★ **Roll Call Number**

Agenda Item Number
47D

Date April 3, 2016

CLOSING HEARING ON VACATION OF THE WEST 6.5 FEET OF THE NORTH/SOUTH ALLEY LYING EAST OF AND ADJOINING 422 WALNUT STREET AND APPROVING SAME

WHEREAS, the City Manager is proposing to vacate the west 6.5 feet the 23 feet wide north/south alley right-of-way lying east of and adjoining the Fifth and Walnut Parking Garage at 422 Walnut Street (hereinafter "City Right-of-Way") in order to assemble it with the adjoining property for redevelopment purposes; and

WHEREAS, on March 16, 2017, the City Plan and Zoning Commission reviewed the proposal to vacate the City Right-of-Way and has submitted its report and recommendation to the City Council; and

WHEREAS, on March 6, 2017, by Roll Call No. 17-0381, it was duly resolved by the City Council that the proposed vacation of the City Right-of-Way be set down for hearing on March 20, 2017, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate the City Right-of-Way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, on March 20, 2017, by Roll Call No. 17-0536, the City Council continued the public hearing on the vacation of the City Right-of-way until April 3, 2017, at 5:00 p.m.; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation, 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, the objections to said proposed vacation of public right-of-way as described below are hereby overruled and the hearing is closed.

2. The City Council finds that there is no public need for the City Right-of-Way adjoining the Fifth and Walnut Parking Garage at 422 Walnut Street proposed to be vacated and that the public would not be inconvenienced by reason of the vacation of such right-of-way, being more specifically described as follows:

★ **Roll Call Number**

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Date April 3, 2016

THE EAST 6.5 FEET OF LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 21, FORT DES MOINES, AN OFFICIAL PLAT, AND ALL THAT PART OF THE EAST/WEST ALLEY RIGHTS-OF-WAY LYING SOUTH OF AND ADJOINING THE EAST 6.5 FEET OF LOTS 2 AND 4 IN SAID BLOCK 21, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The vacation of the City Right-Of-Way described above is hereby approved, subject to final passage and publication of the vacation ordinance.

MOVED by _____ to adopt.

APPROVED AS TO FORM:

Roger K. Brown

Roger K. Brown, Assistant City Attorney
G:\SHARED\LEGAL\BROWN\V&C\422 Walnut Street\North-South Alley\RC Hrg N-S Alley 17-04-03.docx

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

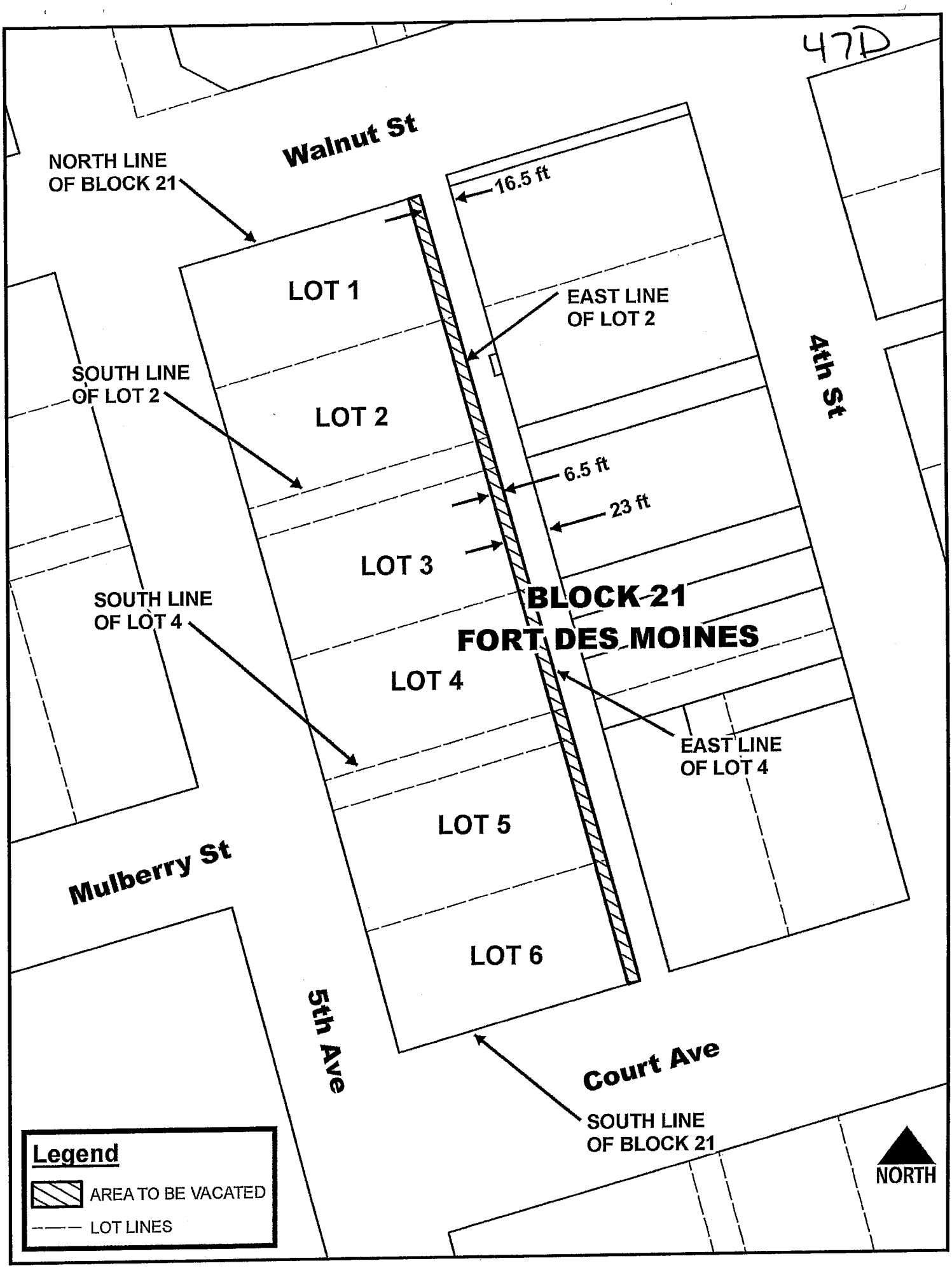
_____ Mayor

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


47D
Walnut St
NORTH LINE
OF BLOCK 21
16.5 ft
LOT 1
EAST LINE
OF LOT 2
4th St
SOUTH LINE
OF LOT 2
LOT 2
6.5 ft
23 ft
LOT 3
BLOCK 21
FORT DES MOINES
SOUTH LINE
OF LOT 4
LOT 4
EAST LINE
OF LOT 4
LOT 5
Mulberry St
LOT 6
5th Ave
Court Ave
SOUTH LINE
OF BLOCK 21
Legend
AREA TO BE VACATED
LOT LINES
NORTH