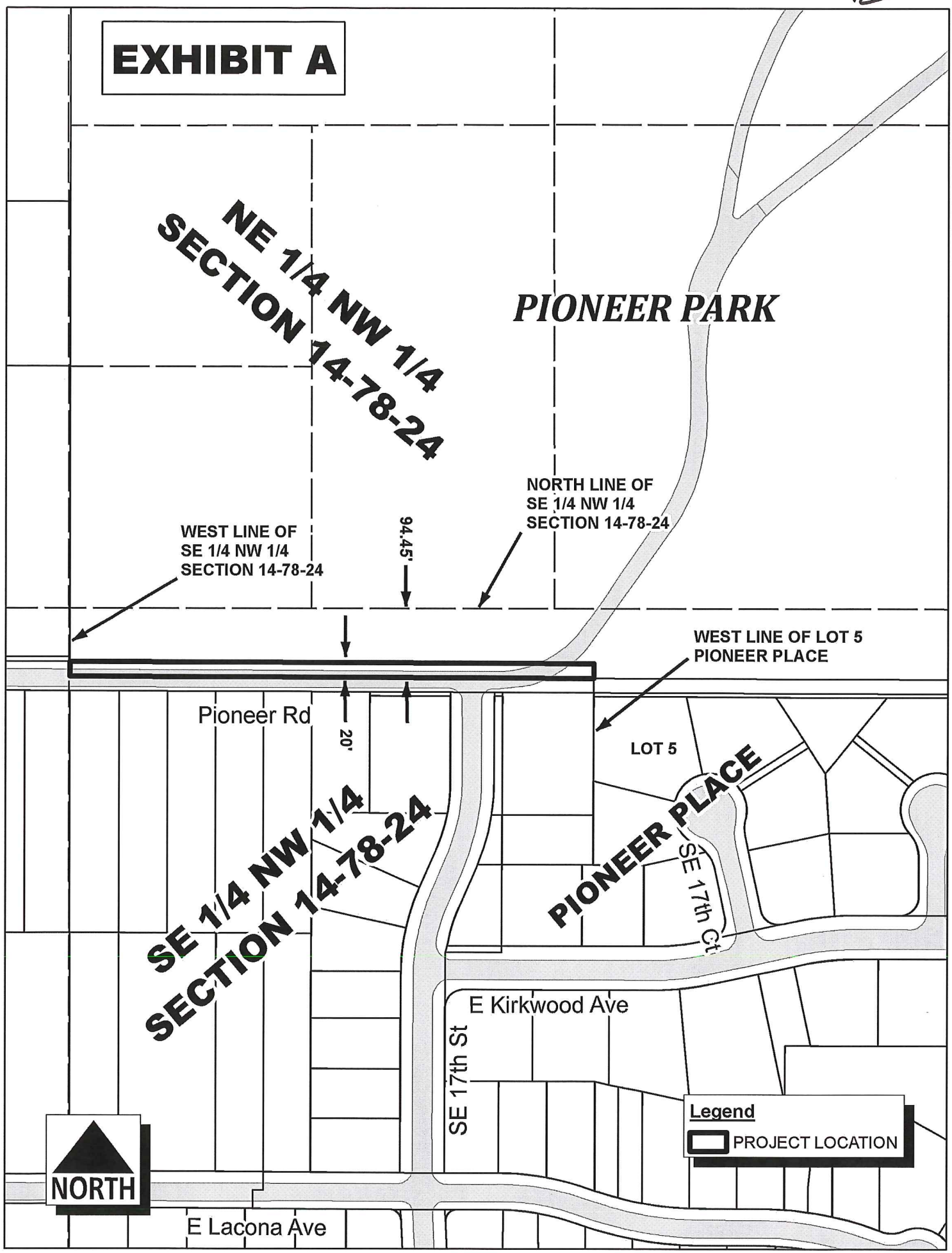


EXHIBIT A

**NE 1/4 NW 1/4
SECTION 14-78-24**

PIONEER PARK

NORTH LINE OF
SE 1/4 NW 1/4
SECTION 14-78-24

EAST LINE OF
SE 1/4 NW 1/4
SECTION 14-78-24

WEST LINE
OF LOT 5
PIONEER PLACE

**PT SE 1/4 NW 1/4
SECTION 14-78-24**

Pioneer Rd

SE-17th-St

LOT 5

LOT "D"

LOT "D"

PIONEER PLACE

SE 17th Ct

SE 18th St

E Kirkwood Ave



Legend

 PROJECT LOCATION