

★ **Roll Call Number**

Agenda Item Number

52D

Date November 23, 2015

An Ordinance entitled, "AN ORDINANCE vacating the portion of the east/west alley right-of-way adjoining 1200, 1206, 1210 and 1214 Oak Park Avenue",


which was considered and voted upon under Roll Call No. 15-_____ of November 23, 2015; again presented.

Moved by _____ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. _____

NOTE: Waiver of this rule is requested by Daniel M. Manning, Jr.
Lillis, O'Malley, Olson, Manning, Pose, Templeman, LLP.

FORM APPROVED:


Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
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.

MOTION CARRIED APPROVED

Mayor

City Clerk

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

52D

WILLIAM J. LILLIS
MICHAEL W. O'MALLEY
EUGENE E. OLSON
DANIEL L. MANNING, SR.
CHRISTOPHER R. POSE
JOEL B. TEMPLEMAN*
BRIDGET O'MALLEY KAUTZKY
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JOHN CONNOLLY, JR. (1891-1975)
GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C. I. MCNUTT (1901-1958)
STREETAR CAMERON (1957-2008)

Writer's Direct E-Mail: dmmanning@lolaw.com

November 10, 2015

Mayor T.M. Franklin Cownie
Members of the City Council
City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

Re: Vacation of City-owned alley-Oak Park neighborhood
Bryan Schnell; Jared Johnson and Donna Peterson

Dear Mayor Cownie and Members of the City Council:

Our law firm represents one of the parties above-identified, namely Bryan Schnell.

Mr. Schnell owns property located at 1210 Oak Park Avenue, Des Moines, Iowa. Ms. Donna Peterson owns property at 1206 Oak Park Avenue, Des Moines, Iowa. Mr. Jared Johnson owns property located at 1214 Oak Park Avenue, Des Moines, Iowa.

The Plan and Zoning Commission at its meeting of Thursday, November 5, 2015, approved the request for the vacation and conveyance of a portion of the east-west alley right-of-way adjoining properties located at 1200, 1206, 1210 and 1214 Oak Park Avenue ("properties").

At the City Council meeting of Monday, November 9, 2015, the City Council set the matter for public hearing as to vacation and conveyance of the alley (adjoining the respective properties) for 5:00 p.m. on Monday, November 23, 2015.

Our client, Mr. Schnell, desires to tear down his existing garage and construct a new garage on his property.

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LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP
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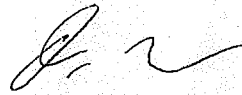
However, due to the possibility of inclement weather, he desires that construction commence as soon as possible.

We request that the City Council at its meeting of Monday, November 23, 2015, adopt by taking the first reading and waiving the second and third required readings in order to enable vacation and conveyance of the properties so that Mr. Schnell may commence construction on his garage prior to winter.

We will be present at the City Council meeting at that time.

Thank you for your consideration.

Very truly yours,



Daniel M. Manning, Jr.
For the Firm

DMM:dj
Enclosures