

Date June 28, 2021

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF 23RD STREET RIGHT-OF-WAY ADJOINING WOODLAND CEMETERY

WHEREAS, on August 22, 2016, by Roll Call No. 16-1397, the City Council of the City of Des Moines authorized the acquisition of property interests for the Near West Side Sewer Separation Project; and

WHEREAS, the City’s Engineering Department has determined that a dead-end portion of 23rd Street right-of-way located north of and adjoining Woodland Cemetery is required for the Project for construction and placement of a stormwater pump station; and

WHEREAS, the City’s Traffic Engineer has determined that there is no known current or future public need or benefit 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 the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated; and

WHEREAS, on June 14, 2021, by Roll Call No. 21-0852, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the right-of-way be set for hearing on June 28, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate a dead-end portion of 23rd Street right-of-way located north of and adjoining Woodland Cemetery, Des Moines, Iowa, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the 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, any and all objections to the proposed vacation of a dead-end portion of 23rd Street right-of-way located north of and adjoining Woodland Cemetery, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

Legal Description

THE EAST 20 FEET OF 23RD STREET RIGHT OF WAY LYING WEST OF AND ADJOINING THE SOUTH 20 FEET OF LOT 5, KNUDSON’S ADDITION, AN OFFICIAL PLAT, ALL NOW

Date June 28, 2021

INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 400 SQUARE FEET.

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:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

PTW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, P. Kay Cmelik, 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

