



Date August 9, 2021

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF SEGMENTS OF STREET AND ALLEY RIGHT-OF-WAY IN THE VICINITY OF SOUTHEAST ASTOR STREET AND SHAW STREET, AND IN THE VICINITY OF SOUTHEAST 16TH STREET AND VALE STREET AS PART OF THE MUNICIPAL SERVICES CENTER PHASE 2 PROJECT

WHEREAS, on May 8, 2017, by Roll Call No. 17-0828, the City Council of the City of Des Moines authorized the acquisition of property interests for the Municipal Services Center – Phase 2 Project; and

WHEREAS, on June 14, 2021, by Roll Call No. 21-0850, the City Council of the City of Des Moines, Iowa, voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a City-initiated request to vacate the following segments of street and alley right-of-way:

1. North/south alley between Southeast 15th Court and Southeast Astor Street from Maury Street to Scott Avenue;
2. Southeast Astor Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street;
3. North/south alley between Southeast Astor Street and vacated Southeast 16th Street from Maury Street to the Burlington Northern Santa Fe Railroad north of Shaw Street;
4. Shaw Street from vacated Southeast 16th Street to the north/south alley west of Southeast Astor Street;
5. Southeast 16th Street from the vacated east/west alley south of Vale Street to Maury Street; and
6. Vale Street from Southeast 15th Street to Southeast 16th Street;

to assemble land for the Municipal Services Center Phase II Project, all subject to the provision of an access easement for fence maintenance purposes for 1520 Maury Street, 609 Southeast 15th Court, 613 Southeast 15th Court and 627 Southeast 15th Court; and

WHEREAS, 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 easements for any existing utilities until such time that they are abandoned and further subject to the reservation of an access easement for fence maintenance purposes over the portion of north-south alley right-of-way adjoining 1520 Maury Street, and adjoining 609, 613 and 627 Southeast 15th Court, legally described as follows:

LOTS 1, 2, 4, AND 8 IN BLOCK 2, AND LOTS 1 THROUGH 10 IN BLOCK 5, HAWTHORN GROVE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

hereinafter “Benefitted Property”.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

Date August 9, 2021

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating segments of street and alley right-of-way in the vicinity of Southeast Astor Street and Shaw Street, and in the vicinity of Southeast 16th Street and Vale Street, Des Moines, Iowa, legally described as follows, as part of the Municipal Services Center Phase 2 Project, subject to the reservation of easements for any existing utilities until such time that they are abandoned and further subject to the reservation of an access easement for fence maintenance purposes over the portion of north-south alley right-of-way adjoining 1520 Maury Street and adjoining 609, 613 and 627 Southeast 15th Court:

Area A – North of Maury Street

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAYS IN BLOCKS 2, 3, 5 AND 6,
AND
ALL OF THE SOUTHEAST ASTOR STREET RIGHT OF WAY LYING WEST OF AND ADJOINING SAID BLOCK 6,
AND
ALL OF THE SOUTHEAST ASTOR STREET RIGHT OF WAY LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 8 IN SAID BLOCK 3 AND LYING SOUTH OF THE NORTHWESTERLY EXTENSION OF THE NORTH LINE OF LOT 1 IN SAID BLOCK 3,
AND
ALL OF THE SHAW STREET RIGHT OF WAY LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF THE NORTH/SOUTH ALLEY IN SAID BLOCK 2 AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 3,
ALL IN HAWTHORN GROVE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.46 ACRES (63,766 SQUARE FEET).

Area B – South of Maury Street

ALL OF THE VALE STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 19 THROUGH 36,
AND
ALL OF THE SOUTHEAST 16TH STREET RIGHT OF WAY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 18 AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 54,
ALL IN GRAY'S SUBDIVISION OF BLOCK 61, BROOKS AND CO'S ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.62 ACRES (70,751 SQUARE FEET).

2. A public hearing shall be held on August 23, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposed vacation of said street right-of-way and adoption of said ordinance and any other(s) submitted prior to or during the public hearing.

Date August 9, 2021

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. August 19, 2021 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the August 23, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

Moved by _____ to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
 Lisa A. Wieland, Assistant City Attorney

PW

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

